

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5470 SRES SB 385 - SB 407


Alaska
MUNICIPAL
League

TELEPHONE
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair
Members of the Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: February 17, 1988

SUBJECT: SB 385 - Fisheries Tax Returns

The Alaska Municipal League strongly supports SB 385 - relating to fisheries tax returns - Subsection (a) permits municipalities to determine whether fisheries businesses operating within their boundaries are properly reporting the location of their activities. Inaccurate or improper reporting of location adversely affects the entitlement of an affected municipality to its share of the fisheries license tax.

Subsection (b) is extremely important to municipalities that levy sales and use taxes on the sale or use of fisheries products. It provides an enforcement mechanism that will provide enforcement information to both the state and the municipality without violating the purpose for which the confidentiality of these records was established. The practice of taxing jurisdictions of exchanging taxpayer information for enforcement purposes is well established and should be extended to this situation.

I have enclosed a related resolution adopted by the AML membership at our annual conference in November. The resolution supports the need to share fisheries tax information between the State and municipalities. It also request adequate funding for the Department of Fish and Game to properly collect, report, and manage fish ticket information.

The AML strongly supports SB 385.

Thank you.

SAB:phl

Enclosure

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 58-8

A RESOLUTION CONCERNING RAW FISH TAX COLLECTIONS.

WHEREAS, the collection of raw fish tax is a critical source of revenue for the local municipalities and the State of Alaska, and

WHEREAS, the municipalities have been unable to obtain any data concerning collection of raw fish tax, and

WHEREAS, the municipalities would provide considerable information and assistance to the Department of Revenue if given the opportunity, and

WHEREAS, the municipalities have been effectively managing confidential information for many years, and

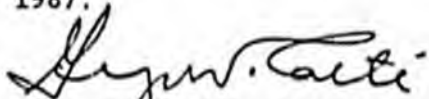
WHEREAS, the municipalities concur with the sensitivity of the processor information and agree to treat the information as confidential information, and

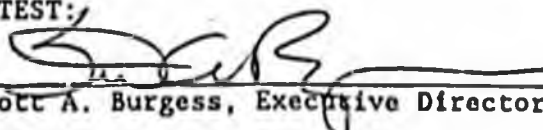
WHEREAS, the Department of Fish and Game fish tickets for bottomfish have not been processed for several months, which means no catch verification or fish tax verification is taking place at this time, and

WHEREAS, this information is critical for both management of the fish resource and accurate management of the fish tax collections;

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that Governor Cowper and the Alaska Legislature adopt legislation to fund adequate staff positions within the Department of Fish and Game to properly manage the information provided on the fish tickets for all species in a timely manner to allow verification and quality information to the municipalities and an accurate accounting for the raw fish tax.

Adopted this 13th day of November 1987.


George W. Carte', President

ATTEST:

Scott A. Burgess, Executive Director

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

February 29, 1988

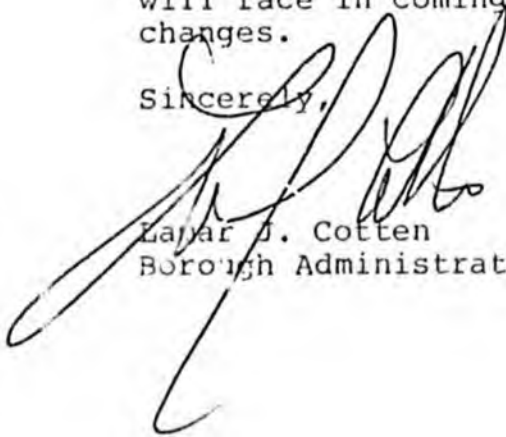
Senator Fred Zharoff
P.O. Box V
Juneau, Alaska 99811

RE: SB-385 - Confidentiality Bill

Dear Senator Zharoff:

Just a short note to say that the Aleutians East Borough supports the Senate Bill 385. It will help close loop-holes in current State law while insuring a taxation policy which treats all entities equally. The bill is well overdu and will help alleviate a number of problems which communities will face in coming years as the fishing industry evolves and changes.

Sincerely,



Lajar J. Cotten
Borough Administrator

P.3/3

CITY OF KING COVE

P.O. Box 37 • King Cove, Alaska 99812 • (907) 497-2340

March 10, 1988

The Honorable Fred Zharoff
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

RE: SB 385

Dear Senator Zharoff:

The City of King Cove strongly supports the adoption of SB 385 an act relating to fisheries tax returns. The City believes this bill will effectively assist in accomplishing the following:

- o Provide municipalities a cost-effective tool in the administration and collection of municipal sales/use taxes, particularly from floating fish processors ; and

- o Provide the State and municipalities an informal avenue to share information and identify processors which are operating in respective areas of the State. This information sharing will enhance the prospects for the State and municipalities to collect tax revenues each is owed, again, particularly from floating processors.

The main problem confronting coastal municipalities are that they are often unaware of floating fish processing activities that occur in their municipal boundaries and cannot verify the amount of fish product a processor processes. Floating fish processors operating in State waters are required to pay State Fisheries Business Taxes and this information could be an essential tool to help a municipality collect the full amount of local tax assessments it is owed. Quite simply, the large amount of territory in some coastal municipalities, particularly boroughs, and the prohibitive cost of operating onsite monitoring program make it difficult for most municipalities to effectively collect taxes from floating processors. SB 385 is not a cure-all for this problem, but it is a very positive step that will immediately benefit municipalities and the State.

The city of King Cove supports SB 385 and urges its adoption this session.

Sincerely,



Wayne Marshall
City Manager

City of Sand Point

P.O. Box 249
Sand Point, Alaska 99661
(907) 383-2696

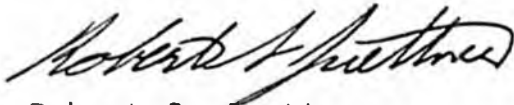
March 2, 1988

Honorable Fred Zharoff
P.O. Box V
Juneau, Alaska 99811

Dear Senator Zharoff:

The City of Sand Point supports your efforts through SB 385 to promote the exchange of the fisheries business tax information between cities and the Department of Revenue. Given the declining nature of revenues, it is mutually advantageous for cities and the Department of Revenue to cross check their sales tax figures against the gross receipts shown on the fisheries business tax form.

Sincerely,



Robert S. Juettner
City Administrator



**SOUTHWEST ALASKA
MUNICIPAL CONFERENCE**

Box 89 • Unalaska • Alaska 99685

APR 15

April 13, 1987

Carl Ohs
c/o Senator Fred Zharoff
Senate District N
Pouch V
Juneau, Ak. 99801

Dear Carl,

Thank you for meeting with Wayne, Lamar and I last week on issues of concern for the Southwest Municipal Conference. You asked that I send you a summary of the main points.

You will recall that our discussion focused on four themes.

1. Fish Tax
2. Confidentiality
3. Monitoring
4. Observer Program

Fish Tax

At the annual spring meeting in Dillingham, the Southwest Municipal Conference delegates resolved to work with legislators to develop a fish tax program that structurally benefits municipally-located processors regardless of fishery. Delegates cited the importance of shore-based and near shore-based plants for local economies. Specifically, delegates proposed the following tiered structure.

Onshore Processors	3%
Floating Processors Within Municipal Boundaries	5%
Processors Outside of Municipal Boundaries	8%

The Conference asks that this tax policy be managed to allow municipalities to retain the same percentage they presently receive in shared taxes for operations within municipal boundaries. The State will receive an increase in revenues from higher tax rates on processors operating outside municipal boundaries.

Our goal is to have legislation introduced this Session that addresses the above-listed structure. ~~House~~ ^{House} Research could analyze the legislation during the interim. Modified to reflect their recommendations we would work toward passing a bill next Session.

Confidentiality

Many municipal officials complain about the veil of secrecy surrounding fish processing records. Lacking access to these records, municipalities cannot verify processors' production records. It would be in the State's interest to share these records with municipalities so that we can assist the State in its collection of unreported/underreported taxes. Local officials repeatedly testified to the discrepancies in collections within their jurisdictions.

Some argue that if municipalities had access to records it would jeopardize the competitive edge that some processors enjoy. As municipal officials we frequently handle issues sensitive in nature. Our public's trust hinges on ensuring the confidentiality of these issues and records. We do not foresee a danger to any firm's records being made public.

The Southwest Municipal Conference is requesting your assistance to:

1. Authorize the Department of Revenue to share information on fish tax collected per processor with municipalities.
2. Require the Department of Revenue to work cooperatively with municipalities in verification and collection of raw fish tax. The Conference supports giving the Department of Revenue the option to allow the municipality to assume collection duties within municipal boundaries. This option would include provisions for the municipality to retain a reasonable fee to cover costs.
3. Fund adequate Alaska Department of Fish and Game staff positions to analyze fish tickets in a timely manner for all species. This link in the system is essential to ensure accurate accounting of the raw fish tax.

Monitoring

Southwestern communities fear that bottomfish resources could be devastated through lack of proper data analysis, monitoring and observation. Although many of the management aspects of this industry are federal, the State must work with the Federal government so that the future of pollock and cod is not negotiated for concessions in other international trading issues. We understand that millions of dollars may potentially go uncollected. This figure is the difference between what Fish and Game estimates is actually processed and what Revenue reports is collected.

Observer Program

Southwest Conference delegates continue to support a required domestic observer program. Conference recommendations include:

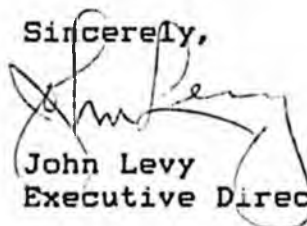
1. The State commit \$1.4 million in FY88 State share of Fish Business Tax receipts to fund the domestic observer program recommended by the Department of Fish and Game.

2. The State approach private and public bodies to assist in funding this program for the future. This includes supporting fishermen's efforts to form a non-profit-organization that can contribute funds for an observer program by using State taxing authority to collect assessments on fishermen.
3. The State contract with private groups, such as the Southwest Municipal Conference, to operate and manage the domestic observer program.
4. The State include The Southwest Municipal Conference on any advisory board that may be established to monitor the observer program.

You indicated that the Attorney General ruled that any observer program must hire state employees under A.P.E.A. We ask that Senator Zharoff work with the Governor and the Department of Law to come up with a legal, affordable program.

If you would like further information on the Southwest Municipal Conference or our position on various issues call President Paul Fuhs at 581-1357, I may be reached at 640 W. 36th Ave., #4, Anchorage 99503 or 562-1400.

Sincerely,



John Levy
Executive Director

cc: Southwest Municipal Conference Executive Officers
Rep. Cliff Davidson
Rep. Adelheid Herrmann

Alaska State Legislature

Senate Advisory Council



P.O. Box V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

MEMORANDUM

TO: Senator Zharoff
Alaska State Senate

FROM: Sheila F. Helgath, PhD *SH*
Richard Rainery
Senate Advisory Council

DATE: February 8, 1988

SUBJECT: Municipal Fisheries Taxes IR# 88-003223

You requested that the municipalities that collect an additional "raw fish tax" besides the State collected Fisheries Business Tax be identified and the methods for collection and verification be explained. The municipalities and boroughs that are collecting a raw fish tax are listed in Table One, Borough and Community Fisheries Taxation in Addition to Alaska State Fisheries Business Tax. Appendix Table One is an expanded version of Table One which lists all the communities who have processors in the state and who could potentially collect a raw fish tax. This taxation approach has been primarily implemented in Southwest Alaska where the volume of the raw fish is large. A few communities, Sitka, in particular, are considering it in Southeast Alaska. Many of the Southeast communities and the larger Southcentral and Southwest communities collect a property tax. Only 7 of the 56 communities who receive the shared revenues from Alaska State collected Fisheries Business Tax, collect additional raw fish taxes.

The advantages of the sales tax are the relative ease and lack of expense in collecting it. The disadvantage of the tax is that enforcement of the tax on offshore processors is difficult. Bristol Bay Borough had the most vigorous enforcement while Akutan relied on voluntary compliance. Enforcement ranged from audits conducted outside of the State (an expensive proposition), to reviewing Fish and Game catch data, to random audits of a few processors, to reliance on voluntary compliance. In areas where the value of the fish was high, such as Bristol Bay, monthly reports were required, in other areas quarterly reports were required.

Nearly all of the community leaders commented that they believed that offshore processors were under reporting their catch and that if the municipalities could work cooperatively with the Alaska Department of Revenue State and Local revenues would be increased. This comment was made by

officials in communities as diverse as Yakutat, King Cove, and Valdez. Another consistent complaint was the inability to project revenues without Alaska Department of Revenue data.

Table One
Borough and Community Fisheries Taxation in Addition to Alaska State
Fisheries Business Tax

<u>Communities and Boroughs</u>	<u>Municipal Fish Tax</u>	<u>Procedures & Verification</u>
Aleutians East Borough	2% Sale Use Raw Fish	No Policy Established Yet
Bristol Bay Borough	3% Raw Fish	Monthly reports from processors. Use variety of means audits, local police, and ADF&G data.
Akutan	.5% Raw Fish	Quarterly report. Unable to verify.
Clark's Point	3% Raw Fish	
King Cove	2% Raw Fish	Quarterly report. Voluntary compliance with an onshore processor.
Sandpoint	2% Sales & Fish Use	
Unalaska	1% Raw Fish	Monthly report. By annual random audits.

Source: Telephone Interviews with Municipal Officer February 1988.

Appendix Table One. Borough and Community Fisheries Taxation in Addition to Alaska State Fisheries Business Tax

Communities and Boroughs w/Processors	# Processors in 1987	Received Fisheries Business Tax from State in 1986	Additional Municipal Sales Taxes on Raw Fish in 1988	Verification
BOROUGHS				
Anchorage Municipality	29	yes	no	
Juneau	30	yes	no	
Sitka	25	yes	no but possibility of fish tax this October	
Aleutians East		no	2% sales & use raw fish	
Bristol Bay	41	yes	3% raw fish	ADF&G, audits, late penalties and personal inspections.
North Star	2	yes	no	
Haines	11	yes	no	
Kenai Peninsula	24	yes	no unless sold directly to public then sales tax applies	
Ketchikan Gateway	9	yes	no	
Kodiak Island	10	yes	no	
Matanuska-Susitna	1	yes	no	
COMMUNITIES				
Akutan	6	yes	.5% raw fish	not able to verify quarterly reports
Aniak	1	yes	no	
Anvik	1	yes	no	
Bethel	6	yes	5%	
Chignik	4	yes	no	

Communities and Boroughs w/Processors	# Processors in 1987	Received Fisheries Business Tax from State in 1986	Additional Municipal Sales Taxes on Raw Fish in 1988	Verification
Clark's Point	2	yes	3% raw fish	
Cordova	18	yes	no	
Cordova	18	yes	specifically exempts fish taxes	
Craig	1	no	no but will if some kind of landing fee isn't imposed	
Dillingham	7	yes	no	
Emmonak	1	yes	considered it for future	
Fairbanks	1	yes	no	
Fortuna Ledge	1	yes	no	
Galena	2	yes	no	
Haines	11	yes	no	
Homer	8	yes	no	
Hoonah	3	yes	no	
Hydaburg	1	yes	no	
Kake	2	yes	no	
Kaltag	1	yes	no	
Kenai	11	yes	no	
Ketchikan	37	yes	no	
King Cove	2	yes	2% raw fish	voluntary compliance on shore no compliance offshore
Klawock	2	yes	no	
Kodiak	27	yes	no	

Table One continued.

Communities and Boroughs w/Processors	# Processors in 1987	Received Fisheries Business Tax from State in 1986	Additional Municipal Sales Taxes on Raw Fish in 1988	Verification
Mountain Village	2	yes	uk	
Pelican	3	yes	no	
Petersburg	19	yes	no	
Port Alexander	2	yes	no	
Port Heiden	2	yes	no	
Saint George	1	yes	no	
Saint Marys	2	yes	3%	
Sand Point	3	yes	2% sales and fish use	
Selawik	1	yes	3%	
Seldovia	1	yes	4%	
Seward	10	yes	3%	
Soldotna	2	yes	3%	
Tenakee Springs	2	yes	1%	
Togiak	3	no	2%	
Unalakleet	1	yes	no	
Unalaska	12	yes	1% raw fish	By random audit monthly reports
Valdez	11	yes	no	

Communities and Boroughs w/Processors	# Processors 1987	Received Fisheries Business Tax from State in 1986	Additional Municipal Sales Taxes on Raw Fish	Verification
Whittier	9	yes	no	
Wrangell	21	yes	no	
Yakutat	7	yes	no	

Sources: Telephone Interviews of Municipal Officials by Senate Advisory Council February 1988, Alaska Municipal Officials Directory, Alaska Department of Environmental Conservation Processors List

S B

393

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2-2 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/3/88
Mr. President:

DATE TURNED INTO OFFICE _____

Resours Committee considered SB 393

relating to corrective management of threatened stocks of fish and game

and recommended:

replace with CS SB 393(res) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

John Dunca
Paul Fisher

OTHER RECOMMENDATIONS

John Tanning No Rec

John B. [Signature]
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: 2/3/88 Agency Affected: Fish and Game
 Title: An Act relating to corrective BRU: Game
management of threatened stocks...
 Sponsor: Coghill Components: _____
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		59.4	61.8	63.3	65.8	68.4
TRAVEL		8.0	8.0	8.0	8.0	8.0
CONTRACTUAL		10.0	10.0	10.0	10.0	10.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	78.4	80.8	82.3	84.8	87.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	78.4	80.8	82.3	84.8	87.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME	0	3	3	3	3	3
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached page.

Prepared by: Donald E. McKnight Phone: 465-4190
 Division: Game Date: 3/22/88
 Approved by Commissioner: *Donna Belenewich* Date: 3-22-88
 Agency: Fish and Game

Distribution (by preparer):

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

Page Two

Fiscal Note for CSSB 393
Management of Threatened Stocks of Game

The emergency nature of the actions necessitated by passage of this bill makes it impossible to accurately predict the level of funding needed to complete work on the CSMPs. At a minimum, however, it appears that we will have to hire an additional 9 months of P/S Game Biologist II support for the Interior and 3 months of P/S Game Biologist II support for Southcentral in FY 89. The above budget includes monies for these salaries and benefits plus money to support necessary travel, per diem, supplies and contractual services for these employees. It is important to recognize additionally that the development of CSMPs will place an additional workload on area biologists, regional management coordinators and supervisors and the Game Director. If development of CSMPs incurs additional costs to those above, the department will report to the Legislature with additional fiscal information based on actual impacts of this legislation.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Boards	BILL NUMBER SB 393	SPONSOR Coghill
SHORT TITLE OF BILL An Act relating to corrective management of threatened stocks of fish and game			
DEPARTMENT POSITION Neutral			
PREPARED BY Beth Stewart	DATE 2/8/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 2/8/88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Boards of Fish and Game	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters and fishermen
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Introduced by Coghill

ANALYSIS OF BILL/PROGRAM EFFECTS
The Boards of Fisheries and Game normally meet twice yearly. This bill would require special emergency board meetings in addition to the regular board meetings. The proposed requirement that the board develop emergency interim corrective stock management plans (GSMP) when petitioned by advisory committees will require additional board meetings. Staff support as well as travel, per diem and other costs associated with board meetings will be required to implement this program.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: An Act relating to corrective management of threatened stocks of fish & game
Sponsor: Coghill
Requestor: Senate Resources Committee

Agency Affected: ADF&G
BRU: Division of Boards
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		147.9	152.7	167.8	167.9	168.0
TRAVEL		25.1	27.0	29.0	31.0	33.0
CONTRACTUAL		13.5	14.0	15.0	16.0	17.0
SUPPLIES		2.5	6.0	6.5	7.0	7.5
EQUIPMENT		4.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		193.5	201.2	209.8	218.4	227.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		193.5	201.2	209.8	218.4	227.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached narrative

Prepared by: Beth Stewart Phone: 465-4110
Division: Division of Boards Date: 2-8-88

Approved by Commissioner: *Norman Phillips* Date: 465-4100
Agency: Alaska Department of Fish and Game

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

FISCAL IMPACT

This bill would require that the board develop emergency interim corrective stock management plans (CSMP) when petitioned by an advisory committee. This means there will be additional board meetings.

Based on the number of petitions the boards have received in the past two years, we expect at least one additional meeting for each board per year. Preparation of CSMP in addition to the department's normal work load will require additional staff and funding. A commercial fisheries biologist, a sport fisheries biologist, and a game biologist will be hired to prepare the CSMP's in advance of the board meetings and to prepare the annual reports for on-going CSMP's.

The emergency nature of these actions provides no way of predicting in advance the level of funding needed to complete the work generated by the CSMP's. The department will report to the legislature with additional fiscal information based on actual impact as it occurs.

Table 1. Estimated costs for emergency five-day meeting of Board of Fish and Board of Game.

Line Item	Explanation	Cost (1000)
300	Room Rental, 10 days @ \$400/day	4.0
300	Printing and mailing costs (Proposals and legal notices)	5.0
300	Advertisements	1.0
300/ 400	Incidental expenses (Telephone, xerox, supplies)	3.5
200	Travel	
	5 board members @ \$300 (avg. ticket)	1.5
	20 advisory committee members @ \$100	2.0
	2 board staff, 1 Department of Law staff, 4 Game Division staff @ \$350	2.5
	1 Commissioner's office staff @ \$350	.3
200	Per Diem	
	7 board members @ \$150/day x 10 days	10.5
	20 advisory committee members @ \$80/ day x 1 day	1.6
	7 staff members @ \$80/day x 10 days	5.6
	1 Commissioner's office staff @ \$80/ day x 6 days	.5
	TOTAL	38.0



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER CSSB 393 (Res)	SPONSOR Senator Coghill
SHORT TITLE OF BILL An Act relating to Corrective Management of Threatened Stocks of Game			
DEPARTMENT POSITION Opposed			
PREPARED BY Donald E. McKnight	DATE 3/18/88	COMMISSIONER'S SIGNATURE <i>Donnell Williams</i>	DATE 3-22-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Board of Game	CONSTITUENT GROUP(S) AFFECTED BY BILL All users of wildlife
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill appears to be an attempt to insure that when a game population declines to levels at which human utilization must be severely restricted or curtailed, the Board of Game must develop (be provided with) an action plan designed to increase that population to levels which will support optimal human utilization. In addition, the Board must at least draft regulations necessary to implement that plan. This Corrective Stock Management Plan (CSMP) then must be provided to local advisory committees.

ANALYSIS OF BILL/PROGRAM EFFECTS

Under this bill, the Board of Game would, after receiving information from the department that a game population will not or may not sustain continued human utilization, develop a "corrective stock management plan" (CSMP) designed to restore that population to levels which would support human use, presumably harvest. Because the Board of Game has no staff to write CSMPs, this task would, by necessity, be absorbed by Game Division. Very likely the Area Biologist for the Unit in which the "threatened" stock occurs would be the one writing the CSMP for that threatened stock; this redirection of staff time would necessitate the hiring of additional biologists or technicians to provide assistance to an area biologist involved in writing a CSMP. Because the Game Division has a dynamic and responsive management planning system already in place, development of CSMPs constitutes a redundancy of effort which is both unnecessary and economically unsound.

AMENDMENTS PROPOSED

Use of the term "threatened" (Page 1, lines 6, 13, 19, 21, 23 and 27; page 2, lines 3 and 21) will be very confusing to agencies and the public. This term is normally applied in Federal law, news media, etc., to species which are in danger of becoming endangered (a species whose very existence is threatened). Use of the term "threatened" to mean human use of a population is in jeopardy, will be confusing to the public and the courts.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT <i>Fish and Game</i>	DIVISION <i>Game</i>	BILL NUMBER <i>CSSB 393(Res)</i>	SPONSOR <i>Senator Coghill</i>
SHORT TITLE OF BILL <i>Corrective Management of Threatened Game Stock</i>			
DEPARTMENT POSITION <i>Opposed</i>			
PREPARED BY <i>Don McKnight</i>	DATE <i>3-18-88</i>	COMMISSIONER'S SIGNATURE <i>Sam L. Gilg</i>	DATE <i>3/18/88</i>

SUMMARY

OTHER AGENCIES AFFECTED BY BILL <i>Board of Game</i>	CONSTITUENT GROUP(S) AFFECTED BY BILL <i>All users of wildlife</i>
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill appears to be an attempt to insure that when a game population declines to levels at which human utilization must be severely restricted or curtailed, the Board of Game must develop (be provided with) an action plan designed to increase that population to levels which will support optional human utilization. In addition, the Board must at least draft regulations necessary to implement that plan. This Corrective Stock Management Plan (CSMP) then must be provided to local advisory committees.

ANALYSIS OF BILL/PROGRAM EFFECTS

Under this bill, the Board of Game would, after receiving information from the department that a game population will not or may not sustain continued human utilization, develop a "corrective stock management plan (CSMP) designed to restore that population to levels which would support human use, presumably harvest. Because the Board of Game has no staff to write CSMPs this task would, by necessity, be absorbed by Game Division. Very likely the Area Biologist for the Unit in which the "threatened" stock occurs would be the one writing the CSMP for that threatened stock; this redirection of staff time would necessitate the hiring of an additional 3 biologists or technicians to provide assistance to an area biologist involved in writing a CSMP. Because the Game Division has a dynamic and responsive management planning system already in place, development of CSMPs constitutes a redundancy of effort which is both unnecessary and economically unsound.

AMENDMENTS PROPOSED

Use of the term "threatened" (Page 1 line 6, line 13, line 19, line 21, line 23, line 27, Page 2 line 3, line 21) will be very confusing to agencies and the public. This term is normally applied in Federal law, news media, etc. to species which are in danger of becoming endangered (a species whose very existence is threatened). Use of the term threatened to mean human use of a population is in jeopardy will be confusing to the public and to the Courts.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Introduced: 2/6/86
Referred: Resources and
Finance

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 542

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to corrective management of threat-
7 ened stocks of game."

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

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

10 Sec. 16.05.265. MANAGEMENT OF THREATENED STOCKS OF GAME. (a)

11 The Board of Game shall adopt an interim corrective stock management
12 plan by emergency regulation under AS 44.62.250 and 44.62.260 when the
13 board receives scientific data compiled by the department that a stock
14 is threatened and a majority of the advisory committees in or adjacent
15 to the game management unit where the stock is located petitions the
16 board to adopt an interim corrective stock management plan.

17 (b) An interim corrective stock management plan expires after
18 120 days or when the Board of Game adopts a corrective stock manage-
19 ment plan, whichever occurs first.

20 (c) Within 120 days after adopting an interim corrective stock
21 management plan the Board of Game shall adopt a corrective stock
22 management plan in accordance with the Administrative Procedure Act
23 (AS 44.62).

24 (d) The Board of Game

25 (1) shall include in the corrective stock management plan
26 regulations for intensive management of the threatened stock and for
27 effective and expeditious corrective management of prey and natural
28 predator species of the threatened stock; and

29 (2) may include in the corrective stock management plan

1 guidelines or regulations for human utilization of the threatened
2 stock, for research on the population status and the ecology of the
3 threatened stock, for restoration of habitat, for public education
4 programs, for law enforcement programs, for designation of reserves,
5 ranges, and preserves, and for artificial rearing of the threatened
6 stock.

7 (e) The Board of Game shall review annually each corrective
8 stock management plan and shall

9 (1) receive scientific data compiled by the department on
10 the status of the threatened stock;

11 (2) evaluate the success of the corrective stock management
12 plan;

13 (3) continue, amend, or rescind the corrective stock man-
14 agement plan; and

15 (4) adopt regulations in accordance with the Administrative
16 Procedure Act (AS 44.62) necessary to achieve the corrective goals of
17 the corrective stock management plan.

18 (f) The commissioner shall implement interim corrective
19 management plans and corrective stock management plans subject to
20 priorities among plans and to the availability of resources to the
21 department.

22 (g) In this section

23 (1) "corrective stock management plan" means a document
24 that compiles information for the purpose of restoring a stock to
25 sustained-yield population levels, as determined by the department,
26 and the regulations adopted to implement the plan

27 (2) "interim corrective stock management plan" means a
28 corrective stock management plan that provides for management and
29 conservation of a threatened stock while the Board of Game prepares

1 and adopts a corrective stock management plan;

2 (3) "stock" means a population of a game species identi-
3 fied with a specific geographic area;

4 (4) "threatened" means the prospect for the continued human
5 utilization of the stock is jeopardized due to either

6 (A) reduction of the stock below sustained-yield
7 levels by disease, pollution, predation, or overutilization;

8 (B) overabundance of a game species leading to the
9 imminent

10 (i) depletion of the stock; or

11 (ii) destruction of habitat of the stock;

12 (C) destruction, modification, or reduction of habi-
13 tat; or

14 (D) other natural or man-made factors seriously af-
15 fecting the prospect of continued human utilization of the stock.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

MEMORANDUM

To: Members of the Senate Resources Committee

From: Senator Coghill

Re: SB 393, "An Act relating to corrective management of threatened stocks of fish and game."

Date: February 10, 1988

SB 393 establishes a method for the Boards of Fish and Game to deal with the difficult problem of threatened stocks. This bill requires the boards to deal with the issue in a methodical way instead of ignoring it completely.

While this legislation does not mandate what the boards must do, it does place a duty on the boards to adopt an interim stock management plan after the board receives biological data that stocks are threatened.

I believe the constitutional provision relating to the management of our fish and game resources on the sustained yield principle is a mandate to the boards to take positive action of some sort to protect jeopardized stocks.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STAT. CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1986

SUBJECT: Section by section analysis of HB 536,
relating to management of threatened stocks
of fish and game.

TO: Representative Richard Shultz

FROM: George Utermohle *GU*
Legislative Counsel

Sec. 16.05.265(a). This subsection places a duty on the board of fisheries or board of game to adopt an interim corrective stock management plan when the board receives scientific data prepared by the Department of Fish and Game that the continued human utilization of a fish or game stock is jeopardized and a majority of the local fish and game advisory committees in the area where the stock lives petition the board to adopt a plan.

When this situation occurs the board must prepare an interim corrective stock management plan. The board has no discretion as to whether it will prepare the plan. However, the content of the plan, with two major exceptions, is left to the board's discretion. The authority and discretion of the board to adopt management plans in other situations are not affected.

The interim corrective stock management plan is implemented as an emergency regulation in order to avoid delays that may otherwise occur in developing a plan and promulgating regulations. The justification for emergency regulations is that any delay in responding to the management needs of a threatened stock violates Art. VIII, Section 4 of the State Constitution which mandates that renewable resources be managed according to sustained yield principles.

Sec. 16.05.265(b). This subsection terminates an interim corrective stock management plan after 120 days. An interim corrective stock management plan can be terminated before 120 days have elapsed if a board adopts a long term stock management plan.

Sec. 16.05.265(c). This section requires a board to prepare the long-term corrective stock management plan within 120 days after adopting the interim plan. This requirement ensures continuous intensive management of the threatened species. The stock management plan is adopted by the board as a regulation.

Sec. 16.05.265(d). This subsection lists the mandatory and discretionary elements of a stock management plan. At the minimum a plan must address intensive management of the threatened stock and effective and expeditious management of prey species and natural predator species.

Additional issues or factors affecting the survival of the threatened stock may be considered at a board's discretion. Among the discretionary factors which the bill suggests are regulation of human utilization, biological research, protection of habitat, artificial rearing, public education programs, and law enforcement. Though the bill speaks of these factors in discretionary terms, a board must address any factor which is critical to the survival of the stock. If a board does not address a critical factor which is in its control or influence, the board is not fulfilling its constitutional mandate to manage according to sustained yield principles.

Sec. 16.05.265(e). This subsection requires a board to review annually each corrective stock management plan in effect. After receiving any additional scientific data from the Department and evaluating the success of the plan the board must take appropriate action to maintain, amend, or rescind the plan and the regulations.

This review of the corrective stock management plan will be done according to the Administrative Procedure Act and board policies. Public comment and participation in this review is thus assured.

Sec. 16.05.265(f). This subsection places responsibility on the Commissioner of Fish and Game to implement interim and long-term corrective stock management plans. When the Department lacks the resources to implement all aspects of one or more corrective management plans, the Commissioner shall establish priorities among plans to achieve as much as possible with the resources available.

Representative Richard Shultz

Page 3

February 4, 1986

Sec. 16.05.265(g). This section defines key terms in the bill: "stock", "corrective stock management plan", and "threatened".

A "stock" is an identifiable and manageable population of fish or game defined in terms of the location where it lives. "Fish" and "game" are defined elsewhere in AS 16.05 to include natural and introduced species of finfish, aquatic invertebrates, amphibians, mammals, and birds.

"Corrective stock management plan" is the plan and its implementing regulations adopted by the board. The purpose of the plan is to restore a threatened species to sustained yield levels. The plan must include information that is useful in rebuilding the stock; the plan is not restricted to biological or scientific information.

"Threatened" means that the population cannot support continued human utilization because the population is too small, the population is endangered by another overabundant species, the population's habitat has been damaged, or the population is endangered by some other natural or man-made factor.

GU:csh
c5/038

SB

394

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

To: Members of the Senate Resource Committee

From: Senator Coghill

Re: SB 394, "An Act relating to appointments to the boards of fisheries and game."

Date: February 10, 1988

SB 394 establishes notice procedures and standards for the appointment of fish and game board members by the Governor. Presently, there are no statutory public notice requirements on appointments prior to appointment.

This issue was brought to my attention by advisory committee members in my district who perceived that legitimate fish and game management needs were not considered when making appointments to the boards.

I think it is important to inform the public of whom the executive is proposing for appointment. We all have received many calls and letters asking who the governor is appointing and when the appointment is being referred to the legislature for confirmation. With this bill the interested public would know that they have 30 days to comment on an appointment.

Another important provision in this bill would require that members appointed to the board have knowledge about the allocation and use of fish and game resources. While I do not believe that proposed members have to be professionals, they should have some experience dealing with fish and game issues.

We have active advisory committees around the state that feel they been ignored when board appointments are made. In many cases this may stem from past appointments where members had no fish and game experience. The legislature should take the opportunity to reinstate this criteria that was inadvertently repealed several years ago and address the public's concerns that political considerations take precedence over the needs of fish and game users.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Office of the Governor
 Title: An Act relating to appointments to the boards of fisheries and game BRU: Executive Operations
 Sponsor: Coghill/Fanning Components: Executive Office
 Requestor: Coghill/Fanning

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	1.3	1.3	1.4	1.4	1.5	1.5
TRAVEL						
CONTRACTUAL	1.1	1.1	1.1	1.1	1.1	1.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.4	2.4	2.5	2.5	2.6	2.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.4	2.4	2.5	2.5	2.6	2.6
FEDERAL FUNDS						
OTHER						
TOTAL	2.4	2.4	2.5	2.5	2.6	2.6

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See attachment.

Prepared by: SPN Michael A. Nizich, Director
 Division: Division of Administrative Services

Phone: 465-3616
 Date: 2/9/88

Approved by Commissioner: [Signature]
 Agency: Office of the Governor

Date: 2/9/88

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB394

SB 394 would require the Office of the Governor to advertise the names of proposed nominees to the Board of Fisheries and Board of Game in newspapers in all sections of Alaska at least 30 days prior to making an appointment. The Office of the Governor is also required to accept public comment on the fitness of the proposed nominee to sit on the board.

Since the publication of names of nominees and review of resulting public comment are an addition to current Boards and Commissions notification and review activities, analysis assumes these additional requirements will have a fiscal impact on the Office of the Governor.

Personal Services Costs are for overtime for existing administrative support staff in the Boards and Commissions Office for analysis of public input, preparation of recommendations to the Governor, and correspondence and other communications related to the public responses. Increasing costs in future fiscal years assume merit increases based on current salary levels. Overtime requirements for one recruitment per year would be as follows:

30 hours, Administrative Assistant, Range 16
60 hours, Executive Secretary I, Range 12

Contractual Services costs are for one-time publication of a five-inch advertisement in 30 newspapers. These figures are based on current advertising rates for existing newspapers in communities in all sections of Alaska, publishing in the paper with the least expensive advertising rates in those communities in which more than one daily or weekly newspaper is published.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 10, 1988

POSITION PAPER

RE: Senate Bill 394

SPONSOR: Senators Coghill and Fanning

Comments

SB 394 contains language which allows for public comment before a gubernatorial appointment is made to the Boards of Fisheries and Game. Additionally it specifies that appointments be made from specific geographic locations.

The process Governor Cowper's Boards and Commissions Office follows meets the same objective--that is, public comment is solicited, obtained and considered. Letters requesting resumes, endorsements, and comments with respect to Board of Fisheries and Game candidates are sent to resource user groups, councils and associations around the state. The candidates and endorsements are then considered; additionally, staff conduct reference checks on the finalists. By the end of the process a great deal of information about the finalists' fitness is compiled, analyzed and evaluated.

While geographic location is considered in these appointments, the Governor places strong emphasis and importance upon the (appointees'-candidates') competence, knowledge of the resource, freedom from personal/financial interest, and relative immunity to political influence or special interest. The requirement to appoint members from a particular region unnecessarily limits proper consideration of these factors.

For the above-stated reasons, we do not support SB 394.

Sheila K. Gottehrer

Sheila K. Gottehrer, Director
Boards and Commissions
Office of the Governor

S B

3 9 7

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: Judiciary

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/5/88 DATE TURNED INTO OFFICE _____
Mr. President:

Resources _____ Committee considered _____ SB 397

relating to the obstruction or hindrance of lawful hunting, fishing,
or trapping.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

[Signature]

[Signature]

OTHER RECOMMENDATIONS

[Signature] - NO Rec

[Signature] No Rec

Paul Frick Do Pass
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: "An act relating to the obstruction or hindrance of lawful hunting, fishing, ..." BRU: Fish & Wildlife Protection
 Sponsor: Fanning, Faiks, et al Components: Enforcement
 Requestor: House Transportation

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.

JKS
Jan
2/2/88

Prepared by: Captain Conrad G. Seibel Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 2/10/88
 Approved by Commissioner: Wanda G. Hootaker Date: 2-18-88
 Agency: Department of Public Safety Dep. Comm.

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

NRA
Position Paper
SB 397 and SB 411

SB 397

NRA's field representative, Rupe Andrews, is out of town and would like to have NRA's position into the record. We support SB 397. This legislation has passed the legislature twice already. This area of concern is not a large problem but the problem is growing.

SB 411

The NRA supports this bill. ANILCA took away significant hunting opportunities away from Alaskans. The National Park Service continues to work towards curtailing even existing hunting opportunities. The hunters of this state need not be restricted even further by our own state parks system.
Thank-you!



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER SB 397	SPONSOR Senator Coghill
DEPARTMENT POSITION Support			
PREPARED BY Don E. McKnight	DATE 3/1/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/2/88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters, trappers and fishers
ORGANIZATIONAL SUPPORT FOR BILL Alaska Outdoor Council and other organized sportsmen groups	ORGANIZATIONAL OPPOSITION TO BILL Anti hunting, fishing, trapping groups Animal rights activists

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

In the past 10 to 15 years individuals who oppose hunting and trapping have become well organized and very aggressive in their efforts to impede those who hunt and trap. There have been a number of well-publicized instances in which hunters were harassed or game they were stalking harassed. The intent of this bill is to serve notice that such obstruction of hunting, fishing or trapping is not acceptable to Alaskans. Similar laws have recently been enacted in a number of states.

ANALYSIS OF BILL/PROGRAM EFFECTS

Passage of this bill into law would make obstruction or harassment of an individual legally hunting, fishing or trapping a misdemeanor punishable by a fine or imprisonment. This law would provide legal protection from this form of hooliganism to the thousands of Alaskans who legally hunt, fish and trap in Alaska each year. It would also provide these individuals an alternative to violence in protecting themselves from harassment by these well-meaning, but overzealous, opponents of hunting, trapping and fishing. Certainly for most Alaskans, hunting, fishing and trapping constitute recreational experiences which the state should help ensure not being disrupted by unpleasant or unsafe intrusions by individuals opposed to these particular activities.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to Obstruction or
Hindrane of Hunting, Fishing or Trapping
Sponsor: Senator Coghill
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

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						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Don E. McKnight
Division: Game

Phone: 465-4190
Date: 3/2/88

Approved by Commissioner: *Norman Old*
Agency: _____

Date: 3/2/88

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

The following are the official comments of The Alaska Wildlife Alliance. We are against (SB411). We do not think hunting activities are compatible with other public uses in state parks. . The phrase that possession and use of a firearm may be necessary to personal safety is just an excuse to allow hunting in areas where it does not belong and is a threat to personal safety. People are encouraged to recreate in state parks. Hikers, cross country skiers, photographers, canoers- the majority of outdoor recreationists are put at risk when state parks are opened to hunting. Because such a policy would be too capricious we do not think that the commissioner of DNR should regulate the use of a firearm or other weapon within one-quarter mile of posted areas such as a trail head, visitor center, or highway wayside. . Current law forbids use of a firearm within one-half mile of posted areas and it includes roads. Roads are not included in SB411. We are emphatically against liberalizing the law to 1/4 mile, especially in the populated parks of southeast and south central. Currently, parks are closed except where specifically open and The Division of Parks may close parks for reasons of public safety. Chugach Park may be closed by the Division of Parks for wildlife observation. The Division of Parks needs to maintain this power for the safety of non-consumptive users and the benefit of wildlife whom they have a duty to protect.

We oppose (SB398) ("An Act relating to certain reports and records concerning game animals") for all the reasons we have opposed similar bills in the past. The bill is unconstitutional and denies a citizen's right to freedom of information. Public access is the standard in Alaska and this was confirmed by an AG's opinion two year's ago. It cannot be argued that sealing certificates give financial information or interfere with anyone's livelihood since sealing certificates don't deal with pelt prices or give the specific trapping area.

(There is no priority information on sealing certificates) We, the public, have a right to know who and how public resources are used. As a practical matter, sealing certificates and hunting permits are not public record, how would graduate students, economic researchers, statisticians, or any others be able to get the facts and figures needed in their studies? These records have been made available to organizations like ours who perform a watchdog roll. There have been no ill effects of this information having been provided.

We oppose SB397 ("An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping.") Rather than protecting the activities of consumptive users, this bill endangers the rights of non-consumptive users. In fact, this bill could create a real safety problem if a hunter perceived harassment and wanted an excuse to attack a non-consumptive user. The bill will promote the very kind of conflict it seeks to prevent. The majority of non-consumptive users are already virtually "second class citizens" in the field of wildlife management, and this bill will further deprive them of anything approaching equal rights. Even the proponents of this bill admit no such harassment has occurred in Alaska to date. If it were to occur, it can be addressed by existing statutes without further affecting the right of all non-consumptive users. This bill, in slightly different forms has been vetoed before by Governor Sheffield for these same reasons.

Jenny DeVRIES
Alaska Wildlife Alliance
Box 190953
Anchorage, AK 99519

Jenny DeVries
Alaska Wildlife Alliance
P.O. Box 190953
Anchorage, Ak 99519

Bill No. 398 relates to certain reports and records concerning game animals and again resurrects the case of the public's right to know how public resources are being used vs. individual trappers and hunters rights to privacy. As you may know, I submitted a Freedom of Information request to the Alaska Dept. of Fish & Game in 1986 asking for wolf sealing certificates including the names and addresses of individual trappers.

Subsequently, the Attorney General provided an opinion which stated that the information I requested was "subject to the open records provisions of AS 09.25.110."

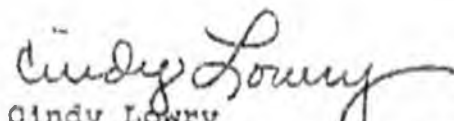
He further stated "the department has in the past been concerned that public disclosure of fur sealing information would reduce the detail and accuracy of information submitted by trappers regarding where fur animals are taken, and that failure to receive accurate data would in turn diminish the department's ability to formulate appropriate conservation and management strategies. Although this could theoretically occur, we believe that a reviewing court would find that the risk of trappers failing to submit information required by law is minimal compared to the strong public interest in knowing how public resources are being used."

We wholeheartedly agree with this opinion and to my knowledge, it has not changed. In addition, the Alaska Trappers Association brought a lawsuit against the State regarding this issue in the Alaska Superior Court which failed.

Bill No. 397 relates to the obstruction or hindrance of lawful hunting, fishing, or trapping. We have commented on this concept many times in the past in various forms of bills. In essence, this bill promotes the very conflict it purportedly seeks to prevent. It is also my understanding that a theoretical harassment situation implied in the bill has never occurred in the State of Alaska. We remain opposed to this type of adversarial legislation.

Again, we oppose all three aforementioned Senate bills and do not believe they are in the best interest of the public or wildlife species in Alaska. Thank you for this opportunity to provide comments.

Respectfully submitted,


Cindy Lowry
Alaska Field Representative
Greenpeace

A
X DELIVER TO: LIOCRG X
X
X
X ORIGINAL X
X SENT: 03/02/88 TIME: 14:10 X
X FROM: LIOCRG X
X SUBJECT: TESTIMONY X
X PRINT DATE: 03/02/88 TIME: 14:10 X
X

RIGER

I HAVE SOMEONE HERE (MORE THAN ONE) UPSET ABOUT THE CONFUSION AND
WOULD LIKE TO KNOW IF THERE IS ANY WAY FOR THEM AT ALL TO GIVE
PUBLIC TESTIMONY TO NOW SINCE THERE WAS A MESS UP OR AT A LATER
TIME

THEY ARE PREPARING HARDCOPY TO BE FAXED DOWN BUT WOULD STILL LIKE
TO SAY SOMETHING NOW

WHAT ARE THE BILLS RECEIVING TESTIMONY NOW SR 443 AND SR 222
YOU COULD BE TO 122 BUT I DON'T SHOW THAT BILL SCHEDULED.

END

 *
 * DELIVER TO: LIDCROG *
 *
 * ORIGINAL *
 * SENT: 03/02/88 TIME: 14:01 *
 * FROM: LIDCMAT *
 * SUBJECT: TC PARTICIP #2 *
 * PRINT DATE: 03/02/88 TIME: 14:01 *
 *

HERE IN MARYS FOR SRES TELE:

TESTIFY RE ALL 4 BILLS:
 1. J. OTDYCKSON, FISH AND GAME

TESTIFY RE BILLS 411, 397, 398:
 1. R H PARKIRSON, PALMER

TESTIFY RE HB 443:

X
 1. KEN RIVARD WASTILLA
 2. LINDA DELINGER
 3.

+ Hope - Mr. Twait

MAYBE TESTIFY:

1. JOHN RIVARD
 2. KEN ROBINSON
 3.

OBSERVE:

1. JOHN DELINGER
 2. STAN BILSON
 3.

 *
 * DELIVER TO: LITCROG *
 *
 * ORIGINAL *
 * SENT: 03/02/88 TIME: 13:59 *
 * FROM: LITCROG *
 * SUBJECT: S RES, P1 #1 - SB443, 397, 398, 411 *
 * PRINT DATE: 03/02/88 TIME: 13:59 *
 *

DATE: MARCH 2, 1988 _____
 SITE: FAIRBANKS _____
 SPONSOR: SENATE RESOURCES _____
 SUBJECT: LEG. PUBLIC HEARING: SB 443, SB 397, SB 398, SB 411 _____
 MODERATOR: BELBA _____

 TESTIFY:
 NAME REPRESENTING ADDRESS PHONE #
 1.) ***** FAIRBANKS HAS NO PARTICIPANTS AT THIS TIME *****
 2.)
 3.)
 4.)
 5.)

 OBSERVE:
 NAME REPRESENTING ADDRESS PHONE #
 1.)
 2.)
 3.)
 4.)
 5.)

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*****
*
* DELIVER TO: L10CROG
*
*
* ORIGINAL
* SENT: 03/02/88 TIME: 13:58
* FROM: L10CROG
* SUBJECT: SSTAFF; PL#4 -SCR35; 3-2-88
* PRINT DATE: 03/02/88 TIME: 13:58
*
*****

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3-2-88
BARROW
SENATE STAFF AFFAIRS
SCR 35
MFG

#1 PARTICIPANT LIST

TESTIFY:		
NAME/REPRESENTING	ADDRESS	PHONE #
1 NO ONE		

OBSERVE:		
NAME/REPRESENTING	ADDRESS	PHONE #
1 NO ONE		

0- TESTIFIED
0- UNABLE TO TESTIFY
0- OBSERVED
0- TOTAL
START/END TIMES:

Alaska State Legislature

SENATOR KEN FANNING
P.O. BOX 80929
COLLEGE, ALASKA 99708



P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 485-3880

March 1, 1988

Senate

MEMORANDUM

To: Senate Resources
Committee Members

From: Senator Ken Fanning *KF*

Subject: SB 397 - Obstruction of hunting, fishing & trapping

This bill is designed to prevent intentional harassment or obstruction of persons engaged in lawful hunting, fishing or trapping in Alaska. It was passed by the Legislature in this form in 1984, and in an earlier version in 1983. Both times it was vetoed by then-Governor Bill Sheffield, who explained his actions by saying no real need existed because few incidents of hunter harassment had taken place, and that in his view current criminal statutes covered the issue.

It is true that Alaska has not experienced a great number of hunting and trapping harassment incidents, but this is primarily due to the state's remote location and vast expanse.

The bill is patterned after legislation adopted by other states, and has similar penalty provisions. It also provides a liberal defense clause to protect those who mistakenly believed it was not unlawful to disturb hunting, fishing and trapping activities.

As the legislative body of the State of Alaska, we have a responsibility to protect Alaskan citizens, as well as those who visit from Outside, in their pursuit of outdoor recreation. This bill does this, and it reduces the potential for violence in the field by providing judicial relief for those aggrieved by intentional harassment.

I urge your support of SB 397.

SYNOPSIS AND ANALYSIS

OF

SB 397 - "An Act relating to the obstruction or hindrance of lawful hunting, fishing or trapping."

This is a one section bill that would amend Title 16 by adding a new section 16.05.926 to preclude intentional obstruction or hindrance of lawful hunting, fishing and trapping activities.

Subsection (a) contains the prohibition.

Subsection (b) provides a definition of "lawfully" to mean in compliance with applicable state and federal statutes and regulations, and with the permission of a private landowner, if that is where it occurs.

Subsection (c) provides that a peace officer can order a person to desist from the harassment, and to cite the person if he or she persists.

Subsection (d) provides that it is an affirmative defense that a person believed it was alright to harass sportsmen.

Subsection (e) provides punishment of up to 30 days in jail or up to \$500 fine.

The second portion of the bill provides for civil remedies. Subsection (a) allows an aggrieved party to obtain a court order to enjoin the obstructor from the activities.

Subsection (b) allows an aggrieved party to recover damages, including license and tag fees, travel costs, guide fees, etc.

Subsection (c) allows the court to award punitive damages in addition to general and special damages allowed under subsection (b).

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

JAN 16 1985

June 19, 1984

The Honorable Joe L. Hayes
Speaker of the House
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Re: CSHB 546(Res) am S
(An Act relating to the
obstruction or
hindrance of lawful
hunting, fishing, or
trapping.)

Dear Representative Hayes:

Under the authority granted in art. II, sec. 15, of the Alaska Constitution, I have vetoed CSHB 546(Res) am S -- a bill that would have made it a misdemeanor for a person "to perform an act with the intent to obstruct or hinder hunting, fishing, or trapping engaged in lawfully by another person." As you may recall, I vetoed a similar bill (2d SCS CSHB 163(Jud)) last year.

I have decided to veto this legislation for the following reasons:

First, an amendment to the bill made on the House floor (the insertion of the language "possessing a valid State of Alaska license or permit" which appears on page 1, lines 13 -- 14, of the final bill) creates both a potential constitutional problem and a public policy problem.

The amendment was made to ensure that a person who obstructs the capture of orca whales in Alaskan waters by Sea World could not be prosecuted under this law. The overall result of this amendment is that if a person obstructs a hunter holding a valid state license or permit, that person can be prosecuted under this law, whereas, if a person obstructs a hunter who is lawfully hunting with only a federal permit, (this includes orca capture, as well as any other kind of hunting, fishing, or trapping requiring a federal permit only) that person is

exempt from prosecution. Such disparate treatment of similar offenders, with no apparent rational basis for the distinction, raises an equal protection question under the constitution.

On a policy basis, I question the wisdom of granting -- just because we want to specifically exempt from prosecution those who might attempt to obstruct the capture of orca whales -- blanket immunity to persons who obstruct hunters, fishermen, and trappers who are hunting, fishing, or trapping lawfully without a state license or permit. This provision should be given more thoughtful consideration.

Secondly, it may be difficult to effectively prosecute an offender under the bill. The new law would not apply to obstruction or hindrance that is "incidental" to a person's lawful use of public or private land or water. This exception was included so that hunting activities would not be given a clear priority over other lawful outdoor activities such as camping, hiking, birdwatching, etc. Although adding this provision serves a laudable purpose, especially since last year's bill included no recognition of the validity of such competing uses, this language is likely to make it more difficult to prosecute some cases. That is, it may be difficult to prove that obstructive acts were deliberate as opposed to being the incidental result of another person's lawful use of the land.

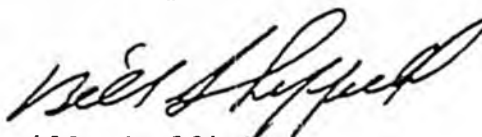
Thirdly, there have apparently been no verified reports in Alaska of the types of "sabotage" tactics that the proponents of this bill seek to prohibit. I am not convinced of the need to establish a new crime prohibiting conduct that has yet to occur in this state.

Fourthly, as I stated in last year's veto letter, existing criminal statutes provide adequate coverage for physical interference with lawful hunting and fishing. In particular, the crimes of assault, criminal mischief, and harassment provide criminal penalties similar to those imposed under this bill.

Finally, creating such a crime in the Alaska statutes gives the impression that Alaska seeks to give hunting, fishing and trapping of wildlife, (whether it be for sport, commercial purposes, or subsistence use) priority over efforts to protect and preserve wildlife. Despite the fact that I myself have participated in sport hunting and fishing, I do not believe that it is appropriate to make such a strong statement in our laws.

For these reasons, I have vetoed this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

S B

3 9 8

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: Judiciary

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/5/88

DATE TURNED INTO OFFICE _____

Mr. President:

Resources _____

Committee considered _____ SB 398

certain reports and records concerning game animals

and recommended:

[] replace with CS _____ [] same title

[] attached amendment(s) and [] new title

[] do pass

[] do not pass

[] no recommendation

[X] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [X] attached or [] adopted fiscal note(s)
[X] zero [] fiscal impact

MEMBERS SIGNING DO PASS *Do Pass*
Arthur Stimpert / if amended.
Tom Fanning

OTHER RECOMMENDATIONS
John Duncan - No Rec
Paul F. Smith - No Rec

Paul F. Smith (Do Pass)
Chairman signature and recommendation

[] Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to certain reports and records concerning game animals."

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection

Sponsor: Fanning, Faiks, et al
Requestor: Senate Resources

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.

JAR
2/2/88

Prepared by: Captain Conrad G. Seibel Phone: 269-5509
Division: Fish & Wildlife Protection Date: 2/10/88

Approved by Commissioner: Walter H. ... Date: 2-29-88
Agency: Department of Public Safety

Distribution (by preparer) :

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

Sue Entsminger
Position Paper
SB 398

SB 398

I am a trapper, hunter, and fur skin sewer. As soon as this bill was vetoed by the governor last time, Greenpeace requested all the trapping records. Their reputation against trappers proves to me that their use of these records are not in the best interest of trappers. I do not feel this possible misuse of data against the user is fair or warranted. I favor this legislation and hope you will again support it asd in the past. Thank-you.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER SB 398	SPONSOR Senator Coghill
DEPARTMENT POSITION Support			
PREPARED BY Don E. McKnight	DATE 3/1/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3-2-88

SUMMARY

STATE AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUP(S) AFFECTED BY BILL State trappers and hunters
ORGANIZATIONAL SUPPORT FOR BILL Alaska Trappers Association Alaska Outdoor Council	ORGANIZATIONAL OPPOSITION TO BILL Anti hunting and trapping organizations

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 398 provides that identifying information in a hunting or trapping document is confidential. Similar legislation (HB 407) was passed by the 14th Legislature and vetoed by the Governor. In addition to providing confidentiality, however, HB 407 would have legalized the use of parts of big game animals for trapping bait.

ANALYSIS OF BILL PROGRAM EFFECTS Opponents of this measure argue that confidentiality of identifying information in hunting/trapping harvest documents would abridge the public's right to information and deprive the public of a vital tool in monitoring the use of public resources. (This bill would not limit full disclosure of biological harvest data.) Proponents of the measure argue that adoption would ensure the individual hunter's or trapper's reasonable expectation of privacy, including specific trapping areas, financial interests, and protection from possible harassment by anti-trappers. The department's primary concern is that we obtain accurate and complete harvest reporting. We believe a lack of confidentiality can jeopardize accurate harvest reporting.

In debating confidentiality provisions of HB 407, opponents argued that the public right to know supercedes the individual rights to privacy, and that the law, if passed, could hide illegal or unethical behavior from the public--specifically, commercial trapping activities of Department of Fish and Game employees. SB 398 provides for the release of information, however, as necessary to prosecute criminal actions or comply with a court order. Opponents also maintain that financial information is not reported on sealing certificates. Financial interests, however, include marketing information as well as numbers and species of furs sealed or exported (from which a dollar value can be easily determined).

AMENDMENTS PROPOSED

Line 28(f)(1) that identifies individual trappers or hunters, and specifically identifies their individual take or activity.

Our main concern is that we receive as accurate and complete reporting of harvests as possible.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to certain reports and records concerning game animals
Sponsor: Senator Coghill
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

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		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0		

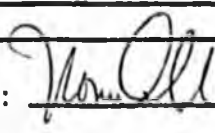
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Don F. McKnight
Division: Game

Phone: 465-4190
Date: 3/1/88

Approved by Commissioner: 
Agency: _____

Date: 3/2/88

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

5-1802B ✓

Hein

3/4/88

Original sponsors: Fanning, Faiks,
Coghill, et al.

Not Adopted
3/4/88

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 398 (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 relating to certain reports and records
7 concerning game animals and to the confidentiality of
8 shellfish stock abundance surveys conducted by the
9 Department of Fish and Game; and providing for an
10 effective date."

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

12 * Section 1. AS 16.05.815 is amended to read:

13 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS AND
14 RECORDS. (a) Except as provided in (b) and (c) of this section,
15 records required by regulations of the department concerning the
16 landings of fish, shellfish or fishery products, and annual statis-
17 tical reports of buyers and processors required by regulation of the
18 department are confidential and may not be released by the department
19 except that the department may release

20 (1) any of its records and reports to the National Marine
21 Fisheries Service as required for preparation and implementation of
22 the fishery management plans of the North Pacific Fishery Management
23 Council within the fishery conservation zone; however, information
24 released to the National Marine Fisheries Service under this paragraph
25 may not disclose the identity of individual fishermen or their ves-
26 sels;

27 (2) any of its records and reports to the Department of
28 Revenue and to the Commercial Fisheries Entry Commission to assist
29 them in carrying out their statutory responsibilities;

1 (3) records or reports of the total value purchased by each
2 buyer to a municipality that levies and collects a tax on fish, shell-
3 fish, or fishery products if the municipality

4 (A) requires records of the landings of fish, shell-
5 fish, or fishery products to be submitted to it for purposes of
6 verification of taxes payable; and

7 (B) maintains the confidentiality of reports and
8 records that it receives under this paragraph;

9 (4) such records and reports as necessary to be in confor-
10 mity with a court order;

11 (5) on request, the report of a person to the person whose
12 fishing activity is the subject of the report; and

13 (6) fish tickets and fish ticket information to the divi-
14 sion of fish and wildlife protection, Department of Public Safety.

15 (b) Except as provided in (c) of this section, records [RECORDS]
16 or reports described in (a) of this section that are received by the
17 department and that [WHICH] do not identify individual fishermen,
18 buyers, or processors or the specific locations where fish have been
19 taken are public information.

20 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

21 (c) Information contained in a shellfish stock abundance survey
22 that reveals the location of shellfish harvests is confidential and is
23 not subject to inspection or copying under AS 09.25.110 - 09.25.120
24 until the close of the fishing season during which the survey is
25 conducted.

26 (d) Identifying information in a trapping or hunting document is
27 confidential and may be released by the department only

28 (1) to the Department of Revenue to assist that department
29 in carrying out its statutory responsibilities;

1 (2) as necessary to comply with a court order; and

2 (3) to the division of fish and wildlife protection of the
3 Department of Public Safety to assist that department in carrying out
4 its statutory responsibilities.

5 (e) Except to the extent necessary to prosecute a criminal
6 action based on a trapping or hunting document, a department that
7 receives a trapping or hunting document from the department under (d)
8 of this section shall also maintain the confidentiality of the identi-
9 fying information in the document.

10 (f) Before releasing to the public a trapping or hunting docu-
11 ment received by the department, the department shall remove identify-
12 ing information from the document.

13 (g) In this section

14 (1) "identifying information" means names, addresses, or
15 other information that identifies individual trappers or hunters;

16 (2) "trapping or hunting document" means a report or record
17 that is required by regulations of the department concerning the
18 taking, sealing, acquisition of the untanned skin, or exportation from
19 the state of the fur, of a game animal taken by trapping or hunting;
20 in this paragraph "sealing" means the placement of a seal by the
21 department on a portion of the carcass of a game animal taken by
22 trapping or hunting.

23 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

SENATOR KEN FANNING
PO. BOX 80929
COLLEGE, ALASKA 99708




PO. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

March 2, 1988

MEMORANDUM

Senate

To: Senate Resources
Committee Members

From: Senator Ken Fanning 

Subject: SB 398 - Reports and records of game animals

The purpose of SB 398 is to keep confidential certain identifying information submitted to the department of fish and game on trapping and hunting documents, and thereby protect proprietary information pertaining to the livelihood of those providing the information. It is based upon the same reasoning employed in keeping commercial fish ticket identifying information confidential.

Legislation identical to this was passed in 1986 by the Legislature, but was subsequently vetoed by then-Governor Bill Sheffield on the basis that it was not needed. Within a short time after his veto, animal protectionist groups used the courts to force the department of fish and game to release the information to them. The sort of harassment this information enabled the anti-trapping groups to conduct clearly indicates the need to protect personal information on these documents.

I urge you to support SB 398, and protect valuable information that hunters and trappers provide in good faith to the department of fish and game. Proper wildlife management would be difficult without these records.

6

SYNOPSIS AND ANALYSIS

OF

SB 398 - "An Act relating to certain reports and records concerning game animals."

It is the purpose of this legislation to keep certain identifying information submitted on trapping and hunting documents confidential, for the protection of the persons providing the information.

This is a single-section bill that amends Title 16 by adding new subsections to AS 16.05.815 (Confidential nature of certain reports and records).

Subsection (c) provides that the identifying information is confidential and gives only three circumstances under which the information can be released by fish and game: to the department of revenue; to comply with court order; or to fish and wildlife protection.

Subsection (d) requires other departments receiving the confidential information to keep it confidential.

Subsection (e) requires the department to remove identifying information from a document before releasing it to the public.

Subsection (f) provides definitions for "identifying information," "sealing," and "trapping or hunting document."

Secs. 16.05.792 — 16.05.798. Master guides. [Repealed, § 2 ch 32 SLA 1968. For current law, see AS 08.54.]

Sec. 16.05.800. Public nuisances. A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement. (§ 25 art I ch 94 SLA 1959; am § 5 ch 131 SLA 1960; am § 13 ch 206 SLA 1975)

Opinions of attorney general. — Since there exists no statutory justification for destroying unmarked king crab pots pursuant to exercise of the power of summary abatement, such pots should not be destroyed without judicial approval. 1980 Op. Att'y Gen. No. 18.
 crab pots should be abated by instituting forfeiture proceedings rather than by summarily destroying the pots. 1980 Op. Att'y Gen. No. 18.
 The abatement procedures described in AS 09.45.230 do not apply to the fish and game abatement law (this section). 1980 Op. Att'y Gen. No. 18.

Sec. 16.05.810. Burden of proof. The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

- (1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section,
- (2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled or otherwise preserved, or
- (3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

- (1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records that it receives under this paragraph;

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

(5) on request, the report of a person to the person whose fishing activity is the subject of the report; and

(6) fish tickets and fish ticket information to the division of fish and wildlife protection, Department of Public Safety.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982; am § 1 ch 84 SLA 1985)

Cross references. — For reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments. — The 1985

amendment in subsection (a) substituted "that" for "which" in two places, added paragraph (6), and made related stylistic changes.

Sec. 16.05.820. Research by the federal government. The Secretary of the Interior, the Secretary of Commerce or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the Board of Fisheries and the secretary and their authorized agents. (§ 29 art I ch 94 SLA 1959; am § 14 ch 206 SLA 1975; am § 10 ch 208 SLA 1975)

Sec. 16.05.825. State upland game bird release program. (a) In addition to any other program for the stocking or propagation of game birds that the department has as of July 23, 1974, the department shall establish a special program for the raising, maintenance, and release of upland game birds in the state. Birds raised under this program may be released in an appropriate area of the state, at any time, but may be harvested only during regular hunting seasons, as specified by the board under AS 16.05.255(u)(2). The board shall adopt regulations necessary to implement this section.

* Anti-Hunting Group Seeking Names of New Jersey Trappers



Rodger Iverson, chairman of the Coalition of New Jersey Sportsmen

Having campaigned successfully to ban the steel leghold trap in New Jersey, the antis now are apparently taking aim at the trappers themselves.

An attorney for Friends of Animals and the Humane Society of the United States has asked the New Jersey Division of Fish and Game for a list of persons who have been licensed to trap in New Jersey.

The New Jersey attorney general's office has instructed the division to make the names and addresses available.

Attorney General Irwin Kimmelmann informed the antis in mid-January that the only listing of licensed trappers available is for 1984. He said the division does have license stubs or receipts available from the 1980 to 1984 period and that these may be inspected at the Clinton office. The 1985 stubs have not

yet been audited and won't be available until mid-1986. The ban went into effect last October.

The Coalition of New Jersey Sportsmen does not want any of these names and addresses released. Their attorney, James Seeley, of Bridgeton, has asked the Appellate Court in Salem County to stay the release of the list. That same court is scheduled to take up a number of issues involved in the trapping ban in a case set to begin on May 19.

Rodger Iverson, chairman of the coalition, said the antis already are harassing trappers and sportsmen and that there is no reason for them to have the list. They claim they need it for the court case.

"There is no logical reason for them to have that list," Iverson insisted. "If they're simply concerned about the elimination of the trap, that can clearly be accomplished without abolishing the trapper himself."

"Having been harassed myself, I know it can become rather upsetting. I'm concerned it could lead to some kind of altercation."

Iverson is also very concerned about the precedent the release of the trapping list could set.

"Will they next want a list of all licensed hunters in the state? What about gun owners?" he asked.

Iverson and other sportsmen worry about the list being distributed to members of anti-trapping organizations so that trappers can be placed under surveillance—as some apparently have been in the past.

Although no one is questioning that the use of the steel leghold trap has been banned in New Jersey, some very important issues remain to be decided in the May case in Salem County. Among the questions to be considered are:

- May trappers keep their steel leghold traps? (The law passed by the New Jersey Legislature bans even the possession of leghold traps but provides no compensation for their confiscation.)

- Can the state ban the interstate transportation of leghold traps? (The law seeks to make it illegal to even drive through the state with a leghold trap in a vehicle.)

- Is the padded-jaw, soft-catch trap a viable alternative to the steel leghold trap?

A New Jersey court earlier ruled that trappers may keep their traps until the courts reach a final decision in the case.

One fact that has emerged during the legal debates is the connection between banning traps and banning guns.

The New Jersey attorney general's office has argued that traps can be banned without compensation and has cited gun bans to support its case.

After mentioning a number of court cases, a brief filed by the attorney general's office declared, "Similarly, in the instant case the Legislature has, in the exercise of its police power, banned the use of the steel-jawed leghold trap. As a means to accomplish that end, it has banned possession of the trap itself.

"If it is constitutional to take away without compensation the right to possess firearms which had previously

been lawfully acquired, to save human life, then, in the legitimate exercise of police power it is constitutional to take away, without compensation, the right to possess leghold traps, to save animals from a cruel and barbarous fate."

Iverson pointed out, "So as some of us previously thought, the confiscation of leghold traps can involve firearms. Indeed, there is a direct intention to involve firearms."

He urged other sportsmen to rally to the support of the trappers.

"It's time that people get involved. The precedent of confiscation, the precedent of names and addresses being distributed—these are things that threaten all sportsmen.

"The hunters, the trappers and the fishermen have to stand together because we're really all in the same boat. If we don't stand together, we're all going to be on the endangered species list."

Another threat to New Jersey trappers and sportsmen is the tremendous expense of fighting the antis in the Legislature and, now in the courts.

Iverson estimated that \$33,000 already had been spent and that another \$10,000 would be needed just to bring in the expert witnesses for the May trial.

He urged sportsmen to send their contributions to the Sportsmen's Defense Fund, Coalition of New Jersey Sportsmen, c/o Irwin, Post and Rosen, 65 Livingston Avenue, Roseland, N.J. 07068.

"United we can beat the antis. Divided, we're all going to lose. The trappers just happen to be in the greatest danger right now," Iverson concluded.

S B

407

SENATE COMMITTEE REPORT

FURTHER

FINANCE

DATE TURNED INTO OFFICE _____

3/30/88

Mr. President:

Resources _____ Committee considered SB 407 _____

establishing the Ch^elatna Public Use Area

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [] adopted fiscal note(s)
[] new [] updated or [] previous
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

[] Committee Backup attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3/17/88 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: Resources
Finance

**FISCAL NOTE(S) ATTACHED yes **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/10/88

DATE TURNED INTO OFFICE 3/30/88

Mr. President:

CCRA Committee considered SB 407

establishing the Choptana Public Use Area.

5-1516L
(b)

and recommended:

replace with CS for SB 407 (C+RA) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

OFN

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 Mike Sturgulovich - outlandish legislation

1 Fred Elphinstone No Rec
2 Tim Kelly No Rec

Acting Sturgulovich Do Pass
Chairman signature and recommendation

Committee Backup Attached

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

March 22, 1988

TO: Senate Community and Regional Affairs Committee Members

FROM: Senate C&RA Staff *MZ*

RE: CS for SB 407 (C&RA) - "An Act establishing the Chelatna Public Use Area."

This bill has been the subject of debate between the departments of Fish and Game and Natural Resources. Fish and Game would like the area to be larger, DNR would like it to be smaller.

The departments have now agreed to agree and will be submitting a joint proposal for a revised boundary later this week. The departments agree on the text in the CS before the committee.

Two additional changes need to be made to the text. An effective date needs to be added and on page 2, line 17, the words "inside the Chelatna Public Use Area" need to be inserted to clarify that the state can only acquire inholdings for inclusion in the area.

A position paper and fiscal note from DNR, a description of the area from Fish and Game, a letter of support, and a map of the area is included in this packet.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 465-2400

March 22, 1988

The Honorable Arliss Sturgulewski
Chair, Community and Regional
Affairs Committee
P.O. Box V
Juneau, Alaska 99802

Dear Senator Sturgulewski:

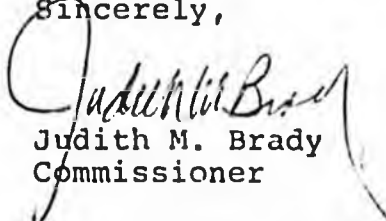
Subject: Senate Bill 407 establishing the Chelatna Public Use Area.

Position: The department supports this bill with boundary adjustments to make it consistent with the Susitna Area Plan. We are working with the Department of Fish and Game to provide joint recommendations to make the bill consistent with the Susitna Area Plan adopted by the Commissioner and completed with the cooperation of other state agencies.

Background: On April 24, 1985, the Commissioner of Natural Resources adopted the Susitna Area Plan which provides policy for state lands within the planning area. The proposed Chelatna Public Use Area falls within the boundary of this Plan. Other agencies were involved in the planning process and supported its adoption. The Susitna Area Plan provides for legislative designation of areas to be managed for specific uses or retained in public ownership. My staff is working with ADF&G to refine the legal description of the proposed area to make this legislation consistent with the Plan.

Thank you for this opportunity to comment.

Sincerely,


Judith M. Brady
Commissioner

cc: Members of the Committee
Bill Sponsors
Rod Swope
Bob Evans
Meg Hayes

March 18, 1988

Senator Sturgulewski
Community and Regional Affairs
Pouch V
Juneau, AK 99811

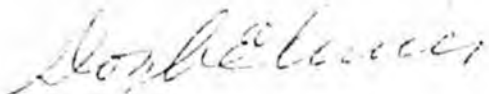
Dear Senator Sturgulewski:

Regarding Senate Bill 407, Chelatna Public Use Area.

This is a great Bill. It would provide for future generations enjoyment of the Alaska outdoors without costing the State large operating expenses such as parks. This is a critical moose, grizzly and swan habitat area. Also it contains many salmon spawning streams. The area is above 1,000' elevation and really does not have harvestable timber. In all of Unit 16B there is very little land set aside for public use.

I feel that the people would benefit greatly from this Bill now and in the future.

Respectfully,



Doyle E. Currier

Proposed Peters Hills/Sunflower Basin Public Use Area
Background Information

Location: The proposed area is located approximately 10 miles west of Talkeetna, and about 120 miles north northwest of Anchorage in the upper Susitna River Basin. The proposed area includes a major portion of the northern part of Game Management Subunit 16A, as well as a smaller portion of the northern part of Subunit 16B. The Petersville road extends through the NW portion of the proposed area. The northern and western boundaries are adjacent to Denali State Park and Denali National Park/Preserve.

Area Description: The proposed area includes approximately 898,560 acres, and covers broad forested lowlands with abundant lakes and wetlands. Portions of the south slope of the Alaska Range are included, as well as the Peters Hills and Yenlo Hills area.

The proposed area includes the upstream portions of two large rivers, the Yentna and Kahiltna, as well as several smaller important drainages, Lake Creek, Peters Creek, Kroto Creek and Moose Creek. Numerous minor drainages and wetlands are also included. These drainages flow predominately in a south-southeast direction into the Susitna River.

Vegetation is quite diverse, with the majority of the area covered by stands of mixed deciduous forest. Stands of white spruce cover some areas along Peters Creek near the southern boundary, as well as other locations scattered throughout the area. Extensive wetlands occur in the area, representing areas of low relief with poor drainage, as well as important streamside riparian areas.

Justification: The area encompassed by the proposed special area boundaries, includes some of the most heavily utilized recreational lands in the entire Susitna Basin. More people use these lands for more activities than any other road accessible area in Southcentral Alaska.

In 1985, the DNR finalized the Susitna Area Plan (SAP) for use as a guideline in development of the area. The proposed area contains all or portions of 3 SAP planning units identified in that plan: Sunflower Basin, Petersville Road, and Susitna Lowlands. Preferred primary and secondary land uses were designated for smaller management units within these planning units. The majority of these management units included within the proposed area have wildlife habitat or public recreation as their primary designated use.

The SAP also identified several areas meriting legislative consideration for special management designation. One of these areas was called the Peters Hills-Peters Creek Area and is included in the eastern half of the proposed area (see map C6).

This area is one of the most popular moose hunting areas in the region. It sustains more than twice the hunting effort of any other comparable harvest area in the Susitna planning area. The popularity stems from the relatively dense moose populations present, as well as the extensive road and trail system available. Highway and all-terrain vehicles provide access to remote areas over an extensive trail system that extends to the Kahiltna River.

Harvest Figures: Moose harvest information for the proposed area is presented below, for the years 1984-86. This information is derived from returned harvest reports for statistical areas encompassed by the proposed boundaries. No estimate is available for unreported harvest, therefore these numbers represent minimum use figures. Reported use is relatively high and indicates substantial interest in moose hunting within the proposed area.

	Hunters	Hunter Days	Harvest
1984	1069	5539	343
1985	718	4010	143
1986	710	3706	212
Average	832	4418	233

Moose populations in the proposed area are healthy, with some drainages having very high seasonal densities. For example, pre-rut concentrations of 30+ moose have been observed in the vicinity of Black Creek and near Bunco and Swan Lakes. Winter concentrations can also be quite large, but are limited in distribution because of dependence on adequate winter range. For example, an area near the base of the Kahiltna Glacier had over 160 moose present during a 1984 census, for a density of about 14 moose/sq. mile.

Additionally, the SAP also identified several areas for special designation to protect trumpeter swan habitat. Two of these areas, upper Kahiltna River and upper Yentna River, are included in the proposed area. These two areas provide important nesting and rearing habitat for trumpeter swans. As many as 48 nesting pairs have been observed in these areas, with a total number of over 175 swans.

There is evidence that swans have already been displaced from former nesting areas by human activity in the Susitna basin. By dedicating some wetland areas for trumpeter swan habitat we can provide for the continued nesting and rearing of swans near a large population center such as Anchorage.

Three stream corridors within the proposed area have also been identified as areas meriting special attention, and have been included in the Recreational Rivers Corridor legislation. They are Lake Creek, Kroto Creek and Moose Creek.

Kroto Creek is part of the Deshka River which is the most important drainage in the entire area for public recreation and riparian habitat. Public use of this system is the highest of any stream in the Susitna Planning Area. In 1986, over 16,000 anglers fished almost 30,000 man-days on this system. Lake Creek is the second most important river in the area for public use and habitat values. High recreation values occur on this river because of the extensive use by fishermen, and rafting groups. Over 4,500 anglers fished over 15,600 man-days on this system in 1986. Moose Creek also receives intensive public recreational use and provides highly valuable riparian habitat including moose winter range and salmon spawning areas.

Recreational fishing occurs in all major streams within the area, with some streams receiving very intensive use. Thousands of man-days are spent fishing for king, coho, pink, chum and sockeye salmon. Additional effort is spent fishing for resident fish species, such as rainbow trout, grayling and Dolly Varden.

Further public use of the proposed area is extensive, and includes hunting for black and brown bear and small game species such as hares, grouse and ptarmigan. Commercial and recreational trapping also occurs for marten, lynx, beaver, mink, coyote, fox, wolf and wolverine.

Current Uses: As previously stated, this area receives some of the highest recreational use activity of any area in Southcentral Alaska. Hunting, fishing, river rafting, and sightseeing provide tremendous recreational opportunity for residents and nonresidents. In addition, winter activities of trapping, cross-country skiing, snowmobiling and dog mushing provide further recreational use.

Extensive mining activity has occurred in the past in the northern portion of the proposed area. Current activity there is low, and is expected to remain at low levels. Mineral potential in most other areas is unknown, but is believed to be relatively low. The Peters Hills forestry unit is contained within the proposed boundaries. The DNR/DOF has proposed to include this area in a large timber sale scheduled for 1988. The original intent, developed during SAP negotiations, was for this area to be enhanced for moose winter range utilizing forestry practices. The forestry potential in the northern portion of this unit is very limited, and therefore, minimizes the possibility of significant vegetative enhancement. However, small-scale harvest activity such as house logs, or private fuel wood sales should be allowed.

Land Status: Numerous private land inholdings are present in the area from OTE programs, remote settlement and other DNR disposal programs. Many of these are centered in remote disposal areas near the upper Yentna River, between Kroto Creek and Moose Creek, and near Amber Lake. Additional private land is located along the Petersville Road, at Chelatna Lake and in the small communities of Peters Creek and Petersville. Matanuska-Susitna Borough land is present in the area, however exact locations are unknown.

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

March 29, 1988

TO: Senate Community and Regional Affairs Committee Members

FROM: Senate C&RA Staff

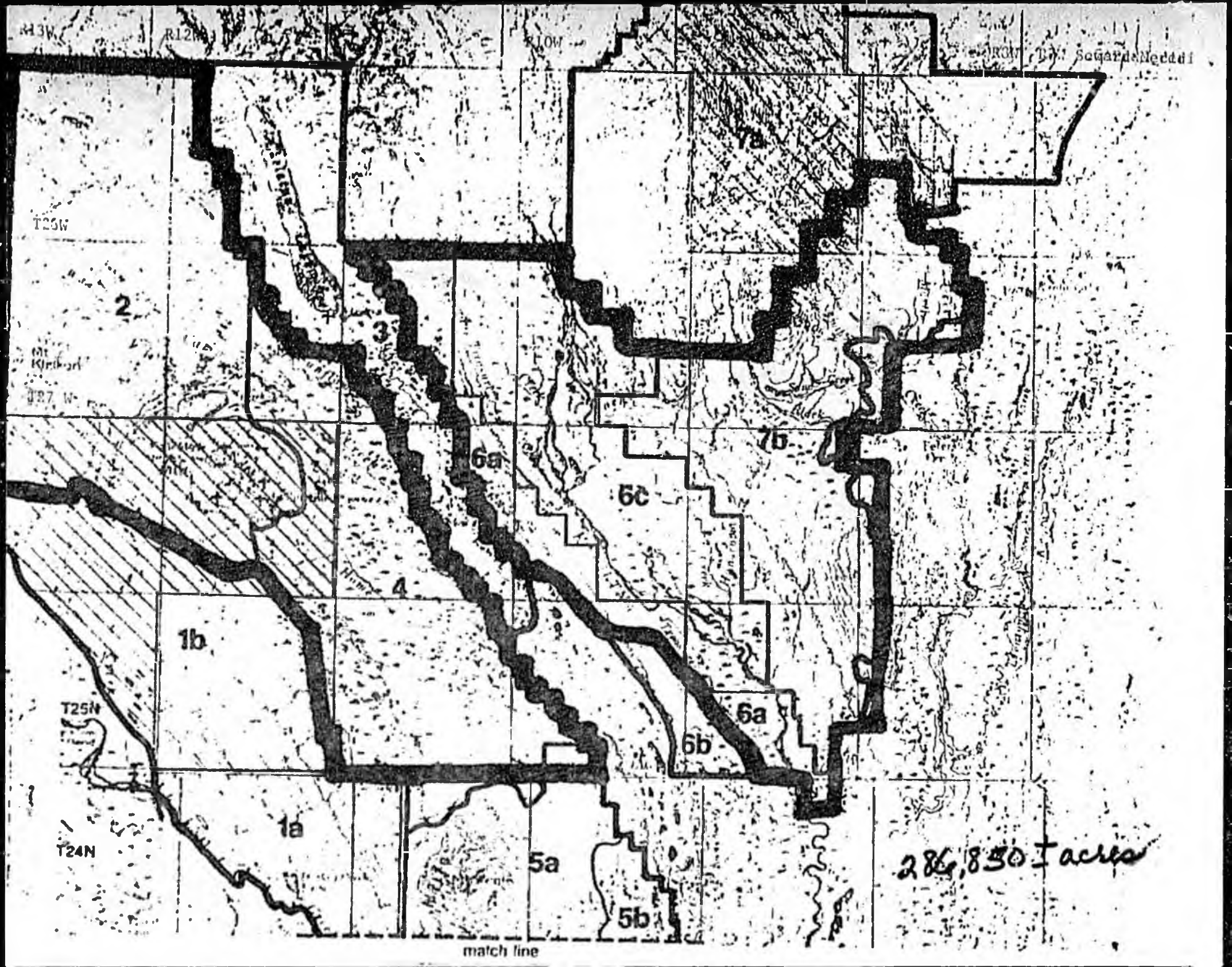
RE: CS for SB 407 (C&RA) - "An Act establishing the Chelatna Public Use Area."

Attached is a new CS with the four changes the Committee discussed last week. The departments of Fish and Game and Natural Resources have agreed on revised boundaries and those boundaries are reflected in the CS. A map which shows the new boundaries is attached.

A section of temporary law has added to specify that until the management plan is adopted, the mineral estate will be managed in accordance with the Susitna Area Plan.

The words "described in AS 41.23.230" have been inserted in page 2, section (d), to clarify that the state can only acquire inholdings for inclusion in the area.

A July 1, 1988 effective date has been added. These changes are marked on the CS.



R13W R12W

R14W

R13W R14W

T26W

2

107 W
T27 W

3

6a

6c

7b

4

1b

T25N

6a

6b

T24N

1a

5a

5b

286,850 Acres

match line