

SB

177

<target><bill>SB 177</bill><subject>SB
177</subject><comm>HFIN26</comm></target>

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us



Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER
SENATE DISTRICT O

SPONSOR STATEMENT FOR CSSB 177

"An Act relating to an exception for professional fishing guide services in the Kenai river Special management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

CSSB 177 will provide a waiver for a mid-season replacement of a fishing guide within the Kenai River Special Management Area and ensure the continuation of Alaska's sport fish guide licensing and reporting program for five years.

This waiver benefits sports fish operating guide businesses—particularly small guide operators who would have to turn away business if they had a sudden and unexpected loss of a guide mid-season because of injury, misconduct or some other unforeseen circumstance.

The licensing and reporting program has proven beneficial to both the sport fishing industry and resource managers. Legislation authorizing the program was passed in 2004 for a number of purposes. The Department of Fish & Game sought more comprehensive and credible information on guide numbers and guiding activities. The Department also wanted to create basic standards for sport fish business operators and guides, including minimum liability insurance coverage, first aid certification, and in some cases U.S. Coast Guard vessel licensing.

Passing SB 177 will provide relief for sport fish operating guides and permit the ADF&G to continue to foster high standards in Alaska's sport fishing industry by enabling the department to carry on collecting important data for management decisions to benefit both fisheries resources and their stakeholders.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 16, 2009

FURTHER REFERRALS:

Date of Committee Action: 4/17/09

The FINANCE Committee considered:

CS FOR SENATE BILL NO. 177(FIN)

"An Act relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

SB 177 SPORT FISH GUIDE LICENSES/KENAI RIVER SMA

Recommends it be replaced with HCS or CS for SB 177 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DFG		✓		

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Thomas Hara	✓			
	Foster	X			
	CRAWFORD	X			
	FAIRCLOUGH	✓			
	KELLY			X	
	AUSTRALIAN	X			
	Salmon		X		
	Soule			X	
Chair:	Hawker	★			
Chair:	SCOTT			X	

**HOUSE CS FOR CS FOR SENATE BILL NO. 177(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an exception for professional fishing guide services in the Kenai**
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3 **operators and sport fishing guides and licensing and registration of sport fishing vessels;**
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6 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **PURPOSE.** The purpose of sec. 2 of this Act is to allow employers of professional
9 fishing guides in the Kenai River Special Management Area to hire a licensed guide who has
10 not completed the course requirement listed in 11 AAC 20.885(c)(9) if the employer has lost
11 the services of an employee because of unforeseen circumstances and is unable to hire an
12 available replacement guide who has completed the course.

13 *** Sec. 2.** AS 41.21.506(b) is amended to read:

14 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
2 and to implement the plan adopted under (a) of this section. The regulations must

3 (1) designate incompatible uses and prohibit or restrict them, and

4 (2) establish a registration, licensing, or comparable procedure for
5 professional fishing guides and such additional fishing guide controls as the
6 commissioner considers necessary; notwithstanding the requirements established
7 by the commissioner to implement this paragraph, the commissioner shall
8 establish a procedure by which the holder of a valid sport fishing operator license
9 issued under AS 16.40.260 may petition for, and the director of the division of
10 parks, or the director's designee, shall expeditiously issue, a waiver to allow the
11 sport fishing operator license holder to use the services in the Kenai River Special
12 Management Area of a guide licensed under AS 16.40.270 who has not completed
13 the procedures and additional controls that are required by the department
14 under this paragraph; the waiver authorized in this paragraph applies only for
15 the duration of the sport fishing season during which the waiver application is
16 submitted and only if the sport fishing operator license holder

17 (A) employing the licensed guide has lost the services of a
18 licensed guide because of unforeseen circumstances; and

19 (B) is unable to hire as a replacement an available licensed
20 guide who has satisfied all the requirements of this paragraph, including
21 those required by regulation.

22 * Sec. 3. Section 8, ch. 70, SLA 2004, is amended to read:

23 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,
24 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed
25 January 1, 2011 [2010].

26 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Adopted

26-LS0832AS
Kane
4/16/09

HOUSE CS FOR CS FOR SENATE BILL NO. 177()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MEYER

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FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 177(RES)
(S) Publish Date: 4/11/09

Identifier (file name): SB177-DFG-SFD-04-03-09 Dept. Affected: ADF&G
Title: An act repealing the termination of licensing & regulation of sport fishing operators and sport fishing guides..... RDU: Sport Fisheries
Sponsor: Senator Meyer Component: Sport Fisheries
Requester: Senate Resources Component Number: 464

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services		344.5	344.5	344.5	344.5	344.5	344.5	344.5
Travel		10.0	10.0	10.0	10.0	10.0	10.0	10.0
Contractual		100.7	100.7	100.7	100.7	100.7	100.7	100.7
Supplies		7.0	7.0	7.0	7.0	7.0	7.0	7.0
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	462.2	462.2	462.2	462.2	462.2	462.2

CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()								

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
1024 Fish/Game		462.2	462.2	462.2	462.2	462.2	462.2	462.2
TOTAL		0.0	462.2	462.2	462.2	462.2	462.2	462.2

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)
The division has budgeted \$462.2 in the FY10 Governor's budget to administer the Sport Fish operator/guide/vessel program. The program generates estimated Fish & Game Fund revenues of \$256.0, with the balance covered by other Fish & Game Funds.

New Note

Prepared by: Charles O. Swanton, Director Phone 465-6184
Division: Sport Fisheries Date/Time 4/3/09 10:13 AM
Approved by: Tom Lawson, Director Date 4/3/2009
Administrative Services



Alaska State Legislature

Please enter into the record my testimony to the House Finance
committee name

Committee on SB 177, dated 4/17/09
bill # / subject

I am in support of SB 177 even as amended.

(See attached Reasons)

Fees are a fact of life in any industry, and certainly in one that caters to visitors to Alaska; and one that is now recognized as being responsible for \$1.4 billion dollars in economic activity statewide! I encourage your support of SB 177.

Signed: Theresa Weiser
Testifier

Charter Lodge Owner for 20 years
Representing (optional)

P.O. Box 2300 Sitka, AK. 99835
Address

907-738-3879
Phone number

Re: SB 177

4/17/09

From: Theresa Weiser

Lodge Owner for 20 years in Sitka & President
of Sitka Charter Boat Operators Assoc.

I am in support of SB 177 even as amended. By supporting SB 177 the ADF & G will continue to collect fees to provide licensing & conduct the logbook program for the charter fishing industry.

This guide licensing program has created basic minimum standards for sport fish business operators & guides including minimum liability insurance coverage & first aid certification, as well as enable ADF & G to continue collection of important data via the logbook program. This logbook program is very important as a tool to manage & sustain sport fisheries & the only means the Dept. has to collect this data specific to the guided industry.

I am supportive of Dept. efforts towards moving into an electronic reporting system which will help to simplify reporting requirements for guides on a daily and/or weekly basis.

The sport fishing businesses & recreational anglers accounted for \$274 million in expenditures in SE Alaska alone in 2007. In Sitka, this represents a huge stimulus to local economy. The program represented by this legislation is paramount to collecting data and information vital to our industry.

**Brief for SB 177: NO REPEAL SPORT FISH GUIDE LICENSE
(Reauthorization of Sport Fish-Guide Licensing Legislation)
April 17, 2009**

Alaska Department of Fish and Game Contacts:

Charlie Swanton- Charles.Swanton@alaska.gov; phone: 465-6184 or 321-0955

Jennifer Yuhas- Jennifer.Yuhas@alaska.gov; phone: 465-6137 or 388-7951.

Note: The Senate Resources Committee amended SB177 on April 10, 2009 by adding a sunset date of January 1, 2015.

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.
- Proposed by the Department for three main reasons:
 - Information on guide numbers and their fishing activities was either not available or limited in many parts of the state;
 - Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 - Provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: Alaska Board of Fisheries (BOF), International Pacific Halibut Commission (IPHC), and North Pacific Fisheries Management Council (NPFMC).

Participation Statistics:

- An average of 1,670 sport fishing business licenses (including Owner/Operator combination) at a fee of \$100 dollars have been sold annually (**90% of owners are Alaska residents**).
- An average of 1,960 sport fishing guide licenses with a fee of \$50 dollars have been sold annually (**73% of guides are Alaska residents**).
- Over 1.8 million clients took 450,000 trips (2005-2008 combined) with 67% fishing in saltwater and 33% in fishing freshwater; **88% of all clients were nonresidents**.
- There were 2,061 vessels registered in freshwater and 1,628 in saltwater (2005-2008).

Present Use Compared to Legislative intent

- A comprehensive list of all sport fishing guides working in salt water will allow Alaska to receive an exemption from participating in the National Saltwater Angler Registry (up to \$25/saltwater angler in 2011).
 - Without this exemption an additional fee of \$25 dollars would be required of all anglers fishing in salt water within the state.
- Guide and client statistics from this program were used for the 2007 Sport Fish Economic Impact study recently published: \$1.4 billion dollars in sport fishing expenditures.
- The logbook data for saltwater anglers has been used extensively within the IPHC and NPFMC for rule making on Pacific Halibut.
- Both freshwater and saltwater logbook harvest data has been presented and utilized by the Alaska Board of Fisheries, International Pacific Halibut Commission and North Pacific Fisheries Management Council.
 - During 2007-2009 the Alaska Board of Fisheries Meetings used log book data to address approximately 70 proposals.
 - ADF&G Area Management Biologists routinely review logbook data inseason.
 - Logbook data has been used extensively for catch sharing plans, bag limit analyses and identifying businesses involved by the NPFMC.
 - Harvest estimate verification studies (2006-2008) are being conducted comparing logbook, statewide sport fish harvest survey, and dock side creel programs. Preliminary results are favorable regarding accuracy of the harvest information. (Final report available October 2009).
 - Sport Fishing Guide clients in 2007 and 2008 were contacted independently (surveyed) for obtaining harvest information as part of verification program (germane to NPFMC request).

Program Revenue and Costs:

Guide License Revenue & Expenditures

Fiscal Year	Status	Revenue	Expenditures	Shortage
FY05	Actual	\$200.2	\$179.3	\$20.9
FY06	Actual	\$256.6	\$386.6	(\$130.0)

FY07	Actual	\$263.9	\$454.1	(\$190.2)
FY08	Actual	\$250.9	\$443.2	(\$192.3)
FY09	Projection	\$253.5	\$450.2	(\$196.7)
FY10	Projection	\$256.0	\$462.2	(\$206.2)

- For FY08, approximately \$37,000 (8% of total expenditures) was expended on the licensing portion of the program. Fish and Game fund (angler License receipts) subsidize the program shortfall.

Electronic logbook reporting is being worked on and will be in place by the 2011 season.

26-LS0832\N
Kane
4/16/09

HOUSE CS FOR CS FOR SENATE BILL NO. 177()
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TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

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Resolution 2008-08 Kenai River Special Management Area Advisory Board

Presented 3-13-08

Provisions for Replacing a Guide In-season

This process addresses the in-season replacement of a fishing guide registered with Alaska State Parks to guide on the Kenai River in the current year and who has been issued a State Park Commercial Permit for the current year.

The justification for replacement can be either a major medical situation or an extenuating circumstance. The major medical option would be applicable in the case of incapacitating injury, extended illness or death of the fishing guide. The death of an immediate family member that necessitates the guide leaving the business may also be a valid reason to replace the guide. The extenuating circumstance requirement pertains to the termination of the guide's employment with the business owner.

ISSUE: The sudden and unexpected loss of a guide in-season could have serious effects on the business, as well as clients who have paid for these services. Current guide numbers are static and are expected to decline in future years. Due to this trend, it will become more difficult to find a qualified guide as an in-season replacement from among those who have graduated from the state required Kenai River Guide Academy.

The sport fishing business loss particularly among the small operators (1-3 fishing guides) could amount to a significant portion of their season's incomes. For the larger operator, the loss would be proportional to the total number of guides employed. The public would suffer as those who had booked and paid for a guided fishing trip, sometimes a year or more in advance, sometimes a once in a lifetime trip to Alaska and the Kenai Peninsula, would not be able to participate due to the loss of a guide due to one of the reasons cited above.

PROCESS: The person licensed by the State of Alaska as the Sport Fishing Business owner may apply for an in-season guide replacement. Said individual will petition the Kenai River Guide Advisory Board for a hearing. The designated application will be filled out and submitted to the KRSMA superintendent. The KRGAB chair will review the application and set a date for a meeting of the board. The chair can call a meeting at the earliest time a quorum can be present. The business owner applicant will be asked to attend.

The business owner applicant will need to explain the particulars circumstances relative to this petition and why it deserves consideration. The applicant can be asked questions by the board members.

The KRGAB will make a recommendation, in writing to the DNR Area Superintendent.

The following factors will impact the recommendation made by the KRGAB:

1. The business owner applicant will need to show that all options to secure a replacement guide have been exercised. This will include but is not limited to consideration of guides previously licensed with Parks as well as those students having completed the Guide Academy who have given permission to release their contact information. The first action is taken through Parks and the Kenai River Center. The second action is taken through the Kenai Peninsula College.

2. There can be no net gain in the number of guides the Sport Fishing Business has licensed. The replacement is for the remainder of the current year only.

3. The replacement guide will be required to meet all of the following requirements:

- a. Must be 18 years of age.
- b. Must be a United States citizen.
- c. Have a current first aid certification.
- d. Have a valid current United States Coast Guard license (when applicable).
- e. Have a current Alaska sport fishing license.
- f. Have a State of Alaska, ADF&G Sport Fish Guide License.
- g. Have proof of current enrollment in an approved drug testing program.
- h. Pay the Park Use Permit fee.
- i. Sign the Alaska State Park Use Stipulations package.

4 The replacement guide will be required to complete the Orientation Course provided by the Alaska Department of Natural Resources at the Kenai River Center and pay any fees associated with this course. The guide must successfully pass the course; the course is offered on a pass/fail basis.

5 Should the replacement guide wish to guide in a subsequent, he/she will be required to graduate from the Kenai River Guide Academy, as well as meeting all local, state and federal Requirements.

Be it resolved that Resolution 2008-08 is approved and forwarded to the Commissioner of Natural Resources and the Director of the Division of Parks for Consideration for implementation in 2009.

Glenn Carey
President

3/13/2008
Date

2009 Board Members

Richard Erkeneff
Board Chair
Owner - Kenai River Raven

Eldon Mulder
Vice Chair
President - The Mulder Company

Kevin Branson
Secretary and Treasurer
CPA - Thomas, Head & Greisen

Ron Rainey
Vice President
Ron's Alaska Lodge - Retired

Jim Golden
Vice President
Owner - The Sports Den

Ed Bryson
Vice President Field Operations
Alaska Communications Systems

Rik Bucy
General Manager
Tesoro Northstores - Retired

Bill Eckhardt
President
Alaska USA Federal Credit Union

Ben Ellis
Managing Director
Institute of the North

Mark Hamilton
President
University of Alaska

Reuben Hanke
Owner
Harry Gaines Kenai River Fishing

Bill MacKay
Senior Vice President
Alaska Airlines

Robert Penney
Owner
PENCO Properties

Darwin Peterson
Legislative Aide
Senator Stedman's Office

Karen Rey
Registered Nurse
ANS Territory Manager, Alaska

Gary Turner
Director
Kenai Peninsula College



KENAI RIVER SPORTFISHING
ASSOCIATION

April 3, 2009

Senator Kevin Meyer
Alaska State Capitol
Juneau, AK 99801

Re: SB 177

Dear Senator Kevin Meyer:

Kenai River Sportfishing Association (KRSA) is a 501(c) 3 charitable non-profit dedicated to fishery conservation on the Kenai River and in Alaska. Our programs focus on habitat conservation, fisheries management, research and education.

KRSA is in full support of SB 177, which would repeal the sunset of the sport fish guide licensing program through ADFG. We feel that the sport fish guide licensing program is an essential component of fisheries management that should continue without sunset. The program provides sport fish guides with minimum professional standards and gathers valuable information on the numbers of guides, clients, and harvest levels and patterns, which can be used in sound management of our recreational fisheries.

We support timely reporting requirements of log book information from guides, and the efforts of ADFG process such information into real-time data that then can be used in a timely manner by fisheries managers.

We would like to see implementation of an electronic based log book reporting system, which would remove the current bottleneck of having to enter the paper-based log book information into an electronic database management system. Access to and the ability to use data from the log books should mirror the timeframe of the weekly guide reporting requirements. Unfortunately at this time with the paper-based system that is not possible. This leaves fisheries managers in the position of having to use forecast or past trend data instead of real time data in their in-season decision making.

We support a fee structure that covers the full costs of the program, with the understanding that the goal of being able to provide real-time data from the

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

PO Box 1228 • 224 Kenai Ave., Suite 102 • Soldotna, Alaska 99669

Phone: (907) 262-8588 • Fax: (907) 262-8582 • www.kenairiversportfishing.com • E-mail: info@kenairiversportfishing.com

Senator Kevin Meyer
April 3, 2009
Re: SB 177
Page 2

log books to fisheries managers is a priority for the department and gets implemented in a timely fashion.

In summary, KRSA supports the continuation of the sport fish guide licensing program as an essential component of responsible fisheries management. Thank you for the opportunity to provide comment on this issue.

Respectfully,



Dick Erkeneff, Board Chair
Kenai River Sportfishing Association