

HB

7

SECTIONAL ANALYSIS HB 7

To: House Resources Committee Files
From: Janet Fries, Committee Aide
Date: 1/23/85

Section 1 (AS 16.05.815 (a))

This section reinstates permanently in Alaska Statutes the authority of the Department of Public Safety, Division of Fish and Wildlife Protection to access confidential information of the Department of Fish and Game to assist in their enforcement efforts.

The confidential records to which this bill refers are fish tickets.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

JAN 21 1985

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

January 18, 1985

The Honorable Adelheid Herrmann
Co-Chair, House Resources Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Herrmann:

Under the present language in Alaska Statute 16.05.815 (a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court order. Providing ready access by the Division of Fish & Wildlife Protection to fish tickets is vital to our agency's efforts to effectively enforce the State's limited entry laws.


Our Division of Fish & Wildlife Protection utilizes the information from the fish tickets as evidence to substantiate that a violation of the State's limited entry laws, or other commercial fishing laws or regulations, did in fact take place.

The type of information contained on fish tickets can provide our Fish & Wildlife Protection Troopers with probable cause to believe that a violation of the State's limited entry laws has occurred.

Having ready access to the fish tickets and fish ticket information is absolutely essential if the Division of Fish & Wildlife Protection is to enforce limited entry. Access to fish tickets would: (1) Allow us to determine who were permit holders; (2) allow us to determine who was purchasing fish from non-permit holders; and (3) increase the apprehension of illegal commercial fishermen substantially.

Our Department strongly believes that having ready access to fish tickets and fish ticket information, as provided for in HB 7, is critical to our agency's effective enforcement of Alaska's limited entry and commercial fishing laws.

Sincerely,


Robert J. Sundberg
Commissioner

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

November 27, 1984

M E M O R A N D U M

TO: Honorable Bill Sheffield
Governor

FROM: *Norm C. Gorsuch*
Norman C. Gorsuch
Attorney General

RE: Attached bill providing the division of
fish and wildlife protection access to
confidential commercial fisheries reports
and records
Our file: 377-028-85

*Proposed legislation
on fish tickets to be
introduced this legis-
lature session*

Attached is a bill, originally requested by the Department of Fish and Game, to provide the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing. 1/ A 1982 amendment accomplished this. That amendment, however, was effective only until July 1, 1984, at which time an amended provision took effect, deleting the division of fish and wildlife protection as an entity with access to the confidential reports and records. The Department of Fish and Game strongly believes that the access provided to the enforcement agency was an integral part of the management system of commercial fisheries. That access would be reinstated by this bill. This bill request was approved by your office on August 2, 1984.

A draft transmittal letter to the legislature is also attached.

NCG:LIS:djc

1/ On November 2, 1984, we received word from your office that this has been changed from a Department of Fish and Game request to a Department of Public Safety request.

cc w/enc.: Hon. Don W. Collinsworth, Commissioner
Dept. of Fish and Game

Hon. Robert Sundberg, Commissioner
Dept. of Public Safety

P. P. A. F. T.

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would provide the division of fish and wildlife protection, Department of Public Safety, renewed access to confidential commercial fisheries reports and records of the Department of Fish and Game.

Under AS 16.05.815(a), "records required by regulations of the [Department of Fish and Game] concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department...." The policy behind that confidentiality has been to encourage the accurate reporting by the fishing industry that is so essential if the Department of Fish and Game and the Board of Fisheries are to be able to regulate and manage the state's commercial fisheries as effectively as possible.

There are several exceptions to that confidentiality specified in the statute, under which the Department of Fish and Game may release records and reports. For example, under AS 16.05.815(a)(1) records and reports which do not identify individual fishermen or their vessels may be released 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. Further, under AS 16.05.815(a)(3) records or reports on the total value purchased by each buyer may be released to municipalities for tax collection purposes under certain specified conditions. The records and reports may also be released in conformity with a court order, or upon the request of the person whose fishing activity is the subject of the report. AS 16.05.815(a)(4) and (5).

Prior to June 2, 1982, the remaining exception, found in AS 16.05.815(a)(2), allowed the Department of Fish and Game to release "any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities." In 1982, the legislature amended that provision, effective for a two-year period, to allow release of "any of its records and reports to the Department of Revenue, to the division of fish and wildlife protection, Department of Public Safety, and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities." Chapter 72, SLA 1982. The amendment was to be in effect only until July 1, 1984, when the language would revert to its prior form.

This bill would simply reinsert the authorization to

release information to the division of fish and wildlife protection, Department of Public Safety. In view of the importance to the management of the state's commercial fisheries of effective enforcement, access to these records by the enforcement agency is an integral part of the overall management system. To prohibit access to these records and reports to the division of fish and wildlife protection hampers its efforts in assuring that the regulations of the Board of Fisheries, passed for conservation and development purposes, are being followed. The ability to manage Alaska's fisheries' resources well depends, in significant part, upon the ability of the state to enforce those regulations.

I ask your prompt action on this measure.

Sincerely,

Bill Sheffield
Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR.

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing the division of fish and wildlife
7 protection, Department of Public Safety, access to
8 confidential reports and records of the Department of
9 Fish and Game related to commercial fishing; and
10 providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 16.05.815(a) is amended to read:

13 (a) Except as provided in (b) of this section, records required
14 by regulations of the department concerning the landings of fish,
15 shellfish or fishery products, and annual statistical reports of
16 buyers and processors required by regulation of the department are
17 confidential and may not be released by the department except that the
18 department may release

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

26 (2) any of its records and reports to the Department of
27 Revenue, to the division of fish and wildlife protection Department
28 of Public Safety, and to the Commercial Fisheries Entry Commission to
29 assist them in carrying out their statutory responsibilities;

15 (3) records or reports of the total value purchased by each
20 buyer to a municipality which levies and collects a tax on fish,
25 shellfish, or fishery products if the municipality

30 (A) requires records of the landings of fish, shell-
35 fish, or fishery products to be submitted to it for purposes of
40 verification of taxes payable; and

45 (B) maintains the confidentiality of reports and
50 records which it receives under this paragraph;

55 (4) such records and reports as necessary to be in confor-
60 mity with a court order; or

65 (5) on request, the report of a person to the person whose
70 fishing activity is the subject of the report.

75 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
80 10.070(c).

465-4322

April 24, 1984

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

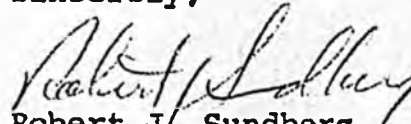
Dear Representative Fuller:

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	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
	FWF		5
820714	ADFG	D	4
		D	6
		D	20
		D	13
820721	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
	FWP		1
			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
831021	FWP	D	26
831121	ADFG		56

AVERAGE: 6
TOTAL: 785
COUNT: 128

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4312

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 evidence. Any 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

The Honorable
Bettye Fahremkamp

-2-

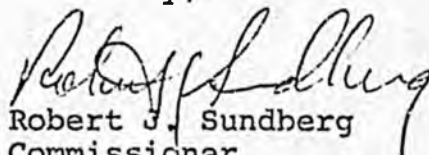
May 18, 1984

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

bcc: Col. Henderson, Director
Fish & Wildlife Protection

Legislative File

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
D82-3007	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
11784
12885
12887
12890
12897
13191
13207
13761
13764
13766
13783
13789
13790

C83-61 521
542
563
588
606
608
621

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 7
 Title: DPS ACCESS TO CONFIDENTIAL RECORDS
 Sponsor: Rep. Herrmann
 Requestor: House Resources
 Date of Request: 1-17-85

FISCAL DETAIL

Agency Affected: PUBLIC SAFETY
 Program Category Affected: FISH & WILDLIFE PROTECTION
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338
 Division: ADMINISTRATIVE SERVICES Date: 12-6-84
 Approved by Commissioner: [Signature] Date: 12/6/84
 Agency: PUBLIC SAFETY

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

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

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

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) 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 regulation 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 and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality which levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records which it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order; or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982)

Postponed amendment. — Until July 1, 1984, paragraph (2) of subsection (a) provides: "(2) any of its records and reports to the Department of Revenue, to the division of fish and wildlife protection, Department of Public Safety, and to the Commercial Fisheries Entry Commission

to assist them in carrying out their statutory responsibilities;"

Cross references. — For reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments. — The 1980 amendment substituted "Except as pro-

vided in (b) of this section, records" for "Reports" at the beginning of present subsection (a), substituted "may" for "shall" preceding "not be released" near the end of the introductory paragraph of present subsection (a), deleted "in the form of individual records" following "not be released" near the end of the introductory paragraph of present subsection (a), added "that the department may release" at the end of the introductory paragraph of present subsection (a), restructured the former section into present subsection (a) and paragraphs (1) — (5), added all of the provisions contained therein except for paragraphs (2) and (4); in paragraph (2) of subsection (a),

added "any of its records and reports" at the beginning of the paragraph, and substituted "to assist them in carrying out their statutory responsibilities" for "or" at the end of paragraph (2); in paragraph (4) of subsection (a), added "such records and reports as necessary to be" at the beginning of the paragraph, and added "or" at the end of the paragraph.

Section 1, ch. 72, SLA 1982 inserted "to the division of fish and wildlife protection, Department of Public Safety" in paragraph (2) of subsection (a). Section 2 of ch. 72, effective July 1, 1984, deletes that language from paragraph (2).

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

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

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

(c) The department shall employ a method of tagging game birds released under this section, compile harvest statistics, and report its results and findings to the legislature annually.

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

Sec. 16.05.827. Sale of subsistence salmon roe. [Repealed, § 4 ch 99 SLA 1975.]

Sec. 16.05.830. Wanton waste. [Repealed, § 1 ch 73 SLA 1968.]

HISTORY OF HB 7

To: House Resources Committee Files
From: Janet Fries, Committee Aide
Date: 1/23/85

The need for a change in AS 16.05.815(a) arose when the Division of Fish and Wildlife Protection, which was formerly the enforcement arm of the Department of Fish and Game (ADF&G), was transferred to the Department of Public Safety (DPS). Prior to that time, all enforcement officers had full access to ADF&G confidential reports and records.

In 1982, the Alaska Legislature passed a Senate CS for House Bill 668, which provided the Division of Fish and Wildlife Protection with access to fish ticket information until July 1, 1984. This was done, presumably, so that it would come back to the Legislature for reconsideration.

Late in the Thirteenth Legislative Session, the Department of Public Safety approached the Senate Resources Committee with an amendment which would reinstate the Division's access to fish ticket information. The amendment was proposed for HB 404, an Administration housecleaning bill which would amend several sections of Title 16. HB 404 was then under consideration by the Committee. The bill was not amended, due primarily to concerns that fish ticket information regarding "hot fishing spots" might inadvertently leak from Division officers or clerical personnel to other fishermen in a given fishery.

The Division of Fish and Wildlife Protection officers have strict policies regarding the use of confidential information which preclude this type of "leakage". This is discussed in the attached memorandum from Lt. Saibel to Commissioner Sundberg. Because these officers are trained enforcement personnel who deal with confidential information continually, these policies are stringently enforced.

The attached background information regarding HB 7 contains a strong statement of support from Governor Bill Sheffield, who was planning to introduce a similar bill this session, had it not been introduced by a Legislator. Also included are resolutions which support the measure from the United Fishermen of Alaska, the Bering Sea Fishermen's Association, and the Naknek-Kvichak Fish and Game Advisory Committee. The Department of Fish and Game strongly supports this bill. The Bristol Bay Native Association and the Bristol Bay Borough both support the bill, as enforcement of the limited entry law and in-season fishing regulations are a serious problem affecting the livelihood of local fishermen in the Bristol Bay salmon fishery, the largest in the state.

This packet also contains information provided by the Department of Public Safety which demonstrates how fish ticket information is used by the Division of Fish and Wildlife Protection and why it is necessary for their officers to access this information in order to be effective in their enforcement of fishing laws and regulations throughout the state. For those not familiar with fish tickets, samples are attached.

SERIES " A " FISH TICKET SAMPLE

DISTRIBUTION: PLACE WRAPAROUND COVER UNDER GOLDENROD COPY
 WHITE - PURCHASER PINK - SELLER
 YELLOW - FISH & GAME GOLDENROD - PURCHASER

PURCHASER
 ALASKA DEPARTMENT OF FISH AND GAME
 SALMON TICKET

DO NOT WRITE IN THIS SPACE
A85069007

Vessel Name F/V Salmon Boat

Fishery 5 AAC 39.130.(B)(9) REQUIRES IMPRINTING OF THE CFEC PERMIT CARD HERE

TIME GEAR OPERATED IN HOURS
10

Name
 Permit Number

ADF&G No.
00000

Proc. Code F 0000 0

8/12/85 Date Fishing Began

Company ADF&G CSS

8/13/85 Date Landed

Area Caught Point Retreat STAT. CHART NO. 111-50

SPECIES	CODE	NUMBER OF FISH	NO. OF POUNDS	PRICE	AMOUNT
KINGS	410	2	50	1.50	75.00
REDS	420				
COHOS	430	10	100	1.10	110.00
PINKS	440	4	13	.25	3.25
CHUMS	450	1	15	.35	5.25
SALMON ROE	400		10	4.00	40.00
CHAR	520				
STEELHEAD	540				
WHELFISH	580				
Sub-Total		17	188		233.50
Less Salmon Enhancement Tax @			3%		- 7.01
TOTAL		17	188		226.49

Cash Advance 850.00 Fish Received by Mr. Salmon Buyer

NOT NEGOTIABLE * Capt. John Doe
Fisherman or Capt. making delivery



UNITED FISHERMEN OF ALASKA

210 Seward Street, Suite #10
Juneau, Alaska 99801-1188
(907) 586-2820

Cass M. Parsons
Executive Director

RESOLUTION 84-19

WHEREAS the Department of Public Safety does not have legal access to fish tickets; and

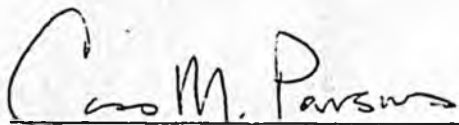
WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations; and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, and to name a few; and

WHEREAS without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

NOW THEREFORE BE IT RESOLVED, that the United Fishermen of Alaska requests that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, and Commissioner Robert J. Sunberg of the Department of Public Safety.



Cass M. Parsons
UFA Executive Director



Robert M. Blake
President

Date: 11-16-84

BERING SEA FISHERMEN'S ASSOCIATION
RESOLUTION NUMBER 7

WHEREAS the Bering Sea Fishermen's Association represents over 1600 commercial salmon and herring fishermen in western Alaska and,

WHEREAS the Department of Public Safety does not currently have legal access to fish tickets, and

WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS Without this access to fish tickets, the Department of Public Safety's efforts to enforce these regulations is severely hampered.

THEREFORE BE IT RESOLVED that the Association request that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets and,

BE IT FURTHER RESOLVED that copies of this resolution be sent to Members of the Boards of Fisheries, Commissioner Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Bristol Bay Advisory Committee, and members of the Nushagak Advisory Committee.

Motion Passed this 31 day of August, 1984 in Anchorage, Alaska.



HENRY IVANOFF
PRESIDENT - BERING SEA FISHERMEN'S ASSOCIATION

Naknek-Kvichak Fish and Game Advisory Committee

RESOLUTION 84-1

A RESOLUTION REQUESTING THE LEGISLATURE TO CONSIDER ALLOWING THE DEPARTMENT OF PUBLIC SAFETY ACCESS TO FISH TICKETS.

THE NAKNEK-KVICHAK FISH AND GAME ADVISORY COMMITTEE RESOLVES:

WHEREAS: The Department of Public Safety does not have legal access to fish tickets, and

WHEREAS: The Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

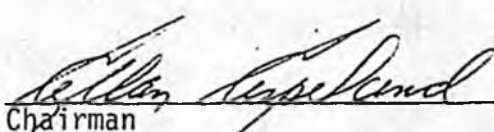
WHEREAS: The Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS: Without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

NOW THEREFORE BE IT RESOLVED, that the Naknek-Kvichak Fish and Game Advisory Committee requests that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, Commissioner Robert J. Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Bristol Bay Advisory Committee, and members of the Nushagak Advisory Committee.

Passed this 16 day
of August, 1984 by the Naknek-
Kvichak Advisory Committee


Chairman

Attested:


Secretary

JAN 25 1985

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 189
DILLINGHAM, ALASKA 99578
PHONE (907) 842-5257 - 842-5258

January 25, 1985

Representative Adelheid Herrmann
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Adelheid:

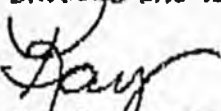
The Bristol Bay Native Association Executive Committee would like to take this opportunity to support House Bill No. 7 relating to the release of confidential records and reports to the Division of Fish and Wildlife Protection.

We feel that passage of this bill would greatly assist the enforcement division of Fish and Game in performance of their duties.

This bill would make spotting fisherman who use fake permits, illegal gear, duplicate permits, fish several vessels with one permit, and those people who fish several districts without bothering to officially transfer a simple process and would allow for immediate citation of these violators.

Sincerely,

BRISTOL BAY NATIVE ASSOCIATION


Kay E. Larson
Executive Director

B
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O
L

BayTimes

Vol. 4 No. 19

Dillingham, Alaska



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October 1, 1984

Criminal element in Bay evades protection officers, pilot tells panel

Illegal fishing in Bristol Bay was rampant last season, a Naknek pilot told a panel gathered to discuss fishing violations and how to improve state protection of the fishery.

George Tibbets Jr. described a 'hard core' criminal element that fishes more than the legal amount of gear outside of district boundaries, fishes several boats on one permit, ignores the 48-hour transfer period and uses spotter pilots more for keeping track of protection officers than for spotting fish.

Tibbets spoke at a teleconference hearing Sept. 27 at the Naknek Legislative Information Office called

by District 26 Rep. Adelheid Herrmann.

Others speakers agreed with Tibbets' allegation that such deliberate violations do take place, but in response to a protection officer's question about why the violators were not reported, said they feared for their boats and the safety of their crews.

One Dillingham skipper said after the hearing that he had seen boats fishing outside district boundaries, specifically between Egegek and Ugashik, but that he too was reluctant to report those involved.

"That's protection's job," he said. "These guys would kill you, or sink

your boat."

Illegal fishermen use spotter pilots to track the location Fish & Wildlife Protection officers' planes and warn each other when the planes are approaching.

Those fishing outside district boundaries worry less about being caught than fishermen who inadvertently drift over district lines, since protection planes typically patrol near the boundaries, fishermen said.

Processors aid illegal fishermen by doctoring delivery ticket dates so that the 48-hour district transfer requirement can be ignored.

"If there's a district open, they fish," Tibbets said.



Bandits in the Bay

by John van Amerongen

"The thing about lawlessness is that if you don't do something about it, it just gets worse."

It may have sounded a bit like Gary Cooper trying to convince the town council to do something about cattle rustlers. But the issue wasn't cattle, it was fish, and the subject wasn't cattle rustlers, but the rapidly growing "pirate fleet" in Bristol Bay...and what to do about it.

What to do about fishermen who fish outside the law: who operate two or three boats on the same permit, who drift-fish on setnet permits, who fish over the line (way over the line), who fish during closures, who together with processors juggle fish ticket dates to get around the 48-hour transfer regulation, and who keep extra nets aboard or add extra length and depth to existing nets.

Chairing the meeting at Seattle's Fisherman's Terminal was Gary Green, twelve-year veteran of the Bay. "Just a fisherman"—a fisherman who's fed up—Green didn't really have to convince anyone present that illegal fishing was on the increase.

Sitting around the table was an informal coalition of processors and fishermen, traditional adversaries

in price negotiations who had come together to discuss a common threat. Sharing concerns at the roundtable were Mitch Kink and Reidar Solberg, general manager and vice-president, respectively, of AIFMA; Ivan Fox and Jon Black, general manager and superintendent of Diamond Beauty Seafoods, Steve Smith, general manager of Kemp Pacific Fisheries; along with fishermen Swede Munson, Jon Crooks, and Tom Crawford.

"I see three groups of people up there," Green continued. "I see the honest, ethical fishermen there; then I see the dishonest fishermen, and then I see a large group of people that operate under what I call situation ethics, where we say, Well, that guy's over the line, I might as well join him."

"When somebody else does it, you have to decide, well, am I going to join him, or what am I going to do? In the past you didn't have a choice, you either joined him or got

nothing. What we need is a choice to be able to say, Hey, this guy's doing something wrong, and it's hurting me and I'm going to turn him in and get something done about this."

"We're in jeopardy of having a lawless fishery real soon," predicted Green. The honor system is not working.

According to Mitch Kink, a new breed of fisherman began entering the fishery in 1977, and "it started getting out of hand after '80 and '81."

Kink presented a graphic comparison of the Egegik catch to the Naknek/Kvichak. In 1980 the total Egegik catch amounted to about 20% of the catch from the Naknek/Kvichak. At that time 177 boats fished Egegik at the peak of the season, as compared to roughly 1,000 at Naknek/Kvichak. By 1982 the Egegik catch was up to 50% of the Naknek/Kvichak catch. Only 137 boats were registered at Egegik

during the height of that 1982 season.

"I can't sit every night looking at this goddamn chart [and figure out how it adds up], said Kink. "Egegik fishermen aren't that good. Don't get me wrong, they're good fishermen, but 50%...? What I'm saying is that that fish logged at Egegik is not caught at Egegik."

Kink's contention was that a lot of fish delivered to Egegik are caught illegally in the milling ground, the closed area near Middlebluff, where great masses of fish from many river systems mingle before heading upstream. Kink's concern is that fish caught in the milling area are likely to be logged in the wrong river's tally, Egegik's in particular, but the Naknek/Kvichak as well.

Bogus deliveries throw off the numbers used by ADF&G for managing openings and closures. Fish deliveries from illegal waters boost the catch level relative to escapement, and closures result, shutting off the legal fishermen. Legal fishermen in all areas suffer and the resource is jeopardized as well, said Kink.

"We're talking about messing with the management of the resource that we all make our livelihood on," added fisherman Jon Crooks. "It really peeves me that the pirates are interrupting our livelihood, and it's critical that it be

"We're in jeopardy of having a lawless fishery real soon."

—Gary Green

stopped. The fact that we're not getting accurate numbers is the critical problem."

"The biggest argument you'll get (from enforcement) is that they don't have any money to patrol this... but I think that they patrol it the wrong way," said Kink.

"In 1981 96% of the (citations) came within less than one-quarter of a mile of each line, and you know in '81 that there was a fleet fishing Middlebluff all the time. Well heck, that's just like a farmer protecting his fence when the fox was in the henhouse.

"We're proposing that the patrolling start a little different; instead of starting from the line down to Middlebluff or from Egegik up towards Middlebluff, that they start at Middlebluff and move to the lines, so that you catch the deeper violations instead of just the fringe," said Kink.

Crooks was quick to agree with Kink that the problem was not necessarily a lack of regulations. "Egegik's notorious for having a complete lack of enforcement," said Crooks who fishes Egegik himself. "Egegik has had no enforcement, except for an occasional cruiseby by the *Vigilant* for four or five years, I'm sure," he continued. He went on to describe a scenario for hitting it big in the illegal fishery this year:

"If you'd registered in Naknek, fished Naknek when Egegik was closed, fished Egegik the rest of the time, and the Ugashik or wherever else you wanted to at whim, you'd have never gotten caught for doing anything illegal, because there simply was no enforcement anywhere else."

Complicating the enforcement effort, is the advent of airplane spotters. According to Steve Smith, some spotters are looking out for more than fish. "If they spot Fish and Game or enforcement moving," said Smith, "they shoot right back to their guys and say, 'Get back!'"

Crooks was quick to add his suspicions. "It's easy to see if you're out fishing near the line. There's generally this fleet of boats with no names on 'em that are fishing beyond the line - this is every day at Egegik - and all of a sudden they all start picking up and heading to the line. You wonder what's going on, and then an airplane will fly over and five minutes later the *Vigilant* will show up."

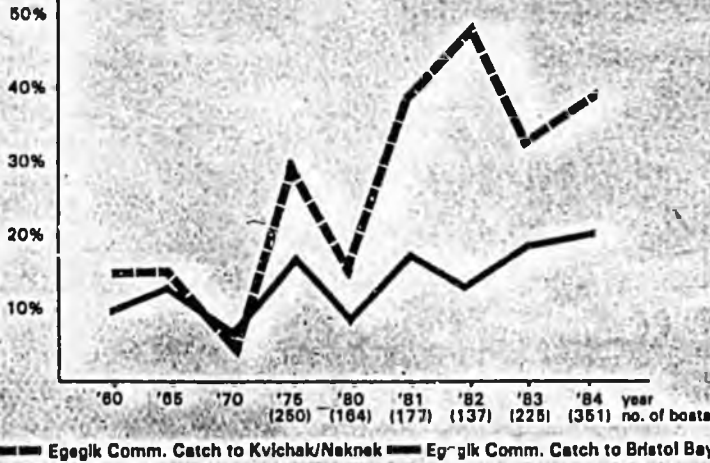
Kink itemized two proposals geared to regulate the spotters. One from the Naknek Advisory Council would eliminate the planes altogether, Kink said. The other, backed by AIFMA, would require pilots to have a permit and commercial license.

"I mean a fishing permit," emphasized Kink. "He's operating eleven boats without even a commercial license, without a permit or anything."

Green suggested that the *Vigilant* be replaced with a fleet of smaller vessels that resembled fishing boats themselves. One of perhaps two vessels could be assigned to each area to monitor boundary and registration violators. Officers would only need to be on the payroll for the peak season, but they could rely on honest fishermen to educate them about "smart" violators.

"They need fishermen to educate them about what other fishermen are going to do, where they're going to be fishing at certain times of the tide and day, what they're likely to be doing during openings and closures, and in continuous fishing situations. The education and the quality of enforcement is a

Egegik Commercial Catch

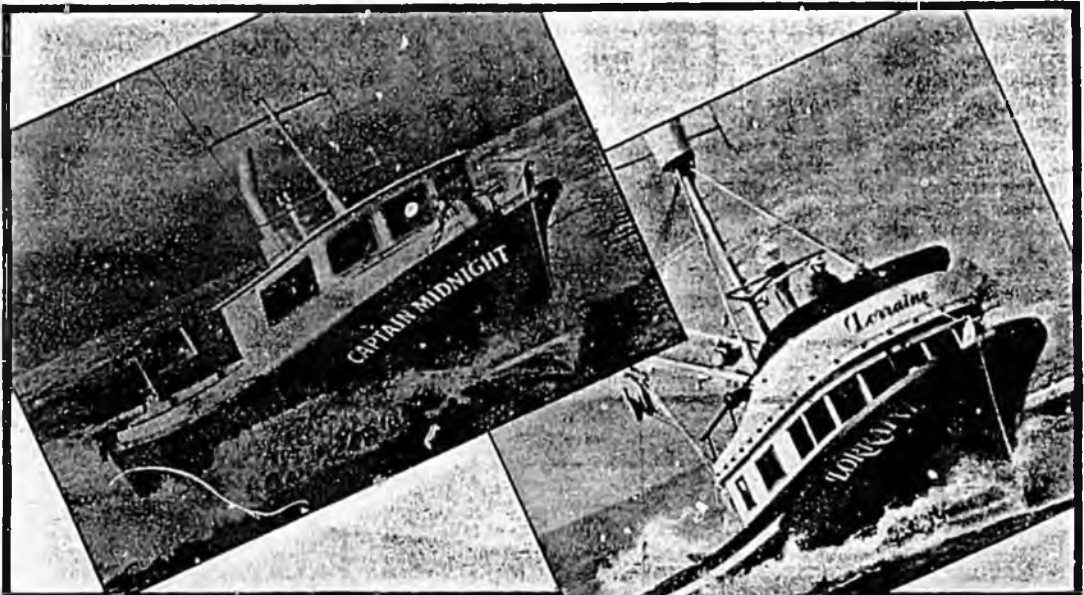


lot more important than the quantity," Green said.

Ivan Fox suggested that each area issue a different colored flag to be displayed prominently aboard vessels fishing each area. Flags would be numbered, and when fishermen wanted to transfer, they would report in and exchange flags before moving to a new area. This wouldn't prevent a fisherman from starting early, but at least a patrol aircraft could spot boats that had not transferred, Fox said.

To prevent a permit holder from fishing more than one boat, Fox suggested that the state issue a bright colored sticker for each permit renewed. The design would change every year, and it would be prominently displayed so it could be spotted easily from the air. To thwart counterfeiters, the sticker would have to be picked up in Bristol Bay just prior to the opening.

Swede Munson seconded Green's suggestion of small patrol boats as



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well as the sticker idea, and went on to propose that all boats should be physically checked for correct numbers and permits before the start of the season.

"If you had one boat...that you could call and say, Hey, there's a boat over the line, this boat hasn't got correct numbers, we know he hasn't transferred... It was so blatantly on the line this year, a guy says, Well why transfer? If we can go to Naknek when they open it, we can go to Ugashik. And they were doing it. In other words," said Munson, "you were really stupid to be law abiding."

Reacting to the small boat proposal, Fox said, "Most of your shoreplants would cooperate like hell. The fact is, we would put a guy up if he wants to leave his Boston Whaler or whatever...even give him board and room."

According to Kink, not all processors are as anxious to cooperate. Some processors, he said, conspire with the fishermen to harvest illegal fish. "You're making the fisherman responsible," said Kink, "but the fact is that processor also has to be responsible, because you're catching illegal fish, but he's buying illegal fish, and both things are against the law."

Steve Smith, general manager of Kemp Fisheries, shared how processors can be lured into juggling tickets. "We tried to get our tender costs into line," said Smith of this year's season, "and we changed our policy from a daily guarantee to a minimum guarantee with a poundage included. The idea was they could attain more money



if they hauled more pounds."

"It proved to be very effective for us," said Smith, "but one of the things I noticed... at least eight of these guys had mentioned to me, if not once, three or four times, I can pick up fish from so-and-so if we just hold off on his ticket, sign it at a later date, or something. My answer to all these guys was that it was an illegal move and we wouldn't want to get involved in that."

"What we want is a future in this thing," said Smith, "something to come back to and come back to, and that's definitely what our banks want too. It's based on growth, but there's got to be a resource to harvest."

"The reason that you have all the crabbers tied up here in September, when it should be the heart of the season," warned Kink, "is underlogging, and they're doing the same goddamn thing with our salmon in Bristol Bay."

"Don't you get the feeling," asked Fox, "that the Fisheries themselves don't give a damn who catches the fish or how they catch em, as long as they get their escapement?"

"You don't have to wonder," answered fisherman Tom Crawford, "that's exactly right. That's why enforcement leaves after they get their escapement. Enforcement is not there after the 17th (of July) or whenever they throw the districts wide open."

Finally, it was Swede Munson who said, "We've hashed it enough." It was time to come up with some concrete proposals.

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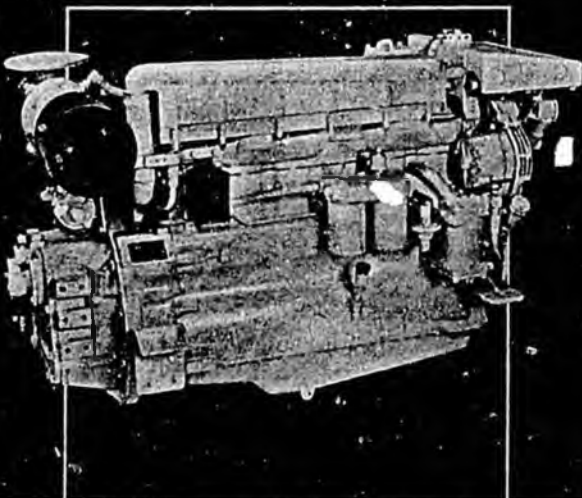
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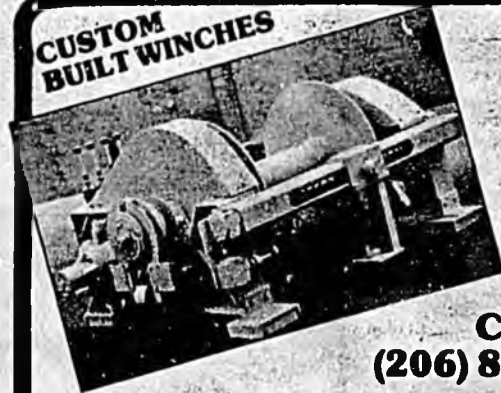
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Munson suggested that a decal, a physical inspection, and placing numbers on the top of the boat would be a good place to start.

Kink, however, reminded the group that the deadline for proposals to the Board of Fish, September 5, had already passed. He suggested that the legislature could be petitioned to fund a decal program to be administered by the Limited Entry Commission. This opened the door to the whole problem of funding improved enforcement.

Kink suggested that the annual permit fee be raised \$5.00 to pay for the decal program.

Smith suggested that fishermen and processors might opt for a tax similar to the salmon enhancement tax in Southeast. The difficulty with that, said Fox, would be earmarking the funds for enforcement, rather than having them go into the general fund.

"The only time that it's worked," said Solberg, "was the year AIFMA did donate... for the test boat at Port Moller. Funds were given to the Department of Fish and Game for that specific purpose."

Munson suggested that money could be donated for decals and small enforcement vessels, and Fox suggested that canneries might be willing to haul them out and take care of them.

Crooks, on the other hand, wasn't so sure that "throwing more money at it" was the only way to improve the situation. He suggested that stiffer penalties might be tried first.

"The problem brings to mind all



(Left to Right) Reidar Solberg, Mitch Kink, Ivan Fox, John Black, Steve Smith, Tom Crawford, Gary Green, Swede Munson and Jon Crooks—meeting to beat the bandits.

the illegal fishing that went on in the king fishery over in Nushagak," said Crooks. "All of a sudden we heard about these two guys that got caught and they took their permits away for one year. The biggest bandits that I knew wouldn't go and fish with deep nets in Nushagak, because suddenly the price was not worth it."

"If you could be assured of being

checked a couple of times a year, in whatever district you were fishing in," Crooks said, fishermen would be deterred from fishing illegally, especially if it meant forfeiting their permit for a year.

"If they're put on probation for one year, they worry like hell," added Kink.

"That type of thing is going to go a lot further towards effectively

bringing law abiding citizens back into the fishery than a lot of complicated rules and regulations," said Crooks.

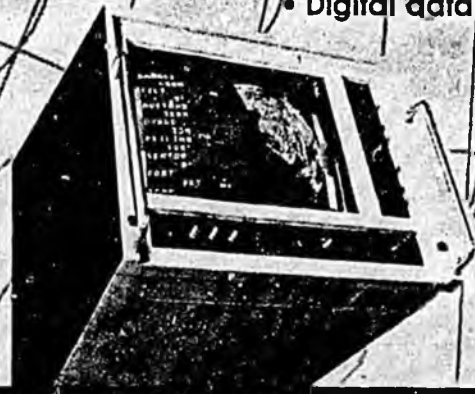
Fox asked if that wouldn't require a massive increase in enforcement effort. Crooks repeated a contention that it would only require a redirection of effort.

"If somebody wanted to offer me a bounty, I think I could go out

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It's Your Job to Blow the Whistle —Here's How to Do It

By Chris Blackburn

"Protection can be only as effective as the fishing community wants us to be," said Lt. Phil Gilson, Fish and Wildlife Protection Officer from the Kodiak office.

When the king crab stocks dropped, Kodiak fishermen became concerned enough about the resource they began actively working with protection officers.

"We had a lot of calls about violations. Some were anonymous and some fishermen identified themselves.

"I think the help we received from the fleet really made a difference... If there was a bona fide complaint with substance to it, we were able to follow up and get some kind of successful prosecution," Gilson said.

Salmon fishermen are still torn between wanting to protect their resource and being reluctant to turn in a fellow fisherman—even if he is taking fish illegally.

"We have people come in here to report a violation, and based on what they tell us, it will appear to be a very prosecutable case, but the guy reporting won't want to be involved, won't give us even the name of the boat or tell us where the violation occurred," Gilson said.

In the possible creek robbing

case described by fisherman Steve Russell, the chances of a successful prosecution, based on Russell's testimony, "are not good, but still possible," Gilson said.

"We would like the opportunity in this type of case to at least talk to the people... It's possible that an individual or crewman, who doesn't agree with that type of thing, or a crewman who's decided to quit the boat, may come forward and advise us that the creek robbing did happen," Gilson explained.

"Another factor is, that if we keep getting repetitious reports about a particular vessel, we know that the odds are that person is a creek robber. Obviously, the more reports we get, the better are our odds of catching him."

While Fish and Wildlife Protection tends to deploy its limited resources in areas where the combination of a good fish build up and other conditions make it seem attractive to creek robbers, they can't cover all the streams in Western Alaska.

"The fishermen are out there 24 hours a day, seven days a week. They see a lot more than we do," Gilson said.

Ideally, a violation report would contain the following:

1. Date and time of the violation.
2. The exact location.
3. The type of violation.



"I think the help we received from the fleet really made a difference..."

Lt. Phil Gilson—Fish & Wildlife

4. Description of the vessel and people on it, the boat name or numbers.

5. The names of other witnesses to the violation, including your own crewmen.

6. Photos, if possible. For photographs taken under poor lighting conditions, the roll of film can be given to protection officers so it can be developed using special enhancement techniques.

7. An account of the violation written down at the time it was observed—in the ship's log or on a scrap of paper.

Even if the information is fragmentary, Fish and Wildlife Protection officers would appreciate any information they can get.

The willingness of the fleet to report suspected violations is the first major step toward protecting the resource, Gilson said. □

there and probably do pretty well," Crooks speculated.

"High boat," replied Kink.

"The fishermen themselves will have to turn in violators," agreed Munson, "but you have to have somebody to turn them in to, and we don't have it. We don't have anybody to go to." Munson suggested a central radio communication station for each area

where fishermen could be assured of getting through to enforcement.

"If we have to buy the radio for communication, to me that's nothing."

Getting those around the table to respond to the issue was clearly not the problem. The difficulty, as expressed by Ivan Fox and others, was convincing the Alaska

Legislature to recognize the severity of the problem and respond to this group of "outsiders."

Fox suggested enlisting the help of Byron Mallot and the Sealaska Corporation, and Kink announced a meeting with the Naknek Borough in late September that would address the same issues. The hope

expressed generally was that both Native and resident fishermen would become increasingly willing to address the problem and provide the funding or political pressure required to move the state to action.

"Somehow or other," said Solberg, "we are going to have to wake up people in Juneau..." □

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