

HOUSE BILL NO. 268

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

BY REPRESENTATIVE CHENAULT

Introduced: 1/19/10

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 is amended to read:

13 **Sec. 16.05.730. Management of wild and enhanced stocks of fish.** (a) Fish
14 stocks in the state shall be managed consistent with **maximum sustained yield of**

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

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

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

24 (d) In this section,

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

28 **(2)** "**important and dominant salmon stocks**" means those salmon
29 **stocks that are either an important salmon stock or a dominant salmon stock as**
30 **those terms are defined under AS 16.05.740.**

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

1 **Sec. 16.05.740. Management of salmon stocks and salmon fisheries.** (a) The
2 commissioner and the Board of Fisheries shall manage the important salmon stocks
3 and dominant salmon stocks of the state for maximum sustained yield, to the extent
4 practicable, to achieve the greatest benefits for the people of the state.

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

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

29 (2) the commissioner shall balance the harm of reducing escapements
30 below the escapement goal for weaker salmon stocks with increasing escapements
31 above the escapement goal for stronger salmon stocks without regard to the allocative

1 effects of the decision;

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

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

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

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

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

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

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

28 (A) exclude existing, historic users from taking their historic
29 level of the harvest of a salmon stock except to achieve conservation goals
30 adopted by the commissioner;

31 (B) authorize escapement of more salmon than are necessary to

1 satisfy escapement goals adopted by the commissioner;

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

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

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

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

14 (e) In this section,

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

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

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

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

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

29 (6) "sustained yield" means an average annual yield of a renewable
30 resource that can be maintained on an annual basis.