



LAWS OF ALASKA

1992

Source

CSHB 505(FIN) am

Chapter No.

90

AN ACT

Relating to the guided sport fishery, regulation of sport fishermen, allocation of fishery resources, the definition of "fishery"; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 18, 1992

Actual Effective Date: June 19, 1992

AN ACT

1 Relating to the guided sport fishery, regulation of sport fishermen, allocation of fishery resources, the
2 definition of "fishery"; and providing for an effective date.

3

4 * Section 1. AS 16.05.251(a) is amended to read:

5 (a) The Board of Fisheries may adopt regulations it considers advisable in accordance
6 with the Administrative Procedure Act (AS 44.62) for

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

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

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

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- 1 (4) establishing the means and methods employed in the pursuit, capture, and
2 transport of fish;
- 3 (5) establishing marking and identification requirements for means used in pursuit,
4 capture, and transport of fish;
- 5 (6) classifying as commercial fish, sport fish, guided sport fish, personal use fish,
6 subsistence fish, or predators or other categories essential for regulatory purposes;
- 7 (7) watershed and habitat improvement, and management, conservation, protection,
8 use, disposal, propagation, and stocking of fish;
- 9 (8) investigating and determining the extent and effect of disease, predation, and
10 competition among fish in the state, exercising control measures considered necessary to the
11 resources of the state;
- 12 (9) prohibiting and regulating the live capture, possession, transport, or release
13 of native or exotic fish or their eggs;
- 14 (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- 15 (11) establishing the times and dates during which the issuance of fishing licenses,
16 permits, and registrations and the transfer of permits and registrations between registration areas
17 is allowed; however, this paragraph does not apply to permits issued or transferred under
18 AS 16.43;
- 19 (12) regulating commercial, sport, guided sport, subsistence, and personal use
20 fishing as needed for the conservation, development, and utilization of fisheries;
- 21 (13) requiring, in a fishery, observers on board fishing vessels, as defined in
22 AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c),
23 after making a written determination that an on-board observer program
- 24 (A) is the only practical data-gathering or enforcement mechanism for that
25 fishery;
- 26 (B) will not unduly disrupt the fishery;
- 27 (C) can be conducted at a reasonable cost; and
- 28 (D) can be coordinated with observer programs of other agencies,
29 including the National Marine Fisheries Service, North Pacific Fishery Management
30 Council, and the International Pacific Halibut Commission;
- 31 (14) establishing nonexclusive, exclusive, and superexclusive registration and use

1 areas for regulating commercial fishing;

2 (15) regulating resident or nonresident sport fishermen as needed for the
 3 conservation, development, and utilization of fishery resources.

4 * Sec. 2. AS 16.05.251(e) is amended to read:

5 (e) The Board of Fisheries may allocate [SHALL ESTABLISH CRITERIA FOR THE
 6 ALLOCATION OF] fishery resources among personal use, sport, guided sport, and commercial
 7 fisheries. The board shall adopt [FISHING. THE] criteria for the allocation of fishery
 8 resources and shall use the criteria [MAY,] as appropriate to particular allocation decisions,
 9 The criteria may [,] include factors such as

10 (1) the history of each personal use, sport, guided sport, and commercial fishery;

11 (2) the number of residents and nonresidents who have participated in each fishery
 12 in the past and the number of residents and nonresidents who can reasonably be expected to
 13 participate in the future;

14 (3) the importance of each fishery for providing residents the opportunity to
 15 obtain fish for personal and family consumption;

16 (4) the availability of alternative fisheries resources;

17 (5) the importance of each fishery to the economy of the state;

18 (6) the importance of each fishery to the economy of the region and local area
 19 in which the fishery is located;

20 (7) the importance of each fishery in providing recreational opportunities for
 21 residents and nonresidents.

22 * Sec. 3. AS 16.05.940(12) is repealed and reenacted to read:

23 (12) "fishery" means a specific administrative area in which a specific fishery
 24 resource is taken with a specific type of gear; however, the Board of Fisheries may designate a
 25 fishery to include more than one specific administrative area, type of gear, or fishery resource;
 26 in this paragraph

27 (A) "gear" means the specific apparatus used in the harvest of a fishery
 28 resource; and

29 (B) "type of gear" means an identifiable classification of gear and may
 30 include

31 (i) classifications for which separate regulations are adopted by the

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- 1 Board of Fisheries or for which separate gear licenses were required by former
2 AS 16.05.550 - 16.05.630; and
3 (ii) distinct subclassifications of gear such as "power" troll gear
4 and "hand" troll gear or sport gear and guided sport gear;
5 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).