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394



STATE OF ALASKA

HOUSE OF REPRESENTATIVES

Box V, Juneau, Alaska 99811

(907) 465-2487 • 465-2498

HB 394

REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

TO: Distribution

FROM: Jay Nelson *Jay*
Staff to Representative Cliff Davidson

DATE: December 18, 1989

SUBJECT: Proposed pollock roe stripping legislation

As most of you are aware, it was pointed out at the last NPFMC meeting that the emergency rule prohibiting roe stripping would have no effect on shore-based roe stripping operations. The Council discussed the possibility of state legislation to compliment the Council's roe stripping emergency rule.

Attached is proposed pollock roe stripping legislation drafted for Representative Davidson. The legislation would prohibit pollock roe stripping in Alaska. Please review the proposed legislation for both the concept and the specifics. (For example, perhaps a generalized prohibition on roe stripping of all fish species would be preferable in order to eliminate future problems in other fisheries.)

I will be in Anchorage only through Tuesday, December 19th (561-4962, FAX 562-4376). Any comments sent after that time would be better sent to our Juneau office, (465-3715, FAX 463-5661). I will be in the Juneau office on January 3rd. It is Representative Davidson's intent to prefile the legislation by January 5th absent any unforeseen problems. Senator Zharoff will also be considering the possibility of introducing this in the Senate.

Thank you for your assistance.

cc: Chris Blackburn	Henry Mitchell
Tim Blott	Larry Nicholson
Larry Cotter	Karl Ohls
Demming Cowles	Clarence Pautzke
Oscar Dyson	John Sevier
L. John Iani	Jeff Stephan
Earl Krygier	Dave Woodruff
Ric Lauber	

Joe Plesha
Derby Lloyd
...



PACIFIC ASSOCIATES

December 18, 1989

From: Larry Cotter 
Re: Proposed Pollock Roe Stripping Legislation

Thanks very much for sending me a copy of the draft legislation. I think it is very important that legislation such as this be passed as quickly as possible. The Secretary of Commerce will soon be in the process of determining whether or not to implement the North Pacific Council's emergency prohibition on roe stripping: action, or lack thereof, by the state could have an important impact on that decision.

With one exception, I think the draft is fine. That exception is the definition of "waste". The definition allows pollock flesh to be reduced to meal as an acceptable form of processing. I would prefer that reduction of flesh to meal be allowed only in the event the flesh is damaged or otherwise unfit or unmarketable for fillets or surimi.

The definition of processing is one the Council is grappling with and will deal with at the April meeting. It is a significant definition since some mothership and factory trawlers have meal plants on board and could more rapidly process the flesh into meal than into fillets or surimi. The result would be a waste of food protein and an increase in the speed with which the pollock quota is taken.

I would suggest language similar to the following:

(3) "waste" means the failure to use the flesh of commercially taken pollock for human consumption OR SCIENTIFIC OR EDUCATIONAL PURPOSES, ALTHOUGH reduction to meal AND production of food for domestic animals or fish, ~~or scientific or educational purposes~~, IS ALLOWED IN THE EVENT THE FLESH IS DAMAGED OR OTHERWISE UNFIT OR UNMARKETABLE FOR FILLETS, SURIMI OR OTHER COMMERCIAL FOOD PRODUCTS FOR HUMAN CONSUMPTION. "WASTE" ~~but~~ does not include normal, inadvertent loss of flesh associated with processing that cannot be prevented by practical means.

I hope this is helpful to you. Please contact me if you have any questions. I would be more than happy to testify at any hearing on this bill, and otherwise work for its adoption.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

cl

BILL VERSION: CSHB 394 (Res)
PUBLISH DATE: HOUSE 1/12/90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Utilization of Pollock

Agency Affected: Fish and Game
BRU: Commercial Fisheries

Sponsor: Davidson
Requestor: Governor

Components: ATI

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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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)

Will be ZERO for 1990

Prepared by: *bc* Bob Clasby
Division: Commercial Fisheries

Phone: 465-4210
Date: 01/10/90

Approved by Commissioner: *[Signature]*
Agency: _____

Date: 1/11/90

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Prohibiting Waste of Pollock BRU: Fish & Wildlife Protection
Sponsor: Rep. Davidson, et al. Component: Marine Enforcement
Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	24.8	24.8	24.8	24.8	24.8	24.8
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	9.4	9.4	9.4	9.4	9.4	9.4
SUPPLIES	16.1	16.1	16.1	16.1	16.1	16.1
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	50.3	50.3	50.3	50.3	50.3	50.3

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	50.3	50.3	50.3	50.3	50.3	50.3
FEDERAL FUNDS	0	0	0	0	0	0
OTHER/PROG RCPT	0	0	0	0	0	0
TOTAL	50.3	50.3	50.3	50.3	50.3	50.3

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)

Passage of CSHB 394 (Res) would prohibit the waste of commercially taken pollock. Enforcement coverage for this fishery is not currently budgeted. This fiscal note reflects the cost for the Department of Public Safety to provide up to three weeks of additional vessel patrol sea days in the Shelikof Straits area. (Continued on Page 2.)

JMC
1/22/90
Prepared by: Captain Conrad G. Selbel
Division: Fish & Wildlife Protection

Phone: 269-5509
Date: 1-19-1990

Approved by Commissioner: *S.A.H. 150*
Arthur English
Agency: Department of Public Safety

Date: 1-22-90
Page 1 of 2

Department of Public Safety
Fiscal Note Analysis, continued
CSHB 394 (Res), Prohibiting Waste of Pollock
Page 2 of 2

Analysis con't: As for enforcement in the Gulf of Alaska and Bering Sea, it would not be feasible to provide patrol coverage in these areas without a significant increase in personnel and vessels because the timing of the pollock fisheries would also conflict with patrol coverage of existing fisheries and the vast areas to be patrolled.

FUNDING FOR FY 90

Funding required for FY 90 would depend on the effective date of this bill. To provide three weeks enforcement coverage in the Shelikof Straits in FY 90, utilizing existing personnel and vessels, and assuming there would not be any conflicts for using existing personnel and vessels for other fisheries, the amount of funding required would be as follows:

Operating (Thousands of Dollars)

Personal Services	\$24.8
Travel	0
Contractual Services	9.4
Supplies	16.1
Equipment	0
Total Operating	<u>\$50.3</u>

Capital 0

Revenue 0

Funding

General Fund	\$50.3
Federal Funds	0
Other	0
Total	<u>\$50.3</u>

Positions:

Full-time	0
Part-time	0
Temporary	0

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 12, 1990

FURTHER REFERRALS:

Date of Committee Action: 1-31-90

The JUDICIARY Committee considered:

HB 394

HOUSE BILL NO. 394

PROHIBITING WASTE OF POLLOCK

"An Act relating to utilization of pollock."

RECOMMENDATIONS:

be replaced with CSHB 394 (JUD)

the same title
 a new title

have attached amendment(s)

do pass

do not pass

no recommendation

individual recommendations

additional referral to the _____ Committee

ADOPTS: ~~CSHB 394~~ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Pub. Safety

zero fiscal note(s) _____

zero with analysis _____

zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Peter J. Fall
Mark Chamberlayne
Cliff Davidson
Phyllis

	Do Not Pass	No Rec	Amend
<u>Terrell Martin</u>		<input checked="" type="checkbox"/>	
<u>Michelle W. Hill</u>		<input checked="" type="checkbox"/>	

Mark Chamberlayne
Peter J. Fall
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 2/01/90
Title: Prohibiting waste of pollock

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection

Sponsor: Rep. Davidson, et al.
Requestor: House Judiciary

Component: Enforcement & Marine

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER/PROG RCPT	0	0	0	0	0	0
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)

No fiscal impact is anticipated because of Federal prohibition against waste of pollock and the Federal requirement that observers be on board floating processors, catcher-processors, and at the on-shore processing plants.

Prepared by: Captain Conrad G. Seibel
Division: Fish & Wildlife Protection
Approved by Commissioner: S. A. English
Agency: Department of Public Safety

Phone: 269-5509
Date: 2-1-90
Date: 2-1-90
Page 1 of 1

JNL
2/1/90

Original sponsor(s): REP. DAVIDSON, Grussendorf, Hudson, Jacko, Leman,
Navarre, Goll

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 394 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to utilization of pollock and pro-
7 hibiting the waste of pollock taken in a commercial
8 fishery."

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature finds

11 (1) extensive and valuable populations of pollock are available
12 for harvest in the water of and off Alaska;

13 (2) commercial markets are available for pollock processed in
14 several forms including both roe and flesh;

15 (3) the biology of pollock results in the tendency of pollock to
16 gather in large spawning aggregations during specific times of the year so
17 that large quantities of female pollock are easily harvested by commercial
18 trawl fisheries;

19 (4) the trawl fleet is a highly efficient fishery;

20 (5) trawl fleets targeting on spawning aggregations of pollock
21 generate management difficulties for state and federal fisheries managers,
22 and could cause serious conservation problems for the pollock resource;

23 (6) one processing technique presently employed involves strip-
24 ping roe from female pollock and then discarding the carcasses of both male
25 and female pollock;

26 (7) profitable markets for fish roe have promoted roe stripping
27 in commercial fisheries for salmon, herring, and pollock, however roe
28 stripping is now prohibited in the salmon and herring fisheries; recent
29 events have demonstrated the need to prohibit the wasteful practice of roe

1 stripping in the pollock fishery.

2 * Sec. 2. AS 16.10 is amended by adding new sections to article 3 to
3 read:

4 Sec. 16.10.164. POLICY ON UTILIZATION OF POLLOCK. The legisla-
5 ture declares that stripping roe from pollock without utilizing the
6 flesh is wasteful and does not constitute utilization of this resource
7 for the maximum benefit of the people. Therefore, it is the policy of
8 the state that

9 (1) roe stripping be eliminated to the fullest extent
10 possible; and

11 (2) pollock taken in a commercial fishery should be uti-
12 lized for human consumption to the fullest extent practicable.

13 Sec. 16.10.165. UTILIZATION OF POLLOCK TAKEN IN A COMMERCIAL
14 FISHERY. (a) Unless otherwise provided by law, a person may not
15 recklessly waste or cause to be wasted pollock taken in a commercial
16 fishery.

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

21 (c) A person who violates this section is guilty of a class A
22 misdemeanor.

(d) Each day on which a violation of this section occurs is a
separate violation.

(e) In this section

(1) "flesh" means all muscular body tissue surrounding the
skeleton;

(2) "person" includes a joint venture;

(3) "waste" means the failure to use the flesh of pollock

1 for human consumption, reduction to meal, production of food for
2 domestic animals or fish, or scientific, display, or educational
3 purposes; "waste" does not include normal, inadvertent loss of flesh
4 associated with processing that cannot be prevented by practical
5 means.