

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 3/10/86

FURTHER REFERRALS:

DATE: 3-17-86

The FINANCE Committee has considered SSHB 467

"An Act relating to herding of fish."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SS HR 467 (Jun) same title
 new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:


SIGNING OTHER RECOMMENDATIONS:

Albert R. Adams
John D. ...
John ...
Donald J. ...
Rich ...
Ed ...
Al ...
W ...
Walter ...
Ed ...

Albert R. Adams
Chairman

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CS SS HB 467 (JUDICIARY)

Committee Substitute for Sponsor Substitute for House Bill 467 (Judiciary) is intended to prohibit the herding of fish by aircraft. It is not the intent of the legislature to otherwise restrict the legal uses of aircraft for spotting schools of fish in conjunction with commercial fishing operations.



Al Adams, Chair
House Finance Committee

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SS HB 467 (Jud)
 Title : Herding Fish

 Sponsor : Representative Goll
 Requestor : House Finance Committee
 Date of Request : 3/15/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
IMPROVEMENTS, STRUCTURES						
GRANTS, CLAIMS						
OTHER						
UNASSIGNED						
TOTAL OPERATING		-0-	-0-	-0-		

CAPITAL		-0-	-0-	-0-		
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REVENUE		-0-	-0-	-0-		
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FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS		-0-	-0-	-0-		
OTHER		-0-	-0-	-0-		
TOTAL		-0-	-0-	-0-		

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Earlier versions have had no fiscal impact. The changes made in the Judiciary Committee Substitute do not affect the fiscal impact.

Prepared by: Representative Al Adams - Chairman Phone : 465-3706
 Division : House Finance Committee Date : 3/15/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 3/10/86
Referred: Finance

Original sponsor: Goll

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 467 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

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

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

8 * Section 1. AS 16.10 is amended by adding a new section to read:

9 Sec. 16.10.135. HERDING FISH BY AIRCRAFT. (a) A person may not
10 intentionally drive or herd fish by aircraft.

11 (b) A person who violates this section is guilty of a class B
12 misdemeanor.

13 (c) Aircraft and equipment used in or in aid of a violation of
14 this section may be seized and disposed of under AS 16.05.190.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSSHB 467 (Judiciary)
 Title : An Act relating to herding fish

Sponsor : Goll
 Requestor : House Finance
 Date of Request : 3/17/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

K. N. Nis

Prepared by : Captain J. R. Nutgrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 3/14/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 3-17-86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

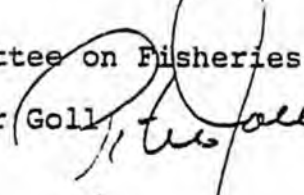
Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

MEMORANDUM

January 18, 1986

TO: Members
House Special Committee on Fisheries

FROM: Representative Peter Goll 
Chairman

SUBJECT: SSHB 467

The first meeting this session of the House Special Committee on Fisheries will take place at 8:30 a.m. Tuesday, January, 21, 1986, in Room 17 of the Capitol Building. Up for consideration will be SSHB 467, An Act relating to the herding of fish.

This legislation is designed to prevent the use of aircraft in the herding of fish into commercial fishing gear. I drafted the legislation at the request of commercial fishermen who wished to halt what they considered to be a dangerous and unfair use of aircraft in fishing operations.

This concern was raised when a helicopter was successfully used to drive herring from shallow waters into a waiting seine during the Sitka herring fishery last spring. The estimated value of helicopter-aided haul of herring was \$400,000.

The fishermen who approached me contend the practice not only represented an unfair use of aircraft but endangered other vessels crowded into an extremely small fishing area. The Department of Fish and Game and Division of Fish and Wildlife Protection have voiced concern about the practice becoming more widespread.

As the attached correspondence from the Departments of Law and Fish and Game reveal, present law does not provide the state with the necessary legal tools to halt the herding of fish by aircraft. After discussing the matter with the Department of Law, I introduced the sponsor substitute to shift the focus of enforcement from the fisherman to the pilot.

House Bill 467
January 18, 1986
Page Two

The sponsor substitute is patterned after a regulation prohibiting the use of aircraft to herd or drive wildlife. This regulation has been successfully used several times, the most recent conviction coming in a case where a big game guide used an airplane to drive brown bear toward his clients.

Some attorneys in the Department of Law believe the actions of an aircraft in driving fish toward a fishing net will be easier to prove than the mental state of a fisherman.



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

January 30, 1986

TO: Representative Mike Miller
Chairman, House Judiciary Committee

Representative Adelheid Herrmann
Co-Chairman, House Resources Committee

FROM: Representative Peter Goll *P. Goll*
Chairman, House Special Committee on Fisheries

SUBJECT: SSHB 467 (An Act relating to the herding of fish)

During hearings by the Special Committee on Fisheries on SSHB 467, two points were raised regarding the penalties proposed in this legislation. It was decided that these matters would be the most appropriately addressed by the Judiciary Committee.

Specifically, Representative Mike Navarre suggested that the \$1,000 fine allowed under the legislation may not provide a significant enough deterrent when such fishing operations might allow a fishermen to catch \$400,000 worth of fish in a single set of a seine. Representative Navarre said he would like to have the deterrent effect of higher fines examined more closely.

A second issue the Fisheries Committee decided to ask the Judiciary Committee to examine is whether specific language should be added to the legislation regarding confiscation of aircraft used in such violations.

I appreciate your consideration of these two issues.

*made it
a B
moderately
done*

- 110. Unclassified game
- 115. Waterfowl, snipe, and cranes
- 120. (Repealed)
- 125. Control of predation by wolves
- 126. Wolf predation control programs

5 AAC 81.070. BIG GAME. Repealed 4/5/81.

5 AAC 81.072. GENERAL GAME PROVISIONS. The following methods and means of taking game are prohibited:

(1) by shooting from, on, or across a highway;

(2) with the use of poisons except with the written consent of the Board of Game;

(3) with the use of helicopter or rotorcraft in any manner, including transportation either to or from the field of any unprocessed game or parts of game, hunters or hunting gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of hunters, hunting gear, or game during emergency rescue operations in a life-threatening situation;

(4) unless otherwise provided in this chapter, from any mechanical vehicle or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased; however, a motor-driven boat underway may be used in taking wolves and coyotes in all units, and in taking caribou in Unit 23;

(5) with use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

(6) with the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

5 AAC 81.071, Reg. 78; am 7/17/82, Reg. 83; 6/30/83, Reg. 86; am 6/30/84, Reg. 90)

Authority: AS 16.05.2

Editor's Note: The text of 5 AAC 81.072 is based on 5 AAC 81.120 which was in effect before 1980.

5 AAC 81.075. BIG GAME. (a) The following methods and means of taking big game are prohibited, in addition to the prohibitions listed 5 AAC 81.072:

(1) with the aid or use of a dog, except the dogs may be used to hunt black bear under the terms of a permit issued by the commission; under 5 AAC 81.040;

(2) with the use of traps, snares, or barbed arrows;

(3) while big game animals are swimming except that swimming caribou may be taken in Unit 23;

(4) a person who has been airborne may not take or assist in taking big game until after 3.00 a.m. following the day in which the flying occurred; however, this subsection does not apply to the following:

(A) taking or assisting in taking Sitka black-tailed deer in Units 1 - 6 and 8;

(B) repealed 6/23/85;

(5) from any boat in Units 1 - 5, except that wolves may be taken in Units 1 - 5 from a boat;

(6) repealed 6/28/85.

(b) The following methods and means of taking big game are authorized:

(1) with a shotgun, muzzle-loading rifle, or rifle or pistol using center-firing cartridges;

commodity bidding business." In other words, a crab stick is a crab stick is a crab stick.

While some experts claim "the end of the boom is nowher: in sight" and suggest that the market could hit a billion pounds by 1990, Berelson offers a more sobering vision. "Once the novelty wears off," he said, "the consumer will be disenchanting if quality slips. People have too many options today, and low quality gets lost in the backwater."

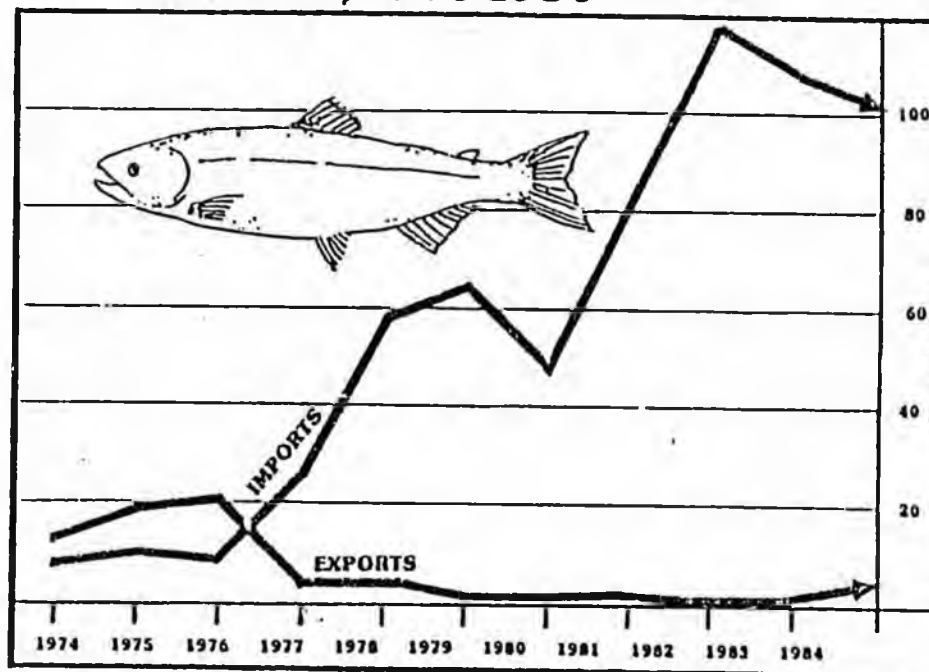
Hopefully, Berelson's boom and doom scenario is premature, but it'll be up to the industry to see that quality and value stay high. Seafood analogs don't have to go the way of the fish stick.

Fish sticks don't even have to go the way of the fish stick, judging from the new products in John Oaksmith's freezer case at Fisherman's Terminal. How about minced pollock nuggets or reformed pollock fillets from the 'Arctic Trawler?' Solves the problem of portioning small fillets and you'd be surprised how they hang together. Breaded or not, here they come. Good, too!

★ If you've got a helicopter, here's a tip for next year: Sitka herring. One enterprising skipper reportedly nailed 400 tons by stretching his net across the mouth of a bay filled with herring and seiners trying to catch them. When the herring saw the helicopter hovering overhead like a giant eagle, they split for deep water, right into the waiting purse seine. Now who would ever have thought of that?

Speaking of herring, you already know the Southeast prices, \$1000 a ton for seine and \$1350 for gillnet. Beats the pants off of last year, and bodes well for the next herring stops. No doubt you'll know the halibut price by the time the issue hits the streets. At press time all we know is that last year's cold storage fish have been

JAPAN SALMON IMPORTS AND EXPORTS, 1974-1984 (PRODUCT WEIGHT)



Prior to passage of the Magnuson Act, Japan caught 65% of its salmon on the high seas and exported more than it imported. Since then imports have grown steadily along with demand, and by 1983 the high seas catch represented only 15% of the total supply.

the fresh again. Prices should start high for them and drop like a rock when the rest hits the wharf.

U.S. Customs law requires that some species, including rockfish, taken by a Canadian vessel must be caught within their territorial waters (12-miles) if direct delivery is made to U.S. ports. Under the provisions of the IPHC, however, a Canadian fisherman is allowed to deliver halibut directly to ports in the United States. "As for

Offered: 1/22/86
Referred: Resources,
Judiciary and Finance

Original sponsor: Goll

1 IN THE HOUSE BY THE HOUSE SPECIAL
COMMITTEE ON FISHERIES

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 467 (Fisheries)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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9 Sec. 16.10.135. HERDING FISH BY AIRCRAFT. (a) A person may not
10 drive or herd fish by aircraft.

11 (b) A person who violates this section is guilty of a class B
12 misdemeanor, and upon conviction is punishable by imprisonment for not
13 more than 90 days, or by a fine of not more than \$1,000, or by both.

Introduced: 1/17/86
Referred: House Special Committee on
Fisheries, Resources, Judiciary and
Finance

1 IN THE HOUSE

BY GOLL

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 467
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

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10 disturb, drive, or herd fish by aircraft.

11 (b) A person who violates this section is guilty of a class B
12 misdemeanor, and upon conviction is punishable by imprisonment for not
13 more than 90 days, or by a fine of not more than \$1,000, or by both.
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