

SB

70

See also Senate Resources Committee
file on HB 7

Jenny 12/3/86

Alaska State Legislature

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FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 485-4907

Senate Committee on Resources

MEMORANDUM

February 15, 1985

TO: All Members
Senate Resources Committee

FROM: Staff
Senate Resources Committee *H*

RE: SB 70 "An Act relating to the release of confidential records and reports of the Department of Fish and Game; and providing for an effective date."

AS 16.05.815 allows the Department of Fish and Game to release certain confidential records regarding fish tickets to other government agencies when it is necessary for carrying out their statutory responsibilities. Under AS 16.05.815 Department of Fish and Game may release these records to the National Marine Fisheries Service, the Department of Revenue, the Commercial Fisheries Entry Commission and certain municipalities. SB 70 would add the Department of Public Safety, Division of Fish and Wildlife Protection. Presently the Department of Public Safety has access to these records only under court order as part of an official investigation.

The fiscal note is zero.

Background

The Division of Fish and Wildlife Protection was originally a part of the Department of Fish and Game and had access to these records. In 1972 the Division was transferred to the Department of Public Safety and lost its direct access. HB 668 passed the legislature in 1982 and gave the Department of Public Safety access to fish ticket records on a trial basis. This bill had a limited life and the Department of Public Safety access ended in July 1, 1984.

CSSB 70(State Affairs) would establish, by statute, permanent access to Department of Fish and Game fish tickets and fish ticket information by the Department of Public Safety.

SB 70 was amended in the Senate State Affairs Committee to add an immediate effective date and to set out specifically what information would be

available to the Department of Public Safety, Division of Fish and Wildlife Protection. CSSB 70(State Affairs) moved out of the Senate State Affairs Committee with a unanimous "do pass" recommendation.

A similar bill (HB 7) is presently in the House Rules Committee having passed both House Resources and House Finance with a do pass recommendation. A copy of CSHB 7(Finance) is included.

Bill Support

The commissioner of the Department of Public Safety has sent a letter strongly supporting SB 70. Additional support for this bill comes from the United Fishermen of Alaska, the Naknek-Kvichak Fish and Game Advisory Committee and the Bering Sea Fishermen's Association.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 70
 Title: "...release of confidential records... fish & wildlife protection"
 Sponsor: Sen. Zharoff
 Requestor: Sen. Zharoff
 Date of Request: 1/30/85

FISCAL DETAIL

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

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						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

POSITION PAPER

RECEIVED
FEB 4 1985

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 1/30/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 1-30-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 70

Support

SB 70 - "An Act relating to the release of confidential records and reports of the division of fish and wildlife protection."

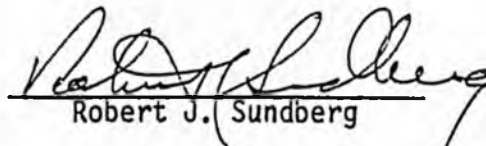
Under the present language in Alaska Statute 16.05.815(a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court Order. Providing ready access by the Division of Fish & Wildlife Protection to fish 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 SB 70 is critical to our agency's effective enforcement of Alaska's limited entry and commercial fishing laws.


Robert J. Sundberg

Department of Fish and Game
Testimony on House Bill No. 7
by
Ken Parker, Director
Division of Commercial Fisheries

Fish and Wildlife Protection Access to Fish Tickets

History

AS 16.05.815 was adopted by the Legislature and became law in 1970. This did not affect Fish and Wildlife Protection (F&WP) access to fish tickets for at that time they were part of the Department of Fish and Game. In 1972, F&WP was transferred to the Department of Public Safety. That move had the effect of prohibiting F&WP to have access to fish tickets, unless they obtained a court order. Attempts were made to allow them access, but were not successful until 1982 when they were allowed access for a two-year trial period. Access was not continued after July 1, 1984.

Use of Fish Tickets

Fish tickets are a legal document that is used by ADF&G to determine harvest data such as amount, species, time, location, and gear type. It is used by the fisherman to document his harvest and its sale, and by purchasers to document their purchase. Therefore, the information provided by fish tickets is very important from a biological standpoint for the proper management of our fisheries and as a document to record business transactions.

Fish tickets are completed by the fisherman and/or the purchaser and submitted to ADF&G. ADF&G then compiles the catch data from the tickets and uses that

information, along with other data such as escapement levels, to determine if fishing can continue or if it must be closed for conservation or allocation reasons. Therefore, it is very imperative that the tickets are submitted in a timely fashion and are complete and accurate. Poor reporting could result in an overharvest with resultant loss of harvest in future years, or an underharvest, which results in loss of income to the industry.

Fish tickets can also provide information on whether the fisherman has a valid CFEC permit and whether he is in fact the holder of the permit. Information on fish tickets is also used by regulatory agencies, such as the Board of Fisheries, to determine catch histories by user group that are in turn used as one basis for allocative decisions.

Fish Tickets and Law Enforcement

Commercial fishing is a very tightly controlled industry with many statutes and regulations that ensure the conservation of the resource and a fair distribution of the harvest. Fish tickets are a very important tool in the enforcement of those laws. Potential violations to those laws may become apparent when fish tickets are submitted to and reviewed by ADF&G. The tickets may be late, incorrect or incomplete data may be included, they may show fishing took place during a closed period or location, that the harvester did not have the proper license or used illegal gear, etc. The tickets can also be used as additional evidence for violations observed in the field.

When F&WP was a part of ADF&G, fish tickets that evidenced suspected violations were turned over to F&WP to investigate and cite if required. When

they no longer had access, except by court order, the ADF&G personnel had to ^{s low} stop in and take over this enforcement duty. These staff are professional full-time biologists involved in the management of the fishery and, therefore, have little extra time to spend on enforcement duties. This has resulted in a reduction of enforcement and a reduction in management efficiency, both of which reduce the state's ability to ensure conservation of the resource and fairness in the harvest distribution.

Under the present system, with access by F&WP restricted, ADF&G staff must play the role of the enforcement officer, e.g., "make the case." When evidence of a suspected violation is observed, the staff person must conduct the investigation, issue the citation, develop the case with the Department of Law, and appear in court. It is not possible to determine the time spent on these activities but, needless to say, it is probably significant. With F&WP having free access to fish tickets, this time could be spent on the management of the fisheries.

During the trial period, 1982 through 1984, ADF&G staff did keep some records of F&WP access to fish tickets. Those records have been compiled and are available through F&WP. At no time did our staff observe anyone from F&WP reviewing fish tickets to look for violations, a procedure that was of concern to some of the public. Rather, what occurs is that ADF&G staff will observe a suspect ticket and turn it over to F&WP for investigation, or F&WP will request to view specific tickets for evidence of violations that they are already investigating as a result of field observation or reports.

MEMORANDUM

State of Alaska

TO: Robert J. Sundberg
Commissioner
Dept. of Public Safety

FROM: Lt. Conrad Seibel *CJS*
"B" Detachment Commander
Fish & Wildlife Protection
Juneau

DATE: January 21, 1985

FILE NO:

TELEPHONE NO: 465-4313

SUBJECT: HB 7 - Fish Ticket Access

On January 18, 1985 I met with Ms. Janet Fra^{is} from Representative Adelheid Herrmann's office to discuss HB 7 pertaining to our Division's access to fish tickets and fish ticket information. During this meeting I offered to provide Representative Herrmann with some background history and some other important information that I believe is pertinent to this particular issue.

To give you an overview I have provided the following index:

- A. What is Fish Ticket?
- B. History
- C. Examples of Specific Cases Involving Fish Tickets
- D. Legislation Audit Report
- E. Confidentiality
- F. Summary

A. What is a Fish Ticket?

First of all, fish tickets are those records of delivery of fish caught for commercial purposes. Information on these tickets include the date the fish are landed, or sold; numbers or pounds of fish sold by species; name of the fisherman and his limited entry permit number, name of the buyer, ADF&G statistical area where the fish were caught, and may or may not include the price paid for the fish.

B. History

In 1972 the Protection Division was transferred from the Department of Fish & Game to the Department of Public Safety. Because the Protection Division had been a part of the Department of Fish & Game, restricting

State Memorandum
HB 7 - Fish Ticket Access
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Page 3

The Legislature enacted legislation that allowed access to fish tickets by Division personnel beginning in the summer of 1982 and extending for two years until July 1, 1984. Since July 1, 1984 the problems facing the Division of Fish & Wildlife Protection restricting it's access to the fish ticket information as experienced prior to the summer of 1982 have now, again, resurfaced.

C. Examples of Specific Cases Involving Fish Tickets

I believe that it is important, at this point, to cite examples of various investigations, where through the use of fish tickets, commercial fishing violators were apprehended.

1. The first case involves a 100 foot vessel Alaska Coast in June of 1983. A fish ticket and biological sample of the delivery allowed Fish & Wildlife Protection to compare crab weights from the F/V Alaska Coast with other deliveries and past survey data from the same ADF&G statistical area. Based on this comparative fish ticket information a search warrant was obtained and served. The vessel's logs confirmed that they were fishing more thanⁿ 350 miles inside the closed waters of the Bering Sea. The vessel was subsequently seized. This case involved receipt of \$197,000 by the defendants for delivery of brown king crab.

2. In the Dutch Harbor area from August 1982 to spring of 1984 Fish & Wildlife Protection initiated 132 cases involving fish tickets, resulting in judgements against 67 defendants and a net fine of \$67,850.
3. In the Bristol Bay case of State Vs. Monte Hughes (1983) access to the fish ticket information resulted in the defendant being charged with commercial fishing without a limited entry permit. This case resulted in a deferred prosecution with the following conditions:
 - a. Payment of \$25,000 plus interest to the State;
 - b. No commercial fishing as a skipper or crewman for three years;
 - c. Cooperation with State officials in the investigation of an additional offense by another person.
4. A fourth example pertains to a commercial fish buyer in Southeast. During the spring of 1984 Mr. Walter Rasmussen of Bar Harbor Seafoods was cited for several violations pertaining to his fish processing business in Ketchikan. He was cited for failing to imprint the fish tickets with the fisherman's limited entry permit number and other violations. He was fined a total of \$9,250 with \$4,950 suspended. Without having ready access to these fish tickets prosecution would have been difficult at best.

D. Legislative Audit Report

In 1981 a Legislative Audit report, concerning the Bristol Bay fisheries, stated that "the most efficient means of enforcing a limited fishery would be to allow Fish & Wildlife Protection access to fish tickets and fish ticket information".

E. Confidentiality

There is a concern by some individuals that the more people who review fish tickets increases the possibility of catch locations becoming public information. Fish & Wildlife Protection's responsibility for the confidentiality of the fish ticket information would be the same as ADF&G and Limited Entry.

As in any investigation by our Department's personnel, officer's that mis-used any information could be subject to reprimand, dismissal and/or possibly criminal charges being filed against them. Section 101.410 of the Department's Operating Procedures Manual states that "Employees shall not release information relative to any investigation or reports except in accordance with the written instructions of the Department of Public Safety relative to the confidentiality of certain records... No employees shall divulge information deemed as confidential to any unauthorized

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#B 7 - Fish Ticket Access
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person, whether obtained through the execution of departmental duties or other means."

Also an important fact to point out here is that compared to ADF&G, Limited Entry and Department of Revenue, Public Safety probably has the most stringent requirements for becoming a member of its Department by its use of employee background investigations and the use of the polygraph.

F. Summary

The Division of Fish & Wildlife Protection is the agency responsible for protection of the State's resources. This makes our agency an integral part of the overall management scheme. To restrict our access to fish ticket information severely hampers our efforts and ability to effectively enforce Alaska's statutes and regulations passed for the conservation and development of its fisheries resources.

CC: Col. Henderson

CS/lk

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

Vessel Name F/V Salmon Boat

DO NOT WRITE IN THIS SPACE
A85069007

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 F0000 0 8/12/85 Date Fishing Began

Company ADF&G CSS 8/13/85 Date Landed

Area Caught Point Retreat 111-50
 SHOW NEAREST BAY OR HEADLAND STAT. CHART NO.

SPECIES	CODE	NUMBER OF FISH	NO. OR 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				
WHITEFISH	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

REV 8/84 11-16 © FISH DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS AND STATE LABOR LAWS AND REGULATIONS



UNITED FISHERMEN OF ALASKA

219 Goward Street, Suite #10
Juneau, Alaska 99801-1188
1987 588-2820

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

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

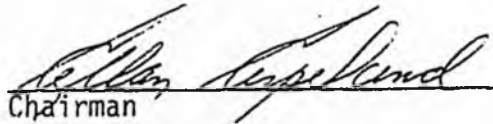
WHEREAS: The Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

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

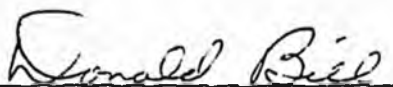
NOW THEREFORE BE IT RESOLVED, that the Naknek-Kvichak Fish and Game Advisory Committee requests that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets.

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

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 accessability 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

Offered: 2/8/85
Referred: Rules

Original sponsors: Herrmann, Binkley
and Wallis

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 7 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

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

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

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

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

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

28 (3) records or reports of the total value purchased by each
29 buyer to a municipality that [WHICH] levies and collects a tax on

1 fish, shellfish, or fishery products if the municipality
2 (A) requires records of the landings of fish, shell-
3 fish, or fishery products to be submitted to it for purposes of
4 verification of taxes payable; and
5 (B) maintains the confidentiality of reports and
6 records that [WHICH] it receives under this paragraph;
7 (4) such records and reports as necessary to be in confor-
8 mity with a court order; or
9 (5) on request, the report of a person to the person whose
10 fishing activity is the subject of the report.
11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

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.

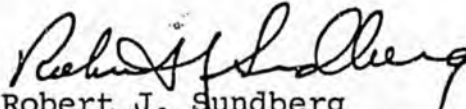
Our Division of Fish & Wildlife Protection utilizes the information from the fish tickets as evidence to substantiate that a violation of the State's limited entry laws, or other commercial fishing laws or regulations, did in fact take place.

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

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. Seibel 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.

TO: Senator Fred F. Zharoff
FROM: Karl Ohls
DATE: Feb. 5, 1985
RE: Points to raise at State Affairs Committee hearing on SB 70, "An Act relating to the release of confidential records and reports of the division of fish and wildlife protection".

BACKGROUND:

FISH TICKETS ARE RECORDS OF THE DELIVERY OF FISH CAUGHT FOR COMMERCIAL PURPOSES. THEY ARE A VITAL MANAGEMENT TOOL THAT ENABLES THE DEPARTMENT OF FISH AND GAME TO DETERMINE HOW MUCH OF ALASKA'S FISHERY RESOURCE IS BEING HARVESTED. THE INFORMATION LISTED ON THE TICKETS INCLUDES THE DATE THE FISH ARE LANDED, OR SOLD; NUMBERS OR POUNDS OF FISH SOLD BY SPECIES; NAME OF THE FISHERMAN AND HIS LIMITED ENTRY PERMIT NUMBER; NAME OF THE BUYER; AND DEPARTMENT OF FISH AND GAME STATISTICAL AREA WHERE THE FISH WERE CAUGHT. THEY MAY ALSO INCLUDE THE PRICE PAID FOR THE FISH.

THEY ARE KEPT CONFIDENTIAL SO THAT INFORMATION THAT MAY BE OF COMPETITIVE ADVANTAGE TO OTHER FISHERMEN -- THE CATCH LOCATIONS -- IS NOT DISCLOSED.

HISTORY:

WHEN THE DIVISION OF FISH AND WILDLIFE PROTECTION WAS A PART OF THE DEPARTMENT OF FISH AND GAME, ITS OFFICERS HAD READY ACCESS TO FISH TICKETS. THIS ENDED IN 1972 WHEN THE PROTECTION DIVISION WAS TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY. IN 1982, THE LEGISLATURE PASSED SENATE CS OR HB 668, WHICH GAVE FISH AND WILDLIFE PROTECTION ACCESS TO FISH TICKETS UNTIL JULY 1, 1984. THE TRIAL PERIOD WORKED OUT WELL ENOUGH THAT THE FISH TICKET ACCESS SHOULD NOW BE MADE PERMANENT.

MAIN POINTS:

THIS BILL WOULD ELIMINATE AN INCONSISTENCY IN THE STATUTES WHERE THE DEPARTMENT OF REVENUE AND THE COMMERCIAL FISHERIES ENTRY COMMISSION HAVE ACCESS TO FISH TICKETS FOR STATISTICAL AND ENFORCEMENT PURPOSES, YET THE DEPARTMENT OF PUBLIC SAFETY DOES NOT.

CURRENTLY, FISH AND WILDLIFE PROTECTION MUST OBTAIN A COURT ORDER BEFORE ITS OFFICERS CAN LOOK AT FISH TICKETS. THE BILL WOULD AIDE THE DIVISION IN ITS EFFORTS TO CHECK OUT AND CONFIRM POTENTIAL VIOLATIONS.

BRISTOL BAY, IN SENATE DISTRICT N, HAS ONE OF THE WORST ENFORCEMENT SITUATIONS IN THE STATE. IN THE NUMEROUS MEETINGS HELD ON THIS SUBJECT, THE ABILITY OF FISH AND WILDLIFE PROTECTION TO OBTAIN ACCESS TO FISH TICKETS HAS BEEN IDENTIFIED AS ONE OF THE THINGS THE LEGISLATURE CAN DO TO HELP SOLVE THIS PROBLEM.

THE DEPARTMENT OF PUBLIC SAFETY WILL BE BOUND BY THE STRICT CONFIDENTIALITY PROVISIONS REGARDING FISH TICKETS.

THE BILL IS SUPPORTED BY THE ADMINISTRATION, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF FISH AND GAME, THE UNITED FISHERMEN OF ALASKA, THE BERING SEA FISHERMEN'S ASSOCIATION, AND THE NAKNEK-KVICHAK FISH AND GAME ADVISORY COMMITTEE.

THE BILL HAS A ZERO FISCAL NOTE.

AMENDMENT:

THE HOUSE RESOURCES ADOPTED AN AMENDMENT (COPY ATTACHED) THAT ESTABLISHES AN IMMEDIATE EFFECTIVE DATE. THE CONCERN HERE IS THAT WE MAY BE WELL INTO THE SUMMER IF THE BILL MUST SIT FOR NINETY DAYS BEFORE IT CAN BECOME LAW. THIS WOULD HAMPER ENFORCEMENT EFFORTS IN THE COMING SEASON.

2/14

LT. CONRAD Sie!al
of F+W Protection
will be here to
testify on SB 70