

HB

i

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Hearing 2/8/80 - tabled

Hearing 3/13/80 - Reported out
as CS with
letter of intent



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES
Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB1	2/5/80	4100	Carl Rosier, Deputy Commissioner Fish and Game Dept. (Will testify)	2/12/80
	2/5/80	Letter	Attorney General's Office (Assistant A.G. to testify)	2/12/80
	2/8/80	3897	Ken Vassar, Legislative Legal Services (will testify)	2/12/80
<p>(2/12/80 hearing to be only a briefing on HB1 with legal analysis)</p>				



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HEARING NOTIFICATIONS

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB 1	3/13	3720	Rep. Gardiner	3/18
	3/13	586-3301	Bob Willard, Alaska Native Brotherhood	3/18
	3/13	3876	Rep. Eliason	3/18
	3/13	4100	Dept. of Fish & Game	3/18
	3/13	586-2820	United Fishermen of Alaska Shawn Macklin, Exec. Dir. to testify	3/18

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

1/24/79

Date: 3/19/80

Mr. Speaker:

The Committee on RESOURCES has had HB 1

"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HBI same title new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without ^{individual} ~~out~~ recommendations

referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Rich Markle
W. Peterson
Sam R. GTH

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Fred E. Young Do NOT PASS
Alvin [unclear] DON'T PASS
John [unclear] DO NOT PASS

[Signature]
CHAIRMAN

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99801

HB 7

70 FEB 21 PM 12 45

02031 TDA HOONAH ALASKA 27 02-21 925A AST
PMS HONORABLE ALIVN OSTERBACK CH-CHAIRMAN
HOUSE RESOURCE COMMITTEE RM 118 CAPITOL BLDG
JUNEAU AK 99801 2548

HUNA TOTEM CORPORATION CONDUCTED A SURVEY REGARDING HOUSEBILL
NUMBER 1 AND FOUND HOONAH FISHERMEN AGAIN CANNOT ENDORSE
HBI AS PRESENTED. THANK YOU FOR THIS CONSIDERATION.

MR JOHN HINCHMAN JR PRESIDENT HUNA TOTEM CORPORATION

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU, ALASKA 99801

February 13, 1979

The Honorable Alvin Osterback, Chairman
House Resource Committee
Alaska State Legislature
Box 71
Sand Point, Alaska 99661

HB 1

Dear Mr. Osterback:

The Board of Fisheries, during its December 1978/January 1979 meeting, again discussed Alaska Statute 16.05.835 relating to the maximum length of salmon seine vessels and Alaska Statute 16.10.120 relating to the use of drum or reel in the operation of purse seines.

During the 1977 session of the Ninth Legislature, House Bills 118 and 119 repealing these sections of the Alaska Statutes were introduced. The Board wrote to you on March 31, 1977, supporting enactment of this legislation, but neither bill passed during the two sessions of the Ninth Legislature.

House Bill 1, repealing AS 16.05.835 has been introduced this session by Representative Eliason, and the Board of Fisheries strongly urges passage. The Board also recommends introduction of legislation to repeal AS 16.10.120.

The position of the Board is that the size of salmon seine vessels and the use of drum seines are regulatory problems which should be resolved by the Board through appropriate action under the Administrative Procedure Act rather than by the Legislature by means of inflexible laws.

The intent of the Board, emphasized in all discussions, is to maintain the status quo with regard to these problems. The recommendation to repeal these statutes should not be construed as an endorsement by the Board that the restriction regarding the maximum size of salmon seine vessels and the prohibition against the use of drum seines should be eliminated. Any change to regulations would only be after careful consideration of the general welfare of the fishermen and the resource.

Your consideration of the Board of Fisheries' position and recommendation is appreciated.

Sincerely,



Greg Cook
Executive Director
Boards of Fisheries and Game

Alternative
bills - on
same subject
as HB 1

HB1

SOUTHEASTERN ALASKA
SEINE BOAT OWNERS & OPERATORS

728 WATER STREET
KETCHIKAN, ALASKA
99901

March 13, 1979

Representative Alvin Osterback
Pouch V
Juneau, AK 99811

Dear Representative Osterback:

Our association has been actively pursuing the lifting of the 58' limit for the past two years. Once again at our annual meeting held in February, the Board of Directors voted unanimously to support House Bill #1 which would repeal the limit.

There are several factors which support taking such action:

- 1.) Restrictive measures on gear levels now exist through the implementation of the limited entry program. With this program in existence, the 58' limit no longer serves its original purpose..... to restrict large vessels from outside the state to fish Alaskan waters. The limited entry permit system provides established gear levels in area waters of the state.
- 2.) The repeal of the limit is widely accepted by area fishermen including trollers, seiners, and gillnetters as well as the United Fishermen of Alaska. Lifting the limit would be a popular step with a substantial portion of the fishing industry. Such action could only serve to enhance the industry particularly from an economic standpoint.
- 3.) The potential development of the bottomfish fishery in Southeast Alaska is viewed by fishermen as a means of supplementing income which is now based almost totally on one segment of the fisheries resource: salmon. Diversification is necessary for an industry to thrive. Lifting the limit would encourage the industry to remain healthy.

Page 2

March 13, 1979

Representative Alvin Osterback

4.) Larger boats become a necessity in order to participate in an off-shore bottomfishery. Such fishing would occur during winter months when weather in the outside waters in high risk areas make it necessary to increase safety factors. Smaller boats are limited to operation within inside areas. To use boats, even 58 foot limit vessels, during this time frame would jeopardize not only loss of life but loss of an entire fishing operation.

5.) The utilization of vessels in the various fisheries is in itself limiting. The desire to build combination boats to fish seine gear and bottomfish gear is self-restrictive. A purse seine fisherman is not going to be able to operate as a purse seiner if his vessel is much over 80 feet long. Most Southeast area fishermen are considering boats not much over 65 to 70 feet in length. This added footage would be a benefit for additional fish storage. The amount of space available for fish holding on a vessel is crucial when dealing with bottomfish. It is a high volume fishery with low fish prices.

6.) By lifting the limit, U.S. fishermen would have the ability to enter the bottomfishery and compete with foreign fleets. Unless we are able to get larger boats, we will never be able to prevent the continuation of foreigners fishing in outside waters which we could be utilizing for the benefit of the Alaskan fishermen.

We urge the legislature to take quick and positive action to repeal the 58' limit. The fishing industry plays a vital role in the economy and growth of Alaska. Passage of House Bill #1 will serve to enhance the industry within the state and insure its continued development and expansion.

Sincerely,
SOUTHEAST ALASKA SEINE BOAT OWNERS & OPERATORS


Michèle Zerbenz
Executive Director

cc: Rep. Richard Eliason	United Fishermen of Alaska
Rep. Terry Gardiner	United S.E. Alaska Gillnetters
Rep. Oral Freeman	Alaska Trollers Association
Senator Pat Rodey	Rick Lauber
Senator Robert Ziegler	New England Fish Co.
Phillips Cold Storage	Ward Cove Packing
Whitney-Fidalgo Seafoods	Petersburg Processors, Inc.



Alaska Native Brotherhood

Camp Number 2

510 West Willoughby Avenue

Juneau, Alaska 99801

March 21, 1979

The Honorable Alvin Osterback
Co-Chairman, Resources Committee
State House of Representatives
Pouch V
Juneau, Alaska 99811

Re: House Bill No. 1

Dear Representative Osterback:

Your committee has before it House Bill No. 1 "An Act relating to the maximum length of Salmon Seine Vessels", the intent of which is to allow the seine vessels to exceed the maximum length.

In the past, we have opposed any bill that would raise the vessel sizes. Our opposition was based upon the fear that if the size limit is now increased, the fleet would have more carrying capacity and, in the years of a heavy run, the fleet would take more fish, and limits on catch would result more frequently than at present. We felt that the processors in Southeast do not have the capacity to handle a heavy run. Further, we felt that only a few holders of limited entry permits would be in a position to afford larger vessels, and the permit holders would be placed under pressures to sell their permits. If a fisherman is able to acquire a large vessel, he likely can afford to pay an exorbitant amount of money for a permit. We felt that the local permit holder would easily be influenced to sell his permit if the price went up--which is likely. We felt that the likelihood is that out-of-state fishermen would be the chief benefactors if the vessel size is lifted. There would be more fuel costs.

We also considered the argument that there is a developing off-shore fishery for bottom fish which will likely affect vessel sizes sometime in the future. But, so far this possibility is several years away. At a time when processing plants are in place, then we may, at that time, re-evaluate our position.

Representative Osterback -2-

If House Bill 1 passes now, and we discover that it was a mistake, it would be difficult, if not impossible to revert back to the present limit size.

If your committee will entertain House Bill No. 1, please be advised that the Alaska Native Brotherhood and the Tlingit and Haida Indians of Alaska are opposed to passage for the above reasons.

Respectfully submitted,

LEGISLATIVE AFFAIRS COMMITTEE

A handwritten signature in cursive script that reads "Robert Willard".

Robert Willard, Chairman

Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES
FOUCH V • JUNEAU ALASKA 99811

MEMORANDUM

DATE: February 8, 1980

TO: Attorney General Avrum Gross

FROM: Representative Alvin Osterback, Chairman, A.O.
House Resources Committee

House Resources has scheduled a hearing on HB 1 regarding maximum length for salmon seine vessels, for Tuesday, February 12 at 3:00 p.m. in room 118 of the Capitol Building.

We request that you have a member of your staff attend this meeting to provide legal counsel. We have already discussed this matter with Assistant Attorney General Ann Prezyna. In general what we need is an opinion of legal means and options concerning the adoption of various seine boat size limits for various parts of the state. Can or should this be done in one statute? Can we delegate the responsibility for size limit restrictions to the Board of Fisheries but bind restrictions to the particular area designations we want by a letter of intent? We request that your office have an attorney present at the Tuesday hearing to answer these and similar questions. Thank you.

CO CHAIRMAN

REP ALVIN OSTERBACK (469 3710) • REP BILL MILES (469 3772)

VICE CHAIRMAN

REP FRED SHAROFF

REP PAT CARNEY • REP CLYDE CHATTERTON • REP SAM COTTEN
REP DICK ELIABEN • REP JACK FULLER • REP NICK HALFORD

TELEGRAM

HB1

REA ALASKA COMMUNICATIONS, INC.

1979 MAR 14 AM 10 56

PHONE: 586-6442

~~UNEVAL~~ ALASKA 99802

02027 POM TDA PETERSBURG ALASKA 15 03-14 755A AST

PMS REP DICK ELIASON

JUN

PASS HB1 REPEAL 58 FOOT LIMIT

JEFF PFUNDT PETERSBURG

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6442
JUNEAU, ALASKA 99802

HB1

379 MAR 14 AM 10 55

02026 TDA PETERSBURG ALASKA 25 03-14 830A AST

PMS REP DICK ELI/SON

JUN

YOU HAVE MINE AND MANY OTHER PETERSBURG VESSEL OWNERS FULL SUPPORT
IN YOUR EFFORT TO REPEAL THE 58 FOOT LIMIT LAW.

BOB HALTINER-BOAT VERMA BOX 808

PETERSBURG AK

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6442
JUNEAU, ALASKA 99802

HB1

1979 MAR 14 PM 2 19

02091 POM TDA PETERSBURG AK 15 03-14 1035A 1ST

PMS REP DICK ALISON

JUN

SUPPORT PASSAGE OF HOUSE BILL 1.

RAY EVANS

BOX 197 PETERSBURG

TELEGRAM

HB 7

BCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6442
JUNEAU, ALASKA 99802

02113 NL TDA KETCHIKAN ALASKA 56 03-12 145P AST 1979 MAR 12 PM 9 25

PMS REP ALVIN OSTERBACK

JUN

UEGE IMMEDIATE ACTION ON HB1 REPEAL OF 58 FOOT LIMIT VITAL TO
DEVELOPMENT OF BOTTOM FISHERY IN SOUTHEAST ALASKA.

DIVERSIFICATION OF FISHING INDUSTRY IS NECESSARY FOR ITS
CONTINUED SUCCESS. NEED MEANS TO COMPETE WITH FOREIGN FLEETS.
BOARD OF FISH WILL REGULATE LIFTING LIMIT ON ARE BY AREA BASIS.

LETTER FROM ASSOCIATION BOARD MEMBERS FOLLOWING.

SOUTHEAST SEINE BOAT OWNERS AND OPERATORS

MICHELLE ZERBETZ EXECUTIVE DIRECTOR

TELEGRAM

HBI

RCA ALASKA COMMUNICATIONS, INC

PHONE 506-6442

JUNEAU, ALASKA 99802

1979 MAR 14 AM 10 55

02028 POM TDA PETERSBURG ALASKA 15 03-14 755A AST

PMS REP ALVIN OSTERBACK

JUN

PASS HBI REPEAL 58 FOOT LIMIT.

JEFF PFUNDT PETERSBURG AK

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6442
UNEAU, ALASKA 99802

HB1

1979 MAR 14 PM 12 54

02050 TDA PETERSBURG ALASKA 13 03-14 1025A AST

PMS REP DICK ELIASON

JUN

I STRONGLY URGE PASSAGE OF HB NBR 1.

CHRIS JENSEN

POBOX 264 PETERSBURG 99833

TELEGRAM

HB1

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6442

JUNEAU, ALASKA 99802

1979 MAR 15 AM 11 08

02023 TDA SITKA AK 13 03-15 800A AST

PMS REP DICK ELIASON

JUN

STRONGLY SUPPORT HB 1. REMOVING SIZE LIMITS ON SEINE BOATS.

LAURIE GRANT PLANT MANAGER SITKA SOUND SEAFOODS

SOUTHEASTERN ALASKA
SEINE BOAT OWNERS & OPERATORS

728 WATER STREET
KETCHIKAN, ALASKA
99901

March 13, 1979

Representative Alvin Osterback
P.O. Box 1
Ketchikan, AK 99811

Dear Representative Osterback:

Our association has been actively pursuing the lifting of the 58' limit for the past two years. Once again at our annual meeting held in February, the Board of Directors voted unanimously to support House Bill #1 which would repeal the limit.

There are several factors which support taking such action:

- 1.) Restrictive measures on gear levels now exist through the implementation of the limited entry program. With this program in existence, the 58' limit no longer serves its original purpose..... to restrict large vessels from outside the state to fish Alaskan waters. The limited entry permit system provides established gear levels in area waters of the state.
- 2.) The repeal of the limit is widely accepted by area fishermen including trollers, seiners, and gillnetters as well as the United Fishermen of Alaska. Lifting the limit would be a popular step with a substantial portion of the fishing industry. Such action could only serve to enhance the industry particularly from an economic standpoint.
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Page 2

March 13, 1979

Representative Alvin Osterback

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We urge the legislature to take quick and positive action to repeal the 58' limit. The fishing industry plays a vital role in the economy and growth of Alaska. Passage of House Bill #1 will serve to enhance the industry within the state and insure its continued development and expansion.

Sincerely,

SOUTHEAST ALASKA SEINE BOAT OWNERS & OPERATORS


Michele Zerbez
Executive Director

cc: Rep. Richard Eliason ✓ United Fishermen of Alaska
Rep. Terry Cardiner United S.E. Alaska Gillnetters
Rep. Oral Freeman Alaska Trollers Association
Senator Pat Rodey Rick Lauber
Senator Robert Ziegler New England Fish Co.
Phillips Cold Storage Ward Cove Packing
Whitney-Fidalgo Seafoods Petersburg Processors, Inc.

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."

HB1 { 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)

(4) better manage the fishery by providing a visible means of determining how much gear is actually being fished."

Sec. 16.10.130. Penalties for violation of § 120 of this chapter. A person who violates § 120 of this chapter is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$1,000 or by both. (§ 2 ch 26 SLA 1959)

Editor's note. — Section 4, ch. 103, SLA 1977, effective August 1, 1978, amended this section to read as follows: "Sec. 16.10.130. Penalties for violation of §§ 120 — 125 of this chapter. A person who violates §§ 120 — 125 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$1,000, or by both.

Section 1, ch. 103, SLA 1977, provides: "INTENT. It is the intent of this Act to require positive identification of shellfish

pots or buoys, or both, used in the taking of king crab within areas in which the Board of Fisheries has regulations limiting the total amount of gear allowed per vessel in order to

- (1) more adequately enforce shellfish pot limits for king crab;
- (2) assist in preventing the theft of gear;
- (3) prevent the transfer of gear to prohibited areas, and
- (4) better manage the fishery by providing a visible means of determining how much gear is actually being fished."

Article 3. Herring Spawn.

Section
 140 — 170 [Repealed]
 172 Legislative policy on utilization of herring

Section
 173 Utilization of commercially taken herring

Secs. 16.10.140 — 16.10.170.
Repealed by § 2 ch 91 SLA 1970.

Sec. 16.10.172. Legislative policy on utilization of herring. The legislature finds the following: (1) extensive and valuable herring populations are available for harvest in waters subject to the jurisdiction of the state, (2) commercial markets are available for herring processed in several forms; (3) one processing technique presently employed involves deliberately permitting decomposition of the herring carcass to allow for removal and subsequent sale of the roe product, with the consequence that the flesh is unusable and discarded. The legislature declares that the process referred to in (3) of this section is wasteful and does not constitute utilization of this resource for the maximum benefit of the people. Therefore, it is the policy of the legislature that this process should be eliminated to the fullest extent possible. (§ 1 ch 9 SLA 1977)

Effective date. — Section 2, ch 9, SLA 1977, provides "This Act takes effect January 1, 1978."

Sec. 16.10.173. Utilization of commercially taken herring. (a) It is unlawful for a person, as defined in AS 01.10.060 and including a joint venture, to waste or to cause to be wasted any commercially taken herring

(b) As used in this section, "waste" means the failure to use the flesh of commercially taken herring for reduction to meal, production of fish food, human consumption, food for domestic animals, scientific or educational purposes, or round herring bait. Normal, inadvertent loss of flesh associated with the uses described in this subsection which cannot be prevented by practical means does not constitute waste. The commissioner may authorize other uses of commercially taken herring not inconsistent with the intent of this section and § 172 of this chapter at his discretion upon receipt of a request accompanied by a detailed justification.

(c) For purposes of this section, "flesh" means all muscular body tissue surrounding the bony skeleton of the herring.

(d) The Board of Fisheries may adopt regulations under the Administrative Procedure Act (AS 44.62) it considers necessary for implementation of this section. The board may delegate its authority under this section to the commissioner.

(e) The provisions of this section do not apply to herring taken commercially in the Bering Sea (including appurtenant bays, sounds, estuaries, and water of the state) north of 56° North Latitude, until January 1, 1979. (§ 1 ch. SLA 1977)

Effective date. — Section 2, ch. 9, SLA 1977, provides: "This Act takes effect January 1, 1978."

Article 4. Migratory Fish and Shellfish.

Section	Section
180 Legislative findings	220 Penalties for violation of §§ 200 and 210 of this chapter
190 Regulations	230 Exemptions
200 Unlawful taking prohibited	
210 Unlawful sale or offer prohibited	

Sec. 16.10.180. Legislative findings. The legislature finds and recognizes these facts:

(1) Migratory fish and migratory shellfish are present in commercial quantities inside and outside the territorial waters of the state.

(2) Migratory fish and migratory shellfish taken from the waters of the state are indistinguishable, in most cases, from those taken from the adjacent high seas.

(3) Substantial quantities of migratory fish and migratory shellfish move inshore and offshore intermittently and at various times during a given year and in so doing often enter and leave territorial waters of the state.

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Effect of amendment. — The 1975 amendment deleted "rule or" preceding "regulation" near the middle of the section and substituted "Board of Fisheries" for "board" near the middle and near the end.

Cited in *Hjelle v. Brooks*, 424 F. Supp. 595 (D. Alas. 1976).

Sec. 16.10.220. Penalties for violation of §§ 200 and 210 of this chapter. A person who violates §§ 200 and 210 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both. (§ 5 ch 121 SLA 1960)

Sec. 16.10.230. Exemptions. Sections 180 — 220 of this chapter do not apply to

(1) those species of salmon in international waters of the Pacific Ocean which are regulated by the International Pacific Salmon Fisheries Commission or by laws of the United States or rules or regulations promulgated under those laws;

(2) the use of nets for fishing for or taking salmon for the purposes of scientific investigation authorized by state law; and

(3) existing laws and regulations prohibiting the taking of salmon by means of nets on the high seas. (§ 6 ch 121 SLA 1960)

Article 5. Transportation of Fish and Shellfish.

Section

240 Transportation of King, Dungeness or Tanner crab

250 Penalty

Sec. 16.10.240. Transportation of King, Dungeness or Tanner crab. No person may take out of, ship, transport, or send from this state any live King crab, species *Paralithodes camtschatica*, live Dungeness crab, species *Cancer magister*, or live Tanner crab, species *Chionoecetes bairdi*, except that all of these species may be shipped live via air freight after pre-packaging. (§ 1 ch 33 SLA 1962; am § 2 ch 5 SLA 1966; am § 1 ch 14 SLA 1969)

Legislative committee reports. — For 14 SLA 1969 (HB 172 am S) see 1969 report on ch 5, SLA 1966 (SB 182), see 1966 House Journal p 216 House Journal, pp. 50, 51. For report on ch

Sec. 16.10.250. Penalty. A person, association, or corporation violating § 240 of this chapter or contributing to or cooperating in the violation of § 240 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both. Each unlawful removal of live crab is a separate offense. Vessels and equipment used in or in aid of a violation of § 240 of this chapter may be seized and disposed of as provided in AS 16.05.190. Conviction under § 240 of this

Article 7. General Provisions.

Section	Section
905. Alien activities prohibited	930. Exempted activities
910. Penalty	940. Definitions
920. Certain acts made unlawful	950. Title of the chapter

Sec. 16.05.905. Alien activities prohibited. Alien persons not lawfully admitted to the United States are prohibited from engaging in commercial fishing activities or taking marine mammals in the territorial waters of the State of Alaska as they presently exist or may be extended in the future. (§ 1 ch 85 SLA 1964)

Sec. 16.05.910. Penalty. Any alien person who violates § 905 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in such violation, or by imprisonment of any such person for not more than one year, or by fine of not more than \$10,000, or by all or any two of the foregoing punishments. (§ 2 ch 85 SLA 1964)

Sec. 16.05.920. Certain acts made unlawful. (a) Unless permitted by this chapter or by regulation made under this chapter, it is unlawful for a person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game or marine aquatic plants, or any part of fish, game or aquatic plants, or a nest or egg of fish or game.

(b) No person may knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building or other improvement or property of the department used in the administration or enforcement of this chapter, or a poster or notice to the public concerning the provisions of this chapter, or regulation adopted under this chapter, or a marker indicating the boundary of an area closed to hunting, trapping, fishing or other special use under this chapter. No person may knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with this chapter or a regulation adopted under this chapter. (§ 28 art 1 ch 94 SLA 1959; am § 3 ch 110 SLA 1970)

State may regulate extraterritorial fishing. — Paramount rights in the seabed and subsoil beyond the three-mile limit were vested in the federal government. However, that principle of federal exclusivity does not preclude state regulation of fishery resources in the waters over that seabed *State v. Sieminski*,

Sup Ct Op No 1339 (File No 2544) 556 P 2d 929 (1976)

Enforcement of the state's regulatory scheme in a case involving scallop fishing activities in extraterritorial waters was within the sphere of the state's prerogative to regulate extraterritorial fishing *State v*

Criterion in determining cost of license. — In determining the amount to be paid for fishing gear licenses, the criterion is the

residence of the operator of the gear. 1959 Op. Att'y Gen., No. 38.

Sec. 16.05.680. Unlawful purchases. It is unlawful for a person, his agent, or his representative

(1) to have in his employ a fisherman who is not licensed under § 480 of this chapter,

(2) to purchase fish from a fisherman who is not so licensed, if the fisherman is not exempt under § 660 of this chapter from the license requirement of § 480 of this chapter without regard to the employment or purchase, or

(3) to purchase fish from an association which is not exempt under § 662 of this chapter. (§ 10 art III ch 94 SLA 1959; am § 2 ch 96 SLA 1963; am § 2 ch 73 SLA 1970)

Editor's note. — Section 11, ch. 105, SLA 1977, effective January 1, 1978, amended this section to read as follows "It is unlawful for a person, his agent, or his representative

holder of a permit issued under ch. 43 of this title.

"(2) to purchase fish from a fisherman who neither is the holder of a permit issued under ch. 43 of this title, nor is exempt under § 660 of this chapter, or

"(1) to have in his employ, in the harvesting, transporting or purchasing of fish, a fisherman who neither is licensed under § 480 of this chapter nor is the

"(3) to purchase fish from an association other than one to which a permit has been issued under § 662 of this chapter."

Sec. 16.05.685. Processing on commercial crab fishing vessels. (a) It is unlawful to process any species of crab on a commercial crab fishing vessel unless

(1) the vessel remains within one registration area from the time the crab is caught to the time of dock delivery;

(2) the operator of the vessel notifies the department of proposed changes in location before moving to another registration area; and

(3) the operator of the vessel provides quarters for inspectors of the department who may inspect the crab catch on the vessel at any time.

(b) The restrictions set out in (a) of this section do not apply to processing aboard the fishing vessel for and as donations to charity, for consumption aboard the vessel, or for dockside retail sales from the vessel.

(c) In this section,

(1) "process" means to butcher, cook, chill, or freeze crab for commercial use;

(2) "registration area" means a specific king crab registration area as designated by regulation of the Board of Fisheries and includes the Bering Sea shellfish area and the western Aleutian Islands king crab area. (§ 2 ch 70 SLA 1974; am § 12 ch 206 SLA 1975)

Effect of amendment — The 1975 Fisheries" for "Board of Fish and Game" amendment substituted "Board of in paragraph (2) of subsection (c)