

BY GARDINER, BARBER, BRADNER,
DEGNAN, FREEMAN, GUY, HUBER,
LAKTONEN, MEEKINS, NAUGHTON
AND ORSINI

1 IN THE HOUSE

2 HOUSE BILL NO. 235

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rational utilization and con-
7 servation of fishery resources; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 16.10 is amended by adding new sections to read:

11 Sec. 16.10.400. STATE JURISDICTION. The state has jurisdiction
12 over all stocks of coastal fish, and anadromous fish originating from
13 the inland waters of the state. This jurisdiction shall continue during
14 the life cycle of coastal and anadromous fish while they are either
15 in the territorial waters of the state or outside the territorial waters
16 of the state.

17 Sec. 16.10.410. DETERMINATION OF HARVEST POTENTIAL. (a) The
18 commissioner shall annually determine which stocks of fish specified
19 in sec. 400 of this chapter are able to sustain an annual harvest
20 greater than the needs of state commercial fishermen without over-
21 utilization or undue interference with fish stocks utilized by other
22 states in the United States.

23 (b) The commissioner shall, by regulation, provide for a system
24 of permit issuance, on a nondiscriminatory basis, so that foreign
25 nationals may fish stocks determined to be subject to additional
26 utilization under (a) of this section.

27 Sec. 16.10.420. BILATERIAL AGREEMENTS. (a) After determining
28 the extent of traditional fishing by foreign nationals on the stocks
29 of fish specified in sec. 400 of this chapter, the commissioner or his

1 designee shall negotiate with appropriate foreign nationals for bi-
2 lateral agreements to reduce or phase out traditional fishing if this
3 state or other states have the capacity to restore or expand their
4 present harvest or production levels.

5 (b) In addition, the governor or his designee shall seek agree-
6 ments with appropriate foreign nationals for the rational use and
7 conservation of the following:

8 (1) stocks of coastal fish common both to waters over which
9 the state has jurisdiction and to waters over which foreign nationals
10 have jurisdiction; the agreement shall attempt to make possible the
11 development of the optimum sustainable yield from these common stocks;

12 (2) stocks of anadromous fish originating in the waters of
13 the state that spend a portion of their life cycle in waters over which
14 foreign nationals have jurisdiction; the agreements shall attempt to
15 establish measures which restrict high seas harvest and make available
16 to the foreign nationals an equitable share of the anadromous fish
17 found in their territorial waters;

18 (3) stocks of oceanic fish; agreements relating to these
19 stocks shall attempt to strengthen existing international conservation
20 organizations, or, when possible, assist to create new international
21 conservation organizations;

22 (4) stocks of coastal fish in waters over which foreign
23 nationals have jurisdiction; agreements relating to these stocks shall
24 attempt to establish measures which make possible the harvest by state
25 fishermen of an appropriate share of the stock in nonterritorial waters
26 not being harvested by the foreign coastal country, by creating a
27 system of user fees, licenses, and regulations which are nondiscrimina-
28 tory and nonpunitive and take state traditional fishing areas into
29 account.

1 (c) The governor shall seek agreements with appropriate contiguous
2 foreign nationals relating to the boundaries between the waters adjacent
3 to the state and waters adjacent to the foreign nationals, for the
4 purpose of rational utilization and conservation of the common fishery
5 resources.

6 Sec. 16.10.430. DEFINITIONS. In secs. 400 - 430 of this chapter

7 (1) "anadromous fish" means all fishery resources originating
8 in inland waters and migrating to and from the territorial waters of
9 the state;

10 (2) "coastal fish" means all fishery resources on the con-
11 tinental shelf adjacent to the state, with the exception of anadromous
12 fish and oceanic fish;

13 (3) "commissioner" means the commissioner of fish and game;

14 (4) "oceanic fish" means all resources which reproduce and
15 migrate widely over the high seas area primarily outside the continental
16 shelf, such as tuna, marlin, swordfish, and the like.

17 * Sec. 2. This Act takes effect on the day after its passage and approval
18 or on the day it becomes law without approval.