

AK LEGISLATURE SPECIAL COMMITTEE FILES SCOMM 147 3201₇₅

TESTIMONY OF CHARLES C. HAWLEY ON HB 134, FEBRUARY 18, 2008

I am Charles C. Hawley a resident of Alaska since 1969 and an economic geologist practicing nationally and internationally since 1952. I oppose the passage of HB 134. The bill would not give much more protection to salmon than required by current law and regulation, but it would cause Alaska irreparable economic harm if it resulted in stopping the Pebble prospect. Other people with direct knowledge of rural Alaska have spoken about the local economic impacts of this legislation. My remarks mostly address a larger picture.

Because of the enormity of the Pebble mineral deposit, loss of the project would impact the balance of trade and cause further dependence on foreign sources for copper and molybdenum. It would also signal to the international investment community that Alaska really is not interested in invested capital for mining projects. That word will trickle down to the small capital markets that fuel most Alaska exploration—drying up risk capital.

The US is already a net metal importer. As the few existing major domestic copper mines, like Bingham Canyon, shut down due to depletion, foreign dependence will increase. Will copper obtained from the Congo, Indonesia, or Mongolia be environmentally cleaner than that from tightly regulated Alaska?

If demand for copper was decreasing, perhaps the problems would not be as severe, but it is not. More copper is needed to build a hybrid car than a traditional one. Huge amounts of copper will be needed to generate power and to connect wind and solar farms. Molybdenum present in billions of pounds at Pebble will be needed for corrosion resistant pipeline steel. Each ton of pipeline steel needs 10-15% molybdenum, and the gas line—when it is built—will require at least a billion pounds of moly. What about gold? Basically gold is back in its traditional role as a hedge against inflation; it has real international significance not addressed by jewelry made by Tiffany or Ben Bridge.

Hawley, p. 2 HB 134

As important as Pebble's economics are, some attention to HB 134 might be justified if there was a significant impact on the fishery. Inspection of maps showing where Pebble is, relative to major drainages, suggests that significant impacts are unlikely. Concern about Pebble's tailings is also misplaced—the tailings will not be a toxic stew, rather they will be like a big sand pile composed of quartz, feldspar, clay, and mica, minerals not noted for toxicity. The copper and other sulfides will have gone into closed mill circuits and slurry lines that will deliver them safely to the ships that will take Pebble ore to far east smelters.

In addition to laws and regulations that protect any Alaska fishery, there will be an immense pool of funds provided for the ultimate closure and reclamation of the mine that will serve all Alaskans as a long term insurance policy.

This bill needs special scrutiny to ensure that its sponsors are truly representing the best interests of their voters. I hope they take a hard look and withdraw this ill-conceived legislation.



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

Honorable Paul Seaton
Chairman, Special Committee on Fisheries
State Capitol
Juneau, Alaska 99811

February 19, 2008

RE: CS to House Bill 134, Bristol Bay Fisheries Reserve

Dear Chairman Seaton,

Thank you for the opportunity to comment on the Committee Substitute to House Bill 134, Bristol Bay Fisheries Reserve. **This bill is not in the best interest of the State of Alaska and we oppose this bill and urge that it be removed from further consideration.**

During the summer recess field hearings on HB-134 it was stated that this bill would be rewritten to correct the problems with the bill. However, CS HB-134 fails to correct the problems but it does reveal and clarify that the true intent of the bill is to block any mining in the Bristol Bay Drainage and specifically the Pebble project.

This legislation is targeted, blatantly prejudicial and contains numerous problems. Firstly, it is type of unequal treatment of one industry and specifically focused on one project is unequal treatment under the law and is guaranteed to result in legal challenge. CS HB-134 would constitute a taking of rights established under the State Constitution. Much of the area covered by this bill was specifically selected because of its mineral potential. For the Legislature to now change the rules on a company after it has spent millions of dollars to legally explore for minerals in an area known for mineral values is surely a taking of rights.

This bill is poor public policy and it is bad for Alaska. Many Alaska communities are in desperate need of economic development, jobs and opportunities for young people. Mineral development can provide jobs - high-quality, skilled, good paying family wage jobs and such opportunities must not be summarily excluded. It is also poor public policy to change the rules on companies in the way proposed by CS HB-134. This is the type of action one would expect in third world "banana republics", not in modern civilized societies governed by the rule of law.

Alaska has a rigorous permitting system and this system should be given the opportunity to evaluate each project based on its merits. No project in the affected area has yet been proposed and indeed it is not yet clear that any project will be economically viable so it can be proposed.

We urge that CS HB-134 be dropped from further consideration.

Sincerely,

Steven C. Borell, P.E.
Executive Director

From: Robert B Stiles [rbstiles@gci.net]
Sent: Thursday, February 14, 2008 6:52 PM
To: Rep. Paul Seaton
Subject: I strongly oppose HB 134 - The Wild Salmon Protection Act

February 14, 2008
Paul Seaton

Dear Paul Seaton,

The passage of HB 134 would constitute a taking of valid existing mining rights and as such could expose the State to a very significant takings claim by those holding valid existing mining rights.

Denial of a permit does not expose the State to the same takings claim.

Passage of HB 134 would be fiscally irresponsible in the extreme.

Sincerely

Bob Stiles
711 H St
Suite 350
Anchorage, AK 99501-3446

FAX: 907-465-3472
House Fisheries Comm.
to: Rep. Seaton - Chair

members: Rep. Johansen
Rep. Johnson
Rep. Le Doux
Rep. Wilson
Rep. Edgmon
Rep. Holmes

From: Ralph Angasan

RE: testimony against HB 134
as re-written.

thank you for the opportunity
to testify

**Before the House Fisheries Committee
HB 134**

Testimony of Ralph Angasan, Sr., President
Alaska Peninsula Corporation

~~Wednesday, Feb. 20, 2008~~ Feb. 18, 2008

I am Ralph Angasan, Sr., and I am appearing on behalf of and as the President of my village Corporation, Alaska Peninsula Corporation. APC is a consolidated village corporation, following the mergers of Port Heiden, Ugashik, South Naknek, Newhalen and Kokhanok. APC has over 600 shareholders and owns almost 400,000 acres of land along Lake Iliamna and the Alaska Peninsula. Our land holdings include lands near the Pebble deposit.

We opposed HB 134 last February. We opposed the rewritten HB 134 this last fall. And we oppose HB 134 as it is newly rewritten.

First it constitutes a taking:

- HB 134 directly and negatively impacts APC's legitimate expectations in the use of its own property. Today, we have surface exploration agreements. If this bill were to become law, and "sulfide mining" prohibited in Bristol Bay, our expectations would immediately suffer a loss, and we would hold the State accountable.
- HB 134 directly impacts APC shareholders' legitimate expectations in good jobs, in their home villages. If HB 134 becomes law, exploration activities will cease and many of our shareholders will be thrown out of work.
- HB 134 directly impacts APC's newly formed environmental consulting subsidiary. If HB 134 becomes law, our subsidiary will lose millions of dollars in contracts and contract opportunities with mineral exploration companies now engaged in mineral prospecting work in the Iliamna area.
- HB 134 directly impacts the Region's hopes and expectations for improved transportation, communications and utilities that mining activities will bring to the region and this in turn will result in accelerating the talent and brain drain as our young people look for opportunities and affordable living in urban areas.

Second, it is based on unfounded and baseless untruths with absolutely no scientific evidence to support the meager findings :

- That a ban on exploration, development and extraction of mineral wealth is a good thing ,
- That all "sulfide mining" is bad and dangerous ;

- That tourism and sports fishing at multimillion dollar lodges are more important than sustainable economies providing good jobs and opportunities to local residents and businesses;
- That the state legislature may with impunity take the legitimate expectations of its citizens.

Third, HB 134 is the product of special interests :

- Rep. Edgman has a serious and significant conflict of interest in the sponsorship of this bill.
 - He is the Chairman of Choggiung Ltd, the Village Corporation for Dillingham.
 - His corporation controls about 90,000 acres of lands that my village corporation and other Bristol Bay village corporations put into a Land Pool for the specific purpose of development.
 - In sponsoring legislation that will block development, Rep. Edgman is pursuing Choggiung's private interest in tourism and fishing activities in concert with his campaign contributors, many of whom control tourism industries.
 - This legislation would legitimize a breach of trust. That is wrong.
- Rep Ramras has a serious and significant conflict of interest in the sponsorship of this bill
 - His contributors include cruise ship and tourism companies
 - Another Ramras contributor is Mr. Bob Gillam, who has made no secret of his irrational fear of mineral exploration and the Pebble project
- Given these conflicts, it is no wonder that HB 134 violates every principle of good public policy

HB 134 is a bad bill. It was a bad bill last February. It was a failure this fall. And it is worse today.

**FAR WEST, INC.
P.O. BOX 124
HOMER, ALASKA 99603
Telephone/Fax: (907) 235-7981**

February 19, 2007

**Representative Kyle Johanson
State Capital, Room 13
Juneau, Alaska 99801-1182**

**Representative Craig Johnson
State Capital, Room 126
Juneau, Alaska 99801-1182**

**Representative Gabrielle LeDoux
State Capital, Room 1412
Juneau, Alaska 99801-1182**

**Representative Peggy Wilson
State Capital, Room 403
Juneau, Alaska 99801-1182**

**Representative Bryce Edgmon
State Capital, Room 424
Juneau, Alaska 99801-1182**

**Representative Lindsey Holmes
State Capital, Room 405
Juneau, Alaska 99801-1182**

**Chairman Representative Paul Seaton
State Capital, Room 102
Juneau, Alaska 99801-1182**

**House Fisheries Committee
State Capital
Juneau, Alaska 99801-1182**

RE: Opposition to House Bill 134

Dear Chairman Seaton:

Far West, Inc. (FWI), the Alaska Village Corporation for the Native Village of Chignik, opposes House Bill 134. We oppose the bill because it would, for all intents and purposes, prohibit hard rock mining in the Bristol Bay region. The proposed legislation would be counter-productive to economic development in the Bristol Bay region. We also believe that the legislation is prejudicial to FWI's interests as a Village Corporation entitled to receive a revenue stream pursuant to Sec. 7(i) and Sec. 7(j) of the Alaska Native Claims Settlement Act. Shutting down all mining in Bristol Bay will also have an impact on the exploration agreement presently existing between our Regional Corporation and mining interests, as well as between this corporation and mining interests. We also believe that, given the obvious negative impact HB 134 will have on

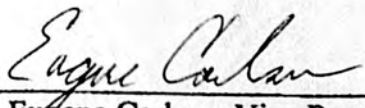
Chairman Paul Seaton
February 20, 2008
Page -2-

mining in the Bristol Bay region, Regional Corporations, at-large shareholders and Village Corporations throughout the State will be adversely impacted for the same reasons. They will be deprived of their fair shares of Sec. 7(i) and Sec. 7(j) revenue share if Bristol Bay Native Corporation is unable to develop its subsurface estate in perhaps some of the most mineral rich lands in the State, and indeed in the world.

Accordingly, we believe that HB 134 is a narrow, special interest bill and contrary to the interests of Alaska Natives, including our shareholders.

Very truly yours,

FAR WEST, INC.

By: 
Eugene Carlson, Vice-President

cc: Board of Directors

SCOMM

147:30

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

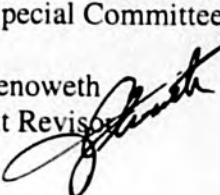
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 24, 2007

SUBJECT: CSHB 137(FSH), amending the requirements for the identification card for residents 60 years of age or older to fish, hunt, or trap without the appropriate license (Work Order No. 25-LS0118\E)

TO: Representative Paul Seaton, Chair
House Special Committee on Fisheries

FROM: Jack Chenoweth
Assistant Revisor 

The measure transmitted with this memo makes the changes specifically requested by incorporating the C.1 amendment.

Either before the measure is reported from your committee or when the measure is addressed in the next committee of referral, you may want to address the ambiguity inherent in the phrase "to retain eligibility for the temporary identification card" beginning on the last line of the bill's first page. Do the two elements of the "retain eligibility" requirement -- lawfully receiving a permanent fund dividend in the previous year or . . . maintain[ing] permanent fund dividend eligibility [under] AS 43.23.005(a)(3) - (7) -- operate so that, once the card has been issued, for the three-year life of the issued card, the continuing validity of the issued card is conditioned on the person's meeting one or the other of these requirements? Or, instead, do these two elements operate only so as to apply to obtain renewal of the card at the end of its three-year life? It's the use of the word "retain" that introduces the question, for "retain," in its dictionary definition, infers a continuing or continuity. Do you have a sense of how the committee intends the provision to operate so that we could substitute more definite language?

JBC:lmb
07-031.lmb

Enclosure

43.23.005. Eligibility. (a) An individual is eligible to receive one permanent dividend each year in an amount to be determined under AS 43.23.025 if the individual

- (1) applies to the department;
- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;
- (5) is
 - (A) a citizen of the United States;
 - (B) an alien lawfully admitted for permanent residence in the United States;
 - (C) an alien with refugee status under federal law; or
 - (D) an alien that has been granted asylum under federal law;
- (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
- (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act) if those requirements were applicable to the individual, or has come into compliance with those requirements after being notified of the lack of compliance.

[Repealed, § 18 ch 4 SLA 1992.]

(b) A parent, guardian, or other authorized representative may claim a permanent dividend on behalf of an unemancipated minor or on behalf of a disabled or incompetent individual who is eligible to receive a payment under this section. Notwithstanding (a)(2) — (4) of this section, a minor is eligible for a dividend if, during the two calendar years immediately preceding the current dividend year, the minor was born to and adopted by an individual who is eligible for a dividend for the current dividend year.

(c) Notwithstanding the provisions of (a) — (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when

- (1) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;
- (2) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a
 - (A) felony; or
 - (B) misdemeanor if the individual has been convicted of
 - (i) a prior felony as defined in AS 11.81.900; or
 - (ii) two or more prior misdemeanors as defined in AS 11.81.900.

[Repealed, § 64 ch 21 SLA 1991.]

(d) The commissioner may waive the requirement of (a)(4) of this section for an individual absent from the state

- (1) in a time of national military emergency under military orders while serving in the armed forces of the United States, or for the spouse and dependents of that individual; or
- (2) while in the custody of the Department of Health and Social Services in accordance with a court order under AS 47.10 or AS 47.12 and placed outside of the state by the Department of Health and Social Services for purposes of medical or behavioral treatment.

(e) For purposes of applying (d)(1) of this section, the date the court imposes a sentence suspends the imposition of sentence shall be treated as the date of conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions arising out of a single criminal episode shall be treated as a single conviction.

(h) If an individual who would otherwise have been eligible for a permanent fund dividend dies after applying for the dividend but before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would

AMENDMENT #1 → Adopted

OFFERED IN THE HOUSE
TO: HB 137

BY REPRESENTATIVE SEATON

1 Page 1, line 12, following "resident":

2 Insert "must have lawfully received a permanent fund dividend in the previous
3 year or"

4

5 Page 1, line 13:

6 Delete "AS 43.23.005"

7 Insert "AS 43.23.005(a)(3) - (7)"

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

43.23.005. Eligibility. (a) An individual is eligible to receive one permanent dividend each year in an amount to be determined under AS 43.23.025 if the individual

- (1) applies to the department;
- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;

- (5) is
 - (A) a citizen of the United States;
 - (B) an alien lawfully admitted for permanent residence in the United States;
 - (C) an alien with refugee status under federal law; or
 - (D) an alien that has been granted asylum under federal law;
- (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
- (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act) if those requirements were applicable to the individual, or has come into compliance with those requirements after being notified of the lack of compliance.

[Repealed, § 18 ch 4 SLA 1992.]

- (8) A parent, guardian, or other authorized representative may claim a permanent dividend on behalf of an unemancipated minor or on behalf of a disabled or an incompetent individual who is eligible to receive a payment under this section. Notwithstanding (a)(2) — (4) of this section, a minor is eligible for a dividend if, during the two calendar years immediately preceding the current dividend year, the minor was born to or adopted by an individual who is eligible for a dividend for the current dividend year.
- (9) Notwithstanding the provisions of (a) — (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when
 - (1) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;

- (2) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a
 - (A) felony; or

- (B) misdemeanor if the individual has been convicted of
 - (i) a prior felony as defined in AS 11.81.900; or
 - (ii) two or more prior misdemeanors as defined in AS 11.81.900.

[Repealed, § 64 ch 21 SLA 1991.]

- (10) The commissioner may waive the requirement of (a)(4) of this section for an individual absent from the state

- (1) in a time of national military emergency under military orders while serving in the armed forces of the United States, or for the spouse and dependents of that individual; or
 - (2) while in the custody of the Department of Health and Social Services in accordance with a court order under AS 47.10 or AS 47.12 and placed outside of the state by the Department of Health and Social Services for purposes of medical or behavioral treatment.

- (11) For purposes of applying (d)(1) of this section, the date the court imposes a sentence suspends the imposition of sentence shall be treated as the date of conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions arising out of a single criminal episode shall be treated as a single conviction.

- (h) If an individual who would otherwise have been eligible for a permanent fund dividend dies after applying for the dividend but before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would

otherwise have been eligible for a dividend and who did not apply for the dividend during the application period, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. Notwithstanding AS 43.23.011, the application for the dividend may be filed by the personal representative or the successor at any time before the end of the application period for the next dividend year. (§ 1 ch 102 SLA 1982; am § 1 ch 57 SLA 1987; am § 1 ch 54 SLA 1988; am § 1 ch 159 SLA 1988; am §§ 2, 3 ch 107 SLA 1989; am § 1 ch 68 SLA 1990; am §§ 46, 62 ch 21 SLA 1991; am § 1 ch 68 SLA 1991; am §§ 4 — 8, 18 ch 4 SLA 1992; am §§ 2, 3 ch 46 SLA 1996; am §§ 2 — 4 ch 44 SLA 1998; am § 1 ch 91 SLA 1998; am § 25 ch 92 SLA 2001; am § 5 ch 89 SLA 2002; am § 5 ch 64 SLA 2005)

Cross references. — For legislative findings in connection with the 1989 amendment to (a) of this section, see § 1(a), ch. 107, SLA 1989 in the Temporary and Special Acts; for the application deadlines for minors who qualified for a dividend for 1992 because of the 1992 amendment to (c) of this section, see § 19, ch. 4, SLA 1992 in the Temporary and Special Acts; for legislative purpose relating to the 1996 amendments amending subsection (d) and adding subsection (g), see § 1, ch. 46, SLA 1996 in the Temporary and Special Acts.

Effect of amendments. — The first 1998 amendment, effective January 1, 1999, rewrote subsection (a); in subsection (d) substituted "qualifying year" for "calendar year immediately preceding that dividend year" in paragraphs (1) and (2); and, effective January 1, 2000, inserted "for at least 72 consecutive hours" in paragraph (a)(4).

The second 1998 amendment, effective June 13, 1998, added subsection (h).

The 2001 amendment, effective July 6, 2001, in subparagraph (d)(2)(B), added item (i) and the item (ii) designation, and, in item (ii), substituted "misdemeanors" for "crimes."

The 2002 amendment, effective January 1, 2004, added paragraph (a)(7) and made related stylistic changes.

The 2005 amendment, effective July 1, 2005, in subsection (f), deleted "In a time of national military emergency" from the beginning of the introductory language, added the paragraph (1) designation and added that language at the beginning of paragraph (1), and added paragraph (2).

Editor's notes. — Section 6, ch. 46, SLA 1996 provides that the 1996 amendments that amended subsection (d) and added (g) "apply only to individuals convicted of crimes committed after December 31, 1996" and that "[c]onvictions for crimes committed before January 1, 1997, may not be considered in determining the number of prior convictions for purposes of applying AS 43.23.005(d)(2)(B)."

Under § 6, ch. 89, SLA 2002, paragraph (a)(7) applies to a person who applies for a permanent fund dividend on or after January 1, 2004.

Legislative history reports. — For legislative letter of intent relating to the enactment of subsection (f) by § 1 ch. 68, SLA 1991 (HCS CSSB 98(FIN)), see 1991 Senate Journal, pages 256, 257.

NOTES TO DECISIONS

Constitutionality. — The 1989 amendment to paragraph (a)(2) of this section, imposing a two-year residency requirement for applicants, was unconstitutional; the one year requirement in subsection (e) is the applicable period, since no appeal is pending. *Lindly, et al. v. Malone*, Superior Court, 3rd Jud. Dist. 3AN-90-02586 CI (1990) (The 1991 amendment codified this decision.).

Subsection (d) does not violate the equal protection clause of the United States Constitution and/or the Alaska Constitution. *State v. Anthony*, 810 P.2d 155 (Alaska 1991).

Subsection (d), which makes incarcerated felons ineligible for permanent fund dividends, does not violate the ex post facto clause of either the United States or the Alaska Constitutions. *State v. Anthony*, 816 P.2d 1377 (Alaska 1991).

Denial of a permanent fund dividend to an incarcerated felon was not a separate punishment in addition to his sentence for murder for purposes of double jeopardy. *Hertz v. Storer*, 943 P.2d 725 (Alaska 1997), cert. denied, 522 U.S. 1059, 118 S. Ct. 717, 139 L. Ed. 2d 657 (1998).

The alien eligibility requirement of subparagraph (a)(5)(B) is constitutional because the department has the authority to interpret the statutory language in a manner that meets the purposes of the permanent fund dividend program and that comports with federal law. *State v. Andrade*, 23 P.3d 58 (Alaska 2001).

No constitutional protection of permanent fund dividend. — Changes in the qualifying date for a permanent fund dividend (pfd) do not violate the constitutional rights of new residents. Plaintiffs, as new residents, had only an inchoate expectancy of a pfd which is not afforded constitutional protection. *Underwood v. State*, 881 P.2d 322 (Alaska 1994), cert. denied, 514 U.S. 1064, 115 S. Ct. 1694, 131 L. Ed. 2d 558 (1995).

Dividends received on behalf of minors. — Where a divorced mother borrowed money from her children's permanent fund dividends, it was not error on the part of the court to deny the former husband's request that the mother be ordered to repay the amount taken. *Hayes v. Hayes*, 922 P.2d 896 (Alaska 1996).

Dividends properly withheld. — The state department of revenue properly withheld appellant's permanent fund dividends (PFDs) for 1992, 1993, and 1994 because the absences he reported from his primary Alaska residence exceeded the 180-day period allowed under former AS 43.23.005(a), 43.23.095(8), and their implementing regulations. *Schikora v. State*, 7 P.3d 938 (Alaska 2000).

Applied in *Dept of Revenue v. Cosio*, 858 P.2d 621 (Alaska 1993); *State, Dept of Revenue v. Wilder*, 929 P.2d 1280 (Alaska 1997).

Stated in *Alaska Oil Co. v. Alaska*, 45 Bankr. 358 (D. Alaska 1985).

Cited in *Standard Alaska*, 822 F.2d 624 (9th Cir. 1989) (Alaska 1990); *Morgan v.*

Sec. 43.23.008. A person who is otherwise eligible for a dividend remains eligible for

(1) receiving second dividend which, as determined by the program is not

(2) receiving vocational training program is not

(3) serving on active duty accompanying, as the

individual who is

(A) serving on active duty

(B) eligible for a dividend

(4) serving under contract with the United States

(5) receiving compensation as a

convalescing as recipient of convalescence is

(6) providing care for a life-threatening illness

(7) providing care for a child, requires travel

(8) settling the estate of a

stepchild, provided the

(9) serving as a

(10) serving on

(11) serving as

(12) accompanying

(13) accompanying

under (1), (2), (5)

disabled dependent

(14) serving as

(15) because of

(16) for any reason

provided the absence

(A) 180 days in

this subsection if

this subsection;

(B) 120 days in

(3) of this subsection

subsection but is

(C) 45 days in

of this subsection

subsection.

(b) An individual

section unless the

months immediately

preceding 10 dividends

each of the related

individual was a

AMENDMENT #1 → Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: HB 137

1 Page 1, line 12, following "resident":

2 Insert "must have lawfully received a permanent fund dividend in the previous
3 year or"

4

5 Page 1, line 13:

6 Delete "AS 43.23.005"

7 Insert "AS 43.23.005(a)(3) - (7)"

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(b)

A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or older and meets the residency definition below. A Permanent Identification Card will be issued without charge to persons who qualify by age and residence and who complete this application.

Instructions: Fill out form completely. Keep the yellow copy of the application until you receive the Permanent Identification Card in the mail. Send the white copy to: Department of Fish and Game Licensing section, Box 25525, Juneau, Alaska 99802-5525.

You will then receive a Permanent Identification Card within 4-6 weeks. The yellow copy of the application or the Permanent Identification Card must be in your possession while sport fishing, hunting, or trapping.

PLEASE NOTE: The yellow copy is valid as a temporary license for 60 days from date of signature.

The number printed on your Identification Card should be used in lieu of a sport fishing, hunting and trapping license number in all instances which require a license number, e.g. resident big game tags, harvest tickets, fur export permits, sale of furs, trophy export, transfer of legally taken fish and game to others, etc. A Permanent Identification Card licensee does not have to purchase a state conservation stamp to hunt waterfowl or a king salmon stamp to fish for king salmon.

PLEASE PRINT CLEARLY

Name (First, Middle, Last)				Physical Location of Residence									
Mailing Address				City, State, Zip Code									
City, State, Zip Code				I am a resident of Alaska in accordance with the definition shown below. <table border="1" style="float: right; margin-left: 10px;"> <tr> <th colspan="2" style="text-align: center;">Length of Residency</th> </tr> <tr> <td style="width: 50px; text-align: center;">Years</td> <td style="width: 50px; text-align: center;">Months</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table>				Length of Residency		Years	Months		
Length of Residency													
Years	Months												
Drivers License Number _____ State _____ Number _____													
Daytime Telephone	Date of Birth mm/dd/yy	Sex	Height FT/IN	Weight	Color Eyes	Color Hair							

ALASKA RESIDENT AS 16.05.940(26): "resident" means, a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country; a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding this application for a license; or a dependent of a resident member of the military service or U.S. Coast Guard who has lived in Alaska for the 12 consecutive months immediately preceding this application for a license. A person who does not otherwise qualify as a resident may not qualify by virtue of an interest in an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public disclosure. My right to obtain or exercise the privilege granted by a sport fishing, hunting, or trapping license is not suspended or revoked in another state. **(NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$5,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.)**

Signature of Applicant _____ Date _____

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

FOR DEPARTMENT USE ONLY

I.D. Number _____ Date Issued _____ Issued By _____

REPRESENTATIVE PAUL SEATON

SESSION ADDRESS

State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-2689
Fax: (907) 465-3472
1-800-665-2689



INTERIM ADDRESS

345 W. Sterling Highway
Homer, Alaska 99603
(907) 235-2921
Fax: (907) 235-4008
1-800-665-2689

ALASKA STATE LEGISLATURE House District 35

HB 137 Temporary Senior Hunting/Trapping/Fishing License

The Permanent Identification Card (PID) is a permanent license that allows Alaskan seniors to enjoy the natural resources of this great state through hunting, fishing and trapping free of charge. However, as the program is currently structured there are few safeguards to prevent abuse. Because the license is permanent, someone can get the card when they live in Alaska, move out of state and never have to pay for a license in Alaska on subsequent return visits. Also, because there is no easily enforceable determination of Alaskan resident, non-residents can fraudulently apply for a card. This is not fair to Alaskan seniors who live here year round and have the right to fish without the financial burden of a yearly license fee.

HB 137 changes the current PID statute from a permanent identification card to a temporary identification card. The license holder is required to renew the card every three years and must be eligible for the permanent fund dividend to qualify for the free hunting/fishing/trapping card. Fish and Game will have a list of individuals who received the PFD to cross reference before issuing a free senior license. The program will be easier for Fish and Game to administer because they have a simple way to check for suspected fraud instead of enlisting the help of the overextended Wildlife Troopers. HB 137 will result in an increase of funds as out-of-state individuals will have to purchase their license.

More people have been issued a PID in the last 20 years than there are eligible residents in Alaska who receive the PFD. Anecdotal stories of abuse of this benefit include a Fish and Game clerk on the Kenai Peninsula who issued a PID to a senior who claimed he was a resident but that he did not own a drivers license to prove it. He then proceeded to get into the drivers seat of a car with out-of-state license plates. The Fish and Game officer faxed the individual's information to the Wildlife Troopers, however they do not have the resources to persecute minor offenses such as fraudulent license applications, leaving the program with little means for checks and balances.

HB 137 ensures the integrity of a program designed to award resident Alaskan seniors the well deserved benefit of a free fishing, hunting and trapping licenses.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(b)

A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or older and meets the residency definition below. A Permanent Identification Card will be issued without charge to persons who qualify by age and residence and who complete this application.

Instructions: Fill out form completely. Keep the yellow copy of the application until you receive the Permanent Identification Card in the mail. Send the white copy to: Department of Fish and Game Licensing section, Box 25525, Juneau, Alaska 99802-5525.

You will then receive a Permanent Identification Card within 4-6 weeks. The yellow copy of the application or the Permanent Identification Card must be in your possession while sport fishing, hunting, or trapping.

PLEASE NOTE: The yellow copy is valid as a temporary license for 60 days from date of signature.

The number printed on your Identification Card should be used in lieu of a sport fishing, hunting and trapping license number in all instances which require a license number, e.g. resident big game tags, harvest tickets, fur export permits, sale of furs, trophy export, transfer of legally taken fish and game to others, etc. A Permanent Identification Card licensee does not have to purchase a state conservation stamp to hunt waterfowl or a king salmon stamp to fish for king salmon.

PLEASE PRINT CLEARLY

Name (First, Middle, Last)				Physical Location of Residence					
Mailing Address				City, State, Zip Code					
City, State, Zip Code				I am a resident of Alaska in accordance with the definition shown below. Length of Residency <table style="margin: auto;"> <tr> <td style="border: 1px solid black; width: 30px;">Years</td> <td style="border: 1px solid black; width: 30px;">Months</td> </tr> </table>				Years	Months
Years	Months								
Drivers License Number									
State _____ Number _____									
Daytime Telephone	Date of Birth mm/dd/yy	Sex	Height FT/IN	Weight	Color Eyes	Color Hair			

ALASKA RESIDENT AS 16.05.940(26): "resident" means, a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country; a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding this application for a license; or a dependent of a resident member of the military service or U.S. Coast Guard who has lived in Alaska for the 12 consecutive months immediately preceding this application for a license. A person who does not otherwise qualify as a resident may not qualify by virtue of an interest in an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public disclosure. My right to obtain or exercise the privilege granted by a sport fishing, hunting, or trapping license is not suspended or revoked in another state. **(NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$5,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.)**

Signature of Applicant _____ Date _____

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

FOR DEPARTMENT USE ONLY

I.D. Number _____ Date Issued _____ Issued By _____

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(d)

PID - Fishing/Hunting/Trapping

P93867

Name: [REDACTED]

Town/Zip Code: HOMER 99603

The person named above has certified that he/she is 60 years of age or older and has been a resident of Alaska for one year or more. The bearer's personal description is:

Date of Birth 10-01-1945	Drivers License AK [REDACTED]	Date Issued 08-15-2006
Height 6 ft 1 in	Color Eyes Hazel	Color Hair Brown
		Sex M

PLEASE PRINT CLEARLY

Name (First, Middle, Last)		City, State, Zip Code	
Mailing Address		City, State, Zip Code	
Drivers License Number		State	
Date of Birth		Sex	
Date of Birth		Sex	

State of Alaska
Department of Fish & Game

I hereby certify that all of the information on the reverse side is true and correct. I further certify that I meet the provisions of the applicable Alaska Statutes, AS 16.05.400(b) or AS 16.05.341. I understand this information is subject to public disclosure.

Signature: _____

This card must be in your possession while engaging in the authorized activities as described on the front. This card is not valid if residency requirements per AS 16.05.940 and AS 16.05.415, and veteran requirements, if applicable, per AS 16.05.341 are not maintained.

ALASKA RESIDENT AS 16.05.940(5B): "resident" means: a person (including an alien) who is lawfully present in Alaska with the intent to remain indefinitely and make a home there; has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding the application for a license; and is not claiming residency or claiming benefits under a claim of residency in another state, territory, or country. A member of the military - including U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding the application for a license; or a dependent of a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding the application for a license. A person who receives retirement benefits as a resident may not qualify by virtue of an intent to an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public release under Mr. Right's Open Access Act. Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$2,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.

Signature of Applicant

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING
FOR DEPARTMENT USE ONLY

Issued By

Date Issued

I.D. Number

REPRESENTATIVE PAUL SEATON

SESSION ADDRESS

State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-2689
Fax: (907) 465-3472
1-800-665-2689



INTERIM ADDRESS

345 W. Sterling Highway
Homer, Alaska 99603
(907) 235-2921
Fax: (907) 235-4008
1-800-665-2689

ALASKA STATE LEGISLATURE House District 35

HB 137 Temporary Senior Hunting/Trapping/Fishing License

The Permanent Identification Card (PID) is a permanent license that allows Alaskan seniors to enjoy the natural resources of this great state through hunting, fishing and trapping free of charge. However, as the program is currently structured there are few safeguards to prevent abuse. Because the license is permanent, someone can get the card when they live in Alaska, move out of state and never have to pay for a license in Alaska on subsequent return visits. Also, because there is no easily enforceable determination of Alaskan resident, non-residents can fraudulently apply for a card. This is not fair to Alaskan seniors who live here year round and have the right to fish without the financial burden of a yearly license fee.

HB 137 changes the current PID statute from a permanent identification card to a temporary identification card. The license holder is required to renew the card every three years and must be eligible for the permanent fund dividend to qualify for the free hunting/fishing/trapping card. Fish and Game will have a list of individuals who received the PFD to cross reference before issuing a free senior license. The program will be easier for Fish and Game to administer because they have a simple way to check for suspected fraud instead of enlisting the help of the overextended Wildlife Troopers. HB 137 will result in an increase of funds as out-of-state individuals will have to purchase their license.

More people have been issued a PID in the last 20 years than there are eligible residents in Alaska who receive the PFD. Anecdotal stories of abuse of this benefit include a Fish and Game clerk on the Kenai Peninsula who issued a PID to a senior who claimed he was a resident but that he did not own a drivers license to prove it. He then proceeded to get into the drivers seat of a car with out-of-state license plates. The Fish and Game officer faxed the individual's information to the Wildlife Troopers, however they do not have the resources to persecute minor offenses such as fraudulent license applications, leaving the program with little means for checks and balances.

HB 137 ensures the integrity of a program designed to award resident Alaskan seniors the well deserved benefit of a free fishing, hunting and trapping licenses.

State of Alaska Permanent Identification Card (PID) program for resident seniors 60 years of age or older to receive a free sport fishing, hunting and trapping license:

Information about Program:

- Total PID licenses issued during past 10 years: 43,662.
- Average distribution of PID licenses each year over the past 10 years: 4,366.
- Lost revenue to Fish and Game Fund for new licenses issued each year, not total PID licensees: \$137,827. Difficult to estimate how many licensees are still residing in Alaska, living, or would purchase a sport license/king salmon stamp if they were required to.

Qualifications for obtaining a PID license:

- Resident:
 - Physically present in Alaska
 - Intent to remain indefinitely and make a home in Alaska
 - Maintained their domicile in Alaska for the 12 consecutive months immediately preceding the application for a license
 - Not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country.
 - This past year, the Attorney General's office, Criminal Justice Planner for ADF&G, and Licensing Supervisor put together the attached "What Constitutes a Resident" information sheet basically for PID applicants. Location of household goods, where other immediate family members live, and how many months you are away from the state are discussed.
- 60 years of age or older

Problems:

- Identifying active/inactive PID holders.
- People who live part-time other than in Alaska but consider Alaska their home. It is hard to determine if they are still a resident; regulations are not clear.
- Nonresident seniors obtaining PID.
- Two problems during past year with PID licensees in Ninilchik and Hyder. DPS/Bureau of Wildlife Enforcement was the entity involved in both cases.
- Licensing has to send back 10% of the applications received each year because of incomplete information or because additional information is needed, i.e. out-of-state address used on application.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME DIVISION OF ADMINISTRATIVE SERVICES

FRANK MURKOWSKI, GOVERNOR

P.O. BOX 115525
JUNEAU, AK 99802-5526
PHONE: (907) 465-3276
FAX: (907) 465-2440
E Mail: license_help@fishgame.state.ak.us

Below are some guidelines to help determine whether or not you meet the residency requirements to purchase/receive a State of Alaska resident sport fishing, hunting, trapping, or commercial crewmember license:

Per Alaska Statute 16.05.940(27), resident means, "a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country..."

"Residency" is further defined and explained in Alaska Statute 16.05.415(a) & (b). "(a) a person ... is a resident if the person,

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state; [Note:

a. you must be physically present in Alaska in order to obtain a resident license.

b. you must intend to remain in the state indefinitely and to make your true and permanent home in Alaska. Living in Alaska for a short period of time, 6 months or less, and spending the majority of the year somewhere else probably does not constitute the intent to remain indefinitely. Consideration is given to other factors. See below.]

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

[Note: for the previous 12 consecutive months you must have maintained a livable dwelling in Alaska. Consideration is given to the type of dwelling maintained here vs. the type of dwelling maintained somewhere else.]

(3) is not claiming residency in another state, territory, or country; and

[Note: you cannot have voted as a resident in another state, registered your car or have a driver's license in another state unless required by that state's laws to do so; Alaska law requires that a person who resides in the state and is not employed must register their vehicles in Alaska within 60 days of entering the state in accordance with AS 28.10.212; additionally a person who is employed in Alaska or takes an action that indicates an intention to acquire residence in the state must register their vehicles within 10 days. A person establishing residency in Alaska must obtain an Alaskan drivers license within 90 days and must surrender any out of state drivers license in accordance with AS 28.15.011 & 021. You may not hold a "resident" hunting or fishing license in another state, and may not have held one during the past 12 months.]

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

[Note: you cannot be claiming residency for COLA retirement benefits in another state, paying resident vs. nonresident taxes in another state, receiving subsidized or free benefits available only to a resident of another state, or gaining any advantage provided to residents of another state, etc.]

(b) A person who establishes residency in the state under (a) of this section remains a resident during an absence from the state unless during the absence the person

(1) establishes or claims residency in another state, territory, or country; or

(2) performs an act, or is absent under circumstances, that are inconsistent with the intent required under (a) of this section. [N Note: You may not have made any public or private declaration that indicates an intent to maintain a domicile anywhere but Alaska.]

"Domicile" is defined in Alaska Statute 16.05.940 as "the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away;"

[Note: the purchase of round trip tickets or the making of return plans each time a person travels to Alaska would probably constitute evidence that the person's true and permanent home was elsewhere than Alaska. The location of household goods, the location where the spouse or family members of the household live and work, the location where children attend school, and other factors will also aide in determining where the true and permanent home is.]

Per Alaska Administrative Code 5 AAC 39.975(30) and 5 AAC 92.990(14), evidence of domicile includes, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of a person who may know an applicant's domicile;

(C) place of voter registration;

[Note: see (3) under "Residency" above.]

(D) location of residence owned, rented, or leased;

[Note: see (1&2) under "Residency" above. The courts also look at the number of months you spend at a domicile located in another state vs. the number of months you spend in Alaska. For example, if you spend 9 months in another state and 3 months in Alaska, your residency in Alaska could be in question and will be taken into consideration along with other factors.]

(E) location of storage of household goods;

[Note: if your household goods are located in another state, it appears that you have not made your home here.]

(F) location of business owned or operated;

[Note: if your business is located in another state, you may need to explain to enforcement how your business is operated. On the other hand, you will not qualify as a resident merely by virtue of an interest in, or employment or contractual association with and Alaska-based business, see AS 16.05.415(g).]

(G) residence of spouse and minor children or dependents;

[Note: You are unlikely to be considered a resident of Alaska if your immediate family is living in another state or claiming another state as their residence while you consider Alaska your home.]

(H) governments to which taxes are paid;

[Note: see (4) under "Residency" above.]

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location."

[Note: see (4) under "Residency" above.]

If you are a member, or a dependent of a member, of the military or U.S. Coast Guard stationed in Alaska, you should also review the provisions of AS 16.05.415(c)-(d) and AS 16.05.940(27(C)-(D).

If you have any questions about whether or not you meet the residency definition to obtain a sport or commercial crewmember license, please contact your local Department of Public Safety/Bureau of Wildlife Enforcement office.

Al Cain, State Wide Enforcement Specialist for the Department of Fish and Game forwarded to Rep. Seaton's office comments from the Wildlife Troopers on PID enforcement. In January Mr. Cain asked for comments from all the Wildlife Troopers statewide. Below are the comments received. Out of about 75 Wildlife Troopers 8 trooper commented. Each paragraph below is one comment from one trooper. Names have been omitted for privacy.

YES.....FORMER.....Registered Big Game Guide J_____ residency conviction was based upon falsifying his Alaska resident permanent identification card: 04-63900.

Yakutat Case: 03-75426, initiated by USPS.....V_____ for several years was sport fishing in Yakutat, partial owner of a sport fishing lodge. V_____ unlawfully obtained a permanent ID and used it for several years until caught. V_____ 's ID was seized and I issued him a citation for sport fishing without a valid license!

Craig.....R_____ is a wealthy retired lawyer that owns a house at Sakar Cove, Prince of Wales Island. R_____ has a Summer home in Wisconsin, travels to Arizona and lives there in the winter and vacations at Prince of Wales for a couple weeks in the Summer. R_____ lawfully obtained a permanent ID card in the mid 1990's and has been using every since for sport/personal use fishing! No citations have been issued yet in this case!

I know of two cases in the last couple of years dealing with misuse of PID's in Kodiak. Both were retired folks, one a longtime resident of Kodiak who retired down south, the other a retired down south'er who spent his summers up here. We were informed of both by locals who knew the status of each and suspected foul play. I don't really see how requiring the PID to be renewable would solve the problem as the bad deed doers may just fib on the renewal applications, if they felt strong enough about deserving the benefit. That and it would put that much more of a burden on the sourdoughs that plan on being buried in Alaska, causing them a need to renew their Permanent ID. Not to mention we'd have to change the name to TID, for Temporary Identification card. All and all, I'd say leaving it as is and having the trooper investigate suspects, as contacted, seems to be a logical course.

I have had problems with the PID program in the past. On Prince of Wales Island there were / are folks that at one time were Alaska residents and received there PID. The individuals then left Alaska, but retained there PID and come up every summer to fish and possibly hunt deer in August / September before returning to their homes down South.

The PID program requires an individual to be an Alaska resident to receive the PID, but it doesn't mention what happens after you receive it and then move out of State. "The commissioner shall issue a permanent identification card without charge to persons who qualify by age (60+) and residence and who complete the forms required by the commissioner for implementation of this subsection". Perhaps we could add a section in the statute that reads something like: If the holder of a permanent identification card (PID) no longer qualifies as an Alaska resident (as defined by AS 16.05.415) they MUST surrender their permanent identification card to the Department of Fish and Game. Failure to do so could have the same penalties as established under AS 16.05.420.

The Permanent License abuse has been a problem since I started as a Trooper in Soldotna. The Dept. policy of no crime unless a person claims residency in another State, is really hard to prove. After a person gets the license and is eligible to get it, he hasn't made a False Statement, even if he does take a resident right in another State. My solution would be to have another box on the paper license for the free license and have them get it every year. If they claim residency and are not residents we at least can cite them. I have worked very few cases, but know of at least two who have the PID and do not live in AK. yet are here every year for fishing and or hunting. I have checked their resident States and they do not get resident licenses or pay taxes on property, I know one has a home but it is in his mothers name.

I have not seen much of that myself other than one instance last fall. A non-resident assistant guide had previously acquired a PID, but then moved to Idaho. When he returned to guide last fall he failed to get a non-resident hunting license (as required to act as a big game guide). He really didn't try to pass off the old PID, but kind of meekly threw it out there to see if it would fly. It didn't. What I would really like to see is a closer look at the military disabled hunter licenses. I checked two guys last year that had been sheep and mt. goat hunting! Half the able bodied men in this state can't do that.

We recently followed up on a tip for a non resident with resident license (PID). Upon contact they provided a current non resident license that they had bought this year. They still had their PID cards with them and said they didn't know what to do with them. They indicated they planned to hang onto them in case they became residents again. There isn't any direction in statute or regulation that I can find that addresses the PIDs. The application form also does not give any notice as to any requirements to forfeit or return them to ADF&G if you no longer maintain your residency. It would be nice to see something in writing that addresses what the requirement is for the PID upon leaving state. As it's issued now, I'm not sure we could charge them with anything that would hold up in court as long as they were residents when they obtained it.

I would say this is not abused out here. Furthermore, I'd hope they don't paint with too broad a brush and impose an unnecessary limitation on the residents of AK that qualify and don't abuse it. I've heard they have problems in the Kenai Peninsula area so it's likely a good topic for discussion and looks as if they may currently have the support to get something done.

I haven't worked any cases involving misuse of a permanent license.

Yes, we work several of these each year. Generally we just tell the person that they no longer qualify as a resident and ask them to stop taking privileges. They usually comply. Most don't know that they must continue to maintain resident status, they just think it's a bonus for living here so long. A longevity bonus of sorts. Most of the time I can't see us taking the case to the DAO unless grossly abused. Just imagine the press on this, so poor old timer who just barely makes it into the court house with his walker and goes in front of the local magistrate. The guy can't hear anymore, barely able to read, confused by the whole thing. Tells the judge that he is just there to visit his grandchildren and thought that he would take them out fishing and along comes the fish cop. Spoils the whole day, all the little kids cried, the parents swore that they would never go fishing again. On and on. Yes, an expiration date would be a great help. The application could just have an additional box for the person to check if it is a renewal. They sign at the bottom again just like before. Very good idea.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB137-DFG-DAS-02-16-07
 Bill Version: HB 137
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Fish and Game

Title Senior Fishing/Hunting/Trapping Licenses

RDU Administration and Support

Component Administrative Services

Sponsor House Special Committee on Fisheries

Requester House Special Committee on Fisheries

Component No. 470

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual	0.0	0.0	2.0	2.0	2.0	2.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Fish and Game will notify licensees that it is time to renew their license. Costs included above are postage and supplies for the notification process.

Prepared by: Tom Lawson

Division Administrative Services

Approved by: Denby Lloyd

Agency Department of Fish and Game

Phone 465-5999

Date/Time 02/16/07 8:30 a.m.

Date 2/16/2007

SCOMM

147:31

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-4859
Fax (907) 465-3799



Interim: (June-Dec)
716 West 4th Avenue, Suite 300
Anchorage, AK 99501-2133
(907) 269-0129
Fax (907) 269-0128

John Harris **Speaker of the House** **SPONSOR STATEMENT**

HOUSE BILL 186

"An Act relating to sharing with certain federal agencies records required of sport fishing guides."

House Bill 186 makes minor amendments to Alaska statutes to address a gap in current law.

The Alaska Department of Fish and Game cannot share logbook information from charter fishermen with the National Marine Fisheries Service (NMFS) or the National Oceanic and Atmospheric Administration (NOAA). This is resulting in management inefficiencies and increased costs and enforcement difficulties. To correct this, HB 186 would allow ADF&G to share confidential charter logbook information with these federal agencies. Shared information would remain confidential. The data released to these federal agencies would still not be able to be released to the general public.

The bill would make two minor amendments to AS 16.05.815, which provides confidentiality to certain reports and records required by ADF&G concerning landings of fish, shellfish or fishery products of fishermen, buyers and processors. Among the records that are confidential under this statute are records required of sport fishing under AS 16.40.280 and 5 AAC 75.076. These are logbooks kept by charter fishing guides recording daily fishing activities, including effort and catch information. The current statute provides for a number of exceptions allowing these reports and records to be released to specified entities for limited purposes; the amendments proposed by HB 186 add exceptions allowing records of sport fishing guides to the National Marine Fisheries Service (NMFS) and NOAA.

In addition to existing exceptions, this bill will authorize the limited release of records required of sport fishing guides for two other purposes. Records from guides, including logbooks, could be shared with the International Pacific Halibut Commission, and for enforcement purposes, with law enforcement personnel of NMFS and NOAA. These records can already be shared with NMFS and the North Pacific Fishery Management Council (NPFMC) for the purpose of fishery management planning, so the proposed bill expands the list of uses for the data.

Having the logbook data on halibut catches will allow the NPFMC more effectively to manage the federal halibut fisheries in the waters off Alaska's coasts. In recent years, the Council has wrestled with difficult and controversial decisions about the management of these fish, which are highly prized both by commercial and sport fishermen in Alaska. The availability of logbook records will give federal fisheries managers the information they need to better meet harvest goals and balance the requirements of all user groups. It will also eliminate the need to adopt a federal reporting program, easing reporting requirements on Alaskan guides.

Sec. 16.05.815. Confidential nature of certain reports and records.

(a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) - (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

(5) such records and reports as necessary to be in conformity with a court order;

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 - 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 - 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350

HOUSE BILL NO. 186

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HARRIS BY REQUEST

Introduced: 3/12/07

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sharing with certain federal agencies records required of sport
2 fishing guides." *immediate eff date #1*

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

4 * **Section 1.** AS 16.05.815(a) is amended to read:

5 (a) Except as provided in (b) and (c) of this section, records required by
6 regulations of the department concerning the landings of fish, shellfish, or fishery
7 products, and annual statistical reports of fishermen, buyers, and processors required
8 by regulation of the department are confidential and may not be released by the
9 department or by the Alaska Commercial Fisheries Entry Commission except as set
10 out in this subsection. The department may release the records and reports set out in
11 this subsection to the Alaska Commercial Fisheries Entry Commission. The
12 department and the Alaska Commercial Fisheries Entry Commission may release the
13 records and reports set out in this subsection to the recipients identified in this
14 subsection if the recipient, other than a recipient under (5) - (9) of this subsection,

1 agrees to maintain the confidentiality of the records and reports. The department and
2 the Alaska Commercial Fisheries Entry Commission may release

3 (1) any of the records and reports to the National Marine Fisheries
4 Service and the professional staff of the North Pacific Fishery Management Council as
5 required for preparation and implementation of the fishery management plans of the
6 North Pacific Fishery Management Council within the exclusive economic zone;

7 (2) any of the records and reports to the professional staff of the
8 Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries
9 Information Network project for the purpose of exchanging information with users
10 authorized by the department;

11 (3) any of the records and reports to the Department of Revenue to
12 assist the department in carrying out its statutory responsibilities;

13 (4) records or reports of the total value purchased by each buyer to a
14 municipality that levies and collects a tax on fish, shellfish, or fishery products if the
15 municipality requires records of the landings of fish, shellfish, or fishery products to
16 be submitted to it for purposes of verification of taxes payable;

17 (5) such records and reports as necessary to be in conformity with a
18 court order;

19 (6) on request, the report of a person to the person whose fishing
20 activity is the subject of the report, or to a designee of the person whose fishing
21 activity is the subject of the report;

22 (7) on request, annual statistical reports of a fisherman, buyer, or
23 processor to the fisherman, buyer, or processor whose activity is the subject of the
24 report, or to a designee of the fisherman, buyer, or processor whose activity is the
25 subject of the report;

26 (8) any of the records and reports to the Department of Public Safety
27 for law enforcement purposes;

28 (9) fish tickets, fish ticket information, records required of sport
29 fishing guides, and annual statistical reports of fishermen, buyers, and processors and
30 information in those reports to the law enforcement personnel of the National Marine
31 Fisheries Service and the National Oceanic and Atmospheric Administration for the

1 purpose of enforcing fishery laws in waters of this state and in waters of the exclusive
2 economic zone adjacent to this state;

3 (10) fish tickets, ~~[AND] fish ticket information, and records required~~
4 of sport fishing guides regarding halibut to the International Pacific Halibut
5 Commission;

6 (11) any of the records and reports to the child support services agency
7 created in AS 25.27.010, or the child support enforcement agency of another state, for
8 child support purposes authorized under law; and

9 (12) any of the records and reports to the Department of Natural
10 Resources to assist the department in carrying out its statutory responsibilities in
11 regard to sport fishing operations and sport fishing guides within the Kenai River
12 Special Management Area under AS 41.21.500 - 41.21.514.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB186-DFG-SF-03-16-07
Bill Version: HB186
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: ADFG

Title: Sport Fishing Guide Records

RDU: Sport Fisheries

Component: Sport Fisheries

Sponsor: Representative(s) Harris and Thomas

Requester: House Resources Committee

Component No. 464

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill allows the Department to share guide records with the NMFS and IPHC. These records are already entered into a database. Sharing the records will not result in increased costs.

Prepared by: Kelly Hepler, Director

Division: Sport Fisheries

Approved by: Tom Lawson, Director, Administrative Services

Agency: Fish & Game

Phone 267-2195

Date/Time 3/16/07 10:00 AM

Date 3/16/2007



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 20, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, Room 102
Juneau, AK 99801

Dear Representative Seaton, and Committee Members,

RE: Support for HB 186

United Fishermen of Alaska (UFA) supports HB 186 relating to sharing with certain federal agencies records required of sport fishing guides. This legislation fulfills commitments made by State of Alaska representatives at the North Pacific Fisheries Management Council (NPFMC) meeting. HB 186 simply allows the same data sharing of sport fishing guide records as currently occurs with commercial fishing data such as fish tickets, and licensing data etc., between ADFG and National Marine Fisheries Service, NOAA Enforcement and International Pacific Halibut Commission.

The timely passage of this legislation will allow the NPFMC the option of effective management measures for the 2008 guided halibut fishery that are less harmful to the charter industry but are as effective, such as annual limits. The NPFMC is scheduled to take final action on 2008 management measures for Southeast Alaska (2C) in June of 2007.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Dragger's Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

March 19, 2007

House Fisheries Committee

Representative Paul Seaton

Alaska State Legislature

State Capitol, Room 102

Juneau, AK 99801

RE: HB 186 - Support - Additional Information

Southeast Alaska Fishermen's Alliance supports HB 186 as per our public testimony on March 19th and through written testimony sent in. We would like to provide this additional information for your consideration.

After attending the first hearing on HB 186 we thought the following information from the NPFMC draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a Regulatory Amendment to Implement Guideline Harvest Level Measure in the Halibut Charter Fisheries in IPHC Regulatory Area 2C would prove educational.

As we stated at the hearing the NPFMC will be reviewing the above analysis at their March 28th meeting with final action tentatively scheduled at this time for June 2007 and for the management measures to be in place for the 2008 season.

This data sharing will also make the implementation of the moratorium simpler for all agencies involved and the individual charter operators.

SEAFa very much appreciates the amendment made to HB 186 that provides for an immediate effective date.

Thank you for your time and consideration of this simple but important legislation and for its timely passage.

Sincerely,

Kathy Hansen

Executive Director

compliance. The State could further support this by requiring those businesses selling sportfishing licenses to do the same.

b. The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charter. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.¹³

c. Charter operators are required to have a current Coast Guard license to operate. One of the conditions of the license requires the operator to comply with all Federal regulations. Charter operators potentially risk losing their Coast Guard license if they violate Federal fisheries regulations. It is reasonable to conclude that because of the nature of the Coast Guard license, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHL options than might otherwise be expected.

Additionally, note that ADF&G currently regulates the recreational harvest of king salmon, rainbow trout, salmon sharks, and other species in certain areas by requiring anglers to record harvests of these species on the back of their fishing licenses immediately upon harvest. This system or a system involving charter stamps could be used to regulate annual harvest limits in Area 2C.

These factors, along with the current system of opportunistic enforcement, may provide a level of compliance sufficient to ensure the GHL options have the desired effect in controlling the fishery.

In addition to the discussion above, NOAA Fisheries provided the following discussion of enforcement issues.

2.7.12 NOAA Fisheries Discussion of Enforcement and Reporting Requirements

Enforcement and reporting requirements

Use of state recordkeeping and reporting tools

State recordkeeping and reporting requirements meet federal information requirements for option 1 and 3. Current state statute and administration policy prevents NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

- (1) The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information. Without this information, NOAA OLE cannot seize angler license information and logbooks for inspection and evidence, enter logbook and license data in Federal court, or perform post season audits of data to pursue violators (Table 69). NMFS would also need access to angler and charter operator registration and logbook information to provide the necessary program support (e.g., database management). A memorandum of understanding between the State, NOAA OLE, and NMFS would also likely be needed to allow data sharing.

¹³ Charter operators cannot offer a "trip with higher bag or rod limits," as suggested in this excerpt. Those limits are set in regulation and operators would not advertise illegal activity.

- (2) NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards (Table 69). Without this authority, anglers and charter operators are not obligated to show their license information to a Federal enforcement officer.

Table 69. Summary of NOAA OLE enforcement actions and their applicable State laws.

Enforcement Method	Enforcement Action	Current Federal Authority	State law prohibiting Enforcement Action
At-sea and dockside inspection	Inspect State sport fishing license, or Permanent Identification Card	None	State confidentiality/ NOAA OLE not deputized by State
	Inspect State charter logbooks	None	State confidentiality/ NOAA OLE not deputized by State
	Seize license or logbook as evidence	None	State confidentiality
	Enter licenses or logbooks into Federal court	None	State confidentiality
End of season audit of logbooks	Review logbooks (electronic databases) maintained by the State	None	State confidentiality

Note that implementation of the halibut charter moratorium program will require NMFS RAM Division, NOAA Enforcement, and the Appeals Division to have access to state logbook and business information. The preferred approach to obtaining access to these data is explicit authorization in state statute to allow logbook and business data to be transferred from the State of Alaska to NOAA. ADF&G staff have conveyed that language accomplishing this need has been submitted to the Governor's office and is intended to be reviewed by the legislature during the 2007 session. If these changes do not meet Federal recordkeeping and reporting requirements, or state recordkeeping and reporting tools do not meet Federal enforcement needs, then Federal recordkeeping and reporting tools would be required.

Trip limit (Option 1)

The trip limit described in Alternative 2, Option 1 would require NOAA OLE to determine the number of trips taken by a charter vessel for a given day. The regulation for a trip limit would indicate that a charter halibut trip begins on a charter fishing vessel when a halibut is harvested and ends (1) when any halibut is offloaded from that vessel; (2) when any person that was present on that vessel when a halibut was harvested disembarks; or (3) at 23:59 hours, whichever comes first. This language indicated that a trip is focused on the harvesting of halibut and does not include trips where halibut harvest did not occur or clients were being transported between sites. This definition would require NOAA OLE to have onboard documentation of angler-specific trip and harvest information that is linked to the day a trip started and ended. The language used in the final rule would likely be different from the proposed language, but would contain all the important elements in the proposed language, including a trip linked to each day fished and client/halibut offloading being a termination point for a trip.

The ADF&G logbook currently collects this information and is specific to the both the trip and day fished. To provide onsite enforcement of the regulation, NOAA OLE would need the date when the trip started, the date when the trip ended, and information that would identify clients who harvested halibut. The State 2007 logbook will indicate the day a fishing trip occurred. This would provide NOAA OLE with information about the date the trip started, including the number of trips that occurred on a given day, and the date the trip ended. An operator could cheat on the logbook by recording two trips under a single trip; however, the client limit in area 2C would require the total number of clients on any single trip to not exceed six. If six people were recorded in the logbook and not onboard the vessel when checked by

NOAA OLE, the operator would be in violation. Recording multiple trips under the auspices of a single trip would also be detrimental to the logbook information collected by ADF&G.

If the State logbook meets Federal recordkeeping and reporting requirements, additional reporting requirements associated with this regulation would be minimal. Section 2.1 discusses the legal requirements for NOAA OLE to use the State logbook. If the State logbook cannot be used by NOAA OLE or does not meet enforcement needs, a Federal logbook program would be required. A Federal logbook program would require operators/business owners to register with NMFS, obtain a logbook, and meet the reporting requirements. The type of information required annually under a Federal logbook program includes operator contact information, guide contact information, client harvest information, port of offloading, start/stop date for a trip, and vessel identification. A Federal logbook would substantially increase the reporting burden on charter operators because they would be required to meet State and Federal recordkeeping and reporting requirements. Moreover, the types of information recorded in each logbook would largely be duplicative.

Prohibition of retention by skipper or crew (Option 2)

An option to prohibit the retention of halibut by skipper and crew was promulgated by ADF&G in area 2C for 2006 (Emergency Order, EO, # 1-R-01-0631) and areas 3A and 2C for 2007 (EO # 2-R-03-02-07 and 1-R-02-07, respectively). These EO regulations apply to the charter fishery (including species other than halibut) and are enforced by the State of Alaska Department of Public Safety. A Federal regulation prohibiting the retention of halibut by skipper and crew would require NOAA OLE to enforce the regulation.

Enforcement of a regulation prohibiting skipper and crew retention would require enforcement to observation skipper or crew harvest at sea or a vessel returning to the dock with the number of harvested halibut exceeding the collective bag limit for clients. The logbook records skipper and crew harvest; however, obviously skipper and crew would generally not record an illegally harvested halibut. Thus, the logbook would facilitate NOAA OLE's ability to issue a citation only if the number of harvested halibut exceeded the number of anglers that are not skipper or crew. This would not eliminate the ability of anglers to avoid this regulation by designating a person that would otherwise be a skipper or crew as an angler. NOAA OLE could identify guides using their ADF&G guide license (assuming the conditions in Section 2.0 are met); however, crew are not required to be licensed by the State or Federal government and thus do not have any identification information indicating they are crew. Enforcement of this regulation would improve commensurate with increased enforcement staffing levels.

According to ADF&G logbook data from 1999 through 2001, harvests by crew members accounted for between 3.3 percent and 4.5 percent of the annual halibut harvest in Area 2C. ADF&G estimates from November 2006 concluded that the May 24, 2006 Emergency Order that banned skipper and crew harvest of halibut while paying clients were on the vessel saved approximately 86,000 pounds. This estimate results in an approximate harvest reduction of 4 percent using the 2006 SWHS information. Thus, a reduction in catch within that range of the ADF&G estimate for 1999-2000 was realized. This suggests compliance with the skipper and crew reduction is currently occurring in the fishery.

Annual Limit (Option 3)

The annual limit would substantially increase Federal enforcement and administrative costs in Area 2C. In 2006, approximately 87,700 charter clients, distributed over 681 charter vessels, fished from a charter vessel in Area 2C (ADF&G 2006). ADF&G estimates that approximately 7 percent of these clients harvested six or more halibut and approximately 10 percent of the clients harvested five or more halibut.

Given the 2-fish daily bag limit described in status quo, anglers harvesting more than four fish would have fished for at least three days.

Regulations for the proposed annual limit would be directed at anglers fishing for halibut and charter operators offering guided halibut services in Area 2C. The annual limit would apply to anglers paying for charter services to fish for halibut. However, under this interpretation of the annual limit, crew and skipper could continue to harvest halibut and give those halibut to the anglers. The regulation could be promulgated to enforce the annual limit on charter anglers fishing from a vessel in which at least one angler on-board the vessel hired a guide to offer halibut fishing services. Without the inclusion or ban on skipper and crew harvest, this option would allow skipper and crew to retain their bag limit of halibut and give those halibut to clients as a gift.

Enforcement of lodges and multi-day fishing charters presents a unique set of logistical issues for NOAA OLE. Lodges may have a single charter vessel or a group of charter vessels operating in remote areas that are only accessible by airplane or boat. These remote fishing operations increase the enforcement costs for several reasons: (1) travel time to and from the enforcement area is increased; (2) enforcement activities may require several days to adequately cover an area; and (3) angler patterns such as fishing locations, the timing for the departure and arrival of new clients, and daily fishing schedule are poorly understood. It is important that NOAA OLE has adequate staff and enforcement tools to overcome these issues to ensure the annual limit is perceived as credible (i.e., they may get caught if in violation) by anglers.

The credibility of an enforcement effort depends on several factors, including the likelihood of detecting a violation, the swiftness of the enforcement response, and the perception that enforcement actions are real (Iannuzzi 2002). Moreover, deterrence-based enforcement is most successful when a well developed compliance program is designed to identify and correct violations, establish an enforcement presence, collect evidence needed to support enforcement actions, and help target enforcement activities (Rechtschaffen and Markell 2003). In the case of the charter fishery, detection of a violation for the annual limit would be heavily reliant on reporting requirements for charter anglers and operators, and the ability of enforcement to enforce regulations in remote areas. Without sufficient documentation of a violation, cases will not be prosecuted, which may reduce the credibility and effectiveness of the regulation.

These issues were addressed in a June 2006 NOAA OLE memo and during a meeting between NOAA Fisheries, Council Staff, NOAA OLE, ADF&G, and NOAA General Counsel. In the memo and at the meeting, NOAA OLE indicated the following criteria must be met for the annual limit to be enforceable:

- NOAA OLE would need the ability to check for compliance at sea, dockside, and through a post-season audit of angler catch. To meet these needs, a harvest record indicating the number of halibut harvested would be needed for each angler, as well as a vessel-specific record of each angler's catch (serially matched to an angler's catch card) that would be submitted to NOAA OLE on a regular basis throughout the fishing season. A vessel-specific record would be needed to track the charter operators involved with violations. The angler harvest record would be used during dock-side or at-sea enforcement and to provide a record of angler-specific halibut harvest for the charter guide.
- Use of State recordkeeping and reporting tools would require NOAA OLE to obtain the necessary authority to inspect State recordkeeping tools (i.e., charter logbook and sport fishing license). Because of State statutory law, the Federal government cannot obtain charter logbook or angler license information at the resolution necessary for enforcement. Moreover, NOAA OLE is not

authorized by the State to enforce State regulations, and thus cannot require an angler to show his or her license to an enforcement agent.

- NOAA OLE would need the ability to audit charter logbooks at the end of a charter fishing season. This audit would reveal anglers that exceeded the 5-fish annual limit, including anglers who fished on multiple charter vessels.

A detailed discussion paper about the annual limit was presented to the Council at its October 2006 meeting (NMFS 2006). The paper provides a detailed discussion on the types of recordkeeping and reporting tools that could be used and their associated costs.

Type of information required by NOAA OLE

To enforce the annual limit, NOAA OLE would need harvest information for each charter angler, angler contact information, charter guide contact information, and vessel identification information. NOAA OLE would need to know the number of halibut harvested for each charter angler and each charter trip taken by an angler. This would require NOAA OLE to determine the halibut harvested for each angler, the charter operator (guide and business), the number of halibut harvested by each angler, angler contact information, port of landing, and vessel identification number (USCG or Department of Motor Vehicle Registration). The ADF&G sportfish license currently requires an angler's up-to-date information on catches of species that are managed under annual limits. As stated in the GHF proposed rule (2002 FR 3867), adequate monitoring of the annual limit would require that halibut harvested aboard guided recreational vessels be added to this list. The proposed rule also explains that adequate recordkeeping and reporting requirements are imperative to the rule enforceability and, hence, the success of the harvest option.

There are several approaches that could be used to implement an annual limit and satisfy NOAA OLE enforcement requirements. In summary, the recordkeeping and reporting alternatives in the discussion paper are as follows:

- Federal use of the State reporting tools: NMFS and NOAA OLE would work with the State and use the State charter logbook and angler licensing system to meet enforcement requirements.
- Federal recordkeeping and reporting tools: NMFS and NOAA OLE would develop and implement a Federal logbook and angler catch record to meet enforcement requirements. Two methods could be used to implement a Federal logbook:
 - Written logbook: A written logbook similar to the current ADF&G charter logbook would be submitted to NMFS by charter operators. Anglers would use a written catch record.
 - Electronic logbook. Logbook information would be electronically reported to NMFS and NOAA OLE. Anglers would use a written angler catch record.

The discussion paper concludes the most cost-effective and least burdensome method for the public and the least expensive method for NMFS would be to utilize the State logbook and angler license or catch cards. This conclusion was presented to the Council at its December 2006 meeting. For this reason, only the costs associated with using State reporting tools are discussed in the following sections.

Cost estimate for using State reporting tools

Federal use of the State logbook and angler licenses would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part time NMFS or NOAA OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NOAA OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS-9 part time NMFS staff person is approximately \$50,000.

Programmer time would also be required to build and maintain a secure Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000, annually.

Federal use of State charter and angler recordkeeping and reporting tools would require ADF&G administrative support. To meet Federal data needs, ADF&G would need to provide adequate staff time to query charter operator and angler information, package this information, and send it to NMFS annually. ADF&G staff time would also be required to coordinate with the NMFS and NOAA OLE to develop a transfer methodology (including security concerns) and provide ongoing support to NMFS staff. Moreover, additional ADF&G staff time may be required to respond to NOAA OLE request for scanned logbook pages and angler license information before the information is transferred to a NMFS database. ADF&G would need to respond to requests for scanned logbook pages on a case by case basis.

A secure Internet portal may reduce NMFS programmer time. An Internet portal would allow designated NMFS and NOAA OLE employees to log on to an ADF&G site or sites to access charter logbook and angler data. This option would result in ADF&G incurring programmer costs associated with implementing the portal and necessary query structure. The extent of these costs is largely unknown because the data query and programming structure have yet to be determined. The Internet portal would also likely require a high level of coordination between the agencies and would be more programmer intensive than a periodic data transfer.

If the previously discussed legal and administrative issues are resolved, NMFS and NOAA OLE could use the information from the SCVL, guide and business registration, and angler license database to identify and pursue cases. Once a violation was identified, NOAA OLE would use the serialized angler license number to obtain information (including PID and DVL information) about the individual angler from the ADF&G license database, and the logbook to identify the charter operator and vessel (including the registered business). Anglers and charter operators would be contacted about their violation, and enforcement would take appropriate action.

Federal regulations implementing the annual limit would describe the type of information a charter operator and client are required to record. The State logbook and angler sport fishing license would be used to fulfill these information needs as outlined in Federal regulation. However, Federal regulations cannot only refer to the completion of the State logbook and angler license as fulfilling Federal reporting requirements. Regulations must describe the type of information to be recorded in the State logbook and indicate the State logbook could be used to meet these information needs. For example, in the commercial fishery, regulations at 50 CFR 697.5 describe information that is to be reported for the commercial fishery.

The State may change its logbook and angler license requirements at any point in time, including a change to the information requirements for charter operators and anglers. These changes may result in

State reporting tools not meeting the information requirements for enforcing the annual limit. Moreover, changes to State law may also prevent NOAA OLE from accessing information essential to enforcement or change the authority granted to NOAA OLE to enforce the annual limit. In either situation, NOAA OLE would not be able to enforce the annual limit using State reporting tools and a Federal logbook program would be necessary.

Minimum size (Options 5 and 8)

Alternative 2, Option 5, would require one halibut to be at least 45, 50, 55, or 60 inches in length as option from the head to tail or under Option 8, both halibut would need to be 32 inches or greater as option from head to tail. Enforcement of this type of regulation would require on-the-water or dockside option of harvested halibut. This management option would not require any additional reporting requirements for charter operators or charter anglers. However, Option 5 would require operators to position fish greater than 43 lb, 60 lb, 82 lb, or under 109 lb in such a way that they could be option. This means that operators would be required to bring their halibut to the side of the vessel or onboard the vessel for measurement. The capture, measuring, and release of large species is not unprecedented in federally and state managed recreational fisheries. For example, certain shark and marlin species on the Atlantic Coast have minimum size requirements that are comparable to the release sizes considered under Option 5. The 2006 Atlantic shark regulations require a 54 inch minimum length limit applied to the allowable harvest of one shark per vessel per day (including mako and porbeagle) and a 99 inch limit minimum size limit on blue marlin. Moreover, in southeast Alaska, charter anglers are required to option Chinook salmon and Lingcod.

Closure dates and one-fish bag limit (Option 4, 6, 7)

The enforcement of closure dates and a one-fish bag limit both require on-the-water or dockside enforcement and both require an enforcement officer to observe a person with an illegal halibut. This would require regular visits by enforcement officers to areas where halibut are landed. These areas include remote areas such as lodges and urbanized areas such as Auke Bay or Sitka. In the case of a closure, enforcement officers would need to check offloading sites throughout the closure period and board vessels to determine the presence of illegally harvested halibut. A one-fish bag limit would require enforcement officer to spot check charter anglers at the dock and inspect vessels to insure all fish are counted. These regulator options would not require additional recordkeeping and reporting than already occurs under the status quo.

Enforcement costs

With the exception of the annual limit (Option 3), NOAA OLE does not have a cost estimate for enforcement of the options described under Alternative 2. It is difficult to derive a cost estimate for these options because of the large number of vessels and anglers distributed over a large, remote geographical area. Enforcement costs would vary with the desired level of enforcement. Under the status quo, enforcement does not have the resources required to provide a credible level of enforcement for the options under Alternative 2. For example, in 2006 NOAA OLE reported boarding only 14 charter trips (out of 20,000 trips); whereas in the IFQ fisher for halibut and sablefish, NOAA OLE inspected 146 trips (out of 7,500 trips). Greater compliance with the proposed action would be obtained if enforcement resources were increased to a level similar to the annual limit. This magnitude of increase would require an additional \$600,000 in enforcement funds which would fund four enforcement officers. This funding increase would allow enforcement officers to inspect a greater proportion of the trips taken annually by charter operators in area 2C.

In addition to an increase in enforcement presence, certain attributes associated with the charter industry may increase compliance with regulations. In a summary of a discussion between representatives from NOAA Fisheries, ADF&G, Alaska Department of Public Safety, and the United States Coast Guard (USCG), several attributes were identified that could increase compliance in the charter fishery (Council 2006):

...there are characteristics of the recreational fishery that suggest a different and lesser level of enforcement may be needed to ensure an adequate level of compliance with the program. Several characteristics of the fishery differentiate it from other fisheries and work to the advantage of regulators.

- a) The recreational charter fishery operates in the public eye. Requiring operators to prominently post GHJ control options... onboard charter vessels would help promote compliance. The State could further support by requiring those businesses selling sport fishing licenses to do the same.*
- b) The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charters. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.*
- c) ...because of the nature of Coast Guard license requirements, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHJ options than might otherwise be expected.*

These points are useful for augmenting enforcement efforts, but all may in part rely on the enforcement effort being perceived as credible by charter operators and the angling public. It is unlikely that point (a) could be mandated due to the additional enforcement required to insure posting occurred on all charter boats, and the logistical and enforcement complexity of insuring vendors post the regulation. However, anglers could be made aware of the regulation by posting the information at port of landing, news releases, websites, and on catch/harvest cards. Point (b) would likely be most effective in areas with multiple charter vessel operators from different lodges in close proximity, or clients with knowledge of the regulation to pressure a guide to comply. Some clients would be operating from remote lodges where few, if any, neighboring lodges exist. Thus, multi-day charters and isolated lodges violating a regulation would likely be unaffected by peer pressure unless clients were aware of the regulation and NOAA OLE was able to detect violations. Finally, point (c) would rely on a charter operator's evaluation of the risk and cost of being caught in violation against potential rewards (e.g., happy client) and a desire to follow regulations. Given the potential sanction associated with being caught and the desire by some guides to inherently follow regulations, many guides/operators would likely not risk the penalty from an infraction or want to break the law.

Charter operator responsibilities

Charter operators (guides) may be held responsible by NOAA OLE if charter anglers exceed their annual halibut limit. Enforcement action may be taken on a charter guide and charter angler if the annual limit is exceeded. The nature of the violation and the final regulations would determine how the enforcement action is carried out. The Halibut Act provides for enforcement action on a charter guide at 773(i)(c) who has charter anglers in violation of the halibut regulations:

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773g of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel...

The International Halibut Commission (IPHC) regulations specify the regulation at Section 25(18):

The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

The definition of an operator is specific at Section 3(1)(m):

"Operator", with respect to any vessel, means the owner and/or master or other individual on board and in charge of that vessel.

In addition to the IPHC regulations, the USCG also has the authority to revoke operating licenses if a charter operator fails to comply with all Federal regulations. Thus, violation of the GHL regulation would constitute a violation of Federal regulation, which may result in enforcement action by the USCG.

NOAA OLE would have the authority to take enforcement action on the charter angler or operator depending on the infraction. Charter operators would be solely responsible for charter logbook recordkeeping and reporting requirements, as well as requirements associated with the distribution of angler catch cards. The situation associated with the violation would determine the action taken by NOAA OLE. A detailed discussion about recordkeeping and reporting tools is found in Section 2.0.

2.7.13 Effects on Net Benefits to the Nation

The net benefits to the nation arising out of the action options can accrue from several sources. First, the action options should initially reverse and then slow the open-ended reallocation between commercial and guided sport sectors. This reversal should instill commercial quota holders with greater confidence in the value of their quotas, which will in turn support the market for quota shares and encourage appropriate investment and capitalization in the commercial sector. Further, the reallocation of halibut harvest amounts back to the commercial sector may affect the benefits realized by U.S. consumers through changes in product availability and price. This section summarizes the different effects of the options to allow comparison and conclusions concerning the overall effects of the options on net benefits to the nation.

No Action/Status Quo

If the current management of charter halibut harvests in Area 2C continues, the net benefits to the nation are likely to follow their current trend. The open-ended reallocation to the guided sport sector from the commercial sector will continue and likely grow as guided sport sector harvest has grown in recent years. This reallocation will increase uncertainty for commercial quota holders and could affect benefits realized by U.S. consumers through changes in product availability and price.

For prior analyses the SSC requested that the discussion of the no-action alternative be expanded to include estimates of consumer losses due to reductions in the commercial TAC if charter-based sport fishing overages continued. The analysis combined the overage estimates derived for the ex-vessel revenue losses analysis with a consumer surplus and total revenue model from Herrmann and Criddle

From: Kimberly Tebrugge [ktebrugge@hotmail.com]
Sent: Thursday, March 15, 2007 4:33 PM
To: Kimberly Tebrugge
Subject: HOUSE BILL NO. 186
Attachments: oledata.mso; image001.wmz; image002.pcz; image003.png; image005.gif; image001.wmz; image002.pcz



March 15, 2007

Dear Legislator,

The members of the Halibut Charter Coalition of Alaska request your support in moving the ADF&G Data Sharing forward.

As you know, the bill would allow ADF&G's Halibut Charter Log Book catch data, and other reports required of sportfish guides, to be shared with federal agencies like NOAA and the North Pacific Fisheries Management Council (NPFMC), in order to allow them to more accurately manage the fishery.

The Halibut Charter Fleet, composed of approximately 835 charter businesses (1266 Vessels) in 2006, is currently regulated by nothing more than a "soft cap," or a Guideline Harvest Level (GHL), that has been exceeded in each last three years in South East, South Central or both.

Needless to say, there are many decisions currently being discussed to find a temporary solution to this overharvest. The HCCA upholds the need to wisely manage the halibut resource for the future; many of our seasoned members have seen the mismanagement of fisheries in the past and recognize in those scenarios, everyone loses. However, we advocate that a long-term, permanent solution, and any necessary interim solutions, be based on the most accurate data and facts available.

We hope you will provide the opportunity for decision-makers to have access to this already-collected data by providing wider access to existing ADF&G reports required of sportfish guides. Data sharing with the State is necessary to the development of a correct permanent solution which allows growth for charters and continued tourism opportunities.

This matter is urgent. On March 28, the NPFMC plans to decide final action on the analysis of the charter halibut moratorium as one step toward a permanent solution. Without access to the already-gathered data, NPFMC will have no choice but to design management without accurate data.

The Halibut Charter Coalition of Alaska (HCCA) is a charter industry organization devoted to uniting Alaskan charter operators and business owners committed to the stable, long-term management of halibut as a vital part of Alaska's economy.

3/15/2007

tourism industry. Our primary goals include 1) advocating for proper long-term management of the halibut resource 2) educating the public, decision-makers and industry members on the halibut resource issues impacting the chart industry and Alaskan tourism. Our members are long-time, invested participants in the halibut charter industry with representative from all of the 10 major charter operating areas in Southeast and South Central Alaska (IPHC Regl Areas 2C and 3A). Three of our founding members currently serve on the Charter Halibut Stakeholders Committee the NF-FMC. Our members are dedicated to working towards a wise yet timely permanent solution to managing the Halibut resource.

Sincerely,

//Signed//

Kimberly Tebrugge
Executive Director

Louie Flora

From: Alfa Fish [alfafish@ptialaska.net]
Sent: Wednesday, March 14, 2007 3:26 PM
To: Rep. John Harris; Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stoltze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Cc: Halibut Coalition
Subject: Fw: Support for HB 186
Follow Up Flag: Follow up
Flag Status: Blue

Alaska Longline Fishermen's Association
403 Lincoln Street, Ste. 237
Sitka, AK 99835
(907) 747-3400
alfafish@ptialaska.net

Dear Representative Harris,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to thank you for introducing HB 186. Please know that ALFA strongly supports this legislation and encourages you to actively pursue its passage into law.

Effective resource management depends on timely access to data by all agencies engaged in active management. Currently there is a Memorandum of Understanding (MOU) between the Department of Fish and Game, the National Marine Fisheries Service, the Commercial Fisheries Entry Commission, and the International Pacific Halibut Commission that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. The inability of all engaged parties to readily access and share data has prevented effective resource conservation and management of the charter halibut fishery. Consequently passage of HB 186 is critical to the successful management of Alaska's recreational fisheries and is urgently needed to address management limitations in the halibut charter fishery.

Thank you again for your efforts. Please let me know how we can assist in advancing HB 186 into law.

Linda Behnken
(Director, ALFA)

3/14/2007

Louis Flora

From: Victoria O'Connell [v.oconnell@gci.net]
Sent: Wednesday, March 14, 2007 9:35 AM
To: Rep. John Harris
Cc: Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stoltze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Subject: Support for HB 186

Dear Representative Harris,
I am writing to thank you for introducing HB 186 and encourage you to actively pursue passage of this legislation into law.

It is critical that our fishery management organizations have the ability to properly manage our resources. This can only be accomplished if all agencies that are actively involved in management have access to data. Currently there is a Memorandum of Understanding (MOU) between Fish and Game, NMFS, CFEC, and the International Pacific Halibut fishery that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. Consequently passage of your bill is critical to the successful management of recreational fisheries and is needed as soon as possible for appropriate management of the charter halibut fishery.

Sincerely,

Victoria OConnell
Sitka, Alaska

From: Robert Ward [bob@awardcharters.com]
Sent: Monday, March 12, 2007 9:48 PM
To: Rep. Paul Seaton
Subject: HB186

Paul,

We wish you to support the HB186 and see that it is moved swiftly through during this session please. The Homer Charter Association needs your support and this bill. Thanks Capt Bob

Robert Ward
A-WARD CHARTERS
P. O. Box 631
Anchor Point, AK. 99556
(907) 235-7014
(907) 399-7014 cell
bob@awardcharters.com
<http://www.awardcharters.com>
"IN GOD WE TRUST"
An AMERICAN Phrase

RE: HB 186

I would like to encourage support and swift action on this bill mainly for the purpose of getting a better handle on halibut harvest by the guided sport sector in all areas of Alaska. Without this legislation, harvest information, required in deciding good management measures, is not as available for analysis. Consequently, this makes for clumsy and inadequate management considerations by the various agencies trying to monitor and manage our resources to sustainable levels and for maximum socio-economic return to Alaskans.

As you know, we rely on the International Pacific Halibut Commission for science, to set area quotas and to recommend resource conservation measures among unregulated sectors. We also rely on the National Marine Fisheries Service via the North Pacific Management Council to allocate and enforce allocations of the halibut resource to the various user groups. Without data that the ADF&G collects from user groups, namely the Halibut Charter fleet, the agencies have difficulty in making important decisions that effect a public resource and those entities make a living off making that resource available to the public.

Passing this bill would help our resource management system be more efficient and accurate.

Thank you for understanding this very important Bill. I look forward to seeing it pass in an expedited fashion so data can be shared and analyzed starting this season.

Sincerely yours,

Rhonda A. Hubbard
Seward, Alaska