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HRES

HB 784

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HB 836

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Representative Alvin Osterback
February 29, 1980
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In conclusion, the proposed CS bill is not in conflict with any "wanton waste" statute since the only statute on that subject (former AS 16.05.830) was repealed by ch. 73 SLA 1968. The only statutes with which consistency must be considered are AS 16.10.172 and AS 16.10.173 relating to herring specifically.

If any further questions arise on these matters, please contact me.

PF/dp

cc: Representative Halford

Introduced: 2/18/80
Referred Resources and
Judiciary

IN THE HOUSE

BY RESOURCES

CS FOR HOUSE BILL NO. 784

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the maximum length of salmon net vessels."

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

Section 1. LEGISLATIVE FINDINGS. The legislature finds that

- (1) overly efficient harvest of salmon by net vessels is detrimental to future fishing seasons and to the equitable distribution of the fishery resources in fisheries with a limited number of units of gear and a limited total catch per season;
- (2) the limitations on the length of salmon net vessels imposed by AS 16.05.835 are designed to prevent over-efficiency in harvest while still allowing as many fishermen as possible to participate in the fishery safely and with optimum efficiency;
- (3) the state waters north and west of a line running 225 degrees true through Cape St. Elias are particularly vulnerable to overharvest of salmon if the limitations on length of vessels included in AS 16.05.835 are not imposed.

Section 2. AS 16.05.835 is amended to read:

Sec. 16.05.835. MAXIMUM LENGTH OF SALMON NET [SEINE] VESSELS. (a)

No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, AND 58 FEET OVERALL LENGTH except

(1) vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels; and

(2) vessels that fish for salmon with seines in the southeastern waters of the state only.

(b) No vessel used to fish for salmon with a gill net in the waters of the state within Bristol Bay may be longer than 32 feet, overall length. For the purposes of this section overall length means the straight line measurement between the extremities of the hull proper.

(c) In (a) of this section, "southeastern waters of the state" means the waters of the state south and east of a line running 225 degrees true through Cape St. Elias.

HB 784

G. Cook
ADFG

THE 32' LIMIT IN BRISTOL BAY

A REPORT TO THE
ALASKA BOARD OF FISHERIES

BY

GREG COOK, EXECUTIVE DIRECTOR
BOARDS OF FISHERIES AND GAME

Data Gathered In
April and December, 1979

HISTORICAL BACKGROUND

present controversy over methods and means of taking salmon in Bristol Bay emerges from a unique historical context. The passage that follows is excerpted from The Silver Fleece: An Economic Study of the Bristol Bay Region, April, 1958, Alaska Rural Development Board.

The decline in numbers of fish has forced changes in methods of operation and the type of gear used. The early gill net boats were 25-foot Columbia River double enders with a centerboard and a spirit sail. These boats were operated by two men--a netter and a boat puller. Gradually, the design of the boats improved, and in 1922 the first powered boats were brought into the Bay. The same year saw the operation of the first purse seiners in the area. These two developments proved to be extremely efficient fish catching devices, and Federal regulating authorities could foresee danger to the runs if they were permitted to become established. In addition, the cannery operators realized that their tight control over the fishery might be destroyed by the introduction of outside seiners and the power boats. As a result, action was immediate and regulations were issued forbidding the use of purse seiners and power boats in Bristol Bay.

Since the sailboat was less maneuverable and much slower than the power boats, it was much less efficient in finding and catching fish. The desire to catch more fish eventually caused the canneries to seek ways and means of circumventing the restriction on power boats. The monkey boat was the answer. This boat was essentially a tow boat which could take on to half a dozen or more sailboats and tow them to the fishing grounds. Thus rapid moves could be made by the sailboats and they came almost as mobile and efficient as power boats. Realizing that the purpose of the "sailboat only" regulation was being defeated by the canneries, the Fish and Wildlife Service removed this restriction in 1951, permitting power boats up to 32 feet in length to operate in the Bay.

With the advent of power, a major economic revolution has been occurring in Bristol Bay. Prior to 1951, private ownership of fishing boats and gear was almost unknown. The canneries owned the boats and gear and hired fishermen to man them, usually bringing the great majority from other states. Locally hired fishermen were very much in the minority.

The introduction of power boats provided a compact, efficient fishing machine that was not financially out of reach for a number of the more progressive local fishermen. The advantages of private ownership were immediately apparent to the fishermen, especially since the independent operators received considerably more for their fish than did the company fishermen. As a result, the number of privately owned boats in the Bay, especially on the Nushagak, has increased each year since 1951. This movement toward independent operation of fishing boats has greatly increased the bargaining power of the local people. They have become an insistent voice at the annual hearings held by the Fish and Wildlife Service to determine regulatory measures. In addition, as more local people are able to become independent of a large cannery, they are able to come to much more equitable terms on the price of fish. As a result, the increase in independent fishermen has had far reaching effects on the Bristol Bay economy.

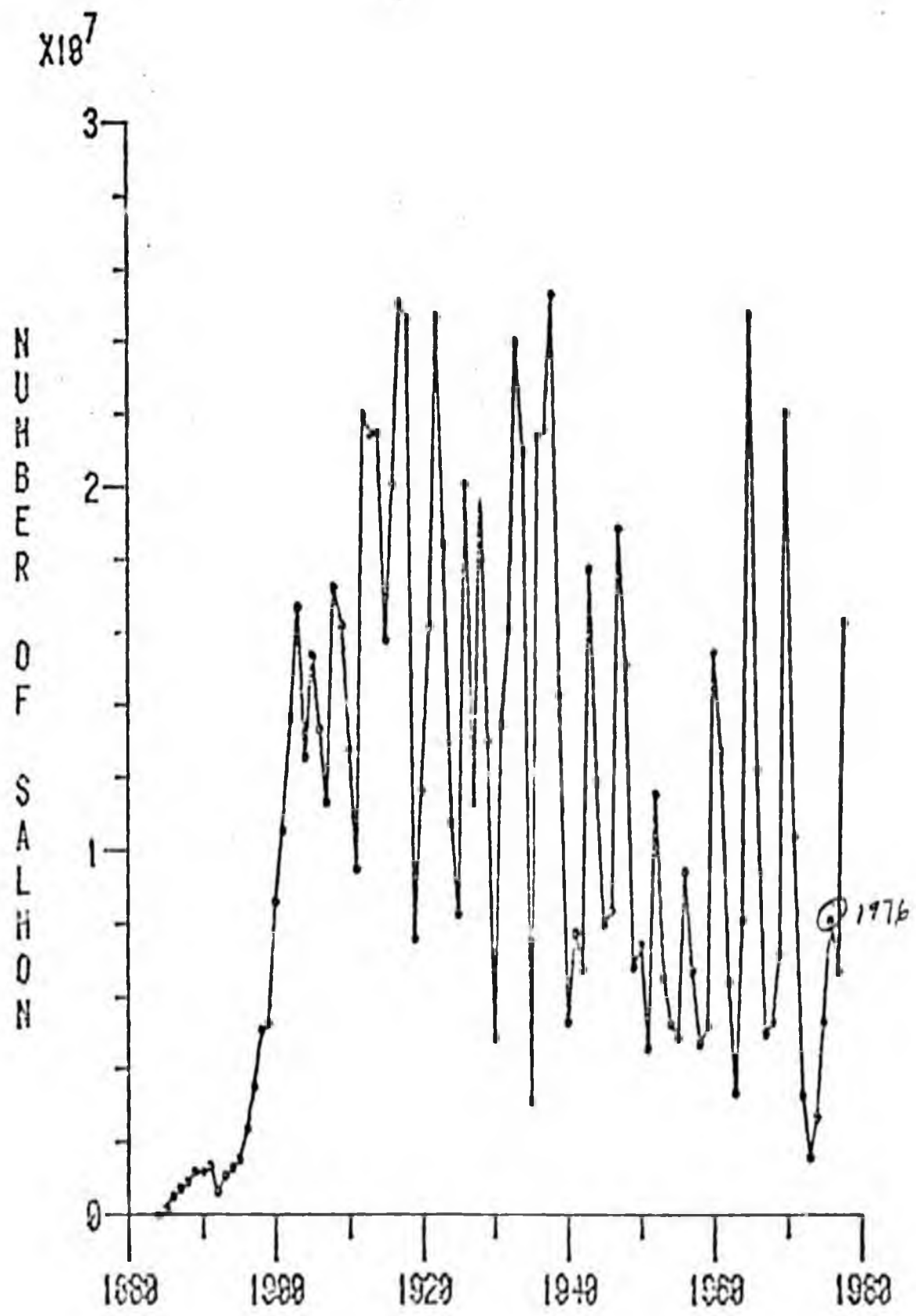
ECONOMIC INFORMATION

Data obtained from CFEC show the average price paid for Bristol Bay drift gill net entry permits. In 1975, those permits averaged \$1,165; by 1978, the average price paid for a Bristol Bay limited entry permit was \$21,638. Data are also available which show the average income of individuals who participated in the Bristol Bay drift gill net fishery. The average fisherman sampled in the CFEC survey earned 98 percent of his gross fishing income from salmon drift gillnetting; 77 percent of the total Bristol Bay drift gill net fleet grossed under \$20,000 in 1976. See attached graph to assess the relative strength of the 1976 harvest.

One consideration in evaluating these data is the rapid rate of inflation which all Alaskans have experienced from 1976 until the present. Inflation at the present time is estimated to be in the neighborhood of 14 percent a year. Although 1976 was a weak year for red salmon, it was a high year for chums. Pink salmon in Bristol Bay are an even year fish so the pink salmon income component was significant in 1976. An additional factor which should be taken into consideration is the rise in prices paid for all salmon products since 1976.

In 1976, approximately 31 million sockeye were harvested in Bristol Bay. One and one-half million king salmon, three million pinks, eight and one-half million chums, and 100,000 coho.

Source: February, 1979 CFEC Summary
of Cost and Net Return Information
for the Bristol Bay Drift Gillnet Fishery



BRISTOL BAY COMMERCIAL SALMON HARVEST, 1884-1973.

From "The 32' Limit in
Bristol Bay - A Report to
the Alaska Board of Fisheries"
INTRODUCTION By Greg Cook, Exec. Dir.
of Bds of Fish & Game

Data
Entered
April -
Dec. 1979

In December of 1978, the Lower Bristol Bay Advisory Committee proposed repeal of the 32-foot limit on salmon fishing vessels in Bristol Bay. 5 AAC 06.341. The Board tabled that proposal for further study. This report is based on a visit to Bristol Bay made in April, 1979, at the direction of the Board of Fisheries. The visit was made by Greg Cook, Executive Director of the Boards of Fisheries and Game. A total of 337 resident Bristol Bay fishermen were contacted in 15 villages. Also, the Western Alaska Cooperative Fishermen's Marketing Association, Jim McConnell, president of the Dillingham branch of the National Bank of Alaska, and several cannery managers were interviewed.

Public meetings were held in 15 different villages. Advance notice for the meetings was provided by Kay Larson of the Bristol Bay Native Association and Radio Station KDLG. I took minutes at each meeting and notes of each individual's testimony are on file in Juneau for inspection.

Meetings were conducted in the following manner: A statement of the issue was given, then the floor was opened for discussion. Translators were necessary in several villages. Each time a translator was needed, one local resident was able to serve in that capacity. I tried to summarize the arguments on each side of the issue when discussions seemed to be over. This often made people aware of more points of view and stimulated a renewal of discussion. This report is a product of those meetings.

VILLAGE BY VILLAGE SUMMARY

1. Dillingham; April 23; 20 people contacted; all opposed to changing the limit.
2. Togiak; April 24; 31 people contacted; all opposed to changing the limit.
3. Twin Hills; April 24; 30 people contacted; all opposed to changing the limit.
4. Manakotak; April 24; 27 people contacted; all opposed to changing the limit.
5. South Naknek; April 25; 12 people contacted; 11 people opposed to changing the limit, 1 favored the change.
6. North Naknek; 37 people contacted; all opposed to changing the limit.
7. Egegik; April 26; 32 people contacted; 30 opposed to changing the limit, 2 favored to changing to 36 feet.
8. Pilot Point; April 27; 14 people contacted; 7 people favored eliminating the limit, 3 opposed, 4 silent.
9. Port Heiden; April 27; 25 people contacted; all favored changing to 36 feet, but nothing larger.

10. Kokhanok; April 28; 9 people contacted; 7 opposed to the change, 2 favored changing (facetious).

11. Iliamna; April 28; 7 people contacted; all opposed to changing the limit.
12. New Halen; 26 people contacted; all opposed to changing the limit.
13. Koliganek; April 29; 29 people contacted; all opposed to changing the limit.
14. New Stuyahok; April 30; 24 people contacted; all opposed to changing the limit.
15. Ekwok; May 1; 14 people contacted; all opposed to changing the limit.

CONCLUSION

The controversy over the 32-foot limit is often emotional. Arguments on each side encompass social and economic, as well as biological issues. Much of the thinking is necessarily conjectural since vessels larger than 32-feet have never yet participated in the Bristol Bay salmon fishery. Judging from the intensity of the participation in the public meetings that form the basis of this report, the Board's decision on 5 AAC 06.341 will be closely watched by all Bristol Bay fishermen.

The vast majority of Bristol Bay resident fishermen who were contacted during the April, 1979, Board of Fisheries survey, strongly oppose any change in the 32-foot limit regulation. The biggest single reason expressed for their opposition was the anticipated effect that such a change would have on income distribution in Bristol Bay. Local resident fishermen are convinced that bigger boats would lead to a few rich operators profiting to the detriment of the majority of fishermen. "The rich will get richer and the poor will get poorer."

A recurring theme in the villages was fear of purse seine gear being introduced in the Bay. Allowing larger boats was seen as the first step towards allowing seine gear, moving fishing district boundary lines farther seaward, and eventually over-fishing and depleting the resource.

Support for changing the 32-foot limit was found exclusively on the Alaska Peninsula. Residents of Port Heiden favor a new limit of 36-foot vessels. They want slightly bigger boats for greater comfort and safety in rough weather. They do not advocate bringing in vessels larger than 36-feet. Residents of Pilot Point strongly advocate removal of any size limit whatsoever. They argue that this would enable fishermen to present a higher quality product during the salmon season, permit entry into other fisheries without necessitating purchase of a second vessel, and encourage true entrepreneurs.

SUMMARY OF ARGUMENTS FAVORING
REPEAL OF THE 32-FOOT LIMIT

- More efficient, carry more crew, gas and food, spend more time fishing and less time making deliveries, going for gas, etc.
- Greater safety in rough weather.
- Better ability to fish king salmon. Kings are a rough weather fish in Bristol Bay.
- Increased comfort. Port Heiden people in particular feel this desire since they travel further than other Bristol Bay residents in order to reach an open fishing district.
- Could be used in other areas of Alaska where 32-foot boats are inappropriate.
- Could be used for other fisheries such as bottomfish, crab, herring.
- More room would give space for a slush ice machine. This would encourage delivery of a higher quality product, allow for watertight compartments, and enable the fishermen to spread the fish out more so that they wouldn't get "squished."
- Fishermen are now independent; there's no need to be tied to a cannery's apron strings either by history or because of canneries' unwillingness to renovate their storage facilities and docks.
- Professional fishermen should have the latitude to develop as rapidly as they wish. "Laissez-faire" is the best approach.
- 32-feet is too small to be versatile.
- Greater fuel efficiency.
- Financing would be easy at a rate of 4 3/4 percent interest (contact Alec Griechen for his loan source).
- When people have big boats, canneries will build facilities to accommodate them.
- It's cheaper to have one boat to use in all fisheries.

SUMMARY OF ARGUMENTS OPPOSED
TO CHANGING THE 32-FOOT LIMIT

- Puts 32-foot boats at a competitive disadvantage. Rich people will buy the bigger boats and get richer, poor people will end up with less fishing time and less fish.
- Inability of small boats to fish as long before needing to resupply.

- Would make Bristol Bay more attractive to outsiders since they could then use their bigger boats in Bristol Bay. This would result in outsiders buying out the limited entry permits held by local-Bay residents.
- 32-foot boats are fine for fishing herring. To say the bigger boats would be useful in bottom fishing is specious; no boat can fish the shallow water where the salmon run and at the same time be versatile enough to fish out on the high seas where the bottomfish are.
- The Bay is too shallow for deep draft boats.
- Deep draft boats can't go up the rivers. Villagers would be disadvantaged since upriver people would need a second boat in order to haul their supplies and travel up and down the river. While repealing the 32-foot limit would make one boat practical for outsiders, it would necessitate two boats for upriver people if they wanted to remain competitive.
- A decrease in fishing time for small boats would result since larger vessels could take on more fish in rough weather and harvest the allowable catch quicker.
- People in the villages can't afford bigger boats; they have no collateral for loans and banks just laugh at them when they try to get loans based on fishing ability. Upriver villages have an especially difficult time securing financing.
- The Commercial Fisheries Entry Commission has studied the possibility of buying back permits in Bristol Bay and bigger boats would mean they'd buy back more permits.
- 32-foot vessels now adequately harvest 100 percent of the resource. The real problem is inadequate processing capacity.
- Shorter openings would result (because the fleet would be more efficient). This would hurt setnetters, 32-foot boat fishermen, and skiff fishermen.
- Could lead to requests for changing the fishing boundary limits, thereby increasing the fishing pressure on mixed stocks.
- There are not storage facilities adequate to accommodate larger vessels over winter. Existing storage facilities are already overcrowded and inadequate. Harbors are only designed for 32-foot vessels. More dredging would be required in Dillingham, the only harbor in Bristol Bay. Docks are old and cannot support the extra weight that bigger boats would require. Booms and hoists are barely adequate for lifting existing 32-foot boats; larger vessels would be too heavy for this equipment.
- Fear that seiners would return to the Bay's salmon fishery.
- Management of the fishery would be harder in weak years if efficiency of the fleet increases. For example, in one twelve hour period, 70 percent of the total allowable catch for a weak run year can now be taken.

- Shorter openings would make problems for setnetters who really need a full tidal cycle in order to work their nets.

- ~~Salmon is the sole basis for the economy in Bristol Bay; few alternative employment opportunities exist.~~
- There would be a serious decline in the value of existing 32-foot vessels.
- There is no good reason for change; management is good now with the 32-foot boats.
- New boats would just mean fishing harder to pay off the vessel; there would be no real increase in income for fishermen who only fish salmon.
- Bigger boats will get a higher percentage of the fish available and leave less for the small boats who are even more income dependent on the fishery.
- Larger boats would fish the kings harder; king returns are now strong.
- Larger boats would want more fathoms of gear.
- Canneries already have trouble processing in peak years. Changes in delivery patterns that would result from larger vessels could prove chaotic.
- Bigger boats might mean that canneries would cease buying from some small operators since they could receive all the fish they could process from a more limited number of fishermen.
- Bigger boats will mean a higher dropout rate as gill nets are hauled higher to reach the deck.
- overcapitalization
- It would complicate deliveries to salmon scows. Vessels tie up one behind the other and skiffs tied up to 50-foot boats tied up to skiffs will cause problems.
- The Bristol Bay fishery is just now getting to the point where all the locals can really make a living from the fishery. Why should the Board change the fishery to benefit outsiders?
- Fear of shorter openings.
- Bristol Bay residents rarely own limited entry permits for other fisheries. They would have a hard time amortizing the investment in a larger boat since they would not be able to fish other areas of Alaska where limited entry has been instituted.
- Small boats won't be able to compete with bigger, more stable boats in rough weather.
- Who will want to buy 32-foot boats that are owned now if 36-foot or 40-foot boats with greater efficiency are allowed?

- The 32-foot limit acts to equalize competition between skiff fishermen and big boats.
- ~~Bad weather and fishermen's strikes are the prime contributors to escapement. If bigger boats are allowed to fish, this will complicate management.~~
- A decrease in the amount of money made by locals will increase the number of locals that have to go on welfare and BIA assistance.
- Larger vessels will mean an unequal rate of drift; this will result in more gear conflicts among drifters.
- Big money will buy up the limited entry permits and more local people will end up sitting on the beach. Kids in the villages who don't have permits and who might benefit from an increase in the number of limited entry permits will never get them if an increase in boat size is allowed. A greater investment is required for a bigger boat. Village children who are potential beneficiaries of an increase in the number of permits will not get this opportunity if bigger boats become the norm.
- Any change in size will act to frustrate the goal of limited entry: limiting the ability to take.
- Entry into the fishery will be so expensive that it will become a virtual recreational fishery for doctors and lawyers.
- All the support facilities of canneries are geared to 32-foot boats: hydraulics, docks, storage, parts inventories. Change will mean canneries will have to make massive capital investments.
- Bristol Bay Borough could lose an important part of its tax base if boats are no longer stored in the Borough on the day that taxes are assessed.
- Increased interception by Alaska Peninsula people and Sand Point people.
- It will increase the number of requests for more gear types.
- It will result in enforcement problems in the area since big boats could overnight there.
- Outsiders on big boats will be able to fish continuously during the openings; small boats must deliver and lose fishing time.
- Longer boats won't necessarily mean they will be any less beamy.

APPENDICES

Photos - Bristol Bay

Resolutions (Ekwok, Twin Hills, Bristol Bay Borough)

Direct Correspondence (Goliah, Bristol Bay Native Association)

ALSO AVAILABLE FOR INSPECTION:

- 1) Bristol Bay Biography, Ken Middleton, November 30, 1961
- 2) The Silver Fleece: An Economic Study of the Bristol Bay Region
Alaska Rural Development Board, April, 1958
- 3) "Towards Computerized Fisheries Management in Bristol Bay", Alaska Geographic, Bristol Bay Region, Vol. 5, #3, p. 75



COMMISSIONER'S OFFICE
RECEIVED
JUN 22 1979

BRISTOL BAY BOROUGH
BOX 189
NAKNEK, ALASKA 99631

DEPARTMENT OF FISH AND GAME

7/9
GC

RESOLUTION NO. 79-7

A RESOLUTION REQUESTING THE STATE OF ALASKA'S BOARD OF FISH AND GAME NOT TO ALLOW AN INCREASE IN THE SIZE OF COMMERCIAL FISHING BOATS WITHIN BRISTOL BAY.

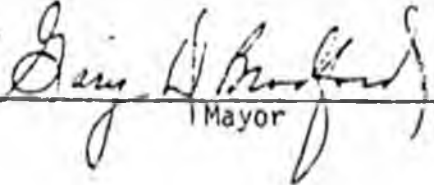
THE BOROUGH OF BRISTOL BAY, ALASKA RESOLVES:

- WHEREAS, the people of Bristol Bay depend on the Salmon fishing for their livelihood and,
- WHEREAS, currently no commercial fishing boat used for salmon fishing within Bristol Bay can exceed 32 feet in length and,
- WHEREAS, allowing larger commercial fishing boats within the Bristol Bay fishery would deprive residents of their livelihood and,
- WHEREAS, any changes in the allowable length of commercial fishing boats within the Bristol Bay would create undue economic hardship on the people of Bristol Bay.

THEREFORE **BE IT RESOLVED** that the Bristol Bay Borough Assembly hereby requests the Alaska Board of Fisheries, the Alaska Department of Fish and Game and the Division of Commercial Fisheries to restrict all Commercial Fishing Boats used in the harvest of all fish within Bristol Bay to a maximum length of thirty two (32) feet.

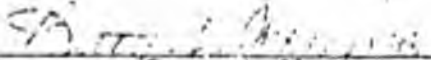
BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Jay S. Hammond, Senator George Huhman, Representative Nels Anderson, Commissioner Department of Fish and Game, Director, Division of Commercial Fisheries, and members of the Alaska Board of Fish & Game.

Passed this 18th day of June, 1979.



Mayor

ATTEST:



Borough Clerk

RESOLUTION OF THE VILLAGE OF EKWOK

Date: 4/8/79
Time 3 O'clock
Place: V.C. House

Members present:

Phillip Akelkok, President
Tom Nelson, Vice-President
Luki Akelkok, Treasurer
Juanita Hurley, Secretary
Fred Hurley, Member
Wm. Hurley, Member

Members absent:

Alex Nelson
Mike Acouvak

Guests:

Tom Hurley
John Nickolai
John Yukluk
Robert Nelson

The meeting was called to order by Phillip Akelkok, their was talk on the repeal of the 32 ft. boats as to where we stood.

The village of Ekwok is against bigger boats, all the fisherman of Ekwok are staying with 32 ft. boats.

A motion was made by Tom Hurley that as spokesman in behalf of the fisherman, they are all for staying with 32 ft. boats.

Seconded by Tom Nelson

Motion carried.

The resolution was discussed as to whether we want to go through as assistance through B.B.N.A. or B.I.A..
The vote was 6 for it and 1 against.

Discussed the phone hours, from 9-5 was agreed upon.

Discussed Board member for B.B.A.H.C.

Floor was opened for nominations for board members. a motion was made by Tom -Nelson that Jim Hurley be rep. for meetings.

Seconded by John Yukluk. Motion carried.

Fred Hurley was nominated for alternate by John Yukluk.

Seconded by Tom Nelson. Motion carried

Meeting adjourned.

WE THE UNDERSIGNED RESIDENTS OF TWIN HILLS HEREBY OPPOSE
THE REPEAL OF THIRTY TWO (32) FOOT LIMITATION IN BRISTOL BAY.

Mrs. Toyokak St.

Mrs. W. J. St.

Tomie Akabomb

Andrew Titcomb

Henry J. Titcomb

Henry H. Moore

Raymond Moore

Annice John

Frit Sharp

Edwin Sharp

Bethun W. Sharp

Nattie P. Fullmore

Sam Fullmore

John Charles Mack

Jessie A. Mack

Louise Small

Lucas Small

Katie Moore

Juditha Pleasant

George Kuker

Mrs. Kuker

SADAK Kuker

Walter Kuker

Paul Kuker

George J. Pleasant

Grace Akakagah

Julia M. Pleasant

Mary John

Ellen M. Sharp

Der. Nichol

REPEAL OF 32-FOOT LIMITATION
(Bristol Bay Fishing Vessels)
Page 2

7. Fishing in Bristol Bay is highly intense. We can process fish on our vessels only if fishing is slow.

4/19/79

P.O. Box 10159
Dillingham, Alaska 99576
April 11, 1979

Board of Fisheries
Alaska Department of Fish and Game
Support Building
Juneau, Alaska 99811

Dear Sirs:

I understand that you are currently considering a repeal of the 32' limitation on vessel size for commercial salmon fishing use in Bristol Bay.

I hope you are not considering passing the repeal merely as a "favor" to Bristol Bay fishermen, without considering the long-term impacts you will be placing on the fishermen of Bristol Bay.

When I first thought of the repeal, I said "Why not?" I only thought of the comfort of fishing in a larger vessel. Now, after serious consideration, I believe that the repeal would not be in the best interest of the most numerous and typical Bristol Bay fishermen.

Probably the greatest impact the repeal would have in Bristol Bay would be the less fishing time the fishermen will face in the future.

The current fishing fleet of Bristol Bay is the most highly efficient fleet the salmon fishery has ever faced in history. We have seen the birth of the newer and faster fiber-glass vessels in the Bay. The more compact and powerful engines, along with the hydraulic systems, the power reels and rollers, have led to the greater efficiency. We have also seen radars, depth fathometers and fish finders, along with the new "Loran C" installed in more and more of the vessels.

Probably the single factor which has most dramatically increased the efficiency of the Bristol Bay fleet in recent years has been the introduction of the "brailer system" of delivery. Soon, the days will vanish when the salmon are peached singly from the vessels onto the tenders. The salmon are now handled by the hundreds in brails, dramatically cutting down the delivery time of fishermen, increasing their harvesting capability.

With the introduction of larger vessels in Bristol Bay, the efficiency of the fleet will increase even more dramatically. The main reason being that the larger vessels would be able to accommodate a larger number of crew members capable of "picking clean" 150 fathoms of gillnet full of fish in much less time than the usual two crewmembers you would find on most vessels in the Bay today. With the larger vessels, more space would become available for crew members to sleep in, move about in the cabin, and "pick" fish.

I have heard that if the repeal is passed, captains would immediately order larger vessels, and then hire low salaried college students from outside to help them "pick" their nets faster. I have also heard that more and more fishermen would take family members out fishing as crew members.

The purpose of having a larger number of crew members is to effectively "pick and clean" 150 fathoms of gillnet as soon as possible, so that the cleaned net could be set out again, catching more fish within a twelve hour period, especially if the fishing is heavy.

Another reason the efficiency of the fleet will be increased if larger vessels were allowed in the Bay is because the larger vessels would be able to accommodate more gallery supplies and fuel, allowing them to fish for extended periods, especially when the fishing is not heavy.

The efficiency of the fleet will also become apparent during the king season on the Nushagak River, noted for its king runs. The king salmon "run" up the river during high winds, and are commonly known as rough water fish. If larger vessels are introduced into Bristol Bay, they would be more capable of taking a larger number of king salmon since the larger vessels would be able to fish in more severe weather than the 32' vessels. While the 32' vessels must seek shelter during rough weather, the larger vessels could be harvesting more kings.

This same "pattern" of greater harvesting capability for larger vessels will also develop with the silver salmon season in Bristol Bay. The silver salmon, like the kings, "run" in rough weather also.

Probably the greatest advantage large vessel owners would have over 32' vessel owners will be felt in the red salmon season during rough weather. Weather in the Bay is highly unpredictable. There are seasons frequent with "bad" weather, and seasons with relatively calm weather. If there is a 30 to 35 mph wind present within the Bay during heavy red runs, the 32' vessels would be able to only harvest up to 1,500 reds to keep on the safe side. Yet, the larger vessels would be able to "take on" more reds in rough weather. Once again, the larger vessels would have an advantage over the smaller 32' vessels.

I strongly believe that the local Commercial Fisheries Division will seriously consider the efficiency and harvesting capability of the fishing fleet when the Department calls for an opening within the emergency order period. Instead of providing a twelve hour period to the fleet, the Department could very well begin granting six hour periods because of the increased harvesting capability of the fleet, and concern of the Department to obtain the needed escapement.

shorter openings

I am concerned that the Department could very well be imposing restrictions on the fishing time allowed to fishermen during the king season also. With more boats harvesting more kings, reds, and silvers, I am sure the Department will be more concerned about obtaining their escapement.

I believe that the greatest hardship that will be felt in Bristol Bay will be placed upon the hundreds of setnetters in the Bay. The setnetters of the Bay will be greatly impacted if the efficiency of the fleet is dramatically increased by the introduction of larger vessels. There are times when the setnetters "catch" reds moving into the beach, and if the efficiency of the fleet is substantially increased, it means less salmon moving into the beach to be caught by the setnetters.

Setnetting in Bristol Bay is not always profitable, especially during the bleak years. The increased efficiency of the fleet by the introduction of larger vessels would certainly mean less salmon for setnetters. Larger vessels would "scoop up" salmon schools near setnet sites in less time, affecting the amount of salmon to be caught and income to be made by the setnetters.

The statement that most fishermen in Bristol Bay will not begin purchasing larger vessels if the 32' limitation was repealed, must be closely considered. The passage of the Commercial Fishing Loan Program by the State Legislature has opened up an attractive and effective financing resource for the fishermen in Bristol Bay. The impact of the loan program has been far reaching, much greater impact is expected if the loan program receives additional funds.

The fishermen of Bristol Bay currently recognize the advantages of having a wider, higher, and more powerful 32' vessel. If one were to examine the type of vessels a number of highliners at the Columbia Wards Fisheries cannery in Eruk have ordered, one would find that the vessels are higher, wider, and usually are accompanied by a more powerful and compact engine. One fisherman in Bristol Bay has recently ordered a 14' wide 32' vessel which will have a twin screw of 3209 Cats to power the vessel. I am sure wider vessels are being ordered in the Naknek/Kvichik River also.

The statement that the efficiency of the fleet will not be increased if larger than 32' vessels were introduced into the Bay must be carefully considered. The question of why more and more highliners are purchasing higher and wider vessels clearly reflects the greater holding capacity the fishermen would like to have in their vessels.

Once the fishermen of Bristol Bay are realizing the greater efficiency and harvesting capabilities of the larger vessels, they will immediately seek financial resources to purchase larger vessels, and if the loan program is reactivated, they will take full advantage of the program.

In terms of the larger vessels providing benefits to fishermen interested in participating in the new emerging bottomfisheries in the Bering Sea, the only place they would probably use their larger vessels would be in the Togiak/Kulukak Bay herring fishery. For the fishermen of Bristol Bay to fully participate in the high seas bottomfisheries in the Bering Sea, they would need 100' to 150' vessels, which cannot be effectively used in the shallow based gillnet salmon fishery.

I have even heard that a number of the smaller purse seine vessels participating in the Togiak/Kulukak Bay herring fishery were more successful in the purse seine fishery than the larger vessels. I have heard directly from the Department of Fish and Game that one 28' vessel in the fishery was one of the highliners. I see the capability, of Bristol Bay 32' vessels effectively competing in the herring fishery.

Another long-term impact which could result in Bristol Bay if larger vessels were permitted would be the possible request and granting of an extension to the lower limit line of fishing districts, especially in Nushagak and Naknek/Kvichak River districts.

As more and more larger vessels are introduced into the Bay, more fishermen will be "pushing" for an extension of the lower limit lines because with deeper draft vessels, such fishermen will say that the lower limit should be extended for safety reasons. The Bristol Bay fishing districts consists of much shallow water and sand bars, and the fishermen with larger vessels would want to fish in deeper water for safety reasons.

If the lower limit is extended, it would be the numerous setnetters and skiff fishermen who would be adversely affected by the extension. The larger vessels would be able to fish further out, catching the salmon as they move up the river systems.

Salmon stocks steadily "move" up the fishing districts; with many of the early stocks of salmon being caught at the lower limits. This situation exists within the Nushagak River, and,

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LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

... of the larger vessels will have the most advantage from an extended lower limit.

I have also heard that many of the "upriver" villagers are presently utilizing larger vessels for hauling oil and supplies during the fall. I believe this statement should be closely examined also. The river system to many of the upriver communities in Bristol Bay pose serious shallow water problems, and I am sure many of the villagers would not "rush into" purchasing larger vessels for hauling cargo to the villages.

I also believe that the Board of Fisheries must consider the physical situation of Bristol Bay, and consider the impacts expected with larger vessels existing in the Bay. Currently, a number of the canneries in Bristol Bay are facing serious storage facilities for their fishermen and vessels. The Peter Pan cannery in Dillingham was "forced" to deny the winter storage of vessels for a number of fishermen, resulting in the fishermen having to store their vessels outside facing the elements. If larger vessels are introduced, the storage problem will be compounded, and those fishermen who cannot afford to construct private warehouses will have to store their vessels outside with little protection from vandalism. A number of vessels were recently vandalized in the Dillingham Boat Harbor because many of the fishermen had no place to store their vessels.

Consideration should also be given to the size of Dillingham Boat Harbor, the only man-made harbor in Bristol Bay which plays an important role to the protection of hundreds of vessels on the Nushagak River. If larger than 32' vessels were to be parking in the harbor, immediate work would need to be done to enlarge the harbor, otherwise the safety of many boats in the Nushagak River will become jeopardized.

I have heard that a number of fishermen who participate in the Togiak/Kulukak herring fishery with vessels larger than 32', and have purchased a Bristol Bay drift gillnet salmon permit have urged the passage of the repeal for the 32' limitation, so they can conveniently enter the Bristol Bay salmon fishery without purchasing a 32' vessel.

In conclusion, I believe that the introduction of larger vessels will solely benefit those fishermen who purchase or currently own larger vessels, and will certainly not benefit the 32' boat fishermen, skiff fisheries, and setnetters of Bristol Bay.

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LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Board of Fisheries

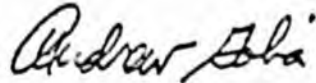
April 11, 1979

Page 6

I urge you to vote against the repeal for the 32' limitation, and consider the number of fishermen it will adversely affect in Bristol Bay.

I hope you fathom my concerns.

Sincerely yours,



Andrew Golia

cc: BOF 4/19/79 ml

April 24, 1979

Mr. Greg Cook, Executive Director
Alaska Board of Fisheries
Alaska Department of Fish and Game
Support Building
Juneau, Alaska 99811

Dear Mr. Cook:

Re: Opinion of 32' vessel length
in Bristol Bay

I would like to express my opinion on two proposals which would have repealed the 32-foot keel length regulation on Bristol Bay salmon drift gillnet vessels. First of all, qualifications are in order.

I have commercially fished salmon on the beach in Bristol Bay from 1957 to 1967, ten years. I have commercially fished salmon on a drift gillnet vessel in Bristol Bay from 1968 to the present, ten years. I do have a permanent commercial fisheries entry permit (which I have earned), and intend to use the permit until I transfer it to my son. I grew up in a fishing village which is in the heart of the Bristol Bay salmon fishery, South Naknek. Over the years, I have done nothing but listened and learned from elderly fishermen who resided in California, Oregon, Washington, and Alaska. I, for one, have the utmost respect for the professional fishermen who have fished in Bristol Bay, even before I was born.

As I stated before, the people of Bristol Bay are natural conservationists. When the typical Bristol Bay resident feels that a resource has become over-harvested, he would discontinue harvesting. I strongly feel that if the Bristol Bay residents were the only ones extracting the living fish and game resources, there would be absolutely no need for any regulatory authority in Bristol Bay. Since the fish and game resources in Alaska belong to the people of Alaska, we have regulatory authorities and many individuals participating in the harvests. I am thankful that you have taken the time to visit the people whom your Board's decisions most affect. It has been said before, and I am sure you have found out that the economy of Bristol Bay is based on its fishery industry.

Today, most Bristol Bay residents are thankful for the North Pacific Fisheries Management Council and the Alaska Board of Fisheries for practicing conservative management in the past and turning over the harvest of salmon to the U.S. residents. In the last three or four years the local reputation of the Alaska Department of Fish and Game has improved tremendously.

Mr. Greg Cook, Executive Director

April 24, 1979

Page 2

Finally, the fishing associations and the ADF & G are talking to each other. I belong to the Alaska Independent Fishermen's Marketing Association. The AIFMA has decided to assess themselves \$17.50 per 50 fathoms for research and development. In the near future, I can see the ADF & G presenting proposals to AIFMA for which to futhur assist them with their management goals.

I think realistically that if the Alaska Board of Fisheries repeals the 32-foot keel length, not only will the Republican Administration be hurting themselves politically, but also the reputation of sound management and public relations of the Alaska Board of Fish, resulting in ADF & G's reputation falling back about 25 years. I think you will probably have an uprising in Bristol Bay. Why? Because we have a healthy fishery. If the Alaska Board of Fish does things like making the fishery too efficient to shorten our fishing time, you will see an uprising in Bristol Bay. When a commercial fishery becomes too efficient, the fishing is no longer a people fishery. As a result of the shorter fishing periods, the distribution of income will change drastically. Some people will make it, and some will not. I am sure you are aware of past and present management practices of the Alaska Board of Fish which have resulted in a very small group of fishermen benefiting, and many others not. I hate to see the old English tradition of class society come to Bristol Bay; the very rich and the very poor. I hope not, and do not think that this is the intent of our State and Federal Governments. Now at least we have a haphazard people fishery. To repeal the 32' keel length would have the same effect as putting more gear in the water. I don't think any sensible fishermen would want the effects of more gear in the water.

I think that if a few people can change the destiny of the Bristol Bay people, then something is drastically wrong and will have to be changed.

I think that the legislature went far enough by enacting a limited entry law and excluding many future Bristol Bay fishermen. I think the people are tired of having a few people telling them what to do and what not to do.

One final statement, I believe that if the Alaska Board of Fish repeals the 32-foot keel length, it would be contrary to the intent of the legislature when they enacted the limited entry law.

Sincerely yours,


Val H. Angasan

VIA:ls

Mr. Greg Cook, Executive Director
April 24, 1979,
Page 3

cc: Alaska Board of Fish Members
The Honorable Governor Jay S. Hammond
The Honorable Representative Nels A. Anderson, Jr. House Majority Leader
The Honorable Representative Terry Gardiner, House Speaker
The Alaska Fisherman News
Trefon Angasan, Sr., Father
Kay E. Larson, Deputy Director, Bristol Bay Native Association

Comm. Office
Comm. Fish

Editor's note. — The repealed section derived from § 27, art. 1, ch. 94, SLA 1959.

Sec. 16.05.831. Waste of salmon. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of salmon which are to be

- (1) sold to a commercial buyer or processor;
- (2) utilized for consumption by humans or domesticated animals; or
- (3) utilized for scientific, educational, or display purposes.

(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted. (§ 3 ch 89 SLA 1975; § 3 ch 99 SLA 1975)

Editor's note. — This section is set out as it appears in ch. 99, SLA 1975. Chapters 89 and 99, SLA 1975, are virtually identical except that ch. 99 contains § 5, providing for an effective date of the act.

Section 1, chs. 89 and 99, SLA 1975, provides, in subsection (b) "It is the intent of sec. 3 of this Act to control the waste of salmon resources."

HB 784

Sec. 16.05.835. Maximum length of salmon seine vessels. No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. (§ 1 ch 252 SLA 1970)

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art 1 ch 94 SLA 1959)

Sec. 16.05.850. Hatchery required. If a fishway over a dam or obstruction is considered impracticable by the commissioner because of cost, the owner of the dam or obstruction, in order to compensate for the loss resulting from the dam or obstruction shall, at his option: (1)

1.661 2994 17.23 J601 0103 17.23 02/28/89

TO ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE:
MEMBER ALTERNATES: VALVIN OSTERBACK, BILL MILES, FRED ZHAROFF,
PATRICK CARNEY, SAMUEL COYEN, CHAT CHATTERTON, JOHN FULLER,
RICHARD ELIASON, RICHARD HALFORD

I AM IN FAVOR OF ~~RETAINING~~ THE SEINE VESSEL LENGTH AS IT IS
AT PRESENT ON KODIAK ISLAND. THE REPEALING OF THIS LAW WOULD
SPELL DISASTER TO THE BAY SEINE AND GILNET FISHERIES THAT ARE
THE HEART OF KODIAK'S SALMON FISHERY.

PLEASE INCLUDE KODIAK IN ANOTHER TELECONFERENCE REGARDING THIS
MATTER.

LEON FRANCISCO

PLEASE SEND A COPY OF THIS MESSAGE TO SENATOR BOB MULLCANY AS WELL...S.S.J

CS HB 784

9
Leon Francisco
February 28, 1989

HB

791

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

HOUSE BILL NO. 791

By GARDINER

"An Act repealing the prohibition of the use of a drum or reel in the operation of a purse seine for taking fish; and providing for an effective date."

Prohibition use of drum or reel for taking fish

Introduced in the House 2/18, 1960

791
Vassan

HISTORY IN THE HOUSE

19 80

Feb. 18

Read first time and referred to Committee on

Resources

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Reported correctly enrolled

Sent to Governor

By Governor

Filed with Lt. Governor

Chapter No.

Petersburg Vessel Owners Association

P. O. Box 232

Phone 772-4793

Petersburg, Alaska 99833

April 14, 1980



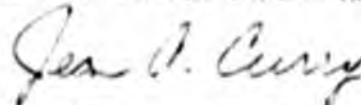
The Honorable Terry Gardiner
Speaker of Alaska House of Representatives
State Capitol
Juneau, Alaska 99811

Dear Representative Gardiner:

Our organization would like to go on record as being opposed to
HB 791, the act repealing the prohibition the use of a drum for
purse seining.

Respectfully yours,

PETERSBURG VESSEL OWNERS ASSOCIATION



Jean A. Curry, Secretary

cc: House Resource Committee
Representative Osterback ✓
Representative Haugen
Senator Tillion

HB

811

(9)

COMMITTEE REPORT

HOUSE

2/12/60

FURTHER:

Date: 2/11/60

Mr. Speaker:

The Committee on RESOURCES has had HB 811

"An Act relating to price disputes between fishermen and fish processors; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

HB 811
Price Disputes-Fishermen & Processors

AGO 125402

3/11/80

Hearing & Reprinted out
with all "DO PASS"



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB 811	3/7	2701	Dept. of Labor Glen Lundell, Deputy Commissioner and Ed Orbeck, Commissioner to testify	3/11
	3/7	586-2820	United Fishermen of Alaska	3/11
	3/10	586-1324	Rick Lamber, Pacific Seafood Processors Assoc.	3/11

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P. O. BOX 1149
JUNEAU, ALASKA 99811

February 29, 1980

Ms. Mary Levan
Administrative Assistant
House Resources Committee
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Ms. Levan:

Please find attached a Position Paper and Fiscal Note for House Bill 811, "An Act relating to price disputes between fishermen and fish processors..." If you schedule a hearing on the bill, I would appreciate being notified so that a representative may attend.

Thank you for the opportunity to comment.

Sincerely,



Judy DuBois
Legislative Liaison

Attachments

*Copies of fiscal
note and
Labor Dept
are in Repr. files.*

Bill No. House Bill No. 811

Date February 29, 1980

Title "An Act relating to price disputes between fishermen and fish processors; and providing for an effective date."

Contact: Glenn Lundell
Deputy Commissioner

The change proposed in this bill will not have an adverse effect on mediation results as long as other steps are not precluded during that time period, such as fact gathering and analysis; meetings by the Governor, or designated representatives with industry and fishermen groups; and exertion of pressure on both groups by the Governor's Office.

However, it should not be expected that final agreements on price disputes will be reached that much earlier by beginning sooner because successful mediation relies heavily on the exhaustion of normal negotiation procedures, to the point that both parties have a strong incentive to participate. The principal benefit of earlier requests for mediation may be the exposure of pertinent facts bearing on prices and costs that much sooner.

The Department of Labor does not object to the change proposed, with recognition of the above factors, and the further understanding that mediation cannot involve the fish processing companies as a group under current federal anti-trust/price fixing laws.

POSITION PAPER/Department of Labor

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill Number 811
 Title An Act relating to price disputes between fishermen and fish processors;
 Requested by House Resources Committee Date 2/26/80

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Office of the Commissioner
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The impact and effectiveness of this bill is impossible to assess. Requests for mediation services cannot be predicted. Additional travel costs could result as the timeframe is increased.

IV. DATE February 26, 1980

PREPARED BY James M. Souby

AGENCY Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

HB

835

COMMITTEE REPORT

(9)

HOUSE

2/18/80

FURTHER: FINANCE

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had HB 835

"An Act relating to nonresident big game tag fees: and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 835 same title
 new title
- and recommends TA
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

~~_____~~

[Signature]

CHAIRMAN



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

Re: Big Game Tags

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB	4/3/80		Rep. Haribert	4/8/80
835	4/3/80		Alaska Professional Hunters Assoc. (Randy Smith)	4/8/80
	4/3/80		Dept. of Fish & Game Bob Hinman, Game Div. to testify	4/8/80
	4/3		Mr. Jack O'Donnell, guide	4/8/80
			Dept. of Revenue	

(6) Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 10-day license 15
- (B) For one-day license 5

(7) Nonresident sport fishing license 30

(8) Nonresident hunting license 60

(9) Nonresident hunting and sport fishing license 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported.

(10) Nonresident hunting and trapping license 200

(11) Repealed by § 2 ch 32 SLA 1968.

(12) Repealed by § 2 ch 32 SLA 1968.

(13) Fur dealers:

(A) Resident fur dealer license 50

(B) Nonresident fur dealer license 200

(14) Taxidermists:

(A) Resident taxidermy license 75

(B) Nonresident taxidermy license 200

(15) Fish, fur or game farming license 100

(16) Nonresident big game tags:

(A) Bear, black, each 100

(B) [deleted]

(C) Bear, brown or grizzly, each 250

(D) Bear, polar, each 250

(E) Bison, each 250

(F) Caribou, each 200

(G) Deer, each 35

(H) Elk, each 125

(I) Goat, each 125

(J) Moose, each 200

(K) Sheep, each 250

(L) Walrus, each 250

(M) Wolf, each 50

(N) Wolverine, each 50

(17) Repealed by § 2 ch 32 SLA 1968.

(18) Resident tags for bear, brown or grizzly, each 25

(19) Resident or nonresident permit application fee (all species for which a limited drawing is conducted, except musk oxen) 5

(20) [Effective January 1, 1980] King salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Salmo gairdneri*) sport fishing permit (permit required north of Yakutat only) 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing

HB
835



AB 835

Regulations promulgated under this section must be in accordance with the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

While this section, which authorizes the Board of Game to adopt regulations providing for subsistence hunting, does not specifically refer to the Administrative Procedure Act (AS 44.62), it appears clear that it merely sets forth an additional purpose for which regulations may be promulgated. State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Issuance of permits based on verbal instructions to agents held improper. — The issuance of permits for the killing of caribou in certain specified areas of the state based on verbal instructions to the permit agents as to the need of individual

applicants does not conform to requirements of the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Reasonable basis for Board of Game's quota of caribou to be killed. — See State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Sec. 16.05.260. Advisory committees.

Cited in State v. Tanana Valley Sportamen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Article 3. Licensing of Sport Fishing and Hunting.

Section

340. License and tag fees

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license \$10
- However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license 12
- (3) (A) Resident hunting and trapping license 15
- (B) Resident trapping license 8
- (4) Resident hunting and sport fishing license 22
- (5) [Effective January 1, 1980] Resident hunting, trapping, and sport fishing license 25

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant

(A) is obtaining or has obtained assistance during the preceding six months under any state or federal welfare program to aid the indigent, or

(B) has an annual family gross income of less than \$5,600 for the year preceding application.

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Jack O' Donnell

Registered Guide
P.O. Box 394
Petersburg, Alaska 99833
(907) 772-4805

Feb. 15, 1980



Representative Al Osterback
House of Representatives
Juneau, Alaska
99811

Dear Mr. Osterback,

I have just attended a meeting of the Guide Licensing and Control Board in Juneau on Feb. 13 concerning possible additional curtailment of Guiding activities due to the apparent decline of our Brown Bear population in S.E. Alaska. The actual Bear hunting season on Admiralty Island has now been shortened to 20 days for all practical purposes for spring hunting with the remaining area also shortened to about the same practical hunting time in spring and also curtailed sharply in fall. It would appear that only eliminating the guide business entirely or limiting the business to a small percentage of the existing guides, with a small quota divided proportionately, is about all that is really left for additional curtailment. Historically there has been about 60-80 Brown bear taken each year for the past 25 years in S.E. Alaska and this figure is the optimum amount the Dept. of Fish and Game feels can be harvested annually without depleting the Bear population to a dangerous level. The Dept. of Fish and Game would like to hold the level of Brown bear kill at no more than 60 Bear annually with a fifty percent of the take distributed between guided hunts (non resident) and resident hunters.

Each season it becomes apparent more and more new residents are actively participating in the bear hunting season to acquire a bear trophy. Until 1977 it cost a resident nothing to take a Brown bear tag and since then it costs only \$25.00 for a resident, \$250.00 for a non resident. There was general agreement among those present at the meeting that our Bear are being given to the public rather cheaply. If one can afford to spend several hundred dollars to have a trophy prepared by a taxidermist surely a Brown bear tag costing \$100 for a resident hunter and a similar increase to \$300 or more for a non-resident hunter is not too severe. This also will deter we feel the rapidly snowballing amount of resident hunters who each season participate more and more throughout the area. It also will possibly change the image of taking a Brown bear trophy even by a resident hunter to a respectable challenge of sportsmanship, and a privilege.

It is time the public realizes that our game in Alaska is not a never ending source of cheap hunting pleasure. Everyone knows that raising the cost of game tags is not a popular idea with one's constituents but it certainly is a much better alternative to limiting hunts than a permit system or drawing.

Eric Jensen, Chairman of the Guide Licensing and Control Board advised the guides present at their meeting to meet as a group with you when it might be convenient for you to give us an audience. However, as you know it costs almost an arm and a leg to remain each additional day in Juneau for each of us and nearly all guides were off and away to their respective towns when the meeting adjourned after public testimony except one or two local Juneau guides. I am hopeful my letter and possibly others from other guides would carry as much weight as would our interrupting your busy schedule to give us an audience where we all shouted at once. Thank You.

Jack O'Donnell
Jack O'Donnell
Box 304
Petersburg, Alaska 99833

HB 835

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 835
Title An act relating to nonresident big game tag fees
Requested by House Resources Committee Date March 1, 1980

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Fish and Game Support
BRU, Program, or Subprogram(s) Affected Fish and Game Licensing
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) Revenue Effects

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Game Management Fund		360.1	378.1	431.0		

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

After the last increase in fees in 1977, the number of nonresident tags sold decreased approximately 25% from the previous year although increased fees resulted in an overall 30% increase in nonresident big game tag receipts. Applying those figures to the currently proposed increase, anticipated sales for FY 1981 are:

	Tags Sold	Gross Receipts
FY 1981 (anticipated)	5,156	\$ 1,560,435.00
FY 1980 (to date)	6,874	1,200,335.00
Difference	(1,718)	\$ 360,100.00

Receipts have continued to increase at the rate of 5% (FY 1979) and 1% (FY 1980 to date.)

Linda Gene Lockridge

IV. DATE March 6, 1980 PREPARED BY Linda Gene Lockridge
AGENCY Department of Revenue
Original: Legislative Finance PHONE: 465-2376
cc: Budget and Management
Prime Sponsor (First Legislator Named)

**THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE**

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 835
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Agency Affected Department of Revenue
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 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	2.1					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	2.1					

FUNDING (Thousands of Dollars)

GENERAL FUND	2.1					
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Anticipated expenditures will be for the printing of revised Big Game Records and shipping revised forms to approximately 400 vendors statewide.

Linda Gene Lockridge

IV. DATE March 6, 1980 PREPARED BY Linda Gene Lockridge
 AGENCY Department of Revenue
 PHONE 465-2376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5 - JUNEAU 99811

March 10, 1980

The Honorable Alvin Osterback
Co-Chairman
House Resources Committee
Room 118 - Capitol Building
Juneau, Alaska 99811



Dear Mr. Osterback:

Re: House Bill No. 835

House Bill No. 835, an Act relating to nonresident big game fees, was introduced in the House on February 18, 1980 and was referred to the House Resources and Finance Committees.

For the consideration of the House Resources Committee, I am enclosing copies of Fiscal Notes prepared by Linda Gene Lockridge, Fish and Game Licensing Section, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: The Honorable Bill Miles
Co-Chairman
House Resources Committee

The Honorable Russ Meekins
Chairman
House Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

H. A. Wall, Director
Administrative Services Division
Department of Revenue

HB

836

(9)

COMMITTEE REPORT

HOUSE

3/18/80

FURTHER:

Date: 3/25/80

Mr. Speaker:

The Committee on RESOURCES has had SSHB 836

"An Act relating to alien and non-resident hunters; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 836 same title
- new title
- and recommends SSHB 836
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Handwritten Signature]

[Handwritten Signature]

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[Handwritten Signature]
CHAIRMAN

H. Resources

7/9/80

AGU 125406

Lead 3/25/80 - Reported
out as CS



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

Re: Alien and Nonresident Hunters

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
SS HB 836	3/10	4981	Rep. Hurlbert, Sponsor	3/25
	3/17	245-4977	Alaska Professional Hunters Assoc., Randy Smith	3/25
	3/21	4100	Dept. of Fish and Game	3/25
	3/21	586-2807	Jim Keeline, guide (will testify)	3/25
	3/21	4522	Dept. of Public Safety	3/25
	3/21	721-1553	Guide Licensing & Control Board Marc Jensen, Chairman	3/25



Randy Smith
Notif. when # 836

ALASKA PROFESSIONAL HUNTERS ASSOC.

P O BOX 41932
ANCHORAGE, ALASKA 99509

544-4284



SFE ALASKA WITH  
JIM H. KEELINE
Registered Guide & Pilot

PHOTOGRAPHIC & SIGHTSEEING TRIP
FISHING - Daily Varden Salmon
TRUCKING - Denali, Copper River, Fairbanks, Mileena
Hunting Bear - Glacier Bear

*Wants
to
testify*

2 1/2 Mile N Douglas
Juneau, Alaska 99802



P O Box 1333
Tel (907) 586 2827

CSSSAB 836

As reported
out of Resources

&

new fiscal
note

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 26, 1980

SUBJECT: Nonresident alien hunters
CSSSHB 836

TO: House Resources Committee
ATTN: Mary Levan, AA

FROM: Kenneth E. Vassar
Legislative Counsel 

Enclosed is the committee substitute you requested for sponsor substitute for House Bill 836. The fees for licenses established in this bill for nonresident aliens are generally higher than the fees for the same licenses for residents, and the fee for one type of license (hunting and trapping) is 20 times the fee for the same license for residents. I realize you are in a rush to receive this bill, so I have not conducted any research into the equal protection questions these fees raise; I believe that the United States Supreme Court has upheld state fees for fish and game licenses for nonresidents which were as much as seven times the fee for the same licenses for residents and has ruled unconstitutional fees for nonresident licenses which were 100 times the fee for resident licenses. Whether the court would uphold a nonresident fee which is 20 times the resident fee, I cannot say with certainty.

Also, I am confused by the special visitor's sport fishing license fee established in the bill. When would a nonresident alien be considered a visitor and thus eligible for this special fee rather than the general nonresident alien sport fishing fee established in the bill? I realize this simply parallels the special visitor's license already included in AS 16.05.340(a)(6), but I am not sure I understand that provision either.

KEV:jdn

Enclosure

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSS for House Bill No. 836
 Title An Act relating to alien and nonresident hunters.
 Requested by House Resources Committee Date 3/28/80

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected _____ Fiscal Services _____
 BRU, Program, or Subprogram(s) Affected _____ Audit Division _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum to R. D. Stevenson dated 3/28/80.

IV. DATE March 28, 1980 PREPARED BY (N. David Ziemer)
 AGENCY Department of Revenue, Audit Division
 PHONE 465-2320
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ALASKA

MEMORANDUM

TO: R. D. Stevenson
Special Assistant
Department of Revenue

DATE: March 28, 1980

FILE NO:

TELEPHONE NO:

FROM: N. David Ziemer
Chief, Audit Services
Audit Division

SUBJECT: CS SS HB No. 836

This memorandum of fiscal impact has been prepared at the request of Mary Levan, Administrative Assistant to the House Resources Committee.

CS SS HB 836 would require nonresident hunters to use the services of registered guides while in Alaska. It would also raise both hunting and fishing fees for this class of visitor. From usage figures developed by the Alaska Professional Hunters Association, this bill would increase revenues by \$240,820 each year. This increase was computed with two assumptions:

1. The number of nonresident - alien hunters will decrease 25% from current figures due to increased fees and the required use of a guide.
2. The number of nonresident - alien fishermen will remain the same.

There would not be any added fiscal impact to the Department of Revenue.

IV. DATE March 28, 1980 PREPARED BY 1 7 0 / 1 - (N. David Ziemer)
AGENCY Department of Revenue, Audit Division
PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management
Diana Spencer (Fiscal Liaison, Senate)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSS for House Bill No. 836
 Title An Act relating to alien and nonresident hunters.
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500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum to R. D. Stevenson dated 3/28/80.

IV. DATE March 28, 1980 PREPARED BY (N. David Ziemer)
 AGENCY Department of Revenue, Audit Division
 PHONE 465-2320
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ALASKA

MEMORANDUM

TO: R. D. Stevenson
Special Assistant
Department of Revenue

DATE: March 28, 1980

FILE NO.

TELEPHONE NO.

FROM: N. David Ziemer
Chief, Audit Services
Audit Division

SUBJECT: CS SS HB No. 836

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There would not be any added fiscal impact to the Department of Revenue.

IV. DATE March 28, 1980 PREPARED BY 1 7 0 / - (N. David Ziemer)
AGENCY Department of Revenue, Audit Division
PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management

CS SS HB 836

as reported
out of
House Resources
(with new fiscal
note)

SEC. 16.05.340 Lic And TAG FEES.

ALIEN HUNTING AND FISHING LICENSE

Special license for Aliens.

FEES FOR ALIEN LICENSES ARE AS FOLLOWS:

Hunting license. \$150.00
Hunting and Sportfishing license.. . . \$200.00
Hunting and Trapping license.. . . . \$300.00
Fur Dealers license. \$500.00
Taxidermy license. \$500.00

ALIEN FISHING LICENSES:

Alien Visitor's special Sportfishing license
Valid for one (1) day. \$10.00
Valid for Ten (10) days. \$25.00
Alien Sportfishing license. \$50.00

"Alien" Means a person who is not a citizen of the United States and whose permanent place of abode is not the United States.

Am To HB-836 Proposed by
Alaska Professional Hunters
Assoc.

1977

Sport Fish & Game Receipts

Prepared By	RS	Date	3-28
Approved By			

Type of license	NUMBER	GROSS	
NR Hunting	4345	260700 #	195525
Alien 25%	1086	- 65175	162900
		195,525	358425.00
Alien Lic Fee / 150.00	162900.00		- 260700.00
			\$ 97,725.00
NR Hunting & Fishing	1002	90180 #	67635
Alien 25%	251	- 22545	50200
		67635.00	117835.00
Alien Lic Fee / 200.00	50,200.00		- 90180.00
			\$ 27655.00
NR Hunting & TRAP	53	10600 #	7950.00
Alien 25%	14	- 2650	4200.00
		7,950.00	12150.00
Alien Lic Fee / 300.00	4200.00		- 10600.00
			\$ 1550.00
TOTAL NR Hunt -		\$ 126,930.00	
TOTAL NR Fish -		168,701.25	
NR Fish	12411	372330 #	279247.50
Alien 25%	3103	- 93082.50	155500.00
		279,247.50	434,397.50
Alien Lic Fee / 50.00	155,150.00		- 372,300.00
			\$ 62,097.50
NR 10-Day Fish	34473	517095 #	387821.25
Alien 25%	8618	- 129273.75	215450.00
		387821.25	603271.25
Alien Lic Fee / 25.00	215450.00		- 517095.00
			\$ 86,176.25
NR 1-Day Fish	16346	81730 #	61297.50
Alien 25%	4086	- 20432.50	40860.00
		61297.50	102157.50
Alien Lic Fee / 10.00	40860.00		- 81730.00
			\$ 20,427.50

(9)

COMMITTEE REPORT

HOUSE

3/18/80

FURTHER:

Date: 3/25/80

Mr. Speaker:

The Committee on RESOURCES has had SSHB 836

"An Act relating to alien and non-resident hunters; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 836 same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Rich Hallock
Robert H. Hallock
John G. Miller
Clayton L. ...
John ...
...
...
...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

...
...
...
...
...

...
CHAIRMAN

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Public Safety	SPONSOR (PRINCIPAL)	BILL NO. HB 836
DEPARTMENT POSITION Amendment needed		
DIVISION DIRECTOR Col. Fred Woldstad	DATE 2/28/80	COMMISSIONER William R. Nix
		DATE 2/28/80
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED		
BY: _____ DATE: _____		
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL		(2) b. ORGANIZATIONAL OPPOSITION TO BILL
(3) PROGRAM EFFECTS OF BILL		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS

There is a conflict between 16.05.407 (e) (2) (b) and 16.05.940 (14) - Definition of resident. In 16.05.407 (e) (2) (b), it requires a person, who is not a citizen of the United States, to maintain a permanent place of abode in the State of Alaska for at least 36 consecutive months for the purpose of taking big game animals without the requirement of having an Alaska guide.

However, in 16.05.940 (14), an alien, who has maintained his permanent place of abode in the State for one year, is considered a resident for the purpose of this chapter. There was an amendment to paragraph (14) in 1974, substituting "one year" for "three years".

Sec. 08.54.100. Qualifications for a master guide license. A person is entitled to be licensed as a master guide if he

(1) has legally hunted in the state for a part of each of 10 years during which time a substantial source of his income was from guiding or related activities directly contributing to his experience and competency as a guide;

(2) meets all the requirements of a registered guide and has been actively engaged in licensed guiding activities in the state for at least five years preceding application;

(3) has not been convicted of a violation of federal or state sports fishing, game or guiding laws or regulations within the preceding five years;

(4) has consistently performed in a superior manner as evidenced by required reports submitted to the board and by inquiries made by the board to at least two of the guide's clients of record; and

(5) meets additional qualifications which the board may require. (§ 1 ch 17 SLA 1973)

Editor's note. — Section 3, ch. 17, SLA 1973, provides: "A person licensed as a registered or master guide, class-A assistant guide or assistant guide as of March 14, 1973 shall, upon application, be issued a registered guide license, master guide license, class-A assistant guide license or assistant guide license, respectively."

Sec. 08.54.110. Qualifications for registered guide license. A person is entitled to be licensed as a registered guide if he

(1) is 21 years of age or more;

(2) is a resident of the state and maintains a permanent place of abode in the state;

(3) has practical field experience in the handling of firearms, hunting judging trophies, field preparation of trophies, first aid and photography;

(4) is familiar with the terrain and transportation problems in the district for which the license is requested;

(5) has passed the qualification examination prepared and administered by the board;

(6) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime involving moral turpitude;

(7) has legally hunted in the state for all or part of each of five years in a manner directly contributing to his experience and competency as a guide;

(8) has been licensed as and performed the services of an assistant guide in the state for a part of each of three years;

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked;

(10) is capable of performing the physical duties associated with guiding activities;

(11) has been favorably recommended in writing by two hunters that he has guided or assisted in guiding during each year of his three years as an assistant guide, where recommendations have been solicited by the board from a list prepared by the applicant;

(12) meets additional qualifications which the board may require. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

Sec. 08.54.120. Qualifications for a class-A assistant guide license. A person is entitled to be licensed as a class-A assistant guide if he

(1) has been employed for at least one season as a licensed assistant guide;

(2) has had at least 20 years experience in the guide district in which he is to be employed; for the purposes of this paragraph physical presence at some time of the year during each of the 20 years constitutes adequate evidence of experience, and military service outside the state for no more than six years shall be accepted as part of the required 20 years experience;

(3) has been recommended in writing as qualified by a registered or master guide to the board. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

Sec. 08.54.130. Privileges and limitations of class-A assistant guides. A class-A assistant guide

(1) may not contract for hunts;

(2) shall be under the supervision of a registered or master guide who has contracted with the client for whom the class-A assistant guide is conducting the hunt;

(3) may take charge of a camp and conduct hunts from it without the registered or master guide necessarily being present in the area if the registered or master guide is physically present in the state and is actively supervising in guiding activities. (§ 1 ch 17 SLA 1973)

Sec. 08.54.140. Qualifications for assistant guide license. A person is entitled to be licensed as an assistant guide if he

(1) is 19 years of age or more;

(2) is a resident of the state;

(3) is favorably recommended to the board, in writing, by a registered guide;

(4) meets additional qualifications which the board may require;

(5) is in sound physical condition. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

Sec. 08.54.142. Qualification for transporter license. (a) No person may engage in the activity of transporting unless he is licensed as a transporter under this chapter. A person may be licensed as a transporter if he

(1) is a resident of the state;

(2) is familiar with the terrain and transportation problems in the district or districts for which the license is requested;

(3) obtains a business license to do business as a transporter under AS 43.70.030.

(b) No person may engage in the activity of transporting by air without an air commerce certificate as required by AS 02.05.040. (§ 2 ch 106 SLA 1976)

Editor's note. — Section 1, ch. 106, SLA 1976, provides: "Purpose. It is the purpose of this Act to protect the safety of the citizens of the state and better manage and protect its resources by licensing persons who transport hunters for hire so that reasonable standards and guidelines will be met and activities affecting the state's

game resources will be more accurately monitored and assessed."

Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Sec. 08.54.144. Restriction to transportation. (a) A licensed transporter may transport persons whose primary purpose is the taking of big game or the associated removing of big game meat and parts of big game, with the intent of receiving monetary or material remuneration for the transportation.

(b) Air carriers who transport persons between airports, landing strips or other landing areas officially listed in the United States government Flight Information Publication, Alaska Supplement, as revised, or the United States government Sectional Aeronautical Charts, as revised, are exempted from the license requirements for transporters under this chapter but shall comply with the reporting provisions as prescribed in AS 02.05.170(f).

(c) Master guides, registered guides, class A assistant guides or assistant guides are exempted from the license requirements for transporters under this chapter but shall comply with the reporting provisions as prescribed in AS 02.05.170(f). (§ 2 ch 106 SLA 1976)

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right

as an air carrier which he does not otherwise hold under law."

Sec. 08.54.146. Transporter report. A transporter shall maintain a record of (1) the names and addresses of all persons he transports; (2) the type of game transported; (3) an estimate of the quantity of meat

transported; (4) the date of transporting; and (5) if known, the locality where the game was taken. The report shall be submitted to the Department of Fish and Game within 90 days after transporting the game. After receiving a report required under this section, the Department of Fish and Game shall send a copy of it to the Department of Public Safety. (§ 2 ch 106 SLA 1976; am § 4 ch 133 SLA 1976)

Revisor's note (1976). — AS 08.54.146 was added by § 2, ch. 106, SLA 1976, and amended by § 4, ch. 133, SLA 1976. Since the two acts appear to be inconsistent, and ch. 106 is superseded by ch. 133, only the later enactment has been given effect here.

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Effect of amendment. — Section 4, ch. 133, SLA 1976, substituted "ninety days" for "thirty days" in the second sentence.

Sec. 08.54.150. Responsibility of registered or master guide for violations. A registered or master guide contracting for a hunt is equally responsible under § 200 of this chapter for a violation of a federal or state sport fish, game or guide statute or regulation committed by a class-A assistant guide or assistant guide while in the course of his employment. (§ 1 ch 17 SLA 1973)

Sec. 08.54.170. License fees. (a) License fees for engaging in the profession of guiding are:

- (1) master guide license, annual \$75
- (2) registered guide license, annual 75
- (3) class-A assistant guide, annual 15
- (4) assistant guide license, annual 10

(b) The license fee for a master guide, registered guide, class-A assistant guide or assistant guide license is in addition to the fee required for a hunting or fishing license.

(c) The license fee for a transporter is \$10. (§ 1 ch 17 SLA 1973; am § 3 ch 106 SLA 1976)

Effect of amendment. — The 1976 amendment added subsection (c).

a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives

Sec. 08.54.180. Examination fee. An applicant for a guide examination shall pay a fee of \$25. (§ 1 ch 17 SLA 1973)

Sec. 08.54.185. Additional fees. In addition to the license and examination fees provided for under this chapter, master guides and registered guides are subject to fees imposed under AS 16.05.340(e). (§ 4 ch 268 SLA 1976)

Legislative committee report. — For report on ch. 268, SLA 1976 (FCCS HCS

CS88SB 335), see 1976 House Journal, p. 910.

Sec. 08.54.190. Expiration and renewal. (a) A master guide, registered guide, class-A assistant guide, assistant guide or transporter license expires on December 31, following issuance.

(b) No license may be issued to a class-A assistant guide or assistant guide who has failed to renew his license for two consecutive years unless he again meets the qualifications for initial issuance of the license.

(c) A master or registered guide who fails to renew a license is not required to requalify under § 100(2) or § 110(8) of this chapter, respectively. (§ 1 ch 17 SLA 1973; am § 12 ch 127 SLA 1974; am § 106 SLA 1976)

Effect of amendments. -- The 1974 amendment substituted "class-A assistant guide" for "class-A guide" in subsection (b).

The 1976 amendment substituted "assistant guide or transporter license" for "or assistant guide license" in subsection (a) and added "following issuance" to the end of that subsection.

Editor's note. -- Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Legislative committee report. -- For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 08.54.200. Grounds for disciplining a licensee. (a) The board shall hold a hearing to determine if disciplinary action is necessary if

- (1) complaints concerning the licensee have been filed with the board from three or more clients of separate parties; or
- (2) a licensee has been charged with a violation of federal or state sport fish, game or guide statutes or regulations; or
- (3) a licensee has been convicted of a violation of federal or state sport fish, game or guide statute or regulation.

(b) After a hearing, the board may revoke, suspend, or deny renewal of a license if the board finds that the licensee

- (1) engaged in unethical activity, unsafe activity, or activity which adversely affects the natural resources of the state when such activity is unrelated to the legal and legitimate purposes of the contract hunt; or
- (2) violated a provision of a federal or state sport fish, game or guide statute or regulation.

(c) After a hearing, the board shall revoke a license if the board finds that the licensee

- (1) does not meet the qualifications specified by statute or regulation for the class of license held;
- (2) is incompetent as a master guide, registered guide, class-A assistant guide, or assistant guide;
- (3) has been convicted of two violations of federal or state sport fish, game or guide statutes or regulations.

(d) No person who is disciplined under this section may engage in any guiding or transporting activity during the period of license revocation

or disciplinary action. No person licensed under this chapter may hire or work for a guide whose license is suspended or revoked under this section.

(e) If the board revokes a license it shall notify the Department of Revenue, and the person whose license has been revoked shall return the license to the Department of Commerce and Economic Development. (§ 1 ch 17 SLA 1973; am § 2 ch 43 SLA 1975; am § 5 ch 106 SLA 1976; am § 47 ch 218 SLA 1976)

Effect of amendments. — The 1975 amendment substituted "Department of Commerce" for "Department of Fish and Game" in subsection (e).

The first 1976 amendment inserted "or transporting" in subsection (d).

The second 1976 amendment substituted "Department of Commerce and Economic

Development" for "Department of Commerce" at the end of subsection (e).

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Sec. 08.54.210. Unlawful acts. (a) It is unlawful for

(1) a master guide, registered guide, class-A assistant guide, assistant guide or transporter to fail to timely report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, violations by a client of a state fish, game or guiding statute or regulation;

(2) a master guide, registered guide, class-A assistant guide, assistant guide or transporter to aid the commission of a violation of this chapter or of AS 16.05 or a regulation promulgated under either chapter, or permit the commission of a violation in his sight without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide or transport as defined in this chapter without being licensed under this chapter and without having the license in his actual possession; however, for purposes of transporting by air, in the case of a corporation, company, partnership or other business entity, the license may remain at the principal place of business of the business entity;

(4) a person to advertise as or represent himself to be a licensed master guide, registered guide, class-A assistant guide, assistant guide or transporter without being currently licensed, or to falsely advertise services;

(5) a person to guide as defined in this chapter without having a current valid hunting and fishing license in his possession.

(6) a master or registered guide to employ or have under his supervision more than three assistant guides at the same time.

(7) a person to guide as defined in this chapter without paying a fee as prescribed in AS 16.05.340(e).

(b) A person who violates (a)(1) — (6) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both,

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and may have his license revoked for a period up to five years. However, a person who engages in guiding or transporting activity during the period his license is suspended or revoked under this chapter is guilty of a felony punishable, upon conviction, by a fine of not more than \$5,000 and by imprisonment for not less than one year nor more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding or transporting activity engaged in during the period of suspension or revocation shall be confiscated by persons authorized to enforce this chapter. A person who violates (a)(7) of this section, upon conviction, is subject to the same license revocation provision as for a violation of (a)(1) — (6) of this section and, in addition, is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both. (§ 1 ch 17 SLA 1973; am §§ 3, 4 ch 43 SLA 1975; am § 6 ch 106 SLA 1976; am § 3 ch 133 SLA 1976; am §§ 5, 6 ch 268 SLA 1976)

Effect of amendments. — The 1975 amendment substituted "Department of Public Safety, division of fish and wildlife protection" for "Department of Fish and Game" in subsection (a)(1) and, in subsection (b), deleted "outfitting or" preceding "guiding activity," substituted "his license is suspended or revoked under" for "of disciplinary action under § 200(e) of," and inserted "upon conviction" in the second sentence, deleted "under § 200(e) of this chapter" following "for a felony," and substituted "guiding activity engaged in during the period of suspension or revocation" for "a violation of § 200(e) of this chapter" in the third sentence.

The first 1976 amendment, in subsection (a), substituted "assistant guide or transporter" for "or assistant guide" in paragraphs (1), (2) and (4), deleted "fish and game" following "division of fish and wildlife protection" in paragraph (1), inserted "or transport" near the beginning of paragraph (3). In subsection (b) the

amendment inserted "by" preceding "imprisonment" in the first sentence, and inserted "or transporting" in the second and third sentences.

The second 1976 amendment added paragraph (6) of subsection (a).

The third 1976 amendment added paragraph (7) of subsection (a), and in subsection (b), inserted "(a)(1) — (6) of" in the first sentence and added the fourth sentence.

While none of the 1976 amendments gave effect to the others, all have been given effect in this section as it is set out in this Supplement.

Editor's note. — Section 10, ch 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Legislative committee report. — For report on ch. 268, SLA 1976 (FCCS HCS CSSSSB 335), see 1976 House Journal, p. 910.

Sec. 08.54.220. Injunction against unlawful action. When in the judgment of the board a person or corporation or other entity has engaged in an act in violation of § 130 and §§ 200 — 210 of this chapter or the regulations promulgated under them, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond. (§ 1 ch 17 SLA 1973; am § 5 ch 43 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "§ 130 and §§ 200 — 210" for "§ 100 — 200" and "them" for "§ 50 of this chapter" in the first sentence.

Article 3. General Provisions.

Section
240. Definitions

Sec. 08.54.240. Definitions. In this chapter

- (1) "board" means the Guide Licensing and Control Board;
- (2) "guide", "guides" or "guiding" means assisting another person to take game with the intent of receiving monetary or material remuneration for the services, by accompanying and directing that person personally or through a licensed assistant guide for the duration of a hunt, and not solely for the purpose of providing transportation services;
- (3) "resident" means a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; shows by all attending circumstances that his intent is to make this state his permanent residence;
- (4) "unethical activity" means
 - (A) deception in any degree involving prospective or actual clients either before, during, or following contract hunts;
 - (B) misrepresentation either through private communication or public advertising of the nature, type, duration, cost, or other conditions of contract hunts.
 - (C) making a guaranty that a species or certain number of species of game will be taken on a contract hunt.
- (5) "transporting" or the "activity of transporting" means conveying a person by any lawful means to an area for remuneration or material benefit in excess of normal operating costs, when the primary purpose of the person being conveyed is the taking of big game and the associated removing of big game meat and parts of big game after big game has been taken; big game as used in this paragraph means game which, if taken by a nonresident, would require a big game tag. (5 1 ch 17 SLA 1973; am 56 7, 8 ch 106 SLA 1976; am 5 2 ch 133 SLA 1976)

Effect of amendments The first 1976 amendment deleted "accompanying, guiding, or" preceding "assisting another person" near the beginning of paragraph (2), added the language beginning "by accompanying and directing that person" to the end of that paragraph, and added paragraph (5).

The second 1976 amendment added paragraph (4)(C).

Editor's note. — Section 10, ch 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law"

Chapter 56. Hotels and Boardinghouses.

- Section**
- 10. Registration of travelers
 - 20. Effect of refusal to register
 - 30. Penalty for noncompliance
 - 40. Disposition of fines

- Section**
- 50. Liability for valuables
 - 60. Baggage liability
 - 70. Definitions

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AGENCY
JUNEAU, ALASKA 99801
707-465-1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 26, 1980

SUBJECT: Nonresident alien hunters
CSSSHB 836

TO: House Resources Committee
ATTN: Mary Levan, AA

FROM: Kenneth E. Vassar
Legislative Counsel

Enclosed is the committee substitute you requested for sponsor substitute for House Bill 836. The fees for licenses established in this bill for nonresident aliens are generally higher than the fees for the same licenses for residents, and the fee for one type of license (hunting and trapping) is 20 times the fee for the same license for residents. I realize you are in a rush to receive this bill, so I have not conducted any research into the equal protection questions these fees raise; I believe that the United States Supreme Court has upheld state fees for fish and game licenses for nonresidents which were as much as seven times the fee for the same licenses for residents and has ruled unconstitutional fees for nonresident licenses which were 100 times the fee for resident licenses. Whether the court would uphold a nonresident fee which is 20 times the resident fee, I cannot say with certainty.

Also, I am confused by the special visitor's sport fishing license fee established in the bill. When would a nonresident alien be considered a visitor and thus eligible for this special fee rather than the general nonresident alien sport fishing fee established in the bill? I realize this simply parallels the special visitor's license already included in AS 16.05.340(a)(5), but I am not sure I understand that provision either.

KEV:jdn

Enclosure

LD 113 PJ

SPORT FISH & GAME RECEIPTS
Calendar Year 1979
Final - January 1, 1979 thru December 31, 1979
Prepared January 14, 1980

CODE	TYPE OF LICENSE	NUMBER	GROSS	NET	NET/SPORT	NET/GAME	NET/GENERAL
201	R. Sport Fishing	83,782	\$ 836,726.58	\$ 793,793.33	\$ 793,793.33	\$-----	\$-----
202	R. Hunting	22,618	271,416.00	259,240.47	-----	259,240.47	-----
203-A	R. Hunt/Trap	2,170	32,550.00	30,909.33	-----	28,536.43	2,372.90
204	R. Spt. Fish/Hunt	29,004	638,088.00	604,913.93	274,960.90	329,953.03	-----
205	R. Fish/Hunt/Trap	9,328	233,200.00	220,723.25	88,289.31	114,632.27	17,801.67
206	NR. 10-Day Spt. Fish	34,473	517,095.00	492,039.41	492,039.41	-----	-----
207	NR Sport Fishing	12,411	372,330.00	353,964.63	353,964.63	-----	-----
208	NR Hunting	4,345	260,700.00	248,300.74	-----	248,300.74	-----
209	NR Fish/Hunt	1,002	90,180.00	85,562.50	28,462.04	57,100.46	-----
210	NR Hunt/Trap	53	10,600.00	10,022.98	-----	6,030.43	3,992.55
211	NR 1-Day Spt. Fish	16,346	81,730.00	77,531.45	77,531.45	-----	-----
212	NR Military Spt. Fish	6,980	69,800.00	66,448.15	66,448.15	-----	-----
213	NR Military Small Hunt	979	11,748.00	11,127.95	-----	11,127.95	-----
214	NR Military Fish/Hunt	878	19,316.00	18,431.46	8,377.93	10,053.53	-----
217-3D	R. Trap	1,465	4,395.00	4,189.10	-----	1,532.94	2,656.16
218	Duplicate License	2,205	5,810.00	5,524.47	-----	-----	5,524.47
120	Fish/Fur/Game Farm	4	400.00	381.41	-----	-----	381.41
121	R. Fur Dealer	105	5,250.00	4,942.74	-----	-----	4,942.74
122	NR Fur Dealer	5	1,000.00	931.56	-----	-----	931.56
123	K. Taxidermy	37	2,775.00	2,604.56	-----	-----	2,604.56
124	NR Taxidermy	2	400.00	382.82	-----	-----	382.82
200	Permit Fees	18,915	96,595.00	94,665.50	-----	94,665.50	-----
201-B	R. Blind Spt. Fish	10	2.50	2.37	2.37	-----	-----
205-A	R. 25c Hunt/Fish/Trap	8,334	2,083.50	1,981.92	660.57	1,149.51	171.84
SUBTOTAL		256,151	\$3,564,190.58	\$3,388,616.03	\$2,184,530.09	\$1,162,323.26	\$41,762.68
215	R. Big Game Tags	3,538	90,825.00	87,481.14	-----	87,481.14	-----
216	NR. Big Game Tags	7,301	1,290,050.00	1,229,716.83	-----	1,229,716.83	-----
TOTAL		266,970	\$4,945,065.58	\$4,705,814.00	\$2,184,530.09	\$2,479,521.23	\$41,762.68

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RESIDENT TAGS			
D/G Bear	3,533	\$88,325.00	
Husks	5	2,500.00	
TOTAL	3,538	\$90,825.00	
			Gross \$4,945,065.58
			Cost 239,251.58
			Net \$4,705,814.00
Residents entitled to Sport Fish	130,458		
Non-residents entitled to Sport Fish	72,090	202,548	55%
Residents entitled to Hunt	71,454		
Non-residents entitled to Hunt	2,257	78,711	10%
Residents entitled to Trap	21,297		
Non-residents entitled to Trap	53	21,350	.002%

less Military = 5400
7.5%

NON-RESIDENT TAGS			
B/G Bear	1,036	\$ 259,000.00	- 311 -
Black Bear	1,262	126,200.00	- 379 -
Deer	390	13,650.00	
Moose	1,837	367,400.00	- 552 -
Sheep	661	165,250.00	- 188 -
Elk	12	1,500.00	
Goat	392	49,000.00	- 118 -
Caribou	1,387	276,600.00	- 415 -
Wolf	249	12,450.00	
Wolverine	60	3,000.00	
Beaver	-----	-----	
Muskox	15	15,000.00	
Walrus	4	1,000.00	
Total	7,301	\$1,290,050.00	

1.35 Imp/total