

HOUSE BILL NO. 396

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CHENAULT, Wolf

Introduced: 1/23/04

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to management of salmon and other fish stocks and salmon fisheries**
2 **and to the use of funds received by an enhancement facility from the sale of fish."**

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

4 *** Section 1.** AS 16.05.251(h) is amended to read:

5 (h) The Board of Fisheries shall adopt by regulation a policy for the
6 management of mixed stock fisheries. The policy **must** [SHALL] provide for the
7 management of mixed stock fisheries in a manner that is consistent with **maximum**
8 **sustained yield of important and dominant salmon stocks and with** sustained yield
9 of **other** wild fish stocks. **In this subsection, "important and dominant salmon**
10 **stocks" means those salmon stocks that are either an important salmon stock or a**
11 **dominant salmon stock as those terms are defined under AS 16.05.740.**

12 *** Sec. 2.** AS 16.05.730(a) is amended to read:

13 (a) Fish stocks in the state shall be managed consistent with **maximum**
14 **sustained yield of important and dominant salmon stocks and with** sustained yield

1 of **other** wild fish stocks and may be managed consistent with sustained yield of
2 enhanced fish stocks.

3 * **Sec. 3.** AS 16.05.730(b) is amended to read:

4 (b) In allocating enhanced fish stocks, the board shall consider the need of fish
5 enhancement projects to obtain brood stock. The board **shall** [MAY] direct the
6 department to manage fisheries in the state to achieve an adequate return of fish from
7 enhanced stocks to enhancement projects for brood stock; however, management to
8 achieve an adequate return of fish to enhancement projects for brood stock shall be
9 consistent with **maximum sustained yield of important and dominant salmon**
10 **stocks and with** sustained yield of **other** wild fish stocks.

11 * **Sec. 4.** AS 16.05.730(c) is amended to read:

12 (c) The board **shall** [MAY] consider the need of enhancement projects
13 authorized under AS 16.10.400 and contractors who operate state-owned enhancement
14 projects under AS 16.10.480 to harvest and sell fish produced by the enhancement
15 project that are not needed for brood stock to obtain funds for the purposes allowed
16 under AS 16.10.450 or 16.10.480(d). The board **shall** [MAY] exercise its authority
17 under this title as it considers necessary to direct the department to provide a
18 reasonable harvest of fish, in addition to the fish needed for brood stock, to an
19 enhancement project to obtain funds for the **purposes allowed under AS 16.10.450**
20 **or 16.10.480(d)** [ENHANCEMENT PROJECT] if the harvest is consistent with
21 **maximum sustained yield of important and dominant salmon stocks and with**
22 sustained yield of **other** wild fish stocks. [THE BOARD MAY ADOPT A FISHERY
23 MANAGEMENT PLAN TO PROVIDE FISH TO AN ENHANCEMENT PROJECT
24 TO OBTAIN FUNDS FOR THE PURPOSES ALLOWED UNDER AS 16.10.450 OR
25 16.10.480(d).]

26 * **Sec. 5.** AS 16.05.730(d) is amended to read:

27 (d) In this section,

28 **(1)** "enhancement project" means a project, facility, or hatchery for the
29 enhancement of fishery resources of the state for which the department has issued a
30 permit;

31 **(2)** "**important and dominant salmon stocks**" means those salmon

1 **stocks that are either an important salmon stock or a dominant salmon stock as**
 2 **those terms are defined under AS 16.05.740.**

3 * **Sec. 6.** AS 16.05 is amended by adding a new section to article 5 to read:

4 **Sec. 16.05.740. Management of salmon stocks and salmon fisheries.** (a)

5 The commissioner and the Board of Fisheries shall manage the important salmon
 6 stocks and dominant salmon stocks of the state for maximum sustained yield, to the
 7 extent practicable, to achieve the greatest benefits for the people of the state.

8 (b) The commissioner shall adopt and revise as necessary escapement goals
 9 and harvest goals for important salmon stocks and dominant salmon stocks utilizing
 10 the best reliable scientific information available to the department. To the extent
 11 practicable, the commissioner shall expeditiously collect information necessary to
 12 manage important salmon stocks and dominant salmon stocks for maximum sustained
 13 yield. The commissioner shall manage salmon fisheries through emergency orders
 14 issued under AS 16.05.060 to achieve the escapement goals and harvest goals for the
 15 stocks taken in the fisheries. The commissioner shall exercise the professional
 16 judgment of the department to manage salmon stocks for which escapement goals or
 17 harvest goals have not been established for the highest level of sustainable yield that is
 18 practicable. For a minor stock for which the commissioner finds that it is not practical
 19 to manage the stock for maximum sustained yield, the commissioner shall exercise the
 20 professional judgment of the department to ensure that the escapement level for the
 21 stock is maintained at a level that provides for sustained yield of the stock. In the
 22 absence of sufficient information to establish an escapement goal or harvest goal for a
 23 salmon stock consistent with maximum sustained yield, the department shall manage
 24 the stock for sustained yield. The commissioner shall manage salmon for sustained
 25 yield in accordance with the following requirements:

26 (1) where the presence of multiple salmon stocks or species in a
 27 fishery or management area results in the inability to simultaneously achieve
 28 escapement goals for all of the stocks or species, the commissioner shall seek a
 29 balance during the fishing season of the escapements for all stocks and species in a
 30 manner that does the least harm collectively to the productivity of all stocks and
 31 species in the fishery or management area;

1 (2) the commissioner shall balance the harm of reducing escapements
2 below the escapement goal for weaker salmon stocks with increasing escapements
3 above the escapement goal for stronger salmon stocks without regard to the allocative
4 effects of the decision;

5 (3) the commissioner shall manage important, dominant, and more
6 productive salmon stocks for maximum sustained yield and minor or less productive
7 salmon stocks for sustained yield in order to achieve the greatest benefits for the
8 people of the state;

9 (4) in the absence of a management plan, when management measures
10 affect two or more competing groups of users, the commissioner shall regulate salmon
11 fisheries in a manner that allows for the best probability of simultaneously achieving
12 the escapement goals for all important salmon stocks and dominant salmon stocks
13 with the least disruption to users with no other alternative fisheries in the management
14 area; in this paragraph, "management area" means a salmon net gear registration area
15 established by the Board of Fisheries by regulation;

16 (5) the commissioner shall conserve depressed salmon stocks and, as
17 practicable, rehabilitate and enhance depressed salmon stocks;

18 (6) the commissioner is responsible for conservation of salmon stocks
19 and shall avoid overharvest that may threaten the sustained yield of a salmon stock;

20 (7) the commissioner shall avoid overescapement that may threaten the
21 maximum sustained yield of an important salmon stock, dominant salmon stock, or
22 more productive salmon stock or the sustained yield of other salmon stocks.

23 (c) The board shall adopt by regulation policies providing for utilization and
24 development of salmon stocks, including the allocation of the harvestable portion of
25 each salmon stock among the fisheries of the state. The policies must be consistent
26 with the salmon escapement goals and harvest goals established by the commissioner.
27 The board shall allocate the harvestable portion of salmon stocks in accordance with
28 AS 16.05.258 and, except as otherwise provided in this section, AS 16.05.251(e), and
29 in accordance with the following requirements:

30 (1) for salmon fisheries that are fully developed, the board may not

31 (A) exclude existing, historic users from taking their historic

1 level of the harvest of a salmon stock except to achieve conservation goals
2 adopted by the commissioner;

3 (B) authorize escapement of more salmon than are necessary to
4 satisfy escapement goals adopted by the commissioner;

5 (2) the board shall give priority consideration to the history of use of a
6 salmon stock by a fishery and to the stability of fisheries when fishery management
7 decisions are adopted;

8 (3) where established fisheries have historically harvested a salmon
9 stock that originates in an area outside the area where the fisheries occur, the board
10 shall maintain harvests of that stock by those fisheries at historical levels except as
11 necessary to achieve conservation goals adopted by the commissioner;

12 (4) the board shall provide that salmon in excess of the number needed
13 to satisfy escapement goals adopted by the commissioner are available for harvest to
14 prevent overescapement or waste of salmon.

15 (d) If there is a conflict between this section and AS 16.05.251, this section
16 shall prevail.

17 (e) In this section,

18 (1) "conservation" means the supervision, management, protection,
19 improvement, maintenance, and use of a fishery resource to ensure the highest social
20 as well as economic benefits from the harvest of the resource;

21 (2) "dominant salmon stock" means a wild salmon stock that is
22 consistently more productive and numerically more abundant or is consistently more
23 commercially valuable than other salmon stocks;

24 (3) "important salmon stock" means a wild salmon stock for which the
25 department has established a scientifically based escapement goal and a stock
26 management plan to maintain the stock at escapement levels consistent with maximum
27 sustained yield of the stock;

28 (4) "maximum sustained yield" means achievement and maintenance
29 in perpetuity of the highest level of annual or periodic yield of a renewable resource;

30 (5) "minor salmon stock" means a salmon stock that is not an
31 important salmon stock or dominant salmon stock;

1 (6) "sustained escapement threshold" means the threshold level of
2 escapement of a salmon stock below which the ability of the stock to sustain itself is
3 jeopardized;

4 (7) "sustained yield" means an average annual yield of a renewable
5 resource that can be maintained on an annual basis.