


Introduced: 1/25/77  
Referred: Resources and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2  SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposal of surplus fish."

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

8 \* Section 1. AS 16.40 is amended by adding a new section to read:

9 ARTICLE 2. SURPLUS FISH.

10 Sec. 16.40.100. DISPOSAL OF SURPLUS FISH. (a) Fish produced by  
11 an aquaculture facility operated by the state or the federal govern-  
12 ment and returning to the vicinity of the facility may be declared  
13 surplus by the commissioner and disposed of in accordance with the  
14 procedures set out in this section if the commissioner determines  
15 that:

16 (1) the fish cannot be harvested through a conventional  
17 fishery using all vessels and fishermen lawfully qualified to partici-  
18 pate in it without unacceptable consequences, such as the possibility  
19 of property damage from congestion or the inability to properly control  
20 the harvest level;

21 (2) the fish are reasonably segregated from wild fish so  
22 that any incidental catch of wild fish will be limited and sustained  
23 yield management of wild stocks will not be prejudiced; and

24 (3) harvesting the fish will not preclude satisfying of the  
25 operating requirements of the aquaculture facility.

26 (b) Disposal of surplus fish among commercial fishermen shall be  
27 accomplished through one of the following methods:

28 (1) a lottery, whereby a workable number of vessels are  
29 impartially selected from among those currently qualified under

1 applicable laws and regulations to engage in commercial fishing in the  
2 area where the fish are to be harvested; or

3 (2) a bidding system, whereby the most favorable bid is  
4 selected from those submitted after an invitation to bid is advertised  
5 in a newspaper of general circulation, with the proceeds from the sale  
6 deposited in the general fund.

7 (c) Allocation of surplus fish among sport fishermen or subsis-  
8 tence fishermen, which is necessary to restrict the number of partici-  
9 pants, shall be carried out through a lottery, permit system, or other  
10 impartial method.

11 (d) Allocation of stocks of surplus fish among commercial,  
12 sport, and subsistence fishermen may be based on existing, antici-  
13 pated, or desired use patterns, modified by considerations of practi-  
14 cality.

15 (e) The commissioner may, in conjunction with the harvest of  
16 surplus fish under this section, impose such terms and conditions as  
17 he considers necessary upon the vessels and participants. The commis-  
18 sioner may also establish the necessary procedures to carry out this  
19 section. Any person who violates a term, condition, or procedure  
20 authorized by this subsection is guilty of a misdemeanor, and is  
21 punishable by a fine of not more than \$10,000 or by imprisonment for  
22 not more than six months, or both.

23 (f) Before conducting a surplus fishery, the commissioner shall  
24 obtain the advice of members of the Board of Fisheries if practicable  
25 within the time available to act.

26 (g) Declaration of a surplus fishery by the commissioner shall  
27 be accompanied by a public announcement. After the announcement, the  
28 commissioner may conduct the fishery in accordance with this section  
29 notwithstanding regulations of the Board of Fisheries governing con-

1           ventional fisheries.

2           (h) In carrying out (b) of this section, the commissioner may  
3           restrict the list of vessels and participants to particular gear types  
4           if necessary to implement the purposes of this section.

5           (i) Where conditions render impractical the harvesting of surplus  
6           fish through a public fishery, the fish may be harvested by the depart-  
7           ment and distributed to the public or to a charitable organization in  
8           a manner determined by the commissioner.

9           (j) As used in this section,

10           (1) "aquaculture facility" means any facility which results  
11           in the production of fish by artificial propagation, including hatche-  
12           ries, gravel incubators, spawning channels, and saltwater pens;

13           (2) "commissioner" means the commissioner of fish and game.  
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