

Executive Director's Report

Statement of Financial Interests

Item B-1(a) is a letter from NMFS concerning a revised Statement of Financial Interests to be completed by Council members and Executive Directors. I have attached to it the old version of the disclosure for comparison. NMFS is seeking the Council's comments before they proceed with full rulemaking and processing the form under the Paperwork Reduction Act.

State Legislative Initiatives

Item B-1(b) has two pieces of State of Alaska legislation. The first, HR 264, raises taxes on commercial fisheries. According to the attached news article, the bill would assess a 0.3% tax on pollock and other fish caught in the EEZ, and raise about \$9 million, of which \$1 million would be intended for the Alaska Seafood Marketing Institute.

The second bill concerns financing the purchase of halibut and sablefish IFQs. Senate bill 132 would allow fishermen to apply for up to \$300,000 in loans from the state's commercial fishing revolving loan fund, which totals about \$15 million.

Advisory Panel Officers

The AP is scheduled to hold elections this meeting of chairman and vice-chairman. The Council needs to confirm those officers, as well as approve an interim appointment by Chairman Lauber of Stephanie Madsen to fill the seat vacated by John Woodruff.

Crab Plan Team Addition

Carl Rosier has nominated Rance Morrison to the crab team to assist Ken Griffin, who was the Area Shellfish Biologist for the BSAI crab fisheries (item B-1(c)). Ken has moved into the extended jurisdiction section of ADF&G, and Rance has filled his old position as Area Biologist. The SSC is reviewing Rance's resume and the Council needs to confirm his appointment to the team.

June Council Meeting

Toward the end of this week we need to discuss the start date for the June meeting in Kodiak. The agenda will be rather lengthy and several Council members need to leave on Saturday, June 26, for an international meeting in Tokyo. We may need to start the Council in the afternoon on Monday. Toward the end of this week I will put together a draft agenda of items for June.

Garbage!

Item B-1(d) has two news articles on MARPOL violations and the hefty fines that are being levied on violators. EPA and the Coast Guard are stepping up their efforts to crack down on those that willfully dump refuse at sea in violation of international and U.S. ocean pollution and dumping laws.

Rats!

Item B-1(e) is a letter from the U.S. Fish and Wildlife Service seeking comments on how to get the word out on preventing rats from being introduced to now ratless areas and islands because of their impacts on bird populations. They have included a draft rat brochure describing the house mouse, roof rat and infamous Norway rat (*Rattus norvegicus*), and provided a checklist of rat signs such as droppings (including real-size drawings), tracks and tail marks, musky odor, squeaking and gnawing sounds, and gnawed food. If you have comments or know of anyone that fits this description, please dial (907) 235-6546 or the rat hotline soon to be established.

AGENDA B-1(a)
APRIL 1993



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
THE DIRECTOR

MAR 11 1993

Mr. Clarence G. Pautzke
Executive Director
North Pacific Fishery
Management Council
605 W. 4th Avenue, Room 306
Anchorage, Alaska 99510

Dear Mr. *Clarence* Pautzke:

The National Marine Fisheries Service is planning to revise NOAA Form 88-195, "Statement of Financial Interests for Use by Voting Members, Nominees and Executive Directors of Regional Fishery Management Councils." The revised form would request information concerning the fisheries participated in, the product type produced, and the gear type utilized. This information would give the public a better idea of voting members' and executive directors' interests in the fisheries under the Councils' jurisdiction. It would also allow reviewers with responsibility for ethics compliance to make better judgments on the applicability of 18 U.S.C. 208 to affected individuals.

Other changes include deleting the present part 1 as unnecessary, and adding a statement concerning penalties for false or incomplete information. Annual updates would be required, in addition to updates when financial interests change.

Please distribute this letter and the enclosed form to those voting members appointed by the Secretary. We are interested in your comments, and theirs, before we proceed with rulemaking and processing the revised form under the Paperwork Reduction Act. Comments should be sent by April 16, 1993 to:

Richard H. Schaefer, Director
Office of Fisheries Conservation and Management
National Marine Fisheries Service
1335 East-West Highway
Silver Spring, MD 20910

We appreciate your assistance.

Sincerely,

William W. Fox, Jr.
(For)

Enclosure

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



STATEMENT OF FINANCIAL INTERESTS

NAME

*For Use by Voting Members, Nominees, and Executive Directors
of the Regional Fishery Management Councils*

COUNCIL

Position:

- Member
 Nominee
 Executive Director

Type of filing:

- Original filing
 Supplementary filing
 Annual filing

GENERAL PROVISIONS AND INSTRUCTIONS

Authority to Require this Information

Section 302(k) of the Magnuson Fishery Conservation and Management Act (The Magnuson Act), as amended by Pub. L. No. 99-659 (16 U.S.C. section 1852(k)) and 50 CFR 601.37 requires nominees, voting members, and executive directors of the Regional Fishery Management Councils to provide the information indicated under the section "Disclosure Requirements".

Conflicts of Interest

A criminal conflict of interest statute, 18 U.S.C. § 208, prohibits you as a Federal employee, from participating personally and substantially in any matter affecting your financial interests. If you disclose your financial interests in fisheries, you are permitted to participate in a matter of general public concern even if it is likely to have a direct and predictable effect on your disclosed financial interest. However, you will be prohibited from participating personally and substantially in a particular matter primarily of individual concern in which you have a financial interest.

Filing Requirements

Nominees to a position as a voting member: You must file a Statement of Financial Interests by April 15 or 1 month after nomination by the Governor. The Statement must be filed with the Assistant Administrator for Fisheries, 1335 East-West Highway, Silver Spring, Maryland 20910.

Voting members and executive directors: You must file a Statement of Financial Interests within forty-five days of taking office; must update your Statement within 30 days any such financial interest is acquired, or substantially changed, by yourself, your spouse, any minor child, any general partner, and any organization in which you are serving as an officer, director, trustee, general partner, or employee; and must update this Statement annually and file that update by February 1 of each year. The Statement of Financial Interests must be filed with the Council for which the voting member or executive director serves.

Consequences for Failure to Comply with the Disclosure Requirements

Failure to file a Statement of Financial Interests restricts your ability to participate in Council actions affecting your financial interests related to any harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery under the jurisdiction of the Council to which you have been nominated or appointed.

An individual nominated by a State Governor for appointment as a voting member of a Council is not eligible for appointment by the Secretary of Commerce until that individual complies with the financial disclosure requirements of the Magnuson Fishery Conservation and Management Act.

Providing false or incomplete information in a Statement of Financial Interests is a crime punishable by a fine of up to \$10,000 imprisonment for up to five years, or both pursuant to 18 U.S.C. section 1001.

Public Access to Information

The Statements will be retained by the Council, made available for public review at reasonable hours at the Council Office, and at each public hearing or public meeting.

Requests for Assistance or Additional Information

If you have any questions regarding the Statement of Financial Interests or related issues, please contact the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, 14th and Independence Avenue, N.W., Room 5882, Washington, D.C. 20230, or telephone (202) 482-5384.

Information Collection Budget

The public reporting burden for this collection of information, on this NOAA Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to the National Marine Fisheries Service, Management Services Office (F/MS), 1335 East-West Highway, Room 9358, Silver Spring, Maryland 20910; and to the Office of Management and Budget, Paperwork Reduction Project (0648-0135), Washington, D.C. 20503.

Disclosure Requirements

You must list [on page 3] the names of all corporations, companies, firms, partnerships, or other business entities involved in activities relating to any harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery under the jurisdiction of the Council to which you have been nominated or appointed, and in which you have a financial interest. The nature your participation in each financial interest, such as ownership (percentage), directorship, employee, or contractor, must be identified. You must include a description, for each such activity, of the fisheries participated in, the product type produced, and, where applicable, the gear type utilized. For example, if you own a one-third interest in a fishing vessel, your response might be: ABC Co, 15 Main Street, Brunswick, Georgia 31521; commercial fishing vessel "Miss AMY", ID - 123456; South Atlantic swordfish fishery, fresh swordfish, rod and reel; one-third ownership; John and Mary Doe (self and spouse).

For the purposes of this statement, you must include financial interests of yourself, your spouse, any minor child, any general partner, and any organization in which you are serving as an officer, director, trustee, general partner, or employee. The information to be listed does not require a showing of the amount of financial interest. In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the "Information Requested of Other Persons" [on page 4].

The term "financial interest" includes:

- (a) employment interests through the receipt of salary, fees, commissions, compensation for personal services, participation in a pension or retirement plan, or the receipt of income through a business or professional relationship such as a partnership or joint business venture;
- (b) stock, stock options, bonds, securities, or similar interests, including trusts;
- (c) interests in real or personal property, such as fishing vessels and fish processing equipment or facilities;
- (d) contractual or other business relationships with any person, company, or organization involved in any activity relating to fisheries harvesting, processing or marketing. For example, a promissory note with a fish processing company would constitute a financial interest.

"Financial interest" does not include bank deposits, U.S. Government bonds, insurance policies, savings and loan associations, credit unions, similar financial institutions, and diversified investment trusts.

FINANCIAL INTERESTS DISCLOSURE

Company/Organization and Address	Type of Company/Organization	Nature of Interest
		In Whose Name Held
Fisheries/Species Participated In	Gear Type Utilized	Product Type Produced
<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>
Company/Organization and Address	Type of Company/Organization	Nature of Interest
		In Whose Name Held
Fisheries/Species Participated In	Gear Type Utilized	Product Type Produced
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<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>

Information Requested of Other Persons. If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, or relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied and the nature of the subject matter involved. If none, write NONE.

Name and Address	Date of Request	Nature of Subject Matter

Certification

I certify that the statements I have made are true complete and correct to the best of my knowledge and belief. I understand that if during the period of my appointment, I undertake a new employment, I must promptly file and amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies governing my responsibilities and conduct as applied to the duties I am assigned.

Date: _____ Signed: _____

CURRENT

OMB NO. 0648-0192
EXPIRATION DATE: 05/31/90

NOAA FORM 88-195 (1/88) U.S. DEPARTMENT OF COMMERCE

NAME (Last, first, initial)

STATEMENT OF FINANCIAL INTERESTS

(For Use by Voting Members, Nominees,
and Executive Directors of Regional
Fishery Management Councils)

Council:

Position:

- Member
 Nominee
 Executive Director

GENERAL PROVISIONS

The information to be furnished in this statement is required pursuant to Section 302(k) of the Magnuson Fishery Conservation and Management Act, as amended by P.L. 99-659 (16 U.S.C. 1852). The Act requires the disclosure by nominees to, executive directors, and voting members of Regional Fishery Management Councils, of any financial interest in any harvesting, processing, or marketing activity within the jurisdiction of the relevant Council.

List any such interest in the space provided in Part II. The information to be listed does not require a showing of the *amount* of financial interest.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part II of your statement.

The interest if any, of a spouse, minor child, partner and any organization (other than the Council) in which you serve as an officer, director, trustee, partner, or employee must be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part II.

Pursuant to Section 302(k) of the Magnuson Act, the information required to be submitted by the Act will be kept on file, and made available for public inspection at reasonable hours, at the Council office.

PART I - TO BE COMPLETED BY AGENCY

- a. Applicable 365-day period: From _____ To _____
- b. Number of days already worked for this and other Federal agencies during applicable 365-day period _____
- c. Estimated additional number of days on which services are expected to be performed during applicable 365-day period:
- (1) With this agency _____
- (2) With other Federal agencies _____
- (3) Sum of (1) and (2) _____
- d. Total estimated days of service during applicable 365-day period (sum of b and c(3)) _____

PART II - TO BE COMPLETED BY APPOINTEE

Check one: This is An original statement A supplementary statement

If this is an original statement, it is to be submitted prior to appointment. Report in blocks below the information applicable as of the date of your appointment.

If this is a supplementary statement submitted to keep your statement current throughout your relationship with the Council, report in blocks below the changes in or additions to the information previously reported in each block.

Exclude interest in bank deposits, U.S. Government bonds, insurance policies, savings and loan associations, credit unions, similar financial institutions, and diversified investment trusts.

Financial Interests. List the names of all corporations, companies, firms or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions relating to any harvesting, processing, or marketing activity within the jurisdiction of the relevant Council: (a) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (b) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements, including trusts. Exclude certain types of interests specified under note at beginning of Part II above.

Name of Organization	Kind of Organization	Nature of Interest (e.g., stock, bonds, etc.) and in Whose Name Held

Information Requested of Other Persons: If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, or relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

Name and Address	Date of Request	Nature of Subject Matter

I CERTIFY that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I UNDERSTAND that if, during the period of my appointment, I undertake a new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies, as stated in DAO 202-735, governing my responsibilities and conduct as applied to the duties I am assigned.

(Date)

(Signature)

APR 13

Kodiak

7C--12-OCT 14 93
N. Pacific Fish Council
Box 103136
Anchorage, AK 99510

APRIL B-1(b)
APRIL 1993

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VOL. 53 NO. 069

THURSDAY, APRIL 8, 1993

KODIAK, ALASKA

16 PA

Fish tax proposal would fund ASMI One percent on salmon

By IAN MADER
Associated Press Writer

JUNEAU, Alaska (AP) — Legislation that would create new taxes on commercial fishing in Alaska could raise as much as \$5 million a year to market the state's seafood, supporters said Wednesday.

Most of the money would go to the Alaska Seafood Marketing Institute, an agency funded by state and federal contributions and a tax on seafood processors. It promotes Alaska seafood in the United States and abroad.

The state's contribution has been declining in recent years, and some supporters of the taxes see them as better alternatives to seeking annual allocations from the state general fund.

A House bill introduced Wednesday would impose a 1 percent tax on fishermen's salmon catches, raising an estimated \$4 million a year. At least 90 percent would go to the institute. A similar bill has been introduced in the Senate.

Some fishermen's groups say the state tax on commercial fishing that is earmarked for hatcheries should be reduced before any new taxes are imposed.

United Fishermen of Alaska said it supports expanding the institute's budget through the salmon tax, but not to replace state general fund money.

As a concession to fishermen, House Bill 275 would increase their representation on the institute's board to 50 percent. It is now dominated by processors.

Rep. Bill Hudson, R-Juneau and the bill's prime sponsor, said it is important to create a consistent source of money for promoting Alaska's wild salmon.

"We are in a major, major competitive race against farmed salmon from Norway and Chile and other places around the world."

More involvement by fishermen may improve salmon quality, allowing it to fetch a higher price, Hudson said.

The bill also would create an advisory committee on salmon marketing comprising fishermen and processors.

Another bill is aimed at getting money from out-of-state factory trawlers who use state waters and docks to transfer fish to freighters.

HB264 would assess a 0.3 percent tax on pollock and other fish caught inside the federal 200-mile economic zone and transferred in coastal waters.

It would raise an estimated \$9 million, with about \$1 million intended for the institute. The rest of the money would go to coastal towns under a revenue-sharing program.

Kate Troll, executive director of Southeast Alaska Seiners Association, said her group would not support the salmon tax unless the hatcheries tax were reduced.

Kim Elton, institute director, said the domestic marketing program needs to be continued at as high a level as possible.

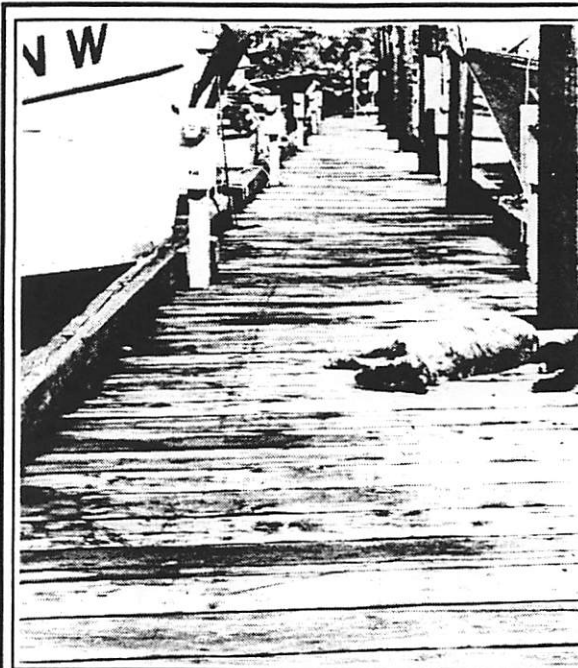
Proposed state funding not tied to federal matching grants or the processors tax is about \$900,000 for fiscal 1994, Elton said. That's a decline from \$1.3 million this year and \$1.7 million in 1992, he said.

"We're nickel-and-diming the program to death," he said.

The agency's total proposed budget for fiscal 1994 is \$12 million.

Americans eat an average of 1 pound of salmon each annually. Supporters of an aggressive domestic program say if that figure were doubled, the world's salmon surplus could be sold.

In 1992, worldwide production was between 2.5 billion and 2.6 billion pounds. Consumption was between 2.2 billion and 2.3 billion pounds.



The docks at St. Paul Harbor are going to the dogs. owner to finish working on a vessel so they can resu

Senate passes tig

By BRIAN S. AKRE
Associated Press Writer

JUNEAU (AP) — The Senate on Wednesday passed an operating budget that proposes spending nearly \$2.37 billion in state money during the coming fiscal year — about 2 percent less than this year's budget.

Passage came after a marathon floor session that began Tuesday afternoon and ended at 3:12 a.m. Wednesday. Senators returned to the chamber Wednesday afternoon to consider some remaining amendments and approve the budget.

The 11-9 vote was on political lines, with the Republican-led majority coalition voting for it and the minority Democrats solidly opposed.

The budget would make some of the deepest cuts in state programs that Alaska has seen since the oil-price crash of the mid-1980s. There is no drop in oil money this year, but Republican leaders say spending cuts are needed to prepare for reduced revenue in the years ahead.

Democrats said the Republicans' budget would impose an

The House last week passed a \$2.40 billion budget that includes some service cuts, but fewer than the Senate plan. The Legislature's proposals conflict with Gov. Walter J. Hickel's \$2.38 billion proposal for fiscal 1994, and this year's \$2.41 billion budget.

After a possible reconsideration vote Thursday, the Senate budget is expected to be referred to a House-Senate conference committee. That panel will work out differences between House and Senate proposals.

A total of 158 amendments to the Senate budget were proposed Tuesday and Wednesday, mostly by Democrats. Only two amendments were adopted to certify non-binding statements of lawmakers' intent.

Democrats said they proposed so many amendments, even though they knew they would fail, because they wanted the objections to be on the record. They said the budget was rushed through with little public comment or debate.

The Democrats railed against the budget but got little support

Guard involved in

**CS FOR HOUSE BILL NO. 264(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

**Offered: 4/13/93
Referred: Finance**

Sponsor(s): HOUSE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act levying and collecting a fishery resource landing tax; and providing for
2 an effective date."

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

4 * Section 1. AS 43 is amended by adding a new chapter to read:

5 **CHAPTER 77. FISHERY RESOURCE LANDING TAX.**

6 **Sec. 43.77.010. LANDING TAX.** A person owning a fishery resource that is
7 not subject to AS 43.75 but that is brought into the jurisdiction of, and first landed in,
8 this state is liable for and shall pay a landing tax on the value of the fishery resource.
9 The amount of the landing tax is 3.3 percent of the value of the fishery resource at the
10 place of the landing.

11 **Sec. 43.77.020. FILING RETURN AND PAYMENT OF TAX.** (a) A person
12 subject to the tax under this chapter shall file a return stating the value of fishery
13 resources landed in the state that are subject to the tax, the point of landing of the
14 fishery resource, and other information the department requires by regulation.

1 (b) The return shall be made on the basis of the calendar year to the
2 department at Juneau before April 1 after the close of the calendar year, and the tax
3 shall be paid with the return.

4 (c) The department may, under regulations it adopts, grant a reasonable
5 extension of time for the filing. A grant of an extension of time for filing does not
6 extend the time for payment of the tax.

7 Sec. 43.77.030. CREDIT FOR TAXES PAID OTHER STATES. The
8 department shall grant a credit, not to exceed the taxpayer's liability for the tax under
9 this chapter on a fishery resource, to a taxpayer for taxes equivalent to those imposed
10 under AS 43.75 and AS 43.76 that are paid to another state in which the fishery
11 resource was either caught or processed.

12 Sec. 43.77.040. SEPARATE ACCOUNTING. (a) The tax collected on the
13 levy of 3/10 of one percent of the value of the fishery resource under AS 43.77.010
14 shall be paid into a separate account in the general fund. The annual estimated
15 balance in the account may be appropriated by the legislature to the Alaska Seafood
16 Marketing Institute.

17 (b) The tax collected on the levy of three percent of the value of the fishery
18 resource under AS 43.77.010 shall be paid into a separate account in the general fund.
19 The annual estimated balance in the account may be appropriated by the legislature for
20 revenue sharing under AS 43.77.050 and for other public purposes.

21 Sec. 43.77.050. REVENUE SHARING. (a) Subject to appropriation by the
22 legislature and except as provided in (b) of this section, the commissioner shall pay
23 to each

24 (1) unified municipality and to each city located in the unorganized
25 borough, 50 percent of the amount of tax revenue collected from taxes levied under
26 this chapter on the fishery resource landed in the municipality and accounted for under
27 AS 43.77.040(b);

28 (2) city located within a borough, 25 percent of the amount of the tax
29 revenue collected from taxes levied under this chapter on fishery resources landed in
30 the city and accounted for under AS 43.77.040(b); and

31 (3) borough

1 (A) 50 percent of the amount of the tax revenue collected from
2 taxes levied under this chapter on fishery resources landed in the area of the
3 borough outside cities and accounted for under AS 43.77.040(b); and

4 (B) 25 percent of the amount of the tax revenue collected from
5 taxes levied under this chapter on fishery resources landed in cities located
6 within the borough and accounted for under AS 43.77.040(b).

7 (b) Notwithstanding the provisions of (a)(2) and (a)(3)(B) of this section, and
8 subject to appropriation by the legislature, the commissioner shall pay to each

9 (1) city that is located in a borough incorporated after the effective date
10 of this Act, the following percentages of the tax revenue collected from taxes levied
11 under this chapter on fishery resources landed in the city and accounted for under
12 AS 43.77.040(b):

13 (A) 45 percent of the tax revenue collected during the calendar
14 year in which the borough is incorporated;

15 (B) 40 percent of the tax revenue collected during the first
16 calendar year after the calendar year in which the borough is incorporated;

17 (C) 35 percent of the tax revenue collected during the second
18 calendar year after the calendar year in which the borough is incorporated; and

19 (D) 30 percent of the tax revenue collected during the third
20 calendar year after the calendar year in which the borough is incorporated; and

21 (2) borough that is incorporated after the effective date of this Act, the
22 following percentages of the tax revenue collected from taxes levied under this chapter
23 on fishery resources landed in the cities located within the borough and accounted for
24 under AS 43.77.040(b):

25 (A) five percent of the tax revenue collected during the calendar
26 year in which the borough is incorporated;

27 (B) 10 percent of the tax revenue collected during the first
28 calendar year after the calendar year in which the borough is incorporated;

29 (C) 15 percent of the tax revenue collected during the second
30 calendar year after the calendar year in which the borough is incorporated; and

31 (D) 20 percent of the tax revenue collected during the third

1 calendar year after the calendar year in which the borough is incorporated.

2 (c) Notwithstanding the provisions of (b) of this section, a city may adopt an
3 ordinance to transfer a portion of the funds received under (b)(1) of this section to the
4 borough in which the city is located.

5 (d) To the extent that appropriations are available for the purpose, and
6 notwithstanding the requirement of AS 37.07.080(e) that approval of the office of
7 management and budget is required, an amount equal to 50 percent of the tax revenue
8 that is collected under this chapter and is not subject to division with a municipality
9 under (a) - (c) of this section shall be transmitted each fiscal year, without the approval
10 of the office of management and budget, by the department to the Department of
11 Community and Regional Affairs for disbursal to eligible municipalities under
12 AS 29.60.450.

13 Sec. 43.77.060. REGULATIONS. The department shall adopt regulations to
14 implement and interpret this chapter.

15 Sec. 43.77.200. DEFINITIONS. In this chapter,

16 (1) "fishery resource" means finfish, shellfish, and fish by-products,
17 including salmon, halibut, herring, flounder, crab, clams, cod, shrimp, and pollock;

18 (2) "landing" means the act of unloading or transferring a fishery
19 resource;

20 (3) "market value" means the highest price a willing buyer would pay
21 and a willing seller would accept for a fishery resource if both are fully informed and
22 neither is under any compulsion to buy or sell, as determined by the department under
23 regulations adopted to make value determinations;

24 (4) "process"

25 (A) means any activity that modifies the physical condition of
26 the resource, including butchering, freezing, salting, cooking, canning,
27 dehydrating, or smoking;

28 (B) does not include decapitating shrimp, or gutting, gilling,
29 sliming, washing, or icing a resource solely for the purpose of maintaining the
30 quality of the fresh resource;

31 (5) "tax" means the fishery resource landing tax levied and collected

1 under this chapter;

2 (6) "value" means the lesser of

3 (A) the market value of the processed fishery resource at the
4 time and place the resource becomes subject to the tax under this chapter; or

5 (B) the statewide average price paid in the year for unprocessed
6 fisheries resources as reported to, and the results compiled and released by, the
7 Department of Fish and Game.

8 * Sec. 2. AS 29.60.450(b) is amended to read:

9 (b) The amount transmitted each fiscal year

10 (1) under AS 43.75.137 shall be apportioned by the department to each
11 management area based on the ratio of the management area's production value to the
12 total production value for all of the management areas; ~~the~~ [THE] department shall
13 allocate the amount available for each management area to each municipality in that
14 management area based on the demonstrated effects on the municipality of fisheries
15 business activities, the commercial fishing vessel days in that municipality, or both;

16 (2) under AS 43.77.050(d) shall be apportioned by the department
17 to each management area based on the ratio of the management area's fishery
18 resource landing tax production value to the total fishery resource landing tax
19 production value for all of the management areas; the department shall allocate
20 the amount available for each management area to each municipality in that
21 management area based on the demonstrated effects on the municipality of
22 fisheries activities that are subject to the tax levied under AS 43.77.

23 * Sec. 3. AS 29.60.450(f) is amended by adding a new paragraph to read:

24 (7) "fishery resource landing tax production value" has the meaning
25 given the term "value" by AS 43.77.200;

26 * Sec. 4. This Act takes effect January 1, 1994.

Bills would aid fishermen with loans

JUNEAU — The House and Senate on Wednesday passed similar bills that would allow commercial fishermen to apply for loans to buy shares of quotas in federally managed fisheries. The shares would be part of a new system of allocating a percentage of the North Pacific halibut and black cod fisheries to fishermen. It was approved by U.S. Commerce Secretary Ron Brown in January, but has not been set up yet. Those fisheries are opened each year for brief periods during which fishermen catch as much as possible. That has led to dangerous, derby-style fishing that yields a glut of fresh fish at certain times of the year, and no fresh fish the rest of the year. Under the new system fishermen would take their quota at their convenience throughout the year. Senate Bill 132, introduced by Sen. George Jacko, D-Pedro Bay, would allow fishermen to apply for up to \$300,000 in loans from the state's commercial fishing revolving loan fund, which totals about \$15 million. The bill passed by a wide margin.

Daily News wire reports

THURSDAY, APRIL 15, 1993

In race for political capital, Jacko beats Ulmer to punch

By RALPH THOMAS
Daily News reporter

JUNEAU — Sen. George Jacko — the most beleaguered lawmaker in Alaska — got himself some good campaign-flier material Wednesday. But the Pedro Bay Democrat and his allies had to trample another legislator first.

A Jacko-sponsored bill setting up a popular new loan program for commercial fishermen passed the Senate minutes before an almost identical measure made it out of the House. That means Jacko's bill goes on to the House and the House bill goes to the trash.

It also means Jacko gets political credit for the legislation. And Rep. Fran Ulmer — who intro-

duced the idea in the House three weeks before Jacko's bill surfaced in the Senate and who slalomed it through the House committee system — gets approximately nothing.

The victory couldn't have come at a better time for Jacko. The state's new legislative ethics committee, which will review a swarm of complaints filed earlier this year against him, is scheduled to begin its work today.

To get his bill through first, Jacko had to pull a lot of strings in the House and the Senate. But the topper came Wednesday morning, when the Senate started work at 10 a.m., an hour earlier than

Please see Page B-3, JACKO

JACKO: Lawmaker gets a boost with loan plan

Continued from Page B-1

normal, to make sure Jacko's bill won the race.

"Very tacky," said Ulmer, a Juneau Democrat. "It is a fairly blatant effort by an individual to capitalize on somebody else's work."

"I don't think it's tacky," said Jacko. "The Senate's generally more efficient than the House."

It all started Feb. 3, the day Ulmer introduced her bill. It would allow Alaskans to get state loans to buy into a new federal quota system for halibut and black cod fishing.

The idea was a hit in southeast Alaska, where commercial fishing is almost as big as politics. Unfortunately for Ulmer, people in Jacko's vast Southwest district liked it too.

On Feb. 24, Jacko introduced his version in the Senate. While it had a few extra goodies for fishermen in western Alaska, overall it was much like Ulmer's bill. But Jacko insists he didn't lift anything from Ulmer.

"It was our idea from the

beginning of the session," Jacko said. "But we wanted the bill to be a good bill, not just something that we threw in at the start of the session."

In a way, it's a wonder the race between the two bills was even close.

Ulmer is leader of the almost-powerless House Minority; Jacko is chairman of the powerful Rules Committee in the Senate. Ulmer's bill was referred to four committees in the House, while Jacko's bill was sent to just two committees in the Senate.

But Ulmer worked her bill hard. On March 31, her bill cleared its final committee and that afternoon she got word that it would go to the floor in two days.

But the next day — April Fool's Day — Ulmer's staff got word that House Rules Chairman Carl Moses, who decides when bills go to the floor, had pulled Ulmer's bill from the agenda.

Ulmer says Moses — who shares part of Jacko's district — did it at Jacko's request. Jacko denies that.

"I just told Carl that I

had a bill that was better for fishermen and western Alaska," Jacko said.

But even Moses said Jacko had some influence over when Ulmer's bill reached the floor.

"I'm sure that had something to do with it," Moses said.

On April 7, with Ulmer's bill still languishing in House Rules, Jacko was able to detour his bill around the Senate Finance Committee without a hearing. Ulmer had lost her lead and the race was now neck-and-neck.

Jacko scheduled his own bill for the floor on Monday. Moses, meanwhile, didn't let Ulmer's bill go until Tuesday. But Senate Democrats used procedural maneuvers to slow Jacko's measure. By Wednesday, the race was dead even again — each bill faced a final reconsideration vote.

Since the House usually starts work at 10 a.m., an hour ahead of the Senate, it looked like Ulmer had won. But Senate President Rick Halford, R-Chugiak, called the Senate to the floor at 10

a.m., too, Wednesday morning.

In the House, Ulmer sprang to her feet immediately after the daily prayer and called for the reconsideration vote on her bill. Over in the Senate, Halford impatiently waited for lingering members to enter the chamber.

According to the legislature's computer clock, the House voted 23 seconds ahead of the Senate. But reporters listening to both chambers on intercoms in the pressroom said the Senate voted first, by 11 seconds.

The race was not over, however. The last lap was up to the the clerks of the two chambers and the Senate's clerk hand-delivered Jacko's bill to the House four minutes before Ulmer's reached the Senate. Consequently, the bill will bear the name of George Jacko as sponsor.

"It should be the bill that passes first," Ulmer complained. "If one clerk walks slower than another, that doesn't seem right."

CS FOR SENATE BILL NO. 132(RES) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Amended: 4/12/93
Offered: 3/19/93

Sponsor(s): SENATOR JACKO

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to loans for the purchase of individual fishery quota shares;
2 and providing for an effective date."

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

4 * Section 1. FINDINGS AND INTENT. (a) The legislature finds that

5 (1) the individual fishery quota management system may, through attrition,
6 eventually concentrate ownership of the right to harvest the fishery resource in the hands of
7 those with the greatest wealth and financial advantages;

8 (2) implementation of the individual fishery quota management system may
9 create a privileged class of fishermen based on their fortuitous involvement in the fishing
10 industry during a particular period of time and will seriously inhibit those fishermen who wish
11 to enter those fisheries in the future;

12 (3) the individual fishery quota management system may seriously inhibit the
13 ability of fishermen to diversify among fisheries as resource and market conditions fluctuate
14 and will therefore hinder the ability of fishermen to operate stable and successful fishing

1 businesses.

2 (b) Due to the serious, compound, negative effects that implementation of the
3 individual fishery quota management system may have on individual fishermen, the
4 commercial fishing industry, and Alaska coastal communities with a fishing based economy,
5 it is the intent of the legislature that the state make loans available for the purchase of
6 individual fishery quota shares by individual commercial fishermen contingent upon approval
7 of individual fishery quota management program regulations by the United States Department
8 of Commerce.

9 (c) It is the intent of the legislature that the authority granted by this Act be
10 implemented without affecting the commercial fishing revolving loan fund for loans to
11 purchase entry permits and to purchase, repair, restore, or upgrade vessels and gear.

12 * Sec. 2. AS 16.10.310(a) is amended to read:

13 (a) The department may

14 (1) make loans [TO]

15 (A) to individual commercial fishermen who have been state
16 residents for a continuous period of two years immediately preceding the date
17 of application for a loan under AS 16.10.300 - 16.10.370 and have had a
18 crewmember or commercial fishing license under AS 16.05.480 or a permit
19 under AS 16.43 for the year immediately preceding the date of application and
20 any other two of the past five years, and who actively participated in the
21 fishery during those periods, for the purchase of entry permits;

22 (B) to an individual for the repair, restoration, or upgrading of
23 existing vessels and gear, for the purchase of entry permits and gear, and for
24 the construction and purchase of vessels, if the individual has been a state
25 resident for a continuous period of two years immediately preceding the date
26 of application for a loan under AS 16.10.300 - 16.10.370, and either

27 (i) ~~because of lack of training or lack of employment~~
28 opportunities in the area of residence does not have occupational
29 opportunities available other than commercial fishing; or

30 (ii) is economically dependent on commercial fishing for
31 a livelihood and for whom commercial fishing has been a traditional

1 way of life in Alaska;

2 (C) for the purchase of individual fishery quota shares in a
3 fishery occurring in or off the state by individual commercial fishermen
4 who

5 (i) have been state residents for a continuous period
6 of two years immediately preceding the date of application for a
7 loan under AS 16.10.300 - 16.10.370;

8 (ii) for the year immediately preceding the date of
9 application for the loan and any other two of the past five years,
10 had a crewmember or commercial fishing license under
11 AS 16.05.480 or a permit under AS 16.43 and actively participated
12 in a fishery for which the license or permit was issued; and

13 (iii) qualify as a transferee for individual fishery
14 quota shares under applicable law;

15 (D) for the purchase of individual fishery quota shares in a
16 fishery occurring in or off the state by individual commercial fishermen
17 who

18 (i) have been state residents for a continuous period
19 of two years immediately preceding the date of application for a
20 loan under AS 16.10.300 - 16.10.370;

21 (ii) received a loan for the purchase of individual
22 fishery quota shares, from a recipient of a community development
23 quota, that equals or exceeds the amount of the loan made by the
24 department under this subparagraph; and

25 (iii) qualify as a transferee for individual fishery
26 quota shares under applicable law;

27 (2) designate agents and delegate its powers to them as necessary;

28 (3) adopt regulations necessary to carry out the provisions of
29 AS 16.10.300 - 16.10.370, including regulations to establish reasonable fees for
30 services provided;

31 (4) establish amortization plans for repayment of loans, which may

1 include extensions for poor fishing seasons or for adverse market conditions for
2 Alaskan products;

3 (5) enter into agreements with private lending institutions, other state
4 agencies, or agencies of the federal government, to carry out the purposes of
5 AS 16.10.300 - 16.10.370;

6 (6) enter into agreements with other agencies or organizations to create
7 an outreach program to make loans under AS 16.10.300 - 16.10.370 in rural areas of
8 the state;

9 (7) allow an assumption of a loan if

10 (A) the applicant has been a state resident for a continuous
11 period of two years immediately preceding the date of the request for an
12 assumption; and

13 (B) approval of the assumption would be consistent with the
14 purposes of AS 16.10.300; an applicant for a loan assumption may not be
15 disqualified because the applicant does not meet the loan eligibility
16 requirements of (1) of this subsection;

17 (8) prequalify loan applicants for a limited entry permit loan or an
18 individual fishery quota shares loan and charge a fee not to exceed \$200 for
19 prequalification;

20 (9) charge and collect the fees established under this subsection.

21 * Sec. 3. AS 16.10.320(d) is amended to read:

22 (d) The total of balances outstanding on loans made to a borrower under
23 AS 16.10.310(a)(1)(A) may not exceed \$300,000. The total of balances outstanding
24 on loans made to a borrower under AS 16.10.310(a)(1)(B) may not exceed \$100,000.
25 The total balances outstanding on loans made to a borrower under
26 AS 16.10.310(a)(1)(C) may not exceed \$300,000. The total balances outstanding
27 on loans made to a borrower under AS 16.10.310(a)(1)(D) may not exceed either
28 \$300,000 or the amount received by the borrower as loans for the purchase of
29 individual fishery quota shares from a recipient of a community development
30 quota.

31 * Sec. 4. AS 16.10.320(i) is amended to read:

1 (i) If a loan is made to a borrower under AS 16.10.310(a)(1)(A), a subsequent
2 loan may not be made to the borrower under AS 16.10.310(a)(1)(B). If a loan is made
3 to a borrower under AS 16.10.310(a)(1)(B), a subsequent loan may be made to the
4 borrower under AS 16.10.310(a)(1)(A) if the total of the balance outstanding on loans
5 received by the borrower under AS 16.10.310(a)(1)(A) and (B) [AS 16.10.310] does
6 not exceed \$300,000.

7 * Sec. 5. AS 16.10.325 is amended to read:

8 Sec. 16.10.325. GUARANTORS. A person may act as guarantor if the
9 borrower has insufficient collateral to secure a loan for the purposes described in
10 AS 16.10.310(a)(1)(B) - (D) [AS 16.10.310(a)(1)(B)]. The loan agreement shall
11 specifically describe the property of the guarantor to be used as collateral by the
12 borrower and shall be signed by the guarantor and the borrower. The department shall
13 provide the guarantor with a copy of all notices sent to the borrower by the
14 department. If the loan is for the purchase of an entry permit or individual fishery
15 quota shares, the guaranty by the guarantor may not constitute a lien, mortgage, or
16 encumbrance on or pledge of the entry permit or individual fishery quota shares.

17 * Sec. 6. AS 16.10.338 is amended by adding a new subsection to read:

18 (c) If a limited entry permit is pledged for security for a loan made under
19 AS 16.10.310(a)(1)(C) or (D) for the purchase of individual fishery quota shares and
20 the borrower thereafter fails to make a payment or defaults, the commissioner shall,
21 in addition to the notice provided under AS 16.10.335(a), notify the borrower that
22 subject to the commissioner's acceptance the borrower may sell the individual fishery
23 quota shares, apply the sales proceeds to the debt, and renegotiate payment of the
24 balance due on the loan to avoid the immediate loss of the limited entry permit that
25 has been pledged for security for the loan.

26 * Sec. 7. AS 16.10.360 is amended by adding new paragraphs to read:

27 (5) "individual fishery quota share" means a transferrable license,
28 permit, or right issued by the federal government that conveys a right to engage in a
29 fishery in or off the state and to take a specified portion of the annual harvest quota
30 for that fishery;

31 (6) "recipient of a community development quota" means a community,

1 local fishermen's organization, or local economic development organization that has
2 received a community development quota allocation to take a fishery resource in or
3 off the state from the United States Secretary of Commerce.

4 * Sec. 8. This Act takes effect on the effective date of regulations adopted by the United
5 States Department of Commerce providing for the allocation of catch quotas of Pacific halibut
6 or sablefish in or off of Alaska. The commissioner of fish and game shall promptly notify
7 the revisor of statutes and the lieutenant governor of the adoption of the regulations described
8 in this section.

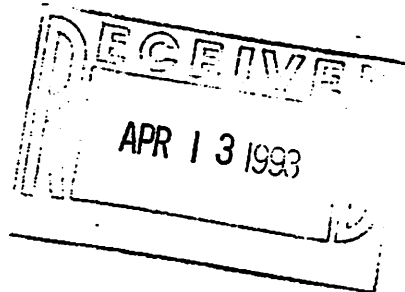
STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

AGENDA B-1(c)
APRIL 1993
WALTER J. HICKEL, GOVERNOR

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100



April 9, 1993

Dr. Clarence Pautzke
Executive Director
North Pacific Fishery
Management Council
P.O. Box 3136
Anchorage, AK 99510

Dear Clarence:

There presently exists a vacant seat on the Bering Sea/Aleutian Island Crab Plan Team. Ken Griffin, who was the Area Shellfish Biologist for the Bering Sea/Aleutian Islands crab fisheries, has filled the Crab Coordinator position here at headquarters. His replacement, Rance Morrison, has been appointed to the area management position, and I am submitting his name to fill the vacant seat that presently exists on the team.

Considering Ken's new position, I request that he remain on the Crab Plan Team.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Carl L. Rosier". The signature is written in dark ink and is positioned above the printed name of the commissioner.

Carl L. Rosier
Commissioner

cc: Ray Baglin Brent Paine
Ken Griffin Jerry Reeves
Peggy Murphy Tom Shirley
Bob Otto Leslie Watson

Seattle firm fined \$150,000 for dumping plastic into Gulf of Alaska

By Scott Sunde
P-J Reporter

The owners of a Seattle-based factory trawler in 1989 have pleaded guilty to dumping plastic garbage in the Gulf of Alaska and will pay a fine of \$150,000 for the felony violation.

The case, involving the 253-foot Michelle Irene, culminates a year of investigation by the U.S. Coast Guard and the Environmental Protection Agency. It also marks the second prosecution in the United States involving a 1988 international agreement that bans dumping plastics in the ocean.

"I think this sends a very clear

message to mariners that the courts will not tolerate this," said Penny Pagels, who is with the environmental group Greenpeace in Seattle. "It's just blatant pollution. . . . The oceans should not be used as a dumping ground."

The guilty plea Tuesday before U.S. District Judge William Dwyer ended a circuitous journey for the case. Federal authorities were not alerted by garbage washing ashore but by disgruntled crew members involved in a pay dispute, said Mark Bartlett, an assistant U.S. attorney.

They sued over the pay dispute. Allegations involving the dumping of plastics emerged from affidavits taken as part of the civil suit, Bartlett said.

Two criminal investigators, Sandra Smith of the EPA and Clinton Colvin of the Coast Guard, spent a year putting the case together, Bartlett said. Much of their efforts involved tracking down and interviewing former crew members.

In 1989, the Michelle Irene was owned by the Michelle Irene Joint Venture, according to court documents. That company comprised Westcod II Inc., Simonson Enterprises V Inc. and BTI IV Inc. Golden Age Fisheries of Seattle operated the boat then. The ownership of the joint venture has changed since 1989.

The boat caught bottomfish and processed them into surimi—a paste used to produce such products as artificial crab

and lobster. Court documents say the boat's garbage incinerator was largely inoperable from December 1988 to October 1989. Plastic was dumped into the sea in July 1989, documents say.

The discarded plastic wasn't found, so the exact quantity is unknown, Bartlett said. However, the waste likely included not only food packaging but also plastic used to package supplies such as sorbitol, which is a common surimi additive.

The dumping of plastics by U.S. vessels was outlawed on Dec. 31, 1988 by international agreement. The agreement was codified into U.S. law. Violators can face a fine of up to \$500,000 and a period of probation of up to five years.

**MEDIA RELEASE: Center for Marine Conservation
SUBJECT: International cruise line pleads guilty**

Contact: Heidi Lovett/
Paul Johnson
(813) 895-2188
Thomas Miller
(202) 429-5609

FOR IMMEDIATE RELEASE
April 15, 1993

PRINCESS CRUISE LINES FOUND GUILTY OF FOULING THEIR OWN NEST

(St. Petersburg, FL)...The first criminal penalty ever assessed in the U.S. for illegal dumping of plastics at sea has just been imposed on Princess Cruise Lines. Princess has pleaded guilty and will pay a criminal fine of \$500,000, the highest fine ever imposed for such a violation. "This is an historic moment in the fight to prevent the trashing of our seas," stated Heidi Lovett of the Center for Marine Conservation's Florida Office.

"The U.S. Attorney's Office has sent a clear, unambiguous message to all ships in U.S. waters," continued Lovett. "The United States has the will and the means to enforce marine pollution laws and will do so whenever evidence of criminal wrongdoing is brought to bear."

Today's guilty plea is the first criminal case prosecuted for unlawful plastics dumping, and the first-ever imposed criminal penalty. Evidence for prosecution came from a passenger that witnessed and videotaped the overboard dumping of twenty plastic bags late at night on October 25, 1991. The incident occurred approximately 12 miles off the Florida coast. Other passengers who witnessed the incident came forward in early 1992 after reading news accounts.

"Citizen reporting, as witnessed in this felony case, is the key to halting illegal dumping at sea," continued Lovett. "State and federal authorities cannot be expected to police all 2.2 million square miles of U.S. waters. With the help of citizen reporting, one person really can make a difference."

"How can the cruise line industry and other industries who depend on the bounty and beauty of our seas, even consider dumping plastics at sea?" asked Lovett. "Not only are they fouling their own nest...they are killing the goose that laid the golden egg." Marine debris is unsightly, costly to clean up, and particular with plastics, is responsible for the deaths of thousands of marine animals annually.

"Fortunately, many cruise line passengers are aware of the problem and have begun keeping watch over the industry," concluded Lovett. "Our organization has for almost a year now been giving cruise line passengers information on what to look for and what kinds of questions to ask cruise line officials. Without citizen reporting, our seas will continue to be a convenient dumping ground for this and other maritime industries."

An international treaty, MARPOL Annex V, banning the dumping of plastic trash at sea, has been in force since 1988. While some cruise lines have begun to correct their waste handling practices, the Center remains convinced that the industry overall is not taking the necessary measures to come into full compliance with international and U.S. law. Trash on the coasts of Florida and the wider Caribbean continues to be a problem.

For three years, CMC's International Coastal Cleanup volunteers have identified cruise ship trash from more than 20 different companies. Cruise line trash has been found from Florida to Alaska. In many cases the dumping is not only illegal but clandestine. The Center urges the cruise line industry, employees, and passengers to redouble their efforts to halt this practice.

If anyone you know is planning to take a cruise and would like more information on the laws cruise lines should comply with, and what you as a citizen can do to help remedy the problem, please contact CMC's Clean Ocean Campaign, 1725 DeSales Street, N.W., Washington, D.C. 20036.

The Center for Marine Conservation is the nation's leading non-profit organization dedicated solely to the conservation of marine wildlife and their habitats. The Center is a membership-based organization with 100,000 members. Headquartered in Washington, DC, the Center maintains offices in Virginia, Florida, Texas, and California.

Cruise ship fined

Crew was seen dumping trash

By CATHERINE WILSON
The Associated Press

MIAMI — A nighttime videotape of a crew member tossing trash off a ship will cost Princess Cruise Lines \$500,000 and "send a loud and clear signal" to stop pollution, the Coast Guard said Thursday.

The fine is the first criminal penalty assessed in the United States for dumping plastics at sea and the largest ever set for ocean dumping, federal prosecutors said in announcing the case.

The cruise line has agreed to plead guilty and pay the maximum fine for violating a federal anti-dumping law. The violation occurred off the coral-lined Florida Keys. Plastics are blamed for the deaths of thousands of marine animals each year.

"We want to send a loud and clear signal that we can't tolerate any environmental pollution, whether it's plastics or oil or anything," said Coast Guard Lt. Cmdr. Jim Howe.

A passenger on the Regal Princess was taping as a crew member chucked more than 20 large plastic bags into the Florida Straits about five miles off Duck Key on Oct. 25, 1991, according to the criminal charge filed Thursday.

The tape by a passenger who identified himself only as Al has been aired on NBC's "I Witness Video." The man asked his wife to get his camera after stepping out on deck and seeing the bags being tossed just below him.

ANCHORAGE DAILY NEWS
4/16/93

The videotape was buttressed by statements from other passengers and crew members, and the ship's log proved the ship was well within the 200-mile U.S. territorial limit to give the Justice Department jurisdiction.

Most instances of ocean dumping are handled as civil cases, but the stark evidence and a recent enhancement of Coast Guard investigative powers persuaded prosecutors to pursue the criminal charge.

"If it had just been an eyewitness act, that would have been pretty good," Howe said. "The videotape was a real clincher for us."

An international treaty banning the dumping of plastics at sea in 1988 curtailed an age-old tradition of throwing ship waste overboard, and the Oil Pollution Act of 1990 gave the Coast Guard stronger powers and money to pursue environmental polluters.

"It's a very progressive, good law," Howe said. "If you don't prosecute, what good is the law?"

Princess President Timothy Harris has agreed to personally appear to enter the guilty plea, but the date has not been set.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Alaska Maritime National Wildlife Refuge
2355 Kachemak Bay Drive, Suite 101
Homer, Alaska 99603

April 1, 1993



IN REPLY REFER TO:

North Pacific Fishery and Management Council
P.O. Box 103136
Anchorage, AK 99510

Dear Sir,

Alaska has thousands of islands, which are critical habitat for wildlife. An estimated 40 million nesting seabirds, hundreds of thousands of marine mammals, huge numbers of waterfowl, shorebirds, and other wildlife use these islands. Protection of this habitat is essential to the continued well being of Alaska's marine wildlife.

The introduction of rats poses a very serious environmental threat to these island ecosystems, where many species of wildlife cannot survive predation by rats or the diseases they could spread. Norway rats have already become established on at least 20 of the Aleutian Islands and have reduced wildlife populations dramatically. Most vulnerable are birds and eggs which rats eat. Rats are also capable of transmitting disease to mammals, including humans. As rats become more numerous they can destroy vegetation, causing erosion and ruining habitat.

Over 80% of the worlds islands have had rats introduced, mostly from shipwrecks and freight. Catastrophic losses have occurred to wildlife as a result, with many species going extinct. Once rats become established they are almost impossible to get rid of. Never the less, New Zealand has removed rats from small Breaksea Island (<450 acres) through an intensive and expensive poisoning campaign. Under current federal restrictions on the use of poisons, such a program would not be legal in the U.S. Clearly prevention is the best strategy.

Below are listed some ideas on preventive measures that could be initiated or expanded. We would like your comments and

suggestions on how we can work together to protect Alaska's coastal wildlife:

Prevention:

- *Education* - No one wants rats aboard their boat. We feel that a education program with commercial fishermen and sailors could be very beneficial. As a first step, we have designed a draft information brochure. We would like any comments you have on improving and distributing it. Also, what other education programs could be done? Would a video and/or poster be appropriate?
- *Port /Harbor Control* - many of Alaska's ports and harbors are already rat infested. These locations are a source for ship and freight infestation. Numbers of rats could be very greatly reduced at these ports with an on-going, properly designed control program. Are Alaskan ports doing all they should to keep rat numbers to a minimum? Would more stringent regulations help?

Along with the Department of Agriculture, Animal Damage Control office in Olympia, Washington, we are working with the communities of St. Paul and St. George to provide training regarding rat prevention techniques. Is rat prevention training needed at other locations?

- *Foreign Ships* - vessels that dock at U.S. Ports must go through U.S. Customs. We believe that many of these vessels (particularly fish processors and grain transport ships) carry rats. Can the U.S. Customs Service help to prevent rat introductions? Should rat-free certification be required for vessels fishing in our territorial waters?
- *U.S. Ships* - Even small fishing boats can carry rats. Last year a rat was seen climbing down a rope from a small crab boat at St. Paul Island (*home for over 800,000 fur seals, 250,000 seabirds, and a unique shrew found no where else in the world*). Fortunately, alert local harbor officials chased the rat back aboard and evicted the ship from the harbor.

Should commercial fishing boats, as part of the fishing permit, be required to be rat free before coming to a dock? Should National Marine Fisheries Service and Alaska Department of Fish & Game inspectors also check for rats? What should be the consequences for

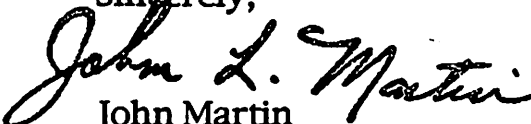
boats that fail inspection? Should use of various rat trapping devices onboard ships be required as safe guards?

Response: Clearly prevention is the best strategy, but what if rats were to get to a rat-free harbor or island by shipwreck or transfer at port (such as to St. George, Pribilof Islands, home of 2¹/₂ million seabirds and 80,000 fur seals)? What is the best response that might prevent permanent damage to wildlife?

- There is an elaborate system in place for responding to oil spills which is headed by the U.S. Coast Guard. Can this system be improved to also handle rat problems that could be introduced from a shipwreck?
- Would an 800 telephone number to report wildlife emergencies be a good idea, and who should get those calls? Such a system might be valuable in coordinating other wildlife events, such as the recent murre die-off in the Gulf of Alaska.
- Quick response at the scene of a shipwreck might prevent rat establishment on new islands. Our office is in the process of writing an Environmental Assessment to evaluate use of toxicants which are currently not certified to use outdoors in the case of shipwrecks.

We would appreciate hearing your comments on this issue and would welcome any help you can provide. Please address comments to our office or call us at (907) 235-6546.

Sincerely,


John Martin
Refuge Manager

Enclosure

NORWAY RAT — *Rattus norvegicus*



They pose the greatest threat and are the most likely to infest Alaskan boats and islands. Rats were introduced to Rat Island in the Aleutians when a Japanese sailing ship wrecked in the 1780's. The rats probably destroyed a major seabird and waterfowl nesting area forever. Norway rats now infest at least 20 Aleutian islands and several Alaskan ports.

DROPPINGS



Blunt
Average Length 3/4"
(shown actual size)

ROOF RAT — *Rattus rattus*



Roof rats are slender bodied with a long tail, large ears and a pointed nose. Not as well adapted to cold, roof rats occur as far north as the Queen Charlotte Islands, British Columbia, and probably could survive in southern Alaska.

DROPPINGS



Pointed
Average Length 1/2"
(shown actual size)

HOUSE MOUSE — *Mus musculus*



While house mice are generally less harmful than are rats, they are more difficult to detect, less easy to control, and more readily transported. They eat bird eggs and chicks and can destroy vegetative cover and cause erosion.

DROPPINGS



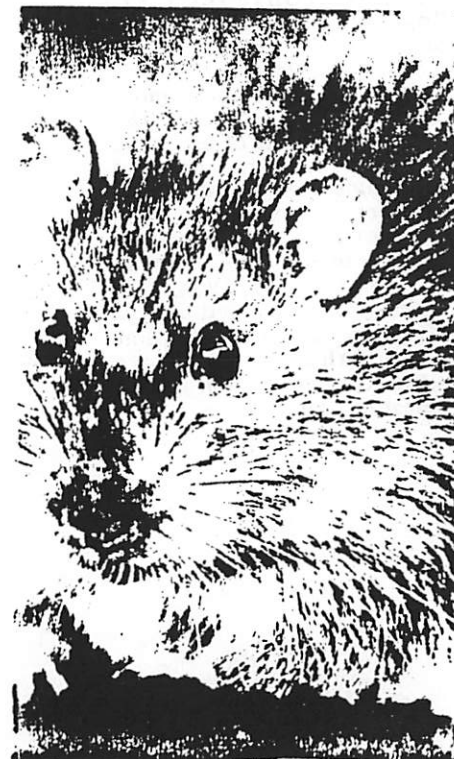
Pointed
Average Length 1/4"
(shown actual size)

Checklist for sign of rats:

- 1) Droppings or urine stains.
- 2) Tracks, tail marks, or hair.
- 3) Smudge marks along walls or beams.
- 4) Gnawed food, wood, etc.
- 5) Musky odor
- 6) Nests
- 7) Sounds: gnawing, climbing, or squeaking.
- 8) Living or dead rodents.

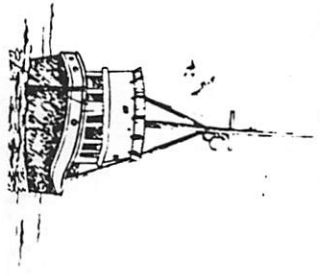
DRAFT

*IS THERE A RAT ON
YOUR SHIP?*



Inform port and local authorities of rat problems and encourage control efforts to lessen the danger of further infestation. For wildlife emergencies, such as ship wreck in remote areas (it true "Rats leave a sinking ship") or other accidental introductions, contact the U.S. Fish & Wildlife Service, _____, (800-777-7777).

Many ships infest all the world's oceans and inland waters are infested with rats and/or mice. Often their presence may be unknown even to the ship's crew. They pose a very serious environmental risk, some human health concern, and are, at best, unpleasant shipmates.



Environmental Threats: A rat-free ship is not only a more pleasant and healthier place, but will help protect Alaska's magnificent coastal wildlife. Through man's activities, rats have been introduced to over 80% of the world's islands with often catastrophic consequences, including extinctions of some bird species.

The introduction of rats to more Alaskan islands could cause the destruction of millions of birds and transmit disease to marine and other mammals. An infestation of rats, on certain islands, would cause a bigger and more permanent devastation of colonial nesting seabirds than the Exxon Valdez oil spill, which probably killed at least 500,000 birds. Once rats become established, they virtually are impossible to remove from all but the smallest of islands.

Health Concerns: Rats are one of the world's greatest spreaders of disease. The Black Plague, which killed about 2/3 of Europe's population in the Middle Ages was spread by fleas carried on rats brought in by trading ships. Rats transmit diseases such as typhus and rat bite fever, and their droppings and urine cause unsanitary conditions ideal for dangerous bacteria.



Bait boxes are a safe, effective, and inexpensive rat prevention device.

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Rats destroy seabird colonies by eating birds and eggs, taking over nesting areas and transmitting disease.

Void getting rats aboard: Most of the world's ports and harbors have rats, as well as many of the ships you encounter. Things you can do are:

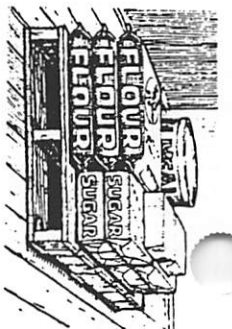
- 1) Inspect cargo for sign of rats: chewing, droppings, etc. Do not take on cargo until you are sure it is rat-free.
- 2) Store supplies while on land or on ship so that they are off the floor on pallets, and away from walls. Sealed rat-proof containers are ideal.

- 3) Eliminate sources of food, water, and shelter: keep trash and food in rodent-proof containers, and remove debris piles which provide cover for rats and mice.

- 4) Have poison bait stations in appropriate places aboard ship and land storage areas. These are easy to use and safe to operate as long as instructions are followed.

- 5) In new boat construction, use structural features that lessen the likelihood of rat infestation. Contact marine architects.

- 6) Use rat guards on ship to shore lines.

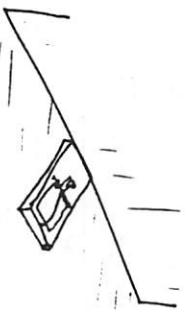


De-ratting ships: If rats or mice infest your ship or land storage areas you can:

- 1) Install rat traps. Poison boxes are most effective, but even common snap traps and sticky boards can work. Traps should be set perpendicular along walls, preferably in dark spaces, and baited and maintained.

- 2) Have your ship fumigated. Commercial pest control companies are set-up to do this at major ports and can be contracted to control rats at land storage facilities.

- 3) If a rat is caught live, kill it directly. Throwing rats overboard is dangerous since they can tread water and may reach land.



Snap traps are effective placed perpendicular to walls in dark areas where rats most travel.