

HB

404

SPONSOR(S): *Winnemucco*  
*Goodenon*

RELATED BILLS PENDING:

DATE INTRODUCED: *4-13-84 (H. Duane)*

REFERRALS: *Resources*  
*Judiciary*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR  
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR  
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE  
SUBSTITUTES DRAFTED:

*Rep Duncan (Pat Young, staff) 2814*  
*ADFA G - Paddy McGuire*  
*Ron Sommerille*  
*Ed Hein, legal*

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 404

Neutral

January 16, 1984

HB 404, An Act Amending Portions of the Fish and Game Code.

The Department is neutral on this piece of legislation. The bill primarily proposes to make administrative changes that are expected to have little or no program effects on the Department's operation.

  
Robert J. Sundberg  
Commissioner



# Alaska State Legislature

## House of Representatives

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

TO: Senator Bettye Fahrenkamp  
Chairperson Senate Resources

FROM: Representative Jim Duncan

DATE: April 17, 1984

RE: House Bill 404, Relating to Fish, Game and Other Animals

*No -  
letter of  
intent*

I would like to bring to your attention sections 32 and 33 of House Bill 404, which annul the portions of the Administrative Code which prohibit sport fishing from commercially licensed vessels. I added these sections on the House Floor as Amendments to HB 404. Because of these regulations owners of trollers cannot use their vessels for family sport fishing, etc. This is an unnecessarily restrictive policy which should be modified, especially in light of the short troll season in Southeastern Alaska.

Your support of these sections of the bill will be appreciated. I will be pleased to testify on these sections when the bill is scheduled for a hearing. Pat Young at 465-2814 is our contact person if you would like additional testimony on this matter.

Attachments

APR 17 1984

DUNCAN

CHAPTER 51.  
AREA 2-UPPER COPPER-  
SUSITNA RIVERS

(b) The Lost River drainage is closed to salmon fishing upstream from the Lost River Bridge from September 1 through October 15.

(c) Tawah Creek, tributary to Lost River, drainage is closed to fishing within 50 yards of the R.E.L. Bridge from July 1 through August 31, and is closed to salmon fishing upstream from broken bridge from September 1 through October 15.

Authority: AS 16.05.251(a)(2)

5 AAC 49.060. SPORT FISHING FROM COMMERCIALLY LICENSED VESSELS. (a) No person may sport fish from a salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270 (c) and (d), in any area, except that this prohibition does not apply

(1) to charter vessels as defined in 5 AAC 75.995(8);

(2) in derby areas during derbies authorized by the department.

(b) The owner or operator of a charter vessel, as defined in 5 AAC 75.995(8), must register that vessel annually with the department before the vessel is used for sport fishing.

(c) Each person who sport fishes from a vessel licensed for commercial fishing, including a charter vessel, in waters closed to commercial salmon fishing shall, immediately upon boating, mark each salmon by removing its dorsal (large back) fin.

(d) Sport fishing is illegal in areas closed to commercial fishing while commercially caught salmon are in possession.

Authority: AS 16.05.251(a)(2),(4),(7) and (10)

Article

- 1. Freshwater (5 AAC 51.010-5 AAC 51.030)
- 2. Definition of Area (5 AAC 51.040)

ARTICLE 1.  
FRESHWATER

Section

- 10. (Repealed)
- 20. (Repealed)
- 30. (Repealed)

5 AAC 51.010. OPEN SEASON. Repealed 5/6/81.

5 AAC 51.020. BAG LIMIT. Repealed 5/6/81.

5 AAC 51.030. EXCEPTIONS. Repealed 5/6/81.

ARTICLE 2.  
DEFINITION OF AREA

Section

- 40. (Repealed)

5 AAC 51.040. DEFINITION OF AREA. Repealed 5/6/81.

(4) Blind Slough and tributaries (near Peterburg) is closed to salmon fishing upstream from department regulatory markers located at the rapids:

(5) in the Sitka area

(A) Indian River is closed to salmon fishing;

(B) Starrigavan Creek is closed to salmon fishing.

(d) In salt water

(1) all waters of Behm Canal and contiguous bays enclosed by a line from Point Eva to Cactus Point, a line from Point Lees to Eisie Point, and a line between markers placed at the longitude of the outlet of Long Lake, are closed to salmon fishing;

(2) all waters of Behm Canal between a line from Point Sykes to Point Alava and a line from Point Eva to Cactus Point, are closed to salmon fishing from May 1 through August 14;

(3) in the Grey's Pass area, all waters enclosed by a line from Babbler Point to Point Highfield to a department marker located at the western entrance of Blind Slough to the mouth of Jap Creek on the mainland shore, are closed to salmon fishing from April 16 through June 14;

(4) Stephens Passage and all contiguous waters north of the latitude of the southern entrance of Limestone Inlet, and south of a line from Piling Point to Point Louisa are closed to king salmon fishing from April 16 through June 14;

(5) repealed 4/3/83;

(6) Auke Bay, east of a line from the mouth of Waydelich (Wadleigh) Creek to a department marker located one-fourth mile south of the mouth of Auke Creek, is closed to Dolly Varden fishing from April 1 to May 31, and is closed all year to red salmon fishing;

(7) Eagle River beach, from the Boy Scout Camp north to a department marker located on the mainland shore at the latitude of Sentinel

Island light, is closed to Dolly Varden fishing from April 1 through May 31; and

(8) Thomas Basin is closed to salmon fishing seaward of a line between department markers from January 1 through July 31. (In effect before 1983: am 4/3/83, Reg. 85)

Authority: AS 16.05.251(a)(2) and (4)

**5 AAC 46.060. SPORT FISHING FROM COMMERCIALY LICENSED VESSELS.** (a) No person may sport fish from a salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270 (c) and (d), in any area, except that this prohibition does not apply

(1) to charter vessels as defined in 5 AAC 75.995(8); and

(2) in derby areas during derbies authorized by the department.

(b) The owner or operator of a charter vessel, as defined in 5 AAC 75.995(8), must register that vessel annually with the department before the vessel is used for sport fishing.

(c) Each person who sport fishes from a vessel licensed for commercial fishing, including a charter vessel, in waters closed to commercial salmon fishing shall, immediately upon boating, mark each salmon by removing its dorsal (large back) fin.

(d) Sport fishing is illegal in areas closed to commercial fishing while commercially caught troll salmon are in possession.

Authority: AS 16.05.251(a)(2),(4),(7) and (10)

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 0355 (S.D.M./RES)  
 Title: Alaska Amendment to Existing  
State Fish & Game Act  
 Sponsor: House & Senate  
 Requested by: House of Representatives  
 Date of Request: 2-14-84

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: \_\_\_\_\_  
Fish & Wildlife Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Fish & Wildlife Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>						

<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger  
 Division: Administrative Services

Phone: 465-4333  
 Date: 02/14/84

Approved by Commissioner: [Signature]  
 Agency: \_\_\_\_\_

Date: 2/16/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Resources

### MINUTES

May 28, 1984  
4:50 pm

Beltz Room  
Room 211, Capitol

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### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Eliason  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

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### CALENDAR

HB 404, An Act relating to fish, game, and other animals.

HJR 73, Relating to the licensing of commercial halibut vessels in Alaska.

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#### HB 404

Senator Mulcahy reviewed the changes made in the committee substitute prepared by the Subcommittee on Fisheries and discussed changing the language in the proposed letter of intent. He then moved SCS CS SS HB 404 (Resources) and the letter of intent for SCS CS SS HB 404 (Resources) from committee with individual recommendations. There was no objection.

#### HJR 73

Senator Mulcahy reported that the Subcommittee on Fisheries had reviewed this resolution and recommended do pass. He then moved HJR 73 from committee with individual recommendations. There was no objection.

The meeting adjourned at 5:02 pm.



# Resources C.S. & Letter of Intent

SCS for CS for SS for HB 404 (Resources)

This bill is the first major revision of AS 16 since statehood. It has been introduced every year since 1976.

Corrects a number of anomalies in AS 16 that developed as the title was amended over the past 25 years

- Changes powers and duties of board, commissioner, and department to relate to the appropriate sections of AS 16.
- Changes visitor sport fish license to nonresident sport fish license.
- Corrects an oversight in Chapter 73, SLA 1983 relating to boats in both salt and fresh water at Y-K Delta.
- Repeals a number of obsolete sections.

Incorporates SB 101 (Citations for fish and game violations)

- Provides for citations for minor violations of fish and game laws.
- Forfeitable bail amounts to be set by Supreme Court.
- Advisory committee of FWP, ADF&G, District Court Judges and Judiciary Committee Chairs.

*Revised  
4/29-0*



Official Business

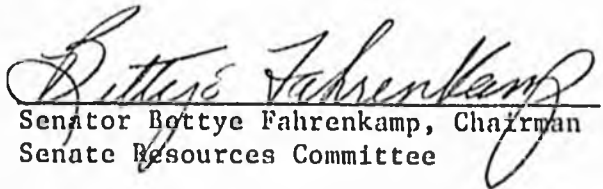
# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

COMMITTEE ON RESOURCES  
LETTER OF INTENT  
FOR  
SCS CS SS HB 404 (RES)

It is the intent of the legislature to strongly urge the Alaska Board of Fisheries to address, and take action to resolve, the issues surrounding 5 AAC 46.060(a) and 5 AAC 49.060(a).

  
Senator Bettye Fahrenkamp, Chairman  
Senate Resources Committee

↳ sportfishing from commercial vessels, which is currently disallowed by regulation

## SECTIONAL ANALYSIS FOR SCS CS HB 404 (RES)

- SECTION 1) Adds language to AS 12 (Criminal Procedure) to allow for Fish and Game citations to be violations which do not require a court appearance. (This section is from CS SB 101)
- SECTION 2) Subsection 5 makes a technical change replacing the phrase "this chapter" with "AS 16, except AS 16.51 and AS 16.52". Those chapters are Alaska Seafood Marketing Institute (16.51) and Fishery Industrial Technology Center (16.52).  
  
Subsections 12 and 13 are new and allow the commissioner of Fish and Game to conduct research and enter into cooperative agreements.
- SECTION 3) Makes technical change deleting "this chapter" and inserting "AS 16, except AS 16.51 and 16.52".
- SECTION 4) Also replaces "this chapter" with "AS 16, except AS 16.51 and 16.52".
- SECTION 5) Also replaces "this chapter" with "AS 16, except AS 16.51 and AS 16.52".
- SECTION 6) is a new section to chapter 16.05 that (a) establishes a citation for Fish and Game violations that are misdemeanors. (b) requires the Supreme Court to specify those misdemeanors that do not require a court appearance and to establish a schedule of bail amounts. The schedule of bail amounts shall be established in consultation with an advisory committee. (c) describes the procedure under which the amount of bail indicated in the citation is forfeited as a fine. (d) says that forfeiture of bail and all seized items is satisfaction for the misdemeanor. (e) says that if bail is not paid, the citation is considered a summons for a court appearance. (f) says that if a person decides to go the court and is found guilty, his fine may not be more than the bail amount on the citation. (This section is from CS SB 101)
- SECTION 7) Also makes the technical change replacing "this chapter" with "AS 16, except AS 16.51 and 16.52".
- SECTION 8) Subsection 3 allows the Board of Fisheries to set harvest levels, and sex and size limitations. Also subsections 7 and [9] delete language that authorizes the Board to engage in biological research.
- SECTION 9) is a new subsection that requires the Board of Fisheries to provide a written explanation for the denial of a petition or proposal submitted by a person to amend, adopt, or repeal

a regulation. The explanation shall be sent within 30 days of receipt of the petition or proposal, or within 30 days of the denial, whichever is later.

- SECTION 10) Subsection 4 allows the Board of Game to set harvest levels, and sex and size limitations on the taking of game. Subsection 6 allows the Board to adopt regulations for the control of predators. Subsections 7 and [8] delete language that allows the Board to engage in biological research.
- SECTION 11) Make the same requirement for the explanation of denials for the Board of Game as section 9 makes for the Board of Fisheries.
- SECTION 12) Replaces the word "visitor" with "non-resident" because of the problem defining "visitor". *RE sportfishing licenses*
- SECTION 13) Makes technical clarifying changes.
- SECTION 14) Also replaces the word "visitor" with "non-resident".
- SECTION 15) Adds two new subsections to 16.05.410 (Forfeiture of License). (f) says that a license is not forfeited for a misdemeanor in which a citation with a forfeitable bail was issued. (g) sets out a civil procedure under which a license may be taken for a period of 1 to 3 years if the license holder is convicted of a misdemeanor with a forfeitable bail two or more times during a 2 year period. (This section is from CS SB 101).
- SECTION 16) Clarifies the area in which certain vessels are exempt from licensing requirements.
- SECTION 17) Deletes language that describes areas no longer used in the management of King Crab.
- SECTION 18) Clarifies language that is presently considered ambiguous.
- SECTION 19) Restricts the penalty provisions only to activities violating anadromous fish protection (AS 16.05.810-16.05.895). Violating these statutes would be a class A misdemeanor. The deletion of commercial fish violations in this section is re-inserted in section 22.
- SECTION 20) (a) Replaces "this chapter" with "AS 16.05 - AS 16.40".  
(b) Replaces "this chapter" with "AS 16, except AS 16.51 and AS 16.52".
- SECTION 21) Adds new subsection to AS 16.05.920 (Unlawful Acts). (c) makes it illegal for a person to import, possess, transport, or release live venomous reptiles, insects, or their eggs. (d) allows for their importation, transport, possession, or release if a permit has been issued for some educational purpose.

- SECTION 22) Adds a new section to AS 16.05 that says that a person who violates AS 16.05 (except commercial fishing violations under 16.05) or 16.20 is guilty of a class A misdemeanor. A person who violates the commercial fishing sections under AS 16.05 is subject to the penalties set out in AS 16.05.720 for commercial fishing violations.
- SECTION 23) Expands the definition of "animals" in the Certain Acts Made Unlawful section to include all animal life, including insects and bugs.
- SECTION 24) Replaces "this chapter" with "AS 16.05 - AS 16.40" and amends the following definitions:
- 9) "fish" would include parts of the fish.
  - 13) "fur dealing" would be re-written for clarity.
  - 14) "game" would include reptiles
  - 15) "hunting"; the phrase "this chapter" is replaced with "AS 16.05- AS 16.40".
  - 19) "resident"; the word "chapter" is replaced with "paragraph".
  - 20) "seizure"; the phrase "this chapter" is replaced with "AS 16.05-AS 16.40".
  - 28) Repeals the definition of "visitor" which has been replaced with "non-resident" in sections 12 and 14.
- SECTION 25) Clarifies that it is the commissioner of Fish and Game that may authorize the uses of commercially caught herring.
- SECTION 26) Adds a new subsection to AS 16.10.173 (Utilization of Commercially Caught Herring) that makes a criminal sanction for wasting herring. *class A misdemeanor*
- SECTION 27) Replaces the word "certified" with "estimated" because it is sometimes impossible to certify that 1/3 of the fishermen are in a price dispute.
- SECTION 28) Corrects a technical error in the legal description of the Susitna Flats Game Refuge.
- SECTION 29) Repeals the following:
- AS 16.05.903 The Alaska Big Game Photo Contest
  - AS 16.10.230(1) which has to do with the International Pacific Salmon Fisheries Commission, which no longer exists. Other parts of the statute have been rendered obsolete by the creation of the federal FCMA.

AS 16.15.010-16.15.090 The Alaska Fisheries Experimental Laboratory, which no longer exists.

AS 16.35.010-16.35.180 which have to do with bounties on predators, which no longer exist and employment of hunters and trappers for predator control, which has become obsolete.

SECTION 30) Provides for an immediate effective date.

BY ADF&G

SCS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL 404 (RESOURCES)

AN ACT RELATING TO FISH, GAME AND OTHER ANIMALS;  
AND PROVIDING FOR AN EFFECTIVE DATE

SECTION-BY-SECTION ANALYSIS

Section 1 amends AS 12 to include fish and game citations with motor vehicle and traffic citations as violations which do not require a mandatory court appearance.

Sections 2, 3, 4, 5, 7, 20, and 24 would change the word "chapter" to refer to the appropriate chapters of AS 16 so that the powers and duties of the boards, commissioner and department, and the definitions section, apply to the appropriate chapters of that title. The Legislature enacted AS 16.05 in 1959. Some other old provisions were apparently overlooked, and, when new provisions were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover other chapters. This oversight has left gaps in the statutes which need to be corrected. Subsections (12) and (13) of section 2 would expressly authorize the Commissioner of Fish and Game to conduct research and enter into cooperative agreements.

Sections 4 and 5 would authorize peace officers to enforce the provisions of AS 16 except AS 16.51 and AS 16.52, and to arrest persons violating the fish and game title. Section 7 would permit the officers to execute warrants. The word "chapter" is changed to refer to AS 16 except AS 16.51 and AS 16.52, which relate to the Alaska Seafood Marketing Institute and the Fishery Industrial Technology Center, respectively, so that uniform enforcement procedures will apply to almost all of Title 16. Also, the requirement that offenders be brought before a magistrate "immediately" is dropped. This would delete an unnecessary burden imposed on protection officers. Finally, discretionary language is added so that deputies may issue a citation or warning for certain minor violations when it is in the state's best interest.

Section 6 incorporates the language of SB 101 establishing a citation and provides for a forfeitable bail schedule for minor violations of AS 16. This will reduce expenditures for enforcement and prosecution and keep enforcement officers in the field.

Sections 8 and 10 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quota and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers.

That authority is made express in sections 8 and 10, as a legal safeguard. In addition, sections 8 and 10 would remove the authority of the boards to adopt regulations for engaging in biological research, since this is a departmental function.

Subsection (6) of section 10 would amend existing law to reflect the true function of the Board of Game. Despite the current language of AS 16.05.255(a)(6), the board does not adopt regulations regarding investigation of predators, which is an administrative function of the department. The board does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations.

Sections 9 and 11 would add the requirement that the boards provide a written explanation for a denial of a petition or proposal within 30 days of the denial or 30 days from the receipt of a written request for an explanation, whichever is later.

Sections 12 and 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 14-day and three-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Thus a person who had not yet lived here for one year was required to pay the higher nonresident license fee, even if only a few days remained in a fishing season. The proposed change is fair and will be more efficient to administer.

Section 13 would make minor technical amendments to AS 16.05.340(a)(9), to clarify the meaning of existing law.

Section 15 is additional language from SB 101 clarifying the actions necessary to revoke one's license following convictions for offenses for which a citation has been issued and bail forfeited. This section would require a court appearance prior to the revocation of someone's license.

Section 16 corrects an oversight in Chapter 73, SLA 1983, which was found not to apply to those boats on the Yukon River Delta primarily that worked both in the salt and fresh water.

In section 17, language in AS 16.05.685(c)(2) which describes areas no longer used in the management of king crab would be deleted.

Section 18 would clarify AS 16.05.831(a) which was enacted in 1975 to prohibit the waste of salmon. That section now contains language that could be considered ambiguous, and thus reduce the law's effectiveness. The clarification

expressly provides that no salmon intended for sale, whether to a private individual or a commercial buyer, may be wasted.

Section 19 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870--16.05.895, relating to anadromous fish protection. The basic penalty section for Title 16 would be moved to a new section (AS 16.05.925, contained in section 22 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 20 and 22 deal with the basic prohibition of Title 16 that it is unlawful to possess fish and game unless permitted by a statute or a board regulation. This prohibition and the accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 20 would set out the general penalty section separately in AS 16.05.920(a). Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. The new AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. The penalty is made a class A misdemeanor, to conform with sentencing under AS 12.55.035 and 12.55.135.

Section 21 provides for a permitting process for the importation, possession, transportation, or release of venomous reptiles or eggs or venomous insects or eggs. This section would restrict the permits to those who demonstrate a valid educational purpose, including public display.

Section 23 expands the definition of animals in this section to include insects and bugs.

Section 24 amends AS 16.05.940 which is the basic definition section for AS 16.05--AS 16.40. Four of the definitions contained in this section would be amended as follows:

(9) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(13) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors;

(14) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state; and

(28) the definition of "visitor" would be repealed, which only appears in Title 16 in conjunction with the "visitor's special sport fishing license" in AS 16.05.340(a)(6); that designation would be changed by section 12 of this bill to "nonresident special sport fishing license."

Section 25 provides clarification that it is the Commissioner of Fish and Game that authorizes other uses of commercially caught herring.

Section 26 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 27 would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually "certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible.

Section 28 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 29 would repeal the following laws:

AS 16.05.903. This section, which created the Alaska Big Game Photo Contest, was enacted in 1975. The original intent was that the revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short--less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the International Pacific Salmon Fisheries Commission. That commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the other exemptions set out in the statute obsolete. Therefore, this subsection should be repealed.

AS 16.15.010-16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory, which no longer exists.

AS 16.35.010--16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

*SECTION 30 Provides for an immediate effective date.*



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

### CHANGES MADE TO CS SS HB 404 (JUD) am BY THE SCS

- 1) Deleted "protection" and left "improvement" on page 6, line 27 and on page 8, line 21 of the SCS.
- 2) Deleted "Cape Romanzof" and inserted "Point Romanoï" on page 11, line 3 of the SCS.
- 3) Deleted sections 29 and 30 on page 19 of CSSSHB 404 (JUD) am, which have to do with herring stripping and dumping.
- 4) Deleted section 32 on page 20 of CSSSHB 404 (JUD)am, which annuls two Board of Fisheries regulations that prohibit sport fishing from a power or hand troll vessel.
- 5) Deleted section 33 of CSSSHB 404 (JUD) am, effective dates for sections 29, 30, and 32.
- 6) Adds new section 30 on page 19 of the SCS which provides for an immediate effective date for the entire bill.

*Mulcahy:*  
"decision properly  
made by Board -  
didn't want leg. to  
override Board's  
decision"



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

May 1, 1984

The Honorable Robert J. Sundberg  
Commissioner, Department of Public Safety  
Pouch N  
Juneau, Alaska 99811

Dear Commissioner Sundberg:

Thank you for your letter of April 24th, regarding HB 404, "An Act relating to fish, game, and other animals; and providing for an effective date."

HB 404 passed the House of Representatives on April 11th, 1984, and was forwarded to the Senate. This bill is currently in the Senate Resources Committee, which is chaired by Senator Bettye Fahrenkamp. I have taken the liberty of forwarding your letter and enclosures to that committee at this time.

Thank you again for your letter, please do not hesitate to contact me on legislative issues in the future. Any further correspondence you may have regarding HB 404 should be sent to the Senate Resources Committee.

Sincerely,

A handwritten signature in cursive script that reads "Jack".

Rep. John G. (Jack) Fuller

Enclosures

cc: Bettye Fahrenkamp, Chairman  
Senate Resources Committee

MAY 2 1984

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

April 24, 1984

APR 25 1984

The Honorable Jack G. Fuller  
Chairman, House Rules Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

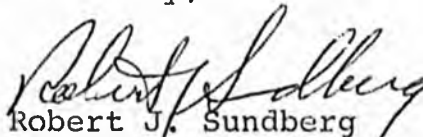
Dear Representative Fuller:

This Department respectfully requests that House Bill 404 be amended so that Alaska State Statute 16.05.815 is added and reflects that the Department of Public Safety continues to have access to records related to the landing of fish, shellfish, or fishery products. As the law now stands, effective July 1, 1984, this Department will lose the availability to have access to the "fish tickets." That loss will have a marked effect on the capabilities of conducting investigations related to suspected violations, as in many cases the "fish tickets" are the central source of material evidence to prove a violation.

I have taken the liberty of enclosing the proposed addition to AS 16.05.081, which would reflect that the Department of Public Safety will continue to have access to "records and reports." Also enclosed is a brief history of this Department's use of "fish tickets" as well as some statistical data related to "fish ticket" access.

Your affirmative and expeditious action on this request will be greatly appreciated.

Sincerely,

  
Robert J. Sundberg  
Commissioner

Enclosures: a/s

cc: Ray Gillespie, Office of the Governor  
Commissioner Collinsworth, Department of Fish & Game  
Colonel Robert M. Henderson, Director, FWP  
Colonel Michael C. Kolivosky, Director, AST

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of buyers and processors required by regulations of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) (EFFECTIVE JULY 1, 1984) any of its records and reports to the Department of Revenue, the Department of Public Safety, and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

## HISTORY

Two years ago the Legislature enacted a bill that gave Fish and Wildlife Protection the right of access to fish tickets (records of delivery of fish caught for commercial purposes). Because the Protection Division used to be part of the Department of Fish & Game, restricting access to members of that Department still allowed exchange of these tickets, where it appeared a violation has occurred, between Fish and Game biologists and law enforcement personnel.

Increasingly, in the years since the transfer of the Protection Division to Public Safety, access was restricted, based on opinions of State attorneys that Public Safety could not be allowed to have this information under the old statute. The Division was required to have sufficient probable cause to convince a court that a crime had been committed before looking at fish tickets.

In many cases, it was the fish ticket information that was the initial indication that a violation had occurred, and therefore these tickets could not be reviewed by enforcement personnel, and also could not be obtained through the Court. If a Fish and Game biologist or data clerk thought they had evidence of a violation, they would have to follow through on it themselves, at least to a point where enough probable cause was developed to allow enforcement personnel to gain access to the tickets. This interfered with their work, and was a source of concern to Fish and Game.

In some cases, because of the lack of access to fish tickets, cases could not be properly investigated, and

persons violating fishery statutes or regulations could not be prosecuted.

The Legislature enacted legislation that allowed access to fish tickets by Division personnel beginning in the summer of 1982 (AS 16.05.815) and extending for two years until July 1, 1984.

At the end of the two-year period (which has almost arrived) Fish and Wildlife Protection and the Department of Fish and Game were to present information to the Legislature to show that access to fish tickets was useful, and had not been abused.

#### JUSTIFICATION

The Department of Fish and Game maintained logs of fish tickets released to Fish and Wildlife Protection. The attached summary of the data in these log sheets shows that 128 requests were made during the one and one-half year period through 1983, and 785 fish tickets were released to FWP. In addition to the logs on hand, information from the Department of Fish and Game and from Fish and Wildlife Protection shows that approximately 1070 additional fish tickets were released to FWP.

FISH TICKETS RCVD,FWP-1982,83

REL. DATE	RELEASE INIT. BY	TPR. DETACH	NO.OF TICKETS
	ADFG	D	7
820615	ADFG	I	1
820621	ADFG		8
820625	ADFG	C	8
		C	3
		C	7
		C	25
		C	3
		C	19
		C	2
		C	1
820626	ADFG	I	1
	FWP	I	1
		I	1
820706	ADFG	I	2
820709	FWP	C	3
		C	1
		C	1
		C	1
		C	1
		C	1
		C	1
		C	2
		C	2
		C	4
		C	1
		C	11
		C	4
		C	1
		C	1
		C	1
		C	4
		C	1
		C	1
		C	2
		C	4
		C	2
		C	9
		C	6
		C	13
		C	1
		C	2
		C	2
		C	2
		C	1
		I	2
		I	1
		I	5
		I	2
		C	4
		C	6
		C	3

## FISH TICKETS RCVD,FWP-1982,83

REL. DATE	RELEASE INIT. BY	TPR. DETACH	NO. OF TICKETS
		C	1
820712	UNKNOWN	M	4
820713	ADFG	I	1
	FWP		5
820714	ADFG	D	4
		D	6
		D	20
		D	13
820731	FWP		3
820722	ADFG	D	14
820723	FWP	I	18
820726	ADFG	I	1
820728	ADFG	D	15
820730	FWP	M	9
820809	ADFG	D	1
820812	ADFG	D	16
		D	1
820825	ADFG	D	5
		D	7
		D	11
		D	2
		D	27
		D	5
820827	ADFG	D	23
		D	2
820907	FWP	C	2
820910	ADFG	D	5
		D	1
820915	FWP	D	1
820921	FWP	D	1
821004	FWP	C	8
821105	ADFG	D	9
821118	ADFG	D	20
830114	FWP	D	29
830201	FWP	D	1
830208	FWP	D	14
830405	FWP	D	29
830411	ADFG	D	27
		D	7
830510	ADFG	D	1
830520	ADFG	D	1
830523	FWP	C	1
		C	1
		C	1
830601	ADFG	I	3
830603	FWP	D	14

FISH TICKETS RCVD,FWP-1982,83

REL. DATE	RELEASE INIT. BY	TPR. DETACH	NO.OF TICKETS
830607	FWP	D	3
830608	FWP	I	11
830611	ADFG		4
830618	FWP	C	1
830622	ADFG	D	6
830623	ADFG		3
830624	ADFG	D	3
830625	FWP		2
830627	FWP	D	1
830629	ADFG	I	3
830702	FWP	D	8
830705	ADFG	D	7
	FWP	D	2
830706	ADFG	C	3
		I	1
		D	4
830708	ADFG	D	2
			1
	FWP		1
830709	ADFG	D	4
		D	3
	FWP		3
830721	ADFG	C	9
830731	ADFG		4
			18
830808	ADFG		2
830819	ADFG	I	3
830912	ADFG	D	3
C31021	FWP	D	26
831121	ADFG		56

AVERAGE:	6
TOTAL:	785
COUNT:	128

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

May 18, 1984

The Honorable Bettye M. Fahrenkamp  
Chairman  
Senate Resources Committee  
Pouch V  
Juneau, AK 99811

RE: CS for Sponsor  
Substitute for  
House Bill 404

Dear Senator Fahrenkamp:

As requested by the Fisheries Sub-Committee, attached is information regarding enforcement activities as a result of this department having access to records related to landing of fish, shellfish, or fishery products (fish tickets).

At the outset, I wish to respectfully point out that the availability of access to fish tickets by this Department's law officers acts as a deterrent to violations by fish pirates and thus sustains the resource availability for the predominantly law abiding commercial fishermen. In fact, past experience has shown that in most cases, fishermen accused of illegal activities by others are immediately cleared of any wrongdoing by simply reviewing their fish tickets.

I know it is of great concern to some members of the Committee that proliferation of access to the fish tickets encourages leakage of information contained therein that is financially harmful to the fishermen. Let me assure the Committee and the Legislature as a whole that of all those agencies that have had access to the tickets, this Department's enforcement officers have, and will continue to, treat the information gained as confidential evidentiary knowledge as is done in all investigations. Any officer who would do less would be severely disciplined.

As expressed before the Fisheries Sub-Committee, the fish tickets are an excellent tool to deter and detect violations. Without this Department's enforcement officers having such immediate availability, and if there was common

MAY 18 1984

The Honorable  
Bettye Fahremkamp

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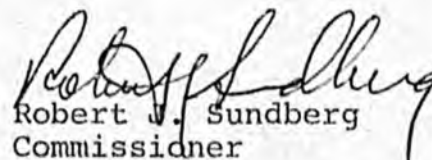
May 18, 1984

knowledge to that fact, violations would be encouraged. As an example, the Norton Sound herring fishery is an exclusive registration area. If this Department does not have access to fish tickets, it will not be able to immediately determine who is fishing illegally in that exclusive area. This fact could be tempting to the some 500 boats now in Togiak as well as vessels in other locations.

To accurately address the question of the number of cases made by this Department via use of fish tickets requires a hand search of all cases in file within the five various detachments of the Division of Fish & Wildlife Protection. This is a time consuming activity. Time being of the essence in this instance, as the Fisheries Sub-Committee is graciously holding the bill awaiting this Department's input on cases made, a current list based on individual enforcement officers personal knowledge is being submitted at this time. There are other cases in file but that knowledge would not be gained in time for consideration.

I can appreciate the concerns of members of the Committee related to this Department having access to the fish tickets, but our only interest is in protection of the renewable fish resource by bringing charges against the fish pirates.

Sincerely,

  
Robert J. Sundberg  
Commissioner

Attachments: a/s

cc: Senator Bob Mulcahy, Chairman  
Fisheries Sub-Committee

Senator Richard I. Eliason  
Alaska State Legislature

D DETACHMENT - PRINCE WILLIAM SOUND - LOWER COOK INLET

OMITTING BRISTOL BAY

1982

Includes only those with convictions. Other cases were investigated.

Case Number	Charge	Total Fine	Net Fine
D82-3077	Closed Period	\$1,000.00	\$ 500.00
3048	Closed Waters	4,000.00	2,600.00
3053	Closed Season	4,000.00	2,000.00
2026	Closed Waters	2,000.00	1,000.00
2029	Closed Period	2,000.00	1,000.00
2035	Closed Period	3,000.00	1,500.00
2040	Closed Period	2,000.00	1,500.00
2058	Closed Period	2,000.00	500.00
2146	Closed Period	2,000.00	1,000.00
2140	Fail to Register	1,500.00	500.00
2152	Closed Water	5,000.00	2,500.00
1084	Closed Period		5,000.00 15 days
	Closed Period (6 DEF)	5,000.00	2,000.00
			(2 days)
1089	Closed Period		2,250.00
1115	Closed Period	5,000.00	2,000.00
1135	Unlawful Salmon		1,300.00
1247	Closed Waters	1,000.00	500.00
1248	Closed Waters	1,000.00	500.00
0453	Closed Period		500.00
0455	Closed Waters	1,000.00	550.00
0458	Closed Period		5,000.00
0501	Closed Period		3,000.00
0539	Closed Period		2,800.00
0548	Closed Period		500.00
0554	Closed Waters		500.00
0556	Closed Waters		2,000.00
0593	Limited Entry		2,000.00
0594	Limited Entry		2,000.00
0595	Limited Entry		2,000.00
0602	Closed Waters	5,000.00	2,500.00
0604	Limited Entry	5,000.00	2,500.00
0605	Limited Entry	5,000.00	2,500.00
0755	Closed Period	3,000.00	1,000.00

D DETACHMENT - PRINCE WILLIAM SOUND - LOWER COOK Inlet

INCLUDING BRISTOL BAY

1983

Number	Charge	Net Fine
Total	Charge	Net Fines
42	Closed Season or Period	\$250.00 - 5,000.00
67	Closed Area	250.00 - 5,000.00 @30 days

E DETACHMENT - Kodiak & Westward

Dutch Harbor

August 1982 to Present

Initiated 132 cases involving Fish Tickets

Judgements against 67 individuals

Net Fine \$67,850.00

Kodiak

August 1982 to Present

Investigator's Cases

Still pending-on appeal or filed, no judgment.

1983

1984

Case Number

Case Number

83-0238

84-0164

0722

0308

0432

0309

0520

0310

0551

0312

0318

0320

0321

0322

0323

C DETACHMENT

Southcentral

Bethel

1982	1983
Case Number	Case Number
C82-08638	C83-61 521
11784	542
12885	563
12887	588
12890	606
12897	608
13191	621
13207	
13761	
13764	
13766	
13783	
13789	
13790	

Exact charges unknown

Almost all cases had charges filed

B DETACHMENT

Juneau

Case Number	Charges
WB82-4433	Yes
4434	Yes
7342	Yes
WB83-3939	Yes
0074	Yes
6682	No

Haines - None

Hoonah

Case Number	Charges
WB83-0633	Yes
0634	Yes
0630	Yes
0635	Yes
0636	Yes
0115	Yes

Wrangell Post - Information not available

Petersberg Post - Information not available

Yakutat

Case Number	Charges
WB83-7113	Yes
7115	Yes
7114	Yes
7128	Yes

Ketchikan

Case Number	Charges
WB82-5057	Yes
2282	Yes
4368	Yes
4355	Yes
4260	Yes
4261	Yes
4269	Yes
0148	Yes
4281	Yes
4330	Yes
4331	Yes
4332	Yes
4333	Yes
4334	Yes
4335	Yes
4328	Yes
4329	Yes
4337	Yes
4290	Yes
WB84-0147	Yes
0148	Yes
0150	Yes
0136	Yes
0135	Yes
0140	Yes
0142	Yes
0143	Yes
0144	Yes
0141	Yes
0145	Yes
0146	Yes

Craig

Case Number	Charges
WB82-0864	Yes
5930	Yes
5929	Yes
5907	Yes

Sitka

Case Number	Charges
WB83-0585	Yes
0556	Yes
0536	Yes
6696	Yes

Ketchikan

Case Number	Charges
WB82-3936	Yes
7604	Yes
7634	Yes
0612	Yes
0692	Yes
6369	Yes
0588	Yes
0577	Yes
6368	Yes
6694	Yes
0587	Yes
6693	Yes
6393	Yes
6413	Yes

I DETACHMENT - NORTHERN AREA

Case Number	Charge
I82-2369	Unlawful Geer
3298	Closed Waters
3309	Sale of Subsistence Fish
I83-7751	Comm. Fish no permit
7760	Comm. Fish Closed
7804	Fish Exclusive Area
7822	Fish Exclusive Area

No Processors involved in violations

HOUSE RESOURCES  
STANDING COMMITTEE  
January 25, 1984  
3:10 p.m.

Members Present: Rep. Ringstad, Co-Chairman  
Rep. Shultz, Co-Chairman  
Rep. Goll  
Rep. Liska  
Rep. Uehling  
Rep. Larson

Members Absent: Rep. Bussell  
Rep. Vaska  
Rep. Cowdery

COMMITTEE CALENDAR

SSHB 404 "An Act making miscellaneous amendments to  
the fish and game codes."

WITNESS REGISTER

Dennis Kelso  
Deputy Commissioner  
Alaska Dept. of Fish & Game  
P.O. Box 3-2000  
Juneau, Alaska 99802  
Position Statement: Favors passage of the legislation.

Paddy McGuire  
Alaska Dept. of Fish & Game  
P.O. Box 3-2000  
Juneau, Alaska 99802  
465-4100  
Position Statement: Answered technical questions, favors  
passage.

Bob Clasby  
Alaska Dept. of Fish & Game  
P.O. Box 3-2000  
Juneau, Alaska 99802  
465-4210  
Position Statement: Answered technical questions, favors  
passage.

Ron Somerville  
Alaska Outdoor Council  
3780 McGinnis  
Juneau, Alaska 99801  
789-3450  
Position Statement: Generally in favor of passage, with some

amendments.

Larry Edwards  
P.O. Box 2158  
Sitka, Alaska 99835  
747-8996

Position Statement: Suggested changes to the legislation.

Arthur Robinson  
Kenai Peninsula Fishermen's Co-op  
P.O. Box 3519  
Soldotna, Alaska 99669  
262-9164

Position Statement: Suggested changes to the legislation.

#### PREVIOUS ACTION

SSHB 404

HOUSE ACTION: First reading on 01/18/84.  
Current status: Presently in House  
Resources Committee with a referral to House  
Judiciary Committee. Governor's transmittal  
letter, 01/18/84. Journal page 2296.

#### ACTION NARRATIVE

TAPE#9  
Recording  
Number 0001

Co-Chairman Ringstad called the meeting of  
the House Resources Committee to order at  
3:10 p.m., and brought SSHB 404 before the  
members. \*

Number 0014

Dennis Kelso, Deputy Commissioner of Alaska  
Dept. of Fish and Game presented an overview  
of the issue.

Number 0043

Rep. Goll asked a question regarding  
discretionary powers of department personnel  
to arrest. Mr. Kelso replied that the  
change was to update statutes to conform to  
present practice.

Number 0110

Rep. Shultz related an incident illustrative  
of present practice. Paddy McGuire responded  
by giving another illustration.

Number 0145

Rep. Ringstad asked a question regarding the  
present practice. Mr. Kelso responded that  
required enforcement activities detract from  
biological management activities.

Number 0150

Rep. Liska asked how many people are  
involved. Mr. Kelso responded that it was

more or less 400.

- Number 0220 Rep. Ringstad asked for comments on amendments proposed by Rep. Hurlbert and Rep. Vaska.
- Number 0230 Rep. Ringstad asked why "must" is used instead of "shall" on page 3, line 27. Mr. McGuire replied that it is more appropriate in the court's view.
- Number 0245 Rep. Goll asked about the deletion of the word "improve" on page 3, line 5-7. Mr. McGuire replied that protection includes improvement.
- Number 0290 Rep. Shultz asked about the deletion of the word "stocking" on page 3, line 7. Mr. McGuire replied that stocking is included in propagation.
- Number 0320 Rep. Shultz asked how intentions are proven. Mr. Kelso replied that the proof is in the sale of the fish.
- Number 0360 Rep. Larson asked a question regarding the use of wheeled vehicles in streambeds, and a discussion ensued regarding the issue.
- Number 0560 Rep. Ringstad asked for comment on Rep. Vaska's proposed amendment. Mr. Kelso said it would correct an oversight in a bill passed last year, and would mean a slight reduction in revenue.
- Number 0590 Rep. Ringstad asked about Rep. Hurlbert's amendment regarding denial of petitions to the boards. A general discussion ensued.
- Number 0756 Ron Somerville of the Alaska Outdoor Council gave a statement generally in favor of the bill, but said a policy needs to be set down regarding the stream crossing issue.
- Number 0788 Rep. Liska asked about the stream crossing problem in the mining community. Mr. Somerville said he thought it was up to industry and the general public to get before the appropriate board and make policy.
- Number 0806 Rep. Goll said in his experience in Southeast Alaska, the present policy seems to be working.

- Number 0825 Larry Edwards, representing himself, made a statement on the bill, noting that "person" needs stronger definition, and some answer to repeat violation should be set forth.
- Number 0857 Rep. Goll asked about the use of Class A misdemeanor. Mr. McGuire responded that the bill tries to tie into the new criminal code.
- Number 0882 Arthur Robinson, of the Kenai Peninsula Fishermen's Co-operative, gave a statement regarding changes proposed to the activities of the Board of Fisheries. Mr. Clasby responded that most of those have to do with budgetary matters, with which the board is not statutorially empowered.
- Number 0985 Rep. Goll asked a question regarding the three tiers of enforcement action the department can take. Mr. McGuire responded that the department does not now have the authority to issue citations.
- Number 1096 Rep. Liska asked what's the difference between shall, may and must. Mr. McGuire responded that shall and must are nearly identical in the court's view, but may is not mandatory.
- Number 1165 Rep. Goll made a comment about the wording of the bill.
- Number 1170 Rep Ringstad adjourned the meeting at 4:40 p.m..

HOUSE RESOURCES  
STANDING COMMITTEE  
February 3, 1984  
3:10 p.m.

Members Present: Rep. Ringstad, Co-Chairman  
Rep. Uehling, Vice-Chairman  
Rep. Bussell  
Rep. Liska  
Rep. Goll

Members Absent: Rep. Shultz, Co-Chairman  
Rep. Larson  
Rep. Vasila  
Rep. Cowdery

COMMITTEE CALENDAR

SSHB 404 "An Act making miscellaneous amendments  
regarding fish and game."

WITNESS REGISTER

Ed Hein  
Legal Counsel  
Legislative Affairs Agency  
Pouch Y  
Juneau, Alaska 99811  
465-2450  
Position Statement: Gave technical review of committee  
substitute

Dennis Kelso  
Deputy Commissioner  
Department of Fish and Game  
P.O. Box 3-2000  
Juneau, Alaska 99802  
465-4100  
Position Statement: Favors passage of bill, did not object to  
changes

PREVIOUS ACTION

SSHB 404 First Reading - 1/18/84  
  
See Resources minutes of 1/25/84  
  
Committee Referrals - Resources, Judiciary  
and Rules  
  
See Governor's Transmittal Letter on page

2296 of House Journal

No previous action in Resources

ACTION NARRATIVE

TAPE# 12  
Recording  
Number 0001

Rep. Ringstad called the meeting of the House Resources Committee to order at 3:10 p.m. and brought SSHB 404 before the members.

Number 0012

Ed Hein, Legal Counsel, briefed the members on the changes made by the proposed committee substitute, saying that six of them are substantive, and the remainder are technical, drafting or style changes. He also noted that there was a typographical error on page 9, line 6, where "fisheries" should have been "game".

Number 0040

Mr. Hein explained the change dealing with discretionary arrest or citation powers.

Number 0046

Mr. Hein discussed the reinsertion of the words "and stocking."

Number 0055

Mr. Hein discussed deletion of the section in the original bill that addressed wheeled vehicular use of streambeds.

Number 0064

Mr. Hein discussed amendments dealing with the Boards' rejection of proposals to change regulations, or the Hurlbert amendment.

Number 0075

Mr. Hein discussed the amendment dealing with fishing boats on the Yukon-Kuskokwim drainages (Vaska amendment).

Number 0105

Rep. Liska asked a question regarding guidelines on the issuance of citations. Mr. Hein replied that the court's determine what the bail schedule will be on these types of citations.

Number 0164

Dennis Kelso stated that Alaska Department of Fish and Game has no objections to the changes proposed by the CS.

Number 0174

Rep. Uehling moved and asked unanimous consent for the adoption of the CS with the typographical change as discussed on page 9,

line 6. There were no objections.

Number 0181

Rep. Uehling moved and asked unanimous consent that the committee pass out CSSSHB 404 (Resources) and there were no objections.

Number 0184

Rep. Ringstad adjourned the meeting at 3:40 p.m.

ec

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1984

SUBJECT: Sectional analysis of CSSB 101 (Resources)

TO: Representative John Ringstad  
Representative Richard Shultz  
Co-Chairmen, House Resource Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

Section 1 adds a new section, AS 16.05.165, to the fish and game code that provides that a peace officer investigating a misdemeanor violation of the code or a regulation adopted under it may issue a citation as provided in AS 12.25.180, notwithstanding the provisions of AS 16.05.160, which requires a peace officer to arrest any person committing a code violation in the officer's presence. Note that SSHB 404 would amend AS 16.05.160 to make such arrests discretionary, but would expand the arrest authority to include violations of all of AS 16 except AS 16.51 and 16.52. Section 1 also directs the supreme court to establish a bail schedule for fish and game misdemeanor violations and provides for paying fines by mail, similar to what is done with traffic tickets.

Section 2 amends AS 16.05.410, which provides for revocation of licenses for conviction of sport fishing and hunting license violations. The amendment provides that the existing revocation provisions do not apply to violations for which a forfeitable bail amount is established under AS 16.05.165. Two convictions of such an offense, however, could result in a peace officer filing a civil action to have the person's license revoked. A non-jury court hearing is required. If the court finds that the person's actions demonstrate a disregard for the preservation of the state's fish or wildlife resources, the license may be revoked for a mandatory one-to-three year period.

Section 3 amends AS 12.25.190(c) to provide that a person receiving a citation under AS 16.05.165 is not required to

Representative John Ringstad and  
Representative Richard Shultz  
Page 2  
February 3, 1984

give a written promise that he or she will appear in court  
in response to the citation.

EHH:ojb  
J3/050

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1984

SUBJECT: House Resources Committee substitute  
for SSHB 404

TO: Representative John Ringstad and  
Representative Richard Schultz  
Co-Chairmen, House Resources Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

1. The provisions of CSSB 101 (Resources) are merged into the committee substitute at sections 1, 6, and 15. (See attached sectional analysis of CSSB 101 (Res) for details of that bill).
2. Section 5 of the CS reverts back to the mandatory language of existing law, but allows a peace officer discretion to issue a citation or a warning when, in the officer's judgment, "it is in the state's best interest".
3. In section 8 (page 6, lines 26 - 27) and section 10 (page 8, lines 22 - 23), the CS reinserts "stocking" within the scope of regulations that may be adopted by the boards of fisheries and game.
4. The CS deletes amendments to AS 16.05.870(b) that appeared in section 17 of SSHB 404.
5. Sections 9 and 11 add new language that requires the boards of fisheries and game to provide a written explanation of reasons for rejecting proposals for regulations submitted to the boards.
6. Section 16 amends AS 16.05.495 to redefine the area covered by the vessel license exemption.
7. All other changes reflected in the CS are technical changes required by the legislative drafting manual.

EHH:ojb  
J3/049



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 17, 1984

The Honorable Joe Hayes  
Speaker of the House  
Pouch V  
Juneau, AK 99811

Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a sponsor substitute for HB 404, providing for the statutory clarification and reform of AS 16. HB 404 was introduced on May 6, 1983 (1983 Hse. Jnl., pg. 1211). The section-by-section analysis which accompanied the original HB 404 at the time it was introduced (1983 Hse. Jnl., pp. 1212 -- 1217), describes the effect of the bill and the reasons why the amendments contained in it would substantially benefit effective management of the fish and game resources of the state.

The attached sponsor substitute differs from the original HB 404 in only minor ways. It changes the title to a more appropriate one, and inserts the word "means" in sec. 10. It deletes the original sec. 14 (amending AS 16.05.-340(b)), since ch. 23, SLA 1983 corrected the problem addressed there, and the original sec. 26, because the amendment to AS 16.30.012 in that section was accomplished by ch. 123, SLA 1982. The remaining sections of the bill are renumbered accordingly. AS 16.05.632, mandating an identification system for crab pots, is deleted from the repealer section; the Board of Fisheries and the Department of Public Safety have determined that the repeal would not be appropriate since the board has concluded that pot limits are biologically justified, and department personnel can enforce pot limits. AS 16.05.-940(28) (the definition of "visitor") is deleted; in sec. 12 of the original HB 404 "nonresident" is used instead of "visitor," but the repeal of the definition of "visitor" was overlooked. Finally, the sponsor substitute adjusts some discrepancies between the language of current statutes and the language of the original HB 404.

We have tried to eliminate all the controversial or unpopular provisions of versions of this bill introduced in earlier years, and the sponsor substitute is consistent with that aim. I therefore urge your passage of this bill this year.

Sincerely,

  
Bill Sheffield  
Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: February 3, 1984

REQUEST

Bill/Resolution No.: CSSS HB 404  
Title: Miscellaneous amendments regarding Fish and Game  
Sponsor: House Resources Comm  
Requestor: House Resources Comm  
Date of Request: Feb 3, 1984

FISCAL DETAIL

Agency Affected: Fish and Game  
Program Category Affected: NRNEC  
BRU, Program or Subprogram(s) Affected: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousand of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume Phone: 465-4120  
Division: Administration Date: February 3, 1984

Approved by Commissioner: [Signature] Date: Feb 3 1984  
Agency: Department of Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSSH 404 (RES)

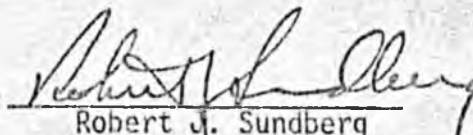
Support

The Department of Public Safety supports passage of CSSH 404 (RES). This bill authorizes the Supreme Court to establish a bail schedule for specific misdemeanor offenses.

Under existing law, peace officers have the authority to issue citations for misdemeanors instead of arrest under AS 12.25.180, however, once a citation is issued, the offender must ordinarily appear in court, even if he does not wish to contest the charge. The Bill adopts a procedure similar to that found in the motor vehicle code (AS 28.05.151) which allows the offender to post and forfeit bail if he does not wish to contest the charge.

Passage of this will benefit both law enforcement and the person cited for relatively minor offenses. The person will avoid the time and expense associated with a court appearance, while law enforcement will be able to concentrate its resources on serious resource offenses.

An added benefit will be a reduction in offenses requiring action by the Department of Law and a correspondence reduction in the court calendars.

  
Robert J. Sundberg  
Commissioner

# Governor's Bill Would Loosen Controls In Fish and Game Dept.'s Use of Poison

By JOE La ROCCA

JUNEAU — The Sheffield administration has quietly endorsed a controversial proposal to relax the use of poison to kill wild game animals, such as wolves, a proposition which has been consistently rejected by the legislature for nearly a decade.

The provision, which is buried deep within a 12-page bill introduced by the governor recently, would enable the boards of fisheries and game to promulgate regulations authorizing the use of poison to control wildlife population and predators.

Under existing law, the Dept. of Fish and Game cannot use poison to kill animals in Alaska unless it gets the written consent of either the board of fisheries or game for a specific, one-time application.

But the proposed legislation would give the department standing authority to use poison whenever and wherever it pleases, without consulting the boards.

The measure, House Bill

404, purports to be a housekeeping measure, designed merely to clarify and update the state's fish and game code.

For example, in his cover letter accompanying the bill, the governor told the legislature that the bill would "provide for the statutory clarification," and "correct some anomalies . . . by repealing outdated sections and clarifying ambiguities."

The governor added: "We have tried to eliminate all the controversial or unpopular provisions of versions of this bill introduced in earlier years."

But in fact, the bill — which the governor probably signed off on without reading — proposes a number of substantive changes in the fish and game code. The most egregious of them is the provision to relax controls on the use of poison for predator control and other purposes.

The current law, which has been on the books since 1968, was sponsored by former Gov. Jay Hammond, when he was a

member of the State Senate.

Prior to that time, the department had the same freedom to use poison for predator control which HB 404 now seeks to restore.

But because of controversy stemming from the use of poison to kill wolves in Southeast Alaska in order to protect diminishing blacktail deer herds here, then-Sen. Hammond pushed through the law now on the books prohibiting the use of poison without the explicit and written consent of what was then the Board of Fish and Game.

Ironically, during Hammond's second term in office, the Dept. of Fish and Game sought a bill similar to the one now pending which also masqueraded as a housekeeping bill making purely technical changes in the fish and game code.

But in fact, it proposed a number of substantive changes, including — without Hammond's knowledge or consent — the repeal of the clamp-down on the use of poison for predator

control authored by Hammond while he was in the Senate.

The cumulative effect of these proposed changes then, as now, was to increase dramatically the powers of the commissioner of fish and game, at the expense of the boards of fish and game.

The use of poison to control predatory species of fish and game is a legitimate management tool. But its use should be closely monitored by a broad range of decision makers.

Because of the powerful emotional impact its use gen-

erates, decisions to implement poison for predator control should not be left to the narrow discretion of fish and game specialists and technicians. Nor should it be used without public hearings each time its use is contemplated.

But under the bill introduced by the governor, both the broad decisional and public hearing processes would be circumvented. For these and other reasons, this unsavory provision in HB 404 should be killed, by poison or any other means at the legislature's disposal.



By Sen. Bettye Fahrenkamp  
Each year, as the session draws on and on, a ritualistic finger-pointing exercise ensues

home is, another responsibility and concern of mine relates to the constant proliferation of regulations by the state govern-

## State Publishes 1982 Mining Report

JUNEAU — A report summarizing mining activity in Alaska during 1982 has been released for public distribution.

Expenditures for exploration and development, and production statistics are reported.

The total value of 1982

Exploration expenditures, which are sensitive to general economic conditions, were predictably lower in 1982, falling

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-2334  
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## Senate

### Committee on Resources

#### MEMORANDUM

TO: Senator Mulcahy, Chairman  
Fisheries Subcommittee

FR: Senator Bettye Fahrenkamp, *Chairman*  
Senate Resources Committee

RE: HB 404

DT: April 26, 1984

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HB 404, An Act relating to fish, game, and other animals, has been referred to the Resources Committee. I am assigning it to the Subcommittee on Fisheries for your consideration.

cc: Senate Resources Committee members

*superseded*

SPONSOR SUBSTITUTE FOR HOUSE BILL 404

AN ACT MAKING MISCELLANEOUS AMENDMENTS  
REGARDING FISH AND GAME

SECTION-BY-SECTION ANALYSIS

Sections 1, 3, 4, 5, 6, 19, and 21 would change the word "chapter" to refer to the appropriate chapters of AS 16 so that the powers and duties of the boards, commissioner and department, and definitions, apply to the appropriate chapters of that title. The Legislature enacted AS 16.05 1959. Some other old provisions were apparently overlooked, and, when new provisions were added, the various powers and obligations established in AS 16.05 should have been, but were not, amended to cover other chapters. This oversight has left gaps in the statutes which need to be corrected.

Section 2 would expressly authorize the Commissioner of Fish and Game to conduct research and enter into cooperative agreements and contracts.

In addition to cooperative agreements, it is also appropriate for the department to enter into contracts or to make grants for specific projects. Section 2 also would require the commissioner to establish criteria governing department grants and contracts to ensure that those expenditures are a wise use of public money.

Sections 4 and 5 would authorize peace officers to enforce the provisions of AS 16 except AS 16.51 and AS 16.52, and to arrest persons violating the fish and game title. Section 6 would permit the officers to execute warrants. The word "chapter" is changed to refer to AS 16 except AS 16.51 and AS 16.52, which relate to the Alaska Seafood Marketing Institute and the Fishery Industrial Technology Center, respectively, so that uniform enforcement procedures will apply to almost all of Title 16. Also, the requirement that offenders be brought before a magistrate "immediately" is dropped. This would delete an unnecessary burden imposed on protection officers. Finally, the mandatory requirement that deputies arrest all offenders is stricken because an arrest for certain minor violations may not be appropriate and could result in unnecessary expenditures for enforcement and prosecution.

Sections 7 and 9 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quota and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers. That authority is made express in sections 7 and 9, as a legal safeguard.

Sections 8 and 11 would remove the authority of the boards to adopt regulations for engaging in biological research, since biological research is a departmental function.

Section 10 would amend existing law to reflect the true function of the Board of Game. Despite the current language of AS 16.05.255(a)(6), the board does not adopt regulations regarding investigation of predators, which is an administrative function of the department. The board does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations.

Sections 12 and 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 14-day and three-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Thus a person who had not yet lived here for one year was required to pay the higher nonresident license fee, even if only a few days remained in a fishing season. The proposed change is fair and will be more efficient to administer.

Section 13 would make minor technical amendments to AS 16.05.340(a)(9), to clarify the meaning of existing law.

In section 15, language in AS 16.05.685(c)(2) which describes areas no longer used in the management of king crab would be deleted.

Section 16 would clarify AS 16.05.831(a) which was enacted in 1975 to prohibit the waste of salmon. That section now contains language that could be considered ambiguous, and thus reduce the law's effectiveness. The clarification expressly provides that no salmon intended for sale, whether to a private individual or a commercial buyer, may be wasted.

Section 17 would make grammatical changes in the anadromous fish protection statute to correct an apparent deficiency. Currently, only a person or agency desiring to use, divert, obstruct, pollute or change the flow or bed of an anadromous fish stream must first notify the commissioner. In order to make AS 16.05.870 more enforceable, notification would be required before beginning any activity which may change the stream or pollute the stream.

Section 18 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870--16.05.895, relating to anadromous fish protection. The basic penalty section

for Title 16 would be moved to a new section (AS 16.05.925, contained in section 20 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 19 and 20 deal with the basic prohibition of Title 16 that it is unlawful to possess fish and game unless permitted by a statute or a board regulation. This prohibition and the accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 20 would set out the general penalty section separately in AS 16.05.920(a). Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. The new AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. The penalty is made a class A misdemeanor, to conform with sentencing under AS 12.55.035 and 12.55.135. Also, s.c. 19 of the bill changes "made" to "adopted," with regard to regulations, for the sake of consistent terminology.

Section 21 amends AS 16.05.940 which is the basic definition section for AS 16.05--AS 16.40. Four of the definitions contained in this section would be amended as follows:

(9) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(13) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors;

(14) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state; and

(28) the definition of "visitor" would be repealed, which only appears in Title 16 in conjunction with the "visitor's special sport fishing license" in AS 16.05.340(a)(6); that designation would be changed by section 12 of this bill to "nonresident special sport fishing license."

Section 22 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 23 would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually

"certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible.

Section 24 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 25 would amend AS 16.35.200 to require that the use of poison to kill an animal be governed by regulations adopted by the Board of Fisheries or Board of Game as appropriate. Currently only written consent of the appropriate board is required. The requirement of regulation will provide for full public comment. The use of poison within a building, or to kill rodents at dumps or landfills, is exempt from board regulation.

Section 26 would repeal the following laws:

(a) AS 16.05.51(a)(9) and 16.05.255 (a)(8). These provisions empower the boards to adopt regulations for cooperative agreements to promote research and education and to train persons for management. These are administrative functions and do not require board regulations. The repeal of these sections will permit the separation of the rulemaking functions of the boards from the administrative functions of the commissioner of fish and game.

(b) AS 16.05.903. This section, which created the Alaska Big Game Photo Contest, was enacted in 1975. The original intent was that the revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short--less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

(c) AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the International Pacific Salmon Fisheries Commission. That commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the other exemptions set out in the statute obsolete. Therefore, this subsection should be repealed.

(d) AS 16.15.010-16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory, which no longer exists.

(e) AS 16.35.010--16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.



REPRESENTATIVE TONY VASKA  
**Alaska State Legislature**  
**House of Representatives**

*Mulcahy*

HOME  
 P.O. BOX 1495  
 BETHEL, ALASKA 99559

WHILE IN JUNEAU  
 POUCH V  
 JUNEAU, ALASKA 99811

(907) 465-4914  
 (907) 465-3071

To: Senator Fahrenkamp, Chair  
 Senate Resources Committee

From: Representative Tony Vaska

Subject: Amendment to HB 404

Date: May 10, 1984

- DISTRICT 25  
 AKIACHAK  
 AKIAK  
 ATMAUTHLUAK  
 BETHEL  
 CHEFORNAK  
 EEK  
 GOODNEWS BAY  
 KASIGLUK  
 KIPNUK  
 KONGIGANAK  
 KWIGILLINGOK  
 KWETHLUK  
 MEKORYUK  
 NAPAKIAK  
 NAPASKIAK  
 NEWTOK  
 NIGHTMUTE  
 NUNAPITCHUK  
 NYAC  
 OSCARVILLE  
 PLATINUM  
 QUINHAGAK  
 TOKSOOK BAY  
 TUNTUTULIAK  
 TUNUNAK

In House Resources I had introduced an amendment to HB 404 to change certain language in the vessel licensing exemption provisions of the Fish and Game code. The purpose was to fulfill the intent of the exemption originally proposed by Senator Ferguson last year by describing more particularly the area where the exemption was to apply. It has been brought to my attention that there has been a typographical error in the language which now appears in the bill. That appears at line 3, page 11 of CSSSHB 404(Jud) am, where Cape Romanzof should be Cape Romanof. Cape Romanzof is south of the Yukon River delta, while Cape Romanof is north of the mouth of the Yukon by Kotlik.

Should your committee be considering a committee substitute I would appreciate this matter being attended to. If you or your staff have any questions, please contact me or my staff.

MAY 10 1984