

HOUSE BILL NO. 251

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MOSES

Introduced: 3/24/93

Referred: House Special Committee on Fisheries, Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management and allocation of fishery resources."

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

3 * Section 1. AS 16.05.251(a) is amended to read:

4 (a) The Board of Fisheries may adopt regulations under [IT CONSIDERS
5 ADVISABLE IN ACCORDANCE WITH] AS 44.62 (Administrative Procedure Act),
6 that the board determines are consistent with the policy set out in AS 16.05.725
7 and are necessary, for

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

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

1 (3) setting quotas, bag limits, harvest levels, and sex and size
2 limitations on the taking of fish;

3 (4) establishing the means and methods employed in the pursuit,
4 capture, and transport of fish;

5 (5) establishing marking and identification requirements for means used
6 in pursuit, capture, and transport of fish;

7 (6) classifying as commercial fish, sport fish, guided sport fish,
8 personal use fish, subsistence fish, or predators or other categories essential for
9 regulatory purposes;

10 (7) watershed and habitat improvement, and management, conservation,
11 protection, use, disposal, propagation, and stocking of fish;

12 (8) investigating and determining the extent and effect of disease,
13 predation, and competition among fish in the state, exercising control measures
14 considered necessary to the resources of the state;

15 (9) prohibiting and regulating the live capture, possession, transport, or
16 release of native or exotic fish or their eggs;

17 (10) establishing seasons, areas, quotas, and methods of harvest for
18 aquatic plants;

19 (11) establishing the times and dates during which the issuance of
20 fishing licenses, permits, and registrations and the transfer of permits and registrations
21 between registration areas is allowed; however, this paragraph does not apply to
22 permits issued or transferred under AS 16.43;

23 (12) regulating commercial, sport, guided sport, subsistence, and
24 personal use fishing as needed for the conservation, development, and utilization of
25 fisheries;

26 (13) requiring, in a fishery, observers on board fishing vessels, as
27 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
28 in AS 16.05.475(c), after making a written determination that an on-board observer
29 program

30 (A) is the only practical data-gathering or enforcement
31 mechanism for that fishery;

- 1 (B) will not unduly disrupt the fishery;
- 2 (C) can be conducted at a reasonable cost; and
- 3 (D) can be coordinated with observer programs of other
- 4 agencies, including the National Marine Fisheries Service, North Pacific
- 5 Fishery Management Council, and the International Pacific Halibut
- 6 Commission;

7 (14) establishing nonexclusive, exclusive, and superexclusive
8 registration and use areas for regulating commercial fishing;

9 (15) regulating resident or nonresident sport fishermen as needed for
10 the conservation, development, and utilization of fishery resources.

11 * Sec. 2. AS 16.05 is amended by adding a new section to article 5 to read:

12 Sec. 16.05.725. STATE FISHERIES MANAGEMENT POLICY. (a) It is the
13 policy of the State of Alaska to utilize, develop, and conserve the fisheries resources
14 of the state for the maximum benefit and common use of the people of the state
15 through management of fisheries resources consistent with the sustained yield principle
16 and allocation of fisheries resources in a manner that has the least adverse effect on
17 the people of the state.

18 (b) Notwithstanding any other provision of law, this policy shall govern the
19 actions of the Board of Fisheries, the commissioner, and the department.