

Introduced: 4/27/89
Referred: Resources and Finance

6-1286A

1 IN THE SENATE

BY COGHILL

2

SENATE BILL NO. 305

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to utilization of fish caught by
7 subsistence fishermen, waste of fish, and management
8 of and planning for certain salmon stocks; and pro-
9 viding for an effective date."

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

11 * Section 1. FINDINGS. The legislature finds that it is in the best
12 interest of the state to

13 (1) maximize the utilization of fishery resources on a sustained
14 yield basis;

15 (2) make the fishery resources of the state available to resi-
16 dents to the maximum extent possible;

17 (3) allow the commercial utilization of certain fish parts from
18 subsistence caught fish in order to avoid the waste of fish parts that have
19 an economic value; and

20 (4) eliminate the waste of less valuable fish parts or carcasses
21 that would otherwise be discarded by fishermen.

22 * Sec. 2. AS 16.05.092 is amended by adding a new subsection to read:

23 (b) The division shall develop plans and programs for reha-
24 bilitation and enhancement of salmon stocks that spawn in terminal
25 areas, identified by the Board of Fisheries under AS 16.05.251(g), to
26 meet the needs of subsistence, personal use, sport, and commercial
27 fishermen who utilize those salmon stocks.

28 * Sec. 3. AS 16.05.251 is amended by adding a new subsection to read:

29 (g) The Board of Fisheries shall identify terminal areas

1 encompassing those rivers and streams that terminate within the state
2 and that are important to the spawning of salmon stocks traditionally
3 and customarily utilized by residents of the area. The board shall
4 adopt regulations for the management of salmon stocks that spawn in a
5 terminal area to ensure the continued use of the salmon stocks by
6 those residents of the area who have traditionally and customarily
7 utilized the salmon stocks.

8 * Sec. 4. AS 16.05.258(f) is amended to read:

9 (f) Takings authorized under this section are subject to reason-
10 able regulation of seasons, catch or bag limits, and methods and
11 means. Takings and uses of resources authorized under this section
12 are subject to AS 16.05.831, 16.05.833, and AS 16.30.

13 * Sec. 5. AS 16.05.831 is amended to read:

14 Sec. 16.05.831. WASTE OF FISH [SALMON]. (a) Except as provided
15 in AS 16.10.173, a [A] person may not waste fish [SALMON] intention-
16 ally, knowingly, or with reckless disregard for the consequences. In
17 this subsection [SECTION], "waste" means the failure to utilize the
18 majority of the carcass, excluding viscera and sex parts, of a fish
19 [SALMON] intended for

- 20 (1) sale to a commercial buyer or processor;
21 (2) consumption by humans or domesticated animals; or
22 (3) scientific, educational, or display purposes.

23 (b) The commissioner, upon request, may authorize other uses of
24 fish [SALMON] that would be consistent with maximum and wise use of
25 the resource.

26 (c) A person who violates this section or a regulation adopted
27 under this section [IT] is punishable by a fine of not more than
28 \$10,000, or by imprisonment for not more than one year [SIX MONTHS],
29 or by both. In addition, a person who violates this section is

1 subject to a civil action by the state for the cost of replacing the
2 fish [SALMON] wasted.

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

4 Sec. 16.05.833. COMMERCIAL UTILIZATION OF FISH PARTS FROM SUB-
5 SISTENCE CAUGHT FISH. (a) The department shall issue a commercial
6 use permit to a resident who applies for the permit, satisfies appli-
7 cable subsistence fishing permit requirements, and provides proof of
8 two years of subsistence fishing activity within the fish and game
9 management region for which the permit is issued. A commercial use
10 permit authorizes the sale of specified amounts of underutilized fish
11 parts of fish legally taken in a subsistence fishery. A commercial
12 use permit may be issued for more than one species of fish.

13 (b) The number of pounds of roe that may be sold under a commer-
14 cial use permit is equal to one half of the product of the number of
15 fish of each species for which the permit is issued that the applicant
16 will take to satisfy the applicant's subsistence needs multiplied by
17 the average weight of roe produced by each species of fish for which
18 the permit is issued.

19 (c) A commercial use permit may not limit the taking of fish for
20 subsistence purposes.

21 (d) A person may not sell underutilized fish parts from subsis-
22 tence caught fish without first obtaining a commercial use permit
23 under this section.

24 (e) The Board of Fisheries shall adopt regulations that are
25 necessary to implement this section in each fish and game resource
26 management region established by regulation by the board. The regu-
27 lations for each region must be based on recommendations received from
28 the fish and game council for that region.

29 (f) The sale of underutilized fish parts under a commercial use

1 permit is exempt from the requirements of AS 16.05.675, 16.05.680, and
2 AS 16.43.

3 (g) In this section "underutilized fish parts" means the skin,
4 bones, viscera, and sex parts, including roe, of fish.

5 * Sec. 7. AS 16.10.265(a) is amended to read:

6 (a) It is unlawful for an individual while acting as a fish
7 processor or primary fish buyer, or as an agent, director, officer,
8 member, or employee of a fish processor, of a primary fish buyer, or
9 of a cooperative corporation organized under AS 10.15 to intentionally
10 or knowingly make an original purchase of fish from a seller who, in
11 violation of AS 16.43, does not hold a landing permit, an entry per-
12 mit, [OR] an interim-use permit, or a commercial use permit issued
13 under AS 16.05.833.

14 * Sec. 8. AS 16.10.267(a) is amended to read:

15 (a) When a fisherman sells fish, the fisherman shall possess
16 (1) a landing permit, entry permit or interim-use permit
17 issued or transferred to the fisherman under AS 16.43, commercial use
18 permit issued under AS 16.05.833, or other document authorized by
19 regulation to be used in place of an entry permit or interim-use
20 permit; and

21 (2) an identification card that has been issued to the
22 fisherman by a state or federal agency and that bears a photograph of
23 the fisherman.

24 * Sec. 9. AS 16.10.267(b) is amended to read:

25 (b) If requested by the purchaser of the fish or by a peace
26 officer, the fisherman shall present for inspection the identification
27 card, entry permit, interim-use permit, landing permit, commercial use
28 permit, or other document required to be in the fisherman's possession
29 under (a) of this section.

1 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).