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2

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 2

BILL NAME: license exemption for commercial fishing
vessels 24 feet or less

SPONSOR(S): Ferguson

RELATED BILLS PENDING:

DATE INTRODUCED: 1/18/83

REFERRALS: Resources
L+C

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:

John Gissberg, AG's office

Ed Henn, Legal Division

Paddy McGuire, ADFAG

BETTYE

APRIL 22, 1983

ON THE SENATE CALENDAR:

CSSB 2 (Res) PROVIDING FOR A LICENSE EXEMPTION FOR CERTAIN COMMERCIAL FISHING VESSELS.

Would exempt all vessels used for the commercial harvesting of salmon in the administrative area known as Arctic-Yukon-Kuskokwim from the vessel licensing requirement.

The bill is sponsored by Senator Ferguson, and it would affect fishermen in his district who fish subsistence most of the year and commercial fish only a couple weeks a year. It passed out of our Fisheries Subcommittee - Sen. Mulcahy is prepared to carry it on the floor.

Would be a slight loss of revenue annually to the State (see attached fiscal note). The Department does not oppose the bill.

CSSB 101 (Res) RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

SPONSOR: GOVERNOR/RULES COMMITTEE -- RESOURCES COMMITTEE SUBSTITUTE WITH A RESOURCES COMMITTEE LETTER OF INTENT.

** SEE ATTACHED FLOOR STATEMENT.

SJR 1 (EQUAL RIGHTS AMENDMENT) - SACKETT GAVE NOTICE OF RECONSIDERATION

BILLS OF INTEREST TO BE READ ACROSS:

SSSB 45 (Sen. Moss) Relating to the Alaska Agricultural Action Council.

CR 20-Trans,

225 Resource

~~SSSB 45 (Sen. Moss)~~ *No citations*

HEARING SCHEDULE ENCLOSED - announce today's hearing.



Official Business

Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

Pouch V
State Capitol
Juneau, Alaska 99811

March 24, 1983

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SB 2

The subcommittee has taken testimony and recommends replacing SB 2 with CS SB 2(Res) and reports CS SB 2(Res) back to the committee as a whole with the following recommendations.

| Members | | Recommendation |
|-----------------|--------------------|----------------|
| Senator Mulcahy | <u>Bob Mulcahy</u> | <u>Do Pass</u> |
| Senator Eliason | <u>Al Eliason</u> | <u>" "</u> |
| Senator Gilman | <u>Don Gilman</u> | <u>No Pass</u> |

I. REQUEST

Bill/Resolution No.: CSSB-2
 Title: Vessel License Exemption
 Sponsor: Senator Ferguson
 Requestor: Senator Mulcahy

II. FISCAL DETAIL

Agency Affected: ADF&G
 Program Category Affected: FRC
 BRU, Program of Subprogram(s) Affected:
Commercial Fisheries Entry Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE REDUCTION | -0- | 39.6 | 39.6 | 39.6 | 39.6 | 39.6 |

FUNDING. (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis (Please see reverse side)

Prepared By: Derrill L. Johnson Phone: 465-4081
 Division: Commercial Fisheries Entry Commission Date: 3-23-83
 Approved by Commissioner: John Williams, Chairman Date: 3-23-83
 Department: Commercial Fisheries Entry Commission

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

ANALYSIS:

The licensing revenue from commercial vessels would be reduced by approximately \$39.6 annually by the bill. It will exempt all vessels used inclusively for the commercial harvesting of salmon in the administrative areas known as Arctic-Yukon-Kuskokwim (A-Y-K).

The number of vessels licensed annually is relatively stable, hence future year fiscal impacts are projected as constant.

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

Bettye Fahrenkamp
Chairman

April 13, 1983
3:05 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair
Senator Ziegler, Vice Chair
Senator Sturgulewski

Senator Eliason
Senator Mulcahy
Senator Vic Fischer

CALENDAR

- | | |
|--------|---|
| SJR 21 | Relating to the use of Lake Grace, an area within the Misty Fjords National Monument, for the generation of hydroelectric power for the Ketchikan area. |
| SB 2 | Providing for a license exemption for commercial fishing vessels 24 feet or less. |
| SB 52 | Relating to the licensing of commercial fishing. |
| HB 187 | Relating to regulation, licensing and fee for fur farming. |
| HE 267 | Relating to herring stripping. |

HB 187

Representative Ringstad reviewed the provisions of the bill: (Sec 1) fur farming is redefined; (Sec 2) eliminates fee; (Sec 3) requires Fish and Game to authorize trapping for breedstock without a permit, and; (Sec 4) streamlines importation regulations and permitting.

In response to a question, Rep. Ringstad stated that federal regulations would still be in effect to control importation of diseased animals.

Bob Hinman, of the Department of Fish and Game, said that the department supports CSHB 187 (Res). They approved of Sec. 3, although it reduces fees, because of the small number issued. In response to a question on Sec. 4, Hinman explained that it ended a conflict between Title 16 and Title 3 over control of import permitting.

Commissioner Richard Neve, Department of Environmental Conservation, submitted a statement in support of the bill and announcing a suspension of regulations to study transfer to DNR of this authority.

Senator Sturgulewski moved that CSHB 187 (Res) be reported out of committee with individual recommendations. There was no objection.

SJR 21

Senator Ziegler reviewed the history of the proposed hydro site and the purpose of the resolution. In answer to a question about the authority for approval of the development, he said the resolution is addressed to Congress and the President, for approval of the transmission line along with the hydro development.

The US Forest Service submitted a letter stating that administrative authority to accommodate the development was possible. Senator Ziegler moved that SJR 21 be reported out of committee with individual recommendations. There was no objection.

HB 267

Senator Mulcahy reported on the testimony heard in the Fisheries Subcommittee hearing on HB 267, which supported the extension of the date from July 1, 1982 to July 1, 1986.

Senator Mulcahy moved that HB 267 be reported out of committee with individual recommendations. There was no objection.

SB 2

Senator Mulcahy moved that a committee substitute for SB 2 be adopted. There was no objection.

Senator Mulcahy said the purpose of the bill is to exempt from licensing the small boat fleet because of the short season for salmon and herring fishing from skiffs. Currently all boats are licensed.

Sgt. Buell Russell, Department of Public Safety, Fish and Wildlife Protection Division, testified that the department had no problem with the bill.

Senator Mulcahy moved CSSB 1 from committee with individual recommendations. There was no objections.

SB 52

Senator Mulcahy moved the committee substitute for SB 52. There was no objection. Senator Mulcahy referred to the sectional analysis and said the bill is basically technical changes. In response to concerns on residency requirement, Senator Mulcahy said that the requirement could be made to conform to other legislation or court decisions if necessary.

Senator Fahrenkamp agreed that the bill was housekeeping changes.

Senator Mulcahy moved CSSB 169 (Res) from committee with individual recommendations. There were no objections.

The meeting adjourned at 3:40 p.m.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

April 13, 1983

Honorable Bettye Fahrenkamp, Chairman
Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: SB 2

Dear Senator Fahrenkamp:

Thank you for the copies of Senate Bill 2 which would amend AS 16.05.490(a) by limiting vessel license requirements to commercial fishing vessels more than 24 feet in length and would completely eliminate the license requirements for vessels used in the salmon fisheries of the Yukon and Kuskokwim Rivers, Norton Sound and Kotzebue Sound. Your memorandum dated April 6, 1983 indicates that the purpose of the bill is to benefit fishermen who "fish commercially only a couple weeks each year."

Although it is not possible to prepare an exhaustive analysis of the proposal at this time, such changes would be valid only if they do not violate the constitutional prohibition against local and special legislation if a general law can be made applicable (Alaska Const., art. II, § 19) and satisfy equal protection standards found in art. I, § 1 of the Alaska Constitution. The first standard requires that the legislation serve a public purpose and not solely serve some private advantage, Suber v. Alaska State Board Committee, 414 P.2d 546 (Alaska 1966), and that a law affecting only one area of the state is not permissible if a general law can be made applicable. Abrams v. State, 534 P.2d 91 (Alaska 1975). The equal protection provision requires that state laws have "a fair and substantial relation to the object of the legislation so that all persons similarly circumstanced shall be treated alike." Gilman v. Martin, slip op. no. 2652 at 13 (Alaska, April 1, 1983) (quoting Isakson v. Rickey, 550 P.2d 359, 362 (Alaska 1976)).

Since both requirements are designed to avoid unnecessary special, discriminatory treatment, it is not surprising that the Isakson test is also used to evaluate the requirements of art. II, § 19. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977).

It is not clear what prompted the desire to give

Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature

April 8, 1983
Page 2

special treatment to residents of the Yukon-Kuskokwim area. Under the legislature's responsibilities at art. VIII, § 1 of the Alaska Constitution to "provide for the utilization, development, and conservation of all natural resources belonging to the State . . . for the maximum benefit of its people," it may be that such an exemption from licensing might serve as an incentive to participation in a developing commercial fishery. The license fee exemption might even be necessary to encourage participation in the fishery to assure adequate development and utilization of the resource.

However, the exemption must be applied equally to "all persons similarly situated." Alaska Constitution, art. VIII, § 17; Gilman v. Martin, supra, slip op. 13. Unfortunately, fishermen who commercially operate for "only a couple of weeks each year" can probably be found in all areas of the state. In addition, developing commercial fisheries may exist in other areas of the state. If so, the above-mentioned constitutional provisions and judicial decisions would not permit a special exemption for only one area of Alaska. Therefore, a general law addressing both other similarly situated fishermen and other developing commercial fisheries could be drafted to remedy both problems.

On the other hand, there may be specific factual circumstances unique to the Yukon and Kuskokwim Rivers and the Norton and Kotzebue Sound areas which would justify special treatment for fishermen in those areas. If that is the case, the legislature should take advantage of the scheduled hearing on SB 2 to elicit testimony regarding those valid reasons for exempting salmon fishermen only in the Yukon and Kuskokwim River areas, and Norton Sound and Kotzebue Sound.

You have also asked whether it would be appropriate to specify reasons for the exemption in the bill itself. The supreme court, in the Kenai land lottery case, (Gilman v. Martin, supra slip op. no. 3652), expressed specific concern that the land ordinance failed to state the borough's reasons for benefiting only residents. We believe it is extremely important to specify all reasons for the proposed exemption. The easiest way to do this may be to include them in the bill itself; that certainly is permissible and makes a reviewing court's task that much easier. However, the most important point is that the reasons be ascertainable either in the bill or otherwise from the legislative history, and that they be of sufficient import to justify the special treatment.

Please let me know if we can be of further assistance

Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature

April 8, 1983
Page 3

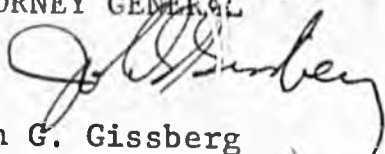
in helping you evaluate the legitimacy of any evidence gathered
during your coming hearings.

Thank you for your cooperation.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


John G. Gissberg
Assistant Attorney General

NCG:JGG:eja

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

File
JUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

April 13, 1983

SUBJECT: Constitutionality of SB 2

TO: Senator Bettye Fahrenkamp
 Chairman, Senate Resources Committee

FROM: Edward H. Hein *EHA*
 Legislative Counsel

You have asked whether the draft of CSSB 2 (Resources) is unconstitutional. Specifically, you ask whether the fact that persons in the Kotzebue Sound, Norton Sound, and Yukon-Kuskokwim River areas fish commercially only "a couple weeks each year" is a sufficient justification for exempting them from the vessel license requirement of AS 16.05.490(a). Also, you ask whether the bill should specify a reason for the exemption.

The constitutionality of this bill must be analyzed under three provisions of the Alaska Constitution: Article II, section 19 (local or special acts); Article I, section 1 (equal protection); and Article I, section 7 (due process). All three provisions relate to a single issue: whether singling out vessels in certain areas of the state for an exemption from the vessel license requirement amounts to an arbitrary or unreasonable discrimination against similarly situated vessels in other areas of the state.

In the context of this bill, the test of constitutionality under all three provisions is essentially the same: is there a rational basis for the classification and does the classification substantially further the achievement of a legitimate state interest. Boucher v. Engstrom, 528 P.2d 456, 463 (Alaska 1974); State v. Erickson, 574 P.2d 1, 12 (Alaska 1978).

In this case, the classification has a rational basis. The areas named in the bill are apparently the only commercial river fisheries in the state. Vessels used there are chiefly skiffs. The rationale for requiring a vessel license -- to

keep track of the number of vessels in a fishery for management purposes -- does not apply to these vessels because gear licensing provides an adequate management tool. Thus, there is a legitimate reason for exempting vessels that fish commercially only in the areas named in the bill. It is a legitimate goal for the state to attempt to minimize the number of licenses required to those which are necessary for conservation and management of the state's fishery resources. This exemption would substantially further the achievement of that goal. Therefore, the bill is not likely to be found unconstitutional under the three provisions mentioned above.

In response to your other questions, the fact that fishermen in the areas named in the bill fish commercially only a few weeks each year probably is not sufficient justification for the exemption. There are fishermen in other parts of the state or from out of state who fish only a few weeks per year in Alaska. If that is the criteria you want to use as the basis for an exemption, then the bill should be redrafted to refer to time spent fishing, rather than location of the fishing. But it is not clear that an exemption based on fishing-time would be rationally related to any legitimate state goal. The length of time spent fishing is not necessarily directly related to the size of catch, amount of income, or impact on the resource. Such a criterion for an exemption might be counterproductive to the state's fishery management goals.

Whatever rationale is used as the basis for the exemption, it would be advisable to state it in the committee report accompanying the bill. Assuming that the rationale is a valid one, having it stated in the report could dissuade someone from bringing a court challenge.

EHH:ljb
14/018

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

MAR 11 1983

Bill No: SB 2 Date on Bill: _____
 Title: providing for a license exemption for commercial fishing vessels 24' or less
 Sponsor: Ferguson
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|
| Capital | | | | |
| Operating | | | | |
| Total | 0 | 0 | 0 | 0 |

b. Revenues:

| | FY 83 | FY 84 | FY 85 | FY 86 |
|---------|-------|-------|-------|-------|
| Revenue | 0 | 0 | 0 | 0 |

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Col. Robert J. Stickles Phone: 269-5532
 Division: Fish & Wildlife Protection Date: 3/4/83

Approved by Commissioner: [Signature] Date: 3/10/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH KB
JUNEAU, ALASKA 99811

February 7, 1983

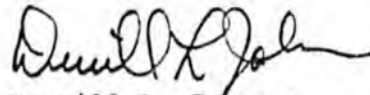
Senator Mulcahy
State Capitol
Pouch U (MS3100)
Juneau, AK 99811

RE: SB-2 Vessels 24' & Under Exempt from Licensing Requirement

Dear Senator Mulcahy:

As per your request I have attached the copies of correspondence outlining the Commission's in-house response to the above referenced bill.

Sincerely,



Derrill L. Johnson
Director, Admin. and Operations

DLJ:dan
Attachment

MEMORANDUM

State of Alaska

TO: John Williams
Chairman

DATE: January 27, 1983

FILE NO:

TELEPHONE NO:

FROM: Derrill L. Johnson
Director, Administration
& Operations

SUBJECT: SB-2 Vessels 24' & Under
Exempt from Licensing
Requirement

Kurt, Roger, Beth, Larry, Chris and I met to discuss the effects of the passage of the proposed legislation referenced above.

We concluded that if the bill were to pass in its present state, the following concerns would need to be addressed:

1. The majority of the vessels in the herring gill net and salmon hand troll fisheries are 24' and under. This bill would complicate and possibly defeat regulations promulgated by the Board of Fisheries for exclusive registration in the Cape Romanzof and Norton Sound herring gill net fisheries and the troll vessel registration system in Southeast. Both regulations are viewed by the Board as part of the overall management strategies for these respective fisheries.

The total number of vessels falling in the 24' and under category is equal to 45% of the total vessels licensed in the entire fishing fleet statewide. (See memo of January 20, 1982 24' and under exemption.)

2. Vessel licensing is the main criterion establishing vessel ownership for point classification in limited entry schemes. Loss of such information would result in inability to properly rank applicants.

3. Marking requirement regulations for buoys in the small vessel long line, gill net, and herring fisheries would need to be changed.

4. It would make it almost impossible to determine who is sport fishing or commercial fishing in the troll fishery.

5. Research data for historical profiles of vessel activity would be lost. There would be a direct impact on any further modeling for halibut, hand troll (and to some extent power troll),

and herring gill net fisheries because each have a high percentage of vessels 24' and under. Research suggests that these impacts could be minimized by lowering the exempt size to 18' or 20' but there is some concern about the reliability of vessel-length reporting.

If the intent is to remove vessel licensing requirements for salmon set netters, then two suggestions are offered:

1. All vessels used in conjunction with salmon set net operations are exempt from licensing requirements.

2. If the primary concern is for those fishermen using stationary salmon gear in the AYK and Yakutat freshwater river fisheries, then exempt all vessels used in conjunction with stationary salmon gear from commercial licensing requirements.

DLJ/dw

MEMORANDUM

State of Alaska

TO: John Williams
Chairman

DATE: January 20, 1983

FILE NO:

TELEPHONE NO:

FROM: Derrill L. Johnson
Director, Administration & Operations

SUBJECT: 24' and under vessel
exemption

In answer to your inquiry regarding the number of vessels licensed annually and their length, I have compiled the following:

| | |
|---------------------------------------|--------------|
| # of vessels statewide \leq 24 feet | 7,573 |
| # of vessels statewide \geq 25 feet | <u>9,061</u> |
| Total vessels licensed in 1982 | 16,634 |

If all vessels 24 feet and under were exempted from state licensing requirements, it would represent 7,573 or 45% of the total fleet. This would mean a loss of \$151,460 (7573 X \$20 license fee - 151,460) in license revenues.

If on the other hand you were to exempt only AYK vessels 24 feet or under it would only affect 88% of the total AYK vessels; 12% would still have to license annually.

| | |
|------------------------------------|--|
| # of vessels in AYK \leq 24 feet | 1,751 X \$20 license fee = \$35,020 |
| # of vessels in AYK \geq 25 feet | <u>231 X \$20 license fee = \$ 4,620</u> |
| Total AYK vessels | 1,982 |

* All data compiled from 1982 year-end computer file.

DLJ:nlg

Alaska State Legislature

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



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STATE CAPITAL
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Senate

Committee on Resources

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Hearing, 4/13/83

DATE: April 12, 1983

The following 3 bills have been heard by the Resources Subcommittee on Fisheries and will be addressed by Senator Mulcahy at the Wednesday hearing:

SB 2 PROVIDING FOR A LICENSE EXEMPTION FOR COMMERCIAL FISHING VESSELS 24 FEET OR LESS.

The Subcommittee recommends adoption of a Committee Substitute that would exempt all vessels used for the commercial harvesting of salmon in the administrative area known as Arctic-Yukon-Kuskokwim from the licensing requirement.

SB 52 RELATING TO THE LICENSING OF COMMERCIAL FISHING.

The Subcommittee recommends adoption of a Committee Substitute that would require that every person engaged in commercial fishing hold a commercial fisheries license which could be purchased either as a crewmember license or as an entry permit. A portion of the fees from this commercial fisheries license would go to the Fisherman's Fund.

HB 267 RELATING TO HERRING STRIPPING.

HB 267 would extend the time that herring stripping (the process by which herring roe is extracted from the carcass) is allowed to take place in the Bering Sea until 1986. The Board of Fisheries does have a regulation in place that will govern carcass disposal in the Bering Sea.

Also scheduled for the Wednesday hearing are:

SJR 21 RELATING TO THE USE OF LAKE GRACE, AN AREA WITHIN THE MISTY FJORDS NATIONAL MONUMENT, FOR THE GENERATION OF HYDROELECTRIC POWER FOR THE KETCHIKAN AREA.

SJR 21 would urge Congress to adopt legislation either eliminating the Lake Grace area from the Misty Fjords National Monument or permitting the development of the Lake Grace area for its hydro potential.

Lake Grace was determined to be of substantial potential value for a damsite before its designation as part of Misty Fjords National Monument. The nearby community of Ketchikan wishes to pursue its development to meet future power needs.

HB 187 RELATING TO REGULATION, LICENSING AND FEE FOR FUR FARMING.

HB 187 relieves the current permitting burden on fur farmers by eliminating the \$100 fee for a fur farming license, reducing the fee from \$100 to \$3 for collecting animals for fur farming purposes, and eliminating the requirement for a permit for importing and exporting mink and fox for fur farming. In addition, Commissioner Neve of DEC has committed to administrative changes in the current permitting procedures to more accurately reflect the needs of fur farmers and the types of activities they engage in.

The meeting is scheduled for Wednesday, April 13 at 3:00 pm in the Beltz Room. It is hoped that final committee action could be taken on these bills at this time.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 465-4100

February 2, 1983

The Honorable Bob Mulcahy
Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

*original
bill*

Dear Senator Mulcahy:

This letter is in response to a telephone inquiry from Troy Henley of your staff requesting the position of the Department of Fish and Game on Senate Bill 2, an act providing for a license exemption for commercial fishing vessels 24 feet or less.

The Department of Fish and Game is opposed to the provision of Senate Bill 2. Many of the State's statutes and regulations governing commercial fishing address licensed vessels as a means of enforcing those regulations and controlling the harvest of our fishery resources. Not requiring all vessels to be licensed could result in a chaotic fishery that would be of no benefit to the State and its fishermen. If it is the intent of the sponsor to eliminate or reduce the fee for licensing of commercial fishing vessels of 24 feet or less, we would propose amending AS 16.05.530 to reduce or eliminate the license fee for vessels 24 feet or less. Whether a fee is charged or the amount is immaterial to the Department of Fish and Game we do need to retain a licensing mechanism for adequate resources management. Our suggested amendment may address the concerns of the sponsor. If not, I am sure other less drastic means can be suggested to address the problem.

You may also wish to contact the Commercial Fisheries Entry Commission for its position on this legislation.

Please let us know whenever we can be of further assistance.

Sincerely,

Don W. Collinsworth

Don W. Collinsworth
Acting Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

Robert J. Sundberg
Commissioner

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

January 27, 1983

FEB 1 1983

Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
State Capitol
Pouch V
Juneau, Alaska 99811

*original
bill*

Dear Senator Fahrenkamp:

I would like to present the following positions which the Division of Fish & Wildlife Protection, Department of Public Safety hold with regard to the subsequent Senate Bills under proposal:

S.B. 2 - Opposed

- (1) Would be nearly impossible to enforce as it would require vessels be measured while fishing, generally hard to do under most water conditions.
- (2) Would also negate 16.05.520 which establishes a vessel identification number which is required to be displayed, thus making all effected vessels unidentifiable from any distance.
 - (a) Would negate 5 AAC 06.342, 09.342, 15.342, 21.342, 39.120(3)(c),(3), 39.120(4)(c), 39.120(5), 39.270(c), 39.381(b) and 39.374.
 - (b) Would make those sections in (a) above unenforceable as these sections all require a number emanating from a vessel license.

S.B. 5 - Neutral (with amendment)

Proposed Amendment:

Require all nonresidents to be guided or
in the company of 2nd degree kindred.

As written the bill will invite an increase in residency falsification on hunting licenses. These are not usually identified until after the season is over and consequently the people are already out of state.

Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

January 27, 1983

Assigning nonresidents to guides will increase control of the non-residents. We would propose that permits be issued to the guides in the areas where the Board determines a population of animals warrants allowing nonresidents to hunt.

Nonresident aliens are already required to use a guide and since that requirement became effective enforcement problems with nonresident aliens has declined sharply.

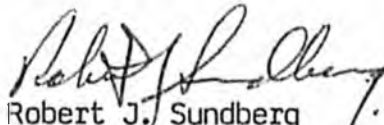
S.B. 12 - Neutral

This bill may prove to be detrimental in the future to some of the smaller fishermen.

S.B. 51 - Neutral

No Comment.

Sincerely,


Robert J. Sundberg
Commissioner