

**CS FOR HOUSE BILL NO. 170(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/15/95  
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Toohey

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to management of game populations and to the powers and  
2 duties of the commissioner of fish and game."

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

4 \* **Section 1.** LEGISLATIVE FINDINGS. The legislature finds that providing for high  
5 levels of harvest for human consumptive use in accordance with the sustained yield principle  
6 is the highest and best use of identified big game prey populations in most areas of the state  
7 and that those identified big game prey populations should be managed accordingly.

8 \* **Sec. 2.** AS 16.05.020 is amended to read:

9 Sec. 16.05.020. FUNCTIONS OF COMMISSIONER. The commissioner shall

10 (1) supervise and control the department, and may appoint and employ  
11 division heads, enforcement agents, and the technical, clerical, and other assistants  
12 necessary for the general administration of the department;

13 (2) manage, protect, maintain, improve, and extend the fish, game and  
14 aquatic plant resources of the state in the interest of the economy and general well-

1 being of the state;

2 (3) have necessary power to accomplish the foregoing including, but  
3 not limited to, the power to delegate authority to subordinate officers and employees  
4 of the department;

5 **(4) cooperate with and assist the Board of Fisheries and the Board**  
6 **of Game by implementing regulations as requested by either board.**

7 \* **Sec. 3.** AS 16.05.050 is amended by adding a new paragraph to read:

8 (20) to cooperate with and assist the Board of Fisheries and the Board  
9 of Game by implementing regulations and management plans as requested by either  
10 board.

11 \* **Sec. 4.** AS 16.05.255(e) is amended to read:

12 (e) The Board of Game shall adopt regulations, **consistent with the sustained**  
13 **yield principle,** to provide for **active** [INTENSIVE] management programs to restore  
14 the abundance or productivity of identified big game prey populations as necessary to  
15 achieve human consumptive use goals of the board in an area where the board has  
16 determined that

17 (1) consumptive use of the big game prey population is a preferred use;

18 (2) depletion of the big game prey population or reduction of the  
19 productivity of the big game prey population has occurred and may result, **or has**  
20 **resulted,** in a significant reduction in the allowable human harvest of the population;  
21 and

22 (3) enhancement of abundance or productivity of the big game prey  
23 population is feasibly achievable utilizing recognized and prudent active management  
24 techniques.

25 \* **Sec. 5.** AS 16.05.255(f) is amended to read:

26 (f) The Board of Game may not significantly reduce the taking of an identified  
27 big game prey population by adopting regulations relating to restrictions on harvest or  
28 access to the population, or to management of the population by customary  
29 adjustments in seasons, bag limits, open and closed areas, methods and means, or by  
30 other customary means authorized under (a) of this section, unless the board has  
31 adopted regulations, or has scheduled for adoption at the next regularly scheduled

1 meeting of the board regulations, that provide for **active** [INTENSIVE] management  
2 to increase the take of the population for human harvest consistent with (e) of this  
3 section. This subsection does not apply if the board

4 (1) determines that **active** [INTENSIVE] management would be

5 (A) ineffective, based on scientific information;

6 (B) inappropriate due to land ownership patterns; or

7 (C) against the best interest of subsistence uses; or

8 (2) declares that a biological emergency exists and takes immediate  
9 action to protect or maintain the big game prey population in conjunction with the  
10 scheduling for adoption of those regulations that are necessary to implement (e) of this  
11 section.

12 \* **Sec. 6.** AS 16.05.255(g)(2) is amended to read:

13 (2) "**active** [INTENSIVE] management" means management of an  
14 identified big game prey population to enhance, extend, and develop the population to  
15 maintain high levels or provide for higher levels of human harvest, including control  
16 of predation and prescribed or planned use of fire and other habitat improvement  
17 techniques, **but not including restrictions on methods or means of taking game,**  
18 **access to game, or human harvest of game.**

19 \* **Sec. 7.** AS 16.05.255(g) is amended by adding new paragraphs to read:

20 (3) "harvestable surplus" means the estimated number of animals that  
21 is equal to the approximate number of offspring born in a game population during the  
22 year less the approximate number of animals in the population that die during the year  
23 from all causes other than predation or human harvest;

24 (4) "high level of human harvest" means the harvest of one-third or  
25 more of the harvestable surplus of a game population by humans;

26 (5) "sustained yield" means the achievement and maintenance in  
27 perpetuity of a high level of human harvest of game on an annual or periodic basis.

28 \* **Sec. 8.** AS 16.05.255 is amended by adding a new subsection to read:

29 (h) The board shall attempt to manage game populations for which human use  
30 is an important use so as to provide at least one-half of the harvestable surplus for  
31 human harvest.

1 \* **Sec. 9.** AS 16.05.270 is amended to read:

2           Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. **(a)**  
3           For the purpose of administering AS 16.05.251 and 16.05.255, each board may  
4           delegate authority to the commissioner to act in its behalf.

5           **(b) If a board delegates authority to the commissioner, the commissioner**  
6           **shall cooperate with and assist the board by implementing regulations,**  
7           **management plans, and active management programs as requested by the board.**

8           **(c)** If there is a conflict between the board and the commissioner on proposed  
9           regulations, public hearings shall be held concerning the issues in question. If, after  
10          the public hearings, the board and the commissioner continue to disagree, the issue  
11          shall be certified in writing by the board and the commissioner to the governor who  
12          shall make a decision. The decision of the governor is final.

13 \* **Sec. 10.** AS 16.05.050(1) is repealed.