

# MEMORANDUM

RC 41  
State of Alaska  
Department of Law

To: Glenn Haight  
Executive Director  
Alaska Board of Fisheries

Date: January 12, 2018

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From: Seth M. Beausang  
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Subject: Comments from Department of Law on proposals for the January 2018 Board of Fisheries meeting for Southeast Alaska shellfish

The Department of Law has the following comments on the proposals by the Board of Fisheries at its January 2018 meeting for Southeast Alaska shellfish.

**Proposal 186:** If adopted at this meeting, even though this proposal seeks a change to statewide personal use regulations, this proposal could only affect the personal use regulations for the Southeastern Alaska and Yakutat Areas, given the regulatory notice for this meeting. The proposal purports to address and make illegal a situation where “a commercial establishment has been claiming to be providing [personal use caught] shellfish to their ‘guests’” who are actually patrons of a bar. Department of Law views that as an already illegal commercial use of personal use caught fish resources, and in any event the regulatory change sought by this proposal probably would not provide added clarity.

**Proposal 91:** This proposal appears to create a prohibited dedicated fund. The proposal could instead provide for proceeds from a sale of any overage to be forfeited to the state.