

Introduced: 2/25/85
Referred: House Special Committee
on Fisheries, Resources and Finance

1 IN THE HOUSE

BY MARROU

2 HOUSE BILL NO. 235

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to management plans and regulations
7 adopted by the Board of Fisheries."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.252. ADOPTION OF MANAGEMENT PLANS AND REGULATIONS.

11 (a) Unless it would be inconsistent with the requirements of AS 16.-
12 05.251(b), a management plan or regulation adopted by the Board of
13 Fisheries shall

14 (1) be designed primarily to achieve the maximum sustain-
15 able yield of the fishery resources addressed in the plan or regula-
16 tion;

17 (2) be based on the best scientific information available
18 from public and private sources; and

19 (3) minimize costs to the state and user groups of adminis-
20 tering the plan and avoid unnecessary duplication.

21 (b) Except for regulations adopted under AS 16.05.251(b), if the
22 Board of Fisheries determines that a regulation or management plan
23 must include the allocation of fishery resources among different user
24 groups in order to conserve or develop the fishery resources, the
25 board shall establish restrictions and limitations on and priorities
26 for the use of the fishery resources on the basis of the following
27 factors:

28 (1) the effect on the affected user group, including

1 economic loss, if any, that may occur as a result of the limitation or
2 restriction;

3 (2) the economic effect on the communities affected by the
4 restriction or limitation; and

5 (3) the availability of alternative fishery resources and
6 the feasibility of providing an alternative fishery resource to the
7 user group that is subject to the limitation or restriction.

8 (c) Except for regulations adopted under AS 16.05.251(b), a
9 management plan or regulation that includes the allocation of fishery
10 resources among different user groups shall include the board's writ-
11 ten findings of fact supporting the conclusion that it is necessary to
12 exclude or limit a group's use of the fishery resources to prevent
13 jeopardy to the maintenance of fish stocks on a sustained-yield basis.

14 (d) The commissioner may participate in the development of a
15 Board of Fisheries management plan. During the period of public
16 notice required under AS 44.62.190 the commissioner shall review each
17 management plan and state in writing the department's position in
18 support of or in opposition to the plan. The commissioner's statement
19 shall be included in the record of the board's actions in adopting the
20 management plan.

21 (e) This section does not apply to emergency regulations adopted
22 under AS 44.62.250.