

S B

76

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 3/2/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 3/8/89

1/9/89

Mr. President:

RESOURCES

Committee considered SB 76

confidentiality of certain fishery reports and records

and recommended:

replace with CS SB 76 (Res) same title
 new title

attached amendment(s) and

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rick Halford
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

Committee backup attached

Original sponsors: Eliason, Zharoff,
Kelly, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 76 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to confidentiality of certain fish-
7 ery reports and records."

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

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

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

16 (1) any of its records and reports to the National Marine
17 Fisheries Service and the professional staff of the North Pacific
18 Fishery Management Council as required for preparation and
19 implementation of the fishery management plans of the North Pacific
20 Fishery Management Council within the exclusive economic [FISHERY
21 CONSERVATION] zone; [HOWEVER, INFORMATION RELEASED TO THE NATIONAL
22 MARINE FISHERIES SERVICE UNDER THIS PARAGRAPH MAY NOT DISCLOSE THE
23 IDENTITY OF INDIVIDUAL FISHERMEN OR THEIR VESSELS;]

24 (2) any of its records and reports to the Department of
25 Revenue and to the Alaska Commercial Fisheries Entry Commission to
26 assist them in carrying out their statutory responsibilities;

27 (3) records or reports of the total value purchased by each
28 buyer to a municipality that levies and collects a tax on fish, shell-
29 fish, or fishery products if the municipality

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

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

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

8 (5) on request, the report of a person to the person whose
9 fishing activity is the subject of the report; [AND]

10 (6) fish tickets and fish ticket information to the divi-
11 sion of fish and wildlife protection, Department of Public Safety; and

12 (7) fish tickets and fish ticket information regarding
13 halibut to the International Pacific Halibut Commission.

6-0417H
Utermohle
3/7/89

Original sponsors: Eliason, Zharoff,
Kelly, et al.

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BY THE RESOURCES COMMITTEE

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11 required by regulations of the department concerning the landings of
12 fish, shellfish, or fishery products, and annual statistical reports
13 of buyers and processors required by regulation of the department are
14 confidential and may not be released by the department except as set
15 out in this subsection. The department may release the records and
16 reports set out in this subsection to the recipients identified in
17 this subsection if the recipient, other than a court or a person who
18 receives records and reports under (4) of this subsection or a person
19 under (5) of this subsection, agrees to maintain the confidentiality
20 of the records and reports. The [THAT THE] department may release

21 (1) any of its records and reports to the National Marine
22 Fisheries Service and the professional staff of the North Pacific
23 Fishery Management Council as required for preparation and implementa-
24 tion of the fishery management plans of the North Pacific Fishery
25 Management Council within the exclusive economic [FISHERY CONSERVA-
26 TION] zone; [HOWEVER, INFORMATION RELEASED TO THE NATIONAL MARINE
27 FISHERIES SERVICE UNDER THIS PARAGRAPH MAY NOT DISCLOSE THE IDENTITY
28 OF INDIVIDUAL FISHERMEN OR THEIR VESSELS;]

29 (2) any of its records and reports to the Department of

1 Revenue and to the Alaska Commercial Fisheries Entry Commission to
2 assist them in carrying out their statutory responsibilities;

3 (3) records or reports of the total value purchased by each
4 buyer to a municipality that levies and collects a tax on fish, shell-
5 fish, or fishery products if the municipality

6 [(A)] requires records of the landings of fish, shell-
7 fish, or fishery products to be submitted to it for purposes of
8 verification of taxes payable; [AND

9 (B) MAINTAINS THE CONFIDENTIALITY OF REPORTS AND
10 RECORDS THAT IT RECEIVES UNDER THIS PARAGRAPH;]

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

13 (5) on request, the report of a person to the person whose
14 fishing activity is the subject of the report; [AND]

15 (6) fish tickets and fish ticket information to the divi-
16 sion of fish and wildlife protection, Department of Public Safety; and

17 (7) fish tickets and fish ticket information regarding
18 halibut to the International Pacific Halibut Commission.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER SB 76	SPONSOR Senator Eliason
SHORT TITLE OF BILL An act relating to confidentiality of certain fishery reports and records.			
DEPARTMENT POSITION Support			
PREPARED BY Robert C. Clasby	DATE 1-19-89	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL National Marine Fisheries Service	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial groundfish fishermen
ORGANIZATIONAL SUPPORT FOR BILL National Marine Fisheries Service S.W. Municipal Conference Alaska Municipal League	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The department collects essential catch data using landing receipts (fish tickets) for both state and federally managed fisheries, i.e., halibut and groundfish in the EEZ. AS 16.05.815 prohibits the state from identifying individual fishermen when providing catch data to federal managers. The Department of Law's opinion is that this restriction applies to the present system of providing the halibut commission with unedited tickets. The restriction also precludes the National Marine Fisheries Service (NMFS) and the department from accurately estimating discarded crab, salmon, and halibut in the groundfish fishery.

ANALYSIS OF BILL/PROGRAM EFFECTS

The amendment will permit the state to provide complete catch records to the (NMFS) for fisheries managed under federal management plans and to the International Pacific Halibut Commission (IPHC). The IPHC will have legal access to accurate catch data as provided through ADF&G fish tickets. The ADF&G and NMFS will be able to compare groundfish fishery observer and fish ticket data on a trip by trip basis. These comparisons can then be used to make accurate estimates of target and prohibited species which are discarded by fishing vessels at sea.

The ability to provide these previously confidential data to NMFS also provides the state a greater opportunity to actively participate as a contractor in federally funded fishery monitoring programs, e.g., observers.

Current federal law will protect the confidentiality of the information the NMFS receives from the state.

AMENDMENTS PROPOSED

None

FISCAL NOTE

REQUEST:

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

Agency Affected: Fish and Game
 BRU: Commercial Fisheries
 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)

FISCAL NOTE

REQUEST:

Revision Date: 03/15/89
Title: "An Act relating to confidentiality..."
Sponsor: Eliason, Zharoff, Kelly,
Requestor: Senate Resouces

Agency Affected: Fish and Game
BRU: _____
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						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Beverly Reaume Phone: 465-4120
Division: Administration Date: 03/15/89
Approved by Commissioner: David S. Wilbur Date: 3/16/89
Agency: Fish and Game

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER CS SB 76	SPONSOR Eliason
SHORT TITLE OF BILL Confidentiality of certain fishery reports and records			
DEPARTMENT POSITION Support			
PREPARED BY Bob Clasby	DATE 3/13/89	COMMISSIONER'S SIGNATURE <i>W. A. Williams</i>	DATE 3.14.89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Public Safety Revenue	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial Fishermen
ORGANIZATIONAL SUPPORT FOR BILL National Marine Fisheries Service S.W. Municipal Conference Alaska Municipal League	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

ANALYSIS OF BILL/PROGRAM EFFECTS

The committee substitute by Senate Resources adds language to the original bill that ensures that the confidentiality provision of AS 16.05.815 are maintained when confidential information is released to qualified agencies. The department supports this amendment as we believe that it will assist in maintaining the fishing industry's trust in our ability to maintain the confidentiality of the detailed information they provide us. That information is essential for management of the state's fisheries.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Confidentiality of certain
fishery reports and records
 Sponsor: Elison
 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 Clabv
 Division: Commercial Fisheries
 Approved by Commissioner: Annelle Callenworth
 Agency: Fish and Game

Phone: 465-4210
 Date: 3/13/89
 Date: 3-14-89

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



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

JAN 30 1989

MEMORANDUM

TO: Sen. Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Sen. Dick Eliason

DATE: Jan. 27, 1989

RE: SB 76, Relating to confidentiality of certain fishery reports and records.

I would like to request that SB 76 be scheduled for a hearing in the Resources committee. It is a straight-forward measure which simply clears the way for some desirable exchange of information between several state and federal fisheries management entities.

I am enclosing a bill analysis and a zero fiscal note which have been prepared for SB 76 by the Department of Fish and Game.

If you need further information about the bill, please contact my office. Thank you for your consideration.

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kertula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Hafford
Senator Arliss Sturgulewski
Senator Fred Zharoff



P.O. Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

TO: SENATE RESOURCES COMMITTEE

FROM: COMMITTEE STAFF *[Signature]*

DATE: MARCH 6, 1989

RE: COMMITTEE MEETING MONDAY, MARCH 6, 1989

On Monday, March 6, we will be hearing SB 76, Relating to confidentiality of certain fishery reports and records. SB 76 would allow federal managers access to fish tickets for enhanced fisheries management. Current law allows statistical information to be passed on to the National Marine Fisheries Service. It is believed that this precludes NMFS and ADFG from accurately estimating overall and incidental catch of species. This bill would allow for timely distribution of fish ticket information to the agencies managing the fisheries. The Committee Substitute adds language which directs that fishery records (fish tickets) be released to the professional staff of the North Pacific Management Council.

SB 96, relating to vendors for fish and game licenses. EO 73 transfers the responsibility for hunting and fishing license sales from the Department of Revenue to the Department of Fish and Game. SB 96, transfers the the administrative responsibility to the Department of Fish and Game. It clarifies the compensation paid to vendors and enables the department to effectively collect the amounts due from those selling licenses, including setting forth the time frame in which such remittances are due to the state and penalties which the department may exact to ensure compliance. That penalty is set at one and one-half percent of the amount of proceeds due, and is collected by withholding that amount from the agent's compensation.

SJR 31, relating to the bycatch of halibut by domestic fisheries and an on-board observer program. This resolution would request the U.S. Secretary of Commerce and the North Pacific Fishery Management Council to implement a comprehensive program to place on-board observers on all vessels participating in a nonhalibut fishery where a halibut bycatch occurs.

Page two

March 6, 1989

Memorandum to Senate Resources Committee

SB 198, relating to sport fishery regulations. SB 198 would allow ADFG the flexibility to modify the limits or method and means for sport fishing. If, for example, the levels of stocks are reduced in a stream, ADFG can close the stream to fishing by emergency regulation. This measure would allow ADFG to reduce the bag limit or to change the method of fishing to a less efficient method. If stocks levels are increased, the department could increase the bag limit. It would allow for increased flexibility for sport fisheries. The Alaska Sportfishing Association strongly supports the bill.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

DIRECTOR
DONALD A. MC CAUGHY

P.O. BOX 85009
SEATTLE, WA 98145-2009

TELEPHONE
(206) 634-1838

FAX:
(206) 632-2983

February 22, 1989

Honorable Robert A. Mosbacher
Secretary of Commerce
U.S. Department of Commerce
Washington, D.C. 20230

Dear Sir:

The International Pacific Halibut Commission and industry representatives (Conference Board) at their January 24-27, 1989, meetings devoted much attention to the issue of halibut bycatches in the groundfish fisheries of the Bering Sea and Gulf of Alaska. The Commission and Conference Board are convinced that juvenile halibut mortalities in the expanding United States groundfish fisheries promise most serious and widespread impacts to the traditional halibut fisheries if effective mitigating measures are not imposed quickly.

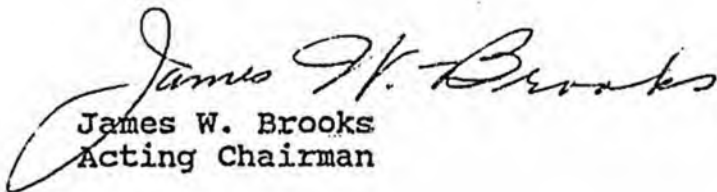
Based on recent observer reports from joint venture operations augmented by some pilot scale observer programs involving U.S. catches/processors, the Commission's scientific staff has concluded that halibut bycatch rates are alarmingly high and the Commission recommended reduced quotas for the traditional halibut fishery to compensate for halibut bycatch mortality. The Commission and Conference Board are very concerned that widespread losses of catch will occur to the halibut fishery in the absence of effective bycatch control. The Commission Staff estimates that bycatch mortality has increased from a recent historical low of 7 million pounds in 1986 to a projected mortality of 15 million pounds in 1989. Halibut bycatches are responsible for most of the quota reduction imposed by the Commission in the 1989 halibut fishery. We believe such bycatch increases are unwarranted, and the Commission requests that a comprehensive conservation program be developed aimed at minimizing the bycatch of halibut in non-halibut fisheries.

The Commission believes that the fully-domestic United States fishery should be able to achieve substantial reductions in bycatch by implementing the same effective conservation measures that were initiated to address this problem when it was being caused by the foreign fleet in the 1960's and 1970's operating in Alaskan waters.

In our discussions in January with the North Pacific Fishery Management Council, it is apparent that they are keenly aware of the situation described above and they are proposing mitigating recommendations to the Secretary of Commerce. The serious implications of Bering Sea and Gulf of Alaska bycatch on the Canadian fishery and United States fisheries off Alaska, Washington, Oregon, and California must be considered in the development and implementation of effective conservation measures in Alaskan waters. The Commission commends the recommendations of the Council and urges the Secretary of Commerce to respond positively and expeditiously, to these much-needed conservation initiatives.

In conclusion, the Commission respectfully solicits the concern and cooperation of the governments in developing and implementing effective conservation measures including a comprehensive observer program to address this most serious problem.

Sincerely,


James W. Brooks
Acting Chairman

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 (FT'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, 1988

FILE NO.:

TELEPHONE NO.: 465-4210

SUBJECT: Proposed Statutory
Amendment:
Confidentiality
of Fisheries Records

FROM: Ken Parker
Director
Commercial Fisheries Division

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



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

JAN 30 1989

MEMORANDUM

TO: Sen. Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Sen. Dick Eliason

DATE: Jan. 27, 1989

RE: SB 76, Relating to confidentiality of certain fishery reports and records.

I would like to request that SB 76 be scheduled for a hearing in the Resources committee. It is a straight-forward measure which simply clears the way for some desirable exchange of information between several state and federal fisheries management entities.

I am enclosing a bill analysis and a zero fiscal note which have been prepared for SB 76 by the Department of Fish and Game.

If you need further information about the bill, please contact my office. Thank you for your consideration.