

Original sponsor: Rules Committee

Offered: 5/2/78
Referred: Resources

1 IN THE HOUSE

BY THE SPECIAL COMMITTEE
ON SUBSISTENCE

2 CS FOR HOUSE BILL NO. 674

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regionalizing the Board of Fisheries and the
7 Board of Game."

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

9 * Section 1. AS 16.05.221 is repealed and re-enacted to read:

10 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
11 of the conservation and development of the fishery resources of the
12 state there are created seven boards of fisheries, each comprised of
13 seven members appointed by the governor without regard to political
14 affiliation from nominees submitted by advisory boards under sec. 261(3)
15 of this chapter and each exercising jurisdiction over one of the fol-
16 lowing areas:

17 (1) Southcentral Alaska, encompassing that area drained by
18 waters flowing into the Gulf of Alaska, Prince William Sound, and Cook
19 Inlet from the middle of Icy Strait westward along the coast to and
20 including Redoubt Creek on the west shore of Cook Inlet, including
21 Kayak, Hinchinbrook, Montague, Middleton, Kalgin, and adjacent islands;
22 that area draining into the Delta River which is upstream from Clear
23 Creek and Black Rapids Glacier; that area draining into the Nenana River
24 upstream from the southeast corner of Mt. McKinley National Park at
25 Windy; that area drained by the Tanana River and its tributaries up-
26 stream from the east bank of the Robertson River to the Alaska-Canada
27 boundary and the White River and its tributaries except the Ladue River
28 lying within Alaska; and those adjacent coastal waters to the limit of
29 the state's jurisdiction;

1 (2) Southeast Alaska, encompassing the Southeast Alaska
2 mainland and islands northward and westward from Dixon Entrance to the
3 middle of Icy Bay and the west side of the Guyot Hills; and those ad-
4 jacent coastal waters seaward to the limit of the state's jurisdiction;

5 (3) Arctic Alaska, encompassing that area drained by all
6 streams and rivers flowing into the Arctic Ocean between Cape Lisburne
7 and the Alaska-Canada boundary; the Firth River drainage lying within
8 Alaska; and those adjacent coastal waters seaward to the limit of the
9 state's jurisdiction;

10 (4) Northwestern Alaska, encompassing that area drained by
11 all streams flowing into the Arctic Ocean, Kotzebue Sound, Bering
12 Strait, and Norton Sound from Cape Lisburne on the north to but not
13 including the Pastolik River drainage on the south; King, Little
14 Diomede, St. Lawrence, Sledge, Stuart, and adjacent islands; and those
15 adjacent coastal waters seaward to the limit of the state's jurisdic-
16 tion;

17 (5) Western Alaska, encompassing that area draining into the
18 Yukon River downstream from but not including the Tozitna River drainage
19 on the north side of the Yukon River and up to but not including the
20 Tanana River drainage on the south side of the Yukon River; the Koyukuk
21 River upstream to and including the Dubli River drainage; all the
22 drainages into the Kuskokwim River and all streams flowing into the
23 Bering Sea from Cape Newenham on the south to and including the Pastolik
24 River drainage on the north; Nunivak and adjacent islands; and those
25 adjacent coastal waters seaward to the limit of the state's jurisdic-
26 tion.

27 (6) Interior Alaska, encompassing that area draining into the
28 north bank of the Yukon River, including islands in the Yukon River,
29 upstream from and including the Tozitna River drainage to the Alaska-

1 Canada boundary and the tributaries draining into the south bank of the
2 Yukon River from its confluence with the Tanana River to the Alaska-
3 Canada boundary, including the Alaska drainage of the Ladue and Forty-
4 mile Rivers; that area drained by the Tanana River and its tributaries
5 north of Clear Creek and Black Rapids Glacier on the Delta River and
6 downstream from the southeast corner of Mt. McKinley National Park at
7 Windy on the Nenana River and downstream from the east bank of the
8 Robertson River to the confluence of the Tanana and Yukon Rivers; and
9 that area drained by the Koyukuk River and its tributaries upstream from
10 but not including the Dubli River drainage;

11 (7) Southwest Alaska, encompassing that part of the Alaska
12 Peninsula and adjacent mainland which drains into the Pacific Ocean and
13 west side of Cook Inlet from False Pass and the mouth of Redoubt Creek
14 and into Bristol Bay from False Pass to Cape Newenham, and the islands
15 adjacent to the mainland between the above-named points; Kodiak,
16 Afognak, Chirikof, and Semidi, and all other adjacent offshore islands;
17 the Aleutian Islands and the Pribilof Islands; and those adjacent
18 coastal waters seaward to the limit of the state's jurisdiction.

19 (b) For the purposes of the conservation and development of the
20 game resources of the state, there are created seven boards of game,
21 each comprised of seven members appointed by the governor without regard
22 to political affiliation from names submitted by advisory boards in
23 accordance with sec. 261(3) of this chapter and each exercising juris-
24 diction over one of the following areas:

25 (1) Southcentral Alaska, encompassing that area drained by
26 waters flowing into the Gulf of Alaska, Prince William Sound, and Cook
27 Inlet from the middle of Icy Strait westward along the coast to and
28 including Redoubt Creek on the west shore of Cook Inlet, including
29 Kayak, Hinchinbrook, Montague, Middleton, Kalgin, and adjacent islands;

1 that area draining into the Delta River which is upstream from Clear
2 Creek and Black Rapids Glacier; that area draining into the Nenana River
3 upstream from the southeast corner of Mt. McKinley National Park at
4 Windy; that area drained by the Tanana River and its tributaries up-
5 stream from the east bank of the Robertson River to the Alaska-Canada
6 boundary and the White River and its tributaries except the Ladue River
7 lying within Alaska; and those adjacent coastal waters seaward to the
8 limit of the state's jurisdiction;

9 (2) Southeast Alaska, encompassing the Southeast Alaska main-
10 land and islands northward and westward from Dixon Entrance to the
11 middle of Icy Bay and the west side of the Guyot Hills; and those ad-
12 jacent coastal waters seaward to the limit of the state's jurisdiction;

13 (3) Northwestern-Arctic Alaska, encompassing that area
14 drained by all streams and rivers flowing into the Arctic Ocean between
15 Cape Lisburne and the Alaska-Canada boundary; the Firth River drainage
16 lying within Alaska; that area drained by all streams flowing into the
17 Arctic Ocean, Kotzebue Sound, Bering Strait, and Norton Sound from Cape
18 Lisburne on the north to but not including the Pastolik River drainage
19 on the south; King, Little Diomed, St. Lawrence, Sledge, Stuart, and
20 adjacent islands; and those adjacent coastal waters seaward to the limit
21 of the state's jurisdiction;

22 (4) Western Alaska, encompassing that area draining into the
23 Yukon River downstream from but not including the Tozitna River drainage
24 on the north side of the Yukon River and up to but not including the
25 Tanana River drainage on the south side of the Yukon River; the Koyukuk
26 River upstream to and including the Dubli River drainage; all the
27 drainages into the Kuskokwim River and all streams flowing into the
28 Bering Sea from Cape Newenham on the south to and including the Pastolik
29 River drainage on the north; Nunivak and adjacent islands; and those

1 adjacent coastal waters seaward to the limit of the state's jurisdic-
2 tion;

3 (5) Interior Alaska, encompassing that area draining into the
4 north bank of the Yukon River, including islands in the Yukon River, up-
5 stream from and including the Tozitna River drainage to the Alaska-
6 Canada boundary and the tributaries draining into the south bank of the
7 Yukon River from its confluence with the Tanana River to the Alaska-
8 Canada boundary, including the Alaska drainage of the Ladue and Forty-
9 mile Rivers; that area drained by the Tanana River and its tributaries
10 north of Clear Creek and Black Rapids Glacier on the Delta River and
11 downstream from the southeast corner of Mt. McKinley National Park at
12 Windy on the Nenana River and downstream from the east bank of the
13 Robertson River to the confluence of the Tanana and Yukon Rivers; and
14 that area drained by the Koyukuk River and its tributaries upstream from
15 but not including the Dubli River drainage;

16 (6) Southwest Alaska, encompassing that part of the Alaska
17 Peninsula and adjacent mainland which drains into the Pacific Ocean and
18 west side of Cook Inlet from False Pass and the mouth of Redoubt Creek
19 and into Bristol Bay from False Pass to Cape Newenham, and the islands
20 adjacent to the mainland between the above-named points; Afognak,
21 Chirikof, and Semidi, and all other adjacent offshore islands; the
22 Aleutian Islands and the Pribilof Islands; and those adjacent coastal
23 waters seaward to the limit of the state's jurisdiction;

24 (7) Kodiak Island; and those adjacent coastal waters seaward
25 to the limit of the state's jurisdiction.

26 (c) The commissioner or his designee shall serve as secretary to
27 each board.

28 (d) Persons appointed to the boards of fisheries and game must
29 reside in the area over which the board to which the person is

1 appointed exercises jurisdiction; however, persons appointed to the
2 board may include no more than one resident of each area over which an
3 advisory committee exercises emergency closure powers under sec. 260 of
4 this chapter.

5 * Sec. 2. AS 16.05 is amended by adding new sections to read:

6 Sec. 16.05.222. FISHERIES MANAGEMENT COUNCIL ESTABLISHED. Recogn-
7 nizing the highly migratory nature of marine and anadromous fish and
8 recognizing the impact of other states and nations on Alaskan fisheries,
9 the legislature hereby establishes a Fisheries Management Council to
10 ensure that regionalization of the state's regulatory power over
11 fisheries is not detrimental to those fisheries.

12 Sec. 16.05.223. MEMBERSHIP. The Fisheries Management Council is
13 composed of seven members to be elected from among the membership of
14 each board of fisheries by other members of that board. The commis-
15 sioner or his designee is secretary to the council.

16 Sec. 16.05.224. MEETINGS. The Fisheries Management Council shall
17 meet at least twice a year and shall hold special meetings at the re-
18 quest of any four boards of fisheries or upon call of the commissioner.

19 Sec. 16.05.225. STAFF. The commissioner shall provide staff
20 assistance to the Fisheries Management Council.

21 Sec. 26.05.226. DUTIES. (a) The Fisheries Management Council
22 shall facilitate coordination between all the fisheries boards in the
23 state by encouraging exchange of information between the boards.

24 (b) The Fisheries Management Council shall adopt regulations based
25 on biological information establishing statewide guidelines for the use
26 of the boards of fisheries in

27 (1) the establishment of open and closed areas for the taking
28 of fish;

29 (2) setting quotas and bag limits on the taking of fish;

1 (3) establishment of the means and methods employed in the
2 pursuit, capture, and transport of fish;

3 (4) classifying fish as commercial fish, sport fish, subsis-
4 tence fish or predators or other categories essential for regulatory
5 purposes;

6 (5) exercising control measures considered necessary to the
7 resources of the state;

8 (6) establishing seasons, areas, quotas and methods of har-
9 vest for aquatic plants.

10 (c) The Fisheries Management Council shall conduct public hearings
11 under sec. 270 of this chapter whenever there is a conflict between a
12 fisheries board and the commissioner on a proposed regulation.

13 Sec. 16.05.227. GAME MANAGEMENT COUNCIL ESTABLISHED. Recognizing
14 the need for cooperation between areas in the regulation of certain
15 species that migrate between areas, the legislature hereby establishes a
16 Game Management Council.

17 Sec. 16.05.228. MEMBERSHIP. The Game Management Council is com-
18 posed of seven members to be elected from among the membership of each
19 board of game by the other members of that board. The commissioner or
20 his designee is secretary to the council.

21 Sec. 16.05.229. MEETINGS. The Game Management Council shall meet
22 at least twice a year and shall hold special meetings at the request of
23 any four boards of game or upon call of the commissioner.

24 Sec. 16.05.231. STAFF. The commissioner shall provide staff
25 assistance to the Game Management Council.

26 Sec. 16.05.232. DUTIES. The Game Management Council shall

27 (1) facilitate coordination between all the game boards in
28 the state by encouraging exchange of information between the boards;

29 (2) assist game management boards having jurisdiction over

1 the same population of migratory game to establish uniform regulation;

2 (3) conduct public hearings under sec. 270 of this chapter
3 whenever there is a conflict between a game board and the commissioner
4 on a proposed regulation.

5 Sec. 16.05.233. POWERS. When a migratory game population travels
6 areas over which two or more game boards have jurisdiction the Game
7 Management Council may adopt regulations regarding management of the
8 population if the boards are unable to agree and one or more boards
9 submits the issue to the council for resolution.

10 * Sec. 3. AS 16.05.251 is amended to read:

11 Sec. 16.05.251. REGULATIONS OF THE BOARDS OF FISHERIES. (a) Each
12 board of fisheries [BOARD OF FISHERIES. THE BOARD OF FISHERIES] may,
13 consistent with guidelines adopted by regulation by the Fisheries
14 Management Council for the area over which the board has jurisdiction,
15 make regulations it considers advisable in accordance with the Admin-
16 istrative Procedure Act (AS 44.62) for

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

20 (2) establishment of open and closed seasons and areas for
21 the taking of fish;

22 (3) setting quotas and bag limits on the taking of fish;

23 (4) establishment of the means and methods employed in the
24 pursuit, capture and transport of fish;

25 (5) establishment of marking and identification requirements
26 for means used in pursuit, capture and transport of fish;

27 (6) classifying fish as commercial fish, sport fish, subsis-
28 tence fish, or predators or other categories essential for regulatory
29 purposes;

1 (7) engaging in biological research, watershed and habitat
2 improvement, fish management, protection, propagation and stocking;

3 (8) investigating and determining the extent and effect of
4 predation and competition among fish in the state, exercising control
5 measures including predation suppression considered necessary to the
6 resources of the state;

7 (9) entering into cooperative agreements with educational
8 institutions and state, federal, or other agencies to promote fish
9 research, management, education and information and to train persons
10 [MEN] for fish management;

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

13 (11) establishing seasons, areas, quotas and methods of har-
14 vest for aquatic plants;

15 (12) establishment of the times and dates during which the
16 issuance of fishing licenses, permits and registrations and the transfer
17 of permits and registrations between registration areas is allowed; how-
18 ever, this paragraph does not apply to permits issued or transferred
19 under ch. 43 of this title.

20 (b) No regulations adopted by a board of fisheries are effective
21 if the Fisheries Management Council finds them inconsistent with the
22 guidelines established under AS 26.05.226(b).

23 * Sec. 4. AS 16.05.255 is amended to read:

24 Sec. 16.05.255. REGULATIONS OF THE BOARDS OF GAME. (a) Each
25 board of game [BOARD OF GAME. THE BOARD OF GAME] may for the area over
26 which the board has jurisdiction make regulations it considers advisable
27 in accordance with the Administrative Procedure Act (AS 44.62) for

28 (1) setting apart game reserve areas, refuges and sanctuaries
29 in the waters or on the lands of the state over which it has jurisdic-

1 tion, subject to the approval of the legislature;

2 (2) establishment of open and closed seasons and areas for
3 the taking of game;

4 (3) establishment of the means and methods employed in the
5 pursuit, capture and transport of game;

6 (4) setting quotas and bag limits on the taking of game;

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

9 (6) investigating and determining the extent and effect of
10 predation and competition among game in the state, exercising control
11 measures considered necessary to the resources of the state and designating
12 game management units or parts of game management units in which
13 bounties for predatory animals shall be paid;

14 (7) engaging in biological research, watershed and habitat
15 improvement, and game management, protection, propagation and stocking;

16 (8) entering into cooperative agreements with educational
17 institutions and state, federal, or other agencies to promote game
18 research, management, education, and information and to train persons
19 [MEN] for game management;

20 (9) prohibiting the live capture, possession, transport, or
21 release of native or exotic game or their eggs;

22 (10) establishing the times and dates during which the issu-
23 ance of game licenses, permits and registrations and the transfer of
24 permits and registrations between registration areas and game management
25 units or subunits is allowed.

26 (b) No regulations which affect migratory game populations are
27 effective unless adopted by all boards having jurisdiction over the
28 range of that population.

29 * Sec. 5. AS 16.05.257(a) is amended to read:

1 (a) Each board of game [THE BOARD OF GAME], at its regularly
2 scheduled annual meeting, shall consider and may adopt regulations pro-
3 viding for subsistence hunting in a game management unit or subunit or a
4 portion of a unit or subunit in the area over which the board exercises
5 jurisdiction upon

6 (1) recommendation of the department, based on biological
7 evidence;

8 (2) the recommendation [MAJORITY VOTE] of the active local
9 advisory committees for that game management unit or subunit or a por-
10 tion of a unit or subunit;

11 (3) the written petition of not less than 100 interested
12 residents of that game management unit or subunit or a portion of a unit
13 or subunit; or

14 (4) the written petition of not less than 25 interested
15 residents of an area which is requested for establishment as a subsis-
16 tence area within a game management unit or subunit or a portion of a
17 unit or subunit.

18 * Sec. 6. AS 16.05.257(c) is repealed and re-enacted to read:

19 (c) No regulations may be adopted by a board of game under (a),
20 (b) or (f) of this section unless, in addition to the requirements of AS
21 44.62.180 - 44.62.290, the department

22 (1) holds public hearings, after reasonable notice, at least
23 30 days before the meeting at which the regulations are to be adopted,
24 with at least one of the hearings being held in close proximity to the
25 area potentially affected;

26 (2) presents at the hearings the information ascertained in
27 (e) of this section;

28 (3) makes the information provided for in (e) of this section
29 available to the appropriate advisory committees and to petitioners if

1 consideration of adoption of regulations was prompted by petitions under
2 (a)(3) or (4) of this section; comments shall be received by the board
3 until 10 days before any adoption of regulations.

4 * Sec. 7. AS 16.05.257(d) is amended to read:

5 (d) A petition submitted under (a)(3) - (4) of this section shall
6 contain a complete description of the area requested as a subsistence
7 area and a specification of the species within the area considered
8 necessary for subsistence use. A petition or request made under (a)(2),
9 (3) or (4) of this section must be filed with the department at least
10 75 days before the next scheduled meeting of the board.

11 * Sec. 8. AS 16.05.257(e) is repealed and re-enacted to read:

12 (e) The department shall investigate every petition or request
13 made under (a)(2), (3) or (4) of this section and ascertain the follow-
14 ing information:

15 (1) the concentration and carrying capacity of the species to
16 be affected;

17 (2) the concentration of other species;

18 (3) the extent of competition of other species with the
19 affected species in the area;

20 (4) the current hunting practices in the area, including
21 numbers of animals taken and by what methods and means, whether the take
22 is subsistence or recreational, and characteristics of the hunters;

23 (5) the past and present dependence of persons in the area
24 for subsistence use of a species;

25 (6) the biomass of the species to be affected;

26 (7) the game population trends in the area; and

27 (8) whether the game population is able to support a non-
28 subsistence harvest.

29 * Sec. 9. AS 16.05.257 is amended by adding a new subsection to read:

1 (i) A board of game may make no decision denying, creating or
2 changing a subsistence hunting area unless based on specific written
3 findings of fact regarding all the information ascertained under (e) of
4 this section. No subsistence hunting area may be created if the board
5 determines that creation of such an area will jeopardize or interfere
6 with the maintenance of game populations on a sustained-yield basis.

7 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

8 (1) "subsistence hunting" means the taking of game animals by
9 a state resident for subsistence uses by means defined by a board of
10 game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

11 * Sec. 11. AS 16.05.257(h)(2) is repealed and re-enacted to read:

12 (2) "subsistence hunting area" means an area in which only
13 subsistence hunting of a particular species is permitted.

14 * Sec. 12. AS 16.05 is amended by adding a new section to read:

15 Sec. 16.05.258. SUBSISTENCE FISHING REGULATIONS. (a) Each board
16 of fisheries, at its regularly scheduled annual meeting, shall consider
17 and may adopt regulations providing for subsistence fishing in the area
18 over which the board exercises jurisdiction upon

19 (1) recommendation of the department, based on biological
20 evidence;

21 (2) recommendation of the active local advisory committees
22 for that jurisdiction;

23 (3) the written petition of not less than 100 interested
24 residents of that jurisdiction; or

25 (4) the written petition of not less than 25 interested
26 residents of an area which is requested for establishment as a subsis-
27 tence area.

28 (b) The regulations may include but are not limited to the fol-
29 lowing:

- 1 (1) the establishment of subsistence fishing areas;
2 (2) the regulation of transportation methods and means to
3 protect subsistence fishing within subsistence fishing areas;
4 (3) the establishment of open and closed seasons and areas to
5 protect subsistence fishing.

6 (c) No regulations may be adopted by a board of fisheries under
7 (a), (b) or (f) of this section unless, in addition to the requirements
8 of AS 44.62.180 - 44.62.290, the department

9 (1) holds public hearings, after reasonable notice, at least
10 30 days before the meeting at which the regulations are to be adopted,
11 with at least one of the hearings being held in close proximity to the
12 area potentially affected;

13 (2) presents at the hearings the information ascertained in
14 (e) of this section;

15 (3) makes the information provided for in (e) of this section
16 available to the appropriate advisory committees and to petitioners if
17 consideration of adoption of regulations was prompted by petitions under
18 (a)(3) or (4) of this section; comments shall be received by the board
19 until 10 days before any adoption of regulations.

20 (d) A petition submitted under (a)(3) - (4) of this section shall
21 contain a complete description of the area requested as a subsistence
22 area and a specification of the species within the area considered
23 necessary for subsistence use. A petition or request made under (a)(2),
24 (3) or (4) of this section must be filed with the department at least
25 75 days before the next scheduled meeting of the board.

26 (e) The department shall investigate every petition or request
27 made under (a)(2), (3) or (4) of this section and ascertain the follow-
28 ing information:

- 29 (1) the concentration and carrying capacity of the species to

1 be affected;

2 (2) the concentration of other species;

3 (3) the extent of competition of other species with the
4 affected species in the area;

5 (4) the current fishing practices in the area, including
6 numbers of fish taken and by what methods and means, whether the take is
7 subsistence or recreational, and characteristics of the fishermen;

8 (5) the past and present dependence of persons in the area
9 for subsistence use of a species;

10 (6) the biomass of the area species to be affected;

11 (7) the fish population trends in the area; and

12 (8) whether the fish population is able to support a nonsub-
13 sistence harvest.

14 (f) Each board of fisheries at any time may review and change the
15 boundaries of a subsistence fishing area upon

16 (1) the recommendation of the department, based on biological
17 evidence;

18 (2) the written petition of not less than 25 interested
19 residents of that area; or

20 (3) the majority vote of the active local advisory committees
21 for that area.

22 (g) The department shall submit a report to the legislature during
23 the first 10 days of each legislative session beginning after January 1,
24 1979. The report shall include, but is not limited to, a list of the
25 specific subsistence fishing areas established or modified during the
26 preceding year and the species subject to subsistence use within those
27 areas.

28 (h) A board of fisheries may make no decision denying, creating or
29 changing a subsistence fishing area unless based on specific written

1 findings of fact regarding all the information ascertained under (e) of
2 this section. No subsistence fishing area may be created if the board
3 determines that creation of such an area will jeopardize or interfere
4 with the maintenance of fish populations on a sustained-yield basis.

5 (i) In this section,

6 (1) "subsistence fishing" means the taking of fish by a state
7 resident for subsistence uses by means defined by a board of fisheries;

8 (2) "subsistence fishing area" means an area in which only
9 subsistence fishing of the affected species is permitted.

10 * Sec. 13. AS 16.05.260 is amended to read:

11 Sec. 16.05.260. ADISORY COMMITTEES. A board [THE BOARD] of
12 fisheries [FISHERIES] and a board [THE BOARD] of game [GAME] may make
13 regulations they consider advisable in accordance with the Administra-
14 tive Procedure Act (AS 44.62) establishing seven advisory committees in
15 the area of the state over which the board exercises jurisdiction.
16 These [, AT PLACES IN THE STATE DESIGNATED BY THE INDIVIDUAL BOARDS,]
17 advisory committees shall [TO] be composed of persons well informed on
18 the fish or game resources of the locality. The boards shall set the
19 number and terms of each of the members of the advisory committees,
20 establish the areas of jurisdiction for the advisory committees, provide
21 for the election of officers [SHALL DELEGATE ONE MEMBER OF EACH COMMIT-
22 TEE AS CHAIRMAN], and [SHALL] give the officers [HIM] authority to hold
23 public hearings on fish or game matters. Recommendations from the
24 advisory committees shall be forwarded to the appropriate board for
25 [THEIR] consideration. If a board [BUT IF THE BOARD] of fisheries
26 [FISHERIES] or a board [THE BOARD] of game [GAME] chooses not to follow
27 the recommendations of a [THE] local advisory committee, it [THE APPRO-
28 PRIATE BOARD] shall inform the [APPROPRIATE] advisory committee of its
29 [THIS ACTION AND STATE THE] reasons for not following the recommenda-

1 tions. The commissioner shall delegate authority to advisory committees
2 for emergency closures during established seasons. The commissioner is
3 empowered to set aside and make null and void only opening of seasons
4 set by the advisory committees under this section. A [THE APPROPRIATE]
5 board shall issue [PROMULGATE THE NECESSARY] regulations governing
6 [THESE] closures under this section.

7 * Sec. 14. AS 16.05 is amended by adding new sections to read:

8 Sec. 16.05.261. DUTIES OF ADVISORY COMMITTEES. Fish and game
9 advisory committees shall

10 (1) prepare recommendations for presentation at meetings of
11 the appropriate board of fisheries or board of game;

12 (2) present research requests to the appropriate board of
13 fisheries or board of game;

14 (3) nominate residents of the area over which the relevant
15 board has jurisdiction to fill vacancies on the board of fisheries or
16 the board of game for the area.

17 Sec. 16.05.262. TRAVEL EXPENSES. Members of fish and game advi-
18 sory boards are entitled to travel and per diem authorized by law for
19 other boards while attending meetings of the board of fisheries and
20 board of game for the area, or while attending a joint meeting with
21 another advisory board outside their board's area of jurisdiction.

22 * Sec. 15. AS 16.05.270 is amended to read:

23 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the
24 purpose of administering secs. 251 and 255 of this chapter, each board
25 may delegate authority to the commissioner to act in its behalf. If
26 there is a conflict between the board and the commissioner on proposed
27 regulations, the issue shall be referred to either the Fisheries Manage-
28 ment Council or the Game Management Council, which shall hold public
29 hearings [SHALL BE HELD] concerning the issues in question. If, after

1 the public hearings, the board and the commissioner continue to dis-
2 agree, the issue shall be certified in writing by the board and the
3 commissioner to the governor who shall make a decision. The decision of
4 the governor is final.

5 * Sec. 16. AS 16.05 is amended by adding a new section to read:

6 Sec. 16.05.306. BOARD STAFF. Each board of fisheries and board of
7 game shall be assisted by an executive director appointed by the board
8 and a sufficient staff. The executive director appointed shall be a
9 person thoroughly familiar with fish and wildlife biology, with the
10 operation of the department, and with the people of the region over
11 which the board exercises jurisdiction. The staff shall be located
12 within the area over which the board exercises jurisdiction, and shall
13 have the expertise required to document the local knowledge provided by
14 the advisory committees in such a manner that the local knowledge may be
15 incorporated by the data base of the department. The staff, with the
16 assistance of the department, is responsible for disseminating informa-
17 tion within the area over which the board exercises jurisdiction through
18 workshops, media communication, and publications. In addition, the
19 executive director and his staff are responsible for assisting the
20 department in developing its regional management plans.

21 * Sec. 17. AS 16.05.930(d) is amended to read:

22 (d) No nondomestic animals of any species may be transferred or
23 transported from the state under (a) of this section unless approved by
24 the appropriate board of game [BOARD OF GAME] in regular or special
25 meeting. Animals transferred or transported under (a) of this section
26 shall be animals that are certified by the department to be surplus and
27 unnecessary to the sustained yield management of the resource. Each
28 application for a permit under (a) of this section shall be accompanied
29 by a statement prepared by the Department of Fish and Game examining the

1 probable environmental impact of the action.

2 * Sec. 18. AS 16.05.940(1) is amended to read:

3 (1) "a board" or "the board" means either a board of fish-
4 eries [THE BOARD OF FISHERIES] or a board of game [THE BOARD OF GAME];

5 * Sec. 19. AS 16.05.940 is amended by adding a new paragraph to read:

6 (26) "subsistence uses" means the customary and traditional
7 uses in Alaska of wild, renewable resources for direct personal or
8 family consumption as food, shelter, fuel, clothing, tools, or trans-
9 portation, for the making and selling of handicraft articles out of non-
10 edible by-products of fish and wildlife resources taken for personal or
11 family consumption, and for the customary trade, barter or sharing for
12 personal or family consumption; for the purposes of this paragraph,
13 "family" means all persons related by blood, marriage, or adoption, and
14 any person living within the household on a permanent basis.

15 * Sec. 20. AS 41.99.010 is amended to read:

16 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this
17 title denies the Department of Fish and Game or the boards of fisheries
18 and game [BOARD OF FISH AND GAME] their management and enforcement
19 responsibilities related to the fish and game of this state.

20 * Sec. 21. AS 16.05.300(b), 16.05.305, and 16.05.940(17) are repealed.

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