

HEB

443

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to amend AS 16.05.815(d) to better protect the confidentiality of certain Department of Fish and Game records regarding the location of fish and wildlife. The existing language was enacted at the request of the Department of Fish and Game in 1990. However, as demonstrated by a recent court case, the existing language is subject to an interpretation not anticipated by the department.

An Anchorage superior court recently found that the current statute places the burden on the department to prove to the court that the particular request for those records poses a detriment to the fish or wildlife population. While a single specific request for records might not be overly burdensome, the cumulative effect of several such requests might cause a severe impact on the limited staff of the department. Existing AS 16.05.815(d) leaves the door open to record requests entirely unrelated to legitimate scientific research or management goals.

This bill will not disrupt critical scientific research and management efforts. Government agencies, both state and federal, sometimes need the information to complement or verify similar research studies or to further management and conservation responsibilities. This bill will leave the department with discretion to share the information with other government agencies that might have legitimate need for those records, as well as with researchers under contract with the state.

I urge your support of this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

GOVERNOR HICKEL'S RADIO-TELEMETRY BILL (SB 277 & HB 443)

Governor Hickel has introduced legislation which will allow the Department of Fish and Game (ADF&G) to keep radio-frequency information confidential. It is in the state's best interest and essential for good wildlife management to keep this information confidential.

The release of radio-frequencies and other information that reveals the specific location of wildlife has the potential to: compromise ADF&G studies or approved research projects of authorized permittees through removal of animals from the wild, displacement of animals by disturbance, or alteration of their behavior; lead to disturbance of wildlife-sensitive locations (e.g., dens, breeding areas, rendezvous sites); facilitate harassment of ADF&G research and management programs by individuals or organizations that may oppose them; and lead to increased vulnerability of collared animals and associated animals to hunting or harassment by people.

AS 16.05.815 was amended in 1990 to allow ADF&G to keep frequencies of radio-collared animals confidential. Exact wording of the statute now reads, "the department shall keep confidential...when the knowledge may be detrimental to the fish or wildlife population, the records of the department concerning telemetry radio-frequencies of monitored species..." The use of the words "when the knowledge may be detrimental to the fish or wildlife populations" have caused a problem.

The department was sued in the summer of 1993 for refusing to release radio-frequency information on wolves to a private individual wishing to track the animals. We were required by the court to release the information because we could not prove that release of the information would be detrimental to the population. It will be nearly impossible to ever prove population level damages because only small numbers of animals are collared and damage or death to a few individuals would rarely damage the population.

This bill will allow these records to be kept confidential by removing the words, "When the knowledge may be detrimental to the fish and wildlife population." Present wording in AS 16.05.815 allows release of this information to state or federal agencies. This legislation adds the provision for the release of information if the requestor is under contract with the state to conduct research on a fish or wildlife population. This provision would allow ADF&G to cooperate on projects with University researchers and private consultants through cooperative agreements when such cooperation is mutually beneficial.

FISCAL NOTE

BILL NO.

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date _____
 Title Confidentiality of radio frequencies/
 tracking wildlife
 Sponsor _____
 Requestor: Governor

Dept. Affected: Department of Fish and Game
 BRU: Wildlife Conservation
 Component: Wildlife Conservation
 COMPONENT SERIAL NO. 0473

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Geron Bruce
 Division: Commissioner's Office
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-6143
 Date: 12/16/93
 Date: 12/16/93

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