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# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

LETTER OF INTENT FOR HOUSE BILL 229

March 29, 1985

It is the intent of the Legislature that the approval process by the Alaska Department of Fish and Game for operations permitted under Section 1 be kept as simple as possible. The Commissioner should base his authorization upon a letter from the operator of the processing plant which details specific plans to operate in accordance with applicable state laws and regulations.

It is also the intent of the Legislature that an ongoing assessment of economically feasible alternatives for the use of herring carcasses should be a priority within existing fisheries programs of the administration, particularly the Department of Commerce. This priority should be made because of (1) the changing economics of the herring industry which sometimes make it impossible for local citizens in some areas of the state to derive benefits from utilization of the herring resource under current Alaska Statutes, (2) the current lack of economically feasible processing alternatives for the developing Bering Sea herring fisheries, and (3) the tremendous potential for increase in employment in Alaska's processing industry, statewide, which might be realized through such ongoing research.

It is the intent of the Legislature that the Department of Commerce will report to the Legislature by the fifteenth day of the first regular session of each legislature, with this information.

Original sponsors: Herrmann, Fuller  
and Binkley

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 229 (Resources)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to herring stripping; and providing  
for an effective date."

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

\* Section 1. HERRING STRIPPING. (a) Notwithstanding AS 16.10.173 and  
until July 1, 1986, the stripping of commercially taken herring for the  
purpose of removing and selling the roe product is authorized if the  
herring is taken from and the carcass disposal process occurs in the Bering  
Sea and prior authorization is obtained from the commissioner of fish and  
game. The commissioner may authorize a person to dispose of herring car-  
casses in the Bering Sea only if the person demonstrates an intent to  
operate in accordance with applicable state laws and regulations.

(b) The Board of Fisheries shall adopt regulations in accordance with  
the Administrative Procedure Act (AS 44.62) regarding disposal of herring  
carcasses for each administrative area where disposal occurs.

(c) The provisions of AS 46.03.100 apply to the disposal of herring  
carcasses under this section.

\* Sec. 2. Section 1(b), ch. 27, SLA 1980 is repealed.

\* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
10.070(c).

ANALYSIS OF THE DIFFERENCE BETWEEN CS HB 229 (Fisheries) AND  
DRAFT CS HB 229 (Resources)

To: House Resources Committee Files  
From: Janet Fries, Committee Aide  
Date: March 29, 1985

Section 1

The wording of this section has been changed to simplify the department's interpretation of the authorization process for operations wishing to dispose of carcasses in the Bering Sea. It bases this authorization upon the processors demonstration of intent to operate within applicable state laws.

Section 2

This repeals only paragraph (b) of Section 1, ch. 27, SLA 1980.

Section 3

No change.

ANALYSIS OF HB 229

To: House Resources Committee Files  
From: Janet Fries, Committee Aide  
Date: March 12, 1985 (revised)

Section 1

This section creates a temporary exception to AS 16.10.173 until July 1, 1988. This section permits the stripping of herring roe and the disposal of herring carcasses into the Bering Sea, only for herring that is also harvested from the Bering Sea, during the period of the exception.

This section also gives the Board of Fisheries the authority to adopt regulations regarding this disposal, and states that the Department of Environmental Conservation regulations regarding waste will also apply to this disposal.

Section 2

This section provides for an immediate effective date.

Offered: 3/13/85  
Referred: Resources

Original sponsors: Herrmann, Fuller  
and Binkley

1 IN THE HOUSE

BY THE HOUSE SPECIAL  
COMMITTEE ON FISHERIES

2

CS FOR HOUSE BILL NO. 229 (Fisheries)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to herring stripping; and providing  
7 for an effective date."

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

9 \* Section 1. HERRING STRIPPING. (a) Notwithstanding AS 16.10.173 and  
10 until July 1, 1986, the stripping of commercially taken herring for the  
11 purpose of removing and selling the roe product is authorized if the  
12 herring is taken from and the carcass disposal process occurs in the Bering  
13 Sea. Herring stripping may be allowed during 1986 only if the commissioner  
14 of fish and game has given written approval after determining that the  
15 processing operation that is seeking approval is capable of continuing  
16 after July 1, 1986, without the commercial stripping of herring.

17 (b) The Board of Fisheries shall adopt regulations in accordance with  
18 the Administrative Procedure Act (AS 44.62) regarding disposal of herring  
19 carcasses for each administrative area where disposal occurs.

20 (c) The provisions of AS 46.03.100 apply to the disposal of herring  
21 carcasses under this section.

22 \* Sec. 2. Section 1, ch. 27, SLA 1980 is repealed.

23 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
24 10.070(c).



Official Business

# Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V  
Juneau, Alaska 998

Phone:  
(907) 465-4924

## LETTER OF INTENT FOR HOUSE BILL 229

It is the intent of the Legislature that the approval process by the Alaska Department of Fish and Game for 1986 herring stripping operations be kept as simple as possible. The Commissioner should base his determination upon a letter or other documentation from the operators of the processing plant detailing specific plans to operate in accordance with the provisions of AS 16.10.173 after July 1, 1986.

ANALYSIS OF DIFFERENCES BETWEEN HB 229 AND CSHB 229 (Fisheries)

To: House Resources Committee Files  
From: Janet Fries, Committee Aide  
Date: March 17, 1985

Section 1

The CS (Fisheries) for HB 229 reduces the length of time of the Bering Sea exception from the herring carcass disposal statutes, from four herring seasons in the original bill, to two seasons (ending July 1, 1986).

It also adds language which says that for the 1986 season, the Commissioner of Fish and Game must give his approval for a stripping operation from which carcasses will be disposed into the Bering Sea, in writing. The sentence in which this has been stated is not completely clear nor does it address the intent of AS 16.10.172 and 173, that it is the disposal of carcasses that is prohibited, not the stripping of roe.

In addition, this sentence makes the Commissioner's approval of such operations contingent on the condition that they will be capable of continuing operations after July 1, 1986, without stripping the roe. There is no stated reason why this should be a factor in the Commissioner's determination.

Section 2

This section rolls the intent of HB 260, introduced by Rep. Pignalberi, by Request, into HB 229. The effect of this section is to remove the Legislature's intent of Section 1, Chapter 27, SLA 1980, which states that there are certain conditions under which exceptions might be made to AS 16.10 172 and 173.

Section 3

No change.

Letter of Intent

This letter specifies that the application process authorized in Section 1 is to be as simple as possible. This will help to make any associated administrative costs as minimal as possible. This letter also reiterates the language of the CS, which places the condition that plants be able to operate without stripping after July, 1986, in order to receive approval from the Department for operation during the 1986 season.

MAR 12 1985

# Alaska State Legislature

COMMITTEES:

- Committee on Community and Regional Affairs
- Committee on Transportation
- Special Committee on Oil and Gas
- Special Committee on Fisheries
- Finance Sub-committee on Fish and Game



District 5

- Kenai
- Soldotna
- Homer
- Seldovia
- Kachemak
- Kasilof
- Ninilchik
- Sterling
- Anchor Point
- Point Graham
- English Bay
- Nikolaevsk
- Halibut Cove
- Clam Gulch

Representative Andre Marrou

12 March, 1985

TO: Reps. Dick Shultz and Adelheid Herrmann,  
Co-Chairman, Resources Committee

FROM: Rep. Andre Marrou, Member, Fisheries Committee

This morning, the Fisheries Committee passed out CSHB 229(Fish.), on a vote of 4-2. I was one of the dissenters.


CSHB 229(Fish.) combines HB 229 and HB 260 with two additional restrictions:

1. Herring stripping would end 1 Jul.86 instead of 1 Jul.88, thus reducing from 39 months to 15 months the period for herring stripping.
2. ADF&G would be required to render a written decision as to why herring stripping should be allowed past 1 Jul.86 under any conditions.

As you may know, HB 260 would repeal important exemptions to a prior ban on herring stripping.

In testimony today, no environmental nor economic reasons were advanced for banning the herring stripping industry. To the contrary, it was pointed out that if Alaskans don't strip herring, then Canadians, Washingtonians, Koreans, and Japanese will.

Therefore, I strongly recommend that CSHB 229(Fish.) not be passed, but that HB 229 be passed.

  
Rep. Andre Marrou

AVM/mc



Official Business

# Alaska State Legislature

## House of Representatives

### Special Committee on Fisheries

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-4924

#### MEMORANDUM

March 11, 1985

TO: Representative Adelheid Herrmann  
Representative Richard Schultz  
Co-chairs, House Resources Committee

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

SUBJECT: CS for HB 229

I respectfully urge the Resources Committee to adopt the committee substitute for House Bill 229 developed by the House Special Committee on Fisheries. The committee substitute received strong support from members of the Fisheries Committee, as well as from Rep. Jack Fuller, who co-sponsored the original measure.

The committee substitute was designed to provide the waivers sought for Bering Sea herring operations, while establishing a mechanism that should ensure that the entire Alaska seafood industry can comply with the state's full utilization policy within two more fishing seasons.

A brief recounting of the history of the state's full utilization policy may be helpful for the members of the Resources Committee.

In 1977, the Legislature passed a policy calling for the full utilization of herring caught in the commercial sac roe fishery. The policy was aimed at eliminating the wasteful practice of "stripping," in which the flesh of the herring is allowed to deteriorate and the valuable eggs can be easily "popped" out.

The Board of Fisheries was given authority to promulgate regulations to implement the policy. The developing Bering Sea sac roe fishery was exempted from the full utilization policy until January 1, 1979.

In 1980, the Legislature passed a law requiring the processing of herring before the seafood could leave the state. An exemption for the Bering Sea until July 1, 1982 also was granted.

In 1983, the Legislature approved a bill granting the Bering Sea another exemption from the full utilization policy; this time until July 1, 1984.

The original version of HB 229 grants the Bering Sea area an exemption until July 1, 1988. After determining that two additional fishing seasons would meet the needs of the Bering Sea herring industry, we amended that provision in the committee substitute to read July 1, 1986.

The committee substitute also incorporated the thrust of House Bill 260 which seeks to repeal legislative findings from 1980 that say that herring stripping is acceptable under certain circumstances, i.e. where healthy herring stocks exist and the seafood industry is underdeveloped.

The revised HB 229 adopted by the Fisheries Committee also would require herring stripping operations in the Bering Sea seeking to dump carcasses during 1986 to demonstrate their intent to comply with Alaska's full utilization policy during the 1987 herring season. This provision is designed to put the herring processing industry on notice that the state's full utilization policy will be fully enforced by 1987.

The Bering Sea herring processing industry is close to complying with the full utilization policy. A total of 400 metric tons of herring was stripped in the Bristol Bay fishery during 1984 out of a total harvest of 17,500 metric tons. Processors also strip herring in other areas of Alaska, but these operations all utilize the partially decomposed carcasses.

I would like to offer an amendment to CSHB229 (Fisheries) that should help clear up some confusing language and a letter of intent that clarifies the procedure for granting carcasses dumping waivers during 1986. The Alaska Department of Fish and Game says the committee substitute will not change the zero fiscal note, if the clarifying language and letter of intent are adopted.

I strongly urge adoption of the Fisheries Committee substitute bill and letter of intent.



Official Business

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## LETTER OF INTENT FOR HOUSE BILL 229

It is the intent of the Legislature that the approval process by the Alaska Department of Fish and Game for 1986 herring stripping operations be kept as simple as possible. The Commissioner should base his determination upon a letter or other documentation from the operators of the processing plant detailing specific plans to operate in accordance with the provisions of AS 16.10.173 after July 1, 1986.

PROPOSED AMENDMENT TO CSHB229 (FISHERIES)

Replace lines 13-16, page 1, with the following language:

"Sea and authorization is obtained from the commissioner of the Department of Fish and Game. The commissioner may authorize a person or company to dispose of herring carcasses in the waters of the Bering Sea if the person or company demonstrates that after July 1, 1986, the processing operation will no longer need an exception to AS 16.06.173."



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER HB 229	SPONSOR Herrmann
DEPARTMENT POSITION Neutral			
PREPARED BY Robert C. Clasby	DATE 2/26/85	COMMISSIONER'S SIGNATURE <i>John P. ...</i>	DATE 3/4/85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL DEC	CONSTITUENT GROUP(S) AFFECTED BY BILL Bering Sea Herring Fishermen and Processors
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Except for 1984, similar legislation has been in effect since about 1979. The intent is to allow this activity until full processing can take place. Most roe herring are now frozen on the grounds, with a small amount being transported to locations such as Kodiak for shoreside reprocessing. It is this product that is stripped on the grounds.

ANALYSIS OF BILL/PROGRAM EFFECTS

None. Regulations governing herring carcass disposal in the Bering Sea are still in effect; see 5 AAC 27.093.

AMENDMENTS PROPOSED

None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

### Article 3. Herring Spawn.

#### Section

172. Legislative policy on utilization of herring  
 173. Utilization of commercially taken herring  
 175. Removal of herring from state

*Sec. 16.10.140 — 16.10.170. Taking of herring spawn; exceptions; certain restrictive covenants; penalties. [Repealed, § 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)

**Editor's notes.** — Section 1, ch. 27, SLA 1980 provides: "LEGISLATIVE FINDINGS AND POLICY ON HERRING STRIPPING. (a) Notwithstanding AS 16.10.172, the legislature finds that in certain circumstances the processing technique described in AS 16.10.172(3), commonly referred to as "stripping", provides benefits of such importance to the state economy that the benefits may outweigh the waste involved in the process.

"(b) It is the policy of the legislature that notwithstanding AS 16.10.173 the

disposal of herring carcasses is acceptable only if

"(1) the herring is taken from waters in which the herring population is large enough to support a stripping industry without substantially reducing the availability of the herring for other uses; and

"(2) the stripping process is conducted in an area of the state where local industry either does not exist or, if it does exist, it is insufficient to provide reasonable economic support to the people who live in the area."

**Sec. 16.10.173. Utilization of commercially taken herring.** (a) A person may not waste or cause to be wasted any commercially taken herring. For purposes of this subsection, "person" has the meaning given in AS 01.10.060 and also includes a joint venture.

(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 com-

missioner may authorize other uses of commercially taken herring consistent with the intent of this section and AS 16.10.172 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 9 SLA 1977)

**Editor's notes.** — Section 1, ch. 14, SLA 1983 reads as follows:

"Section 1. HERRING STRIPPING. (a) Notwithstanding AS 16.10.173 and until July 1, 1984, the stripping of commercially taken herring for the purpose of removing and selling the roe product is authorized if the herring is taken from and the carcass disposal process occurs in the Bering Sea.

"(b) The Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) regarding disposal of herring carcasses for each administrative area where disposal occurs.

"(c) The provisions of AS 46.03.100 apply to the disposal of herring carcasses under this section."

**Sec. 16.10.175. Removal of herring from state.** (a) A person may not remove herring from the state before the herring has been frozen or otherwise processed for shipment.

(b) In this section, "processed for shipment" includes, but is not limited to, icing, stripping or salting of the herring; however, it does not include salting of the herring if five percent or more of the body weight of the herring consists of roe. (§ 3 ch 27 SLA 1980)

**Article 4. Migratory Fish and Shellfish.**

Section	Section
180. Legislative findings	220. Penalties for violation of AS
190. Regulations	16.10.200 and 16.10.210
200. Unlawful taking prohibited	230. Exemptions
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

5 AAC 27.070. REGISTRATION AND INSPECTION DOCUMENTS. Repealed 4/14/82.

ARTICLE 3. PROHIBITIONS

Section

- 90. Unlawful possession of herring or herring gear
- 92. Unlawful acts within an adjacent seaward biological influence zone
- 93. Disposal of herring
- 95. General restrictions
- 96. Violation of reporting requirements
- 97. Violation of landing requirement
- 98. Violation of regulations

5 AAC 27.090. UNLAWFUL POSSESSION OF HERRING OR HERRING GEAR. (a) It is unlawful for any person to possess unprocessed herring aboard a vessel licensed as a commercial fishing vessel within any statistical area unless the season is open or unless the person is acting under the authorization of 5 AAC 27.030(b). This prohibition does not apply to herring possessed for subsistence or permit bait purposes under applicable cable regulations.

(b) It is unlawful for any person to possess aboard a vessel licensed as a commercial fishing vessel within any statistical area any herring or any gear used in the taking of herring if the herring or herring gear are prohibited by other regulations in 5 AAC 27 governing the area, unless the vessel is acting under the authorization of 5 AAC 27.030(b).

(c) It is unlawful for any person to possess, purchase, sell, barter, or transport herring within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that that herring was taken or possessed in contravention of the regulations of this chapter. (In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(4),(7) and (10)  
 AS 16.05.720  
 AS 16.05.900  
 AS 16.05.920

5 AAC 27.092. UNLAWFUL ACTS WITHIN AN ADJACENT SEAWARD BIOLOGICAL INFLUENCE ZONE. It is unlawful for any person to take, attempt to take, cause to be

taken, or possess herring, or to operate, attempt to operate, or cause to be operated any vessel or gear or to possess any gear or to take, attempt to take, cause to be taken, or fail to take any action in violation of 5 AAC 27.010(b).

Authority: AS 16.05.251(a)(4),(7) and (10)  
 AS 16.05.720  
 AS 16.05.900  
 AS 16.05.920

5 AAC 27.093. DISPOSAL OF HERRING. In statistical areas N, T, W and Q, herring carcasses may be disposed of only as follows:

(1) any vessel with less than 5 metric tons of herring on board may only dump herring carcasses in waters more than five fathoms in depth;

(2) any vessel with five metric tons or more of herring on board may only dump herring carcasses in waters more than three miles from the mainland;

(3) or as specified by a permit issued by the Department of Environmental Conservation.

Authority: AS 16.05.251(a)(7)  
 AS 16.10.172-16.10.173

5 AAC 27.095. GENERAL RESTRICTIONS. A person shall obtain a permit from the department before taking herring during the period June 15 through February 28 in statistical areas K, L, M and N. (In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(1) and (7)

5 AAC 27.096. VIOLATION OF REPORTING REQUIREMENTS. (a) It is unlawful for any person to file a fish ticket representing the catch governed by the fish ticket as having been taken in a particular statistical area when in fact the catch or part of the catch were taken in another statistical area.

(b) It is unlawful to file any fish ticket containing information which has been purposely falsified.

Authority: AS 16.05.251(a) AS 16.05.900  
 AS 16.05.690 AS 16.05.920  
 AS 16.05.720

5 AAC 27.097. VIOLATION OF LANDING REQUIREMENT. It is unlawful for any vessel

**Sec. 46.03.090. Plans for pollution disposal.** The department may require the submission of plans for sewage and industrial waste disposal or treatment or both for a publicly or privately owned or operated industrial establishment, community, public or private property subdivision or development. (§ 3 ch 120 SLA 1971)

**Sec. 46.03.100. Waste disposal permit.** (a) A person who conducts an operation which results in the disposal of solid or liquid waste material or heated process or cooling water into the waters or onto the land of the state must procure a permit from the department before disposing of the waste material or water. The permit must be obtained for direct disposal and for disposal into publicly operated sewerage systems.

(b) This section does not apply to a person discharging only domestic sewage into a sewerage system.

(c) A permit for disposal of a hazardous waste may not be issued under this section unless the applicant for the permit has furnished proof to the commissioner of financial ability to control the hazardous waste. Proof of financial responsibility may be demonstrated by self-insurance, insurance, surety, or guarantee, under regulations issued by the department. Acceptance of proof of financial responsibility under this subsection expires

(1) one year from its issuance for self-insurance;

(2) on the effective date of a change in the surety bond, guarantee, or insurance agreement; or

(3) on the expiration or cancellation of the surety bond, guarantee, or insurance agreement. (§ 3 ch 120 SLA 1971; am § 3 ch 220 SLA 1976; am § 9 ch 93 SLA 1981)

**Cross references.** — As to compliance with financial responsibility requirements, see AS 46.03.833.

**Effect of amendments.** — The 1981 amendment added subsection (c).

**Opinions of attorney general.** — This section confers upon the Department of Environmental Conservation permit authority over dredge or fill activities, including residential subdivisions, within wetlands, estuaries, and inland and coastal marshes periodically inundated by discernible bodies of fresh or salt water upland from the mean high tide line to the

extent of the aquatic or salt water vegetation line. November 13, 1975, Op. Att'y Gen.

Dredge or fill activities in coastal and fresh water wetlands shoreward to the aquatic vegetation line to result in the disposal of solid waste material into the waters of the state within the meaning of this section and thus, to the extent that these activities are of a commercial or industrial nature do require a permit from the Department of Environmental Conservation. November 13, 1975, Op. Att'y Gen.

**Sec. 46.03.110. Waste disposal permit procedure.** (a) An application for a permit shall be made on forms prescribed by the department or on forms prescribed by the United States Environmental Protection Agency and shall contain the name and address of the applicant, a description of his operations, the quantity and type of waste material sought to be disposed of, the proposed method of disposal, and

any other information considered necessary by the department. Application for permit shall be made at least 60 days before commencement of a proposed discharge.

(b) Upon receipt of a proper application the department shall publish notice of the application in two separate publications of a newspaper of general circulation within the general area in which the disposal of waste material is proposed to be made. The notice may also be published in other appropriate information media. The notice shall include a statement that a person who wants to present his views to the department in regard to the application may do so in writing to the department within 30 days of the second publication of the notice. The written response entitles the writer to a copy of the application.

(c) When the department receives an application, the commissioner shall immediately send copies of the application to the commissioner of fish and game, the commissioner of natural resources, the commissioner of commerce and economic development and the commissioner of health and social services.

(d) The department may specify in a permit the terms and conditions under which waste material may be disposed of. The terms and conditions shall be directed to avoiding pollution and to otherwise carry out the policies of this chapter. No permit may be effective for a period in excess of five years from the date of issuance.

(e) If the department has certified a National Pollutant Discharge Elimination System permit under sec. 401 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. sec. 1341), and the United States Environmental Protection Agency has issued that permit to a person, the department may waive the requirements of this section, and adopt the federal permit as the permit required under AS 46.03.100. (§ 3 ch 120 SLA 1971; am § 6 ch 104 SLA 1971; am § 116 ch 218 SLA 1976; am §§ 4, 5 ch 220 SLA 1976)

**Opinions of attorney general.** — This section requires no more than that the Department of Environmental Conservation allow a 30-day public comment period, and that it fully and completely review those comments on receipt. June 11, 1975. Op. Att'y Gen.

The Department of Environmental Conservation cannot issue a waste disposal permit prior to expiration of the 30-day public comment period. June 11, 1975. Op. Att'y Gen.

If the Department of Environmental Conservation has reviewed and considered all public and agency comments prior to

the expiration of the 60-day period, and has also completed the preparation of the permit itself within that period, it would be competent for the department to waive the remainder of the 60-day "pre-commencement" period, and issue the permit at that time. June 11, 1975. Op. Att'y Gen.

The public comments received pursuant to subsection (b) of this section function similarly to environmental impact statements for federal agencies contemplating major federal actions significantly affecting the quality of the environment. June 11, 1975. Op. Att'y Gen.

**Sec. 46.03.120. Termination or modification of waste disposal permit.** (a) The department may terminate a permit upon 30 days written notice if the department finds

FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 229  
 Title: An Act Relating to Herring Stripping & Providing an Efftv. Date  
 Sponsor: Herrmann and Fuller  
 Requestor: Hs.Spec.Conc.Com.Fish + Res.  
 Date of Request: Mar 4, 1985

FISCAL DETAIL

Agency Affected: Fish and Game  
 Program Category Affected: Fisheries Resource Conservation  
 BRU, Program or Subprogram(s) Affected: Commercial Fisheries BRU and Components

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRAHITS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(please see attached page)

Prepared By: Bob Wilbur Phone: 465-4210  
 Division: Commercial Fisheries Date: 3-7-85  
 Approved by Commissioner: Don R. P. Smith Date: 3-7-85  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

7/1/84

Analysis:

HB 260 seeks to repeal an AS16.10.173 exception which allows the roe of commercially harvested herring in the Bering Sea to be stripped and the carcasses disposed of in the Bering Sea. HB 229 seeks to extend that exception through July 1, 1988.

If either bill is enacted, the impacts on state programs and funding requirements will be negligible. The only foreseeable direct costs to the state would involve Board of Fisheries time allocated to public hearing and regulatory considerations, and these should represent comparatively insignificant time and cost requirements under either bill.

Should the exception be repealed (HB 260), some herring fishermen who have traditionally taken herring roe in the Bering Sea by allowing the flesh to decompose prior to roe stripping would have to conform to freezing techniques. While this prevents wastage of the flesh, it may increase capital and processing costs for the affected fishermen and processors and thereby reduce fisherman profits. Some minor impacts to local economics could therefore occur.

# Alaska State Legislature

REPRESENTATIVE  
ADELHEID HERRMANN

P O BOX 63  
NAKNEK, ALASKA 99633  
(907) 246-4495

While in Juneau  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4942, 465-4943



CO-CHAIRMAN  
RESOURCES COMMITTEE

MEMBER  
TRANSPORTATION  
COMMITTEE

## House of Representatives

### DISTRICT 26

ADAK  
AKUTAN  
ALEKNAGIK  
ATKA  
BELKOFSKI  
CLARK'S POINT  
COLD BAY  
DILLINGHAM  
DUTCH HARBOR  
EGEGIK  
EKUK  
EKWOK  
FALSE PASS  
IGIUGIG  
ILIAMNA  
KING COVE  
KING SALMON  
KOKHANOK  
KOLIGANEK  
LEVELOCK  
MANOKOTAK  
NAKNEK  
NELSON LAGOON  
NEWHALEN  
NEW STUYAHOK  
NIKOLSKI  
NONDALTON  
PEDRO BAY  
PILOT POINT  
PORT ALSWORTH  
PORT HEIDEN  
PORT MOLLER  
PORTAGE CREEK  
SAND POINT  
SOUTH NAKNEK  
SOUAW HARBOR  
ST GEORGE  
ST PAUL  
TOGIAK  
TWIN HILLS  
UGASHIK  
UNALASKA

TO: Representative Peter Goll, Chairman  
Special Committee on Fisheries

FROM: Representative *Adelheid* Herrmann

DATE: March 8, 1985

RE: HB 229 AN ACT RELATING TO HERRING STRIPPING

Attached are letters from fishermen and processors in Togiak, Norton Sound, and Nelson and Nunivak Islands, which should provide the Fisheries Committee with additional backup to the letters and other information sent by Representative Fuller.

The herring season in western Alaska can begin as early as the end of April. Allowing the local people to strip herring will bring much needed cash income at a difficult time of year. These letters explain the reasons why they cannot comply with the state law at this time, as well as what they plan to do in the future to correct this situation.

This bill will not affect the herring resource or the environment in western Alaska, nor will it affect anyone in any other part of the state. I hope we can move the bill through the committee process as soon as possible so the fishermen can make plans for this season.

February 28, 1985

Representative A. Herrman  
Pouch V  
Juneau, AK

RE: Herring Carcass Utilization

Dear Rep. A. Herrman:

It has come to our attention that you are introducing legislation towards a moratorium on the Herring Carcass Utilization bill now in effect.

We have been deluged with calls from native fishermen in Togiak Twinn Hills and Manakotak villages on the possibility of our company purchasing drift net herring during the Togiak fisheries.

At this time we are budgeting for 2,200 tons of herring (seine) for processing on the M/V Bering Trader and our shore plant in Dillingham. These facilities are set up to freeze the product and will not be able to take any additional product other than that which is already committed.

Most of these fishermen are alternates on the list for the Japanese Herring Co-op in Dillingham, Alaska. These people in the past have not been able to sell because of the volume already caught by the co-op. We would be able to offer these fishermen a market if we could process at our Togiak facility. But there is no freezing. We would have to strip the roe then grind the carcasses.

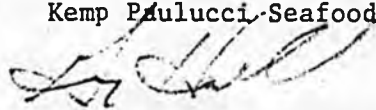
We would be able to purchase approximately 350 to 400 of gillnet herring if processing is available in Togiak.

This would mean, in dollars, a total of \$297,500 to \$340,000 for the fishermen that would not have been there previously. The fish tax would be \$2,975.00 to \$3,400.00 for a shore based facility. The local labor for the herring processing would be approximately \$43,000. This is for the nonfishermen type of local villagers.


Again our company would be happy to offer a market but are unable to do so as the laws stand now. We do not want a total moratorium, only for the next two seasons to place freezers into our Togiak facility.

Regards,

Kemp Paulucci Seafoods

  
Greg Hull

Togiak Plant Manager

  
KEMP-PAULUCCI SEAFOODS, INC. 2613 NORTHWEST 54th SEATTLE, WA 98107 206-783-7512

Rep. Jack Fuller  
ATTENTION: Linda Wilde  
Capital Room # 500/502  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Fuller:

On behalf of 3NC Fisheries, I am requesting a permit to dump the herring carcasses in the Norton Sound area for this coming 1985 fishing season. We anticipate to open the herring processing in the Stebbins area, in hopes that their economy will benefit both their people and our company. We understand that dumping herring has special guidelines and know that there are certain limits to dumping.

3NC Fisheries consists of the Unalakleet, Shaktoolik, and Stebbins Native corporations and is a profit company. Our main goal is to provide some form of economy for our people and service the people in our region. We have worked with the salmon species for the past two years and look forward for a profitable one this coming season.

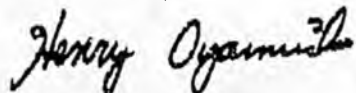
We understand the problems that may occur with discarding of the herring and we plan to work on this along with your help. Our latest talk with other companies was to sell the whole female herring and transport them out of the Norton Sound Region. It is also our contention that some plan be made with male herring, and in working with your office, we hope that a solution will be drawn up.

If you need further information please call me at 624-3053 during the workhours and at 624-3931 during the evenings. You may also call Davis Nashalook with the Arctic Sea Fisheries in Anchorage at 562-2322.

Our anticipated tonage with herring for the 1985 season is 300 metric tons.

Thank you.

Sincerely yours,



Henry Oyoumick, 3NC President

cc: Henry Mitchell, Bering Sea Fisheries



# Bering Sea Fishermen's Association

805 West 3rd Avenue  
Anchorage, Alaska 99501  
(907) 279-6519

March 4, 1985

Representative Binkley  
Pouch V  
Juneau, AK 99811

Dear Representative Binkley:

I am writing to express our strong support for House Bill 229. The bill proposes to waive, for the Bering Sea, the statute prohibiting fishermen from stripping herring for roe.

A number of fishermen from Nelson Island and Nunivak Island are interested in participating in the herring fishery which will open this year. The Bering Sea Fishermen's Association (BSFA) anticipates training a minimum of 80 fishermen from Nelson Island and Nunivak Island in order to prepare them for the fishery. As you know, these areas are poor in terms of a cash economy, and commercial fishing will be the main source of jobs and income for many.

As this is the first time residents of Nelson Island and Nunivak Island will be participating in a commercial herring fishery, their lack of experience during the first year or two will naturally put them at a significant disadvantage in competing for the limited quota of herring available.

The participation of Nelson and Nunivak Island fishermen during the start-up of the commercial herring fishery is dependent upon their being able to strip for roe. At present, there are no facilities available on either Nelson Island or Nunivak Island for refrigeration and processing of herring carcasses. And, it is neither practical nor feasible to build these facilities prior to initial participation in the fishery.

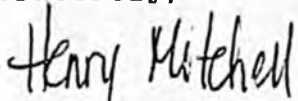
We see waiving the statute prohibiting the stripping of herring for roe in the Bering Sea as an interim yet crucial measure which will provide the people of Nelson and Nunivak Island the opportunity to become competitive in the fishery. Once the fishery is successful, it would then make sense to build refrigeration facilities and to process

Representative Binkley  
March 4, 1985

herring carcasses -- thus providing more jobs and income for residents.

If I can provide any further information on this very important issue, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Henry Mitchell".

Henry Mitchell, Director  
Bering Sea Fishermen's Association

cc: Adelheid Herrmann  
Co-Chairman, House Resources Committee

JLS

*Herrmann*

REP. JOHN G. (JACK) FULLER

DISTRICT 23

ALAKANUK  
BREVIG MISSION  
CHEVAK  
DIOMEDE  
ELIM  
EMMONAK  
GAMBELL  
GOLOVIN  
HOOPEER BAY  
KOTLIK  
KOYUK  
NOME

SAVOONGA  
SCAMMON BAY  
SHAKTOOLIK  
SHELDON'S POINT  
SHISHMAREF  
STEBBINS  
ST. MICHAEL  
TELLER  
UNALAKLEET  
WALES  
WHITE MOUNTAIN



CHAIRMAN  
BUSH CAUCUS  
LEGISLATIVE COUNCIL  
ADMINISTRATIVE REGULATION  
REVIEW COMMITTEE

MEMBER  
POLICY COMMITTEE  
SPECIAL COMMITTEE ON LOANS  
RULES COMMITTEE  
COMMITTEE ON COMMITTEES

Alaska House of Representatives

MEMORANDUM

TO: Rep. Peter Goll, Chairman  
House Special Committee on Fisheries  
FROM: Rep. Jack Fuller *Jack*  
DATE: March 2, 1985  
SUBJECT: Additional information regarding HB 229 - herring stripping

Three different groups of fishermen in Western Alaska have contacted either Rep. Herrmann or me requesting a temporary waiver of the herring stripping law.

In my district, 3NC Fisheries, a cooperative effort of the native corporations of Unalakleet, Stebbins and Shaktoolik, has asked for additional time to gear up. These local people began to fish herring commercially in 1979, and at this time don't have enough on-shore freezing capacity to process all of the herring caught by their members.

In the Yukon-Kuskokwim area, the people of Nelson Island plan to begin their first commercial herring fishery next year. Until now, herring was fished for subsistence only, but with the rebuilding of herring stocks they are looking to this new fishery for much-needed cash income.

In Togiak, about 35 local gillnet fishermen without markets have asked Kemp-Paulucci to operate the shore-based plant this year. This plant will be able to provide a market for all their fish. Kemp just recently bought the plant and plans to install freezers within the next two years, but would only be able to operate the plant this season if they were able to strip.

The closest fish meal plant is in Seward, thousands of miles away, and there is not enough freezing capacity for all of the fish. Because the non-local fishermen who come up to western Alaska to fish sell their catch mostly to floating processors with freezing capacity, the herring stripping law affects local fishermen who are relatively new to the fishery and do not have established markets.

Unlike the rest of the state, the herring fishery in western Alaska is in its infancy. The fishery used to be almost entirely within the domain of outsiders, with very few locals participating even as fishermen. Local fishermen are just now learning to take vertical control of the fishery themselves, without total dependence on outsiders. As fishermen and as managers, they have gained much valuable

experience in a short time. With limited entry for Bering Sea herring fisheries looming on the horizon, I want local people to have every opportunity to become established in the fishery. Outside of fishing, there are very few ways of making a living in these villages.

The herring season comes at the end of the long winter and before salmon season starts, a time when cash is very low. On-shore herring processing provides much-needed cash income for local people, as well as markets for local fishermen. In Unalakleet alone, stripping 50-60 tons of fish provides up to twenty people with jobs, and puts up to \$35,000 into the economy. With an average annual income of less than \$3,000 in rural Alaska, this is an important source of cash.

I will be providing you with additional back-up from 3NC, Nelson Island and Togiak Natives Limited, which will set out each group's reasons for requesting an extension of the time they are allowed to strip herring, as well as their plans for compliance as the fishery is developed.

MAR 11 1985

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* DELIVER TO: JPOM
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* ORIGINAL
* SENT: 03/08/85 TIME: 14:28
* FROM: LIOKOD
* SUBJECT: KODIAK POM
* PRINT DATE: 03/08/85 TIME: 14:28
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TO: SENATORS ZHAROFF, FISCHER, STURGULEWSKI, HALFORD

TO: REPRESENTATIVES THOMPSON, HERRMANN, FULLER, GOLL, SUND,  
PEARCE, HURLEY, BINKLEY, NAVARRE, JENKINS, MARROU

FR: NICK SZABO  
BOX 1633  
KODIAK, AK. 99615  
HM: 486-3853

RE: HB 229 - EXTENDING HERRING STRIPPING IN THE BERING SEA

I STRONGLY SUPPORT HB 229 AND OPPOSE HB 260. SINCE THERE ARE NO CARCASS REDUCTION PLANTS IN THE BERING SEA, THE PASSAGE OF HB 229 WILL ALLOW SMALL PROCESSORS AND GROUPS OF FISHERMEN TO PROCESS THEIR OWN HERRING ROE. THIS ADDED VALUE PROCESSED HERRING ROE COULD BENEFIT MANY SMALL COMMUNITIES.

EOM

## HISTORY OF HB 229

To: House Resources Committee Files  
From: Janet Fries, Committee Aide  
Date: March 17, 1985

AS 16.10.172 and 173, the statutes which prohibit the waste of carcasses from herring that have been stripped of roe, were passed by the Legislature in 1977. Section 173 included an exception from these statutes for the Bering Sea until January 1, 1979, because there was little or no infrastructure for the developing herring fishery in this area to support the processing of herring without disposal of the carcasses.

During the 1978 and 1979 herring seasons, many processors in the state who were not equipped to either freeze the roe herring whole or near enough to a reduction plant to have it reduced to fish meal economically, shipped the herring whole, lightly salted, to Japan. This herring was stripped for roe in Japan, Alaska fishermen and processors were paid less for it, and Japanese labor was used to process it, thus leaving Alaska with little economic benefit from this fishery.

In 1980, the Legislature passed Section 1, ch. 27, SLA 1980, Legislative Findings and Policy on Herring Stripping. This law did three things:

(1) It created the language which appears in the statutes (although it is not part of the statutes) following AS 16.10.172. These findings report that in some circumstances, stripping herring may provide such important economic benefits to the state that they may outweigh the waste involved in the process.

(2) It created an exception from the stripping law for the Bering Sea only from September 1, 1980 to July 1, 1982.

(3) This law also added AS 16.10.175 to the statutes, which prohibits removal of herring from the state before it is processed. This was done to solve the problem of herring being shipped from Alaska with little or no processing, that was created when the stripping statutes first became effective.

In 1983, the Legislature passed House Bill 267 which became Chapter 14 SLA. This bill created a third exception from the stripping law for the Bering Sea only until July 1, 1984, because the herring fishery was still developing in western Alaska and there was still no freezing capacity or reduction plant to support many local processing operations.

HOUSE SPECIAL COMMITTEE  
ON FISHERIES  
March 12, 1985  
8:30 a.m.

Members Present: Representative Peter Goll, Chair  
Representative Andre Marrou  
Representative David Thompson  
Representative John Binkley  
Representative Roger Jenkins  
Representative Kate Hurley  
Representative Mike Navarre

COMMITTEE CALENDAR

HB 229 An Act relating to herring stripping; and  
providing for an effective date.

HB 260 An Act relating to legislative policy on  
herring stripping and providing for an  
effective.

WITNESS REGISTER

Representative Jack Fuller  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811  
Telephone: 465-4984  
Position Statement: Co-sponsor HB 229

Clements Ady  
Chugach Alaska Fisheries  
4241 21st Avenue West  
Seattle, Washington  
Position Statement: Supports broadening of HB 229

Larry Cotter  
International Longshoremen and Warehousemen's Union  
307 South Franklin Street  
Juneau, Alaska 99801  
Telephone: 586-6642  
Position Statement: Supports original version HB 229

Henry Oyoumick  
3NC Fisheries  
P. C. Box 37  
Unalakleet, Alaska  
Telephone: 624-3931  
Position Statement: Supports original version HB 229

Jerry Abramczyk

Administrative Assistant  
Representative Marco Pignalberi  
Pouch V  
Juneau, Alaska 99811  
Telephone: 465-4944  
Position Statement: Testified in behalf of Representative  
Pignalberi, sponsor of HB 260.

Janet Fries  
Administrative Assistant  
Representative Adelheid Herrmann  
Pouch V  
Juneau, Alaska 99811  
Telephone: 465-4942  
Position Statement: Testified in behalf of Representative  
Herrmann, prime sponsor HB 229.

Ken Parker, Director  
Division of Commercial Fisheries  
Alaska Department of Fish and Game  
P. O. Box 3-2000  
Juneau, Alaska 99811  
Telephone: 465-4210  
Position Statement: Observer

Bob Clasby  
Division of Commercial Fisheries  
Alaska Department of Fish and Game  
P. O. Box 3-2000  
Juneau, Alaska 99811  
Telephone: 465-4210  
Position Statement: Observer

Christine L. Kelly  
Licensing Administrator  
Commercial Fisheries Entry Commission  
Pouch KB  
Juneau, Alaska 99811  
Telephone: 465-4081  
Position Statement: Observer

Reed Stoops  
Chugach Fisheries  
2 Marine Way, Suite 218  
Juneau, Alaska 99801  
Telephone" 586-3561  
Position Statement: Observer

PREVIOUS ACTION

HB 260: Read first time 03/04/85 and  
referred to Fish, Res, and Rules. No  
previous action in this committee. HB 229:

Read first time 02/22/85 and referred to Fish, Res and rules. No previous action in this committee. Today Fish reported out CS with 4DP and 1NR, 1NOT CS; zero fiscal note with analysis in Supplement No. 28.

ACTION NARRATIVE

TAPE #11, SIDE ONE  
Recording  
Number 005

The meeting was called to order at 8:35 a.m. by Chairman Goll who announced the calendar and asked for motion to adopt a committee substitute for HB 229 for purposes of discussion. Representative Thompson made the motion. Representative Marrou asked for clarification of the committee substitute. The motion carried and CS for HB 229 was adopted for purposes of discussion.

Number 035

Representative Fuller called attention to background information and letters of support in the members packets and began his presentation with history and utilization of herring and urged the members to consider passage of the committee substitute to get the industry going.

Number 140

Chairman Goll addressed the two bills and commented to Representative Marrou that while the prohibition on herring stripping would remain the same in statute, the exemption would be deleted and by reenacting new legislation it would create that exemption again with certain stipulations.

Number 229

Janet Fries, Assistant to Representative Herrmann, testified that HP 229 creates a temporary exception to legislative policy on herring utilization to permit the stripping of herring and disposal of carcasses in the Bering Sea only. She urged quick approval of the bill.

Number 333

Larry Cotter, President, Local - International Longshoremen and Warehousemen's Union, stated he was unsure of supporting the committee substitute but did support allowing herring stripping to continue in Bering Sea.

Number 367

Representative Marrou asked Mr. Cotter what he sees as environmental concerns with

herring stripping. Mr. Cotter discussed pollution and the potential of full utilization of the herring resource including roe extraction, herring carcasses and employment opportunities.

Number 416

Clements Ady, Director - Special Projects, Chugach Alaska Fisheries stated their primary business is processing seafood from Prince William Sound and Cook Inlet and testified support of herring roe stripping and expansion of the industry. All herring produced in the State of Alaska, he continued, is sent to Japan in some form. There is no other market in the world to his knowledge for herring, including fish meal. The herring produced in the State of Alaska is transported out of Prince William Sound to Korea or Canada for stripping; the Japanese have a quota on the importation of frozen herring. He continued that Alaska processors are in the same position again as when the Japanese initially purchased all the seafood plants and feels that a major reason for the decline in Alaska fisheries is because of the stranglehold the Japanese have on plant facilities. If the processors were able to strip herring, he continued, depending on the way the product is graded, they would get four times the present value by doing their own production.

CHANGE TAPE #11 TO SIDE TWO

Number 023

Jerry Abramczyk, testified in behalf of Representative Pignalberi - prime sponsor of HB 260, and began with preparatory remarks regarding introduction of the bill and possible defects in existing state statute. He continued that in state statute, the clear intent of the state has been to prohibit the stripping of roe and an exception to policy is needed; by repealing Section 1, Chapter 27 SLA 1980 the business of the state can continue more clearly to enhance the herring industry.

Number 191

Representative Marrou said it was his understanding of the bill and legal opinion that if HB 260 is passed it would ban herring stripping and asked what specifically is the intent of the sponsor.

Number 392

This is a verbatim transcript of the

testimony of Mr. Henry Oyoumick, chairman of 3NC Fisheries before the House Resources and Special Committee on Fisheries joint comm.'ttee meeting March 13, 1985.

"My name is Henry Oyoumick from Unakaleet 3NC Fisheries and I'm chairman and what I'm going to do is give you a little history that we have been exposed to in herring fisheries and the Norton Sound Herring fishery has been ongoing substantially since 1979, although there were small amounts taken in '77 and '78.

Traditionally the process is that freezer ships and in the case of one buyer a processing boat will come to the Norton Sound with a large number of their own fishermen. The local fishermen will go out to the herring grounds and deliver to either their favorite buyer or to the closest tender boat. All of the herring will be brine chilled until they are transferre. to a larger freezer or processing boat. These herring will be brought outside of the area to such places as Seward or even to Korea for final processing. Irregardless of where they are brought as far as we know locally, essentially none of the herring is processed in Norton Sound area. There is no one hired by these outside processors from the local areas.

In 1981, the Norton Sound Fishermens' Cooperative tried processing herring on the ground in Unakaleet. The fishermen, all local, delivered herring from the herring grounds about 7 miles from the plant. The herring was salted and four days later split open to extract the eggs from the females. All of the male carcasses and the stripped female carcasses were stored until after all of the females were stripped. After rough finish packing of the roe was completed, the male and female carcasses were rolled in a combination of rice, bran and salt, delivered to Korean transfer boats and shipped to Korea where they were packed in their finished form.

Norton Sound Fishermen's Co-op records show that there were 571,075 pounds of herring salted, stripped and processed or close to 286 tons. Of this there were approximately 80% Number One roe recovery as compared with

most of the rest of the state. At this time this was a very high return meaning that there was a lot less of the smaller, immature or less valued roe extracted.

Although it was not originally planned nor part of the herring stripping contract, rather than dump the carcasses, our buyer decided that male and stripped female carcasses would be rolled in rice, bran, salt combination to be shipped to Korea to be sold there for food preparing. Except for approximately 50 tons of carcasses that had been sitting in the sun for a day or two all of the 286 tons were shipped. After asking the local people if they wanted the spoiled herring carcasses for food or dog food, only 50 tons or 17.5 % of the local catch was dumped in the Norton Sound. Further, it might interest you to note that the amount of herring dumped in the Norton Sound as opposed to the total catch for that year amounted to approximately 2% of the total catch for '81 which was, according to ADF&G records, 2,448 short tons area wide. Because of the short time of preparation the NFSC payroll records are sketchy at this point. We estimate that approximately \$40,000 was expended towards payroll for processing the herring in '81 as was done in 1980.

For your information, the Norton Sound Fishermen's Cooperative did not operate their plant after 1981 opting themselves instead to lease their plant to other operators. Irregardless, the impact that the stripping on Unakaleet was fairly substantial in labor, supplies, utilities and operations in general. It might interest you also, that those employees during the '81 season would not otherwise begin working until June 15 when our salmon season begins. All of these people draw unemployment during the off season because of lack of other employment.

In 1983 the 3NC Fisheries Incorporated decided to make another attempt at stripping herring. 3NC Fisheries is a joint venture fish buying, and processing for profit corporation made up of the village corporations from Unakaleet, Shaktoolik and Stebbins equally of which I am chairman.

We leased the fish plant from the Norton Sound Fishermens' Co-op annually, our primary goal is first to return a profit to our sponsoring village corporations and secondly to reap as much impact from the fisheries on our local economies. The latter reason was the reason for attempting stripping herring in Unakaleet again in 1983.

Perhaps a short explanation of herring fisheries trend would be in order at this point. Because of the rush of the fish coming into the area, and the worry by fishermen that the sitcord of approximately 20% of the biomass could be eaten up within 5-10 days. It is impossible anymore to expect fishermen to deliver fish 7 miles away from the fishing grounds. It is more economical for fishermen to stay with their nets, deliver to out of the area tender boats that are sitting within a quarter of a mile away at the most and return back to the cleaning of their nets again for another delivery.

Understanding this, plus the fact that many of the out of the area processors will not take fish from small 16 to 18 foot boats with a ton or less that many of our local fishermen out of necessity and further chose same processors would have started taking only 8% herring or better.

3NC tried a small stripping operation in '83. The results were fair. There were approximately 141,570 pounds of herring delivered to the plant in Unakaleet or approximately 71 short tons. Of this there was a realization of \$25,000 paid to the fishermen for that product and approximately another \$25,000 paid for labor and processing in handling the herring.

Because of the market conditions, the carcass from that product could not be sold. What we were essentially told was that we could have a 20¢ per pound product that would cost 40¢ per pound to ship to the market. Which made it not feasible to market the carcass as opposed to the 1981 situation for the co-op. Estimating that 7.6% of that roe, our total dumpage was approximately 66 tons into Norton Sound.

Even with this that amounted to less than 1.5% of the total harvest for Norton Sound which was 4,572 short tons, according to ADF&G figures.

3NC Fisheries and other organizations locally are again interested in local production of finished herring roe. As it was inferred earlier because of market conditions, it is impossible for the Norton Sound herring carcass to compete with other areas in the food and herring based products which is the prime reason for asking again for an extension of the ability to dump herring carcass into Norton Sound.

At a recent 3NC board meeting, it was agreed that 3NC would dump strip herring only in the Stebbins-St. Michael area of the fishing grounds, utilizing those local people for labor. I'm sorry I don't have specific statistics to pass on to you of their local economy, but I'm sure that each of you are familiar with the general conditions of the villages in our area. For your information, St. Michael's and Stebbins are not involved in salmon fisheries whereas the rest of the communities in Norton Sound are. Stripping of herring would then have a very positive impact on those communities. There is no other resource development in that area. Nor is there any other economy except for a local few jobs.

The general plan for operation is to collect fresh herring on a locally owned barge-tug boat combination. Local people would be used to separate the male and female as they are purchased. As time permits the females would be stripped and the finished roe product would be rough packed in brine to be shipped out by air for final packing. For those female products that cannot be stripped, which according to our calculations would be at least 50% of the females, those would be flown to Anchorage to be frozen and shipped overseas for final processing.

The barge tug operation holds approximately 300 tons of herring. Estimating that 50% of the herring purchases would be female, we would then have 150 tons of fresh female herring, of this approximately 75 tons would

be stripped and 75 tons flown to Anchorage for freezing. Being there is no market for the male carcass, we would then estimate that approximately 225 tons would be dumped into Norton Sound. These figures seem optimistic and seem out of proportion to our past experiences, we mean to give you as our estimate the worst possible scenario from the standpoint of having to dump herring. ADF&G estimates that this year that they would allow 3,740 short tons of herring to be caught in the Norton Sound. If 3NC were lucky to have the aforementioned production, the 225 tons of them would be approximately 6.4% of the total production of Norton Sound. Relatively speaking considering the overly optimistic forecast for our production, 6.4% seems rather a small dumpage, which would probably be naturally eaten up by the many varied bottom fish in the Norton Sound.

Our long term plans are continuing to develop the natural resources in our area, to develop the local economies in our communities. As has been done in the past, it is always our goal to sell the whole product for food and not realize wastage by dumping.

The logistics are such that we cannot compete at this point in time with other producing areas, the fact that the dollar is very strong in the foreign exchange is definitely not helping our efforts either. Our attempts are to make ourselves as self-sufficient as possible and I am here to pass on to you that our people given the chance will be very happy to eliminate some of the programs that are provided by the state.

Allowing our operation and were you to word it such that only locally owned entities and shore-based entities were allowed to dump herring and setting a maximum of 10% of the total harvest allowed to be dumped would lead our people towards that goal. And, I guess, in some of the questions that were asked earlier in relationship to both the CS 229 and the original I have had not I guess sufficient time to analyze both but it sounds as though from looking at either one I would probably prefer the original.

Thank you.

Number 562

Representative Navarre moved to pass committee substitute for HB 229 with individual recommendations. Representative Marrou objected. Committee substitute for HB 229 passed out of committee with individual recommendations. Representatives Thompson, Navarre, Hurley and Goll voted DO PASS, Representative Jenkins voted No Recommendation and Representative Marrou voted pass HB 229 only (not CS).

Number 567

The meeting was adjourned at 10:00 a.m.

TESTIMONY OF REPRESENTATIVE ADELHEID HERRMANN ON HB 229

BEFORE THE HOUSE RESOURCES COMMITTEE

MARCH 29, 1985

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I WOULD FIRST LIKE TO EXPLAIN THE LEGISLATIVE HISTORY OF THE STATE'S HERRING STRIPPING LAWS, AND THEN EXPLAIN TO YOU WHY I HAVE INTRODUCED HOUSE BILL 229.

THE SAC ROE FISHERY FOR HERRING IN ALASKA DEVELOPED IN THE LATE 1960'S AND EARLY 70'S, IN SOUTHEASTERN ALASKA, COOK INLET AND PRINCE WILLIAM SOUND, DUE TO AN INCREASE IN DEMAND FOR THE HIGHLY VALUED ROE PRODUCT ON THE JAPANESE MARKET. THERE WAS LITTLE FREEZING CAPACITY IN THE STATE AT THAT TIME AND THE DEMAND WAS FOR THE EGGS ONLY, SO THE HERRING WERE STRIPPED OF THEIR ROE AND THE CARCASSES WERE DISPOSED INTO THE WATERS NEXT TO THE PROCESSING PLANTS.

FOR THOSE OF YOU WHO ARE NOT FAMILIAR WITH THE PRACTICE OF HERRING STRIPPING, IT IS A PROCESS BY WHICH HERRING ARE HARVESTED IN THE SPRING, WHEN THEY ARE ABOUT TO SPAWN, PLACED IN A BRINE SOLUTION FOR SEVERAL DAYS, AND THEN THE EGGS ARE STRIPPED OUT OF THE FEMALE HERRING AND BOTH THE FEMALE CARCASSES AND MALE HERRING ARE EITHER DISPOSED OF, SOLD AS FOOD OR BAIT, OR PROCESSED INTO FISH MEAL AND OIL.

BECAUSE THE SAC ROE FISHERY DEVELOPED SO RAPIDLY DURING THE EARLY YEARS AND BECAUSE MOST PROCESSORS SIMPLY DUMPED WHOLE HERRING CARCASSES INTO THE BAYS ADJACENT TO THEIR PLANTS, IN SOME CASES KILLING THE BAYS AND CREATING BAD ODORS, MANY PEOPLE IN THE COASTAL COMMUNITIES OBJECTED TO THIS FISHERY.

RESPONDING TO THIS, GOVERNOR HAMMOND INTRODUCED LEGISLATION IN 1977 WHICH, IN ITS AMENDED FORM, BECAME THE ALASKA STATUTES 16.10.172 AND 173, WHICH PROHIBIT THE WASTE OF HERRING CARCASSES IN THE STATE. THESE STATUTES DO NOT PROHIBIT THE STRIPPING OF HERRING AS LONG AS THE CARCASSES ARE UTILIZED AS FOOD, BAIT OR FISH MEAL.

AT THE TIME THE GOVERNOR INTRODUCED THIS LEGISLATION, THE TOGIAK HERRING FISHERY WAS JUST BEGINNING AND THERE WERE NO OTHER COMMERCIAL HERRING FISHERIES IN THE BERING SEA. BECAUSE OF THIS, THE ORIGINAL VERSION OF THE GOVERNOR'S BILL CALLED FOR AN EXCEPTION TO THIS LAW FOR THE BERING SEA, UNTIL SUCH TIME AS THE COMMISSIONER OF FISH AND GAME DETERMINED THAT SUFFICIENT PROCESSING CAPACITY EXISTED IN THIS REGION TO ALLOW THE APPLICATION OF THE LAW WITHOUT CREATING UNDUE HARDSHIP.

THE SENATE AMENDED THIS SECTION TO PUT A TIME LIMIT ON THE BERING SEA EXCEPTION AND THE BILL PASSED BOTH HOUSES UNANIMOUSLY. HOWEVER, WHEN THIS LAW BECAME EFFECTIVE, THERE WERE MANY PROCESSORS IN THE STATE THAT WERE UNABLE TO COMPLY, AND IN ORDER TO TAKE ADVANTAGE OF THE FISHERY, THEY SHIPPED THE HERRING DIRECTLY TO JAPAN, IN THE ROUND, IN A BRINE SOLUTION, WITH THE RESULT THAT NONE OF THE ECONOMIC BENEFITS OF THE PROCESSING REMAINED IN ALASKA.

IN ORDER TO CORRECT THIS PROBLEM, THE LEGISLATURE PASSED SECTION 1, CHAPTER 27 OF THE STATE LAWS OF ALASKA IN 1980. THIS BILL DID THREE THINGS:

FIRST, IT REPORTED THE FINDINGS OF THE LEGISLATURE THAT IN CERTAIN CIRCUMSTANCES THE BENEFITS TO THE STATE OF ALLOWING HERRING STRIPPING OPERATIONS MAY OUTWEIGH THE WASTE INVOLVED IN THE PROCESS.

SECOND, THIS BILL OUTLAWED THE EXPORT OF HERRING FROM THE STATE WITHOUT IT FIRST BEING PROCESSED.

AND FINALLY, FINDING THAT THERE WERE STILL NO PROCESSING ALTERNATIVES FOR THE BERING SEA REGION, IT EXTENDED THE EXCEPTION FOR THIS AREA UNTIL 1982.

IN 1983, THE LEGISLATURE AGAIN SAW THE NEED TO EXEMPT THE BERING SEA FROM THE STATE'S HERRING WASTE STATUTES.

I THINK THERE IS A TENDENCY ON THE PART OF THE LEGISLATURE TO IMAGINE THAT DEVELOPMENT CAN OCCUR MORE RAPIDLY THAN IT ACTUALLY DOES. PEOPLE WHO HAVE BEEN INVOLVED WITH TRYING TO DEVELOP A SHORE-BASED BOTTOMFISH INDUSTRY IN ALASKA HAVE FOUND THIS AGAIN AND AGAIN.

THE FACT IS THAT IN THE BERING SEA THERE IS STILL A LACK OF FREEZING CAPACITY, THERE IS STILL NO FISH MEAL PLANT, AND IT IS STILL NOT ECONOMICAL TO PROCESS HERRING ON-SHORE IN MOST COMMUNITIES WITHOUT THE EXCEPTION TO THE STATUTES THAT HAS BEEN GRANTED SINCE THOSE STATUTES BECAME LAW. FOR THIS REASON, I HAVE INTRODUCED HOUSE BILL 229, WHICH WOULD CREATE SUCH AN EXCEPTION FOR A FEW MORE YEARS.

WHILE I'M HOPING THAT THIS WILL GIVE THE COMMUNITIES A CHANCE TO BUILD FREEZERS OR FIND SOME WAY TO USE THE CARCASSES, I CERTAINLY CAN'T GUARANTEE THAT AT THIS TIME.

WHAT HOUSE BILL 229 WILL DO, IF PASSED, IS TO GIVE 30 FISHERMEN IN TOGIAK A MARKET FOR THEIR FISH AND 45 TO 50 LOCAL PEOPLE JOBS IN THE PROCESSING PLANT. THIS INCOME COMES AT A TIME OF THE YEAR WHEN THERE ARE FEW OTHER SOURCES, AND THE LONG WINTER HAS DEPLETED FOOD SUPPLIES OR SAVINGS THEY MAY HAVE.

THE PROCESSOR WHO INTENDS TO OPERATE IN TOGIAK, KEMP-PAULUCCI, HAS JUST BOUGHT A PLANT THERE AND PLANS TO INSTALL FREEZERS, BUT THEY WON'T BE READY FOR THIS YEAR AND THEY MAY NOT BE READY UNTIL THE 1987 SEASON. THERE IS A LETTER IN YOUR PACKETS FROM KEMP-PAULUCCI, AS WELL AS FROM THE BERING SEA FISHERMEN'S ASSOCIATION, WHICH IS ASSISTING THE NELSON AND NUNIVAK ISLAND PEOPLE TO DEVELOP THEIR FIRST COMMERCIAL HERRING FISHERY THIS YEAR. THERE IS ALSO A LETTER FROM THE 3NC FISHERMEN'S COOP IN NORTON SOUND, WHICH ALSO WILL ONLY BE ABLE TO OPERATE IF HOUSE BILL 229 IS PASSED.

I UNDERSTAND THERE ARE PROCESSORS IN OTHER AREAS OF THE STATE THAT ARE ALSO INTERESTED IN GETTING AN EXCEPTION FOR THEIR AREA. I UNDERSTAND THEIR PROBLEM AND KNOW THAT THE COST OF SHIPPING CARCASSES TO A FISH MEAL PLANT DOES COST THEM SOME OF THEIR PROFITS, BUT THESE COSTS ARE NOT SO HIGH THAT THEIR OPERATIONS WOULD NOT BE PROFITABLE IF THEY COMPLIED WITH THE CURRENT STATE LAW.

IN YOUR PACKETS YOU WILL FIND A DRAFT RESOURCES COMMITTEE SUBSTITUTE FOR HOUSE BILL 229, AS WELL AS AN ANALYSIS OF THE CHANGES IN THIS CS, COMPARED TO THE ONE THE SPECIAL COMMITTEE ON FISHERIES PASSED.

SECTION 1 OF THE RESOURCES CS SHOULD TAKE CARE OF THE CONCERNS OF THE FISHERIES COMMITTEE, BUT THE WORDING IS SIMPLIFIED SO THAT IT IS EASIER FOR THE DEPARTMENT OF FISH AND GAME TO IMPLEMENT.

SECTION 2 HAS BEEN CHANGED SO THAT ONLY PARAGRAPH (B) IS REPEALED. THIS SHOULD ELIMINATE THE QUESTION OF WHETHER AN EXCEPTION MAY BE CREATED FOR, SAY, A PROCESSOR IN SOUTHEASTERN ALASKA, AND AT THE SAME TIME, LEAVE THE INTENT OF THE 1980 LEGISLATURE ON THE BOOKS.

THE DRAFT RESOURCES COMMITTEE LETTER OF INTENT THAT IS IN YOUR PACKETS RESTATES THAT THE LEGISLATURE INTENDS THAT THE AUTHORIZATION PROCESS FOR BERING SEA PROCESSORS BE KEPT AS SIMPLE AS POSSIBLE. IN ADDITION, IT REQUESTS THE DEPARTMENT OF COMMERCE TO CONTINUE TO LOOK INTO NEW ALTERNATIVES FOR UTILIZATION OF HERRING CARCASSES IN ALASKA.

I'M ASKING FOR YOUR SUPPORT FOR THE DRAFT RESOURCES CS OF HOUSE BILL 229 AND THE LETTER OF INTENT, SO THAT THE LOCAL COMMUNITIES IN THE BERING SEA CAN BENEFIT FROM THE COMMERCIAL HERRING FISHERY IN THEIR REGION.





**COOPERATIVE EXTENSION SERVICE**  
**UNIVERSITY OF ALASKA, USDA & SEA GRANT COOPERATING**

P.O. Box 521, Cordova, Alaska 99574

March 7, 1985

Clemens A. Ady, Director  
Special Projects  
Chugach Alaska Fisheries, Inc.  
4241 21st Avenue West, Suite 204  
Seattle, WA 98199

Dear Clem:

Re: Herring Stripping

I have been asked by your local representative to provide comment on current restrictions on herring dumping in Prince William Sound.

As I understand the current interpretation of the statute concerning wastage of fish and game resources, "waste" of herring is defined as failure to use the carcass for things such as reduction to meal, fish or domestic animal food, human consumption, bait, etc.

I understand your company is currently supporting legislation to legalize dumping as an alternative primarily for economic reasons. I'll just relay a few observations on the situation:

1. The current restrictions pose a serious financial burden on herring processors. The economics of fully utilizing herring carcasses are at best marginal and in many cases prohibitive. Also, Japanese import quotas on round herring can present real market limitations.
2. The current restrictions significantly affect several coastal communities in Alaska in that they in effect make it non-profitable to strip locally and thus preclude the positive economic benefits of local processing.
3. The sac-roe fishery is an extremely important one both in timing and in the magnitude of economic benefits

4. Deep water dumping is probably one of the most economic alternatives available to processors.
5. Deep water dumping of stripped carcasses would not, in a strict marine ecological sense, constitute "waste" of organic material. The biochemical constituents of the carcasses will be rather quickly reincorporated into the marine food web that supports biomass production. If carcasses are dumped in deep water, a number of mechanical (wave action, turbulence, etc.), biological (bacterial digestion, grazing by other zooplankters and fish), and chemical (oxidation, etc.) processes will within a relatively short amount of time degrade all the material into its basic organic components which will then be reincorporated into either the benthic (bottom) or pelagic (water column) food webs. Such an addition of nutrients, especially the nitrates from degraded amino acids and proteins, could enhance phytoplankton production on a very limited scale, since most oceanic phytoplankton production seems to be limited by available sources of nitrate. It would be, in effect, fertilizing a very, very small volume of ocean water. The degradation process would be sped along by grinding the carcasses but will occur even if they are not ground. Larger chunks of carcasses might make their way into benthic food webs via crabs or bottom feeding fishes such as black cod, halibut, rockfish, etc. In a strict sense, the nutrient balance of Prince William Sound is being upset by continual removal of organic nutrients incorporated into both salmon and herring and could possibly even exceed the rate of usable nutrient input at specific times and places. If such a situation does indeed exist, then these localized nutrient deficits could actually be limiting the overall productivity of the Sound for things such as wild and hatchery-reared salmon fry, herring, etc. Any reintroduction of nutrients removed by commercial fishing, if done in the proper manner, could only help the productivity of the sound. The University of Alaska Institute of Marine Science presently is involved in a multi-

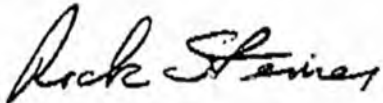
Mr. Ady  
March 7, 1985  
Page 3

institution program to study just such a process of nutrient cycling in the Bering Sea. The project is called ISHTAR.

6. The main issue in "wastage" of herring carcasses seems to be more moral/ethical than biological.
7. It would probably be to the long-term economic advantage of Alaskan processors to develop an economical means of fully utilizing herring carcasses, i.e., meal, ensiling, etc. I would be glad to help you analyze any of these alternatives.

If you have any questions on any of this or need any additional information, please give us a call.

Sincerely,



RICK STEINER  
Assistant Professor of Fisheries

gf

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska 99574  
(907) 424-3447 (907) 424-7473



3/29/85

Mr & Madam Chairman - Members of the committee:

While you are discussing CS for HB 229 we would like the Committee to consider including Prince William Sound in Addition to the Bering Sea. We request your consideration because by doing so you would be increasing the economy of Cordova, Valdez and possibly Whittier, increasing the price paid for the resource to Alaskan fishermen and subsequently increasing the revenues to the State via the rae fish tax.

The following is a list of reasons we feel are pertinent to your consideration

- 1- Current market conditions of stripped herring are far above the value of frozen raw herring.
- 2- Increased profits to processors means increased prices to the fishermen. Higher ex vessel prices means more raw fish taxes to the State.
- 3- Increased raw fish taxes return more revenue to the communities.
- 4- Under present processing restrictions local land based processors can only process about 20% of the 5000 ton herring quota.
- 5- With relief from the present restrictions the local land based processors could process up to 40 or 50% of the quota providing they can purchase that amount from the fisherman.

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(2)

6- 5 of the 6 established land based processors on Alaskan owned corporations.

7- A large labor force will be required for a two week period rather than a small labor force for a one week period. Probably a four fold increase in labor requirements.

8- Because of the current market conditions - and if the processing restrictions are not relaxed much of this herring will be transported to Canada or the lower 48 for processing which will be a substantial loss to the local and state wide economy.

9- There are no objections by PWS residents to this proposal.  
We urge your careful consideration of this proposal

Thank you  
Bob  
Bluh



Grand Camp  
Alaska Native Brotherhood

P.O. Box 76  
Angoon, Alaska 99820

March 15, 1985

Honorable Peter Goll  
Alaska State House of Representatives  
Alaska Capitol Building Pouch V  
Juneau  
Alaska

Re: CSHB 229

Dear Peter:

This is to confirm my phone call to you in which I expressed my feeling on the CSHB 229 concerning the "Stripping of herring." This is a bad bill and should not be put into law. It allows special Privilege to a small area and will be discriminating to other communities that do not waste any part of the harvest of herring.

Only a small amount of "Roe" is taken from a large take of herring from the female species and if the males are included this becomes a large woton waste, this is not including the immature portion of the complete harvest of herring.

Unalakleet, Stebbins and Shaktoolik, has begun to fish herring commercially since 1979 which is about six years ago and still do not have a freezing plant to handle their harvest makes us stop to think if there will be any at all.

The bill SBHB 229 if passed will open the doors to other areas to "strip for the Roe" only. This is what we should stop from becoming law before results in depletion of the herring population in our State. We should prevent the practice of stripping herring for the "Roe only" from spreading to other areas of our fishing industries which depends on herring.

All species of fish follow the herring and feeds on it, and where there are no feed there are no salmon. We should do all we can to preserve our herring stock.

Let me touch on Personal use, fishing. There are still those that depend on fish for a living. There are those that cannot get a job during the winter months that have to put up enough fish for the hard winter ahead. So when you vote on personal use fishing bill please remember these people when you vote, this is my plea.

Yours with best regards,

  
Cyrus E. Peck

Grand Secretary Emeritus  
Alaska Native Brotherhood

cc: file &  
the Senate

Past ANB Grand Presidents  
Dr. Alfred Widmark  
Patrick J. Paul  
Thomas Jackson

John Hope  
Frank See  
Dr. Walter Soboleff

Richard Stilt  
Steven V. Hotch  
Nelson D. Frank

Frank O. Williams  
Herbert Hope  
Robert A. Martin

Roy Peratrovich, Grand President Emeritus  
Dr. Cyrus Peck, Sr., Grand Secretary Emeritus  
Dr. Mildred Sparks, ANS Grand President Emeritus

Introduced: 3/4/85  
Referred: House Special Committee  
on Fisheries and Resources

1 IN THE HOUSE

BY PIGNALBERI BY REQUEST

2

HOUSE BILL NO. 260

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to legislative policy on herring  
7 stripping; and providing for an effective date."

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

9 \* Section 1. Section 1, ch. 27, SLA 1980 is repealed.

10 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
11 10.070(c).

### Article 3. Herring Spawn.

#### Section

- 172. Legislative policy on utilization of herring
- 173. Utilization of commercially taken herring
- 175. Removal of herring from state

*Sec. 16.10.140 — 16.10.170. Taking of herring spawn; exceptions; certain restrictive covenants; penalties. [Repealed, § 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)

**Editor's notes.** — Section 1, ch. 27, SLA 1980 provides: "LEGISLATIVE FINDINGS AND POLICY ON HERRING STRIPPING. (a) Notwithstanding AS 16.10.172, the legislature finds that in certain circumstances the processing technique described in AS 16.10.172(3), commonly referred to as "stripping", provides benefits of such importance to the state economy that the benefits may outweigh the waste involved in the process.

"(b) It is the policy of the legislature that notwithstanding AS 16.10.173 the

disposal of herring carcasses is acceptable only if

"(1) the herring is taken from waters in which the herring population is large enough to support a stripping industry without substantially reducing the availability of the herring for other uses; and

"(2) the stripping process is conducted in an area of the state where local industry either does not exist or, if it does exist, it is insufficient to provide reasonable economic support to the people who live in the area."

**Sec. 16.10.173. Utilization of commercially taken herring.** (a) A person may not waste or cause to be wasted any commercially taken herring. For purposes of this subsection, "person" has the meaning given in AS 01.10.060 and also includes a joint venture.

(b) As used in this section, "waste" means the failure to use the flesh of commercially taken herring for reduction to meat<sup>1</sup> 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 com-