

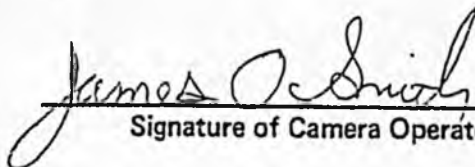
ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

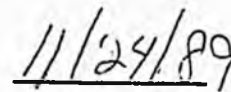
4320 SRES HB 229 199



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Signature of Camera Operator


Date

HB

229

Don W. Collinsworth, Commissioner

Public Communications
Box 3 - 2000
Juneau, Alaska 99802
(907) 465-4113



Alaska Department of Fish & Game

NEWS

FOR IMMEDIATE RELEASE

May 20, 1985

Bill Makes Dumping Herring Carcasses Legal

JUNEAU--Governor Bill Sheffield has signed a bill making it legal to strip herring for roe and dispose of the carcasses at sea.

The new law, based on House Bill 229, allows stripping and disposal of carcasses for the 1985 and 1986 Togiak herring fishery and for the Security Cove, Goodnews Bay, Nelson Island, Nunivak Island, Cape Romanzoff, and Kotzebue fisheries through the 1988 season. Carcass disposal is not allowed in any other herring fisheries.

Processors must obtain a permit issued by the Commissioner of the Alaska Department of Fish and Game (ADF&G) before disposing of carcasses at sea. The request for a permit must be accompanied by a plan indicating that the processor has the capability to process herring for roe after the expiration dates without disposing of the carcasses at sea.

The plan must include information on what methods will

(more)

2-2-2-2

Herring Roe

May 20, 1985

be used to bring the operation into compliance with Alaska Statute 16.10.173, dealing with use of herring.

Processors receiving permission to dispose of herring carcasses at sea must also obtain a permit from the Department of Environmental Conservation (ADEC). Disposal may take place only in the Bering Sea. Disposals of less than five tons must be made in waters deeper than five fathoms, and disposals of more than five tons must be made at least three miles from the mainland. Processors may obtain a permit from ADEC specifying other disposal methods as an alternative.

#####

**STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
PUBLIC COMMUNICATIONS SECTION
P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000**

OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE



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2957 SHELDON JACKSON
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B65590

STATE OF ALASKA
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

SENATE RESOURCES COMMITTEE, 4/17/85, 1:10

" " 4/19/85, 1:10

House Special Committee on Fisheries, 3/12/85, 8:30 am

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907

Senate Committee on Resources

MEMORANDUM

April 16, 1985

TO: All Members
Senate Resources Committee

FROM: Staff
Senate Resources Committee

RE: CSHB 229 (Resources) am "An Act relating to herring stripping;
and providing for an effective date."

CSHB 229 (Resources) am would allow until July 1, 1986 the stripping of roe from commercially taken herring and the disposal of the carcass. Stripping and disposal would be allowed only in the Bering Sea and in Prince William Sound if prior authorization is obtained from the Commissioner of Fish and Game. The Commissioner will only authorize the disposal if the person submits an operational plan demonstrating the intention to comply with legislative policy on utilization of herring (AS 16.10.172 and AS 16.10.173) by July 1, 1986. The Board of Fisheries shall adopt regulations regarding the disposal of herring.

A person who disposes of herring carcasses must also secure a waste disposal permit from the Department of Environmental Conservation. An earlier legislative policy statement (Sec. 1(b), Ch. 27, SLA 1980) (see h. attached) regarding the disposal of herring carcasses is repealed.

CSHB 229 (Resources) am also has an attached letter of intent which requests the Department of Fish and Game to make the approval process as simple as possible and to study alternative uses of herring carcasses.

The fiscal note is zero.

CSHB 229 (Resources) am passed the House by a vote of 35 yea and 5 nay. The bill was referred to the Senate Committees on Labor and Commerce, Resources and Judiciary. The bill was waived by the Senate Labor and Commerce Committee.

- Attachments:
- a. Fiscal note
 - b. Bill analysis
 - c. Letter of Intent for HB 229
 - d. AS 16.10.172
 - e. AS 16.10.173
 - f. AS 16.10.175
 - g. AS 46.03.100
 - h. Sec 1(b), Ch. 27, SLA 1980
 - i. 5AAC 27.093
 - j. History of HB 229
 - k. Testimony of Rep. Herrmann
 - l. Letters of support for HB 229
 - m. Letter of Alaska Sports and Wildlife Club opposing herring roe fisheries

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 GRANTS, 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: Robert L. Wilbur Phone: 465-4210
 Division: Commercial Fisheries Date: 3-7-85
 Approved by Commissioner: [Signature] 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.



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>[Signature]</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.



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.

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. 2, 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-

Sec. 16.05.950. Title of the chapter.

NOTES TO DECISIONS

Cited in *White v. Alaska Com.* 2793 (File No. 6298), P.2d (1984).
Fisheries Entry Comm'n. Sup. Ct. Op. No.

Chapter 10. Fisheries and Fishing Regulations.

Article

3. Herring Spawn (§ 16.10.173)
4. Migratory Fish and Shellfish (§ 16.10.230)
6. Purchase of Fish (§§ 16.10.265, 16.10.267, 16.10.280)
9. Fisheries Enhancement Loan Program (§ 16.10.530)

Article 3. Herring Spawn.

Section

173. Utilization of commercially taken herring

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 commissioner of fish and game 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.

(f) A person who violates this section is guilty of a class A misdemeanor. (§ 1 ch 9 SLA 1977; am §§ 25, 26 ch 132 SLA 1984)

Effect of amendments. — The 1984 amendment, effective July 3, 1984, inserted "of fish and game" following "commissioner" in the last sentence of subsection (b) and added subsection (f).

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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 13.10.210
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

§ 45.98.040

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Alaska Statutes

Title 46. Water, Air, Energy, and Environmental Conservation.

Chapter

3. Environmental Conservation (§§ 46.03.100, 46.03.290, 46.03.299, 46.03.308, 46.03.309, 46.03.313, 46.03.314, 46.03.760, 46.03.790, 46.03.900)
6. Recycling and Reduction of Litter (§§ 46.06.010, 46.06.050 — 46.06.070, 46.06.090, 46.06.150)
11. Conservation of Energy and Materials (§§ 46.11.030, 46.11.040, 46.11.900)
12. Alaska Energy Center (§ 46.12.120)
16. Management and Use of Water in Mining (§§ 46.16.010 — 46.16.100)
30. Certification of Operators (§§ 46.30.020, 46.30.040, 46.30.120)
35. Environmental Procedures Coordination (§§ 46.35.010, 46.35.200)
40. The Alaska Coastal Management Program (§ 46.40.210)
45. Northwest Interstate Compact on Low-level Radioactive Waste Management (§§ 46.45.010 — 46.45.020)

Chapter 03. Environmental Conservation.

Article

3. Water Pollution Control (§ 46.03.100)
5. Radiation and Hazardous Waste Protection (§§ 46.03.290, 46.03.299, 46.03.308, 46.03.309, 46.03.313, 46.03.314)
7. Prohibited Acts and Penalties (§§ 46.03.760, 46.03.790)
8. General Provisions (§ 46.03.900)

Article 3. Water Pollution Control.

Section

100. Waste disposal permit

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.

(d) This section does not apply to injection projects permitted under AS 31.05.030(h). (§ 3 ch 120 SLA 1971; am § 3 ch 220 SLA 1976; am § 9 ch 93 SLA 1981; am § 4 ch 91 SLA 1984)

Effect of amendments. — The 1984 amendment, effective June 7, 1984, added subsection (d).

Opinions of attorney general. — The

state has jurisdiction to require permits of government contractors discharging sewage from a federally-owned treatment plant. June 28, 1977, Op. Att'y Gen.

Article 5. Radiation and Hazardous Waste Protection.

Section	Section
290. Authority of department in cases of emergency	313. Hazardous waste management facilities and sites
299. Regulation of hazardous waste	314. Reports on management sites and facilities
308. Transportation of hazardous waste	
309. Temporary collection of hazardous waste	

Sec. 46.03.290. Authority of department in cases of emergency. (a) When the department finds that an actual or imminent discharge of low level radioactive materials to the air, water, land or subsurface land of the state poses an immediate threat to the public health or welfare, or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment.

(b) A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). Thereafter the department may affirm, revoke or modify the order.

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military and Veterans' Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment. (§ 3 ch 120 SLA 1971; am § 5 ch 172 SLA 1978; am § 109 ch 59 SLA 1982; am E.O. No. 58, § 24 (1984))

Effect of amendment.

Sec. 46. ment shall of hazardous and hazard persistence lations not tive Proceed 1, 1987.

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AN ACT

Relating to herring; and providing for an effective date.

Section 1. 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. 2. HERRING STRIPPING. (a) Notwithstanding AS 16.10.173 and until July 1, 1982, the stripping of commercially taken herring for the purpose of removing and selling the roe product is authorized if the herring is taken from the Bering Sea 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.

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 personal 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)(2) 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

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.

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.

A



APR 11 1985
Telegram

C4035

TDA CORDOVA ALASKA 72 04-11 1340 AST

PMS 465-3812

SENATOR ARLISS STURGULEWSKI, CHAIRMAN SENATE RESOURCES COMMITTEE

POUCH V MS 3100

0521

JUNEAU AK 99811

WE SUPPORT HOUSE BILL 229 WHICH WILL ALLOW FOR HERRING
STRIPPING IN THE BEPING SEA AND PRINCE WILLIAM SOUND.

1. THE HERRING THAT WILL BE HARVESTED ANYWAY WILL BE
CONSIDERABLY MORE VALUABLE IF PROCESSED IN ALASKA RATHER
THAN JAPAN.
2. INCREASED RAW FISH TAX REVENUE TO STATE AND COMMUNITIES.
3. PROVIDES MORE ALASKAN JOBS.
4. MORE EX-VESSEL VALUE TO THE FISHERMEN.

YOUR SUPPORT WILL BE GREATLY APPRECIATED.

SINCERELY,

GERALD MCCUNE, VICE PRESIDENT
CORDOVA DISTRICT FISHERMEN UNITED

LOG-1501876

Alaska State Legislature



REPRESENTATIVE
ADELHEID HERRMANN

P O BOX 83
NAKNEK, ALASKA 99833
(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 28

ADAK
AKUTAN
ALEKNAGIK
ATKA
BELKOPSKI
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
NEIWHALEN
NEW STUYAHOK
NIKOLSKI
NONDALTON
PEDRO BAY
PILOT POINT
PORT ALSWORTH
PORT HEIDEN
PORT MOLLER
PORTAGE CREEK
SAND POINT
SOUTH NAKNEK
SQUAW 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.

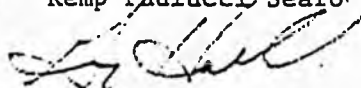
We would be able to purchase approximately 350 to 400 of gillnet herring if processing is available in Togiak.

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 ; 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-Seafords


Greg Hull

Togiak Plant Manager


KEMP-PAULUCCI SEAFOODS, INC. 2613 NORTHWEST 54th SEATTLE, WA 98107 206-78-7512

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.

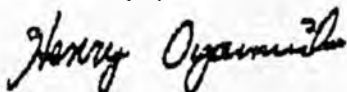
We understand the problems that may occur with discarding of the herring and we plan to work on this along with your help. Our latest talk with other companies was to sell the whole female herring and transport them out of the Norton Sound Region. It is also our contention that some plan be made with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

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	SAVOONGA
BREVIG MISSION	SCAMMON BAY
CHEVAK	SHAKTOOLIK
DIOMEDE	SHELDON'S POINT
ELIM	SHISHMAREF
EMMONAK	STEBBINS
GAMBELL	ST. MICHAEL
GOLOVIN	TELLER
HOOPER BAY	UNALAKLEET
KOTLIK	WALES
KOYUK	WHITE MOUNTAIN
NOME	



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.

ALASKA SPORTS *and* WILDLIFE CLUB

P.O. Box 5122 • Ketchikan, Alaska 99901

March 1, 1985

Mr. Don Collingsworth, Commissioner
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Mr. Collingsworth:

As you are aware, there has been growing concern over the Herring Roe Fishery for several years. Our membership, which has been increasing rapidly, has indicated to its Directors a solid backing in pursuing efforts to end this needless depletion of our herring stocks.

We have had several meetings on this subject, which included not only our members, but other sportsmen, charter groups and commercial seiners, trollers and gillnetters. All groups oppose the continuation of taking herring for roe. The comments from various members of these groups (some have more time on Alaskan waters than they care to admit) indicate that herring are in short supply in waters where there once was abundance, that King and Silver Salmon no longer have stomachs filled with herring, but are empty or contain only needlefish. It was the general consensus that herring, to continue to support salmon, seal, sea lion, bait, seagulls, eagles, etc., can no longer withstand the tremendous pressure of providing roe to the Japanese and others. It would seem that the harvest of millions of pounds of salmon roe would be sufficient. Further, it is our opinion that if the harvest of Herring Roe ceased today, it would still take years to re-build to marginal stocks. It is suggested by many that our King Salmon shortages are directly related to the lack of herring in our waters.

It should be noted that Senator Frank Murkowski, several years ago, addressed Governor Jay Hammond on this very subject and received a reply that the Fish and Game had a handle on the Herring Fishery and not to be concerned. We are concerned and in all fairness, do not believe the Fish and Game has "a handle on herring fishing". As one of your own biologists once stated, "there is no such thing as having too many herring in the ocean". We cannot stand by and watch our herring stocks disappear, as evidenced by the decline of the southeast deer population, the northern Caribou herds or more recently, the Alaska King Crab, without a fight. We are not interested in spending millions on studies, we just want the Herring Roe fishing stopped NOW.

The State of Alaska is actively promoting new fish hatcheries, fertilizing and stocking lakes and generally promoting programs that will enhance salmon escapement and returns. We applaud these efforts. The Ketchikan Deer

decision.

"Take DEC (Department of Environmental Conservation) for example," Adams said. "We'd take their \$600,000 in salaries and shift it to the governor's budget.

"We'd specify in the intent language that it's up to the unions and (the state's) negotiating units to come back to the table and say, 'Do you want fewer employees and salary increases or employees and lower salaries?'"

"That leaves it up to the administration to work out," Adams said.

John Shively, Sheffield's chief of staff, labeled that proposal "a negotiating argument."

"We have neither the desire nor the legal right to go outside the agreements" negotiated last year, he said.

Blatchley Junior High May Get Sister School

By Sentinel Staff

Blatchley Junior High School may soon become the "sister school" of a school in another country.

Blatchley Principal Walt Clark told the Sitka School Board during a short meeting Tuesday night that the program would aid curricula in both sister schools.

Under the program, the Alaska Department of Education would put Blatchley in contact with a foreign school, and the two schools would share materials and students would participate in audioconferences, said Clark.

"Sister schools would be an approach in which the state department (of education) would become a brokerage service and match us with a school in, say, Japan," said Clark.

Clark said Blatchley has already applied for the program and is on a Department of Education list. The principal said he hopes the project will be ready by the time school opens in the fall.

The program would be most beneficial in subject areas in which Sitka has difficulty obtaining materials, said the junior high principal. A prime example, he said, would be Pacific Rim studies.

Various committees are in the process of reviewing and revising school curriculum programs. The social studies committee recently recommended more emphasis on Pacific Rim studies, pointing out that a large amount of Alaska's trade is with

the meeting and said he believed the 20 percent harvest level set by the state is too high. Mayo is a member of the Sitka Fish and Game Advisory Board.

He asked if the planned harvest level of 7,700 tons could be reduced at this point if biologists continue to see fewer fish on the beach.

DeJong replied he saw no problems with the 20 percent limit, noting that the fish returning are largely the mature stocks, about 4 and 5 years in age.

"I would like to see these fish a few years down the road here in Sitka," said Mayo.

Seiners immediately argued that there are more fish in Sitka Sound now than in many years, and that part of the reason is because of conservation efforts by the Department of Fish and Game and seiners.

the countries of this region. While it is possible to find textbooks on individual countries on the Pacific Rim, said Clark, no resource materials seem to be available that include all Pacific Rim nations and their interaction with Alaska.

Initially, said Clark, the junior high will become involved with a project with a Japanese school. In future years, Blatchley probably would expand the program to other nations.

"It's a real interesting way to expose kids to other information," said board member Peter Esquiro about the sister school program.

"It sounds neat," concurred board member Shirley McCoy.

In other business, the board: — received a report on review and revision of the math curriculum, which coordinates programs from elementary through high school. A detailed report will be made to the board by instructors at a future meeting, said administrators.

— adopted a resolution authorizing Supt. Art Woodhouse to act as the district's representative in procuring surplus property distributed by the federal government. The resolution is required to create an orderly method of distribution, explained Woodhouse.

— heard a report from Woodhouse that a budget for the 1985-86 school year, adopted by the board Thursday night, was presented to city administration Friday. A joint meeting of the board and the assembly is expected in April, said Woodhouse.

Thursday morning at the Sheffield Hotel.

Updates on the herring sac roe fishery can be obtained by calling the Sitka office of Fish and Game, 747-5022.

All of Herring Slated for Consumption

By Sentinel Staff

This year, just about 100 percent of the entire mass of 7,700 tons of herring expected to be caught in the Sitka Sound sac roe fishery will be processed for human consumption.

Harold Thompson, manager of Sitka Sound Seafoods, said the entire catch is being frozen whole by the shore-based and American floating processors in the area for the fishery. The frozen herring will be transported to Japan, China and Korea for further processing.

The real target of the fishery is the roe, or eggs, of the female fish, but the roe only accounts for around 10 percent of the herring "biomass" that is caught. Thompson said the roe is stripped in the Oriental countries, and packed in a brine solution. It is a popular delicacy for the Japanese, especially during the Christmas season, he explained. The small, golden jelly-like eggs are similar to caviar.

After the roe is removed, the remains of the female fish and the male fish are dried and sold for human consumption, Thompson said. It makes a low cost, high protein food, he said.

Thompson noted that the drying of herring is a growing cottage industry in the importing countries. In Korea some of the herring byproduct of the roe fishery is canned, he said.

Only in unusual circumstances would the fish be stripped of roe in the Sitka area, Thompson said.

When the Sitka Sound sac roe fishery first developed in the 1970s, the roe would be stripped at processing plants here. The 90 percent of the catch that was not roe would be discarded onto barges under the docks and then dumped at sea.

After state and federal governments prohibited such dumping and adopted regulations requiring more utilization of the resource, the non-roe portions would be shipped to a Petersburg plant to be ground for fertilizer and fish oil.

Only in recent years have the sac roe herring fishery byproducts been dried and sold as for human consumption, Thompson said.

Tuesday.

Adams, D-Kotzebue and chairman of the House Finance Committee, was spelling out strategy agreed upon earlier in the day by that body's 28-member, Democrat-dominated majority caucus.

The Republican-led Senate, meanwhile, wants to pull an additional \$100 million from Sheffield's proposed \$2.4 billion operating budget and cut another \$63 million from loans and public construction projects.

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At today's meeting of the seiners and fishery managers at the Sheffield Hotel, DeJong said he believes the fish are staying in deep waters off shore rather than heading for the beach.

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"Conditions are different this year than in recent years. It's colder and there's storm after storm after storm."

Longliner Mike Mayo, who is not taking part in the herring fishery, attended the meeting and said he believes the 20 percent harvest level set by the state is too high. Mayo is a member of the Sitka Fish and Game Advisory Board.

He asked if the planned harvest level of 7,700 tons could be reduced at this point if biologists continue to see fewer fish on the beach.

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"I'm extremely touchy" about overharvesting the fish I'm dependent on," said seiner Wayne Alex. Seiners have too much invested in the fishery to want to jeopardize its future, he said.

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DeJong noted the department conducts acoustical studies during the winter, but during the spring studies are more difficult because the fish scatter.

"Let's not get into a gear war here," said one seiner to cut off the impromptu debate.

On Tuesday the seiners agreed not to ask for an opening today. After today's briefing, they agreed to meet again Thursday morning at the Sheffield Hotel.

Updates on the herring sac roe fishery can be obtained by calling the Sitka office of Fish and Game, 747-5022.

All of Herring Slated for Consumption

By Sentinel Staff

This year, just about 100 percent of the entire mass of 7,700 tons of herring expected to be caught in the Sitka Sound sac roe fishery will be processed for human consumption.

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Sitka Sentinel 4/85

Blatchley Junior High

May Get Sister School

ALASKA SPORTS *and* WILDLIFE CLUB

P.O. Box 5122 • Ketchikan, Alaska 99901

March 1, 1985

Mr. Don Collingsworth, Commissioner
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Mr. Collingsworth:

As you are aware, there has been growing concern over the Herring Roe Fishery for several years. Our membership, which has been increasing rapidly, has indicated to its Directors a solid backing in pursuing efforts to end this needless depletion of our herring stocks.

We have had several meetings on this subject, which included not only our members, but other sportsmen, charter groups and commercial seiners, trollers and gillnetters. All groups oppose the continuation of taking herring for roe. The comments from various members of these groups (some have more time on Alaskan waters than they care to admit) indicate that herring are in short supply in waters where there once was abundance, that King and Silver Salmon no longer have stomachs filled with herring, but are empty or contain only needlefish. It was the general concensus that herring, to continue to support salmon, seal, sea lion, bait, seagulls, eagles, etc., can no longer withstand the tremendous pressure of providing roe to the Japanese and others. It would seem that the harvest of millions of pounds of salmon roe would be sufficient. Further, it is our opinion that if the harvest of Herring Roe ceased today, it would still take years to re-build to marginal stocks. It is suggested by many that our King Salmon shortages are directly related to the lack of herring in our waters.

It should be noted that Senator Frank Murkowski, several years ago, addressed Governor Jay Hammond on this very subject and received a reply that the Fish and Game had a handle on the Herring Fishery and not to be concerned. We are concerned and in all fairness, do not believe the Fish and Game has "a handle on herring fishing". As one of your own biologists once stated, "there is no such thing as having too many herring in the ocean". We cannot stand by and watch our herring stocks disappear, as evidenced by the decline of the southeast deer population, the northern Caribou herds or more recently, the Alaska King Crab, without a fight. We are not interested in spending millions on studies, we just want the Herring Roe fishing stopped NOW.

The State of Alaska is actively promoting new fish hatcheries, fertilizing and stocking lakes and generally promoting programs that will enhance salmon escapement and returns. We applaud these efforts. The Ketchikan Deer

Collingsworth

-2-


March 1, 1985

Mountain Hatchery alone is providing returns of nearly 10,000 King Salmon from early June into late July and this is just a beginning. The returns of September Silver Salmon to Neets Bay, Herring Cove and Ketchikan Creek are difficult to measure and are providing a harvest bonanza for both commercial and sports interests. With these programs prospering and projecting such promising potential in the years ahead, we fail to see the justification for the continued rape of herring stocks. The disaster of such a gamble, we feel, is totally unwarranted.

Finally, our reports indicate a total of 183 southeastern Herring Roe fishing permits, which include both seine and gillnet. It is interesting to note that a large percentage of these permits are held by individuals who are non-residents. Further, with few exceptions, fishermen holding these licenses also have salmon permits and actively seine or gillnet during the summer season. This should preclude any claims of hardship in eliminating the Herring Roe Fishery.

We would appreciate your comments and what action, if any, your Department is taking in this matter, as soon as possible.

Sincerely,



Dick Borch, President
Bob DeWitt, Vice-President
Terry Myser, Secretary-Treasurer

Board of Directors:

Terry Clark	Johnny Gilbert
A. J. Dennis	Art McMahon
Ken Eichner	Paul McGarrigan
Gary Emard	Earl Mossburg
Art Hack	

cc: The Honorable William Sheffield
The Honorable Frank Murkowski
The Honorable Ted Stevens
The Honorable Don Young
The Honorable Bob Ziegler
The Honorable Bill Ray
The Honorable Dick Elliason
The Honorable John Sund
The Honorable Robin Taylor
The Honorable Mike Miller
Alaska Fish & Wildlife Federation
and Outdoor Council Members, and
its Member Organizations

SOUTHEAST HERRING ROE PERMITS

BOTH SEINE + GILLNET

SITKA 9

JUNO 18

KTN 36

PETERBURG 50

OUTSIDE 49

METLAKATLA 8

WRANGELL 8

HOONAH 1

ANCHORAGE 1

SEWARD 1

HAINES 1

ELFIN COVE 1

183

Gary Eward - 4/11/85

Santa Elina - (may be opposed
to stopping herring/roe further)
Anchorage pressure / Gued -

large tonnage's later

Don't see being around

Paying for hatcheries upo

protecting resource.

decision.

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"We have neither the desire nor the legal right to go outside the agreements" negotiated last year, he said.

Blatchley Junior High May Get Sister School

By Sentinel Staff

Blatchley Junior High School may soon become the "sister school" of a school in another country.

Blatchley Principal Walt Clark told the Sitka School Board during a short meeting Tuesday night that the program would aid curricula in both sister schools.

Under the program, the Alaska Department of Education would put Blatchley in contact with a foreign school, and the two schools would share materials and students would participate in audioconferences, said Clark.

"Sister schools would be an approach in which the state department (of education) would become a brokerage service and match us with a school in, say, Japan," said Clark.

Clark said Blatchley has already applied for the program and is on a Department of Education list. The principal said he hopes the project will be ready by the time school opens in the fall.

The program would be most beneficial in subject areas in which Sitka has difficulty obtaining materials, said the junior high principal. A prime example, he said, would be Pacific Rim studies.

Various committees are in the process of reviewing and revising school curriculum programs. The social studies committee recently recommended more emphasis on Pacific Rim studies, pointing out that a large amount of Alaska's trade is with

ended the meeting and said he believes the 20 percent harvest level set by the state is too high. Mayo is a member of the Sitka Fish and Game Advisory Board.

He asked if the planned harvest level of 7,700 tons could be reduced at this point if biologists continue to see fewer fish on the beach.

DeJong replied he saw no problems with the 20 percent limit, noting that the fish returning are largely the mature stocks, about 4 and 5 years in age.

"I would like to see these fish a few years down the road here in Sitka," said Mayo.

Seiners immediately argued that there are more fish in Sitka Sound now than in many years, and that part of the reason is because of conservation efforts by the Department of Fish and Game and seiners.

the countries of this region. While it is possible to find textbooks on individual countries on the Pacific Rim, said Clark, no resource materials seem to be available that include all Pacific Rim nations and their interaction with Alaska.

Initially, said Clark, the junior high will become involved with a project with a Japanese school. In future years, Blatchley probably would expand the program to other nations.

"It's a real interesting way to expose kids to other information," said board member Peter Esquiro about the sister school program.

"It sounds neat," concurred board member Shirley McCoy.

In other business, the board:

— received a report on review and revision of the math curriculum, which coordinates programs from elementary through high school. A detailed report will be made to the board by instructors at a future meeting, said administrators.

— adopted a resolution authorizing Supt. Art Woodhouse to act as the district's representative in procuring surplus property distributed by the federal government. The resolution is required to create an orderly method of distribution, explained Woodhouse.

— heard a report from Woodhouse that a budget for the 1985-86 school year, adopted by the board Thursday night, was presented to city administration Friday. A joint meeting of the board and the assembly is expected in April, said Woodhouse.

Thursday morning at the Sheffield Hotel.

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All of Herring Slated for Consumption

By Sentinel Staff

This year, just about 100 percent of the entire mass of 7,700 tons of herring expected to be caught in the Sitka Sound sac roe fishery will be processed for human consumption.

Harold Thompson, manager of Sitka Sound Seafoods, said the entire catch is being frozen whole by the shore-based and American floating processors in the area for the fishery. The frozen herring will be transported to Japan, China and Korea for further processing.

The real target of the fishery is the roe, or eggs, of the female fish, but the roe only accounts for around 10 percent of the herring "biomass" that is caught. Thompson said the roe is stripped in the Oriental countries and packed in a brine solution. It is a popular delicacy for the Japanese, especially during the Christmas season, he explained. The small, golden jelly-like eggs are similar to caviar.

After the roe is removed, the remains of the female fish and the male fish are dried and sold for human consumption, Thompson said. It makes a low cost, high protein food, he said.

Thompson noted that the drying of herring is a growing cottage industry in the importing countries. In Korea some of the herring byproduct of the roe fishery is canned, he said.

Only in unusual circumstances would the fish be stripped of roe in the Sitka area, Thompson said.

When the Sitka Sound sac roe fishery first developed in the 1970s, the roe would be stripped at processing plants here. The 90 percent of the catch that was not roe would be discarded onto barges under the docks and then dumped at sea.

After state and federal governments prohibited such dumping and adopted regulations requiring more utilization of the resource, the non-roe portions would be shipped to a Petersburg plant to be ground for fertilizer and fish oil.

Only in recent years have the sac roe herring fishery byproducts been dried and sold as for human consumption, Thompson said.

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Sitka Sentinel 4/85
Blatchley Junior High
May Get Sister School

#B 229
ANSWER TO SPORTS AND
WILDLIFE CLUB FROM
COMM. COLLINGS WORTH

BP
3/29

March 29, 1985

Mr. Dick Borch
President
Alaska Sports and
Wildlife Club
P.O. Box 5122
Ketchikan, AK 99901

Dear Mr. Borch:

Thank you for your recent correspondence expressing your views on the herring sac roe fisheries. I have received your letter, as well as a supporting letter from the Alaskan Alpine Club.

The Alaskan Constitution mandates the conservation and development of the fisheries resources of the state in the best interest of the economy and general well-being of the state. The Department of Fish and Game protects these fisheries stocks that provide the basis for Alaska's fisheries so as to maintain future production at sustained levels and preserve future options for use of these stocks. The department also ensures that annual fisheries surplus excess to reproductive and other needs are made available for harvest by user groups in accordance with management plans, policies, and statutes developed by the Board of Fisheries, the North Pacific Management Council, and the Legislature.

The Legislature has set forth various laws and policies regarding herring. The Legislature has prohibited wasteful use of herring so that the resource is for the maximum benefit of the people. The Board of Fisheries has set a conservative policy on the management of herring fisheries by allowing only a 0-20% exploitation rate of mature herring. This management is based upon the determination of the abundance of herring on a stock-by-stock basis and allowing only that portion of a herring stock to be harvested that exceeds the herring biomass needed for spawning requirements, noncommercial human uses, and as food by nonhuman predators.

Herring stocks that are managed under the current program appear to be healthy stocks, while providing for both human and nonhuman uses.

Allocations of the available harvestable fisheries resources are addressed by the Board of Fisheries. The board has considered written and oral testimony, held public meetings, and been provided input from the local advisory committees when taking action on herring fisheries. The board has concurred with the department and the majority of the public that the current commercial herring fisheries will not endanger the survival of the herring or herring predators. ←

I have forwarded your letter to the Board of Fisheries so they may be appraised of your feelings on this matter.

Sincerely,

Don W. Collinsworth
Commissioner

cc: Alaska Board of Fisheries

bcc: Mike Dean
DWC/MD/RCC/cs
CO #895

COURT OF ELDERS
SITKA COMMUNITY ASSOCIATION
FEDERAL INDIAN TRIBE

Frank

POSITION STATEMENT REGARDING COMMERCIAL
HERRING ROE FISHERY AT SITKA

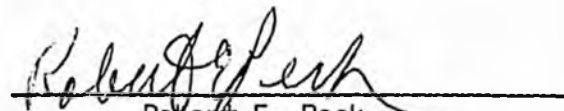
THIS MATTER HAVING COME ON REGULARLY for consideration by this Court upon the Introduction of the Issue for discussion by Elder Al Perkins, Kiks.ádi, at the session of the Court conducted April 16, 1985, at Sitka, evidence having been submitted and considered regarding:

- (1) Over-harvesting and excessive kill of the herring roe fishery by commercial takers;
- (2) Kelp bed damage;
- (3) Adverse effects on related fisheries;
- (4) Depletion of herring stock in Southeast Alaska generally and in the Sitka Sound and vicinity specifically,

and the Court having found that the traditional law of Southeast Alaska is unequivocal in placing strict liability upon the users of natural resources for damages resulting from misuse of natural resources,

IT IS THE UNANIMOUS DECISION of this Court that this body is opposed to any commercial herring roe fishery in the Sitka Sound area at any time in the future. The Court Clerk is directed to sign this position statement on behalf of the Court and to communicate this action to responsible parties of tribal, state, and federal government.

DONE this 16th day of April, 1985.


Robert E. Peck
Court Clerk

FRANK H. MURKOWSKI
ALASKA

COMMITTEE ON ENERGY AND
NATURAL RESOURCES
COMMITTEE ON FOREIGN
RELATIONS
COMMITTEE ON VETERANS'
AFFAIRS
SELECT COMMITTEE
ON INDIAN AFFAIRS
SELECT COMMITTEE
ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510

File HB 229
MAY 09 1985
WASHINGTON OFFICE
1022 24-1000

ANCHORAGE OFFICE
701 C STREET, BOX 1
(907) 271-3736
FAIRBANKS OFFICE
101 12TH AVENUE, BOX 7
(907) 466-0233
JUNEAU OFFICE
FEDERAL BUILDING, BOX 1847
(907) 586-7400

April 22, 1985

Mr. Don Collinsworth
Commissioner
Alaska Department of Fish and Game
P. O. Box 3-2000
Juneau, Alaska 99802

Dear Commissioner Collinsworth:

I am writing in regard to the letter sent to you by the Alaska Sports and Wildlife Club. The Club has expressed opposition to continuation of the herring roe fishery in Alaska. As you are aware, herring are a staple feed for salmon stocks. Like the Alaska Sports and Wildlife Club and other fishing groups, I am concerned that the herring are being seriously depleted.

Because herring are so important as feed fish, the herring roe fishery in Alaska should be conservatively managed so as not to endanger other fish stocks. With ratification of the Pacific salmon treaty, I am hopeful that salmon stocks in Southeast will increase. As salmon stocks grow in coming years, the need of herring for feed fish will multiply.

The Alaska Department of Fish Game has been exemplary in managing fishery resources in Alaska. However, economic factors have led to increasing pressure to harvest herring for their roe. Every effort should be made to assure this harvest does not deplete the herring resource and all ramifications of the herring harvest should be considered before fishing of herring continues.

With warm regards,

Sincerely,

Frank H. Murkowski
United States Senator

a.g.
HB 229
FEB 27 1985

FEB. 15, 1985

P.O. BOX 181
POINT HOPE, ALASKA 99766

ALASKA STATE LEGISLATURE
POUCH V (MS 3100)
JUNEAU, ALASKA 99811

ATT: SENATOR ARLIS STURGULEWSKI

IT HAS BEEN BROUGHT TO MY ATTENTION THAT THE HERRING FISHERIES AT KODIAK ARE IN TROUBLE BECAUSE THE BIO PLANT IS DOWN. WHAT IS NOW HAPPENING IS THAT THE FISH ARE FROZEN AND SHIPPED TO KOREA. THERE THEY ARE SQUEEZED AND THE WASTE IS DUMPED OUT IN THE OCEAN.

WITH THE BIO BEING DOWN, THE PEOPLE THAT NORMALLY PROCESS THE HERRING ARE OUT OF WORK. IT IS MY UNDERSTANDING THAT THIS CAN BE ALLEVIATED IF THE LEGISLATURE WOULD RESCIND THE WANTON WASTE RULE IN REGARDS TO HERRING. CURRENTLY IT IS CREATING WORK FOR THE SOUTH KOREANS AT THE EXPENSE OF THE ALASKANS OF KODIAK.

WITH THE ALASKAN CRAB INDUSTRY IN BAD SHAPE, POSSIBLY BECAUSE OF LACK OF FOOD OR BEING EATEN BY THE HALIBUT, THE HERRING WASTE COULD POSSIBLY FURNISH FOOD FOR THE CRABS. I AM NOT A MARINE BIOLOGIST NOR ACQUAINTED TOO MUCH WITH THE PROBLEM. MY SON, ROB, WHO LIVES IN KODIAK, CALLED AND TOLD ME OF THE SITUATION.

AS YOU ARE PRESENTLY CHAIRMAN OF THE STATE RESOURCE COMMITTEE, I WOULD ASSUME THAT YOU ARE VITALLY INTERESTED IN THE PROBLEMS OF THE FISHERMEN AND THE PROCESSORS.

I HAVE BEEN AN ALASKAN FOR ONLY 4 YRS., BUT I AM VERY MUCH INTERESTED IN THE WHOLE STATE AND IT SEEMS THAT THE FISHERMAN HAS HAD A LOT OF HARD KNOCKS IN THE LAST FEW YEARS. THIS IS MY THIRD YEAR OF TEACHING IN POINT HOPE. MY SON IS TOTALLY INVOLVED IN THE FISHING INDUSTRY. ALL FIVE OF OUR CHILDREN CURRENTLY LIVE IN ALASKA, MIGRATING TO ALASKA BETWEEN 1978-80. MY DAUGHTER, LISA. OF ANCHORAGE IS A FAN OF YOURS.

WE WOULD APPRECIATE ANY CONSIDERATION THAT YOU CAN GIVE TO THIS SITUATION. I PLAN ON BEING IN JUNEAU THE FIRST WEEK OF APRIL WITH SOME CLOSE UP STUDENTS AS I DID LAST YEAR. WILL BE LOOKING FORWARD TO MEETING YOU PERSONALLY.

CORDIALLY,

Tiny
TINY BELLAMY

4/4/85 - now at Pt. Hope. Amuletta to stay if I
get to → Real positive fellow.

Economic waste
Biological waste

Offered: 4/1/85
For Today's Calendar

Original sponsors: ^{4/1/}Heffmann, Fuller
Binkley and Jenkins

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Resources) am

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 and/or Prince William Sound and prior authorization is obtained from
14 the commissioner of fish and game. The commissioner may authorize a person
15 to dispose of herring carcasses in the Bering Sea and/or Prince William
16 Sound only if the person submits to the commissioner an operational plan
17 demonstrating the intent to comply with the provisions of AS 16.10.172 and
18 AS 16.10.173 by July 1, 1986.

added

revised

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

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

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

25 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

Bering Sea -
1986 -

FROM: ART SAARLOS, P.O. BOX 197, DELTA JCT., AK 99737

RE: HB 229

NO HERRING STRIPPING!!!!HERRING STRIPPING IS WRONG!!!

EOM

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 99801

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.

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	Sterling
Soldotna	Anchor Point
Homer	Point Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilehik	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

M E M O R A N D U M

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

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 9981

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.

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."

Original sponsors: Herrmann, Fuller
and Binkley

1
2 IN THE HOUSE

BY THE RESOURCES COMMITTEE

3 CS FOR HOUSE BILL NO. 229 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

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

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

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

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

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

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

24 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-

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.

Offered: 4/1/85
For Today's Calendar

Original sponsors: Herrmann, Fuller
Binkley and Jenkins

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Resources) am

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
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11 purpose of removing and selling the roe product is authorized if the
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13 Sea and/or Prince William Sound and prior authorization is obtained from
14 the commissioner of fish and game. The commissioner may authorize a person
15 to dispose of herring carcasses in the Bering Sea and/or Prince William
16 Sound only if the person submits to the commissioner an operational plan
17 demonstrating the intent to comply with the provisions of AS 16.10.172 and
18 AS 16.10.173 by July 1, 1986.

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

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

25 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).



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.

SOUTHEAST HERRING ROE PERMITS
BOTH SEINE + GILLNET

SITKA 9

JUNO 18

KTN 36

PLETENBUK 50

OUTSIDE 49

METLAKATLA 8

WRANGELL 8

HOONAH 1

ANCHORAGE 1

SEWARD 1

HAINES 1

ELFIN COVE 1

183

Jay Emond - 4/11/85

Santa Elina - (may be approved
stopping being rose fisher)
several permits / good -
large tonnage's later
Dnt see being around
paying for hatcheries up
protecting resource.

ALASKA SPORTS *and* WILDLIFE CLUB

P.O. Box 5122 • Ketchikan, Alaska 99901

March 1, 1985

Mr. Don Collingsworth, Commissioner
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Mr. Collingsworth:

As you are aware, there has been growing concern over the Herring Roe Fishery for several years. Our membership, which has been increasing rapidly, has indicated to its Directors a solid backing in pursuing efforts to end this needless depletion of our herring stocks.

We have had several meetings on this subject, which included not only our members, but other sportsmen, charter groups and commercial seiners, trollers and gillnetters. All groups oppose the continuation of taking herring for roe. The comments from various members of these groups (some have more time on Alaskan waters than they care to admit) indicate that herring are in short supply in waters where there once was abundance, that King and Silver Salmon no longer have stomachs filled with herring, but are empty or contain only needlefish. It was the general concensus that herring, to continue to support salmon, seal, sea lion, bait, seagulls, eagles, etc., can no longer withstand the tremendous pressure of providing roe to the Japanese and others. It would seem that the harvest of millions of pounds of salmon roe would be sufficient. Further, it is our opinion that if the harvest of Herring Roe ceased today, it would still take years to re-build to marginal stocks. It is suggested by many that our King Salmon shortages are directly related to the lack of herring in our waters.

It should be noted that Senator Frank Murkowski, several years ago, addressed Governor Jay Hammond on this very subject and received a reply that the Fish and Game had a handle on the Herring Fishery and not to be concerned. We are concerned and in all fairness, do not believe the Fish and Game has "a handle on herring fishing". As one of your own biologists once stated, "there is no such thing as having too many herring in the ocean". We cannot stand by and watch our herring stocks disappear, as evidenced by the decline of the southeast deer population, the northern Caribou herds or more recently, the Alaska King Crab, without a fight. We are not interested in spending millions on studies, we just want the Herring Roe fishing stopped NOW.

The State of Alaska is actively promoting new fish hatcheries, fertilizing and stocking lakes and generally promoting programs that will enhance salmon escapement and returns. We applaud these efforts. The Ketchikan Deer

Collingsworth

-2-

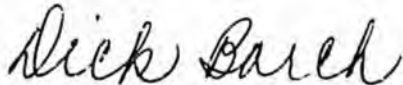
March 1, 1985

Mountain Hatchery alone is providing returns of nearly 10,000 King Salmon from early June into late July and this is just a beginning. The returns of September Silver Salmon to Neets Bay, Herring Cove and Ketchikan Creek are difficult to measure and are providing a harvest bonanza for both commercial and sports interests. With these programs prospering and projecting such promising potential in the years ahead, we fail to see the justification for the continued rape of herring stocks. The disaster of such a gamble, we feel, is totally unwarranted.

Finally, our reports indicate a total of 183 southeastern Herring Roe fishing permits, which include both seine and gillnet. It is interesting to note that a large percentage of these permits are held by individuals who are non-residents. Further, with few exceptions, fishermen holding these licenses also have salmon permits and actively seine or gillnet during the summer season. This should preclude any claims of hardship in eliminating the Herring Roe Fishery.

We would appreciate your comments and what action, if any, your Department is taking in this matter, as soon as possible.

Sincerely,



Dick Borch, President
Bob DeWitt, Vice-President
Terry Myser, Secretary-Treasurer

Board of Directors:

Terry Clark	Johnny Gilbert
A. J. Dennis	Art McMahon
Ken Eichner	Paul McGarrigan
Gary Emard	Earl Mossburg
Art Hack	

cc: The Honorable William Sheffield
The Honorable Frank Murkowski
The Honorable Ted Stevens
The Honorable Don Young
The Honorable Bob Ziegler
The Honorable Bill Ray
The Honorable Dick Elliason
The Honorable John Sund
The Honorable Robin Taylor
The Honorable Mike Miller
Alaska Fish & Wildlife Federation
and Outdoor Council Members, and
its Member Organizations

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