

HOUSE BILL NO. 455

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KOHRING, Mulder

Introduced: 1/26/96

Referred: House Special Committee on Fisheries, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the management of salmon fisheries; and providing for an**
2 **effective date."**

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

4 * **Section 1.** PURPOSE. (a) This Act provides that in an area of intense common
5 consumptive use fishing activity, after maintenance of salmon stocks at sustained yield levels
6 is assured, subsistence, personal use, and sport fisheries shall receive a preference to take a
7 portion of the harvestable surplus of salmon stocks in the area. Subsistence, personal use, and
8 sport fisheries must be ensured a reasonable opportunity to take enough salmon to satisfy the
9 harvest needs of those fisheries before other fisheries may be allocated the remaining portion
10 of the harvestable surplus of salmon.

11 (b) This Act is subject to AS 16.05.258 and does not alter existing or establish new
12 allocations or preferences among subsistence, personal use, and sport fisheries.

13 * **Sec. 2.** AS 16.05 is amended by adding new sections to article 5 to read:

14 Sec. 16.05.735. MANAGEMENT OF ALASKA SALMON STOCKS. (a) The

1 Board of Fisheries and the department shall maintain all wild Alaska salmon stocks
2 at sustained yield levels.

3 (b) The Board of Fisheries shall adopt regulations establishing methods and
4 means of taking salmon that protect salmon spawning and rearing habitat from damage
5 that may, individually or cumulatively, result in significant reduction in the
6 productivity of salmon stocks.

7 Sec. 16.05.740. PREFERENCE FOR COMMON CONSUMPTIVE USE
8 FISHERIES. (a) Notwithstanding AS 16.05.251(e), in a fishing area where the
9 average estimated common consumptive use fishing effort for all fishery resources
10 exceeds 500,000 angler-days per year for the preceding three years, the Board of
11 Fisheries and the department shall exercise their respective authorities under this title
12 to reserve, to the extent technically feasible, a portion of the harvestable surplus of
13 each salmon stock taken in the area to provide a harvest priority to common
14 consumptive use fisheries that take the stock in the area. The number of salmon
15 reserved for common consumptive use fisheries shall provide a reasonable opportunity
16 for these fisheries to take all salmon that is necessary for each common consumptive
17 use fishery in the area to satisfy its harvest needs. A salmon stock may not be
18 allocated to a commercial fishery at any point along its migration route unless the
19 board and the department have determined that the portion of the stock reserved under
20 this subsection to satisfy the harvest needs of a common consumptive use fishery will
21 be available for harvest by that common consumptive use fishery.

22 (b) The total number of salmon, without regard to the species of salmon,
23 reserved to satisfy the harvest needs of personal use and sport fisheries under this
24 section may not exceed five percent of the projected total statewide harvest of salmon.
25 Personal use and sport fisheries in a fishing area may take more than five percent of
26 a particular salmon species or stock and may take more than five percent of the total
27 harvest of salmon in the area.

28 (c) In this section,

29 (1) "common consumptive use" means the taking of fish under laws
30 governing subsistence, personal use, or sport fishing;

31 (2) "fishing area" means the saltwater and freshwater areas of a

1 commercial fisheries management area that

2 (A) is established by the Board of Fisheries for the management
3 of commercial fisheries; and

4 (B) consists of fishing districts, subdistricts, or sections;

5 (3) "harvest needs" means the number of fish of a stock that is
6 reasonably expected to be harvested by a fishery given the laws governing the fishery,
7 the projected participation in the fishery, and the projected harvestable surplus of the
8 stock;

9 (4) "harvest priority" means a preference accorded to a fishery in order
10 to allow the fishery to satisfy its harvest needs;

11 (5) "harvestable surplus" means the portion of a fish stock that is
12 available for harvest after biological escapement of sufficient fish to maintain the stock
13 at sustained yield levels is assured;

14 (6) "salmon" means a fish of any of the five species of Pacific salmon
15 that originated in or will return to spawn in the waters of the state;

16 (7) "stock" means a group of interbreeding individuals of a fish species
17 that possesses common characteristics, including area of origin, migration patterns, run
18 timing, and habitat.

19 * **Sec. 3.** This Act takes effect January 1, 1997.