



Having the logbook data on halibut catches will allow the NPFMC more effectively to manage the federal halibut fisheries in the waters off Alaska's coasts. In recent years, the Council has wrestled with difficult and controversial decisions about the management of these fish, which are highly prized both by commercial and sport fishermen in Alaska. The availability of logbook records will give federal fisheries managers the information they need to better meet harvest goals and balance the requirements of all user groups. It will also eliminate the need to adopt a federal reporting program, easing reporting requirements on Alaskan guides.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB188-DFG-SF-03-16-07
 Bill Version: HB188
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Dept. Affected: ADFG

Title: Sport Fishing Guide Records

RDU: Sport Fisheries

Component: Sport Fisheries

Sponsor: Representative(s) Harris and Thomas

Requester: House Resources Committee

Component No.: 484

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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
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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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

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)

This bill allows the Department to share guide records with the NMFS and IPHC. These records are already entered into a database. Sharing the records will not result in increased costs.

Prepared by: Kelly Hepler, Director

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Agency: Fish & Game

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Date/Time: 3/16/07 10 00 AM

Date: 3/16/2007

Sec. 16.05.815. Confidential nature of certain reports and records.

(a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) - (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

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

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 - 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 - 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350

Southeast Alaska Fishermen's Alliance

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March 25, 2007

House Resource Committee
Rep. Craig Johnson, Co-Chair
Rep. Carl Gatto, Co-Chair
Alaska State Legislature
State Capitol, Room 126
Juneau, AK 99801

RE: Support HB 186

Southeast Alaska Fishermen's Alliance (SEAFA) supports HB 186 that allows data sharing of charter records between ADFG and IPHC and NMFS. Had this data sharing been in place the North Pacific Fishery Management Council (NPFMC) action taken in 2006 for an annual limit for clients on charter vessels in Southeast (2C) would likely be being implemented in 2007 instead it was rescinded because of enforcement issues with the inability to share data. This is why IPHC took an action because the NPFMC could not re-implement a different management measure in time for the 2007 season. The NPFMC at the end of March and at their June meeting will be looking at management measures for Southeast (2C) for 2008, again many of these measures will not work without data sharing between ADFG & NMFS Enforcement. We are attaching several pages of the NPFMC 2C management measures analysis that explain this issue more fully. These measures that can't be implemented without the data sharing in place are the management measures most likely to be the least onerous on the charter industry such as annual limits. The data will also make the implementation of the halibut charter moratorium simpler for all involved. Please pass this legislation so that the NPFMC can take meaningful action that can be implemented.

Sincerely,

Kathy Hansen

Kathy Hansen
Executive Director

compliance. The State could further support this by requiring those businesses selling sportfishing licenses to do the same.

b. The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charter. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.¹³

c. Charter operators are required to have a current Coast Guard license to operate. One of the conditions of the license requires the operator to comply with all Federal regulations. Charter operators potentially risk losing their Coast Guard license if they violate Federal fisheries regulations. It is reasonable to conclude that because of the nature of the Coast Guard license, inferring a trust and responsibility to the licensee, as well as the double jeopardy implication, charter operators would likely have a higher rate of compliance with GHL options than might otherwise be expected.

Additionally, note that ADF&G currently regulates the recreational harvest of king salmon, rainbow trout, salmon sharks, and other species in certain areas by requiring anglers to record harvests of these species on the back of their fishing licenses immediately upon harvest. This system or a system involving charter stamps could be used to regulate annual harvest limits in Area 2C.

These factors, along with the current system of opportunistic enforcement, may provide a level of compliance sufficient to ensure the GHL options have the desired effect in controlling the fishery.

In addition to the discussion above, NOAA Fisheries provided the following discussion of enforcement issues:

2.7.12 NOAA Fisheries Discussion of Enforcement and Reporting Requirements

Enforcement and reporting requirements

Use of state recordkeeping and reporting tools

State recordkeeping and reporting requirements meet federal information requirements for option 1 and 3. Current state statute and administration policy prevents NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

- (1) The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information. Without this information, NOAA OLE cannot seize angler license information and logbooks for inspection and evidence, enter logbook and license data in Federal court, or perform post season audits of data to pursue violators (Table 69). NMFS would also need access to angler and charter operator registration and logbook information to provide the necessary program support (e.g., database management). A memorandum of understanding between the State, NOAA OLE, and NMFS would also likely be needed to allow data sharing.

¹³ Charter operators cannot offer a "trip with higher bag or rod limits" as suggested in this excerpt. Those limits are set in regulation and operators would not advertise illegal activity.

- (2) NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards (Table 69). Without this authority, anglers and charter operators are not obligated to show their license information to a Federal enforcement officer.

Table 69. Summary of NOAA OLE enforcement actions and their applicable State laws.

Enforcement Method	Enforcement Action	Current Federal Authority	State law prohibiting Enforcement Action
At-sea and dockside inspection	Inspect State sport fishing license, or Permanent Identification Card	None	State confidentiality/ NOAA OLE not deputized by State
	Inspect State charter logbooks	None	State confidentiality/ NOAA OLE not deputized by State
	Seize license or logbook as evidence	None	State confidentiality
	Enter licenses or logbooks into Federal court	None	State confidentiality
End of season audit of logbooks	Review logbooks (electronic databases) maintained by the State	None	State confidentiality

Note that implementation of the halibut charter moratorium program will require NMFS RAM Division, NOAA Enforcement, and the Appeals Division to have access to state logbook and business information. The preferred approach to obtaining access to these data is explicit authorization in state statute to allow logbook and business data to be transferred from the State of Alaska to NOAA. ADF&G staff have conveyed that language accomplishing this need has been submitted to the Governor's office and is intended to be reviewed by the legislature during the 2007 session. If these changes do not meet Federal recordkeeping and reporting requirements, or state recordkeeping and reporting tools do not meet Federal enforcement needs, then Federal recordkeeping and reporting tools would be required.

Trip limit (Option 1)

The trip limit described in Alternative 2, Option 1 would require NOAA OLE to determine the number of trips taken by a charter vessel for a given day. The regulation for a trip limit would indicate that a charter halibut trip begins on a charter fishing vessel when a halibut is harvested and ends (1) when any halibut is offloaded from that vessel; (2) when any person that was present on that vessel when a halibut was harvested disembarks; or (3) at 23:59 hours, whichever comes first. This language indicated that a trip is focused on the harvesting of halibut and does not include trips where halibut harvest did not occur or clients were being transported between sites. This definition would require NOAA OLE to have onboard documentation of angler-specific trip and harvest information that is linked to the day a trip started and ended. The language used in the final rule would likely be different from the proposed language, but would contain all the important elements in the proposed language, including a trip linked to each day fished and client/halibut offloading being a termination point for a trip.

The ADF&G logbook currently collects this information and is specific to the both the trip and day fished. To provide onsite enforcement of the regulation, NOAA OLE would need the date when the trip started, the date when the trip ended, and information that would identify clients who harvested halibut. The State 2007 logbook will indicate the day a fishing trip occurred. This would provide NOAA OLE with information about the date the trip started, including the number of trips that occurred on a given day, and the date the trip ended. An operator could cheat on the logbook by recording two trips under a single trip; however, the client limit in area 2C would require the total number of clients on any single trip to not exceed six. If six people were recorded in the logbook and not onboard the vessel when checked by

NOAA OLE, the operator would be in violation. Recording multiple trips under the auspices of a single trip would also be detrimental to the logbook information collected by ADF&G.

If the State logbook meets Federal recordkeeping and reporting requirements, additional reporting requirements associated with this regulation would be minimal. Section 2.1 discusses the legal requirements for NOAA OLE to use the State logbook. If the State logbook cannot be used by NOAA OLE or does not meet enforcement needs, a Federal logbook program would be required. A Federal logbook program would require operators/business owners to register with NMFS, obtain a logbook, and meet the reporting requirements. The type of information required annually under a Federal logbook program includes operator contact information, guide contact information, client harvest information, port of offloading, start/stop date for a trip, and vessel identification. A Federal logbook would substantially increase the reporting burden on charter operators because they would be required to meet State and Federal recordkeeping and reporting requirements. Moreover, the types of information recorded in each logbook would largely be duplicative.

Prohibition of retention by skipper or crew (Option 2)

An option to prohibit the retention of halibut by skipper and crew was promulgated by ADF&G in area 2C for 2006 (Emergency Order, EO, # 1-R-01-0631) and areas 3A and 2C for 2007 (EO # 2-R-03-02-07 and 1-R-02-07, respectively). These EO regulations apply to the charter fishery (including species other than halibut) and are enforced by the State of Alaska Department of Public Safety. A Federal regulation prohibiting the retention of halibut by skipper and crew would require NOAA OLE to enforce the regulation.

Enforcement of a regulation prohibiting skipper and crew retention would require enforcement to observation skipper or crew harvest at sea or a vessel returning to the dock with the number of harvested halibut exceeding the collective bag limit for clients. The logbook records skipper and crew harvest; however, obviously skipper and crew would generally not record an illegally harvested halibut. Thus, the logbook would facilitate NOAA OLE's ability to issue a citation only if the number of harvested halibut exceeded the number of anglers that are not skipper or crew. This would not eliminate the ability of anglers to avoid this regulation by designating a person that would otherwise be a skipper or crew as an angler. NOAA OLE could identify guides using their ADF&G guide license (assuming the conditions in Section 2.0 are met); however, crew are not required to be licensed by the State or Federal government and thus do not have any identification information indicating they are crew. Enforcement of this regulation would improve commensurate with increased enforcement staffing levels.

According to ADF&G logbook data from 1999 through 2001, harvests by crew members accounted for between 3.3 percent and 4.5 percent of the annual halibut harvest in Area 2C. ADF&G estimates from November 2006 concluded that the May 24, 2006 Emergency Order that banned skipper and crew harvest of halibut while paying clients were on the vessel saved approximately 86,000 pounds. This estimate results in an approximate harvest reduction of 4 percent using the 2006 SWHS information. Thus, a reduction in catch within that range of the ADF&G estimate for 1999-2000 was realized. This suggests compliance with the skipper and crew reduction is currently occurring in the fishery.

Annual Limit (Option 3)

The annual limit would substantially increase Federal enforcement and administrative costs in Area 2C. In 2006, approximately 87,700 charter clients, distributed over 681 charter vessels, fished from a charter vessel in Area 2C (ADF&G 2006). ADF&G estimates that approximately 7 percent of these clients harvested six or more halibut and approximately 10 percent of the clients harvested five or more halibut.

Given the 2-fish daily bag limit described in status quo, anglers harvesting more than four fish would have fished for at least three days.

Regulations for the proposed annual limit would be directed at anglers fishing for halibut and charter operators offering guided halibut services in Area 2C. The annual limit would apply to anglers paying for charter services to fish for halibut. However, under this interpretation of the annual limit, crew and skipper could continue to harvest halibut and give those halibut to the anglers. The regulation could be promulgated to enforce the annual limit on charter anglers fishing from a vessel in which at least one angler on-board the vessel hired a guide to offer halibut fishing services. Without the inclusion or ban on skipper and crew harvest, this option would allow skipper and crew to retain their bag limit of halibut and give those halibut to clients as a gift.

Enforcement of lodges and multi-day fishing charters presents a unique set of logistical issues for NOAA OLE. Lodges may have a single charter vessel or a group of charter vessels operating in remote areas that are only accessible by airplane or boat. These remote fishing operations increase the enforcement costs for several reasons: (1) travel time to and from the enforcement area is increased; (2) enforcement activities may require several days to adequately cover an area; and (3) angler patterns such as fishing locations, the timing for the departure and arrival of new clients, and daily fishing schedule are poorly understood. It is important that NOAA OLE has adequate staff and enforcement tools to overcome these issues to ensure the annual limit is perceived as credible (i.e., they may get caught if in violation) by anglers.

The credibility of an enforcement effort depends on several factors, including the likelihood of detecting a violation, the swiftness of the enforcement response, and the perception that enforcement actions are real (Iannuzzi 2002). Moreover, deterrence-based enforcement is most successful when a well developed compliance program is designed to identify and correct violations, establish an enforcement presence, collect evidence needed to support enforcement actions, and help target enforcement activities (Rechtschaffen and Markell 2003). In the case of the charter fishery, detection of a violation for the annual limit would be heavily reliant on reporting requirements for charter anglers and operators, and the ability of enforcement to enforce regulations in remote areas. Without sufficient documentation of a violation, cases will not be prosecuted, which may reduce the credibility and effectiveness of the regulation.

These issues were addressed in a June 2006 NOAA OLE memo and during a meeting between NOAA Fisheries, Council Staff, NOAA OLE, ADF&G, and NOAA General Counsel. In the memo and at the meeting, NOAA OLE indicated the following criteria must be met for the annual limit to be enforceable:

- NOAA OLE would need the ability to check for compliance at sea, dockside, and through a post-season audit of angler catch. To meet these needs, a harvest record indicating the number of halibut harvested would be needed for each angler, as well as a vessel-specific record of each angler's catch (serially matched to an angler's catch card) that would be submitted to NOAA OLE on a regular basis throughout the fishing season. A vessel-specific record would be needed to track the charter operators involved with violations. The angler harvest record would be used during dock-side or at-sea enforcement and to provide a record of angler-specific halibut harvest for the charter guide.
- Use of State recordkeeping and reporting tools would require NOAA OLE to obtain the necessary authority to inspect State recordkeeping tools (i.e., charter logbook and sport fishing license). Because of State statutory law, the Federal government cannot obtain charter logbook or angler license information at the resolution necessary for enforcement. Moreover, NOAA OLE is not

authorized by the State to enforce State regulations, and thus cannot require an angler to show his or her license to an enforcement agent.

- NOAA OLE would need the ability to audit charter logbooks at the end of a charter fishing season. This audit would reveal anglers that exceeded the 5-fish annual limit, including anglers who fished on multiple charter vessels.

A detailed discussion paper about the annual limit was presented to the Council at its October 2006 meeting (NMFS 2006). The paper provides a detailed discussion on the types of recordkeeping and reporting tools that could be used and their associated costs.

Type of information required by NOAA OLE

To enforce the annual limit, NOAA OLE would need harvest information for each charter angler, angler contact information, charter guide contact information, and vessel identification information. NOAA OLE would need to know the number of halibut harvested for each charter angler and each charter trip taken by an angler. This would require NOAA OLE to determine the halibut harvested for each angler, the charter operator (guide and business), the number of halibut harvested by each angler, angler contact information, port of landing, and vessel identification number (USCG or Department of Motor Vehicle Registration). The ADF&G sportfish license currently requires an angler's up-to-date information on catches of species that are managed under annual limits. As stated in the GHF proposed rule (2002 FR 3867), adequate monitoring of the annual limit would require that halibut harvested aboard guided recreational vessels be added to this list. The proposed rule also explains that adequate recordkeeping and reporting requirements are imperative to the rule enforceability and, hence, the success of the harvest option.

There are several approaches that could be used to implement an annual limit and satisfy NOAA OLE enforcement requirements. In summary, the recordkeeping and reporting alternatives in the discussion paper are as follows:

- Federal use of the State reporting tools: NMFS and NOAA OLE would work with the State and use the State charter logbook and angler licensing system to meet enforcement requirements.
- Federal recordkeeping and reporting tools: NMFS and NOAA OLE would develop and implement a Federal logbook and angler catch record to meet enforcement requirements. Two methods could be used to implement a Federal logbook:
 - Written logbook: A written logbook similar to the current ADF&G charter logbook would be submitted to NMFS by charter operators. Anglers would use a written catch record.
 - Electronic logbook. Logbook information would be electronically reported to NMFS and NOAA OLE. Anglers would use a written angler catch record.

The discussion paper concludes the most cost-effective and least burdensome method for the public and the least expensive method for NMFS would be to utilize the State logbook and angler license or catch cards. This conclusion was presented to the Council at its December 2006 meeting. For this reason, only the costs associated with using State reporting tools are discussed in the following sections.

Cost estimate for using State reporting tools

Federal use of the State logbook and angler licenses would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part time NMFS or NOAA OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NOAA OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS-9 part time NMFS staff person is approximately \$50,000.

Programmer time would also be required to build and maintain a secure Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000, annually.

Federal use of State charter and angler recordkeeping and reporting tools would require ADF&G administrative support. To meet Federal data needs, ADF&G would need to provide adequate staff time to query charter operator and angler information, package this information, and send it to NMFS annually. ADF&G staff time would also be required to coordinate with the NMFS and NOAA OLE to develop a transfer methodology (including security concerns) and provide ongoing support to NMFS staff. Moreover, additional ADF&G staff time may be required to respond to NOAA OLE request for scanned logbook pages and angler license information before the information is transferred to a NMFS database. ADF&G would need to respond to requests for scanned logbook pages on a case by case basis.

A secure Internet portal may reduce NMFS programmer time. An Internet portal would allow designated NMFS and NOAA OLE employees to log on to an ADF&G site or sites to access charter logbook and angler data. This option would result in ADF&G incurring programmer costs associated with implementing the portal and necessary query structure. The extent of these costs is largely unknown because the data query and programming structure have yet to be determined. The Internet portal would also likely require a high level of coordination between the agencies and would be more programmer intensive than a periodic data transfer.

If the previously discussed legal and administrative issues are resolved, NMFS and NOAA OLE could use the information from the SCVL, guide and business registration, and angler license database to identify and pursue cases. Once a violation was identified, NOAA OLE would use the serialized angler license number to obtain information (including PID and DVL information) about the individual angler from the ADF&G license database, and the logbook to identify the charter operator and vessel (including the registered business). Anglers and charter operators would be contacted about their violation, and enforcement would take appropriate action.

Federal regulations implementing the annual limit would describe the type of information a charter operator and client are required to record. The State logbook and angler sport fishing license would be used to fulfill these information needs as outlined in Federal regulation. However, Federal regulations cannot only refer to the completion of the State logbook and angler license as fulfilling Federal reporting requirements. Regulations must describe the type of information to be recorded in the State logbook and indicate the State logbook could be used to meet these information needs. For example, in the commercial fishery, regulations at 50 CFR 697.5 describe information that is to be reported for the commercial fishery.

The State may change its logbook and angler license requirements at any point in time, including a change to the information requirements for charter operators and anglers. These changes may result in

State reporting tools not meeting the information requirements for enforcing the annual limit. Moreover, changes to State law may also prevent NOAA OLE from accessing information essential to enforcement or change the authority granted to NOAA OLE to enforce the annual limit. In either situation, NOAA OLE would not be able to enforce the annual limit using State reporting tools and a Federal logbook program would be necessary.

Minimum size (Options 5 and 8)

Alternative 2, Option 5, would require one halibut to be at least 45, 50, 55, or 60 inches in length as option from the head to tail or under Option 8, both halibut would need to be 32 inches or greater as option from head to tail. Enforcement of this type of regulation would require on-the-water or dockside option of harvested halibut. This management option would not require any additional reporting requirements for charter operators or charter anglers. However, Option 5 would require operators to position fish greater than 43 lb, 60 lb, 82 lb, or under 109 lb in such a way that they could be option. This means that operators would be required to bring their halibut to the side of the vessel or onboard the vessel for measurement. The capture, measuring, and release of large species is not unprecedented in federally and state managed recreational fisheries. For example, certain shark and marlin species on the Atlantic Coast have minimum size requirements that are comparable to the release sizes considered under Option 5. The 2006 Atlantic shark regulations require a 54 inch minimum length limit applied to the allowable harvest of one shark per vessel per day (including mako and porbeagle) and a 99 inch limit minimum size limit on blue marlin. Moreover, in southeast Alaska, charter anglers are required to option Chinook salmon and Lingcod.

Closure dates and one-fish bag limit (Option 4, 6, 7)

The enforcement of closure dates and a one-fish bag limit both require on-the-water or dockside enforcement and both require an enforcement officer to observe a person with an illegal halibut. This would require regular visits by enforcement officers to areas where halibut are landed. These areas include remote areas such as lodges and urbanized areas such as Auke Bay or Sitka. In the case of a closure, enforcement officers would need to check offloading sites throughout the closure period and board vessels to determine the presence of illegally harvested halibut. A one-fish bag limit would require enforcement officer to spot check charter anglers at the dock and inspect vessels to insure all fish are counted. These regulator options would not require additional recordkeeping and reporting than already occurs under the status quo.

Enforcement costs

With the exception of the annual limit (Option 3), NOAA OLE does not have a cost estimate for enforcement of the options described under Alternative 2. It is difficult to derive a cost estimate for these options because of the large number of vessels and anglers distributed over a large, remote geographical area. Enforcement costs would vary with the desired level of enforcement. Under the status quo, enforcement does not have the resources required to provide a credible level of enforcement for the options under Alternative 2. For example, in 2006 NOAA OLE reported boarding only 14 charter trips (out of 20,000 trips); whereas in the IFQ fishery for halibut and sablefish, NOAA OLE inspected 146 trips (out of 7,500 trips). Greater compliance with the proposed action would be obtained if enforcement resources were increased to a level similar to the annual limit. This magnitude of increase would require an additional \$600,000 in enforcement funds which would fund four enforcement officers. This funding increase would allow enforcement officers to inspect a greater proportion of the trips taken annually by charter operators in area 2C.

In addition to an increase in enforcement presence, certain attributes associated with the charter industry may increase compliance with regulations. In a summary of a discussion between representatives from NOAA Fisheries, ADF&G, Alaska Department of Public Safety, and the United States Coast Guard (USCG), several attributes were identified that could increase compliance in the charter fishery (Council 2006):

...there are characteristics of the recreational fishery that suggest a different and lesser level of enforcement may be needed to ensure an adequate level of compliance with the program. Several characteristics of the fishery differentiate it from other fisheries and work to the advantage of regulators.

- a) The recreational charter fishery operates in the public eye. Requiring operators to prominently post GHL control options... onboard charter vessels would help promote compliance. The State could further support by requiring those businesses selling sport fishing licenses to do the same.*
- b) The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charters. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.*
- c) ...because of the nature of Coast Guard license requirements, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHL options than might otherwise be expected.*

These points are useful for augmenting enforcement efforts, but all may in part rely on the enforcement effort being perceived as credible by charter operators and the angling public. It is unlikely that point (a) could be mandated due to the additional enforcement required to insure posting occurred on all charter boats, and the logistical and enforcement complexity of insuring vendors post the regulation. However, anglers could be made aware of the regulation by posting the information at port of landing, news releases, websites, and on catch/harvest cards. Point (b) would likely be most effective in areas with multiple charter vessel operators from different lodges in close proximity, or clients with knowledge of the regulation to pressure a guide to comply. Some clients would be operating from remote lodges where few, if any, neighboring lodges exist. Thus, multi-day charters and isolated lodges violating a regulation would likely be unaffected by peer pressure unless clients were aware of the regulation and NOAA OLE was able to detect violations. Finally, point (c) would rely on a charter operator's evaluation of the risk and cost of being caught in violation against potential rewards (e.g., happy client) and a desire to follow regulations. Given the potential sanction associated with being caught and the desire by some guides to inherently follow regulations, many guides/operators would likely not risk the penalty from an infraction or want to break the law.

Charter operator responsibilities

Charter operators (guides) may be held responsible by NOAA OLE if charter anglers exceed their annual halibut limit. Enforcement action may be taken on a charter guide and charter angler if the annual limit is exceeded. The nature of the violation and the final regulations would determine how the enforcement action is carried out. The Halibut Act provides for enforcement action on a charter guide at 773(i)(c) who has charter anglers in violation of the halibut regulations:

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel...

The International Halibut Commission (IPHC) regulations specify the regulation at Section 25(18):

The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

The definition of an operator is specific at Section 3(1)(m):

"Operator", with respect to any vessel, means the owner and/or master or other individual on board and in charge of that vessel.

In addition to the IPHC regulations, the USCG also has the authority to revoke operating licenses if a charter operator fails to comply with all Federal regulations. Thus, violation of the GHL regulation would constitute a violation of Federal regulation, which may result in enforcement action by the USCG.

NOAA OLE would have the authority to take enforcement action on the charter angler or operator depending on the infraction. Charter operators would be solely responsible for charter logbook recordkeeping and reporting requirements, as well as requirements associated with the distribution of angler catch cards. The situation associated with the violation would determine the action taken by NOAA OLE. A detailed discussion about recordkeeping and reporting tools is found in Section 2.0.

2.7.13 Effects on Net Benefits to the Nation

The net benefits to the nation arising out of the action options can accrue from several sources. First, the action options should initially reverse and then slow the open-ended reallocation between commercial and guided sport sectors. This reversal should instill commercial quota holders with greater confidence in the value of their quotas, which will in turn support the market for quota shares and encourage appropriate investment and capitalization in the commercial sector. Further, the reallocation of halibut harvest amounts back to the commercial sector may affect the benefits realized by U.S. consumers through changes in product availability and price. This section summarizes the different effects of the options to allow comparison and conclusions concerning the overall effects of the options on net benefits to the nation.

No Action/Status Quo

If the current management of charter halibut harvests in Area 2C continues, the net benefits to the nation are likely to follow their current trend. The open-ended reallocation to the guided sport sector from the commercial sector will continue and likely grow as guided sport sector harvest has grown in recent years. This reallocation will increase uncertainty for commercial quota holders and could affect benefits realized by U.S. consumers through changes in product availability and price.

For prior analyses the SSC requested that the discussion of the no-action alternative be expanded to include estimates of consumer losses due to reductions in the commercial TAC if charter-based sport fishing overages continued. The analysis combined the overage estimates derived for the ex-vessel revenue losses analysis with a consumer surplus and total revenue model from Herrmann and Criddle

Petersburg Vessel Owners Association

PO Box 232
Petersburg, Alaska 99833

March 23, 2007

Representative Gatto, Co-Chair
House Resources Committee
State Capitol, Room 108
Juneau, AK 99801-1182

Representative Johnson, Co-Chair
House Resources Committee
State Capitol, Room 126
Juneau, AK 99801-1182

RE: Support for HB 186

Petersburg Vessel Owners Association is a diverse group of commercial fishermen who participate in a variety of fisheries around the state. Our longline division focuses on the conservation and management of halibut and sablefish resources in the Gulf of Alaska. We support HB 186, which would allow sharing of records required of sportfishing guides with certain federal agencies.

This bill would allow ADF&G to share data collected from charter operators with NMFS and NOAA law enforcement personnel, as well as with the International Pacific Halibut Commission. NMFS and the North Pacific Council are currently considering various restrictions on halibut charter operators for the 2007 and 2008 seasons. One measure judged to effectively control harvest without unduly disrupting charter businesses is an annual harvest limit. However, a recent action by the North Pacific Council to enact an annual limit was later rescinded, partially due to difficulties arising from the inability of ADF&G to share charter records with enforcement agents.

The passage of this bill will allow regulators maximum flexibility to select appropriate options to manage the charter industry, including an enforceable annual limit. Thank you for your consideration of our comments.

Sincerely,



Cora Crome
Longline Division

Phone: (907) 209-1842

Fax: (907) 772-3589

E-mail: longline@gci.net



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 20, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, Room 102
Juneau, AK 99801

Dear Representative Seaton, and Committee Members,

RE: Support for HB 186

United Fishermen of Alaska (UFA) supports HB 186 relating to sharing with certain federal agencies records required of sport fishing guides. This legislation fulfills commitments made by State of Alaska representatives at the North Pacific Fisheries Management Council (NPFMC) meeting. HB 186 simply allows the same data sharing of sport fishing guide records as currently occurs with commercial fishing data such as fish tickets, and licensing data etc., between ADFG and National Marine Fisheries Service, NOAA Enforcement and International Pacific Halibut Commission.

The timely passage of this legislation will allow the NPFMC the option of effective management measures for the 2008 guided halibut fishery that are less harmful to the charter industry but are as effective, such as annual limits. The NPFMC is scheduled to take final action on 2008 management measures for Southeast Alaska (2C) in June of 2007.

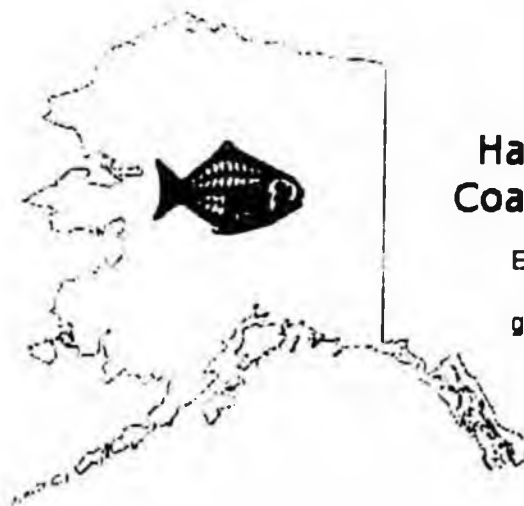
Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

From: Kimberly Tebrugge [ktebrugge@hotmail.com]
Sent: Thursday, March 15, 2007 4:33 PM
To: Kimberly Tebrugge
Subject: HOUSE BILL NO. 186
Attachments: oledata.mso; image001.wmz; image002.pcz; image003.png; image005.gif; image001.wmz; image002.pcz



**Halibut Charter
Coalition of Alaska**

P.O. Box 90
Ester, Alaska 99725
907-479-5562
glaciers@alaska.net

March 15, 2007

Dear Legislator,

The members of the Halibut Charter Coalition of Alaska request your support in moving the ADF&G Data Sharing forward.

As you know, the bill would allow ADF&G's Halibut Charter Log Book catch data, and other reports required of sportsfish guides, to be shared with federal agencies like NOAA and the North Pacific Fisheries Management Council (NPFMC), in order to allow them to more accurately manage the fishery.

The Halibut Charter Fleet, composed of approximately 835 charter businesses (1266 Vessels) in 2006, is currently regulated by nothing more than a "soft cap," or a Guideline Harvest Level (GHL), that has been exceeded in each last three years in South East, South Central or both.

Needless to say, there are many decisions currently being discussed to find a temporary solution to this overharvest. The HCCA upholds the need to wisely manage the halibut resource for the future; many of our seasoned members have seen the mismanagement of fisheries in the past and recognize in those scenarios, everyone loses. However, we advocate that a long-term, permanent solution, and any necessary interim solutions, be based on the most accurate data and facts available.

We hope you will provide the opportunity for decision-makers to have access to this already-collected data by providing wider access to existing ADF&G reports required of sportsfish guides. Data sharing with the State is necessary to the development of a correct permanent solution which allows growth for charters and continued tourism opportunities.

This matter is urgent. On March 28, the NPFMC plans to decide final action on the analysis of the charter halibut moratorium as one step toward a permanent solution. Without access to the already-gathered data, NPFMC will have no choice but to design management without accurate data.

The Halibut Charter Coalition of Alaska (HCCA) is a charter industry organization devoted to uniting Alaskan charter operators and business owners committed to the stable, long-term management of halibut as a vital part of Alaska's economy.

tourism industry. Our primary goals include 1) advocating for proper long-term management of the halibut resource 2) educating the public, decision-makers and industry members on the halibut resource issues impacting the charter industry and Alaskan tourism. Our members are long-time, invested participants in the halibut charter industry with representative from all of the 10 major charter operating areas in Southeast and South Central Alaska (IPHC Reg. Areas 2C and 3A). Three of our founding members currently serve on the Charter Halibut Stakeholders Committee the NPFMC. Our members are dedicated to working towards a wise yet timely permanent solution to managing the Halibut resource.

Sincerely,

/Signed/

Kimberly Tebrugge
Executive Director

From: Alfa Fish [alfafish@ptialaska.net]
Sent: Wednesday, March 14, 2007 3:26 PM
To: Rep. John Harris; Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stoltze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Cc: Halibut Coalition
Subject: Fw: Support for HB 186
Follow Up Flag: Follow up
Flag Status: Blue

Alaska Longline Fishermen's Association
403 Lincoln Street, Ste. 237
Sitka, AK 99835
(907) 747-3400
a. ifish@ptialaska.net

Dear Representative Harris,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to thank you for introducing HB 186. Please know that ALFA strongly supports this legislation and encourages you to actively pursue its passage into law.

Effective resource management depends on timely access to data by all agencies engaged in active management. Currently there is a Memorandum of Understanding (MOU) between the Department of Fish and Game, the National Marine Fisheries Service, the Commercial Fisheries Entry Commission, and the International Pacific Halibut Commission that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. The inability of all engaged parties to readily access and share data has prevented effective resource conservation and management of the charter halibut fishery. Consequently passage of HB 186 is critical to the successful management of Alaska's recreational fisheries and is urgently needed to address management limitations in the halibut charter fishery.

Thank you again for your efforts. Please let me know how we can assist in advancing HB 186 into law.

Linda Behnken
(Director, ALFA)

From: Victoria O'Connell [v.oconnell@gci.net]
Sent: Wednesday, March 14, 2007 9:35 AM
To: Rep. John Harris
Cc: Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stoltze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Subject: Support for HB 186

Dear Representative Harris,

I am writing to thank you for introducing HB 186 and encourage you to actively pursue passage of this legislation into law.

It is critical that our fishery management organizations have the ability to properly manage our resources. This can only be accomplished if all agencies that are actively involved in management have access to data. Currently there is a Memorandum of Understanding (MOU) between Fish and Game, NMFS, CFEC, and the International Pacific Halibut fishery that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. Consequently passage of your bill is critical to the successful management of recreational fisheries and is needed as soon as possible for appropriate management of the charter halibut fishery.

Sincerely,

Victoria OConnell
Sitka, Alaska

From: Robert Ward [bob@awardcharters.com]
Sent: Monday, March 12, 2007 9:48 PM
To: Rep. Paul Seaton
Subject: HB186

Paul,

We wish you to support the HB186 and see that it is moved swiftly through during this session please. The Homer Charter Association needs your support and this bill. Thanks Capt Bob

Robert Ward

A-WARD CHARTERS

P. O. Box 631

Anchor Point, AK. 99556

(907) 235-7014

(907) 399-7014 cell

bob@awardcharters.com

<http://www.awardcharters.com>

"IN GOD WE TRUST"

An AMERICAN Phrase

RE: HB 186

I would like to encourage support and swift action on this bill mainly for the purpose of getting a better handle on halibut harvest by the guided sport sector in all areas of Alaska. Without this legislation, harvest information, required in deciding good management measures, is not as available for analysis. Consequently, this makes for clumsy and inadequate management considerations by the various agencies trying to monitor and manage our resources to sustainable levels and for maximum socio-economic return to Alaskans.

As you know, we rely on the International Pacific Halibut Commission for science, to set area quotas and to recommend resource conservation measures among unregulated sectors. We also rely on the National Marine Fisheries Service via the North Pacific Management Council to allocate and enforce allocations of the halibut resource to the various user groups. Without data that the ADF&G collects from user groups, namely the Halibut Charter fleet, the agencies have difficulty in making important decisions that effect a public resource and those entities make a living off making that resource available to the public.

Passing this bill would help our resource management system be more efficient and accurate.

Thank you for understanding this very important Bill. I look forward to seeing it pass in an expedited fashion so data can be shared and analyzed starting this season.

Sincerely yours,

Rhonda A. Hubbard
Seward, Alaska

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
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(907) 269-0129
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John Harris Speaker of the House

MEMORANDUM

TO: Representative Carl Gatto, Co-Chair
Representative Craig Johnson, Co-Chair
House Resources Committee

FROM: Representative John ~~Harris~~
Speaker of the House

DATE: March 21, 2007

SUBJECT: Hearing Request for CSHB 186 (FSH)

I respectfully request that the House Resources Committee hear CSHB 186 (FSH): An Act relating to sharing with certain federal agencies records required of sport fishing guides, at your earliest convenience.

If you have any questions please contact either me or my staff, Tom Wright, at 465-4859.

Thank you for your consideration of my request.

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

March 19, 2007

House Fisheries Committee

Representative Paul Seaton

Alaska State Legislature

State Capitol, Room 102

Juneau, AK 99801

RE: HB 186 - Support - Additional Information

Southeast Alaska Fishermen's Alliance supports HB 186 as per our public testimony on March 19th and through written testimony sent in. We would like to provide this additional information for your consideration.

After attending the first hearing on HB 186 we thought the following information from the NPFMC draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a Regulatory Amendment to Implement Guideline Harvest Level Measure in the Halibut Charter Fisheries in IPHC Regulatory Area 2C would prove educational.

As we stated at the hearing the NPFMC will be reviewing the above analysis at their March 28th meeting with final action tentatively scheduled at this time for June 2007 and for the management measures to be in place for the 2008 season.

This data sharing will also make the implementation of the moratorium simpler for all agencies involved and the individual charter operators.

SEafa very much appreciates the amendment made to HB 186 that provides for an immediate effective date.

Thank you for your time and consideration of this simple but important legislation and for its timely passage.

Sincerely,

Kathy Hansen

Executive Director

compliance. The State could further support this by requiring those businesses selling sportfishing licenses to do the same.

b. The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charter. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.¹³

c. Charter operators are required to have a current Coast Guard license to operate. One of the conditions of the license requires the operator to comply with all Federal regulations. Charter operators potentially risk losing their Coast Guard license if they violate Federal fisheries regulations. It is reasonable to conclude that because of the nature of the Coast Guard license, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHL options than might otherwise be expected.

Additionally, note that ADF&G currently regulates the recreational harvest of king salmon, rainbow trout, salmon sharks, and other species in certain areas by requiring anglers to record harvests of these species on the back of their fishing licenses immediately upon harvest. This system or a system involving charter stamps could be used to regulate annual harvest limits in Area 2C.

These factors, along with the current system of opportunistic enforcement, may provide a level of compliance sufficient to ensure the GHL options have the desired effect in controlling the fishery.

In addition to the discussion above, NOAA Fisheries provided the following discussion of enforcement issues.

2.7.12 NOAA Fisheries Discussion of Enforcement and Reporting Requirements

Enforcement and reporting requirements

Use of state recordkeeping and reporting tools

State recordkeeping and reporting requirements meet federal information requirements for option 1 and 3. Current state statute and administration policy prevents NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

- (1) The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information. Without this information, NOAA OLE cannot seize angler license information and logbooks for inspection and evidence, enter logbook and license data in Federal court, or perform post season audits of data to pursue violators (Table 69). NMFS would also need access to angler and charter operator registration and logbook information to provide the necessary program support (e.g., database management). A memorandum of understanding between the State, NOAA OLE, and NMFS would also likely be needed to allow data sharing.

¹³ Charter operators cannot offer a "trip with higher bag or rod limits," as suggested in this excerpt. Those limits are set in regulation and operators would not advertise illegal activity.

- (2) NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards (Table 69). Without this authority, anglers and charter operators are not obligated to show their license information to a Federal enforcement officer.

Table 69. Summary of NOAA OLE enforcement actions and their applicable State laws.

Enforcement Method	Enforcement Action	Current Federal Authority	State law prohibiting Enforcement Action
At-sea and dockside inspection	Inspect State sport fishing license, or Permanent Identification Card	None	State confidentiality/ NOAA OLE not deputized by State
	Inspect State charter logbooks	None	State confidentiality/ NOAA OLE not deputized by State
	Seize license or logbook as evidence	None	State confidentiality
	Enter licenses or logbooks into Federal court	None	State confidentiality
End of season audit of logbooks	Review logbooks (electronic databases) maintained by the State	None	State confidentiality

Note that implementation of the halibut charter moratorium program will require NMFS RAM Division, NOAA Enforcement, and the Appeals Division to have access to state logbook and business information. The preferred approach to obtaining access to these data is explicit authorization in state statute to allow logbook and business data to be transferred from the State of Alaska to NOAA. ADF&G staff have conveyed that language accomplishing this need has been submitted to the Governor's office and is intended to be reviewed by the legislature during the 2007 session. If these changes do not meet Federal recordkeeping and reporting requirements, or state recordkeeping and reporting tools do not meet Federal enforcement needs, then Federal recordkeeping and reporting tools would be required.

Trip limit (Option 1)

The trip limit described in Alternative 2, Option 1 would require NOAA OLE to determine the number of trips taken by a charter vessel for a given day. The regulation for a trip limit would indicate that a charter halibut trip begins on a charter fishing vessel when a halibut is harvested and ends (1) when any halibut is offloaded from that vessel; (2) when any person that was present on that vessel when a halibut was harvested disembarks; or (3) at 23:59 hours, whichever comes first. This language indicated that a trip is focused on the harvesting of halibut and does not include trips where halibut harvest did not occur or clients were being transported between sites. This definition would require NOAA OLE to have onboard documentation of angler-specific trip and harvest information that is linked to the day a trip started and ended. The language used in the final rule would likely be different from the proposed language, but would contain all the important elements in the proposed language, including a trip linked to each day fished and client/halibut offloading being a termination point for a trip.

The ADF&G logbook currently collects this information and is specific to the both the trip and day fished. To provide onsite enforcement of the regulation, NOAA OLE would need the date when the trip started, the date when the trip ended, and information that would identify clients who harvested halibut. The State 2007 logbook will indicate the day a fishing trip occurred. This would provide NOAA OLE with information about the date the trip started, including the number of trips that occurred on a given day, and the date the trip ended. An operator could cheat on the logbook by recording two trips under a single trip; however, the client limit in area 2C would require the total number of clients on any single trip to not exceed six. If six people were recorded in the logbook and not onboard the vessel when checked by

Alaska State Legislature

Session: (Jan-May)

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Fax (907) 269-0128

John Harris

Speaker of the House

SPONSOR STATEMENT

COMMITTEE SUBSTITUTE FOR HOUSE BILL 186 (FSH)

"An Act relating to sharing with certain federal agencies records required of sport fishing guides; and providing for an immediate effective date."

House Bill 186 makes minor amendments to Alaska statutes to address a gap in current law.

The Alaska Department of Fish and Game cannot share logbook information from charter fishermen with the National Marine Fisheries Service (NMFS) or the National Oceanic and Atmospheric Administration (NOAA). This is resulting in management inefficiencies and increased costs and enforcement difficulties. To correct this, HB 186 would allow ADF&G to share confidential charter logbook information with these federal agencies. Shared information would remain confidential. The data released to these federal agencies would still not be able to be released to the general public.

The bill would make two minor amendments to AS 16.05.815, which provides confidentiality to certain reports and records required by ADF&G concerning landings of fish, shellfish or fishery products of fishermen, buyers and processors. Among the records that are confidential under this statute are records required of sport fishing under AS 16.40.280 and 5 AAC 75.076. These are logbooks kept by charter fishing guides recording daily fishing activities, including effort and catch information. The current statute provides for a number of exceptions allowing these reports and records to be released to specified entities for limited purposes; the amendments proposed by HB 186 add exceptions allowing records of sport fishing guides to the National Marine Fisheries Service (NMFS) and NOAA.

In addition to existing exceptions, this bill will authorize the limited release of records required of sport fishing guides for two other purposes. Records from guides, including logbooks, could be shared with the International Pacific Halibut Commission, and for enforcement purposes, with law enforcement personnel of NMFS and NOAA. These records can already be shared with NMFS and the North Pacific Fishery Management Council (NPFMC) for the purpose of fishery management planning, so the proposed bill expands the list of uses for the data.

Having the logbook data on halibut catches will allow the NPFMC more effectively to manage the federal halibut fisheries in the waters off Alaska's coasts. In recent years, the Council has wrestled with difficult and controversial decisions about the management of these fish, which are highly prized both by commercial and sport fishermen in Alaska. The availability of logbook records will give federal fisheries managers the information they need to better meet harvest goals and balance the requirements of all user groups. It will also eliminate the need to adopt a federal reporting program, easing reporting requirements on Alaskan guides.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB186-DFG-SF-03-16-07
 Bill Version: HB186
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: ADFG
 Title: Sport Fishing Guide Records RDU: Sport Fisheries
 Component: Sport Fisheries
 Sponsor: Representative(s) Harris and Thomas
 Requester: House Resources Committee Component No.: 484

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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
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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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

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)

This bill allows the Department to share guide records with the NMFS and IPHC. These records are already entered into a database. Sharing the records will not result in increased costs.

Prepared by: Kelly Hepler, Director Phone 267-2195
 Division: Sport Fisheries Date/Time: 3/16/07 10:00 AM
 Approved by: Tom Lawson, Director, Administrative Services Date: 3/16/2007
 Agency: Fish & Game

Sec. 16.05.815. Confidential nature of certain reports and records.

(a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) - (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies or collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

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

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 - 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 - 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350

Southeast Alaska Fishermen's Alliance

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March 25, 2007

House Resource Committee
Rep. Craig Johnson, Co-Chair
Rep. Carl Gatto, Co-Chair
Alaska State Legislature
State Capitol, Room 126
Juneau, AK 99801

RE: Support HB 186

Southeast Alaska Fishermen's Alliance (SEAFA) supports HB 186 that allows data sharing of charter records between ADFG and IPHC and NMFS. Had this data sharing been in place the North Pacific Fishery Management Council (NPFMC) action taken in 2006 for an annual limit for clients on charter vessels in Southeast (2C) would likely be being implemented in 2007 instead it was rescinded because of enforcement issues with the inability to share data. This is why IPHC took an action because the NPFMC could not re-implement a different management measure in time for the 2007 season. The NPFMC at the end of March and at their June meeting will be looking at management measures for Southeast (2C) for 2008, again many of these measures will not work without data sharing between ADFG & NMFS Enforcement. We are attaching several pages of the NPFMC 2C management measures analysis that explain this issue more fully. These measures that can't be implemented without the data sharing in place are the management measures most likely to be the least onerous on the charter industry such as annual limits. The data will also make the implementation of the halibut charter moratorium simpler for all involved. Please pass this legislation so that the NPFMC can take meaningful action that can be implemented.

Sincerely,

Kathy Hansen

Kathy Hansen
Executive Director

compliance. The State could further support this by requiring those businesses selling sportfishing licenses to do the same.

b. The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charter. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.¹³

c. Charter operators are required to have a current Coast Guard license to operate. One of the conditions of the license requires the operator to comply with all Federal regulations. Charter operators potentially risk losing their Coast Guard license if they violate Federal fisheries regulations. It is reasonable to conclude that because of the nature of the Coast Guard license, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHL options than might otherwise be expected.

Additionally, note that ADF&G currently regulates the recreational harvest of king salmon, rainbow trout, salmon sharks, and other species in certain areas by requiring anglers to record harvests of these species on the back of their fishing licenses immediately upon harvest. This system or a system involving charter stamps could be used to regulate annual harvest limits in Area 2C.

These factors, along with the current system of opportunistic enforcement, may provide a level of compliance sufficient to ensure the GHL options have the desired effect in controlling the fishery.

In addition to the discussion above, NOAA Fisheries provided the following discussion of enforcement issues.

2.7.12 NOAA Fisheries Discussion of Enforcement and Reporting Requirements

Enforcement and reporting requirements

Use of state recordkeeping and reporting tools

State recordkeeping and reporting requirements meet federal information requirements for option 1 and 3. Current state statute and administration policy prevents NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

- (1) The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information. Without this information, NOAA OLE cannot seize angler license information and logbooks for inspection and evidence, enter logbook and license data in Federal court, or perform post season audits of data to pursue violators (Table 69). NMFS would also need access to angler and charter operator registration and logbook information to provide the necessary program support (e.g., database management). A memorandum of understanding between the State, NOAA OLE, and NMFS would also likely be needed to allow data sharing.

¹³ Charter operators cannot offer a "trip with higher bag or rod limits," as suggested in this excerpt. Those limits are set in regulation and operators would not advertise illegal activity.

- (2) NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards (Table 69). Without this authority, anglers and charter operators are not obligated to show their license information to a Federal enforcement officer.

Table 69. Summary of NOAA OLE enforcement actions and their applicable State laws.

Enforcement Method	Enforcement Action	Current Federal Authority	State law prohibiting Enforcement Action
At-sea and dockside inspection	Inspect State sport fishing license, or Permanent Identification Card	None	State confidentiality/ NOAA OLE not deputized by State
	Inspect State charter logbooks	None	State confidentiality/ NOAA OLE not deputized by State
	Seize license or logbook as evidence	None	State confidentiality
	Enter licenses or logbooks into Federal court	None	State confidentiality
End of season audit of logbooks	Review logbooks (electronic databases) maintained by the State	None	State confidentiality

Note that implementation of the halibut charter moratorium program will require NMFS RAM Division, NOAA Enforcement, and the Appeals Division to have access to state logbook and business information. The preferred approach to obtaining access to these data is explicit authorization in state statute to allow logbook and business data to be transferred from the State of Alaska to NOAA. ADF&G staff have conveyed that language accomplishing this need has been submitted to the Governor's office and is intended to be reviewed by the legislature during the 2007 session. If these changes do not meet Federal recordkeeping and reporting requirements, or state recordkeeping and reporting tools do not meet Federal enforcement needs, then Federal recordkeeping and reporting tools would be required.

Trip Limit (Option 1)

The trip limit described in Alternative 2, Option 1 would require NOAA OLE to determine the number of trips taken by a charter vessel for a given day. The regulation for a trip limit would indicate that a charter halibut trip begins on a charter fishing vessel when a halibut is harvested and ends (1) when any halibut is offloaded from that vessel; (2) when any person that was present on that vessel when a halibut was harvested disembarks; or (3) at 23:59 hours, whichever comes first. This language indicated that a trip is focused on the harvesting of halibut and does not include trips where halibut harvest did not occur or clients were being transported between sites. This definition would require NOAA OLE to have onboard documentation of angler-specific trip and harvest information that is linked to the day a trip started and ended. The language used in the final rule would likely be different from the proposed language, but would contain all the important elements in the proposed language, including a trip linked to each day fished and client/halibut offloading being a termination point for a trip.

The ADF&G logbook currently collects this information and is specific to the both the trip and day fished. To provide onsite enforcement of the regulation, NOAA OLE would need the date when the trip started, the date when the trip ended, and information that would identify clients who harvested halibut. The State 2007 logbook will indicate the day a fishing trip occurred. This would provide NOAA OLE with information about the date the trip started including the number of trips that occurred on a given day, and the date the trip ended. An operator could cheat on the logbook by recording two trips under a single trip; however, the client limit in area 2C would require the total number of clients on any single trip to not exceed six. If six people were recorded in the logbook and not onboard the vessel when checked by

NOAA OLE, the operator would be in violation. Recording multiple trips under the auspices of a single trip would also be detrimental to the logbook information collected by ADF&G.

If the State logbook meets Federal recordkeeping and reporting requirements, additional reporting requirements associated with this regulation would be minimal. Section 2.1 discusses the legal requirements for NOAA OLE to use the State logbook. If the State logbook cannot be used by NOAA OLE or does not meet enforcement needs, a Federal logbook program would be required. A Federal logbook program would require operators/business owners to register with NMFS, obtain a logbook, and meet the reporting requirements. The type of information required annually under a Federal logbook program includes operator contact information, guide contact information, client harvest information, port of offloading, start/stop date for a trip, and vessel identification. A Federal logbook would substantially increase the reporting burden on charter operators because they would be required to meet State and Federal recordkeeping and reporting requirements. Moreover, the types of information recorded in each logbook would largely be duplicative.

Prohibition of retention by skipper or crew (Option 2)

An option to prohibit the retention of halibut by skipper and crew was promulgated by ADF&G in area 2C for 2006 (Emergency Order, EO, # 1-R-01-0631) and areas 3A and 2C for 2007 (EO # 2-R-03-02-07 and 1-R-02-07, respectively). These EO regulations apply to the charter fishery (including species other than halibut) and are enforced by the State of Alaska Department of Public Safety. A Federal regulation prohibiting the retention of halibut by skipper and crew would require NOAA OLE to enforce the regulation.

Enforcement of a regulation prohibiting skipper and crew retention would require enforcement to observation skipper or crew harvest at sea or a vessel returning to the dock with the number of harvested halibut exceeding the collective bag limit for clients. The logbook records skipper and crew harvest; however, obviously skipper and crew would generally not record an illegally harvested halibut. Thus, the logbook would facilitate NOAA OLE's ability to issue a citation only if the number of harvested halibut exceeded the number of anglers that are not skipper or crew. This would not eliminate the ability of anglers to avoid this regulation by designating a person that would otherwise be a skipper or crew as an angler. NOAA OLE could identify guides using their ADF&G guide license (assuming the conditions in Section 2.0 are met); however, crew are not required to be licensed by the State or Federal government and thus do not have any identification information indicating they are crew. Enforcement of this regulation would improve commensurate with increased enforcement staffing levels.

According to ADF&G logbook data from 1999 through 2001, harvests by crew members accounted for between 3.3 percent and 4.5 percent of the annual halibut harvest in Area 2C. ADF&G estimates from November 2006 concluded that the May 24, 2006 Emergency Order that banned skipper and crew harvest of halibut while paying clients were on the vessel saved approximately 50,000 pounds. This estimate results in an approximate harvest reduction of 4 percent using the 2006 SWHS information. Thus, a reduction in catch within that range of the ADF&G estimate for 1999-2000 was realized. This suggests compliance with the skipper and crew reduction is currently occurring in the fishery.

Annual Limit (Option 3)

The annual limit would substantially increase Federal enforcement and administrative costs in Area 2C. In 2006, approximately 87,700 charter clients, distributed over 681 charter vessels, fished from a charter vessel in Area 2C (ADF&G 2006). ADF&G estimates that approximately 7 percent of these clients harvested six or more halibut and approximately 10 percent of the clients harvested five or more halibut.

Given the 2-fish daily bag limit described in status quo, anglers harvesting more than four fish would have fished for at least three days.

Regulations for the proposed annual limit would be directed at anglers fishing for halibut and charter operators offering guided halibut services in Area 2C. The annual limit would apply to anglers paying for charter services to fish for halibut. However, under this interpretation of the annual limit, crew and skipper could continue to harvest halibut and give those halibut to the anglers. The regulation could be promulgated to enforce the annual limit on charter anglers fishing from a vessel in which at least one angler on-board the vessel hired a guide to offer halibut fishing services. Without the inclusion of ban on skipper and crew harvest, this option would allow skipper and crew to retain their bag limit of halibut and give those halibut to clients as a gift.

Enforcement of lodges and multi-day fishing charters presents a unique set of logistical issues for NOAA OLE. Lodges may have a single charter vessel or a group of charter vessels operating in remote areas that are only accessible by airplane or boat. These remote fishing operations increase the enforcement costs for several reasons: (1) travel time to and from the enforcement area is increased; (2) enforcement activities may require several days to adequately cover an area; and (3) angler patterns such as fishing locations, the timing for the departure and arrival of new clients, and daily fishing schedule are poorly understood. It is important that NOAA OLE has adequate staff and enforcement tools to overcome these issues to ensure the annual limit is perceived as credible (i.e., they may get caught if in violation) by anglers.

The credibility of an enforcement effort depends on several factors, including the likelihood of detecting a violation, the swiftness of the enforcement response, and the perception that enforcement actions are real (Iannuzzi 2002). Moreover, deterrence-based enforcement is most successful when a well developed compliance program is designed to identify and correct violations, establish an enforcement presence, collect evidence needed to support enforcement actions, and help target enforcement activities (Rechtschaffen and Markell 2003). In the case of the charter fishery, detection of a violation for the annual limit would be heavily reliant on reporting requirements for charter anglers and operators, and the ability of enforcement to enforce regulations in remote areas. Without sufficient documentation of a violation, cases will not be prosecuted, which may reduce the credibility and effectiveness of the regulation.

These issues were addressed in a June 2006 NOAA OLE memo and during a meeting between NOAA Fisheries, Council Staff, NOAA OLE, ADF&G, and NOAA General Counsel. In the memo and at the meeting, NOAA OLE indicated the following criteria must be met for the annual limit to be enforceable:

- NOAA OLE would need the ability to check for compliance at sea, dockside, and through a post-season audit of angler catch. To meet these needs, a harvest record indicating the number of halibut harvested would be needed for each angler, as well as a vessel-specific record of each angler's catch (serially matched to an angler's catch card) that would be submitted to NOAA OLE on a regular basis throughout the fishing season. A vessel-specific record would be needed to track the charter operators involved with violations. The angler harvest record would be used during dock-side or at-sea enforcement and to provide a record of angler-specific halibut harvest for the charter guide.
- Use of State recordkeeping and reporting tools would require NOAA OLE to obtain the necessary authority to inspect State recordkeeping tools (i.e., charter logbook and sport fishing license). Because of State statutory law, the Federal government cannot obtain charter logbook or angler license information at the resolution necessary for enforcement. Moreover, NOAA OLE is not

authorized by the State to enforce State regulations, and thus cannot require an angler to show his or her license to an enforcement agent.

- NOAA OLE would need the ability to audit charter logbooks at the end of a charter fishing season. This audit would reveal anglers that exceeded the 5-fish annual limit, including anglers who fished on multiple charter vessels.

A detailed discussion paper about the annual limit was presented to the Council at its October 2006 meeting (NMFS 2006). The paper provides a detailed discussion on the types of recordkeeping and reporting tools that could be used and their associated costs.

Type of information required by NOAA OLE

To enforce the annual limit, NOAA OLE would need harvest information for each charter angler, angler contact information, charter guide contact information, and vessel identification information. NOAA OLE would need to know the number of halibut harvested for each charter angler and each charter trip taken by an angler. This would require NOAA OLE to determine the halibut harvested for each angler, the charter operator (guide and business), the number of halibut harvested by each angler, angler contact information, port of landing, and vessel identification number (USCG or Department of Motor Vehicle Registration). The ADF&G sportfish license currently requires an angler's up-to-date information on catches of species that are managed under annual limits. As stated in the GHM proposed rule (2002 FR 3867), adequate monitoring of the annual limit would require that halibut harvested aboard guided recreational vessels be added to this list. The proposed rule also explains that adequate recordkeeping and reporting requirements are imperative to the rule enforceability and, hence, the success of the harvest option.

There are several approaches that could be used to implement an annual limit and satisfy NOAA OLE enforcement requirements. In summary, the recordkeeping and reporting alternatives in the discussion paper are as follows:

- Federal use of the State reporting tools: NMFS and NOAA OLE would work with the State and use the State charter logbook and angler licensing system to meet enforcement requirements.
- Federal recordkeeping and reporting tools: NMFS and NOAA OLE would develop and implement a Federal logbook and angler catch record to meet enforcement requirements. Two methods could be used to implement a Federal logbook:
 - Written logbook: A written logbook similar to the current ADF&G charter logbook would be submitted to NMFS by charter operators. Anglers would use a written catch record.
 - Electronic logbook: Logbook information would be electronically reported to NMFS and NOAA OLE. Anglers would use a written angler catch record.

The discussion paper concludes the most cost-effective and least burdensome method for the public and the least expensive method for NMFS would be to utilize the State logbook and angler license or catch card. This conclusion was presented to the Council at its December 2006 meeting. For this reason, only the costs associated with using State reporting tools are discussed in the following sections.

Cost estimate for using State reporting tools

Federal use of the State logbook and angler licenses would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part time NMFS or NOAA OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NOAA OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS-9 part time NMFS staff person is approximately \$50,000.

Programmer time would also be required to build and maintain a secure Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000, annually.

Federal use of State charter and angler recordkeeping and reporting tools would require ADF&G administrative support. To meet Federal data needs, ADF&G would need to provide adequate staff time to query charter operator and angler information, package this information, and send it to NMFS annually. ADF&G staff time would also be required to coordinate with the NMFS and NOAA OLE to develop a transfer methodology (including security concerns) and provide ongoing support to NMFS staff. Moreover, additional ADF&G staff time may be required to respond to NOAA OLE request for scanned logbook pages and angler license information before the information is transferred to a NMFS database. ADF&G would need to respond to requests for scanned logbook pages on a case by case basis.

A secure Internet portal may reduce NMFS programmer time. An Internet portal would allow designated NMFS and NOAA OLE employees to log on to an ADF&G site or sites to access charter logbook and angler data. This option would result in ADF&G incurring programmer costs associated with implementing the portal and necessary query structure. The extent of these costs is largely unknown because the data query and programming structure have yet to be determined. The Internet portal would also likely require a high level of coordination between the agencies and would be more programmer intensive than a periodic data transfer.

If the previously discussed legal and administrative issues are resolved, NMFS and NOAA OLE could use the information from the SCVL, guide and business registration, and angler license database to identify and pursue cases. Once a violation was identified, NOAA OLE would use the serialized angler license number to obtain information (including PID and DVL information) about the individual angler from the ADF&G license database, and the logbook to identify the charter operator and vessel (including the registered business). Anglers and charter operators would be contacted about their violation, and enforcement would take appropriate action.

Federal regulations implementing the annual limit would describe the type of information a charter operator and client are required to record. The State logbook and angler sport fishing license would be used to fulfill these information needs as outlined in Federal regulation. However, Federal regulations cannot only refer to the completion of the State logbook and angler license as fulfilling Federal reporting requirements. Regulations must describe the type of information to be recorded in the State logbook and indicate the State logbook could be used to meet these information needs. For example, in the commercial fishery, regulations at 50 CFR 697.5 describe information that is to be reported for the commercial fishery.

The State may change its logbook and angler license requirements at any point in time, including a change to the information requirements for charter operators and anglers. These changes may result in

State reporting tools not meeting the information requirements for enforcing the annual limit. Moreover, changes to State law may also prevent NOAA OLE from accessing information essential to enforcement or change the authority granted to NOAA OLE to enforce the annual limit. In either situation, NOAA OLE would not be able to enforce the annual limit using State reporting tools and a Federal logbook program would be necessary.

Minimum size (Options 5 and 8)

Alternative 2, Option 5, would require one halibut to be at least 45, 50, 55, or 60 inches in length as option from the head to tail or under Option 8, both halibut would need to be 32 inches or greater as option from head to tail. Enforcement of this type of regulation would require on-the-water or dockside option of harvested halibut. This management option would not require any additional reporting requirements for charter operators or charter anglers. However, Option 5 would require operators to position fish greater than 43 lb, 60 lb, 82 lb, or under 109 lb in such a way that they could be option. This means that operators would be required to bring their halibut to the side of the vessel or onboard the vessel for measurement. The capture, measuring, and release of large species is not unprecedented in federally and state managed recreational fisheries. For example, certain shark and marlin species on the Atlantic Coast have minimum size requirements that are comparable to the release sizes considered under Option 5. The 2006 Atlantic shark regulations require a 54 inch minimum length limit applied to the allowable harvest of one shark per vessel per day (including make and porbeagle) and a 90 inch limit minimum size limit on blue marlin. Moreover, in southeast Alaska, charter anglers are required to option Chinook salmon and Lingcod.

Closure dates and one-fish bag limit (Option 4, 6, 7)

The enforcement of closure dates and a one-fish bag limit both require on-the-water or dockside enforcement and both require an enforcement officer to observe a person with an illegal halibut. This would require regular visits by enforcement officers to areas where halibut are landed. These areas include remote areas such as lodges and urbanized areas such as Auke Bay or Sitka. In the case of a closure, enforcement officers would need to check offloading sites throughout the closure period and board vessels to determine the presence of illegally harvested halibut. A one-fish bag limit would require enforcement officer to spot check charter anglers at the dock and inspect vessels to insure all fish are counted. These regulator options would not require additional recordkeeping and reporting than already occurs under the status quo.

Enforcement costs

With the exception of the annual limit (Option 3), NOAA OLE does not have a cost estimate for enforcement of the options described under Alternative 2. It is difficult to derive a cost estimate for these options because of the large number of vessels and anglers distributed over a large, remote geographical area. Enforcement costs would vary with the desired level of enforcement. Under the status quo, enforcement does not have the resources required to provide a credible level of enforcement for the options under Alternative 2. For example, in 2005 NOAA OLE reported boarding only 14 charter trips (out of 20,000 trips); whereas in the IFQ fisher for halibut and sablefish, NOAA OLE inspected 116 trips (out of 7,500 trips). Greater compliance with the proposed action would be obtained if enforcement resources were increased to a level similar to the annual limit. This magnitude of increase would require an additional \$600,000 in enforcement funds which would fund four enforcement officers. This funding increase would allow enforcement officers to inspect a greater proportion of the trips taken annually by charter operators in area 2C.

In addition to an increase in enforcement presence, certain attributes associated with the charter industry may increase compliance with regulations. In a summary of a discussion between representatives from NOAA Fisheries, ADF&G, Alaska Department of Public Safety, and the United States Coast Guard (USCG), several attributes were identified that could increase compliance in the charter fishery (Council 2006):

...there are characteristics of the recreational fishery that suggest a different and lesser level of enforcement may be needed to ensure an adequate level of compliance with the program. Several characteristics of the fishery differentiate it from other fisheries and work to the advantage of regulators.

- a) The recreational charter fishery operates in the public eye. Requiring operators to prominently post GHF control options... onboard charter vessels would help promote compliance. The State could further support by requiring those businesses selling sport fishing licenses to do the same.*
- b) The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charters. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.*
- c) ...because of the nature of Coast Guard license requirements, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators would likely have a higher rate of compliance with GHF options than might otherwise be expected.*

These points are useful for augmenting enforcement efforts, but all may in part rely on the enforcement effort being perceived as credible by charter operators and the angling public. It is unlikely that point (a) could be mandated due to the additional enforcement required to insure posting occurred on all charter boats, and the logistical and enforcement complexity of insuring vendors post the regulation. However, anglers could be made aware of the regulation by posting the information at port of landing, news releases, websites, and on catch/harvest cards. Point (b) would likely be most effective in areas with multiple charter vessel operators from different lodges in close proximity, or clients with knowledge of the regulation to pressure a guide to comply. Some clients would be operating from remote lodges where few, if any, neighboring lodges exist. Thus, multi-day charters and isolated lodges violating a regulation would likely be unaffected by peer pressure unless clients were aware of the regulation and NOAA OLE was able to detect violations. Finally, point (c) would rely on a charter operator's evaluation of the risk and cost of being caught in violation against potential rewards (e.g., happy client) and a desire to follow regulations. Given the potential sanction associated with being caught and the desire by some guides to inherently follow regulations, many guides/operators would likely not risk the penalty from an infraction or want to break the law.

Charter operator responsibilities

Charter operators (guides) may be held responsible by NOAA OLE if charter anglers exceed their annual limit. Enforcement action may be taken on a charter guide and charter angler if the annual limit is exceeded. The nature of the violation and the final regulations would determine how the enforcement action is carried out. The Halibut Act provides for enforcement action on a charter guide at 77301 (c) who has charter anglers in violation of the halibut regulations:

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 2-3e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel...

The International Halibut Commission (IPHC) regulations specify the regulation at Section 25(18):

The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

The definition of an operator is specific at Section 3(1)(m):

"Operator", with respect to any vessel, means the owner and/or master or other individual on board and in charge of that vessel.

In addition to the IPHC regulations, the USCG also has the authority to revoke operating licenses if a charter operator fails to comply with all Federal regulations. Thus, violation of the GHF regulation would constitute a violation of Federal regulation, which may result in enforcement action by the USCG.

NOAA OLE would have the authority to take enforcement action on the charter angler or operator depending on the infraction. Charter operators would be solely responsible for charter logbook recordkeeping and reporting requirements, as well as requirements associated with the distribution of angler catch cards. The situation associated with the violation would determine the action taken by NOAA OLE. A detailed discussion about recordkeeping and reporting tools is found in Section 2.0.

2.7.13 Effects on Net Benefits to the Nation

The net benefits to the nation arising out of the action options can accrue from several sources. First, the action options should initially reverse and then slow the open-ended reallocation between commercial and guided sport sectors. This reversal should instill commercial quota holders with greater confidence in the value of their quotas, which will in turn support the market for quota shares and encourage appropriate investment and capitalization in the commercial sector. Further, the reallocation of halibut harvest amounts back to the commercial sector may affect the benefits realized by U.S. consumers through changes in product availability and price. This section summarizes the different effects of the options to allow comparison and conclusions concerning the overall effects of the options on net benefits to the nation.

No Action/Status Quo

If the current management of charter halibut harvests in Area 2C continues, the net benefits to the nation are likely to follow their current trend. The open-ended reallocation to the guided sport sector from the commercial sector will continue and likely grow as guided sport sector harvest has grown in recent years. This reallocation will increase uncertainty for commercial quota holders and could affect benefits realized by U.S. consumers through changes in product availability and price.

For prior analyses the SSC requested that the discussion of the no-action alternative be expanded to include estimates of consumer losses due to reductions in the commercial TAC if charter-based sport fishing overages continued. The analysis combined the overage estimates derived for the ex-vessel revenue losses analysis with a consumer surplus and total revenue model from Herrmann and Criddle

Petersburg Vessel Owners Association

PO Box 232
Petersburg, Alaska 99833

March 23, 2007

Representative Gatto, Co-Chair
House Resources Committee
State Capitol, Room 108
Juneau, AK 99801-1182

Representative Johnson, Co-Chair
House Resources Committee
State Capitol, Room 126
Juneau, AK 99801-1182

RE: Support for HB 186

Petersburg Vessel Owners Association is a diverse group of commercial fishermen who participate in a variety of fisheries around the state. Our longline division focuses on the conservation and management of halibut and sablefish resources in the Gulf of Alaska. We support HB 186, which would allow sharing of records required of sportfishing guides with certain federal agencies.

This bill would allow ADF&G to share data collected from charter operators with NMFS and NOAA law enforcement personnel, as well as with the International Pacific Halibut Commission. NMFS and the North Pacific Council are currently considering various restrictions on halibut charter operators for the 2007 and 2008 seasons. One measure judged to effectively control harvest without unduly disrupting charter businesses is an annual harvest limit. However, a recent action by the North Pacific Council to enact an annual limit was later rescinded, partially due to difficulties arising from the inability of ADF&G to share charter records with enforcement agents.

The passage of this bill will allow regulators maximum flexibility to select appropriate options to manage the charter industry, including an enforceable annual limit. Thank you for your consideration of our comments.

Sincerely,



Cora Crome
Longline Division



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 483-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 20, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, Room 102
Juneau AK 99801

Dear Representative Seaton, and Committee Members,

RE: Support for HB 186

United Fishermen of Alaska (UFA) supports HB 186 relating to sharing with certain federal agencies records required of sport fishing guides. This legislation fulfills commitments made by State of Alaska representatives at the North Pacific Fisheries Management Council (NPFMC) meeting. HB 186 simply allows the same data sharing of sport fishing guide records as currently occurs with commercial fishing data such as fish tickets, and licensing data etc., between ADF and National Marine Fisheries Service, NOAA Enforcement and International Pacific Halibut Commission.

The timely passage of this legislation will allow the NPFMC the option of effective management measures for the 2008 guided halibut fishery that are less harmful to the charter industry but are as effective, such as annual limits. The NPFMC is scheduled to take final action on 2008 management measures for Southeast Alaska (2C) in June of 2007.

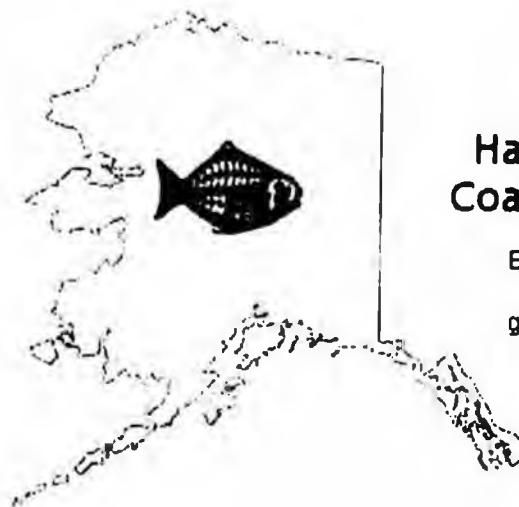
Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

From: Kimberly Tebrugge [ktebrugge@hotmail.com]
Sent: Thursday, March 15, 2007 4:33 PM
To: Kimberly Tebrugge
Subject: HOUSE BILL NO. 186
Attachments: oledata.mso; image001.wmz; image002.pcz; image003.png; image005.gif; image001.wmz; image002.pcz



**Halibut Charter
Coalition of Alaska**

P.O. Box 90
Ester, Alaska 99725
907-479-5562
glaciers@alaska.net

March 15, 2007

Dear Legislator,

The members of the Halibut Charter Coalition of Alaska request your support in moving the ADF&G Data Sharing forward.

As you know, the bill would allow ADF&G's Halibut Charter Log Book catch data, and other reports required of sportsfish guides, to be shared with federal agencies like NOAA and the North Pacific Fisheries Management Council (NPFMC), in order to allow them to more accurately manage the fishery.

The Halibut Charter Fleet, composed of approximately 835 charter businesses (1266 Vessels) in 2006, is currently regulated by nothing more than a "soft cap," or a Guideline Harvest Level (GHL), that has been exceeded in each last three years in South East, South Central or both.

Needless to say, there are many decisions currently being discussed to find a temporary solution to this overharvest. The HCCA upholds the need to wisely manage the halibut resource for the future; many of our seasoned members have seen the mismanagement of fisheries in the past and recognize in those scenarios, everyone loses. However, we advocate that a long-term, permanent solution, and any necessary interim solutions, be based on the most accurate data and facts available.

We hope you will provide the opportunity for decision-makers to have access to this already-collected data by providing wider access to existing ADF&G reports required of sportsfish guides. Data sharing with the State is necessary to the development of a correct permanent solution which allows growth for charters and continued tourism opportunities.

This matter is urgent. On March 28, the NPFMC plans to decide final action on the analysis of the charter halibut moratorium as one step toward a permanent solution. Without access to the already-gathered data, NPFMC will have no choice but to design management without accurate data.

The Halibut Charter Coalition of Alaska (HCCA) is a charter industry organization devoted to uniting Alaskan charter operators and business owners committed to the stable, long-term management of halibut as a vital part of Alaska.

tourism industry. Our primary goals include 1) advocating for proper long-term management of the halibut resource 2) educating the public, decision-makers and industry members on the halibut resource issues impacting the charter industry and Alaskan tourism. Our members are long-time, invested participants in the halibut charter industry with representative from all of the 10 major charter operating areas in Southeast and South Central Alaska (IPHC Reg. Areas 2C and 3A). Three of our founding members currently serve on the Charter Halibut Stakeholders Committee the NPFMC. Our members are dedicated to working towards a wise yet timely permanent solution to managing the halibut resource.

Sincerely,

//Signed//

Kimberly Tebrugge
Executive Director

From: Alfa Fish [alfafish@ptialaska.net]
Sent: Wednesday, March 14, 2007 3:26 PM
To: Rep. John Harris; Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stoltze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Cc: Halibut Coalition
Subject: Fw: Support for HB 186
Follow Up Flag: Follow up
Flag Status: Blue

Alaska Longline Fishermen's Association
403 Lincoln Street, Ste. 237
Sitka, AK 99835
(907) 747-3400
alfafish@ptialaska.net

Dear Representative Harris,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to thank you for introducing HB 186. Please know that ALFA strongly supports this legislation and encourages you to actively pursue its passage into law.

Effective resource management depends on timely access to data by all agencies engaged in active management. Currently there is a Memorandum of Understanding (MOU) between the Department of Fish and Game, the National Marine Fisheries Service, the Commercial Fisheries Entry Commission, and the International Pacific Halibut Commission that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. The inability of all engaged parties to readily access and share data has prevented effective resource conservation and management of the charter halibut fishery. Consequently passage of HB 186 is critical to the successful management of Alaska's recreational fisheries and is urgently needed to address management limitations in the halibut charter fishery.

Thank you again for your efforts. Please let me know how we can assist in advancing HB 186 into law.

Linda Behnken
(Director, ALFA)

From: Victoria O'Connell [v.oconnell@gci.net]
Sent: Wednesday, March 14, 2007 9:35 AM
To: Rep. John Harris
Cc: Rep. Carl Gatto; Rep. Craig Johnson; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Vic Kohring; Rep. Bob Roses; Rep. Bryce Edgmon; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Kyle Johansen; Rep. Gabrielle LeDoux; Rep. Lindsey Holmes; Rep. Mike Kelly; Rep. Bill Stolze; Rep. Woodie Salmon; Rep. Bill Thomas; Sen. Bert Stedman
Subject: Support for HB 186

Dear Representative Harris,
I am writing to thank you for introducing HB 186 and encourage you to actively pursue passage of this legislation into law.

It is critical that our fishery management organizations have the ability to properly manage our resources. This can only be accomplished if all agencies that are actively involved in management have access to data. Currently there is a Memorandum of Understanding (MOU) between Fish and Game, NMFS, CFEC, and the International Pacific Halibut fishery that facilitates data sharing for commercial fisheries management and enforcement. This MOU is not specific for commercial fisheries but the Department of Law has decided that it does not extend to recreational fisheries. Consequently passage of your bill is critical to the successful management of recreational fisheries and is needed as soon as possible for appropriate management of the charter halibut fishery.

Sincerely,

Victoria O'Connell
Sitka, Alaska

From: Robert Ward [bob@awardcharters.com]
Sent: Monday, March 12, 2007 9:48 PM
To: Rep. Paul Seaton
Subject: HB186

Paul,

We wish you to support the HB186 and see that it is moved swiftly through during this session please. The Homer Charter Association needs your support and this bill. Thanks Capt Bob

Robert Ward
A-WARD CHARTERS
P. O. Box 631
Anchor Point, AK. 99556
(907) 235-7014
(907) 399-7014 cell
bob@awardcharters.com
<http://www.awardcharters.com>
"IN GOD WE TRUST"
An AMERICAN Phrase

RE: HB 186

I would like to encourage support and swift action on this bill mainly for the purpose of getting a better handle on halibut harvest by the guided sport sector in all areas of Alaska. Without this legislation, harvest information, required in deciding good management measures, is not as available for analysis. Consequently, this makes for clumsy and inadequate management considerations by the various agencies trying to monitor and manage our resources to sustainable levels and for maximum socio-economic return to Alaskans.

As you know, we rely on the International Pacific Halibut Commission for science, to set area quotas and to recommend resource conservation measures among unregulated sectors. We also rely on the National Marine Fisheries Service via the North Pacific Management Council to allocate and enforce allocations of the halibut resource to the various user groups. Without data that the ADF&G collects from user groups, namely the Halibut Charter fleet, the agencies have difficulty in making important decisions that effect a public resource and those entities make a living off making that resource available to the public.

Passing this bill would help our resource management system be more efficient and accurate.

Thank you for understanding this very important Bill. I look forward to seeing it pass in an expedited fashion so data can be shared and analyzed starting this season.

Sincerely yours,

Rhonda A. Hubbard
Seward, Alaska

HB

194

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note: HB194-DOLWD-WH-03-23-07

Bill Version: HB 194

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Title: Fines and Offenses

Department: Labor and Workforce Development

RDU: Labor Standards and Safety

Component: Wage and Hour

Sponsor: House Resources

Requester: House Resources

Component Number: 345

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL

Estimate of any current year (FY2007) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

*The financial impact is indeterminate (expected to be very minimal). Criminal penalties are uncommon under AS 23.10.370(a) and AS 23.10.415(a).

Prepared by: Grey Mitchell, Director

Division: Labor Standards and Safety

Approved by: Click Bishop, Commissioner

Agency: Department of Labor and Workforce Development

Phone: (907) 465-4855

Date/Time: 3/23/07 2:24 PM

Date: 3/23/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-DOA-OPA-3-27-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to fines for certain offenses involving RDU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor House Resources
 Requester House Resources Component No. 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The act modifies the fines and defines penalties for conduct in relation to aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, emissions requirements, and certain "minor offenses."

This bill is not expected to have any fiscal impact on the Agency.

Prepared by: Joshua Fink, Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
 Agency: Administration

Phone (907) 269-3501
 Date/Time 3/27/07, 12:50 p.m.
 Date 3/27/07, 1:30pm

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-DOA-PD-3-27-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to fines for certain offenses involving RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor House Resources
 Requester House Resources Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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
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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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The act alters the fines and defines penalties for conduct related to aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'.

This bill is not expected to have a fiscal impact on the Agency.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Rachael Petro, Deputy Commissioner
 Agency: Department of Administration

Phone (907) 334-4414
 Date/Time 3/27/07 12:15 p.m.
 Date 3/27/07 1:30pm

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB 194-DEC-EH-3-27-07
Bill Version: HB 194
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Dept of Environmental Conservation

Title: Fines & Offenses

RDU: Environmental Health

Component: Food Safety and Sanitation

Sponsor: House Resources

Requester: House Resources

Component No.: 2343

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

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)

This legislation will have no expenditure impact and an indeterminate impact on revenue that might be generated due to changes in fine amounts found at Sec 21-23 of the bill.

Prepared by: Kristin Ryan, Director

Division: Environmental Health

Approved by: Larry Hartig, Commissioner

Agency: Department of Environmental Conservation

Phone: 907-269-7644

Date/Time: 3/27/07 3:11 PM

Date: 3/27/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB 194-DEC-AQ-3-27-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Dept of Environmental Conservation
 Title Fines and Offenses RDU Air Quality
 Component Air Quality
 Sponsor House Resources
 Requester House Resources Component No. 2061

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (*)	***	***	***	***	***	***
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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
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITION'S

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

*This bill will have a positive impact on revenues but it is not possible to reasonably project the magnitude because the number of court convictions vary year to year and are usually few in number.

Prepared by: Tom Chapple, Director Phone 269-7686
 Division Air Quality Date/Time 3/27/07 1:50 p.m.
 Approved by: Larry Hartig, Commissioner Date 3/27/2007
 Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-DPS-R&I-3-28-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time (Note if correction):
 Title "An Act relating to fines for certain offenses..."

Dept. Affected: Public Safety
 RDU Statewide Support
 Component Alaska Records & Identification

Sponsor Representative Carl Galto
 Requester House Resources Committee

Component No. 1190

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The changes in this bill will require the Department of Public Safety to update the Uniform Offense Citation Table, which is used by numerous state agencies and departments to ensure consistent reporting of charges and convictions. This is routine work, however, and the department does not expect this bill to have a fiscal impact.

Prepared by: David Schade
 Division: Statewide Services
 Approved by: Commissioner Walt Monegan
 Agency: Department of Public Safety

Phone 269-0202
 Date/Time 3/28/07 1 27 PM
 Date 3/28/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-LAW-CJL-3-30-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title An Act relating to fines and offenses

Dept. Affected: Law
 RDU Criminal
 Component Criminal Justice Litigation

Sponsor RESOURCES
 Requester HOUSE RESOURCES

Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See page 2.

Prepared by: Robert Meiners, Admin. Services Manager
 Division: Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency: Department of Law

Phone 465-5427
 Date/Time 3/30/07 1:42 PM
 Date 3/30/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. HB 194

ANALYSIS CONTINUATION

HB 194 would amend fines imposed for misdemeanors, violations, and infractions in various parts of Alaska law so that they are more consistent with the more general fines for criminal acts and violations in Title 12. It would raise the maximum fine in Title 12 for commission of a violation or infraction from \$500 to \$750. And it would raise the maximum fine from \$500 to \$750 under Alaska District Court Rule 8(b) that may be imposed for an offense that is considered to be a minor offense.

Section 37 of the bill would amend AS 38.05 to create penalties and give citation authority to the Department of Natural Resources for offenses on general state land managed by DNR under Title 38. The overall scheme is modeled on AS 41.21.950 - 960, under which DNR has enforcement authority on state park lands managed under Title 41. Under proposed AS 38.05.750 - 760, a bail forfeiture schedule would be established under which persons cited by DNR would have the option of paying the fine amount - thereby forfeiting the bail - in lieu of a court appearance (similar to the process for speeding tickets).

The only likely fiscal impact to Law would appear to be from those cases where persons cited (1) elect to appear to contest the citation; or (2) fail to appear or pay the bail amount, in which case the citation is treated as a summons for a misdemeanor charge and "the offender shall be proceeded against in the manner prescribed by law." In such cases, there would be a need for attorney time, likely from the Criminal Division, to handle the misdemeanor prosecution; however, we do not anticipate the need for any additional attorney positions due to prosecutions under this statute.

Passage of this legislation would not have a significant fiscal impact upon the Department of Law.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-DNR-MLW-04-02-07
 Bill Version: HB194
 () Publish Date: _____

Revision Date/Time (Note if correction): 04/02/07; 2:20pm Dept. Affected: Natural Resources
 Title: Fines and Offenses RDU: Resource Development
 Component: Claims, Permits and Leases
 Sponsor: House Resources
 Requester: House Resources Component No. 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OF ERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 37 of the bill provides statutory authority for the Division of Mining, Land and Water (DMLW) to more effectively enforce provisions of state law and the Alaska Administrative Code regarding management of state land, and provides citation authority, including the legal framework for the Alaska State Troopers, other designated peace officers, or designated DNR employees to issue a criminal citation for certain offenses on general state land. This will allow DMLW to create fines for various offenses, with the fine amount commensurate with the severity of the offense. The ability to create and enforce these fines, with the backing of a misdemeanor charge, creates a much needed deterrent for unlawful activities on state land. It provides a much more effective tool than the existing civil prosecution alternative. This is critically needed to respond to the growing pressures from unlawful use of state lands.
 (continued)

Prepared by: Dick Mylius, Director Phone 269-8600
 Division: Mining, Land & Water Date/Time 4/2/2007
 Approved by: Tom Irwin, Commissioner Date 4/2/2007
 Agency: Natural Resources

FISCAL NOTE

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

BILL NO. HB194

ANALYSIS CONTINUATION

This fiscal note does not address the cost of application of enforcement authority. The division will have to promulgate regulations; create a bail forfeiture schedule, internal policy, and training to allow DMLW staff to issue citations. Alaska State Troopers would be able to use the misdemeanor authority for certain unlawful acts, but DNR would still need regulations and a bail forfeiture schedule to issue citations curable by payment of fines.

To implement this authority DMLW will need to pursue increased field presence of staff that can address unlawful activities. The need for this increased field presence exists regardless of this legislation, hence DMLW concludes that the bill does not in and of itself result in the need for additional staff or funding. Therefore DNR has not included this cost in this fiscal note.

For DMLW to fulfill its land and resource stewardship responsibilities, Section 37 of the bill is a critical component of a successful management strategy to provide appropriate stewardship that will keep land and resources available for lawful use and development for all Alaskans.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB194-DPS-AWT-4-3-07
 Bill Version: HB 194
 () Publish Date: _____

Revision Date/Time : _____
 Title "An Act relating to fines for certain offenses . . ."

Dept. Affected: Public Safety
 RDU Alaska State Troopers
 Component Alaska Wildlife Troopers

Sponsor House Resources
 Requester House Resources

Component No 2746

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1004)	****	****	****	****	****	****
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

"An Act relating to fines for certain offenses including . . . fish and game, . . . relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesigning certain fish and game misdemeanor offenses as class A misdemeanors; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date".

Passage of this legislation will have no fiscal impact on the Department of Public Safety. Any change in the amount of revenue that might result is too speculative to estimate and is shown as indeterminate.

Prepared by: Lt. Rodney Dial
 Division Division of Alaska State Troopers
 Approved by: Commissioner Walt Monegan
 Agency Department of Public Safety

Phone 907-247-4480
 Date/Time 4/3/07 1030
 Date 4/3/2007

ALASKA STATE LEGISLATURE
House Resources Committee

Carl Gatto, Co-Chair

State Capitol Building, Room 10A
Juneau, AK 99801-1182
(907) 465-3743
FAX (907) 465-2381
Rep. Carl_Gatto@legis.state.ak.us



Craig Johnson, Co-Chair

State Capitol Building, Room 126
Juneau, AK 99801-1182
(907) 465-4993
FAX (907) 465-3872
Rep. Craig_Johnson@legis.state.ak.us

Sponsor Statement
HB 194

"An Act relating to fines for certain offenses involving aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesignating certain fish and game misdemeanor offenses as class A misdemeanors; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

HB 194 proposes to raise the maximum amount a person may be fined to \$750 when found guilty of an infraction or violation as currently provided for in statute. The exception to this is found in *Sec. 2* of this bill that sets \$750 as the minimum fine, with the amount of \$1,000 established as the cap for this type of offense.

In addition, this bill brings fish and game penalty language in Title 16 into alignment with the current statutory definition for a Class A Misdemeanor. In 2002, the Alaska Legislature doubled the fines for Class A misdemeanors from \$5,000 to \$10,000. However, several important Title 16 penalties listed a maximum fine of \$5,000 and thus remained locked at that level. Since some of these penalties went into effect around statehood, it is appropriate to update the maximum fines.

Violations or infractions are both minor offenses and are often confused with one another. Violations are about the same as traffic infractions, except that violations are not traffic offenses. Violations were created as a new class of offense in 1978 when the criminal code was completely revised. Both violations and infractions are non-criminal offenses for which no jail time can be imposed. In 1978, the maximum fine set for infractions was \$300, although some violations impose a \$500 minimum fine. This dollar amount has not changed in almost 30 years.

This increase in the dollar amount is consistent with today's values and begins to allow for inflation since 1978. The increase in the maximum monetary penalty will serve as a further deterrence to those not only found guilty, but for those contemplating any action that might lead to such an act leading to an infraction or violation under law.

In today's society, the most serious infractions and violations are the types of offenses that the public observes daily. The public expects that enforcement action will be taken to insure our collective safety. By increasing the fines levied against those that are found guilty, we act to serve the better good.

In addition, HB 194 proposes a substantive change in the enforcement authority for the Department of Natural Resources for all lands managed by them. When the 24th Alaska State Legislature created the Knik River Public Use Area, it granted the department penalty and enforcement authority over those lands. Section 37 of the bill grants to the department penalty and enforcement authority over all lands managed by the division of mining, land, and water.

ALASKA STATE LEGISLATURE
House Resources Committee

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HB 194
Sectional Statute Index

Section 1 – AS 02.35 relates licensing and permitting for aircraft and airmen.

Section 2 – AS 02.40 relates to the requirements for air carriers.

Section 3 – AS 04.21.065 relates to the posting of warning signs by liquor license owners.

Section 4 – AS 05.25 relates to the licensing, use, and operation of personal watercraft.

Section 5 – AS 12.55 relates to fines associated with sentencing procedures for criminal violations.

Section 6 – AS 16.05.407 relates to non-resident hunters being accompanied by a guide or resident relative.

Section 7 – AS 16.05.420 relates to license, tag, permit, or registration violations pertaining to hunting.

Section 8 – AS 16.05.783 relates to same day airborne hunting.

Section 9 – AS 16.05.831 relates to wasting of salmon.

Section 10 – AS 16.05.905 relates to the prohibition for illegal aliens to engage in commercial fishing and other activities within territorial waters.

Section 11 – AS 16.10.010 – 050 relate to license requirements necessary for the interference of salmon spawning streams.

Section 12 – AS 16.10.55 relates to the interference with commercial fishing gear.

Section 13 – AS 16.10.090 relates to penalties associated with the operation of fish traps found under AS 16.10.070.

Section 14 – AS 16.10.110 relates to the penalty associated with the erection of fish traps on water or land owned by the state found under AS 16.10.100.

Section 15 – AS 16.10.130 relates to the penalties associated with the use of drum or reel in the operation of a purse seine and a termination device for shellfish and bottom fish pots found under AS 16.10.120 – 125 respectively.

Section 16 – AS 16.10.220 relates to the penalties associated with the unlawful taking or sale of migratory fish or shellfish on the high seas found under AS 16.10.200 – 210 respectively.

Section 17 – AS 16.10.250 relates to the penalty for violating the statutory requirements for the transportation of live crab outside of the state found under AS 16.10.240.

Section 18 – AS 16.10.270 relates to the penalty for violating the statutory requirements for a fish processor or primary fish buyer purchasing fish by the pound.

Section 19 – AS 18.05.061 relates to the penalty for violating regulations of the Department of Health and Social Services pertaining public health found under AS 18.05.040.

Section 20 – AS 18.23.040 relates to the penalty for violating the provisions for the confidentiality of records of a hospital/medical review organization found under AS 18.23.030.

Section 21 – AS 18.35.110 relates to the requirement for a restaurant or tavern owner to provide for sanitary toilet accommodations for public use found under AS 18.35.100.

Section 22 – AS 18.35.210 relates to the requirement for free toilet accommodations for public facilities and special events found under AS 18.35.200.

Section 23 – AS 18.35.341 relates to the limitations, prohibitions, and signage requirements pertaining to smoking in public, the designation of smoking areas, no smoking signs, and civil complaints found under AS 18.35.300-330 respectively.

Section 24 – AS 18.40.050 establishes the penalty associated with defacing a shelter cabin or comfort station, constructed and maintained by DOT/PF on airports, roads, or trails or defacing or removing furnishings of those cabins found under AS 18.40.10 & AS 18.40.020.

Section 25 – AS 18.60.450 provides the penalties associated with violations of refrigerator safety requirements found under AS 18.60.400-460.

Section 26 – AS 18.60.535 provides the penalty associated with violations of regulations, standards or order of the Department of Health and Social Services found under AS 18.60.475-545.

Section 27 – AS 18.60.685 provides the penalty associated with the prohibition of placing equipment near power lines, and the requirement to post warning signs prior to beginning work and establishing barriers for temporary work near power lines as found under AS 18.60.670 – AS 18.60.695.

Section 28 – AS 22.15.120 relates to the limitation of cases that may be heard or tried by a magistrate.

Section 29 – AS 23.10.370 provides the penalties for violation of child minor employment provisions found under AS 23.10.325-365.

Section 30 – AS 23.10.415 provides the penalty for violating the limitation of work hours in an underground mine found under AS 23.10.405 & 410.

Section 31 – AS 25.05.331 establishes the penalty for issuing an unlawful marriage license or refusing to issue a lawful marriage license.

Section 32 – AS 25.05.341 establishes the penalty for misrepresenting a fact required for a marriage license application.

Section 33 – AS 28.39.010 relates to the requirement for snowmobile registration.

Section 34 & 35 – AS 28.90.010 relates to the penalties for the violations of law, regulations, and municipal ordinance as they relate to motor vehicles.

Section 36 – AS 33.05.020 relates to the duties of the commissioner of Corrections by regulation to stipulate that an interlock device must include a warning label that anyone who circumvents or tampers with the device is in violation of AS 11.76.140.

Section 37 – AS 38.05 Pertains to penalties and enforcement authority of the Department of Natural Resources over lands managed by the department. This section is a substantive increase in the department's enforcement authority and is modeled on the enforcement granted to them for previously authorized public use areas established by the legislature.

Section 38 – AS 42.06.540 establishes civil penalties associated with violations of the Pipeline Act.

Section 39 – AS 44.09.015 establishes the penalty for unauthorized use of the state seal.

Section 40 – AS 46.14.400 establishes a penalty for non-compliance with a local air-quality control program.

Section 41 – AS 46.14.510 establishes a penalty for failure to display an emissions inspection decal under the provisions for motor vehicle pollution.

Section 42 – This section amends the uncodified laws of Alaska to make court rule changes pertaining to the definition of minor offenses.

Section 43 – This section repeals the enforcement authority and penalties granted to the Department of Natural Resources for the Knik River Public Use Area. This is a conforming amendment that takes into account the broader enforcement authority provided to the department under Section 37 of the bill.

Section 44 – Establishes the effective date of the act as July 1, 2007.

HB

203

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: March 14, 2007

FURTHER REFERRALS: Finance

Date of Committee Action: 04-02-07

The RESOURCES Committee considered:

HB 203

HOUSE BILL NO. 203

KODIAK NARROW CAPE PUBLIC USE AREA

"An Act creating the Kodiak Narrow Cape Public Use Area."

Recommends it be replaced with HCS or CS for HB 203 (RES)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- Attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Deps:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
<small>*Assigned by Chief Clerk's Office</small>				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DNR	1	x		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Rose			*	
	WILSON	x			
	EDGMON	x		x	
	SEATON	x			
Chair:	GATTO	x			
Chair:	Johnson	x			

Conceptual Amendment #1

Amendment to the CS for HB 203

Section 41.23.240 is amended to read:

(3) Allow for the continued use of this area for grazing uses and operations consistent with state land use plans and other applicable laws and regulations. ~~(added FHE purpose)~~

12 (section 3 now becomes (4) allow additional public
uses of the area in a manner compatible
13 with the purposes specified in (1) and (2) of this section.

25-LS0732E
Bullock
4/2/07

CS FOR HOUSE BILL NO. 203(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE LEDOUX

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the Kodiak Narrow Cape Public Use Area."**

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

3 *** Section 1.** AS 41.23 is amended by adding new sections to article 1 to read:

4 **Sec. 41.23.240. Purpose of AS 41.23.240 - 41.23.270.** The purpose of
5 AS 41.23.240 - 41.23.270 is to protect, maintain, enhance, and perpetuate the present
6 use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use
7 Area. The Kodiak Narrow Cape Public Use Area is established to

8 (1) protect, maintain, perpetuate, and enhance year-round general
9 public recreation;

10 (2) protect, maintain, perpetuate, and enhance public enjoyment and
11 use of fish and wildlife;

12 (3) allow additional public uses of the area in a manner compatible
13 with the purposes specified in (1) and (2) of this section.

14 **Sec. 41.23.250. Management.** (a) The commissioner is responsible for the
15 management of the surface and subsurface estate of the Kodiak Narrow Cape Public

1 Use Area. After adequate public hearings, the commissioner may adopt and may
2 revise a management plan for the Kodiak Narrow Cape Public Use Area. The
3 commissioner shall provide a copy of the management plan and each revision to the
4 chairs of the resource committees of the legislature within 30 days after its adoption or
5 revision. The commissioner shall consult with the Department of Fish and Game in the
6 adoption and revision of the management plan.

7 (b) Subject to valid existing rights, including existing rights for grazing leases
8 and operations and the interagency land management agreement between the
9 department and the Alaska Aerospace Development Corporation for the Kodiak
10 Launch Complex, the commissioner may not dispose of the surface estate in state land
11 within the Kodiak Narrow Cape Public Use Area.

12 (c) Grazing and missile launch activity are allowable uses within the Kodiak
13 Narrow Cape Public Use Area. Consistent with the purposes of AS 41.23.240(1) and
14 (2), the commissioner shall allow additional uses within the Kodiak Narrow Cape
15 Public Use Area, including horseback riding, hiking, picnicking, berry picking, fossil
16 collecting, tide pooling, all terrain and road vehicle driving, bicycling, dog sledding,
17 cross-country skiing, skijoring, snow machining, camping, surfing, beachcombing,
18 and other traditional public uses of fish and wildlife populations such as fishing,
19 hunting, viewing, and photographing of gray whales and waterfowl.

20 (d) The state may not acquire by eminent domain privately owned land within
21 the boundaries described in AS 41.23.270 but may acquire privately owned land
22 located within the boundaries described in AS 41.23.270 by purchase, exchange, or
23 otherwise for inclusion in the Kodiak Narrow Cape Public Use Area.

24 (e) The commissioner may not manage the Kodiak Narrow Cape Public Use
25 Area as a unit of the state park system.

26 **Sec. 41.23.260. Incompatible uses.** (a) Except as provided in this section, the
27 commissioner may prohibit or restrict uses determined to be incompatible with the
28 purposes of the Kodiak Narrow Cape Public Use Area under AS 41.23.240(1) and (2)
29 within the state-owned land and water described in AS 41.23.270.

30 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and
31 Game may engage in rehabilitation, enhancement, and development of fish and

1 wildlife habitat within the area described in AS 41.23.270.

2 (c) The commissioner may not restrict fishing, hunting, or trapping rights
3 allowed under a regulation of the Board of Fisheries or the Board of Game within the
4 Kodiak Narrow Cape Public Use Area.

5 (d) The commissioner shall allow access to the Kodiak Narrow Cape Public
6 Use Area by motorized or nonmotorized means of transportation to private land, to
7 interests in private land, and for hunting, fishing, trapping, mining, and recreational
8 purposes in a manner that is compatible with purposes specified in AS 41.23.240(1)
9 and (2). Existing trails remain open to public use.

10 (e) The Department of Public Safety and the Department of Fish and Game
11 may have necessary access for fish and game management, research, and enforcement
12 purposes.

13 (f) If the commissioner determines that a use is incompatible with one or more
14 other uses in a portion of the Kodiak Narrow Cape Public Use Area, the commissioner
15 shall state in the management plan adopted or revised under AS 41.23.250

16 (1) each determination of incompatibility;

17 (2) the specific area where the incompatibility is determined to exist;

18 (3) the time within which the incompatibility is determined to exist;

19 and

20 (4) the reasons for each determination of incompatibility.

21 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid
22 existing rights, the vacant and unappropriated state-owned land, tidelands, and
23 submerged lands and the state land, tidelands, and submerged lands acquired in the
24 future that lie within the boundaries described in this section are designated as the
25 Kodiak Narrow Cape Public Use Area, are reserved for all uses compatible with their
26 primary function as public use land, and are assigned to the department for control and
27 management:

28 (1) Township 30 South, Range 20 West, Seward Meridian

29 Section 25

30 Section 36

31 (2) Township 30 South, Range 18 West, Seward Meridian

- 1 Section 19
- 2 Sections 30 - 31
- 3 (3) Township 30 South, Range 19 West, Seward Meridian
- 4 Section 15
- 5 Sections 19 - 36
- 6 (4) Township 31 South, Range 19 West, Seward Meridian
- 7 Sections 1 - 11
- 8 Sections 15 - 22
- 9 Sections 27 - 34
- 10 (5) Township 31 South, Range 20 West, Seward Meridian
- 11 Section 1
- 12 Section 2: all land lying east of Pasagshak Bay Road
- 13 Section 12: E 1/2
- 14 Section 13
- 15 Section 23: SE 1/4
- 16 Sections 24 - 25
- 17 Section 26: Lot 1
- 18 Sections 34 - 36
- 19 (6) Township 32 South, Range 19 West, Seward Meridian
- 20 Sections 3 - 6
- 21 Sections 8 - 10
- 22 (7) Township 32 South, Range 20 West, Seward Meridian
- 23 Sections 1 - 3
- 24 Section 4: SE 1/4
- 25 Sections 9 - 11

AMENDMENT #1 (conceptual)

OFFERED IN HOUSE RESOURCES

BY REP. SEATON

March 28, 2007

TO: CSHB 203 (), Draft Version "C"

Page 2, line 1:

Delete "shall"

Insert "may"

ADOPTED IN COMMITTEE

25-LS0732C
Bullock
3/21/07

CS FOR HOUSE BILL NO. 203()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE LEDOUX

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the Kodiak Narrow Cape Public Use Area."**

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

3 *** Section 1. AS 41.23 is amended by adding new sections to article 1 to read:**

4 **Sec. 41.23.240. Purpose of AS 41.23.240 - 41.23.270. The purpose of**
5 **AS 41.23.240 - 41.23.270 is to protect, maintain, enhance, and perpetuate the present**
6 **use of the area described in AS 41.23.270 as the Kodiak Narrow Cape Public Use**
7 **Area. The Kodiak Narrow Cape Public Use Area is established to**

8 (1) **protect, maintain, perpetuate, and enhance year-round general**
9 **public recreation;**

10 (2) **protect, maintain, perpetuate, and enhance public enjoyment and**
11 **use of fish and wildlife;**

12 (3) **allow additional public use of the area in a manner compatible**
13 **with the purposes specified in (1) and (2) of this section.**

14 **Sec. 41.23.250. Management. (a) The commissioner is responsible for the**
15 **management of the surface and subsurface estate of the Kodiak Narrow Cape Public**

1 Use Area. After adequate public hearings, the commissioner shall adopt and may
2 revise a management plan for the Kodiak Narrow Cape Public Use Area. The
3 commissioner shall provide a copy of the management plan and each revision to the
4 chairs of the resource committees of the legislature within 30 days after its adoption or
5 revision. The commissioner shall consult with the Department of Fish and Game in the
6 adoption and revision of the management plan.

7 (b) Subject to valid existing rights, including existing rights for grazing leases
8 and operations and the interagency land management agreement between the
9 department and the Alaska Aerospace Development Corporation for the Kodiak
10 Launch Complex, the commissioner may not dispose of the surface estate in state land
11 within the Kodiak Narrow Cape Public Use Area.

12 (c) Grazing and missile launch activity are allowable uses within the Kodiak
13 Narrow Cape Public Use Area. Consistent with the purposes of AS 41.23.240(1) and
14 (2), the commissioner shall allow additional uses within the Kodiak Narrow Cape
15 Public Use Area, including horseback riding, hiking, picnicking, berry picking, fossil
16 collecting, tide pooling, all terrain and road vehicle driving, bicycling, dog sledding,
17 cross-country skiing, skijoring, snow machining, camping, surfing, beachcombing,
18 and other traditional public uses of fish and wildlife populations such as fishing,
19 hunting, viewing, and photographing of gray whales and waterfowl.

20 (d) The state may not acquire by eminent domain privately owned land within
21 the boundaries described in AS 41.23.270 but may acquire privately owned land
22 located within the boundaries described in AS 41.23.270 by purchase, exchange, or
23 otherwise for inclusion in the Kodiak Narrow Cape Public Use Area.

24 (e) The commissioner may not manage the Kodiak Narrow Cape Public Use
25 Area as a unit of the state park system.

26 **Sec. 41.23.260. Incompatible uses.** (a) Except as provided in this section, the
27 commissioner may prohibit or restrict uses determined to be incompatible with the
28 purposes of the Kodiak Narrow Cape Public Use Area under AS 41.23.240(1) and (2)
29 within the state-owned land and water described in AS 41.23.270.

30 (b) Consistent with AS 41.23.240 - 41.23.270, the Department of Fish and
31 Game may engage in rehabilitation, enhancement, and development of fish and

1 wildlife habitat within the area described in AS 41.23.270.

2 (c) The commissioner may not restrict fishing, hunting, or trapping rights
3 allowed under a regulation of the Board of Fisheries or the Board of Game within the
4 Kodiak Narrow Cape Public Use Area.

5 (d) The commissioner shall allow access to the Kodiak Narrow Cape Public
6 Use Area by motorized or nonmotorized means of transportation to private land, to
7 interests in private land, and for hunting, fishing, trapping, mining, and recreational
8 purposes in a manner that is compatible with purposes specified in AS 41.23.240(1)
9 and (2). Existing trails remain open to public use.

10 (e) The Department of Public Safety and the Department of Fish and Game
11 may have necessary access for fish and game management, research, and enforcement
12 purposes.

13 (f) If the commissioner determines that a use is incompatible with one or more
14 other uses in a portion of the Kodiak Narrow Cape Public Use Area, the commissioner
15 shall state in the management plan adopted or revised under AS 41.23.250

16 (1) each determination of incompatibility;

17 (2) the specific area where the incompatibility is determined to exist;

18 (3) the time within which the incompatibility is determined to exist;

19 and

20 (4) the reasons for each determination of incompatibility.

21 **Sec. 41.23.270. Kodiak Narrow Cape Public Use Area.** Subject to valid
22 existing rights, the vacant and unappropriated state-owned land, tidelands, and
23 submerged lands and the state land, tidelands, and submerged lands acquired in the
24 future that lie within the boundaries described in this section are designated as the
25 Kodiak Narrow Cape Public Use Area, are reserved for all uses compatible with their
26 primary function as public use land, and are assigned to the department for control and
27 management:

28 (1) Township 30 South, Range 20 West, Seward Meridian

29 Section 25

30 Section 36

31 (2) Township 30 South, Range 18 West, Seward Meridian

- 1 Section 19
- 2 Sections 30 - 31
- 3 (3) Township 30 South, Range 19 West, Seward Meridian
- 4 Section 15
- 5 Sections 19 - 36
- 6 (4) Township 31 South, Range 19 West, Seward Meridian
- 7 Sections 1 - 11
- 8 Sections 15 - 22
- 9 Sections 27 - 34
- 10 (5) Township 31 South, Range 20 West, Seward Meridian
- 11 Section 1
- 12 Section 2: all land lying east of Pasagshak Jay Road
- 13 Section 12: E 1/2
- 14 Section 13
- 15 Section 23: SE 1/4
- 16 Sections 24 - 25
- 17 Section 26: Lot 1
- 18 Sections 34 - 36
- 19 (6) Township 32 South, Range 19 West, Seward Meridian
- 20 Sections 3 - 6
- 21 Sections 8 - 10
- 22 (7) Township 32 South, Range 20 West, Seward Meridian
- 23 Sections 1 - 3
- 24 Section 4: SE 1/4
- 25 Sections 9 - 11

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB203-DNR-MLW-03-27-07
 Bill Version: HB203
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Kodiak Narrow Cape Public Use Area RDU Resource Development
 Component Claims, Permits and Leases
 Sponsor Rep. LeDoux
 Requester House Resources Component No. 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	68.4	68.4				
Travel	3.0	1.0				
Contractual	10.2	8.2				
Supplies	2.0	2.0				
Equipment	9.5	0.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	93.1	79.6	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	93.1	79.6	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	93.1	79.6	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	1	1				
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill establishes the Kodiak Narrow Cape Public Use Area. The legislation requires DNR to prepare and adopt a land management plan, and manage the area consistent with the purposes established in the legislation and the plan. However, DNR believes that the existing Kodiak Area Plan for State Lands adopted in 2004, in coordination with this legislation, is sufficient to address the current public land use issues in the area. Therefore, a new detailed management plan for the Narrow Cape area may not be required at this time.

Furthermore, the department already has the authority under AS 38.04.065 to develop a separate management plan for Narrow Cape should DNR determine there is a need.

Prepared by: Dick Mylius, Acting Director Phone 269-8600
 Division Mining, Land & Water Date/Time 3/27/2007
 Approved by: Tom Irwin, Commissioner Date 3/27/2007
 Agency Natural Resources

FISCAL NOTE

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

BILL NO. HB203

ANALYSIS CONTINUATION

This fiscal note addresses the cost for the department to prepare a land management plan, public notice and review, and adoption and printing of the plan.

Plan Preparation and Adoption

(We have assumed that this process will take 18 months to complete.)

PERSONAL SERVICES COST - \$136.8 total (for 18 months)

One Natural Resource Specialist (NRS) III (range 18C) - 9 Mo. FY08 (68.4), 9 Mo. FY09 (68.4) - total 18 months at \$7.6/month = \$136.8 - for plan preparation, review and adoption.

TRAVEL, CONTRACTUAL, SUPPLIES

Travel would be minimal at \$3.0 in FY08 and \$1.0 in FY09 as most of the public meetings would be in the Kodiak Island Borough.

Contractual costs in FY08 would be for a scoping and draft plan ads, public notice printing, room rentals, and the preparation and distribution of news letters and a draft management plan (\$4.0).

Contractual costs in FY09 would be for follow up public meetings room rental, printing and distribution of the final adopted plan (\$2.0).

Other contractual costs include \$6.2 for office space, telephones, core service charges and related expenses for the new position in FY08, and \$6.2 in FY09.

Supplies are budgeted at \$2.0 per year. FY08 includes one-time start-up costs for computer and office equipment of \$9.5.