

Introduced: 2/6/63
Referred: Resources

1 IN THE HOUSE

BY MESSRS. TAYLOR AND STRANDBERG

2 HOUSE CONCURRENT RESOLUTION NO. 2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 Relating to the withdrawal of
6 a regulation proposed to be
7 adopted by the Department of
8 Fish and Game.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS the Legislature in 1962 amended that section of the
11 law giving the Commissioner of Fish and Game certain powers to
12 regulate activities affecting rivers, lakes, and streams in the
13 state, by requiring him to "specify the various rivers, lakes and
14 streams or parts thereof that are important for the spawning or
15 migration of anadromous fish" and by making the law applicable
16 only to persons who intend to engage in activities affecting
17 "any such specified river, lake, or stream", and

18 WHEREAS the legislature intended that "specify" to mean
19 designate by name and not by area or drainage, and this intention
20 is well known to the present commissioner of fish and game, and

21 WHEREAS the commissioner now proposes to promulgate a regula-
22 tion which, if adopted, will be in clear violation of the meaning
23 and intent of the statute, in that (1) it does not specify rivers,
24 lakes and streams, but instead designates vast areas and (2) pur-
25 ports to establish a system of "permits" neither mentioned in nor
26 intended by the statute, and

27 WHEREAS, the action proposed to be taken by the commissioner
28 of fish and game grossly favors one interest in the state over
29 another, and violates the constitutional principle of maximum

1 use of the state's resources consistent with the public interest;
2 BE IT RESOLVED that the Governor is respectfully urged to
3 direct the Commissioner of Fish and Game to:
4 (a) withdraw and abandon his proposed water use regulations
5 as being contrary to the meaning and the intent of the law and
6 that he immediately go about specifying the individual rivers,
7 lakes and streams or parts thereof that are important for the
8 spawning or migration of anadromous fish with the intent of speci-
9 fying only those waters that are important migratory and spawning
10 waters and leaving free from regulation those waters more impor-
11 tant for mining or other uses and thus exercise the multiple-
12 use concept of our water resources, and, (b) require the intended
13 water user to follow the procedure that is already clearly spelled
14 out in the law and not inject a "permit" system into the regula-
15 tions.

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