

HB

118

Hand
2/28/77
3/3/77

Motion failed
to pass out
Hand →
3/3/77

out
1/31/78



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 55-3715

AGENDA

*House
Resources*

Tuesday
31 January 31, 1978

Rm 1118 - 1:30 Today


- SJR 36 - Relating to Land Allocation In the Tongass National Forest
- SCR 68 - Western States Legislative Forestry Task Force
- HB 652 - Appropriation for Steering Council on Alaska Land.
- HB 118 - Maximum Length Salmon seine vessels

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

MEMORANDUM

January 31, 1978

SUBJECT: CS for HB 118
TO: House Resources Committee
FROM: Joel F. Bennett, Legislative Counsel 

Unfortunately, time constraints do not allow me to fully research this question, but at first glance I should point out to the committee that the enclosed bill may suffer constitutionally as special legislation (Art. II, Sec. 19, Alaska Constitution) or as a denial of equal protection of the laws (Art. I, Sec. 1, Alaska Constitution) unless there is a proper basis for the division of seine fishing into two geographical areas for purposes of limited boat lengths.

In analyzing this bill you must be able to conclude that there is a sufficient and justifiable difference in circumstances and situation, other than economics, to justifying the creation of two separate classes in this instance, and then treating them differently, to the apparent economic disadvantage of one against the other.

The general rule is that all classifications must be based upon substantial distinctions, which make one class really different than another. Is there a sound biological, safety, or other basis for this sort of distinction?

JFB:hjd

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUBPORT BUILDING - JUNEAU 99801

January 31, 1978

The Honorable Alvin Osterback
Chairman, House Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Osterback:

The Board of Fisheries wishes to reaffirm its position with regard to House Bill No. 118, relating to the maximum length of salmon seine vessels, and House Bill No. 119, relating to drum seining.

The enactment of both of these bills into law is recommended by the Board of Fisheries. This should not be construed, however, as being an endorsement by the Board that the current restriction regarding the maximum size of salmon seine vessels and the prohibition against the use of drum seines should be eliminated. Rather, it is the position of the Board that the size of salmon seine vessels and the use of drum seines are regulatory problems which should be resolved by the Board of Fisheries by means of appropriate action under the Administrative Procedure Act rather than by the Legislature by means of inflexible laws.

Should the Legislature follow the recommendation of the Board with regard to these bills, it is the intent of the Board to initially take action to maintain status quo with regard to these problems. A public hearing (or public hearings, as appropriate) will be scheduled by the Board for full consideration by the public after which the Board will adopt regulations consistent with the general welfare of the fishermen and the resource.

Sincerely,

Nick Szabo by *PEA*

Nick Szabo, Chairman
Alaska Board of Fisheries

Editor's note. — The repealed section derived from § 27, art. I, ch. 94, SLA 1959.

Sec. 16.05.831. Waste of salmon. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of salmon which are to be

- (1) sold to a commercial buyer or processor;
- (2) utilized for consumption by humans or domesticated animals; or
- (3) utilized for scientific, educational, or display purposes.

(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted. (§ 3 ch 89 SLA 1975; § 3 ch 99 SLA 1975)

Editor's note. — This section is set out as it appears in ch. 99, SLA 1975. Chapters 89 and 99, SLA 1975, are virtually identical except that ch. 99 contains a § 5, providing for an effective date of the act.

Section 1, chs. 89 and 99, SLA 1975, provides, in subsection (b): "It is the intent of sec. 3 of this Act to control the waste of salmon resources."

Sec. 16.05.835. Maximum length of salmon seine vessels. No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. (§ 1 ch 252 SLA 1970)

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art I ch 94 SLA 1959)

Sec. 16.05.850. Hatchery required. If a fishway over a dam or obstruction is considered impracticable by the commissioner because of cost, the owner of the dam or obstruction, in order to compensate for the loss resulting from the dam or obstruction shall, at his option: (1)

Title 17
Food and Drugs

Title 18
Health and Safety

TELEGRAM

FOR ALASKA COMMUNICATIONS; INC.

PHONE: 586-6440

JUNEAU, ALASKA 99901

118-2119

23005 PETERSBURG ALASKA 75 03-29 245P PST

PMS REPRESENTATIVE ERNEST HAUGEN

2655

JUNEAU AK "

WE URGENTLY REQUEST REPEAL OF ALASKA LIMIT LAW FOR SET NE
BOATS IN STATE OF ALASKA. THIS LAW IS OBSOLETE IN VIEW OF
LIMITED ENTRY LAW NOW IN EFFECT. GEAR RESTRICTIONS NOW IN
EFFECT WILL CONTROL FISHING EFFORT ON SALMON AND WE NEED
BIGGER AND BETTER VESSELS IN ORDER TO UTILIZE STOCKS OF
FISH, OTHER THAN SALMON, TO MEET WITH GUIDELINES SET UP BY
NORTH PACIFIC COUNCIL UNDER THE 200 MILE JURISDICTION.

CHRIS CHRISTENSEN, SECRETARY, PETERSBURG FISHERMENS UNION

CC REPRESENTATIVE ERNEST HAUGEN.

Rep. Elason

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING - JUNEAU 99801

March 31, 1977

Representative Alvin Osterback
Chairman, House Resources Committee
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Mr. Osterback:

The Board of Fisheries has reviewed House Bill No. 118, relating to the maximum length of salmon seine vessels, and House Bill No. 119, relating to drum seining and has adopted the following position with regard to these bills.

The enactment of both of these bills into law is recommended by the Board of Fisheries. This should not be construed, however, as being an endorsement by the Board that the current restriction regarding the maximum size of salmon seine vessels and the prohibition against the use of drum seines should be eliminated. Rather, it is the position of the Board that the size of salmon seine vessels and the use of drum seines are regulatory problems which should be resolved by the Board of Fisheries by means of appropriate action under the Administrative Procedure Act rather than by the Legislature by means of inflexible laws.

Should the Legislature follow the recommendation of the Board with regard to these bills, it is the intent of the Board to initially take action to maintain status quo with regard to these problems. A public hearing (or public hearings, as appropriate) will be scheduled by the Board for full consideration by the public after which the Board will adopt regulations consistent with the general welfare of the fishermen and the resource.

Sincerely,

Gordon Jensen

Gordon Jensen, Chairman
Alaska Board of Fisheries

by J.W.B.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 118
 Title An act relating to the maximum length of salmon seine vessels
 Requested by Osterback Date 2-14-77

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Commercial Fish

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	0					
200 TRAVEL	0					
300 CONTRACTUAL	0					
400 COMMODITIES	0					
500 EQUIPMENT	0					
600 LAND & STRUCTURES	0					
700 GRANTS, CLAIMS, ETC.	0					
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER (Specify)	0					

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact

IV. DATE 2-22-77 PREPARED BY *[Signature]*

AGENCY Fish and Game

Original: Legislative Finance PHONE 465-4210

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



February 18, 1977

Representative Alvin Osterback
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Against
HB 118
HB 119

Dear Alvin,

Regarding House Bill ~~#118~~ "An Act relating to the maximum length of salmon seine vessels" and House Bill #119, "An act relating to purse seining". It appears that the majority of members we were able to poll in the Prince William Sound area favor retention of both the 50 ft. keel limit for Alaskan salmon seiners and the non-legal status of drum seining for Alaska.

While some might say that with the advent of limited entry there is no need to maintain a status quo regarding the efficiency of the Alaskan salmon seine fleet, we disagree. At present, with the legal types of gear and equipment, Alaskan salmon seiners are able to generate more than enough effort and efficiency to harvest far more salmon than nature has been able to produce.

Limited entry has not restricted the amount of participation in any of the salmon seining fisheries to the degree that more efficient methods of harvest are necessary.

The majority of Alaskan owned and operated salmon seining vessels are probably too small to efficiently handle drum seining equipment, thus enactment of these bills would create hardship situations regarding increased competitiveness and the necessity to procure larger boats by many Alaskan fishermen.

We cannot see at this time, any direct benefit from enactment of these bills to the majority of the Alaskan salmon seiners or the salmon fisheries of the State.

Your careful consideration and evaluation of this matter is respectfully requested. Thank you.

Sincerely,

Bob Blake

Bob Blake
Chairman

bb/mh

ASSIGNMENT DATE: 1/28/77

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Fish and Game	Eliason	HB 119

DEPARTMENT POSITION

Oppose

DIVISION DIRECTOR	DATE	COMMISSIONER	DATE
<i>Not Available</i>		<i>James H. Brooks</i>	<i>2/3/77</i>

GOVERNOR'S OFFICE USE

POSITION NOTED POSITION APPROVED POSITION DISAPPROVED

BY: _____ DATE: *2-25*

SUMMARY

(1) RELATED BILLS (SIMILAR OR CONFLICTING)

(2) a. ORGANIZATIONAL SUPPORT FOR BILL		(2) b. ORGANIZATIONAL OPPOSITION TO BILL
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(3) PROGRAM EFFECTS OF BILL The use of drums or reels in the operation of purse seines will increase the fishing power and efficiency of vessels so equipped. The extent of the increased fishing power is not accurately known, estimates range from slight up to 100%. Efficiency may also result from smaller crews required to operate the gear. Two potentially serious adverse effects would be (1) management problems in controlling the fish catching ability of a fleet equipped with drums unless the vessel numbers were reduced through the limited entry program; and (2) competitive unfairness between drum seine vessels and those with conventional power blocks. If some vessels changed to drums, all would have to in an effort to remain competitive. Such change would be expensive. Presently, we have enough fishing ~~power to harvest all salmon that can reasonable be expected to be available.~~

(4) FISCAL IMPACT: NONE FISCAL ANALYSIS ATTACHED

(5) AMENDMENTS PROPOSED:

(6) COMMENTS:

On balance, we presently feel that the problems and risks of legalizing drums and reels for purse seine vessels outweigh the benefits. Nevertheless, this is a decision that the fishermen themselves should have a part in making, which will undoubtedly happen through the legislative process.