



# LAWS OF ALASKA

1988

**Source**

CSSSHB 346 (Res)

**Chapter No.**

93

**AN ACT**

Authorizing the Board of Fisheries to establish noncommercial fishing seasons and areas for elderly persons; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 2, 1988  
Actual Effective Date: June 3, 1988

AN ACT

Authorizing the Board of Fisheries to establish non-commercial fishing seasons and areas for elderly persons; and providing for an effective date.

\* Section 1. FINDINGS. The legislature finds that many people 60 years of age and older may need separate seasons and areas in order to continue sport, personal use, or subsistence fishing because they are generally less able to gain access to fishing areas that may be open to all age groups.

\* Sec. 2. AS 16.05.251(a) is amended to read:

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.-62) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the

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1       pursuit, capture, and transport of fish;

2               (5) establishing marking and identification requirements  
3 for means used in pursuit, capture, and transport of fish;

4               (6) classifying as commercial fish, sport fish, personal  
5 use fish, subsistence fish, or predators or other categories essential  
6 for regulatory purposes;

7               (7) watershed and habitat improvement, and management,  
8 conservation, protection, use, disposal, propagation, and stocking of  
9 fish;

10              (8) investigating and determining the extent and effect of  
11 disease, predation, and competition among fish in the state, exercis-  
12 ing control measures considered necessary to the resources of the  
13 state;

14              (9) prohibiting and regulating the live capture, posses-  
15 sion, transport, or release of native or exotic fish or their eggs;

16              (10) establishing seasons, areas, quotas, and methods of  
17 harvest for aquatic plants;

18              (11) establishing the times and dates during which the  
19 issuance of fishing licenses, permits, and registrations and the  
20 transfer of permits and registrations between registration areas is  
21 allowed; however, this paragraph does not apply to permits issued or  
22 transferred under AS 16.43;

23              (12) regulating commercial, sport, subsistence, and personal  
24 use fishing as needed for the conservation, development, and utiliza-  
25 tion of fisheries;

26              (13) requiring, in a fishery, observers on board fishing  
27 vessels, as defined in AS 16.05.475(d), that are registered under the  
28 laws of the state, as defined in AS 16.05.475(c), after making a  
29 written determination that an on-board observer program

1 (A) is the only practical data-gathering or enforce-  
2 ment mechanism for that fishery;

3 (B) will not unduly disrupt the fishery;

4 (C) can be conducted at a reasonable cost; and

5 (D) can be coordinated with observer programs of other  
6 agencies, including the National Marine Fisheries Service, North  
7 Pacific Fishery Management Council, and the International Pacific  
8 Halibut Commission;

9 (14) establishing nonexclusive, exclusive, and superexclu-  
10 sive registration and use areas for regulating commercial fishing.

11 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).