

HOUSE BILL NO. 413

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MACKIE, Kubina

Introduced: 1/21/92

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to boards of fisheries; and providing for an effective date."

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

3 * Section 1. AS 16.05.050 is amended to read:

4 Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has,
5 but not by way of limitation, the following powers and duties:6 (1) to assist the United States Fish and Wildlife Service in the enforcement of
7 federal laws and regulations pertaining to fish and game;8 (2) through the appropriate state agency and under the provisions of AS 36.30
9 (State Procurement Code), to acquire by gift, purchase, or lease, or other lawful means, land,
10 buildings, water, rights-of-way, or other necessary or proper real or personal property when the
11 acquisition is in the interest of furthering an objective or purpose of the department and the state;12 (3) under the provisions of AS 36.30, to design and construct hatcheries, pipelines,
13 rearing ponds, fishways, and other projects beneficial for the fish and game resources of the state;

14 (4) to accept money from any person under conditions requiring the use of the

1 money for specific purposes in the furtherance of the protection, rehabilitation, propagation,
2 preservation, or investigation of the fish and game resources of the state or in settlement of
3 claims for damages to fish or game resources;

4 (5) to collect, classify, and disseminate statistics, data, and information that, in
5 the commissioner's discretion, will tend to promote the purposes of this title except AS 16.51 and
6 AS 16.52;

7 (6) to capture, propagate, transport, buy, sell, or exchange fish or game or eggs
8 for propagating, scientific, or stocking purposes;

9 (7) under the provisions of AS 36.30, to provide public facilities where necessary
10 or proper to facilitate the taking of fish or game, and to enter into cooperative agreements with
11 any person to effect them;

12 (8) to exercise administrative, budgeting, and fiscal powers;

13 (9) under the provisions of AS 36.30, to construct, operate, supervise, and
14 maintain vessels used by the department;

15 (10) to authorize the holder of an interim-use permit under AS 16.43 to engage
16 on an experimental basis in commercial taking of a fishery resource with vessel, gear, and
17 techniques not presently qualifying for licensing under this chapter in conformity with standards
18 established by the Alaska Commercial Fisheries Entry Commission;

19 (11) not later than January 31 of each year, to provide to the commissioner of
20 revenue the names of those fish and shellfish species that the commissioner of fish and game
21 designates as developing commercial fish species for that calendar year; a fish or shellfish species
22 is a developing commercial fish species if, within a specified geographical region,

23 (A) the optimum yield from the harvest of the species has not been
24 reached;

25 (B) a substantial portion of the allowable harvest of the species has been
26 allocated to fishing vessels of a foreign nation; or

27 (C) a commercial harvest of the fish species has recently developed;

28 (12) to initiate or conduct research necessary or advisable to carry out the
29 purposes of this title except AS 16.51 and AS 16.52;

30 (13) to enter into cooperative agreements with agencies of the federal government,
31 educational institutions, or other agencies or organizations, when in the public interest, to carry

- 1 out the purposes of this title except AS 16.51 and AS 16.52;
- 2 (14) to implement an on-board observer program authorized by the State Board
3 of Fisheries or a regional board of fisheries under AS 16.05.251(a)(13); implementation
4 (A) must be as unintrusive to vessel operations as practicable; and
5 (B) must make scheduling and scope of observers' activities as predictable
6 as practicable;
- 7 (15) to sell fish caught during commercial fisheries test fishing operations;
- 8 (16) to establish and charge fees equal to the cost of services provided by the
9 department, including provision of public shooting ranges, broodstock and eggs for private
10 nonprofit hatcheries, department publications, and other direct services, and reasonable fees for
11 the use of state facilities managed by the department; fees established under this paragraph for
12 tours of hatchery facilities, commercial use of sport fishing access sites, and for operation of state
13 hatchery facilities by private aquaculture associations are not subject to the cost limit under
14 AS 37.10.050(a);
- 15 (17) to permit and regulate aquatic farming in the state in a manner that ensures
16 the protection of the state's fish and game resources and improves the economy, health, and
17 well-being of the citizens of the state;
- 18 (18) to operate state housing and facilities for employees, contractors, and others
19 in support of the department's responsibilities and to charge rent that is consistent with applicable
20 collective bargaining agreements, or, if no collective bargaining agreement is applicable,
21 competitive with market conditions; rent received from tenants shall be deposited in the general
22 fund;
- 23 (19) to report to the legislature by January 1, 1991, concerning the production and
24 sale of merchandise bearing designs, labels, or words associating the merchandise with the
25 department;
- 26 (20) to petition the Alaska Commercial Fisheries Entry Commission, unless the
27 State Board of Fisheries disapproves the petition under AS 16.05.246(d) [AS 16.05.251(g)], to
28 establish a moratorium on new entrants into commercial fisheries
- 29 (A) that have experienced recent increases in fishing effort that are beyond
30 a low, sporadic level of effort;
- 31 (B) that have achieved a level of harvest that may be approaching or

1 exceeding the maximum sustainable level for the fishery; and
2 (C) for which there is insufficient biological and resource management
3 information necessary to promote the conservation and sustained yield management of the
4 fishery.

5 * Sec. 2. AS 16.05.055(b) is amended to read:
6 (b) The master of a vessel, as a condition of participating in a fishery for which an
7 on-board observer program is authorized by the State Board of Fisheries or a regional board
8 of fisheries under AS 16.05.251, shall consent in writing to the placement of an observer aboard
9 the vessel.

10 * Sec. 3. AS 16.05.060(b) is amended to read:
11 (b) The commissioner or an authorized designee may, under policies [CRITERIA]
12 adopted by the State Board of Fisheries, summarily increase or decrease sport fish bag limits or
13 modify methods of harvest for sport fish by means of emergency orders.

14 * Sec. 4. AS 16.05.094 is amended to read:
15 Sec. 16.05.094. DUTIES OF SECTION OF SUBSISTENCE HUNTING AND FISHING.
16 The section of subsistence hunting and fishing shall
17 (1) compile existing data and conduct studies to gather information, including data
18 from subsistence users, on all aspects of the role of subsistence hunting and fishing in the lives
19 of the residents of the state;
20 (2) quantify the amount, nutritional value, and extent of dependence on food
21 acquired through subsistence hunting and fishing;
22 (3) make information gathered available to the public, appropriate agencies, and
23 other organized bodies;
24 (4) assist the department, the State Board of Fisheries, the regional boards of
25 fisheries, and the Board of Game in determining what uses of fish and game, as well as which
26 users and what methods, should be termed subsistence uses, users, and methods;
27 (5) evaluate the impact of state and federal laws and regulations on subsistence
28 hunting and fishing and, when corrective action is indicated, make recommendations to the
29 department;
30 (6) make recommendations to the Board of Game, [AND] the State Board of
31 Fisheries, and the regional boards of fisheries regarding adoption, amendment, and repeal of

1 regulations affecting subsistence hunting and fishing;

2 (7) participate with other divisions in the preparation of statewide and regional
3 management plans so that those plans recognize and incorporate the needs of subsistence users
4 of fish and game.

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

6 Sec. 16.05.225. STATE BOARD OF FISHERIES AND REGIONAL BOARDS OF
7 FISHERIES. (a) For purposes of the conservation and development of the fisheries resources
8 of the state, there is created the State Board of Fisheries consisting of seven members. Four
9 members of the board are the chairs of the regional boards of fisheries who serve ex officio.
10 Three members of the board shall be appointed by the governor, subject to confirmation by the
11 legislature. The appointed members of the board serve at the pleasure of the governor for
12 staggered three-year terms or until a successor is appointed. A vacancy occurring during a term
13 of office is filled in the same manner as the original appointment is made and for the unexpired
14 balance of the term. The appointed members of the board shall be residents of the state who
15 have knowledge, experience, or interest in the fisheries of the state and shall be appointed
16 without regard to political affiliation or geographical location of residence.

17 (b) For purposes of the conservation and development of the fisheries resources of the
18 southeast region of the state, there is created the Southeast Regional Board of Fisheries. The
19 southeast region includes

20 (1) coastal water of the state between Cape Suckling and the United States-Canada
21 border in Dixon Entrance, including coastal water of the state adjacent to the islands of the
22 Alexander Archipelago and all other adjacent offshore islands; and

23 (2) land and water draining into the Gulf of Alaska or the Pacific Ocean between
24 Cape Suckling and the United States-Canada border in Dixon Entrance, including the islands of
25 the Alexander Archipelago and all other adjacent offshore islands.

26 (c) For purposes of the conservation and development of the fisheries resources of the
27 southcentral region of the state, there is created the Southcentral Regional Board of Fisheries.
28 The southcentral region includes

29 (1) coastal water of the state north of 59 degrees north latitude between Cape
30 Suckling and the easternmost point of the Alaska Peninsula at 59 degrees north latitude, including
31 coastal water of the state adjacent to Middleton Island and all other adjacent offshore islands;

1 (2) land and water draining into Prince William Sound, Cook Inlet, or the Gulf
2 of Alaska between Cape Suckling and the easternmost point of the Alaska Peninsula at 59
3 degrees north latitude, including Middleton Island and all other adjacent offshore islands;

4 (3) land and water of the Tanana River drainage upstream from the confluence
5 of the Yukon River and the Tanana River, excluding the land and water above the north bank
6 of the Tanana River between the Yukon River and the west bank of Hot Springs Slough; and

7 (4) land and water draining into the south bank of the Yukon River upstream from
8 and including the Charley River drainage and also including the Fortymile River drainage and
9 the Ladue River drainage.

10 (d) For purposes of the conservation and development of the fisheries resources of the
11 western region of the state, there is created the Western Regional Board of Fisheries. The
12 western region includes

13 (1) coastal water of the state west of the longitude of Cape Suckling and south
14 of 59 degrees north latitude between the easternmost point of the Alaska Peninsula at 59 degrees
15 north latitude and the westernmost point of the Aleutian Islands, including coastal water of the
16 state adjacent to the Barren Islands, the Kodiak Archipelago, and all other adjacent offshore
17 islands;

18 (2) coastal water of the state between the westernmost point of the Aleutian
19 Islands and Cape Newenham, including coastal water of the state adjacent to the Pribilof Islands
20 and all other adjacent offshore islands;

21 (3) land and water draining into the Gulf of Alaska or Pacific Ocean between the
22 easternmost point of the Alaska Peninsula at 59 degrees north latitude and the westernmost point
23 of the Aleutian Islands, including the Barren Islands, the Kodiak Archipelago, and all other
24 adjacent offshore islands; and

25 (4) land and water draining into Bristol Bay or the Bering Sea between the
26 westernmost point of the Aleutian Islands and Cape Newenham, including the Pribilof Islands
27 and all other adjacent offshore islands.

28 (e) For purposes of the conservation and development of the fisheries resources of the
29 northern region of the state, there is created the Northern Regional Board of Fisheries. The
30 northern region includes

31 (1) the coastal water of the state between Cape Newenham and the United States-

1 Canada border on the Arctic Ocean, including coastal water of the state adjacent to Nunivak
2 Island, Saint Matthew Island, Saint Lawrence Island, and Little Diomedé Island and all other
3 adjacent offshore islands; and

4 (2) land and water draining into the Bering Sea, Chuckchi Sea, or the Arctic
5 Ocean, including Nunivak Island, Saint Matthew Island, Saint Lawrence Island, and Little
6 Diomedé Island and all other adjacent offshore islands, but not including land and water included
7 in the southcentral region.

8 (f) Each regional board of fisheries consists of five members. The members of a regional
9 board shall be appointed by the governor, subject to confirmation by the legislature. The
10 members of a regional board serve at the pleasure of the governor for staggered four-year terms
11 or until a successor is appointed. A vacancy occurring during a term of office is filled in the
12 same manner as the original appointment is made and for the unexpired balance of the term. The
13 members of a regional board shall be residents of the state who have knowledge, experience, or
14 interest in the fisheries of the region over which the board has jurisdiction and shall be appointed
15 without regard to political affiliation or geographical location of residence. Not more than two
16 members of a regional board may be

17 (1) commercial fishermen who hold a limited entry permit or interim-use permit
18 for the same type of gear, as defined in AS 16.43.990;

19 (2) sport fishermen who do not hold a limited entry permit or interim-use permit;

20 (3) subsistence fishermen who do not hold a limited entry permit or interim-use
21 permit;

22 (4) public members who are not commercial fishermen, sport fishermen, or
23 subsistence fishermen.

24 (g) Each regional board of fisheries shall elect a chair from its membership for a term
25 of two years. The chair of each regional board of fisheries also serves as a member of the State
26 Board of Fisheries.

27 (h) The commissioner of fish and game is not a member of the State Board of Fisheries
28 or of the regional boards of fisheries but serves as ex officio secretary for the state board and the
29 regional boards.

30 * Sec. 6. AS 16.05 is amended by adding a new section to read:

31 Sec. 16.05.231. DUTIES OF THE STATE BOARD AND THE REGIONAL BOARDS

1 WITH RESPECT TO REGULATIONS. (a) If the State Board of Fisheries or a regional board
2 of fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon
3 receiving a written request from the sponsor of the petition or proposal, shall in addition to the
4 requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later
5 than 30 days after the board has officially met and denied the sponsor's petition or proposal, or
6 30 days after receiving the request for an explanation, whichever is later.

7 (b) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the State Board of
8 Fisheries or a regional board of fisheries may not adopt regulations or take action regarding the
9 issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction
10 or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest
11 with a permit issued under AS 16.40.120.

12 * Sec. 7. AS 16.05 is amended by adding a new section to read:

13 Sec. 16.05.246. POWERS OF THE STATE BOARD OF FISHERIES. (a) The State
14 Board of Fisheries shall adopt regulations it considers advisable in accordance with the
15 Administrative Procedure Act (AS 44.62) for the

16 (1) regulation of interregional or transboundary fisheries and fishery resources;
17 the board may exercise all powers conferred on a regional board to implement this paragraph;

18 (2) establishment of policies for the regulation, management, and protection of
19 fisheries and fishery resources in the state.

20 (b) Regulations of the State Board of Fisheries regarding all or part or an aspect of an
21 interregional or transboundary fisheries supersede inconsistent regulations of a regional board
22 regarding those fisheries.

23 (c) The State Board of Fisheries shall establish policies for the allocation of fishery
24 resources among personal use, sport, and commercial fishing. The policies may include factors
25 such as

26 (1) the history of each personal use, sport, and commercial fishery;

27 (2) the number of residents and nonresidents who have participated in each fishery
28 in the past and the number of residents and nonresidents who can reasonably be expected to
29 participate in the future;

30 (3) the importance of each fishery for providing residents the opportunity to
31 obtain fish for personal and family consumption;

- 1 (4) the availability of alternative fisheries resources;
2 (5) the importance of each fishery to the economy of the state;
3 (6) the importance of each fishery to the economy of the region and local area
4 in which the fishery is located;
5 (7) the importance of each fishery in providing recreational opportunities for
6 residents and nonresidents.

7 (d) The State Board of Fisheries shall consider a request of the commissioner for
8 approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a
9 moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next
10 regular or special meeting that follows the receipt by the board of the request for approval of the
11 petition and that allows time for the notice required under this subsection. The board may
12 consider the request of the commissioner for approval of the petition only after 15 days' public
13 notice of the board's intention to consider approval of the petition. The board shall consider
14 whether the commissioner, in support of the request for approval of the petition, has adequately
15 shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050.
16 The board by a majority vote of its members at the meeting when the petition must be considered
17 shall approve or disapprove the petition.

18 (e) In this section, "transboundary fisheries and fisheries resources" means fisheries and
19 fisheries resources occurring across the United States-Canada border or across the seaward
20 boundary of the territorial sea of the state.

21 * Sec. 8. AS 16.05.251 is repealed and reenacted to read:

22 Sec. 16.05.251. POWERS OF REGIONAL BOARDS OF FISHERIES. (a) A regional
23 board of fisheries may adopt regulations it considers advisable in accordance with the
24 Administrative Procedure Act (AS 44.62) for

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

27 (2) establishing open and closed seasons and areas for the taking of fish; if
28 consistent with resource conservation and development goals, the board may adopt regulations
29 establishing restricted seasons and areas necessary for persons 60 years of age and older to
30 participate in sport, personal use, or subsistence fishing;

31 (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the

- 1 taking of fish;
- 2 (4) establishing the means and methods employed in the pursuit, capture, and
3 transport of fish;
- 4 (5) establishing marking and identification requirements for means used in pursuit,
5 capture, and transport of fish;
- 6 (6) classifying as commercial fish, sport fish, personal use fish, subsistence fish,
7 or predators or other categories essential for regulatory purposes;
- 8 (7) watershed and habitat improvement, and management, conservation, protection,
9 use, disposal, propagation, and stocking of fish;
- 10 (8) investigating and determining the extent and effect of disease, predation, and
11 competition among fish in the state, exercising control measures considered necessary to the
12 resources of the state;
- 13 (9) prohibiting and regulating the live capture, possession, transport, or release
14 of native or exotic fish or their eggs;
- 15 (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- 16 (11) establishing the times and dates during which the issuance of fishing licenses,
17 permits, and registrations and the transfer of permits and registrations between registration areas
18 is allowed; however, this paragraph does not apply to permits issued or transferred under
19 AS 16.43;
- 20 (12) regulating commercial, sport, subsistence, and personal use fishing as needed
21 for the conservation, development, and utilization of fisheries;
- 22 (13) requiring, in a fishery, observers on board fishing vessels, as defined in
23 AS 16.05.475(d), that are registered under the laws of the state, as defined under
24 AS 16.05.475(c), after making a written determination that an on-board observer program
- 25 (A) is the only practical data-gathering or enforcement mechanism for that
26 fishery;
- 27 (B) will not unduly disrupt the fishery;
- 28 (C) can be conducted at a reasonable cost; and
- 29 (D) can be coordinated with observer programs of other agencies,
30 including the National Marine Fisheries Service, North Pacific Fishery Management
31 Council, and the International Pacific Halibut Commission;

1 (14) establishing nonexclusive, exclusive, and superexclusive registration and use
2 areas for regulating commercial fishing.

3 (b) A regional board of fisheries may not adopt a regulation that is not consistent with
4 an applicable policy, if any, of the State Board of Fisheries. A regulation of a regional board
5 that is inconsistent with a subsequent policy adopted by the State Board of Fisheries shall be
6 amended by the regional board to conform to the policy by the date set by the State Board of
7 Fisheries; if the regulation is not amended to conform to the policy by the date set, then the
8 regulation, to the extent of the inconsistency, is invalid and unenforceable.

9 (c) Regulations adopted under (a) of this section must, consistent with sustained yield
10 and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of
11 fishery resources by personal use, sport, and commercial fishermen.

12 * Sec. 9. AS 16.05.253 is amended to read:

13 Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. (a) A board of
14 fisheries [THE BOARD OF FISHERIES] may require a person who holds a limited entry permit
15 or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing
16 site during the operation of net gear or other stationary fishing gear at the site, except when the
17 permit holder is at or traveling to or from the location of

18 (1) a sale of fish caught in the gear; or

19 (2) other stationary gear of the permit holder.

20 (b) For purposes of this section, "fishing site" means fishing site as defined by a board
21 of fisheries [THE BOARD OF FISHERIES] and includes any structure used for providing shelter
22 in support of the operation of the net gear or other stationary fishing gear.

23 * Sec. 10. Sec. 16.05.258(a) is amended to read:

24 (a) Each regional board of fisheries, unless the State [THE] Board of Fisheries
25 exercises its authority under AS 16.05.246(a), and the Board of Game shall identify the fish
26 stocks and game populations, or portions of stocks and populations, that are customarily and
27 traditionally used for subsistence in each rural area identified by the boards.

28 * Sec. 11. AS 16.05.260 is amended to read:

29 Sec. 16.05.260. ADVISORY COMMITTEES. The regional boards of fisheries, subject
30 to the policies of the State Board of Fisheries, and the Board of Game may adopt regulations
31 they consider advisable in accordance with the Administrative Procedure Act (AS 44.62)

1 establishing, at places in the state designated by the individual boards, advisory committees to
2 be composed of persons well informed on the fish or game resources of the locality. The boards
3 shall set the number and terms of each of the members of the advisory committees, shall delegate
4 one member of each committee as chair [CHAIRMAN], and shall give the chair [CHAIRMAN]
5 authority to hold public hearings on fish or game matters. Recommendations from the advisory
6 committees shall be forwarded to the appropriate board for their consideration but if a regional
7 board of fisheries, the State Board of Fisheries, or the Board of Game chooses not to follow
8 the recommendations of the local advisory committee the appropriate board shall inform the
9 appropriate advisory committee of this action and state the reasons for not following the
10 recommendations. The commissioner shall delegate authority to advisory committees for
11 emergency closures during established seasons. The commissioner is empowered to set aside and
12 make null and void only opening of seasons set by the advisory committees under this section.
13 The appropriate board shall adopt the necessary regulations governing these closures.

14 * Sec. 12. AS 16.05.270 is amended to read:

15 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the
16 purpose of administering AS 16.05.246, 16.05.251, [AS 16.05.251] and 16.05.255, each board
17 may delegate authority to the commissioner to act in its behalf. If there is a conflict between the
18 board and the commissioner on proposed regulations, public hearings shall be held concerning
19 the issues in question. If, after the public hearings, the board and the commissioner continue to
20 disagree, the issue shall be certified in writing by the board and the commissioner to the governor
21 who shall make a decision. The decision of the governor is final.

22 * Sec. 13. AS 16.05.300(a) is amended to read:

23 (a) Each board shall hold at least one meeting a year and as many other meetings as it
24 considers necessary. Each board shall select the time and place in the state for the transaction
25 of business. The State Board of Fisheries and the Board of Game [EACH BOARD] shall
26 maintain their [ITS] office at the principal office of the department. A regional board of
27 fisheries shall maintain an office at a location designated by the commissioner.

28 * Sec. 14. AS 16.05.305 is amended to read:

29 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The State Board of
30 Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical
31 assistant for each board.

1 * **Sec. 15.** AS 16.05.315 is amended to read:

2 **Sec. 16.05.315. JOINT BOARD MEETINGS.** The State Board of Fisheries, or a
3 regional board of fisheries, and the Board of Game may hold a joint meeting upon the call of
4 the commissioner or a board to resolve any conflicts in regulations of the boards and to consider
5 matters, as determined by the commissioner or a board, which require the consideration of both
6 boards.

7 * **Sec. 16.** AS 16.05.320 is amended to read:

8 **Sec. 16.05.320. QUORUM.** A majority of the members of a board constitutes a quorum
9 for the transaction of business, for the performance of any duty, and for the exercise of any
10 power. However, a majority of the full board membership is required to carry all motions,
11 regulations, and resolutions. A majority of the members of the boards engaged in a joint
12 meeting [OF FISHERIES AND GAME] constitute a quorum for the transaction of business in
13 a joint board meeting. A majority of the membership of the boards is required to carry all joint
14 motions, regulations, and resolutions of the boards.

15 * **Sec. 17.** AS 16.05.330(c) is amended to read:

16 (c) Each regional board of fisheries, unless the State [THE] Board of Fisheries
17 exercises its authority under AS 16.05.246(a), and the Board of Game may adopt regulations
18 providing for the issuance and expiration of subsistence permits for areas, villages, communities,
19 groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence
20 harvest of fish and game. The boards shall adopt these regulations when the subsistence
21 preference requires a reduction in the harvest of a fish stock or game population by
22 nonsubsistence users.

23 * **Sec. 18.** AS 16.05.475(b) is amended to read:

24 (b) The term "employ", as used in this section, shall be defined by the State Board of
25 Fisheries through the adoption of regulations under the Administrative Procedure Act (AS 44.62).
26 The definition may include any activities involving the use or navigation of fishing vessels.

27 * **Sec. 19.** AS 16.05.475(c) is amended to read:

28 (c) The term "registered under the laws of the state", as used in this section, shall be
29 defined by the State Board of Fisheries through the adoption of regulations under the
30 Administrative Procedure Act (AS 44.62). The definition may include any existing requirements
31 regarding registration, licenses, permits, and similar matters imposed by law or regulation

1 together with modifications of them and with any additional requirements the board finds
2 necessary to maximize the authority of the state to apply and enforce fisheries regulations under
3 the Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331; 16 U.S.C.
4 1801 - 1882).

5 * Sec. 20. AS 16.05.632(e)(1) is amended to read:

6 (1) "board" means the State Board of Fisheries or a regional board of fisheries;

7 * Sec. 21. AS 16.05.685(c)(2) is amended to read:

8 (2) "registration area" means a specific king crab registration area as designated
9 by regulation of the State Board of Fisheries or a regional board of fisheries.

10 * Sec. 22. AS 16.05.722(b) is amended to read:

11 (b) In addition, the court shall order forfeiture of any fish, or its fair market value, taken
12 or retained as a result of the commission of the violation. For purposes of this subsection, it is
13 a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a
14 violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 -
15 16.05.690 or a commercial fisheries regulation of the State Board of Fisheries, a regional board
16 of fisheries, or the department. It is the defendant's burden to show by a preponderance of the
17 evidence that fish on board or at the site were lawfully taken and retained.

18 * Sec. 23. AS 16.05.723(a) is amended to read:

19 (a) A person who negligently violates AS 16.05.440 - 16.05.690, or a regulation of the
20 State Board of Fisheries, a regional board of fisheries, or the department governing commercial
21 fishing, is guilty of a misdemeanor and in addition to punishment under other provisions in this
22 title, including AS 16.05.195 and 16.05.710, is punishable upon conviction by a fine of not more
23 than \$15,000 or by imprisonment for not more than one year, or by both. In addition, the court
24 shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the
25 commission of the violation, and the court may forfeit any vessel and any fishing gear, including
26 any net, pot, tackle, or other device designed or employed to take fish commercially, that was
27 used in or in aid of the violation. Any fish, or its fair market value, forfeited under this
28 subsection may not also be forfeited under AS 16.05.195. For purposes of this subsection, it is
29 a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a
30 violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 -
31 16.05.690 or a commercial fisheries regulation of the State Board of Fisheries, a regional board

1 of fisheries, or the department, and it is the defendant's burden to show by a preponderance of
2 the evidence that fish on board or at the site were lawfully taken and retained.

3 * Sec. 24. AS 16.05.785 is amended to read:

4 Sec. 16.05.785. FAILURE TO REMOVE MARKERS. If the State Board of Fisheries
5 or a regional board of fisheries by regulation uses department markers to establish waters
6 closed to commercial fishing and the state fails to remove the old markers when new markers
7 are posted to establish waters closed to commercial fishing, commercial fishing is expressly
8 permitted in the waters between the new markers and the old markers until the old markers are
9 removed.

10 * Sec. 25. AS 16.05.820 is amended to read:

11 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary of
12 the Interior, the Secretary of Commerce, or the Secretary of Agriculture of the United States and
13 their authorized agents or other appropriate federal agencies may conduct fish cultural operations
14 and scientific investigations in the state in the manner and at the times jointly considered
15 necessary or proper by the State Board of Fisheries and the secretary and their authorized agents.

16 * Sec. 26. AS 16.05.940(3) is amended to read:

17 (3) "a board" means either the State Board of Fisheries, a regional board of
18 fisheries, or the Board of Game;

19 * Sec. 27. AS 16.05.940(12) is amended to read:

20 (12) "fishery" means a specific administrative area in which a specific fishery
21 resource is commercially taken with a specific type of gear; however, the State Board of
22 Fisheries or a regional board of fisheries may designate a fishery to include more than one
23 specific administrative area, gear type, or fishery resource; in this paragraph "gear" and "type of
24 gear" have the meanings given in AS 16.43.990;

25 * Sec. 28. AS 16.05.940(23) is amended to read:

26 (23) "personal use fishing" means the taking, fishing for, or possession of finfish,
27 shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or
28 barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the State
29 Board of Fisheries or a regional board of fisheries;

30 * Sec. 29. AS 16.05.940(28) is amended to read:

31 (28) "sport fishing" means the taking of or attempting to take for personal use,

1 and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in
2 the hand, or by hook and line with the line attached to a pole or rod which is held in the hand
3 or closely attended, or by other means defined by the State Board of Fisheries or a regional
4 board of fisheries:

5 * Sec. 30. AS 16.05.940(29) is amended to read:

6 (29) "subsistence fishing" means the taking of, fishing for, or possession of fish,
7 shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for
8 subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the State
9 Board of Fisheries or a regional board of fisheries:

10 * Sec. 31. AS 16.10.125 is amended to read:

11 Sec. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM
12 FISH POT REQUIRED. The State Board of Fisheries shall, by regulation, prescribe a
13 termination device or devices for all shellfish and bottom fish pots. In this section "termination
14 device" means a biodegradable seam or panel or other device that [WHICH] renders the pot
15 incapable of holding shellfish or bottom fish for more than six months when it is continuously
16 immersed in sea water.

17 * Sec. 32. AS 16.10.165(b) is amended to read:

18 (b) The State Board of Fisheries may adopt regulations under the Administrative
19 Procedure Act (AS 44.62) it considers necessary for implementation of this section. The board
20 may delegate its authority under this section to a regional board of fisheries or to the
21 commissioner.

22 * Sec. 33. AS 16.10.173(d) is amended to read:

23 (d) The State Board of Fisheries may adopt regulations under the Administrative
24 Procedure Act (AS 44.62) it considers necessary for implementation of this section. The board
25 may delegate its authority under this section to a regional board of fisheries or to the
26 commissioner.

27 * Sec. 34. AS 16.10.190 is amended to read:

28 Sec. 16.10.190. REGULATIONS. The State Board of Fisheries may adopt regulations
29 to carry out the purposes of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas,
30 migratory fish, and migratory shellfish and to make coastal fishery regulations governing the
31 manner, means, conditions, and time for the taking of migratory fish and migratory shellfish

1 applicable in designated adjacent high sea areas.

2 * Sec. 35. AS 16.10.200 is amended to read:

3 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. A person taking migratory fish
4 and migratory shellfish in high sea areas designated by the State Board of Fisheries or in
5 violation of the regulations adopted by the State Board of Fisheries governing the taking of
6 migratory fish and migratory shellfish in the designated areas may not possess, sell, offer to sell,
7 barter, offer to barter, give, or transport in the state, including the waters of the state, migratory
8 fish or migratory shellfish.

9 * Sec. 36. AS 16.10.210 is amended to read:

10 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. A person may not
11 possess, purchase, offer to purchase, sell, or offer to sell in the state migratory fish or migratory
12 shellfish taken on the high seas knowing that they were taken in violation of a regulation adopted
13 by the State Board of Fisheries governing the taking of migratory fish or migratory shellfish in
14 certain areas designated by the State Board of Fisheries or the commissioner.

15 * Sec. 37. AS 16.10.440(b) is amended to read:

16 (b) A regional board of fisheries, subject to the authority of the State [THE] Board
17 of Fisheries under AS 16.05.246(a), may, after the issuance of a permit by the commissioner,
18 amend by regulation adopted in accordance with the Administrative Procedure Act (AS 44.62),
19 the terms of the permit relating to the source and number of salmon eggs, the harvest of fish by
20 hatchery operators, and the specific locations designated by the department for harvest. A board
21 of fisheries [THE BOARD OF FISHERIES] may not adopt any regulations or take any action
22 regarding the issuance or denial of any permits required in AS 16.10.400 - 16.10.470.

23 * Sec. 38. AS 16.20.033(f) is amended to read:

24 (f) The department shall allow commercial, sport, and subsistence fishing and hunting
25 within the Yakataga State Game Refuge under regulations of the Southeast Regional Board of
26 Fisheries, subject to the authority of the State Board of Fisheries under AS 16.05.246(a), and
27 the Board of Game. The department shall also permit associated support activities when necessary
28 and consistent with AS 16.20.010 - 16.20.080 to support fishing and hunting permitted under this
29 section, including fish buying operations, aircraft support including landing strips, and off-road
30 vehicle use.

31 * Sec. 39. AS 16.20.510 is amended to read:

1 Sec. 16.20.510. REGULATIONS. The regional boards of fisheries, subject to the
2 authority of the State Board of Fisheries under AS 16.05.246(a), and the Board of Game,
3 where appropriate, shall adopt regulations they consider advisable for conservation and protection
4 purposes governing the taking of fish and game in state fish and game critical habitat areas.

5 * Sec. 40. AS 16.40.120(d) is amended to read:

6 (d) The commissioner shall deny or restrict a permit under this section upon finding that
7 the proposed harvest will impair sustained yield of the species or will unreasonably disrupt
8 established uses of the resources by commercial, sport, personal use, or subsistence users. The
9 commissioner shall inform the State Board of Fisheries and the appropriate regional board
10 of fisheries of any action taken on permit applications for species that support commercial
11 fisheries subject to limited entry under AS 16.43 and of any permits denied because of
12 unreasonable disruption of an established use. A denial of the permit by the commissioner must
13 contain the factual basis for the findings.

14 * Sec. 41. AS 16.40.120(e) is amended to read:

15 (e) The regional boards of fisheries, subject to the authority of the State Board of
16 Fisheries under AS 16.05.246(a), may adopt regulations for the conservation, maintenance, and
17 management of species for which an acquisition permit is required.

18 * Sec. 42. AS 16.40.130 is amended to read:

19 Sec. 16.40.130. IMPORTATION OF AQUATIC PLANTS OR SHELLFISH FOR
20 STOCK. A person may not import into the state an aquatic plant or shellfish for the purpose of
21 supplying stock to an aquatic farm or hatchery unless authorized by a regulation of a regional
22 board of fisheries or the State Board of Fisheries.

23 * Sec. 43. AS 16.43.200(a) is amended to read:

24 (a) The commission shall establish administrative areas suitable for regulating and
25 controlling entry into the commercial fisheries. The commission shall make the administrative
26 areas reasonably compatible with the geographic areas for which specific commercial fishing
27 regulations are adopted by the regional boards of fisheries or the State Board of Fisheries.

28 * Sec. 44. AS 16.43.225(b) is amended to read:

29 (b) The commission may establish a moratorium on new entrants into a fishery described
30 in (a) of this section if

31 (1) the commissioner of fish and game, subject to AS 16.05.246(d)

1 [AS 16.05.251(g)], petitions the commission under AS 44.62.220 to establish a moratorium on
2 new entrants into the fishery; and

3 (2) the commission finds that

4 (A) the fishery has reached a level of participation that may threaten the
5 conservation and the sustained yield management of the fishery resource and the
6 economic health and stability of commercial fishing; and

7 (B) the commission has insufficient information to conclude that the
8 establishment of a maximum number of entry permits under AS 16.43.240 would further
9 the purposes of this chapter.

10 * Sec. 45. AS 16.43.225(d) is amended to read:

11 (d) While a moratorium is in effect, the commission shall conduct investigations to
12 determine whether a maximum number of entry permits should be established under
13 AS 16.43.240 by

14 (1) conducting research into conditions in the fishery;

15 (2) consulting with the Department of Fish and Game, [AND] the State Board
16 of Fisheries, and the appropriate regional boards of fisheries; and

17 (3) consulting with participants in the fishery.

18 * Sec. 46. AS 16.43.381(a) is amended to read:

19 (a) Use privileges granted under AS 16.43.340 - 16.43.390 are subject to the regulations
20 of the regional boards of fisheries and the State board of fisheries which may adopt regulations
21 exclusively applicable to the use of educational entry permits.

22 * Sec. 47. AS 16.43.430 is amended to read:

23 Sec. 16.43.430. AUTHORIZED GEAR. For the purposes of harvesting salmon, a special
24 harvest area entry permit holder may employ any fishing gear designated as legal gear in the
25 applicable special harvest area by the appropriate regional board of fisheries or the State
26 Board of Fisheries.

27 * Sec. 48. AS 16.43.440(a) is amended to read:

28 (a) Use privileges granted under AS 16.43.400 - 16.43.440 are subject to the regulations
29 of the regional boards of fisheries and the State Board of Fisheries.

30 * Sec. 49. AS 16.43.950 is amended to read:

31 Sec. 16.43.950. APPLICATIONS OF REGULATIONS OF THE BOARDS [BOARD]

1 **OF FISHERIES.** Nothing in this chapter limits the powers of the State Board of Fisheries or
2 the regional board of fisheries, including the power to determine legal types of gear and the
3 power to establish size limitations or other uniform restrictions applying to a certain type of gear.
4 Holders of interim-use permits or entry permits issued under this chapter are subject to all
5 regulations adopted by the boards of fisheries [BOARD OF FISHERIES].

6 * **Sec. 50.** AS 16.43.955 is amended to read:

7 Sec. 16.43.955. **HEARINGS IN PROXIMITY TO [BOARD OF FISHERIES]**
8 **MEETINGS OF A BOARD OF FISHERIES**. When practicable, a commission hearing that
9 deals with the subject of limiting entry to a fishery shall be held on the same dates on which, and
10 in the same building or in a building adjacent to the building in which, a [BOARD OF
11 FISHERIES] meeting of the State Board of Fisheries or an appropriate regional board of
12 fisheries is being held.

13 * **Sec. 51.** AS 16.43.990(8) is amended to read:

14 (8) "type of gear" means a customary and identifiable classification of gear and
15 shall include:

16 (A) those classifications for which separate regulations were adopted by
17 the former Board of Fisheries and for which separate gear licenses were required by
18 former AS 16.05.550 - 16.05.630; [AND]

19 (B) distinct subclassifications of gear such as "power" troll gear and
20 "hand" troll gear; and

21 (C) other classifications adopted by the State Board of Fisheries or a
22 regional board of fisheries;

23 * **Sec. 52.** AS 16.43.990(9) is amended to read:

24 (9) "unit of gear" means the maximum amount of a specific type of gear which
25 can be fished under a single gear license subject to regulations established by a regional board
26 of fisheries or the State Board of Fisheries defining the legal requirements for that type of gear
27 in the fishery.

28 * **Sec. 53.** AS 29.60.450(f)(5) is amended to read:

29 (5) "management area" means one of the geographical units designated by a
30 regional board of fisheries or the State Board of Fisheries by regulation adopted under
31 AS 16.05.246 or 16.05.251(a)(2) [AS 16.05.251(a)(2)] for the management of commercial

1 fisheries of the state;

2 * Sec. 54. AS 39.50.200(b) is amended by adding new paragraphs to read:

3 (54) State Board of Fisheries (AS 16.05.225(a));

4 (55) a regional board of fisheries (AS 16.05.225(b) - (e)).

5 * Sec. 55. AS 41.21.174(b) is amended to read:

6 (b) The Department of Fish and Game is responsible for the management of fish and
7 game resources in the Shuyak Island State Park, consistent with the sustained yield principle and
8 the purposes and provisions of this chapter. The Western Regional Board of Fisheries, subject
9 to the authority of the State Board of Fisheries under AS 16.05.246(a), the Board of Game,
10 and the commissioner of fish and game are responsible for adopting regulations governing uses
11 of fish and game in accordance with AS 16. The fish and game habitat and breeding areas shall
12 be managed to ensure that the fish and game resources of the park continue on a sustained yield
13 basis.

14 * Sec. 56. AS 41.21.176(c) is amended to read:

15 (c) The regulations governing public use of the Shuyak Island State Park shall provide
16 ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses.
17 Except to protect public safety the commissioner may not restrict the exercise of sport or
18 subsistence fishing or hunting, or trapping permitted under law or under a regulation of the
19 Western Regional Board of Fisheries, the State Board of Fisheries, or the Board of Game
20 within the Shuyak Island State Park.

21 * Sec. 57. AS 41.21.183(b) is amended to read:

22 (b) The Department of Fish and Game is responsible for the management of fish and
23 game resources in the Point Bridget State Park, consistent with the sustained-yield principle and
24 the purposes and provisions of this chapter. The Southeast Regional Board of Fisheries, subject
25 to the authority of the State Board of Fisheries under AS 16.05.246(a), the Board of Game,
26 and the commissioner of fish and game are responsible for adopting regulations governing uses
27 of fish and game under AS 16. The fish and game habitat and breeding areas shall be managed
28 to ensure that the fish and game resources of the park continue on a sustained yield basis.

29 * Sec. 58. AS 41.21.302(d) is amended to read:

30 (d) The commissioner may not restrict the exercise of fishing, hunting, or trapping rights
31 permitted under law or under a regulation of a regional board of fisheries, the State Board of

1 Fisheries, or the Board of Game within a marine park unit of the Alaska state park system.

2 * Sec. 59. AS 41.21.492(b) is amended to read:

3 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

4 (1) the Department of Fish and Game, the State Board of Fisheries, the
5 Southcentral Regional Board of Fisheries, or the Board of Game under AS 16 and
6 AS 41.99.010;

7 (2) the Department of Environmental Conservation under AS 46.03; or

8 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
9 AS 46.40.100.

10 * Sec. 60. AS 41.21.504(b) is amended to read:

11 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicability of

12 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the Department of
13 Fish and Game, [OR] the State Board of Fisheries, the Southcentral Regional Board of
14 Fisheries, or the Board of Game;

15 (2) AS 46.03 regarding the responsibilities of the Department of Environmental
16 Conservation; or

17 (3) AS 44.19.145(a)(11) and AS 46.40.100 regarding the responsibilities of state
18 agencies and municipalities.

19 * Sec. 61. AS 41.21.616 is amended to read:

20 Sec. 41.21.616. REGULATIONS. The department shall consult with the Department of
21 Fish and Game, the United States Fish and Wildlife Service, a local governing body of a
22 municipality, any local fish and game advisory committees, and the Alaska Chilkat Bald Eagle
23 Preserve Advisory Council established by AS 41.21.625 before adoption of reasonable regulations
24 governing public use and protection of the Alaska Chilkat Bald Eagle Preserve. The Department
25 of Fish and Game shall consult with the department and the Alaska Chilkat Bald Eagle Preserve
26 Advisory Council in proposing regulations governing fish and game management in the Alaska
27 Chilkat Bald Eagle Preserve for adoption by the Southeast Regional Board of Fisheries, the
28 State Board of Fisheries, or the Board of Game. The Department of Fish and Game and the
29 department shall cooperate with the United States Fish and Wildlife Service in its administration
30 of federal law governing the conservation of bald eagles.

31 * Sec. 62. AS 41.23.030(c) is amended to read:

1 (c) The commissioner may not restrict lawful sport and subsistence fishing, hunting, or
2 trapping rights allowed under a regulation of the Southcentral Regional Board of Fisheries, the
3 State Board of Fisheries, or the Board of Game within the Nelchina Public Use Area.

4 * Sec. 63. AS 41.23.110(b) is amended to read:

5 (b) The commissioner of fish and game, the Southcentral Regional Board of Fisheries,
6 subject to the authority of the State Board of Fisheries under AS 16.05.246(a), and the Board
7 of Game are responsible for the management of fish and game resources and public use of fish
8 and wildlife in the Hatcher Pass Public Use Area consistent with the purposes of AS 41.23.100.

9 * Sec. 64. AS 41.23.110(d) is amended to read:

10 (d) The provisions of AS 41.23.100 - 41.23.130 do not restrict a responsibility within the
11 Hatcher Pass Public Use Area of the commissioner of fish and game, the Southcentral Regional
12 Board of Fisheries, the State Board of Fisheries, the Board of Game, the commissioner of
13 environmental conservation, or the commissioner of public safety.

14 * Sec. 65. AS 41.23.120(c) is amended to read:

15 (c) The commissioner may not restrict lawful fishing, hunting, or trapping rights allowed
16 under a regulation of the Southcentral Regional Board of Fisheries, the State Board of
17 Fisheries, or the Board of Game within the Hatcher Pass Public Use Area.

18 * Sec. 66. AS 41.23.160(c) is amended to read:

19 (c) The commissioner may not restrict fishing, hunting, or trapping rights allowed under
20 a regulation of the Southcentral Regional Board of Fisheries, the State Board of Fisheries, or
21 the Board of Game within the Goldstream Public Use Area.

22 * Sec. 67. AS 41.23.420(d) is amended to read:

23 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

24 (1) the Department of Fish and Game, the State Board of Fisheries, a regional
25 board of fisheries, the Board of Game, or the Big Game Commercial Services Board under
26 AS 08.54, AS 16, or AS 41.99.010;

27 (2) the Department of Environmental Conservation under AS 46.03; or

28 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
29 AS 46.40.100.

30 * Sec. 68. AS 41.99.010 is amended to read:

31 Sec. 41.99.010. FISH AND GAME MANAGEMENT AND ENFORCEMENT. Nothing

1 in this title denies the Department of Fish and Game or the State Board of Fisheries, a regional
2 board of fisheries. and the Board of Game their management and enforcement responsibilities
3 related to the fish and game of this state.

4 * **Sec. 69.** AS 44.39.030 is amended to read:

5 Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER. The
6 governor shall appoint the commissioner of fish and game from a list of qualified persons
7 nominated by the State Board of Fisheries and the Board of Game meeting in joint session,
8 subject to the right of the governor to request additional nominations. The appointment shall be
9 confirmed by a majority of the members of the legislature in joint session. The commissioner
10 of fish and game serves for a term of five years.

11 * **Sec. 70.** AS 44.39.050 is amended to read:

12 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The State Board of Fisheries or the
13 Board of Game may submit a resolution to the governor requesting the removal of the
14 commissioner. The resolution shall set out the grounds for the request and the governor shall
15 give the commissioner and all [BOTH] boards of fisheries and the Board of Game an
16 opportunity to be heard. The final decision to remove or retain the commissioner shall be made
17 by the governor.

18 * **Sec. 71.** AS 44.62.330(a)(40) is amended to read:

19 (40) State Board of Fisheries;

20 * **Sec. 72.** AS 44.62.330(a) is amended by adding a new paragraph to read:

21 (57) regional boards of fisheries.

22 * **Sec. 73.** TRANSITION. (a) The Board of Fisheries established under AS 16.05.221(a) may
23 adopt regulations applicable within a region described under AS 16.05.225, added by sec. 5 of this Act,
24 until the initial meeting of the regional board of fisheries for that region is convened.

25 (b) Notwithstanding (a) of this section, the Board of Fisheries established under
26 AS 16.05.221(a) may adopt regulations for the regulation of transboundary or interregional fisheries and
27 fishery resources and the establishment of policies for the regulation, management, and protection of
28 fisheries and fishery resources in the state until the initial meeting of the State Board of Fisheries,
29 established under AS 16.05.225(a), added by sec. 5 of this Act, is convened.

30 (c) The regional boards of fisheries established under AS 16.05.225, added by sec. 5 of this Act,
31 shall adopt regulations consisted with the policies and management plans adopted by regulation by the

1 Board of Fisheries established under AS 16.05.221(a), until the regulations of that Board of Fisheries
2 are amended or repealed by the regional board of fisheries, if the regional board has the authority to
3 amend or repeal the regulation, or by the State Board of Fisheries established under AS 16.05.225(a),
4 added by sec. 5 of this Act.

5 (d) Regulations adopted by the Board of Fisheries established under AS 16.05.221(a) shall
6 remain in effect for the period prescribed by that Board of Fisheries or until amended or repealed by the
7 State Board of Fisheries or a regional board of fisheries established under AS 16.05.225, added by sec.
8 5 of this Act.

9 * Sec. 74. INITIAL APPOINTMENT OF MEMBERS. (a) Notwithstanding AS 16.05.225(a), added
10 by sec. 5 of this Act, and AS 39.05.055, in making the initial appointments of the three appointed
11 members of the State Board of Fisheries the governor shall appoint one member for one year, one
12 member for two years, and one member for three years.

13 (b) Notwithstanding AS 16.05.225(f), added by sec. 5 of this Act, and AS 39.05.055, in making
14 the initial appointments of the members of the regional board of fisheries the governor shall appoint to
15 each board one member for one year, one member for two years, one member for three years, and two
16 members for four years.

17 * Sec. 75. AS 16.05.221(a), 16.05.300(b), AS 39.05.060(a)(5), and AS 39.50.200(b)(40) are repealed
18 on the date of the convening of the initial meeting of the State Board of Fisheries established under
19 AS 16.05.225(a), added by sec. 5 of this Act. The commissioner of fish and game shall notify the
20 revisor of statutes and the lieutenant governor of that date.

21 * Sec. 76. Except as provided in sec. 75 of this Act, this Act takes effect July 1, 1992.