

HB

394

HOUSE COMMITTEE REPORT

1/12

(9)

Date Referred: January 8, 1990

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 1/11/90

The RESOURCES Committee considered:

HB 394

HOUSE BILL NO. 394

PROHIBITING WASTE OF POLLOCK

"An Act relating to utilization of pollock."

RECOMMENDATIONS:

- be replaced with CS HB 394 (RES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note 7+6
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

Do Not Pass No Rec Amend

SIGNING DO PASS:	SIGNING:	Do Not Pass	No Rec	Amend
<u>Cliff Davidson</u> DAVIDSON	<u>W. J. Furness</u> FURNACE		*	
<u>Sam Menard</u> MENARD				
<u>Bill Hudson</u> HUDSON				
<u>Ben Sharp</u> SHARP				
<u>Jack Tacko</u> TACKO				
<u>Mike Navarre</u> NAVARRE				
<u>Richard Foster</u> FOSTER				

Cliff Davidson
Chairman's Signature



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER HB 394	SPONSOR Davidson
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SHORT TITLE OF BILL
Utilization of Pollock

DEPARTMENT POSITION
Support

PREPARED BY Earl Krygier	DATE 01/10/90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 1/11/90
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SUMMARY

OTHER AGENCIES AFFECTED BY BILL Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial fishermen and fish processors
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ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL
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FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
This bill, in conjunction with federal fisheries management regulations recently passed by the North Pacific Fisheries Management Council (NPFMC), is intended to address the problem of pollock roe stripping which occurred in the Gulf of Alaska during the 1989 season. The pollock fishery is managed with a strict quota. In 1989, large factory trawlers moved into the Kodiak area during the pollock spawning season and quickly consumed all remaining quota by stripping the high value roe and discarding the males and the usable flesh of the roe-stripped females. As a result, local fishermen and shore-based processors were left

ANALYSIS OF BILL/PROGRAM EFFECTS Without access to a harvestable surplus.
The effect of this bill would be to prohibit roe stripping in state waters and at shore-based processing facilities. This action, in conjunction with a similar federal regulation governing federal waters, would eliminate pollock roe stripping in all catching and processing sectors of the industry.

AMENDMENTS PROPOSED

STATE OF ALASKA
990 LEGISLATIVE SESSION

BILL VERSION: HB 394
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Utilization of Pollock

Agency Affected: Fish and Game
BRU: Commercial Fisheries

Sponsor: Davidson
Requestor: Governor

Components: ATI

PENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
COMMODITIES	0					
EQUIPMENT	0					
FIXED ASSETS & STRUCTURES	0					
GRANTS, CLAIMS	0					
OTHER	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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ADDITIONAL FUNDING: (Thousands of Dollars)

GENERAL FUND						
OTHER FUND						
TOTAL	0	0	0	0	0	0

ASSUMPTIONS:

TIME	0	0	0	0	0	0
TIME	0	0	0	0	0	0
PERMANENT	0	0	0	0	0	0

NOTES: (Attach a separate page if necessary)

by: bc Bob Clasby
Commercial Fisheries

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

by Commissioner: [Signature]

Date: 1/11/90

Prepared by: _____
Director of Finance
Director of Sponsorship
or
Director of Management and Budget
Director of Agency(ies)



STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Box V, Juneau, Alaska 99811
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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

Denby Lloyd

Cliff Davidson



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.

6-1871J
Bradley
1/11/90

Original sponsor(s): SEN. FRANK, Kelly, Coghill, Sturgulewski, Uehling, Pearce, Faiks, Zharoff, Fahrenkamp, Jones, Fischer, Binkley, Adams, Halford, Szymanski, Duncan, Rodey, Pourchot

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 54 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Opposing the "no net loss of wetlands"
6 policy of the United States Army Corps
7 of Engineers and the United States
8 Environmental Protection Agency.

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

10 WHEREAS the Domestic Policy Council, the United States Environmental
11 Protection Agency, the United States Army Corps of Engineers, the United
12 States Fish and Wildlife Service, and other federal agencies are advancing
13 a new wetlands policy for the nation; and

14 WHEREAS the November 15, 1989, Memorandum of Agreement between the
15 United States Corps of Engineers and the United States Environmental Pro-
16 tection Agency fails to distinguish Alaska's fundamentally different wet-
17 lands from those of the other states; and

18 WHEREAS the "no net loss" policy stems from the 54 percent wetlands
19 loss in the continental United States; and

20 WHEREAS the definition of wetlands has expanded significantly since
21 the Clean Water Act was originally implemented; and

22 WHEREAS Alaska has land characteristics that are unique to the state
23 and require special consideration in a wetlands policy for the nation; and

24 WHEREAS 88 percent of the total land mass of the state is owned by the
25 federal and state government, and the state presently does an outstanding
26 job in protecting and preserving highly valued wetlands; and

27 WHEREAS under the existing definition of wetlands, up to 170,000,000
28 acres of Alaska are wetlands in contrast to the other states where only a
29 small percentage of the area is wetlands; and

1 WHEREAS the "no net loss wetlands" policy fails to recognize the
2 unique nature of permafrost in the state as well as the vast areas of the
3 state that cannot be developed; and

4 WHEREAS the subjection of the state to a "no net loss" policy con-
5 ceived without an understanding of Alaska's unique characteristics would
6 prevent the reasonable, responsible, and appropriate development of wet-
7 lands in Alaska; and

8 WHEREAS the future development and extraction of Alaska's natural
9 resources and diversification of the state's economy would be deleteriously
10 affected by subjection to a "no net loss" policy that did not consider
11 Alaska's unique circumstances; and

12 WHEREAS the wetland areas of the state cover up to 170,000,000 acres
13 and only 80,000 acres, approximately 0.05 percent of the wetlands, have
14 been altered since 1867;

15 BE IT RESOLVED by the Alaska State Legislature that George Bush,
16 President of the United States, is respectfully requested to rescind the
17 application to the state of the wetlands Memorandum of Agreement; and be it

18 FURTHER RESOLVED that the Alaska State Legislature urges the President
19 of the United States to determine that application of a "no net loss"
20 policy to wetlands in Alaska that does not consider Alaska's unique circum-
21 stances would not be in the best interest of the state or nation; and be it

22 FURTHER RESOLVED that the President direct federal agencies to account
23 for the unique circumstances and needs of the State of Alaska in developing
24 and implementing national wetlands policy; and be it

25 FURTHER RESOLVED that the President direct the White House Domestic
26 Policy Council to propose a wetlands conservation strategy that recognizes
27 the role of the states and provides resources for them to plan wetlands
28 conservation strategies, allows for regional diversity, allows the national
29 goal to be pursued through individual state wetlands management programs,

1 and provides flexible approaches that recognize the uniqueness of Alaskan
2 wetlands.

3 COPIES of this resolution shall be sent to the Honorable George Bush,
4 President of the United States; Lieutenant General Henry J. Hatch, Chief of
5 Engineers, Commanding General, U.S. Army Corps of Engineers; William K.
6 Reilly, Administrator, U.S. Environmental Protection Agency; and to the
7 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
8 the Honorable Don Young, U.S. Representative, members of the Alaska delega-
9 tion in Congress.