

SB

316

HFIN

FILE

(11)
Date Referred: May 5, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 5/8/94

The FINANCE Committee considered:

CSSB 316(RES)

CS FOR SENATE BILL NO. 316(RES)

FISHING VIOLATIONS: FINES/BURDEN OF PROOF

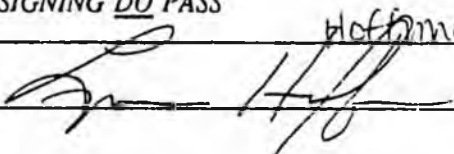
"An Act relating to commercial fishing penalties."

RECOMMENDATIONS:
be replaced with HCS CS SB 316 (JUD) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: House Judiciary letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)
 fiscal impact AK COURT SYSTEM
 zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)
 fiscal note(s) LAW 3/3/94 ; DPS 3/16/94
 zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Hoffman</u> 		<u>Ronald J. Larson</u>			X
		<u>Mark Hanky</u>		X	
		<u>Terry Martin</u>		X	
		<u>Sean Parnell</u>			X
		<u>Jan Quisenberry</u>	X		
		<u>Mike Navarre</u>	✓		
		<u>Larry Brown</u>			✓
		<u>Sam The Right</u>		X	
		<u>Richard Fessenden</u>		X	

Ronald J. Larson

HOUSE CS FOR CS FOR SENATE BILL NO. 316(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/5/94

Referred: Finance

Sponsor(s): SENATORS HALFORD, Jacko, Kerttula, Miller, Frank, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to commercial fishing penalties."

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

3 * Section 1. AS 16.05.722(a) is amended to read:

4 (a) A person who without any culpable mental state violates AS 16.05.440 -
5 16.05.690, or a regulation of the Board of Fisheries or the department governing
6 commercial fishing, is guilty of a violation and upon conviction is punishable by a fine
7 of not more than

8 (1) \$6,000 [\$3,000] for a first conviction; and

9 (2) \$12,000 [\$6,000] for a second or subsequent conviction.

**HOUSE JUDICIARY COMMITTEE
LETTER OF INTENT
SB316**

Bearing in mind that the purpose of this action is to increase compliance with Alaska's commercial fishing regulations, it is the intent of the House Judiciary Committee that the Department of Fish and Game, along with the Department of Public Safety, research and develop a highly stable and visible buoy marking system, to be deployed on the northern district boundary of the Egegik area in Bristol Bay. Further, the intent of the Committee is that this visible marking system should be of high enough integrity to reasonably supersede the LORAN system as a basis for the assessment of district boundary violations.

Brian D. Porter

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO:

HCS CSSB 316(IUD)

Revision Date: 05/05/94

Dept. Affected: Public Safety

Title: "An Act relating to commercial fishing penalties"

BRU: Fish & Wildlife Protection

Component: Enforcement & ISU Marine Enforcement

Sponsor: Senator Halford

Requestor: (H)JUD

COMPONENT SERIAL NO.

490, 493

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	10.4	10.4	10.4	10.4	10.4	10.4
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	10.4	10.4	10.4	10.4	10.4	10.4
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	10.4	10.4	10.4	10.4	10.4	10.4
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	10.4	10.4	10.4	10.4	10.4	10.4

Estimate of current year (FY 94) impact: \$ 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.)

These are anticipated travel costs of having division personnel attend up to fifty (50) court trials which would result from fishing violations detected in Bristol Bay being prosecuted as violations. The increased monetary penalties may result in more court trials.

Estimated airfare for 3 employees x 6 trips @ \$400 = \$7,200 plus a meal allowance of \$36/day for 3 employees x 6 trips x 5 days = \$3,240 for an estimated total of \$10,440 per year.

Prepared By: Captain Ted L. Ruddell

Phone: 269-5509

Division: Fish & Wildlife Protection

Date: 05/05/94

Approved by Commissioner: *(Signature)*

Date: 05/05/94

Agency: Richard L. Burton, Dept. of Public Safety

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Paul
5/5/94

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (JUD)

Revision Date: May 5, 1994
Title: "An Act relating to commercial fishing penalties."
Sponsor: Senator Halford
Requestor: Senator Halford

Department Affected: Department of Law
BRU: Prosecution
Component: Third Judicial District
COMPONENT-SERIAL NO. 0087

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	43.9	43.9	43.9	43.9	43.9	43.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	6.5					
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.1	53.6	53.6	53.6	53.6	53.6

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF	60.1	53.6	53.6	53.6	53.6	53.6
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	60.1	53.6	53.6	53.6	53.6	53.6

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Division Date: May 5, 1994
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: May 5, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (JUD)

ANALYSIS CONTINUATION:

The House Judiciary Committee Substitute amends AS 16.05.722(a) to increase the penalty for a person who without any culpable mental state, violates the state's commercial fishing laws by providing for a fine of not more than \$6,000 for a first conviction and providing for a fine of not more than \$12,000 for a second or subsequent conviction. The existing penalties for these commercial fishing violations are \$3,000 and \$6,000, respectively.

We believe that this bill will have the effect of substantially increasing the number of contested violations that go to trial, because commercial fishing vessel operators are increasingly using legal counsel to make a court appearance when cited, thus permitting them to continue fishing without interruption. Once the fishing season has ended, the fishing vessel operators then make an economic decision whether to continue to pay the expense to contest violations or to plead out. The increase in the penalty will weigh in favor of the former course and therefore cause more vessel operators to choose to go to trial. About 500 violations occur annually in the Bristol Bay drift net fishery, where most of the impact will be felt. We therefore request fiscal impact funds to pay for a permanent part-time Attorney III, who would work on the increased caseload from June through November each year.

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B C U	S	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	C. F. AMOUNT
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03/044		ATTORNEY IV	F	ANCHORAGE	A	XE	AA	24A	12	61000	0	20660	81668.60
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**** JUSTIFICATION:

TRAVEL COSTS	7500.00
CONTRACTUAL COSTS	13600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	81668.60	
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TOTAL COSTS	112568.60	81668.60
TOTAL FUNDING	81668.60	

03/048		ATTORNEY III	P	DILLINGHAM	A	XE	III	22A	6	33900	0	10011	43911.96
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**** JUSTIFICATION:

Substantial increases in the penalties for commercial fishing violations will result in a more vigorous defense by defendants and will increase the number of trials significantly.

TRAVEL COSTS	3500.00
CONTRACTUAL COSTS	5000.00
SUPPLIES COSTS	1200.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

ALL GF

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	43911.96	
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TOTAL COSTS	60111.96	43911.96
TOTAL FUNDING	43911.96	

* COMPONENT TOTALS:

FULL TIME NEW POSITIONS	1	TOTAL PERSONAL SERVICES	125580.56
PART TIME/SEASONAL NEW POSITIONS	1	TOTAL COSTS INC. ASSOC COSTS	172680.56
NON PERMANENT NEW POSITIONS	0		
OTHER.....	0		
	====		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH: 125580.56

OTHER FUNDS: 0.00

TOTAL FUNDING: 125580.56

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCS CSSB 316 (JUD)

Revision Date: 05/06/94

Dept. Affected: Alaska Court System

Title: An Act relating to commercial fishing
penalties

BRU: Trial Courts

Sponsor: Harford

Components:

Requestor:

COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	18.9	18.9	18.9	18.9	18.9	18.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	22.4	22.4	22.4	22.4	22.4	22.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	22.4	22.4	22.4	22.4	22.4	22.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	22.4	22.4	22.4	22.4	22.4	22.4

POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year (FY 94) cost: \$

None

ANALYSIS: (Attach a separate page if necessary)
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 05/06/94

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 05/06/94

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Alaska Court System
Fiscal Analysis
HCS CSSB 316 (JUD)

The Departments of Public Safety and Law predict that this legislation will result in new or longer trials. This fiscal note reflects their assumptions.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem District Court Judge, Anchorage, permanent part-time, 3 months	\$5,118	\$3,954	\$9,072
In Court Clerk, range 12A, Anchorage, permanent part-time, 3 months	6,777	3,058	<u>9,835</u>
Total Personal Services			18,907

It is anticipated that this legislation will result in new trials or a lengthening of the existing trial schedule.

Travel

3,500

Transportation and per diem for judicial travel to primary commercial fishing areas. Represents anticipated costs in excess of current trial-related travel funding.

Total estimated cost

\$22,407

9.

HOUSE FINANCE COMMITTEE

MEETING OF

5/8/94 pm

SUBJECT

SB 316 but of committee

MEMBER	YES	NO
THERRIAULT	✓	
BROWN		
FOSTER		
GRUSSENDORF		✓
HANLEY	✓	
HOFFMAN	✓	
MARTIN	✓	
NAVARRE		✓
PARNELL	✓	
LARSON	✓	
MACLEAN		

TOTAL

PASSED:

6

FAILED:

2

Sponsor Statement:

SB 316 Fishing Violations: Fines Senator Rick Halford

The pattern of activity in commercial fisheries is clear, the number of illegal acts is growing every year (1). Moreover, the fines for convictions are going down, the result of plea bargaining endorsed by prosecutors and judges. To quote one letter from a commercial fisherman, "We are creating a fishery that enables lawbreakers to profit handsomely (2)."

When judges and prosecutors reduce misdemeanors to violations, lower fines which have already been agreed to by defendants (3) and "give a slap on the wrist to most violators (4)," the temptation to break the law increases exponentially.

Another aspect of the situation is the data which supports the notion that the majority of illegal activity is being conducted by repeat offenders, indeed, habitual offenders (5).

Thank you.

Footnotes:

(1) 1993 Bristol Bay Salmon Enforcement Program, Fish and Wildlife Protection, Alaska Department of Public Safety, 1-31-94.

(2) Letter from Robert B. Butt, 2-13-94.

(3) 1993 Bristol Bay Salmon Enforcement Program, et. al..

(4) Letter from Robert B. Butt to Governor Walter J. Hickel, 1993.

(5) Criminal History, Citations for 1993 Violators in Bristol Bay, Alaska Department of Public Safety, 3-14-94.

SB 316: An Act relating to Commercial fishing penalties.

The bill would increase punishment for violations of commercial fishing laws by doubling the fines.

1. Currently the fines are not more than \$3000 for first conviction, \$6000 for second conviction. The bill would double fines to not more than \$6000 for first conviction and \$12,000 for second conviction.

Thank you.

**HOUSE JUDICIARY COMMITTEE
LETTER OF INTENT
SB316**

Bearing in mind that the purpose of this action is to increase compliance with Alaska's commercial fishing regulations, it is the intent of the House Judiciary Committee that the Department of Fish and Game, along with the Department of Public Safety, research and develop a highly stable and visible buoy marking system, to be deployed on the northern district boundary of the Egegik area in Bristol Bay. Further, the intent of the Committee is that this visible marking system should be of high enough integrity to reasonably supersede the LORAN system as a basis for the assessment of district boundary violations.

Brian D. Porter

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO:

HCS CSSB 316(JUD)

Revision Date: 05/05/94 Dept. Affected: Public Safety
 Title: "An Act relating to commercial fishing penalties" BRU: Fish & Wildlife Protection
 Sponsor: Senator Halford Component: Enforcement & ISU Marine Enforcement
 Requestor: (HIJUD) COMPONENT SERIAL NO. 490, 493

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	10.4	10.4	10.4	10.4	10.4	10.4
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	10.4	10.4	10.4	10.4	10.4	10.4
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	10.4	10.4	10.4	10.4	10.4	10.4
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	10.4	10.4	10.4	10.4	10.4	10.4

Estimate of current year (FY 94) impact: \$ 0

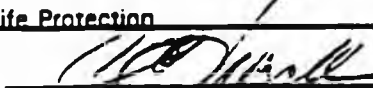
POSITIONS:

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.)

These are anticipated travel costs of having division personnel attend up to fifty (50) court trials which would result from fishing violations detected in Bristol Bay being prosecuted as violations. The increased monetary penalties may result in more court trials.

Estimated airfare for 3 employees x 6 trips @ \$400 = \$7,200 plus a meal allowance of \$36/day for 3 employees x 6 trips x 5 days = \$3,240 for an estimated total of \$10,440 per year.

Prepared By: Captain Ted L. Ruddell Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 05/05/94
 Approved by Commissioner:  Date: 05/05/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (IUD)

Revision Date: May 5, 1994
Title: "An Act relating to commercial fishing penalties."
Sponsor: Senator Halford
Requestor: Senator Halford

Department Affected: Department of Law
BRU: Prosecution
Component: Third Judicial District
COMPONENT-SERIAL NO. 0087

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	43.9	43.9	43.9	43.9	43.9	43.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	6.5					
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.1	53.6	53.6	53.6	53.6	53.6

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF	60.1	53.6	53.6	53.6	53.6	53.6
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	60.1	53.6	53.6	53.6	53.6	53.6

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Richard I. Penues

Prepared by: Richard I. Penues, Director

Phone: 465-3672

Division: Administrative Services Division

Date: May 5, 1994

Richard I. Penues FOR

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: May 5, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 316 (JUD)

ANALYSIS CONTINUATION:

The House Judiciary Committee Substitute amends AS 16.05.722(a) to increase the penalty for a person who without any culpable mental state, violates the state's commercial fishing laws by providing for a fine of not more than \$6,000 for a first conviction and providing for a fine of not more than \$12,000 for a second or subsequent conviction. The existing penalties for these commercial fishing violations are \$3,000 and \$6,000, respectively.

We believe that this bill will have the effect of substantially increasing the number of contested violations that go to trial, because commercial fishing vessel operators are increasingly using legal counsel to make a court appearance when cited, thus permitting them to continue fishing without interruption. Once the fishing season has ended, the fishing vessel operators then make an economic decision whether to continue to pay the expense to contest violations or to plead out. The increase in the penalty will weigh in favor of the former course and therefore cause more vessel operators to choose to go to trial. About 500 violations occur annually in the Bristol Bay drift net fishery, where most of the impact will be felt. We therefore request fiscal impact funds to pay for a permanent part-time Attorney III, who would work on the increased caseload from June through November each year.

PCR	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
03//044		ATTORNEY IV	F	ANCHORAGE	A XE AA 24A	12	61000	0	20660	81668.60	

**** JUSTIFICATION:

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	13600.00	
SUPPLIES COSTS	3300.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	112568.60	81668.60
*** FUNDING DETAIL:		
1004 GENERAL FUND RECEIPTS	81668.60	
TOTAL FUNDING	81668.60	

03//048		ATTORNEY III	P	DILLINGHAM	A XE III 22A	6	33900	0	10011	43911.96	
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**** JUSTIFICATION:

Substantial increases in the penalties for commercial fishing violations will result in a more vigorous defense by defendants and will increase the number of trials significantly.

TRAVEL COSTS	3500.00	
CONTRACTUAL COSTS	5000.00	
SUPPLIES COSTS	1200.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	60111.96	43911.96
*** FUNDING DETAIL:		
1004 GENERAL FUND RECEIPTS	43911.96	
TOTAL FUNDING	43911.96	

All GF

* COMPONENT TOTALS:

FULL TIME NEW POSITIONS	1	TOTAL PERSONAL SERVICES	125580.56
PART TIME/SEASONAL NEW POSITIONS	1		
NON PERMANENT NEW POSITIONS	0	TOTAL COSTS INC. ASSOC COSTS	172680.56
OTHER.....	0		
	====		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH:	125580.56
OTHER FUNDS:	0.00
	=====
TOTAL FUNDING:	125580.56



Bristol Bay Driftnetters' Association, Inc.

P.O. Box 21951

Juneau, AK 99802

Phone: (907) 463-4970 • FAX: (907) 586-1001

April 15, 1994

TO: Chairman Porter and the members of the House Judiciary Committee

FROM: Dean Paddock, Executive Director, BBDA

SUBJECT: CS for SB 316 - An Act relating to commercial fishing penalties.

The Bristol Bay Driftnetters Association appreciates this opportunity to provide input to this committee on this important issue. Many of my members have instructed me to make the seeking of a solution to the situation which occurs at the North Egegik line a top priority of this Association.

The record of the Alaska Board of Fisheries will show that within the last seven years, we have twice submitted proposals to that body which, had they been adopted, we believe would have materially reduced violations at the existing boundary. Such proposals will again be before that Board when they next consider regulations for Bristol Bay.

While we regard any discussion of the problem as a positive step, we are unable to support this proposal at this time for the following reasons:

- 1) These penalties are proposed as a remedy to a unique and unusual situation, yet they would affect fishermen statewide;
- 2) The proposed penalties do nothing to remedy the true causes of the problem, which may be described as the regulatory confining of a great number of fishermen (up to a thousand boats) into an extremely limited space, into which large numbers of valuable fish migrate rapidly, especially at certain stages of the tide.
- 3) The line in question is NOT VISIBLE but is defined by the use of Loran C. Loran C is admitted by all, including the Dept. of Public Safety, to have a variation of at least plus or minus 100 feet or more in either direction. Thus we have an invisible electronic line with a built-in error of at least 200feet. In the unbelievably competitive world of Alaska salmon fishing today, this fact fairly invites the existing situation. More stringent penalties will do little or nothing to correct this.
- 4) We believe that the fact that this problem has now achieved a profile which brings it to the attention of this legislature may be positive in arriving at a solution. We sincerely hope that it may now be possible to get more meaningful consideration from the legislature, the Board of Fisheries, the Department of Fish and Game, and the Department of Public Safety. Spokespersons from the latter two agencies have now made verbal commitments to work to this end. This has not been the case in the past.

Bristol Bay Driftnetters Assoc., cont.

5) We submit that no other industry of comparable value and importance to the State of Alaska would be subject to a proposal of similar impact without first being accorded a better opportunity for involvement in the process. We do not believe that the speed at which the Legislature must work is productive in such an instance.

The fishermen and women of Alaska look forward to cooperating with you and with the concerned State agencies to seek a better, non-knee-jerk solution. We are business people striving to earn a livelihood under conditions imposed by the State.

6) We ask that this legislation not be moved forward at this time but that the fishing industry be granted the opportunity to work with the several State agencies to seek a CON[^]STRUCTIVE solution, rather than be subjected to punitive and draconian legislation which fails to address the underlying problem.

Thank you.



Alaska Trollers Association

130 Seward St., No 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

April 13, 1994

House Judiciary Committee
Alaska State Capitol
Juneau, AK 99811

Dear Committee Members:

The Alaska Trollers Association (ATA) is opposed to the CS for SB316, an act relating to commercial fishing penalties, as currently drafted.

I emphasize that ATA strongly supports stiff penalties for commercial fishing violations. However, CSSB316 is excessive and punitive. Our understanding is that this bill was initiated because of a specific problem in Bristol Bay. While CSSB316 might help remedy the Bristol Bay line issue, it has serious and costly ramifications for other fleets around the state. For this reason, ATA recommends that a task force of fishermen, enforcement officials and legislative staff be formed to evaluate the need for tougher legislation. The task force might be directed to:

1. Evaluate the overall impact to the industry.

ATA thinks this bill is too heavy handed for general applicability. Have misdemeanor and felony offenses increased at a rate around the state that warrants a change?

Misdemeanors and felonies are given the same weight in evaluating whether or not a person loses one or more fishing permits, which is often their only source of income.

The bill is so tough that two strikes may take fishermen out of the industry. Violent criminals are treated with more leniency. In our fleet, a handtroller with one minor offense will be asked to pay a fine almost as high as the permit value. With two minor offenses, over ten years, the fine could be higher than the permit is valued and their permit will be revoked for 1-3 years.

Alaska Trollers Association
CS SB316
Page 2

The fines say "up to" the designated amount, but without clear guidelines, they may be subject to an abuse of discretion as they are applied.

2. Focus on specific issues that prompted the bill.

Can the Board of Fisheries do anything to alleviate specific problems through regulation?

3. Clarify the relationship between negligent and strict liability standards.

ATA is concerned that penalties under this bill are neither fair nor equitable. Major and minor offenders could be treated the same, as there is no clear distinction as to what constitutes violations, misdemeanors or felonies. This decision is at the discretion of the enforcement officer and prosecutor. The statutory provisions are so vague that, under the terms of this bill, the prosecutor would have little choice but to mandate ad hoc penalties.

ATA thinks strict liability is inappropriate where there are varying degrees of guilt. For instance, an individual who marginally crosses the line for a short period of time because of Loran problems shouldn't be given the same penalty as someone who is consciously fishing 12 miles over the line. (I have enclosed a recent Coast Guard memo indicating that they are aware of accuracy problems with the signal for one navigational device.)

4. Determine the appropriateness and efficacy of upgrading the burden of proof standard from "a preponderance of" to "clear and convincing" evidence that fish onboard or on site were taken legally.

ATA is concerned that the tougher standard will be nearly impossible to meet and may imply that fishermen are guilty until proven innocent.

5. Determine the cost to the state to enforce stricter standards.

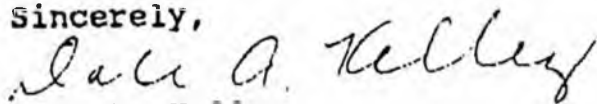
ATA notes that there is no fiscal note attached. Tougher standards may mean greater enforcement costs to the state.

We hope the legislature will take another hard look at this bill, and avoid penalizing the entire industry for a few bad actors. To us, the bill is too heavy-handed for general applicability. A task force may be the best way to determine whether changes are needed.

Alaska Trollers Association
CS SB316
Page 3

Thank you for considering our viewpoint.

Sincerely,



Dale A. Kelley
Executive Director

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventeenth Coast Guard
District

P.O. Box 25517
Juneau, AK 99802-5517
Staff Symbol: oan
Phone: (907)463-2245

16540

MAR 30 1994

Mr. Dale Kelley
Executive Director
Alaska Trollers Association
130 Seward Street, Suite 505
Juneau, AK 99801

Dear Mr. Kelley:

The Coast Guard is planning to implement differential GPS (dGPS) in Alaska during the summers of 1995 and 1996. We will establish a number of sites that will provide a correction to GPS using medium frequency radiobeacon signals that should improve GPS accuracy to less than 10 meters.

We are currently conducting surveys to determine how well GPS is received in Southeast now. We expect that in certain areas, signals from the GPS satellites are "shadowed" by steep, surrounding terrain. We hope that you can help us gather information on the existing GPS coverage in Southeast. Would you please poll the members of your organization and advise us if there are any areas in Southeast where there are gaps in GPS coverage as well as where GPS is not accurate or reliable.

Also, there is a chance that we may be limited in the number of sites we can establish, and we may be unable to cover the entire state of Alaska with differential GPS. Please tell us from the standpoint of the Alaska Trollers Association, which waterways throughout Alaska should have priority for dGPS coverage. Please use charts and chartlets as necessary.

Thank you for your assistance. My point of contact is Lieutenant Junior Grade Rob Shaul at 463-2249.

Sincerely,

A handwritten signature in black ink, appearing to read "L. C. Vose", written over a horizontal line.

L. C. VOSE
Commander, U. S. Coast Guard
Chief, Aids to Navigation &
Waterways Management Branch
By direction of the Commander



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

Testimony of Jerry McCune, President
United Fishermen of Alaska
before the
House Judiciary Committee
Monday, April 16, 1994

CSSB 316 - An Act relating to commercial fishing penalties

Mr. Chairman and members of the House Judiciary Committee. My name is Jerry McCune and I am testifying on behalf of United Fishermen of Alaska.

Today you have before you, the Committee Substitute for SB 316. I would like to share with you concerns that have been expressed to me on this bill.

CSSB 316 is designed to correct a discrete problem in a discrete area on a discrete species. It is directed toward the Egegik line in Bristol Bay and the salmon drift net fishery occurring there. In the sponsor statement provided by Senator Halford, all the cited footnotes refer to Bristol Bay. UFA normally would not be involved in one area, except this bill has turned into a statewide issue.

As you know, Alaska possesses more coastline than all the rest of the United States. In these coastal waters, commercial fisheries are conducted on sea urchins, sea cucumbers, halibut, sable fish, Pacific cod, pollock, rock fish, crab, herring, shrimp, flounder, sole, oysters, salmon, and others.

Additionally, we have seiners, gill netters, power trollers, hand trollers, set-netters, divers, trawlers, longliners, pot fisheries, and other gear types.

CSSB 316 would apply to all these fisheries and gear types. Consideration needs to be given to the effect of this proposed legislation on all these fisheries.

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Area K Seiners Association
Bering Sea Fishermen's Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association
Seafood Producers Cooperative • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association

UFA Testimony on CSSB 316
April 16, 1994
Page Two

The recurring theme from the commercial fishermen we have heard from is that they would first gladly support an increased measure to deal with the problem on the Egegik line; and, secondly, that none of them supports flagrant, repetitive violators who make a decision to break the law based on economic advantage. There was no question of support to address these areas; but, we feel the current Committee Substitute is not the vehicle.

There are many commercial fishermen in the state who have received misdemeanor convictions for "parking ticket" violations. These are people who would never consider intentionally violating the law -- good, honest citizens caught in many different extraordinary circumstances. One example is the loss of power on a vessel. The common reply to this difficulty is that surely our judicial system would mitigate in these circumstances, but that is not always so. We would like to site some real life examples of the kinds of violations that have occurred and ask you to consider these in light of the increased burden of proof from a preponderance of the evidence to clear and convincing evidence that is coupled with a serious, graduating penalty scheme.

Some fisheries utilize markers to designate closed waters. These markers are not always in place. Ocean fisheries are conducted utilizing loran determinations and equipment often does not work correctly. According to the Coast Guard, "there are many areas in Southeast where there are gaps in GPS coverage as well as where GPS is not accurate or reliable." There is true for other areas of the state as well.

The enforcement budget is being devoured in the Bristol Bay line fishery and commercial fishermen would like to free up enforcement officers for utilization in other parts of the state.

UFA Testimony on CSSB 316
April 16, 1994
Page Three

Perhaps it might be worthy to consider appointing an Interim Task Force to design legislation that will indeed convict criminals and remove them from fisheries. All the commercial fishermen we have heard from would gladly support this. It is not in the best interests of commercial fishermen to encourage criminal behavior and they would like to see legislation that will be effective and have statewide application that does render harm to the non-criminals.

Thank you for the opportunity to testify.

COST

(1)

The following is a brief synopsis of the 1993 Bristol Bay Salmon Enforcement Program.

The program began on June 20, 1993, with an opener in the Egegik District, which was covered by the P/V PUBLIC SAFETY #1 (PS1). The P/V TROOPER and the P/V WOLDSTAD arrived in the bay on June 23. The P/V PS1 patrolled the Egegik and Ugashik districts, the P/V TROOPER patrolled the Egegik district, and the P/V WOLDSTAD patrolled the Naknek-Kvichak district. The P/V WOLDSTAD departed the bay on July 16, the P/V TROOPER departed on July 20, and the P/V PS1 patrolled the Ugashik district until July 19, 1993.

Unlike the 1991 season, we didn't have to deal with any strike related activity. This allowed us to concentrate our efforts on enforcement right from the beginning.

The Bristol Bay run this year came back considerably larger than forecast. The preseason forecast was for a return of 41.8 million fish. A commercial harvest of 41.7 million fish was achieved in 1993, with a total return of 53.6 million fish, broken down as follows:

RIVER SYSTEM	CATCHES	ESCAPEMENTS	TOTAL RUN
Naknek-Kvichak	8,914,823	5,931,722	14,846,545
Egegik	21,911,499	1,522,188	23,433,687
Ugashik	4,357,820	1,429,538	5,787,358
Nushigak	5,818,947	2,854,573	8,573,520
Togiak	721,007	356,980	1,077,987
TOTALS	41,724,086	11,895,001	53,619,097

The inshore run of sockeye salmon totaled 52.2 million fish, the third largest inshore return on record (trailing only returns of 62.5 million in 1980, and 53.1 million in 1985). It was approximately 25% greater than the preseason forecast of 41.8 million.

All districts except the Naknek-Kvichak experienced greater than expected runs and a commercial harvest of 40.8 million sockeye was achieved, the largest sockeye harvest on record for Bristol Bay (exceeding the previous high of 37.4 million in 1983). A total of 11.4 million sockeye entered the escapement.

The estimated ex-vessel value of the 1993 Bristol Bay salmon fisheries totaled \$153.7 million. This is the fifth largest ex-vessel value on record, but well below the \$202.3 million record value attained in 1990 when salmon prices were high and below last years ex-vessel value of \$191.3 million. It was, however, well above the 1973 to 1992 mean value of \$102.9 million.

Bristol Bay Enforcement Recap 1993

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December 15, 1993

There were twenty commissioned personnel assigned to the program, as well as nine civilians. Six of the civilians were part of the crews on the two large patrol vessels and the other three were clerical support staff. The total number of personnel (including civilian vessel personnel, clerks, etc.) was twenty-nine. A personal roster is attached. The highest number of personnel at the peak of the 1992 season was only nineteen. At the peak of the 1991 season, the highest number of personnel was thirty-eight.

We had four commissioned Alaska State Troopers assigned to the program full time. Three of these troopers were assigned to the vessels and one was assigned to the beach. Each of these individuals did an outstanding job.

TDY personnel arrived in King Salmon aboard the King Air on June 23, 1993. At which time, a briefing was held prior to their deployment to the vessels and to Dillingham.

We were able to maintain an excellent working relationship with the Alaska Department of Fish and Game staff in King Salmon and Dillingham. We were kept well informed of openings, closures, extensions, etc. Problem areas and enforcement concerns were discussed on a regular basis. The cooperation and coordination between the two agencies continues to be excellent and is expected to remain that way.

As always, our primary fisheries enforcement problems occurred on the district lines. As mentioned earlier, with no strike activity this year, we were able to concentrate on enforcement problems right from the start. This allowed us to stay on top of things as best we could.

It should be noted that on the first day of the fishery at Egegik, June 20, 1993, the crew of the P/V PS1, assisted by Trooper Gary Folger in a Piper Supercub, made approximately 60 closed waters cases.

Again this year, we saw excellent cooperation between the vessels and aircraft. With the exception of the first opening at Egegik, patrol vessel skiffs were able to approach nearly all violators spotted from the air.

While the P/V PS1 did an excellent job at Egegik, it was just not enough and couldn't control the line. Sergeant Rollin Young and FWEO Scott Quist, as stated earlier, made approximately 60 cases the first day and could have probably made that many more if they had the skiffs and troops to do it.

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With the big return to the Egegik district, we had close to 950 boats in that district throughout much of the season. Fishermen appeared to be much more aggressive this season and constantly pushed over the line. They knew at what point we were citing and pushed to that point and beyond continuously.

Our shore based personnel were faced with continuous set net complaints. This was primarily due to two reasons. First, there is always the ongoing dispute between the drifters and the setnetters. Numerous complaints came from the drifters that the setnetters were fishing too far out. Complaints also came from the setnetters that the drifters were on top of their set nets.

This was compounded this year by a regulation change that took effect March 1, 1993, which required setnetters to be no more than 1000 feet from the 18 foot high tide mark. In past years in this area, they could be out to 1200 feet from the 18 foot high tide mark.

Measuring these nets proved almost impossible until we located a La Prosurvey 1000 Laser Ranger 58, which we rented from The Surveyor's Exchange in Anchorage. This device proved invaluable in dealing with the problems of measuring nets, distances, etc.

At Ugashik, we experienced the same problems as in past years. As long as a patrol boat was on the line, we could keep fishermen from pushing over the line for the most part. However, the minute the boat got tied up with a case or left the line, fishermen decided it was open season everywhere.

With that in mind, we did a stakeout operation on the north line of Ugashik. We set up range markers on the bluff, utilizing the loran on the P/V PS1. This worked well and we made quite a few cases. Some boats we had over the line as many as three times in one day. The operation went well until the officer was spotted on the bluff by a spotter pilot, who then landed in a dry lake bed and walked up to see what he was doing. It was amazing how well the fishermen knew where the line was once they found out an officer was on the bluff.

We did a similar operation on the Egegik north line on the first opening. In that situation, we put an officer on another vessel with a fisherman who agreed to work with us. The P/V PS1 then left the line and the officer stayed on the private vessel and made approximately 20 cases. He reported seeing many skippers on their flying bridges with binoculars looking for the patrol vessel. His comments were that it was obvious most fishermen were not concerned about where the line was, they were only concerned with where the patrol vessel was.

Bristol Bay Enforcement Recap 1993

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December 15, 1993

Four vessels were seized in the bay this season. Three of the vessels were seized for fishing closed waters and the fourth was seized as a result of the operators fishing without a permit. Vessels seized are as follows:

Fishing Vessel	Reason Seized	Settlement
GONE FISHING	.5 miles into closed waters after the closure of the Kvichak Section.	Civil: \$10,000
KATIE DEVINE	Closed waters 30 minutes after closure.	Released.
DEACON	Operator did not have a permit.	Has not settled.
MINSTRAL	1.5 miles into closed waters outside the Nushigak District.	Civil: \$25,000

The F/V KATIE DEVINE was released with no settlement. This was done because the defendant stated he had lost a net and that he had approval from Fish and Game to retrieve it from closed waters. A check revealed that Fish and Game did not talk to this individual. However, it was very clear from talking to other fishermen who heard the conversation on the VHF radio that someone came on the VHF and stated that they were ADF&G and that they had given the F/V KATIE DEVINE approval to go into closed waters to retrieve a net. The F/V KATIE DEVINE did forfeit its illegal fish.

We opened 482 cases during the Bristol Bay fishery this year, up from a previous all time high of 328 in 1991. We filed 509 criminal charges in 1993. There were 52 cases with multiple defendants and we had 31 cases where there were multiple charges per defendant.

We seized 581,474 pounds of fish during the season, of which; 161,172 has been forfeited to date. Based on an average of \$.60 per pound, forfeiture value of this fish is \$98,730.20.

We seized 108 shackles of gillnet during the program. 19 shackles were forfeited as of this date.

As of December 9, 1993, gross fines for the program have been \$1,065,633.86, with only \$230,500 of that being suspended. This leaves a total of \$835,133.86 in net fines due the State.

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December 15, 1993

There was nearly a 100% increase in closed waters cases in 1993, with a total of 311 cases in 1993 compared to 168 cases in 1992. This can be attributed in part to the extreme aggressiveness of the fishermen this season and to continued effective enforcement. A break down of the cases are as follows:

<u>VIOLATION</u>	<u># OF OCCURRENCES</u>
ASSAULT III	1
COMMERCIAL FISH AID AND ABET	2
COMMERCIAL FISH ANCHOR DRIFT NET	4
COMMERCIAL FISH CLOSED PERIOD	28
COMMERCIAL FISH CLOSED WATERS	311
COMMERCIAL FISH DRIFT TOO CLOSE	18
COMMERCIAL FISH EMPLOY UNLICENSED CREW	15
COMMERCIAL FISH FAIL TO MARK BUOY	5
COMMERCIAL FISH FAIL TO RECORD	4
COMMERCIAL FISH FAIL TO REGISTER	6
COMMERCIAL FISH FALSE FISH TICKET	2
COMMERCIAL FISH FALSE STATEMENT	3
COMMERCIAL FISH ILLEGAL GEAR	1
COMMERCIAL FISH ILLEGAL POSSESSION	5
COMMERCIAL FISH IMPROPERLY MARKED BUOY	1
COMMERCIAL FISH IMPROPERLY MARKED GEAR	6
COMMERCIAL FISH MISCELLANEOUS CHECK/STOP	1
COMMERCIAL FISH NET OUT TOO FAR	21
COMMERCIAL FISH NO BUOY	4
COMMERCIAL FISH NO CREW LICENSE	26
COMMERCIAL FISH NO PERMIT	3
COMMERCIAL FISH NO PHOTO ID	18
COMMERCIAL FISH NO VESSEL NAME	3
COMMERCIAL FISH NO VESSEL NUMBERS	6
COMMERCIAL FISH PERMIT HOLDER NOT PRESENT	5
LOG: BOATING ACCIDENT	1
LOG: CARCASS FOUND	1
LOG: COMMERCIAL FISH CLOSED PERIOD	1
LOG: COMMERCIAL FISH DRIFT TOO CLOSE	8
LOG: COMMERCIAL FISH FAIL TO REGISTER	2
LOG: COMMERCIAL FISH INTERFERE WITH GEAR	2
LOG: COMMERCIAL FISH MISCELLANEOUS	1
LOG: COMMERCIAL FISH NO VESSEL NUMBERS	1
LOG: COMMERCIAL FISH OVERLIMIT OF GEAR	4
LOG: COMMERCIAL FISH SET NET TOO CLOSE	1

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<u>VIOLATION</u>	<u># OF OCCURANCES</u>
LOG: FOUND NET	2
LOG: GAME NUISANCE BEAR	1
LOG: MEDICAL ASSIST	1
LOG: PERSONAL USE CLOSED SEASON	2
LOG: PROCESS SERVED	1
LOG: PUBLIC ASSIST	3
LOG: UNMARKED GILLNET	1
SPORT FISH NO KING STAMP	2
SPORT FISH NO LICENSE	13
SPORT FISH USE BAIT	1
WARNING: COMMERCIAL FISH ANCHOR DRIFT NET	4
WARNING: COMMERCIAL FISH CLOSED PERIOD	2
WARNING: COMMERCIAL FISH CLOSED WATERS	8
WARNING: COMMERCIAL FISH DRIFT TOO CLOSE	1
WARNING: COMMERCIAL FISH EMPLOY U/L CREW	7
WARNING: COMMERCIAL FISH FAIL TO MARK NET	1
WARNING: COMMERCIAL FISH INTERFERE WITH GEAR	1
WARNING: COMMERCIAL FISH NO CREW LICENSE	6
WARNING: COMMERCIAL FISH NO VESSEL ID	1
WARNING: SPORT FISH NO LICENSE	6

Radio Dispatcher II Jolene Dodge from Kodiak, Clerk IV Cynthia Nestegard from SIS, and Clerk Typist III Kim Spaans from Detachment provided the clerical support for the program. While from outward appearances this seems like a large clerical staff for one program, we must realize that Kim and Cynthia only overlapped each other for a couple of days and that this staff handled 484 cases in approximately three weeks. This included running criminal record checks on all defendants, closing case reports for those that plead out at arraignment, and returning those cases to the boats for full reports were the defendants plead not guilty at arraignment. They also utilized a data base program to keep track of all the statistics for this program.

For the most part the enforcement program went very well with personnel working as hard and carrying as large a case load as humanly possible. Without question the most frustrating part of the program was the process of prosecuting the cases and not receiving adequate penalties to serve as a deterrent to the fishermen. As in the past the Division, in conjunction with the District Attorney's Office in Dillingham, established recommended sentencing guidelines for the various violations occurring in the Bay. These guidelines were based on ten years of experience with the fishery. In 1993 we did begin citing fishermen for a narrower margin of closed water fishing


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than in previous years with this being the only major change.

It is common practice to be approached by the various defendants prior to court arraignments in an effort for them to reach a plea agreement satisfactory to the state and thus avoid a trial. This routinely involves the fishermen and Fish & Wildlife personnel assigned court duty. The district attorney is advised of the agreement and normally makes this recommendation to the court.



During 1993 we had two state attorneys assigned to the program. One attorney was not only new to Bristol Bay but was also a new attorney. The second attorney had several years of experience with the program. For some reason the experienced attorney felt the plea agreements were too harsh, so consequently it became common practice for him to lower the recommended penalty to the court, in many cases by \$1,000 to \$1,500 (sometimes more), and agree to return additional fish and nets. Keep in mind the original plea agreement was agreed to by the defendant. It was then not uncommon for the court to reduce the fine even more.

Another common problem with the District Attorney's office is the practice of reducing cases from a misdemeanor to an infraction (violation). This is done for a number of reasons but for the most part as a cost saving measure. The burden of proof is less for an infraction in that the "intent" of the fishermen to violate the law is not required to be proven (strict liability rule). However, intent has been proven in all cases originally filed as misdemeanors by FWP, the information is in the report. There is a greater chance of the defendant agreeing to plea to an infraction, as opposed to a misdemeanor because the monetary fine is less, there is no chance of serving jail time, and his fishing permit can not be suspended. As a result, this saves the Department of Law and the Court System time and money by not having to schedule expensive trials, convene juries and pay judge and attorney travel expenses to the Bay later in the year. No one debates the expense and time that would be necessary to conduct misdemeanor trials for the several hundred fishing cases.



The number of cases in Bristol Bay are increasing while the fines per case are decreasing. The fishermen already know they may be able to make several illegal sets valued at \$10,000 to \$20,000 before being caught. This combined with the possibility of a mere \$3,000 or even a \$6,000 fine serves as no deterrent to their illegal acts.

As long as misdemeanor cases are reduced to infractions there will never by any chance of fishing permits being suspended or ultimately revoked after three convictions as provided by statute. This, of course is the ultimate deterrent.

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December 15, 1993

Prior to the 1994 season it is imperative for the Division to meet with the appropriate state attorneys and judges if necessary to resolve these issues. Division personnel and the commercial fishing community are demanding a much higher compliance rate but this will never happen until the penalty exceeds or at least meets the value of the crime.

This is a list of the personnel and equipment which were utilized in the program:

P/V WOLDSTAD (Egegik, Naknek, and Kvichak)

Cpl. Dean Layton
Trp. Lonnie Swanson
VTII Bill Wertanen
BOI Don Wood (cook)
BOI John Gianguilli
BOI Mike Reuter
Trp. Ken Woldstad
AST Trp. Willard Ellis

P/V TROOPER (Egegik)

Trp. Robert Rodrigues
Trp. Scott Jones
BOI Rick Gottwald
VTI Mark Selvog
FWEO Bob Beasley
AST Trp. Jeff Edmondson
AST Trp. Frank D'Angelo

P/V PUBLIC SAFETY #1 (Egegik and Uqaahik)

Trp. Rollin Young
FWEO Scott Quist

KING SALMON

Lt. Thomas Schwantes
Sgt. Don Starbard
Trp. Gary Folger (pilot)
Trp. Curt Bedingfield (pilot) (set net)
FWEO Rohn Nelson (set net)
AST Trp. Joanna Roop (set net)
RDII Jolene Dodge
CIV Cynthia Nestegard
CTIII Kim Spaans

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DILLINGHAM

Trp. Ed Painter (pilot) (O.I.C.)

Trp. Jim Lowe (22' Whaler)

FWEO Eric Olsen (22' Whaler)

AIRCRAFT

PA18 Cub on floats (King Salmon)

PA18 Cub on wheels (King Salmon)

PA18 Cub on floats (Dillingham)

King Air (transportation of TDY personnel)

VESSELS

P/V WOLDSTAD (2 skiffs)

P/V TROOPER (2 skiffs)

P/V PUBLIC SAFETY #1 (1 skiff)

22' Whaler (King Salmon)

22' Whaler (Dillingham)

Vessel Sea Days	FY93	FY94	Total
P/V WOLDSTAD	12	20	32
P/V TROOPER	10	23	33
P/V PUBLIC SAFETY #1	10	22	32
22' WHALER (DILLINGHAM)	3	10	13
22' WHALER (KING SALMON)	8	19	27
Grand Total	43	94	137

AIRCRAFT HOURS

Cessna 714NK 1.2 Hours

PA18 24005 42.5 Hours

PA18 7056 54.9 Hours

PA18 88AK 84.4 Hours

=====

TOTAL AIRCRAFT HOURS 163.4 Hours

FY93 AIRCRAFT HOURS = 82.5

FY94 AIRCRAFT HOURS = 80.9

ALASKA
DEPARTMENT OF FISH AND GAME
FISH AND WILDLIFE PROTECTION
BRISTOL BAY SALMON ENFORCEMENT
1993 SEASON

Commissioner
Richard L. Burdon

ADFBG Summary

Ex-vessel value of the harvest

\$153.7 million dollars

(5th largest ever)

Total run was 53,619,017 fish

(3rd largest run ever)

Total catch was 41,724,096

(largest sockeye in history record, exceeding the prior 1983 record of 37.4 million)

Total Escapement = 11,895,001

2,103,001

2,103,001

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1993 BRISTOL BAY SALMON PROGRAM COSTS - VS - INCOME COMPARISON

> EXPENSES

> PERSONAL SERVICES

\$ 173,050.00

> TRAVEL

\$ 27,572.00

> CONTRACTUAL

\$ 9,494.00

> SUPPLIES \$ 17,812.00

> TOTAL EXPENSES

\$ 227,928.00

> INCOME

> FINES \$ 225,000.00
(SEED FISH)

\$ 90,750.20

> CONSENTED DEAR

\$ 37,000.00

> CIVIL FINES

\$ 65,000.00

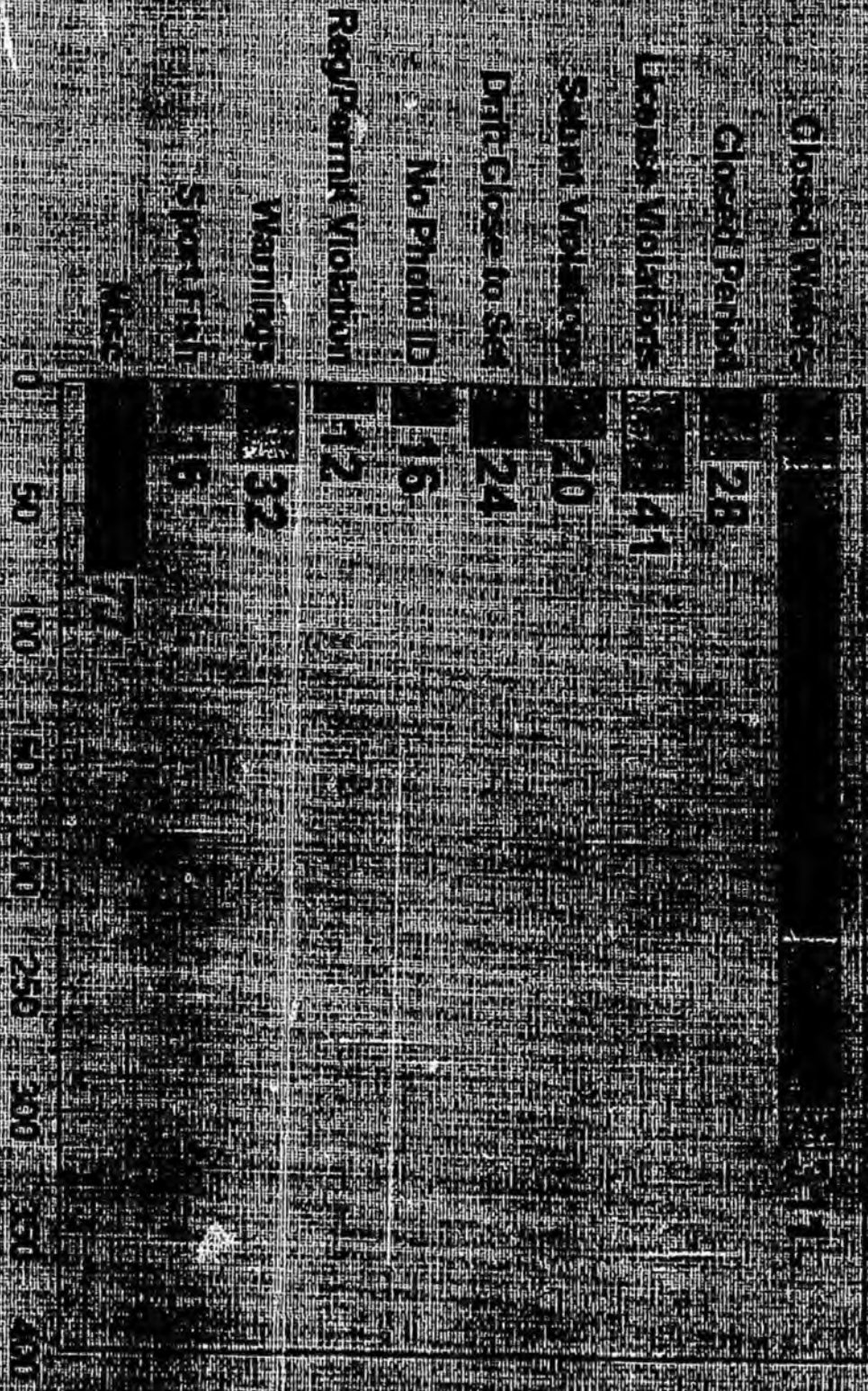
> TOTAL INCOME

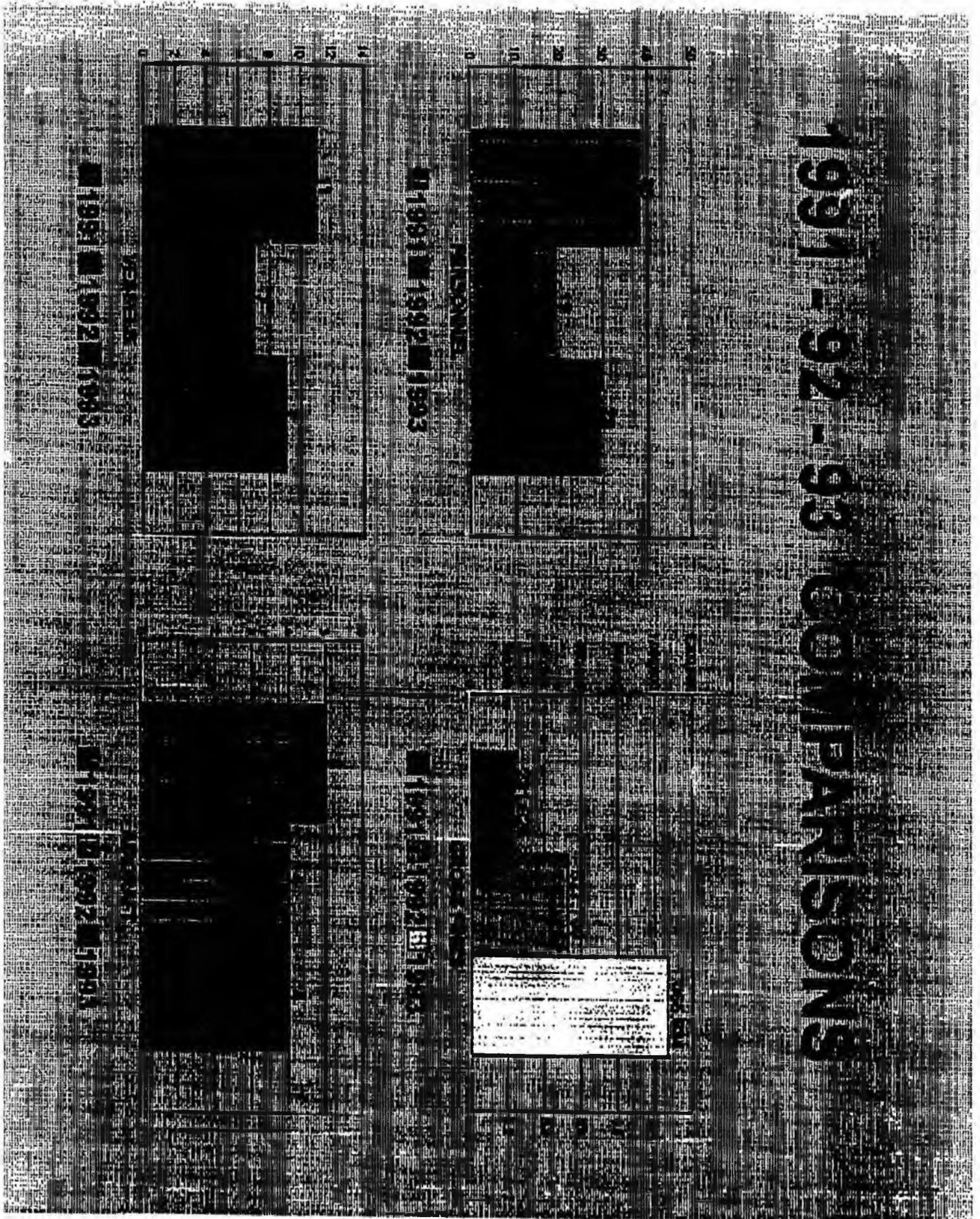
\$ 227,750.20

> REMAINING TO BE
PAID - \$ 65

April 28 '94

1993 Distribution of Case Loads





1991 - 92 - 93 COMPARISONS



1991 1992 1993



1991 1992 1993



1991 1992 1993



1991 1992 1993

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 11, 1994

SUBJECT: Evidentiary standards of proof (Work Order No. 8-LS1676)

TO: Senator Rick Halford
ATTN: Dave Thompson

FROM: George Utermohle *GU*
Legislative Counsel

You have requested an explanation of the differences between the two evidentiary standards of proof: "preponderance of the evidence" and "clear and convincing evidence."

The Alaska Supreme Court has described the difference between the two standards as follows:

Where one has the burden of proving asserted facts by a preponderance of the evidence, he must induce a belief in the minds of the jurors that the asserted facts are probably true. If clear and convincing proof is required, there must be induced a belief that the truth of the asserted facts is highly probable.

Saxton v. Harris, 395 P.2d 71, 72 (Alaska 1964).

If I may be of further assistance, please advise.

GU:pl
94-303.plm

Criminal History: Violations for 1993 Bristol Bay Enforcement Program

Public Safety has generated this report on repeat offenders in Bristol Bay. What follows is the summary.

The report identifies 90 individuals who were repeat offenders. The worse case shows a history going back to 1986 with 18 different violations (one can only guess how many illegal acts this guy was not cited for).

The limitations of the report are equally important, it tells you only that 90 people who were caught in 1993 had been caught previously. So, if a guy were cited in 1992 but not in 1993, that statistic is not included in this report.

Clearly, the data supports the notion that it is people who are habitual violators who cause the majority of the problems.

Thank you.

CRIMINAL HISTORY

COURT Dispo

A acquitted
 B no complaint filed
 C nolo contendere
 D Dismissed
 F Bail forfeited
 G guilty
 H not guilty
 N no dispo available
 P not prosecuted-DA declined
~~RE~~ SIS/DIS completed
 S SIS/DIS
 T closed statistically
 I Not Guilty by Trial

W PARDON by Governor
 U - SIS - NOT SET ASIDE

PERSON TEMPERMENT

HEIGHT

A	Armed	4'8" - 56"
C	Caution	4'9" - 57"
D	Dangerous	5' - 60"
I	Incapaciated	5'1" - 61"
M	Mental	5'2" - 62"
R	Resist arrest	5'3" - 63"
		5'4" - 64"
		5'5" - 65"
		5'6" - 66"
		5'7" - 67"
		5'8" - 68"
		5'9" - 69"
		5'10" - 70"
		5'11" - 71"
		6' - 72"
		6'1" - 73"
		6'2" - 74"
		6'3" - 75"
		6'4" - 76"
		6'5" - 77"
		6'6" - 78"

OFFENSE CODES

9761 Child Enticement
 9852 Stop at direction of Officer
 9898 Fail to give notice
 9854 Render Aide or Assistance
 4899 Obstruct/interfer
 5309 Harrassment

SENTENCE

A Alcohol screening
 C Commitment
 D Deferred Sent
 F Fine
 FS Fine Susp.
 J Jail
 JS Jail Susp.
 L License Susp
 P Probation
 R Reduced Charge
 S SIS
 T Restitution

INDEXING

B - Booking photo
 Crim. R - R&I Judgement
 F - Fingerprint Card-gm sheet
 P - Rap sheet
 K - Booking Sheet - ~~dismissed~~
 W - Audit Report *Citation to*
 X - DECEASED
 Fup. Y - CITATION
 Z - Judgement

CASE Closure Info

CA - Closed by Arrest
 CD - " Declined Prosecution
 CI - " By Investigation -
 no Further Leads
 CU - Close unfounded
 CL - Closed Log
 CE - Closed by Excepti
 P.A - Referred to Another
 Agency
 IR - Initiate Report

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
655692	01/14/1993	8600		GM LI UNLICENSED	
101238	01/14/1993	8600		GM LI UNLICENSED	
854138	02/05/1993	8622		GM CS TK CLSD SEASN	
	02/05/1993	8622		GM CS TK CLSD SEASN	
1366393	02/18/1993	8001		AA I. PLS STM/SP APPL	
851390	04/29/1993	8181		CF FAIL OBT LIC CREW	
418076	04/29/1993	8180		CF LI EMPL UNL CREW	
691970	04/29/1993	8181		CF FAIL OBT LIC CREW	
1328311	04/29/1993	8181		CF FAIL OBT LIC CREW	
1328318	04/29/1993	8181		CF FAIL OBT LIC CREW	
174907	04/30/1993	8150		CF IG OVER LGTH NET	
	04/30/1993	8212	8212	CF ID FL TO WRK BODY	C
583864	05/01/1993	8171		CF MISCELLANEOUS	
8142	05/01/1993	8181		CF FAIL OBT LIC CREW	
1328358	05/01/1993	8181		CF FAIL OBT LIC CREW	
525565	05/01/1993	8180		CF LI EMPL UNL CREW	
450357	05/01/1993	8171		CF MISCELLANEOUS	
681216	05/07/1993	8214		CF FT. MK. CLD. NT W/AD	
	05/07/1993	8214	8214	CF FT. MK. CLD. NT W/AD	D
1311181	05/30/1993	8001		AA I. PLS STM/SP APPL	
1184711	06/04/1993	8001		AA I. PLS STM/SP APPL	
1306392	06/19/1993	8170		CF LIC PLS STMT/APPL	
880961	06/20/1993	8120		CF CN COMM FISH	
344098	06/20/1993	8120		CF CN COMM FISH	
	07/01/1992	8120	8120	CF CN COMM FISH	G
203479	06/20/1993	8120		CF CN COMM FISH	
	07/12/1992	8120	8120	CF CN COMM FISH	C
370283	06/20/1993	8180		CF LI EMPL UNL CREW	
	06/20/1993	8120	8120	CF CN COMM FISH	C
	06/20/1993	8120	8120	CF CN COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
1334546	06/20/1993	8181		CF FAIL OBT LIC CREW	
933941	06/20/1993	8120		CF CW COMM FISH	
1334719	06/20/1993	8120		CF CW COMM FISH	
864102	06/21/1993	8120		CF CW COMM FISH	
310715	06/21/1993	8181		CF FAIL OBT LIC CREW	
1324139	06/21/1993	8120		CF CW COMM FISH	
1231647	06/21/1993 07/06/1991	8120 8120	8120	CF CW COMM FISH CF CW COMM FISH	C
1073427	06/22/1993 06/22/1993 04/29/1993	8180 8120 8185	8120 8185	CF LI EMPL UNL CREW CF CW COMM FISH CF FAIL OBT VSSL LIC	C C
1097920	06/22/1993	8181		CF FAIL OBT LIC CREW	
1334719	06/22/1993	8120		CF CW COMM FISH	
217074	06/24/1993 07/01/1988 07/01/1988 07/09/1989 07/07/1992 06/29/1992 06/24/1993	8180 8120 8210 8120 8120 8105 8260	8120 8210 8120 8120 8105 8260	CF LI EMPL UNL CREW CF CW COMM FISH CF FL TO ID ADEGRN CF CW COMM FISH CF CW COMM FISH CF CS TRAIL GILL NET CF OP NET CLS TO NET	G G G C C C
1334837	06/24/1993	8181		CF FAIL OBT LIC CREW	
1207695	06/24/1993	8181		CF FAIL OBT LIC CREW	
66048	06/24/1993	8181		CF FAIL OBT LIC CREW	
1318192	06/24/1993	8120		CF CW COMM FISH	
682765	06/24/1993 07/10/1988 04/25/1990	8120 8120 8184	8120 8184	CF CW COMM FISH CF CW COMM FISH CF PRM HLDG NOT PRES	G G
305131	06/24/1993 06/21/1988 06/24/1993	8180 8120 8120	8120 8120	CF LI EMPL UNL CREW CF CW COMM FISH CF CW COMM FISH	G C
321039	06/24/1993 07/05/1991	8105 8212	8212	CF CS TRAIL GILL NET CF ID FL TO MRK BUOY	G
865963	06/25/1993	8120		CF CW COMM FISH	
103963	06/25/1993	8120		CF CW COMM FISH	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	07/26/1987	8120	8120	CP CW COMM FISH	C
	07/06/1991	8260	8260	CP OP NET CLS TO NET	C
348285	06/26/1993	8120		CP CW COMM FISH	
	07/03/1993	8248	8248	CP FL RED FOR AREA	D
	07/21/1993	8120	8120	CP CW COMM FISH	C
1264430	06/27/1993	8001		AA L FLS STM/SP APPL	
1299541	07/18/1993	8001		AA L FLS STM/SP APPL	
570207	07/29/1993	8001		AA L FLS STM/SP APPL	
1347461	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347469	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347471	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347474	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347480	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347482	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347485	08/13/1993	8411		SP CAST IN CLSD WTRS	
1347735	08/13/1993	8411		SP CAST IN CLSD WTRS	
1264430	08/15/1993	8001		AA L FLS STM/SP APPL	
1026092	08/22/1993	8752		GM IU WASTE/PD ANIML	
	08/22/1993	8752		GM IU WASTE/PD ANIML	
1318192	08/23/1993	8120		CP CW COMM FISH	
1214745	09/02/1993	8602		GM LI EL ORT BRV TCK	
1354269	09/03/1993	8605		GM LI RV TKT VIOL	
1060518	09/04/1993	8752		GM IU WASTE/PD ANIML	
	09/04/1993	8622		GM CS TK CLSD SRASH	
951449	09/06/1993	8508		GM CR GUIDE W/O LIC	
1355802	09/06/1993	8508		GM CR GUIDE W/O LIC	
1354266	09/07/1993	8605		GM LI RV TKT VIOL	
1049727	09/07/1993	8605		GM LI RV TKT VIOL	
1354346	09/13/1993	8605		GM LI RV TKT VIOL	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
476098	09/20/1993	8622		GM CS TR CLSD SEASN	
519759	09/23/1993	8605		GM LI RV TKT VIOL	
1136834	09/24/1993	8602		GM LI PL OBT HRV TCK	
930572	09/30/1993	8750		GM IU ILL SALE/BRTR	
	09/12/1991	8001	8001	AA L ELS STM/SP APPL	C
	09/12/1991	8001	8001	AA L ELS STM/SP APPL	C
1209328	01/05/1993	8752	8752	GM IU WASTE/ED ANIWL	G
629207	01/05/1993	8752	8752	GM IU WASTE/ED ANIWL	G
	01/02/1993	8609	8609	GM LI MISC	C
	01/02/1993	8609	8609	GM LI MISC	C
	07/21/1992	8609	8609	GM LI MISC	C
1147214	01/05/1993	8752	8752	GM IU WASTE/ED ANIWL	G
1248976	01/03/1992	8001	8001	AA L ELS STM/SP APPL	C
	01/03/1992	8001	8001	AA L ELS STM/SP APPL	C
	01/03/1992	8001	8001	AA L ELS STM/SP APPL	C
	01/03/1992	8001	8001	AA L ELS STM/SP APPL	C
	01/05/1993	8752	8752	GM IU WASTE/ED ANIWL	C
1114525	04/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
696709	06/29/1986	8400	8400	SP LI FISH W/O LIC	G
	04/27/1993	8100	8100	CF CS CF CLSD SEASON	C
360256	04/28/1993	8100	8100	CF CS CF CLSD SEASON	C
1328384	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
37221	07/08/1991	8120	8120	CF CM COMM FISH	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	07/08/1991	8120	8120	CF CM COMM FISH	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
695748	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328380	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1142050	04/28/1993	8180	8180	CF LI ENPL UNL CREW	C
	06/21/1993	8120	8120	CF CM COMM FISH	D
	06/20/1993	8120	8120	CF CM COMM FISH	D
177403	04/28/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1328982	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
160008	07/07/1987	8212	8212	CF ID FL TO MRK BUOY	C
	06/27/1988	8120	8120	CF CW COMM FISH	G
	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C
1102831	04/29/1993	8182	8182	CF FL OBT PRMT CEEC	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
102849	04/29/1993	8214	8214	CF FL MK GLL NT W/AD	C
1133954	07/08/1992	8120	8120	CF CW COMM FISH	C
	07/01/1992	8120	8120	CF CW COMM FISH	C
	04/29/1993	8100	8100	CF CS CF CLSD SEASON	C
439146	07/14/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/01/1989	8120	8120	CF CW COMM FISH	G
	07/16/1988	8120	8120	CF CW COMM FISH	D
	04/29/1993	8181	8181	CF FAIL OBT LIC CREW	C
1073427	06/22/1993	8120	8120	CF CW COMM FISH	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1328320	04/29/1993	8180	8180	CF LI EMPL UNL CREW	C
169184	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
1102831	04/29/1993	8182	8182	CF FL OBT PRMT CEEC	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
174907	04/30/1993	8212	8212	CF ID FL TO MRK BUOY	C
260647	04/30/1993	8180	8180	CF LI EMPL UNL CREW	C
307951	04/30/1993	8214	8214	CF FL MK GLL NT W/AD	C
452860	07/02/1993	8120	8120	CF CW COMM FISH	C
	04/30/1993	8181	8181	CF FAIL OBT LIC CREW	C
570362	05/01/1993	8171	8171	CF MISCELLANEOUS	C
485746	03/18/1991	8222	8222	CF POSS U/SZ SHEPISH	D
	07/10/1993	8120	8120	CF CW COMM FISH	C
	05/01/1993	8211	8211	CF FL DISP NRRS VSSL	C
1149174	05/01/1993	8171	8171	CF MISCELLANEOUS	C
180518	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI EMPL UNL CREW	C
1108286	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
180518	05/01/1993	8100	8100	CF CS CF CLSD SEASON	C
	05/01/1993	8171	8171	CF MISCELLANEOUS	C
	05/01/1993	8180	8180	CF LI ENPL UNL CREW	C
923348	05/01/1993	8180	8180	CF LI ENPL UNL CREW	C
129592	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
89630	05/01/1993	8180	8180	CF LI ENPL UNL CREW	C
231470	10/03/1986	8180	8180	CF LI ENPL UNL CREW	D
	01/12/1988	8121	8121	CF CN ILL STORE POTS	G
	01/27/1993	8222	8222	CF POSS U/SZ SHEFISH	C
	05/01/1993	8180	8180	CF LI ENPL UNL CREW	C
1122914	05/01/1993	8211	8211	CF FL DISP NBRS VSSL	C
937486	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
1121941	05/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328373	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/02/1993	8180	8180	CF LI ENPL UNL CREW	C
1328388	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328373	05/02/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/02/1993	8180	8180	CF LI ENPL UNL CREW	C
882563	05/02/1993	8214	8214	CF FL NR GLI. NT W/AD	C
	06/30/1993	8120	8120	CF CN COMM FISH	C
704148	04/12/1990	8102	8102	CF CS FAIL/RRMV NET	D
	05/02/1993	8214	8214	CF FL NR GLI. NT W/AD	C
1029829	04/17/1993	8401	8401	SP FSH W/O LIC IN PO	C
	05/02/1993	8400	8400	SP LI FISH W/O LIC	C
670830	06/27/1987	8120	8120	CF CN COMM FISH	C
	05/03/1993	8171	8171	CF MISCELLANEOUS	C
1328379	05/03/1993	8181	8181	CF FAIL OBT LIC CREW	C
1010148	07/03/1986	8120	8120	CF CN COMM FISH	C
	07/11/1987	8212	8212	CF ID FL TO NRK BUOY	C
	07/07/1987	8212	8212	CF ID FL TO NRK BUOY	C
	07/04/1987	8120	8120	CF CN COMM FISH	G
	07/11/1989	8120	8120	CF CN COMM FISH	G
	07/14/1990	8260	8260	CF OP NET CLS TO NET	C
	05/23/1992	8228	8228	CF ILL POSS GENERAL	R
	05/04/1993	8214	8214	CF FL NR GLI. NT W/AD	C
	05/04/1993	8152	8152	CF IG O/LIM GILL NET	C
	07/03/1986	8120	8120	CF CN COMM FISH	C

EWPA000C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISFO
	07/11/1987	8212	8212	CF ID FL TO WRK BUOY	C
	07/07/1987	8212	8212	CF ID FL TO WRK BUOY	C
	07/04/1987	8120	8120	CF CW COMM FISH	G
	07/11/1989	8120	8120	CF CW COMM FISH	G
	07/14/1990	8260	8260	CF OP NET CLS TO NET	C
	05/23/1992	8228	8228	CF ILL POSS GENERAL	R
	05/04/1993	8214	8214	CF FL MK GLL NT W/AD	C
	05/04/1993	8152	8152	CF IG O/LIM GILL NET	C
1328296	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328308	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
1328301	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328368	05/04/1993	8180	8180	CF LI EMPL UNL CREW	C
	07/14/1993	8120	8120	CF CW COMM FISH	G
1328364	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
286480	05/04/1993	8181	8181	CF FAIL OBT LIC CREW	C
312891	05/06/1993	8214	8214	CF FL MK GLL NT W/AD	C
681216	05/07/1993	8214	8214	CF FL MK GLL NT W/AD	D
454045	02/08/1993	8171	8171	CF MISCELLANEOUS	C
	05/23/1993	8211	8211	CF FL DISP NBRS VSSL	G
585196	06/16/1991	8105	8105	CF CS TRAIL GILL NET	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334432	06/20/1993	8120	8120	CF CW COMM FISH	C
7551	06/29/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	C
1334526	07/02/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334537	06/20/1993	8120	8120	CF CW COMM FISH	C
503858	06/20/1993	8120	8120	CF CW COMM FISH	C
448427	06/20/1993	8120	8120	CF CW COMM FISH	C
689533	06/29/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334686	06/20/1993	8120	8120	CF CW COMM FISH	C

EMPHADHOC

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
294202	06/20/1993	8105	8105	CF CS TRAIL GILL NET	C
1334545	06/20/1993	8120	8120	CF CW COMM FISH	G
528571	06/20/1993	8120	8120	CF CW COMM FISH	G
938524	06/27/1986	8180	8180	CF LI EMPL UNL CREM	G
	07/10/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
167504	07/10/1991	8120	8120	CF CW COMM FISH	C
	07/10/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334543	06/20/1993	8120	8120	CF CW COMM FISH	C
1070595	06/20/1993	8120	8120	CF CW COMM FISH	G
370283	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334702	06/20/1993	8120	8120	CF CW COMM FISH	C
131015	06/20/1993	8120	8120	CF CW COMM FISH	C
1334544	06/20/1993	8120	8120	CF CW COMM FISH	C
958903	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
319410	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
	06/20/1993	8105	8105	CF CS TRAIL GILL NET	G
575211	07/08/1992	8120	8120	CF CW COMM FISH	D
	06/20/1993	8120	8120	CF CW COMM FISH	G
1180028	07/07/1990	8100	8100	CF CS CF CLSD SEASON	G
	07/05/1990	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
866651	05/22/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
1101533	06/27/1988	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
526907	06/27/1984	8120	8120	CF CW COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/21/1991	8214	8214	CF FL MK GLL NT W/AD	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
1334584	06/20/1993	8120	8120	CF CW COMM FISH	D
1055280	06/20/1993	8120	8120	CF CW COMM FISH	G
360531	07/10/1988	8120	8120	CF CW COMM FISH	C
	06/22/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
320885	06/21/1988	8120	8120	CF CW COMM FISH	G
	06/27/1992	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
939343	06/27/1987	8100	8100	CF CS CF CLSD SEASON	C
	07/13/1987	8120	8120	CF CW COMM FISH	C
	06/27/1992	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/21/1993	8120	8120	CF CW COMM FISH	G
477977	05/14/1990	8171	8171	CF MISCELLANEOUS	G
	07/03/1989	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
991860	06/20/1993	8120	8120	CF CW COMM FISH	G
611806	07/07/1987	8212	8212	CF ID FL TO MRK BUOY	C
	06/21/1988	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	C
710539	07/20/1992	8120	8120	CF CW COMM FISH	C
	06/29/1993	8260	8260	CF OP NET CLS TO NET	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1334517	06/20/1993	8120	8120	CF CW COMM FISH	C
92293	06/20/1993	8120	8120	CF CW COMM FISH	C
1083177	06/20/1993	8120	8120	CF CW COMM FISH	C
1083492	06/30/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/09/1989	8120	8120	CF CW COMM FISH	G
	07/07/1991	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	C
1142050	04/28/1993	8180	8180	CF LT ENPL UNL CREW	C
	06/21/1993	8120	8120	CF CW COMM FISH	D
	06/20/1993	8120	8120	CF CW COMM FISH	D
689987	07/08/1989	8210	8210	CF FL TO ID ADEGM	G
	06/20/1993	8120	8120	CF CW COMM FISH	D

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UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
357147	06/20/1993	8120	8120	CF CW COMM FISH	D
1334573	06/20/1993	8120	8120	CF CW COMM FISH	C
1334580	06/20/1993	8120	8120	CF CW COMM FISH	C
1334509	06/21/1993	8120	8120	CF CW COMM FISH	C
1334572	06/21/1993	8120	8120	CF CW COMM FISH	C
937678	07/15/1989	8120	8120	CF CW COMM FISH	G
	06/21/1993	8120	8120	CF CW COMM FISH	C
491889	05/14/1986	8123	8123	CF CW TAKE HERRING	
	06/21/1993	8120	8120	CF CW COMM FISH	C
314947	07/03/1986	8180	8180	CF LI EMPL UNL CREW	D
	06/27/1988	8120	8120	CF CW COMM FISH	C
	06/23/1992	8120	8120	CF CW COMM FISH	C
	06/21/1993	8120	8120	CF CW COMM FISH	C
1334528	06/21/1993	8120	8120	CF CW COMM FISH	C
618192	06/27/1986	8100	8100	CF CS CF CLSD SEASON	G
	06/21/1993	8120	8120	CF CW COMM FISH	C
1334519	06/21/1993	8105	8105	CF CS TRAIL GILL NET	C
592464	06/25/1992	8120	8120	CF CW COMM FISH	D
	06/21/1993	8120	8120	CF CW COMM FISH	G
927160	06/21/1993	8120	8120	CF CW COMM FISH	C
939343	06/27/1987	8100	8100	CF CS CF CLSD SEASON	C
	07/13/1987	8120	8120	CF CW COMM FISH	C
	06/27/1992	8120	8120	CF CW COMM FISH	C
	06/20/1993	8120	8120	CF CW COMM FISH	G
	06/21/1993	8120	8120	CF CW COMM FISH	G
55007	07/06/1985	8140	8140	CF IG GENERAL	C
	06/21/1993	8120	8120	CF CW COMM FISH	C
	07/14/1993	8120	8120	CF CW COMM FISH	C
1142050	04/28/1993	8180	8180	CF LI EMPL UNL CREW	C
	06/21/1993	8120	8120	CF CW COMM FISH	D
	06/20/1993	8120	8120	CF CW COMM FISH	D
1334326	06/22/1993	8404	8404	SP LI MISCELLANEOUS	C
14894	07/06/1993	8120	8120	CF CW COMM FISH	C
	06/22/1993	8120	8120	CF CW COMM FISH	C
644244	06/22/1993	8120	8120	CF CW COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
1334567	06/22/1993	8120	8120	CF CW COMM FISH	C
582423	07/10/1983	8151	8151	CF IG OVER LGTH VSSL	G
	06/28/1989	8120	8120	CF CW COMM FISH	G
	06/22/1993	8105	8105	CF CS TRAIL GILL NET	G
360531	07/10/1988	8120	8120	CF CW COMM FISH	C
	06/22/1993	8120	8120	CF CW COMM FISH	G
	06/20/1993	8120	8120	CF CW COMM FISH	G
1073427	06/22/1993	8120	8120	CF CW COMM FISH	C
	04/29/1993	8185	8185	CF FAIL OBT VSSL LIC	C
39132	06/24/1993	8120	8120	CF CW COMM FISH	C
93813	06/24/1993	8120	8120	CF CW COMM FISH	C
97650	07/07/1987	8180	8180	CF LI ENPL OHL CREW	C
	07/06/1990	8120	8120	CF CW COMM FISH	C
	07/13/1992	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8120	8120	CF CW COMM FISH	C
	06/24/1993	8171	8171	CF MISCELLANEOUS	C
	07/07/1987	8180	8180	CF LI ENPL OHL CREW	C
	07/06/1990	8120	8120	CF CW COMM FISH	C
	07/13/1992	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8120	8120	CF CW COMM FISH	C
	06/24/1993	8171	8171	CF MISCELLANEOUS	C
305131	06/21/1988	8120	8120	CF CW COMM FISH	G
	06/24/1993	8120	8120	CF CW COMM FISH	C
1869	06/27/1988	8120	8120	CF CW COMM FISH	G
	06/24/1993	8105	8105	CF CS TRAIL GILL NET	C
526901	07/06/1993	8120	8120	CF CW COMM FISH	C
	06/24/1993	8120	8120	CF CW COMM FISH	C
	01/04/1993	8182	8182	CF FL OBT PRMT CFEC	D
	01/04/1993	8222	8222	CF POSS U/SZ SHEPISH	C
375252	07/06/1990	8120	8120	CF CW COMM FISH	C
	07/10/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	G
341845	06/24/1993	8120	8120	CF CW COMM FISH	G
472297	05/09/1989	8100	8100	CF CS CF CLSD SEASON	G
	07/11/1990	8260	8260	CF OP NET CLS TO NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	H
217074	07/01/1988	8120	8120	CF CW COMM FISH	G
	07/01/1988	8210	8210	CF FL TO ID ADFGH	G
	07/09/1989	8120	8120	CF CW COMM FISH	G
	07/07/1992	8120	8120	CF CW COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/29/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CF OP NET CLS TO NET	C
1041816	07/26/1987	8120	8120	CF CM COMM FISH	C
	06/25/1993	8120	8120	CF CM COMM FISH	D
1334873	06/25/1993	8120	8120	CF CM COMM FISH	C
1334874	06/25/1993	8120	8120	CF CM COMM FISH	D
134344	06/25/1993	8120	8120	CF CM COMM FISH	C
1285718	07/01/1992	8120	8120	CF CM COMM FISH	C
	06/25/1993	8120	8120	CF CM COMM FISH	C
78854	07/02/1992	8120	8120	CF CM COMM FISH	C
	06/25/1993	8120	8120	CF CM COMM FISH	G
1334875	06/22/1993	8102	8102	CF CS FAIL/RENV NET	D
	06/25/1993	8105	8105	CF CS TRAIL GILL NET	G
1082543	06/26/1993	8120	8120	CF CM COMM FISH	C
398948	06/26/1993	8120	8120	CF CM COMM FISH	C
329562	05/16/1987	8171	8171	CF MISCELLANEOUS	D
	05/10/1991	8170	8170	CF LIC FLS STMT/APPL	C
	06/27/1992	8105	8105	CF CS TRAIL GILL NET	C
	06/26/1993	8120	8120	CF CM COMM FISH	D
134226	07/07/1993	8260	8260	CF OP NET CLS TO NET	C
1290856	09/03/1993	8605	8605	GM LI HV TKT VIOL	C
1362780	09/11/1993	8001	8001	AA I. FLS STH/SP APPL	C
1283292	09/12/1993	8740	8740	GM OL TK OVRN LIMIT	G
1363839	09/18/1993	8601	8601	GM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	GM LI FL APX LCK TAG	C
	09/18/1993	8601	8601	GM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	GM LI FL APX LCK TAG	C
1363844	09/23/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363848	09/25/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363846	09/25/1993	8752	8752	GM IU WASTE/ED ANIML	C
1363886	09/25/1993	8762	8762	GM MI HOG HARASS GM	C

DWT

RECEIVED
FEB 16 1994

3007 SOUTH CIRCLE
ANCHORAGE
AK 99507

Senator Halford

Ans'd.....

2-13-94

State of Alaska

PHONE 344 3132

Dear Senator:

Enclosed is a written copy of letter that I sent to the Governor after I returned from fishing Bristol Bay last year. I did receive a reply from Commissioner Burton and his "solution" was maybe to put boys on the line.

It is my understanding that you were in the Bay last summer and saw first hand what goes on there, as I explained in my letter to the Governor it is not all the fishermen who want or condone this type of fishery that enables lawbreakers to profit handsomely.

The Troopers in talking to Capt Graham give a lot of tickets only to see Judges give a slap on the wrist to most violators, this sort of sends a message to encourage breaking the law. I along with many other fishermen would like to see the lines done away with as in 1970-1980, the lines do nothing to the question of

quality which as you know is becoming more of a concern with falling prices.

The lines benefit the lawbreakers with the use of spotter planes and helicopters which are primarily used to spot the protection officers thus evading getting a ticket. something must be done to change this as every year it gets worse.

If you could have any input on this it would be greatly appreciated, the time to act is now while the specter of low prices will make all involved look for a better way.

Thank you for your time.

Sincerely,

Robert B. Butt

ROBERT. B. BUTT.

Copy

sent in 93.

3007 S. Arile
Anchorage
Ak 99507.

344 3132.

907 344 3132.

Dear Governor Hitchel.

I am a resident of Anchorage and I have fished in Bristol Bay Area for the last 25 years. and have been there through the good and bad times

I am writing you today and asking for your help with our out of control fishery, I have always been based in the Egegik district and have seen that develop from a gentleman fishery to the monster that it has become today.

I left the bay this year with a sick feeling, I am a successful fisherman and run a good operation pay my crew a fair share, what we have now is a fishery that pays lawbreakers to flaunt the law and pays them handsomely I am referring to the group of fishermen that successfully evade the law by fishing "over the line" the boundaries

set by the Board of Fish, we have the infamous North line and the fast developing South line. Public Safety Protection attempts to do their job and yes they catch quite a few but the main bandits never get caught, when protection only has one skiff to patrol the line and boats employ aircraft and now helicopters to keep track of where the skiff is so as they can effectively evade protection to the tune of catching in the range of an additional 100,000 pounds of fish for the season, even at 60 cents a pound you can see the figures and even by chance they do get caught they are faced with a fine of 3-6000 dollars maybe lose their fish and nets taken, then they have additional nets on tenders stationed just over the line and are back fishing. a great many of these fishermen are out of state and 2 I know of are from New Zealand but we also have the Alaska breed.

I have testified at the Board meetings on this situation, I have introduced proposals

to stop the use of spotter planes.

Some solutions Fish and Game Protection Budget should not be cut anymore.

Protection should have more personnel on the grounds.

Use jet units on the bottom of outboard motors this would enable them to come up and go into shallow waters.

When they do catch a violator they should just take the operators permit card from him and then write him up during the closed period most time violators don't even stop fishing.

Undercover operations should be employed throughout the season. a group of us offered to have Forest Protection officers use our boats and just take No's of boats in violation and ticket them later this was 10 years ago at the start of this lawlessness.

It is sicking to see these lawbreakers brag about their catches and go by some boats especially native owned that caught only 50,000lb for the whole season and they can't compete with the rest of the

"highliners"

Protection could employ temporary hires to run ships thereby freeing up officers to do the ticketing.

Need the use of Fish & Game Planes unmarked to act as spotter plane to patrol the landmasses and relay info to Protection vessels.

Need use of confiscated Fishing Vessel to patrol have nets on board and the "crew" officer dressed as fisherman. and just drive around and take no's. of vessels.

This situation is out of control now and something needs to be done if we as a group of fishermen can help we are willing to do it.

Sincerely,

Robert Burt

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 29, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 4 May 94

The JUDICIARY Committee considered:

CSSB 316(RES)

CS FOR SENATE BILL NO. 316(RES)

FISHING VIOLATIONS: FINES/BURDEN OF PROOF

"An Act relating to commercial fishing penalties."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
- have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: House Judiciary letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

And letter of Intent

[Signature]
CHAIRMAN'S SIGNATURE