CS FOR HOUSE BILL NO. 448(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/22/94
Referred: Resources, Judiciary

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to waste and use of salmon and parts of salmon; relating to**
2 **permits for and operation of a salmon hatchery; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 16.05.831 is repealed and reenacted to read:
6 Sec. 16.05.831. WASTE OF SALMON. (a) A person may not waste salmon
7 intentionally, knowingly, or with reckless disregard for the consequences. In this
8 section, "waste" means the failure to use the majority of the carcass, excluding viscera
9 and sex parts, of a salmon.
10 (b) Notwithstanding (a) of this section, the commissioner, upon request, may
11 issue a permit authorizing
12 (1) the removal and sale of eggs, and the discard of the carcasses, of
13 salmon that
14 (A) originated from a hatchery; and

1 (B) return to a hatchery terminal area, a hatchery special harvest
2 area, or a hatchery remote release site and are determined by the commissioner
3 to be unsuitable for human consumption; or
4 (2) other uses of salmon that would be consistent with maximum and
5 wise use of the resource.
6 (c) The commissioner may adopt regulations to implement (b) of this section.
7 (d) A person who violates this section or a regulation adopted under this
8 section is punishable by a fine of not more than $10,000, or by imprisonment for not
9 more than six months, or by both. In addition, a person who violates this section is
10 subject to a civil action by the state for the cost of replacing the salmon wasted.
11 * Sec. 2. AS 16.10.420 is amended to read:
12 Sec. 16.10.420. CONDITIONS OF A PERMIT. The department shall require,
13 in a permit issued to a hatchery operator, that
14 (1) salmon eggs procured by the hatchery must be from the department
15 or a source approved by the department;
16 (2) salmon eggs or resulting fry may not be placed in waters of the
17 state other than those specifically designated in the permit;
18 (3) salmon eggs or resulting fry, sold to a permit holder by the state
19 or by another party approved by the department, may not be resold or otherwise
20 transferred to another person;
21 (4) salmon may not be released by the hatchery before department
22 approval, and, for purposes of pathological examination and approval, the department
23 shall be notified of the proposed release of salmon at least 15 days before the date of
24 their proposed release by the hatchery;
25 (5) diseased salmon be destroyed in a specific manner and place
26 designated by the department;
27 (6) adult salmon be harvested by hatchery operators only at specific
28 locations as designated by the department;
29 (7) surplus <u>viable</u> eggs from salmon returning to the hatchery be made
30 available for sale first to the department and then, after inspection and approval by the
31 department, to operators of other hatcheries authorized by permit to operate under

AS 16.10.400 - 16.10.470;

(8) if surplus viable salmon eggs are sold by a permit holder to another permit holder, a copy of the sales transaction be provided to the department;

(9) [REPEALED

(10)] a hatchery be located in an area where a reasonable segregation from natural stocks occurs, but, when feasible, in an area where returning hatchery fish will pass through traditional salmon fisheries.

* Sec. 3. AS 16.10.440(b) is amended to read:

(b) The Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs to be incubated, the harvest of fish by hatchery operators, and the specific locations designated by the department for harvest. The Board of Fisheries may not adopt any regulations or take any action regarding the issuance or denial of any permits required in AS 16.10.400 - 16.10.470.

* Sec. 4. AS 16.10.450(a) is amended to read:

(a) Except as otherwise provided in a contract for the operation of a hatchery under AS 16.10.480, a hatchery operator who sells salmon returning from the natural waters of the state, [OR] sells viable salmon eggs to another hatchery operating under AS 16.10.400 - 16.10.470, or sells salmon eggs as authorized by a permit issued under AS 16.05.831(b), after utilizing the funds for reasonable operating costs, including debt retirement, expanding its facilities, salmon rehabilitation projects, fisheries research, or costs of operating the qualified regional association for the area in which the hatchery is located, shall expend the remaining funds on other fisheries activities of the qualified regional association.

* Sec. 5. AS 16.10.470(a) is amended to read:

(a) A person who holds a permit for the operation of a salmon hatchery under AS 16.10.400 - 16.10.470 shall submit an annual report no later than December 15 to the department and to the qualified regional association for the area in which the hatchery is located, to include [BUT NOT BE LIMITED TO] information pertaining to species; brood stock source; number, age, weight, and length of spawners; number

of eggs taken for incubation and fry fingerling produced; and the number, age, weight, and length of adult returns attributable to hatchery releases, on a form to be provided by the department.

* Sec. 6. AS 16.40.210(b) is amended to read:

(b) This section does not restrict

(1) the fishery rehabilitation, enhancement, or development activities of the department;

(2) the ability of a nonprofit corporation that holds a salmon hatchery permit under AS 16.10.400 to sell

(A) salmon returning from the natural water of the state, as authorized under AS 16.10.450;

(B) [, OR] surplus viable salmon eggs, as authorized under AS 16.10.420 and 16.10.450; or

(C) salmon eggs, as authorized by a permit issued under AS 16.05.831(b);

(3) rearing and sale of ornamental finfish for aquariums or ornamental ponds provided that the fish are not reared in or released into water of the state.

* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).