

**ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 86/2**

**8955 SENATE RESOURCES**

# ALASKA SURVIVAL

Box 320 Talkeetna, Alaska 99676 (907) 733-~~2116~~<sup>4656</sup> or ~~733-2116~~<sup>373-9773</sup>

3/9/95

ALASKA SURVIVAL POSITION ON SB 16  
THE TRANSFER OF ONE MILLION ACRES OF STATE LAND  
TO THE UNIVERSITY OF ALASKA WITH A "LOOSE IT OR USE IT" CLAUSE

Alaska Survival opposes passage of SB 16. The main reason is that with the transfer of state land to the university, the public loses control and use of the land. THIS IS A RAID ON OUR PUBLIC LANDS.

Once land is transferred, it is essentially considered and treated as private land. Whether this is constitutionally legal, or merely an interpretation, is an important question that many public interest groups feel needs to be asked in the courts. If SB 16 becomes law, the public interest concerns might push this to be clarified legally.

There is no public process nor public oversight accessible to the general public of development of university land. There is no best interest finding required. There is only one loosely defined public notice requirement under 07.02.01.F under Real Property, Board of Regents. Even the Alaska Railroad Corporation has better public involvement.

We have dealt with the University's land management office. They make no attempt to work with local governments or community council on their development decisions, even when requested. We have seen no indication that there is any consideration of the habitat, cultural, fish and wildlife resource values of land under university management. Their only mandate is to generate the maximum amount of revenue possible, treating the land as a commodity with no concern on impacts to surrounding residents, landowners, the community, nor on the local real estate market.

In the Matanuska Susitna Valley, our state public lands are so valuable to us for the economic benefits from tourism, recreationism, hunting, and fishing. We make a living off these lands. Plus the fish and wildlife resources are an important part of the lives of the residents. Every piece of state land in the MatSu Valley has many constituencies. Some of these are prodevelopment resource extraction and some are sustainable resource use.

We ask the legislature and the Governor to remember the events that went on in choosing the lands for the mental health lands that evolved into legal action for years. The same could happen here because people feel SO strongly about these state lands. If SB 16 becomes law, Valley residents will fight hard to prevent our lands from being transferred to the university.

Does the state government want to open up this Pandora's box of issues?

*Becky Long*



## Anchorage Audubon Society, Inc.

P.O. Box 101161 • Anchorage, Alaska 99510 • (907) 278-3007

March 10, 1995  
Testimony On

### SB77: Intensive Management of Identified Big Game Prey Populations

My name is George Matz. I am Vice President of the Anchorage Audubon Society which has about 1,400 members throughout Southcentral Alaska, not including Kodiak Island. A principal objective of Anchorage Audubon is to support conservation of wildlife and protection of wildlife habitat. Virtually all of our members enjoy watching wildlife and many also participate in hunting.

We opposed the Intensive Game Management bill that was passed by the last legislature (see attached testimony) and oppose the amendments that have been proposed by this legislature. This bill totally ignores the importance of non-consumptive uses of wildlife in Alaska and the economic benefits that results from wildlife watching.

The Alaska Department of Fish and Game recently released a very professional and comprehensive report on attitudes, economic values and expenditures related to Alaska's wildlife. This report is based on a 1992 ADP&G survey that was sent to 4,725 Alaskan voters, asking questions about the recipients wildlife watching trips. Also, 4,000 resident hunters and 1,000 non-resident hunters were asked similar questions about their hunting trips.

When Alaskan voters were asked if they agree or disagree that "wildlife adds a great deal to my enjoyment of living in Alaska," 80.8% strongly agreed and 15.3% moderately agreed. When asked, "I think more concern should be given to protecting the land and water where wildlife live," 46.9% strongly agreed and 29.2% moderately agreed. This survey clearly indicates that the presence of wildlife in Alaska is important to the Alaskan resident. Although visitors to Alaska were not surveyed, it is well recognized that wildlife, being one of the main attractions for Alaskan tourists, is important to them also.

Perhaps the most important aspect of this report is that it uses state-of-the-art economic methodology to estimate the economic benefits of wildlife watching, recognizing that not all of these benefits can be adequately expressed in monetary terms. The 727 page report is loaded with data but perhaps what is most important, relative to this bill, is the species that were sought by those who took trips to observe wildlife, average expenditures for their trip, and their willingness to pay more than they did (i.e., consumer surplus) for the experience. The data on primary trips pertains to one overnight trip taken by the respondent specifically to observe wildlife. Similar data was obtained for trips where viewing wildlife was secondary to the purpose of the trip (e.g., a rafting trip) but,

for sake of time, this data will not be presented here.

Table 1  
Wildlife Species Sought On Primary Wildlife Viewing Trip  
(in 1991 dollars)

Species	Sought	Expend- itures	Consumer Surplus	Total Value
All Bears	3.0%	688	274	962
Grizzly Bears	3.0%	688	274	962
Caribou	31.4%	478	125	603
Bison	0%	NA	NA	NA
Deer/Elk	2.1%	NA	NA	NA
Mountain Goat	3.7%	763	305	1,068
Moose	33.0%	438	101	539
Muskox	0.7%	NA	NA	NA
Sheep	20.4%	530	180	710
Wolf	11.0%	569	143	712
Marine Mammals	32.0%	NA	NA	NA
Whales only	16.9%	580	160	740
Song/Game Birds	0.8%	NA	NA	NA
Sea Birds	9.7%	504	169	673
Raptors	18.1%	NA	NA	NA
Eagles only	17.8%	547	163	710
Waterfowl	2.7%	NA	NA	NA

The results of this survey indicate that the predators (brown bears and wolves) that would be affected by this legislation have high value to wildlife viewers. Bears are the second most valued species (\$962) and wolves are the fourth most valued species (\$712 which, incidentally, is more than the bounty being proposed by SB 81). It is important to realize that these benefits are repeated everytime someone takes a trip to see bears or wolves, even if they see the same animal that someone else saw. The survey also indicates that a reasonable percentage of wildlife watchers actually saw bears or wolves. Having a reasonable chance to actually observe a species undoubtedly affects what a wildlife watcher is willing to pay for the experience.

What is interesting to note is that 20.5% of those looking for brown bears and 25.0% for those looking for wolves answered \$0 to the question regarding their willingness to pay more for the trip. This indicates that the trip was worth exactly what the respondent paid or, more likely, the respondent did not feel that a dollar value could be placed on the trip. In other words, a significant portion of the value of bears and wolves was not captured by the survey.

In addition to data regarding the economic value of several species, the report also includes overall expenditures by Alaskan voters for wildlife. Presented is data by various categories of expenditures for the entire state and by region. Attached is the statewide data. As you can see, the average cost for a primary wildlife watching trip was \$499.21 and total expenditures for 1991 were \$41,826,849. The average cost for a secondary trip was \$346.10 and total expenditures for 1991 were \$49,541,135. Since the expenditures for secondary trips were for more than wildlife watching, expenditures for the primary and secondary trips can not be added together and attributed to wildlife watching.

Expenditures for equipment related to wildlife watching by Alaskan voters amounted to \$190.27 per capita and totaled \$54,322,605.

The statewide and regional economic impact from wildlife watching was also presented and is attached. As you can see, the final demand was \$116,703,300 and the total industry output was \$135,361,200. Employment related to wildlife watching amount to 2,787 jobs and the expenditure multiplier is 1.47.

The economic impact for secondary trips results in a final demand of \$52,842,300 and a total industry output of \$61,959,200. Employment amounts to 1,047 jobs and the expenditure multiplier is 1.42. As stated before, this can not be added to the primary trip data since the secondary economic impact is not exclusively for wildlife watching.

This data should make it quite clear that wildlife watching is significant to the economy of Alaska and that the two species threatened by SB 77, wolves and brown bears, are among the state's most highly valued species. It would be economic folly as well as ecological foolishness to significantly reduce populations of either wolves or brown bears.

There has been much talk nowadays about takings and benefit/cost ratios. If SB 77 becomes law, it would be a takings by the state of the some of the livelihood of those 2,787 people whose jobs provide the goods and services for wildlife watching by Alaskan residents. If we were to consider out-of-state visitors who want to see wildlife, the negative economic impact would be even greater.

While a benefit/cost analysis is a good economic tool for project analysis, it can give misleading results when applied to situations where there are significant non-market values, as with wildlife. Despite the inadequacy of benefit/cost analysis for this type of situation, we strongly suggest that such an analysis be part of the fiscal note. Even though you will not be able to measure all of the costs that would be imposed on wildlife watching, based on the data presented above, that may not be needed to demonstrate the economic inappropriateness of this bill.

We would also like to suggest that the purpose of this bill may not be carried forward, if it were to pass, without a constitutional amendment. The State of Alaska Constitution mandates that renewable resources be utilized "on the sustained-yield principle, subject to preferences among beneficial uses" and that "Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons" (i.e., multiple-use). It is not conceivable that "historic high levels" of prey population can be sustained for any period of time without reducing the carrying capacity for the respective species and, in fact, contributing to population crashes (see our testimony from last year). Also, this bill would be the epitome of single-species management which would ignore well established "preferences among beneficial uses." Alaskans have the constitutional right to have their renewable resources managed for the benefit of multiple-use and the legislature should respect that.

We thank you for the opportunity to comment.

## Alaska Department



## of Fish and Game

## ALASKA VOTERS: Their Wildlife Related Trip Characteristics and Economics

Table A-20  
EXPENDITURES (STATEWIDE) WHILE ON SELECTED PRIMARY WILDLIFE VIEWING TRIP  
BY EXPENDITURE CATEGORY (in 1991 dollars)

Item Names	Average per Primary Trip	Estimated Annual Total for all Primary Trips
Round Trip Transportation Expenses		
Commercial Airline	\$27.15	\$2,274,456
Air charter/Air taxi	\$9.90	\$829,386
Vehicle Rental	\$11.72	\$981,729
Ferry	\$5.34	\$447,206
Boat Charter	\$25.08	\$2,101,755
Train or Bus	\$12.15	\$1,018,336
Fuel or Oil for Any Vehicle		
Fuel, Land, Boat	\$59.31	\$4,969,076
Fuel, Air	\$1.33	\$111,325
Fuel, Unspecified	\$1.97	\$164,832
Other Vehicle Expenses		
Vehicle Items	\$14.20	\$1,107,452
Vehicle Services	\$38.54	\$3,229,293
Unspecified	\$1.55	\$129,884
Hotels/Motels/Lodging/Camping Fees		
Motel, Hotel	\$55.40	\$4,642,207
Camp Fees	\$10.52	\$881,323
Groceries and Beverages		
Groceries	\$80.56	\$6,750,196
Miscellaneous Items	\$0.05	\$4,569
Restaurant Meals and Bars		
Meals	\$49.47	\$4,144,884
Bars	\$0.40	\$33,108
Unspecified	\$0.72	\$60,338
Commercial Trips and Tours		
Wildlife Viewing	\$39.06	\$3,272,729
Fishing	\$1.20	\$100,414
Other, Unspecified	\$1.76	\$147,198
Wildlife Viewing and Photo. Supplies		
Camera and Accessories	\$3.87	\$324,172
Film	\$16.80	\$1,407,952
Film Processing	\$11.55	\$967,452
Equipment Rental		
Transportation Equipment	\$1.35	\$113,279
Camping Equipment	\$0.65	\$54,692
Other, Both	\$0.16	\$13,100
Shipping		
Shipping	\$0.64	\$55,671
Other Items or Unanticipated Expenses		
Medical	\$0.99	\$81,751
Souvenirs	\$0.99	\$836,937
Other	\$5.38	\$468,300
Boots	\$0.18	\$15,366
Clothing	\$0.32	\$26,681
<b>Total</b>	<b>\$499.21</b>	<b>\$41,826,849</b>



ALASKA VOTERS: Their Wildlife Related Trip Characteristics and Economics

Table A-17  
ANNUAL EXPENDITURES IN ALASKA ON WILDLIFE RELATED EQUIPMENT  
BY EXPENDITURE CATEGORY (in 1991 dollars)

Item Names	Per Capita by Alaska Voters	Annual Estimated Total for all Alaska Voters
Camera and Accessories	\$71.97	\$20,472,252
Film	\$1.40	\$399,600
Binoculars/Spotting Scope	\$20.13	\$5,727,061
Camping Equipment	\$36.02	\$10,266,028
Clothing	\$28.59	\$8,131,365
Ski, Snowshoes, Sled	\$18.45	\$5,267,944
Bird Feeders, Seed	\$7.24	\$2,059,416
Guns and Accessories	\$0.42	\$118,399
Other, Unspecified	\$4.87	\$1,384,538
Identification and other books	\$0.16	\$40,539
Bicycle	\$1.06	\$495,663
<b>Total</b>	<b>\$190.27</b>	<b>\$54,322,605</b>

Table A-18 ANNUAL EXPENDITURES IN REGION 1 ON WILDLIFE RELATED EQUIPMENT  
BY EXPENDITURE CATEGORY (in 1991 dollars)

Item Names	Estimated Total
Camera and Accessories	\$2,391,465
Film	\$57,766
Binoculars/Spotting Scope	\$558,650
Camping Equipment	\$732,160
Clothing	\$1,079,040
Ski, Snowshoes, Sled	\$234,133
Bird Feeders, Seed	\$151,424
Other, Unspecified	\$127,478
Identification and Other Books	\$25,900
<b>Total</b>	<b>\$5,338,036</b>

Table A-18 ANNUAL EXPENDITURES IN REGION 2 ON WILDLIFE RELATED EQUIPMENT  
BY EXPENDITURE CATEGORY (in 1991 dollars)

Item Names	Estimated Total
Camera and Accessories	\$13,972,774
Film	\$309,475
Binoculars/Spotting Scope	\$3,857,804
Camping equipment	\$6,449,264
Clothing	\$5,364,793
Ski, Snowshoes, Sled	\$3,949,975
Bird Feeders, Seed	\$1,239,311
Guns and Accessories	\$102,388
Other, Unspecified	\$684,049
Identification and Other Books	\$16,639
Bicycle	\$155,263
<b>Total</b>	<b>\$34,099,415</b>



ALASKA VOTERS: Their Wildlife Related Trip Characteristics and Economics

Table A-22  
TOTAL BASE ECONOMY--STATE OF ALASKA (in 1990 dollars)

Final Demand (millions of dollars)	\$26,742.7300
Total Industry Output (millions of dollars)	\$31,180.0900
Employment (number of jobs)	326,932

Table A-23  
STATEWIDE ECONOMIC ACTIVITY ATTRIBUTABLE TO  
NONCONSUMPTIVE WILDLIFE USE BY RESIDENT VOTERS (in 1991 dollars)  
(includes expenditures on equipment and purchases on primary trips)

	Amount	As a Proportion of Total Economy
<b>Direct Effects:</b>		
Final Demand (millions of dollars)	\$92.2883	
Total Industry Output (millions of dollars)	\$92.2883	
Employment (number of jobs)	2076.83	
<b>Indirect Effects:</b>		
Final Demand (millions of dollars)	0	
Total Industry Output (millions of dollars)	\$16.7521	
Employment (number of jobs)	186.02	
<b>Induced Effects:</b>		
Final Demand (millions of dollars)	\$26.6150	
Total Industry Output (millions of dollars)	\$28.3208	
Employment (number of jobs)	523.85	
<b>Total Effects:</b>		
Final Demand (millions of dollars)	\$116.7033	0.4 %
Total Industry Output (millions of dollars)	\$135.3612	0.4 %
Employment (number of jobs)	2786.69	0.8 %
Expenditure multiplier: 1.67		


**ALASKA VOTERS: Their Wildlife Related Trip Characteristics and Economics**

Table A-62  
 EXPENDITURES IN ALASKA (STATEWIDE) WHILE ON SELECTED SECONDARY WILDLIFE VIEWING TRIP  
 BY EXPENDITURE CATEGORY (in 1991 dollars)

Item Name	Average per Secondary Trip	Estimated Annual Total for all Secondary Trips
<b>Round Trip Transportation Expenses</b>		
Commercial Airline	19.60	\$2,811,469
Air Charter/Air Taxi	23.96	\$3,435,998
Vehicle Rental	12.17	\$1,745,908
Ferry	15.33	\$2,199,154
Boat Charter	8.34	\$1,196,563
Train or Bus	3.69	\$516,546
<b>Fuel or Oil for Any Vehicle</b>		
Fuel, Land, Boat	51.25	\$7,351,515
Fuel, Air	2.85	\$409,208
Fuel, Unspecified	0.58	\$82,875
<b>Other Vehicle Expenses</b>		
Vehicle Items	10.27	\$1,472,470
Vehicle Services	10.81	\$1,550,552
Unspecified	0.02	\$3,563
<b>Hotels/Motels/Lodging/Camping Fees</b>		
Hotel, Hotel	39.58	\$5,677,052
camp fees	6.65	\$934,440
<b>Groceries and Beverages</b>		
Groceries	62.96	\$9,030,270
<b>Restaurant Meals and Bars</b>		
Meals	35.91	\$5,150,731
Bars	0.33	\$47,917
Unspecified	0.37	\$53,524
<b>Commercial Trips and Tours</b>		
wildlife viewing	13.04	\$1,870,848
Fishing	1.77	\$253,278
Other, Unspecified	0.74	\$106,194
<b>Wildlife Viewing and Photo. Supplies</b>		
Camera and Accessories	0.34	\$48,961
film	8.75	\$1,255,025
film Processing	4.07	\$583,354
<b>Equipment Rental</b>		
Transportation Equip.	1.13	\$161,582
<b>Shipping</b>		
Shipping	0.27	\$39,371
Shipping Materials	0.08	\$12,119
<b>Other Items or Unanticipated Expenses</b>		
Medical	0.68	\$97,103
Souvenirs	3.90	\$539,310
Other	4.17	\$598,212
Books	0.24	\$34,338
Clothing	0.22	\$31,485
<b>Total</b>	<b>346.10</b>	<b>\$49,641,135</b>



ALASKA VOTERS: Their Wildlife Related Trip Characteristics and Economics

Table A-64  
TOTAL BASE ECONOMY--STATE OF ALASKA (in 1990 dollars)

Final Demand (millions of dollars)	\$28,742.7300
Total Industry Output (millions of dollars)	\$31,180.0900
Employment (number of jobs)	326,932

Table A-65  
STATEWIDE ECONOMIC ACTIVITY GENERATED BY RESIDENT VOTER TRIPS  
ON WHICH NONCONSUMPTIVE WILDLIFE USE WAS A SECONDARY PURPOSE (in 1991 dollars)  
(Includes only expenditures on secondary trips)

Direct Effects:

Final Demand (millions of dollars)	\$43.6730
Total Industry Output (millions of dollars)	\$43.6730
Employment (number of jobs)	754.78

Indirect Effects:

Final Demand (millions of dollars)	0
Total Industry Output (millions of dollars)	\$7.4301
Employment (number of jobs)	95.22

Induced Effects:

Final Demand (millions of dollars)	\$9.1693
Total Industry Output (millions of dollars)	\$10.6361
Employment (number of jobs)	196.74

Total Effects:

	Amount	As a Proportion of Total Economy
Final Demand (millions of dollars)	\$52.8423	0.18%
Total Industry Output (millions of dollars)	\$61.9592	0.20%
Employment (number of jobs)	1,046.73	0.32%

Expenditure multiplier: 1.62

**CAVEAT:** The levels of economic activity shown above CANNOT be attributed to wildlife. The primary purpose of the trip was NOT wildlife related so it does NOT follow that all or most of the economic activity can be attributed to wildlife, as can be done for primary wildlife viewing trips. Some proportion of the economic activity generated by secondary trips can likely be attributed to wildlife, but that proportion will vary by trip. Attributing economic activity from secondary trips to wildlife requires an explicit assumption regarding that proportion.

STEVE FRANK

19 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-3421

# Alaska State Legislature



Senate

While in Juneau  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 417

## Sponsor Statement - Senate Bill No. 16

"An Act relating to land of the University of Alaska and authorizing the University of Alaska to select additional state public domain land."

SB 16 would allow the University of Alaska to select one million acres of unencumbered land from the State of Alaska.

In this era of declining state funds, endowing the university with additional lands will allow it to develop those lands to produce income for university programs.

Under the Congressional Morrill Act of 1862, each state was entitled to receive a grant for public lands, the income from which would provide the financial base of operation for at least one college or university. The University of Alaska received about 112,000 acres of land, less than any other western public land state and less than the national average entitlement of over 300,000 acres. Some universities in states with much smaller state land grants, such as New Mexico and Oklahoma, have received up to one million acres.

An additional grant of land would bring Alaska up to the level of other western states and follows through with the original purpose of land grant colleges.

Thank you for your consideration.

Sponsor Statement

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## FACT SHEET

### SB 16 - Enhancing UA Land Grant

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1. Does not take effect until final settlement of the mental health land dispute;
2. Gives priority to Municipal land selections;
3. Provides that land transfers are subject to:
  - 6(i) of Alaska Statehood Act
  - Permanent Fund requirements for oil, gas and mineral royalties and bonuses
  - Other rights of the state
4. Allows UA to select 1,000,000 acres including lands:
  - Not conveyed by the state
  - Not reserved from public domain
  - Not included in 5-year oil & gas leasing program
  - Not necessary for interagency agreement
  - Not subject to land exchange
  - Unconveyed and unencumbered, except:
    - Leases (other than oil and gas)
    - Timber contracts
    - Mining claims
    - Materials sales
    - Land use permits
    - Exploration licensing area
5. Department of Natural Resources can refuse to convey land if the Commissioner considers the retention of land in state ownership to be in the best interests of the state;
6. The University can appeal the Commissioner's decision to the Governor, but is prohibited from entering into litigation;
7. The University pays the costs of land conveyance and surveying;
8. Income from existing encumbrances (leases, mining claims, timber contracts, etc.) go to state until term of existing agreement is completed.

Background

SB 16 EXPANDING UNIVERSITY OF ALASKA LAND GRANT

By Senators FRANK, Kelly, Sharp

The University of Alaska is called a "Land Grant University" in the tradition of American land grant universities, providing teaching, research and public service to the people of Alaska. While the University has attempted to mold itself in the land grant tradition, one piece of that tradition is lacking -- a sufficient land grant.

In 1915, Congress provided a land grant of approximately 250,000 acres -- every section 33 in the Tanana Valley -- to support the Territorial Agricultural College and School of Mines, together with a site for the institution itself. In 1929 Congress granted an additional 100,000 acres of public lands for the use and benefit of the Agricultural College and School of Mines.

In 1959, the Alaska Statehood act extinguished the University's right to receive the unsurveyed sections 33 of the Tanana Valley, leaving the University with 100,000 acres. Congress so acted because its land grant to the state was by far the most generous of all state land grants. Supporters of the extinguishment said the state clearly was receiving enough land that it could provide necessary land to support the University. The State of Alaska has never kept this moral obligation to the University of Alaska.

Forty-nine of the states received land grants to support their universities. In all but one, the universities received more land than the University of Alaska, notwithstanding the fact that Alaska's state land grant is 16 times the size of the average state land grant. In eighteen of the lower 48 states, the entire federal land grants -- 100% -- went to support the universities. In Alaska, less than one percent -- 0.11% -- went to the University.

The State of Alaska did not manage what land the University received well. In 1978, following legislative appropriation of the University's most valuable acreage, the University sued, eventually winning a legislative settlement that reconstituted the University land trust. Later litigation brought replacement land for the legislatively-appropriated acreage. The University's total land grant holdings today total 140,000 acres. Still, nearly 50,000 acres of limited timber cutting rights west of Icy Bay remains tied up in litigation.

Alaskans look to the University of Alaska to provide for some of its financial needs by earning income from the federal land grant, yet Alaskans do not realize the paucity of lands managed by the university.

If the University of Alaska received the average percentage of the total federal grant to the state -- 42.01% of the State of Alaska grant -- the University would be managing 43 million acres, and would probably need no further state support. If the University of Alaska received a proportional share of the total federal grant to universities -- 5.09% of the State of Alaska grant -- the University would be managing 5.3 million acres. Even bringing the University of Alaska's federal grant up to the average of the smaller states -- 340,000 -- would triple the size of the University's federal grant.

Passage of this legislation will allow expansion of the University of Alaska land grant, and allow the University to generate additional revenue in support of its programs. The lands would be responsibly managed to generate income. The University is currently involved in a wide range of projects including commercial leasing, development and sale of residential and remote subdivisions, oil and gas lease sales, timber and gravel sales and mineral leasing.

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**contact:**

Wendy Redman  
University Relations  
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Position Paper

Position Paper

DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

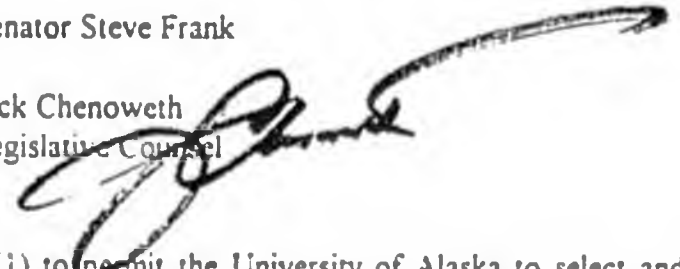
MEMORANDUM

January 26, 1995

**SUBJECT:** SB 16, relating to the University of Alaska -- sectional analysis (Work Order No. 9-LS0165/A)

**TO:** Senator Steve Frank

**FROM:** Jack Chenoweth  
Legislative Counsel



The measure proposes (1) to permit the University of Alaska to select and receive the conveyance of 1 million acres of land that has been selected by the state under the provisions of section 6(b) of the Alaska Statehood Act and (2) to hold the land selected in trust as part of the University endowment.

Specifically--

Bill section 4, proposing a new section, AS 14.40.365, would authorize selection of, and conveyance of, state land by the University:

-- Subsection (a) sets the total amount of land the University may select and describes the kind of land that is available to the University to complete its selection, tying the description of the kind of land that may be selected to its status on the date the land is selected.

-- Subsection (b) sets aside the effect of AS 38.05.125(a) to allow the state to pass the mineral or subsurface estate in the land selected to the University. However, the state's oil and gas interest in land that the University may select passes only as to land that the University selects after the fifth anniversary date of the Act's effective date.

-- Subsection (c) mandates conveyance of University selections "unless the commissioner [of natural resources] determines under [subsection (e)] that the title should not be conveyed." Conveyances are subject to later divestiture.

-- Subsection (d) directs that when the University has made a land selection, the land selected is closed to entry until a decision is made on the proposed selection.

Sectional Analysis

-- Subsection (e) precludes the commissioner of natural resources from conveying land if the conveyance of the proposed selection conflicts with a municipal land selection, is subject to an oil and gas exploration license, or is not in the state's best interests, and identifies factors that the commissioner is to consider.

-- If there is a difference of opinion between the Board of Regents and the commissioner of natural resources as to a land selection, subsection (f) directs the governor to make a final decision with respect to the conflict over the selection.

-- Subsection (g) declares that the University takes land conveyed to it subject to any outstanding possessory interest--any outstanding interest in the party held or asserted by a third party--but gives to the University the right to any consideration otherwise due the state for that possessory interest from date of conveyance to termination of the possessory interest.

-- Subsection (h), applicable to the land conveyances, imposes on the commissioner of natural resources the duty to provide notice and allow access.

-- Subsection (i) subjects the land that is transferred or conveyed to the University to certain other laws:

-- section 6(i) of the Statehood Act, reserving to the state--under subsection (b), presumably to the University the mineral estate,

-- article IX of the state constitution, addressing, generally, matters of finance and taxation;

-- AS 19.10.010, a provision relating to the reservation of state land for public highway purposes; and

-- the rights of the state under former 43 U.S.C. 932--more commonly known as RS 2477--relating to rights-of-way over unreserved public land for public highway construction;

but it excludes from selection by and conveyance to the University certain lands obtained by the state under the Alaska Omnibus Act, P.L. 86-70. In addition, under paragraph (3) of the subsection, for land selections made by the University within five years of the taking effect of the Act, the state shall reserve to itself in perpetuity any oil and gas interests on that land.

-- Subsection (j) requires the University to bear the costs of selection, platting, surveying, and conveyance of its selections and sets limits on the nature of the survey requirements that attach to land selections.

-- Subsection (k) permits use of documents of interim conveyance.

-- Subsection (l) declares that, with the exception specifically noted, management of land conveyed by a final or an interim conveyance document vests with the University from the date of the document's execution.

-- Subsection (m) sets a final land selection limitation date of December 31, 2009.

-- Subsection (n) establishes a divestiture mechanism under which the land may be reconveyed to the state if, within 10 years of the date of conveyance, the University is not actively managing the land to provide income.

The remainder of the bill includes a series of collateral provisions --

Bill section 2 amends AS 14.40.170(a) to add to the duties of the Board of Regents responsibility for the land selected and conveyed to the University under AS 14.40.365, and requires the Regents to include within their required annual report a discussion of the expenditures made based on the earnings of that land.

Bill section 3 adds "land selected by and conveyed to the University [of Alaska] under AS 14.40.365" as land that is not to be treated as part of the state public domain land.

Bill section 5 adds a series of new related bill sections. Proposed AS 14.40.366 directs the University to develop an annual plan for the management and disposition of land and describes a framework under which the public has the opportunity to comment on the Regents' plan. Proposed AS 14.40.368 addresses the manner of the management and disposition of income from encumbrances on land selected by and conveyed to the University. That responsibility shifts from the state to the University only after conclusion of the term of an existing encumbrance and the term of any renewal that may be authorized by the language of the existing encumbrance. Proposed AS 14.40.369 declares that the University's management of land conveyed to it must permit continued "customary and traditional uses of the resources of that land to the maximum extent possible."

Bill section 6: This amendment of AS 14.40.400(a) alters the provision that directs the University to establish an endowment trust fund for land conveyed to it under the 1929 grant to the Territory of Alaska for the benefit of the University to require deposit into the trust the land selected by the University and conveyed by the state under AS 14.40.365. The land selections made under bill section 4 would be managed under applicable trust principles.

Bill section 7 makes disbursements from the University endowment trust fund subject to legislative appropriation.

Bill section 8 amends the definition of "university receipts" to incorporate reference to the net income of the University trust fund.

Bill section 9: This amendment of AS 29.45.030(a) would extend to the land selected by the University and conveyed to it under AS 14.40.365 the exemption from municipal taxation that is provided to other land granted by the federal or state governments to the University for land grant purposes, by extending to this selected land the exception to an exemption of state land held for purposes of investment.

Bill section 10 sets aside land that may be used to satisfy the obligation to reconstitute the mental health trust as other land that may not be conveyed to the University under the Act.

Senator Steve Frank  
January 26, 1995  
Page 4

Finally, bill section 1 incorporates into proposed findings and a statement of purpose a brief history of University land transactions and a justification for this measure.

JBC:glc  
95-088.glc

**SB**

**21**

## FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSIONBILL NO. SB 21

Revision Date:

Title: An Act relating to commercial fishing penaltiesDept. Affected: Alaska Court SystemBRU: Trial CourtsSponsor: Sen. HalfordComponent: .

Requestor:

COMPONENT SERIAL NO. 768

## EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	17.7	17.7	17.7	17.7	17.7	17.7
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	21.2	21.2	21.2	21.2	21.2	21.2

## CAPITAL EXPENDITURES

## CHANGE IN REVENUES ( )

## FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.2	21.2	21.2	21.2	21.2	21.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	21.2	21.2	21.2	21.2	21.2	21.2

## POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$

None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff CounselAgency: Alaska Court SystemPhone: 264-8228Date: 01/27/95Approved by: Arthur H. Snowden, II, Administrative DirectorAgency: Alaska Court SystemDate: 01/27/95

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Alaska Court System  
Fiscal Analysis  
SB 21

The Department of Law predicts that this legislation will substantially increase the number of contested violations that go to trial. This fiscal note reflects their assumption.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem District Court Judge, Anchorage, permanent part-time, 3 months	\$5,118	\$3,054	\$9,072
In Court Clerk, range 12A, Anchorage, permanent part-time, 3 months	6,777	1,821	<u>8,598</u>
Total Personal Services			<u>17,670</u>

Travel

Transportation and per diem for judicial travel to primary commercial fishing areas. Represents anticipated costs in excess of current trial-related travel funding.

3,500

Total estimated cost

\$21,170

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB21

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: \*An Act relating to commercial fishing penalties.\* BRU: Prosecution  
 Component: Third Judicial District  
 Sponsor: Senator Hallford  
 Requester: Senator Hallford COMPONENT SERIAL NO. 0087

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.00	43.6	43.6	43.6	43.6	43.6
TRAVEL	0.00	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	0.00	5.0	5.0	5.0	5.0	5.0
SUPPLIES	0.00	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	0.00	6.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>59.8</b>	<b>53.3</b>	<b>53.3</b>	<b>53.3</b>	<b>53.3</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	59.8	53.3	53.3	53.3	53.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>59.8</b>	<b>53.3</b>	<b>53.3</b>	<b>53.3</b>	<b>53.3</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

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

This bill amends AS 16.05.722(a) to increase the penalty for a person who, without any culpable mental state, violates the state's commercial fishing laws by providing for a fine of not more than \$6,000 for a first conviction and providing for a fine of not more than \$12,000 for a second or subsequent conviction. The existing penalties for these commercial fishing violations are \$3,000 and \$6,000, respectively.

We believe that this bill will have the effect of substantially increasing the number of contested violations that go to trial, because commercial fishing vessel operators are increasingly using legal counsel to make a court appearance when cited, thus permitting them to continue fishing without interruption. Once the fishing season has ended, the fishing vessel operators then make an economic decision whether to continue to pay the expense to contest violations or to plead out. The increase in the penalty will weigh in favor of the former course and therefore cause more vessel operators to choose to go to trial. About 500 violations occur annually in the Bristol Bay drift net fishery, where most of the impact will be felt. We therefore request fiscal impact funds to pay for a permanent part-time Attorney III, who would work on the increased caseload from

Prepared by: Richard I. Pequis, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 1/20/95  
 Date: 1/20/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. \_\_ SB21

ANALYSIS CONTINUATION

from June through November each year.

Given that the law would not take effect for 90 days after enactment, and the enactment is not likely until the latter part of the session, the increase in fines will not be in place for this year's main Bristol Bay openings. Therefore, the fiscal impact for the division will not occur in FY 96, but will occur in all subsequent years.

Although it is impossible to predict the exact amount of fines that will be collected, the fines will undoubtedly increase, and the extra amount deposited in the general fund will in all likelihood more than offset the modest increase in prosecution costs.

\* The department cannot accurately predict the amount of additional fines collected, because its records only include the amount fined from prior offenses when an offense was disputed and went to trial. That is, we do not have a record of fines collected when an offense is not disputed and the defendant enters a guilty plea and pays a fine. Although the courts have authority to suspend a portion of the fines that are levied, there will still be a significant increase in the total amount actually collected, if the initial amount of the fine is doubled, as this bill proposes.

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

01,20/95

Position Information Inquiry/Update

08:20:59

Position: 03-03#026                      Project: 0 \_\_\_\_\_                      Salary Costs:                      33,900.00  
Component: 03-65-01-02-03-00            Region:                                      Benefits Costs:                      9,723.54  
Scenario: 2                                    COLA % = 0.000                      Total Costs:                        43,623.54

-----  
Actuals not available                      (Status: UNKNOWN ) |                      Retirement Code:                      A  
-----

00/00/00 | Step: A for \_6.0 months & Step: B for \_0.0 months (total: 6.00 )  
0            | Merit Date; use merit defaults?    N                                      ( 0.0 @                      &                      0.0 @                      )  
             | Class/Sched Prefix: 0                                      Schedule: HH (actual:                      )  
             | Bargaining Unit:                      XE                                      Range:                                      22 (actual:                      )  
             | Location Code:                      DAA                      Place: DILLINGHAM  
             | Job Class Code:                      P7144                      Title: ATTORNEY III \_\_\_\_\_  
             | Seasonal Indic.:                      P                                      Type:                                     

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 \_\_\_\_\_ for \_0.0 months & rate of 0.00 \_\_\_\_\_ for \_0.0 months  
Hourly Rate: 0.00 \_\_\_\_\_ for \_0.0 months                      Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
1-Premium pay info                      2-Funding info                      4-Code Translations                      6-Calculations  
7-MISC NEW POS DATA                      8-Detail Report                      12-Exit w/o update                      Selection: 0\_

New Position Requests Miscellaneous Data

System Assigned PCN: 03#026  
Component: 6501020300  
Scenario: 2  
Project Number: 0

Salary Costs:	33900.00
Benefits Costs:	9723.54
Total Pers. Serv.:	43623.54
Associated Costs:	16200.00
Total Costs:	59823.54

RY Number: F/N SB21\_\_  
Personnel Assigned PCN: \_\_\_\_\_  
BRU Priority: 0\_\_

Associated Costs: (In Thousands Of Dollars)

Travel Costs:	_____ 3.5
Contractual Costs:	_____ 5.0
Supplies Costs:	_____ 1.2
Equipment Costs:	_____ 6.5
Other Costs:	_____ 0.0

Press Enter To Update Record; Enter # or PF KEY to go to another screen.  
1=Premium Pay    2=Funding    12=Exit W/O Update    0\_\_

New Position Justification

Page: 1

System assigned PCN: 03-03#026

in component: 03-5501020300

(Component name:) THIRD JUDICIAL DISTRICT

New position justification text:

- 1: Substantial increases in the penalties for commercial
- 2: fishing violations will result in more vigorous
- 3: defense by defendants and will increase the number of
- 4: trials significantly.

5:

6:

7:

8:

9:

10:

11:

12:

13:

14:

15:

Press ENTER to update new position justification;

..... Enter '1' or PF1 for more text entry:

or enter '12' or PF12 to exit this screen without update. Selection: J

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO: SB 21

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety

Title: Fines/Commercial Fishing Violations BRU: Fish & Wildlife Protection

Component: Enforcement & JSU

Sponsor: Senator Halford

Requestor: Senator Halford COMPONENT SERIAL NO. 490

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**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.)**

While increased monetary penalties may result in more court trials in which division personnel may be required to testify, the department also anticipates that enactment of this legislation will serve as a deterrent, resulting in a decline in the total number of violations.

Prepared By: Captain Ted Ruddle Phone: 269-5589

Division: Fish & Wildlife Protection Date: 1/30/95

Approved by Commissioner: *[Signature]* Date: 1/20/95

Agency: Ronald L. Otte, Dept. of Public Safety

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# SENATE COMMITTEE REPORT

## First Committee of Referr

DATE: 1/16/95

FURTHER: Judiciary

Date of 5-Day Notice: 1-19-95  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-6-95

Resources Committee considered SENATE BILL NO. 21

"An Act relating to penalties for violations of commercial fishing laws."

and recommends:

- be replaced with CS 5021 (RES)
- adopt previous CS (      )
- attached amendment(s)
- adopt Letter of Intent by                                  Committee
- further referral to the                                  Committee

Senate Bill:  
same title  
new title  
**House Bill:**  
technical change  
new: SCR#       

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<b>CHAIR:</b> <i>[Signature]</i>	✓			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Public Safety	1-21-95	✓	
Prob Court System	1-27-95		'21 2
Law	1-23-95	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

CS FOR SENATE BILL NO. 21(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS HALFORD, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to penalties for violations of commercial fishing laws."

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

3 • Section 1. AS 16.05.722(a) is amended to read:

4 (a) A person who without any culpable mental state violates AS 16.05.440 -  
5 16.05.690, or a regulation of the Board of Fisheries or the department governing  
6 commercial fishing, is guilty of a violation and upon conviction is punishable by a fine  
7 of not more than

8 (1) \$3,000 for a first conviction; [AND]

9 (2) \$6,000 for a second conviction or for a subsequent conviction not  
10 described in (3) of this subsection; and

11 (3) \$9,000 for a third or subsequent conviction within a 10-year  
12 period.

9-LS0334F/  
Utermohle  
2/3/95

**CS FOR SENATE BILL NO. 21(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE RESOURCES COMMITTEE**

Offered:  
Referred:

Sponsor(s): **SENATORS HALFORD, Green**

**A BILL**

**FOR AN ACT ENTITLED**

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9 (2) \$6,000 for a second conviction or for a subsequent conviction not  
10 described in (3) of this subsection; and

11 (3) \$9,000 for a third or subsequent conviction within a 10-year  
12 period.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 2, 1995

**SUBJECT:** Penalties for violations of commercial fishing laws  
(Work Order No. 9-LS0334\C)

**TO:** Senator Loren Leman  
Attn: Annette Kreitzer

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies the draft CS for SB 21, that you requested. This memorandum addresses an issue regarding the amount of civil and noncriminal fines that you should be aware of when considering this draft of SB 21.

Currently, the maximum fine under AS 16.05.722(a) is \$3,000 for a first offense and \$6,000 for each subsequent offense. SB 21 proposes to increase the maximum fine for a third or subsequent conviction within a ten year period to \$9,000.

A "violation" is a noncriminal offense punishable by only a noncriminal fine, and not by imprisonment or other penalty. AS 11.81.900. A noncriminal fine excludes fines so heavy that they indicate criminality. *Beran v. State*, 705 P.2d 1280, 1284 (Alaska App. 1985). The size of a fine that may be levied against the accused is one factor considered by the courts to determine if a statute is a criminal statute. If the size of a fine serves to brand a defendant with the same stigma as misdemeanor conviction, then the fine may be a criminal penalty. See, *Alaska Public Defender Agency v. Superior Court*, 584 P.2d 1106, 1110 (Alaska 1976). Other factors considered by the courts are whether the prohibited conduct connotes criminal conduct in the traditional sense and whether the prohibited conduct so offends contemporary social values as to be considered criminal. *Id.* The fact that a fine is a criminal penalty has important constitutional implications. If criminality is an issue in a proceeding, then the accused has significant constitutional rights, including the right to trial by a jury and to appointed counsel.<sup>1</sup>

---

<sup>1</sup> Notwithstanding AS 16.05.722(c) which states that a person charged with a violation of AS 16.05.722(a) is not entitled to a jury trial or to representation at public expense, if the maximum fines that may be imposed under AS 16.05.722(a) are criminal fines then AS 16.05.722(c) is superseded by the Alaska Constitution. *Beran*, 705 P.2d at 1284, n. 4.

Senator Loren Leman

February 2, 1995

Page 2

The Alaska Supreme Court has not determined the amount of a fine that would denote criminality. The court has upheld a \$5,000 fine as a civil penalty, though two justices noted in a concurring opinion that the collateral consequences of a fine must also be considered in determining whether a fine constitutes a criminal penalty. State v. O'Neill Investigations, Inc., 609 P.2d 520 (Alaska 1980).

In the absence of more definitive statements by the Alaska courts, it is not possible to determine whether the proposed maximum fine of \$9,000 for noncriminal violation of commercial fishing laws as proposed by the draft CS SB 21(RES) would in reality constitute a criminal penalty. A penalty of \$9,000 is a bit more than the \$5,000 civil fine approved by the Alaska Supreme Court, however the court has not given any indication that a fine of \$5,000 approaches a criminal penalty. Violations of commercial fishing laws are not considered criminal acts in the traditional sense, like murder and larceny, and generally are not considered so offensive by contemporary society as to be inherently criminal. It is difficult to anticipate whether the courts would find that a fine of \$9,000 would reflect a degree of societal condemnation as to brand the accused as a criminal. The large amounts of money that can be made from fishing activities and the large financial windfall that a fisherman may receive by violating fishing regulations would be taken into consideration by the court in determining whether a fine of \$9,000 denotes criminality. Because the amounts of money received from commercial fishing are potentially large, it is less likely that a civil or noncriminal fine of \$9,000 would carry the stigma of a criminal punishment.<sup>2</sup>

Nonetheless, the ultimate answer as to whether a \$9,000 fine for a commercial fishing violation is a criminal fine must await further decisions of the Alaska courts.

If I may be of further assistance, please advise.

GEM klb  
95-033 klb

Enclosure

---

<sup>2</sup> Federal law contains provisions for strict liability violations of federal commercial fishing laws, similar to AS 16.05.722. 16 U.S.C. 1857. The maximum civil fine imposed for such violations is set at \$100,000. 16 U.S.C. 1858.

9-LS0334C ✓

Utermohle

2/2/95

CS FOR SENATE BILL NO. 21(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS HALFORD, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to penalties for violations of commercial fishing laws."

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

3 \* Section 1. AS 16.05.722(a) is amended to read:

4 (a) A person who without any culpable mental state violates AS 15.05.440 -  
5 16.05.690, or a regulation of the Board of Fisheries or the department governing  
6 commercial fishing, is guilty of a violation and upon conviction is punishable by a fine  
7 of not more than

8 (1) \$3,000 for a first conviction or a subsequent conviction not  
9 described in (2) or (3) of this subsection; [AND]

10 (2) \$6,000 for a second conviction within a 10-year period; and

11 (3) \$9,000 for a third or subsequent conviction within a 10-year  
12 period.



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### MEMORANDUM

TO: Senator Resource Committee Members  
Senator Loren Leman, Chair  
Senator Drue Pearce  
Senator Steve Frank  
Senator Robin Taylor  
Senator Georgianna Lincoln  
Senator Lyman Hoffman

FROM: Senator Rick Halford

DATE: January 19, 1995

SUBJECT: Senate Bill 21 Sponsor Statement

A handwritten signature in cursive script that reads "Rick Halford".

=====

The pattern of activity in commercial fisheries is clear, the number of illegal acts is unacceptable. A report issued by the Department of Public Safety in 1993 indicated that ninety (90) individual fishermen were repeat offenders. The worse case being one individual who had eighteen (18) different violations between the years of 1986 - 1993. This data supports the notion that the majority of illegal activity is being conducted by repeat offenders or habitual offenders. Simply said, it is actually economically feasible to violate the law, pay the fine and still turn a profit.

The trend in the past has been for prosecutors and judges to plea bargain and, therefore, reduce the fines imposed on lawbreakers. By reducing the fines judges and prosecutors have been merely handing down a 'slap on the wrist' to most violators, thus the temptation to break the law increases exponentially.

Senate Bill 21 increases punishment for violations of commercial fishing laws by doubling the maximum fines allowable from \$3000 to \$6000 for a first violation and \$6000 to \$12000 for a second violation. The aim of SB 21 is to allow judges and magistrates to deter habitual violators rather than the current meager fines which are often considered just a part of doing business.

A stronger version of this legislation passed the Senate last year by a vote of 15 yeas and 4 nays. Please give SB 21 your full consideration. Thank you.

**Sponsor Statement**

255-224

(1)

The following is a brief synopsis of the 1993 Bristol Bay Salmon Enforcement Program.

The program began on June 20, 1993, with an opener in the Egegik District, which was covered by the P/V PUBLIC SAFETY #1 (PS1). The P/V TROOPER and the P/V WOLDSTAD arrived in the bay on June 23. The P/V PS1 patrolled the Egegik and Ugashik districts, the P/V TROOPER patrolled the Egegik district, and the P/V WOLDSTAD patrolled the Naknek-Kvichak district. The P/V WOLDSTAD departed the bay on July 16, the P/V TROOPER departed on July 20, and the P/V PS1 patrolled the Ugashik district until July 19, 1993.

Unlike the 1991 season, we didn't have to deal with any strike related activity. This allowed us to concentrate our efforts on enforcement right from the beginning.

The Bristol Bay run this year came back considerably larger than forecast. The preseason forecast was for a return of 41.8 million fish. A commercial harvest of 41.7 million fish was achieved in 1993, with a total return of 53.6 million fish, broken down as follows:

RIVER SYSTEM	CATCHES	ESCAPEMENTS	TOTAL RUN
Naknek-Kvichak	8,914,823	5,931,722	14,846,545
Egegik	21,911,499	1,522,188	23,433,687
Ugashik	4,357,820	1,429,538	5,787,358
Nushigak	5,818,947	2,864,673	8,573,520
Togiak	721,007	356,980	1,077,987
<b>TOTALS</b>	<b>41,724,096</b>	<b>11,895,001</b>	<b>53,619,097</b>

The inshore run of sockeye salmon totaled 52.2 million fish, the third largest inshore return on record (trailing only returns of 62.5 million in 1980, and 53.1 million in 1985). It was approximately 25% greater than the preseason forecast of 41.8 million.

All districts except the Naknek-Kvichak experienced greater than expected runs and a commercial harvest of 40.8 million sockeye was achieved, the largest sockeye harvest on record for Bristol Bay (exceeding the previous high of 37.4 million in 1983). A total of 11.4 million sockeye entered the escapement.

The estimated ex-vessel value of the 1993 Bristol Bay salmon fisheries totaled \$153.7 million. This is the fifth largest ex-vessel value on record, but well below the \$202.3 million record value attained in 1980 when salmon prices were high and below last year's ex-vessel value of \$191.3 million. It was, however, well above the 1973 to 1992 mean value of \$102.9 million.

## Bristol Bay Enforcement Recap 1993

Page 2

December 15, 1993

There were twenty commissioned personnel assigned to the program, as well as nine civilians. Six of the civilians were part of the crews on the two large patrol vessels and the other three were clerical support staff. The total number of personnel (including civilian vessel personnel, clerks, etc.) was twenty-nine. A personnel roster is attached. The highest number of personnel at the peak of the 1992 season was only nineteen. At the peak of the 1991 season, the highest number of personnel was thirty-eight.

We had four commissioned Alaska State Troopers assigned to the program full time. Three of these troopers were assigned to the vessels and one was assigned to the beach. Each of these individuals did an outstanding job.

TDY personnel arrived in King Salmon aboard the King Air on June 23, 1993. At which time, a briefing was held prior to their deployment to the vessels and to Dillingham.

We were able to maintain an excellent working relationship with the Alaska Department of Fish and Game staff in King Salmon and Dillingham. We were kept well informed of openings, closures, extensions, etc. Problem areas and enforcement concerns were discussed on a regular basis. The cooperation and coordination between the two agencies continues to be excellent and is expected to remain that way.

As always, our primary fisheries enforcement problems occurred on the district lines. As mentioned earlier, with no strike activity this year, we were able to concentrate on enforcement problems right from the start. This allowed us to stay on top of things as best we could.

It should be noted that on the first day of the fishery at Egegik, June 20, 1993, the crew of the P/V PS1, assisted by Trooper Gary Folger in a Piper Supercub, made approximately 60 closed waters cases.

Again this year, we saw excellent cooperation between the vessels and aircraft. With the exception of the first opening at Egegik, patrol vessel skiffs were able to approach nearly all violators spotted from the air.

While the P/V PS1 did an excellent job at Egegik, it was just not enough and couldn't control the line. Sergeant Rollin Young and FWEQ Scott Quist, as stated earlier, made approximately 60 cases the first day and could have probably made that many more if they had the skiffs and troops to do it.

## Bristol Bay Enforcement Recap 1993

Page 3

December 15, 1993

With the big return to the Egegik district, we had close to 950 boats in that district throughout much of the season. Fishermen appeared to be much more aggressive this season and constantly pushed over the line. They knew at what point we were citing and pushed to that point and beyond continuously.

Our shore based personnel were faced with continuous set net complaints. This was primarily due to two reasons. First, there is always the ongoing dispute between the drifters and the setnetters. Numerous complaints came from the drifters that the setnetters were fishing too far out. Complaints also came from the setnetters that the drifters were on top of their set nets.

This was compounded this year by a regulation change that took effect March 1, 1993, which required setnetters to be no more than 1000 feet from the 18 foot high tide mark. In past years in this area, they could be out to 1200 feet from the 18 foot high tide mark.

Measuring these nets proved almost impossible until we located a La Prosurvey 1000 Laser Ranger 58, which we rented from The Surveyor's Exchange in Anchorage. This device proved invaluable in dealing with the problems of measuring nets, distances, etc.

At Ugashik, we experienced the same problems as in past years. As long as a patrol boat was on the line, we could keep fishermen from pushing over the line for the most part. However, the minute the boat got tied up with a case or left the line, fishermen decided it was open season everywhere.

With that in mind, we did a stakeout operation on the north line of Ugashik. We set up range markers on the bluff, utilizing the loran on the P/V PS1. This worked well and we made quite a few cases. Some boats we had over the line as many as three times in one day. The operation went well until the officer was spotted on the bluff by a spotter pilot, who then landed in a dry lake bed and walked up to see what he was doing. It was amazing how well the fishermen knew where the line was once they found out an officer was on the bluff.

We did a similar operation on the Egegik north line on the first opening. In that situation, we put an officer on another vessel with a fisherman who agreed to work with us. The P/V PS1 then left the line and the officer stayed on the private vessel and made approximately 20 cases. He reported seeing many skippers on their flying bridges with binoculars looking for the patrol vessel. His comments were that it was obvious most fishermen were not concerned about where the line was.

## Bristol Bay Enforcement Recap 1993

Page 4

December 15, 1993

Four vessels were seized in the bay this season. Three of the vessels were seized for fishing closed waters and the fourth was seized as a result of the operators fishing without a permit. Vessels seized are as follows:

Fishing Vessel	Reason Seized	Settlement
GONE FISHING	.5 miles into closed waters after the closure of the Kvichak Section.	Civil: \$10,000
KATIE DEVINE	Closed waters 30 minutes after closure.	Released.
DEACON	Operator did not have a permit.	Has not settled.
MINSTRAL	1.5 miles into closed waters outside the Nushigak District.	Civil: \$25,000

The F/V KATIE DEVINE was released with no settlement. This was done because the defendant stated he had lost a net and that he had approval from Fish and Game to retrieve it from closed waters. A check revealed that Fish and Game did not talk to this individual. However, it was very clear from talking to other fishermen who heard the conversation on the VHF radio that someone came on the VHF and stated that they were ADF&G and that they had given the F/V KATIE DEVINE approval to go into closed waters to retrieve a net. The F/V KATIE DEVINE did forfeit its illegal fish.

We opened 482 cases during the Bristol Bay fishery this year, up from a previous all time high of 328 in 1991. We filed 509 criminal charges in 1993. There were 52 cases with multiple defendants and we had 21 cases where there were multiple charges per defendant.

We seized 581,474 pounds of fish during the season, of which; 161,172 has been forfeited to date. Based on an average of \$1.60 per pound, forfeiture value of this fish is \$96,730.20.

We seized 108 shackles of gillnet during the program. 19 shackles were forfeited as of this date.

As of December 9, 1993, gross fines for the program have been \$1,085,633.86, with only \$230,500 of that being suspended. This leaves a total of \$835,133.86 in net fines due the State.

## Bristol Bay Enforcement Recap 1993

Page 5

December 15, 1993

There was nearly a 100% increase in closed waters cases in 1993, with a total of 311 cases in 1993 compared to 168 cases in 1992. This can be attributed in part to the extreme aggressiveness of the fishermen this season and to continued effective enforcement. A break down of the cases are as follows:

<u>VIOLATION</u>	<u># OF OCCURRENCES</u>
ASSAULT III	1
COMMERCIAL FISH AID AND ABET	2
COMMERCIAL FISH ANCHOR DRIFT NET	4
COMMERCIAL FISH CLOSED PERIOD	28
COMMERCIAL FISH CLOSED WATERS	311
COMMERCIAL FISH DRIFT TOO CLOSE	18
COMMERCIAL FISH EMPLOY UNLICENSED CREW	15
COMMERCIAL FISH FAIL TO MARK BUOY	5
COMMERCIAL FISH FAIL TO RECORD	4
COMMERCIAL FISH FAIL TO REGISTER	8
COMMERCIAL FISH FALSE FISH TICKET	2
COMMERCIAL FISH FALSE STATEMENT	3
COMMERCIAL FISH ILLEGAL GEAR	1
COMMERCIAL FISH ILLEGAL POSSESSION	5
COMMERCIAL FISH IMPROPERLY MARKED BUOY	1
COMMERCIAL FISH IMPROPERLY MARKED GEAR	8
COMMERCIAL FISH MISCELLANEOUS CHECK/STOP	1
COMMERCIAL FISH NET OUT TOO FAR	21
COMMERCIAL FISH NO BUOY	4
COMMERCIAL FISH NO CREW LICENSE	26
COMMERCIAL FISH NO PERMIT	3
COMMERCIAL FISH NO PHOTO ID	18
COMMERCIAL FISH NO VESSEL NAME	3
COMMERCIAL FISH NO VESSEL NUMBERS	8
COMMERCIAL FISH PERMIT HOLDER NOT PRESENT	5
LOG: BOATING ACCIDENT	1
LOG: CARCASS FOUND	1
LOG: COMMERCIAL FISH CLOSED PERIOD	1
LOG: COMMERCIAL FISH DRIFT TOO CLOSE	8
LOG: COMMERCIAL FISH FAIL TO REGISTER	2
LOG: COMMERCIAL FISH INTERFERE WITH GEAR	2
LOG: COMMERCIAL FISH MISCELLANEOUS	1
LOG: COMMERCIAL FISH NO VESSEL NUMBERS	1
LOG: COMMERCIAL FISH OVERLIMIT OF GEAR	4
LOG: COMMERCIAL FISH SET NET TOO CLOSE	1

## Bristol Bay Enforcement Recap 1993

Page 6

December 15, 1993

<u>VIOLATION</u>	<u># OF OCCURANCES</u>
LOG: FOUND NET	2
LOG: GAME NUISANCE BEAR	1
LOG: MEDICAL ASSIST	1
LOG: PERSONAL USE CLOSED SEASON	2
LOG: PROCESS SERVED	1
LOG: PUBLIC ASSIST	3
LOG: UNMARKED GILLNET	1
SPORT FISH NO KING STAMP	2
SPORT FISH NO LICENSE	13
SPORT FISH USE BAIT	1
WARNING: COMMERCIAL FISH ANCHOR DRIFT NET	4
WARNING: COMMERCIAL FISH CLOSED PERIOD	2
WARNING: COMMERCIAL FISH CLOSED WATERS	8
WARNING: COMMERCIAL FISH DRIFT TOO CLOSE	1
WARNING: COMMERCIAL FISH EMPLOY U/L CREW	7
WARNING: COMMERCIAL FISH FAIL TO MARK NET	1
WARNING: COMMERCIAL FISH INTERFERE WITH GEAR	1
WARNING: COMMERCIAL FISH NO CREW LICENSE	6
WARNING: COMMERCIAL FISH NO VESSEL ID	1
WARNING: SPORT FISH NO LICENSE	6

Radio Dispatcher II Jolene Dodge from Kodiak, Clerk IV Cynthia Neategard from SIS, and Clerk Typist III Kim Spaans from Detachment provided the clerical support for the program. While from outward appearances this seems like a large clerical staff for one program, we must realize that Kim and Cynthia only overlapped each other for a couple of days and that this staff handled 484 cases in approximately three weeks. This included running criminal record checks on all defendants, closing case reports for those that plead out at arraignment, and returning those cases to the boats for full reports were the defendants plead not guilty at arraignment. They also utilized a data base program to keep track of all the statistics for this program.

For the most part the enforcement program went very well with personnel working as hard and carrying as large a case load as humanly possible. Without question the most frustrating part of the program was the process of prosecuting the cases and not receiving adequate penalties to serve as a deterrent to the fishermen. As in the past the Division, in conjunction with the District Attorney's Office in Dillingham, established recommended sentencing guidelines for the various violations occurring in the Bay. These guidelines were based on ten years of experience with the fishery. In 1993 we did begin citing fishermen for a narrower margin of closed water fishing

## Bristol Bay Enforcement Recap 1993

Page 7

December 15, 1993

than in previous years with this being the only major change.

It is common practice to be approached by the various defendants prior to court arraignments in an effort for them to reach a plea agreement satisfactory to the state and thus avoid a trial. This routinely involves the fishermen and Fish & Wildlife personnel assigned court duty. The district attorney is advised of the agreement and normally makes this recommendation to the court.

★ { During 1993 we had two state attorneys assigned to the program. One attorney was not only new to Bristol Bay but was also a new attorney. The second attorney had several years of experience with the program. For some reason the experienced attorney felt the plea agreements were too harsh, so consequently it became common practice for him to lower the recommended penalty to the court, in many cases by \$1,000 to \$1,500 (sometimes more), and agree to return additional fish and nets. Keep in mind the original plea agreement was agreed to by the defendant. It was then not uncommon for the court to reduce the fine even more.

Another common problem with the District Attorney's office is the practice of reducing cases from a misdemeanor to an infraction (violation). This is done for a number of reasons but for the most part as a cost saving measure. The burden of proof is less for an infraction in that the "intent" of the fishermen to violate the law is not required to be proven (strict liability rule). However, intent has been proven in all cases originally filed as misdemeanors by FWP, the information is in the report. There is a greater chance of the defendant agreeing to plea to an infraction, as opposed to a misdemeanor because the monetary fine is less, there is no chance of serving jail time, and his fishing permit can not be suspended. As a result, this saves the Department of Law and the Court System time and money by not having to schedule expensive trials, convene juries and pay judge and attorney travel expenses to the Bay later in the year. No one debates the expense and time that would be necessary to conduct misdemeanor trials for the several hundred fishing cases.

★ The number of cases in Bristol Bay are increasing while the fines per case are decreasing. The fishermen already know they may be able to make several illegal sets valued at \$10,000 to \$20,000 before being caught. This combined with the possibility of a mere \$3,000 or even a \$6,000 fine serves as no deterrent to their illegal acts.

As long as misdemeanor cases are reduced to infractions there will never be any chance of fishing permits being suspended or ultimately revoked after three convictions as provided by statute. This of course is the

**Bristol Bay Enforcement Recap 1993**

Page 8

December 15, 1993

Prior to the 1994 season it is imperative for the Division to meet with the appropriate state attorneys and judges if necessary to resolve those issues. Division personnel and the commercial fishing community are demanding a much higher compliance rate but this will never happen until the penalty exceeds or at least meets the value of the crime.

This is a list of the personnel and equipment which were utilized in the program:

**P/V WOLDSTAD (Egegik, Naknek, and Kvichak)**

Cpl. Dean Layton  
Trp. Lonnie Swanson  
VTII Bill Wortanen  
BOI Don Wood (cook)  
BOI John Gianguilli  
BOI Mike Reuter  
Trp. Ken Woldstad  
AST Trp. Willard Ellis

**P/V TROOPER (Egegik)**

Trp. Robert Rodrigues  
Trp. Scott Jones  
BOI Rick Gottwald  
VTI Mark Selvog  
FWEO Bob Beasley  
AST Trp. Jeff Edmondson  
AST Trp. Frank D'Angelo

**P/V PUBLIC SAFETY #1 (Egegik and Ugashik)**

Trp. Rollin Young  
FWEO Scott Oulst

**KING SALMON**

Lt. Thomas Schwantes  
Sgt. Don Starbard  
Trp. Gary Folger (pilot)  
Trp. Curt Bedingfield (pilot) (set net)  
FWEO Rohn Nelson (set net)  
AST Trp. Joanna Roop (set net)  
RDII Jolene Dodge  
CIV Cynthia Nestegard  
CTIII Kim Spaans

**Bristol Bay Enforcement Recap 1993**

Page 9

December 15, 1993

**DILLINGHAM**

Trp. Ed Painter (pilot) (O.I.C.)

Trp. Jim Lowe (22' Whaler)

FWEO Eric Olsen (22' Whaler)

**AIRCRAFT**

PA18 Cub on floats (King Salmon)

PA18 Cub on wheels (King Salmon)

PA18 Cub on floats (Dillingham)

King Air (transportation of TDY personnel)

**VESSELS**

P/V WOLDSTAD (2 skiffs)

P/V TROOPER (2 skiffs)

P/V PUBLIC SAFETY #1 (1 skiff)

22' Whaler (King Salmon)

22' Whaler (Dillingham)

Vessel Sea Days	FY93	FY94	Total
P/V WOLDSTAD	12	20	32
P/V TROOPER	10	23	33
P/V PUBLIC SAFETY #1	10	22	32
22' WHALER (DILLINGHAM)	3	10	13
22' WHALER (KING SALMON)	8	19	27
<b>Grand Total</b>	<b>43</b>	<b>94</b>	<b>137</b>

**AIRCRAFT HOURS**

Cessna 714NK 1.2 Hours

PA18 24005 42.5 Hours

PA18 7058 54.9 Hours

PA18 88AK 84.4 Hours

-----  
**TOTAL AIRCRAFT HOURS 183.4 Hours**

FY93 AIRCRAFT HOURS - 82.5

FY94 AIRCRAFT HOURS - 80.9

SENT BY: FISH & WILDLIFE PROT : 1-31-94 : 9:00 : DIRECTOR'S OFFICE

1211

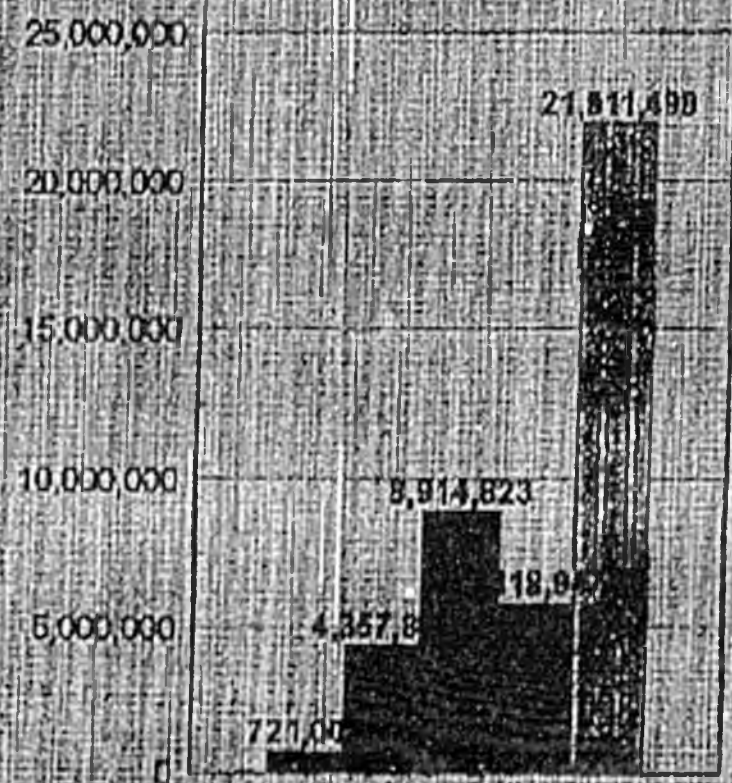
**ALASKA**  
**DEPARTMENT OF PUBLIC SAFETY**  
**FISH AND WILDLIFE PROTECTION**  
**BRISTOL BAY SALMON ENFORCEMENT**  
**1993 SEASON**

**Commissioner,**  
**Richard L. Burton**



# ADF&G Statistics

- ▶ Ex-vessel value of the harvest
- ▶ **\$153.7 million dollars**
- ▶ (fifth largest ever)
- ▶ Total run was **53,619,017 fish**
- ▶ (third largest run ever)
- ▶ Total catch was **41,724,096**
- ▶ (largest sockeye catch on record, exceeding the prior 1983 record of 37.4 million)
- ▶ Total Escapement = **11,895,001**



CATCHES

■ TOGIAK ■ LGASHIK ■ NAK-KVICHAK  
 ■ NUBHAGAK ■ EGEQIK

# 1993 BRISTOL BAY SALMON PROGRAM COSTS vs- INCOME COMPARISON

## ▶ EXPENSES

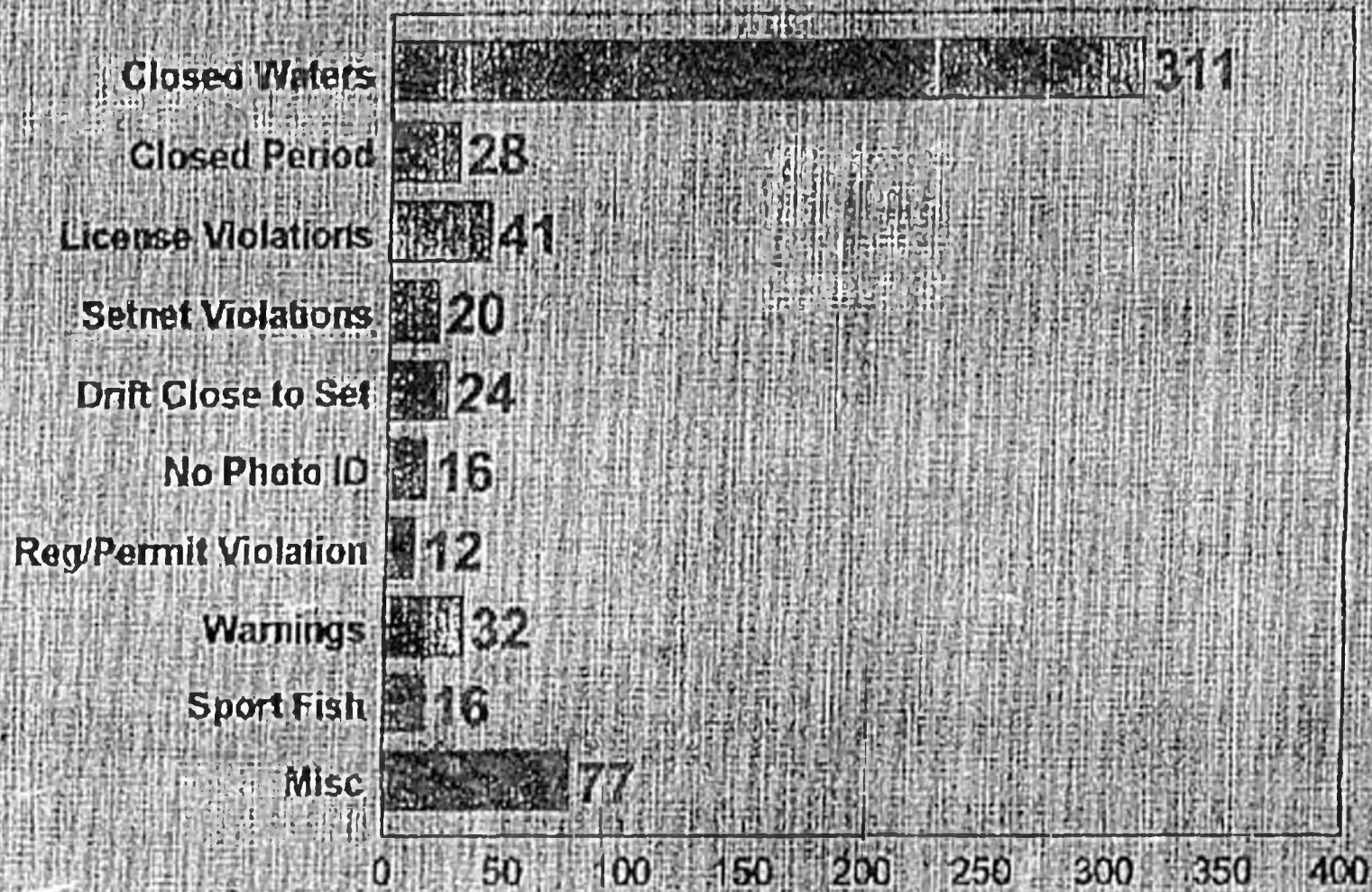
- ▶ PERSONAL SERVICES  
\$173,050.00
- ▶ TRAVEL  
\$ 27,572.00
- ▶ CONTRACTUAL  
\$ 9,494.00
- ▶ SUPPLIES \$ 17,812.00
- ▶ TOTAL EXPENSES  
\$227,928 00

## ▶ INCOME

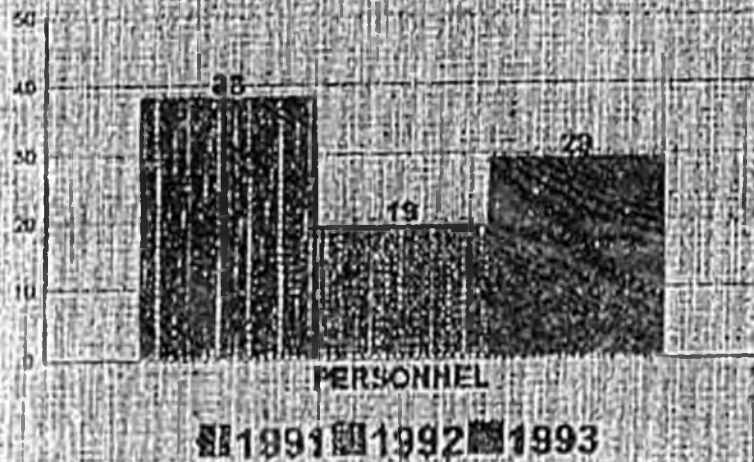
- ▶ FINES \$ 835,133.86
- ▶ SEIZED FISH  
\$ 86,730.20
- ▶ FORFEITED GEAR  
\$ 5,700.00
- ▶ CIVIL FINES  
\$35,000.00
- ▶ TOTAL INCOME  
\$972,564.06
- ▶ Cases remaining to be  
settled = 65.

121 C: 25

# 1993 Distribution of Case Load



# 1991 - 92 - 93 COMPARISONS

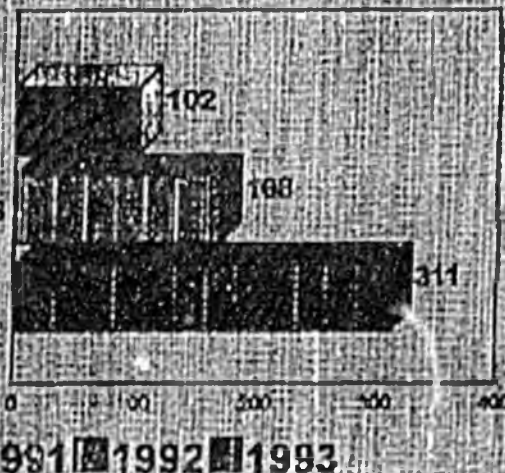


# 1991 - 92 - 93 COMPARISONS

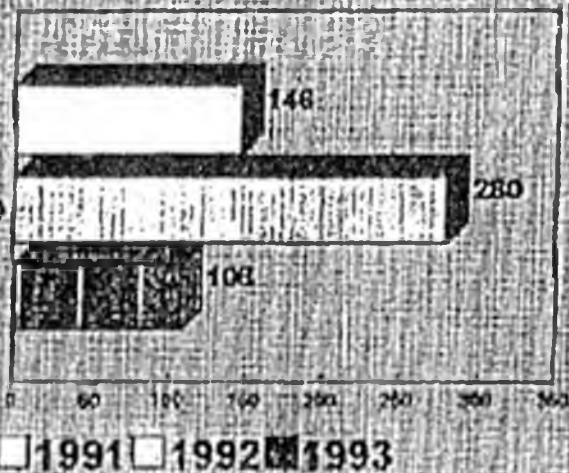
#FISH SEIZED



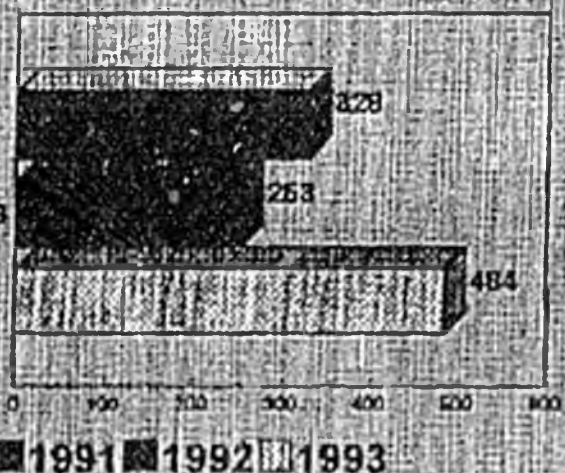
CLOSED WATERS



NETS SEIZED



TOTAL CASES



.....  
FROM THE DESK OF . . . . .

DEPUTY COMMISSIONER  
C.E. SWACKHAMMER

DEPARTMENT OF PUBLIC SAFETY . . . . .

P.O. Box 111200, Juneau, AK 99811

MEMO TO: Don Lick Hallford  
Attn: Dan Thompson

DATE: 4-1-94

PHONE: 907 465 4322

FAX: 907 465 4362

SUBJECT: Bristol Bay Violations

It was able to locate another copy -  
made you two so you could read it  
twice

Swack

.....  
.....  
Research

CRIMINAL HISTORY

COURT Dispo

A acquitted  
 B no complaint filed  
 C nolo contendere  
 D Dismissed  
 E Bail forfeited  
 G guilty  
 H not guilty  
 N no dispo available  
 P not prosecuted-DA declined  
~~PR~~ SIS/DIS completed  
 S SIS/DIS  
 T closed statistically  
 I Not Guilty by Trial  
 W PARDON by Governor  
 U - SIS - NOT SET ASIDE

SENTENCE

A Alcohol screening  
 C Commitment  
 D Deferred Sent  
 F Fine  
 FS Fine Susp.  
 J Jail  
 JS Jail Susp.  
 L License Susp  
 P Probation  
 R Reduced Charge  
 S SIS  
 T Restitution

PERSON TEMPERMENT

A	Armed	4'8" - 56"
C	Caution	4'9" - 57"
D	Dangerous	5' - 60"
I	Incapaciated	5'1" - 61"
M	Mental	5'2" - 62"
R	Resist arrest	5'3" - 63"
		5'4" - 64"
		5'5" - 65"
		5'6" - 66"
		5'7" - 67"
		5'8" - 68"
		5'9" - 69"
		5'10" - 70"
		5'11" - 71"
		6' - 72"
		6'1" - 73"
		6'2" - 74"
		6'3" - 75"
		6'4" - 76"
		6'5" - 77"
		6'6" - 78"

INLETING

B - Booking photo  
 R - R&I Judgement  
 F - Fingerprint Card-gm sheet  
 P - Rap sheet  
 X - Booking Sheet - discontinued  
 W - Audit Report  
 X - DECEASED  
 Y - Citation  
 Z - Judgement

OFFENSE CODES

9761 Child Enticement  
 9852 Stop at direction of Officer  
 9898 Fail to give notice  
 9854 Render Aid or Assistance  
 4899 Obstruct/interfere  
 5309 Harassment

CASE Closure Info

CA - Closed by Arrest  
 CD - " Declined Prosecution  
 CI - " By Investigation -  
       no further leads  
 CU - Close unfounded  
 CL - Closed LOG  
 CE - Closed by Excepti  
       R.A - Referred to Another  
           Agency  
 IR - Initiative Report

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
655692	01/14/1993	3600		GM LI UNLICENSED	
101238	01/14/1993	3600		GM LI UNLICENSED	
854138	02/05/1993	3622		GM CS TK CLOSED SEASN	
	02/05/1993	3622		GM CS TK CLOSED SEASN	
1366393	02/18/1993	8001		AA I. FLS STM/SP APPL	
851390	04/29/1993	3181		CP FAIL CBT LIC CREW	
418076	04/29/1993	3180		CP LI ENPL UNL CREW	
691970	04/29/1993	3181		CP FAIL CBT LIC CREW	
1328311	04/29/1993	3181		CP FAIL CBT LIC CREW	
1328319	04/29/1993	3181		CP FAIL CBT LIC CREW	
174907	04/30/1993	3150		CP IG OVER LENGTH NET	
	04/30/1993	3212	P212	CP ID EL TO WPK BUDY	
583864	05/01/1993	3171		CP MISCELLANEOUS	
3142	05/01/1993	3181		CP FAIL CBT LIC CREW	
1328358	05/01/1993	3181		CP FAIL CBT LIC CREW	
525565	05/01/1993	3180		CP LI ENPL UNL CREW	
450357	05/01/1993	3171		CP MISCELLANEOUS	
581216	05/07/1993	3214		CP FT. HZ. CDJ. WT V/AD	
	05/07/1993	3214	A214	CP FT. HZ. CDJ. WT V/AD	
1311181	05/30/1993	8001		AA I. FLS STM/SP APPL	
1124711	06/04/1993	8001		AA I. FLS STM/SP APPL	
1306392	06/19/1992	3170		CP LIC FLS STM/APPL	
680561	06/20/1993	3120		CP CM COMM FISC	
344058	06/20/1993	3120		CP CM COMM FISC	
	07/01/1992	3120	3120	CP CM COMM FISC	
203479	06/20/1993	3120		CP CM COMM FISC	
	07/12/1992	3120	3120	CP CM COMM FISC	
170283	06/20/1993	3180		CP LI ENPL UNL CREW	
	06/20/1993	3120	3120	CP CM COMM FISC	
	06/20/1993	3120	3120	CP CM COMM FISC	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISTO
1334546	06/20/1993	8181		CP FAIL CRT LIC CREW	
933941	06/20/1993	8120		CP CN COMM FISH	
1334719	06/20/1993	8120		CP CN COMM FISH	
264102	06/21/1993	8120		CP CN COMM FISH	
310715	06/21/1993	8181		CP FAIL CRT LIC CREW	
1324139	06/21/1993	8120		CP CN COMM FISH	
1231647	06/21/1993	8120		CP CN COMM FISH	
	07/06/1991	8120	8120	CP CN COMM FISH	0
1072427	06/22/1993	8180		CP LI ENPL HRL CREW	
	06/22/1993	8120	8120	CP CN COMM FISH	0
	04/29/1993	8185	8185	CP FAIL CRT VSSL LIC	0
1097920	06/22/1993	8181		CP FAIL CRT LIC CREW	
1334719	06/22/1993	8120		CP CN COMM FISH	
317074	06/24/1993	8180		CP LI ENPL HRL CREW	
	07/01/1988	8120	8120	CP CN COMM FISH	0
	07/01/1988	8210	8210	CP FL TO 10 ADPCH	0
	07/09/1989	8120	8120	CP CN COMM FISH	0
	07/07/1992	8120	8120	CP CN COMM FISH	0
	06/29/1992	8105	8105	CP CS TRAIL GILL NET	0
	06/24/1993	8250	8250	CP CP NET CIG TO NET	0
1334837	06/24/1993	8181		CP FAIL CRT LIC CREW	
1207695	06/24/1993	8181		CP FAIL CRT LIC CREW	
56046	06/24/1993	8181		CP FAIL CRT LIC CREW	
1318192	06/24/1993	8120		CP CN COMM FISH	
582765	06/24/1993	8120		CP CN COMM FISH	
	07/10/1988	8120	8120	CP CN COMM FISH	0
	04/25/1990	8184	8184	CP PRM BLDR NET PERS	0
305131	06/24/1993	8180		CP LI ENPL HRL CREW	
	06/21/1993	8120	8120	CP CN COMM FISH	0
	06/24/1993	8120	8120	CP CN COMM FISH	0
132039	06/24/1993	8105		CP CS TRAIL GILL NET	
	07/05/1991	8212	8212	CP 10 FL TO HRE 8107	0
145943	06/25/1993	8120		CP CN COMM FISH	
100943	06/25/1993	8120		CP CN COMM FISH	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	07/26/1997	8120	8120	CP CN COOH FISH	C
	07/06/1991	8260	8260	CP CP NET CLS TO NET	C
348285	06/26/1993	8120		CP CN COOH FISH	
	07/03/1993	8248	8248	CP FL NET FOR AREA	D
	07/31/1993	8120	8120	CP CN COOH FISH	C
1264430	06/27/1993	9001		AA L FLS STM/SP APPL	
1299541	07/18/1993	8001		AA L FLS STM/SP APPL	
570207	07/29/1993	3001		AA L FLS STM/SP APPL	
1347461	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347469	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347471	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347474	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347480	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347482	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347485	08/13/1993	8411		SP CAST IN CLSD VTRS	
1347735	08/13/1993	8411		SP CAST IN CLSD VTRS	
1264430	08/15/1993	8001		AA L FLS STM/SP APPL	
1026092	08/22/1993	8752		CM 10 WASTE/FO ANIML	
	08/22/1993	8752		CM 111 WASTE/FO ANIML	
1378172	08/22/1993	8120		CP CN COOH FISH	
1224745	09/02/1993	8602		CM LI FL ORT ERY TOL	
1354259	09/03/1993	8605		CM LI BY TTY VIOL	
1060518	09/04/1993	8752		CM 10 WASTE/FO ANIML	
	09/04/1993	8622		CM CS TR CLSD SPASH	
151449	09/06/1993	8508		CM CR GUIDE W/O LIC	
1355803	09/06/1993	8508		CM CR GUIDE W/O LIC	
1354266	09/07/1993	8605		CM LI BY TTY VIOL	
1049727	09/07/1993	8605		CM LI BY TTY VIOL	
1354346	09/13/1993	8605		CM LI BY TTY VIOL	

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
476098	09/20/1993	8622		GM CS TR CLESD SEASON	
519753	09/23/1993	8605		GM LI BY TXT VIOL	
1126834	09/24/1993	8602		GM LI ZL OBT BRV TCK	
930572	09/30/1993	8750		GM IU ILL SALE/BRTR	
	09/12/1991	8001	8001	AA L FLS STM/SP APPL	C
	09/12/1991	8001	8001	AA L FLS STM/SP APPL	C
1209328	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
629207	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
	01/02/1993	8609	8609	GM LI MISC	C
	01/02/1993	8609	8609	GM LI MISC	C
	07/21/1992	8609	8609	GM LI MISC	C
1147214	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	G
1248976	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/03/1992	8001	8001	AA L FLS STM/SP APPL	C
	01/05/1993	8752	8752	GM IU WASTE/ED ANIML	C
1114525	04/01/1993	8181	8181	CF FAIL OBT LIC CREW	C
596709	06/29/1986	8400	8400	SP LI FISE W/O LIC	G
	04/27/1993	8100	8100	CF CS CF CLESD SEASON	C
360256	04/28/1993	8100	8100	CF CS CF CLESD SEASON	C
1328024	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
37221	07/08/1991	8120	8120	CF CN COMM FISE	C
	04/28/1993	8185	8185	CF FAIL OBT FSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT FSSL LIC	C
	07/08/1991	8120	8120	CF CN COMM FISE	C
	04/28/1993	8185	8185	CF FAIL OBT FSSL LIC	C
	04/28/1993	8185	8185	CF FAIL OBT FSSL LIC	C
495748	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1328080	04/28/1993	8181	8181	CF FAIL OBT LIC CREW	C
1142050	04/28/1993	8180	8180	CF LI EMP USE CREW	C
	06/21/1993	8120	8120	CF CN COMM FISE	D
	06/20/1993	8120	8120	CF CN COMM FISE	D
177403	04/28/1993	8185	8185	CF FAIL OBT FSSL LIC	C
1328982	04/29/1993	8100	8100	CF CS CF CLESD SEASON	C

VIOLATOR IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
160008	07/07/1987	8212	8212	CP 10 FL TO MKR BUOY	C
	06/27/1988	8120	8120	CP CN COMM FISH	C
	04/29/1993	8100	8100	CP CS CP CLSD SEASON	C
1102831	04/29/1993	8182	8182	CP FL OBT PRMT CPFC	C
	04/29/1993	8185	8185	CP FAIL OBT VSSL LIC	C
102849	04/29/1993	8214	8214	CP FL NR GLL NT W/AD	C
1133954	07/08/1992	8120	8120	CP CN COMM FISH	C
	07/01/1992	8120	8120	CP CN COMM FISH	C
	04/29/1993	8100	8100	CP CS CP CLSD SEASON	C
439146	07/14/1989	8100	8100	CP CS CP CLSD SEASON	C
	07/01/1989	8120	8120	CP CN COMM FISH	C
	07/16/1988	8120	8120	CP CN COMM FISH	C
	04/29/1993	8181	8181	CP FAIL OBT LIC CREW	C
1072427	06/22/1993	8120	8120	CP CN COMM FISH	C
	04/29/1993	8185	8185	CP FAIL OBT VSSL LIC	C
1328320	04/29/1993	8180	8180	CP LI ENPL UNL CREW	C
159184	04/29/1993	8185	8185	CP FAIL OBT VSSL LIC	C
1102831	04/29/1993	8182	8182	CP FL OBT PRMT CPFC	C
	04/29/1993	8185	8185	CP FAIL OBT VSSL LIC	C
174907	04/30/1993	8212	8212	CP 10 FL TO MKR BUOY	C
260647	04/30/1993	8180	8180	CP LI ENPL UNL CREW	C
207951	04/30/1993	8214	8214	CP FL NR GLL NT W/AD	C
452860	07/02/1993	8120	8120	CP CN COMM FISH	C
	04/30/1993	8181	8181	CP FAIL OBT LIC CREW	C
570062	05/01/1993	8171	8171	CP MISCELLANEOUS	C
485746	03/18/1991	8222	8222	CP POSS UNL SEIZURE	C
	07/10/1993	8120	8120	CP CN COMM FISH	C
	05/01/1993	8211	8211	CP FL DISC W/LS VSSL	C
1149174	05/01/1993	8171	8171	CP MISCELLANEOUS	C
130513	05/01/1993	8100	8100	CP CS CP CLSD SEASON	C
	05/01/1993	8171	8171	CP MISCELLANEOUS	C
	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
	05/01/1993	8100	8100	CP CS CP CLSD SEASON	C
	05/01/1993	8171	8171	CP MISCELLANEOUS	C
	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
1102286	05/01/1993	8181	8181	CP FAIL OBT LIC CREW	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISTO
180518	05/01/1993	8100	8100	CP 05 CP CLED SEASON	C
	05/01/1993	8171	8171	CP MISCELLANEOUS	C
	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
923348	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
129592	05/01/1993	8181	8181	CP FAIL CBT LIC CREW	C
89630	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
231470	10/03/1986	8180	8180	CP LI ENPL UNL CREW	D
	01/12/1988	8121	8121	CP ON ILL STORE POTS	G
	01/27/1993	8222	8222	CP POSS W/SZ SHPISH	C
	05/01/1993	8180	8180	CP LI ENPL UNL CREW	C
1122914	05/01/1993	8211	8211	CP FL DISP XBRPS VESL	C
307486	05/01/1993	8181	8181	CP FAIL CBT LIC CREW	C
1121941	05/01/1993	8181	8181	CP FAIL CBT LIC CREW	C
1328373	05/02/1993	8181	8181	CP FAIL CBT LIC CREW	C
	05/02/1993	8180	8180	CP LI ENPL UNL CREW	C
1328328	05/02/1993	8181	8181	CP FAIL CBT LIC CREW	C
1328373	05/02/1993	8181	8181	CP FAIL CBT LIC CREW	C
	05/02/1993	8180	8180	CP LI ENPL UNL CREW	C
382563	05/02/1993	8214	8214	CP FL MX GLL WT W/AD	C
	06/30/1993	8120	8120	CP ON COMM FISH	C
704148	04/12/1990	8102	8102	CP 05 FAIL/BODY NET	D
	05/02/1993	8214	8214	CP FL MX GLL WT W/AD	C
1029829	04/17/1993	8401	8401	CP FSE W/O LIC IN PD	C
	05/02/1993	8400	8400	CP LI FISH W/O LIC	C
570830	06/27/1987	8120	8120	CP ON COMM FISH	C
	05/03/1993	8171	8171	CP MISCELLANEOUS	C
1328379	05/03/1993	8181	8181	CP FAIL CBT LIC CREW	C
101048	07/03/1986	8120	8120	CP ON COMM FISH	C
	07/11/1987	8212	8212	CP 10 FL TO MKR BUOY	C
	07/07/1987	8212	8212	CP 10 FL TO MKR BUOY	C
	07/04/1987	8120	8120	CP ON COMM FISH	G
	07/11/1989	8120	8120	CP ON COMM FISH	D
	07/14/1990	8260	8260	CP CP NET C/S TO NET	C
	05/23/1992	8228	8228	CP ILL POSS GENERAL	R
	05/04/1993	8214	8214	CP FL MX GLL WT W/AD	C
	05/04/1993	8152	8152	CP 10 O/LIN GILL NET	C
	07/03/1986	8120	8120	CP ON COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	07/11/1987	8212	8212	CP ID FL TO MKR BUOY	C
	07/07/1987	8212	8212	CP ID FL TO MKR BUOY	C
	07/04/1987	8120	8120	CP CN COMM FISH	G
	07/11/1989	8120	8120	CP CN COMM FISH	G
	07/14/1990	8260	8260	CP CP NET CLS TO NET	C
	05/23/1992	8228	8228	CP ILL POSS GENERAL	R
	05/04/1993	8214	8214	CP FL MK GLL NT W/AD	C
	05/04/1993	8152	8152	CP IG W/LIN GILL NET	C
1328296	05/04/1993	8181	8181	CP FAIL OBT LIC CREW	C
1328308	05/04/1993	8180	8180	CP LI EXPL UNL CREW	C
1328301	05/04/1993	8180	8180	CP LI EXPL UNL CREW	C
	05/04/1993	8181	8181	CP FAIL OBT LIC CREW	C
	05/04/1993	8180	8180	CP LI EXPL UNL CREW	C
	05/04/1993	8181	8181	CP FAIL OBT LIC CREW	C
1328368	05/04/1993	8180	8180	CP LI EXPL UNL CREW	C
	07/14/1993	8120	8120	CP CN COMM FISH	G
1328364	05/04/1993	8181	8181	CP FAIL OBT LIC CREW	C
286480	05/04/1993	8181	8181	CP FAIL OBT LIC CREW	C
312891	05/06/1993	8214	8214	CP FL MK GLL NT W/AD	C
581216	05/07/1993	8214	8214	CP FL MK GLL NT W/AD	D
454045	02/08/1993	8171	8171	CP MISCELLANEOUS	C
	05/27/1993	8211	8211	CP FL DISP WERS VESL	G
585156	06/16/1991	8105	8105	CP OS TRAIL GILL NET	G
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334432	06/20/1993	8120	8120	CP CN COMM FISH	C
7551	06/29/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8105	8105	CP OS TRAIL GILL NET	C
1334525	07/02/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334537	06/20/1993	8120	8120	CP CN COMM FISH	C
503858	06/20/1993	8120	8120	CP CN COMM FISH	C
448427	06/20/1993	8120	8120	CP CN COMM FISH	C
689533	06/29/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334686	06/20/1993	8120	8120	CP CN COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DIGNO
294202	06/20/1993	8105	8105	CP CS TRAIL GILL NET	C
1334545	06/20/1993	8120	8120	CP CN COMM FISH	G
528571	06/20/1993	8120	8120	CP CN COMM FISH	G
938524	06/27/1986	8180	9180	CP LT SHPL UNL CREW	G
	07/10/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
167504	07/10/1991	8120	8120	CP CN COMM FISH	C
	07/10/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334543	06/20/1993	8120	8120	CP CN COMM FISH	C
1070595	06/20/1993	8120	8120	CP CN COMM FISH	G
370283	06/20/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334702	06/20/1993	8120	8120	CP CN COMM FISH	C
131015	06/20/1993	8120	8120	CP CN COMM FISH	C
1334544	06/20/1993	8120	8120	CP CN COMM FISH	C
958903	06/20/1993	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
319410	06/20/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8105	8105	CP CS TRAIL GILL NET	G
	06/20/1993	8120	8120	CP CN COMM FISH	C
	06/20/1993	8105	8105	CP CS TRAIL GILL NET	G
575211	07/02/1992	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
1180028	07/07/1990	8100	9100	CP CS CP CLOS SEASON	G
	07/05/1990	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
866651	05/22/1992	8105	8105	CP CS TRAIL GILL NET	C
	06/20/1993	8120	8120	CP CN COMM FISH	G
1101533	06/27/1988	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	C
525907	06/27/1984	8120	8120	CP CN COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/21/1991	8214	8214	CP FL NR GLL VT W/AD	C
	06/20/1993	8120	8120	CP CN COMM FISH	G
1334584	06/20/1993	8120	8120	CP CN COMM FISH	D
1055280	06/20/1993	8120	8120	CP CN COMM FISH	G
360531	07/10/1988	8120	8120	CP CN COMM FISH	C
	06/22/1993	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
320885	06/21/1988	8120	8120	CP CN COMM FISH	G
	06/27/1992	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	G
909343	06/21/1987	8100	8100	CP CS CP CLOS SEASON	C
	07/13/1987	8120	8120	CP CN COMM FISH	C
	06/27/1992	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	G
	06/21/1993	8120	8120	CP CN COMM FISH	G
477977	05/14/1990	8171	8171	CP MISCELLANEOUS	G
	07/03/1989	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	G
991860	06/20/1993	8120	8120	CP CN COMM FISH	D
611806	07/07/1987	8212	8212	CP ID FL TO HXK FOOT	C
	06/21/1988	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	C
710539	07/20/1992	8120	8120	CP CN COMM FISH	C
	06/29/1993	8260	8260	CP CP NET CLS TO NET	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1334517	06/20/1993	8120	8120	CP CN COMM FISH	C
92293	06/20/1993	8120	8120	CP CN COMM FISH	C
1083177	06/20/1993	8120	8120	CP CN COMM FISH	C
1083492	06/30/1989	8100	8100	CP CS CP CLOS SEASON	G
	07/09/1989	8120	8120	CP CN COMM FISH	G
	07/07/1991	8120	8120	CP CN COMM FISH	C
	06/20/1993	8120	8120	CP CN COMM FISH	C
1142050	06/28/1993	8180	8180	CP LI ENPL ENL OPEN	C
	06/21/1993	8120	8120	CP CN COMM FISH	D
	06/20/1993	8120	8120	CP CN COMM FISH	D
689987	07/08/1989	8210	8210	CP FL TO ID ADPCH	D
	06/20/1993	8120	8120	CP CN COMM FISH	D

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
357147	06/20/1993	8120	8120	CF CM COMM FISH	D
1334573	06/20/1993	8120	8120	CF CM COMM FISH	C
1334580	06/20/1993	8120	8120	CF CM COMM FISH	C
1334509	06/21/1993	8120	8120	CF CM COMM FISH	C
1334572	06/21/1993	8120	8120	CF CM COMM FISH	C
937678	07/15/1989	8120	8120	CF CM COMM FISH	G
	06/21/1993	8120	8120	CF CM COMM FISH	C
491889	05/14/1986	8123	8123	CF CM TAKE HERRING	
	06/21/1993	8120	8120	CF CM COMM FISH	C
314947	07/03/1986	8180	8180	CF LI ENPL UNL CREW	D
	06/27/1988	8120	8120	CF CM COMM FISH	C
	06/23/1992	8120	8120	CF CM COMM FISH	C
	06/21/1993	8120	8120	CF CM COMM FISH	C
1334528	06/21/1993	8120	8120	CF CM COMM FISH	C
618192	06/27/1986	8100	8100	CF CS CF CLSD SEASON	D
	06/21/1993	8120	8120	CF CM COMM FISH	C
1334519	06/21/1993	8105	8105	CF CS TRAIL GILL NET	C
592464	06/25/1992	8120	8120	CF CM COMM FISH	D
	06/21/1993	8120	8120	CF CM COMM FISH	D
927150	06/21/1993	8120	8120	CF CM COMM FISH	C
339343	06/27/1987	8100	8100	CF CS CF CLSD SEASON	C
	07/13/1997	8120	8120	CF CM COMM FISH	C
	06/27/1992	8120	8120	CF CM COMM FISH	C
	06/20/1993	8120	8120	CF CM COMM FISH	D
	06/21/1993	8120	8120	CF CM COMM FISH	D
55007	07/06/1985	8140	8140	CF IG GENERAL	C
	06/21/1993	8120	8120	CF CM COMM FISH	C
	07/14/1993	8120	8120	CF CM COMM FISH	C
1142050	04/28/1993	8180	8180	CF LI ENPL UNL CREW	C
	06/21/1993	8120	8120	CF CM COMM FISH	D
	06/20/1993	8120	8120	CF CM COMM FISH	D
1334325	06/22/1993	8404	8404	CF LI MISCELLANEOUS	C
14894	07/06/1993	8120	8120	CF CM COMM FISH	C
	06/22/1993	8120	8120	CF CM COMM FISH	C
544244	06/22/1993	8120	8120	CF CM COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
1234567	06/22/1993	8120	8120	CP CN COMM FISH	C
582423	07/10/1983	8151	8151	CP IG OVER LGTH VSSL	G
	06/28/1989	8120	8120	CP CN COMM FISH	G
	06/22/1993	8105	8105	CP CS TRAIL GILL NET	G
260531	07/10/1988	8120	8120	CP CN COMM FISH	G
	06/22/1993	8120	8120	CP CN COMM FISH	G
	06/20/1993	8120	8120	CP CN COMM FISH	G
1073427	06/22/1993	8120	8120	CP CN COMM FISH	C
	04/29/1993	8185	8185	CP FAIL OBT VSSL LIC	C
39132	06/24/1993	8120	8120	CP CN COMM FISH	C
23813	06/24/1993	8120	8120	CP CN COMM FISH	C
97650	07/07/1987	8180	8180	CP LI ENPL OVL CREW	C
	07/06/1990	8120	8120	CP CN COMM FISH	C
	07/13/1992	8260	8260	CP CP NET CLS TO NET	C
	06/24/1993	8120	8120	CP CN COMM FISH	C
	06/24/1993	8171	8171	CP MISCELLANEOUS	C
	07/07/1987	8180	8180	CP LI ENPL OVL CREW	C
	07/06/1990	8120	8120	CP CN COMM FISH	C
	07/13/1992	8260	8260	CP CP NET CLS TO NET	C
	06/24/1993	8120	8120	CP CN COMM FISH	C
	06/24/1993	8171	8171	CP MISCELLANEOUS	C
305131	06/21/1988	8120	8120	CP CN COMM FISH	G
	06/24/1993	8120	8120	CP CN COMM FISH	C
1869	06/27/1983	8120	8120	CP CN COMM FISH	G
	06/24/1993	8105	8105	CP CS TRAIL GILL NET	C
524901	07/08/1993	8120	8120	CP CN COMM FISH	C
	06/24/1993	8120	8120	CP CN COMM FISH	C
	01/04/1993	8182	8182	CP FL OBT FRYHT CPDC	G
	01/04/1993	8222	8222	CP POSS W/ST STEFISH	C
375252	07/06/1990	8120	8120	CP CN COMM FISH	C
	07/10/1992	8105	8105	CP CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CP CP NET CLS TO NET	G
341845	06/24/1993	8120	8120	CP CN COMM FISH	G
472297	05/09/1989	8100	8100	CP CS CP CLSD SEASON	G
	07/11/1990	8260	8260	CP CP NET CLS TO NET	C
	06/24/1993	8260	8260	CP CP NET CLS TO NET	G
217074	07/01/1988	8120	8120	CP CN COMM FISH	G
	07/01/1988	8210	8210	CP FL TO ID ADPFRM	G
	07/09/1989	8120	8120	CP CN COMM FISH	G
	07/07/1992	8120	8120	CP CN COMM FISH	C

UNIQUE IDENTIFIER	VIOLATION DATE	VIOLATION CODE	CONVICTION CODE	DESCRIPTION	DISPO
	06/29/1992	8105	8105	CP CS TRAIL GILL NET	C
	06/24/1993	8260	8260	CP OP NET CLS TO NET	C
1041816	07/26/1987	8120	8120	CP CM COAH FISH	C
	06/25/1993	8120	8120	CP CM COAH FISH	D
1334873	06/25/1993	8120	8120	CP CM COAH FISH	C
1334874	06/25/1993	8120	8120	CP CM COAH FISH	D
134344	06/25/1993	8120	8120	CP CM COAH FISH	C
1285718	07/01/1992	8120	8120	CP CM COAH FISH	C
	06/25/1993	8120	8120	CP CM COAH FISH	C
78854	07/02/1992	8120	8120	CP CM COAH FISH	C
	06/25/1993	8120	8120	CP CM COAH FISH	C
1334875	06/22/1993	8102	8102	CP CS TRAIL/REMY NET	D
	06/25/1993	8105	8105	CP CS TRAIL GILL NET	C
1082543	06/26/1993	8120	8120	CP CM COAH FISH	C
398948	06/26/1993	8120	8120	CP CM COAH FISH	C
329562	05/16/1987	8171	8171	CP MISCELLANEOUS	D
	05/10/1991	8170	8170	CP LIC FLS STR/APPL	C
	06/27/1992	8105	8105	CP CS TRAIL GILL NET	C
	06/26/1993	8120	8120	CP CM COAH FISH	D
134226	07/07/1993	8260	8260	CP OP NET CLS TO NET	C
1290856	07/03/1993	8605	8605	CM LI BY NET VIOL	C
1362780	09/11/1993	8001	8001	CM LI FLS STR/SP APPL	C
1283292	09/12/1993	8740	8740	CM DL TR OVER LIMIT	D
1263839	09/18/1993	8601	8601	CM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	CM LI FL AFX LCK TAG	C
	09/18/1993	8601	8601	CM LI NO LIC IN POSS	C
	09/18/1993	8604	8604	CM LI FL AFX LCK TAG	C
1363844	09/23/1993	8752	8752	CM IU WASTE/FO ANIML	C
1363848	09/25/1993	8752	8752	CM IU WASTE/FO ANIML	C
1363846	09/25/1993	8752	8752	CM IU WASTE/FO ANIML	C
1363886	09/25/1993	8762	8762	CM MI TOG BRASS GN	C

**SB**

**41**

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 41

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Reports by Fishing Vessels Not Registered BRU: Commercial Fisheries Manage. & Dev.  
 Under the Laws of the State: \_\_\_\_\_ Component: Fisheries Management  
 Sponsor: Senator Taylor  
 Requester: Senate Resources COMPONENT SERIAL NO. 1241

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

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

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

The proposed legislation should not have any fiscal or programmatic impact on the Commercial Fisheries Management and Development Division.

Prepared by: Bob Clabv  
 Division: Commercial Fisheries Management and Development  
 Approved by Commissioner: [Signature]  
 Agency: \_\_\_\_\_

Phone: 465-4210  
 Date: 1/26/95  
 Date: 1.30.95

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**SENATE COMMITTEE REPORT**  
**First Committee of Referr.**

DATE: 1/20/95

FURTHER: Finance

Date of 5-Day Notice: 1-25-95  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-3-95

Resources Committee considered SB 41

Relating to reports by fishing vessels that are not registered under the laws of the state.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 technical change  
 new: SCR# \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i> needs judiciary oversight	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
ADEFG	1-23-95	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

W

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill No. HB 113 / SB 41

Sponsor: Rep. Williams *Sen Taylor*

Division: Commercial Fisheries Management and Development

Bill Title: Reports by Fishing Vessels That Are Not Registered Under the Laws of the State.

Department Position: Support

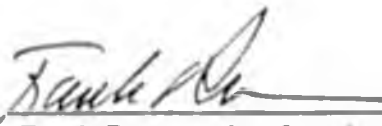
Background/Legislative Intent:

Canadian commercial salmon trollers commonly fish close to the international boundary in Dixon Entrance. Frequently, these vessels enter Alaskan waters to anchor for the night. While at anchor, they do occasionally clean and ice fish. Because of the controversy surrounding the Pacific Salmon Treaty, the use of Alaska harbors by Canadian vessels disturbs some Alaskans. There is also the possibility of illegal fishing by the vessels while in Alaskan waters. The intent of the proposed legislation is to have the Board of Fisheries adopt regulations that will allow the state to more closely monitor the activities of Canadian vessels while in Alaskan waters. This will not only prevent illegal fishing, but reassure concerned Alaskans that Canadian vessels are not taking advantage of their access to our waters to engage in illegal fishing.

Analysis of Bill/Program Effects:

The proposed legislation explicitly grants the Board of Fisheries the authority to adopt regulations that will require a foreign fishing vessel to report to the state information on fish they have aboard their vessel when it is in or transuding state waters. The adoption of this legislation and subsequent adoption of regulations requiring the reporting by a foreign fishing vessel should not have a negative impact on the division's programs. The adoption of such regulations may assist in the prevention of illegal fishing by foreign vessels.

Commissioner's Signature



Frank Rue, Acting Interim Commissioner

Date

1-30-95

DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seeward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1995

**SUBJECT:** Authority of the State to Impose Reporting Requirements on Fishing Vessels Not Registered Under the Laws of the State (HB 113)

**TO:** Representative Bill Williams

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum is in response to the query of Pete Ecklund of your staff as to whether the state may impose reporting requirements on a fishing vessel not registered under the laws of the state (foreign fishing vessels).

HB 113 provides that the Board of Fisheries may adopt regulations requiring foreign fishing vessels present in or transiting the water of the state to report the quantity, species, and origin of fish on board to the Department of Fish and Game. In the context of HB 113, a foreign fishing vessel is any fishing vessel that is not registered under the laws of the state, i.e. fishing vessels from another state or another country. Generally to be registered under the laws of the state, a fishing vessel must have a commercial fishing vessel license issued by the state. The Board of Fisheries is authorized under AS 16.05.475 to adopt a definition of "registered under the laws of the state" for purposes of that statute but has not done so.

The primary constraint on the authority of the state to enact a provision such as that proposed by HB 113 is the interstate and foreign commerce provisions of the United States Constitution (Article 1, sec. 8, cl. 3). The commerce clause gives power to the Congress to regulate foreign and interstate commerce and limits the power of the states to erect barriers against interstate and foreign trade.

The commerce clause is not an absolute barrier to state laws affecting interstate or foreign commerce. The state retains authority under its general police powers to regulate matters of legitimate local concern, even though interstate and foreign commerce may be affected. Maine v. Taylor, 477 U.S. 131, 138, 91 L.Ed.2d 110, 120 (1986). In reviewing a state law affecting commerce, the courts distinguish between state laws that affirmatively discriminate against interstate and foreign commerce and those that place only an incidental burden on commerce.

Representative Bill Williams

February 1, 1995

Page 2

State laws that fall into the first group, by directly discriminating against commerce or by having an effect that discriminates against commerce, are subjected to demanding scrutiny by the courts. The burden falls on the state to demonstrate that the law serves a legitimate local purpose and that the purpose cannot be served as well by nondiscriminatory means. Maine, 477 U.S. at 138, 91 L.Ed.2d at 121. Laws that fall into the second group violate the commerce clause only if the burden that they impose on commerce are clearly excessive to the putative local benefits.

The first issue to be resolved is whether HB 113 falls into the first group by discriminating against interstate and foreign commerce or the second group by only incidentally affecting commerce. The distinction between the two groups is often a function of whether the purpose or effect of the law is economic protectionism. Pacific Northwest Venison Producers v. Smitch, 20 F.3d 1008 (9th Cir. 1994). If HB 113 is viewed as affirmatively discriminating against interstate and foreign commerce, the state must be able to establish that it is pursuing a legitimate state interest, unrelated to economic protectionism. A law that pursues the goal of economic protectionism is per se invalid under the commerce clause.

The state's interest in protecting fish resources is a recognized justification for state laws affecting interstate and international commerce. Hughes v. Oklahoma, 441 U.S. 322, 60 L.Ed.2d 250 (1979). If the purpose of the HB 113 is to protect state fishery resources by preventing illegal fishing by foreign fishing vessels while they are in state waters, the state would be able to establish that it is pursuing an appropriate goal. However as the purpose of the law become less oriented toward the conservation of state resources and more oriented toward protecting the economic interests of Alaska fishermen, the ability of the state to satisfy the requirements of the commerce clause decreases. The state must also be able to show that it cannot achieve its purpose by a less discriminatory means. If HB 113 is directed at addressing a problem that is posed only by foreign fishing vessels, such as illegal fishing by foreign fishing vessels while they are temporarily in state water, there could not be any less discriminatory means available to the state to achieve its purpose. Also, as long as the reporting requirement is the least burdensome measure available to achieve that goal, then the state law should be able to survive scrutiny under the commerce clause. A simple reporting requirement that could be satisfied by radio or by a phone call is more likely to be consistent with the requirements of the commerce clause, than would a requirement that foreign fishing vessels report to the nearest Fish and Game office and be subjected to a physical inspection by a fish and game officer.

If HB 113 falls into the second group then the state need only show that the local benefit of the law justifies the burden placed on commerce. Under this analysis, the conservation and protection of fishery resources are a legitimate local concern. New York State Trawlers Association v. Jorling, 16 F.3d 1303 (2d Cir. 1994). A simple reporting requirement would probably be a slight burden on foreign vessels and not be clearly excessive in relation to the benefit derived by the state by imposing the requirement.

Representative Bill Williams

February 1, 1995

Page 3

In the abstract, it would seem that the state could easily justify imposing a reporting requirement on foreign fishing vessels in state water and still conform with the requirements of the federal commerce clause. However, the ultimate issue will be whether the actual reporting requirement as adopted by the Board of Fisheries is consistent with the federal commerce clause. In adopting a reporting requirement for foreign fishing vessels, the Board of Fisheries must be very careful as to the purposes for which it is establishing the requirement and as to the degree of burden that is imposed on foreign fishing vessels.

There is no obstacle, that I am aware of, to assertion of state jurisdiction over foreign fishing vessels while they are present in state water. A cursory review of the Magnuson Fishery Conservation and Management Act has not uncovered any provisions that would deprive the state of its authority to regulate activities of foreign fishing vessels in state water.

The laws of the state are equally applicable to nonresidents and aliens who are present in the state. The only possible exception being a treaty that restricts the power of the state to arrest a foreign national, such as treaties relating to diplomatic immunity. There are no treaties that I am aware of that would prevent the state from arresting fishermen who are foreign nationals. The Department of Law has not reported any such problems in exercising criminal jurisdiction over foreign nationals.

If I may be of further assistance, please advise.

GU lmb

95-109 lmb

# Alaska State Legislature



Senator Robin L. Taylor

State Capitol  
Bureau Alaska 99501-2252  
907-465-1471  
907-465-1422  
52 Front Street  
Sitka, Alaska 99801  
907-225-6100  
907-225-6111

## Memorandum

**DATE:** March 2, 1995

**TO:** Senator Mike Miller, Chairman  
Senate Rules Committee

**FROM:** Senator Robin Taylor *RT*

**RE:** SB 41 Federal agency jurisdictional  
question

**CC:** Senate Resource Committee Members

While Senate Bill 41 was being considered in the Senate Resources Committee Senator Pearce expressed concern about possible federal jurisdiction regarding SB 41, her concerns have been addressed. After the bill was referred to the Judiciary Committee, I sent a letter to the United States Coast Guard asking for comments. They articulated concerns with nomenclature in the legislation and so the Judiciary Committee adopted a committee substitute to address their expressed concerns.

The Coast Guard indicated the U.S. Department of Commerce might want to comment. Commerce sent a letter stating they had no comments to offer at this time. I have attached both letters to this memorandum for your review.

# Alaska State Legislature



Senator Robin L. Taylor

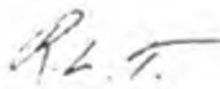
State Capitol  
Juneau, Alaska 99801-3182  
907-586-3873  
Fax 907-586-3922

542 Esqui Street  
Ketchikan, Alaska 99901  
907-225-8088  
Fax 907-225-0711

## Memorandum

DATE: January 31, 1995

TO: Senator Loren Leman, Chairman  
Senate Resources Committee

FROM: Senator Robin Taylor 

SUBJECT: SB 41, relating to reports by foreign fishing vessels not registered under the laws of the state

Thank you for the prompt hearing on Senate Bill 41. This legislation would require foreign fishing vessels transiting or lying in state waters to report their catch by species, quantity and the area where harvested.

It was introduced at the request of the Ketchikan Trollers Committee. In a letter to me and Representative Williams the trollers committee stated that this requirement would result in better harvest information during the season. The letter continued "southeast Alaskan fishermen are suffering irreparable harm at the U.S./Canada Pacific Salmon Treaty due to the inability or unwillingness of fishery managers in British Columbia to monitor this growing fishery." This legislation would allow the Alaska Department of Fish and Game to better monitor in-season catch statistics.

The fishery is located in southern Southeast Alaska off of Cape Chacon and Cape Muzon. In a period of five years the fishery has gone from a relatively minor one with a dozen or so trollers to a modern freezer fleet, that at times exceeds 100 vessels. These boats are targeting Alaskan and Canadian salmon just off our coast. Since a run to Canadian harbors is some 30 miles across waters exposed to the ocean -- the Canadian boats more often than not anchor in state waters until their holds are full.

While it would be ideal to have the board of fish implement this for the upcoming season, timing considerations probably preclude this from occurring until next year. The Department of Fish and Game has said this measure will be given a zero fiscal note.

Attached is backup and a sponsor statement for the committee packets.

# Alaska State Legislature

Chairman  
Judiciary Committee

Vice Chairman  
Transportation Committee

Member  
Regulatory Committee  
Western Legislative Forum Task Force



*Senator Robin L. Taylor*

State Capitol  
Juneau, Alaska 99801-1182  
907-586-3873  
Fax: 907-465-3922

32 Front Street  
Ketchikan, Alaska 99901  
907-228-8088  
Fax: 907-228-9711

## Senate Bill 41

### Sponsor Statement

#### Relating to reports by fishing vessels not registered under the laws of the state

This legislation would require foreign fishing vessels transiting or lying in state waters to report their catch by species, quantity and the area where harvested.

The bill was introduced at the request of the Ketchikan Trollers Committee in response to the rapid expansion of the fishery off Cape Muzon and Cape Chacon. It has gone from a relatively minor fishery with a dozen or so trollers, to a modern freezer fleet, that is at times in excess of 100 vessels. It will be possible to monitor this fishery because a transit to Canadian harbors is some 30 miles across waters exposed to the ocean -- so the ships often anchor in state waters until their holds are full.

In a letter to Senator Taylor and Representative Williams, the trollers committee states, "southeast Alaskan fishermen are suffering irreparable harm at the U.S./Canada Pacific Salmon Treaty due to the inability or unwillingness of fishery managers in British Columbia to monitor this growing fishery." The letter continues, "these reporting requirements would result in better harvest information during the season."

While it would be ideal to have the board of fish implement this for the upcoming season, timing considerations preclude this from occurring until next year. The Department of Fish and Game is said to have given this measure a zero fiscal note. I encourage your support of this measure.

January 13, 1995

Senator Robin Taylor  
Representative Bill Williams  
State Capitol  
Juneau, AK 99801

Dear Robin and Bill,

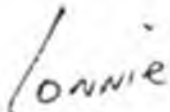
Enclosed is a proposal from the trustees of the Ketchikan Trollers Committee that foreign fishing vessels with salmon aboard which enter Alaskan waters be required to report the quantity and harvest area of these fish to the nearest Alaska Department of Fish & Game personnel or Fish & Wildlife Protection officer

The particular problem that we are trying to address is the lack of appropriate harvest information from the booming Canadian salmon troll fishery off Cape Chacon and Cape Muzon at the Alaskan border. Southeast Alaskan fishermen are suffering irreparable harm at the U S /Canada Pacific Salmon Treaty due to the inability or unwillingness of fishery managers in British Columbia to monitor this growing fishery.

We urge you to introduce joint legislation to address this situation. Please note that we are not asking for the State to interfere inappropriately with the ongoing federal negotiations and actions regarding the "disputed" zone in Dixon Entrance. Our proposal addresses only those foreign fishing vessels which enter waters that undisputedly are under Alaskan jurisdiction.

Thank you for taking the time to consider our proposal. We hope you find that it merits consideration and action

Sincerely,



Lonnie Haughton, Secretary/Treasurer  
Ketchikan Trollers Committee  
Box 3006  
Ketchikan, AK 99901  
(907) 225-1289 & 225-0600 fax

cc: Dave Gaudet, Alaska Department of Fish & Game  
Dale Kelley, Alaska Trollers Association  
Jim Bacon, Southeast Alaska Seiners  
Geoff Bullock, United Southeast Alaska Gillnetters  
Representative Jerry Mackie  
Mayor Dennis Watson, City of Craig  
Gary Freitag, SSRAA

**Proposal by the Ketchikan Trollers Committee  
to require that all foreign salmon fishing vessels that enter Alaskan waters  
be required to report to the Alaska Department of Fish & Game**

**The Problem -**

Within the last five years there has been a dramatic increase in the number of Canadian salmon trollers fishing in the "disputed waters" at the Alaskan border near Cape Chacon and Cape Muzon and anchoring each night in Alaskan harbors (Nichols Bay and McLeod Bay). A border fishery that once attracted no more than a dozen trollers now has, at times, in excess of 100 vessels targeting Alaskan and Canadian salmon. Many of these vessels are state-of-the-art freezer trollers, with large crews, that are able to fish until their holds are full.

The magnitude and effect of this shift in salmon harvesting from the British Columbia side of Dixon Entrance over towards the Alaskan border is impossible to determine because:

- a. there is absolutely minimal monitoring of their border fishery by the British Columbia enforcement vessels.
- b. the reporting requirements for British Columbia fishermen are extremely lax.
- c. B.C. salmon managers are unable (or unwilling) to provide information in a timely and appropriate manner, and
- d. what data is available does not adequately differentiate the sub-areas in or near Dixon Entrance in which salmon harvesting has occurred.

The lack of appropriate information about this growing border fishery may mask an overharvest of Alaskan stocks and definitely harms Alaska during negotiations of the U.S./Canada Pacific Salmon Treaty.

**The Solution -**

Most of the Canadian trollers that participate in the border fishery in this "disputed" zone are allowed (for safety considerations) to anchor each night in harbors that are undisputedly in the jurisdiction of the United States and the State of Alaska. It is the recommendation of the Ketchikan Trollers Committee that legislation be enacted to require the operators of all foreign fishing vessels with salmon aboard that enter undisputed Alaskan waters to report the following information to the Alaska Department of Fish & Game:

- a. the quantity of salmon, per species, aboard the vessel, and
- b. the area where these fish have been harvested.

**Additional Details -**

- a. the "report" should be provided in person or via radio-telephone to the nearest ADF&G office or Fish & Wildlife Protection enforcement vessel within 48 hours of entering Alaska and prior to departing Alaskan waters (note that British Columbia has an extremely effective marine radio network that enables all vessels in the area of Dixon Entrance to access the land-based telephone systems).
- b. the reported harvest area and catch should be specific enough to allow ADF&G to accumulate data to evaluate the overall potential of these harvests to impact Alaskan stocks.
- c. failure to provide a timely or accurate report will subject the offending fisherman to a substantial fine and/or seizure of the vessel and its fishhold contents.
- d. failure to report prior to departing Alaskan waters will subject the offending vessel and its owners to a fine and/or seizure if the vessel again enters Alaska.
- e. Alaskan fishery enforcement officers and ADF&G personnel should be authorized and directed to board foreign fishing vessels in undisputed Alaskan waters in order to enforce these regulations.

**SB**

**42**

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 42

Revision Date: 1/30/95 Dept. Affected: Fish and Game  
 Title: Relating to limited entry permits BRU: Commercial Fisheries (Limited) Entry Commission  
 Component: Limited Entry Program Administration  
 Sponsor: Sen. Taylor  
 Requester: Sen. Taylor COMPONENT SERIAL NO. 0471

(Thousands of Dollars)

Expenditures/Revenues	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (PY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden Phone: 789-6160  
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/30/95

Approved by Commissioner: Frank Homan   
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/30/95

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# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/18/96

FURTHER:

Date of 5-Day Notice: 2-2-95  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-27-96

The Resources Committee considered SPONSOR SUBSTITUTE FOR SB 42

Allowing a person to hold more than one entry permit for certain fisheries and amending the definition of 'unit of gear' for purposes of the commercial fisheries limited entry program.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John L. Taylor</i>	✓	<i>John Hoffm</i> <i>Beaulac</i>	✓		
CHAIR:		CHAIR: <i>Steven D. Lewis</i>	✓		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>CFLEC</i>	<i>3/2/96</i>	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Southeast Dungeness Crab Pot Fishery - Tiered Pot System

Table 1 - MODIFIED OPTION 2		
Minimum Cumulative Pounds (1988 thru 1991) Needed for TIER A	Minimum Cumulative Pounds (1988 thru 1991) Needed for TIER B	Minimum Cumulative Pounds (1988 thru 1991) Needed for TIER C
75,000 pounds	35,000 pounds	10,000 pounds

Table 2 - MODIFIED OPTION 2	
TIER LEVEL*	ESTIMATED NUMBER OF PERSONS
A (300 pots)	51 persons
B (225 pots)	45 persons
C (150 pots)	93 persons
D ( 75 pots)	119 persons
Total Persons	308 persons
ESTIMATED MAXIMUM POTENTIAL POTS	48,300 pots

All 500 pots  
 3000 lbs +  
 3000 lbs = 6000 lbs  
 6000 lbs / 125 = 48  
 48 x 1000 = 48,000

\*Tier levels are based on a percentage of the current Board of Fisheries gear limit of 300 pots. If the gear limit is changed in the future, the maximum pots allowed in each tier level will change proportionally.

Commercial Fisheries Entry Commission  
 8800 Glacier Highway, #109  
 Juneau, AK 99801  
 Phone: (907) 789-6160 Fax: (907) 789-6170  
 October 9, 1995

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB42

Revision Date: 3/18/96 Dept. Affected: Fish and Game  
 Title: An act allowing a person to hold more than one entry permit for certain fisheries and amending the definition of 'unit of gear' BRU: Commercial Fisheries (Limited) Entry Commission  
 Component: Limited Entry Program Administration  
 Sponsor: Senator Taylor  
 Requester: Senate Resources Committee COMPONENT SERIAL NO. 0471

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

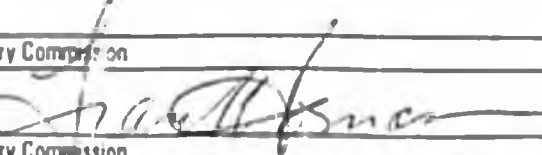
FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Prepared By: Roger Kolden Phone: 789 6160  
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 3/22/96  
 Approved by Commissioner: Frank Horgan   
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 3/22/96

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3/27/96

## MEMBERS OF SENATE RESOURCES:

I'D LIKE TO COMMENT ON SB 42. THE STACKING AMENDMENT RUNS CONTRARY TO THE ORIGINAL IDEA OF THE STACKING PROVISION WHICH ALLOWED FOR PARTICIPATION IN THE FISHERY BASED ON PREVIOUS EFFORT WHILE ALLOWING FOR ENTRY LEVEL OPPORTUNITYS FOR OUR INSTATE FISHERMEN.

THE STACKING AMENDMENT ALSO WILL PROMOTE A MUCH FASTER GROWTH OF THE OVERALL NUMBER OF POTS FISHING WHILE DECREASING THE ACTUAL PARTICIPANTS. THE BOARD OF FISH HAS ALSO VOIKED CONCERNS ABOUT THE 18,000 POTENTIAL POTS AND THE CONSERVATION PROBLEMS WHICH THIS WOULD PRESENT. THE STACKING PROVISION CAN ONLY FACILITATE THIS

I URGE YOU TO OPPOSE THIS AMENDMENT TO SB42.

THANK YOU BILL FLOR,

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



**Senator Robin L. Taylor**

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Juneau, Alaska 99801-1182  
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Ketchikan, Alaska 99901  
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## Memorandum

To: Senator Loren Leman, Chairman  
Senate Resources Committee

From: Senator Robin Taylor *RLT*

Date: March 21, 1996

Subject: SSSB 42, stacking and unstacking of dungeness limited entry permits

I have introduced a sponsor substitute to SB 42. I would appreciate a resources committee hearing at your earliest convenience.

Last session House Bill 107, the counterpart to Senate Bill 42, was passed to ensure that the Southeast Alaska Dungeness crab fishery would not open to entry to a flood of new entrants. This law was a new method to limit a fishery.

Prior to the passage of HB 107 in the Senate, a consensus was reached among the people involved in this fishery. Fisherman who were adamant that limited entry be instituted in the traditional fashion agreed to a tiered system, if it had the stacking/unstacking provision.

That provision, which this sponsor substitute represents, was the factor that convinced the majority of those involved in the fishery to support the tiered legislation. Unfortunately, due to the imminent adjournment of this session, there was not enough time to change the title on the House Bill to accomplish the stacking/unstacking compromise. Consequently, the bill was passed without that provision. It was thought that it would be better to attain limited entry in some form than to open the fishery to new entrants.

Sponsor substitute for Senate Bill 42 would allow the original compromise worked out by the involved parties to go forward. The Commercial Fisheries Entry Commission has stated that the provision is acceptable, but that it is needed this year prior to fully implementing the regulations on this fishery. CFEC has no objection to this measure.

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



*Senator Robin L. Taylor*

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## Sponsor Statement for SSSB 42

### Stacking and unstacking of dungeness limited entry permits

In the First Session of the Nineteenth Alaska Legislature House Bill 107, the counterpart to Senate Bill 42 was passed to ensure that the Southeast Alaska Dungeness crab fishery would not open to entry by a flood of new entrants. This passed legislation represented a new method to limit a fishery.

Prior to the passage of HB 107 in the Senate, a consensus was reached among the people involved in this fishery. Fisherman who were adamant that limited entry be instituted in the traditional fashion agreed to a tiered system, if it had the stacking unstacking provision. That provision, which this sponsor substitute represents, was the factor that convinced the majority of those involved in the fishery to support the tiered legislation.

Unfortunately, due to the imminent adjournment of the first session, there was not enough time to change the title on the House Bill to accomplish the stacking unstacking provision. Consequently, the bill was passed without that compromise provision. It was thought that it would be better to attain limited entry than to reopen the fishery to new entrants.

Sponsor substitute for Senate Bill 42 would allow the original compromise worked out by the involved parties to go forward. CFEC has stated that the provision is acceptable and has voiced no objection.

Feb. 29, 1996

Southeast Alaska Dungeness Crab  
Petition for Stacking Provision

We, the undersigned fishermen, would urge the legislature to add a stacking provision to the Southeast Alaska dungeness crab fishery. We were disappointed last year when, H.B. 107 was passed in the last days of the 1995 session, without a stacking provision in it, as the bill was originally written. As it now stands, many fishermen with a history in the dungeness fishery will be cut back in the number of pots they can use after 1996; as a result of the limited entry program due to start in 1997.

If the C.F.E.C. finds it necessary to limit the number of pots in the fishery; then an equal percentage of pots should be removed from all entrants equally. Example: A 300 pot permit would lose 30 pots and a 75 pot permit would lose 7 pot; on a 10% cut. Decisions to reduce pots fishing, should have nothing to do with the buying of selling of permits as has been proposed.

Within a stacking provision, if an individual is given 150 pots initially and buys two more 75 pot permits to reach the maximum of 300 pots; then conversely, they should be able to break them down as purchased for disposal or be able to sell them as one unit to another fisherman as the permit holder sees fit.

Name (Print)	Signature	Address
<u>JEREMY C. JENSEN</u>	<u>Jeremy C. Jensen</u>	<u>PO Box 681 Psg. 1</u>
<u>MARK JENSEN</u>	<u>mark</u>	<u>Box 457 Psg AK</u> 992-4635
<u>JOHN E. JENSEN</u>	<u>John E. Jensen</u>	<u>Box 681 Psg. AK</u>
<u>Charles Christensen</u>	<u>Charles Christensen</u>	<u>15 Hammar Street</u> <u>Box 824 Psg AK</u>
<u>KEN WILSON</u>	<u>Ken Wilson</u>	<u>Box 918 Psg. 1</u>
<u>Luke Whitthorn</u>	<u>Luke Whitthorn</u>	<u>Box 74 P56 A1</u>
<u>Jeff Erickson</u>	<u>Jeff Erickson</u>	<u>Box 53 P56 A1</u>
<u>Jay Thomassen</u>	<u>Jay Thomassen</u>	<u>1444 Commodore Dr</u> Anchorage
<u>Colin Mortens</u>	<u>Colin Mortens</u>	<u>Box 623 P56 AK</u>