

**ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672**  
**6580 SENATE RESOURCES**

984

27 JUN 1990

DEAR SENATOR FARENKAMP-- FEB 2 1990

I AM WRITING IN SUPPORT OF HB 346 WHICH WOULD ESTABLISH A GAME REFUGE IN THE CAPE YAKATAGA AREA. THE PAST AND CURRENT ATROCITIES AND MISMANAGEMENT COMMITTED BY DNR IN THIS AREA IS APPALLING. WE HAVE FAR TOO MANY EXAMPLES WORLDWIDE OF WHAT HAPPENS WHEN WE APPROACH THE EARTH IN SUCH AN INSENSITIVE MANNER, WE HAVE DONE THIS BEFORE. WE KNOW BETTER. IF WE HOPE TO LEAVE OUR CHILDREN WITH A WORLD THAT IS SOMETHING MORE THAN A QUAGMIRE, THE TIME TO ACT IS NOW!

THANK YOU -

Paul Barnes

Bx 155

BUSTAVUS, AK

99626



MAR 1 1990

Senator Bettye Fahrenkamp  
Chair, Senate Resources Committee  
Box V, Juneau, Alaska

23 February 1990

Dear Senator Fahrenkamp:

I am writing to urge your support of the Yakataga State Game Refuge (House Bill 346). This bill has the support of the City of Yakutat, the Yakutat Fish and Game Advisory Committee, the Cordova District Fishermen and many other fish and game and environmentally oriented groups.

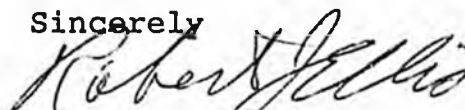
I served many years on the State Board of Forestry and last year on the Governor's Alaska Forest Practices Review Steering Committee. Over many years, I have spent hundreds of hours in these meetings listening to representatives of Department of Natural Resources, Division of Forestry, Fish and Game biologists, and fishing and logging groups.

The sorry history of mismanagement of the Yakataga Forest by DNR illustrates why the Division of Forestry should not be in that department. Not only has DNR repeatedly misused the planning process but it has acted as though the forests are not part of the ecology of fish and wildlife. The record of environmental violations by logging under the Division of Forestry and DNR is terrible. This may be unintentional but reflects the lack of competency in biological issues within DNR and the Division of Forestry.

The forests and fish and wildlife are so closely intertwined ecologically that all should be directly under one department of State government. A new Department of Renewable Resources should be formed to incorporate the Division of Forestry and the present Fish and Game Divisions. A new Department of Non-renewable Resources could confine its efforts to resources such as oil and minerals. The Director of Renewable Resources could ensure that the forests and fish and game are managed as a whole. Presently, the Division of Forestry and the Habitat section of Fish and Game are very often in adversarial roles with each other.

Until we can manage to better combine the roles of Forestry and Fish and Game, our best option for protecting the fisheries and game resources of the Yakataga Forest is to make it the Yakataga State Game Refuge.

Sincerely



Robert J. Ellis  
Box 2966  
Sitka, Alaska 99835

THE ALASKA WILDLIFE ALLIANCE

P. O. Box 202022  
Anchorage, Alaska 99520  
907-277-0897

MAR 5 1990 February 28, 1990

Senator Fahrenkamp  
Pouch V  
Juneau, AK 99811

Dear Senator Fahrenkamp,

The Alaska Wildlife Alliance supports the establishment of the Yakataga State Game Refuge. House Bill 346 would do this, and we urge you to support this bill.

The Department of Natural Resources has been mismanaging the Yakataga Forest for years, and this bill will help to provide protection to the forest, streams and the fish and wildlife that depend on the Yakataga Forest. We cannot continue to allow below cost timber sales, lack of compliance with buffer and sale areas, and clear cuts on our state lands. Our land is too valuable to give it away to those who only wish to remove timber at any cost to the land.

Thank you for your time and consideration of this matter.

Sincerely,



Valerie Brown  
Executive Director

cc: Senator Dick Eliason  
Senator Jay Kerttula  
Senator Mike Symanski  
Representative Gene Kubina  
Governor Cowper

HB 346 Yakataga

FEB 9 1990

February 7, 1990

Representative Curt Menard  
Box V  
Juneau, Alaska 99811

Dear Representative Menard:

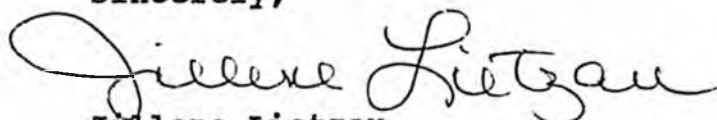
I am writing in reference to the Yakataga State Game Refuge, HB 346.

I wanted to thank you for introducing this bill and urge you to move it out of the committee as soon as possible.

The sooner we get this bill passed, if possible, the better. The DNR has already made too many major mistakes in Alaska and around the United States as well. They don't need to be give another chance to mess up again on something that is as precious to the state of Alaska as the Game Refuge would be.

Thank you for your time.

Sincerely,



Jillene Lietzau  
P.O. Box 2195  
Cordova, Alaska 99574

cc: Governor Steve Cowper  
Senator Bettye Farenkamp  
Senator Dick Eliason  
Senator Jay Kerttula  
Senator Mike Szymanski  
Representative Gene Kubina



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3447

FEB 28 1990

February 26, 1990

Representative Curt Menard  
Chairman House Resource Committee  
P.O. Box V  
Juneau, Alaska 99811

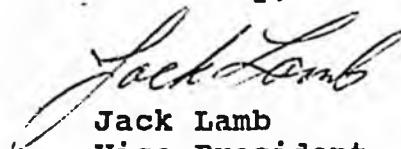
Dear Sir:

I sat in on the teleconference on Tuesday evening, February 20, concerning the Yakataga Timber Issues, from the conference phone at the community college here in Cordova. As the conference went on and with Steve Ranney there in Juneau representing CDFU, I chose not to speak at that time, feeling that my comments then would be non-productive.

I do feel that comments are in order as a result of the conference. The direction that the conference took was a step in the right direction in terms of addressing the need for the development of an area wide management plan. If DNR, DF&G and other appropriate departments will work together without the usual "turf battles" to develop such a plan, then we are all moving in the right direction. However, in order to develop this kind of plan you must have public input and I submit to you that the public has already spoken to a large degree with the request of a Yakataga Game Refuge. Of course, as the plan develops, there will be more public input, but I believe that with a Game Refuge you will already have identified the public's greatest concern in the Yakataga area. A Game Refuge does not preclude development of the area, it protects the sensitive environment and habitat of the area from being overrun.

In closing, I would like to thank you sir, for allowing me to speak freely on this issue and for your personal attentiveness as well.

Sincerely,

  
Jack Lamb  
Vice-President

cc: Governor Steve Cowper  
Representative Cliff Davidson  
Senator Bettye Farenkamp  
Representative Gene Kubina

Senator Jay Kerttula  
Senator Mike Szymanski  
Senator Dick Eliason

FEB 27 1990

2/24/90

Dear Senator Bettye Evrenkamp

Please pass House Bill 346 (An Act establishing a Yakutat State Game Refuge). The alleged abuses involving the Department of Natural Resources' handling of timber sales along the Gulf Coast must be checked. From what I'm told, participation in the form of open public informational hearings was not part of a D.N.R. plan prior to logging in the Yakutat Forest (Jay Cape I & II timber sales). God!; I think we can do better.

The D.N.R. is rampaging throughout this state like a short-sighted, overzealous rabid bully Neanderthal rogue, massacring our forests and removing these public owned resources from the "Bank of the State of Alaska" without due public process and without public approval.

I strongly support House Bill 346! In view of the D.N.R.'s appetite for clear cutting along the ~~gulf~~ Gulf Coast (not to mention their zealot attempt to log the Sitka Valley by again quashing public involvement), I see H.B. 346 as a potentially healthy approach to land use. I believe H.B. 346 will reward the public many times more than the dollar revenue generated by these D.N.R. clearcut "giveaway" sales. It's high time we reckless humans place more value on our living forests than what a few dollars brings from the pulp mill and the Japanese. Thankyou.

Sincerely, Jim Miller  
 P.O. Box 110935  
 Anchorage, Alaska  
 99511-0935

JAN 31 1990

HB346  
goll

Point Adolphus Seafoods  
Gourmet Quality Alaskan Seafoods  
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

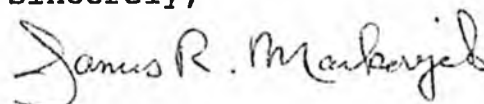
January 26, 1989

Bettye Farenkamp  
House Resources Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Bettye Fahrenkamp:

I would like you to know that I support H.B. 346, which would establish a game refuge in the Cape Yakataga area. A friend of mine commented one time that while well up onto a glacier in an attempt to climb Mt. St. Elias, he could clearly hear chainsaws working below. This wild coast shouldn't be ruined. Additionally, until our forests are logged selectively, no logging at all should occur on State or Federal lands in Alaska. Enough of Alaska has already been abused by quick and dirty logging.

Sincerely,



James R. Mackovjak

FEB 14 1990

FEB 14 1990

2/11/90

Senator Jay Keatulla

Senator Mike Szymanski

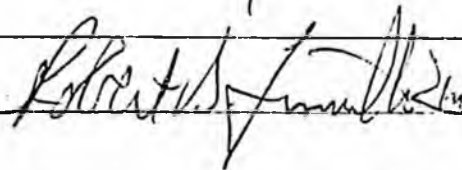
Re: House Bill 346 establishing the Yukon State Game Refuge

Dear Senators:

One has only to fly over this vast tract of state land between the Cape and Cape Yakutat to see how the land has been managed the past 20 years logging with few or no restraints to the total depletion of wildlife, timber, & subsistence has been the practice in the past. If the DNR were able to balance the management among all the users, this bill would be necessary but it is well evident after 20 years that they can't. Salmon streams are now being "sold". The Tsiu river where I settled with my family is to the west of the areas logged in the past but surrounded by proposed clearcut loggers have left buffers in the past only to log them later without DNR's permission. Will this happen again? I see no reason to think not.

Logging and timber interests are important in this area and always will be. But they have to be balanced with other uses of this land and that is why I urge you to support House Bill 346 establishing the Valdez State Game Refuge. Please help get this bill moving and passed this year.

Sincerely,



Robert G. Linville  
Box 1753  
Seward, Ak 97664

cc: Senator Bettye Finkenbump  
Senator Dick Eliason  
Rep. Curt Mansard  
Rep. Cliff Davidson  
Rep. Gene Kubina  
Gov. Steve Cooper

# Point Adolphus Seafoods

Gourmet Quality Alaskan Seafoods  
P.O. Box 63 • Gustavus, Alaska 99826 • (907) 697-2246

FEB 15 1990

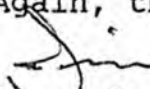
February 12, 1990

Representatives Curt Menard and Cliff Davidson  
Pouch V  
Juneau, Alaska 99811

Dear Sirs:

I am writing to thank you for introducing House Bill 346 to establish a Yakataga State Game Refuge. I hope that the bill can be moved out of committee as soon as possible. The manner in which this area has been managed by the DNR in the past is a travesty. It needs the protection that being a game refuge would accord it.

Again, thanks,

  
James R. Mackovjak

HB 346

# Tongass Tourism & Recreation Business Association

FEB 21 1990

740 Fifth St. • Juneau, Alaska 99801

(907)586-4275

February 15, 1990

Senator Betty Fahrenkamp, Chair  
Senate Resources Committee  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Tongass Tourism and Recreation Business Association (TTRBA) is a coalition of over 100 Alaska businesses operating in southeast Alaska, including Yakutat and Cordova. We are primarily tourism-based or recreation-based lodges, fishing charters, outfitters, tour operators, guides, air taxis and retailers that believe in the wise use and management of all natural resources.

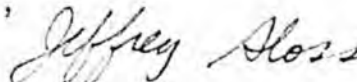
We are deeply concerned over the State's Dept. of Natural Resources' Draft Cape Yakataga Land Use Plan. The plan is flawed in that far too much of the timbered area is committed to logging and not enough is retained for fish, wildlife, recreation and subsistence uses.

Too much of the area's coastline has already been logged; a nearly unbroken 21 mile stretch of clearcuts extend from Icy Cape to Cape Yakataga along the state-owned forelands. Alaska Dept. of Fish & Game protective stipulations were largely ignored resulting in the clearcutting of buffer strips, stream violations and a decline of nearly 50% in mountain goat populations above the sale areas.

Therefore, those lands between Cape Suckling and Cape Yakataga must be excluded from timber harvest. We urge you to support HB 346, providing State Game Refuge status and re-classification to Wildlife Habitat for all state lands between Capes Yakataga and Suckling. In addition, all lands under the Draft Cape Yakataga Land Use Plan should be classified Wildlife Habitat (instead of Forestry or Resource Management as proposed in the draft plan).

This last stretch of unlogged state foreland is increasingly important to many of our hunting & fishing guides, outfitters and air taxis as well as to sport hunters & fishermen, commercial fishermen and subsistence users. The area has been described by at least one ADF&G biologist as the richest wildlife habitat in the state! It is far more valuable unlogged for the long-term sustained yield of healthy tourism and recreation industries as well as for subsistence use, fisheries & wildlife habitat.

Sincerely,



Jeffrey Sloss  
Executive Director

FEB 22 1990

HB 346

7306 Linda Lane  
Anchorage, AK 99518  
Feb. 20, 1990

Senator Bettye Fahrenkamp  
Box V  
Juneau, AK 99811

Dear Senator Fahrenkamp:

I am writing to express my strong and enthusiastic support for House Bill 346, to create the Yakataga State Game Refuge. This would protect the Yakataga forest for commercial and sport fishing, hunting, subsistence, recreation and other uses besides logging. Refuge status need not prohibit logging when necessary to protect the public safety or wildlife or other valid biological reasons. Such logging would take place after consultation with ADF&G.

I note that there is much local support for a state game refuge between Cape Yakataga and Cape Suckling. No doubt some of this support is a reflection of past mismanagement by DNR (lack of or after-the-fact public hearings, inadequate enforcement of logging practices, etc.). But I suspect much of the support on the part of the local people is simply due to their desire to protect their quality of life and their livelihood.

Again, I urge your support for this bill or similar bill establishing such a refuge and your help in getting such legislation passed this year.

Sincerely,

*William M Cox MD*  
William M. Cox M.D.



## SOUTHEAST REGIONAL FISH & GAME COUNCIL

c/o ADF&G, DIVISION OF BOARDS, P.O. Box 3-2000, JUNEAU, ALASKA 99802 PHONE: (907) 465-4110

February 20, 1990

### ADVISORY COMMITTEES

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Klawock  
Klukwan  
Pelican  
Petersburg  
Port Alexander  
Sitka  
Sumner Straits  
Tenakee  
Upper Lynn Canal  
Wrangell  
Yakutat

The Honorable Steve Cowper  
Governor  
State of Alaska  
Pouch A  
Juneau, AK 99811

Dear Governor Cowper:

The Southeast Regional Fish and Game Council supports House Bill 346 to establish the Yakutaga State Wildlife Refuge. The Regional Council has been concerned about management in the Icy Bay to Cape Suckling Area for many years. Of prime importance to the Southeast Council is the maintenance of suitable habitat to insure that adequate fish and game resources are available to meet our needs.

The area being considered in H.B. 346 contains numerous river systems with populations of coho salmon unequaled any where else in Alaska or possibly the Pacific coast. The abundance and variety of wildlife are unique in this coastal area. Healthy populations of Kodiak brown bear, black bear, moose, and nearly every species of water fowl live in or pass through this region. The mountain goats in this area, once the largest population in Alaska, have suffered a 75% decline in the last 10 years in part due to logging development. These resources have attracted many hundreds of recreational visitors each year. The area supports a multi-million dollar commercial set gillnet and troll fishery. The off-shore areas are equally abundant with fish and wildlife resources. These are but a few reasons for protecting this area. The forest habitat classification for most of the region is inappropriate given the higher values associated with the fish and wildlife resources.

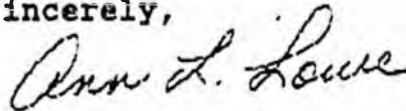
The Southeast Regional Fish and Game Council is concerned with the lack of public process in planning by the Department of Natural Resources for this region. This lack of public process is in part the reason the Council asked you, Governor, in a letter (dated February 16, 1989) to improve the hearing process currently used by the Department of Natural Resources. In a response from your office (dated March 15, 1989) Mr. Denby Lloyd stated that three separate sets of public meetings in each local community and regional centers are normally held during the development of a plan. The most recent plan developed by DNR in the region contained only one round of meetings with the public. The Council fails to see how proper

identification of issues and concerns can be achieved with only one chance for public review. A look at past planning for this area shows a gross disregard for any resource use except timber harvesting, with few public notices, and no public meetings held before the plans were adopted. The Council opposed the transfer of over 38,000 acres of timber to the University of Alaska because it did not receive adequate public process, or consider the effects of timber harvesting on other resources uses, and is in effect the continuance of a single use management scheme.

The region H.B. 346 would encompass is over 50% wetlands. With the current policies mandated from the federal government of wetlands, the establishment of the Refuge would show a good faith effort in protecting important wetland habitat.

The Southeast Regional Fish and Game Council believes House Bill 346 will bring a balanced approach to multiple use planning in the region. The Council requests that you actively support House Bill 346, the Yakutaga State Wildlife Refuge, and that you sign the bill when it does arrive at your desk.

Sincerely,



Ann L. Lowe, Chair  
Southeast Regional Fish and  
Game Council

cc: House Resources Committee, Senate Resources Committee  
Representative Eugene Kubina  
Representative Peter Goll  
Representative Ben Grussendorf  
Representative Bill Hudson  
Representative Robin Taylor  
Representative Fran Ulmer  
Representative Bette Cato  
Representative Nillo Koponen  
Senator Jim Duncan  
Senator Dick Eliason  
Senator Jalmar M. Kerttula  
Senator Mike Szymanski  
Senator Lloyd Jones  
Alaska Trollers Association  
United Fisherman of Alaska  
Southcentral Regional Fish and Game Council  
Southeast Alaska Conservation Council  
Commissioner, Department of Fish and Game  
Commissioner, Department of Natural Resources  
Prince William Sound Advisory Committee



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 15, 1989

Mr. Robert Hinman  
Chair  
Southeast Regional Council  
Alaska Department of Fish  
and Game  
Division of Boards  
P.O. Box 3-2000  
Juneau, AK 99802

Dear Mr. Hinman:

On behalf of Governor Cowper, I want to thank you for your letter regarding public participation in resource management decisions. This administration supports citizen involvement in these important issues.

The Department of Natural Resources operates under constitutional and statutory public notice procedures for activities that involve a disposal of an interest in state land or resources, such as timber sales, land leases, or land disposals. Even so, the department is taking steps to further strengthen its public involvement programs. For example, the Southeast Region of the Division of Forestry has just completed an Agency Review Draft of a Five-Year Operating Plan which outlines proposed harvest activities for the period 1989 to 1994. The division will be soliciting public comments when the Public Review Draft is distributed in April. As you are aware, work is underway on a proposal for amending the State Forest Practices Act. Public notice for timber sales is one of the important issues under review.

We join you in supporting the development of management plans for the state's valuable resources. The Department of Natural Resources has already completed area plans for state lands in many regions of the state. In southeast Alaska, area plans have been completed for Haines-Skagway and Prince of Wales Island, areas with high levels of timber harvest activity. Work will soon begin on an area plan that includes the communities of Meyers Chuck, Wrangell, Petersburg, and Kake. Additional sections of southeast are slated for future area plans.

March 15, 1989

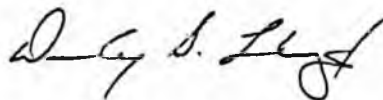
The area planning process relies heavily on public participation. Three separate sets of public meetings in each local community and regional center are normally held during the development of the plan. The meetings are used to distribute information on areas resources and gather public opinion. Environmental impact statements are a federal, not a state, requirement. However, during the planning process, DNR gathers the best available data on all resources and uses this information to consider potential impacts or conflicts. This information is made available to the public through publications and public meetings. Citizen feedback is incorporated at all stages of the plan. Whenever possible, DNR does try to schedule public meetings in those communities most likely to be affected by a proposed action.

The Department also prepares more detailed forest management plans for areas with active timber management programs on state land. Management plans have been prepared for the Tanana Valley and Haines State Forests, and a management plan is underway for the Susitna Valley.

We are forwarding your letter to Gary Gustafson, Director of the Division of Land and Water Management, and Bob Dick, Director of the Division of Forestry, so that they are aware of your concerns and will continue to include the participation of the Council in their activities.

Thanks again for your comments. Your organization provides a vital link in the public participation process.

Sincerely,



Denby S. Lloyd  
Special Staff Assistant  
to the Governor

cc: Commissioner Don Collinsworth  
Department of Fish and Game  
Commissioner Lennie Gorsuch  
Department of Natural Resources  
Gary Gustafson, Director  
Division of Land & Water Management  
Bob Dick, Director  
Division of Forestry



# SOUTHEAST REGIONAL FISH & GAME COUNCIL

c/o ADF&G, DIVISION OF BOARDS, P.O. BOX 3-2000, JUNEAU, ALASKA 99802 PHONE: (907) 465-4110

February 16, 1989

## ADVISORY COMMITTEES

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Gastineau Channel  
Hoonah  
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Hyder  
Kake  
Ketchikan  
Klawock  
Pelican  
Petersburg  
Port Alexander  
Tenakee  
Sitka  
Sumner Strait  
Upper Lynn Canal  
Wrangell  
Yakutat  
Edna Bay  
Klukwan

The Honorable Steve Cowper  
Governor  
State of Alaska  
Office of the Governor  
Pouch A  
Juneau, AK 99811

Dear Governor Cowper:

The Southeast Regional Fish and Game Council (SERC) met in Petersburg in January prior to the Board of Fisheries meetings and took action on several important habitat/subsistence issues facing Alaska.

The Regional Council is comprised of 23 chairpersons of the local Southeast Advisory Committees throughout Southeast representing a broad spectrum of resource users in their communities. As you know, SERC derives its authority concerning subsistence and habitat protection from ANILCA Sec. 805, Alaska Statute 16.05.260, and 5 AAC 96.200, 5 AAC 96.280.

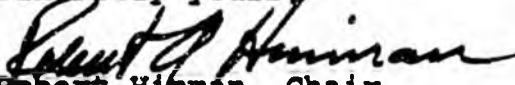
The Council is extremely concerned about the policies of the Department of Natural Resources (DNR) in developing timber harvest programs land selections and other management decisions. Too often the public is left out of the process through the current type of hearings DNR holds prior to the planning and implementation of timber harvest and other land use decisions. Hearings are currently held in major population centers not immediate to the proposed timber harvest areas. Local communities are not informed of possible negative impacts on Fish and Game habitat. These hearings should also be held in local communities nearest to the potentially impacted areas. In conjunction with the public hearing process, written evaluations of possible effects on fish and game resources from timber harvest and other activities should be made available for public scrutiny. In other words, the SERC is requesting an environmental impact study. Hearings should be a forum for imparting information to the public as

well as gathering information. The Council would like to stress their dissatisfaction with the current implementation of the public hearing process.

Also of primary concern to this Council is the lack of clear management plans. The Council urges that management plans be developed for regions with planned timber harvest and other activities. These management plans should keep in mind the state's policy of protecting subsistence uses, as evidenced by the subsistence priority set out in Alaska Statute 16.05.258, and the needs of Alaska's wildlife and habitat uses by its citizens.

The State Forest Practices Act should be amended to accommodate these public hearing criteria as laid out in this letter. The Council acknowledges the efforts you have been making towards the fruition of proper legislation concerning state practices. We would also appreciate your continued efforts to solve these problems.

Sincerely yours,

  
Robert Hinman, Chair  
Southeast Regional Council

Dear Senator Szymanski,

A number of years ago I had the good fortune to become familiar with the nearly uninhabited coastline east of Cordova to Yakutat. At that time I was working for the U.S. Forest Service marking timber sales on the Yakutat Forelands. I suspected then, and am now convinced that those timber sales were a mistake. Likewise I have always held the timber sales on the nearby State lands ~~near~~ <sup>at</sup> Icy Cape were not in the best public interest. Why? These lands like those of the Yakutat Forelands have a similar natural history and evolution which has resulted in a fragile landscape which if properly managed ~~will~~ will continue to produce salmon in abundant quantities, a wide variety of wildlife for both subsistence and sport, as well as superb recreational opportunities. Yet what has D.N.R. done with this land? They have clearcut over TWENTY CONTINUOUS MILES OF COAST and would like to continue this effort at the expense of all the other resources present. It apparently makes no difference to D.N.R. that there have been numerous stream violations by logging operations. Nor are they willing to face the fact that mt. goat populations in the clearcut areas dropped by over 75% while nearby areas saw a population increase of over 100%. It is clear to me that D.N.R. is incapable of making a rational decision regarding a fair trade off of resource values in this area. Further evidence of this single mindset can be seen in the way that D.N.R. has attempted to supercede the law by transferring timber rights to the University of Alaska then selling these rights without a public hearing. If this wasn't enough D.N.R; has also committed more than 16 million board feet of timber outside the original Icy Cape ~~II~~ sale area in order to make up for mistakes in handling timber sales to Sullivan Inc. Like the University sales this timber was awarded without due public process and involvement.

D.N.R. has been able to get away with this kind of mismanagement only because this area is so remote. Until recently they could do what they wanted with little chance of public notice. It is time to send a message to D.N.R. that by managing the trees they have forgotten the forest, and that they have blown it.

I have long felt that the region between Cape Suckling and ~~MMMM~~ Icy Cape would make an excellent State Game Refuge. Now is the time to do this before D.N.R. can abuse this area any more. This land should have all been classified as wildlife habitat long ago and never logged. It is time to do it now. It has been suggested by some that contractual obligations to Chugach Alaska Corp. could be fulfilled by a combination of debt and stumpage fee forgiveness by the State. This seems like an excellent idea which would appeal to all parties involved. Once again, I urge you to promote State Game Refuge status for this region. Fish and Game have never approved a timber sale in this area, yet the cutting has continued.

Sincerely,

Michael J. Van Note

Box 26,

Haines, AK

99827

cc: Sen. Fahrenkamp

Sen. Kertulla

FEB 15 1990

Nathan Borson

Box 122 • Gustavus, AK 99826 • (907) 697-2381

February 13, 1990

Senator Bettye Farenkamp  
Box V  
Juneau, AK 99811

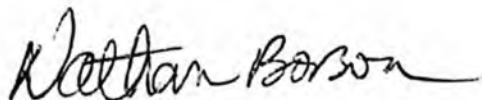
Dear Senator Farenkamp,

I am writing in support of the creation of a Yakataga State Game Refuge between Cape Yakataga and Cape Suckling. This would protect the important fish and game resources of the area which are currently under siege by Department of Resources forest mismanagement.

I hope you will support passage of legislation like last year's House Bill 346.

Thank you for considering my views.

Sincerely,



Nathan Borson

MAR 8 1990

March 7, 1990

Dear Senator Jónsenkamp:

I am writing in support of a Yakutatya State Game Refuge as provided in House Bill 346. As a part time guide and subsistence user, I much prefer state game refuge status over the mismanagement so often seen on ONR lands. The future of Alaskans depends on wise, long-term stewardship rather than short-term economic gain for a few.

Please help move a companion bill to Reps. Menard and Davidson's as soon as possible.

Sincerely,  
Eric Holle  
Hamer

# YUKON RIVER GUIDE

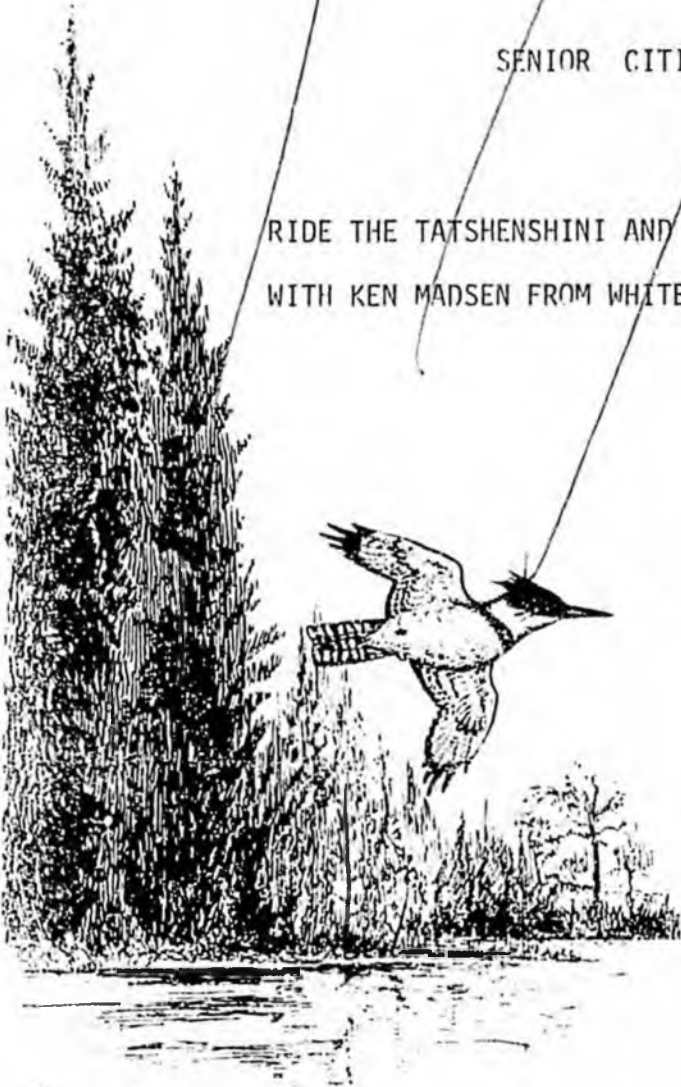
## Slides - Refreshments

FRIDAY FEBRUARY 2ND 7:30 PM

SENIOR CITIZEN CENTER

RIDE THE TATSHENSHINI AND ALSEK FROM DALTON POST TO DRY BAY  
WITH KEN MADSEN FROM WHITEHORSE, AUTHOR - EXPLORER

Everyone Welcome



**HB**

**387**

DATE: 3/19/90

FURTHER:

DATE TURNED INTO OFFICE: 4-24-90

Resources Committee considered CSHB 387 (Resources) am "An Act relating to controlled livestock districts."

and recommended:

- replace with 5 CS CS HB 357 (RES)
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) DNR Dept/Date: \_\_\_\_\_

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Antoin Stimpelmba

Rick Halford NO REC  
De G... .. 10 4

Antoin Stimpelmba  
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: 7-Feb-90 Agency Affected: Natural Resources  
 Title: An Act relating to controlled BRU: Land & Water Management  
livestock districts.  
 Sponsor: Swackhammer and Navarre Components:  
 Requestor: Resources Land & Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 7-Feb-90  
 Approved by Commissioner: [Signature] Bernice Gorsuch Date: 7-Feb-90  
 Agency: Department of Natural Resources

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

Changes in SCS CSHB 387 (Res)  
 have no fiscal impact. This  
 fiscal note is appropriate.  
 Projections of no fiscal impact

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



SOLDOTNA  
312 TYEE STREET  
SOLDOTNA, ALASKA 99699  
(907) 262-7841

JUNEAU  
BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

## House of Representatives

April 20, 1990

### SECTIONAL ANALYSIS OF PROPOSED SENATE RESOURCES CS FOR CS FOR HOUSE BILL 387 (Res)

SECTION ONE: Amends A.S. 03.35.010 which allows for the establishment of a controlled livestock district. Since portions of this statute date back to the 1941 Territorial legislature, the drafter improved upon the adopted language by deleting the following:

1. "CREATION," substituting "ESTABLISHMENT"
2. "city or organized borough," substituting "municipality"
3. "one or more townships or portions thereof or of" (This reference is not necessary since the basic requirement is that the district have 1280 acres.)
4. "It is unlawful for any," substituting "The owner and the person having custody and control of a domestic animal may not with criminal negligence permit the"
5. "unless the domestic animal is herded on open public domain and tended by a person and prevented from grazing upon private roads or highways and privately owned land." (This deletion is necessary to close loopholes upon the establishment of a controlled livestock district.)

SECTION TWO: Adds a new subsection to A.S. 03.35.010. Establishes a Class B misdemeanor for a violation of A.S. 03.35.010 (b). This allows for livestock trespass cases to be handled in a manner other than the impractical means of impoundment.

SECTION THREE: Amends A.S. 03.35.020 (a) that describes the petition process to establish a controlled livestock district. As in section one, this statute is fraught with outdated language. Reference to "the requisite" was deleted as surplus. It was necessary to delete the word "cultivated." The legislative intent of the cultivated lands provision was to protect farmers from marauding livestock at a time when few people occupied rural areas. Thus, this archaic concept failed to provide any protection for people who settle in rural areas merely to enjoy country living and are not involved with commercial agriculture or grazing. In order to protect the land owners who have a large amount of land, 60 percent of the resident owners or lessees must own or lease at least 30 percent of the land described in the petition.

SECTION FOUR: Amends A.S. 03.35.030 which establishes the procedure for the elimination or dissolution of a controlled livestock district through the petition process. As in previous sections, the changes are merely "clean-up" in nature.

SECTION FIVE: Amends A.S. 03.35.030. This statute addresses the notice, hearing and order procedures upon receipt of the petition by a District Court to establish, eliminate or dissolve a controlled livestock district. Once again, the changes reflect an update of current drafting styles. The only significant change has the district judge sending a copy of the order to the commissioner of the Department of Natural Resources rather than the director of the Division of Agriculture.

SECTION SIX: Adds a new section to A.S. 03.35. This section makes it mandatory for livestock owners within a controlled livestock district to use a reliable system for the identification of the ownership of the animal. Means for identification established under A.S. 03.40 (brands and marks), identification collars or any other reliable system will be appropriate. Failure to properly identify domestic animals is punishable as a violation offense.

SECTION SEVEN: Amends A.S. 03.35.040. Updates the language in this section and revises to a more reasonable figure (\$500) the amount available for damages.

SECTION EIGHT: Adds a new subsection to A.S. 22.15.110 which describes the additional duties of a district judge and magistrate. A district judge may establish a controlled livestock district in accordance with A.S. 09.35.010 (Judgements enforceable by execution).

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives  
MEMORANDUM

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(907) 262-7841

JUNEAU  
BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

TO: Senator Bettye Fahrenkamp  
FROM: Representative C.E. Swackhammer *Swack*  
DATE: April 25, 1990  
RE: SCS for CS for House Bill 387 (Res)

Attached for your review is material relating to SCS for CS for HB 387 (Res). The bill is in the Senate Rules Committee.

This legislation has a zero fiscal note.

Due to our tight schedules during the last few days of this session, it will be difficult to contact each of you individually. However, Tom Wright of my staff will be contacting your staff to answer any questions or discuss concerns you may have in regards to HB 387.

I would appreciate your favorable consideration of this legislation.

Attachments

CES/tw

*Thank You for hearing  
the bill in Resources -  
Your help is appreciated*

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



April 25, 1990

## House of Representatives

### SUMMARY OF SCS FOR CS FOR HB 387 (RES)

SCS for CS for House Bill 387 (Res), an act relating to controlled livestock districts, is in response to conflicts that exist between neighboring livestock owners in my district and, from what I understand, other areas in the state, where roaming livestock are causing substantial private property damage as they wander off public grazing land. The current statutory remedies are confrontational in nature. HB 387 establishes an alternative to existing law which requires impoundment of roaming livestock as a means to collect for damages.

The proposed legislation:

- \* Creates a Class B misdemeanor in instances where an owner or person having custody of domestic animals with criminal negligence allows those animals to roam at large within a controlled livestock district.
- \* Refines the guidelines for establishing or abolishing a controlled livestock district.
- \* Makes identification of the animals mandatory using the system established under AS 03.40, identification collars or other reasonable means. Failure to properly identify animals constitutes a violation.
- \* Raises the claim for damages from \$50 to \$500 per animal for any one trespass.

The establishment of a controlled livestock district is not mandatory under this bill. An area has to be larger than 1,280 acres before it can be established and only after 60% of the affected resident owners or lessees who own or lease at least 30% of the land have petitioned to establish such a district. Additions to existing districts must be at least 160 acres.

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REPRESENTATIVE  
C.E. "SWACK" SWACKHAMM

# Alaska State Legislature



## House of Representatives

April 25, 1990

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1. "CREATION," substituting "ESTABLISHMENT"
2. "city or organized borough," substituting "municipality"
3. "one or more townships or portions thereof or of" (This reference is not necessary since the basic requirement is that the district have 1280 acres.)
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SECTION THREE: Amends A.S. 03.35.020 (a) that describes the petition process to establish a controlled livestock district. As in section one, this statute is fraught with outdated language. Reference to "the requisite" was deleted as surplus. It was necessary to delete the word "cultivated." The legislative intent of the cultivated lands provision was to protect farmers from marauding livestock at a time when few people occupied rural areas. Thus, this archaic concept failed to provide any protection for people who settle in rural areas merely to enjoy country living and are not involved with commercial agriculture or grazing. In order to protect the land owners who have a large amount of land, 60 percent of the resident owners or lessees must own or lease at least 30 percent of the land described in the petition.

**SECTION FOUR:** Amends A.S. 03.35.030 which establishes the procedure for the elimination or dissolution of a controlled livestock district through the petition process. As in previous sections, the changes are merely "clean-up" in nature.

**SECTION FIVE:** Amends A.S. 03.35.030. This statute addresses the notice, hearing and order procedures upon receipt of the petition by a District Court to establish, eliminate or dissolve a controlled livestock district. Once again, the changes reflect an update of current drafting styles. The only significant change has the district judge sending a copy of the order to the commissioner of the Department of Natural Resources rather than the director of the Division of Agriculture.

**SECTION SIX:** Adds a new section to A.S. 03.35. This section makes it mandatory for livestock owners within a controlled livestock district to use a reliable system for the identification of the ownership of the animal. Means for identification established under A.S. 03.40 (brands and marks), identification collars or any other reliable system will be appropriate. Failure to properly identify domestic animals is punishable as a violation offense.

**SECTION SEVEN:** Amends A.S. 03.35.040. Updates the language in this section and revises to a more reasonable figure (\$500) the amount available for damages.

**SECTION EIGHT:** Adds a new subsection to A.S. 22.15.110 which describes the additional duties of a district judge and magistrate. A district judge may establish a controlled livestock district in accordance with A.S. 09.35.010 (Judgements enforceable by execution).

BASIS

Committee Minutes

Senator Fahrenkamp announced SB 472 to be up for discussion. Senator Coghill, sponsor, gave the background on moose ranching; he said it's being done in Russia and the Scandinavian countries. He said that we could ranch moose along with buffalo and musk oxen and start a whole new industry in rural Alaska.

Senator Coghill said that ADF&G is opposed to this legislation, because they have a policy against domestication of wildlife. The Fairbanks Daily News Miner is in favor of it.

Senator Zharoff asked if this would allow importation of moose. Senator Coghill said his intent is to domesticate local moose.

TAPE 2, SIDE 1  
Number 001

Molly McCammon, ADF&G, said the Department opposes this

Selection=>											
PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT
BASIS					Committee Minutes						

bill because they believe that the domestication of wildlife is contrary to the traditional values or traditional uses of our wildlife species. It would pose additional problems in management of the species and enforcement. It could also create problems in disease control and importation of moose from the outside.

Ms. McCammon said this could also establish a precedent for people who want their own private herds of wild animals.

Senator Sturgulewski asked if currently other wild animals are being ranched. Ms. McCammon answered that surplus buffalo and musk oxen can be ranched. Reindeer are already in private ownership.

Senator Zharoff moved to pass SB 472 with individual recommendations. There were no objections and it was so ordered.

Selection=>											
PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

A M E N D M E N T *am#1*

OFFERED IN THE SENATE

BY SEN. FAHRENKAMP

TO: SCS CSHB 387 (Resources)

Page 1, line 23:

Delete "new subsections"

Insert "a new subsection"

Page 1, lines 24 - 28:

Delete all material.

Reletter the following subsection accordingly.

Page 1, line 29:

Delete "or (c)"

Original sponsor(s): REP. SWACKHAMMER, Navarre

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 387 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to controlled livestock districts."

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

8 \* Section 1. AS 03.35.010 is amended to read:

9 Sec. 03.35.010. ESTABLISHMENT [CREATION] AND RESTRICTION IN USE  
10 OF CONTROLLED LIVESTOCK DISTRICTS. (a) A district judge may [CREATE  
11 AND] establish a controlled livestock district within a municipality  
12 [CITY OR ORGANIZED BOROUGH,] or in other settled areas of the state,  
13 as provided in this chapter, to consist of [ONE OR MORE TOWNSHIPS OR  
14 PORTIONS THEREOF OR OF] a contiguous area of not less than 1,280  
15 acres.

16 (b) The owner and the person having custody and control of a  
17 domestic animal kept within a controlled livestock district may not  
18 with criminal negligence permit the [IT IS UNLAWFUL FOR ANY] domestic  
19 animal to graze or run at large [WITHIN A CONTROLLED LIVESTOCK DIS-  
20 TRICT UNLESS THE DOMESTIC ANIMAL IS HERDED ON OPEN PUBLIC DOMAIN AND  
21 TENDED BY A PERSON AND PREVENTED FROM GRAZING UPON PRIVATE ROADS OR  
22 HIGHWAYS AND PRIVATELY OWNED LAND].

23 Sec. 2. AS 03.35.010 is amended by adding new subsections to read:

24 (c) The owner and the person having custody and control of a  
25 domestic animal kept within 10 miles of the boundary of a controlled  
26 livestock district may not with criminal negligence permit the  
27 domestic animal to graze or run at large within the controlled live-  
28 stock district.

29 (d) Violation of (b) or (c) of this section is a class B

1 misdemeanor.

2 \* Sec. 3. AS 03.35.020(a) is amended to read:

3 (a) A controlled livestock district may be established [CREATED]  
4 upon petition of not less than 60 percent of the resident owners and  
5 lessees of the [CULTIVATED] land within the area to be included in the  
6 district who own or lease 30 percent of the land described in the  
7 petition. The petition must [SHALL] contain a statement of its pur-  
8 pose, [SHALL] define the boundaries of the area to be included within  
9 the district, [SHALL] be signed by the required [REQUISITE 60 PERCENT  
10 OF THE] resident owners and lessees within the area described, and  
11 [SHALL] be filed with the district judge for the district within which  
12 the land is situated.

13 \* Sec. 4. AS 03.35.020(c) is amended to read:

14 (c) A portion [PORTIONS] of a controlled livestock district may  
15 be eliminated or a [AN ENTIRE] district may be dissolved [ABOLISHED OR  
16 ELIMINATED] if 60 percent of the resident owners and lessees of the  
17 [CULTIVATED] land within the district who own or lease 30 percent of  
18 the land within the district [OR THE AREA AFFECTED] petition for the  
19 elimination or dissolution under [ABOLISHMENT, IN WHICH EVENT] the  
20 procedure set out in this section for the establishment [FORMATION] of  
21 a controlled livestock district [SHALL BE FOLLOWED FOR DISSOLUTION].

22 \* Sec. 5. AS 03.35.030 is amended to read:

23 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a  
24 petition for the establishment, addition, elimination, or dissolution  
25 of a controlled livestock district, the district judge shall set a  
26 time for hearing the petition not less than 30 days after its receipt  
27 [THEREAFTER]. Notice of the time and place of the hearing and its  
28 purpose shall be posted in not less than three conspicuous public  
29 places within the proposed district, including a post office, for a

1 period of at least 30 days before the hearing. If there is no post  
2 office within the proposed district, then the notice shall be posted  
3 in two conspicuous public places in the proposed district and in the  
4 post office nearest the proposed district. If, at the hearing, the  
5 district judge finds that the petition meets the requirements estab-  
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9 district are those proposed within the petition [CREATING AND ESTAB-  
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12 court for the judicial district a copy of the findings and order. The  
13 district judge shall send a copy of the order to the commissioner of  
14 natural resources [DIRECTOR, DIVISION OF AGRICULTURE, DEPARTMENT OF  
15 NATURAL RESOURCES].

16 \* Sec. 6. AS 03.35 is amended by adding a new section to read:

17 Sec. 03.35.035. IDENTIFICATION OF DOMESTIC ANIMALS WITHIN CON-  
18 TROLLED LIVESTOCK DISTRICT. (a) Within 60 days of the establishment  
19 of a controlled livestock district or of the addition to an estab-  
20 lished controlled livestock district under AS 03.35.010, the person  
21 having custody and control of domestic animals located within the  
22 district shall identify the animals under AS 03.40, use identification  
23 collars to indicate ownership, or otherwise use a reliable system for  
24 the identification of the ownership of the animal.

25 (b) A person who violates (a) of this section commits a viola-  
26 tion.

27 \* Sec. 7. AS 03.35.040 is amended to read:

28 Sec. 03.35.040. LIABILITY FOR DAMAGES, AND LIEN. (a) The owner  
29 of land within a controlled livestock district, whether the land is

1 fenced or unfenced, [(1)] is entitled to recover, from the owner or  
2 person having custody and control of a domestic animal, for any injury  
3 done by the animal [IT] when grazing or running at large within a  
4 controlled livestock district contrary to the provisions of this  
5 chapter, and [(2)] has a lien upon the domestic animal for the amount  
6 of the damage done.

7 (b) A [HOWEVER, NO] claim for damages may not exceed \$500 [IN  
8 EXCESS OF \$50 IS ALLOWED] against any one animal for any one trespass.

9 \* Sec. 8. AS 22.15.110 is amended by adding a new subsection to read:

10 (b) A district judge may establish a controlled livestock dis-  
11 trict in accordance with AS 09.35.010.

6-1776J  
Bradley  
3/30/90

Original sponsor(s): REP. SWACKHAMMER, Navarre

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 387 (Res )

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4 SIXTEENTH LEGISLATURE - SECOND SESSION

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(b) A [HOWEVER, NO] claim for damages may not exceed \$500 [IN EXCESS OF \$50 IS ALLOWED] against any one animal for any one trespass.

\* Sec. 8. AS 22.15.110 is amended by adding a new subsection to read:

(b) A district judge may establish a controlled livestock district in accordance with AS 09.35.010.

**HB**

**394**

SENATE COMMITTEE REPORT

DATE: 2/8/90

FURTHER: Judiciary

DATE TURNED INTO OFFICE: 2/26/90

Resources \_\_\_\_\_ Committee considered \_\_\_\_\_ CSHB 394 (Judiciary)

Act relating to utilization of pollock and prohibiting the waste of pollock taken in a commercial fishery.

and recommended:

- replace with \_\_\_\_\_ SCS HB 394 (Res)  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s)  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:  
Dept/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

Governor's bill w/fiscal note

SIGNING DO PASS:

[Signature]  
[Signature]  
[Signature]  
[Signature]

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chair: Signature and Recommendation

\*\*\*\*\*

Current Status: (S) RES

	Jrn-Date	Jrn-Page		Action
1	12/29/89	2007	(H)	PREFILE RELEASED
2	01/08/90	2007	(H)	READ THE FIRST TIME - REFERRAL(S)
3	01/08/90	2007	(H)	RESOURCES, JUDICIARY
4	01/09/90	2028	(H)	CO-SPONSORS ADDED: HUDSON, JACKO
5	01/11/90	2047	(H)	CO-SPONSOR ADDED: LEMAN
6	01/12/90	2060	(H)	RES RPT CS(RES) 7DP 1NR
7	01/12/90	2060	(H)	-ZERO FISCAL NOTE (F&G) 1/12/90
8	01/12/90	2075	(H)	CO-SPONSOR ADDED: NAVARRE
9	01/24/90	2183	(H)	CO-SPONSOR ADDED: GOLL
10	02/02/90	2264	(H)	JUD RPT CS(JUD) NEW TITLE 4DP 2NR
11	02/02/90	2264	(H)	-ZERO FISCAL NOTE (DPS) 2/2/90
12	02/07/90		(H)	RULES TO CALENDAR 2/7/90
13	02/07/90	2325	(H)	READ THE SECOND TIME
14	02/07/90	2326	(H)	JUD CS ADOPTED UNAN CONSENT
15	02/07/90	2326	(H)	ADVANCED TO THIRD READING UNAN CONSENT
16	02/07/90	2326	(H)	READ THE THIRD TIME CSHB 394(JUD)
17	02/07/90	2326	(H)	PASSED Y38 N- X2
18	02/07/90	2333	(H)	TRANSMITTED TO (S)

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12		
HELP	SUBJ	EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT		
HB 394										Bill/Resolution Floor Action		Page 3 of 3	

Current Status: (S) RES

	Jrn-Date	Jrn-Page		Action
1	02/08/90	2373	(S)	READ THE FIRST TIME - REFERRAL(S)
2	02/08/90	2373	(S)	RES, THEN JUD
3	22/08/90	2373	(S)	CROSS SPONSOR ADDED: STURGULEWSKI, JONES

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	SUBJ	EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER CS HR 304	SPONSOR Davidson
SHORT TITLE OF BILL Utilization of Pollock			
DEPARTMENT POSITION Support			
PREPARED BY Earl Krygier	DATE 01/19/90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 1/19/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Public Safety	CONSTITUENT GROUPS AFFECTED BY BILL Commercial fishermen and fish processors
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill, in conjunction with federal fisheries management regulations recently passed by the North Pacific Fisheries Management Council (NPFMC), is intended to address the problem of pollock roe stripping which occurred in the Gulf of Alaska during the 1989 season. The pollock fishery is managed with a strict quota. In 1989, large factory trawlers moved into the Kodiak area during the pollock spawning season and quickly consumed all remaining quota by stripping the high value roe and discarding the males and the usable flesh of the roe-stripped females. As a result, local fishermen and shorebased processors were

ANALYSIS OF BILL PROGRAM EFFECTS

without access to a harvestable surplus.

The effect of this bill would be to prohibit roe stripping in state waters and at shorebased processing facilities. This action, in conjunction with a similar federal regulation governing federal waters, would eliminate pollock roe stripping in all catching and processing sectors of the industry.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Utilization of Dollock  
 Sponsor: Davidson  
 Requestor: Governor

Agency Affected: Fish and Game  
 BRU: Commercial Fisheries  
 Components: 311

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

REVENUE	0	0	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Bob Clashy Phone: 465-4210  
 Division: Commercial Fisheries Date: 11/19/90

Approved by Commissioner: [Signature] Date: 11/19/90  
 Agency: \_\_\_\_\_

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

FEB 21 1990



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668

hb 394

NEWS RELEASE  
Steven Pennoyer  
907-586-7221  
February 16, 1990  
For Immediate Release

IMPLEMENTATION OF AN EMERGENCY RULE TO LIMIT THE PRACTICE  
OF ROE-STRIPPING POLLOCK OFF ALASKA

An emergency rule to limit the practice of pollock roe-stripping by at-sea processor vessels is implemented by Federal regulations effective February 16, 1990, according to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service. This limitation implements a recommendation by the North Pacific Fishery Management Council to prohibit the extraction of roe from pollock during 1990 unless male and female carcasses are further processed into products of commercial value. The emergency rule will be in effect for the remainder of the 1990 roe season.

Specifically, the emergency rule limits the amount of pollock roe that may be retained by an at-sea processor to no more than seven percent of the round weight equivalent of pollock and other pollock products retained on board the processor vessel at any time during a fishing trip. The product recovery rates that will be used to extrapolate round weight equivalents from pollock product weights are as follows:

Pollock Product Type	Pollock Product Recovery Rate
Fillet (no skin or ribs)	25 percent
Minced	25 percent
Surimi	22 percent
Meal	17 percent
Headed and Gutted	55 percent
Roe	7 percent

If pollock are processed into products other than those listed above, extrapolated round weight equivalents will be based on the best available information, including observer or vessel operator reported product recovery rates.

Copies of the emergency rule are available from the Fishery Management Division in Juneau at 907-586-7230 or through the NMFS Computer Bulletin Board, 907-586-7259. For further information, contact Susan Salveson at 907-586-7230.



hb 394



# UNITED FISHERMEN OF ALASKA

211 4th Street, Suite 106  
Juneau, AK 99801  
907-586-2820

February 20, 1990 <sup>558 2 1</sup>

## MEMBER ASSOCIATIONS

Alaska Crab Coalition  
 Alaska Independent Fishermen's  
 Marketing Association  
 Alaska Longline Fisherman's  
 Association  
 Alaska Trollers Association  
 Bering Sea Fishermen's Association  
 Bristol Bay Driftnetters Association  
 Concerned Area "M" Fishermen  
 Cook Inlet Aquaculture Association  
 Copper River Fishermen's Cooperative  
 Cordova District Fishermen United  
 Kenai Peninsula Fishermen's Association  
 North Pacific Fisheries Association  
 Northern Southeast Regional  
 Aquaculture Association  
 Peninsula Marketing Association  
 Petersburg Vessel Owners Association  
 Prince William Sound  
 Aquaculture Association  
 Prince William Sound Seliners Association  
 Seafood Producers Cooperative  
 Southeast Alaska Seliners  
 Southern Southeast Regional  
 Aquaculture Association  
 United Cook Inlet Drift Association  
 United Southeast Alaska Gillnetters  
 Western Alaska Cooperative  
 Marketing Association

Senator Bettye Fahrenkamp  
PO Box V  
Juneau, AK 99801

Dear Senator Fahrenkamp:

You have before the Senate Resources Committee HB 394, a bill which would prohibit the practice of "roe stripping" in state waters.

The federal government has recently promulgated an emergency regulation that effectively has brought the practice to a close in waters of federal jurisdiction; until the state passes a similar requirement, we are fearful that the large factory trawlers will move inside state waters and fill the years quota in just a few weeks while wasting thousands of tons of usable seafood.

The pollock roe season has begun and there is a very real urgency that the bill becomes law. If you have perceived any technical problems I would appreciate a member of your staff letting me know.

Yours sincerely,

Ken Castner  
Executive Director



# STATE OF ALASKA

HOUSE OF REPRESENTATIVES

Box V, Juneau, Alaska 99811

(907) 465-2487 • 465-2498

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REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

TO: All House Members

FROM: Representative Cliff Davidson

DATE: February 7, 1990

## HOUSE BILL 394

"An act relating to utilization of pollock and prohibiting the waste of pollock taken in a commercial fishery."

Pollock are a relatively small, low value fish that are valuable only because of their great abundance. Traditionally, pollock have been caught throughout the year by large trawler vessels. Pollock have provided a stable and reliable year round source of product to the onshore processing industry.

During the spring of each year pollock gather in huge aggregations to spawn. At that time the roe (or eggs) of the female pollock are an extremely valuable and desirable product. Last year in March and April of 1989, the large factory trawler fleet targeted the enormous pollock aggregations spawning in Shelikof Strait between Kodiak and the Alaska Peninsula. These huge vessels caught vast quantities of spawning pollock, throwing overboard everything but roe from the females.

As a result of this enormous waste, and the resulting publicity, the North Pacific Fishery Management Council proposed and passed an emergency regulation prohibiting the stripping of pollock roe in federal waters. That emergency regulation must be signed by the Secretary of Commerce to become effective.

The roe stripping ban adopted in HB 394 is intended to parallel action by the federal government. Without that federal ban in place, the offshore factory/processors will be able to strip pollock roe again this spring. HB 394 is intended to ban the odious practice of roe stripping and send a message to the Secretary of Commerce that Alaskans do not support roe stripping.

## HB 394 Analysis

### Section 1.

The legislative findings establishing the justification for banning roe stripping in pollock.

### Section 2.

#### AS 16.10.164

Establishes a state policy that roe stripping and not using the eatable flesh is wasteful, and determines that:

- 1) roe stripping should be eliminated to the fullest extent possible and;
- 2) commercially taken pollock should be utilized for human consumption to the fullest extent practicable.

#### AS 16.10.165

- a) Establishes that a person may not waste pollock
- b) Delegates to the Board of Fish the ability to make regulations under this act.
- c) Makes waste of pollock a class A misdemeanor.
- d) Definitions of terms used in this section

\*Note: The language in AS.16.165 is very similar to the language used in the statute prohibiting the roe stripping of herring.



December 18, 1989

From: Larry Cotter *LC*  
Re: Proposed Pollock Roe Stripping Legislation

Thanks very much for sending me a copy of the draft legislation. I think it is very important that legislation such as this be passed as quickly as possible. The Secretary of Commerce will soon be in the process of determining whether or not to implement the North Pacific Council's emergency prohibition on roe stripping; action, or lack thereof, by the state could have an important impact on that decision.

With one exception, I think the draft is fine. That exception is the definition of "waste". The definition allows pollock flesh to be reduced to meal as an acceptable form of processing. I would prefer that reduction of flesh to meal be allowed only in the event the flesh is damaged or otherwise unfit or unmarketable for fillets or surimi.

The definition of processing is one the Council is grappling with and will deal with at the April meeting. It is a significant definition since some mothership and factory trawlers have meal plants on board and could more rapidly process the flesh into meal than into fillets or surimi. The result would be a waste of food protein and an increase in the speed with which the pollock quota is taken.

I would suggest language similar to the following:

(3) "waste" means the failure to use the flesh of commercially taken pollock for human consumption OR SCIENTIFIC OR EDUCATIONAL PURPOSES, ALTHOUGH reduction to meal AND production of food for domestic animals or fish, ~~or scientific or educational purposes~~, IS ALLOWED IN THE EVENT THE FLESH IS DAMAGED OR OTHERWISE UNFIT OR UNMARKETABLE FOR FILLETS, SURIMI OR OTHER COMMERCIAL FOOD PRODUCTS FOR HUMAN CONSUMPTION. "WASTE" ~~but~~ does not include normal, inadvertent loss of flesh associated with processing that cannot be prevented by practical means.

I hope this is helpful to you. Please contact me if you have any questions. I would be more than happy to testify at any hearing on this bill, and otherwise work for its adoption.

Friday 2/16/90

# Anchorage Daily News

Gerald E. Grilly  
Publisher



Howard Weaver  
Managing Editor

Michael Carey, Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1948 by Norman C. Brown

## Roe-stripping

*Commerce Department must act — quickly*

Once again, the rape of the Bering Sea's pollock stocks is underway. U.S. factory trawlers are on the water, processing millions of fish, ripping out the valuable eggs from the female, then tossing ton after ton of edible carcasses back into the sea.

The fish destruction is stunning. The damage to the overall fishery may be irreversible. And the ethics of such large-scale, wanton waste of food are, at the very least, troubling.

After last year's orgy, a repeat appeared unlikely. The North Pacific Fishery Management Council in December recommended an emergency ban on roe-stripping. Industry officials said they supported such a measure. Many trawler owners declared that, if regulations were not yet in place by the time the season opened, they would voluntarily comply with the council's recommendation. The Commerce Department, after an initial pause, declared that federal officials held authority to stop the slaughter and planned emergency regulations.

But all of this has collapsed. The Commerce Department, encountering criticism from the industry for its wording of the regulations, balked at issuing new rules. Some vessel owners are honoring the voluntary commitment to eschew roe-stripping — but many others are not.

In all, it has been a dismal demonstration of the Commerce Department's unwillingness to get off dead center and the fishing industry's unconcern for the long-range consequences of its acts.

Surveys show that Bering Sea pollock stocks are declining at a rate of about 10 percent a year. Processors' demand now exceeds available supply. Clearly, the fishery can little tolerate roe-stripping's wastefulness.

The Commerce Department must act and it must act quickly. If the agency continues to dally, Alaska's congressional delegation — Sens. Ted Stevens and Frank Murkowski and Rep. Don Young — should turn up the heat.

The entire fishery is at stake. Every day lost to the orgy of roe-stripping heightens the threat to the resource.

# Anchorage Daily News

VOL. XLIV, NO. 83 88 PAGES

ANCHORAGE, ALASKA, FRIDAY, MARCH 24, 198

## Fleet dumps thousands

### Pollock stripped of roe, then tossed; huge catch prompts

By HAL BERNTON  
Daily News reporter

A factory trawler fleet massed off Kodiak this month scooped up more than 37,000 metric tons of pollock, but some of the ships kept only the valuable roe and dumped overboard thousands of tons of edible flesh.

The fishing frenzy of the 17-boat, Seattle-dominated fleet helped trigger Thurs-

day's unexpected shutdown of the major Gulf of Alaska pollock harvest and raise new questions about the ethics of deep-sea fishing.

"When the world is starving, the factory trawlers have decided to discard protein," said John Sevier, superintendent of the Alaska Pacific Seafoods, a Kodiak shore processor that uses the meaty flesh to manufacture

surimi. "It's wanton waste."

The closure order was issued by the National Marine Fisheries Service after determining that the entire year's Gulf harvest quota for pollock had been taken. The order is an economic blow to Kodiak, whose fishermen say their pollock season normally lasts through December and employs hundreds of people to harvest and pro-

cess the fish.

"This is the Seattle-ization of our fisheries," said Dave Harville, an island fisherman who serves shore-based plants with trawler boats. "They took our fish and shut down their competition. Now, they're going go on out to the Bering Sea and fish the rest of the year. But we can't move our land."

## of tons of fish

### closure of Gulf of Alaska fishery

This year was the first time the U.S. factory fleet, which both catches and processes fish, has showed up off Kodiak. They were lured to the Gulf by the pollock roe, which fetches a high price from Japanese consumers. And in about a month's time, the fleet caught and processed about 60 percent of an annual harvest quota that last year went entirely

to shore-based plants.

The roe-stripping tactics of the factory fleet helped speed up the processing, according to Tyson Vogeler, a Kodiak-based North Pacific Fishery Management Council official attempting to monitor the harvest. Many ships reported spectacular catches of 500 to 900 metric

Please see Back Page, FISHERY

# THE BACK PAGE

## FISHERY: Fleet dumps thousands of tons of pollock after taking roe

tons per day, according to Vogeler.

The only way to handle such daily volumes of fish is to speed up the processing by cutting out the high-value roe, and jettisoning — rather than salvaging — the relatively low-value flesh.

Vogeler said precise data on roe-stripping was impossible to get because the U.S. factory ships — unlike foreign factory ships that used to dominate the fishery — don't have to carry federal observers.

Ted Evans, executive director of the Seattle-based Alaska Factory Trawlers Association, confirmed that at least some of the ships were roe-stripping. He said he didn't know how many.

Evans said he didn't like the waste but pointed out that federal regulations allow the practice. Foreign factory ships that used to fish off Kodiak also jettisoned pollock flesh, he said. And this year, at least one shore-based processor also was wasting pollock meat, he said.

"What degree of waste is acceptable," Evans said. "There are all kinds of philosophical viewpoints on that and we are certainly willing to participate in that debate."

Kodiak industry officials acknowledge that some fish were stripped in town and the carcasses hauled out to sea for dumping. But they say much more fish was wasted on the high seas, and such waste adds insult to the economic injury of the closure.

"There's a gigantic rape of the resource, that's what going on," said Reed Was-

son, president of Kodiak-based Eagle Fisheries.

John Peterson, the chairman of the North Pacific Fishery Management Council, the group that helps regulate the harvest, also questions roe stripping.

"It's just not right in my opinion to waste the fish that way," Peterson said. He would welcome proposals to end the practice, he said.

In the most efficient of factory and shore-based plants, almost all of the fish can be utilized. Flesh is processed into fillets, surimi or other products. And guts, heads, skin, bones and tails are made into fish meal or fertilizer.

Jeff Stephan, manager of the Kodiak-based Alaska Fishermen's Marketing Association, said his group introduced a proposal to force processors to use more of the fish, but the council has not yet seriously considered it.

The arrival of the Seattle factory fleet off Kodiak reflects the final phase of Americanization that has allowed U.S. fishermen, with first claim to the resource, to push almost all foreign ships out of the Alaska bottom fishery.

The fishery is conducted according to federal regulations that offer U.S. shore-based processors no preference over U.S. factory ships.

All must fight for a share of a pre-set annual quota.

Up until this year, U.S. factory ships chose to stay out of the Gulf of Alaska to concentrate on much larger Bering Sea fisheries, where pollock also have been stripped of roe. That allowed shore-based processors in Kodiak to prosper by contracting with small catcher boats to bring the fish onshore for processing.

This year's quota would have been enough to keep the Kodiak plants operating through December, if they processed at the same rate as last year, according to National Marine Fisheries Service statistics.

Instead, unless the council decides to reopen the fishery, they will process a limited harvest of cod, flat fish, halibut and other species.

To prevent a repeat of 1989, Kodiak fishermen will ask the council to form a special fishing zone in the Gulf, according to Harville. The plan would require boats that choose to fish the

Gulf to remain there the entire year.

"If you want to fish in the Gulf, fine, but you can then turn around and head for the Bering Sea," Harville said.

Meanwhile, Kodiak fishermen, as well as others in the industry, are pressing for new federal or industry funding to finance a greatly expanded observer program.

Peter Craig, a Kodiak based state fishery official said the observer program would help document waste that ranges beyond pollock.

Rock sole, another marketable fish, frequently is stripped of roe and the flesh wasted, Craig said. And many fish are tossed overboard by both factory trawlers and smaller catcher boats because they are too small to fit the processing machinery. The undersized fish are supposed to be reported as part of the catch, but some boats routinely flaunt the law, he said.

"Everybody ... has a waste problem," Craig said.

# Fish trashing angers Kodiak

By DANIEL R. SADDLER  
Times Writer

*Alc. Times  
2 MAR 89*

An Outside fleet of factory trawlers stripping valuable roe from pollack and discarding edible flesh in the Gulf of Alaska has outraged Kodiak's fishing community and prompted regulators to acknowledge the need to end the practice.

On Thursday, the National Marine Fisheries service ordered the Gulf pollack fishery closed, after fishermen took the entire 1989 allowable catch of 60,000 metric tons of pollack.

"We have reports that there was discarding of pollack carcasses, and only the roe was salvaged," Brooks said. "But I don't know if that was common practice with all operations."

"Our shore-based plants felt 60,000 tons would have gotten them through the year," said Dave Harville, owner of three shore-based trawlers and one longliner in Kodiak. "The factory trawler fleet moved in to the south end of island and just stripped roe until they put us out of business."

He said he could tell the larger ships were stripping roe by how fast they were going through the fish.

Ships stripping roe can use fish three times faster than the shore based processors who take time to fillet, process for surimi, and freeze pollack, he said.

Fishermen were getting \$4 per pound for untreated roe, while pollack flesh fetched about eight cents a pound, said Oscar Dyson, a Kodiak fisherman and member of the North Pacific Fisheries Management Council.

"It's gonna be a disaster if its allowed to shut down our pollack fishery for the rest of the year," Dyson said. "I'd imagine 1,000 cannery workers will be out of work this September, when the fall pollack fishery would have come on line."

"It's the first time we've had pollack fishery of this magnitude outside Shelikof Strait," said Brooks. "We were fairly suprised by it ourself."

While roe stripping is legal, the North Pacific Fisheries Management Council acknowledges its problems. Last year, they closed pollack fishing in the Bering Sea during the spawning season when excessive roe fishing threatened stocks, Brooks said.

Brooks said the roe stripping didn't pose a problem to the continued health of the pollock stocks, because any fish caught were included in the total allowable catch.

However, he admitted the process is legal, and predicted the council would study the issue this summer, and eventually ban the practice.

"I think (a ban on roe stripping) has to happen," Brooks said. "How quickly it will happen, I don't know. Over time, discarding the enormous amounts of fish is simply not going to be accepted as a practice that can be sustained."

Jim Campbell, former director of the North Pacific Council, called for an end to roe stripping, the reservation of some share of the pollack catch for on-shore processors, and studies to see if regulators can allow a greater harvest of pollack this year.

"I'm suprised the owners of the large factory trawlers, primarily from Washington made this move to take that total allocation," Campbell said. "They must have known that doing this would inflame Alaskans and the general public."

Pollack stocks are down from their highs of the early 1980s, and as the domestic fishing fleet has taken over from the foreign fleets that formerly took groundfish under joint ventures with the U.S., the demand for the fish has increased.

This year, the domestic fleet had more than enough capacity to catch all the allowable groundfish catch in the Gulf and Bering Sea.

# Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly  
Publisher

Howard Weaver  
Managing Editor

Michael Carey  
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1946 by Norman C. Brown

## Troubled waters off Kodiak Island

A Seattle-dominated fishing fleet's month-long orgy of roe-stripping off Kodiak has yielded a severe blow to the community's fishermen. The fleet moved in, took more than 37,000 metric tons of pollock, stripped the valuable roe from the fish, and tossed much of the flesh back in the water — after which federal authorities shut down the major Gulf of Alaska pollock harvest.

Capping it all off, the Seattle fleet departed the area for the Bering Sea after slaughtering the pollock, the most abundant of the North Pacific bottomfish — leaving Kodiak fishermen to depend on a more limited harvest of other fish.

The debacle raises anew questions about the fairness of fishing regulations. Current regulations permitted the Outside fishermen to devour within a matter of weeks a fishery that otherwise would have contributed to Kodiak's economy through December.

More importantly, the episode renews revulsion at the obscene waste of tons of edible fish. To fish processors, the high-value roe is much preferred over the low-value pollock meat. The decision to strip the roe and throw the fish overboard is a business one. The practice, however, visits horrendous abuse upon the resource — abuse that no resource, fish or otherwise, can long endure.

The bald waste at the scene of a roe-stripping is stunning. Those who have witnessed some of the more frenzied operations report mile upon mile of dead fish in the water. The decaying fish float in the huge masses, then sink to the ocean bottom.

Few involved in the process can claim clean hands on the waste issue. In fact, some of the fish caught by the Seattle fleet were stripped in Kodiak and the fish carcasses hauled out to sea and dumped.

Regulations advancing the stable, long-term interest of the fishery and of Alaska are needed. And a central component of the regulatory process should be a stepped-up system of observer coverage. Observers have proven their value in policing fishing regulations, and a growing body of opinion is urging expansion of the tactic.

The course toward a sane fishing policy must weather a gale of conflicting economic and governmental interests. But the difficulties should not deter attempts to reach that goal. For nothing less than the wise use and preservation of the resource depends on it.

Offered:  
Referred:

*The Senate Resources  
CS adds an eff. date!*

Original sponsor(s): REP. DAVIDSON, Grussendorf, Hudson, Jacko, Leman,  
Navarre, Goll; SEN. Sturgulewski, Jones

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 394 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to utilization of pollock and pro-  
7 hibiting the waste of pollock taken in a commercial  
8 fishery; and providing for an effective date."

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

10 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds

11 (1) extensive and valuable populations of pollock are available  
12 for harvest in the water of and off Alaska;

13 (2) commercial markets are available for pollock processed in  
14 several forms including both roe and flesh;

15 (3) the biology of pollock results in the tendency of pollock to  
16 gather in large spawning aggregations during specific times of the year so  
17 that large quantities of female pollock are easily harvested by commercial  
18 trawl fisheries;

19 (4) the trawl fleet is a highly efficient fishery;

20 (5) trawl fleets targeting on spawning aggregations of pollock  
21 generate management difficulties for state and federal fisheries managers,  
22 and could cause serious conservation problems for the pollock resource;

23 (6) one processing technique presently employed involves strip-  
24 ping roe from female pollock and then discarding the carcasses of both male  
25 and female pollock;

26 (7) profitable markets for fish roe have promoted roe stripping  
27 in commercial fisheries for salmon, herring, and pollock, however roe  
28 stripping is now prohibited in the salmon and herring fisheries; recent  
29 events have demonstrated the need to prohibit the wasteful practice of roe

1 stripping in the pollock fishery.

2 \* Sec. 2. AS 16.10 is amended by adding new sections to article 3 to  
3 read:

4 Sec. 16.10.164. POLICY ON UTILIZATION OF POLLOCK. The legisla-  
5 ture declares that stripping roe from pollock without utilizing the  
6 flesh is wasteful and does not constitute utilization of this resource  
7 for the maximum benefit of the people. Therefore, it is the policy of  
8 the state that

9 (1) roe stripping be eliminated to the fullest extent  
10 possible; and

11 (2) pollock taken in a commercial fishery should be uti-  
12 lized for human consumption to the fullest extent practicable.

13 Sec. 16.10.165. UTILIZATION OF POLLOCK TAKEN IN A COMMERCIAL  
14 FISHERY. (a) Unless otherwise provided by law, a person may not  
15 recklessly waste or cause to be wasted pollock taken in a commercial  
16 fishery.

17 (b) The Board of Fisheries may adopt regulations under the  
18 Administrative Procedure Act (AS 44.62) it considers necessary for  
19 implementation of this section. The board may delegate its authority  
20 under this section to the commissioner.

21 (c) A person who violates this section is guilty of a class A  
22 misdemeanor.

23 (d) Each day on which a violation of this section occurs is a  
24 separate violation.

25 (e) In this section

26 (1) "flesh" means all muscular body tissue surrounding the  
27 skeleton,

28 (2) "person" includes a joint venture;

29 (3) "waste" means the failure to use the flesh of pollock

1       for human consumption, reduction to meal, production of food for  
2       domestic animals or fish, or scientific, display, or educational  
3       purposes; "waste" does not include normal, inadvertent loss of flesh  
4       associated with processing that cannot be prevented by practical  
5       means.

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

**H B**

**400**

SENATE COMMITTEE REPORT

DATE: 4/7/90

FURTHER:

DATE TURNED INTO OFFICE: 4/27/90

Resources

Committee considered

CSHB 400 (Fin) am

"An Act relating to the fisheries business tax and license, and to persons subject to the tax and the licensure requirement; establishing civil penalties for failure to obtain a fisheries business license; and providing for an effective date."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) REV

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Richard L. ...  
 Chair: Signature and Recommendation

*done by  
Senate Sec. of*

A M E N D M E N T

OFFERED IN THE SENATE

BY THE RESOURCES COMMITTEE

TO: CSHB 400 (Finance) am

Page 2, line 29:

Delete "grilling"

Insert "gilling"



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

ce  
17B400

January 8, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows the commissioner of revenue to assess a civil penalty against a person who is required to obtain a fisheries business license under AS 43.75.010, but who fails to do so. The penalty assessed for a failure to obtain a license is \$5,000 for a first occurrence. Penalties for subsequent occurrences increase by increments of \$5,000, to a maximum of \$25,000. The bill also makes four housekeeping amendments.

AS 43.75.011 -- 43.75.140 require fish processors and certain others to obtain a license and pre-pay any estimated fisheries business taxes before the processing or other disposition of fish takes place. Failure to obtain a license is punishable under AS 43.05.290 only after a criminal conviction.

The Department of Revenue estimates there to be as many as 50 unlicensed floating fish processors that are working within Alaska's territorial waters. It is believed that compliance with the fisheries tax statutes would be enhanced by authorizing the department to assess civil penalties against those who fail to obtain the required license.

Sections 1, 3, and 4 of the bill make "housekeeping" changes. The change in sec. 1 amends AS 43.75.011 to make clear that a person who is not engaged in a "fisheries business" (as defined in AS 43.75.140) but who is subject to the fisheries business tax under AS 43.75.100, must obtain a fisheries business license. For example, a commercial fisherman selling his or her Alaska catch outside the state, or a fish buyer who transports fish, taken in Alaska, outside the state for processing, is, under AS 43.75.100,

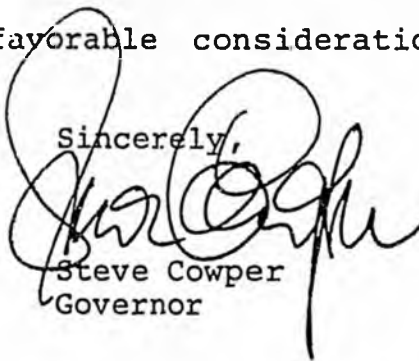
liable for payment of the fisheries business tax. It has been the department's long-standing interpretation of AS 43.75 that such a person must obtain the same license required of a fisheries business.

Section 3 of the bill deletes confusing references in AS 43.75.020 to the "initial" fee (i.e., the license fee), and clarifies that the license fee is an annual fee. Section 3 also deletes the word "license" where it precedes "tax" in AS 43.75.020, and replaces that outdated reference with a reference to the statutes in AS 43.75 that impose the fisheries business tax.

Section 4 of the bill deletes the phrase "covered by this chapter," which modifies the term "fishery resource" in AS 43.75.100(a). "Fishery resource" is defined in AS 43.75.140, making that modifying phrase unnecessary and confusing.

I urge your early and favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper  
Governor

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

No. 1

BILL VERSION: HB 400

PUBLISH DATE: HOUSE 1/8/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Civil penalties for failure  
to obtain fisheries business license  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Revenue  
BRU: Income & Excise Audit  
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

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

ANALYSIS: See Attached:

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

Phone: (907) 465-2320  
Date: December 5, 1989

Approved by Commissioner: Hugh Malone  
Agency: Department of Revenue

Date: December 5, 1989

Distribution (by preparer):

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

Law Log #0015  
Analysis  
Prepared by:  
Steven E. Kettel  
Director  
Income and Excise Audit Division

### Analysis

Failure to obtain a license prior to processing will trigger a monetary penalty scheme under the proposal. The penalties escalate as subsequent violations occur. The bill will create civil penalties for processing fish without a license. This will make it much easier for the Department to enforce the law, and will give the Department the leverage it needs to obtain fisheries business license applications and tax prepayments from fish processing companies.

This legislation was recommended by the legislative audit completed on June 9, 1989. Recommendation No. 5 stated that the Department of Revenue should seek legislation for more stringent penalties for operating a fisheries business without a fisheries business license.

### Revenue Impact

We cannot anticipate the number of processors that will fail to obtain proper licensing and consequently be penalized. We do believe that voluntary compliance, especially among floating processors, will improve dramatically and increase tax collections by \$500,000 - \$1 million.

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

cc  
HB 400

January 8, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows the commissioner of revenue to assess a civil penalty against a person who is required to obtain a fisheries business license under AS 43.75.010, but who fails to do so. The penalty assessed for a failure to obtain a license is \$5,000 for a first occurrence. Penalties for subsequent occurrences increase by increments of \$5,000, to a maximum of \$25,000. The bill also makes four housekeeping amendments.

AS 43.75.011 -- 43.75.140 require fish processors and certain others to obtain a license and pre-pay any estimated fisheries business taxes before the processing or other disposition of fish takes place. Failure to obtain a license is punishable under AS 43.05.290 only after a criminal conviction.

The Department of Revenue estimates there to be as many as 50 unlicensed floating fish processors that are working within Alaska's territorial waters. It is believed that compliance with the fisheries tax statutes would be enhanced by authorizing the department to assess civil penalties against those who fail to obtain the required license.

Sections 1, 3, and 4 of the bill make "housekeeping" changes. The change in sec. 1 amends AS 43.75.011 to make clear that a person who is not engaged in a "fisheries business" (as defined in AS 43.75.140) but who is subject to the fisheries business tax under AS 43.75.100, must obtain a fisheries business license. For example, a commercial fisherman selling his or her Alaska catch outside the state, or a fish buyer who transports fish, taken in Alaska, outside the state for processing, is, under AS 43.75.100,

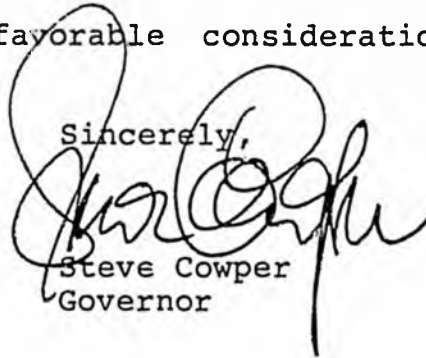
liable for payment of the fisheries business tax. It has been the department's long-standing interpretation of AS 43.75 that such a person must obtain the same license required of a fisheries business.

Section 3 of the bill deletes confusing references in AS 43.75.020 to the "initial" fee (i.e., the license fee), and clarifies that the license fee is an annual fee. Section 3 also deletes the word "license" where it precedes "tax" in AS 43.75.020, and replaces that outdated reference with a reference to the statutes in AS 43.75 that impose the fisheries business tax.

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I urge your early and favorable consideration of this measure.

Sincerely,



Steve Cowper  
Governor

**HB**

**409**

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to Environmental Law Reform  
Sponsor: Representative Mike Davis  
Requestor: House Resources

Agency Affected: Environmental Conservation  
BRU: Environmental Quality Administrative Services  
Components: Administrative Services

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	112.0	112.0	112.0	112.0	112.0	112.0
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	149.0	149.0	149.0	149.0	149.0	149.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS :** (Attach a separate page if necessary)

The fiscal impact for FY 90 would be zero. Analysis is attached.

Prepared by: Gail Gatton Phone: 465-2600  
Division: Administrative Services Date: 1/30/90

Approved by Commissioner: A. D. Kyle Date: 30 Jan 90  
Agency: Environmental Conservation

**Distribution (by preparer):**

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

Changes in SCS CSHB 409 (JUD) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

*CK*

House Bill 409  
1/29/90 Version

Section 3 of this bill gives the Department new authority to assess administrative penalties for violations of laws and regulations designed to protect the environment. Due process, under this bill, allows for a hearing to be held prior to the assessment of penalties. Since DEC does not currently have this authority, we do not have any positions capable of performing these functions. Therefore, the Department would need one hearing officer and a paralegal to conduct the hearings required before assessment of administrative penalties.

Contractual(\$12.0) includes court reporter, transcripts, and professional contracts.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Attorney III	68.0	5.0	8.0	1.0	5.0	\$87.0
Paralegal Assistant II	44.0			1.0	5.0	\$50.0
(Contractual)			12.0			\$12.0
TOTALS	112.0	5.0	20.0	2.0	10.0	\$149.0

No. 1  
CSHB 409  
(Res)  
2/9/90

Position Title <b>Attorney III</b>			No. of Positions 1	Range/Step 12A	Barg. Unit N/A
Time Status PFT	Staff Months 12		Location Juneau		Election District 04
Type of Expenditure			Justification		
		Amount	<p>This position will be necessary to perform the functions required in this legislation. The administrative penalty process allows for a hearing to be held prior to the assessment of penalties, if review is sought, within 30 days. This position will review these proposed penalties, do legal research, conduct hearings, evaluate the case, and make an assessment as to the appropriateness of penalties. We do not currently have anyone on staff qualified to perform this function.</p>		
1	2	3			
Salary	52.3				
Benefits	15.7				
Premium Pay	0				
Other	0				
Total Personal Services		68.0 \$			
Travel		5.0			
Contractual		8.0			
Commodities		1.0			
Equipment		5.0			
Other		-			
Total Cost		87.0 \$			
Funding Source for Total Cost					
Federal Receipts	1002	0			
G. F. Match	1003	0			
General Fund	1004	87.0			
GP Program Receipts	1005	0			
Other		0			

**Request For  
New Position**

Agency Environmental Conservation  
BRU Administrative Services  
Component Administrative Services

Page 3 of 4  
Revised Date

**FY 91**

No. 1  
 CSHB 409  
 (Res)  
 2/9/90

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Borg. Unit CGU	
Time Status PFT	Staff Months 12	Location Juneau		Election District 04	
Type of Expenditure		Justification			
Amount		This position will assist the hearing officer to determine administrative penalties. Will perform research, help review cases, organize hearings and otherwise ensure that the hearing process is carried out in an appropriate and timely manner.			
1	2				3
Salary	32.0				
Benefits	12.0				
Premium Pay	0				
Other	0				
Total Personal Services					44.0
Travel					0
Contractual					0
Commodities					1.0
Equipment					5.0
Other					0
Total Cost		50.0			
Funding Source for Total Cost					
Federal Receipts	1002		0		
G F Match	1003		0		
General Fund	1004		50.0		
GF Program Receipts	1005		0		
Other			0		

**Request For  
 New Position**

Agency Environmental Conservation  
 BRU Administrative Services  
 Component Administrative Services

Page 4 of 4  
 Revised Date

**FY 91**

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to Environmental Law Reform  
Sponsor: Representative Mike Davis  
Requestor: House Resources

Agency Affected: Environmental Conservation  
BRU: Environmental Quality Administrative Services  
Components: Administrative Services

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	112.0	112.0	112.0	112.0	112.0	112.0
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>

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

GENERAL FUND	149.0	149.0	149.0	149.0	149.0	149.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>	<b>149.0</b>

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS :** (Attach a separate page if necessary)

The fiscal impact for FY 90 would be zero. Analysis is attached.

Prepared by: Gail Gatton Phone: 465-2600  
Division: Administrative Services Date: 1/30/90

Approved by Commissioner: A. D. Kyle Date: 30 Jan 90  
Agency: Environmental Conservation

**Distribution (by preparer):**

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

House Bill 409  
1/29/90 Version

Section 3 of this bill gives the Department new authority to assess administrative penalties for violations of laws and regulations designed to protect the environment. Due process, under this bill, allows for a hearing to be held prior to the assessment of penalties. Since DEC does not currently have this authority, we do not have any positions capable of performing these functions. Therefore, the Department would need one hearing officer and a paralegal to conduct the hearings required before assessment of administrative penalties.

Contractual(\$12.0) includes court reporter, transcripts, and professional contracts.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Attorney III	68.0	5.0	8.0	1.0	5.0	\$87.0
Paralegal Assistant II (Contractual)	44.0		12.0	1.0	5.0	\$50.0 \$12.0
TOTALS	112.0	5.0	20.0	2.0	10.0	\$149.0

No. 1  
CSHB 409  
(Res)  
2/9/90

Position Title <b>Attorney III</b>			No. of Positions 1	Range/Step 12A	Barg. Unit N/A
Time Status PFT	Staff Months 12	Location Juneau		Election District 04	
Type of Expenditure			Amount		
1	2	3			
Salary	52.3				
Benefits	15.7				
Premium Pay	0				
Other	0				
Total Personal Services		68.0	\$		
Travel		5.0			
Contractual		8.0			
Commodities		1.0			
Equipment		5.0			
Other		-			
Total Cost		87.0	\$		
Funding Source for Total Cost					
Federal Receipts	1002	0			
G. F. Match	1003	0			
General Fund	1004	87.0			
GP Program Receipts	1005	0			
Other		0			
Justification					
<p>This position will be necessary to perform the functions required in this legislation. The administrative penalty process allows for a hearing to be held prior to the assessment of penalties, if review is sought, within 30 days. This position will review these proposed penalties, do legal research, conduct hearings, evaluate the case, and make an assessment as to the appropriateness of penalties. We do not currently have anyone on staff qualified to perform this function.</p>					

**Request For  
New Position**

Agency Environmental Conservation  
BRU Administrative Services  
Component Administrative Services

Page 3 of 4  
Revised Date

**FY 91**

No. 1  
CSHB 409  
(Res)  
2/9/90

Position Title Paralegal Assistant II			No. of Positions 1	Range/Step 16A	Barg. Unit GGU	
Time Status PFT	Staff Months 12		Location Juneau		Election District 04	
Type of Expenditure			Justification			
			<p>This position will assist the hearing officer to determine administrative penalties. Will perform research, help review cases, organize hearings and otherwise ensure that the hearing process is carried out in an appropriate and timely manner.</p>			
1		2				3
Salary		32.0				
Benefits		12.0				
Premium Pay		0				
Other		0				
Total Personal Services						44.0
Travel						0
Contractual						0
Commodities						1.0
Equipment						5.0
Other						0
Total Cost						50.0
Funding Source for Total Cost						
Federal Receipts 1002			0			
G. F. Match 1003			0			
General Fund 1004			50.0			
GF Program Receipts 1005			0			
Other			0			

**Request For  
New Position**

Agency Environmental Conservation  
BRU Administrative Services  
Component Administrative Services

Page 4 of 4  
Revised Date

**FY 91**

## FISCAL NOTE

**REQUEST:**

Revision Date: February 26, 1990  
 Title: "An Act relating to the reform of certain environmental conservation laws..."  
 Sponsor: House Judiciary  
 Requestor: House Judiciary

Agency Affected: Department of Law  
 BRU: Legal Services  
 Components: Operations

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues  
 Richard I. Pegues, Director  
 Division: Administrative Services

Approved by Commissioner: Douglas B. Bailly  
 Douglas B. Bailly, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: February 26, 1990  
 Date: February 26, 1990

**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. CSHB 409 (JUD)

The committee substitute for HB 409 changes the state's environmental conservation laws in four important respects.

First, section 1 amends AS 46.03.020(6) to provide that the Department of Environmental Conservation may copy records during a voluntary inspection to investigate either actual or suspected pollution or contamination or to ascertain compliance or noncompliance with AS 46.03, AS 46.04, or AS 46.09. Section 2 adds a new paragraph to AS 46.03.020 that grants to the Department of Environmental Conservation the right to enter and inspect the property or premises of a pervasively regulated facility and copy records to investigate either actual or suspected sources of pollution or contamination or to ascertain compliance or noncompliance with AS 46.03, AS 46.04, or AS 46.09. The bill defines pervasively regulated facility as a facility where activities or operations are or were conducted that affect a significant public interest and that the Department of Environmental Conservation comprehensively regulates.

Second, section 4 amends AS 46.03 by adding a new section that establishes a system of administrative penalties for pollution. Under the section, an administrative penalty not to exceed \$25,000 a day for each violation may be assessed against a person who violates or causes or permits to be violated a provision of AS 46.03, AS 46.04, or AS 46.09.

Third, section 5 repeals and reenacts AS 46.03.850 to give the Department of Environmental Conservation the power to issue binding compliance orders, coupled with a formal administrative review/appeal process. Under existing law, the department notifies a person of its determination that a violation exists, or is about to exist, and the person is given time to file a report stating measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the determination notice. At this time, a compliance order can be issued only after all of these steps have been taken.

Fourth, section 6 would amend AS 46.03 by adding a new section that provides that the commissioner of environmental conservation may require a person to conduct an environmental audit and to prepare and submit an environmental audit report, as part of a judicial or administrative enforcement action.

It is impossible to predict what additional costs, if any, the Department of Law may experience if this bill is adopted. On the one hand, the bill's provisions greatly streamline existing enforcement procedures, thereby reducing attorney resources currently used for litigation and lengthy settlement negotiations. On the other hand, these improved procedures may result in increased enforcement and require additional resources. Nevertheless, to the extent that increased enforcement may outweigh the efficiencies provided by the bill, any resulting cost will be borne by the oil and hazardous substance fund, provided under AS 46.08 and AS 46.09, as well as federal fund sources such as the federal LUST Trust and the federal Superfund.

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

No. 3  
Bill Version: CSHB 409(JUD)  
Publish Date: HOUSE 2/26/90

## FISCAL NOTE

**REQUEST:**

Revision Date <u>2/26/90</u>	Agency Affected: <u>Alaska Court System</u>
Title: <u>An Act relating to the reform of certain environmental conservation laws...</u>	BRU: <u>Trial Courts</u>
Sponsor: <u>Davis, Brown, Koponen, Navarre...</u>	Components: _____
Requestor: _____	

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Stranberg*  
Jan Stranberg, General Counsel  
 Division: Alaska Court System

Approved by: *Arthur H. Snowden, II*  
Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 02/26/90

Date: 02/26/90

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

Original sponsor(s): REP. M.DAVIS, Brown, Koponen, Navarre, Goll, Ulmer, Ellis

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 409 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the reform of certain environ-  
7 mental conservation laws and the administrative  
8 penalties for their violation; and amending Rule 609  
9 of the Alaska Rules of Appellate Procedure."

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

11 \* Section 1. AS 46.03.020(6) is repealed and reenacted to read:

12 (6) at reasonable times and with the consent of the owner  
13 or occupier, enter and inspect any property or premises and copy  
14 records that are required to be kept by this chapter, AS 46.04,  
15 AS 46.09, or by a substantially similar federal law or regulation, or  
16 by a regulation, order of the department, permit, approval, or accep-  
17 tance issued under this chapter, AS 46.04, AS 46.09, or a substantial-  
18 ly similar federal law or regulation, to investigate either actual or  
19 suspected sources of pollution or contamination or to ascertain com-  
20 pliance or noncompliance with this chapter, AS 46.04, or AS 46.09, or  
21 with a regulation, order of the department, permit, approval, or  
22 acceptance issued under this chapter, AS 46.04, or AS 46.09; the  
23 department shall maintain as confidential information and records  
24 relating to secret processes, methods of manufacture, financial and  
25 commercial information and records and, as agreed by the department  
26 and the owner or occupier of the property, other information and  
27 records discovered during the investigation; before undertaking an  
28 inspection, an authorized employee of the department must present to  
29 the owner or occupier of the facility appropriate credentials and if