

SB

177

Alaska State Legislature




Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

TO: Representative Craig Johnson, Co-Chairman
Representative Mark Neuman, Co-Chairman
House Resource Committee

FROM: Senator Kevin Meyer 

DATE: April 15, 2009

RE: House Resource Committee Hearing Request for CSSB 177

This is a request for a House Resource committee hearing 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."

The following documents will be sent in hard copy and electronically:

- Sponsor Statement
- Current version of the bill
- Letters & emails of support
- Fiscal Note
- Witness/Testimony:
 - Charlie Swanton, ADF&G Sport Fish Division
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would ensure the continuation of Alaska's sport fish guide licensing and reporting program, providing oversight over the sport fishing operators and guides. This bill would also provide a waiver for a mid-season replacement of a fishing guide within the Kenai River Special Management Area.

Please contact Christine if you have any questions regarding this legislation.

ALASKA STATE LEGISLATURE

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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 an 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.

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 RDU: Sport Fisheries
sport fishing operators and sport fishing guides..... Component: Sport Fisheries
Sponsor: Senator Meyer
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.

Prepared by: Charles O. Swanton, Director
Division: Sport Fisheries
Approved by: Tom Lawson, Director
Administrative Services

Phone 465-6184
Date/Time 4/3/09 10:13 AM
Date 4/3/2009



April 3, 2009

Senator Kevin Meyer
Capitol Building Room 101
Juneau, AK 99801

Re: Support for SB-177

Dear Senator Meyer:

The Southeast Alaska Guides Organization (SEAGO) represents 26 sport fishing guides and lodges throughout Southeast Alaska with more than 100 active vessels. Information provided to ADF&G for reporting and analysis under this legislation is of great value and continuation of this program is beneficial to multiple user groups.

This program is one of the best tools that ADF&G has to identify who is involved in the charter/lodge industry and provides important data used to establish levels of harvest, effort, identification of clients, as well as species targeted. The money collected is used for issuing licenses and for sport fishing logbook data collection and reporting expenses.

Our members support extension of the current law with the fees at their levels as originally passed in 2004.

Sincerely,

John Blair, Executive Director

Note: sent via email to: christine_marasigan@legis.state.ak.us

April 3rd, 2009

Senator Kevin Meyer
26th Alaska legislature

**RE: SUPPORT SB 177
SENATE RESOURCES COMMITTEE**

Dear Senator Meyer,

The Petersburg Charter Boat Association (PCBA) represents 17 individual charter and lodge businesses operating 22 active vessels in the sportfishing industry. We have been an active association since 1991.

The original legislation authorizing the guide license and logbook program has been an extremely valuable tool in aiding the Alaska Department of Fish and Game and the State of Alaska, in the collection of data necessary to identify not only who the charter industry is but how they interact with other user groups. This information is important for the management of Alaska's resources and resource users, both sport and commercial.

PCBA supported the original bill and we fully support SB 177 complete with the associated fees necessary to fund this ongoing program.

Sincerely,

Stan Malcom
President
Petersburg Charter Boat Association

Note: sent via email to Senator_Kevin_Meyer@legis.state.ak.us
Cc: Christine_marasigan@legis.state.ak.us

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.

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

A handwritten signature in black ink, appearing to read "Dick Erkeneff", with a long horizontal stroke extending to the right.

Dick Erkeneff, Board Chair
Kenai River Sportfishing Association

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.


President

3/13/2008
Date