

S B

70

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: NRMEC  
 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      |
|------------------------|------------|------------|------------|------------|------------|------------|
| <b>OPERATING</b>       |            |            |            |            |            |            |
| 100 PERSONAL SERVICES  |            |            |            |            |            |            |
| 200 TRAVEL             |            |            |            |            |            |            |
| 300 CONTRACTUAL        |            |            |            |            |            |            |
| 400 SUPPLIES           |            |            |            |            |            |            |
| 500 EQUIPMENT          |            |            |            |            |            |            |
| 600 LAND & STRUCTURES  |            |            |            |            |            |            |
| 700 GRANTS, CLAIMS     |            |            |            |            |            |            |
| 900 MISCELLANEOUS      |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|               |            |            |            |            |            |            |
|---------------|------------|------------|------------|------------|------------|------------|
| GENERAL FUND  | -0-        | -0-        | -0-        | -0-        | -0-        | -0-        |
| FEDERAL FUNDS |            |            |            |            |            |            |
| OTHER         |            |            |            |            |            |            |
| <b>TOTAL</b>  | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

**RECEIVED**  
FEB 4 1985

Prepared By: Marcia Lynn McKenzie Phone: 465-4349  
 Division: Administrative Services Date: 1/30/85

Approved by Commissioner: Robert J. Sundberg Date: 1-30-85  
 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

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."

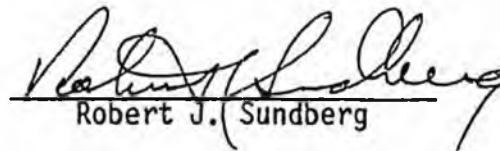
Under the present language in Alaska Statute 16.05.815(a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court Order. Providing ready access by the Division of Fish & Wildlife Protection to fish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

SB 70

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.



# UNITED FISHERMEN OF ALASKA

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319 Geward Street, Suite #10  
Juneau Alaska 99801-1188  
1957, 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.

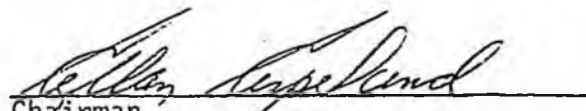
THE NAKNEK-KVICHAK FISH AND GAME ADVISORY COMMITTEE RESOLVES:

- 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

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

### OFFICE OF THE COMMISSIONER

May 18, 1984

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

RE: CS for Sponsor  
Substitute for  
House Bill 404

Dear Senator Fahrenkamp:

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

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

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

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

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

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   | C83-61 521  |
| 11784       | 542         |
| 12885       | 563         |
| 12887       | 588         |
| 12890       | 606         |
| 12897       | 608         |
| 13191       | 621         |
| 13207       |             |
| 13761       |             |
| 13764       |             |
| 13766       |             |
| 13783       |             |
| 13789       |             |
| 13790       |             |

Exact charges unknown  
Almost all cases had charges filed

B DETACHMENT

Juneau

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

Haines - None

Hoonah

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

Wrangell Post - Information not available

Petersberg Post - Information not available

Yakutat

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

Ketchikan

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

Craig

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

Sitka

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

Ketchikan

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

I DETACHMENT - NORTHERN AREA

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

No Processors involved in violations

# MEMORANDUM

# State of Alaska

JAN 21 1985

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

DATE: January 21, 1985

FILE NO:

TELEPHONE NO: 465-4313

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

SUBJECT: HB 7 - Fish Ticket Access

On January 18, 1985 I met with Ms. Janet Freis 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

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January 21, 1985  
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access to members of that Department still allowed exchange of these tickets; where it appeared a violation had occurred, between Fish & 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 the 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 & 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 & 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.

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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 that 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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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

xc: Sandra Borbridge, Special Assistant  
Ray Gillespie, Legislative Assistant

GD - 1/26/85

SERIES " J " FISH TICKET SAMPLE

PLACE WRAPAROUND COVER UNDER GOLDENROD COPY

DISTRIBUTION: WHITE - PURCHASER

YELLOW - FISH & GAME

PINK - SELLER

GOLDENROD - PURCHASER

PURCHASER

**ALASKA DEPARTMENT OF FISH & GAME**  
FISH BUYING TICKET

DO NOT WRITE IN THIS SPACE

**J85196511**

Vessel name F/V Salmon Troller

CHECK TYPE OF GEAR ONLY IF USED HEARING GILL NET

DRIFT NET

SET NET

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

ADF&G NO. 00000

TIME GEAR OPERATED  
IN HOURS 12

Proc. Code F0000 0

6/23/85 ← Date Fishing Began

Company ADF&G CSS

6/24/85 ← Date Landed

AREA CAUGHT Hawk Inlet  
↑ SHOW NEAREST BAY OR HEADLAND ↑

112-16  
↑ STAT. CHART NO. ↑

| SPECIES                         | CODE | FISH | POUNDS | PRICE | AMOUNT | SPECIES                          | CODE | FISH | POUNDS | PRICE | AMOUNT |
|---------------------------------|------|------|--------|-------|--------|----------------------------------|------|------|--------|-------|--------|
| HALIBUT<br>1C - 20 lbs.         | 202  |      |        |       |        | SALMON<br>Lg. Red Kings          | 410  |      |        |       |        |
| 2C - 40 lbs.                    | 202  |      |        |       |        | Med. Red Kings                   | 410  | 10   | 100    | 1.60  | 160.00 |
| 4C - 80 lbs.                    | 202  |      |        |       |        | Sml. Red Kings                   | 410  |      |        |       |        |
| Total Medium                    | 202  |      |        |       |        | Jacks                            | 410  |      |        |       |        |
|                                 |      |      |        |       |        | Lg. White Kings                  | 410  |      |        |       |        |
| 6C - 80 lbs.                    | 203  |      |        |       |        | Sml. White Kings                 | 410  | 5    | 30     | 1.20  | 36.00  |
| 8C - 100 lbs.                   | 203  |      |        |       |        | TOTAL KINGS                      | 410  |      |        |       |        |
| 100 - 150 lbs.                  | 203  |      |        |       |        |                                  |      |      |        |       |        |
| Over 150 lbs.                   | 203  |      |        |       |        | REDS (SOCKEYE)                   | 420  |      |        |       |        |
| Total Large                     | 203  |      |        |       |        |                                  |      |      |        |       |        |
|                                 |      |      |        |       |        | Lg. Cohos                        | 430  |      |        |       |        |
| Nc. 2 1/2 Med.                  | 204  |      |        |       |        | Med. Cohos                       | 430  |      |        |       |        |
| Nc. 2 1/2 Lg.                   | 204  |      |        |       |        | Sml. Cohos                       | 430  |      |        |       |        |
|                                 |      |      |        |       |        | TOTAL COHOS                      | 430  |      |        |       |        |
| TOTAL (EXCL. HEAD - BURNS)      | 200  |      |        |       |        |                                  |      |      |        |       |        |
|                                 |      |      |        |       |        | PINKS                            | 440  |      |        |       |        |
| HERRING<br>Herring Eggs on Kelp | 231  |      |        |       |        |                                  |      |      |        |       |        |
| Herring Roe Skins               | 232  |      |        |       |        |                                  |      |      |        |       |        |
| Herring Bail                    | 233  |      |        |       |        | BRIGHT CHUMS                     | 450  | 2    | 20     | .35   | 7.00   |
| Herring Food                    | 235  |      |        |       |        |                                  |      |      |        |       |        |
| Herring Sac Roe                 | 234  |      |        |       |        | DARK CHUMS                       | 450  |      |        |       |        |
| % Roe Content =                 |      |      |        |       |        |                                  |      |      |        |       |        |
| MISCELLANEOUS<br>Capelin        | 516  |      |        |       |        | TOTAL CHUMS                      | 450  |      |        |       |        |
| Steelhead                       | 540  |      |        |       |        | SALMON ROE                       | 400  |      | 10     | 5.00  | 50.00  |
|                                 |      |      |        |       |        | Sub-Total                        |      | 17   | 160    |       | 253.00 |
|                                 |      |      |        |       |        | Less Salmon Enhancement Tax @ 3% |      |      |        |       | - 7.59 |
|                                 |      |      |        |       |        | TOTAL                            |      | 17   | 160    |       | 245.41 |

SAMPLE

Fisherman's Signature \* Capt. John Doe

Fish Received by Mr. Salmon Buyer

FISH DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS AND STATE LABOR LAWS AND REGULATIONS

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714



Senator Mitch Abood  
CHAIRMAN

## Senate Committee on State Affairs

Butrovich Room #205, Capitol  
8:30 a.m.

Tues/Wed/Thurs  
465-4522

February 5, Tuesday

SB 81 Definition of veteran for purposes  
of veterans employment preference  
rights

Campaign Reform, Committee Work Session

February 6, Wednesday

SB 100 Prohibiting salaries for certain  
employees from exceeding the Gov-  
ernor's salary; efd

SB 70 Release of confidential records and  
reports of the Div. of Fish and  
Wildlife Protection

SB 58 Participation by magistrates in the  
Judicial Retirement System

February 7, Thursday

(STATEWIDE TELECONFERENCE)

SB 71 Open containers of alcoholic beverages

SB 73 Identification of persons arrested when  
driving while intoxicated

SB 74 Driving while intoxicated

SB 75 Suspension of the privilege to obtain a  
driver's license

SB 76 Rights of prisoners; and amending Rule 5(b)  
of the Alaska Rules Criminal Procedure

COMMITTEE REPORT  
SENATE

X

FURTHER: Resources  
FINANCE

1/22/85

Date 2-6-85

Mr. President

The Committee on STATE AFFAIRS considered SB 70

release of confidential records and reports of the division of fish and wildlife protection.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SA 70 (SA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
ZERO
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

V. Fischer

Bill Ray

W. DeG

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\_\_\_\_\_

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Chairman

Chairman recommendation