

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988

5023

HRES

SB

289

-

SB

362

8672

595

* The Kaktovik Inupiat Corporation owns approximately 92,000 acres of the coastal plain of ANWR as a result of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Act. The KIC #1 well was drilled on these lands.

CONCLUSIONS

* It is evident, and there is no disagreement among geologists, that the coastal plain of the ANWR has the highest potential for the United States to make a major oil discovery.

* It is also evident that even with an aggressive exploratory drilling program, the ANWR may not contain any reserves of hydrocarbons, and those that may exist may be uneconomic.

RECOMMENDATIONS

* Exploration and the possible development and production of hydrocarbon reserves should be allowed on the coastal plain of the ANWR.

* The program under which exploration, development or production should take place should not involve the federal or state government in any capacity other than as a lessor of subsurface rights and as a regulator of private sector activities.

Section 3: The Porcupine Caribou Herd

FINDINGS

- * The Porcupine Caribou Herd (PCH) population has been increasing in recent times and now numbers approximately 180,000 animals.
- * The PCH has been documented by explorers, adventurers and biologists since the late 1800's.
- * Fluctuations in caribou populations are not understood at this time. It is generally recognized that world populations of caribou are on the increase.
- * The PCH ranges over 96,100 square miles in northeast Alaska and northwest Canada.
- * Spring migrations from southern winter range lands by the PCH to calving grounds on the Arctic coast begin in May. Caribou start arriving in the Arctic National Wildlife Refuge in mid to late May. The herd usually vacates the coastal plain of the ANWR by mid July.
- * The first calves of the year are born during the last week in May, with the peak calving occurring during June 4 - 8.
- * The calving grounds, including the coastal plain area, encompass nearly 8.9 million acres.
- * The concept of a "core" or "concentrated" calving area is a matter of controversy among wildlife biologists.
- * The concept of a "core" or "concentrated" calving area is based on the density of caribou using a specific area for that period of time when calving occurs.
- * Biologists who support the core calving area concept believe it to be approximately 300,000 acres or 400 square miles in area.
- * It is speculated that the PCH uses this "core" area because the area has some "survival value". Survival values that have been discussed are a reduced number of predators present, the snow melt cycle, a favorable emergence of forage at an earlier time than elsewhere or there may be a close association with favorable summer habitat, including insect relief areas. There is no identified single value or combination of possible survival values to indicate scientifically why the caribou use what is referred to as the "core" or "concentrated" calving area other than it is on their migration route.
- * The "concentrated" or "core" calving area was identified by counting at least 50 caribou per square mile, including calves, during a period from 1972 to 1985. These population densities were roughly plotted on a map. Eventually these maps were superimposed;

the area which over time contained the highest population density became the "core calving area".

* There is evidence, for example in 1973 and in 1980, when no concentrations of calving activity occurred on the 8.9 million acre calving grounds.

* There is evidence, in 1982 for example, when almost all the calving occurred outside of Alaska. There are also other years which indicate that although concentrations occurred, none of these areas were within the coastal plain "core" or "concentrated" calving area.

* It is not disputed that oil and gas activities will have an impact on caribou.

CONCLUSIONS

* The validity of a core calving area is questionable, considering the extent of the PCH's range, migration patterns and the environmental variables which influence the progress of the PCH's annual migration.

* Since the PCH are only in the coastal plain for at most a two month period, and considering that exploration activities take place in the Arctic primarily during winter months when the ground is frozen, a leasing schedule can be implemented that would least affect the calving area of greatest concern to those biologists supporting the concept of a "core calving area". The time frames for arctic exploration in all likelihood would not impact the calving area for at least ten years.

* The U.S. Fish and Wildlife Service has every option to stipulate mitigation measures to minimize impacts to wildlife resources in the coastal plain of the ANWR.

* Any additional environmental or wildlife resource information necessary to further mitigate oil and gas activity impacts could be better acquired as a result of industry presence in the coastal plain of the ANWR.

RECOMMENDATIONS

* The entire coastal plain of the ANWR should be opened to oil and gas activities, with proper consideration being given to the purposes of a National Wildlife Refuge.

Section 4: Land Exchanges: Value-for-Value, Buy Sell Agreements

Committee Note: Throughout the hearing process, witnesses refer to what amounts to a "willing buyer, willing seller" land transaction, as a land exchange. Although at this time it may be confusing, the points in the FINDINGS section have not been edited to reflect this buy sell relationship in order to preserve the integrity of the facts as they appear in the public record.

FINDINGS

- * The original objective of the Department of Interior was to acquire high priority refuge inholdings that represented and brought with them high public interest attributes, particularly in the form of fish and wildlife resources and public recreation opportunities.
- * The U.S. Fish and Wildlife Service in their normal acquisition process does not acquire subsurface estate. Past experience indicates that if the subsurface is virtually worthless, ownership will be relinquished without cost. If the subsurface is suspected of having value, the U.S. Fish and Wildlife Service normally can't afford it.
- * The land exchange negotiations are concerned with three things:
 - The land exchange contract, "the boilerplate", or "the master", which will be used as a starting point in all exchanges regarding the coastal plain of the ANWR;
 - The land use stipulations, which will be applied to all surface activities on lands involving subsurface exchanges in the coastal plain of the ANWR;
 - The tract identification process, which will provide procedures for tract selection and selection conflict adjudication, involving exchanges in the coastal plain of the ANWR.
- * Native corporations, based on their independent judgements, have concluded that the present exchange concept is most responsive to their corporate needs.
- * Land exchanges between the Department of Interior and property owners with title to lands within federal refuges, or other so called conservation units, are an accepted and authorized means for the Secretary of Interior to enhance the integrity of established conservation units.
- * Land exchanges involving the lands in the coastal plain of the ANWR and native corporations are a matter of controversy among

Alaskans, the environmental community and the executive branch of the State of Alaska.

* While no one can predict the percentage of subsurface values involved in the land exchanges, the Department of Interior's objective is to preserve the bulk of those values for utilization or disposition through a traditional lease sale.

* Should the Secretary recommend and the Congress approve opening of the coastal plain of the ANWR to oil and gas activities, the exchange participants would have the opportunity to pursue exploration activities in advance of a Federal lease sale. A federal lease sale will procedurally take years to execute.

* The five native corporations participating in the exchange discussions have offered a package of lands totaling approximately one million acres, all high priority refuge lands.

* The State of Alaska holds title to 12 million acres within or adjacent to Federal conservation units and has offered these lands in exchange for lands within the coastal plain of the ANWR. Before the State withdrew from participation in the exchange discussions, 850,000 acres had been accepted for consideration by the U.S. Fish and Wildlife Service.

* The State of Alaska was an active participant along with the native corporations in the land exchange discussions with the U.S. Fish and Wildlife Service from December of 1986 to March of 1987.

* It is estimated the the value of the native corporations' 1 million acres will be sufficient to acquire from 25,000 to 50,000 acres of subsurface estate within the coastal plain of the ANWR. These native corporations do not believe they will be able to select the highest potential oil and gas lands, because the valuation on their offered exchange lands is not adequate to "buy" these high potential areas.

* If the Congress acts to remove the prohibition on exploration, development and production of possible oil and gas reserves within the ANWR and land exchanges are consummated before this act, the only revenues the State of Alaska will receive from possible oil and gas development will be in the form of severance and corporate income taxes.

* The U.S. Department of the Interior will ask Congress to ratify the land exchanges in order to preclude any injunctive actions.

* The decision by the Secretary of the Interior to recommend opening the ANWR is independent from the exchange negotiations.

* The State of Alaska's concerns, after careful review by the Governor of the trade proposals, in the context of the state as both proprietor and sovereign resulted in the following general reasons for leaving the exchange discussions:

The 90%-10% royalty question; the state loses its 90% share of royalty on the exchanged lands.

The geologic information; the information was deemed insufficient to consider an exchange, especially in light of at least one other participant having access to data from the KIC #1 well.

The Governor's position; the Governor, after personal talks with knowledgeable sources in Washington D.C., was convinced the exchanges would not occur.

The Governor's focus; the Governor wants to focus on opening the coastal plain of the ANWR and eliminate any divisive elements which may introduce complexity and unnecessary division within this state.

* Since only the surface estate is being exchanged by the native corporations, the 7(i) provision of ANSCA does not apply. 7(i) applies to transactions which involve subsurface revenues and timber resources on native corporation lands. If the native corporations trade surface for subsurface, 7(i) does not apply to revenues generated from the acquired subsurface.

* There are 430 refuges in the national wildlife refuge system, comprising approximately 90 million acres. Sixteen (16) of these refuges are in Alaska and they comprise 77 million acres. There are 13 to 15 million acres of private inholdings in Alaska's refuges. This is roughly the same amount of land contained in the refuges in all of the other states collectively.

* The proposed exchange will be the most significant transaction ever undertaken on behalf of the national refuge system.

CONCLUSIONS

* Although "land exchange" is the term applied to agreements to trade land titles of equal value, these trades involve a process to fix dollar value estimates on both surface and subsurface elements of the transaction. In this way the present process represents a conventional "willing buyer, willing seller" business transaction. In this case however, the "willing seller" is selling only surface value of land, and the "willing buyer" is using subsurface values in other lands to purchase the lands desired by the buyer. This process may be confusing to interested third parties because there are elements which necessitate both the "willing buyer" and the "willing seller" to reverse rolls throughout the negotiating process. For example, native corporations are the "willing seller" of the surface estate to lands they own within refuges. At the same time they are the "willing buyer" of what ever subsurface estate within the ANWR coastal plain the value of their surface estate will purchase. The U.S. Fish and Wildlife Service can also

be considered in this way. They are the "willing seller" of subsurface values within the coastal plain of the ANWR in order to be the "willing buyer" of valuable surface estate in other refuges.

* The amount of subsurface resources that might ultimately be exchanged is a subject of legitimate concern to the subcommittee and others.

* Oil and Gas activities conducted on lands whose subsurface has been sold as a result of an exchange of values have two potential beneficial impacts:

Exploration would be conducted on a limited closely coordinated basis, thereby minimizing environmental impacts;

Experience and data gained through early exploration would allow for a better designed lease sale that may result in higher revenues being generated while further minimizing adverse environmental impacts.

Thus, the concurrent exchange concept is most responsive to the needs of both those wishing to relinquish their high priority refuge inholdings and of those wishing to acquire these inholdings.

* It is in the interest of Alaskans and the national public that the federal government become the sole surface estate proprietor of National Wildlife Refuge System lands and of other federal conservation system unit lands, within Alaska.

* In the case of value-for-value transactions involving the coastal plain of the ANWR, congressional ratification of the exchanges would preclude the possibility of injunctive actions to halt or delay transfers of subsurface rights; the exception being that even congressional action can not waive statehood entitlements of submerged lands. Submerged lands are an inherent attribute of statehood.

* The transactions involving native lands have raised the question of whether or not traditional interests and the intent of the Alaska Native Claims Settlement Act are being considered. The native corporation's feel that their shareholder's traditional use of the land is protected under provisions of the Alaska National Interest Land Conservation Act (ANILCA) subsistence and access clauses and that federal refuge management and stewardship more than adequately protects their interests and lifestyle.

* If the state is not a party to the contract drafting process of this value-for-value transaction, it may be that state lands would be excluded from any Congressional legislation which included an exchange ratification and opened the coastal plain of the ANWR. Without being a party to the contract negotiations the State of Alaska has no formal means to seek approval of surface values it has offered for subsurface rights in the coastal plain of the ANWR,

nor is it possible to adequately protect the interests of all Alaskans in this process.

* After all the oil and gas in Alaska has been pursued developed and consumed, this value-for-value exchange effort could stand as a lasting testimony to our commitment, wisdom and foresight on behalf of future generations.

RECOMMENDATIONS

* The State of Alaska should renew its participation in the interest of the public in the buy sell agreement discussions, commonly referred to as the "land exchange negotiations".

* Considering that it is in the national interest to remove inholdings from federal conservation units and that the surface management of these inholdings by the federal government severely restricts or prohibits development of these lands, the State of Alaska should divest itself of its interests in the surface estate of inholdings within federal refuges, national parks and the like, for subsurface interests in the coastal plain of the ANWR.

* Provided that the heritage granted to the native community in Alaska by the ANSCA and the ANILCA is protected, and that there is an equitable adjudication process for tracts of land in the coastal plain which are selected simultaneously by the natives and the State of Alaska, both parties should proceed with buy sell negotiations.

Section 5: State Oil Royalties: The Mineral Leasing Act of 1920

FINDINGS

- * It is the position of the executive branch of the government of the State of Alaska that the 90%-10% revenue share of royalties from the production of subsurface resources within National Wildlife Refuges within Alaska can not be changed without the consent of the State.
- * Administrative actions taken by the Secretary of Interior with regard to refuges and mineral leasing on these lands does not in any way minimize the fact that Congress is the one establishing the policy. That policy is clearly provided in the Mineral Leasing Act of 1920. This act provides that each state should receive 90 percent of the revenue share, either directly or through the Reclamation Fund, and that 10 percent should go to the Federal Government. The fact that the Secretary of Interior can remove an area from leasing under the mineral leasing law does not mean that if the area is ultimately leased, the mineral leasing law is not the authority that applies.
- * Congress made the Mineral Leasing Act of 1920 a provision of the Alaska Statehood Act (Section 6(h) and 28.), and as such it becomes an integral part of the compact provisions of Section 4 of the Alaska Statehood Act (72 Stat.339).
- * The concept of an overriding royalty to the state from lands exchange in the coastal plain of the ANWR to the native corporations was introduced by the State of Alaska as a creative alternative which could both protect the public interest under the Statehood Act, preserve the principles of federalism and hopefully allow the exchange process to advance.
- * The Department of Interior feels that an overriding royalty would have the effect of lowering the value of the tracts offered in the coastal plain of the ANWR to the exchange participants. This would increase the amount of land the participants would consume within the coastal plain of the ANWR.
- * What the state is attempting with the overriding royalty is to retain the grant that is the result of the Statehood Act and the inclusion of the 1920 Minerals Leasing Act. The exchanges would take 100 percent of the revenue value produced from those tracts of land and trade it. That value includes the federal government's 10 percent and the state's 90 percent of the 12 percent royalty that is commonly applied to oil and gas production from state and federal leases. The only revenue source from these tracts therefore would be taxes.

CONCLUSIONS

- * The ANWR should be opened using the existing authorities, namely the Mineral Leasing Act of 1920.
- * The national interest is best served by encouraging competition for tract selection under the provisions of the Mineral Leasing Act of 1920.
- * The Native corporations have every reason to expect value-for-value in the land exchanges.
- * If a grant or overriding royalty is given to the state on subsurface tracts traded to native corporations, then the those lands in the ANWR will be devalued. Instead of a potentially small portion of the coastal plain of the ANWR being exchanged, an incremental increase in the amount of the ANWR subsurface would become available to reflect the override.

RECOMMENDATIONS

- * The Congress should act to open the ANWR under the Mineral Leasing Act of 1920 in the public interest to encourage an expedient but prudent exploration and possible development and production of hydrocarbon resources in the coastal plain of the ANWR.
- * The Governor of Alaska should encourage the Congress to utilize the authority of the Mineral Leasing Act of 1920 in any legislation enabling the exploration, development and production of hydrocarbon resources within the coastal plain of the ANWR.

Section 6: The Work Force: Local Hire

FINDINGS

* At this time, the Alaska labor unions oppose the opening of the coastal plain to oil and gas development without a labor clause in the enabling congressional legislation.

CONCLUSIONS

* An experienced work force is available in Alaska so that development in the coastal plain of the ANWR can take place in an environmentally sound manner using this professional labor.

* If labor agreements are required with unions, they should reflect a competitive position based on Alaskan labor market conditions.

* The issue of local hire in Alaska should be approached first from a regional level, then a statewide level and finally a union membership level.

RECOMMENDATIONS

* The use of Alaskan union locals should be encouraged. Industry has recognized that competitively priced union labor increases the efficiency and lowers construction and operating expenses in the Alaska oil fields.

* Congressional action should not include restrictions as to which Alaskan labor force should be utilized, union or non-union. That is a decision which is best addressed by individual private sector employers through the collective bargaining process.

Section 7: National Security Implications

FINDINGS

- * The nation's imports of oil have fallen from a peak in 1977 of 8.5 million barrels per day (MMBD) or 46% of consumption, to 4.3 MMBD or 27% of consumption in 1985.
- * The national trend toward decreasing dependence on foreign oil sources is reversing. Net U.S. oil imports during the first 10 months of 1986 were 29% above the comparable period in 1985. The United States is moving once again toward dependency on foreign sources of oil.
- * The current oil glut may evaporate as early as mid 1990 or 1992 due to declines in domestic production and a steady rise in domestic consumption of oil and gas products.
- * Domestic production, development and exploration have declined as a result of severe oil price declines.
- * In a priority memo to the President, the Secretary of Energy concluded that, "Until oil prices increase appreciably, U.S. exploration will remain stagnant, our dependency on imports will continue to increase, and our vulnerability to oil price shocks and possible oil shortages or stoppages will rise to an excessively dangerous level. All of this could seriously affect our strategic and national security as well as our economic stability."
- * A letter from the National Petroleum Council to Energy Secretary John S. Harrington stated that, "Additional import dependence will increase our vulnerability to a supply disruption, rapidly accelerate our balance of trade problems, undermine our national security and compromise our U.S. foreign policy."
- * Thirty eight percent fewer oil and gas wells were drilled in 1986 than in 1985.
- * Only 32,438 oil and gas wells were drilled nationwide in 1986, the lowest level in 12 years.
- * There were 2,844 wildcat wells (wells drilled to discover new fields) reported completed in 1986 compared to 4,757 in 1985. The wildcats resulted in 302 oil discoveries and 193 gas discoveries in 1986 compared with 535 oil discoveries and 296 gas discoveries the previous year.
- * Expansion of domestic oil production has several advantages relating to the nation's economic and military security. Expansion of other domestic energy supplies or energy conservation, to the extent they can substitute for imported oil, would have similar advantages:

Higher U.S. oil production will exert downward pressure

on the world price of oil.

Increased domestic oil production reduces the chances of a supply disruption that would have a sharp impact on the world oil price, since less U.S. demand for oil imports will increase slack in world oil markets.

Should there be a serious event that disrupts supply, the costs to the U.S. economy will be reduced if U.S. oil import demand is less relative to its total oil supply.

Less U.S. dependence on foreign oil allows U.S. foreign policy to be more flexible and strengthens relationships with oil importing allies.

CONCLUSIONS

* The single most important decision our Congress will make in the areas of domestic production and national energy security in the next 18 months is the opening of the coastal plain of the Arctic National Wildlife Refuge to energy exploration and production.

* At peak, Alaskan oil and gas production represents about 20% of our total domestic production. That production is now in decline and will dramatically fall over the next 10 years. Without new discoveries and a dramatic change in domestic consumption there is little hope that we can avoid serious, national economic shocks. We are already more dependent, as a nation, on oil products than ever before. Our nation can not afford to stand in line again.

RECOMMENDATION

* The Congress should act expeditiously to remove the prohibition on oil and gas activities in the coastal plain of the ANWR, and Alaskans should encourage the utilization of the resources that may be present there. In this manner, the State of Alaska can make its greatest peace time contribution to the security of the nation.

* The Congress and the State of Alaska should continue to encourage the conservation of energy resources through incentive programs and through the use of alternative fuels.

Amendment to SB 289

Delete p. 1, lines 11-14, and insert:

(1) state policy supports opening the coastal plain of the Arctic National Wildlife Refuge to environmentally responsible oil and gas exploration, development, and production under the 1920 Mineral Leasing Act;

✓	①	Sand → 9 Cotton - insect low larvae 11-14 (1)
✓	②	Sand 1/16 1/16
✓	③	Sand 1/16 1/16
✓	④	1/16 and 1/32
✓	⑤	Cotton - 1/16 1/16
✓	⑥	Sand 1/16 1/16
	⑦	Cotton - 1/16 1/16

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2 9 0

HOUSE COMMITTEE REPORT

(9)

Date referred: 5/14/87

FURTHER REFERRALS:

3715
Judiciary

DATE: _____

The Resources Committee has considered SB 290

"An Act relating to supplying false information on fish tickets."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Adelheid Herrmann

Heinrich Sprüger

[Signature]

Cliff Davidson

Dick [Signature]

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann
 Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH STATE CAPITOL
BUILDING ALASKA 99511
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 11, 1987

SUBJECT: Sectional analysis of SB 290, false
information on fish tickets

TO: Senator Dick Eliason

FROM: Edward H. Hein *EHS*
Legislative Counsel

Section 1 makes it a class A misdemeanor to knowingly enter false information on a fish ticket or to knowingly supply false information to another person who is filling out a fish ticket. The penalty is provided under AS 16.05.720. Maximum penalty is \$5,000 fine and one year in jail. This is the same penalty imposed for failure to keep fish tickets or for failure to report them to the Department of Fish and Game.

Incidentally, class A misdemeanor is also the penalty prescribed for an unsworn falsification under AS 11.56.210. An unsworn falsification consists of submitting a false written or recorded statement that the person does not believe to be true, with the intent to mislead a public servant. Unsworn falsification applies only to applications for benefits and to forms that have printed on them a notice that false statements made on the form are punishable. A fish ticket fits neither of these last two requirements, so falsifying a fish ticket does not constitute an unsworn falsification. There is no penalty provided in law or regulation for knowingly falsifying a fish ticket.

EHH:mkr
m11/139

BILL NO: SB 290

DATE: 5/8/87

TITLE: "An Act relating to
supplying false information
on fish tickets."

CONTACT: Capt. James Nutgrass
Director
Fish & Wildlife Protection

DEPARTMENT OF
PUBLIC SAFETY

The Department of Public Safety supports SB 290, "An Act relating to supplying false information on fish tickets."

The passage of this amendment to AS 16.05.690 will give the Department of Public Safety the ability to charge a person who falsifies information on fish tickets with a clear, enforceable statute. This amendment will place the commercial fishermen who harvest Alaska's resources on notice that accurate information is required to be supplied by them on fish tickets.

In sum, the passage of this amendment will aid our department in carrying out its enforcement responsibilities and protection of the Fish & Wildlife Resources of the State of Alaska.


ARTHUR ENGLISH
Commissioner

1605690

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 290

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act relating to supplying false information on fish tickets."

Sponsor: Sen. Eliason

Requestor: Senate Resources

Agency Affected: Public Safety

BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWR
5/11/87 Prepared by: Kyle Weaver

Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 5/11/87

Approved by Commissioner: Arthur English

Agency: Public Safety

Date: 5/11/87

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

page ___ of ___

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE, CHAIRMAN

PO BOX 143
SITKA, ALASKA 99835
PO BOX 7
JUNEAU, ALASKA 99811
907/465-4916

EXPLANATION OF PURPOSE OF SB 290 BY Senator Eliason

SB 290 "An Act relating to supplying false information on fish tickets"

By law, every time a fisherman sells fish to a commercial fish buyer, the transaction must be documented by a fish ticket which is filled out by the fish buyer and signed by the buyer and the fisherman. This ticket describes what species of fish are sold, the poundage, the price paid, an imprint of the fisherman's fishing permit, and a description of the area where the fish were caught. Copies of each fish ticket are provided to the fisherman, the Dept. of Fish and Game (or National Marine Fisheries Service for those fisheries under federal jurisdiction), the Dept. of Revenue, Commercial Fisheries Entry Commission, and Dept. of Public Safety.

It is vitally important for fisheries management, taxation, and so on that all of this information is accurate. But currently there is no specific prohibition in law against providing false information when fish is sold to the fish buyer.

One prime example of how incorrect information on fish tickets can affect a fishery is in the halibut fishery. The fishery is managed jointly between the U.S. and Canada by the International Pacific Halibut Commission. It is managed on a strict quota-by-area system whereby the Alaskan and Canadian coastline is divided into areas (labeled 1A, 2A, 3A, 1B, 2B, etc.). Each area has an allotted number of pounds it can catch. There have long been suspicions, and lately some substantiation, that some of the large vessels which fish in one area will report to their buyers that they caught the fish in another area. They do this in hopes of filling the quota in an area where they do not fish so that the quota in their own area will not be filled as soon and they will be allowed more days of fishing. Without disincentives for this practice it is likely to continue or get worse as halibut seasons get shorter and shorter each year.

While creating penalties for providing false information on fish tickets may not be highly enforceable or totally effective in stopping the practice, it is likely to curb it dramatically since fishermen have no guarantee that falsely reporting the area fished will extend their season and so will see it as not worth the risk. Management of the fishery will become more fair and will be based on more dependable catch data.

S B

297

HOUSE COMMITTEE REPORT

(9)

Date referred: 5/15/87

FURTHER REFERRALS:

5/15/87
Rec'd

DATE: May 16, 1987

The Resources Committee has considered CSSB 297(Res)

"An Act placing a moratorium until July 1, 1988, on the issuance or granting of licenses, permits, leases, or authorizations for commercial finfish farming; providing for a bivalve spat collection permit; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 297(Res) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann Herrmann

Heinrich Springer Springer

_____ Sund

Frank Navarre Navarre

Jan Cotten Cotten

Cliff Davidson Davidson

_____ Shultz

_____ Pearce

_____ Hoffman

HERRMANN

Adelheid Herrmann
Chairman's signature

CC

*Passed
11 Feb.*

A M E N D M E N T

Offered in the HOUSE

TO: CSSB 297 (Resources)

Page 1, line 12, after "MORATORIUM.":

Delete "The"

Insert "(a) Except as provided in (b) of this section, the"

Page 1, after line 23:

Insert a new subsection to read:

"(b) A fish farming license and a fish transport permit may be issued for commercial finfish farming in a privately owned freshwater body that has no outlet to state water."

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version : HCS CSSB297 (Res)
Publish Date : _____

REQUEST: _____

Revision Date: _____
Title : Moratorium on commercial finfish farming: allowing spat collection & efd

Agency Affected : NONE

BRU: _____

Sponsor : Zharoff

Components : _____

Requestor : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		-0-				
TRAVEL		-0-				
CONTRACTUAL		-0-				
SUPPLIES		-0-				
EQUIPMENT		-0-				
LAND & STRUCTURES		-0-				
GRANTS, CLAIMS		-0-				
MISCELLANEOUS		-0-				
TOTAL OPERATING		-0-				

CAPITAL		-0-				
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REVENUE		-0-				
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		-0-				

POSITIONS:

FULL-TIME		-0-				
PART-TIME		-0-				
TEMPORARY		-0-				

ANALYSIS : (Attach a separate page if necessary)

House Resources Committee

Prepared by : _____ Phone : _____

Division : _____ Date : _____

Approved by Commissioner : Adelheid Norman Date: May 16, 1987
Agency : Co-Chair, House Resources Committee

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

S B

3 0 9

HOUSE COMMITTEE REPORT

(9)

Date referred: 4/27/88

FURTHER REFERRALS:

DATE: 5-4-88

The Resources Committee has considered CSSR 309 (Res)

"An Act relating to the definition of commercial fisherman under statutes regulating commercial fishing."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: L+C letter of intent -

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Jan Carl
Adelheid Herrman
Richard Sprungel
Gene Lopez
[Signature]

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrman
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: "An Act Relating to the Definition of Commercial Fisherman" BRU: Workers Compensation
 Sponsor: Zhanoff Components: Workers Compensation
 Requestor: Senate Labor and Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Macque McClintock Phone: 465-2790
 Division: Workers' Compensation Date: 1/26/88
 Approved by Commissioner: Jim Sampson Date: 1/26/88
 Agency: Labor

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA STATE SENATE



SENATOR TIM KELLY
ANCHORAGE/EAGLE RIVER
CHAIRMAN

SENATOR DICK ELIASON
SITKA
VICE CHAIRMAN

LABOR AND COMMERCE COMMITTEE

MEMBERS
SENATOR BETTYE FAHRENKAMP
FAIRBANKS

SENATOR RICK UEHLING
ANCHORAGE

SENATOR MIKE SZYMAŃSKI
ANCHORAGE

Letter of Intent for CSSB 309 (L&C)

It is the intent of the Legislature that a person injured while working as a processing worker shall not be able to claim benefits from the Fishermen's Fund even though that person may hold a commercial fishing license.

ALASKA STATE SENATE

SENATOR TIM KELLY
ANCHORAGE/EAGLE RIVER
CHAIRMAN

SENATOR DICK ELIASON
SITKA
VICE CHAIRMAN



LABOR AND COMMERCE COMMITTEE

MEMBERS
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FAIRBANKS

SENATOR RICK UEHLING
ANCHORAGE

SENATOR MIKE SZYMANSKI
ANCHORAGE

Letter of Intent for CSSB 309 (L&C)

It is the intent of the Legislature that a person injured while working as a processing worker shall not be able to claim benefits from the Fishermen's Fund even though that person may hold a commercial fishing license.

MEMORANDUM

State of Alaska

TO: Glenn H. Lundell
Deputy Commissioner
Department of Labor


DATE: November 15, 1982

FILE NO: 366-252-83

TELEPHONE NO: 465-3603

FROM: Wilson L. Condon
Attorney General

SUBJECT: Interpretation of
Statute regarding
Workers on Fish
Processors

By: 
Gary I. Amendola
Assistant Attorney General

Under AS 23.35 and under the proper circumstances, "fishermen" can obtain medical and related benefits through a fund known as the "fisherman's fund". You have asked whether fish processing employees injured while working on a fish processor qualify for fisherman's fund benefits. You have also asked, in the event that the answer is in the affirmative, whether only specific employees on the processor are entitled to those benefits.

AS 23.35.070 states:

BENEFITS. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operations as a fisherman, either ashore, in the state, or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization. As used in this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, P.L. 94-265 (16 U.S.C. 1801 et seq.).

AS 23.35.080 -- AS 23.35.140 indicate the extent of other benefits offered, the manner in which the benefits may be provided, and the time and monetary limitations on benefits.

AS 23.35.150(4) reads:

"fisherman" means a person who is licensed by the state to engage in commercial fishing under

AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing.

I am advised by representatives of the Department of Revenue that all crewmembers on board a floating fish processor are required to have commercial fishing licenses.

I am advised by representatives of the Department of Fish and Game that all persons working on board a harvester/processor and on board tenders are required to have commercial fishing licenses. See AS 16.05.480 and AS 16.05.940(2). The department has been advising owners of processors to purchase commercial fishing licenses for those persons employed on board although the law is not perfectly clear on that requirement. For purposes of this opinion, however, the resolution of that particular issue is not necessary.

In order to qualify as a "fisherman" under AS 23.35 and therefore qualify for "fisherman's fund" benefits, a person must not only be licensed to engage in commercial fishing or be the holder of a limited entry permit, the person must also at the time the injury is sustained or illness is contracted, (1) be engaged in commercial fishing, or (2) occupied in Alaska preparing or dismantling boats or gear used in commercial fishing.

The "plain meaning" rule of statutory construction requires that an unambiguous statute be read to mean what it clearly expresses. There is thus no need to interpret it except to the extent that the words themselves have inexact meaning. State v. Alex, 646 P.2d 203, 208, n.4 (Alaska 1982); Application of Babcock, 387 P.2d 694, 696 n.6 (Alaska 1963); 2A Sutherland, Statutes and Statutory Construction, § 46.01, at 48-49 (4th Ed. Sands, 1973). There is little question that employees on fish processors are not commercial fishing nor occupied in Alaska preparing or dismantling boats or gear used in commercial fishing.

However, to the extent one could argue otherwise, reference to related statutes in order to interpret a particular statute is customary if there is some ambiguity perceived. 2A Sutherland, Statutes and Statutory Construction, § 51.01, at 287-289 (4th Ed. Sands, 1973). The fish and game statute which

Glenn H. Lundell, Deputy Commissioner
Department of Labor
366-252-83

November 15, 1982
Page 3

defines "commercial fishing" does not include employees on fish processors. AS 16.05.940(3) states:

"commercial fishing" means the taking, fishing for, or possession of fish, shellfish or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources.

It is our view, therefore, that employees processing fish on a floating processor are not "commercial fishing" and do not qualify for "fisherman's fund" benefits.

GIA/bap

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AN ACT
Exempting commercial fishermen from workers'
compensation coverage.

* Section 1. AS 23.30.230 is amended by adding a new subsection to read:

(b) A commercial fisherman, as defined in AS 16.05.940, is not covered by this chapter.




SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259
DURING SESSION:
P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILLIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

TO: Representative Adelheid Herrmann
Co-Chair
House Resources Committee

FROM: Senator Fred F. Zharoff 

DATE: April 27, 1988

RE: CS For Senate Bill 309 -- "An Act relating to the definition of commercial fisherman under statutes regulating commercial fishing."

CSSB 309 passed out of the House Labor and Commerce Committee on April 26. I respectfully request that the bill be scheduled for a hearing before the House Resources Committee at the committee's earliest convenience.

CSSB 309 amends 16.05.940(4) to eliminate processing workers on floating fish processing vessels from the definition of "commercial fisherman".

In 1986, the legislature passed a bill that exempted commercial fishermen from workers' compensation coverage. This was done for two reasons: (1) Commercial fishermen were not originally intended to be covered by workers' compensation. (2) Injured commercial fishermen are compensated under the provisions of maritime law; workers' compensation coverage would be an unnecessary duplication. The bill had the effect of affirming and clarifying the Department of Labor's current interpretation of the law.

The passage of the bill, however, resulted in one, unintentional side effect. Under current statutes, processing workers on board floating seafood processing vessels have been defined as "commercial fishermen" since they are part of the crew of a "floating craft used in transporting fish". Under the new law, they were now exempt from workers' compensation coverage, which raised havoc with floating processors' insurance rates. It was never the intent of the legislature to prevent processing vessel workers from being covered by workers' compensation.

In addition, CSSB 309 addresses an inconsistency in state law, now corrected by a recent attorney general's opinion. As commercial fishermen, floating processing vessel workers were required to hold commercial fishing licenses. Over half the proceeds from the sale of commercial fishing licenses (\$18 from a \$30 resident license and \$54 from a \$90 nonresident license) go to the Fishermen's Fund, a compensation program for injured commercial fishermen. Under a previous attorney general's opinion, floating processing workers were barred from receiving any benefits from the Fishermen's Fund. In the interest of fairness, people who cannot receive benefits from the fund should not be forced to pay into it.

In an opinion dated Oct. 20, 1987 (attached), however, the attorney general determined that processing workers did not, in fact, need to purchase or possess commercial fishing licenses. The attorney general found that processing workers on seafood processing vessels were manufacturing employees (the same as their counterparts in a shoreside processing plant) and distinct from the traditional definition of a "commercial fisherman".

The seafood processing companies have told us that despite the October attorney general's opinion, they are still encountering a great deal of resistance in convincing their insurers that workers on floating processors qualify for workers' compensation.

CSSB 309 would clear up this issue and leave absolutely no doubt about what the statute means.

Backup information for CSSB 309 is attached, as follows:

1. Department of Labor fiscal note.
2. Department of Public Safety fiscal note.
3. Chronology of events.
4. Senate Labor and Commerce Letter of Intent.
5. Attorney General's opinion, dated Oct. 20, 1987, stating that processing workers on mobile floating processing vessels are not required to hold commercial fishing licenses.
6. Attorney General's opinion, dated Feb. 22, 1984, stating that workers on floating processing ships need commercial fishing licenses and workers in shorebased processing plants do not.
7. Attorney General's opinion, dated Nov. 15, 1982, stating that floating processor workers do not qualify for Fishermen's Fund benefits.
8. Excerpt from the Division of Legal Service's "Report to the Thirteenth State Legislature Examining Court Decisions and Opinions of the Attorney General Construing Alaska Statutes", October, 1984, recommending legislative review of this issue.
9. Copies of the relevant state statutes, 16.05.480 (Commercial fishing license) and 16.05.940(4) (Definition of commercial fisherman).
10. Chapter 77 from the 1986 session laws, "An Act Exempting commercial fishermen from workers' compensation coverage."

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION : CSSB 309 (Res)

PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: "An Act Relating to the
definition of commercial fisherman..." BRU: Workers' Compensation
 Sponsor: Zharoff Components: Workers' Compensation
 Requestor: House Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Jacqueline McClintock Phone : 465-2790
 Division: Workers' Compensation Date : 4/26/88
 Approved by Commissioner: Jim Sampson Date: 4/26/88
 Agency: Department of Labor

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to the definition
of commercial fishermen
Sponsor: Zharoff
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact is anticipated.

JNR
2/10/88

Prepared by: Captain Conrad G. Seibel C. Seibel Phone: 269-5509
Division: Fish & Wildlife Protection Date: 2/2/88

Approved by Commissioner: H. Hoots, Dep Comm Date: 3-2-88
Agency: Department of Public Safety

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CHRONOLOGY OF EVENTS SURROUNDING SB 309

- Nov., 1982 - Attorney General issues opinion (Asst. A.G. Gary Amendola to Glenn Lundell, deputy commissioner, Dept. of Labor, Nov. 15, file #366-252-83) saying that crewmembers on board floating fish processing vessels are not, by definition, engaged in "commercial fishing" and they do not qualify for Fisherman's Fund benefits (a special fund, administered by the Department of Labor, for compensating injured commercial fishermen).
- Feb., 1984 - Attorney General issues opinion (Asst. A.G. Kathleen McGuire to Lt. Col. Tetzlaff, Div. of Fish & Wildlife Protection, Feb. 22, file #166-358-84) saying that employees on board floating processing vessels, since they are engaged in the transport of fish, are required to have commercial fishing licenses.
- Oct., 1984 - The legislature's Division of Legal Services notes in its "Report to the Thirteenth State Legislature Examining Court Decisions and Opinions of the Attorney General Construing Alaska Statutes" the inconsistency in the two previous AG opinions -- floating processing workers are required to have commercial fishing licenses, but they are denied Fisherman's Fund benefits. Legislative review is recommended.
- May, 1986 - As part of an effort to clear up ambiguities and problems in regard to marine insurance, the Alaska Legislature passes a bill exempting commercial fishermen from workers' compensation.
- Spring, 1987 - Seafood processors contact Senator Zharoff. They complain their insurance companies have informed them that since the employees on floating processing vessels are defined as "commercial fishermen", and since commercial fishermen are now exempt from workers' compensation, the insurance companies will no longer sell the processors workers' compensation coverage. Instead, the processors must buy more expensive marine protection and indemnity (P&I) insurance policies.
- May, 1987 - Senate Bill 309 introduced in an effort to resolve the problem.
- Summer, 1987 - Seafood processors complain about Fish and Wildlife Protection officers boarding their processing vessels to enforce the requirement that all workers have commercial fishing licenses.
- Oct., 1987 - Attorney General issues opinion (Asst. A.G. Sarah McCracken to Col. Jack Jordan, director, Div. of Fish and Wildlife Protection, Oct. 20, file #661-87-0428) saying that processing workers on board mobile floating vessels are not "commercial fishermen" and do not need to hold commercial fishing licenses.
- Spring, 1988 - Insurance companies continue to charge P&I rates despite the most recent Attorney General's opinion. Source: Rick Lauber of the Pacific Seafood Processors Association in testimony to the Senate Resources Committee, March 21.

SB 309

The Labor and Commerce Committee considered SENATE BILL NO. 309 (An Act relating to the definition of commercial fisherman under statutes regulating commercial fishing) and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 309(L&C)

and do pass with a Letter of Intent. The report was signed by Senator Kelly, Chairman and concurred in by Senators Szymanski and Uehling.

Zero fiscal note published today from Department of Labor.

Letter of Intent
for
CSSB 309(L&C)

It is the intent of the Legislature that a person injured while working as a processing worker shall not be able to claim benefits from the Fishermen's Fund even though that person may hold a commercial fishing license.

SENATE BILL NO. 309 was referred to the Resources Committee.

SB 353

The Resources Committee considered SENATE BILL NO. 353 (An Act extending the agricultural production credit law). Senator Coghill, Chairman signed "do pass". Senators Duncan, Fanning and Fischer signed "no recommendation".

Zero fiscal note published today from Department of Natural Resources.

SENATE BILL NO. 353 was referred to the Finance Committee.

SB 317

The Rules Committee considered SENATE BILL NO. 317 (An Act relating to the refunds of fisheries tax proceeds made to local governments) and a majority of the committee recommended calendar. The report was signed by Senator Hensley, Vice-chairman and concurred in by Senators Faiks, Binkley and Jones.

MEMORANDUM

State of Alaska
DEPARTMENT OF LAW

TO: Col. Jack Jordan, Director
Division of Fish & Wildlife
Protection
Department of Public Safety

DATE: October 20, 1987

FILE NO: 661-87-0428

TELEPHONE NO:

THRU:

SUBJECT: Commercial fishing
licenses: applicability
to processors

FROM: Sarah E. McCracken ^{SEM}
Assistant Attorney General
Natural Resources-Anchorage

A March 17, 1987, memorandum from then Acting Director Capt. James Nutgrass requested our advice regarding various aspects of Alaska's commercial fisheries licensing statutes (copy of memorandum attached). The memorandum asks essentially three questions requiring interpretation of relevant law:

1. Is a person who works on the fish processing line of a mobile floating processor or catcher-processor required to hold a commercial fishing license?

2. Are crewmembers on a tender or mobile floating processor required to hold commercial fishing licenses?

3. Must the skipper or crew of a freight vessel hauling processed fish to market for sale hold a commercial fishing license?

A subsidiary question raised by the memorandum is whether the definition of "fish" in AS 16.05.940(10), as that term is used in the licensing requirement at AS 16.05.480 and in the definition of "commercial fishing" in AS 16.05.940(5), includes fish that are already dead or processed.

Our summary response to these questions is that an employee on a mobile floating processor or catcher-processor whose sole function is to work on the fish processing line (gutting, packing, or maintaining freezing equipment, etc.) and who does not engage in actual fishing activities (setting and hauling nets, operating and repairing gear) or in the navigation and operation of the vessel (independent of its processing functions) is not required to obtain a commercial fishing license. However, if that person, in addition to mere processing of fish, also engages in fishing activities or activities related

to the navigation or operation of the vessel itself, he must obtain a commercial fishing license. Crewmembers engaged in the operation and navigation of tenders or mobile floating processors that transport unprocessed fish must obtain commercial fishing licenses. The skipper or crew of a freight vessel used only to transport processed fish need not hold a commercial fishing license. Our analysis follows.

1. Commercial fishing license requirement.

The genesis of your inquiry is AS 16.05.480(a), which requires every person engaged in "commercial fishing" in waters subject to Alaska's jurisdiction to obtain a commercial fishing license from the state. 1/ This provision has existed in virtually identical form since the first state fish and game code was enacted in 1959. 2/

The term "commercial fishing" is defined in AS 16.05.940(5) as follows:

(5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid

1/ The full text of AS 16.05.480(a) provides:

Sec. 16.05.480. Commercial fishing licenses. (a) A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$30 for residents, and \$90 for nonresidents. Except for those which are also entry or interim-use permits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, "commercial fishing license" includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses.

2/ Sec. 6, art. III, ch. 94, SLA 1959.

Col. Jack Jordan, Director
Division of Fish & Wildlife Protection
661-87-0428

October 20, 1987
Page 3

subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;

This definition, with the exception of reference to the failure to have a valid subsistence permit in possession, has also existed in virtually the same form since statehood. 3/

On its face, AS 16.05.480(a), as its terms are defined in AS 16.05.940(5), requires a commercial fishing license only of those persons who are actually taking, fishing for, or possessing fishery resources with the intent of selling them.

As explained in 1984 Inf. Op. Att'y Gen. (Feb. 22; 166-358-84), "possession" of fish requires a degree of ownership or control. A person who merely works on a processing line at a cannery and whose sole function is to process fish does not exercise the requisite indicia of possession to fit within the meaning of a person "taking, fishing for, or possessing" fish to require a license. See cases cited in 1984 Inf. Op. Att'y Gen., supra. In this regard, the principle of statutory construction that when legislative intent is unclear, the meaning of doubtful words may be determined by referring to associated words (noscitur a sociis) is applicable, as explained below. See 2A N. Singer Sutherland Statutory Construction, §47.16 (4th ed. 1984); see also State, Real Estate Comm'n v. Johnston, 682 P.2d 383, 386-87 (Alaska 1984).

To the extent that the word "possession" in AS 16.05.940(5) is unclear, it should be interpreted in light of the related terms "taking" and "fishing" for fish. 4/ In this

3/ Sec. 2(n), art. I, ch. 94, SLA 1959.

4/ The term "take" is defined in AS 16.05.940(31) as follows:

(3) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take,

(Footnote continued)

context, we believe "possession" of fish should be interpreted to mean possession that is associated with fishing activities, i.e., exercising some control over the fish, as opposed to mere handling of fish in a processing plant. We believe this applies regardless of whether the worker is processing fish on board a floating or a stationary processing vessel. 5/ Similarly, a person who is merely processing fish on board a catcher-processor and who does no other function related to fishing or the operation of the vessel, would not require a commercial fishing license. 6/

2. Definition of "commercial fisherman."

The above conclusions are consistent with the interpretation of AS 23.35 articulated in 1982 Inf. Op. Att'y Gen. (Nov. 15; 366-252-83), that employees processing fish on floating processors are not "commercial fishing" and hence do not qualify for "fisherman's fund" benefits. (Copy of memorandum attached). That memorandum noted, however, that "the [D]epartment [of Fish and Game] has been advising owners of processors to purchase commercial fishing licenses for those persons employed on board although the law is not perfectly clear on that requirement."

The ambiguity regarding whether employees on floating cannery vessels or fish processors are "commercial fishing" derives from the statutory definition of "commercial fisherman" set out at AS 16.05.940(4):

(4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to

(Footnote continued)

pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

5/ To the extent that this conclusion departs from that reached in 1984 Inf. Op. Att'y Gen. (Feb. 22; 166-350-84), the earlier memorandum is hereby overruled on this point only.

6/ We recognize that on many catcher processors, crewmembers participate at times in all aspects of the operation -- both fishing and processing. These crewmembers would require a license.

take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish;

The term "commercial fisherman" is not actually used in AS 16.05.480(a) nor in AS 16.05.940(5), the operative provisions that require a person engaged in "commercial fishing" to obtain a commercial fishing license. However, the existence of the definition in AS 16, and its ostensibly broad application to "the crews of floating craft used in transporting fish," raises some question as to whether employees who work on fish processing lines aboard vessels are "commercial fishermen" and whether that definition correlates precisely with the definition of "commercial fishing" in AS 16.05.940(5).

The relationship between the definition of "commercial fisherman" in AS 16.05.940(4) and the class of persons who must obtain commercial fishing licenses is fortified by two factors: (1) the legislative history of the term and (2) interpretive regulations.

First, the statutory definition of "commercial fisherman" in AS 16.05.940(4) derives from section 2(o), ch. 94, SLA 1959. 7/ The present statutory requirement regarding

7/ The text of that definition provided:

(o) "Commercial fisherman": an individual who fishes commercially for, takes or attempts to take fish, shellfish, or other fishery resources of Alaska by any means, and including every individual aboard boats operated for fishing
(Footnote continued)

commercial fishing licenses derives from section 6, article III, ch. 94, SLA 1959, which provided:

Sec. 6. Commercial Fishing License. A commercial fishing license shall be obtained by each and every individual before he shall become engaged as a fisherman as above defined. The fee for such license shall be \$10.00 for residents, and \$15.00 for non-residents.

There is no definition of "fisherman" in ch. 94, SLA 1959; however, there is the above definition of "commercial fisherman" set out in section 2(o), article III, ch. 94, SLA 1959, and logically this must be the definition referred to in section 6. Thus, unlike the present statutory language at AS 16.05.480(a) that requires commercial fishing licenses of people engaged in "commercial fishing," the statutory language from which this provision derives did reference the definition of "commercial fisherman," and each "commercial fisherman" had to obtain a license.

Although we have found no legislative history that sheds light on the reason for the language change from section 6, article III, ch. 94, SLA 1959 to the language now in AS 16.05.480(a), it does not appear that there was any legislative intent to divorce the statutory license requirement in AS 16.05.480(a) from the definition of "commercial fisherman." Hence we believe that the current definition of "commercial fisherman" should be read in harmony with AS 16.05.480(a) and be a guide in interpreting who must obtain a license.

(Footnote continued)

purposes who participates directly or indirectly in the taking of the raw fishery products above mentioned, whether such participation be on shares or as employee or otherwise; provided, however, this shall not apply to anyone aboard a licensed vessel merely as a visitor or guest who does not directly or indirectly participate in the said taking. The term "commercial fisherman" shall also include the crews of tenders or other floating craft used in transporting fish.

The above conclusion is strengthened also by the fact that the board of fisheries has adopted a regulation, 5 AAC 39.110(a), that requires a "commercial fisherman" who does not hold a valid interim-use or entry permit to obtain a "crew member fishing license." 8/ In the absence of any discreet definition of "commercial fisherman" in the administrative code, we interpret this term in light of the statutory definition of "commercial fisherman" in AS 16.05.940(4). We also read "crewmember fishing license" as included within the definition of "commercial fishing license" in AS 16.05.480(a). 9/

Based upon the above analysis, we believe that the definition of "commercial fisherman" in AS 16.05.940(4) should be a guideline in determining who is "commercial fishing" and hence required to obtain a commercial fishing license. However, although the definition of "commercial fisherman" appears to cover broadly the "crews of tenders or other floating craft used in transporting fish," we do not find that this covers employees aboard floating craft who merely process fish and who do not engage in the operation or navigation of the vessel. This

8/ The text of 5 AAC 39.110(a) provides:

5 AAC 39.110. Crew member 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 crew member fishing license is not required for the holder of a valid interim-use or entry permit card.

9/ As 16.05.480 specifies that "'commercial fishing license' includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses." The term "crew" is defined in 5 AAC 39.110(e) as:

(e) In this section, "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(4), who is actively engaged in the operation of fishing gear that is being operated in the manner described in 5 AAC 39.107.

conclusion is based upon a review of the statutory scheme as a whole and a reading of associated words within the definition of "commercial fisherman," explained below.

3. Scope of "crews of other floating craft used to transport fish."

First, as discussed above, we do not view AS 16.05.480(a), standing alone, as requiring persons who merely process fish to hold a commercial fishing license. The statutory definition of "commercial fisherman," while, as explained above, relevant in interpreting who must hold a license, should be construed in harmony with the terms used in AS 16.05.480(a). See generally State v. First Nat. Bank of Anchorage, 660 P.2d 406, 413 (Alaska 1982).

Second, reading doubtful words in harmony with associated words in AS 16.05.940(4), we believe that "tenders or other floating craft used in transporting fish" relates to craft used in taking and transporting raw, rather than fully processed fish. AS 16.05.940(4) specifies that "commercial fisherman" "includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products ..." (Emphasis added). Since tenders transport raw fish, we believe that the term "tenders and other floating craft used in transporting fish" must be read in association with the rest of AS 16.05.940(4) to refer to vessels used to transport raw or partially processed fish, as opposed to barges carrying fully processed fishery products to market. ^{10/} We also do not view an employee on a processing vessel who merely processes fish and does not engage in other aspects of the

^{10/} Captain Nutgrass had requested in particular an interpretation of the word "fish" defined in AS 16.05.940(10); he suggested that if "fish" includes dead (processed) fish, by logical extension "personnel of airlines and freight companies transporting fish to market would be required to have commercial fishing licenses." For the reasons stated above, we conclude that in context, the term "fish" as used in AS 16.05.940(4) does not include fully processed fish. However, we also believe that the general definition of "fish" in AS 16.05.940(10) (which includes fish "in any stage of its life cycle") does include dead and processed fish, unless the context otherwise provides.

vessel's operation to be a "crewmember" within the meaning of a person engaged in "commercial fishing." Such a broad interpretation would not harmonize with the other language (discussed above) in AS 16.05.940(4) and AS 16.05.940(5). 11/

4. Summary.

In summary, your specific questions and our answers are as follows:

Q.1. Is a person who works on the fish processing line of a mobile floating processor or catcher-processor required to hold a commercial fishing license?

A. No, so long as the person does not engage in any

11/ It may be of some use to compare certain other state and federal laws that distinguish between crewmembers who operate vessels and other employees aboard. For example, the Fair Labor Standards Act provides certain exceptions from minimum wage requirements for employees who process, can, or pack fish or shell fish "at sea as an incident to ... fishing operations" (29 U.S.C. §213(a)(5)), and for "seamen." (29 U.S.C. §213(b)(6)). The latter term is defined as an employee who performs "service which is rendered primarily as an aid in the operation of [a] vessel as a means of transportation, provided he performs no substantial amount of work of a different character." 29 C.F.R. §783.31. See also 29 C.F.R. §783.32. And see Worthington v. Icicle Seafoods, Inc., 796 F.2d 337, 338 (9th Cir. 1986). Under Alaska law, the minimum wage exemption only applies to "seamen." AS 23.10.060(12). Thus, in some areas of law, a distinction is made between the functions of seamen (who may be viewed as "crewmen") and employees who merely process fish. (However, compare citizenship requirements for "seamen" on certain large documented vessels. 46 U.S.C. §8103(b) and 46 U.S.C. §8701(a)(7) and (b). The term "seamen" is not defined in these statutes and there appears to be a difference of interpretation as to whether the term "seamen" applies only to the deck crew and persons in a position directly related to navigation, or to any employee engaged in any capacity on the vessel. See e.g. definition of "seamen" under merchant seamen protection and relief law, 46 U.S.C. §10101(3))

Col. Jack Jordan, Director
Division of Fish & Wildlife Protection
661-87-0428

October 20, 1987
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activities relating to operation and navigation of the vessel (other than processing).

Q.2. Do crewmembers on a tender or mobile floating processor require a commercial fishing license?

A. Yes, but in context a "crewmember" does not include a person whose sole activity is processing fish.

Q.3. Must the skipper or crew of a freight vessel hauling processed fish to market for sale hold a commercial fishing license?

A. No.

I hope this answers all the questions raised in Captain Nutgrass's request. If we can be of further assistance on this matter, please let us know.

SEM/jmo

cc: Hon. Don W. Collinsworth, Comm'r, ADF&G
Norman Cohen, Deputy Comm'r,
Ken Parker, Dir., Div. of Comm'l Fisheries
Bob Clasby, Comm'l Fisheries
Larri I. Spengler, AGO
Lance Nelson, AGO

a: JORDAN.MOA

MEMORANDUM

State of Alaska

TO: Lt. Col. Tetzlaff
Div. of Fish & Wildlife
Protection
Dept. of Public Safety

DATE: February 22, 1984

FILE NO: 166-358-84

TELEPHONE NO: 276-3550

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Commercial Fishery
Licenses

By: Kathleen McGuire *KMG*
Assistant Attorney General

You requested an opinion as to whether workers assigned to shore-based canneries must possess a commercial fishing license under AS 16.05.480.

The summary answer is that shore-based cannery workers do not need a commercial fishing license. AS 16.05.480(a) provides in part that "a person engaged in commercial fishing shall obtain a commercial fishing license" and AS 16.05.940(2) defines a commercial fisherman as "every individual aboard a boat operated for fishing purposes..." which includes "the crew of tenders or other floating craft used in transporting fish."

The two statutes read together make it clear that employees of canneries attached to land do not need commercial fishing licenses because they are not aboard a boat that is transporting fish. However, employees aboard floating processors that transport fish do require commercial fishing licenses.

Specifically, you have asked whether employees of shore-based but floating cannery are required to hold a commercial fishing license under AS 16.05.480(a). Two types of canneries are prevalent in Alaska: shore-based and floating. For tax purposes, AS 43.75.140(5) and (6) define shore-based canneries as including floating craft that are permanently attached to land, or remain in the same location in the state for an entire tax year. 1/

1/ AS 43.75.015 provides tax advantages to processors that are shore-based. AS 43.75.140 extinguishes those tax advantages, if the processors move their location. Because of the tax advantage, few shore-based canneries will be moving. However, if the shore-based canneries do move they are considered floating processors and their employees would be required to hold commercial fishing licenses under AS 16.05.480(a).

Lt. Col. Tetzlaff
Div. of Fish & Wildlife Protection
166-358-84

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Based upon the above definitions, the employees of a floating shore-based facility would be exempt under the definition of "commercial fisherman" in AS 16.05.940(2) because the floating shore-based facility would not be used for "transporting" fish because it must remain in the same location all year.

The employees of a floating shore-based facility would also be exempt under the definition of "commercial fishing" in AS 16.05.940(3). AS 16.05.940(3) defines possessing fish as commercial fishing. Although cannery workers handle fish, they are not in possession. Tinglev v. Brown, 380 So.2d 1289 (Fla. 1980). Possession requires a degree of ownership or control. Florida v. Bridger, 386 So.2d 818, 819 (Fla. Dist. Ct. App. 1980). Cannery workers universally do not have ownership or control of the fish they handle.

CONCLUSION

Employees of shore-based floating canneries are not required to have a commercial fishing license. Employees of floating canneries are required to have a commercial fishing license.

KIM/ssr

MEMORANDUM

State of Alaska

TO: Glenn H. Lundell
Deputy Commissioner
Department of Labor

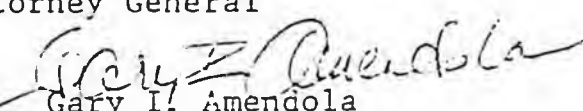
DATE: November 15, 1982

FILE NO: 366-252-83

TELEPHONE NO: 465-3603

FROM: Wilson L. Condon
Attorney General

SUBJECT: Interpretation of
Statute regarding
Workers on Fish
Processors

By: 
Gary I. Amendola
Assistant Attorney General

Under AS 23.35 and under the proper circumstances, "fishermen" can obtain medical and related benefits through a fund known as the "fisherman's fund". You have asked whether fish processing employees injured while working on a fish processor qualify for fisherman's fund benefits. You have also asked, in the event that the answer is in the affirmative, whether only specific employees on the processor are entitled to those benefits.

AS 23.35.070 states:

BENEFITS. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operations as a fisherman, either ashore, in the state, or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization. As used in this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, P.L. 94-265 (16 U.S.C. 1801 et seq.).

AS 23.35.080 -- AS 23.35.140 indicate the extent of other benefits offered, the manner in which the benefits may be provided, and the time and monetary limitations on benefits.

AS 23.35.150(4) reads:

"fisherman" means a person who is licensed by the state to engage in commercial fishing under

Glenn H. Lundell, Deputy Commissioner
Department of Labor
366-252-83

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Page 2

AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing.

I am advised by representatives of the Department of Revenue that all crewmembers on board a floating fish processor are required to have commercial fishing licenses.

I am advised by representatives of the Department of Fish and Game that all persons working on board a harvester/processor and on board tenders are required to have commercial fishing licenses. See AS 16.05.480 and AS 16.05.940(2). The department has been advising owners of processors to purchase commercial fishing licenses for those persons employed on board although the law is not perfectly clear on that requirement. For purposes of this opinion, however, the resolution of that particular issue is not necessary.

In order to qualify as a "fisherman" under AS 23.35 and therefore qualify for "fisherman's fund" benefits, a person must not only be licensed to engage in commercial fishing or be the holder of a limited entry permit, the person must also at the time the injury is sustained or illness is contracted, (1) be engaged in commercial fishing, or (2) occupied in Alaska preparing or dismantling boats or gear used in commercial fishing.

The "plain meaning" rule of statutory construction requires that an unambiguous statute be read to mean what it clearly expresses. There is thus no need to interpret it except to the extent that the words themselves have inexact meaning. State v. Alex, 646 P.2d 203, 208, n.4 (Alaska 1982); Application of Babcock, 387 P.2d 694, 696 n.6 (Alaska 1963); 2A Sutherland, Statutes and Statutory Construction, § 46.01, at 48-49 (4th Ed. Sands, 1973). There is little question that employees on fish processors are not commercial fishing nor occupied in Alaska preparing or dismantling boats or gear used in commercial fishing.

However, to the extent one could argue otherwise, reference to related statutes in order to interpret a particular statute is customary if there is some ambiguity perceived. 2A Sutherland, Statutes and Statutory Construction, § 51.01, at 287-289 (4th Ed. Sands, 1973). The fish and game statute which

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defines "commercial fishing" does not include employees on fish processors. AS 16.05.940(3) states:

"commercial fishing" means the taking, fishing for, or possession of fish, shellfish or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facia evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources.

It is our view, therefore, that employees processing fish on a floating processor are not "commercial fishing" and do not qualify for "fisherman's fund" benefits.

GIA/bap

AS 16.05.480(a)
AS 16.05.940

WORKERS AT SHORE-BASED CANNERIES NEED
NOT POSSESS COMMERCIAL FISHING LICENSE.

In response to an inquiry from the division of fish and wildlife protection, the Attorney General stated that an employee of a shore-based floating cannery is not required to have a commercial fishing license, but that an employee of a floating cannery is required to have a commercial fishing license. The Attorney General stated that the definition of "commercial fisherman" includes "the crew of tenders or other floating craft used in transporting fish" (AS 16.05.940(4)). Therefore, those who transport fish must have the license; those who don't transport fish need not have the license, the Attorney General concluded. AS 16.05.480 requires that a person "engaged in commercial fishing" obtain a commercial fishing license. The definition of "commercial fishing" does not include "transporting" (AS 16.05.940(5)). Thus, one must have a commercial fishing license if one is engaged in commercial fishing, regardless of whether one is a commercial fisherman or is involved in transporting. In a previous opinion the Attorney General stated that "there is little question that employees on fish processors are not commercial fishing . . ." Op. Atty. Gen. (Alaska, November 15, 1982). On that basis, the Attorney General concluded that processor employees were not entitled to benefits of the fisherman's fund. Now, however, the Attorney General is saying that employees on floating processors are engaged in commercial fishing. Op. Atty. Gen. (Alaska, February 22, 1984)

The intent of the Legislature is not clear. The Attorney General has construed the law in an apparently inconsistent manner, saying that certain persons must have a license because they are engaged in commercial fishing, but they should be denied fisherman's fund benefits because they are not engaged in commercial fishing. Legislative review is recommended.

(b) A person appointed by the commissioner of revenue under AS 16.05.460 to issue licenses under AS 16.05.440 — 16.05.480, except salaried employees of the state, shall retain the sum of 15 per cent of the interim-use or entry permit fee for assisting in completion of the annual application or renewal form for the interim-use or entry permit. An agent shall transmit promptly to the Commercial Fisheries Entry Commission all application or renewal forms and fees collected by the agent, less the authorized commission, together with a full accounting of the fees. The commissioner and the Commercial Fisheries Entry Commission are not liable for defalcation or failure to account for the fees collected by an agent, but the commissioner shall require a bond in the sum the commissioner considers adequate, conditioned upon the faithful accounting of money collected. (§ 5 art III ch 94 SLA 1959; am § 9 ch 31 SLA 1963; am § 1 ch 8 SLA 1977; am §§ 5, 6 ch 105 SLA 1977)

Sec. 16.05.475. Registration of fishing vessels. (a) A person may not employ a fishing vessel in the water of Alaska unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state, are not excused from this provision.

(b) The term "employ", as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under the Administrative Procedure Act (AS 44.62). The definition may include any activities involving the use or navigation of fishing vessels.

(c) The term "registered under the laws of the state", as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under the Administrative Procedure Act (AS 44.62). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds necessary to maximize the authority of the state to apply and enforce fisheries regulations under the Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331, 16 U.S.C. 1801 et seq.).

(d) The term "fishing vessel", as used in this section, means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for

(1) fishing, or

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing. (§ 7 ch 105 SLA 1977)

Sec. 16.05.480. Commercial fishing license. (a) A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$30 for residents, and \$90 for nonresidents. Except

for those which are also entry or interim-use permits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, "commercial fishing license" includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses.

(b) A person applying for a resident commercial license under this section shall provide the proof of residence which the department requires by regulation.

(c) *[Repealed, § 12 ch 123 SLA 1978.]* (§ 6 art III ch 94 SLA 1959; am § 19 ch 131 SLA 1960; am § 1 ch 93 SLA 1966; am § 2 ch 42 SLA 1968; am § 8 ch 105 SLA 1977; am §§ 1, 2, 12 ch 123 SLA 1978; am § 1 ch 79 SLA 1982)

Effect of amendments. — The 1982 amendment increased the fees in the second sentence of subsection (a) from \$10 to \$30 for residents and from \$30 to \$90 for nonresidents.

Editor's notes. — Sixty percent of the fees collected under this section is deposited in the fishermen's fund, AS 23.35.060. For opinions of the Attorney General regarding constitutional limits on

altering the amount of a license fee upon which a dedicated fund is based, see annotations following Article IX, section 7 in the Alaska Constitution pamphlet.

Opinions of attorney general. — Discrimination against aliens and nonresidents in issuance of fishing licenses. — See 1959 Op. Att'y Gen., No. 15.

NOTES TO DECISIONS

Constitutionality of former provisions. — See *Anderson v. Mullaney*, 13 Alaska 332, 191 F.2d 123 (9th Cir. 1951), aff'd, 13 Alaska 342 U.S. 415, 72 S. Ct. 428, 96 L. Ed. 458 (1952).

States have a right to exact a higher license fee from nonresidents than from residents for the privilege of hunting game within its borders. *Anderson v. Smith*, 71 F.2d 493 (9th Cir. 1934).

Principle upon which such right is based. — This right to discriminate is based upon the principle that the state

owns the wild fish and game within its borders and therefore has a right to determine the conditions upon which persons may reduce the same to possession and ownership. *Anderson v. Smith*, 71 F.2d 493 (9th Cir. 1934).

Discrimination between resident and nonresident fishermen in prescribing license fees. — See *Anderson v. Smith*, 8 Alaska 470, aff'd, 71 F.2d 493 (9th Cir. 1934).

Applied in Commercial Fisheries Entry Commission v. Apokedak. Sup. Ct. Op. No. 2011 (File No. 4464), 606 P.2d 1255 (1980).

Sec. 16.05.490. Vessel license. (a) As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel, including a vessel used in charter service for the recreational taking of fish and shellfish.

(b) *[Repealed, § 19 ch 105 SLA 1977.]*

(c) *[Repealed, § 19 ch 105 SLA 1977.]*

(d) *[Repealed, § 19 ch 105 SLA 1977.]*

(e) *[Repealed, § 19 ch 105 SLA 1977.]* (§ 7 art III SLA 1959; am § 20 ch 131 SLA 1960; am § 1 ch 48 SLA 1963; ch 105 SLA 1977)

certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this section shall be accompanied by a statement prepared by the Department of Fish and Game examining the probable environmental impact of the action.

(e) This chapter does not prevent the traditional barter of fish and game taken by subsistence hunting or fishing, except that the commissioner may prohibit the barter of subsistence-taken fish and game by regulation, emergency or otherwise, if a determination on the record is made that the barter is resulting in a waste of the resource, damage to fish stocks or game populations, or circumvention of fish or game management programs.

(f) A permit may not be required for possessing, importing or exporting mink and fox for fur farming purposes. (S 28 art I ch 94 SLA 1959; am § 1 ch 7 SLA 1972; am § 2 ch 104 SLA 1972; am § 4 ch 82 SLA 1974; am §§ 16, 17 ch 206 SLA 1975; am § 1 ch 20 SLA 1976; am § 13 ch 151 SLA 1978; am § 4 ch 23 SLA 1983)

Effect of amendments. — The 1983 amendment added subsection (f).

Editor's notes. — For legislative intent, see § 1, ch. 151, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

Legislative history reports. — For report on ch. 151, SLA 1978 (HB 960), see 1978 House Journal, p. 1154.

NOTES TO DECISIONS

Quoted in *State v. Semaken*, Ct. App. Op. No. 107 (File No. 6384), 648 P.2d 114 (1982).

Sec. 16.05.940. Definitions. In this chapter

(1) "aquatic plant" means any species of plant, excluding the rushes, sedges and true grasses, growing in a marine aquatic or intertidal habitat;

(2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) "a board" means either the Board of Fisheries or the Board of Game;

(4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor

or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish:

(5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources;

(6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;

(7) "department" means the Department of Fish and Game unless specifically provided otherwise;

(8) "domestic mammals" include musk oxen, bison and reindeer, if they are lawfully owned;

(9) "fish" means any species of aquatic finfish, invertebrates and amphibians, in any stage of their life cycle, found in or introduced into the state;

(10) "fish derby" means a contest in which prizes are awarded for catching fish;

(11) "fishing derby association" means a civic, service or charitable organization in the state, not for pecuniary profit, whose primary purpose is to promote interest in fishing for recreational purposes and which has been in existence for five years before applying for a permit under this chapter, but does not include an organization formed or operated for gaming or gambling purposes;

(12) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water which is completely enclosed by a generally escape-proof barrier;

(13) "fur dealing" means engaging in the business of buying, selling, or trading in animal skins; the term does not apply to a hunter or trapper selling the animal skins the trapper or hunter has legally taken, or to a person, other than a fur dealer, purchasing animal skins for the person's own use;

(14) "game" means any species of bird and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of this chapter;

(15) "hunting" means the taking of game under this chapter and the regulations adopted under it;

Not Jurisdiction
on All-Alaskan

state; however, stationed in the resident for the dent member of for the preceding a person who is a nent place of ab chapter;

(20) "seizure" of real or person enforcement or fish and game l.

(21) "sport fis personal use, ar anadromous fish with the line at closely attended

(22) "subsiste session of fish, uses with gill ne by the Board of

(23) "subsiste Alaska of wild consumption as the making an by-products of f consumption, a personal or fur "family" means any person live

(24) "take" m any manner di pursue, hunt, fi

(25) "taxider treatment of m

S B

3 1 7

FISCAL NOTE

REQUEST:

Revision Date: 1/15/88
Title: "An Act relating to fisheries tax sharing."
Sponsor: Senators Fischer and Kertulla
Requestor: Senate Resources

Agency Affected: Revenue
BRU: Income and Excise Audit Division
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel *SK*
Division: Income and Excise Audit

Phone: 465-2320
Date: January 12, 1988

Approved by Commissioner: Hugh Malone
Agency: Department of Revenue

Date: January 18, 1988

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

S B

362

HOUSE COMMITTEE REPORT

(9)

Date referred: 3/21/88

FURTHER REFERRALS: Finance

DATE: 4-13-88

The Resources Committee has considered CSSB 362(Res)

"An Act establishing the Dude Creek Critical Habitat Area; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 362 (Res) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 2/88
- zero with analysis

SIGNING DO PASS:

Jan Cate
Rory Springer
Arthur Herrmann
Michaelance
Clayton

SIGNING OTHER RECOMMENDATIONS:

Jan Cate
 Chairman's signature

Original sponsor: Eliason

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 362 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Dude Creek Critical Habitat
7 Area; and providing for an effective date."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.610. DUDE CREEK CRITICAL HABITAT AREA. (a) The
11 purpose of the Dude Creek Critical Habitat Area is the protection and
12 enhancement of the wet meadow habitat that is the key roosting area
13 for migrating lesser sandhill cranes, for the protection of lesser
14 sandhill cranes, and for the continued public use and enjoyment of the
15 area.

16 (b) The following described area is established as the Dude
17 Creek Critical Habitat Area:

18 Township 40 South, Range 58 East, Copper River Meridian

19 Section 2: W1/2

20 Section 3

21 Sections 9 - 10

22 Section 11: W1/2NE1/4, W1/2

23 Section 14: Lot 3, NW1/4, N1/2SW1/4, SW1/4SW1/4

24 Section 15

25 Section 16: N1/2, SE1/4

26 (c) The Dude Creek Critical Habitat Area described in (b) of
27 this section shall be managed under a management plan prepared and
28 implemented by the department in consultation with the community of
29 Gustavus and the Board of Game.

1 (d) The department shall allow public uses, including fishing,
2 hunting, trapping, mechanized and nonmechanized public access, graz-
3 ing, firewood harvesting, wildlife viewing, hiking, and berry picking
4 under the management plan adopted under (c) of this section to the
5 extent that the activities are compatible with (a) of this section.

6 (e) The legislature understands that a portion of the state land
7 described in (b) of this section is mental health trust land of the
8 state and the legislature intends that the land retain its status as
9 mental health trust land, notwithstanding its inclusion in the Dude
10 Creek Critical Habitat Area.

11 * Sec. 2. INTERIM MANAGEMENT. Until the Department of Fish and Game
12 has adopted a management plan under AS 16.20.610(c), the commissioner of
13 fish and game shall allow public use compatible with AS 16.20.610(a) as
14 enacted in sec. 1 of this Act.

15 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
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FISCAL NOTE

Revised Date: _____
 Title: Snake Creek Critical Habitat Area
 Sponsor: Senator Eliason
 Requestor: Senate Finance

Agency Affected: Natural Resources
 BRU: Land and Water Management

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0				
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Legislative designation will not preclude this parcel from being appraised as part of the Mental Health Settlement. There may be some administrative savings because the public notice will be unnecessary; however, these savings will be less than \$100.

Prepared by: Janet Burleson
 Division: Land and Water Management

Phone: 465-3400
 Date: 3/16/88

Approved by Commissioner: Judith M. Burley
 Agency: Department of Natural Resources

Date: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSR362 (Res.)
PUBLISH DATE: Senate 3/16/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dude Creek Critical Habitat Area
Sponsor: Eliason
Requestor: _____

Agency Affected: Department of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0*				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER		0				
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Preparation of the Dude Creek Critical Habitat Area Management Plan

Prepared by: Bruce H. Baker Phone: 465-4105
Division: Habitat Division Date: 3/10/88

Approved by Commissioner: [Signature] Date: 3/11/88
Agency: Department of Fish and Game

Distribution (by preparer): *If existing schedule of one plan per year is adhered to, and no "date certain" is set for preparation of the Dude Creek Management Plan, the operating budget would be adequate. However, if two plans are to be prepared currently, the cost for the second plan would be 50.5. page 1 of 2

Dude Creek Critical Habitat Area

-Preparation of the Dude Creek Critical Habitat Area Management Plan will take one year to complete and require the following expenses (in thousands) if conducted concurrently with preparation of any other critical habitat area management plan:

Personnel

Habitat Biologist	(18c)	6 months	4.5/month	27.0
Game Biologist	(16c)	2 months	4.0/month	8.0
Drafting Tech.	(14d)	1 month	3.5/month	3.5
Clerk/Typist	(8a)	1 month	2.3/month	2.3
				<u>\$40.8</u>

Travel

Staff travel to Gustavus and Juneau	\$2.0
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Contractual

Telephone	0.75/month x 12 months	0.9
Photocopy	0.10/month x 12 months	0.1
Advertising /public notices		1.0
Aerial photography printing/ photographic/blueprinting		0.7
		<u>4.0</u>
		\$ 6.7

Supplies

Office supplies	1.0
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TOTAL	\$ 50.5
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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 6, 1988

The Honorable Adelheid Herrmann, Co-Chair
The Honorable Sam Cotten, Co-Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: CSSB 362 (Resources), " An Act establishing the
Dude Creek Critical Habitat Area; and providing for an
effective date."

Position: The Department does not oppose this legislation.

Background: The majority of the land within this area is
mental health. The allocation to the Mental Health Trust
Income Account will not be affected irrespective of the
establishment of this critical habitat area.

Recommendation: Section 1, 16.20.610 (c) should state the
plan should be done in consultation with the Department of
Natural Resources as well as the community of Gustavus.

Please let me know if we may provide additional information.

Sincerely,

Judith M. Brady
for
Judith M. Brady
Commissioner

Enclosure

cc: Committee Members
Bill Sponsors
Rod Swope
Bob Evans

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSR 362 (Res)

PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dude Creek Critical Habitat Area

Agency Affected: Natural Resources
BRU: Land and Water Management

Sponsor: Senator Eliason
Requestor: House Resources

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Legislative designation will not preclude this parcel from being appraised as part of the Mental Health Settlement. There may be some administrative savings because the public notice will be unnecessary; however, these savings will be less than \$100.

Prepared by: Janet Burleson Phone: 465-3400

Division: Land and Water Management Date: 3/16/88

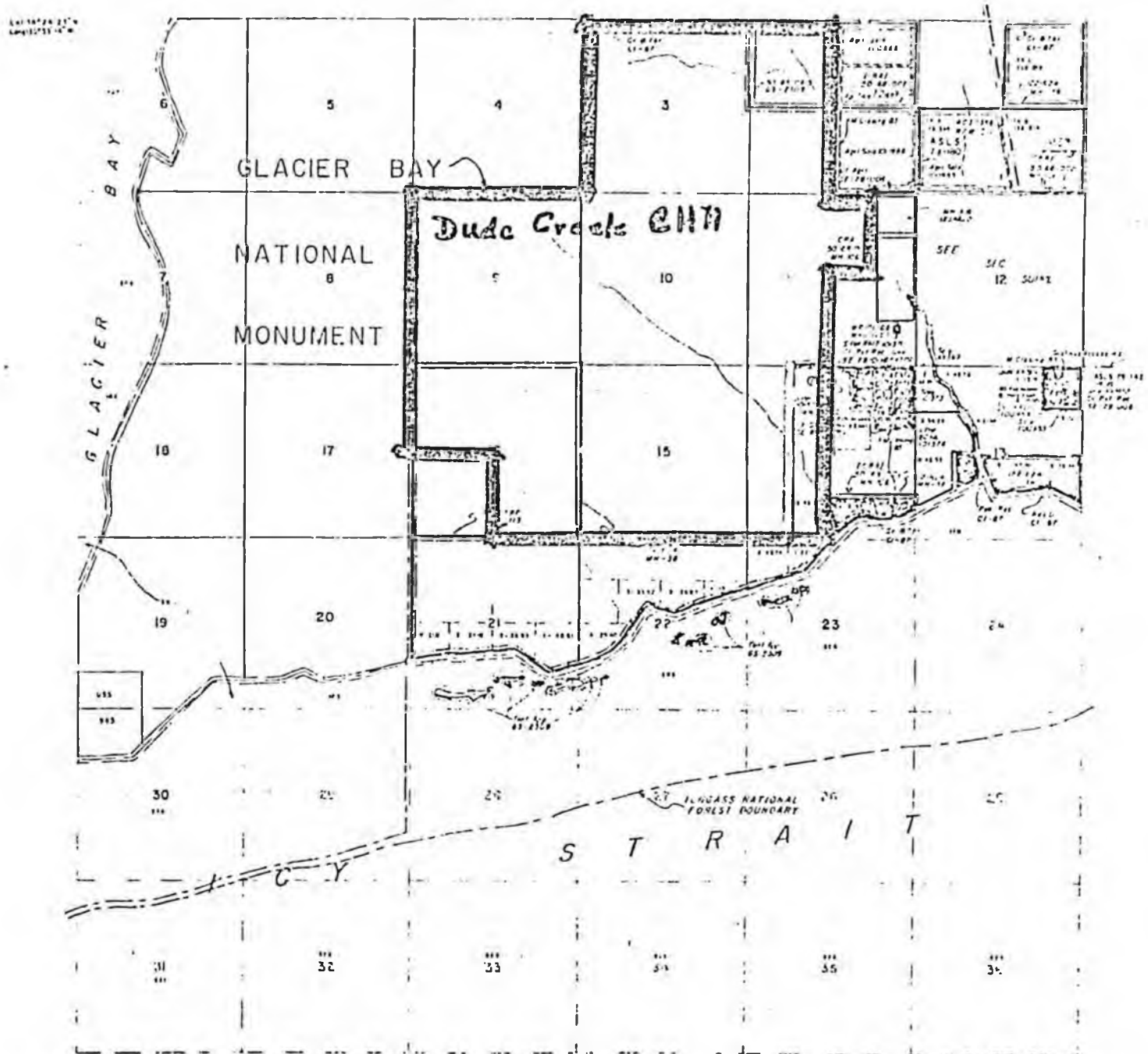
Approved by Commissioner: JB Date: _____

Agency: Department of Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

TOWNSHIP 40S RANGE 50E OF THE COPPER RIVER MERIDIAN, ALASKA



GENERAL NOTES
 OF STATE LAND
 ENTIRE TOWNSHIP
 SECTION 12, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
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 2025

Original sponsor· Eliason

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 362 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Dude Creek Critical Habitat
7 Area; and providing for an effective date."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

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24 Section 15

25 Section 16: N1/2, SE1/4

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27 this section shall be managed under a management plan prepared and
28 implemented by the department in consultation with the community of
29 Gustavus and the Board of Game.

1 (d) The department shall allow public uses, including fishing,
2 hunting, trapping, mechanized and nonmechanized public access, graz-
3 ing, firewood harvesting, wildlife viewing, hiking, and berry picking
4 under the management plan adopted under (c) of this section to the
5 extent that the activities are compatible with (a) of this section.

6 (e) The legislature understands that a portion of the state land
7 described in (b) of this section is mental health trust land of the
8 state and the legislature intends that the land retain its status as
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15 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
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Original sponsor: Eliason

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 362 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 6, 1988

The Honorable Adelheid Herrmann, Co-Chair
The Honorable Sam Cotten, Co-Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: CSSB 362 (Resources), "An Act establishing the
Dude Creek Critical Habitat Area; and providing for an
effective date."

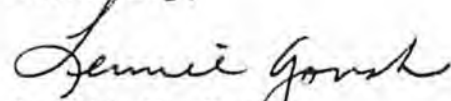
Position: The Department does not oppose this legislation.

Background: The majority of the land within this area is
mental health. The allocation to the Mental Health Trust
Income Account will not be affected irrespective of the
establishment of this critical habitat area.

Recommendation: Section 1, 16.20.610 (c) should state the
plan should be done in consultation with the Department of
Natural Resources as well as the community of Gustavus.

Please let me know if we may provide additional information.

Sincerely,



for Judith M. Brady
Commissioner

Enclosure

cc: Committee Members
Bill Sponsors
Rod Swope
Bob Evars

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Dude Creek Critical Habitat Area
Sponsor: Senator Eliason
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Land and Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHE						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Legislative designation will not preclude this parcel from being appraised as part of the Mental Health Settlement. There may be some administrative savings because the public notice will be unnecessary; however, these savings will be less than \$100.

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 3/16/88

Approved by Commissioner: JB Date: _____
Agency: Department of Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: Dude Creek Critical Habitat
Area
Sponsor: Eliason
Requestor: _____

Agency Affected: Department of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0*				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER		0				
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Preparation of the Dude Creek Critical Habitat Area Management Plan

Prepared by: Bruce H. Baker Phone: 465-4105
Division: Habitat Division Date: 3/10/88

Approved by Commissioner: Norman Olsen Date: 3/11/88
Agency: Department of Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

*If existing schedule of one plan per year is adhered to, and no "date certain" is set for preparation of the Dude Creek Management Plan, the operating budget would be adequate. However, if two plans are to be prepared concurrently, the cost for the second plan would be 50.5.

page 1 of 2