

HOUSE BILL NO. 348

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KELLER

Introduced: 1/31/08

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the adoption of regulations by the Board of Fisheries and the Board**
2 **of Game."**

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

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
6 accordance with AS 44.62 (Administrative Procedure Act) for

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

10 (2) establishing open and closed seasons and areas for the taking of
11 fish **as a means to allocate the asset of fish**; if consistent with resource conservation
12 and development goals, the board may adopt regulations establishing restricted
13 seasons and areas necessary for

14 (A) persons 60 years of age and older to participate in sport,

1 personal use, or subsistence fishing; or

2 (B) persons under 16 years of age to participate in sport
3 fishing;

4 (3) setting quotas, bag limits, harvest levels, and sex and size
5 limitations on the taking of fish **as a means to allocate the asset of fish;**

6 (4) establishing the means and methods employed in the pursuit,
7 capture, and transport of fish **as a means to allocate the asset of fish;**

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

10 (6) classifying as commercial fish, sport fish, guided sport fish,
11 personal use fish, subsistence fish, or predators or other **preferential** categories
12 essential for regulatory purposes;

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

15 (8) investigating and determining the extent and effect of disease,
16 predation, and competition among fish in the state, exercising control measures
17 considered necessary to the resources of the state;

18 (9) prohibiting and regulating the live capture, possession, transport, or
19 release of native or exotic fish or their eggs;

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

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

26 (12) regulating commercial, sport, guided sport, subsistence, and
27 personal use fishing as needed for the conservation, development, and utilization of
28 fisheries;

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

1 program

2 (A) is the only practical data-gathering or enforcement
3 mechanism for that fishery;

4 (B) will not unduly disrupt the fishery;

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

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

10 (14) establishing nonexclusive, exclusive, and superexclusive
11 registration and use areas for regulating commercial fishing;

12 (15) regulating resident or nonresident sport fishermen as needed for
13 the conservation, development, and utilization of fishery resources;

14 (16) requiring unlicensed fishing vessels present in or transiting the
15 waters of the state to report to the department the quantity, species, and origin of fish
16 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is
17 not licensed under AS 16.05.490 - 16.05.530;

18 (17) promoting fishing and preserving the heritage of fishing in the
19 state.

20 * **Sec. 2.** AS 16.05.255(a) is amended to read:

21 (a) The Board of Game may adopt regulations it considers advisable in
22 accordance with AS 44.62 (Administrative Procedure Act) for

23 (1) setting apart game reserve areas, refuges, and sanctuaries in the
24 water or on the land of the state over which it has jurisdiction, subject to the approval
25 of the legislature;

26 (2) establishing open and closed seasons and areas for the taking of
27 game **as a means to allocate the asset of game**;

28 (3) establishing the means and methods employed in the pursuit,
29 capture, taking, and transport of game **as a means to allocate the asset of game**,
30 including regulations, consistent with resource conservation and development goals,
31 establishing means and methods that may be employed by persons with physical

1 disabilities;

2 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
3 limitations on the taking of game **as a means to allocate the asset of game**;

4 (5) classifying game as game birds, song birds, big game animals, fur
5 bearing animals, predators, or other categories;

6 (6) methods, means, and harvest levels necessary to control predation
7 and competition among game **assets** in the state;

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

10 (8) prohibiting the live capture, possession, transport, or release of
11 native or exotic game or their eggs;

12 (9) establishing the times and dates during which the issuance of game
13 licenses, permits, and registrations and the transfer of permits and registrations
14 between registration areas and game management units or subunits is allowed;

15 (10) regulating sport hunting and subsistence hunting as needed for the
16 conservation, development, and **preferential use** [UTILIZATION] of game;

17 (11) taking game to ensure public safety;

18 (12) regulating the activities of persons licensed to control nuisance
19 wild birds and nuisance wild small mammals;

20 (13) promoting hunting and trapping and preserving the heritage of
21 hunting and trapping in the state.