

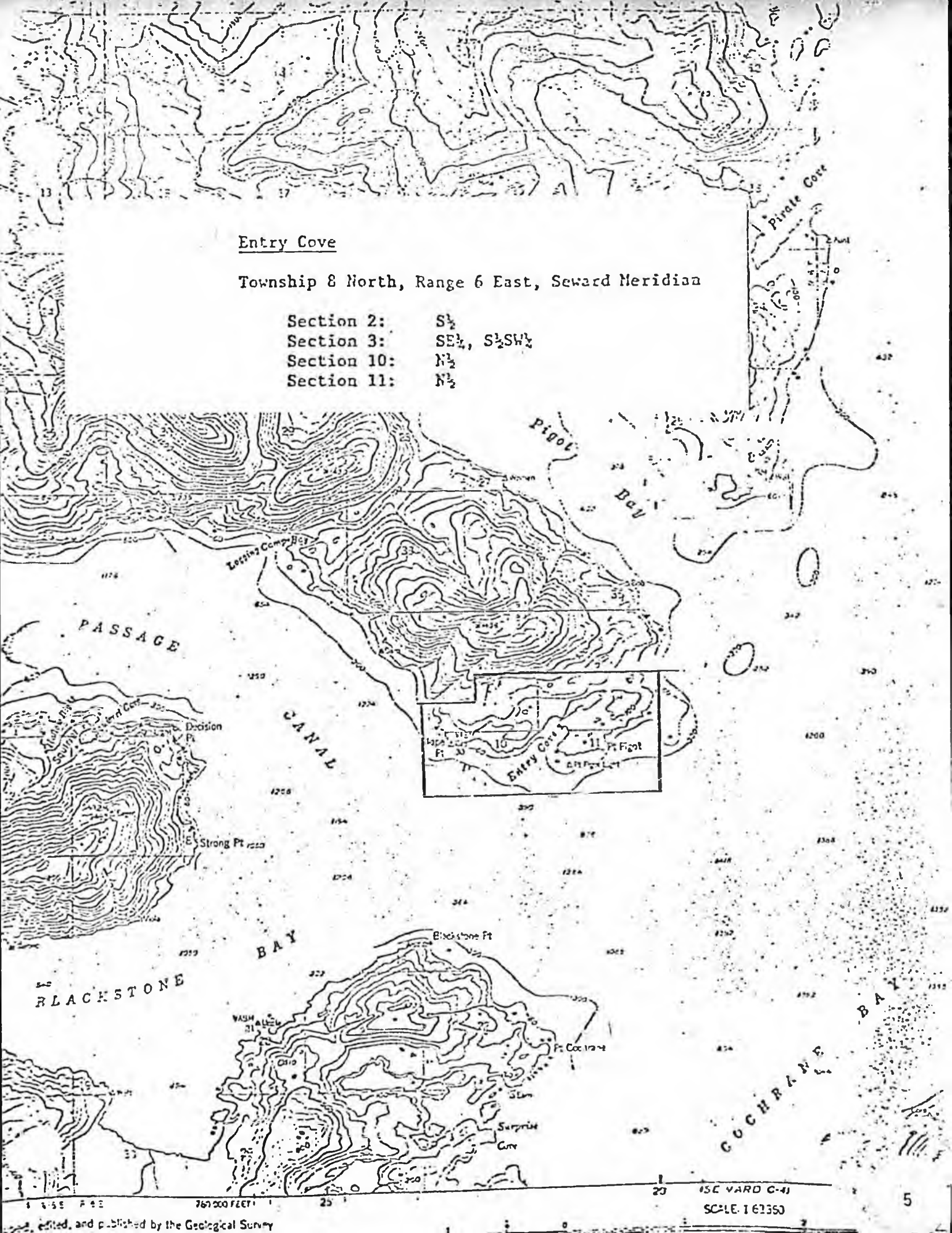
ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2829 SRES SB 128 - SB 138

Entry Cove

Township 8 North, Range 6 East, Seward Meridian

- Section 2: S $\frac{1}{2}$
- Section 3: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 10: N $\frac{1}{2}$
- Section 11: N $\frac{1}{2}$



Alaska Marine Park System

Name	Size
Entry Cove	land 525
	water 675
	total 1,200

General Location

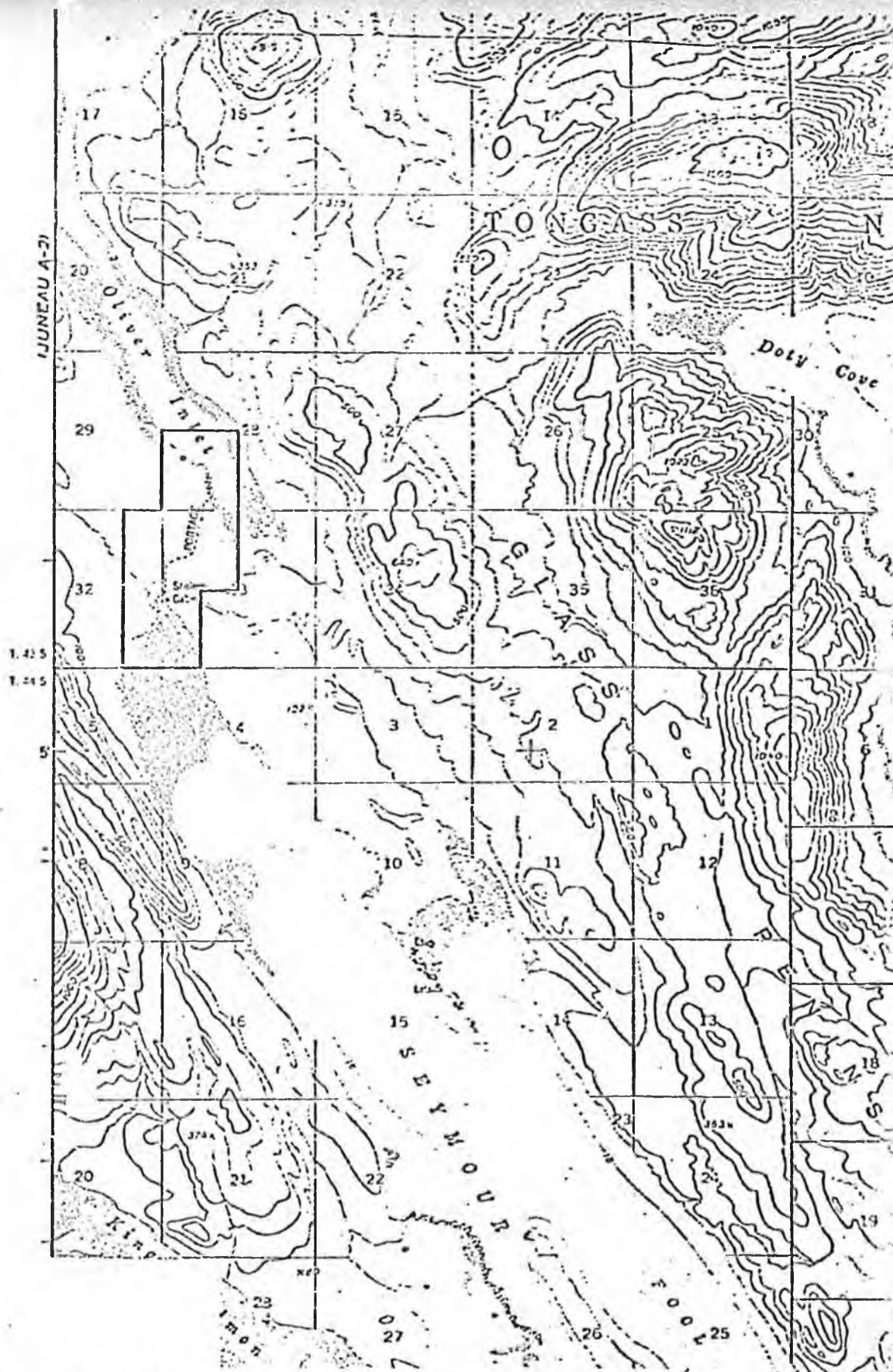
Entry Cove is located 12 miles due east of Whittier by boat. The cove is strategically located at the confluence of Port Wells, Passage Canal, Blackstone Bay and Cochrane Bay.

Description of the area

Entry Cove is a small well protected bay with a shallow entrance. Anchorage for pleasure boats can be found both inside the cove itself and in the outer cove which is protected from all but southeasterly winds. A large gravel beach is located near the Point Pigot light and is heavily used by recreational kayakers. Point Pigot and Entry Cove are located on a low lying area which is forested with Sitka spruce interspersed by large open muskegs. Black bear may be found in the area and an eagle's nest is located near Point Pigot. Point Pigot was named by Captain Vancouver in 1794 for one of his midshipmen. Between October and June, king salmon may be caught near Point Pigot. Fur seals and killer whales are frequently observed in the nearby offshore waters.

Reason for Marine Park Status

Entry Cove has been proposed as a marine park because of its strategic location at the intersection of several commonly used pleasure boat routes and the excellent protection it affords to boaters. The area commands outstanding views of Prince William Sound and is used frequently by both kayakers and larger pleasure boats.



Oliver Inlet
Juneau (A-1)

T43S, R63E Copper River Meridian, Alaska

226

Sec. 28	SW $\frac{1}{4}$
Sec. 32	E $\frac{1}{2}$
Sec. 33	NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Alaska Marine Park System

Name	Size	
Oliver Inlet	land	425
	water	135
	total	560

General Location

By boat, Oliver Inlet is located 12 miles south of Juneau between Seymour Canal and Stephens Passage on Admiralty Island.

Description of the area

The area is comprised of old growth Sitka spruce and hemlock forests with numerous gravel beaches. A recreation cabin and a five-mile narrow gauge tramway, and a registration/information station (unmanned) for the Admiralty Island National Monument are all existing facilities at this site. Oliver Inlet is a strategically located overland portage route for boaters entering Seymour Canal from Juneau. Hunting, fishing, boating, kayaking, beachcombing and wildlife viewing and photography are all frequent activities in this area. Located fully within the Admiralty Island National Monument and Federal Wilderness Area, Oliver Inlet provides access to not only Seymour Canal, but other portions of the national monument as well. Hump back and killer whales, seals, sea lions, porpoise, salmon, halibut, rock fish, Sitka deer, and brown bear are found within this area. Alaska Department of Fish and Game has identified Oliver Inlet as an important wildlife area. Good protected boat anchorages are found in both the Seymour Canal and Oliver Inlet.

Reason for Marine Park Status

This area is proposed for marine park status to assure both the continued public use of the area as well as the protection of its natural and scenic values. It is the only area within the wilderness portion of the Admiralty Island National Monument where public recreational facilities can be built for purposes other than public safety. As such, it serves as a "threshold" park for Admiralty Island.



Sawmill Bay

Township 9 South, Range 9 West, Copper River Meridian

- Section 22: E $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 23: SW $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{2}$
- Section 26: W $\frac{1}{2}$
- Section 27: E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{2}$
- Section 28: E $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 33: NE $\frac{1}{2}$ NE $\frac{1}{2}$
- Section 34: N $\frac{1}{2}$, SE $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$
- Section 35: W $\frac{1}{2}$

Alaska Marine Park System

Name	Size
Sawmill Bay	land 1,430
	water 890
	total 2,320

General Location

Sawmill Bay is located approximately 14 miles west and south of the city of Valdez. It is located on the northern shoreline of Port Valdez.

Description of the area

Sawmill Bay is a large well protected bay offering several good anchorages for pleasure boaters. Recreation opportunities in the area include sport fishing for silver salmon, crab, clams and halibut. A public use cabin has been constructed by the U.S. Forest Service in the southernmost branch of Sawmill Bay. Sawmill Bay receives considerable use by boaters originating from Valdez. Opportunities for hiking exist along Twin Falls Creek and near Devish Lake.

Reason for Marine Park Status

Sawmill Bay has been proposed as a state marine park because of its traditional use by boaters from Valdez and boaters in transit to and from Valdez and other parts of Prince William Sound.

Shoup Bay

CRM

Township 8 South, Range 7 West,

Section 30: $W\frac{1}{2}W\frac{1}{2}$

Section 31: $W\frac{1}{2}W\frac{1}{2}$

CRM

Township 8 South, Range 8 West,

Section 25: All

Section 26: All

Section 27: $E\frac{1}{2}$

Section 34: $E\frac{1}{2}$

Section 35: All

Section 36: All

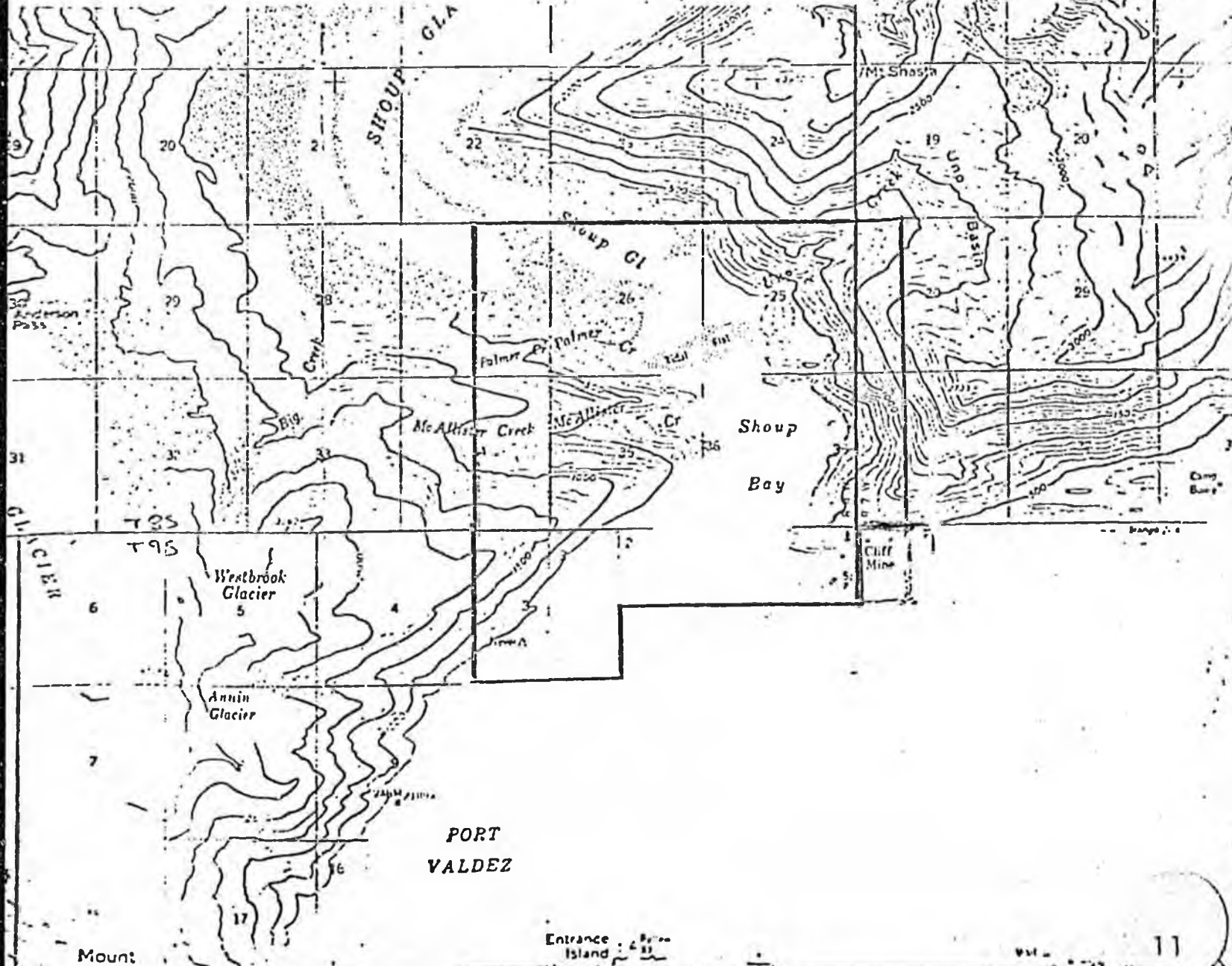
CRM

Township 9 South, Range 8 West,

Section 1: $N\frac{1}{2}NW\frac{1}{4}$

Section 2: $N\frac{1}{2}$

Section 3: All



Alaska Marine Park System

Name	Size	
Shoup Bay	land	2,925
	water	1,635
	total	4,560

General Location

Shoup Bay is located 7.5 miles west of the city of Valdez by boat on the north shore of Port Valdez.

Description of the area

Shoup Bay is very scenic with Shoup Glacier extending almost to the bay from the northwest and a large sand pit extending across the mouth of the bay. Fishing, wildlife viewing, and visiting the glacier are the most common reasons for use of the area by the public. Mountain goats can be observed on the slopes above the bay while ducks can be seen feeding on the tidal flats. Shoup Glacier is the main tributary to the huge glacier that carved Valdez Arm. Shoup Bay is also listed in the Guinness Book of World Records for the height of the waves in the bay during the 1964 earthquake. It is said that the bay emptied and filled three times. A well protected anchorage does not exist in the bay. Short-term or fair-weather anchorages can be found in several areas depending on wind direction.

Reason for Marine Park Status

This area has been proposed for marine park status because of its unique natural features and its close proximity to Valdez. Shoup Bay could, in the future, also become an important destination for tour boats operating out of Valdez.



South Esther Island

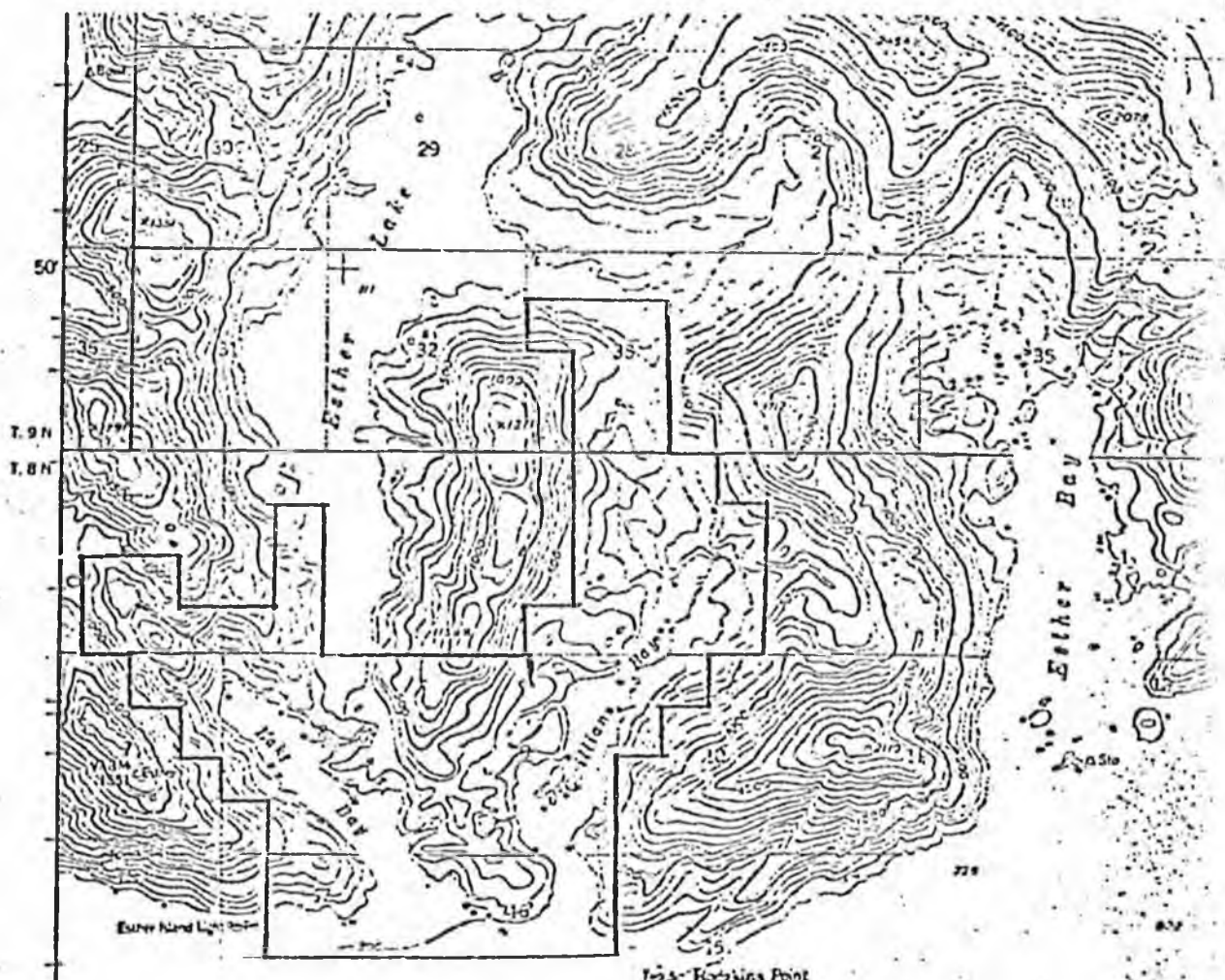
Township 8 North, Range 8 East, Seward Meridian

- Section 3: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$
- Section 4: E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 5: E $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$
- Section 6: E $\frac{1}{2}$ SW $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 7: N $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$
- Section 8: E $\frac{1}{2}$, NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$
- Section 9: All
- Section 10: N $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NW $\frac{1}{2}$

- Section 16: N $\frac{1}{2}$
- Section 17: NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$

Township 9 North, Range 8 East, Seward Meridian

- Section 33: S $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$



ISEWARD D-41

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W E L L S

P A S S A G E

Alaska Marine Park System

Name	Size	
	land	2,285
South Esther Island	water	1,075
	total	3,360

General Location

South Esther Island is located approximately 20 miles due east of Whittier. The island is located at the confluence of Wells Passage and Port Wells in upper Prince William Sound.

Description of the area

The area is comprised of Sitka spruce forest interspersed with rolling muskeg and numerous small lakes. Anchorages can be found in both Lake and Quillian bays with the latter being preferred. Esther Island is highly scenic with a number of 2,000' peaks of granite. Boaters frequently can observe whales in Port Wells to the west and sea lions are frequently hauled out on nearby islands and rocks. Sea birds nest in the area and seals and otters are also known to be present. This area is located along a heavily used cross sound pleasure boat route between Valdez and Whittier. The state ferry Bartlett also passes near this area on a daily basis as well as commercial tour boats operating between Whittier and Valdez. The area has been identified by the Alaska Department of Fish and Game for the development of a fish hatchery in the lake bay. The fish hatchery will apparently be developed by the Prince William Sound Aquaculture Corporation in the near future.

Reason for Marine Park Status

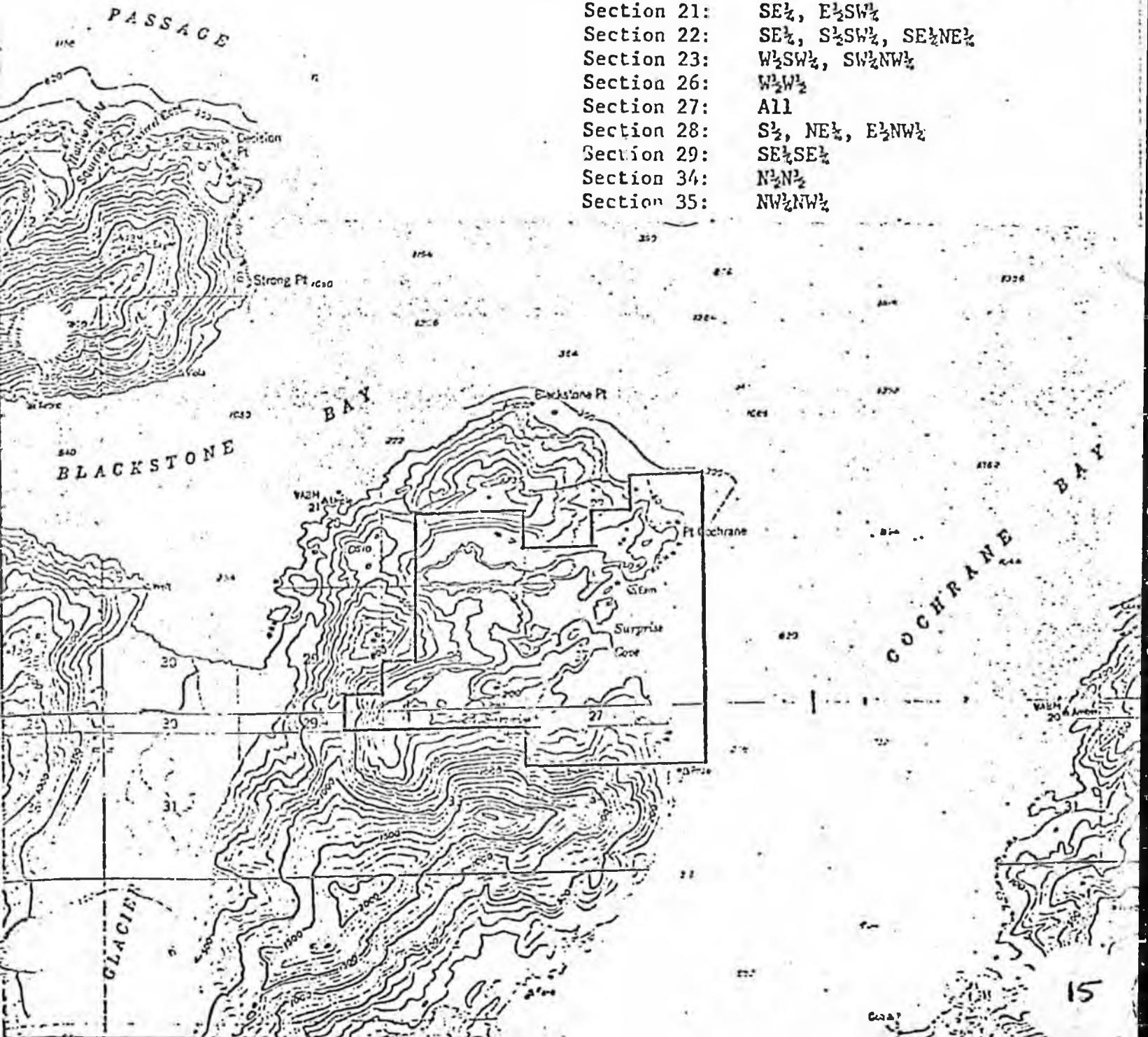
South Esther Island is both a destination for Whittier-based pleasure boaters as well as a convenient overnight anchorage for vessels in transit. Quillian Bay has long been used by the commercial fishing fleet as an anchorage during commercial salmon openings. Park status for this area will not only provide for public and recreational needs, but will also help insure that these lands will be managed in a manner compatible with the goals of the proposed fish hatchery and commercial fishing industry. South Esther Island represents an important base of operations for excursions in the Port Wells area, Port Nellie Juan area and Culross Passage.



Suprise Cove

Township 8 North, Range 6 East, Seward Meridian

- Section 21: SE $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$
- Section 22: SE $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$
- Section 23: W $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ NW $\frac{1}{2}$
- Section 26: W $\frac{1}{2}$ W $\frac{1}{2}$
- Section 27: All
- Section 28: S $\frac{1}{2}$, NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$
- Section 29: SE $\frac{1}{2}$ SE $\frac{1}{2}$
- Section 34: N $\frac{1}{2}$ N $\frac{1}{2}$
- Section 35: NW $\frac{1}{2}$ NW $\frac{1}{2}$



Alaska Marine Park System

Name	Size	
Surprise Cove	land	1,425
	water	855
	total	2,280

General Location

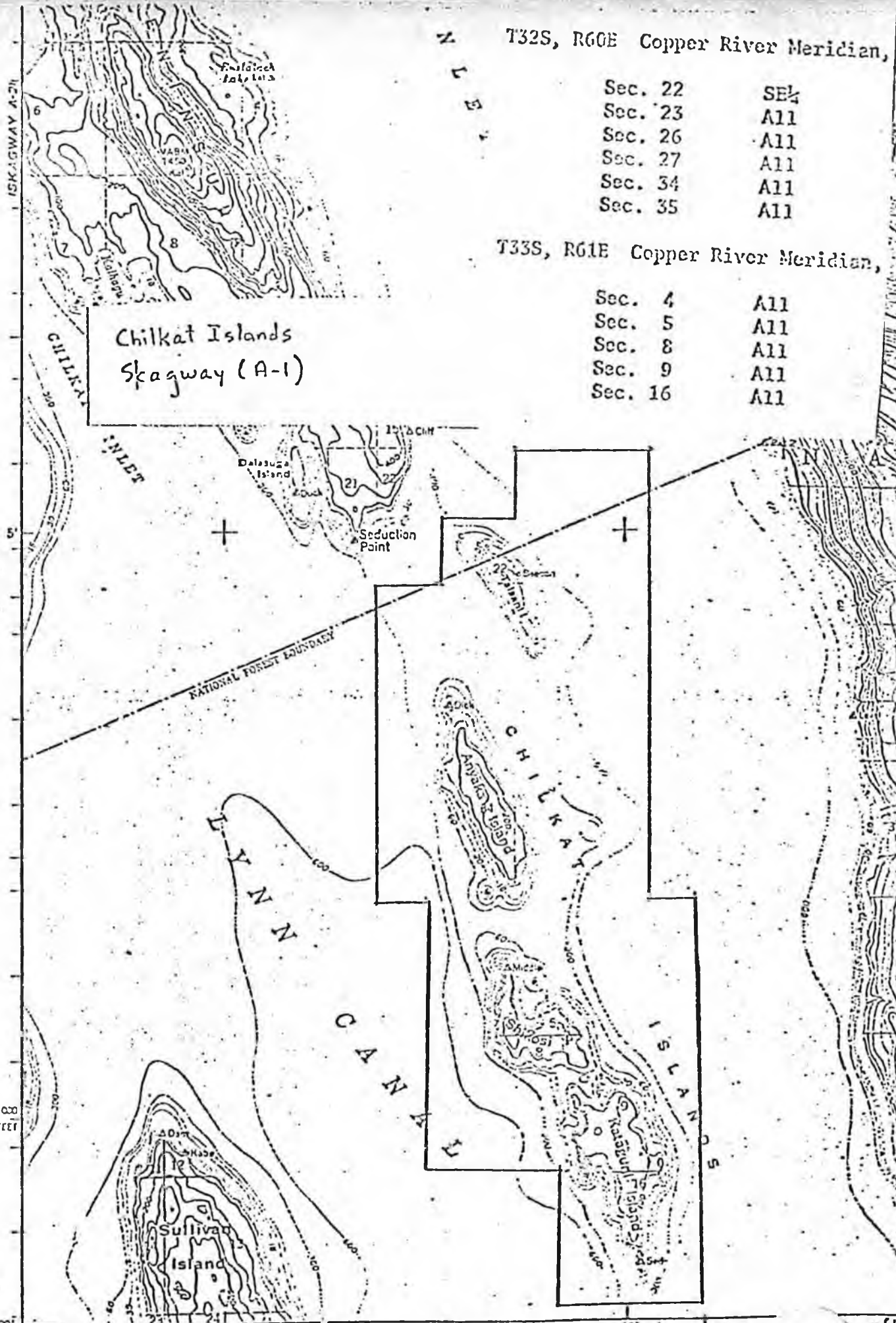
Approximately 15 air miles east of the city of Whittier by boat, Surprise Cove is conveniently located along a major route of pleasure boats between Whittier and western Prince William Sound and is at the entrance to Cochrane Bay.

Description of the area

Surprise Cove contains two small embayments off of Cochrane Bay. Two fresh water lakes are also contained within the unit. Surprise Cove offers a well protected anchorage for pleasure boats. Mountain goats are found on the peaks near the cove. Porpoise are often observed at Point Cochrane. A small beach near the entrance to the cove is suitable for a beach campsite for kayakers.

Reason for Marine Park Status

The strategic location of Surprise Cove along a heavily travelled pleasure boat route, as well as its unique scenic values and recreational opportunities make this area a prime candidate for status as a state marine park. The cove receives heavy weekend overnight use by boaters originating from Whittier. On occasion, up to seven or eight boats may be observed in the cove at one time.



T32S, R60E Copper River Meridian,

Sec. 22	SE 1/4
Sec. 23	A11
Sec. 26	A11
Sec. 27	A11
Sec. 34	A11
Sec. 35	A11

T33S, R61E Copper River Meridian,

Sec. 4	A11
Sec. 5	A11
Sec. 8	A11
Sec. 9	A11
Sec. 16	A11

Chilkat Islands
Skagway (A-1)

Alaska Marine Park System

Name	Size	
	land	503
Chilkat Islands	water	6,057
	total	6,560

General Location

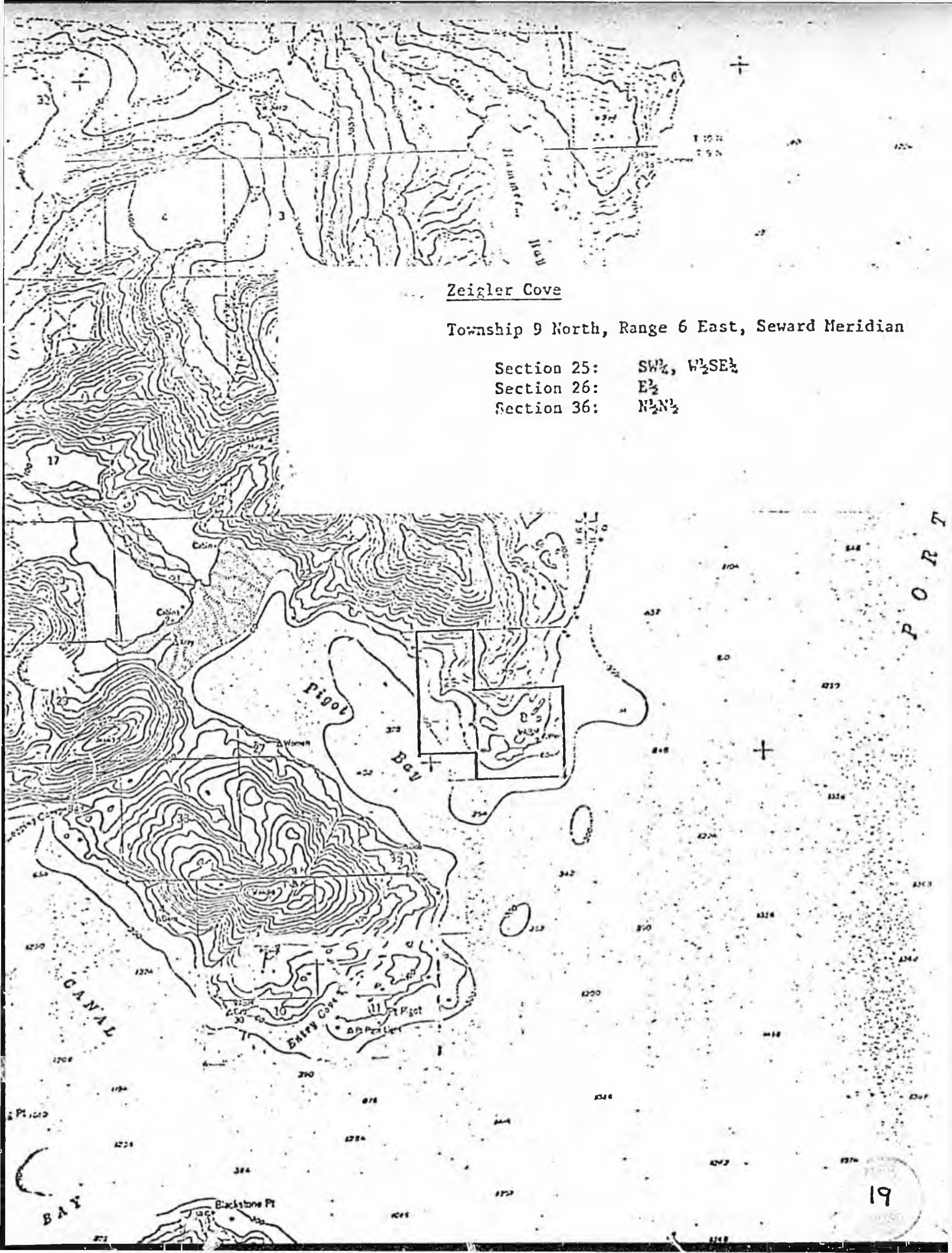
The Chilkat Islands are located 13 miles south of Haines by boat. The islands are located directly off the tip of the Chilkat Peninsula which is an existing state park (Chilkat State Park).

Description of the area

Four small islands comprising 503 acres in total are included within the proposed park. The islands are forested with Sitka spruce and hemlock. These islands are accessible during a day or afternoon of boating from the boat launch located in Chilkat State Park. Reasonably well protected anchorages occur in several locations and could possibly be enhanced with mooring buoys.

Reason for Marine Park Status

The designation of these islands as a state marine park will compliment the existing recreational opportunities found in Chilkat State Park. This designation would also assure continued public use of these islands while maintaining their natural setting. The islands are close to Chilkat State Park and the community of Haines. With the existence of state park facilities and staff on the Chilkat Peninsula, it is expected that these islands can be managed as a state park unit with minimal additional operating expense. The islands offer an excellent opportunity for kayaking, boating, fishing, beachcombing and camping.



Zeigler Cove

Township 9 North, Range 6 East, Seward Meridian

Section 25: SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$
Section 26: E $\frac{1}{2}$
Section 36: N $\frac{1}{2}$ N $\frac{1}{2}$

P O R T

Alaska Marine Park System

Name	Size	
Zeigler Cove	land	305
	water	415
	total	720

General Location

Zeigler Cove is located approximately 14 miles east (by boat) from the city of Whittier. It is located on the northern shore of the entrance to Pigot Bay, a bay on the west side of Port Wells.

Description of the area

Zeigler Cove offers a small but very well protected anchorage for pleasure boaters. The cove is located on a forested and low-lying point extending into both Pigot Bay and Port Wells. Waters near Zeigler Cove offer numerous attraction to sport anglers. Red snapper, Halibut, Pink, Chum and King salmon, as well as Dungeness Crab are found in Pigot Bay.

Reason for Marine Park Status

Zeigler Cove is a traditionally used anchorage for pleasure boaters originating out of Whittier. The cove provides an excellent protected anchorage as well as opportunities for hiking in the uplands.

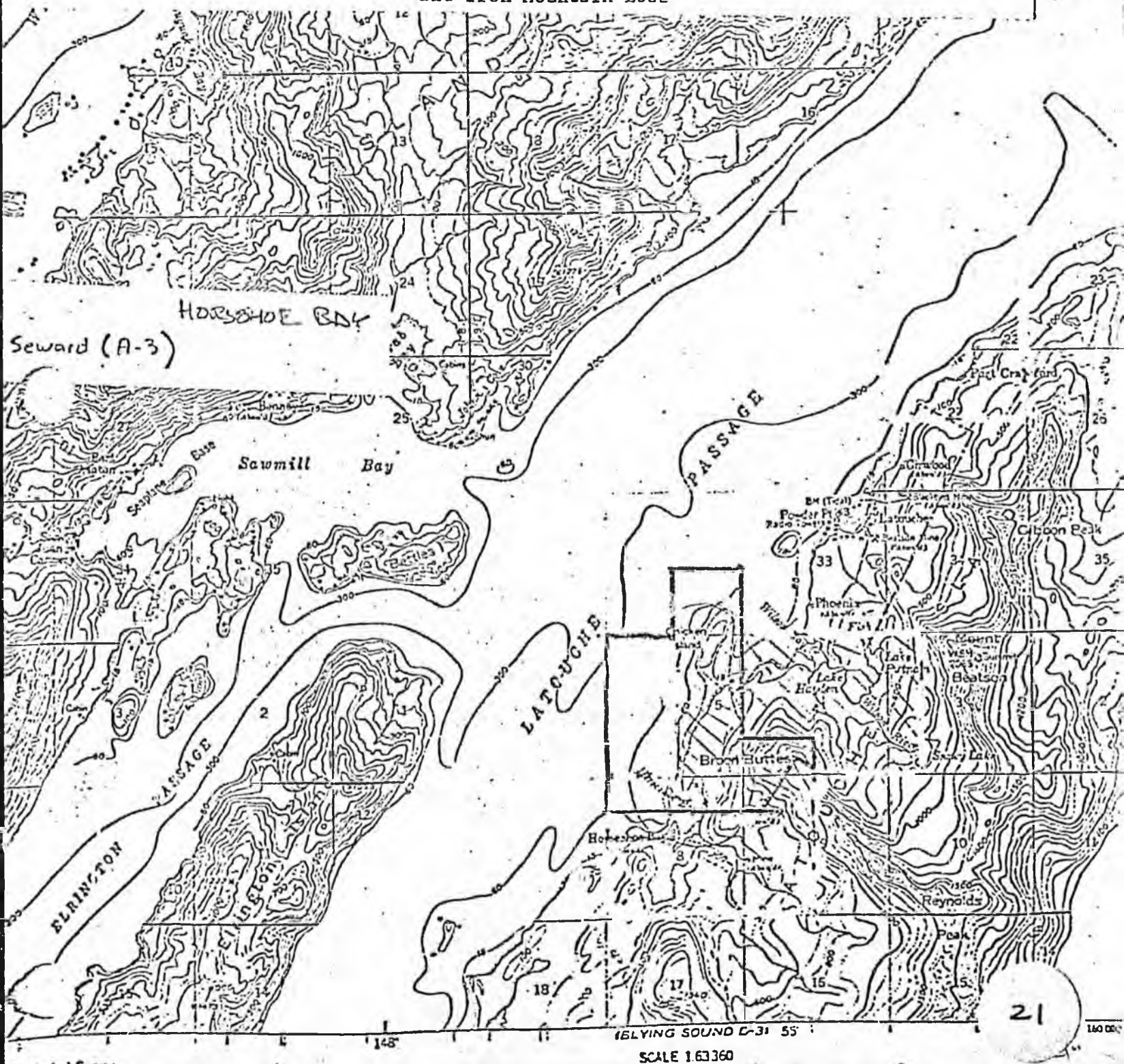
Horseshoe Bay

Township 1 South, Range 9 East, Seward Meridian

Section 3⁰ SE $\frac{1}{2}$

Township 2 South, Range 9 East, Seward Meridian

- Section 4: S $\frac{1}{2}$ SW $\frac{1}{2}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode
- Section 5: All
- Section 8: N $\frac{1}{2}$ excluding Iron Mountain Lode No. 11 and Iron Mountain Lode No. 10
- Section 9: NW $\frac{1}{4}$ NW $\frac{1}{2}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode



Alaska Marine Park System

Name	Size	
Horseshoe Bay		286
	land	684
	water	970
	total	

General Location

Horseshoe Bay is located in southwestern Prince William Sound. It is approximately half way between Seward and Whittier by boat.

Description of the area

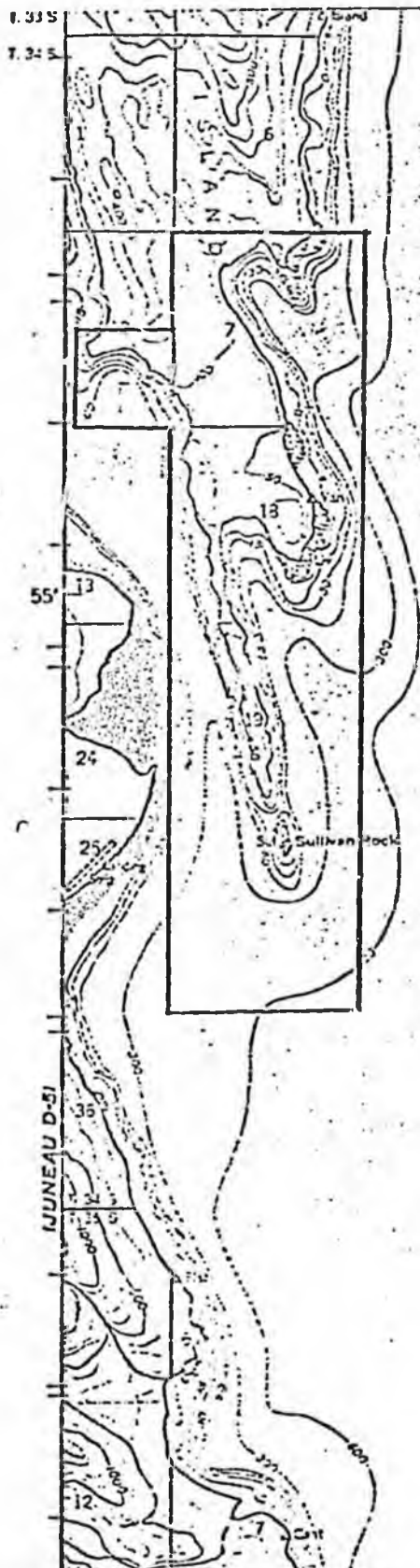
Although somewhat exposed to southwesterly winds, Horseshoe Bay offers the most protected anchorage along the Latouche Island shoreline. Horseshoe Bay and Latouche Island area are quite scenic with nearby peaks rising up to 2,000 feet. The old gold mining town of Latouche, located two miles to the northeast, has been subdivided for recreational homesites. The Alaska legislature has appropriated funds to develop a public boat harbor at Latouche. Private lands to the south of the proposed park are expected to be subdivided and offered for sale in 1983. All other lands on Latouche Island, except for a forty acre parcel at the southwest tip of the island, are or will soon be privately owned. Chugach Natives, Incorporated recently received the bulk of the island as part of its land entitlement under the Alaska Native Claims Settlement Act. The area has excellent opportunities for hiking and climbing the nearby Broon Buttes. Whales, seals, and sea lions frequent Latouche Passage.

Reason for Marine Park Status

This area is proposed for marine park status because it is the best anchorage on Latouche Island and one of the last two remaining parcels of public property on the island. The bay offers the opportunity to provide not only public park lands for future residents of the island, but also for visitors to the island.



Sullivan Island
Petersburg (D-4)



T34S, R60E Copper River Meridian, Alaska

Sec. 12 SE

T34S, R61E Copper River Meridian, Alaska

Sec. 7 All
Sec. 18 All
Sec. 19 All

Alaska Marine Park System

Name	Size	
Sullivan Island	land	618
	water	2,102
	total	2,720

General Location

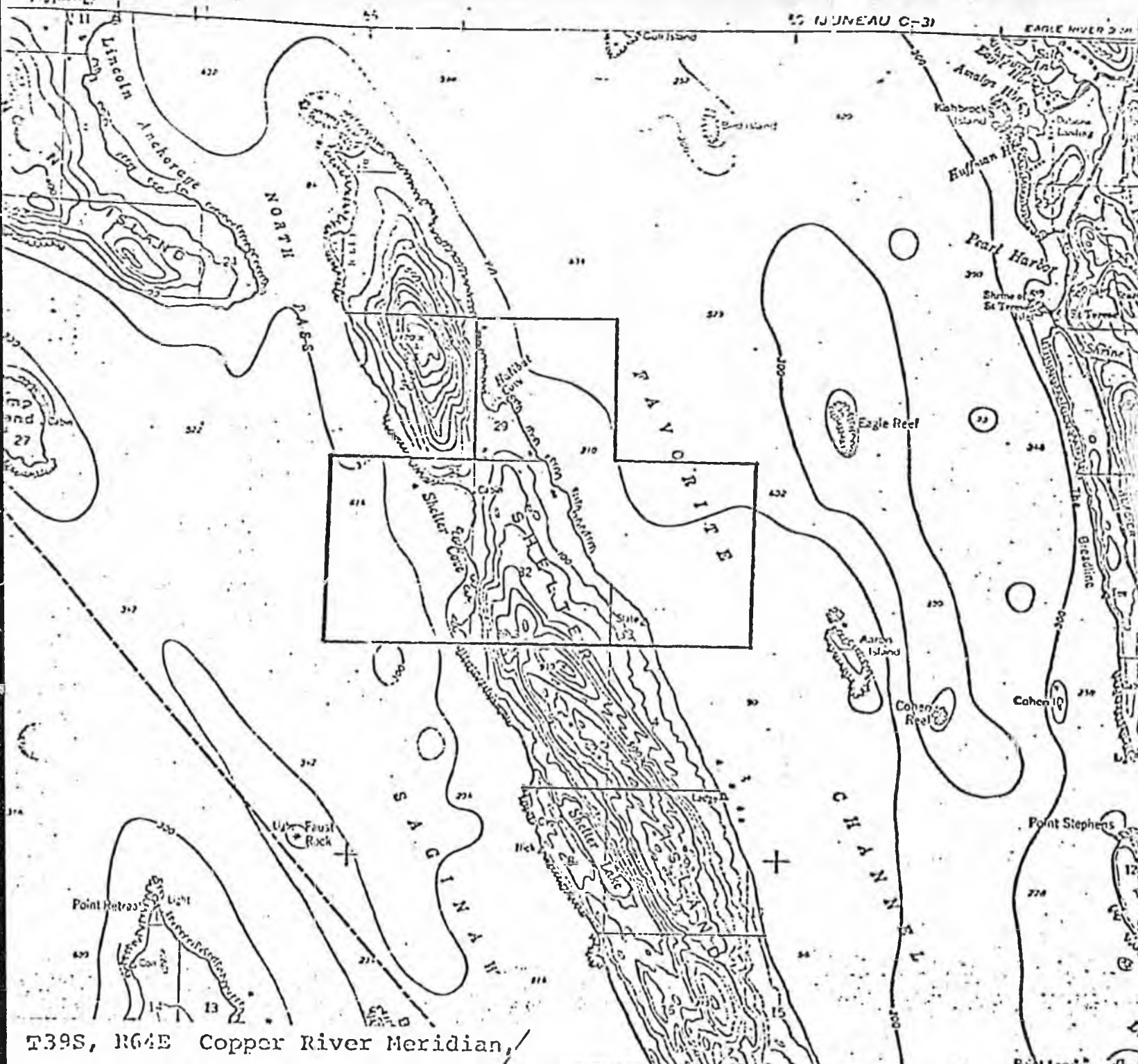
Sullivan Island is located in Lynn Canal approximately 19 miles south of Haines. The area proposed for park status is located six miles south of the Chilkat Islands.

Description of the area

The southern tip of Sullivan Island which is proposed for marine park status is a three-mile long peninsula extending due south in Lynn Canal. This area is comprised of old growth of Sitka spruce and hemlock forests and a number of gravel beaches. Protected moorage can be found within the area. Sullivan Island provides a link for pleasure boaters traveling between Juneau and Haines. Salmon and halibut fishing are an established use of this area. fishing, boating, picnicking, beachcombing and camping are all possible uses of this area. The area is popular for deer hunting.

Reason for Marine Park Status

This area is proposed for marine park status because of its strategic location along the Haines-Juneau boating route, its existing use for recreation and opportunities for enhancing this use.



T39S, R64E Copper River Meridian,

- Sec. 29 All
- Sec. 31 All
- Sec. 32 All
- Sec. 33 All

Juneau-Shelter Is.
Juneau (B-3)

And excluding USS 356, containing 5.97 acres, more or less, lying within Sec. 32, T39S, R64E Copper River Meridian; and those portions of USS 355, containing 3.29 acres, more or less, lying within Sec. 29, Sec. 31, Sec. 32, T39S, R64E CRM.

Said exclusions containing a total of 9.26 acres, more or less.

Alaska Marine Park System

Name	Size	
	land	298
Shelter Island	water	2,262
	total	2,560

General Location

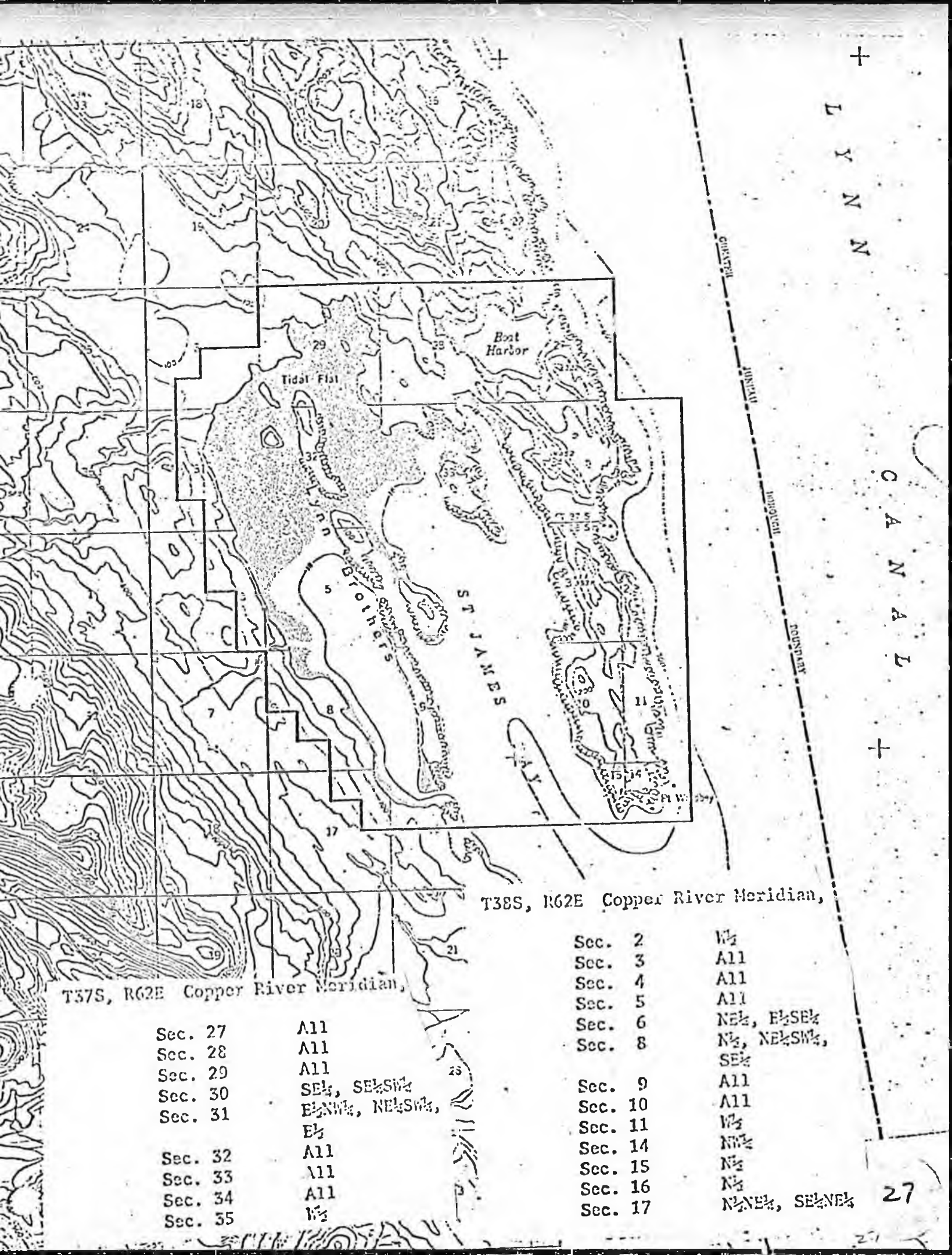
Shelter Island is located six miles west of Tee Harbor (Juneau). The island is located approximately 20 miles to the northwest by small boat from downtown Juneau.

Description of the area

The area proposed for a state marine park is located in the north central portion of Shelter Island. The area includes Hand Troller Cove (also called Shelter Cove) on the western side of Shelter Island and Halibut Cove on the eastern or Tee Harbor side of the island. A nine-unit picnic facility has been developed within the area proposed for park status. This area is used by Juneau residents for both evening and daytime trips. The area offers opportunities for kayaking, boating, fishing, diving, beachcombing, picnicking and hiking. In the fall this area offers opportunities to hunt for Sitka blacktail deer. The area is forested with old growth Sitka spruce and hemlock.

Reason for Marine Park Status

This area has been recommended as marine park in the Juneau Area Recreation Plan which was completed in June of 1982 as a cooperative interagency planning effort. Marine Park status for this area would both assure continued public use as well as the ability of the state to develop and manage it for public recreation opportunities.



L Y N N

C A N A L

T37S, R62E Copper River Meridian,

Sec. 27	A11
Sec. 28	A11
Sec. 29	A11
Sec. 30	SE $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 31	E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
Sec. 32	A11
Sec. 33	A11
Sec. 34	A11
Sec. 35	W $\frac{1}{2}$

T38S, R62E Copper River Meridian,

Sec. 2	W $\frac{1}{2}$
Sec. 3	A11
Sec. 4	A11
Sec. 5	A11
Sec. 6	NE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
Sec. 8	N $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$
Sec. 9	A11
Sec. 10	A11
Sec. 11	W $\frac{1}{2}$
Sec. 14	NW $\frac{1}{4}$
Sec. 15	N $\frac{1}{2}$
Sec. 16	N $\frac{1}{2}$
Sec. 17	N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NE $\frac{1}{4}$

Alaska Marine Park System

Name	Size
St. James Bay	land 3,385
	water 6,835
	total 10,220

General Location

St. James Bay is located on the west side of Lynn Canal 12 miles northwest of Tee Harbor (Juneau) and approximately 42 miles south of Haines.

Description of the area

The area possesses numerous protected beaches, tidal flats, and is forested with old growth, Sitka spruce. St. James Bay is both a destination recreational area as well as an overnight stop for boaters enroute between Haines and Juneau. Kayaking, boating, fishing, beachcombing, hiking, camping and picnicking are all existing uses of this area. It is within an easy day travel by boat from Juneau. Alaska Department of Fish and Game has identified Saint James Bay as the best waterfowl habitat and hunting area on Lynn Canal. Populations of black and brown bear and mountain goats exist within the area and to the west in the Chilkat mountain range.

Reason for Marine Park Status

This area is proposed as a unit of the marine park system because of the existing use by pleasure boats and high natural and scenic resource values. This area has been proposed for marine park status in the Juneau Area Recreation Plan (an interagency planning effort completed in June of 1982).

MEMORANDUM

State of Alaska

Division of Geological and
Geophysical Surveys

DATE: November 19, 1982

TO: Scott Christy

FILE NO:

TELEPHONE NO: 274-9681

FROM: G.H. Pessel
Geologist VI

SUBJECT: Evaluation of Marine Park
Proposals in Prince William
Sound

The following is a very quick and preliminary summary of the proposed marine parks in the Prince William Sound area with respect to possible conflicts with mineral resources

BETTLES BAY: At least two small mines and possibly three exist within the proposal, and the largest lode gold mine in the area, Granite Mine, is located within two miles. These gold occurrences are not particularly important in an economic sense, but conflicts could exist if the owners of the claims were to decide to resume activity. The ultimate potential of this type of mine is not probably not very great (USGS), but the mines do exist.

DECISION POINT- no conflicts

ENTRY COVE- no conflicts

SAWMILL BAY- Some small scale lode gold mining activity took place in this area between 1910 and 1940. The economic potential is probably not very great, but status on the claims has not been checked out.

SHOUP BAY- same comments as apply to Sawmill Bay.

ESTHER ISLAND- no conflict

SURPRISE COVE- no conflict

ZIEGLER- some low-grade potential for lode gold exists in the area. The USGS reference maps show this as being within an area with some gold potential.

HORSESHOE BAY- This proposal has the greatest potential conflict. The area is located on Latouche Island, near the area where a large amount of mining took place prior to World War II. The mines were producing massive sulphides, mostly copper, and considerable amounts of accessory gold. The potential within this particular block of land is not known, and without considerable research in the literature and perhaps some field work, the mineral resources of the area cannot be ascertained with any certainty. However, it does lie within a region where the USGS thinks that at least two more major discoveries could be made. The claim status in the area should also be checked out.

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL & GEOPHYSICAL
DATE: November 19, 1982 SURVEYS

TO: Scott Christy
Special Assistant to the Director

FILE NO:

TELEPHONE NO: 474-7147

FROM: Tom Bundtzen, Geologist
Fairbanks

SUBJECT: Evaluation of Marine
Park Proposals in
Southeast Alaska

The following is a brief summary of mineral appraisal in five marine parks, Southeast Alaska.

Oliver Inlet: No conflicts.

Comment: Strataform massive sulfide belt on west side of Seymour Canal; host lithologies are nearby.

Shelter Island: No conflicts.

Comment: In Juneau Cold Belt, but so far no claim filing on Shelter Island and no known mineral occurrences.

Chilkat Island: No conflicts.

Comment: Part of a mineralized silurian clastic sequence in southeast Alaska.

Sullivan Island: No conflicts.

Comment: Only fair mineral potential.

St. James Bay: A major gold deposit is being developed by St. Joe American Corporation on the south side of William Henry Bay. The deposit is considered to have a good chance for production and several million dollars have been expended since 1978. The southern limit of their claim blocks is only about 2 miles from the northern boundary of the marine park. Past production in gold exceeded 20 M.P. in 1982 at prices wh 13. St. James Bay is one of the only sheltered bays on Lynn Canal. If resource development was to occur St. James Bay could possibly be utilized in such a short time frame, I haven't been able to check this out with company officials.

TE/plc

note: A phone conversation with a representative for the new owners of these properties (Canal Land Co, Fred Eastough Esq.) has determined that William Henry Bay will be where access would be developed, not Saint James Bay.

- Linda Everett, Liv. of Parks
3/21/83

Alaska State Legislature

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ROBERT H. ZIEGLER, SR., Vice Chairman
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PAUL FISCHER
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(907) 465-3834
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Senate Committee on Resources

March 28, 1983

Memo

To: Senate Resources Committee Members
From: Senate Resources Committee Staff
Subject: SB 128, Marine Parks

On Wednesday, March 23, the Committee took testimony on SB 128 and adopted a committee substitute incorporating changes recommended by the Division of Parks. The Committee is scheduled to take final action on the bill at its meeting Monday, March 28, at 3:00pm in the Beltz Room.

In order to clarify the intent of the bill staff recommends the following additional amendments to the CS:

On page 2, lines 16-19 make the following changes:

"(d) The commissioner of natural resources may not restrict the exercise of [fishing or hunting] hunting, fishing or trapping rights permitted under law or under a regulation of the Board of Fisheries or the Board of Game within a marine park unit of the Alaska state park system."

On page 9, lines 8-10 delete subsection (d) as follows and add a new subsection

"(d) [the regulations governing public use of the Marine Park Units of the Alaska state park system shall provide reasonable access for legal hunting, fishing and trapping and other recreational uses.]

Reasonable access shall be permitted in and across marine park units of the Alaska state park system for lawful hunting, fishing, trapping and recreational purposes. "

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LYNN CANAL CONSERVATION, INC.

POST OFFICE BOX 521
HAINES, ALASKA 99827

March 18, 1983

Senator Fischer
Pouch V
Juneau, Alaska 99811

Re: Senate Bill No. 128 (Alaska Marine Parks System)

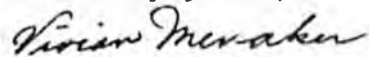
Dear Senator Fischer:

We support creation of the Alaska Marine Parks System (Bill No. 128). We recognize the value of disposal of state land for private ownership. We also believe that multiple use of our state land for resource extraction or consumption is an important factor for a healthy economy. However, we strongly feel that recreational land must be preserved in its most natural state to fill the need for enjoyment and nourishment, mentally and physically, for us, for our children and for their children.

Lands which have been state selected and classified for public use should continue to remain for their designated purposes, and not locked up from our use in private ownership.

With the increasing importance of the contribution of tourism to our state's economy, the Alaska Marine Parks Bill will assure that we continue to provide quality recreational areas for enjoying the natural beauty of our state.

Sincerely yours,



Vivian Menaker, Pres.

CC: Senators Bennett, Eliason, Ferguson, Gilman, Josephson,
Hoss, Rodney, Sturgolewski, Bill sponsors.
Senator Jalmar Kerttula, President
Representative Peter Goll, Resources Committee

SENATE AMENDMENT

By Senator Fairbank

To: _____ SENATE BILL No. CSSE 128 (Res)

To: _____ HOUSE BILL No. _____

PAGE: 3

LINE: 20

Delete [.] and insert or mineral claims and leases.

CS SB 128, MARINE PARKS

YOU SHOULD PROBABLY MOVE AND ASK UNANIMOUS CONSENT THAT THE COMMITTEE SUBSTITUTE FOR SB 128 BE ADOPTED.

SEN. FISCHER WILL BE PREPARED TO SPEAK TO THE OVERALL PURPOSES AND GOALS OF THE BILL.

YOU MIGHT MENTION THE FOLLOWING PROVISIONS INCLUDED IN THE CS WHICH ADDRESSED PARTICULAR CONCERNS RAISED BY YOU AND THE COMMITTEE:

- THIS YEAR'S BILL INCLUDES ONLY SITES IN STATE OWNERSHIP, VIRTUALLY ALL WITHIN DAY'S TRAVEL OF MAJOR COMMUNITIES OF WHITTIER, VALDEZ, AND JUNEAU.
- HUNTING, FISHING, AND TRAPPING WOULD BE FULLY PERMITTED AND REMAIN UNDER CONTROL OF FISH AND GAME BOARDS AND DEPARTMENT.
- AQUACULTURE FACILITIES WOULD BE ALLOWED IN PARK UNITS.
- ACCESS ACROSS PARK UNITS TO REACH PRIVATE LANDS, AND FOR HUNTING, FISHING AND OTHER USES IN ADJACENT AREAS FULLY PERMITTED.
- BOUNDARIES HAVE BEEN DRAWN TO EXCLUDE KNOWN MINERAL AREAS, AND GENERALLY INCLUDE ONLY RELATIVELY SMALL LAND AREAS AROUND SMALL BAYS AND COVES.

AMENDMENT

MOVE AND ASK FOR UNANIMOUS CONSENT TO ADOPT THE AMENDMENT WHICH WOULD ADD THE WORDS "OR MINERAL CLAIMS AND LEASES" AFTER THE WORDS "PRIVATELY OWNED LAND" IN THE PROVISION TO ASSURE ACCESS ACROSS PARK UNITS. THIS LANGUAGE WAS IN THE CS PASSED OUT OF COMMITTEE BUT WAS INADVERTENTLY DELETED IN LEGAL. APPEARS ON PAGE 3, LINE 20 OF THE BILL.

rec 3-10

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 128 Date on Bill: _____
Title: "An Act establishing certain areas as marine park units of the Alaska state park system"
Sponsor: Fisher, et al.
Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	0	0	0	0

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: William C. Bivin Phone: 465-2018
Division: Office of Special Industrial Projects Date: _____

Approved by Commissioner: Richard A. Lyon Date: _____
Department: Commerce and Economic Development

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: S.B. 128 Date on Bill: 2/16/83
 Title: An Act Establishing Marine Park Units
 Sponsor: V. Fischer et al
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating	-0-	59.3	62.9	66.6
Total	-0-	59.3	62.9	66.6

b. Revenues:

Revenue	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----

2. Source of funds to offset fiscal impact of bill:
 Information not provided by Legislator.

3. Assumptions:

No savings to State; no loss of revenues.

Operating costs would be for the preparation of a management plan for the units of the Alaska Marine Parks System. The plan would include identification of recommended funding levels for development and operations of the system. Upon completion of the management plan, operating costs identified above would be used in support of field level management.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Alan H. Meiners Phone: 264-2114
 Division: Parks Date: 3/18/83

Approved by Commissioner: James D. Amundson Deputy Date: 3/22/83
 Department: Natural Resources

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

adopted

2

SENATE AMENDMENT *AM #2*

By *Vic Fischer*
Hatford

To: _____ SENATE BILL No. CSSB 128 (Res)

To: _____ HOUSE BILL No. _____

PAGE: _____ LINE: _____

Page 3, lines 20-25 make the following changes:

"The commissioner of natural resources shall permit adequate and feasible access across state land within a marine park unit of the Alaska state park system to and from private land or mineral claims and leases within or outside a unit [if the commissioner of natural resources determines that the access is reasonably necessary to the development of the private land.]. In the granting of such access the commissioner of natural resources may adopt reasonable regulations to protect the natural and other values of the marine park unit lands and water."

Page 9, lines 4-6 make the following changes:

"The commissioner of natural resources may prohibit or restrict by regulation incompatible uses within the [areas] state-owned land and water described in AS 41.20.534."

Page 9, lines 7-10 make the following changes:

"Discharge of a firearm is permitted in [an area] state-owned land and water described in AS 41.20.534 unless the [area is] land or waters are closed by regulation of the commissioner of natural resources for public safety [and other management] purposes.

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Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

March 15, 1983

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SB 136

The subcommittee has taken testimony and recommends replacing SB 136 with CS SB 136(Res) and reports CS SB 136(Res) back to the committee as a whole with the following recommendations.

Members	Recommendation
Senator Mulcahy	<u>Do Pass But. Fahrenkamp</u>
Senator Eliason	<u>" " " " " "</u>
Senator Gilman	<u>Do Pass Eliason</u>

SELECTED ALASKA STATUTES

PROVISIONS. The Board of Fisheries may provide for the purposes of secs 180-230 of this chapter, migratory fish and migratory shellfish in the manner, means, conditions governing the manner, means, conditions and migratory shellfish applicable in

PROHIBITED. It is unlawful for a person to fish in high sea areas designated by the Board of Fisheries. Regulations promulgated by the Board of Fisheries for migratory fish and migratory shellfish in the manner, means, conditions governing the taking of migratory fish or migratory shellfish.

OFFER PROHIBITED. It is unlawful for a person to sell in the state migratory fish or migratory shellfish if they were taken in violation of a rule or regulation governing the taking of migratory fish or migratory shellfish as provided by the board or the commissioner.

VIOLATION OF SEC 200 OR 210 OF THIS CHAPTER. Any person who violates sec 200 or 210 of this chapter is guilty of a misdemeanor and is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both.

PROHIBITION OF KING, DUNGENESS OR TANNER CRAB. It is unlawful to export or send from this state any live king crab, dungeness crab, species *Cancer magister*, or species *Paralithodes tanneri*, except that all of these species may be packed for export.

VIOLATION OF SEC 240 OF THIS CHAPTER. Any person who violates sec 240 of this chapter is guilty of a misdemeanor and is punishable by a fine of not more than one year, or by both. Each vessel and equipment used in or on the water in violation of this chapter is grounds for suspension of the license of the holder of the license of Fish and Game.

WEIGHT OF THE POUND. (a) A primary buyer shall determine the average weight of the fish to be purchased shall be determined by the buyer and seller agree in writing upon the average weight of the fish to be purchased.

VIOLATION OF SEC 130 OF THIS CHAPTER. Any person who violates sec 130 of this chapter is guilty of a misdemeanor and is punishable by a fine of not more than one year, or by both.

RELATIONSHIP BETWEEN FISHERMEN AND FISH PROCESSORS. There shall be no relationship between at least one third of the fishermen and fish processors as certified by the Department of Fish

and Game, and fish processors on the price to be paid for salmon, and no agreement has been reached up to 120 days before the opening of the salmon fishing season in that area, a representative from the Department of Labor shall intervene as mediator of the dispute upon request of either party.

SEC 16.43.140. PERMIT REQUIRED. (a) After January 1, 1974, no person may operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

- (1) fishing more than one type of gear;
- (2) fishing in more than one administrative area;
- (3) harvesting particular species for which separate interim-use or entry permits are issued.

SEC 16.43.150. TERMS AND CONDITIONS OF ENTRY PERMIT; ANNUAL RENEWAL. (a) Each entry permit authorizes the permittee to operate a unit of gear within a specified administrative area.

(b) The holder of an entry permit shall have the permit in his possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

(d) Failure to renew an entry permit for a period of two years from the date of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause.

(e) An entry permit constitutes a use privilege which may be modified or revoked by the legislature without compensation.

(f) An entry permit survives the death of the holder.

(g) Except as provided in AS 16.10.333-16.10.337, and in AS 44.81.230-44.81.250 an entry permit may not be:

- (1) pledged, mortgaged, leased, or encumbered in any way;
- (2) transferred with any retained right of repossession or foreclosure, or
- (3) attached, distrained, or sold on execution of judgment or under any process of order of any court.

(h) Upon the death of an entry permit holder, the permanent permit shall be transferred by the commission directly to the surviving spouse by right of survivorship unless a contrary intent is manifested. When no spouse survives, the rights of the decedent pass as part of his estate.

SEC 16.43.170. TRANSFER OF ENTRY PERMITS. (a) Except as provided in AS 16.10.333-16.10.337, and in AS 44.81.230-44.81.250 entry permits and interim use permits are transferable only through the commission as provided in this section and sec 130 of this chapter and under regulation adopted by the commission.

(b) Except as provided in (c) of this section, the holder of an entry permit may transfer his permit to another person or to the commission upon 60 days notice of intent to transfer under regulations adopted by the commission. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of an entry permit may transfer his permit if the proposed transferee, other than the commis-

GENERAL PROVISIONS

(26) an abalone iron is a flat device used for taking abalone and which is more than 1 inch (25mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth.

Authority: AS 16.05.251(a)(4)

5 AAC 39.107. OPERATION OF NET GEAR. (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time.

(b) The person who holds a valid interim-use or entry permit card for any net gear shall be physically present during the operation of the gear.

(c) Each interim-use or entry permit holder shall personally operate or assist in the operation of the net gear. "Personally operate or assist in the operation" means being physically present at the net gear site and operating net gear or assisting or supervising some portion of the immediate fishing operation.

(d) No person may operate or assist in the operation of fishing net gear unless the interim-use or entry permit card holder for that gear is in compliance with (c) of this section.

Authority: AS 16.05.251(a)(4)

5 AAC 39.110. CREWMEMBER FISHING LICENSE REQUIREMENTS. (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Not more than one crewmember fishing license may be obtained by a person during any one calendar year.

(c) A crewmember licensee who does not hold a valid interim-use or entry permit card may crew in any fishery if the holder of a valid interim-use or entry permit card for that fishery is present and actively engaged in the operation of a fishing gear.

(d) A valid interim-use or entry permit card holder may crew in any fishery

(e) In this section "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(2) and "present and actively engaged in the operation of" means being present at the gear site and operating gear or assisting or supervising some portion of the immediate fishing operation.

Authority: AS 16.05.251(a)(4),(5),(12)
AS 16.05.450
AS 16.05.480

5 AAC 39.115. DESIGNATION OF SALMON NET REGISTRATION AREA. A person who holds salmon net gear permits for more than one registration area listed in sec. 120(d) of this chapter shall designate upon a form provided by the Commercial Fisheries Entry Commission the specific area in which he desires to net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit.

Authority: AS 16.05.251(4),(5)and(12)

KODIAK
SALMON

AND LOW WATER MARKS) Set gill nets shall be operated in substantially a straight line. No more than 25 fathoms of each net may be used as a single hook. The inshore end of the set gill net shall be attached to the shore above the mean low water mark.

Justification: In most places on Kodiak Island the beaches are shallow at low water and the seine lead has to be longer so that the net does not come in contact with the bottom to catch unwanted species. It would also keep the net off of the rocks and barnacles and save the fisherman from having to repair his net as often.

Proposed by: James P. Yatsik (333)

148

5 AAC 18.331. GILL NET SPECIFICATIONS AND OPERATION. (Regulation page 61). Require that gill net permit holder be present at main camp or general vicinity of gear.

The proposed regulation reads as follows:

5 AAC 18.331. GILL NET SPECIFICATIONS AND OPERATION. The aggregate length of set gill nets used by an individual may not exceed 150 fathoms. No more than two set gill nets may be operated by the individual holding the valid interim-use or entry permit card for that gear. Seine webbing may be used on the shore end between high and low water marks. Set gill nets shall be operated in substantially a straight line. No more than 25 fathoms of each net may be used as a single hook. The inshore end of the set gill net shall be attached to the shore above the mean low water mark,

The permit holder must be present at the main camp of the gill net operation or in the general vicinity of the set net gear.

Justification: A housekeeping proposal to clarify the traditional methods of set gillnetting on Kodiak Island. The idea is to bring the regulations into agreement with what is actually taking place in the set gillnet fishery.

Proposed by: Sid Omlid (327)

149

5 AAC 18.331(61) Adds a definition of single hook.

The proposed regulation reads as follows:

5 AAC 18.331 GILL NET SPECIFICATIONS AND OPERATION. The aggregate length of set gill nets used by an individual may not exceed 150 fathoms. No more than two set gill nets may be operated by the individual holding the valid interim-use or entry permit card for that gear. Seine webbing may be used on the shore end between high and low water marks. Set gill nets shall be operated in substantially a straight line. No more than 25 fathoms of each net may be used as a single hook. The inshore end of the set gill net shall be attached to the shore above the mean low water mark. A single hook is defined as a change in only one direction from the main body of the net such that the end of the net does not point back toward the body of the net forming a trap or a bag.

Justifications:

Preston
39.107
Toll

GENERAL PROVISIONS

(26) an abalone iron is a flat device used for taking abalone and which is more than 1 inch (25mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth

Authority: AS 16.05.251(a)(4)

5 AAC 39.107. OPERATION OF NET GEAR. (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time

(b) The person who holds a valid interim-use or entry permit card for any net gear shall be physically present during the operation of the gear.

(c) Each interim-use or entry permit holder shall personally operate or assist in the operation of the net gear. "Personally operate or assist in the operation" means being physically present at the net gear site and operating net gear or assisting or supervising some portion of the immediate fishing operation.

(d) No person may operate or assist in the operation of fishing net gear unless the interim-use or entry permit card holder for that gear is in compliance with (c) of this section.

See Amendment

Authority: AS 16.05.251(a)(4)

5 AAC 39.110. CREWMEMBER FISHING LICENSE REQUIREMENTS. (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Not more than one crewmember fishing license may be obtained by a person during any one calendar year.

(c) A crewmember licensee who does not hold a valid interim-use or entry permit card may crew in any fishery if the holder of a valid interim-use or entry permit card for that fishery is present and actively engaged in the operation of a fishing gear.

(d) A valid interim-use or entry permit card holder may crew in any fishery.

(e) In this section "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(2) and "present and actively engaged in the operation of" means being present at the gear site and operating gear or assisting or supervising some portion of the immediate fishing operation.

Authority: AS 16.05.251(a)(4),(5),(12)

AS 16.05.450

AS 16.05.480

5 AAC 39.115. DESIGNATION OF SALMON NET REGISTRATION AREA. A person who holds salmon net gear permits for more than one registration area listed in sec. 120(d) of this chapter shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit

Authority: AS 16.05.251(4),(5)and(12)

12/5/82

GENERAL PROVISIONS

116

5 AAC 39.107. (b) (c) OPERATION OF NET GEAR. (Regulation page 125) and 5 AAC 39,108. (a) (b) (c) OPERATION OF FISHWHEELS. (New Section). Specify that stationary salmon gear may be unattended in the Kotzebue-Northern Area, Norton Sound-Port Clarence Area, Yukon Area and Kuskokwim Area.

The proposed regulation reads as follows:

5 AAC 39.107. OPERATION OF NET GEAR.

(b) The person who holds a valid interim-use or entry permit card for any net gear shall be physically present during the operation of the gear except that salmon set gill net gear may be unattended in the Kotzebue-Northern Area, Norton Sound-Port Clarence area, Yukon Area and Kuskokwim Area.

(c) Each interim-use or entry permit holder shall personally operate or assist in the operation of the net gear. "Personally operate or assist in the operation" means being physically present at the net gear site and operating net gear or assisting or supervising some portion of the immediate operation except that salmon set gill net gear may be unattended in the Kotzebue-Northern Area, Norton Sound-Port Clarence Area, Yukon Area and Kuskokwim Area.

5 AAC 39.108. OPERATION OF FISHWHEELS.

(a) The person who holds a valid interim-use or entry permit card for a fishwheel shall be physically present during the operation of the gear except that fishwheels may be unattended in the Kotzebue-Northern Area, Norton Sound-Port Clarence Area, Yukon Area, and Kuskokwim Area.

(b) Each interim-use or entry permit holder shall personally operate or assist in the operation of a fishwheel. "Personally operate or assist in the operation" means being physically present at the fishwheel site and operating fishwheel or assisting or supervising some portion of the immediate fishing operation except that fishwheels may be unattended in the Kotzebue-Northern Area, Norton Sound-Port Clarence Area, Yukon Area, and Kuskokwim Area.

(c) No person may operate or assist in the operation of a fishwheel unless the interim-use or entry permit card holder is in compliance with (b) of this section.

Justification: In the Arctic-Yukon-Kuskokwim region salmon fishermen traditionally are not continuously physically present at their fishing sites when stationary gear is operating. Commercial salmon fishing periods are up to 48 hours in duration and fish camps are often several miles from fishing sites. Requiring fishermen to be continuously present at their fishing sites (A.S. 16.05.253) would cause an unnecessary inconvenience. This proposal does not adversely affect the conservation of the resource, development of the commercial fishery or the subsistence fishery.

GENERAL PROVISIONS

(1) have participated during the previous season in the fishery for which he is requesting an extension;

(2) have applied, before the registration deadline, for an interim-use or entry permit and vessel license for the fishery for which he is requesting an extension; and

(3) provide written documentation that will substantiate the reasons that registration was not completed by the deadline.

Authority: AS 16.05.065

AS 16.05.051 (a) (3), (4), (5), (7) and (12)

5 AAC 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS AND FISHERMEN. (a) Each person, company, firm or other organization who is the first purchaser of raw fish, or who catches and processes, or has processed his own fish or byproducts of fish shall:

(1) furnish to the department each calendar year before operating a written statement of intent to operate with a description of the nature, extent and location of the operation on forms available from the department, forms will not be processed and fish tickets will not be issued without certification that surety bonds as required by AS 16.10.290-296 have been posted with the Commissioner of Labor and that a valid Alaska Business License or Fisheries Business License has been issued by the Department of Revenue;

(2) submit, no later than April 1, an operator's accurate and complete summary of activity for each Intent to Operate form filed for the previous year or a signed statement of nonactivity on forms available from the department;

(3) furnish, verbally or in writing, purchasing or production records as requested by the department or its representative.

(b) Each buyer of raw fish and each fisherman selling to buyers not licensed to process fish, and each person or company who catches and processes his own catch or has that catch processed by another person or company shall keep a record of each landing on ADF&G fish tickets. Fish tickets must be submitted to a local representative of the department at least once a week, or as otherwise specified by the department for each particular area and fishery. The operator of any fishing vessel whose port of landing is in the United States but outside Alaska, or who sells, transfers or delivers fish in the Seaward Biological Influence Zones shall submit a completed ADF&G fish ticket, or an equivalent document containing all of the information required on an ADF&G fish ticket, to the department before the fish are transported out of the jurisdiction of the state. The record must include the following:

(1) the name of the individual or company buying the fish, the processor code assigned to each buyer by the department, and the signature of the buyer or his representative;

✓(2) the full name and signature of the permit holder;

(3) the name of the Coast Guard number of the vessel employed in taking the fish;

(4) the date of the landing of the fish;

1982 Fish Regs

Yakalaga district of the Yakutat

AC 12 100 and 09 100)
June 30, the Cinder River and
August 1 through December 31,
the Alaska Peninsula Area (5 AAC

must be kept immediately available
upon request to any peace of-

halibut fishing.
ing vessels are as follows:

essel that is to be used to take
at vessel with the department,

oth a hand troll and a power troll
ing a form provided by the depart-

non troll fishing vessel must be

operator of any fishing vessel that
gear shall register that vessel by
EC vessel license application or

ffective December 31, 1982
05 251(a) (2), (4), (5) and (12)
15 490
15 510

for an extension of registration
shall

GENERAL PROVISIONS

(5) the permanent vessel license plate number, or for set gill nets and fishwheels, the fisherman's five digit CFEC permit serial number;

(6) the type of gear by which the fish were taken;

(7) the nearest headland or bay or statistical catch area in which the fish were taken;

(8) information applicable to the following species:

(A) the number and pounds of salmon by species;

(B) the number and pounds of king, dungeness and Tanner crab;

(C) the pounds of other fish or shellfish by species;

(9) the Commercial Fisheries Entry Commission permit number of the operator of the unit of gear with which the fish were taken, imprinted on the fish ticket from the valid permit card, the imprinting requirement of this paragraph may be suspended by a local representative of the department after presentation by the fisherman of documentation from the department or the Commercial Fisheries Entry Commission that the permit card has been lost, transferred or destroyed. If the above suspension is granted, then the buyer or fisherman shall write the permit number on the fish ticket;

(10) other information the department may require.

(c) Each fisherman shall furnish to the buyer factual catch data necessary for completion of reports required by the department.

(d) Each shellfish fisherman shall furnish in writing to the department, directly or through the buyer, data necessary for reports required by the department.

(e) The following information regarding the transporting of unprocessed fish shall be transmitted to an authorized representative of the department either verbally, in writing or by telephone:

(1) the number and species of salmon taken in any regulatory area shall be reported before being transported to any other area out of the state;

(2) the numbers or pounds by species of all other fish shall be reported before being transported out of the state.

(f) Operators of floating fish processing vessels shall report in person, or by radio or telephone to the local representative of the department located within the management area of intended operation before the start of processing operations. The report must include the initial processing location by district or subdistrict, the exact latitude and longitude of the location and the date of intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local department representative in person, or by radio or telephone of the new location of operation by district or subdistrict and exact latitude and longitude of the location. The local representative of the department may waive all or part of the above requirements if he determines they are not necessary for the conservation or management of the fishery in that area.

GENERAL PROVISIONS

(g) In the Arctic-Yukon-Kuskokwim organization who or which purchase their by-products shall submit to the commercial salmon and salmon roe purchaser or processor of commercial fish the department at least 24 hours before it was taken.

5 AAC 39.140. INSPECTION. Representatives of the department shall inspect and approve the plans for all canneries, salteries and other processing facilities.

5 AAC 39.145. ESCAPE POTS. A side wall of all shellfish traps having a perimeter equal to or exceeding 100 feet and an opening must be laced, sewn or stapled with natural fiber no larger than 120 thread. Pot lid tie-down straps secured to the pot lid shall be of larger than 120 thread, as a safety device.

5 AAC 39.150. EXPLOSIVES. The use of an explosive, chemical or other prohibited substance is prohibited, except that chemical substances may be used for the purpose of testing traps.

5 AAC 39.155. SEINE DRUMS. No drum shall be used aboard any seine vessel a seine drum.

5 AAC 39.160. MAXIMUM LENGTH. The maximum length of a seine vessel may be longer than 100 feet overall length, except vessels registered in the state before January 1, 1965.

5 AAC 39.165. TRAWL GEAR. No trawl gear for any commercial fishing purpose shall be used.

(1) Hinchinbrook Entrance Tanner crab fishing season in the area bounded by 147° W long to Johnstone Point, 147° 30' W long to Middle Point, east of a line from Middle Point to 146° 50' W long, north a line from Middle Point to Zaikol Bay and Port Etches.

57)

ve ceased fishing when all the rings are out of

ed to have d fishing when both ends of

ave ceased fishing when all of the lead line is

ed, a purse seine vessel may not have or use
depth, without purse rings attached, and with a

Authority: AS 16.05.251(4)

REGULATIONS AND OPERATION. (a) The maximum
ted from any salmon troll vessel is as follows:

lines except that no more than six lines may
ward Biological Influence Zone north of the
Spencer.

gurdy one line to which multiple leaders and

one line with no more than one leader with no
hooks per leader.

rods or an aggregate of two hand troll gurdies

or use for taking bait, a fishing rod equipped
of mesh size of no more than 2 1/2 inches and
0 gill net thread

all vessel must display its permanent vessel
symbols of black on a white background. Each
ches in height, with lines at least one inch in
red on both sides of the cabin or hull so as not
I be displayed at all times until the end of the

GENERAL PROVISIONS

(d) Each registered hand troll vessel must display the letters HT in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least eight inches in height, at least one half inch in width, plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year. No hand troll vessel may display its permanent vessel license (ADF&G) number in any location other than on the vessel license plate

(e) No more than six troll gurdies may be mounted on board any salmon power troll vessel. No more than two troll gurdies and four fishing rods may be on board any salmon hand troll vessel.

(f) No salmon power troll vessel may be used to take salmon with had troll gear once that vessel has been licensed and marked as required in (c) of this subsection.

(g) Only single hooks may be on board any salmon troll vessel or used in taking of salmon.

(h) For purposes of this section:

(1) a troll gurdy is a spool type device designed to deploy and retrieve troll lines, weights and lures and does not include a reel attached to a fishing rod.

(2) a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

(3) a fishing rod is a tapered often jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered reel used to deploy and retrieve the trolling line.

(4) a downrigger is a device designed to be used with a fishing rod to deploy a troll line to a selected depth and retrieve the downrigger line and weight.

(5) a downrigger is a troll gurdy.

Authority: AS 16.05.251(a) (4), (5) and (7)

✓ 5 AAC 39.280. IDENTIFICATION OF STATIONARY FISHING GEAR. (a) The owner or operator of a set gill net or fishwheel in operation shall place in a conspicuous place on or near the set gill net or fishwheel the name of the fisherman operating it, together with the fisherman's five digit CFEC permit serial number. Numbers must be at least six inches in height with lines at least one inch wide and of a color contrasting with the background. The identification name and numbers for fishwheels must be placed on the side of the fishwheel facing midstream of the river.

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gill net in operation shall have at each end of the set gill net a red keg, buoy or cluster of floats or in the case of set gill nets anchored to land shall have a red keg, buoy or cluster of floats at the outer end of the net. The kegs, buoys, or cluster of floats must be plainly and legibly marked with the fisherman's five digit CFEC permit serial number

Authority: AS 16.05.251(a) (5)

Alaska State Legislature

BETTYE FAHRENKAMP
CHAIRMAN
ROBERT H. ZIEGLER, SR.
VICE-CHAIRMAN
DICK ELIASON - PAUL FISCHER
VIC FISCHER - BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: March 25 Hearing
DATE: March 24, 1983

On Friday, March 25 at 3:00 pm in the Beltz Room, the following bills will be heard:

SB 120 AN ACT RELATING TO SOIL AND WATER CONSERVATION.

The sponsor of SB 120 has requested that the Committee consider Sponsor Substitute for SB 120 in lieu of the original bill.

SSSB 120 creates the Soil and Water Conservation Board in place of the Soil Conservation Board, and replaces the current system of one Soil Conservation District (which includes the area of the entire state) divided into subdistricts, with a system of Soil and Water Conservation Districts.

The membership of the Board is increased to allow for appointment of 1 member from each of 5 geographic areas of the state; each board member must be a producer of renewable resources and have a cooperative agreement with a soil and water conservation district, rather than possessing land as is currently required. The Board's advisory duties are increased to allow them to hold public hearings and to review appeals. The Commissioner of DNR is authorized to appoint an executive director and clerical staff to assist the Board.

The following 3 bills have passed out of the Resources Subcommittee on Fisheries. Recommendations of the Subcommittee have been incorporated into draft Committee Substitutes, which will be discussed by Senator Mulcahy, Subcommittee Chairman, at the hearing.

CSSB 73 AN ACT RELATING TO COMMERCIAL FISHING LOANS, which changes the residency requirement for a commercial fishing loan from 5 years to 2 years.

CSSB.136 AN ACT RELATING TO THE OPERATION OF STATIONARY FISHING GEAR, which provides exemptions to the present requirement that a permit holder be physically present during the operation of stationary fishing gear.

CSSB 156 AN ACT RELATING TO THE SALE, LEASE OR GRANT OF STATE HATCHERY FACILITIES, which allows the Commissioner of Fish and Game to sell, lease, or grant a state hatchery facility to a qualified regional aquaculture association.

The following two bills will also be heard:

SR 2 RELATING TO THE CROSS ISLAND WELL

SR 2 resolves that the North Slope Borough not impose restrictions in addition to those already required by the state on the operator of the Cross Island Well in the Beaufort Sea.

SB 151 AN ACT RELATING TO REGIONAL RESOURCE DEVELOPMENT AUTHORITIES.

The Committee will be considering further a Committee Substitute for SB 151. Additional amendments to the CS are still being prepared, and will be submitted to you under separate cover prior to Friday's hearing.

It is hoped that final Committee action could be taken on several of these bills.

STATE OF ALASKA

DEPARTMENT OF LAW

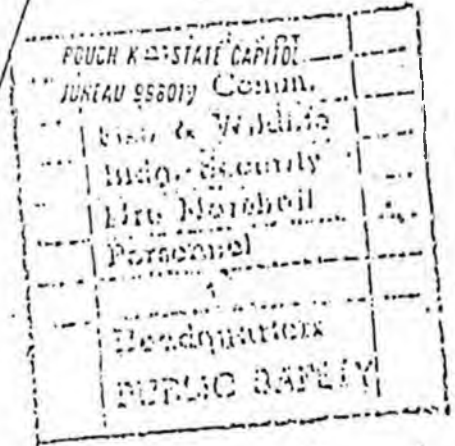
OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, Governor

August 6, 1975

Honorable Richard L. Burton
Commissioner
Department of Public Safety
State of Alaska
450 Whittier Street
Juneau, Alaska 99811

Re: Chapter 130, SLA 1975
AS 16.05.540
AS 16.43.140
5 AAC 21.330
20 AAC 05.100



Dear Commissioner Burton:

This is in response to your request of July 15, 1975, for an opinion regarding the requirements of Chapter 130, SLA 1975 and other applicable statutes and regulations as they apply to the operation of set nets.

Chapter 130 amends AS 16.05.540, imposing certain conditions on the issuance of gear licenses, and the related prohibitions statute, AS 16.05.670(e). The language which is in need of interpretation is as follows:

"Each applicant shall personally operate or assist in the operation of the licensed fishing gear. 'Operating or assisting in the operation of licensed fishing gear' means being present at the gear site and operating, assisting, or supervising the immediate fishing operation."

We concede that, given the frequency of family-operated set net sites, a number of hypothetical situations come to mind which do not appear to be clearly prohibited or condoned by Section 540, as amended. Consequently, there will continue to be many instances where it will be up to the judgment of the protection officer in question as to whether a citation should be issued. Nevertheless, while this statute does not draw distinct, identifiable lines as to conduct proscribed, we believe that a number of general principles may be derived from its language. These principles should provide reasonably adequate guidelines to protection officers investigating set net operations.

Physical Presence

Section 540 first requires that the gear license holder be "present at the gear site". Standing alone, this provision is rather difficult to interpret, since it has no relation to what the licensee is doing at the time. It relates merely to the geographical location of the licensee with respect to the geographical location of the set net. Consequently, this language must be read in conjunction with the other dictates of

--2--
Section 540.

Operation, Assistance, or Supervision

Section 540 also specifies that the licensee be engaged in one of three functions while being physically present at the gear site: operation of the gear, assistance in the operation of the gear, or supervision of the operation of the gear. "Operation" and "assistance" would, if anything, be stricter standards of behavior than "supervision", so we will concentrate on the meaning of supervision.

On the one side, the Legislature has recognized the practicalities of set net operations. As you correctly pointed out, they did not elect to follow the extremely stringent requirements laid out in State v. Eppes. Consequently, it is apparent that they expected that while other members of the family might be engaged in the actual deployment of the net, the licensee might be involved in preparing meals, repairing a vessel, or other support functions which, although not directly connected to the physical maneuvering of the gear itself, are part of the maintenance of the family lifestyle on the set net site. As a result, we do not interpret "supervision" to mean that the licensee must be in physical contact with the fishing gear at all stages of operation. "Supervision", as that term is generally understood, does not necessarily require that the supervisor have constant, direct involvement and command of the operation of the net itself.

On the other hand, "supervision" clearly contemplates that the supervisor shall, at all times, exercise control over the activity being supervised. Moreover, Section 540 requires that "supervision" be exercised over the "immediate fishing operation" [emphasis added], and there is no provision or expectation that the licensee be able to delegate his supervisory responsibilities to a subordinate. Thus, Section 540 dictates that supervision be exerted over more than merely the general family activities at the set net site: it must be over the immediate fishing operation, which is synonymous with the physical operation of the set net gear. Therefore, while the licensee need not be literally standing over his assistants while they operate the net, the combination of (1) required physical presence at the gear site and (2) of required supervision of the immediate fishing operation means that the licensee must be immediately available to make any decision or handle any emergency which may arise, and must be capable of arriving in very short order to take charge of the situation.

In summary, while the licensee might legitimately be on the beach mending a net or collecting firewood, he cannot be out of the area where taking immediate command of the actual fishing activity is not possible. Therefore, the following guidelines are applicable:

1. The licensee must, at all time., be within sight or earshot of the assistants actually operating the gear.
2. The licensee's assistants must be able to attract the licensee's attention immediately.

Honorable Richard L. Burton

August 6, 1975

-3-

3. The licensee must be able to arrive at the actual location of the net in time to make any of the many decisions which are involved in successfully operating a set net.

4. If the licensee cannot comply with all three of the above at any time, operation of the set net must be terminated during that time.

In the context of the foregoing requirements, the question arises as to what, if any, demands are placed on the licensee by the subject statute when the net is merely in the water entangling fish and is not being handled in any manner by the licensee or his assistants. Our response is that we do not construe Section 540 as requiring the physical presence of the licensee during these periods of time. "Operate", as employed in this statute, is synonymous with "tending". That "operate" was not intended by the Legislature to contemplate all facets of "deployment" (any time the gear is in the water) is clear by analogy to AS 16.05.630. Read together, Sections 540 and 630 require that a gear licensee "operate or assist in the operation of" shellfish pots, which by their nature are stationary, unattended gear. Certainly the Legislature did not desire physical presence during all phases of shellfish pot deployment, since to do so would render shellfish fishing economically and logistically impractical.

Limited Entry Definitions

Your memorandum also cited 20 AAC 05.100(a) and (b), which in effect requires the entry permit holder for a set net to be "present and actively engaged in the operation of the gear". Note that this language parallels that in AS 16.43.140. While at first glance this may appear to be a stricter standard than that set forth in AS 16.05.540, the inherent ambiguities in the phrase "actively engaged" do not support such an interpretation. There is no indication that the Legislature meant "actively engaged" to demand the manner of participation described in State v. Eppes. As a result, we would make applicable to this section the same construction and guidelines which we set out above for Chapter 130, SLA 1975, amending AS 16.05.540.

Board of Fish and Game Regulation

5 AAC 21.330, a regulation adopted by the Board of Fish and Game, contains somewhat different wording than that found in AS 16.05.540, as amended. This regulation was approved by the Board in 1974 to provide some resolution of the set net operation problem in the event the bill which ultimately became Chapter 130 was not passed by the Legislature. Aside from its grammatical improvements over the wording of Chapter 130, however, it possesses no differences in substance.

SB 136 AN ACT RELATING TO THE OPERATION OF STATIONARY FISHING GEAR.

SPONSOR: MULCAHY

Amends the statute regarding the operation of stationary fishing gear to include a definition of "physically present" to mean "in the immediate vicinity of the gear". Under current statute, the Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit to be physically present during the operation of net gear or other stationary fishing gear (from a beach or river bank or lake shore).

Spoke with Troy in Sen. Mulcahy's office:

The intent of SB 136 is to statutorily allow permit holders to not be constantly present at their nets. In Kodiak, these fishermen are allowed to have 2 nets, usually set up a couple miles apart. They hire crew to "pick" the nets as soon as the fish hit. Fish and Wildlife Protection has been giving citations to crew members who are "picking" nets when the permit holder is not present.

Under current statute, the permit holder is exempted from being present if he's delivering fish. Troy indicated other exemptions are needed. The AG's current opinion defines "physically present" as within shouting distance. Though vague, "immediate vicinity" is intended to be a broader definition of "physically present".

An additional factor: The Board of Fisheries has adopted regulations in some areas of the State that allow the permit holder to not be physically present during the operation of his stationary fishing gear.

Troy indicated much work is yet to be done on this bill. SB 136 has been referred to the Resources Subcommittee on Fisheries.

SUMMARY OF CS SB 136 (Res)

This bill will provide several exemptions to the present requirement that a permit holder be physically present during the operation of stationary fishing gear (set nets, etc.)

The first exemption is already in the present AS 16.05.253; when going to and from the site of a sale of fish caught in the gear.

The second exemption will allow a person to operate or supervise the operation of another piece of gear that is located in another area of the fishing site. This is necessary as gear may be split up and be several miles apart.

The third exemption is to allow a person to be temporarily absent from the fishing site to perform duties directly related to the operation of the gear. This could include such things as fixing a broken outboard motor, mending web, etc. A person could also be absent from the gear to perform physical needs, such as sleeping or eating.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 136 Date on Bill: 2/22/83
 Title: relating to the operation of stationary fishing gear.
 Sponsor: Mulcahy
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	0	0	0	0

b. Revenues:

	FY 83	FY 84	FY 85	FY 86
Revenue	0	0	0	0

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor.

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Colonel Robert J. Stickley *RJS* Phone: 269-5532
 Division: Fish & Wildlife Protection Date: 3/2/83

Approved by Commissioner: *[Signature]* Date: 3/4/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 3, 1983

465-4322

Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
Pouch V
Juneau, Alaska 99811

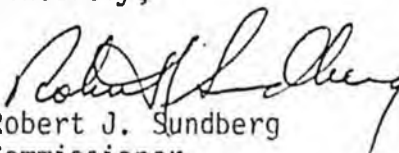
Dear Senator Fahrenkamp:

Re: SB 136

Our main concern with the proposed amendment is what will constitute the "immediate vicinity". Without a definition or statement of fact outlining when a permit holder is considered to be in the immediate vicinity will create confusion for the fishermen, Alaska Department of Fish & Game and Fish & Wildlife Protection personnel.

In addition, the wording of "immediate vicinity" could be found to be vague and open legal interpretation by the courts.

Sincerely,


Robert J. Sundberg
Commissioner

MEMORANDUM

State of Alaska

TO: John Williams
Chairman

DATE: January 25, 1983

FILE NO:

TELEPHONE NO:

FROM: Beth Stewart ^{BTS}
Special Assistant

SUBJECT: ADF&G and CFEC Statutes &
Regulations Concerning Set
Net Operations

The following excerpts from the ADF&G Fishing Regulations and the CFEC statute deal directly or indirectly with the operation of stationary gear.

ADF&G REGULATIONS

5 AAC 39.107. OPERATION OF NET GEAR. basically requires that the interim-use or entry permit holder for any net gear be physically present during the operation of gear and that he or she "personally operate or assist in the operation of net gear."

During the December 1982 Board of Fisheries meeting, the board adopted new sections to this regulation that will exempt A-Y-K set net and fishwheel permit holders from the "physical presence" requirement to the extent that they may leave this gear unattended while it is in the water (see attachment).

5 AAC 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS, AND FISHERMEN requires that the permit holder sign the fish ticket. When viewed together with AS 16.43.150(b) and 5 AAC 39.107, this regulation has caused some problems for Protection because set net operators are required to remain on site with their permit cards in their possession as well as be present during the delivery of fish with their permit cards in hand to imprint and sign fish tickets. In areas where set netters must travel some distance to deliver their fish, this group of regulations and statutes would require the permit holder to pull his gear out of the water while he made his deliveries (see attachment).

5 AAC 39.280. IDENTIFICATION OF STATIONARY FISHING GEAR requires that the gear (buoys) be marked with the permit holder's 5-digit CFEC permit serial number (see attachment).

5 AAC 18.331. GILL NET SPECIFICATIONS AND OPERATION. This regulation is specific to the Kodiak area and reads in part:

"The aggregate length of set gill nets used by an individual may not exceed 150 fathoms. No more than two set gill nets may

be operated by the individual holding the valid interim-use or entry permit card for that gear."

5 AAC 18.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. This regulation is also specific to Kodiak and says, "No part of a set gill net may be set or operated within 900 feet of any part of another set gill net."

CFEC STATUTE

AS 16.43.140. PERMIT REQUIRED. (b) reads, "A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear."

AS 16.43.150. TERMS AND CONDITIONS OF ENTRY PERMIT; ANNUAL RENEWAL. (this is duplicated for IUP's in AS 16.43.220(c))
(b) "The holder of an entry permit shall have the permit in his possession at all times when engaged in the operation of gear for which it was issued."

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

BILL SHEFFIELD, GOVERNOR

POUCH KB
JUNEAU, ALASKA 99811

February 7, 1983

Senator Mulcahy
State Capitol
Pouch U (MS3100)
Juneau, AK 99811

RE: Set net gear operation

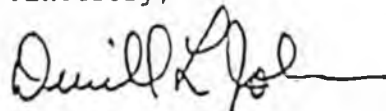
Dear Senator Mulcahy:

At your request Commissioner Williams had staff research last session's proposed Bill CSHB637 and offers the following suggested wording to clarify the operation of set net gear:

*Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. The required physical presence of the permit holder at the site of stationary gear operated from a beach or riparian location will not be construed to mean more than being in the immediate vicinity of the gear. The permit holder is allowed to leave the vicinity only for the purpose of delivering his commercial catch.

Sincerely,



Derrill L. Johnson
Director, Admin. and Operations

DLJ:dan

Attachments

Memo Williams/Stewart 1-25-83 ADF&G & CFEC Statutes & Regs.
Burton/Gross Letter 8-6-75 Chapter 130, SLA 1975
Memo Chuckwuk/Simon 1-21-82 HB 637
Gen. Provisions/pages 163, 167, 168, 175 & Amendment 116

cc: Emil Notti
Legislative Assistant
Office of the Governor
(with attachments)

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SENATE RESOURCES COMM. "TEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 138

BILL NAME: Continuing the Guide Licensing & Control Board & authorizing the Board to license marine mammal guides.

SPONSOR(S): Resources Committee

RELATED BILLS PENDING: SB 139

DATE INTRODUCED: 2-23-83

REFERRALS: Resources

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE: requested Katy Wallen,
Dept. Commerce, 2-24-83

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

+ SB 834 am (H)
+ Gov.'s veto letter
+ Budget & Audit report

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE

- (will not testify) Guy Oliver, Marine Mammal Coordinator, NOAA 586-7441
- (" " ") Ray Gillespie, Governor's office
- (" " ") Mike Stanley, NOAA General Counsel 586-7414
- will- Clark, Engle, 1129 Lana Ct, Anchorage 99504 333-5214 (a guide)
- mailed info to him Lynn Castle, 227 Wedgewood Drive Apt 2N, Fbx 99701 (452-1442)
- AK Professional Hunters' Association

SUBSTITUTES DRAFTED:

Interested: ✓ Andrew ~~Klein~~ Klein guided since 1969
will send written testimony 919 David Place, Anchorage 99501 274-1061

✓ Jim Keeline, registered guide (Ineen) 586-2827

✓ Bob Hinman, ADF & G

✓ Mark Jensen, current Board

call for name ✓ Cot. Sickles - Anchorage, Fair Protection - Paul Conroy
✓ Ham Truaxer - Dept. Commerce, Licensing DIV. - ~~Spoke to Katy Wallen~~
7521

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SCSB NO 138
Title: "Guide Board - Continuation"
Sponsor: Rules Committee
Requestor: _____

II. FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Pub. Protectio
BRU, Program of Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Darrell Miller*
 Prepared By: Darrell Miller Phone: 465-2535
 Division: Occupational Licensing Date: April 4, 1983
 Approved by Commissioner: Richard A. Lyon Date: 4/8/83
 Department: Commerce & Economic Development

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

rec 4-12-83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST
Bill/Resolution No.: HCS CSSB 138
Title: "Guide Board - Continuation"
Sponsor: Resources
Requestor: Rules

II. FISCAL DETAIL
Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Pub. Protection
BRU, Program of Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

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Prepared By: *Darrell Miller*
 Division: Occupational Licensing
 Approved by Commissioner: Richard A. Lyon
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A FOLLOW-UP REVIEW OF THE
GUIDE LICENSING AND CONTROL BOARD
(Originally Released July 17, 1979)

December 21, 1981

Audit Control Number
08-012-0023-R

Commissioner, Department of
Commerce and Economic Development

Charles R. Webber

Commissioner, Department of
Public Safety

William R. Nix

Commissioner, Department of
Revenue

Thomas K. Williams

Members of the
Guide Licensing and Control Board

Chairman
Member
Member
Member
Member
Member
Member

Marcus F. Jensen
Clark Engle
H. Glen Glenzer
Norman G. Sutcliff
Donald Harris
William G. Stroecker
Herbert C. Wiese

ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Session Laws of Alaska and succeeds the Board of Fish and Game, Department of Fish and Game, which previously regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. Two budgeted positions, a Guide Investigator and Administrative Assistant, in the Department of Public Safety, Division of Fish and Wildlife Protection, have been provided to assist in the licensure and investigations of guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations; determine qualifications of guides; establish performance standards and regulate activities; maintain guide registers; prohibit harmful guiding activities; conduct hearings regarding licensure; and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters". A licensed "transporter" is a person who transports hunters for hire.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decision.

Report Conclusion

In our opinion, the Guide Licensing and Control Board should be continued. For the following reasons, we believe the regulation and licensing of guides is needed to protect the public's health, safety and welfare:

- A. This profession involves contracting for hunting game that could result in severe physical harm if practiced by incompetent persons. Potential harmful results include injury or death to the hunter due to neglect or carelessness on the part of the guide.
- B. Other users of game resources, such as the general public and subsistence hunter, can be directly or indirectly affected by guiding activities. For example, overhunting by guides in an area not only depletes the game resources available to the general public but also adversely affects the subsistence hunters in that area.
- C. In order to protect the public without unduly restricting individual rights, AS 16.05.407(a) exempts Alaskan residents from requiring the services of a guide.

While the reasons above indicate that the Board should continue to license and regulate guides, certain changes need to be implemented in order for the Board to more effectively serve the public.

The Board agrees that the transfer of the guides licensing function to the Department of Public Safety would enhance public convenience and be cost efficient. The Board believes legislation should be submitted seeking such a transfer (see Prior Audit Recommendation No. 1).

The Board has proposed changes to the statutes in response to two of our prior audit recommendations. However, the statute changes have not passed and a continued effort will be necessary to provide clear, relevant and workable statutes (see Prior Audit Recommendations No. 2 and No. 3).

The Department of Revenue has developed forms and procedures to collect and account for revenues from guides as required by statute. However, a continued effort will be required to improve the efficiency and accuracy of the reporting system (see Prior Audit Recommendation No. 4).

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated (see Prior Audit Recommendation No. 5).

PRIOR AUDIT RECOMMENDATIONS

Prior Audit Recommendation No. 1

The Guide Licensing and Control Board should seek legislation to have the guide licensing function transferred to the Department of Public Safety.

Staff support for the Guide Licensing and Control Board is currently being provided by two departments: the Department of Commerce and Economic Development (DCED), Division of Occupational Licensing (OL) and the Department of Public Safety (DPS), Division of Fish and Wildlife Protection (F&WP).

Applications for guide licenses are required to be sent to DCED by Alaska Statute 08.01.060. A licensing examiner in the Division of Occupational Licensing (OL) in Juneau receives the application and fees and, upon authorization from the Board, issues the license. The licensing examiner also provides other administrative and clerical support to the Board. In addition, the licensing examiner maintains files on each individual licensee, and copies of the material in the files are sent to the Division of Fish and Wildlife Protection in Anchorage.

The Division of Fish and Wildlife Protection, Investigation Section in Anchorage has two budgeted positions, a Guide Investigator and an Administrative Assistant, assigned to provide assistance in the licensure and investigation of guides. F&WP is also responsible for the enforcement of guide related statutes and regulations. In addition, F&WP maintains current and complete history files on all licensed guides as well as maintaining files on all the exclusive/joint use guiding areas.

Personnel in both OL and F&WP have stated that the licensing and investigative services provided to the Guide Licensing and Control Board should be consolidated within one agency. OL personnel have stated that public convenience and staff availability would be enhanced by the consolidated effort. F&WP personnel believe that the licensing function as well as enforcement would be enhanced by consolidation of the two functions. A reduction in operating costs should result to OL, based on the reduced workload of the licensing examiner, who estimates that she spends approximately 2/3 of her time on Guide Board related matters.

Legislative Audit's Current Position

The Board agrees that the transfer of the guide licensing function to the Department of Public Safety would enhance public convenience and be cost efficient. The Board believes that legislation will soon be submitted seeking such a transfer.

Prior Audit Recommendation No. 2

The Guide Licensing and Control Board should seek legislation to have the "transporter laws" repealed.

The purpose of the "transporter laws" [Alaska Statutes 08.54.142, 08.54.144, 08.54.146 and 08.54.170(c)] is to protect the safety of the citizens of the State and better manage and protect the State's resources by licensing persons who transport hunters for hire so that reasonable standards and guidelines would be met and activities affecting the State's game resources would be more accurately monitored and assessed.

In our opinion, the "transporter laws" are not needed to protect the safety of the public or manage the game resources.

Personnel in the Department of Public Safety, Division of Fish and Wildlife Protection, consider the "transporter laws" confusing and difficult to enforce. In addition, we found the information and reports that transporters are required to file are not being used and are not needed to manage the game resources of the State. Furthermore, air transporters' flying safety qualifications and aircraft safety are regulated by the Federal Aviation Administration.

Legislative Audit's Current Position

The Board has submitted legislation providing that the transporter laws be repealed. The above mentioned statutes are addressed in House Bill 199.

Prior Audit Recommendation No. 3

The Board should continue its efforts to make the statutes more clear, relevant and workable.

Over the past several years the Board has been adopting regulations to make the statutes more clear, relevant and workable. However, we noted several statutes which need further consideration. For example:

- A. AS 08.54.142, 08.54.144, 08.54.146 and 08.54.170(c). As discussed in Recommendation No. 2, the Board should seek legislation to have the "transporter laws" repealed.
- B. AS 08.54.190(a) requires an annual renewal of guide licenses. This conflicts with AS 08.01.100(a) which requires biennial renewal of occupational licenses. It also creates additional administrative effort for both the Division of Occupational Licensing and the licensee, with no demonstrable benefit to the public.
- C. AS 08.54.110(6) pertaining to moral turpitude is considered to be vague and should be repealed as the regulation (12 AAC 38.180) defining unethical activity provides sufficient public protection in this area.
- D. AS 08.54.200(c)(3) is considered to be unduly restrictive because it requires the Board to revoke a guide's license upon two convictions of Federal or State sport fish, game or guide violations regardless of how minor the violations may have been or how long ago they may have occurred.
- E. AS 08.54.130(2) requiring a Class A assistant guide to be under the supervision of a registered or master guide is considered vague. The term "supervision" should be clarified to indicate exactly what constitutes supervision during the conduct of a hunt.

Legislative Audit's Current Position

As a result of the Board's effort, a majority of the statutes listed in the prior audit recommendations are being addressed in pending legislation. However, AS 08.54.110(6) was not addressed and AS 08.54.190(a) was not revised as intended. AS 08.54.190(a) should be revised to require biennial renewal.

We again recommend that the Board should continue its efforts to make the statutes more clear, relevant and workable.

Prior Audit Recommendation No. 4

The Department of Revenue should collect fees from guides as required by statute.

Alaska Statute 16.05.340(e) effective January 1, 1977, requires licensed master and registered guides to pay a fee in the following amounts for each caribou, sheep, moose, brown or polar bear taken on a guided hunt over a specified number:

1. Over 5 up to a total of 10 per season - \$20;
2. Over 10 up to a total of 25 per season - \$100;
3. Over 25 per season - \$500.

Executive Order No. 17 requires the Department of Revenue to collect and account for all revenues incidental to the regulation and management of Alaska's fish and game resources. The Department has not developed forms and procedures necessary to collect and account for revenue under AS 16.05.340(e).

Legislative Audit's Current Position

The Department of Revenue has developed forms and procedures to collect and account for revenue from guides as required by statute. However, these forms and procedures do not guarantee that all appropriate totals are being reported by the guides. Currently, the Department does not have an efficient means of performing cross checks and follow-up procedures for unreturned forms or forms that are improperly filled out.

We recommend that the Department continue their effort to improve the efficiency and accuracy of the reporting system.

Prior Audit Recommendation No. 5

The Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing's (OL's) budget document.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL establishes its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance.

Legislative Audit's Current Position

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated. The Division of Occupational Licensing has informed the Board of the need for well formulated objectives to provide a basis for judging the Board's accomplishments.

We again recommend that the Board establish formal goals, objectives and quantifiable measures to be included in the budget documents.

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

January 18, 1982

RECEIVED

JAN 19 1982

LEGISLATIVE
AUDIT

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

I would like to reply to your letter of January 15 concerning the audit of the Guide Licensing & Control Board.

Recommendation No. 1, Page 5, proposes to transfer the function of our board to the Department of Public Safety. At the last meeting our board voted unanimously to support this transfer if we had the concurrence of the board of the Alaska Professional Hunters Association. It is my understanding that the APHA board has met with the Department of Public Safety, and concurred in this transfer. Further action now will have to come from the Legislature.

Recommendation No. 2, Page 6, the Guide Board has continually supported repeal of the transporter law. We hope this is included in guide legislation this session.

Recommendation No. 3, Page 6, Nos. A, B, C and D on Page 7, should be addressed in the guide legislation of H.B. 199, this session. We have supported changes in all the above items.

Concerning "E," Page 7, which deals with supervision of Class A guides, the board members have discussed this item a number of times and could not come up with any improved wording. In the discussion it was pointed out that the master or registered guide signing client contracts is responsible for the action of his guides in the field. It was thought that being overrestrictive in wording would hinder normal operations and not really be of any benefit. I would recommend this objection be cancelled.

January 18, 1982

If the Legislature acts on the above items, I am confident that corrections will be made in those listed above.

Recommendation 4, Page 7, I feel that the collection of funds by the Department of Revenue is strictly that department's problem. In my opinion, the requirement is not a good one as it just penalizes a few guides and does not raise any amount of money.

Recommendation No. 5, Page 8, the board should establish formal goals, objectives and quantifiable measures....I am very much in favor of our board being checked and rated as to performance. To establish prior goals and then be rated as to accomplishment is very difficult in our case. The board's yearly objectives and goals are very consistent except in extreme cases. These goals include giving guide tests, ruling on petitions from guides, which include a variety of things, ruling on applications by guides for areas and transfer of areas. Sitting as a jury on violations is also one of our yearly duties. The scope of this workload is not known by the board until we listen and we act on them.

Our guide board is probably different than other state boards because it works on a one-to-one basis with over 300 registered guides and over 500 assistant guides. As chairman I have been on the board since 1973 and have never missed a meeting. Our board is a very hard working board and I want everyone to know it. To give our board some accurate performance rating I would recommend that your audit department get answers to some of the following questions I pose:

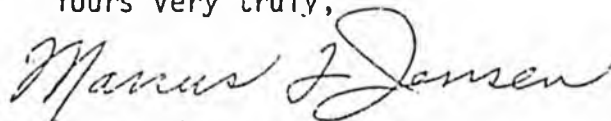
1. Is our mail answered promptly?
2. Does the board attendance show that they start at 8:30 a.m. and work a full day?
3. Does the board work evenings to expedite its workload?
4. Is the yearly workload kept current?
5. Is the board acting responsibly and consistently in judging violation cases?
6. Does the board have the respect of the heads of departments, i.e., Fish & Games Protection (and staff), Director of the Division of Occupational Licensing and staff, Governor's Office and staff, legal staff?
6. Have transcripts of meetings been checked to determine workload?
7. Does the board meet and act on emergencies?

January 18, 1982

As chairman I would like to point out that all board members have been very willing to put in extra hours when problems must be solved. Just recently the federal government passed a marine mammal bill setting forth standards for the State to meet in event of a transfer to the state. I have submitted letters to you indicating the action the board took to handle this unexpected workload and problem. I think somewhere in this audit this should be mentioned. If the board had not moved on this in the middle of the summer it would have been impossible for us to have had the meeting set up and the input from interested parties whereby guiding standards for the Arctic could have been developed. Just yesterday I was called upon by the legal staff of the State Department of Fish and Game to give them a copy of our proposed regulations, as they were needed as part of their overall marine mammal program that must be submitted to the federal government. If we had waited until now to address this problem, we would have been a year behind time.

I trust my answers to your questions will clear up the various points, but will be glad to discuss any of the above with you at your convenience.

Yours very truly,



Marcus F. Jensen, Chairman
Guide Licensing & Control Board

MFJ/cw#25K1

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

February 1, 1982

RECEIVED
FEB 02 1982

LEGISLATIVE
AUDIT

Mr. Gerald Wilkerson, Director
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811-3100

Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your December 21, 1981, Follow-Up Audit of the Guide Licensing and Control Board. I am pleased to concur with your conclusions that guide licensing is necessary and desirable and that the Guide Licensing and Control Board should be continued.

Before addressing the audit's specific recommendations, I would like to comment on the Board's excellent performance in the recent past. The Board has aggressively and effectively addressed problems resulting from the federal D-2 land withdrawals and the imminent transfer of administrative responsibility for the Marine Mammal Protection Act.

The Board held extensive hearings on the displacement of guides as a result of D-2 land withdrawals. The members conducted a detailed review of assigned exclusive and joint area usage. Areas of nonuse were identified. As a result, 12 previously licensed guides were able to transfer to other areas and 16 new guides were able to have areas.

In anticipation of Marine Mammal Protection Act responsibilities the Board has moved quickly to develop an effective system of licensing for arctic area residents interested in professional marine mammal hunt guiding. With the assistance of the Division of Occupational Licensing the Board secured the necessary monies from the Office of the Governor to have a meeting in Nome on November 28, 1981, to get the local feedback necessary to develop workable regulations and procedures. Assisted in these efforts by Representative Fuller, the Alaska Professional Hunters Association, the Alaska Eskimo Walrus Commission, Kawerak, Inc., the Division of Occupational Licensing, the Department of Law, the Office of the Governor, local officials and Eskimo marine mammal subsistence hunters, the Board has developed a special guide permit system for Arctic Alaska, including draft regulations, special application forms and requirements for licensure.

These efforts are continuing as the Board is focusing on local training needs and on the development of an oral exam for non-English speaking Alaska Natives.

The Board has also distinguished itself in more routine matters. The Board is recognized by the Division of Occupational Licensing as one of the hardest working licensure boards in the State. Their regular meetings often extend into the evening well beyond the scheduled eight hours. Their meetings also show better participation by the general public and the regulated industry than any other licensing board.

Board members have made themselves available to the Legislature as a resource on HB 199 and have worked on an ongoing basis with the Board of Game in the Department of Fish and Game.

The Board's recent record of disciplinary hearings is also worthy of special note. In FY '81 the Board took 35 license violations through the hearing process. Twenty-five of those cases have been totally completed with disciplinary actions taken where indicated.

With the appointment of Ed Shavings of Mekoryuk, the Board assisted in securing its first Native member from Western Alaska.

The following comments address the specific recommendations made in the audit report:

PRIOR AUDIT RECOMMENDATION NO. 1: The Guide Licensing and Control Board should seek legislation to have the guide licensing function transferred to the Department of Public Safety.

Comment: Although the Department of Commerce and Economic Development has enjoyed providing staff support to the Board in the past, and would welcome the opportunity to do so in the future, the Department has no objection to the transfer of full staff responsibilities to the Department of Public Safety.

The Department is concerned that the only substantive information provided in the report to support such a transfer is inaccurate and misleading. The audit report incorrectly indicates that license examiner "spends approximately 2/3 of her time on Guide Board related matters." In the fall of 1978 the auditor was told that the licensing examiner was spending 2/3 of her time on the Guide Board because it was renewal time and because the Guide Board meets frequently in the fall and winter and does not meet in the spring and summer when most guides are working. The auditor was told that over a year period the Guide Board occupied about 1/3 of the license examiner's time then.

At present, the Guide Licensing and Control Board occupies about 1/3 of the examiner's time over a year's period. It is still true that during the winter months and the renewal period a greater proportion of time is spent on the Guide Board. Under the present distribution of workload the License Examiner who staffs with the Guide Board also is responsible for the licensing of Marine Pilots, Concert Promoters, Geologists, Collection Agencies and Collection Agency Operators.

If the license examiner position were transferred with the licensing function to the Department of Public Safety, the other licensing responsibilities could not be redistributed among the existing staff without a significant decrease in service to the public and support to the other licensing boards. Last year the Division of Occupational Licensing was forced to absorb part of the workload of the examiner that was transferred out under similar circumstances with the establishment of the Real Estate Commission.

The Department of Commerce and Economic Development supports any move that enhances public convenience and results in greater cost efficiencies. But the audit report presents no evidence that these would be the results; and, in fact, the opposite will occur if such a move results in a loss of the position from the Division of Occupational Licensing.

PRIOR AUDIT RECOMMENDATION NO. 2: The Guide Licensing and Control Board should seek legislation to have the transporter laws repealed.

Comment: The Department and the Guide Board concur with this recommendation. The department supports the elimination of transporter licensing reflected in HB 199 which is presently under consideration in the Legislature.

PRIOR AUDIT RECOMMENDATION NO. 3: The Board should continue its efforts to make the statutes more clear, relevant and workable.

Comment: The Department concurs with this recommendation. As noted in the audit report, substantial progress is being made in this area.

PRIOR AUDIT RECOMMENDATION NO. 4: The Department of Revenue should collect fees from guides as required.

Comment: The Department of Commerce and Economic Development has no objection to this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 5: The Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing's (O.L.'s) budget document.

Comment: The Department of Commerce and Economic Development concurs with this recommendation. During FY '81 the Division of Occupational Licensing developed an annual report system to be used by all licensing boards to meet the planning, budgeting and reporting requirements under AS 37 and AS 08. This new procedure was based on in-house research and input from the Division of Budget and Management and the Code Revision Commission. Under this procedure each occupational licensing board will be required to submit one annual report by August. The report will cover the preceding fiscal year and will meet all the statutory planning requirements. The license examiners assigned to the boards are being trained to provide the necessary technical assistance to the boards to assure acceptable quality of the annual report document and basic usefulness of the process. If the Guide Licensing and Control Board remains in the Division of Occupational Licensing, it will participate in this uniform reporting system.

Thank you again for the opportunity to respond to the follow-up audit. If I can be of any assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Webber", with a long horizontal flourish extending to the right.

Charles R. Webber
Commissioner

CRW/krb 1/1

DEPARTMENT OF REVENUE

STATE OFFICE BUILDING

POUCH SA - JUNEAU 99811

February 2, 1982

RECEIVED

FEB 03 1982

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

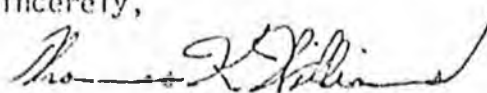
Dear Mr. Wilkerson:

This is written in response to the Preliminary Report entitled: "A Follow-up Review of the Guide Licensing and Control Board" which is dated December 21, 1981. Page 4 of the Report notes that "the Department of Revenue has developed forms and procedures to collect and account for revenue from guides as required by Statute."

However, on page 8, the Report "recommends that the Department continue their effort to improve the efficiency and accuracy of the reporting system." We agree with this recommendation. However, the Report also states on Page 8 that "Currently, the Department does not have an efficient means of performing cross checks and follow-up procedures for unreturned forms and forms that are improperly filled out." We disagree with this comment. The Departments of Public Safety and Fish and Game are contacted often to ascertain if they are applying field controls to Guides which would provide a basis for cross checking with the report content furnished by the guides. No field monitoring program has been established. As for follow-up, contact is attempted with guides who do not report promptly. Should this contact attempt fail, a hold is placed upon issuing the next year's Business License (and the guide is notified of this action) pending receipt and acceptance of the prior year report.

We believe that we are fully administering AS 16.05.340(e). Cross checking with field harvest information data will be applied should it become available.

Sincerely,



Thomas K. Williams
Commissioner
Phone (907)465-2300

TKW:PAW:11

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 5, 1982

Members of the
Legislative Budget and Audit Committee:

We have reviewed the Department of Commerce and Economic Development's and the Department of Revenue's responses to our preliminary report. Our comments follow:

Prior Audit Recommendation No. 1

It is the position of Legislative Audit that transferring the guide licensing function to the Department of Public Safety would be cost efficient and more convenient for the public. The current system requires unnecessary duplication of effort by the Department of Commerce and Economic Development, Division of Occupational Licensing and the Department of Public Safety, Division of Fish and Wildlife Protection.


The Division of Fish and Wildlife Protection must obtain the guide licensing information to aide in the enforcement of the State laws and regulations governing guiding operations. Thus, it would be economical for them to perform the guide licensing function.

We concur that the current license examiner spends about one-third of her time on Guide Board related matters. Thus, if the license examiner position were transferred it would result in an increased workload for the Division's remaining staff.

Prior Audit Recommendation No. 4

We believe that the Department of Revenue is currently performing cross checks and follow-up procedures as efficiently as their current system will allow. Under the current system these procedures are performed manually and due to

time constraints some procedures cannot be performed. The Department is currently in the process of obtaining a computer system which will allow all procedures to be performed efficiently.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

TO: Senator Jan Vails, Chairman
Senate Rules Committee

FROM: Senator Bett Fahrenkamp, Chairman
Senate Resources Committee

RE: SB 133

DATE: March 17, 1983

SB 135, An Act extending the life of the Guide Licensing and Control Board passed out of the Senate Resources Committee March 16, 1983. This bill is currently in the Senate Rules Committee.

SB 135 provides for a simple extension of the Guide Board through FY 86. The Board is currently in its sunset year, and without passage of SB 135 will expire on June 30 of this year. Testimony at the Resources Committee hearing indicated that there will be serious economic and wildlife management impacts if the Guide Board is allowed to sunset.

I would appreciate you scheduling SB 135 at your earliest convenience.

③

TO: Senate Resources Committee Members
FROM: Senator Fahrenkamp, Chairman
RE: Guide Licensing and Control Board Regulations
DATE: February 23, 1983

Attached for your information are proposed changes in the regulations of the Department of Commerce and Economic Development, Guide Licensing and Control Board. Pursuant to AS 24.37.010, State agencies are required to submit proposed regulations to standing committees for review. I would like the Senate Resources Committee to exercise its prerogative in reviewing these regulations to determine whether they properly implement legislative intent.

If you have any questions or comments after reviewing the attached regulations, please let me know.

Effect of amendments. — The 1982 amendment, effective June 15, 1982, substituted the present provisions of this sec-

tion for the provisions set out in the main pamphlet.

Sec. 16.05.400. Persons exempt from license requirement. (a) A license is not required of a resident or nonresident person under the age of 16 years for sport fishing nor shall a license be required of any resident under the age of 16 for hunting or trapping.

(b) A sport fishing, hunting or trapping license is not required of a resident who is 60 years of age or more and has been a resident for 30 consecutive years or more. The commissioner of revenue shall issue a permanent identification card without charge to persons who qualify by age and residence and who complete the forms required by the commissioner for implementation of this subsection. A person who is issued a permanent identification card under this subsection shall have it in his possession while sport fishing, hunting or trapping. (§ 9 art II ch 94 SLA 1959; am § 3 ch 180 SLA 1972; am § 1 ch 19 SLA 1980)

Effect of amendments. — The 1980 amendment deleted ", as long as he remains a resident" at the end of the first

sentence in subsection (b), and added the present second and third sentences in subsection (b).

Sec. 16.05.407. Nonresident hunting game animals must be accompanied by guides. (a) It is unlawful for a nonresident to hunt, pursue or take brown bear, grizzly bear, polar bear, or sheep in this state, unless personally accompanied by a person who is licensed as a master guide, registered guide, or assistant guide by the Guide Licensing and Control Board, or who is personally accompanied by a resident Alaskan over 19 years of age who is the spouse of or is related by blood within and including the second degree of kindred. A person who applies for a nonresident big game tag for the taking of an animal specified in this subsection shall first furnish to the state, on a form provided by the state, an affidavit showing that he will be accompanied in his hunt by a person who is qualified under the terms of this subsection. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200.

(b) It is unlawful for a nonresident to import polar bear into this state unless personally accompanied by a person who is licensed as a master guide, registered guide, or assistant guide by the Guide Licensing and Control Board.

(c) The nonresident who violates (a) of this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$2,500, or by both. (§ 1 ch 86 SLA 1967; am § 39, 40 ch 59 SLA 1982; am § 1 ch 74 SLA 1982)

(c) No marine mammal guide may contract for, or guide, more than two hunters in the field on any one hunt.

(d) A marine mammal guide must comply with AS 08.54 and 12 AAC 38. (Eff. 10/15/82, Reg. 84)

Authority: AS 08.54.040(a) and (b)
AS 08.54.050

12 AAC 38.156. REQUIREMENTS FOR ASSISTANT MARINE MAMMAL GUIDE LICENSE.

(a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue an assistant marine mammal guide license to an applicant who meets the following criteria:

(1) is at least 19 years old;

(2) has legally hunted marine mammals during each of at least seven years, in a manner directly contributing to his experience and competency as an assistant marine mammal guide;

(3) is physically able to perform the duties of an assistant marine mammal guide; and

(4) demonstrates to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime of moral turpitude.

(b) No assistant marine mammal guide may

(1) book or contract for a guided marine mammal hunt;

(2) conduct a guided hunt for marine mammals; or

(3) guide for a marine mammal, unless under the immediate supervision of a licensed marine mammal guide. (Eff. 10/15/82, Reg. 84)

Authority: AS 08.54.040(a) and (b)
AS 08.54.050

12 AAC 38.160. IMPROPER CERTIFICATION. No master or registered guide may improperly certify that a person has met the qualifications for a guide license. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.170. IMPROPER REPORTING. No guide may knowingly falsify any information required to be set out on any form required by the Alaska Department of Fish and Game or the Guide Licensing and Control Board. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.175. EMPLOYMENT AND SUPERVISION OF ASSISTANTS. A registered or master guide may employ an unlimited number of registered, master, or class A guides to assist in his guiding operation; a registered or master guide may employ or have under his supervision an unlimited number of employees and helpers who hold assistant guide licenses, but not more than three employees may act in the capacity of, or be employed as, assistant guides at the same time by the same registered or master guide. No assistant guide employed or acting in a capacity other than as assistant guide may count any period of such other employment toward qualification for a registered, master or class A guide license. (Eff. 6/15/80, Reg. 74)

Authority: AS 08.54.210(a)(6)
AS 08.54.050
AS 08.54:040(a)(2)

12 AAC 38.180. GUIDING ETHICS. Unethical activity includes, but is not limited to

(1) not fully cooperating with state and federal wildlife officials or not abiding by and advising clients and personnel of all applicable conservation and game laws and regulations or condoning their violation;

(2) misrepresenting or not clearly defining rates, accommodations and services to prospective clients prior to booking and acceptance of deposit, or otherwise misleading prospective clients through false or fictitious advertising;

(3) being unwilling or incapable of making financial restitution to a client for any breach of

or shipping to its destination for the purpose of human consumption. If the meat is delivered to a person other than the person who took the animal, a signed and dated statement or receipt stating the kind and quantity of meat received in approximate pounds or named portions of the carcass must be obtained from the recipient and presented upon request to any officer authorized to enforce this chapter. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.120. COOPERATION WITH OFFICIALS. Failure on the part of a guide to assist the Departments of Fish and Game and Public Safety in determining the truth of any statements reported in accordance with 12 AAC 8.030 - 12 AAC 38.180 is considered a violation of ethical conduct. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.130. REQUIREMENT FOR AN ASSISTANT GUIDE LICENSE. Repealed 1/12/79.

12 AAC 38.140. REQUIREMENTS FOR A REGISTERED GUIDE LICENSE. In addition to the requirements of AS 08.54.110, to be qualified for a registered guide license, a person must

(1) demonstrate to the board that he has spent 90 days in the field acting as an assistant guide as certified by the master or registered guides who employed him;

(2) not have violated a federal or state sport fish, game or guide statute or regulation or engaged in unethical activity, unsafe activity or activity which adversely affects the natural resources of the state for the preceding five years. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050
AS 08.54.110(12)

12 AAC 38.150. REQUIREMENTS FOR A MASTER GUIDE. In addition to the requirements of AS 08.54.100, to be qualified for a master guide license a person must have acted as a registered guide for 12 consecutive years. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050
AS 08.54.100(5)

12 AAC 38.155. REQUIREMENTS FOR MARINE MAMMAL GUIDE LICENSE. (a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue a marine mammal guide license to an applicant who meets the following criteria:

(1) is at least 21 years old;

(2) has legally hunted marine mammals during each of at least 10 years, in a manner directly contributing to his experience and competency as a marine mammal guide;

(3) is physically able to perform the services of a marine mammal guide;

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

(5) passes a qualification examination approved by the board and administered by the board or its agent, which covers the following areas:

(A) fishing, hunting, and guiding regulations;

(B) relevant characteristics of marine mammals;

(C) relevant characteristics of the ice, ocean, currents, and weather;

(D) field preparation of trophies;

(E) care of meat;

(F) firearms safety;

(G) practical first aid;

(H) photography; and

(I) booking and contracting guided hunts.

(b) A marine mammal guide will be authorized only to contract for and conduct guided hunts for species of marine mammals and in geographic areas of the state designated by the board.

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FLOOR STATEMENT FOR CS¹³⁸(Rules)

CS 138 HAS THREE MAJOR PROVISIONS:

- 1) EXTENDS THE GUIDE BOARD FOR THREE YEARS UNTIL JUNE 30, 1986 .
- 2) AUTHORIZES THE BOARD TO LICENSE MARINE MAMMAL GUIDES.
- 3) REQUIRES THAT NON-RESIDENT ALIENS HUNTING WALRUS BE ACCOMPANIED BY A MARINE MAMMAL GUIDE.

THE GUIDE BOARD HAS BEEN INSTRUMENTAL IN ESTABLISHING A WORKABLE, ORDERLY SYSTEM OF GUIDE AREA ASSIGNMENTS WHICH HAVE ENHANCED WILDLIFE MANAGEMENT AND REDUCED GUIDING CONFLICTS. IT HAS ALSO WORKED HARD TO POLICE GUIDING OPERATIONS IN THE STATE AND "WEED OUT" ILLEGAL OR UNSCRUPULOUS OPERATORS.

WITHOUT THE BOARD THE ENTIRE LICENSING AND GUIDE AREA SYSTEM AND REGULATIONS WOULD LAPSE AND CERTAIN CHAOS AND DANGER TO WILDLIFE RESOURCES WOULD RESULT.

ALTHOUGH CONSIDERABLE CRITICISM HAS BEEN DIRECTED AT THE BOARD IN THE PAST OVER THE METHODS OF ASSIGNING OR REASSIGNING GUIDE AREAS, THE RESOURCES COMMITTEE HEARD CONSIDERABLE TESTIMONY FROM NEW, YOUNG GUIDES ATTESTING TO THE OPPORTUNITIES WHICH WERE NOW BEING AFFORDED THOSE DESIRING TO ENTER THE PROFESSION. ONE SUCH OPPORTUNITY WHICH IS STRENGTHENED BY PROVISIONS OF THIS BILL IS IN THE AREA OF MARINE MAMMAL GUIDING.

THE PROVISIONS IN THE BILL RELATING TO MARINE MAMMAL GUIDING ARE INTENDED TO REINFORCE REGULATIONS ALREADY ADOPTED BY THE BOARD AND TO ASSIST IN THE TRANSFER OF MARINE MAMMAL MANAGEMENT TO THE STATE FROM THE FEDERAL GOVERNMENT.

IT IS EXPECTED THAT WALRUS MAY BE RETURNED TO THE STATE FOR MANAGEMENT IN THE NEAR FUTURE. THE PROVISION REQUIRING GUIDING OF NON-RESIDENT ALIENS WOULD BE SIMILAR TO THAT NOW GOVERNING SHEEP AND BEAR AND WOULD UTILIZE THE NEW REGULATIONS ADOPTED BY THE BOARD WHICH ENCOURAGE THE LICENSING OF LOCAL RESIDENTS AS MARINE MAMMAL GUIDES.

SB 138
~~HB 273~~

I would like to add an amendment which is pretty much technical in nature. Last session HB 409 passed the legislature, requiring nonresident alien hunters to be guided by licensed guides. In this bill, walrus were defined as a class of game requiring a licensed guide for nonresident aliens; but in the press to get the bill out at the end of the session, adding marine mammal guides to the list of licensed guides was overlooked. This amendment would simply be a clarification that marine mammal guides accompany nonresident aliens on marine mammal hunts.

I urge the committee to adopt the amendment. I have checked with our legal section, and have been advised that this amendment ought to be inserted, and that this is the proper language.