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Description of document: **Correspondence in the files of Chairman Frank Homan, Commissioner Peter Froehlich, and Commissioner Bruce Twomley of the Alaska Commercial Fisheries Entry Commission (CFEC), written to or received from the Office of the Governor and/or Governor Palin, January, 2007 – October, 2008**

Requested date: 03-October-2008

Released date: 07-October-2008

Posted date: 22-October-2008

Date/date range of document: 25-March-1999 – 07-October-2008

Source of document: Alaska Commercial Fisheries Entry Commission (CFEC)
P.O. Box 110302
Juneau, AK 99811-0302
Fax: 907-789-6170
Phone: 907-789-6150

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STATE OF ALASKA

Commercial Fisheries Entry Commission

SARAH PALIN, GOVERNOR

8800 Glacier Hwy, #109

P.O. Box 110302

Juneau, AK 99811-0302

(907) 789-6150 Licensing Calls

(907) 789-6160 Other Business

(907) 789-6170 Fax

INTERNET: www.cfec.state.ak.us

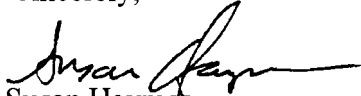
October 7, 2008

Re: Public Records Request

Enclosed are copies of the documents you requested in your October 3, 2008 clarification of public records request. In your October 3, 2008 email you asked for hard copy correspondence in the files of Chairman Frank Homan, Commissioner Peter Froehlich, and Commissioner Bruce Twomley that were written to or received from the Office of the Governor and/or Governor Palin between January 1, 2007 and the present.

Do not hesitate to contact me if I can be of further assistance.

Sincerely,



Susan Haymes
Law Specialist

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

SARAH PALIN, GOVERNOR

8800 GLACIER HWY, #109

P.O. Box 110302

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(907) 789-6150 *Licensing Calls*

(907) 789-6160 *Other Business*

(907) 789-6170 *FAX*

(907) 789-6180 *BBS*

INTERNET: www.cfec.state.ak.us

May 16, 2008

Mr. Kenneth W. Selanoff
P.O. Box 155
Tatitlek, AK 99677-0155

Dear Mr. Selanoff:

You wrote to Governor Palin asking for help in obtaining a Prince William Sound salmon drift gillnet entry permit. The Governor referred your letter to the Alaska Commercial Fisheries Entry Commission (CFEC or Commission) for a response.

I am sorry to tell you that it is way too late for the Commission to accept an application from anyone for a Prince William Sound salmon drift gillnet entry permit (or any limited entry permit from most of the originally limited Alaska salmon fisheries). Under the law, we cannot help you at this late date. *Bartlett v. State, CFEC*, 948 P.2d 987 (Alaska 1997) [upholding and applying 20 AAC 05.515].

At the same time, the fact that you can no longer apply for a limited entry permit does not mean you cannot get one. You could always obtain a limited entry permit by transfer from another permit holder. Two state-authorized loan programs have been established to help Alaskans obtain limited entry permits: the Commercial Fisheries Revolving Loan Fund (800-478-5626); and the Alaska Commercial Fishing and Agriculture Bank (800-544-2228).

Despite the fact that we cannot help you at this time, Commission staff did review our records looking for any potentially useful information. They found in the 1965-1977 Vessel Registers that 1973 was the only year in which a Kenneth Selanoff was listed as a vessel operator. That 1973 Vessel Register shows both Charles Selanoff, Sr., and Kenneth Selanoff listed as vessel operators on the vessel ADF&G #04856 (an 18-foot vessel registered for the Prince William Sound salmon drift gillnet fishery). Additionally, the 1973 microfiche listing of salmon landings shows landings attributed to that vessel.

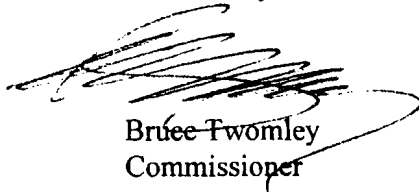
Our staff also found that, in 1977, the Commission mailed information to Kenneth W. Selanoff, Tatitlek, Alaska 99677, along with all other individuals potentially eligible to apply for an entry permit under the *Isakson* case. However, the Commission has no record that it has ever received an application for a limited entry permit from Kenneth W. Selanoff. The Commission does have correspondence indicating that a Charles P. Selanoff from Tatitlek did visit the Commission and apply for a Prince William Sound purse seine entry permit in 1977, and there is some following correspondence. That was all the relevant information we could find.

Additionally, I wanted to make a personal comment. During the 1970's, as a lawyer with Alaska Legal Services in Anchorage, I worked with June Selanoff, who also lived in Chenega before the 1964 earthquake. She taught me a great deal.

I also have visited Tatitlek and slept on the school floor at a time when we were helping villages establish local high schools as part of the *Molly Hootch Case*.

Again, I am sorry that our agency cannot directly help you. I wish you the best of luck in your efforts to obtain a limited entry permit.

Yours Truly,



Bruce Twomley
Commissioner

Enclosure

CTS# 7230/143

bcc: Cora Crome, Fisheries Policy Advisor, Office of the Governor

TO: *Snirley Penrose*
Kathy Mally

CTS # 7230

Phone *789-6160*
~~465-6140~~/Fax 465-2332

Date: 5.7.08

FROM: *Jessica Wilken*
~~Monica Savland~~, Secretary to
Fisheries Policy Advisor, Cora Crome
Office of the Governor

Pages: 3

Phone *4028*
~~465-3981~~/Fax 465-3532

CTS /Correspondence Request

Name: Kenneth Selanoff

Due Date: 5.22.08

- ☐ Return draft letter for Governor's signature
- ☐ Return draft letter for Cora Crome's signature
- ☒ Respond direct w/bcc to ~~Governor's office~~ *Cora Crome*
- ☐ Return letter with report
- ☐ Return letter with comment
- ☐ For your information
- ☐ Call me
- ☐ For appropriate action
- ☐ As requested
- ☐ Other

Remarks:

Please advise if you are unable to respond by the due date.

OFFICE OF THE GOVERNOR
MAIL ROOM

7230

CL

4-17-08

MAY-5 2008

Dear Governor Valin;

First off let me
congratulate you on
being elected Governor.
"Congratulations"

I come from a small
village located between
Cordova and Valdez, a
village called TATITLEK.
I was born here. But
I was raised up in
Old Chenequa before the
1964 earthquake destroyed
it. Now I'm relocated
back here in Tatitlek.

I'm a 57 yr. old
Aleut native who depends
on fishing and sub-
sistence for a
living

I understand your husband is a commercial fisherman as I am. But there is only one thing missing. I don't have a permit (gill-netting) I applied for one at the time for applying but they lost my paperwork. And when I did follow up. They said the dead-line was up.

I am also a cancer survivor and a ex-marine.

I also worked in the construction business. I have 9 work able fingers. I'm pretty much of a hazard

To my fellow workers,
I've had pretty close
calls (accidents) at
which I almost got
my co-workers hurt.
So I quit before
that happens.

I would like your
help in obtaining a
permit. Please, and
Thank You ever so
much.

Again "Governor
Patin", "Congratulations"
We all voted for you
here in the Village
of Tatitlek. We knew
which our hearts you
would be elected.

Thank You I would
like to hear from you.

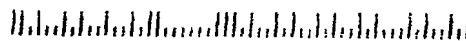
Sincerely,
Kenneth W. Seabroff

WILLIAM C. HOOD
GOVERNOR

Kenneth W. Selanoff ANCHORAGE AK 99
P.O. Box 155
Tatitlek AK 99677-0155

"GOVERNOR"
SARAH PALIN

OFFICE OF THE GOVERNOR
JUNEAU, ALASKA 99801-



State of Alaska

SARAH PALIN, Governor

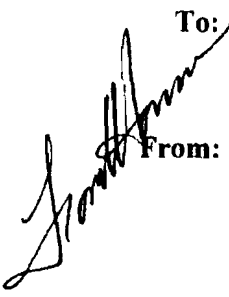
Commercial Fisheries Entry Commission

8800 Glacier Hwy, #109

P.O. Box 110302

Juneau, AK 99811-0302

MEMORANDUM

 **To:** Russ Kelly
Legislative Director
Office of the Governor

From: Frank Homan, Chairman
Commercial Fisheries Entry Commission

Date: January 7, 2008

Phone: (907) 789-6160 VOICE
(907) 790-6170 FAX

Subject: HB 16

We have one major issue this session and that is passage of HB16 now situated in the House Fisheries Committee. The bill was introduced by Representative Paul Seaton on 1/16/07 to extend the sunset provision for the scallop and hair crab fisheries to 2013. We had been working with the Administration to introduce a bill that would have eliminated the sunset provision completely.

When Representative Seaton introduced his bill we decided we could support a five year extension. Representative Seaton held two hearings and did not move the bill out of committee. It became clear that he had introduced the bill to gain control and keep it in the committee. If a vote were allowed, it is likely a majority of the committee would support passage. Without this bill or a similar bill these fisheries will revert to open access with unlimited participation and require more stringent management measures.

A strategy being contemplated for this session is to have a bill introduced on the Senate side where passage is considered likely and then sent over to the house. The continuation of these fisheries is supported by individual fishermen, the Alaska Scallop Cooperative, United Fishermen of Alaska, the North Pacific Fisheries Management Council, the Commercial Fisheries Entry Commission, the Department of Fish and Game and the Administration.

Attachment (HB16)

HOUSE BILL NO. 16

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SEATON

Introduced: 1/16/07

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for an effective date by delaying the effective date of repeal of the**
2 **authority of the Commercial Fisheries Entry Commission to maintain the vessel-based**
3 **commercial fisheries limited entry systems for the Bering Sea Korean hair crab and**
4 **weathervane scallop fisheries, and the effective date of conforming amendments related**
5 **to the repeal of those systems."**

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

7 *** Section 1.** Section 28, ch. 137, SLA 2002, is amended to read:

8 Sec. 28. Sections 5, 10, 12, 14, 16, 18, 21, 23, and 27 of this Act take effect
9 December 30, 2013 [2008].

State of Alaska

SARAH PALIN, Governor

Commercial Fisheries Entry Commission

8800 Glacier Hwy, #109

P.O. Box 110302

Juneau, AK 99811-0302

MEMORANDUM

To: Cora Crome
Fisheries Policy Advisor
Office of the Governor

Date: November 5, 2007

Phone: (907) 789-6160 VOICE
(907) 790-6170 FAX

From: Commercial Fisheries Entry Commission
Frank Homan, Chairman
Peter Froehlich, Commissioner
Bruce Twomley, Commissioner

Subject: Metlakatla Indian Community
Petition to Expand Boundaries of
their Exclusive Right of Fishery

The Metlakatla Indian Community through federal legislation has an exclusive right of fishery within the boundaries of the Annette Island Reserve. The Metlakatla Indian Community proposes expanding the boundaries of their exclusive right of fishery into waters where the State of Alaska manages fisheries, some of which are subject to limited entry and full utilization of the fishery resource.

Under the Alaska Constitution, Article VIII, Section 15, the State of Alaska cannot create an exclusive right of fishery like the one held by the Metlakatla Indian Community. Participation in the exclusive fishery of the Annette Island Reserve cannot be credited toward a limited entry permit in a state-managed fishery. *May v. Alaska, Commercial Fisheries Entry Commission*, ___ P.3d ___; Op. No. 6173 (Alaska Supreme Court October 12, 2007).

Enclosed are two examples of past correspondence addressing requests by the Metlakatla Indian Community for special treatment under the Alaska Limited Entry Act.¹ The Act does not allow the commission to grant the special treatment requested by the Metlakatla Indian Community, nor does the Alaska Constitution, Article VIII, Section 15. Conversely, the Alaska Commercial Fisheries Entry Commission cannot make any decision that would affect the ability of the Metlakatla Indian Community to manage and to participate in fisheries subject to their exclusive rights.²

Additionally, commission decisions do not create obstacles for members of the Metlakatla Indian Community to participate in state-managed fisheries or to acquire state limited entry permits. Members of the Metlakatla Indian Community have always had the same opportunity as any other citizen to obtain

¹ Attachment A: 2007 CFEC letter to Mayor Wellington; Attachment B: 1999 letter from former Senator and Governor's Legislative Director Pat Pourchot to Mayor Gilmartin.

² Contrary to assertions in the petition, the commission has no authority over the halibut and sablefish individual fishing quota programs, which are **federal** programs administered by the National Marine Fisheries Service--Restricted Access Management (NMFS_RAM). The commission administers only the State of Alaska's limited entry program.

limited entry permits issued by the commission. Individuals with a history in a fishery prior to its limitation can obtain an entry permit from the state, and individuals can also obtain limited entry permits by transfer (gift, trade or purchase) from individual holders of limited entry permits.

Indeed, the commission awarded 108 limited entry permits in nine different Southeast Alaska fisheries to residents of Metlakatla when those fisheries were placed under limitation during the period from 1975 through 2006. During the same period, when permits obtained by transfer are considered, 164 different unique limited entry permits (representing 15 different limited fisheries) were held at some time by residents of Metlakatla.³

By the end of 2006, residents of Metlakatla held 54 limited entry permits in nine different fisheries. However, the commission has made specific suggestions as to how Metlakatla could be proactive in encouraging residents to obtain and retain limited entry permits by transfer. As Alaska residents, members of the Metlakatla Indian Community also have access to two advantageous, state-authorized loan programs for the purchase of entry permits. Moreover, the community-owned Annette Island Packing Company is free to compete for product caught by Alaska fishermen within state-managed fisheries.

Metlakatla's request for expansion of the boundaries of the Annette Islands Reserve, if it were to be properly authorized,⁴ would intrude upon fisheries managed by the State of Alaska and entitlements held by Alaska limited entry permit holders dependent upon those fully utilized fisheries.

We have met with representatives of the Metlakatla Indian Community a number of times over the years. During our most recent meetings, Chairman Frank Homan made a constructive suggestion that the Metlakatla Indian Community should consider engaging in aquaculture within their Reserve, where they would likely have a competitive advantage over fish farmers regulated by the State of Alaska. No change of law would be necessary for such an undertaking. Some representatives of the Metlakatla Indian Community expressed interest in this idea.

You are welcome to call upon the commission for further information.

cc: John Katz, Director, State/Federal Relations
Denby Lloyd, Commissioner, ADF&G
John Hilsinger, Director, Division of Commercial Fisheries
Vanessa Lamantia, Assistant Attorney General

³ These numbers reflect only permits issued for fisheries under limitation. Adding permits for unlimited Alaska fisheries would increase the number of permits held by Metlakatla residents over time.

⁴ We are not persuaded by Metlakatla's proposal that the Secretary of the Interior has authority to expand the boundaries.

STATE OF ALASKA

Commercial Fisheries Entry Commission

SARAH PALIN, GOVERNOR

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P.O. Box 110302
Juneau, AK 99811-0302

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(907) 789-6170 Fax

INTERNET: www.cfec.state.ak.us

March 26, 2007

Victor C. Wellington Sr., Mayor
Council Annette Islands Reserve
Metlakatla Indian Community
Post Office Box 8
Metlakatla, AK 99926

Dear Mayor Wellington:

We received your letter of March 8th concerning the limitation of entry into the Southeast Alaska dive fisheries. We look forward to meeting you this coming Thursday, March 29, at 3 pm. You have raised some issues it would be good to discuss.

Please be aware that the Commercial Fisheries Entry Commission's (Commission or CFEC) decisions with respect to the Southeast Alaska dive moratoria and the subsequent limited entry programs were in strict accordance with the Alaska Constitution and Statutes. Also, please be aware that, under the Alaska Constitution (as interpreted by our Alaska Supreme Court), Alaska does not have the power to reserve part of a state-managed fishery for the exclusive benefit of local Alaskans.

The Alaska Statute governing the Southeast Alaska dive fishery moratoria established the specific eligibility requirements for participants in each Southeast dive fishery during the moratoria. Similarly, the Alaska Limited Entry Act requires the Commission to consider only participation in the fishery prior to the qualification date to determine who is eligible to apply for a permit.

The Alaska Legislature's Southeast Alaska dive moratoria and the following limited entry programs affect only state-managed fisheries in state waters outside of the Annette Islands Reserve (Reserve).

ATTACHMENT A

Participation in a fishery within the Reserve does not require a state permit nor does it show past participation in and economic reliance on a state-managed fishery. Giving credit to individuals who had not participated in a state-managed fishery would violate Alaska law and would not be fair to individuals who did participate in the state-managed fishery and were economically dependent upon it.

The State of Alaska has no authority to regulate fisheries within the Reserve. We understand that locally controlled commercial fisheries occur in the Reserve including dive fisheries for species such as geoduck. We hope these fisheries will continue to provide sources of income for local residents if they are managed carefully on a sustainable basis.

Some dive fishermen from Metlakatla had participated in a Southeast Alaska dive fishery before the qualification date and, as a result, hold CFEC dive permits today. Additionally any Metlakatla diver may obtain a permit for a state-managed dive fishery by transfer. Both the sea cucumber and sea urchin fisheries currently have relatively low participation rates and permit market values. A diver who believed these fisheries could be profitable would not find it difficult to enter these fisheries.

The Southeast Alaska geoduck fishery is the dive fishery that has improved significantly since limited entry began. The Southeast Alaska Regional Dive Fisheries Association (SARDFa) has funded stock research from funds collected from taxes on limited entry dive permit holders. The research has led to increases in Guideline Harvest Levels. Ex-vessel prices have also improved as more of the geoduck harvest is being shipped as live product. The improvements in the fishery have led to increases in the permit market value. The geoduck fishery is technically challenging and more costly to enter. However, divers who believe they can participate profitably can also enter this fishery by permit transfer.

Under the limited entry law, additional permits can be put into a fishery only if the Commission determines that the optimum number of permits is greater than the number of permits outstanding in the fishery. Given the standards in the law and the nature of these fisheries, such a conclusion would seem unlikely at this point. However, if the Commission made such a determination at some time in the future, the law requires that the Commission sell permits at fair market value for each additional permit added to the fishery. Thus under our law, adding additional permits will not necessarily benefit any particular group. For these reasons, we believe an interested diver would be wise to explore purchasing a permit for the existing fishery.

We hope that this information is helpful. We are looking forward to discussing these issues with you at our scheduled meeting later this week.

Sincerely,

The Alaska Commercial Fisheries Commission

Frank Homan, Chair

Peter Froehlich

Bruce Twomley

By  _____

cc: Lawrence Markley

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 485-3500
Fax (907) 485-3532

RECEIVED

MAR 25 1999

COMMERCIAL FISHERIES
ENTRY COMMISSION

The Honorable Timothy Gilmart
Mayor of Metlakatla
P.O. Box 8
Metlakatla, AK 99926

Dear Mayor Gilmartin:

I was glad to meet with the Metlakatla delegation during your recent visit to Juneau and to receive your follow-up letter of March 2. The Governor and I appreciate and certainly share your strong desire to see fisheries develop in a way that most benefits the people and communities of Alaska, including Metlakatla.

I know the issues surrounding the Southeast dive fisheries, including the way these fisheries have evolved, the legislatively imposed moratorium, and the currently contemplated limitation, are complex and controversial. While the Commercial Fisheries Entry Commission has made no decision about how, or even whether, to limit the state waters dive fisheries, the commission will have to consider any limitation within their statutory framework and the constraints of the United States Constitution.

As I understand it, the Limited Entry Act requires that qualification for limited entry permits be based on participation in, and economic dependence on, the state-managed fishery which is being limited. Under this principle, participation in a different dive fishery in other Alaska state waters, or waters of other states, Metlakatla, or Canada, cannot be counted as a qualification for the fishery under limitation. This, of course, not only affects Metlakatla residents, but *everyone*, Alaskan and non-Alaskan alike, who has not participated in the Southeast state waters dive fishery in the past. While this feature of limited entry unfortunately ties the commission's hands in allowing participation in Metlakatla waters to count toward a dive permit for state waters, it is this provision which legally avoids having to throw the gates wide open to counting participation in all other states and parts of Alaska toward qualifying for permits in specific Alaska fisheries.

ATTACHMENT B

The Honorable Timothy Gilmartin

March 23, 1999

Page 2

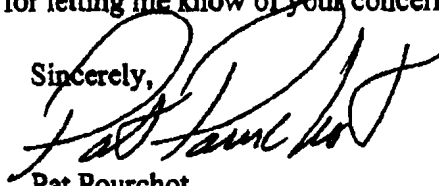
Those not eligible for an entry permit in a limited fishery can obtain one after initial issuance from another fisherman by transfer. The state has two good loan programs to assist Alaskans in doing so.

I am glad to know there are some Metlakatla divers who have participated in the state waters dive fisheries and who would thus be eligible to apply should the state place those fisheries under limited entry. Additionally, any limitation of the dive fishery in state waters would not affect Metlakatla's authority to continue to manage its own dive fishery or your residents' ability to continue to participate in that fishery.

I have been assured the Entry Commission understands and is carefully considering the concerns you've expressed and your request that they seek creative solutions. They will continue to keep your concerns in mind as they study the dive fisheries and possible approaches to management and limitation of these fisheries in the future.

Again, it was good to see you. Thanks for letting me know of your concerns.

Sincerely,



Pat Pourchot
Legislative Director

cc: Senator Jerry Mackie
Representative Albert Kookesh
Commercial Fisheries Entry Commission

RECEIVED
MAR 25 1999
COMMERCIAL FISHERIES
ENTRY COMMISSION

State of Alaska

SARAH PALIN, Governor

Commercial Fisheries Entry Commission

8800 Glacier Hwy, #109

P.O. Box 110302

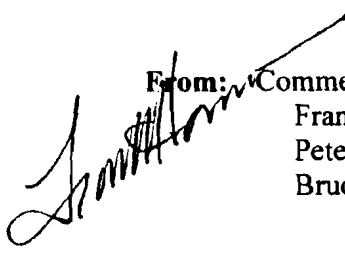
Juneau, AK 99811-0302

MEMORANDUM

To: Mike Tibbles, Chief of Staff

Date: August 29, 2007

Phone: (907) 789-6160 VOICE
(907) 790-6170 FAX



From: Commercial Fisheries Entry Commission
Frank Homan, Chairman
Peter Froehlich, Commissioner
Bruce Twomley, Commissioner

Subject: Amendment to CFEC
Commissioner Salary Schedule

The salary schedule for the three CFEC Commissioners is set by specific statute (AS 16.43.060) and has not been amended for more than 25 years. The salary level is fixed at 26C under the exempt employee salary schedule (AS 39.27.011) but does not allow for merit increases accorded to other state employees, including commission staff. The attached table shows that some commission employees (section supervisors in the 23 K, L and M steps, of which there are currently 2 at M step) receive higher salaries than the Commissioners. The only salary increase opportunity available to CFEC Commissioners is when the general salary schedule is amended for cost of living adjustments.

When CFEC was formed in 1973, the Commissioners' salary level was set at range 28B and merit increases were allowed. Within a year, however, the Commissioners' salaries were tied to the annual salary of Alaska District Court Judges, since CFEC Commissioners serve as Administrative Law Judges whose decisions have a comparable effect on the lives of individual Alaskans. CFEC Commissioners (like district court judges) bear a statutory duty to produce a daily work product. In addition, they are also responsible for administering an independent, quasi-judicial regulatory agency. In 1980, a new salary schedule was developed by the Alaska Salary Commission that established 26C as the salary for both CFEC Commissioners and District Court Judges. However, District Court Judges salaries have since been changed to a different salary schedule and substantially increased. Meanwhile, CFEC Commissioners' salaries have not been amended over the past 25 years and have not kept pace with comparable positions.

Last year, the salary schedule for state department heads was amended to provide “not less than range 28 nor more than range 30”, with step increases allowed [AS 39.20.080(a)]. This results in a range from \$85,716 to \$127,236 per year. Deputy Commissioners range from \$85,716 to \$102,420 [AS 39.20.080(b)]. By statute, CFEC Commissioners remain shackled to the very lowest rung in that ladder. Last year, the salary for District Court Judges was raised to \$129,516 per year (AS 22.15.020) creating more than a 50% disparity, in contrast to the identical pay levels, established by the 1980 legislation. Finally, in September 2006, Division Directors’ salaries were increased to range 27 with merit increases allowed, resulting in ranges from \$82,908 to \$114,744 annually.

In recent years, significant salary increases have been given many public officials including District Court Judges, Department Commissioners, Deputy Commissioners, and Division Directors. No salary increases have occurred for CFEC Commissioners for 25 years other than the general salary schedule adjustments for all state employees. (Please see the attached salary comparisons.) Half of CFEC section heads now receive a higher salary than CFEC Commissioners. Most state Division Directors receive a higher salary than CFEC Commissioners. All Department Commissioners and District Court Judges receive a higher salary than CFEC Commissioners. All Deputy Commissioners receive a higher salary than CFEC Commissioners. We are also aware that the Regulatory Commission of Alaska (RCA) is in a similar situation and a task force has been appointed to examine their compensation (among other tasks). The results of this examination may help inform a decision regarding the most appropriate options for needed CFEC Commissioners salary adjustments. Without some adjustment, the shortfall and inequity in the current CFEC Commissioners salary will continue to grow.

We therefore respectfully request Governor Palin to support an increase to the CFEC Commissioner’s salary schedule. Several options to amend AS 16.43.060 would be available for her consideration:

- a) Return to a salary schedule linked to District Court Judges.
- b) Incorporate salaries for CFEC Commissioners into state department commissioner or deputy commissioner salary schedules subject to merit increases.

- c) Return to original level of 28B subject to merit increases.
- d) Consider CFEC Commissioners' salaries in light of the recommendations of the RCA task force on RCA Commissioners' salaries.

No general fund appropriation would be required as CFEC generates sufficient revenues to cover its operational needs.

Respectfully Submitted,

Thank you.

Attachment

cc: Mike Nizich, Deputy Chief of Staff
Christopher Clark, Acting Legislative Director
Karen Rehfield, Director, OMB
Denby Lloyd, Commissioner ADF&G
Tom Lawson, Administrative Services Director, ADF&G

CURRENT CFEC SALARY SCHEDULE COMPARISONS

RANGE			Step A	Step B	Step C	Step D	Step E	Step F	Step J	Step K	Step L	Step M		
23	CFEC Employees	Monthly Yearly	\$ 5,628.00 \$ 67,536.00	\$ 5,832.00 \$ 69,984.00	\$ 6,022.00 \$ 72,264.00	\$ 6,239.00 \$ 74,868.00	\$ 6,446.00 \$ 77,352.00	\$ 6,686.00 \$ 80,232.00	\$ 6,937.00 \$ 83,244.00	\$ 7,197.00 \$ 86,364.00	\$ 7,467.00 \$ 89,604.00	\$ 7,747.00 \$ 92,964.00	\$ 8,039.00 \$ 96,468.00	23
26	CFEC Commissioners	Monthly Yearly			\$ 7,143.00 \$ 85,716.00									26
27	State Directors	Monthly Yearly	\$ 6,909.00 \$ 82,908.00	\$ 7,143.00 \$ 85,716.00	\$ 7,402.00 \$ 88,824.00	\$ 7,678.00 \$ 92,136.00	\$ 7,954.00 \$ 95,448.00	\$ 8,253.00 \$ 99,036.00	\$ 8,562.00 \$ 102,744.00	\$ 8,883.00 \$ 106,596.00	\$ 9,216.00 \$ 110,592.00	\$ 9,562.00 \$ 114,744.00		27
28	State Department Heads	Monthly Yearly	\$ 7,143.00 \$ 85,716.00	\$ 7,402.00 \$ 88,824.00	\$ 7,678.00 \$ 92,136.00	\$ 7,954.00 \$ 95,448.00	\$ 8,253.00 \$ 99,036.00	\$ 8,540.00 \$ 102,480.00	\$ 8,860.00 \$ 106,320.00	\$ 9,192.00 \$ 110,304.00	\$ 9,537.00 \$ 114,444.00	\$ 9,895.00 \$ 118,740.00		28
30	State Department Heads	Monthly Yearly	\$ 7,678.00 \$ 92,136.00	\$ 7,954.00 \$ 95,448.00	\$ 8,253.00 \$ 99,036.00	\$ 8,540.00 \$ 102,480.00	\$ 8,841.00 \$ 106,092.00	\$ 9,152.00 \$ 109,824.00	\$ 9,495.00 \$ 113,940.00	\$ 9,851.00 \$ 118,212.00	\$ 10,220.00 \$ 122,640.00	\$ 10,603.00 \$ 127,236.00		30
	District Court Judges	Monthly Yearly								\$ 7,179.00 \$ 86,148.00	District Court Judges prior to 2006		\$ 10,793.00 \$ 129,516.00	**

* Longevity Step

**** Automatic increases tied to same percentage as Range 28 - Step E (2006 Amendments)**

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

SARAH PALIN, GOVERNOR

8800 GLACIER HWY, #109
P.O. Box 110302
JUNEAU, AK 99811-0302

(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS

INTERNET: www.cfec.state.ak.us

June 5, 2007

CERTIFIED—RETURN RECEIPT

7003 0500 0002 8881 6035

Megan C. Lind
HC 71, Box 158
Thornfield, MO 65762

Re: Your May 4th letter to Governor Sarah Palin

Dear Ms. Lind:

Your May 4 letter to Governor Palin was referred to the Alaska Commercial Fisheries Entry Commission for our direct reply to you.

Last spring, either your mother (Mary C. Lind) or your sister (Molly C. Lind) could have obtained permanent transfer of the Kodiak salmon beach seine entry permit they were seeking, if either of them had supplied their social security in support of the transfer.

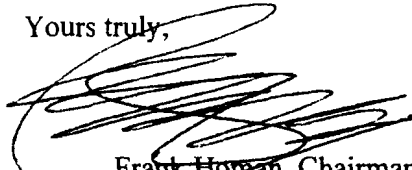
Enclosed is a copy of our June 13, 2006 Final Commission Decision providing a conditional denial of the transfers your mother and sister were seeking. As the decision explains, a state statute, AS 16.05.480 requires an individual applying to receive the transfer of an entry permit to provide their social security number. Additionally (we will add), this state statute is the requirement of federal law.

As we notified your mother and your sister last spring, either of them could have challenged the commission's decision by requesting reconsideration or by appealing to an Alaska Court within 30 days from the date of that decision. Neither your mother nor your sister pursued those remedies and __

the deadline for doing so is now long past. In fact, the commission no longer has power to modify its decision.

Your mother and your sister are still welcome to apply to the commission for the transfer of an entry permit, but, to be successful, their application would need to include their social security number.

Yours truly,

A handwritten signature in black ink, appearing to be 'Frank Homan', written over the typed name.

Frank Homan, Chairman
Peter Froehlich, Commissioner
Bruce Twomley, Commissioner

000

Enclosure
070247/136

cc: Governor Sarah Palin
Alaska Department of Law

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

FRANK H. MURKOWSKI, GOVERNOR
8800 Glacier Hwy, #109
P.O. Box 110302
Juneau, AK 99811-0302

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(907) 789-6180 BBS

INTERNET: www.cfec.state.ak.us

June 13, 2006

CERTIFIED—RETURN RECEIPT

Mary C. Lind (7003 0500 0002 8882 0360)
HC 71, Box 158
Thornfield, MO 65762

Molly C. Lind (7003 0500 0002 8882 0650)
P.O. Box 463
Kodiak, AK 99615

Re: FINAL COMMISSION DECISIONS ON ADMINISTRATIVE REVIEW
Mary C. Lind
Requests for Permanent Transfer of Kodiak Salmon Beach Seine Entry Permit
S02K 64143E
CFEC 06-001-P

Molly C. Lind
CFEC 06-012-P

Dear Proposed Transferees:

The commission has finally denied both of your requests for permanent transfer of the above-referenced entry permit. Enclosed is a copy of our Final Commission Decision on Administrative Review explaining our reasons for the denial.

Please understand, these denials are conditional. If either of you were to supply the commission with your social security number, we could then complete the proposed transfer. However, we would need to receive the social security number within 30 days of the date of this decision.

Also enclosed is a copy of 20 AAC 05.1850, the Commission regulation detailing your right to request reconsideration for a period of 30 days from the date of this letter. A request for reconsideration must set forth specifically the grounds upon which the decision is believed to be erroneous. Please do not repeat the arguments we have already rejected.

Finally, enclosed is that part of Appellate Rule 602 outlining the procedure for you to seek judicial review of this decision. Under the appellate rule, you have only 30 days from the date of this letter to file an appeal in Superior Court.

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION



Frank Homan, Chairman
Bruce Twomley, Commissioner

Enclosures

cc: Bernard Bjork, 32693 Bartoldus Lp., Astoria, OR 97103 (7003 0500 0002 8882 0377)

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION

In Re Applications:

MARY C. LIND

CFEC 06-001-P

MOLLY C. LIND

CFEC 06-012-P

Requests for Permanent Transfer of Kodiak
Salmon Beach Seine Entry Permit S02K 64143E

**FINAL COMMISSION DECISION ON ADMINISTRATIVE
REVIEW**

I. INTRODUCTION

This is a request for permanent transfer of a Kodiak salmon beach seine permit. The proposed transferee has refused to provide her social security number to the commission, and, therefore, the commission has denied this transfer.

On appeal to the commission, the proposed transferee has argued vigorously that the commission lacks authority to require her to provide her social security number. She is correct on the point that we do not have the power to force her to provide her social security number. However, we have the authority and the legal duty to deny the transfer of the permit in the event she continues to withhold her social security number. We are wholly unpersuaded by her arguments to the contrary.

Additionally, while this transfer has been pending before the commission, the transferee, her 17-year-old daughter, and the original transferor, have submitted a new request for transfer of the same permit on the same terms except the daughter is proposed as transferee of the permit.

From one standpoint, while the original transfer was pending, it may not have been appropriate to process the second transfer. However, commission staff did review and deny the transfer for the reason that the daughter refused to provide her social security number and explained that she did not have a social security number. Because the second proposed transfer is presented and signed by the parties to the first proposed transfer, we can view it as impliedly withdrawing the first transfer. Therefore, if otherwise consistent with our law and regulations, in theory, the second proposed transfer could be granted. However, the daughter's failure to supply her social security number requires the commission at this time to deny the second proposed transfer as well.

To save time for all parties, this decision addresses both proposed transfers.

Either the mother or daughter could request reconsideration by the commission within 30 days of the date of this decision. However, we would suggest neither party present the same arguments we have already rejected. Additionally, either the mother or daughter can challenge our decision in court within 30 days of the date of this decision.

In the alternative, either mother or daughter could supply their individual social security number to the commission and, thereby, the commission could approve one of the proposed transfers before us. However, we would need to receive the social security number within 30 days from the date of this decision to complete one of the proposed transfers.

II. PROCEDURAL HISTORY

A. First Transfer Request

The applicant and appellant herein, Mary C. Lind (hereinafter proposed transferee or the mother) submitted to the commission a Request for Permanent Transfer of Entry Permit form executed as well by the permit holder Bernard Bjork requesting the commission to permanently transfer Mr. Bjork's Kodiak beach seine entry permit to the transferee. The commission received the form on February 6, 2006. The proposed transferee declined to provide her social security number as required by the form.

On February 7, 2006, commercial fisheries permit clerk, Yvonne Miller, wrote to the transferee requesting her to submit her social security number by March 7, 2006.

The proposed transferee refused to provide her social security number, and, on March 17, 2006, clerk Miller sent the applicant a notice she had denied the transfer request based on AS 16.05.480. Clerk Miller advised the transferee she could request a hearing to challenge the denial.

On March 30, 2006, the proposed transferee submitted her request for a hearing premised on her arguments the commission lacked authority to require her to submit her social security number as a condition for completing the transfer.

On April 3, 2006, commission hearing officer Jim Bowen, in a 4-page decision, denied the proposed transferee's request for a hearing, because she had presented nothing to hold a hearing about, and the hearing officer further affirmed the original denial of the requested transfer.

On May 30, 2006, the proposed transferee appealed the hearing officer's denial to the commissioners. On June 2, 2006, chairman Frank Homan wrote to the proposed transferee to acknowledge the receipt of her petition. By implication, the commissioners have ordered administrative review of the hearing officer's denial. We have now completed our review, and this decision follows.

B. Second Transfer Request

There is an additional chapter, however.

While the original proposed transferee's appeal was pending before the commissioners, the proposed transferee, her daughter, Molly C. Lind (hereinafter, second proposed transferee or the daughter) and the permit holder submitted an additional Request for Permanent Transfer of Entry Permit form to the commission requesting permanent transfer of the permit to the daughter. Otherwise, the terms of the transfer appear to be the same including the fact the daughter did not provide a social security number on the form. The daughter (who is 17 years old) explained on the form that she had never been issued a social security number.

On April 12, 2006, clerk Miller advised the daughter that, among other things, the daughter would need to submit her social security number for the transfer to be completed. The daughter declined to obtain and submit her social security number, so, on April 27, 2006, clerk miller denied the requested transfer.¹

On June 6, 2006 the daughter appealed from the denial of the transfer. With her petition, the daughter included a copy of a letter from a Social Security Administration office in Springfield, Missouri, confirming that the daughter has not been assigned a social security number and further advising the daughter how she could obtain a social security number.

The commissioners have taken jurisdiction of the daughter's appeal directly pursuant to *M.S.*, CFEC 98-089-E (1998); *Carle*, CFEC 96-003-P (1996). Time is of the essence, because we are on the eve of the fishing season, and both proposed transferees face the risk of losing fishing time. Therefore, we will address both of the appeals in this decision.

III. DISCUSSION

A. The Commission's Authority and Duty

The mother has argued vigorously to the commission that we lack authority to deny her requested transfer of the permit. We have found her arguments to be wholly unpersuasive.

AS 16.05.480(b) and (j) require² in part as follows:

(b) A person applying for a commercial fishing license under this section shall provide the person's social security number.

* * *

¹ From one standpoint, commission staff should not have addressed this second request for transfer while the original request for transfer of the same permit remained pending before the commission. However, from a different standpoint, clerk Miller may have been entirely correct to rule on the proposed transfer, because both of the parties to the original proposed transfer signed documents which could be understood as an implied withdrawal of the oriuginal request for transfer under 20 AAC 05.1712(e).

² The Alaska legislature adopted this provision in order to meet a requirement of federal law. *See*, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 (Aug. 22, 1996).

(j) In this section, "commercial fishing license" includes an entry permit . . . under AS 16.43

AS 16.43.170, **Transfer of entry permits**, provides in relevant part as follows:

(a) [E]ntry permits . . . are transferable only through the commission as provided in this section . . . and under regulations adopted by the commission.

(b) If the proposed transferee, other than the commission, can demonstrate the present ability to participate actively in the fishery and the transfer does not violate any provision of this chapter or regulations adopted under this chapter . . . , the commission shall approve the transfer and reissue the entry permit to the transferee provided that neither party is prohibited by law from participating in the transfer.

In turn, our regulations set forth the following requirements.

20 AAC 05.1707(a) and (b) require in relevant part:

(a) A request for permanent transfer of an entry permit must be made to the commission on the form designated and provided by the commission under this chapter Upon request by the commission, the proposed transferee . . . shall furnish any other information that the commission finds necessary to support the request for permanent transfer of the entry permit.

(b) A request for permanent transfer of an entry permit must be supported by documentation and such other supporting information as is required by the commission. If the required documentation or information in support of a request for permanent transfer is not submitted to the commission within 60 days after notification by the commission that the information is required, the commission will deny the request for permanent transfer of the entry permit.

20 AAC 05.1712(b) additionally provides in relevant part as follows:

(b) [T]he proposed transferee shall complete the . . . Request for Permanent Transfer of Entry Permit form, including the transfer survey portion of that form. [T]he proposed transferee . . . shall swear to the commission under penalty of perjury that . . . the proposed transferee is [not] prohibited by law or court order from participating in the transfer If the . . . proposed transferee fails to complete and sign the request form as required, the commission will deny the holder's request for permanent transfer of the entry permit.

We emphasize that the Request for Permanent Transfer of Entry Permit form requires the proposed transferee to provide the individual's social security number in order to complete the form. In our view, this array of statutes and commission regulations not only provides the commission authority to ask the transferee for her social security number, but also creates a duty on the part of the commission to require this information before approving a transfer and issuing a permit to the transferee.

A. Second Proposed Transfer and Solution

As we noted, while this proposed transfer was pending on appeal before the commissioners, the parties to the original proposed transfer submitted a second proposed transfer to the daughter of the original transferee. Because both parties to the original transfer signed and submitted the request to the commission, we have the discretion to treat the second proposed transfer as a withdrawal of the first proposed transfer under 20 AAC 05.1712(e). Doing so would allow us to complete the second proposed transfer, except for the fact the second proposed transferee, the original transferee's daughter, has not submitted her social security number. The daughter has represented that she does not have a social security number, but the daughter has in her hands the power to cure that problem.

We commissioners have directly taken jurisdiction of the second proposed transfer to the daughter in order to save time for all parties on the eve of a fishing season. *M.S.*, CFEC 98-089-E (1998); *Carle*, CFEC 96-003-P (1996).

At this point, if either the daughter or her mother were to submit either individual's, social security number, we could complete one of the transfers before us. We would need to have the social security number in order to complete this transaction within 30 days of the date of this decision.

IV. CONCLUSION AND ORDER

Subject to our additional discussion herein, we affirm the hearing officer's decision and commission staff's decision to deny the requested permanent transfer of this entry permit. This is a conditional denial, because either the mother or her daughter has the power to achieve a transfer of the permit by submitting to the commission the respective individual's social security number.

This decision will become a final commission decision within 30 days, unless one of the proposed transferee's submits to the commission their, respective, social security numbers, or one of the proposed transferees requests reconsideration of this decision by the commission, or one of the proposed transferees challenges this decision in court.

DATED at Juneau this 13th day of June, 2006.

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION

A handwritten signature in black ink, appearing to read 'Frank Homan', is written over a rectangular stamp area.

Frank Homan, Chairman
Bruce Twomley, Commissioner

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

FRANK H. MURKOWSKI, GOVERNOR

6800 GLACIER HWY. #109
JUNEAU, AK 99801

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(907) 789-6170 FAX
(907) 789-6180 BBS

INTERNET: www.cfec.state.ak.us

By CERTIFIED -- RETURN RECEIPT NO. 7003 0500 0002 8881 5564, and
FACSIMILE TRANSMISSION to FAX No. (417) 679-3423

April 3, 2006

Mary C. Lind
HC 71, Box 158
Thornfield, MO 65762

Re: Request for Administrative Hearing on Denial of Permanent Transfer Request
CFEC 06-001-P

Dear Ms. Lind:

Enclosed is my decision denying your hearing request and affirming the CFEC's March 17, 2006 denial of the request for permanent transfer of entry permit S02K 64143E to you from Bernard Bjork. The commissioners may adopt the decision as a final commission decision in 60 days unless you request administrative review by then. You may request administrative review by filing a petition pursuant to the enclosed regulation (20 AAC 05.1845). If you have any questions about appealing further please contact commission secretary Beccy Charles at (907) 790-6933.

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION

Jim Bowen
Hearing Officer

Enclosures
cc (w/ encl.): Bernard Bjork (regular mail)

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION

Request for Administrative Hearing of)	
)	
MARY C. LIND,)	CFEC No. 06-001-P
Petitioner.)	
_____)	

**DECISION DENYING HEARING AND
AFFIRMING DENIAL OF PERMANENT TRANSFER**

I. INTRODUCTION

Mary C. Lind, petitioner, is the proposed transferee of entry permit S02K 64143E. She requests an administrative hearing to contest the CFEC's decision to deny transfer of the permit to her. Because there is no genuine issue in contention, the hearing request is denied. Additionally, because the transfer officer correctly denied the permanent transfer, the denial is affirmed.

II. PROCEDURAL HISTORY

On February 6, 2006 the CFEC received a request for permanent transfer of entry permit S02K 64143E from Bernard Bjork to Mary C. Lind.¹ In completing the CFEC's Request for Permanent Transfer of Entry Permit form, Ms. Lind, the proposed transferee, declined to provide her social security number. By letter dated February 7, 2006, the commission informed Ms. Lind that she needed to provide her social security number by March 7, 2006 to avoid denial of the transfer request. She refused to do so.

By letter of March 17, 2006, CFEC permit clerk Yvonne Miller, in her capacity as the acting

¹ "S02K" is the fishery code for the Kodiak beach seine salmon fishery.

transfer officer in this matter, informed Ms. Lind and Mr. Bjork that the permanent transfer request was denied because Ms. Lind had failed to comply with the statutory requirement that she provide her social security number. In explaining the requirement, the transfer officer cited (and quoted in full) AS 16.05.480(b), which requires that a person applying for a commercial fishing license provide the person's social security number.

The March 17, 2006 denial letter also informed the parties of their right to request a hearing to contest the denial, how and by when to do so, and closed with the explanation that "[t]he hearing will be granted if the written request demonstrates that a genuine issue is in contention."

Ms. Lind requested an administrative hearing in her March 30, 2006 letter to the CFEC, which was received the same day by facsimile transmission.

III. FINDINGS AND CONCLUSIONS

Inasmuch as, at this juncture at least, the denial of the transfer request is based solely on petitioner's refusal to provide her social security number -- a fact readily acknowledged by Ms. Lind² -- there is no material fact in dispute. Accordingly, the question whether petitioner's hearing request should be granted turns on the determination whether petitioner's legal contentions have placed "a genuine issue is in contention" within the meaning of 20 AAC 05.1805(a).

The statutory requirement that a person seeking a commercial fishing license -- as Ms. Lind is here -- provide her social security number is plainly and unambiguously set forth in the first sentence of AS 16.05.480(b): "A person applying for a commercial fishing license under

² Mary Lind's March 30, 2006 letter to the CFEC includes the statement: "I have no disagreement with [transfer officer] Miller's letter stating that I did not provide a Social Security number requested by her."

this section shall provide the person's social security number."³ In addition to this authority, the transfer officer acted pursuant to CFEC regulation 20 AAC 05.1707(a), which includes the following language:

Upon request by the commission, the proposed transferee shall produce documentation of the facts supporting the proposed transferee's certification and shall furnish any other information that the commission finds necessary to support the request for permanent transfer of the entry permit.

Petitioner comes closest to directly addressing her failure to comply with AS 16.05.480(b) in the disparate assertions set forth in the first full paragraph of page two of her March 30, 2006 letter. These assertions may be summarized as follows: AS 16.05.480(b) is "directory, not mandatory" (emphasis in original); no consequences are prescribed for non-compliance; providing one's social security number is an incidental act that is not essential to accomplishing transfer of a permit; the section does not expressly mention a proposed transferee. Petitioner finally argues in the paragraph that the state lacks authority to require her to make "use of a foreign jurisdiction (i.e., legislative jurisdiction of the United States Congress and its creations such as the Social Security Administration)." Nothing in the paragraph squarely addresses why the section's requirement does not apply to her, nor is any applicable authority cited that might excuse her failure to comply with the requirement that she provide her social security number.

For petitioner to prevail at this juncture one or more of her legal contentions would need

³ The first sentence of paragraph six of petitioner's March 30, 2006 letter reads: "In regard to AS 16.05.480(b), Bernard Bjork did not apply for a commercial fishing license under this section." However, nowhere in her letter does petitioner make the claim that she did not apply for a commercial fishing license under the section. Moreover, any doubt whether section 16.05.480(b) applies here is removed by subsection (j): "In this section, 'commercial fishing license' includes an entry permit and an interim-use permit issued under AS 16.43"

to override the statutory and regulatory authority cited above. Since there is no present authority to make such a ruling,⁴ none of the grounds referenced by petitioner to justify her refusal to provide her social security number raises a “substantial and material issue which could be resolved at a hearing, and thus [there is] no need to hold the hearing at all.” *Estate of Miner*, 635 P.2d 827, 834 (Alaska 1981).

ORDER

1. Mary C. Lind’s request for an administrative hearing is denied.
2. The CFEC transfer officer’s March 17, 2006 denial of the request for permanent transfer of entry permit S02K 64143E from Bernard Bjork to Mary C. Lind is affirmed.

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION

Dated: April 3, 2006

Jim Bowen
Hearing Officer

⁴ *Kalmukoff v. CFEC*, 693 P.2d 844, 846 n.3 (Alaska 1985) (hearing officer has no power to set aside challenged regulation).

OFFICE OF THE GOVERNOR
JUN 11 2007

MAY -9 2007

HC 71, Box 158
Thornfield, Missouri 65762
May 4, 2007

Governor Sarah Palin
PO Box 110001
Juneau, Alaska 99811-0001

Dear Governor Palin,

I am writing to you to try to get resolved a problem with an interpretation and enforcement of law by the Alaska Commercial Fisheries Entry Commission. The policy of the CFEC prevented my mom, Mary C. Lind, my sister, and I from obtaining a permit or license last year to help my dad with beach seining in the Kodiak area.

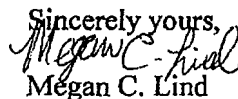
I am sixteen years old and my sister, Molly, is eighteen years old. Neither one of us has a Social Security number, nor do we have an intent to apply for one. We are aware that no law requires a Union state citizen to have one except when becoming involved with certain privileges connected with the federal government.

On June 13, 2006, the CFEC issued Final Commission Decisions on Administrative Review which denied the transfer of a Kodiak beach seine permit to both my mom and sister. The sole reason for the denials was for not providing a Social Security number. I was unable to get a commercial fishing license because of the same reason.

The main question in this situation is whether Alaska law, including regulations, makes a mandatory requirement of a person in all cases to provide a Social Security number to obtain a fishing permit or license. My family has argued that a careful and precise reading of the appropriate statutes and implementing regulations language makes no such requirement and, in fact, required the CFEC to approve the permit transfer. A point also to be made is that CFEC regulations should be enforced only to the extent which they precisely and fully indicate a mandate on their face, leaving no room for biased and arbitrary requirements.

Would you please have the office of your attorney general make a decision on this matter? In reading the Alaska Constitution at Article III, Section 16, we became aware of the power of your office to persuade members of the bureaucracy that might be in error. A decision favorable to my family could keep us from losing another fishing season. It would also keep my family from having to start the process over to have the state and federal courts determine the matter.

Thank you very much for your attention to this matter.

Sincerely yours,

Megan C. Lind