

S B

76

HOUSE COMMITTEE REPORT

3) Date Referred: March 17, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 3-29-89

Re RESOURCES Committee considered:

CSSB 76(RES)

FOR SENATE BILL NO. 76 (Resources)

[RELEASE OF F & G CONFIDENTIAL RECORDS]

in Act relating to confidentiality of certain fishery reports and records."

RECOMMENDATIONS:

be replaced with HCS CSSB 76 (RES)

the same title
 a new title

have attached amendment(s)

do pass

do not pass

no recommendation

individual recommendations

additional referral to the _____ Committee

ADDITIONAL COMMENTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

zero with analysis _____

zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Cliff Davidson
Sam Merritt
Mike Devo
Bert Sharp
Richard Sobey
Mike Stargano
George Jones Jr.

	Do Not Pass	No Rec	Amend

Cliff Davidson

Chairman's signature

A M E N D M E N T

OFFERED IN THE HOUSE

TC: CSSB 76(Resources)

Page 1, lines 17 - 19:

Delete "court or a person who receives records and reports under (4) of this subsection or a person under (5)"

Insert "recipient under (4) - (6)"

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to confidentiality of certain fishery reports and records

Agency Affected: Fish and Game
BRU: Commercial Fisheries

Sponsor: Senator Eliason
Requestor: _____

Components: Commercial Fisheries
Special Projects

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert C. Clasby Phone: 465-4210
Division: _____ Date: _____

Approved by Commissioner: _____ Date: _____
Agency: _____

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

ALASKA STATE LEGISLATURE · SENATE

SENATOR RICHARD I. ELIASON

LABOR & COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
RULES COMMITTEE
SPECIAL COMMITTEE ON HIGH SEAS
SALMON INTERCEPTION
SELECT COMMITTEE ON
LEGISLATIVE ETHICS



P O BOX 143
SITKA, ALASKA 99835

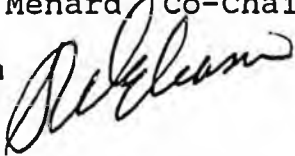
P O BOX V
JUNEAU, ALASKA 99811
(907) 465-4916

FAX (907) 465-4928

RECEIVED MAR 20 1989

M E M O R A N D U M

TO: Representative Cliff Davidson, Co-Chairman
Representative Curt Menard, Co-Chairman

FROM: Senator Dick Eliason 

DATE: March 16, 1989

RE: CSSB 76(Res), relating to confidentiality of
certain fishery reports and records

The Committee Substitute for Senate Bill 76(Resources), relating to confidentiality of certain fishery reports and records, has been referred to the House Resources Committee for consideration.

I introduced this measure at the request of the Dept. of Fish and Game. It is designed to correct the situation that has evolved under the state's current statute regarding the confidentiality of fish tickets and summary information, and I believe it strikes a good balance between protecting the privacy of fishermen, and protecting the livelihood of fishermen by allowing the sharing of information helpful in fisheries management.

I encourage you to review the measure, and hope that you will soon schedule it for a hearing before the full Resources Committee. Please contact my office if you or your staff require additional information on the bill. Thank you for your consideration.

Reasons for Amending the Fisheries Confidentiality Statute

AS 16.05.815

Purpose: Amend current confidentiality restrictions to allow the state to share detailed fish ticket and observer data for the halibut and groundfish fisheries with those international and federal agencies that have primarily management responsibility for those fisheries.

1. The Department of Law recently said that our historical practice of providing fish tickets for halibut landings to the halibut commission (IPHC) as the department is probably illegal under the above statute.

Strict interpretation of the statute will make it impossible for the state to provide accurate halibut harvest information to IPHC. This will lead to either overharvest of the resource or more conservative management; both of which will mean a loss of revenue to the industry and to the state.

2. Prevent duplication of catch records and inappropriate fisheries closures by the NMFS.

The state (DF&G) collects groundfish harvest information for state and federal waters using fish tickets (FT's), while the federal government (NMFS) obtains their harvest information via in-season weekly reports (via FAX or radio) from groundfish catcher/processors. DF&G, via contract, supplies NMFS with information on catches in federal waters, however, that information is masked, as required by AS 16.05.815, so as not to reveal the vessel or vessel operator. Without being able to identify and match individual vessels or operators on FT's, NMFS cannot reconcile their reports with the state's. This can lead to inaccurate determination of the total catch.

3. Estimate discard of crab, halibut, herring, etc. and target species. These data are currently unavailable for most U.S. groundfish fisheries.

Substantial discard of crab, halibut, salmon, undersized, and non-target species can occur in groundfish fisheries. This discard can only be estimated by 1) matching observer and fish ticket records for the specific observed trips, 2) calculating discard proportion by species based on observer data, and 3) appropriately applying the discard proportions to the total landed catch of a given fishery. Both agencies have detailed observer and catch information. That information is not useful, because each agency needs to know the vessel that generated the data. Once that is known, each agency can create the data base required to perform the analysis that will tell the managers what effects bycatch is having on the target resource, as well as on resources harvested in other fisheries.

4. Permit continued and possibly expanded federally funded state programs for data collection (PT's and marine mammal observers).

To be a viable contractor for these services, the state must be able to provide NMFS with complete data sets, not summaries. Advantage: Data provides the state influence in the federal management process.

5. Provide mutual access to fisheries data.

Recent meetings with the NMFS demonstrate a willingness on the part of the feds to make their administratively confidential data (e.g., observer) available to ADF&G. This assumes the state is willing to change its confidentiality restrictions. Advantages: 1) promotes governmental efficiency, 2) promotes better quality analyses because complete data sets are available, and 3) allows the state to perform independent analyses to protect state interests, e.g., analysis of incidental king crab and herring catches in the Bering Sea.

6. The administration should support the change because it is administratively and management oriented.

This request involves interagency cooperation and agency effectiveness.

7. Public support exists for the change.

Enclosed is a resolution from the Southwest Alaska Municipal Conference urging the removal of all barriers to fisheries data sharing. Senator Eliason has stated to Jim Brooks, NMFS Alaska Region Deputy Director, that he would not object to this change for groundfish, although he previously blocked similar legislation which included salmon. Ken Parker has discussed the proposed change with Rick Lauber (Pacific Seafood Processors Assoc.), Kate Graham (UFA), and Chris Blackburn (Groundfish Data Bank). They were not initially opposed, but need to talk to their membership about the proposal.

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO: Don W. Collinsworth
Commissioner
Department of Fish and Game

DATE: August 22, 1980

FILE NO.:

TELEPHONE NO.: 465-4210

FROM: Ken Parker
Director
Commercial Fisheries Division

SUBJECT: Proposed Statutory
Amendment:
Confidentiality
of Fisheries Records

The Commercial Fisheries Division recommends that the Governor introduce legislation to amend AS 16.05.815, regarding confidentiality of fisheries records and reports, to address several long-standing problems encountered by this division in its interactions with federal agencies over jointly managed fisheries. These problems are:

1. Although we have, since 1971, routinely transmitted the fish tickets we receive for halibut landings to the International North Pacific Halibut Commission (IPHC), we have had no statutory authority to do so. Previous actions have been based on the fact that we have no management authority over that fishery and that the IPHC is the internationally recognized manager. Since the IPHC provides us with complete, verified data files in return for our assistance, cessation of this practice will result in an immediate loss of information to the state.
2. Many groundfish species are highly mobile and are widely distributed across state and federal marine boundaries. They are best managed as a unit throughout their range. Coordinated management is hampered by the restriction in AS 16.05.815 (a)(1) which requires that all information from state waters released to the National Marine Fisheries Service (NMFS) be stripped of vessel and fisherman identifiers. This information is required by the NMFS to ensure against duplicate records and to relate harvests to information collected in their own observer program. While NMFS has the legal authority to require a separate report of this information from U.S. citizens operating in state waters, coordinated management is best served if both agencies are able to use the same information to manage this common resource.
3. The Legislature recently enacted legislation which authorizes a state onboard observer program. Meanwhile, emphasis in the federal observer program has shifted to the emerging domestic fleet. Although the information collected by observers is not directly required in regulation, the Attorney General's office has advised us that this information is probably subject to the confidentiality statutes. The needs for joint access to this information

are similar to those described in #2. To be truly effective, the limited resources of both agencies must be pooled to give a complete picture of groundfish harvests.

These confidentiality problems are not all one-sided, as the federal government has confidentiality regulations of its own. Since the state is the federal government's contracted agent to compile groundfish tickets, however, we already have access to all fish tickets from federal waters. The federal government has also committed to administrative resolution of confidentiality issues regarding its observer data. The remaining barriers to access relate to state statutes.

The amendments we recommend are as follows:

1. Add a section AS 16.05.815 (a)(7) which would permit release of fish tickets and fish ticket information on halibut landings to the International North Pacific Halibut Commission.
2. Repeal the last sentence in AS 16.05.815 (a)(1) which requires that all information released to the NMFS be stripped of vessel and fisherman identifiers.

Implementation of these changes should have no fiscal impact on the department. I am not aware of a similar bill which has been drafted or introduced and not passed. No other departments should be impacted by this proposal.

Although no private organizations have addressed this issue in any fashion, support should be solicited from the United Fishermen of Alaska, the Alaska Groundfish Data Bank, or other fishermen's organizations. Support from these organizations may, however, be divided. Similarly, processors or legislators with substantial fisheries constituencies may also be opposed if they are not convinced of the need to share detailed information.

The precedents for access to this information by other agencies, including the NMFS, already exist in AS 16.05.815. We have been informed that similar provisions enabling free access by state and federal agencies to fisheries information already exist in Texas, Louisiana, Georgia, South Carolina, North Carolina, Puerto Rico, and the Virgin Islands, among others.

cc: Bruce Twomley

STATE OF ALABAMA
 DEPARTMENT OF CONSUMER AFFAIRS
 DIVISION OF WEIGHTS AND MEASURES

0000000000
 0000000000

DATE OF DELIVERY
 11/11/85
 TIME OF DELIVERY
 10:00 AM
 PLACE OF DELIVERY
 MOBILE, ALABAMA

00000

PRINTED BY SCORPUS

NO. OF CRABS
 100
 WEIGHT
 100 LBS
 VALUE
 \$100.00

DESCRIPTION	QUANTITY	WEIGHT	VALUE	UNIT PRICE
RED KING CRAB	910			
BLUE KING CRAB	922			
BROWN KING CRAB	923			
GAIRD TANNER CRAB	931			
OPLO TANNER CRAB	932			
DEADLOSS				

Cash Advance \$100.00 Fish Received by Mr. Crab Buyer
 FISH DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS AND STATE LABOR LAWS AND REGULATIONS.
 Fisherman's Signature * Captain John Doe Fisherman or Captain making delivery

ALASKA DEPARTMENT OF FISH & GAME
FISH BUYING TICKET

017052

ORDER PREPARED BY: CONTRACT CASH

12

2000

PORT NAME: PORT MANNING
 VESSEL NAME: ALASKA RESOURCE COAST
 VESSEL NUMBER: 000000000
 BUYER NUMBER: 0

DATE CAUGHT: 11/20/86
 DATE RECEIVED: 11/20/86

AREA CAUGHT: HANKS INLET
 (SHOW NEAREST BAY OR HEADLAND)

112-16
 TOWNSHIP CHART NO. 1

20 - 10 lbs	202	JAL. 10W Lg. Med Kings	410	1	29	4.00	116.00
20 - 10 lbs	202						
20 - 10 lbs	202	Med. Red Kings	410	1	12	3.75	45.00
Total Medium	202						
		Sml. Red Kings	410				
20 - 10 lbs	203						
20 - 100 lbs	203	Lg. White Kings	410	1	21	3.25	68.25
100 - 150 lbs	203						
Over 150 lbs	203	Sml. White Kings	410				
Total Large	203	TOTAL KINGS	410	19	429		
No. 2's Med.	204	FEDS (SOCKEYE)	420	1	4	3.00	12.00
No. 2's Lg.	204						
		Lg. Cohos	430	5	46	2.75	126.50
TOTAL (LESS HEAD - BLANK)	200						
		Med. Cohos	430	3	24	2.50	60.00
MISCELLANEOUS							
Lg. Sablefish	710						
Sml. Sablefish	710	Sml. Cohos	430	1	5	2.25	11.25
Total Sablefish	710	TOTAL COHOS	430	9	75		
Lingcod	130						
Rockfish/Red Snapper	140	PINKS	440	8	26	0.75	19.50
Steelhead	540						
		BRIGHT CHUMS	450	2	18	2.00	36.00
HERRING		DARK CHUMS	450	1	9	1.25	11.25
Herring Eggs on Keel	231	TOTAL CHUMS	450	3	27		
Herring Roe Steins	232						
Herring Bail Food	233	SALMON ROE	400		10	.75	7.50
		Sub-Total					\$1981.25
Herring Sac Roe	234	Less Salmon Enhancement Tax = (1981.25 x 0.03) =					59.44
% Roe Content =		TOTAL		71	1102		\$1921.81

Fisherman's Signature * Captain John Doe
 IF DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS
 AND STATE LABOR LAWS AND REGULATIONS

Fish Received by Mr. Solomon Bayes

PURCHASER

ALASKA DEPARTMENT OF FISH & GAME
 GROUND FISH TICKET

DO NOT WRITE IN THIS SPACE

G88 026002

Vessel Name FV GROUND FISH BOAT

Fishery Resource Code
 Name PERMITHOLDER NAME
 Permit Number PERMIT NUMBER ADF&G
8801A SSN NUMBER 0

ADF&G NO. 00000

DELIVERY CONDITION CODES
 ENTER FOR EACH SPECIES IN COLUMNS 4 & 11 BELOW

- 1 = WHOLE FOODFISH
- 2 = WHOLE BAIT
- 3 = BLED
- 4 = GUTTED ONLY
- 5 = GUTTED AND HEADED
- 6 = SALTED AND SPLIT
- 7 = WESTERN CUT
- 8 = EASTERN CUT
- 9 = FILLETS
- 10 = LANDED DISCARD

Proc. Code 0000 0 88 Date Caught 7/18/88
 Company ENRICO INC. Date Landed 7 22 88

PORT OF LANDING
DUTCH HARBOR

PRINT TYPE OF GEAR USED
LONGLINE

Species	Code	Weight	Condition	Price	Total
SABLEFISH	710		PACIFIC OCEAN PERCH	141	
			BLACK ROCKFISH	142	
			IDIOT ROCKFISH	143	
			RED SNAPPER - YELLOWEYE	145	5 500 0.50 2.50.00
			CANARY ROCKFISH	146	
FLATHEAD SOLE	122		QUILLBACK ROCKFISH	147	
ROCK SOLE	123		CHINA ROCKFISH	149	
DOVER SOLE	124		ROSETHORN ROCKFISH	150	
REX SOLE	125		DUSKY ROCKFISH	151	
YELLOWFIN SOLE	127		RED ROCKFISH - UNSPECIFIED	140	
STARRY FLOUNDER	129		ROCKFISH - UNSPECIFIED	123	
ALASKA HALIBUT	132		SHOGUN	150	
FLORIDA HALIBUT	130		ROCKFISH	100	
RED GOLD					

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Confidentiality of certain fishery reports and records
 Sponsor: Fish and Game
 Requestor: Senate Rules

Agency Affected: Fish and Game
 BRU: Commercial Fisheries
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bob Clashy Phone: 465-4210
 Division: Commercial Fisheries Date: 3/13/89

Approved by Commissioner: Donnell Callenworth Date: 3.14.89
 Agency: Fish and Game

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