

**HB**

**448**

# HOUSE COMMITTEE REPORT

(9) Date Referred: February 22, 1994 FURTHER REFERRAL Judiciary

Date of Committee Action: 3/7/94

The RESOURCES Committee considered: HB 448

HOUSE BILL NO. 448 WASTE & USE OF SALMON; HATCHERIES

"An Act relating to waste and use of salmon and parts of salmon; relating to permits for and operation of a salmon hatchery; and providing for an effective date."

RECOMMENDATIONS:  the same title  
 be replaced with CS HB 448 (RES)  a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept-Date) \_\_\_\_\_  
 fiscal impact \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note \_\_\_\_\_  zero fiscal note(s) ADFG / 1-10-94

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i>	✓				
<i>Janette James</i>	✓				
<i>Jan [unclear]</i>	✓				
<i>Alan Kald</i>	✓				
<i>[unclear]</i>	✓				
<i>W.F. William</i>	✓				

*W.F. William*  
 CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 448(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to waste and use of salmon and parts of salmon; relating to  
2 permits for and operation of a salmon hatchery; and providing for an effective  
3 date."

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

5 \* Section 1. AS 16.05.831 is repealed and reenacted to read:

6 Sec. 16.05.831. WASTE OF SALMON. (a) A person may not waste salmon  
7 intentionally, knowingly, or with reckless disregard for the consequences. In this  
8 section, "waste" means the failure to use the majority of the carcass, excluding viscera  
9 and sex parts, of a salmon.

10 (b) Notwithstanding (a) of this section, the commissioner, upon request, may  
11 issue a permit authorizing

12 (1) the removal and sale of eggs, and the discard of the carcasses, of  
13 salmon that

14 (A) originated from a hatchery; and

1 (B) return to a hatchery terminal area, a hatchery special harvest  
2 area, or a hatchery remote release site and are determined by the commissioner  
3 to be unsuitable for human consumption; or

4 (2) other uses of salmon that would be consistent with maximum and  
5 wise use of the resource.

6 (c) The commissioner may adopt regulations to implement (b) of this section.

7 (d) A person who violates this section or a regulation adopted under this  
8 section is punishable by a fine of not more than \$10,000, or by imprisonment for not  
9 more than six months, or by both. In addition, a person who violates this section is  
10 subject to a civil action by the state for the cost of replacing the salmon wasted.

11 \* Sec. 2. AS 16.10.420 is amended to read:

12 Sec. 16.10.420. CONDITIONS OF A PERMIT. The department shall require,  
13 in a permit issued to a hatchery operator, that

14 (1) salmon eggs procured by the hatchery must be from the department  
15 or a source approved by the department;

16 (2) salmon eggs or resulting fry may not be placed in waters of the  
17 state other than those specifically designated in the permit;

18 (3) salmon eggs or resulting fry, sold to a permit holder by the state  
19 or by another party approved by the department, may not be resold or otherwise  
20 transferred to another person;

21 (4) salmon may not be released by the hatchery before department  
22 approval, and, for purposes of pathological examination and approval, the department  
23 shall be notified of the proposed release of salmon at least 15 days before the date of  
24 their proposed release by the hatchery;

25 (5) diseased salmon be destroyed in a specific manner and place  
26 designated by the department;

27 (6) adult salmon be harvested by hatchery operators only at specific  
28 locations as designated by the department;

29 (7) surplus viable eggs from salmon returning to the hatchery be made  
30 available for sale first to the department and then, after inspection and approval by the  
31 department, to operators of other hatcheries authorized by permit to operate under

1 AS 16.10.400 - 16.10.470:

2 (8) if surplus viable salmon eggs are sold by a permit holder to another  
3 permit holder, a copy of the sales transaction be provided to the department;

4 (9) [REPEALED

5 (10)] a hatchery be located in an area where a reasonable segregation  
6 from natural stocks occurs, but, when feasible, in an area where returning hatchery fish  
7 will pass through traditional salmon fisheries.

8 \* Sec. 3. AS 16.10.440(b) is amended to read:

9 (b) The Board of Fisheries may, after the issuance of a permit by the  
10 commissioner, amend by regulation adopted in accordance with AS 44.62  
11 (Administrative Procedure Act), the terms of the permit relating to the source and  
12 number of salmon eggs from wild stock to be incubated, the harvest of fish by  
13 hatchery operators, and the specific locations designated by the department for harvest.  
14 The Board of Fisheries may not adopt any regulations or take any action regarding the  
15 issuance or denial of any permits required in AS 16.10.400 - 16.10.470.

16 \* Sec. 4. AS 16.10.450(a) is amended and:

17 (a) Except as otherwise provided in a contract for the operation of a hatchery  
18 under AS 16.10.480, a hatchery operator who sells salmon returning from the natural  
19 waters of the state, [OR] sells viable salmon eggs to another hatchery operating under  
20 AS 16.10.400 - 16.10.470, or sells salmon eggs as authorized by a permit issued  
21 under AS 16.05.831(b), after utilizing the funds for reasonable operating costs,  
22 including debt retirement, expanding its facilities, salmon rehabilitation projects,  
23 fisheries research, or costs of operating the qualified regional association for the area  
24 in which the hatchery is located, shall expend the remaining funds on other fisheries  
25 activities of the qualified regional association.

26 \* Sec. 5. AS 16.10.470(a) is amended to read:

27 (a) A person who holds a permit for the operation of a salmon hatchery under  
28 AS 16.10.400 - 16.10.470 shall submit an annual report no later than December 15 to  
29 the department and to the qualified regional association for the area in which the  
30 hatchery is located, to include [BUT NOT BE LIMITED TO] information pertaining  
31 to species: brood stock source; number, age, weight, and length of spawners; number

1 of eggs taken for incubation and fry fingerling produced; and the number, age,  
2 weight, and length of adult returns attributable to hatchery releases, on a form to be  
3 provided by the department.

4 \* Sec. 6. AS 16.40.210(b) is amended to read:

5 (b) This section does not restrict

6 (1) the fishery rehabilitation, enhancement, or development activities  
7 of the department;

8 (2) the ability of a nonprofit corporation that holds a salmon hatchery  
9 permit under AS 16.10.400 to sell

10 (A) salmon returning from the natural water of the state, as  
11 authorized under AS 16.10.450;

12 (B) [, OR] surplus viable salmon eggs, as authorized under  
13 AS 16.10.420 and 16.10.450; or

14 (C) salmon eggs, as authorized by a permit issued under  
15 AS 16.05.831(b):

16 (3) rearing and sale of ornamental finfish for aquariums or ornamental  
17 ponds provided that the fish are not reared in or released into water of the state.

18 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

8-GH2028J  
Utermohle  
3/3/94

**CS FOR HOUSE BILL NO. 448(RES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

Offered:  
Referred:

Sponsor(s): **HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to waste and use of salmon and parts of salmon; relating to  
2 permits for and operation of a salmon hatchery; and providing for an effective  
3 date."

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

5 \* Section 1. AS 16.05.831 is repealed and reenacted to read:

6 Sec. 16.05.831. WASTE OF SALMON. (a) A person may not waste salmon  
7 intentionally, knowingly, or with reckless disregard for the consequences. In this  
8 section, "waste" means the failure to use the majority of the carcass, excluding viscera  
9 and sex parts, of a salmon.

10 (b) Notwithstanding (a) of this section, the commissioner, upon request, may  
11 issue a permit authorizing

12 (1) the removal and sale of eggs, and the discard of the carcasses, of  
13 salmon that

14 (A) originated from a hatchery; and

1 (B) return to a hatchery terminal area, a hatchery special harvest  
2 area, or a hatchery remote release site and are determined by the commissioner  
3 to be unsuitable for human consumption; or

4 (2) other uses of salmon that would be consistent with maximum and  
5 wise use of the resource.

6 (c) The commissioner may adopt regulations to implement (b) of this section.

7 (d) A person who violates this section or a regulation adopted under this  
8 section is punishable by a fine of not more than \$10,000, or by imprisonment for not  
9 more than six months, or by both. In addition, a person who violates this section is  
10 subject to a civil action by the state for the cost of replacing the salmon wasted.

11 \* Sec. 2. AS 16.10.420 is amended to read:

12 Sec. 16.10.420. CONDITIONS OF A PERMIT. The department shall require,  
13 in a permit issued to a hatchery operator, that

14 (1) salmon eggs procured by the hatchery must be from the department  
15 or a source approved by the department;

16 (2) salmon eggs or resulting fry may not be placed in waters of the  
17 state other than those specifically designated in the permit;

18 (3) salmon eggs or resulting fry, sold to a permit holder by the state  
19 or by another party approved by the department, may not be resold or otherwise  
20 transferred to another person;

21 (4) salmon may not be released by the hatchery before department  
22 approval, and, for purposes of pathological examination and approval, the department  
23 shall be notified of the proposed release of salmon at least 15 days before the date of  
24 their proposed release by the hatchery;

25 (5) diseased salmon be destroyed in a specific manner and place  
26 designated by the department;

27 (6) adult salmon be harvested by hatchery operators only at specific  
28 locations as designated by the department;

29 (7) surplus viable eggs from salmon returning to the hatchery be made  
30 available for sale first to the department and then, after inspection and approval by the  
31 department, to operators of other hatcheries authorized by permit to operate under

1 AS 16.10.400 - 16.10.470;

2 (8) if surplus viable salmon eggs are sold by a permit holder to another  
3 permit holder, a copy of the sales transaction be provided to the department;

4 (9) [REPEALED

5 (10)] a hatchery be located in an area where a reasonable segregation  
6 from natural stocks occurs, but, when feasible, in an area where returning hatchery fish  
7 will pass through traditional salmon fisheries.

8 \* Sec. 3. AS 16.10.440(b) is amended to read:

9 (b) The Board of Fisheries may, after the issuance of a permit by the  
10 commissioner, amend by regulation adopted in accordance with AS 44.62  
11 (Administrative Procedure Act), the terms of the permit relating to the source and  
12 number of salmon eggs from wild stock to be incubated, the harvest of fish by  
13 hatchery operators, and the specific locations designated by the department for harvest.  
14 The Board of Fisheries may not adopt any regulations or take any action regarding the  
15 issuance or denial of any permits required in AS 16.10.400 - 16.10.470.

16 \* Sec. 4. AS 16.10.450(a) is amended to read:

17 (a) Except as otherwise provided in a contract for the operation of a hatchery  
18 under AS 16.10.480, a hatchery operator who sells salmon returning from the natural  
19 waters of the state, [OR] sells viable salmon eggs to another hatchery operating under  
20 AS 16.10.400 - 16.10.470, or sells salmon eggs as authorized by a permit issued  
21 under AS 16.05.831(b), after utilizing the funds for reasonable operating costs,  
22 including debt retirement, expanding its facilities, salmon rehabilitation projects,  
23 fisheries research, or costs of operating the qualified regional association for the area  
24 in which the hatchery is located, shall expend the remaining funds on other fisheries  
25 activities of the qualified regional association.

26 \* Sec. 5. AS 16.10.470(a) is amended to read:

27 (a) A person who holds a permit for the operation of a salmon hatchery under  
28 AS 16.10.400 - 16.10.470 shall submit an annual report no later than December 15 to  
29 the department and to the qualified regional association for the area in which the  
30 hatchery is located, to include [BUT NOT BE LIMITED TO] information pertaining  
31 to species; brood stock source; number, age, weight, and length of spawners; number

1 of eggs taken for incubation and fry fingerling produced; and the number, age,  
2 weight, and length of adult returns attributable to hatchery releases, on a form to be  
3 provided by the department.

4 \* Sec. 6. AS 16.40.210(b) is amended to read:

5 (b) This section does not restrict

6 (1) the fishery rehabilitation, enhancement, or development activities  
7 of the department;

8 (2) the ability of a nonprofit corporation that holds a salmon hatchery  
9 permit under AS 16.10.400 to sell

10 (A) salmon returning from the natural water of the state, as  
11 authorized under AS 16.10.450;

12 (B) [, OR] surplus viable salmon eggs, as authorized under  
13 AS 16.10.420 and 16.10.450; or

14 (C) salmon eggs, as authorized by a permit issued under  
15 AS 16.05.831(b);

16 (3) rearing and sale of ornamental finfish for aquariums or ornamental  
17 ponds provided that the fish are not reared in or released into water of the state.

18 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 25526  
JUNEAU, ALASKA 99802-5526  
PHONE: (907) 465-4100

March 1, 1994

The Honorable Bill Williams  
Alaska State Legislature  
Capitol Building, Room 128  
Juneau, AK 99801-1182

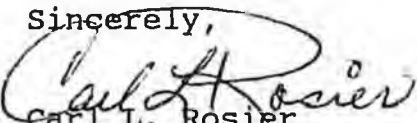
Dear Representative Williams:

House Bill 448 recently moved out of the House Special Fisheries Committee. Its next committee of referral is the House Resources Committee. I am requesting a hearing of this bill by your committee at your earliest opportunity.

A number of minor technical amendments suggested by the aquaculture associations were adopted by the Fisheries Committee. These amendments were supported by the department. In one instance, the full wording proposed was not included. This is on page 3, line 12. The words from wild stocks were intended to precede to be incubated. I request that the Resources Committee add from wild stocks to the language adopted by the Fisheries Committee. The desired language on page 3, line 12 will then read from wild stocks to be incubated.

I hope this legislation receives a favorable hearing from the Resources Committee. The department will have staff at the hearing to testify in support of the bill and to answer questions.

Sincerely,

  
Carl L. Rosier  
Commissioner

cc: Raga Elim, John McMullen

**GOVERNOR HICKEL'S  
INCREASE VALUE OF HATCHERY HARVESTS  
LEGISLATION  
(SB 281 & HB 448)**

Governor Hickel has proposed legislation that will derive as much value as possible from returning hatchery salmon by allowing the harvest and sale of roe (eggs) from salmon that are otherwise unsuitable for human consumption.

Salmon naturally deteriorate in quality after they return to the vicinity of their natal stream. In the case of hatchery salmon, this is the site from which they were released. This deterioration is characterized by discoloration of the skin, softening of the flesh and loss of meat color.

Hatcheries and hatchery remote release sites are located where the majority of the salmon produced contributes to common property fisheries. Harvest in the common property fisheries usually accounts for 50 to 90 percent of the harvest of hatchery production. The remainder of the harvest is taken in a terminal hatchery location or a terminal hatchery remote release site. This is done to prevent overharvest of wild stocks while providing for a higher harvest rate on hatchery stocks.

A portion of those fish available in the terminal sites have deteriorated to the point that the flesh is unsuitable for human consumption. However, the salmon roe still have considerable value. This legislation would legalize the harvest and sale of roe, and the discard of carcasses, from hatchery salmon which had returned to a terminal location and were determined by the commissioner of the Department of Fish and Game to be unsuitable for human consumption.

All harvest of salmon roe provided for under this legislation would be conducted under a permit system established by regulation. This would ensure that only hatchery salmon from terminal sites were harvested for their roe.

Hatchery operators, commercial fishers, and salmon processors would benefit from this legislation. It will provide a more efficient and complete utilization of Alaska's hatchery returns by allowing the harvest of roe from salmon which otherwise yield no value.

It is particularly important at present to extract every dollar of value possible from Alaska's salmon returns given the extremely difficult financial times facing Alaska's salmon industry.

WALTER J. HICKEL  
GOVERNOR



HB 448  
P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 4, 1994

*The Honorable Ramona Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Speaker Barnes:*

*Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the waste and use of salmon and parts of salmon, and to permits for and operation of salmon hatcheries.*

*The bill would repeal and reenact AS 16.05.831 (waste of salmon) to authorize the commissioner of fish and game to issue permits to allow the removal and sale of eggs from hatchery-produced salmon and the discard of the salmon carcasses. The permits would allow this practice only for salmon that return to hatchery terminal and special harvest areas or remote sites from which hatchery smolt are released, and that are determined by the commissioner of fish and game to be unfit for human consumption. This is a practice that is prohibited by existing AS 16.05.831. It is anticipated that persons who would be authorized under such a permit are commercial fishermen who are participating in a designated terminal fishery and, perhaps, hatchery operators or fish processors.*

*The language that appears in the bill as AS 16.05.831(b)(2), regarding permits authorizing "other uses of salmon," is currently contained in AS 16.05.831(b).*

*The bill also cures several problems in existing AS 16.05.831. Presently, that statute applies only to salmon that are "intended" for certain uses. Because that statute does not indicate whose intent is to be measured, this ambiguity can cause enforcement problems. Also, the specified uses are not meaningful because they cover every conceivable use of salmon. The bill's repeal and reenactment of AS 16.05.831 deletes this problematic language from the law.*

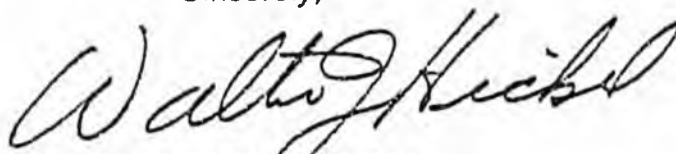
The Honorable Ramona Barnes

February 4, 1994

Page 2

*Because of present market conditions, it is important for the fishing industry and hatchery operators to be able to recover as much value as possible from salmon resources. The bill will contribute to this goal and, at the same time, will allow the state to more effectively enforce the statute on waste of salmon. For these reasons, I urge your prompt consideration and passage of the bill.*

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in black ink and is positioned above the printed name and title.

Walter J. Hickel  
Governor

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 9, 1994

**SUBJECT:** Sectional Summary of HB 448; An Act relating to waste of salmon and parts of salmon; relating to permits for and operation of a salmon hatchery; and providing for an effective date. (Work Order No. 8-GH2028\A)

**TO:** Representative Carl Moses, Chair  
House Special Committee on Fisheries

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of HB 448; An act relating to waste of salmon and parts of salmon; relating to permits for and operation of a salmon hatchery; and providing for an effective date. HB 448 was drafted by the Department of Law and introduced by the Governor.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 16.05.831. Subsection (a) prohibits the waste of salmon and defines "waste." Subsection (b) authorizes the commissioner of fish and game to issue permits that (1) allow the discard of carcasses of hatchery fish if the fish are taken in specified locations, the eggs are removed, and the carcasses are unfit for human consumption or (2) allow other uses of salmon that are consistent with maximum and wise use of the resource. Subsection (c) authorizes the commissioner to adopt regulations to implement subsection (b). Subsection (d) prescribes the penalty for violating this section or regulations adopted under this section.

Sections 2 - 5 of the bill amend provisions of AS 16.10.420, 16.10.440(b), 16.10.450(a), and 16.10.470(a) to allow nonprofit salmon enhancement facilities to sell salmon eggs from surplus brood stock and from hatchery salmon that were taken in specified locations and were not fit for human consumption.

Representative Carl M. Jones  
February 9, 1994  
Page 2

Section 6 of the bill amends AS 16.40.210(b) to clarify that the sale of eggs from surplus salmon brood stock or from hatchery salmon that were taken in specified locations and were not fit for human consumption does not violate the prohibition against finfish farming.

Section 7 of the bill provides that the bill takes effect immediately.

GU:pl  
94-119.plm

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 448(RES)

Revision Date: 3/8/94  
 Title: Relating to the waste and use of salmon  
 Sponsor: House Rules  
 Requestor: House Resources Committee

Dept. Affected: Fish and Game  
 BRU: Commercial Fisheries Management & Develop.  
 Component: Fisheries Management

COMPONENT SERIAL NO. 1941

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY 94) cost: \$ 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)

Prepared By: Bob Clashv Phone: 465-6120  
 Division: Commercial Fisheries Management and Dev Date: March 8, 1994  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game Date: March 8, 1994

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES OF GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 448(FSH)

Revision Date: 2/18/94  
 Title: Relating to the waste and use of salmon  
 Sponsor: House Rules  
 Requestor: House Special Fisheries Committee

Dept. Affected: Fish and Game  
 BRU: Commercial Fisheries Management & Develop.  
 Component: Fisheries Management  
 COMPONENT SERIAL NO. 1941

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY 94) cost: \$ 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)

Prepared By: Bob Clashy  
 Division: Commercial Fisheries Management and Dev.  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Phone: 465-6120  
 Date: February 18, 1994  
 Date: February 18, 1994

**PREPARED TO PROVIDE ALL DISTRIBUTION COPIES OF GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

No. 1  
 Bill Version: HB 448  
 (H) Publish Date: 2/4/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

BILL NO.     

Revision Date: \_\_\_\_\_  
 Title: Relating to the waste and use of salmon  
 \_\_\_\_\_  
 Sponsor: \_\_\_\_\_  
 Requestor: Governor

Dept. Affected: Fish and Game  
 BRU: Commercial Fisheries Management & Develop.  
 Component: Fisheries Management  
 \_\_\_\_\_  
 COMPONENT SERIAL NO. 1941

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
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 EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ( )	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

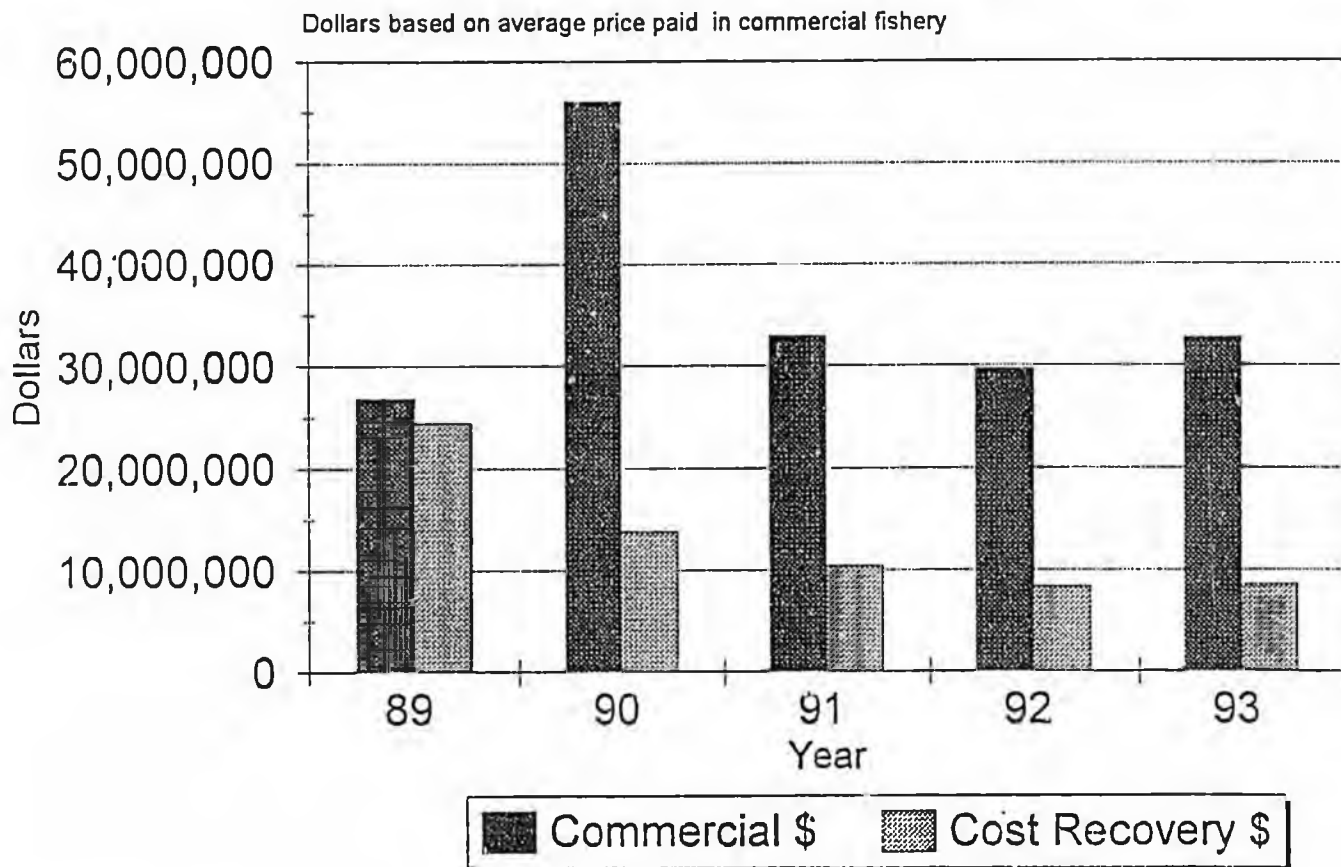
ANALYSIS: (Attach a separate page if necessary)

Prepared By: Bob Clabby  
 Division: Commercial Fisheries Management and Dev.  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Phone: 465-6120  
 Date: January 10, 1994  
 Date: January 10, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES OF GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

## Value of Common Property and Cost Recovery Harvest





COOK INLET  
AQUACULTURE ASSOCIATION

HC 2, BOX 849  
SOLDOTNA, AK 99669-9707  
(907) 283-6761

February 14, 1994

Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Dear Legislators:

Cook Inlet Aquaculture Association supports the concept expressed in SB 281 and its companion HB 448. It is a good idea to allow operators of special harvest areas or fishermen working therein to remove and sell eggs from salmon that are determined, by the Commissioner of Fish and Game, to be unfit for human consumption.

The bills would allow hatchery operators and fishermen the opportunity to recover the rather substantial egg value and dispose of otherwise useless carcasses without causing what would previously have been a "wanton waste". The alternative, under current law, is to forgo harvest of the fish and "waste" both the highly valued eggs and the useless carcass.

Sincerely,

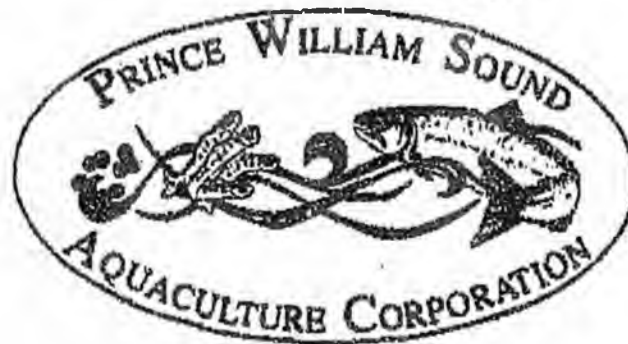
A handwritten signature in cursive script that reads "Thomas E. Mears".

Thomas E. Mears,  
Executive Director

cc: Ray Gillespie

March 7, 1994

Representative Bill Williams, Chairman  
House Resources Committee  
Alaska House of Representatives  
State Capitol Building  
Juneau, Alaska 99811



Dear Mr. Chairman:

This morning I teleconferenced into the House Resources Committee meeting at which CS for House Bill 448 (Resources) was discussed. Your Committee apparently did not have time to take all testimony, but that was okay because I supported the Committee substitute which you approved.

Mr. Chairman, I am John McMullen, President of Prince William Sound Aquaculture Corporation (PWSAC), based at Cordova. We own and operate two salmon hatcheries and also fund and operate the three state-owned hatcheries located in the Prince William Sound/Copper River Region.

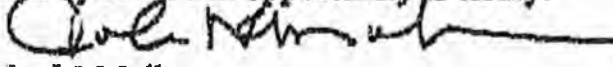
It is PWSAC's policy to provide 70% of our returning hatchery salmon to the common property fisheries. The hatcheries utilize the remaining 30% for brood stock and cost recovery. In 1991, the Alaska Board of Fisheries adopted a salmon allocation and management plan for Prince William Sound. That plan was developed by our Regional Planning Team, which is comprised of representatives of the ADF&G and PWSAC. That plan provides for the sustained yield of wild salmon and also for the allocation of all harvestable salmon to the seine and gillnet fisheries and the hatcheries.

I am testifying in support of CS for House Bill 448 (Resources). I am not in favor of wasting salmon carcasses if it is at all possible to sell them or otherwise utilize them. I favor a hatchery sales program in which value is received for both fish flesh and eggs. In fact, PWSAC is developing and marketing value-added salmon products this year as a means of increasing its income from pink salmon which would otherwise have been sold for about 15-16 cents per pound.

I also realize that a hatchery operator might find him/herself in a position where the hatchery's returning fish could not be sold. That happened to us in 1991, and has happened recently at a hatchery in Southeast Alaska. At such a time, it seems reasonable to me that the ADF&G commissioner be given the authority to authorize the sale of eggs-only on a case by case basis, as would be enabled by HB 488.

I support the Committee amendment of Sec 3, AS 16.10.440 (b), which references the Board of Fisheries' authority to allocate eggs from wild stocks for the purpose of developing hatchery brood stocks. It is essential the the Board of Fisheries exercise this control over the use of wild stocks.

Thank you for this opportunity to testify.

  
John McMullen

Corporate Office • Post Office Box 1110 • Cordova, Alaska 99574-1110  
phone: 907/424-7511 \* fax: 907/424-7514

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 25526  
JUNEAU, ALASKA 99802-5526  
PHONE: (907) 465-4100

February 17, 1994

The Honorable Carl Moses  
Alaska State Legislature  
State Capitol Building, Room 204  
Juneau, AK 99801-1182

Dear Representative Moses:

I will be out of town on February 18th, when the House Special Fisheries Committee holds its first hearing on House Bill 448. I hope this legislation receives a favorable hearing from the Fisheries Committee.

Since its introduction, I have heard some concerns expressed about this legislation and I would like to briefly address those. The first issue has been how the harvest of roe from hatchery salmon fits with other state policies, regulations, and law on roe stripping.

This bill provides an exception to the general practice of requiring utilization of the carcass associated with the harvest of roe. I believe there are a number of factors that create a reasonable basis for this exception.

The first distinction is that there is no biological reason why the roe could not be harvested from terminal hatchery sites. Hatchery salmon are not part of the spawning population required to maintain the sustained yield of wild stocks.

The second distinction is that salmon, unlike pollack or herring, die shortly after spawning. The deterioration that makes their flesh unsuitable for human consumption after a certain point is the consequence of the inevitable approach of their death. These fish can die with their valuable roe inside them, or their roe can be harvested before they die.

A third factor I believe to be relevant is that fishermen and hatcheries have made significant investments to produce these hatchery fish. The public, through the hatchery loan fund and other measures, also has an investment in the state's private

February 17, 1994

nonprofit hatchery program. It is only wise management of those investments to recover all the value possible from these returns within the limits of sound biological management.

Additional concerns I have heard include that this legislation might encourage hatchery operators, fishermen and processors to hold off on the harvest of salmon until the fish had deteriorated to the point that only the roe was of value. Concern has also been expressed that this legislation would encourage hatchery operators to develop programs which were primarily intended to produce salmon for the sole purpose of roe harvest.

I would be strongly opposed to any such interpretation of this legislation. The department, through its management of the common property fisheries, and through its planning and permitting oversight of the private nonprofit hatchery program, is well equipped to prevent any such abuse.

Thank you for your consideration of the bill and the above comments. If we can be of any further assistance, please feel free to contact me.

Sincerely,



Carl L. Rosier  
Commissioner

LTN1100-R01  
05/09/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
15:23:16

TCN: 40446 DATE & TIME: 03/07/94 08:15 TO 10:00 STATUS:7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HRES HOUSE RESOURCES

CHAIRS: WILLIAMS

PURPOSE: PUB PUBLIC HEARING

LEGISLATIVE

CONTACT: MARY McDOWELL

TEL#: (907)465-3715

CHAIRING SITE: JUNEAU

CAPITOL

CAP124

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED

99 MINUTE LIMIT

TESTIMONY WILL BE TAKEN

TCN REQUESTED ON 03/07/94 AND HAS 12 UPDATES

\*\*\* AGENDA \*\*\*

- 1 HR 404 NATIVE ALLOTMENTS IN STATE PARKS
- 2 HB 448 WASTE & USE OF SALMON HATCHERIES
- 3 HJR 17 MADISON FISHERY CONSRV & MGT ACT
- 4 SB 77 INTENSIVE MANAGEMENT OF GAME RESOURCES
- 5 \*\*\* ORDER OF BILLS \*\*\*
- 6 HJR 17
- 7 HB 404
- 8 HB 448
- 9 SB 77

\*\*\* PARTICIPATING LIOS \*\*\*

ANC ANCHORAGE	716 W 4TH, #200	LOCATION STAFF
SAR BARRON	COURTHOUSE #305	LOCATION STAFF
COR CORDOVA	705 2ND STREET	LOCATION STAFF
DJT DELTA JCT.	JARVIS CIR. #210	LOCATION STAFF
DLG DILLINGHAM	KANGIQUATAN PLDG	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
GLN GLENNALLEN	COMMUNITY LIR.	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER #4	LOCATION STAFF
JRU JUNEAU	CAPITOL	LOCATION STAFF
KOD KODIAK	112 MILL BAY RD.	LOCATION STAFF
KOT KOTZERBUE	333 FRONT STREET	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF
SEW SEWARD	2001 SEWARD HWY	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOP TOK	NP 1314 AK. HWY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

\*\*\* VOLUNTEER & OFFNET SITES \*\*\*

ZZZ OFF OFFNET 1                      MCGRATH                      MITCHELL TICKNOR (907)524-3005

PARTICIPANTS IN: ANCHORAGE

ANC

1	PLTI	PANARESE	AK STATE PARKS	TSFY, HR 404
	PO BOX 107001		ANCHORAGE	AK 99510 (907)762-2602
2	SANDRA	ARNOLD		TSFY, SB 77
	PO BOX 200606		ANCHORAGE	AK 99520 (907) 76-3670
3	DAN	HOURIHAN	AK STATE PARKS	TSFY, HB 404
	PO BOX 107001		ANCHORAGE	AK 99510 (907)762-2611
4	CHRIS	MAACH	ANCH AUDUBON	TSFY, SB 77
	PO BOX 101161		ANCHORAGE	AK 99510 (907)278-4265
5	TRACY	ABELL	SIERRA CLUB	TSFY, SB 77

LIN1100-R01

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02

05/09/94

15:23:16

TCN: 40446

DATE & TIME: 03/07/94 08:15 TO 10:00

STATUS: 7    STATS: IN

PARTICIPANTS IN: ANCHORAGE

ANC

6	13030 BATES CIRCLE		ANCHORAGE	AK 99515 (907)345-0132
	GEORGE    NATZ			TSFY, SB 77
	14345 CODY		ANCHORAGE	AK 99516 (907)345-3135

PARTICIPANTS IN: CORDOVA

COR

1	MR.    JOHN	MCNULLEN	FWSAC	TSFY, HB 448
	PO BOX 1110		CORDOVA	AK 99574 (907)424-7511

PARTICIPANTS IN: DELTA JCT.

DJT

1	MR.    DONALD	QUARBERG		OBSV, SB 77
	PO BOX 349		DELTA JCT.	AK 99737 (907)895-4215

2 MS. CHEYENNE WALKER OBSV. SB 77  
 HC 62, BOX 5360 DELTA JCT. AK 99737 (907)895-1024  
 3 MR. TIM WEBB OBSV. SB 77  
 HC 62, BOX 5360 DELTA JCT. AK 99737 (907)895-1024

PARTICIPANTS IN: DILLINGHAM DLG  
 1 MR. DUGAN C. NIELSEN TSFY. HB 404  
 BOX 193 DILLINGHAM AK 99576 (907)842-2743

PARTICIPANTS IN: FAIRBANKS FBX  
 1 MR. PERRY ANSOGEAR TCC TSFY. HB 404  
 122 1ST AVE. FAIRBANKS AK 99701 (907)452-8251  
 2 MR. DICK BISHOP TSFY. SB 77  
 1555 GUS'S GRIND FAIRBANKS AK 99709 (907)455-6151  
 3 MR. GEORGE YASKA TCC TSFY. SB 77  
 122 1ST AVE. FAIRBANKS AK 99701 (907)479-2362  
 4 MS. KATHRINE RICHARDSON OBSV. SB 77  
 P.O. BOX 80766 FAIRBANKS AK 99709 (907)479-2362

PARTICIPANTS IN: GLENNALLEN GLN  
 1 MR. LES SUTHERLAND CRNA OBSV. HB 404  
 DRAWER H COPPER CENTER AK 99573 (907)822-3944  
 2 MR. JAMES D. WOOLINGTON ADF&G OBSV. SB 77  
 PO BOX 47 GLENNALLEN AK 99588 (907)822-3431

PARTICIPANTS IN: HOMER LTD HON  
 1 MR. RANDY FRANKLIN TSFY. SB 77  
 PO BOX 1924 HOMER AK 99603 (907)235-7104  
 2 MR. L. R. MCDUBBINS SCURVEY CR. FISH TSFY. ALL ITEMS  
 PO BOX 1656 HOMER AK 99603 (907)000-0000

PARTICIPANTS IN: JUNEAU JNU  
 1 REP B WILLIAMS TSFY. ALL ITEMS  
 AK (907)000-0000  
 2 REP P CARNEY TSFY. ALL ITEMS  
 AK (907)000-0000  
 3 REP B HUDSON TSFY. ALL ITEMS  
 AK (907)000-0000  
 4 REP D FINKLESTEIN TSFY. ALL ITEMS  
 AK (907)000-0000  
 5 REP G DAVIES TSFY. ALL ITEMS  
 AK (907)000-0000

LTN1100-001 LEGISLATIVE TELECONFERENCE NETWORK PAGE 03  
 05/09/94 15:23:16  
 TON: 40446 DATE & TIME: 03/07/94 08:15 TO 10:00 STATUS: 7 STATS. IN

PARTICIPANTS IN: JUNEAU JNU  
 6 REP E MULDER TSFY. ALL ITEMS  
 AK (907)000-0000  
 7 REP C BUNDE TSFY. ALL ITEMS  
 AK (907)000-0000  
 8 REP J JAMES TSFY. ALL ITEMS  
 AK (907)000-0000  
 9 REP H NAVARRE TSFY. ALL ITEMS  
 AK (907)000-0000  
 10 MR RAY GILLESPIE TSFY. ALL ITEMS  
 ASSOC. OF AQUACULTURE AS SOCIATIONS AK (907)000-0000  
 11 SEN B SHARP TSFY. ALL ITEMS  
 PRIME SPONSOR AK (907)000-0000  
 12 MR DAVID KELLYHOUSE TSFY. ALL ITEMS  
 DTR., DIV. OF WILDLIFE, DEPT. OF F&G AK (907)000-0000  
 TO OBSV. ALL ITEMS

13	TO	OBSERVE	OBSV. ALL ITEMS
14	TO	OBSERVE	OBSV. ALL ITEMS
15	TO	OBSERVE	OBSV. ALL ITEMS
16	TO	OBSERVE	OBSV. ALL ITEMS
17	TO	OBSERVE	OBSV. ALL ITEMS
18	TO	OBSERVE	OBSV. ALL ITEMS
19	TO	OBSERVE	OBSV. ALL ITEMS
20	TO	OBSERVE	OBSV. ALL ITEMS
21	TO	OBSERVE	OBSV. ALL ITEMS
22	TO	OBSERVE	OBSV. ALL ITEMS
23	TO	OBSERVE	OBSV. ALL ITEMS
24	TO	OBSERVE	OBSV. ALL ITEMS
25	TO	OBSERVE	OBSV. ALL ITEMS
26	TO	TESTIFY	TSFY. ALL ITEMS
27	TO	TESTIFY	TSFY. ALL ITEMS

PARTICIPANTS IN:KODIAK KOD  
 1 MR. LARRY MALLOY KOD REG ADUACULT OBSV. HP 448  
 BOX 3407 KODIAK AK 99615 (907)486-6555

PARTICIPANTS IN:KOTZEBUE KOT  
 1 MR. BILLY SHELDON KOTZEBUE IFA OBSV. HP 404  
 BOX 696 KOTZEBUE AK 99752 (907)442-3467  
 2 MR. WHITTIER WILLIAMS SELF OBSV. ALL ITEMS  
 BOX 742 KOTZEBUE AK 99752 (907)442-2994  
 3 MR. STEPHEN MAXWELL SELF OBSV. ALL ITEMS  
 BOX 290 KOTZEBUE AK 99752 (907)442-2716

PARTICIPANTS IN:KETCHIKAN KTM  
 1 MR. DON AMEND SSRAA TSYF. HP 448  
 2721 TONGASS AVE. AK 99901 (907)225-9665  
 2 MR. LEE PUTMAN OBSV. SB 77  
 6905 ROOSEVELT DRIVE AK 99901 (907)225-7694

PARTICIPANTS IN:MATSU MAT  
 1 MR. BOB ARNO TSYF. SB 77  
 PO BOX 2790 PALMER AK 99645 (907)376-2913

PARTICIPANTS IN:SITKA SIT

LINK 100: NO1 LEGISLATIVE TELECONFERENCE NETWORK PAGE 04  
 05/09/94 15:23:16  
 ICON: 40446 DATE & TIME 03/07/94 08:15 TO 10:00 STATUS:7 STATS. IN

PARTICIPANTS IN:SITKA SIT  
 1 PETE ESQUIRO NSRAA TSYF. HP 448  
 1308 SAUMILL CREEK RD, SITKA AK 99835 (907)747-8850

PARTICIPANTS IN:KENA/SOL SOL  
 1 MR. TON MEARS CIAA TSYF. HP 448  
 HC 2 BOX 849 SOLDOTNA AK 99669 (907)283-5761

PARTICIPANTS IN:TOK TOK  
 1 MS. KAREN UGDEN OBSV. SB 77  
 P.O. BOX 96 TOK AK 99780 (907)883-5604

PARTICIPANTS IN:VALDEZ VAL  
 1 MR. DONALD K. TAYLOR TSYF. HP 404  
 P.O. BOX 3118 VALDEZ AK 99686 (907)835-4350  
 2 MR. GREG WILLIAMS KCHU OBSV. ALL ITEMS  
 P.O. BOX 467 VALDEZ AK 99686 (907)835-4665  
 3 MR. DONALD K. TAYLOR TSYF. HP 448  
 P.O. BOX 3118 VALDEZ AK 99686 (907)835-4350

\* PLEASE PRINT + INCLUDE \*  
COMPLETE MAILING ADDRESS



HOUSE RESOURCES COMMITTEE

DATE: 3/7/94

PLACE: Capitol, Room 124

**SUBJECT OF MEETING:**  
 HS 17 - Magnuson Fishery Conservation + Mgt. Act  
 HB 404 - Land Allotments  
 HB 448 - Waste + Use of Salmon + Parts of Salmon  
 SB 77 - Intensive Management of Game

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Bill Garry	State DNR Parks	400 Willoughby	99801		465-4563	(Y) N	HB 404
Geron Bruce	Fish/Game	P.O. Bx 25526	99802		465-6143	(Y) N	HB 448
Dave Kelleyhouse	Fish & Game	"	"		465-4191	(Y) N	HS CSB 77 ✓
Ran Gillespie	Aquaculture	9478 Riverbend Ct	99801	784-3946	463-3372	(Y) N	HB 448
Kevin McDougall	FISHERMAN PROCESSORS	Box 714 Douglas	99824		364-2273	(Y) N	HB 448
Roger McKowan	Rep Hoffman					(Y) N	HB 404
John George	AOL	9515 Moraine Way Juneau	99802	789-0172		(Y) N	HB 77
						Y N	
						Y N	
						Y N	
						Y N	