

ALASKA LEGISLATURE

2148

HOUSE and SENATE COMMITTEES,

1999-2000

SB

301

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/4/00

REPORTED OUT OF
SFC 4/7/00

FURTHER:

DATE TURNED
IN TO OFFICE: 4/7/00

Finance Committee considered

SENATE BILL NO. 301

"An Act relating to the Chitina dip net fishing permit; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 301 (FIN)
- adopt previous _____ CS CS _____
- attached amendment(s) forthcoming
- adopt Letter of Intent by _____
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Gary Wilson</i>	→	<i>Bill E. ...</i>	→		
<i>Loren D. ...</i>	-	<i>Lynne ...</i>	✓		
		<i>Kate ...</i>	✓		
		<i>Don ...</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: <i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>	✓		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Fish & Game	4/30/00		2500

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: SB 301
Sponsor: Wilken Date: 4/5/00
Logged In By: Jamie

**** CONCEPTUAL AMENDMENT ****

Offered by: Senator Wilken

CS for Senate Bill NO. 301 (1-LS1516/I)

Change the first sentence, beginning in line 7, to read:

A person who has in the person's physical possession a permanent identification card issued under AS 16.05.400(b) and members of the person's family who are in the presence of the person are not required to pay the fee for the permit while engaged in dip net fishing at Chitina.

Description:

This amendment will waive the fee associated with the Chitina permit for those people who have a permanent identification card in their presence at the time of the permit is issued. This will still require a permanent cardholder to have a Chitina permit, which is used to record their harvests. The Department of Fish & Game use the harvest records for proper management and research.

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 301	
Amendment	#1	
Motion	SW	
<u>Motion by</u>	SW	
<u>Objection</u>		
<u>Objection by</u>		
<u>Removed</u>		
<u>Second Objection by</u>		
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u> <u>XI</u>
Senator Lyda Green		
Senator Randy Phillips		
Senator Dave Donley		
Senator Loren Leman		
Senator Al Adams		
Senator Gary Wilken		
Senator Pete Kelly		
Co-Chair Sean Parnell		
Co-Chair John Torgerson		
<u>Tally</u>		
Yea		0
Nay		0
Absent		0
<u>MOTION</u>	<i>Adopted</i>	

SENATE FINANCE
COMMITTEE

1-LS1516K.1

Amendment Number: #2

Utermohle

Bill Number: SB 301

4/6/00

Sponsor: Wilkan Date: 4/7/00

Logged In By: Mindy

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 301(), Draft Version "K"

1 Page 1, lines 7 - 10:

2 ~~Delete~~ "A person who has in the person's physical possession a permanent
3 identification card issued under AS 16.05.400(b) and members of the person's family
4 who are in the presence of the person are not required to pay the fee for the permit
5 while engaged in dip net fishing at Chitina."

6 ~~Insert~~ "A person who has received a permanent identification card issued under
7 AS 16.05.400(b) may obtain a Chitina dip net fishing permit without charge.

8 The members of the family of a person who has obtained a Chitina dip net
9 fishing permit are not required to have a Chitina dip net fishing permit while
10 they are engaged in dip net fishing at Chitina if they are engaged in fishing in
11 the presence of the person and the person has the Chitina dip net fishing permit
12 in the person's physical possession."

SENATE FINANCE COMMITTEE REPORT

DATE: 4/4/00

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and recommends:

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- further referral to the _____ Committee

*CS
forthcoming*

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Greg Wilson</i>	<input checked="" type="checkbox"/>	<i>Bill E. ...</i>	<input checked="" type="checkbox"/>		
<i>Steve D. ...</i>	<input checked="" type="checkbox"/>	<i>Larry ...</i>	<input checked="" type="checkbox"/>		
		<i>...</i>	<input checked="" type="checkbox"/>		
		<i>...</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>...</i>	<input checked="" type="checkbox"/>	Co-Chair: <i>...</i>			
Co-Chair: <i>...</i>		Co-Chair: <i>...</i>	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Fish & Game</i>	<i>4/30/00</i>		<i>2500</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

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- same title
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 - new: SCR# _____

CS
forthcoming

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Greg Wilcox</i>	→	<i>Bill E. ...</i>	→		
<i>Steve D. Lema</i>	-	<i>Larry ...</i>	✓		
		<i>Robert ...</i>	✓		
		<i>Don ...</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: <i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>	✓		

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PREVIOUS FISCAL NOTE(S):*

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forthcoming*

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Gary Leves</i>	→	<i>Bill E. ...</i>	→		
<i>Andrew D. ...</i>	→	<i>Linda ...</i>	✓		
		<i>Rita ...</i>	✓		
		<i>De ...</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: _____			
Co-Chair: _____		Co-Chair: <i>[Signature]</i>	✓		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Fish & Game</i>	<i>1/30/00</i>		<i>2500</i>

APPROPRIATION -- no fiscal note

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SENATE FINANCE COMMITTEE REPORT

DATE: 4/4/00

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- attached amendment(s)
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- further referral to the _____ Committee

CS
Forthcoming

- Senate Bill:
 - same title
 - new title
- House Bill:
 - same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>George Wilson</i>	✓	<i>Bob E. ...</i>	✓		
<i>Loren D. Luna</i>	✓	<i>Lester ...</i>	✓		
		<i>Robert ...</i>	✓		
		<i>Don ...</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: <i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Fish & Game	4/30/00		2500

APPROPRIATION -- no fiscal note

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- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____
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CS
Forthcoming

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Greg Wilson</i>	→	<i>Bob & ...</i>	→		
<i>Kevin D. Lema</i>	→	<i>Larry Meyer</i>	✓		
		<i>Rita Kelly</i>	✓		
		<i>Don Doney</i>	✓		
Co-Chair: <i>Greg Wilson</i>	✓	Co-Chair: <i>Alan Randall</i>			
Co-Chair: <i>Alan Randall</i>		Co-Chair: <i>Alan Randall</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Fish & Game	4/30/00		2500

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 301
Amendment	#2
Motion	adopt
<u>Motion by</u>	W
<u>Objection</u>	
<u>Objection by</u>	none
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Pass



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 4/7/00 TIME: 11:45 AM

TO: Peggy

NUMBER OF PAGES, INCLUDING COVER SHEET: _____

FROM: JAMIE FOLEY
SENATE FINANCE CMTE. ASST. SECRETARY
PHONE: 465-2618
FAX: 465-2187

NOTES: You can probably disregard
Amendment #1 for SB 301, but I
wanted to send it along just in
case. Also, find Amendment #6
for SB 256.

Thank you Jamie

1-LS1516K
Utermohle
4/6/00

adopted

CS FOR SENATE BILL NO. 301()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Chitina dip net fishing permit; and providing for an
2 effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 16.05.340(a)(22) is amended to read:

5 (22) Chitina [PERSONAL USE SALMON] dip net fishing
6 permit 25 [10]

7 A person who has in the person's physical possession a permanent identification
8 card issued under AS 16.05.400(b) and members of the person's family who are
9 in the presence of the person are not required to pay the fee for the permit while
10 engaged in dip net fishing at Chitina. In this paragraph, "family" means persons
11 who are related by blood, marriage, or adoption and who live in the same
12 household on a permanent basis. The legislature may appropriate the receipts
13 from the sale of the permit to the fish and game fund.

14 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Subject: Chitina

Date: Thu, 06 Apr 2000 13:51:01 -0800

From: Kara Moriarty <Kara_Moriarty@legis.state.ak.us>

Organization: Alaska State Legislature

To: Jamie Foley <Jamie_Foley@legis.state.ak.us>

Here is the stuff he read. I don't think he read it all...I think he stopped after "What happens if we don't get Senate Bill 301?" But I didn't follow him either...so we will see..

:) Kara

[] chitinabullets.doc	Name: chitinabullets.doc Type: Winword File (application/msword) Encoding: base64 Download Status: Not downloaded with message
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SB 301 Summary

Background on Chitina fishery:

- The Chitina fishery is one of the largest in the state. Over 10,000 household permits are issued each year, with approximately 20,000 - 30,000 Alaskan residents participating. Approximately 118,000 salmon are harvested.
- In Dec. 1999, the Alaska Board of Fisheries reclassified the Chitina Personal Use fishery to a Subsistence fishery. The designation of the dip net fishery as subsistence will have little impact on the way the fishery is managed and has little to do with the need to secure public access and provide services.
- Regulations governing the Chitina Fishery require people to have a permit issued by the Department in their possession. This permit serves as the harvest record.
- AS 10.05.340 (a) (22) sets a fee for a "Chitina Personal Use Dip net Permit" at \$10. This fee has been in place since 1990. (There is a chronological history of the fishery in bill packets.) Proceeds from this fee go the fish and game fund and have been used to pay Chitina & Ahtna Native Corporations for access across their lands and for outhouse and garbage services. An agreement between the Department of Fish and Game and the Corporations determines the percentage distribution and services.

What does SB 301 Do?

- SB 301 amends the existing statute by renaming the "Chitina Personal Use Salmon Dip net fishing Permit" to "Chitina Dip net fishing Permit", and increase the permit fee from \$10 to \$25.
- It changes the name of the permit to remove the words "personal use", as it is no longer a "personal use" fishery.
- It changes the fee to coincide with the new agreement reached between the Corporations and the Department of Fish and Game.
- This new agreement is intended to provide for maximum legal public access to the dip net fishery while minimizing conflicts between the private landowners and the fishermen at Chitina.

What are the effects to dip netters?

- In 2000, dip netters will pay \$25 for their permit. Since the fishery is now designated a subsistence fishery there is no requirement for a sport-fishing license to fish there. In 1999, people were required to have a \$15 sport fishing license and the \$10 Chitina permit, for a total expense of \$25. Under this plan, only the proposed \$25 Chitina permit will be required.

- This action provides for a right of way across Native lands on the west side of the Copper River.
- However, it does not clarify what allowable uses along that right of way are, nor exactly where this right of way is located.

Can a person gain access to the fishery without crossing Native land?

- It is possible to access the fishery without crossing Native lands, however, the traditional pattern of use in Chitina is to drive along the right of way and select a spot, park and descend to the river.
- Since there is a patchwork of public and private lands involved, it is hard to distinguish where state lands start and Native lands begin.
- Because the Corporations virtually own all the land along the Copper River, it is highly unlikely that within the course of fishing the river for a day or camping overnight that a person would not be on Native land at some point during their trip.

- Since the Chitina permit is a household permit, families could save under this plan. For example a family of two adults paid a total of \$40 last year, this year it will only be \$25.
- Services will be significantly increased and improved over past years.
- Access to the Native lands is more identified than in previous agreements.
- The process of obtaining the permit will be available from Department offices in Anchorage, Palmer, Fairbanks, Glennallen and Chitina. This will allow better service to the public, making it easier and faster to obtain the permit, and decreasing the management costs to the Department of Fish & Game.

What happens with no SB 301?

- Without a change in the name of the permit, the Department is unable to collect a fee for the permit, because it is not a personal use fishery.
- Without the permit fee or other provisions, funding for services and access would be unavailable.
- It is uncertain what the Corporations would do with regard to affecting access to the river, but families going to Chitina this summer could be faced with the potential for conflict.

What are the terms of the agreement?

- An agreement of exactly this kind has been in place since 1992. It expired in 1998 and was renewed for one year for the 1999 season. The current agreement covers the 2000 season.
- Dip netters will have access to all Native lands between the right of way and the Copper River from O'Brien Creek to Haley Creek. This is a significant expansion of lands since previous agreements only specified access to the campgrounds at Haley Creek and O'Brien Creek.
- Services under the 2000 agreement will be increased significantly in response to the growth of the fishery.
- The \$25 fee will be distributed accordingly:
 - \$5 to Fish and Game for sanitation and garbage services.
 - Remaining \$20 is split between Ahtna (40%), Chitina (50%) for access, and the Department (10%) for administration.

Who owns the land at Chitina?

- In 1992, the Alaska Superior Court gave a partial summary judgement in favor to the State of Alaska.
- This judgement recognized the 300' right of way and dismissed all prior claims against the state for trespass.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1152

SPONSOR STATEMENT

SB 301

An Act relating to the Chitina dip net fishing permit; and providing for an effective date.

Over the past decade, the Chitina fishery has grown to be one of the largest fisheries in our state and is used by over 30,000 Alaskans. This legislation will: 1) raise the price of the Chitina dip net fishing permit from \$10 to \$25, and 2) will slightly change the name of the permit.

The \$25 amount was recently negotiated between the Department of Fish and Game and the Chitina and Ahtna Native Corporations. The Department uses a portion of the fees to pay for access across private land owned by the Corporations, but since the permit is in AS 16.05.340(a)(22), it requires legislation to change this fee.

The bill will also change the name of the permit from "Chitina personal use salmon dip net fishing permit" to "Chitina dip net fishing permit". This is a result of the Fish Board changing the designation of this fishery from a sport fish to a subsistence fishery and so the term, personal use, must be removed from the name of the permit.

Last summer, any Alaskan who wanted to fish at Chitina needed a \$15 sport fish license and a \$10 Chitina permit. Because the fishery is now a subsistence fishery, people will not be required to have a sport fish license and a Chitina dip net permit, and will only need to have a Chitina permit. If the price of the permit is \$25, the total amount required of individuals will remain the same.

The Chitina permit is a household permit, so a family of two last summer had to pay \$30 for their sport fish licenses and a \$10 Chitina permit, for a total of \$40. This year, a family of two will only be required to pay \$25 for the Chitina permit, thus being a savings for families.

With the increase in permit fees, the Department of Fish and Game will be able to provide increased and improved services for those who use the fishery. It will also allow for maximum public access to the fishery with minimal conflict with private land owners.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2000

SUBJECT: CSSB 301(), draft version K; Chitina dip net fishing permit (Work Order No. 21-LS1516\K)

TO: Senator Gary Wilken
Attn: Kara Moriarty

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is the draft of CSSB 301 (), incorporating the amendment to the Resources CS, that you requested. This CS provides that a person who has a permanent identification card issued by the commissioner of fish and game is not required to pay for a Chitina dip net fishing permit and that members of that person's family are not required to pay for a Chitina dip net fishing permit while they are fishing in the presence of that person.

Also enclosed is an amendment to the CS () that I would propose for your consideration. I propose this amendment because I believe that the CS combines two issues that should be addressed separately. The issue of how much a person who has a permanent identification card should pay for the Chitina dip net fishing permit is distinct from the issue of whether that person's family members are required to possess their own permits while they are engaged in dip net fishing at Chitina.

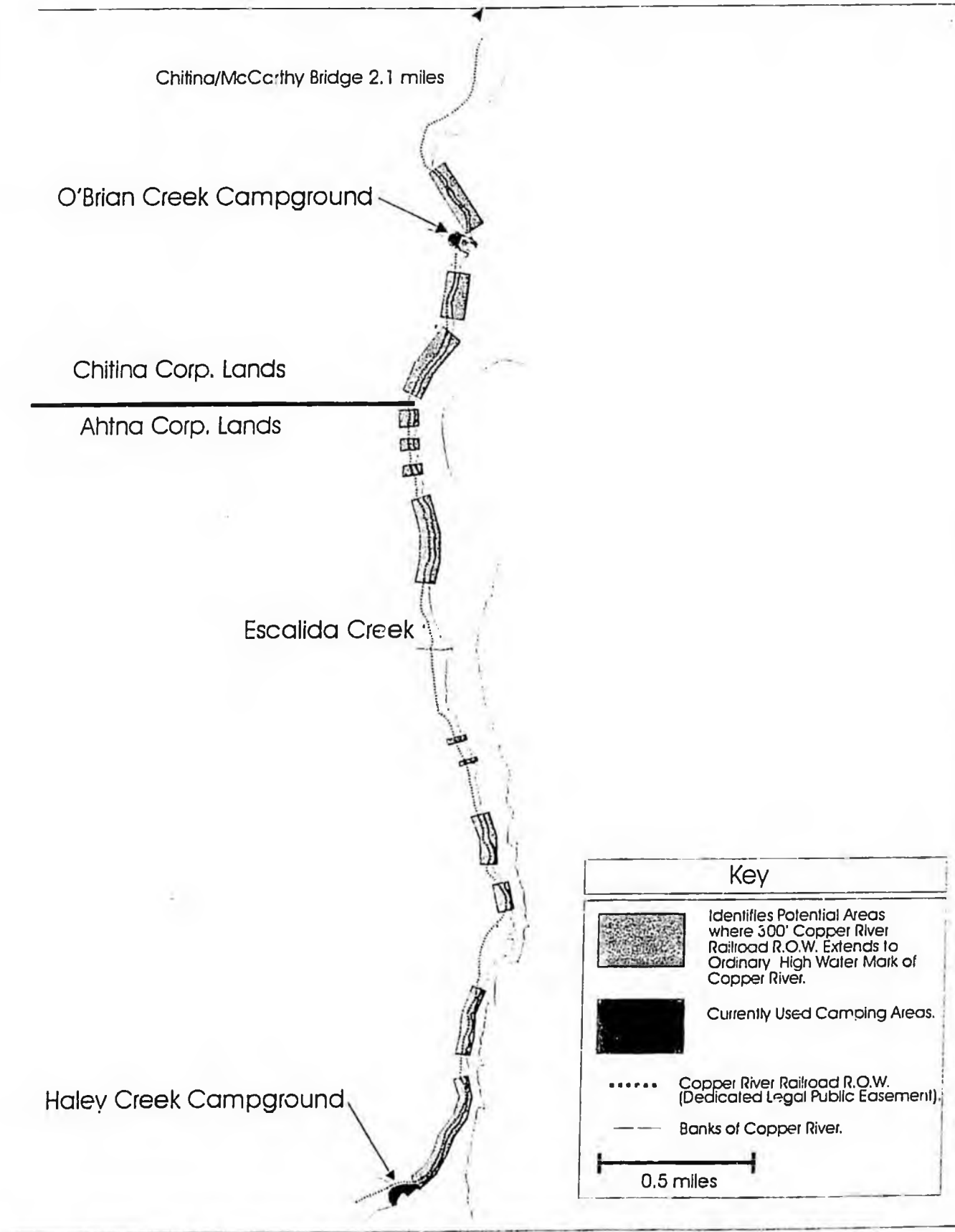
The amendment (K.1) provides that a person who has a permanent identification card may obtain a Chitina dip net fishing permit for free.

The amendment (K.1) also provides that only one member of a family must obtain a permit. The other members of the family are not required to obtain their own Chitina dip net fishing permit if the other family members are in the presence of the person who obtained the permit and if that person has the permit in his/her physical possession. According to the Department of Fish and Game, the Chitina dip net fishing permit is regarded as a household permit authorizing all members of the household to fish under one permit, regardless of the age of the permit holder. However, there is nothing in AS 16.05.340(a)(22) that suggests that the Chitina dip net fishing permit is a household or family permit. In order to bring AS 16.05.340(a)(22) into conformance with the interpretation of the department, the amendment provides that only one member of a family must obtain the Chitina dip net fishing permit in order to allow family members to fish while in the permit holder's presence.

If I may be of further assistance, please advise.

GU:pl:jr
00-128.plm
Enclosures

Copper River Railroad Right-of-Way and Approximate Land Ownership (Chitina and Ahtna Native Corporations)



STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
Frank Rue, Commissioner

Contact: Mac Minard
Regional Supervisor
Division of Sport Fish
Fairbanks 459-7350

NEWS RELEASE - IMMEDIATE RELEASE Thursday, March 30, 2000

**Alaska Department of Fish and Game, Chitina and Ahtna Native Corporations
sign new access agreement for Chitina Dipnetting**

Fairbanks- A new agreement has been reached to guarantee access for Chitina dipnetters at the Copper River fishery. Today, the Alaska Department of Fish and Game, Chitina and Ahtna Native Corporations signed a one year agreement that will expand the legal access areas to the fishery and significantly improve services necessary to support the fishery. Much of the Copper River dipnet fishery falls within Native Corporation land, and public access to it has often been a point of conflict in the past. Trespassing on Native owned land and garbage problems have been the main complaints.

More than 20,000 Alaskans participate in this fishery and some 118,000 salmon are harvested by dipnetters each year. The agreement will guarantee that the fishery will continue, and that the Native corporations will work with the state to ensure that Alaskans will be able to participate in the annual salmon harvest. According to Mac Minard, Regional Supervisor with the Division of Sport Fish in Fairbanks, this agreement is intended to maximize legal public access and minimize the potential for conflict. "We worked very hard to strike an agreement that would provide Alaskans with the opportunity to participate in the fishery to the maximum extent allowable under regulations and still address the concerns of the upland land owners".

A new \$25 permit fee per household will be introduced to cover increased costs for access and services. There has been no permit fee hike in ten years, but the number of dipnetters has more than doubled over that time, putting a strain on resources and services. Minard said, "Its essentially its the same cost as before. Under the old Personal Use Fishery regulations, participants were required to hold a \$15 sport fishing license before you could purchase a \$10 Chitina dipnet permit. Under the new Subsistence designation the requirement for a Sport Fishing license has been removed so the new fee is comparable to what it cost an individual last

year. It could even save families money. Anyone over 16 participating in the dipnet fishery was required to have a sport fishing license, so a family of four would have had to pay for four licenses at \$60 and a \$10 Chitina dipnet permit. Now you only need a \$25 dipnet permit for the entire family, so in that case it's a savings of \$35," Minard added.

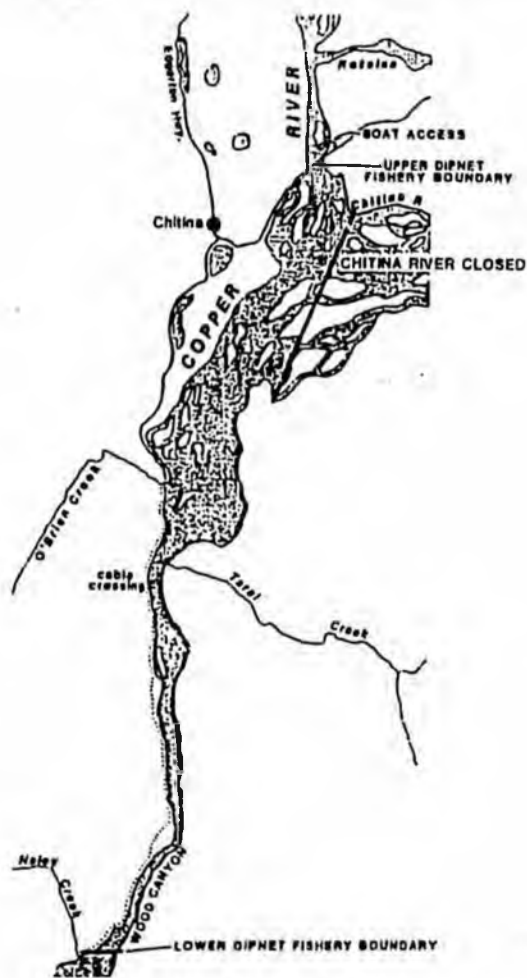
In addition, the agreement includes plans for improvements of services this summer. The permit fee will cover the cost of boosting services in the area, providing more outhouses and garbage disposal sites. These services, managed by the Alaska Department of Fish and Game, will provide much needed improvements for the public. Last year, ADF&G also introduced new permit issuing sites in Fairbanks so that Alaskan residents taking part in the fishery were not tied to the opening hours of the Chitina permit office.

"We're trying to make it easier for all Alaskans who want to take part in the dipnet fishery. There are more than ten thousand Alaskan households that rely on the Chitina fishery to put food on their tables each year," said Mac Minard. "It's one of the largest and most important fisheries in the state," he added.

For more information contact Mac Minard, Regional Supervisor, at the Alaska Department of Fish and Game, 459-7350.

###

COPPER RIVER PERSONAL USE FISHERY



*Dept. Handout
re regs @
Chitina*

COPPER RIVER (CHITINA) PERSONAL USE SALMON DIPNET FISHERY



Information regarding:
When the fishery is open
and

Chitina permit station operating hours

can be obtained by calling one of the following recorded messages:

Glennallen - 822-5224

Fairbanks - 459-7382

Anchorage - 267-2511

*Alaska Department of Fish and Game
Division of Sport Fish*

*1300 College Road
Fairbanks, Alaska 99701
(907) 459-7207*

*PO Box 47
Glennallen, Alaska 99588
(907) 822-3309*

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NOTICE: This summary of regulations is not complete, nor quoted verbatim from State law. It is an informative abstract of 3 AAC 77, simplified for your convenience. For further details, or to inspect a copy of the official codified personal use fishing regulations, consult your local Department of Fish and Game representative or Department of Public Safety, Fish and Wildlife Protection Division office.

This fishery has been authorized by the Alaska Board of Fisheries to provide Alaskans an opportunity to harvest salmon for *personal use* with dip nets. The fishery is managed under the Copper River Personal Use Management Plan (5 AAC 77) and requires that a permit must be obtained to participate in the fishery.

A dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

This is **NOT** a *subsistence fishery*. The Board has also established a subsistence salmon fishery for the Glennallen Subdistrict which is the upstream portion of the Copper River upstream of the Chitina-McCarthy bridge to Slana. The Board has mandated that an Alaskan may participate in either the subsistence or personal use fishery, but not both. A summary of subsistence regulations is available.

Personal use fish are for use by the individual and immediate family. Personal use fish or their parts cannot be bought, sold, traded or bartered.

WHO MAY PARTICIPATE?

Only Alaska *residents* who have a current Alaska resident sport fishing license can participate in this personal use fishery. Dipnetters are reminded that they must have their sport fishing license as well as their Copper River personal use permit in their possession to participate in this fishery.

WHAT AREA IS OPEN TO FISHING?

The area open to the Copper River personal use fishery is restricted to the waters of the Chitina Subdistrict which consists of all waters of the mainstem Copper River between the downstream edge of the Chitina-McCarthy bridge and ADF&G regulatory markers located on an east-west line crossing the Copper River about 200 yards upstream of Haley Creek (in Wood Canyon).

All tributaries to the Copper River in this area, including the Chitina River, are closed to personal use fishing.

Much of the land in the Chitina area is privately owned and public access is limited. Maps depicting public access areas are available at the ADF&G trailer in Chitina. Not all private land is posted. The Department urges dipnetters to respect the rights of landowners.

WHEN IS THE FISHERY OPEN?

Under the Copper River Personal Use Management Plan, salmon may be taken in the Chitina Subdistrict from June 1 through September 30 during periods established by emergency order. Emergency orders are issued throughout the season based on escapement estimates at the Miles Lake sonar and harvest levels during previous periods. Information regarding fishery openings will be updated on recorded message numbers listed on the back of this pamphlet.

A Copper River Personal Use Fishery permit is required and *must* be in the dipnetter's possession to participate in this fishery and when transporting fish caught under the permit. The permit is in two parts: the punchcard and the transport card.

Only one Chitina Subdistrict personal use salmon fishing permit may be issued to a household per year.

There is a \$10 access fee which covers the cost of a negotiated contract allowing dipnetters to cross private land to reach the river.

Permits may be obtained at the ADF&G office in Fairbanks, the Chitina Field office, and in September at the Glennallen office. Operating hours for the Chitina permit station are available at Department of Fish and Game offices in Glennallen, Anchorage and Fairbanks. Call the recorded message numbers listed on the back of this pamphlet for the updated office hours.

Permittees must record their harvest on the permit immediately upon landing fish by punching the appropriate area. Both tips of the tail fin must be removed from each salmon taken under the authority of a Copper River personal use salmon fishing permit before the salmon is concealed from plain view or transported from the fishing site.

Permit holders must return the punchcard portion of their permits to the ADF&G trailer in Chitina, or the drop box near the trailer, after each fishing trip to the area. Punchcards will be on file and may be picked up at the Chitina office for use for additional trips throughout the season. Retain the transport portion of the permit for the remainder of your trip and for subsequent trips.

Return of catch data is necessary for the management and conservation of the Copper River salmon resources. The final deadline for permit returns is October 31. A permittee who fails to return his or her personal use fishing permit will be ineligible to receive a personal use permit for the Copper River for the following calendar year.

PROXY FISHING

If an applicant for a personal use salmon fishing permit is unable to personally take salmon due to a 70% physical disability, blindness, or being over 65, the permit may be issued to his or her authorized designee (proxy) to take salmon for the applicant as follows:

While taking or possessing salmon, the proxy must possess:

- i). A completed current years Proxy Fishing Information Form (11-203, rev 5/96)
- ii). Their own valid resident sport fishing license;
- iii). The applicant's valid resident sport fishing license or permanent identification card;
- iv). The applicant's personal use fishing permit;

It is illegal to be an authorized designee for more than one applicant simultaneously.

BAG & POSSESSION LIMITS

The annual limits for this fishery are 15 salmon for a single household and 30 salmon for a household of two or more. Only 4 fish out of the total limit may be king salmon. In years of very high escapement, bag limits may be increased by emergency order, requiring a supplemental permit obtained at the Chitina field office only.

A 40-Year History of the Copper River Dipnet Fishery and Access to O'Brien Creek

Year	Event
1960	<ul style="list-style-type: none"> *Permit system for fish wheels and dipnets begins. *Edgerton Highway is upgraded, resulting in an increase in dipnetters from outside of Copper River basin.
1963	<ul style="list-style-type: none"> *State destroys old trestles because they are unsafe.
1964	<ul style="list-style-type: none"> *U.S. Geological Survey creates switchbacks on Copper River Highway outside of 200-foot right-of-way (ROW).
1972	<ul style="list-style-type: none"> *Improvements to Copper River Highway permit vehicular traffic 20 miles south of Chitina.
1973	<ul style="list-style-type: none"> *Sierra Club and Alaska Conservation Society obtain court injunction halting road construction.
1974	<ul style="list-style-type: none"> *Chitina Native Corporation (CNC) files selection applications for land near Chitina.
1975	<ul style="list-style-type: none"> *An agreement between state and federal agencies and the two conservation groups results in closure of the Copper River Highway at O'Brien Creek>
1978	<ul style="list-style-type: none"> *Road at O'Brien Creek opened again in December.
1980	<ul style="list-style-type: none"> *Area where fish wheels permitted is moved above McCarthy Road Bridge. *Flood washes out approaches to O'Brien Creek Bridge.
1982	<ul style="list-style-type: none"> *BLM approves interim conveyance of CNC selections with easements and a 300-foot highway ROW. *CNC files notice of appeal for 13 reservations of easements including two at O'Brien Creek. *Appeal referred to the BLM hearings division. *Hearing at Copper River results in settlement of all but the two easements at O'Brien Creek. *Road improvements to O'Brien Creek stopped after CNC disputes ownership of the road.
1983	<ul style="list-style-type: none"> *State replaces O'Brien Creek Bridge.
1984	<ul style="list-style-type: none"> *Two contested easements at O'Brien Creek (for parking, camping, and road access) rescinded. *BIA funds used to construct several houses in Chitina on road ROW.
1985	<ul style="list-style-type: none"> *Final conveyance of land to CNC. *CNC blocks road at Fox Creek and charges fee for entrance.
1986	<ul style="list-style-type: none"> *CNC continues entrance fee. Use of boats for access from Chitina-McCarthy Road bridge increases. *Protest by dipnetters over access fee results in announcement by Governor Sheffield that talks with CNC are underway.
1987	<ul style="list-style-type: none"> *CNC lawyer proposes a long-term lease of access at O'Brien Creek. *State completes a maintenance contract with CNC to remove litter, clean toilets and construct 7 new toilets for \$15,000 (money provided from Department of Transportation and Public facilities [DOTPF]).

A 40-Year History of the Copper River Dipnet Fishery and Access to O'Brien Creek

Year	Event
1988	<ul style="list-style-type: none"> *Office of the Governor negotiates access and campground maintenance contract with CNC for \$22,000. *Legislature appropriates \$15,000 for access to O'Brien Creek and \$7,500 for a long-term access study. *DOTPF completes road work to O'Brien Creek placing road within ROW at Fox Creek Bridge at O'Brien Creek widened and road graded halfway to Haley Creek.
1989	<ul style="list-style-type: none"> *CNC objects to road work and states that archeological and grave sites may have been disturbed. *State decides not to pay for O'Brien Creek access in 1990. *CNC closes camp area at O'Brien Creek and posts no trespassing signs. *Attorney General opinion issued concerning road ROW.
1990	<ul style="list-style-type: none"> *Legislature approves \$10 permit fee for Chitina dipnetters, effective January 1991. *Legislature appropriates \$22,000 for O'Brien Creek access and campground maintenance. *CNC road ROW survey reveals O'Brien Creek bridge and part of road outside of 200-foot ROW. <p>(1960 - 1990 information prepared by the Legislative Research Agency, August 1990 (90.355b).</p>
1992	<ul style="list-style-type: none"> *Alaska Superior Court (3rd Judicial District) gave partial summary judgement in favor of State of Alaska, thereby recognizing a 300 feet ROW and dismissed all prior trespass claims. *Contract with O'Brien Creek and Haley Creek land descriptions and fee disbursement of \$30,000 to Ahtna and CNC Corporations.
1993	<ul style="list-style-type: none"> *Contract changed with corporations receiving \$30,000 (\$20,000 for access, \$2,000 for trash, and \$8,000 for campground maintenance.)
1994	<ul style="list-style-type: none"> *Contract changed so that CNC received 50% of actual fees collected, Ahtna Corporation received 40%, and the state received 10% for administration.
1998	<ul style="list-style-type: none"> *1994 Contract expires. Negotiations begin with Corporations expressing interest in fee increase as fishery gains popularity as number of permits increase.
1999	<ul style="list-style-type: none"> *One year agreement signed. Terms and conditions similar to 1994 contract - fee remained the same. a short time line before the fishing season began. *Fish Board changes designation to a subsistence fishery.
2000	<ul style="list-style-type: none"> *March - Agreement between Fish & Game and Corporations is signed. Terms include a fee increase to \$25, with dispersment of the fees the same and additional services provided. This agreement is contingent upon passage of SB 301 or HB 442 to amend AS 16.05.340 (a) (22). The legislation would change the name of the permit to "Chitina dip net fishing permit" and would change the fee to \$25 (the fee agreed upon by the DF&G and the Corporations.) <p>(Information from 1992 - 2000 prepared by Department of Fish and Game - March 31, 2000.</p>



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE RESOURCES & Finance
 Committee on SB 301 Committee Name
Bill / Subject Dated 4/4/00

Hon. Senators;

On D.O.T.'s planning board is a little known fact which will, or should, affect your decision regarding the dipnet fishery in the Copper River Chitina. A "Bicycle Path" is to be constructed from the "One mile lake" outside of Chitina Townsite, to the turnout by Trout Lake. From there plans are to repair, widen etc. the 300' R.W. part O'Brien & Haley Creek ending at Unanatinis River. Some 20 miles +/- To be completed around the year 2002. This will in my opinion affect the Chitina Dipnet fishery. - Turista - traffic etc.

SIGNED: E. N. Hemm, E. N. Hemm sr.
 Testifier

Member Chitina dipnet ass. Hem enterprise of Chitina
 Representing

Box 118 Chitina 99566 - Box 74844 Tok, 99707
 Address / Phone Number
 457-2838 - 456-3001

FIFTY-FIFTH CONGRESS. Sess. II. CH. 200. 1898.

§ 13

#1 - R.M. HEMSR

been first in time in actual survey or construction, as the case may be, shall be deemed first in right.

SEC. 9. That the map and profile of definite location of such railroad, wagon road, or tramway, to be filed as hereinbefore provided, shall, when the line passes over surveyed lands, indicate the location of the road by reference to section or other established survey corners, and where such line passes over unsurveyed lands the location thereon shall be indicated by courses and distances and by references to natural objects and permanent monuments in such manner that the location of the road may be readily determined by reference to descriptions given in connection with said profile map.

SEC. 10. That any citizen of the United States twenty-one years of age, or any association of such citizens, or any corporation incorporated under the laws of the United States or of any State or Territory now authorized by law to hold lands in the Territories, hereafter in the possession of and occupying public lands in the District of Alaska in good faith for the purposes of trade, manufacture, or other productive industry, may each purchase one claim only not exceeding eighty acres of such land for any one person, association, or corporation, at two dollars and fifty cents per acre, upon submission of proof that said area embraces improvements of the claimant and is needed in the prosecution of such trade, manufacture, or other productive industry, such tract of land not to include mineral or coal lands, and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise:

Provided, That no entry shall be allowed under this Act on lands abutting on navigable water of more than eighty rods: *Provided further*, That there shall be reserved by the United States a strip of eighty rods in width between tracts sold or entered under the provisions of this Act on lands abutting on any navigable stream, inlet, gulf, bay, or seashore, and that the Secretary of the Interior may grant the use of such reserved lands abutting on the water front to any citizen or association of citizens, or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory, for landings and wharves, with the provision that the public shall have access and passage over of such wharves, and landings, at reasonable rates of toll to be prescribed by said Secretary; and a roadway sixty feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway: *Provided further*, That in case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim, by reason of actual possession and continued occupation in good faith, shall be entitled to purchase the same, but where several persons are or may be so possessed of parts of the tract applied for, the same shall be awarded to them according to their respective interests: *Provided further*, That all claims substantially square in form and lawfully initiated, prior to January twenty-first eighteen hundred and ninety-eight, by survey or otherwise, under sections twelve and thirteen of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, Chapter five hundred and sixty-one), may be perfected and patented upon compliance with the provisions of said Act, but subject to the requirements and provisions of this Act, except as to area, but in no case shall such entry extend along the water front for more than one hundred and sixty rods: *And provided further*, That the Secretary of the Interior shall reserve for the use of the natives of Alaska suitable tracts of land along the water front of any stream, inlet, bay, or sea shore for landing places for canoes and other craft used by such natives: *Provided*, That the Aleutic, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this Act.

That all affidavits, testimony, proofs, and other papers provided for by this Act and by said Act of March third, eighteen hundred and ninety-one, or by any departmental or Executive regulation thereunder,

Indication of location on profile map.

—surveyed lands.

—unsurveyed.

Purchase of land embracing his improvements by persons for purposes of trade.

Reserve on navigable water, land. Alternate areas reserved.

Use of for wharves, etc.

—roadway reserved.

Adverse claimants.

Partitions for trade.

Vol. 26, p. 1100.

Landing places for natives.

Certain islands reserved.

Admissibility of affidavits, etc. Vol. 26, p. 1093.

2092

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

AHTNA, INCORPORATED, an
Alaska corporation, and
CHITINA NATIVE CORPORATION,
an Alaska corporation, and
the CHITINA TRADITIONAL
COUNCIL, an Alaska Native
village,

Plaintiffs,

vs.

STATE OF ALASKA DEPARTMENT
OF TRANSPORTATION AND PUBLIC
FACILITIES,

Defendant.

#2 - E.N. HEMSE.

Case No. JAN-91-6957 CIV

ORDER ON MOTION FOR PARTIAL SUMMARY JUDGMENT

This court has reviewed the defendant's motion for partial summary judgment, opposition thereto and heard oral argument.

The court concludes that there are no genuine issues of material fact.

Partial summary judgment is hereby issued in favor of the defendant as follows:

1. The State of Alaska acquired through quit-claim deed from the federal government a 300 foot wide easement through the lands which are the subject matter of the plaintiff's complaint. said easement was among other things intended for use as a public highway. Plaintiff is not entitled to any damages or just compensation for the 300 foot right-of-way.

2. All claims for trespass against the defendant are inappropriate and hereby dismissed. Any remaining claims for

7:101

monetary award from defendant for use of plaintiff's lands shall be limited to a claim for just compensation under the doctrine of inverse condemnation. Plaintiff is not entitled to any monetary award for the 300 foot right-of-way.

3. Plaintiff's claims for punitive damages are inappropriate and hereby dismissed.

DATED at Anchorage, Alaska this 3rd day of April, 1992.

Karl S. Johnstone

KARL S. JOHNSTONE
Superior Court Judge

I certify that on:

4-3-92

a copy of the above was mailed to each of the following at their addresses of record.

[Signature]
Secretary/Clerk

Senior
Deputy
AG-Russia

P. 2

Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
Tel./FAX: (907) 455-4AOC (4262)
outdoor@polarnet.com

April 3, 2000


The Honorable Rick Halford, Chair
Senate Resources Committee
Alaska Legislature
Juneau, AK 99801

Dear Senator Halford:

The Alaska Outdoor Council strongly supports SB 301. We respectfully request that your committee pass the bill as soon as possible. We recommend one amendment below.

The Council recommends that SB 301 be amended to waive the permit fee for Alaskans who qualify for the Permanent Identification Card and thereby are not required to buy fishing, hunting, or trapping licenses. We have heard this recommendation from several people who observed that otherwise the Card holders will actually have to pay more under the new rules than previously, while regular license holders would not, because a sport fishing license is no longer required for the dipnet fishery.

The Council very much appreciates the efforts of the Dept. of Fish and Game, Ahtna and Chitina corporations, Chitina Dipnetters Association, Senate Finance Committee, and Senator Wilken's office in working out an agreement on the Chitina dipnet permit fee and getting the bill underway. We trust that the Legislature will pass SB301 so that the public will be able to participate in the dipnet fishery this season under a solid agreement.

Sincerely,

Dick Bishop, Vice President

Friday, March 31, 2000

OUTDOORS

Tim Mowry, Outdoors

Dipnetters still getting a good deal

For what it's worth, here are my two cents on the increased fee for the Chitina dipnet fishery on the Copper River.

Assuming the Alaska Legislature approves it, which it is expected to do this week, the fee will be raised from \$10 to \$25 this year as a result of a new contract negotiated by the Alaska Department of Fish and Game with the Ahtna and Chitina Native corporations.

Tim Mowry



Most of the fee—\$18—goes to the two Native corporations in the form of a "trespass fee," which basically means dipnetters won't get arrested if they dipnet on Native land, something a good number of them do.

The other \$7 goes to Fish and Game to issue the permits and contract out collection of garbage and sanitation.

There's no doubt the Native corporations are going to collect a good chunk of change through the deal. Fish and Game has issued more than 10,000 permits each of the last two years. That translates to almost \$200,000 for the Native corporations.

What do dipnetters get out of the deal?

Not much, to be honest. There will be a few more garbage cans and portable toilets at places like O'Brien and Haley creeks, and they will probably be serviced a little better than they have been in the past. You'll probably see a few more signs, too, telling you not to cut wood and where you can and can't go.

You won't get any more fish. The road will probably be just as rough as it always has. The wind will still blow like crazy and fill everything with glacier dust.

But if you ask me, \$25 is still a pretty good price for 30 of the world's finest tasting salmon.

If you come home with 100 pounds of salmon, that's \$.25 a pound. Last time I checked the seafood department in the supermarket, fresh sockeye salmon was going for \$7.99 a pound.

The \$10 fee has not increased since it was implemented in 1993, but the number of dipnetters at Chitina has more than tripled since then. That translates into three times the amount of traffic, garbage and human waste. More people means more erosion on the trails they have carved out leading down to the river.

Let's face it, times are changing and this is a sign of the times. Native corporations have realized there is money to be made by charging trespass fees to hunters and fishermen under the guise of "protecting our rights as landowners," as Native corporations like to put it.

Go king salmon fishing on the Klutina River and chances are you will have to pay a trespass fee. The same is true on parts of the Gulkana River.

Like it or not, that's the way things go these days. It's no different than going to a professional baseball or football game in the Lower 48 and seeing people rent out parking spots on their front lawn for \$5 or \$10. They're just trying to make a quick buck like everyone else in the world today.

Also, let's not kid ourselves into thinking this is a subsistence fishery, even if the Alaska Board of Fisheries did designate it as such in its December meeting in Valdez, a decision, by the way, which is currently being reviewed by the Fish Board.

I would wager to say that 98 percent of the people I see at Chitina are not living a subsistence lifestyle. If they are, I would like to find out how they can afford to drive new, four-wheel-drive pickup trucks to Chitina and pull 24-foot riverboats behind them while maintaining a subsistence lifestyle?

I'll bet most of those dipnetters go home and store their fish in a freezer, too, rather than splitting it and hanging it to dry on wooden racks. If they smoke it, they probably do so with a smoker and wood chips they bought at a local department or hardware store.

That's subsistence?

Also, why the heck are there guides shuttling dipnetters back

See MOWRY, Page C-2

and forth for \$50 a whack if it's a subsistence fishery? Since when is employing a guide part of subsistence?

It should also be noted that because it has been designated a subsistence fishery, a sport fishing license won't be required to get a dipnet permit. A sport fishing license costs \$15, which means dipnetters have really been paying \$25 for permits for the last seven years, though the majority of dipnetters who go to Chitina buy a fishing license regardless of whether they go dip-

netting or not.

Those opposed to the \$15 crease should be more concerned about the skyrocketing price of gas than the increasing cost of dipnet permit. After all, at current price of about \$1.60 a gallon, it will cost about more to drive to Chitina this year than it did last year, when it was at around \$1.20 a gallon.

That's something to gr about.

News-Miner outdoors editor Tim Mowry plans to be on the banks of Copper River again this year to catch his 30 red salmon.



Compliments of...

Gary Wilken

Senator, West Fairbanks

JB 301



Teleconference Participants

TCN: 10690

Participant Lists

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ALL

Testifiers

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Participants

Unidentified Testifiers: 0

Unidentified Observers: 0

ANCHORAGE (ANC)

1 Name: Lt David Hudson Phone:
 Address: Affiliation: DPS
 City /St /Zip: Type: Testifier
 Bill: HB 3: DRUGS: POSSESSION OF LISTED CHEMICALS

2 Name: Kevin Delaney Ans ? HB 301 Phone:
 Address: Affiliation: ADFG
 City /St /Zip: Type: Testifier
 Bill:

3 Name: Mr. David Gundacker Sr Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

4 Name: Mr. Kneeland Taylor Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

5 Name: Mr. Wiley Brooks Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

6 Name: Mr. Mike Burns Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

7 Name: Mr. Jan Sieberts Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

8 Name: Mr. Jerome Page Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

9 Name: Mr. Hubert Gellert Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

10 Name:Ms. Shannon Wilks Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

11 Name:Mr. Matt Reams Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING

BETHEL (BET)

1 ✓ Name:Mr. James Berlin Jr Phone: 543-7342
Address: PO Box 219 Affiliation: AVCP
City /St /Zip: Bethel AK 99559 Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

FAIRBANKS (FBX)

1 ✓ Name:Mr. Stan Bloom Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

2 ✓ ✓ Name:Mr. Dick Bishop (hjr56) Phone:
Address: Affiliation: Ak Outdoor
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

3 ✓ ✓ Name:Mr. Mike Tinker Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

4 ✓ ✓ Name:Ms. Mary Bishop Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

5 ✓ Name:Mr. Joe Mattie Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

6 ✓ Name:Mr. Mac Minard Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

7 ✓ ✓ Name:Mr. Greg Machacek Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

8 ✓ Name:Mr. Pete Buist Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

GLENNALLEN (GLN)

1 ✓ Name:Mr. Joseph Hart Phone:

Message

Date: Friday Apr 07, 2000

Time: 9:03 AM

To: JUNEAU

From: JEAN MILLER

TC Number: 10690

Message: Ben Hopson Jr./Barrow is on line to testify on HJR 56. Janice Adair/DEC/Anchorage is on line to testify on SB 271. Jean/Bridge

Close Window

Print



Address:
City /St /Zip:
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

Affiliation:
Type: Testifier

MATSU (MAT)

1 ✓

Name: Mr. Rod Amo
Address:
City /St /Zip:
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

Phone:
Affiliation:
Type: Testifier



Teleconference Participants

TCN: 10690

Participant Lists

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Participants

Unidentified Testifiers: 0

Unidentified Observers: 0

ANCHORAGE (ANC)

- | | | |
|---|---|--|
| 1 | Name: Lt David Hudson
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Affiliation:
Type: Testifier |
| 4 | Name: Mr. Kneeland Taylor
Address:
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Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES | Phone:
Affiliation:
Type: Testifier |
| 5 | Name: Mr. Wiley Brooks
Address:
City /St /Zip:
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING | Phone:
Affiliation:
Type: Testifier |
| 6 | Name: Mr. Mike Burns
Address:
City /St /Zip:
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING | Phone:
Affiliation:
Type: Testifier |
| 7 | Name: Mr. Jan Sieberts
Address:
City /St /Zip:
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING | Phone:
Affiliation:
Type: Testifier |
| 8 | Name: Mr. Jerome Page
Address:
City /St /Zip:
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING | Phone:
Affiliation:
Type: Testifier |
| 9 | Name: Mr. Hubert Gellert
Address:
City /St /Zip:
Bill: HB 272: MUNICIPAL TAX: LOW INCOME HOUSING | Phone:
Affiliation:
Type: Testifier |

FAIRBANKS (FBX)

1 ✓ Name:Mr. Stan Bloom Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

2 ✓ Name:Mr. Dick Bishop (hjr56) Phone:
Address: Affiliation: Ak Outdoor
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

3 ✓ Name:Mr. Mike Tinker Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

4 ✓ Name:Ms. Mary Bishop Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

5 Name:Mr. Joe Mattie Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

6 ✓ Name:Mr. Mac Minard Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

7 ✓ Name:Mr. Greg Machacek Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

8 Name:Mr. Pete Buist Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES

GLENNALLEN (GLN)

1 ✓ Name:Mr. Joseph Hart Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 301: CHITINA DIPNET FISHING PERMIT

MATSU (MAT)

1 Name:Mr. Rod Arno Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: HJR 56: CONST. AM: WILDLIFE INITIATIVES



Teleconference Participants

TCN: 10688

Participant Lists

View List for

ALL

Testifiers

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Close Window

Participants

Unidentified Testifiers: 0

Unidentified Observers: 0

ANCHORAGE (ANC)

- | | | |
|---|---|--|
| 1 | ✓ Name: Mr. Kevin Delaney
Address:
City /St /Zip:
Bill: SB 301: CHITINA DIPNET FISHING PERMIT | Phone:
Affiliation: ADF&G
Type: Testifier |
| 2 | Name: Ms. Ruth DeCamp Ans ?s
Address:
City /St /Zip:
Bill: SB 289: BOARD OF TECHNICAL AND VOCATIONAL EDUC | Phone:
Affiliation: Muni of An
Type: Testifier |
| 3 | ✓ Name: Ms. Mary Weiss
Address:
City /St /Zip:
Bill: SB 261: PROTECTION FROM NEEDLE & SHARPS INJURIES | Phone:
Affiliation: AANA
Type: Testifier |
| 4 | ✓ Name: Ms. Maggie Flanagan
Address:
City /St /Zip:
Bill: SB 261: PROTECTION FROM NEEDLE & SHARPS INJURIES | Phone:
Affiliation: Prov Nurse
Type: Testifier |
| 5 | ✓ Name: Ms. Carol Clamsson
Address:
City /St /Zip:
Bill: SB 261: PROTECTION FROM NEEDLE & SHARPS INJURIES | Phone:
Affiliation: AANA
Type: Testifier |
| 6 | ✓ Name: Ms. Wanda Katinszk
Address:
City /St /Zip:
Bill: SB 261: PROTECTION FROM NEEDLE & SHARPS INJURIES | Phone:
Affiliation: AK Nurses
Type: Testifier |
| 7 | ✓ Name: Mrs. Mary Shields
Address:
City /St /Zip:
Bill: SB 289: BOARD OF TECHNICAL AND VOCATIONAL EDUC | Phone:
Affiliation:
Type: Testifier |

FAIRBANKS (FBX)

- | | | |
|---|---|---|
| 1 | ✓ Name: Mr. Mac Minard
Address:
City /St /Zip:
Bill: SB 301: CHITINA DIPNET FISHING PERMIT | Phone:
Affiliation: F&G
Type: Testifier |
| 2 | ✓ Name: Mr. Allen Barrette
Address:
City /St /Zip: SB 301 | Phone:
Affiliation:
Type: Testifier |

Bill: SB 301: CHITINA DIPNET FISHING PERMIT

3 ✓ Name: Mr. Lynn Levensgood Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 301: CHITINA DIPNET FISHING PERMIT

4 ✓ Name: Mr. Mark Hem Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 301: CHITINA DIPNET FISHING PERMIT

5 ✓ Name: Mr. Airon Ashcraft Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 301: CHITINA DIPNET FISHING PERMIT

6 ✓ Name: Mr. Erling Hem Sr Phone:
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 301: CHITINA DIPNET FISHING PERMIT

GLENNALLEN (GLN)

HOMER (HOM)

1 Name: Mrs. Donna Libal Phone: 235-0382
 Address: PO Box 1071 Affiliation: Teamsters
 City /St /Zip: Homer AK 99603 Type: Testifier
 Bill: SB 261: PROTECTION FROM NEEDLE & SHARPS INJURIES

MATSU (MAT)

1 ✓ Name: Mr. Joe Hart Phone: 822-3495
 Address: POB 649 Affiliation: AHATNA INC
 City /St /Zip: Glennallen AK 99588 Type: Testifier
 Bill: SB 301: CHITINA DIPNET FISHING PERMIT

SB

308

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/18/00

FURTHER:

REPORTED OUT OF
SFC 4/19/00

DATE TURNED
IN TO OFFICE:

20 April 00

Finance Committee considered

SENATE BILL NO. 308

"An Act relating to certain passenger vessels operating in the marine waters of the state."

and recommends:

- be replaced with _____ CS SB 308 (FIN)
- adopt previous _____ CS CS ()
- attached amendment(s) forthcoming
- adopt Letter of Intent by _____
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Ed E. Kelly</i>	✓		
		<i>Lynne Brown</i>	✓		
		<i>Walt Kelly</i>	✓		
		<i>Dan... ..</i>	✓		
		<i>Al... ..</i>		✗	
		<i>Conyello</i>	✓		
Co-Chair:		Co-Chair: <i>...</i>	✓		
Co-Chair:		Co-Chair: <i>...</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<u>forthcoming</u>			
<u>F/n</u>			
<u>Revenue</u>			
<u>#</u>			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<u>DOT</u>	<u>4/14/00</u>	✓	
<u>DEC</u>	<u>4/14/00</u>		<u>100.6</u>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1
 Bill Version: SB 308
 (S) Publish Date: 4-18-00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

REPORTED OUT OF
 SFC 4/19/00

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title Reports from Marine Passenger Vessels BRU Air & Water Quality
 Component Air Quality
 Sponsor Senate Resources
 Requester Senate Resources Component No. 2061

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	60.4	35.2	35.2	35.2	35.2	35.2
Travel	5.0					
Contractual	28.7	5.9	5.9	5.9	5.9	5.9
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	4.5	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	100.6	43.1	43.1	43.1	43.1	43.1

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	100.6	43.1	43.1	43.1	43.1	43.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	100.6	43.1	43.1	43.1	43.1	43.1

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	1.0	0.0	0.0	0.0	0.0	0.0
Part-time	0	1.0	1.0	1.0	1.0	1.0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Tom Chapple Phone 269-7686
 Division Air & Water Quality Date/Time 4/13/00 7:21 PM
 Approved by Commissioner [Signature] Date 4-14-00
 Agency Department of Environmental Conservation

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ATTACHMENT TO SB 308 FISCAL NOTE:

Fiscal Impact: In year one, one (1) full time position will be required to draft and administer regulations for the management of pollutant emissions into the Alaskan environment. One Environmental Specialist III will be located in Juneau to initially develop regulations and subsequently review monitoring data, conduct quality assurance reviews, and data analysis. The work tasks will include analysis of air, water, and hazardous and solid waste emissions throughout the coastal waters of the state, evaluation of the impacts, and information management. Once regulations have been developed, this position will be reduced to half time and will focus on the evaluation of summertime pollutant emissions.

During the first year, \$10.0 for professional services contracts is included to develop a database to manage and store emissions data received from the cruise ship industry. In addition, \$10.0 is included in the first year to cover advertising, printing, meeting, and mailing costs for two public notice periods on the regulations. Other contractual funds cover position support costs and technical assistance in the management of the database.

Personal Services New Position Detail

Department of Environmental Conservation
SB 308 Fiscal Note - FY2001 Projected

Scenario: FY2001 Legislative Fiscal Note Info - 2
Component: Air Quality (2061)
BRU Name: Air and Water Quality

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#031	Environmental Spec III	FT	A	GG	Juneau	1A	18 B	12.0	45,456	0	0	14,931	60,387

Justification:

Implementation of SB 308

Funding Detail:

1004	General Fund Receipts	100.00%	60,387
Total Funding:		100.00%	60,387

Component Summary:

Total New Positions: 1

Fund Description	Fund Percent	Fund Amount
1004 General Fund Receipts	100.00%	60,387
Total Funding:		100.00%
		60,387

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

Personal Services New Position Detail

Department of Environmental Conservation
SB 308 Fiscal Note - FY2002 and Subsequent Years Projected

Scenario: FY2001 Legislative Fiscal Note Info - 2
Component: Air Quality (2061)
BRU Name: Air and Water Quality

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#031	Environmental Spec III	FT	A	GG	Juneau	1A	18 B	7.0		26,516	0	0	8,710	35,226

Justification:

Implementation of SB 308

Funding Detail:

1004	General Fund Receipts	100.00%	35,226
Total Funding:		100.00%	35,226

Component Summary:

Total New Positions: 1

Fund Description	Fund Percent	Fund Amount
1004 General Fund Receipts	100.00%	35,226
Total Funding:	100.00%	35,226

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.



Alaska State Senate

Senate Finance Committee

Official Business

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 19 April 00 TIME: 10:30 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 4

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final please
w/ attached amendments
9:00 am Thurs
Thx Mindy
SB 308 1-LS1617\ D 4/19/00

SENATE FINANCE
COMMITTEE
Amendment Number: #1
Bill Number: SB 308
Sponsor: Adams Date: 4/15/00
Logged In By: Jamie

AMENDMENT

IN THE SENATE FINANCE COMMITTEE
To: SB 308

By: Senator Adams

At Page 1, at line 4:

Insert new bill sections to read:

Sec. 1. AS 43.20 is amended to read:

Sec. 43.20 021. Internal Revenue Code adopted by reference. (a) Sections 26 U.S.C. 1 -1399 and 6001 - and 6001—7872 (Internal Revenue Code), as amended, are adopted by reference as part of this chapter. These portions of the Internal Revenue Code have full force and effect under this chapter unless excepted to or modified by other provisions of this chapter. [HOWEVER, NOTHING IN THIS CHAPTER OR IN AS 43.19 (MULTISTATE TAX COMPACT) MAY BE CONSTRUED AS AN EXCEPTION TO OR MODIFICATION OF 26 U.S.C. 883.]

Sec. 43.20.074. All business income of a taxpayer engaged in the cruise ship industry derived from gambling operations and activities as allowed by federal law in the State of Alaska shall be taxed at the rate of 2% of the gross revenues of the gambling operations and activities conducted in Alaska.

Renumber following sections accordingly.

Phillips COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 308		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	ff		
<u>Objection by</u>	T		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	Vote	N
Senator Randy Phillips	✓		
Senator Dave Donley		+	
Senator Loren Leman	✓		
Senator Al Adams	✓		
Senator Gary Wilken			/
Senator Pete Kelly			/
Senator Lyda Green			/
Co-Chair Sean Parnell			/
Co-Chair John Torgerson			/
<u>Tally</u>			
Yea	3		
Nay	0		
Absent	1		
<u>MOTION</u> FAIL			

Green COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 308		
Amendment	Report "D" as amended		
Motion	from committee		
<u>Motion by</u>	P		
<u>Objection by</u>	A		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Lyda Green	✓		
Senator Randy Phillips	✓		
Senator Dave Donley			✓
Senator Loren Leman	✓		
Senator Al Adams			✓
Senator Gary Wilken	✓		
Senator Pete Kelly			✓
Co-Chair Sean Parnell	✓		
Co-Chair John Torgerson	✓		
<u>Tally</u>			
Yea	36		
Nay	3		
Absent			
<u>MOTION</u>	Pass		

SENATE FINANCE
COMMITTEE

Amendment Number: #2

Bill Number: SB 308

Sponsor: Leman Date: 4/19/00

Logged In By: Jamie

① p. 1, line 1 Delete "passenger"

② Add new section:

* Section 1. AS 46.03 is amended by adding a new section to read:

Sec. 46.03.072. Exemption for certain United States Navy vessels from state marine water quality standards applicable to the discharge of hydrocarbons.

(a) Until September 1, ²⁰⁰⁵~~2010~~, the state's water quality standards, adopted as regulations under authority of AS 46.03.020(10) to effectuate the purposes of this chapter and under authority of other sections of this chapter, establishing limits on the total aqueous hydrocarbons and total aromatic hydrocarbons permissible in the marine water column that are more stringent than the requirements of comparable water quality standards set out in federal law or adopted in federal regulation do not apply to a vessel of the United States Navy operating in the marine waters of the state if the vessel uses a seawater compensation system.

(b) Notwithstanding the exemption provided by (a) of this section, a vessel of the United States Navy operating in the marine waters of the state that uses a seawater compensation system may not discharge oil into state waters in violation of 33 U.S.C. 1321 (sec. 311, Federal Water Pollution Control Act, as amended) and regulations adopted under authority of that section.

SENATE FINANCE
COMMITTEE #3
Amendment Number: #3
Bill Number: HB 308
Sponsor: Tompkins Date: 4/19/00
Logged In By: Mindy
1-LS1617AD.1
Kurtz
4/19/00

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 308(), Draft Version "D"

1 Page 2, line 6, following "receipts.":

2 Insert

3 "(a) The proceeds from the tax on travel on commercial passenger vessels
4 providing overnight accommodations in the state's marine water shall be deposited in
5 a special commercial vessel passenger tax account in the general fund. The legislature
6 may appropriate money from this account for the purposes described in (b) of this
7 section and for state-owned port and harbor facilities.

8 (b)"

Amendment Number: 4 1-LS1617/D.3
Bill Number: HB 308 Kurtz
Sponsor: Torrey Date: 4/19/00 4/19/00
Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 308(), Draft Version "D"

- 1 Page 1, line 2, following "the state".
- 2 Insert "; and providing for an effective date"
- 3 Page 10, following line 9:
- 4 "* Sec. 4. This Act takes effect July 1, 2000."

1-LS1617D
Kurtz
4/19/00

CS FOR SENATE BILL NO. 308()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain passenger vessels operating in the marine waters of
2 the state."

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

4 * Section 1. AS 43 is amended by adding a new chapter to read:

5 Chapter 52. Excise Tax on Travel Aboard Commercial Passenger Vessels.

6 Sec. 43.52.010. Levy of excise tax on overnight accommodations on
7 commercial passenger vessels. There is imposed an excise tax on travel on
8 commercial passenger vessels providing overnight accommodations in the state's
9 marine water.

10 Sec. 43.52.020. Rate of tax. The tax imposed by AS 43.52.010 - 43.52.095
11 is levied at a rate of \$50 a passenger per voyage.

12 Sec. 43.52.030. Liability for payment of tax. A passenger traveling on a
13 commercial passenger vessel providing overnight accommodations in state marine
14 water is liable for the tax imposed by AS 43.52.010 - 43. 52.095. The tax shall be

1 collected and is due and payable to the department

2 (1) by the person who provides travel aboard a commercial vessel for
3 which the tax is payable; and

4 (2) in the manner and at the times required by the department by
5 regulation.

6 **Sec. 43.52.040. Disposition of receipts.** For each sailing of a commercial
7 passenger vessel providing overnight accommodations, the commissioner shall identify
8 the first five ports of call in the state and the number of passengers on board the vessel
9 at each port of call. Subject to appropriation by the legislature, the commissioner
10 shall distribute to each of the first five ports of call \$5 per passenger of the tax
11 revenue collected from the tax levied under this chapter. If the port of call is a city
12 located within a borough, the commissioner shall distribute \$2.50 per passenger to the
13 city and \$2.50 to the borough.

14 **Sec. 43.52.050. Administration.** (a) The department shall

15 (1) administer this chapter; and

16 (2) collect, supervise, and enforce the collection of taxes due under this
17 chapter and penalties as provided in AS 43.05.

18 (b) The department may adopt regulations necessary for the administration of
19 this chapter.

20 **Sec. 43.52.060. Prohibition on local levies.** A municipality, whether home
21 rule or general law, may not impose any form of tax on travel on commercial
22 passenger vessels in state marine water.

23 **Sec. 43.52.095. Definitions.** In this chapter,

24 (1) "commercial passenger vessel" means a boat or vessel that is used
25 in the common carriage of passengers in commerce; "commercial passenger vessel"
26 does not include

27 (A) vessels with fewer than 50 berths or overnight
28 accommodations for passengers;

29 (B) noncommercial vessels, warships, and vessels operated by
30 the state, the United States, or a foreign government;

31 (2) "marine water of the state" and "state marine water" have the

1 meaning given to "waters" in AS 46.03.900, except that they include only marine
2 waters.

3 (3) "passenger" means a person whom a common carrier has contracted
4 to carry from one place to another.

5 * Sec. 2. AS 46.03 is amended by adding new sections to read:

6 **Article 6A. Large Passenger Vessels.**

7 **Sec. 46.03.460. Registration requirements.** (a) Except as provided in
8 AS 46.03.484, each calendar year in which the owner or operator of a large passenger
9 vessel intends to operate, or, cause or allow to be operated, the vessel in the marine
10 waters of the state, the owner or operator of the vessel shall register with the
11 department. The registration shall be completed no later than 72 hours after any large
12 passenger vessel of the owner or operator calls upon a port in the state. The
13 registration must include the following information:

14 (1) the vessel owner's business name and, if different, the vessel
15 operator's business name for each large passenger vessel of the owner that is scheduled
16 to be in the marine waters of the state during the calendar year;

17 (2) the postal address, electronic mail address, telephone number, and
18 facsimile number for the principal place of each business identified under (1) of this
19 subsection;

20 (3) the name and address of an agent for service of process for each
21 business identified under (1) of this subsection; the owner and operator shall
22 continuously maintain a designated agent for service of process whenever a large
23 passenger vessel of the owner or operator is in the marine waters of the state, and the
24 agent must be an individual resident of this state, a domestic corporation, or a foreign
25 corporation having a place of business in and authorized to do business in this state;
26 and

27 (4) the name or call sign of and Port of Registry for each of the
28 owner's or operator's vessels that is scheduled either to call upon a port in this state
29 or otherwise to be in the marine waters of the state during the calendar year occurring
30 after the date of registration.

31 (b) Registration under (a) of this section shall be signed under oath by the

1 owner or operator.

2 (c) Upon request of the department, the registrant shall submit registration
3 information required under this section electronically.

4 **Sec. 46.03.465. Information-gathering requirements.** (a) Owners and
5 operators of large passenger vessels shall, for the time during any calendar month in
6 which they operate, or cause or allow to be operated, a large passenger vessel in the
7 marine waters of the state, record or cause to be recorded all information necessary to
8 completely report as required by AS 46.03.475.

9 (b) At least once during each calendar month in which a large passenger vessel
10 is present in the marine waters of the state, the owner and operator of the vessel shall
11 measure visible emissions, excluding condensed water vapor, of the vessel while the
12 vessel is at berth or at anchor in a port of this state. Except as provided in (d) of this
13 section, the measuring technique and the duration of the measurement used to satisfy
14 the requirement of this subsection must have been approved by the department before
15 the measurement was taken.

16 (c) The department may adopt regulations directing owners and operators of
17 large passenger vessels to quantify and qualify the releases of waterborne pollutants
18 from their vessels into the marine waters of the state.

19 (d) If the owner or operator of a large passenger vessel has, when complying
20 with another state or federal law that requires substantially equivalent information
21 gathering, gathered the type of information required under this section, the owner or
22 operator shall be considered to be in compliance with this section.

23 **Sec. 46.03.470. Record keeping requirements.** An owner or operator subject
24 to AS 46.03.465 shall record the information required to be gathered under that section
25 and shall maintain the records for three years after the date the information was
26 gathered.

27 **Sec. 46.03.475. Reporting requirements.** (a) An owner or operator of a
28 large passenger vessel shall, within 10 days after the end of a calendar month in which
29 the owner or operator has operated, or caused or allowed to be operated, a large
30 passenger vessel in the marine waters of the state, submit to the department a report
31 concerning the offloading or release of pollutants from that vessel that occurred during

1 the previous calendar month. The report must

2 (1) include the information required for releases by (c) and (d) of this
3 section;

4 (2) include the information required for offloading by (e) - (g) of this
5 section; and

6 (3) be limited to releases and offloading that occurred while the vessel
7 was in the marine waters of the state.

8 (b) The information in the report required under this section may be provided
9 by referring to, or including copies of, other reports concerning pollutants that are
10 required by substantially equivalent state or federal reporting requirements.

11 (c) For each release of a pollutant, except for a release by an emission to
12 ambient air from a stack, the report required under this section must describe the

13 (1) location of the release, including latitude and longitude;

14 (2) date and time of the release;

15 (3) volume or weight, and type and source of the pollutant released;

16 (4) processing or treatment used on the pollutant before the release;

17 (5) circumstances surrounding and cause of the release, including a
18 statement as to whether the release was intentional or accidental;

19 (6) environmental damage caused by the release, to the extent the
20 damage can be reasonably identified; and

21 (7) remedial efforts taken to prevent accidental recurrence of the
22 release.

23 (d) For emissions to ambient air from a stack, the report required under this
24 section must include the measurements of visible emissions collected under
25 AS 46.03.465(b) and, if a stack on the vessel is equipped with continuous emission
26 monitors, the recordings printed by the monitors for the time during that month that
27 the vessel was in the marine waters of the state.

28 (e) For pollutants that were offloaded, the report required under this section
29 must describe the

30 (1) location of offloading;

- 1 (2) date of offloading;
2 (3) volume or weight, and type and source of the offloaded material;
3 (4) ultimate destination of the offloaded material; and
4 (5) processing or treatment received by the offloaded material before
5 or during the offloading.

6 (f) If hazardous waste was offloaded from the vessel and the hazardous waste
7 was manifested in accordance with 42 U.S.C. 6921 - 6939a (Subtitle C of the Solid
8 Waste Disposal Act), the report required under this section may, instead of the
9 information described in (e) of this section, include a copy of the manifest. If
10 hazardous waste was offloaded from the vessel without a manifest, the report required
11 under this section must, in addition to the information described in (e) of this section,
12 describe the reasons why the waste was offloaded without a manifest.

13 (g) For graywater, sewage, and other wastewater, the report required under this
14 section must state whether the graywater, sewage, and other wastewater were mixed
15 with one another or with other pollutants before or during offloading. If mixing of
16 pollutants occurred before or during offloading, the report must identify the specific
17 pollutants involved in the mixing, if feasible. If identification of the specific pollutants
18 is not feasible, the report must identify the waste streams in the mixture.

19 (h) To the extent allowed under federal law, the department may by regulation
20 require an owner or operator to submit supplemental or additional information
21 concerning the releases or offloading of pollutants.

22 (i) A record or report submitted under this section shall be signed under
23 penalty of unsworn falsification by the owner, operator, or a responsible official of the
24 reporting vessel and must include the following statement: "Based on information and
25 belief formed after reasonable inquiry, I certify that the statements and information in
26 and attached to this document are true, accurate, and complete."

27 (j) Upon request of the department, the report required under this section shall
28 be submitted electronically.

29 (k) This section does not relieve the owner or operator of a large passenger
30 vessel from other applicable reporting requirements of state or federal law.

31 **Sec. 46.03.480. Penalties.** (a) An owner or operator who fails to comply with

1 AS 46.03.460 may not bring a claim or counterclaim in a court of this state for a cause
2 of action that arose during the time that the owner or operator was out of compliance
3 with AS 46.03.460.

4 (b) An owner or operator who fails to comply with AS 46.03.460 or a
5 reporting requirement of AS 46.03.475 is subject to an administrative penalty of not
6 more than \$50 a day for each day of noncompliance with each requirement as
7 determined by the commissioner subject to right of appeal to the superior court.

8 **Sec. 46.03.484. Exemption for vessels in innocent passage.** AS 46.03.460 -
9 46.03.490 do not apply to a large passenger vessel that operates in the marine waters
10 of the state solely in innocent passage. For the purpose of this section, a vessel is
11 engaged in innocent passage if its operation in state waters would constitute innocent
12 passage under the

13 (1) Convention on the Territorial Sea and the Contiguous Zone,
14 April 29, 1958, 15 U.S.T. 1606; or

15 (2) United Nations Convention on the Law of the Sea 1982,
16 December 10, 1982, United Nations Publication No. E.83.V.5., 21 I.L.M. 1261 (1982).

17 **Sec. 46.03.485. Regulations.** The department may adopt regulations that are
18 necessary for the implementation of AS 46.03.460 - 46.03.490.

19 **Sec. 46.03.490. Definitions.** In AS 46.03.460 - 46.03.490,

20 (1) "agent for service of process" means an agent upon whom process,
21 notice, or demand required or permitted by law to be served upon the owner or
22 operator may be served;

23 (2) "air contaminant" means a substance within the meaning given to
24 "air contaminant" in either AS 46.03.900 or AS 46.14.990;

25 (3) "ambient air" has the meaning given in AS 46.14.990;

26 (4) "ballast water" means water and suspended matter taken on board
27 a vessel to control or maintain trim, draught, stability, or stresses of the vessel,
28 regardless of how the water and suspended matter are carried;

29 (5) "emission" means a release of one or more pollutants into the
30 atmosphere;

31 (6) "graywater" means galley, bath, and shower water;

- 1 (7) "hazardous substance" has the meaning given in AS 46.03.826;
- 2 (8) "hazardous waste" has the meaning given in AS 46.03.900 and
3 includes wastes that meet that definition and have been collected from staterooms,
4 crew quarters, and other passenger or crew accommodations;
- 5 (9) "large passenger vessel" means a vessel of 300 gross registered tons
6 or greater that is engaged in the carrying of passengers for hire, excluding
- 7 (A) vessels without berths or overnight accommodations for
8 passengers; and
- 9 (B) noncommercial vessels, warships, and vessels operated by
10 the state, the United States, or a foreign government;
- 11 (10) "marine waters of the state" has the meaning given to "waters" in
12 AS 46.03.900 except that it includes only marine waters;
- 13 (11) "medical waste" includes each of the types of solid waste listed
14 in 42 U.S.C. 6992a (Demonstration Medical Waste Tracking Program, sec. 11002 of
15 the Solid Waste Disposal Act);
- 16 (12) "offloading" means the removal of pollutants from a large
17 passenger vessel onto or into a controlled storage, processing, or disposal facility or
18 treatment works;
- 19 (13) "oil" has the meaning given in AS 46.04.900;
- 20 (14) "pollutant" means air contaminant, biological materials, chemical
21 wastes, graywater, hazardous substances, hazardous waste, industrial waste, incinerator
22 residue, medical waste, munitions, oil, radioactive materials, sewage, sewage sludge,
23 solid waste, toxic waste, and wrecked or discarded equipment, except that "pollutant"
24 does not include ballast water, a consumer product in consumer use, or, with respect
25 to offloading, a product that remains capable of being put to the beneficial use for
26 which the product was intended;
- 27 (15) "release" means spilling, leaking, pumping, pouring, emitting,
28 emptying, discharging, injecting, escaping, leaching, dumping, placing, or disposing
29 of pollutants into the environment, including the abandonment or discarding of bags,
30 containers, and other receptacles containing a pollutant, and without regard to whether
31 the pollutants left the vessel through a discrete conveyance or a nonpoint source;

1 (16) "responsible official" means

2 (A) for a corporation, a president, secretary, treasurer, or vice-
3 president of the corporation in charge of a principal business function, or any
4 other person who performs similar policy or decision-making functions for the
5 corporation, or a duly authorized representative of that person if the delegation
6 of authority to the representative is approved in advance by the department;

7 (B) for a partnership, sole proprietorship, or limited liability
8 company, a general partner, the proprietor, or the manager or managing
9 member, respectively;

10 (17) "sewage" has the meaning given in 33 U.S.C. 1322 (sec. 312,
11 Water Pollution Control Act);

12 (18) "stack" means a chimney or conduit through which air or air
13 contaminants are emitted into the atmosphere;

14 (19) "vessel" means any form or manner of watercraft, other than a
15 seaplane on the water, whether or not capable of self-propulsion.

16 * Sec. 3. AS 46.03.760(e) is amended to read:

17 (e) A person who falsifies a registration or report required by AS 46.03.460
18 or 46.03.475 or who violates or causes or permits to be violated a provision of
19 AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, AS 46.14, or a regulation, a lawful
20 order of the department, or a permit, approval, or acceptance, or term or condition of
21 a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.314, 46.03.460 -
22 46.03.490, or AS 46.14 is liable, in a civil action, to the state for a sum to be assessed
23 by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor
24 more than \$10,000 for each day after that on which the violation continues, and that
25 shall reflect, when applicable,

26 (1) reasonable compensation in the nature of liquidated damages for
27 any adverse environmental effects caused by the violation, that shall be determined by
28 the court according to the toxicity, degradability and dispersal characteristics of the
29 substance discharged, the sensitivity of the receiving environment, and the degree to
30 which the discharge degrades existing environmental quality; for a violation relating
31 to AS 46.14, the court, in making its determination under this paragraph, shall also

1 consider the degree to which the discharge causes harm to persons or property; this
2 paragraph may not be construed to limit the right of parties other than the state to
3 recover for personal injuries or damage to their property;

4 (2) reasonable costs incurred by the state in detection, investigation, and
5 attempted correction of the violation;

6 (3) the economic savings realized by the person in not complying with
7 the requirement for which a violation is charged; and

8 (4) the need for an enhanced civil penalty to deter future
9 noncompliance.

Wilken COMMITTEE
2000 COMMITTEE ACTION

Bill Number	HB 308		
Amendment	CS "D"		
Motion	adopt as Workdraft		
<u>Motion by</u> P			
<u>Objection by</u> none			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Gary Wilken			
Senator Pete Kelly			
Senator Lyda Green			
Senator Randy Phillips			
Senator Dave Donley			
Senator Loren Leman			
Senator Al Adams			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>			

Adams COMMITTEE
2000 COMMITTEE ACTION

Bill Number	HB 308		
Amendment	#4		
Motion	adpt		
<u>Motion by</u> P			
<u>Objection by</u> none			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Al Adams			
Senator Gary Wilken			
Senator Pete Kelly			
Senator Lyda Green			
Senator Randy Phillips			
Senator Dave Donley			
Senator Loren Leman			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u> Pass			

Leman COMMITTEE
2000 COMMITTEE ACTION

Bill Number	HB 308		
Amendment	#3		
Motion	adopt		
<u>Motion by</u>	Ph		
<u>Objection by</u>	none		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	Vote	N
Senator Loren Leman			
Senator Al Adams			
Senator Gary Wilken			
Senator Pete Kelly			
Senator Lyda Green			
Senator Randy Phillips			
Senator Dave Donley			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

Kelly COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 308		
Amer.dment	#2		
Motion	amend		
<u>Motion by</u>			
L			
<u>Objection by</u>			
none			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Pete Kelly			
Senator Lyda Green			
Senator Randy Phillips			
Senator Dave Donley			
Senator Loren Leman			
Senator Al Adams			
Senator Gary Wilken			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>			
Pass			

change "2010"
to "2005"

Donley COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 308		
Amendment	#2		
Motion	adopt		
<u>Motion by</u>	L		
<u>Objection by</u>	T		
Removed	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Dave Donley			
Senator Loren Leman			
Senator Al Adams			
Senator Gary Wilken			
Senator Pete Kelly			
Senator Lyda Green			
Senator Randy Phillips			
Co-Chair Sean Parnell			
Co-Chair John Torgerson			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u> Pass			



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

Sponsor Statement Senate Bill 308

"An Act relating to certain passenger vessels operating in the marine waters of the state."

Senate Bill 308 requires the cruise ships that bring more than half a million tourists into our state each year to keep track of and report the amount and type of pollutants, emissions, hazardous materials and sewage they release or offload while in our state waters. It also requires these vessels to provide contact and ownership information to the state.

In the aftermath of the Holland America and Royal Caribbean pollution violations in Southeast Alaska, it is clear that state and federal agencies are not getting the information they need to know with respect to cruise ship waste management practices. The 1999 cruise ship air emission violations recently cited by the Environmental Protection Agency against six cruise line companies operating in Juneau, Glacier Bay, and Seward further underscore public and agency concerns about the need for routine and comprehensive reporting of all wastes generated by cruise ships operating in Alaska.

The information required by SB 308 will give the state consistent information from each vessel, which can be used to gauge the cumulative effect of the ships that ply Alaska's waters. Having sound, scientific data available will give the state and the industry the information they need to develop a comprehensive plan to protect our waters.



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

SB 308 Sectional Analysis

Section 1: adds new sections to AS 46.03, the Environmental Conservation statutes.

Sec. 46.03.460 requires an owner/operator who conducts business in Alaska to register each vessel annually with DEC, prior to bringing the vessel into state waters.

Sec. 46.03.465 requires the owner/operators to monitor cruise ship pollutants in order to fulfill the reporting requirements under AS 46.03.475. Monthly sampling of visible emissions from vessels while in an Alaskan port is required. Clarifies that information need only be collected for the amount of time that the vessel is in state waters and that information collected for another, substantially similar report will be sufficient.

Sec. 46.03.470 requires that records be maintained for three years.

Sec. 46.03.475 establishes the monthly reporting that must occur for several categories of pollutants. Specifies a timetable for these reports, the type of information required, and requires a statement regarding the accuracy of the report. Clarifies that the information provided for another, substantially similar report will be accepted.

Sec. 46.03.480 establishes civil penalties for failing to register, failing to report, and falsifying a registration or report.

Sec. 46.03.485 gives DEC rule-making authority to implement this legislation.

Sec. 46.03.490 Definitions.

Section 2 amends AS 46.03.760(e) to reflect the penalties incorporated into 46.03.480(c)

TABLE 1

SB 308: MONITORING AND REPORTING POLLUTANT RELEASE AND OFFLOADING IN ALASKA

Pollutant Category	[----- Reporting the Release of a Pollutant -----]						
	Date/Time	Location Lat/Long	Volume	Source	Intentional or Accidental	Identifiable EnvDamage	Efforts to Prevent Accidents
Hazardous Waste	x	x	x	x	x	x	x
Solid & Industrial Waste	x	x	x	x	x	x	x
Stack Emissions	Monthly	In Port					
Sewage	x	x	x	x	x	x	x
Graywater & other Wastewater	x	x	x	x	x	x	x
Medical Waste	x	x	x	x	x	x	x

[----- Additional Reporting Requirements -----]	
Hazardous Waste	Copy of manifest prepared under 42 USC 6921-6939 If offloaded w/out manifest: volume, source, location, destination of waste, reasons
Solid & Industrial Waste	If offloaded: weight, composition, location & destination Quantity processed onboard & explanation if processed waste released or offloaded
Stack Emissions	At least monthly measurements of visible emissions in port, or if equipped with continuous emission monitor the recordings while in AK waters
Sewage	Description of onboard treatment works, quantity processed onboard & explanation if treated waste released or offloaded
Graywater & other Wastewater	Location of offloading
Medical Waste	Description of any onboard treatment & manner/method of disposal if treatment or disposal in Alaska

NOTE: SB 308 requires monitoring of the various wastes in order to meet the above reporting obligations.

Law calls for cruise line to report ship pollution

■ Kertula says bill puts ship companies in line with other industries

By SVEND HOLST
THE JUNEAU EMPIRE



A bill that would require big cruise ships to report on the kinds and amounts of pollutants they're producing made its first legislative port of call Tuesday.

It cruised through the House Transportation Committee on a 3-2 vote.

House Bill 371 would mandate that passenger ships over 300 gross tons - big cruise ships - register with the state and file pollutant reports with the Department of Environmental Conservation.

About 550 cruise ships visited Alaska last summer, bringing in about 700,000 tourists, said the bill's sponsor, Rep. Beth Kertula.

The Juneau Democrat said cruise ship companies wouldn't need to spend a lot of money to meet the bill's requirements. All she wants, she said, is for the cruise lines to let the state know how much potentially foul material - dishwasher, treated sewage and smoke stack emissions - the ships are producing.

That information is lacking today, she said.

"The bill is basically a right-to-know bill," she said. "We've seen some problems with waste."

She said the bill would put the cruise ship industry in line with the mining, oil and seafood processing industries, which all must submit environmental reports with the state.

No representatives of the major cruise lines testified at the hearing. All those who did testify favored the measure, including representatives of the Department of Environmental Conservation, the U.S. Environmental Protection Agency, the U.S. Coast Guard and cruise lines running smaller vessels not covered by the bill.

"We don't have the facts about the environmental impacts of these coating cities ... and that is unacceptable," said Mike Conway, with DEC.

The bill moved out of the committee with the support of Reps. Andrew Halero, an Anchorage Republican, and Democrats Al Jakesh of Angoon and Allen Kemmer of Anchorage.

The two no votes came from Republican Reps. John Cowdery of An-

Activists petition EPA to act on cruise waste

By FERN CHANDONNET
THE JUNEAU EMPIRE

The environmental group Bluewater Network and 53 other organizations filed a petition Tuesday with the U.S. Environmental Protection Agency to address what they call the "titanic amount of pollution being caused by cruise ships."

The petition highlights loopholes and exemptions in environmental law that should be controlling pollution caused by the ships, according to the San Francisco group's spokeswoman, Kira Schmidt.

The regulations were formulated with passage of the Clean Water Act in the early 1970s, Schmidt said. And they haven't been updated since cruise ships became huge sailing cities.

Cruise ship companies themselves apply to the EPA to be included within certain categories. Often the ships are regulated, no matter their size, as "small quantity generators," which means they produce less than 220 pounds of waste per month, she said.

"Once the EPA gets a good handle on the amount of waste produced - something they don't have now - they're going to realize the regulations are inadequate," Schmidt said.

Bluewater is promoting legislation in California and Alaska to address cruise ship pollution.

House Bill 371, sponsored by Juneau Democratic Rep. Beth Kertula, requires cruise ships in Alaska waters to report to the state the quantities and characteristics of all pollution discharged into state waters, as well as wastes offloaded at Alaska ports.

chorage and Willow's Beverly Masek Cowdery said he wasn't convinced the system is broken. Masek said the bill seemed to duplicate work already begun by the state.

The measure has three more House committees - Labor and Commerce, Resources and Finance - to get through before it can go to the House floor. If the full House then moves the bill, it would go

A report accompanying the petition to the EPA explains that a typical cruise ship on a one-week voyage generates approximately eight tons of garbage, a million gallons of gray water, 200,000 gallons of sewage, 25,000 gallons of oil-contaminated water, and an undetermined amount of hazardous waste.

Gray water is wastewater from sinks, galleys, showers and laundries.

The cruise lines are working with federal, state and local organizations to resolve those concerns, according to North West CruiseShip Association President John Hansen. The Vancouver, B.C., group represents the interests of cruise lines operating in Alaska.

The industry has already signed a memorandum of understanding for certain environmental practices with the Florida Department of Environmental Protection, Hansen said.

His group is currently conferring with the Alaska Department of Environmental Conservation on such concerns as doughnut holes - areas within Alaska's Inside Passage

on the discharge of certain ships' waste - and the cessation of all ship discharging in Alaska ports.

"Discussions with DEC and the Coast Guard have been very productive so far," Hansen said.

The EPA issued notices of air pollution violations to cruise ships in Juneau harbor as recently as three weeks ago, said Juneau Assembly member Jim Powell. "What is required here is not only a national effort, but also a regional and local effort."

through the Senate committee process before Gov. Tony Knowles would have a chance to sign it.

With the legislative session more than halfway over, Kertula said she realizes time may be running out on the measure.

"I always have hope," she said. "It's an uphill battle. (But) we got a great first hearing, and we're under way."

Thursday, April 13, 2000

Continued from Page A-1

EPA checks cruises

Nationwide review targets 'gray water'

By PAULA DOBBYN
Daily News reporter

The U.S. Environmental Protection Agency has launched a national review of the cruise ship industry in response to a petition by 54 environmental organizations. The federal agency will look for loopholes and exemptions in existing laws and determine whether tighter rules are warranted to reduce cruise ship pollution.

The EPA offices in Alaska, California and Florida are spearheading the review because the three states host a large number of cruise ships. A so-called white paper will be developed by the end of the month, with public hearings this summer or fall, followed by a set of recommendations, according to a leaked EPA memo.

"Rapid response to this petition is necessary, both because of the importance of the issue, and because extensive state and regional efforts to address cruise line pollution are proceeding at a fast pace, and these must be engaged to provide an effective national response," the March 31 memo states.

Juneau EPA official Steve Torok confirmed the agency's intent.

"We'll be looking at every point in the petition," Torok said. The first teleconference is scheduled for Friday, he said.

In their request to the EPA, the environmental groups, headed by the San Francisco-based Bluewater Network, asked the agency to consider how cruise ships dispose of their sink and shower waste, known as "gray water," as well as sewage, hazardous wastes and oily bilge water. They also want the EPA to look at the quantity and content of the discharges and decide if new laws and rules are needed to manage the large volume of waste.

Citing cruise line reports available to the public, the environmental groups say the typical cruise ship generates about 1 million gallons of gray water on a weeklong

voyage, about 210,000 gallons of sewage, 25,000 gallons of oily bilge water and various amounts of photochemicals, dry cleaning fluids, used paints, batteries and expired chemicals.

The industry says it complies with or goes beyond pollution laws. Before discharge, sewage is treated and oil is removed from bilge water, while hazardous substances are properly disposed of on land, the industry says.

"Cruise ships are point sources of enormous volumes of waste, which can have significant impacts on the marine environment and public health. Coupled with the cruise industry's proven record of violating pollution laws, it is clear we need more rigorous oversight of all cruise ship waste stream discharges," wrote Bluewater's Kira Schmidt in her request to EPA.

A February report by the General Accounting Office found that from 1993 to 1998, cruise ships were involved in 87 confirmed cases of illegal discharges of oil, garbage and hazardous wastes into U.S. waters. In Alaska, Royal Caribbean Cruise Line Ltd. and Holland America Line Westours Inc., were convicted of illegally polluting the Inside Passage. Royal Caribbean was fined \$6.5 million. Holland America paid \$1 million in fines and \$1 million in restitution.

Under existing laws, the ships can discharge unlimited amounts of gray water anywhere. Raw sewage can be legally dumped beyond three miles of shore. Treated sewage can be pumped out while the ship is tied up at port.

The cruise lines say they don't discharge unless they're under way and they never dump untreated waste. In a response to the Bluewater petition, the International Council of Cruise Lines accused the environmentalists of mischaracterizing the pollution situation and of failing to understand how the ships dispose of waste.

"Sensationalism does not achieve sound public policy, nor does it motivate others to respond positively," said Michael Crye, vice president of the cruise lines council. "We are concerned about the cleanliness of the ocean environment and are committed to full compliance with environmental laws. In fact, we are on the cutting edge of the development of new environmental technology."

EPA: 6 lines broke laws

13 cruise ships cited for pollution

By CATHY BROWN
THE JUNEAU EMPIRE

Cruise ships violated air quality standards on 14 separate days in Juneau last summer, the U.S. Environmental Protection Agency said. Violations also occurred in Glacier Bay National Park and in Seward, the agency said.

The EPA issued notices of violation Tuesday to six companies for air pollution coming from 13 ships in Alaska, said Don Dossett, an EPA compliance officer in Seattle.

The notices are a first step in a process that could lead to a maxi-

mum fine of \$27,500 per ship per day and compliance orders requiring certain actions to be taken.

But first the companies will have a chance to meet with the EPA to go over the facts and bring forward any information they have, Dossett said.

Notices of violation were issued to Holland America Line-Westours, Princess Cruises, Celebrity Cruises, Norwegian Cruise Lines, Carnival Cruise Lines and World Explorer Cruises.

Erik Elvejord, a spokesman for Holland America Line-Westours,

Please see EPA, Page 8

Empire 5/1/77

Some in the industry objected that EPA was pursuing the action at a time when the cruise lines are working with the state Department of Environmental Conservation, the EPA, the U.S. Coast Guard and community members to improve their environmental practices.

"It is unfortunate that EPA's press release did not recognize that the companies have put a great deal of effort into this issue and they are presently working with EPA and the state to solve the problem," said Nancy Wheatley, senior vice president for safety and environment for Royal Caribbean Cruises Ltd. The company is the parent company of Celebrity Cruises and Royal Caribbean International.

"We're kind of surprised that, given the process we're going through now ... that this came along to blind-side us," said Ron Valentine, vice president of operations at World Explorer Cruises in San Francisco. "We're not sure why this is happening now, given the good faith efforts we're engaged in."

Dossett said he didn't know what effect the EPA action would have on that process. But he said, "It's two separate actions. What we're doing here is addressing past violations." The work group is to address future compliance, he said.

Continued from Page 1

said the company is pulling its records and plans to talk with the EPA.

"I think we feel they weren't violations, that the margin of error on smoke-reading is such that we were in the guidelines," he said. "If there's a problem, we certainly want to address it."

The notices allege the companies exceeded state opacity standards for air emissions, Dossett said. The standard is a way of measuring pollution by observing what can be seen through the smoke coming out of the stack.

More visibility means less pollution. "It's an indicator of more complete combustion of the fuel," Dossett said.

The companies also failed to report those emissions violations to the state, the EPA said.

Reactions from cruise lines were varied, but many said they aren't sure EPA's readings are correct, and they will discuss that with the agency. They said they have high environmental standards, and some intend to improve on those.

And some companies said they are surprised EPA took this action because they are in the process of working cooperatively with regulatory agencies to address environmental problems associated with the industry in Alaska.

"The readings that the EPA is using as the basis for their notices of violation are a mere snapshot in time and are not indicative of normal operation," said Jennifer de la Cruz, a spokeswoman for Carnival Cruise Lines.

She said the company recognizes the importance of air emission standards and already takes steps to control its emissions. In addition, this summer the company will install a continuous air opacity monitor and will train some staff in the EPA method for gauging emission levels.

Princess Cruises will request a conference with EPA to discuss the matter, which it "takes very seriously," the company said in a statement. Princess is working with regulators as well as with its technical managers to improve systems to minimize environmental impact, the company said.

EPA News Release

00-13

February 29, 2000

Contact:

Don Dcssett
206/553-8257

John Pavitt
907/271-3688

CRUISE LINES VIOLATE AIR STANDARDS, EARN EPA REPRIMAND

The EPA today issued Notices of Violation (NOVs) to six companies operating large cruise ships that fouled the air in Juneau, Seward and Glacier Bay last summer. The 13 ships were monitored as they toured southeast Alaska, at times emitting smoke that significantly exceeded state and federal limits for visible emissions.

Responding to dozens of citizen complaints and media reports of large volumes of smoke billowing from the stacks of cruise ships, EPA investigators found numerous violations of the state's Marine Vessel Visible Emission Standards which govern the amount and duration of particulate matter discharges into the air. To assist the state in enforcing its smoke limits within Glacier Bay National Park, EPA investigators also worked with park rangers to monitor smoke emitted from ships visiting the area.

The NOVs were issued to the following companies:

- Holland America Line-Westours, Inc. (operating the Nieuw Amsterdam, Statendam, Veendam, Westerdam ships);
- Princess Cruises, Inc. (Dawn Princess, Sea Princess, Sun Princess);
- Celebrity Cruises, Inc. (Galaxy, Mercury);
- Norwegian Cruise Lines, Inc. (Dynasty, Wind);
- Carnival Cruise Lines, Inc. (Jubilee); and
- World Explorer Cruises, Inc. (Universe Explorer)

-more-

ANCH. Daily News 7.24.99

Royal flush -- Tour company fouls sea - and its name

By Daily News editorial staff

When Gov. Tony Knowles says Alaska is open for business, this isn't what he has in mind.

Ships of Royal Caribbean Cruises Ltd. dumped oily bilge water and other toxic chemicals at sea during Alaska cruises in 1994 and 1995. This wasn't an isolated incident, as federal prosecutors spelled out in announcing the plea bargain by which the world's second largest cruise line will pay \$18 million in criminal fines and restitution. Its pollution felonies ranged from Puerto Rico and the Virgin Island to the Inside Passage.

Royal Caribbean will pay \$6.5 million in fines and restitution for its Alaska violations.

Company officials blamed wayward employees and tried hard to escape responsibility for the dumping, contesting U.S. jurisdiction and only grudgingly cooperating with prosecutors when the extent and seriousness of the violations became too clear to deny and when they ran out of options.

It makes an ugly sea story. Crew members dumped oily wastes at night to avoid witnesses. Record books were routinely cooked. Prosecutors said engineers won bonuses for cutting expenses for pollution control.

Royal Caribbean also hired two former U.S. attorneys general, Elliott Richardson and Benjamin Civiletti, to argue its immunity from prosecution based on the Liberian and Norwegian flags its ships flew.

These were not the works of an outfit trying to steer a straight course.

Prosecutors said the line saved tens of thousands of dollars with its dumping. Bad business. Now it's going to pay \$18 million. So Royal Caribbean lost good money and its good name.

Cruise ships are a vital part of Alaska's tourist trade. But they've got no business fouling Alaska waters in any amount. When the governor says Alaska is open for business, Alaskans take it for granted he means good, honest business that obeys the law and respects the land and sea that provides a rich living.

Any other kind of business has no business at all here.

The fines and the disgrace that goes with them should make it clear to all hands that environmental protection is serious business, and that "Save the Waves" buttons are no substitute for rigorous anti-pollution measures and company leaders that demand them.

Royal Caribbean International president Jack Williams said the company is "profoundly sorry" for what its employees did several years ago. Mr. Williams can lead his company's passage back to a good reputation and a continued warm welcome in Alaska with a fierce enforcement of environmental standards. The world's second-largest cruise line should take care that the water in its wake is as clean as the linen on its tables.

Royal Caribbean Reports Record Results in 1999

MIAMI – (January 25, 2000) – Royal Caribbean Cruises Ltd. (NYSE, OSE: RCL) announced today a 16% increase in net income to \$383.9 million in 1999, up from \$330.8 million in 1998. Earnings per share was \$2.06, or 13% higher than the previous year. Since both years experienced non-recurring items, comparable EPS was \$2.15 in 1999 versus \$1.93 in 1998.

Revenues were \$2.5 billion, as compared to \$2.6 billion in 1998. The slight decline in revenues was due primarily to a 3% decrease in capacity in 1999. This decrease was the result of the sale of *Song of America* and service outages in the first half of the year.

On a comparable basis, earnings for the fourth quarter of 1999 increased to \$.21 per share compared to \$.17 per share in 1998. Reported net income for the fourth quarter of 1999 was \$38.3 million or \$.19 per share, which includes a \$3.3 million non-recurring item. Reported net income for the fourth quarter of 1998 was \$23.4 million or \$0.12 per share, which includes a \$9 million non-recurring item. Revenues for the fourth quarter of 1999 were \$584.0 million, up from \$575.1 million in 1998.

"We are pleased with our earnings growth in 1999, especially in a year of reduced capacity," said Richard D. Fain, chairman and chief executive officer. "Continued focus on yield management and cost control have proven effective, enabling us to report record earnings once again. We are particularly pleased with the introduction of *Voyager of the Seas*. We had always anticipated the ship would be a success, and are very happy with the positive press she has received. We look forward to continuing our tradition of product innovation with the delivery of Celebrity's *Millennium* in June of this year."

Royal Caribbean Cruises Ltd. is a global cruise company operating two cruise brands, Royal Caribbean International and Celebrity Cruises. The brands' combined fleet currently consists of 17 vessels; 10 additional vessels are on order for delivery through 2004.

Certain statements in this news release are forward-looking statements. Such forward-looking statements are not guarantees of future performance and involve known and unknown risks, uncertainties and other factors, which may cause the actual results, performances or achievements to differ materially from future results, performance or achievements expressed or implied in such forward-looking statements. Such factors include general

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Inside Alaska Business

Tourism numbers in

The tourism growth rate continued to slow last year, as just over 1.4 million people visited Alaska from October 1998 through last September, according to Ginny Fay, state tourism director. That's a 3 percent increase from a year before, compared with a 4 percent growth rate in 1998, 5 percent in 1997 and 10 percent in 1996, she said. Last year, 85 percent of the visitors came from May through September. The number of fall/winter visitors increased 3 percent, she said. Forty-seven percent of visitors arrived by airline from another U.S. city, and 38 percent by cruise ship last summer, she said. Throughout the year, 14 percent of the trips were for business only, but during the fall and winter business trips accounted for half of the visits, she said. Overall, business-only travel is increasing while visits for both business and pleasure have fallen off. The growth of tourism was driven last year by a 6 percent increase in cruise-ship passengers, Fay said at the 2000 Alaska Winter Tourism Marketing Conference in Anchorage. The state plans eventually to post two reports on last year's tourist traffic at www.dced.state.ak.us/tourism/research.htm.

NANA profits decrease

NANA Regional Corp. reported profits of \$5.2 million for the 12 months ended Sept. 30, a 2 percent decrease from a year earlier. Revenue totaled \$135 million, up 107 percent, for the Kotzebue-based regional Native corporation. The strongest moneymaking units of NANA were its investment portfolio, hotel properties, hotel management services, engineering arm, Red Dog zinc mine ownership and profit sharing received from resource-based regional Native corporations, according to the company's annual report. The company's dividend payout for the year totaled \$3.3 million, 5 percent more than a year earlier.

Insurance agencies combine

Devery Prince Agency Inc., an Anchorage-based Allstate Insurance agency, has bought the Ken Merritt Agency effective March 1, Prince said Tuesday. Both agencies shared the same location at 505 W. Northern Lights Blvd., Suite 219, since July, he said. No changes in staffing, hours, products or services should occur, he said.

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Gaps in Sea Laws Shield Pollution by Cruise Lines

Douglas Frantz

Shortly after 10 A.M. on Oct. 25, 1994, radar and infrared sensors aboard a Coast Guard jet over the Atlantic off Puerto Rico detected a possible oil discharge. As the aircraft swept low, its crew saw a long oil slick trailing a ship entering the San Juan harbor.

The vessel was then the largest cruise ship in the world, Royal Caribbean's Sovereign of the Seas, a floating resort the length of three football fields. When Coast Guard inspectors boarded the ship in port, its officers denied discharging any oil.

Suspicious, the Coast Guard and Justice Department opened what would grow into a four-year inquiry leading to the discovery of a fleet-wide conspiracy within Royal Caribbean Cruises Ltd. to save millions of dollars by dumping oily waste into the ocean. Last June the cruise line pleaded guilty to conspiracy and obstruction of justice, admitted that its ships had rigged pipes to bypass anti-pollution equipment, agreed to pay a record \$9 million in fines and promised the dumping would never happen again.

Astonishingly, the next month it did. The Nordic Empress, another Royal Caribbean ship, was discovered discharging oily waste and creating false records to cover it up. Moreover, the new dumping incident occurred even though the company knew it remained under Federal investigation for other discharge incidents.

An examination of the criminal investigation, plus new details about the latest incident, shows how difficult it is for authorities to police the booming cruise industry as it launches ever larger ships, and how determined the industry is to make itself exempt from American regulation.

The review offers strong evidence that the dumping of oil and other wastes by cruise ships, which can create lasting pollution problems in oceans and coastal areas, is more common than previously known. And it reveals an influential industry that has assembled an international lobby force to plead its case. Royal Caribbean's included two former United States Attorneys General, Louis L. Richardson and Benjamin R. Civiletti.

In defending itself, Royal Caribbean, a Liberian corporation with its headquarters in Miami, made what the Justice Department described as an unprecedented claim: that a private company doing business in the United States was immune from criminal prosecution because its ships fly foreign flags.

All major cruise ship owners -- including Disney, which launched its first ship, the 2,200-passenger Magic, last summer -- sail their ships under foreign flags. By registering with so-called flag countries in exchange for substantial fees, the owners avoid American corporate taxes and can pay lower wages to foreign crews. Financial documents show that Royal Caribbean saves approximately \$30 million a year in United States taxes by registering its ships in Norway and Liberia.

Critics say the savings come at the price of muddled jurisdiction and lax enforcement by the flag

out oil so the water can be discharged and the oil stored for disposal in port. Each time the separator is operated, the event must be noted in the ship's oil record book. The Coast Guard relies on the books to monitor compliance with pollution laws.

The oil record book of the *Sovereign of the Seas* contained no record of a discharge. Later, a ship's engineer testified before a Federal grand jury that there had been none. The officers of the *Nordic Empress* had made the same claim in 1993, supported by their oil record book.

It took several months, but Coast Guard investigators eventually discovered similar bypass systems on the *Nordic Empress* and other Royal Caribbean ships. They began to doubt the authenticity of the oil logs.

Confronted by the evidence, witnesses changed their stories. They testified that Royal Caribbean ships regularly bypassed pollution devices and dumped oily waste overboard, usually at night to avoid detection. An engineer from one ship, the *Song of America*, testified that the oil-water separator was operated so infrequently that it did not work when he did try to use it. They also admitted that the oil record books were falsified so routinely that they were known among many engineers as *Eventyrbok*, which means fairy tale book in Norwegian.

As for the disappearing pipes on the *Sovereign of the Seas*, engineers said they had been ordered to cut them up on the voyage from San Juan to Miami and drop them in a trash bin, according to court records.

Oil-water separators are notoriously troublesome to operate. But company engineers testified that the bypass systems, which had been in operation on some ships since 1990, were partly the result of the company's bonus incentives. Membranes for the separator cost as much as \$80,000 a year per ship and disposing of waste oil in port can cost \$300,000 a year. By saving this money, a ship's officers could receive bigger year-end bonuses for staying under budget.

The savings was the Government's strongest evidence that senior management may have known of the conspiracy, said Government officials involved in the case.

But investigators were stymied in following the trail because crucial witnesses, all foreign employees of Royal Caribbean, had left the company and either returned home or taken jobs with other cruise lines outside the United States, the officials said. No senior company officials were charged.

The Defense Cruise Line Throws Big Guns Into Battle

As evidence mounted, Royal Caribbean's lawyers tried to reach a deal. People involved in the negotiations said that in the fall of 1996 the company offered to plead guilty to some charges and pay a substantial fine. But the department rejected the offer and within weeks prosecutors told company lawyers to expect a 35-count indictment.

Mr. Civiletti, who was Attorney General under President Jimmy Carter, and two of his law partners, Judson W. Starr and Joseph G. Block, both former Justice Department environmental chiefs, had tried to negotiate the plea bargain. Other former Government officials working for the company had lobbied the State Department and Pentagon in an effort to persuade the Justice Department not to file charges.

The mission of the lobbying and legal arguments was not to refute the accusations, which would prove irrefutable, but to dispute the authority of the United States to bring charges. The former officials argued

The Nordic Empress had been in international waters when it was discovered discharging oil in 1993, so in July of that year the matter was referred to Liberia because the ship flew a Liberian flag. Liberia accepted the company's claims that no dumping occurred and asked the Coast Guard to expunge the incident from its records, according to Liberian records.

Even after Royal Caribbean admitted lying about the Nordic Empress discharge last June, Liberia decided no action was necessary. The investigation was completed and closed in 1994, said David Crede, chief of investigations for Liberian Services Inc., a private company in Reston, Va., that is Liberia's agent for vessels flying its flag. In the case of the Sovereign of the Seas, the Norwegian Embassy said its officials had looked into the case and decided that no action was warranted. The Outcome After Legal Setbacks, A Plea of Guilty

The Nordic Empress had discharged its waste in international waters, but the ship had presented the Coast Guard in Miami with an oil record book that omitted the discharge. So, on Feb. 19, 1998, Royal Caribbean was indicted in Miami, not for dumping but on a single count of making a false statement to the Coast Guard.

On April 22 and 23, a pivotal hearing took place in Federal District Court in Miami in which the cruise line asked Judge Donald M. Middlebrooks to dismiss the charges.

The Federal judge in San Juan handling the Sovereign of the Seas case, Juan M. Perez-Gimenez, had already rejected the company's claim that the United States lacked jurisdiction and had ordered the case to trial in June.

At the Miami hearing, Mr. Civiletti argued that the United States had overreached its authority. He said that Liberia had jurisdiction and that that country had determined there was insufficient evidence of a crime. He also produced a surprise diplomatic note from the Liberian Embassy in Washington to the State Department asking that the case be dismissed.

Mr. Udell countered that Royal Caribbean's false statement to the Coast Guard, plus its extensive presence here, subjected the company to American law. Although its ships fly various flags of convenience, he said, "Royal Caribbean is as much a part of Miami as the Miami Dolphins."

The company called Mr. Richardson as an expert witness, because he had been the chief American negotiator at the United Nations conference that led to the Law of the Sea treaty. He testified that only Liberia could prosecute the discharge, and warned that the case would undermine the navigational freedom established by the United Nations convention.

But Mr. Richardson seemed less certain when the prosecutor, Thomas Watts-Fitzgerald, asked whether his view would change if the ship had produced a record required by the Coast Guard that contained a misrepresentation. It might well, Mr. Richardson replied.

On May 12, Judge Middlebrooks rejected the motion to dismiss, ruling that the United States had authority to press charges because of the false statement to the Coast Guard.

Losing on the jurisdiction issue and faced with indisputable evidence, Royal Caribbean pleaded guilty on June 3 in both cases and agreed to pay \$9 million in fines. The Government called the violations so pervasive and longstanding that the criminal conduct amounted to a routine business practice.

Unlike most plea bargains, this one did not end Royal Caribbean's criminal liability. The company refused