

SENATE BILL NO. 285

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS HALFORD, Green, Miller, Frank, Sharp

Introduced: 2/9/96

Referred: RES, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of discrete salmon stocks and to a salmon
2 management assessment; and providing for an effective date."

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

4 * **Section 1.** PURPOSE. This Act requires the Board of Fisheries to adopt and implement
5 a discrete salmon stock management policy that is consistent with the sustained yield of wild
6 salmon stocks. This Act also provides a means to offset the costs incurred by the state in
7 adopting and implementing a discrete salmon stock management policy.

8 * **Sec. 2.** AS 16.05 is amended by adding a new section to article 5 to read:

9 Sec. 16.05.735. DISCRETE SALMON STOCK MANAGEMENT. (a) The
10 Board of Fisheries shall adopt and implement by regulation a policy for the
11 management of discrete salmon stocks that is consistent with sustained yield of wild
12 salmon stocks. The board shall adopt and implement a discrete stock management
13 policy by

14 (1) January 1, 2001, for all sockeye salmon and chum salmon stocks

1 taken in each of the Cook Inlet, Kodiak, Aleutian Islands and Alaska Peninsula, and
2 Kuskokwim salmon fishery management areas;

3 (2) January 1, 2006, for all coho salmon and chinook salmon stocks
4 taken in each of the Southeastern Alaska, Yakutat, Cook Inlet, Kodiak, Aleutian
5 Islands and Alaska Peninsula, Bristol Bay, Kuskokwim, and Yukon-Northern salmon
6 fishery management areas;

7 (3) January 1, 2011, for all pink salmon stocks taken in each of the
8 Southeastern Alaska, Yakutat, Prince William Sound, Kodiak, Chignik, and Aleutian
9 Islands and Alaska Peninsula salmon fishery management areas.

10 (b) The Department of Fish and Game shall

11 (1) determine the stock composition by river of origin for each existing
12 mixed stock salmon fishery; in addition to identifying the discrete salmon stocks
13 originating in the state, the department shall identify non-Alaska stocks of Asian origin
14 and non-Alaska stocks originating elsewhere in North America that are taken in each
15 mixed stock fishery; the department shall annually provide the stock composition data
16 collected under this paragraph to the board;

17 (2) develop escapement objectives, based on the availability of
18 spawning and rearing habitat and average production, for each discrete salmon stock
19 where technically feasible;

20 (3) develop the ability to project escapements for each discrete salmon
21 stock in order to provide the board with the information necessary to perform its duties
22 under (a) of this section; and

23 (4) annually provide to the board in a timely manner the stock
24 identification data that are necessary to manage mixed stock fisheries before the fishing
25 season for those fisheries begins.

26 (c) Notwithstanding AS 16.05.080, the commissioner may establish the
27 proportion of the value of salmon that is to be collected under AS 43.76.150 as a
28 salmon management assessment for each Alaska Commercial Fisheries Entry
29 Commission administrative area that corresponds to a Board of Fisheries salmon
30 fishery management area described in (a) of this section in which the department is
31 conducting research and collecting data necessary to perform the department's duties

1 under this section. The proportion of the value to be collected under AS 43.76.150
2 shall be determined by dividing the estimated annual cost of conducting the research
3 and data collection for the management area by the average total annual value, as
4 defined in AS 43.75.290, of salmon taken in the area during the preceding five years.
5 The commissioner shall set the proportion of the value to be collected under
6 AS 43.76.150 for each area by regulation.

7 (d) In this section,

8 (1) "discrete salmon stock" means a population of a species of salmon
9 that spawns in the

10 (A) Noatak River or Kobuk River;

11 (B) Yukon River;

12 (C) Kuskokwim River;

13 (D) Togiak River;

14 (E) Igushik River, Wood River, or Nushagak River;

15 (F) Kvichak River;

16 (G) Naknek River;

17 (H) Egegik River;

18 (I) Ugashik River;

19 (J) Chignik River;

20 (K) Ayakulik River;

21 (L) Fraser River;

22 (M) Karluk River;

23 (N) Kasilof River;

24 (O) Kenai River;

25 (P) Susitna River;

26 (Q) Coghill-Eshamy River;

27 (R) Copper River or Bering River;

28 (S) Alsek River;

29 (T) Situk River;

30 (U) Chilkat River;

31 (V) Chilkoot River;

1 (W) Taku River; or

2 (X) Stikine River;

3 (2) "river of origin" means the river in which a discrete salmon stock
4 spawns.

5 * **Sec. 3.** AS 43.76 is amended by adding new sections to read:

6 ARTICLE 3. SALMON MANAGEMENT ASSESSMENT.

7 Sec. 43.76.150. SALMON MANAGEMENT ASSESSMENT. A person
8 holding a salmon fishery limited entry permit or salmon fishery interim-use permit
9 under AS 16.43 for an Alaska Commercial Fisheries Entry Commission administrative
10 area designated by the commissioner of fish and game under AS 16.05.735 shall pay
11 a salmon management assessment that is equal to the proportion, set by the
12 commissioner of fish and game under AS 16.05.735, of the value, as defined in
13 AS 43.75.290, of salmon taken under the permit that the person removes from the state
14 or transfers to a buyer in the state. The buyer shall collect the salmon management
15 assessment at the time the salmon is acquired by the buyer.

16 Sec. 43.76.160. COLLECTION OF ASSESSMENT. (a) A buyer who acquires
17 salmon that is subject to a salmon management assessment imposed by AS 43.76.150
18 shall collect the salmon management assessment at the time of purchase and shall
19 remit the total salmon management assessment collected during each month to the
20 Department of Revenue by the last day of the next month.

21 (b) A buyer who collects the salmon management assessment shall

22 (1) maintain records of the value of salmon purchased in the state that
23 are subject to the salmon management assessment imposed by AS 43.76.150;

24 (2) report to the Department of Revenue by March 1 of each year the
25 total value, as defined in AS 43.75.290, of the salmon that the buyer has acquired
26 during the preceding year that were subject to the salmon management assessment
27 imposed by AS 43.76.150.

28 (c) The owner of salmon removed from the state is liable for payment of a
29 salmon management assessment imposed by AS 43.76.150 if, at the time the salmon
30 is removed from the state, the assessment payable on the salmon has not been
31 collected by a buyer. If the owner of the salmon is liable for payment of the salmon

1 management assessment under this subsection, the owner shall comply with the
2 requirements under (a) and (b) of this section to remit the assessment to the
3 Department of Revenue, to maintain records, and to report to the Department of
4 Revenue.

5 (d) The salmon management assessment collected under this section in each
6 administrative area shall be deposited in the general fund. The Department of
7 Administration shall maintain separate accounts of the amounts received under
8 AS 43.76.150 - 43.76.170 from each administrative area. The legislature may
9 appropriate revenue generated by the salmon management assessment in each
10 administrative area to the Department of Fish and Game for the purpose of funding the
11 discrete salmon stock management research and data collection program under
12 AS 16.05.735 for the corresponding Department of Fish and Game management area.

13 Sec. 43.76.170. DEFINITION. In AS 43.76.150 - 43.76.170, "buyer" means
14 a person who acquires possession of salmon from the person who caught the salmon
15 regardless of whether there is an actual sale of the salmon, but does not include a
16 person engaged solely in interstate transportation of goods for hire.

17 * **Sec. 4.** Section 3 of this Act takes effect January 1, 1997.