

Original sponsor: Rules/Governor

Offered: 4/27/79
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2

2d HOUSE CS FOR SENATE BILL NO. 71

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act relating to the management of fish and game,

7

and providing for an effective date."

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

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* Section 1. AS 16.05 is amended by adding new sections to read:

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Sec. 16.05.222. FISH AND GAME RESOURCE MANAGEMENT REGIONS. For

11

the purposes of utilization, conservation and development of the fish

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and wildlife resources of the state, there are created seven fish and

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game resource management regions, the exact boundaries of which shall be

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established by the Board of Fisheries and the Board of Game, acting

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jointly. The regions shall encompass the following general areas:

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(1) Southeast Alaska: The Southeast Alaska mainland and

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islands northward and westward from Dixon Entrance to Cape Suckling, and

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the adjacent coastal water seaward to the limit of the state's juris-

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diction.

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(2) Southcentral Alaska: The area drained by water flowing

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into the Gulf of Alaska, Prince William Sound, and Cook Inlet from Cape

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Suckling westward to Cape Douglas at the base of the Alaska Peninsula,

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including all coastal islands north of Shuyak Island and the adjacent

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coastal water to the limit of the state's jurisdiction, and the area

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lying south of the rim of the Alaska Range and Wrangell Mountains.

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(3) Southwest Alaska: The part of the Alaska Peninsula south

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and southwest of a straight line between Cape Kumlik and the north side

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of Port Heiden; the Aleutian Islands, the Pribilof Islands, and all

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other adjacent offshore islands; and the adjacent coastal water seaward

1 to the limit of the state's jurisdiction.

2 (4) Western Alaska: The area north of a straight line be-
3 tween Cape Kumlik and the north side of Port Heiden and west of the
4 crest of the Aleutian Range, including all land drained by water flowing
5 into Bristol Bay, the land within the boundaries of the Calista Regional
6 Corporation, Nunivak and St. Matthew Islands, all other islands along
7 the coast, and the adjacent coastal water seaward to the limit of the
8 state's jurisdiction.

9 (5) Northwest-Arctic Alaska: The area drained by all waters
10 flowing into the Arctic Ocean, Kotzebue Sound, Bering Strait and Norton
11 Sound from the Alaska-Canada boundary to, but not including, the Pasto-
12 lik River drainage on the south; King, Little Diomede, St. Lawrence,
13 Sledge, Stuart, and adjacent islands, and the adjacent coastal water
14 seaward to the limit of the state's jurisdiction.

15 (6) Interior Alaska: The land encompassing the drainages of
16 the Yukon and Kuskokwim Rivers northward from the boundary of the South-
17 central Region, eastward from the boundary of the Western Region, east-
18 ward and southward from the boundary of the Northwest-Arctic Region, and
19 extending to the United States-Canada border.

20 (7) Kodiak: Shuyak, Afognak, Kodiak, Trinity, Sutwick,
21 Chirikof, and Semidi Islands, and the Alaska Peninsula mainland east of
22 the crest of the Aleutian Range from Cape Douglas to Cape Kumlik.

23 Sec. 16.05.224. REGIONAL FISH AND GAME COUNCILS. (a) The Board
24 of Fisheries and the Board of Game, acting jointly, shall establish a
25 regional fish and game council within each fish and game resource manage-
26 ment region.

27 (b) Each regional fish and game council shall

28 (1) hold public meetings on fish and wildlife matters;

29 (2) elect a chairman;

1 (3) develop and amend, when necessary, a comprehensive plan
2 for the utilization, development and conservation of fish and wildlife
3 resources within the region;

4 (4) prepare recommendations for submission to the Board of
5 Fisheries and the Board of Game for policy determinations and regula-
6 tions which implement the comprehensive plan or any part of the compre-
7 hensive plan or which relate to a use or policy within its region that
8 affects any part of the comprehensive plan;

9 (5) before developing the comprehensive plan, or any part of
10 it, prepare recommendations for policy determinations and regulations
11 for submission to the Board of Fisheries and the Board of Game concern-
12 ing the utilization, development and conservation of fish and wildlife
13 resources within its region;

14 (6) review and evaluate proposals for regulations, policies,
15 management and comprehensive plans, and other matters relating to uses
16 of fish and wildlife within its region;

17 (7) hire necessary staff;

18 (8) perform other duties which may be specified by the Board
19 of Fisheries and the Board of Game by regulation.

20 (c) Recommendations proposed under (b)(4) or (5) of this section
21 shall be submitted to the Board of Fisheries or the Board of Game, as
22 appropriate, before the regularly scheduled meeting of the board and
23 shall include written statements which provide substantial, factual
24 support for each recommended policy and regulation.

25 (d) Each regional fish and game council shall provide a forum for,
26 and assist its local advisory committees in obtaining, the opinions and
27 recommendations of persons interested in fish and wildlife matters in a
28 manner which maximizes local participation in the decision-making process
29 and in the development of the comprehensive plan. If differences of

1 opinion exist between the local advisory committees, the regional fish
2 and game council shall attempt to develop areas of compromise and to
3 reach a regional consensus on matters of controversy.

4 (e) The Board of Fisheries or the Board of Game shall consider and
5 may adopt a recommendation submitted to it under (b)(4) or (5) of this
6 section at its next regularly scheduled board meeting. The board shall
7 make written findings of fact detailing the basis for its failure to
8 adopt a recommendation.

9 (f) If a fish or game population travels across areas represented
10 by two or more regional councils, the councils representing the areas
11 shall cooperate in the preparation of plans and recommended policies and
12 regulations for the fish or game population. If two or more regional
13 councils submit conflicting recommendations which relate to a fish or
14 wildlife population which travels across one or more regions, the Board
15 of Fisheries or the Board of Game shall resolve the dispute in an equi-
16 table manner and shall adopt appropriate regulations.

17 (g) Comprehensive plans prepared under (b)(3) of this section
18 shall be submitted to the boards no later than November 1, 1981. Amend-
19 ments to the plan may be prepared and submitted at any time.

20 Sec. 16.05.245. MEMBERSHIP. (a) Each regional council consists
21 of seven members appointed by the governor from a list of names sub-
22 mitted under (b) of this section and confirmed by a majority of the
23 membership of the legislature meeting in joint session. Each regional
24 council member shall be well informed about the fish and wildlife re-
25 sources of the region to which he is appointed.

26 (b) The advisory committees established under AS 16.05.260 and
27 other interested persons residing within the appropriate region shall
28 submit lists of nominees to the governor for appointment to the appro-
29 priate regional council.

1 Sec. 16.05.248. TERMS. Members of regional councils serve for
2 four-year terms except that, of the initial appointments to each region-
3 al council, two members shall serve for four years, two members shall
4 serve for three years, two members shall serve for two years, and one
5 member shall serve for one year.

6 Sec. 16.05.252. VACANCIES. Vacancies on a regional council shall
7 be filled in the same manner as original appointments. A member appoint-
8 ed to fill a vacancy serves for the unexpired portion of the term of the
9 member he succeeds.

10 * Sec. 2. AS 16.05.260 is amended to read:

11 Sec. 16.05.260. ADVISORY COMMITTEES. (a) The Board of Fisheries
12 and the Board of Game meeting jointly may make regulations they consider
13 advisable in accordance with the Administrative Procedure Act (AS 44.62)
14 establishing [, AT PLACES IN THE STATE DESIGNATED BY THE INDIVIDUAL
15 BOARDS,] advisory committees to be composed of persons well informed on
16 the fish or game resources of the locality. [THE BOARDS SHALL SET THE
17 NUMBER AND TERMS OF EACH OF THE MEMBERS OF THE ADVISORY COMMITTEES,
18 SHALL DELEGATE ONE MEMBER OF EACH COMMITTEE AS CHAIRMAN, AND SHALL GIVE
19 HIM AUTHORITY TO HOLD PUBLIC HEARINGS ON FISH OR GAME MATTERS.] Recom-
20 mendations from the advisory committees shall be forwarded to the appro-
21 priate regional councils and the Board of Fisheries or the Board of
22 Game, as appropriate [BOARD] for their consideration. The regional
23 councils shall forward the recommendations of the local advisory
24 committees along with the regional council recommendations to the Board
25 of Fisheries or the Board of Game, as appropriate. If a recommendation
26 is not adopted, the Board of Fisheries or the Board of Game shall issue
27 written findings stating the basis for its failure to adopt the recom-
28 mendations of the local advisory committee [BUT IF THE BOARD OF FISHER-
29 IES OR THE BOARD OF GAME CHOOSES NOT TO FOLLOW THE RECOMMENDATIONS OF

1 THE LOCAL ADVISORY COMMITTEE THE APPROPRIATE BOARD SHALL INFORM THE
2 APPROPRIATE ADVISORY COMMITTEE OF THIS ACTION AND STATE THE REASONS FOR
3 NOT FOLLOWING THE RECOMMENDATIONS]. The commissioner shall delegate
4 authority to advisory committees for emergency closures during esta-
5 blished seasons. [THE COMMISSIONER IS EMPOWERED TO SET ASIDE AND MAKE
6 NULL AND VOID ONLY OPENING OF SEASONS SET BY THE ADVISORY COMMITTEES
7 UNDER THIS SECTION.] The appropriate board shall promulgate the neces-
8 sary regulations governing these closures.

9 (b) In addition to the procedure for establishing advisory com-
10 mittees set out in (a) of this section, an advisory committee may be
11 established as provided in this subsection. Twenty-five persons from a
12 specifically defined local area may, with the concurrence of the
13 regional fish and game council for their region, petition the Board of
14 Fisheries and the Board of Game jointly for the establishment of an
15 advisory committee under regulations adopted jointly by the Board of
16 Fisheries and the Board of Game. Upon receipt of the petition, the
17 Board of Fisheries and the Board of Game jointly shall establish the
18 advisory committee. An advisory committee formed under this subsection
19 has the same powers and responsibilities as an advisory committee formed
20 under (a) of this section.

21 (c) The advisory committees, including advisory committees estab-
22 lished before July 1, 1979, shall provide a primary source in obtaining
23 the opinions and recommendations of local persons concerning fish and
24 wildlife management. The regional councils shall provide assistance to
25 the advisory committees for this purpose.

26 * Sec. 3. AS 16.05.290 is amended to read:

27 Sec. 16.05.290. COMPENSATION OF BOARD AND COUNCIL MEMBERS. Each
28 member of a board and of a regional council is entitled to travel ex-
29 penses and \$100 per diem for each day going to and from and for each day

1 in actual attendance at board meetings and other meetings or conferences
2 authorized by a board or by a regional council.

3 * Sec. 4. AS 16.05.320 is amended by adding a new subsection to read:

4 (b) A majority of the members of a regional council constitutes a
5 quorum for the transaction of business, for the performance of any duty,
6 and for the exercise of any power.

7 * Sec. 5. AS 16.05.400(b) is amended to read:

8 (b) A sport fishing, hunting or trapping license is not required
9 of a resident who is 60 years of age or more and has been a resident for
10 30 consecutive years or more [, AS LONG AS HE REMAINS A RESIDENT].

11 The commissioner of revenue shall issue a permanent identification card
12 without charge to persons who qualify by age and residence and who com-
13 plete the forms required by the commissioner for implementation of this
14 subsection. The possession of a permanent identification card is not
15 required of a person who qualifies under this subsection to conduct the
16 activities authorized by a sport fishing, hunting or trapping license;
17 however, if the person identified on the permanent identification card
18 issued in accordance with this section needs a hunting, sport fishing
19 or trapping license for other purposes set out in state or federal law,
20 including but not limited to obtaining harvest tickets, game tags,
21 punch cards or federal duck stamps, he may, upon presenting the permanent
22 identification card to the commissioner of revenue or his authorized
23 deputy, or a person appointed to issue licenses under AS 16.05.380, be
24 issued the necessary annual resident hunting, trapping or sport fishing
25 license without charge.

26 * Sec. 6. The governor shall make initial appointments to the regional
27 councils established in AS 16.05.224 within six months after the effective
28 date of this Act.

29 * Sec. 7. The Board of Fisheries and the Board of Game, acting jointly,

1 shall adopt regulations in accordance with the Administrative Procedure Act
2 (AS 44.62) establishing exact boundaries for the areas described in AS 16.05.-
3 222 within one year after the completion of initial appointments to the
4 regional councils in accordance with sec. 6 of this Act.

5 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
6 070(c).

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