

HB

802

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

2-10-76

Date: April 4, 1978

Mr. Speaker:

The Committee on RESOURCES has had HB 307
"An Act relating to a fee punch card system for king salmon sport fishing."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____
- and _____ new title same title
- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

[Signature]

Chairman

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUBPORT BUILDING - JUNEAU 99801

March 16, 1978

The Honorable Hugh Malone
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Malone:

The following information is provided in accordance with your request for use in the House Resources Committee concerning CSHB 807.

First you requested a fiscal note showing:

- a. Revenues produced by the bill
- b. Expenses incurred as a result of the bill

The fiscal note is enclosed, though a separate fiscal note is also being prepared by the Department of Revenue concerning this bill. We have provided them with the following base from which to project costs and estimate revenue.

Using our experience with the free punch card, our staff estimates that 100,000 cards would be required to meet the anticipated demand. Our experience also indicates that up to 50% of the cards picked up may not be used.

With a \$5.00 stamp several uncertainties are present:

- a. There may be initial resistance to the price, at least until the angler sees the first king salmon caught.
- b. The \$5.00 price will deter the casual pick-up of stamps, as happened with the free punch cards. On the other hand, stamp collectors may offset this somewhat.
- c. What affect the opening of additional streams will have on attracting new anglers is unknown, but most likely will increase participation by new anglers.
- d. The run strength will have a definite impact on the sale of stamps. If the word is out that lots of kings are in and are being caught, sales will be high. If the run is poor and the catch is down, sales of stamps would be reduced.

The Sport Fish staff estimates, under these uncertain conditions, that stamp sales during the first years of implementation would be near 50,000 sold.

Second, you requested an explanation of the financial aspect of the bill and a short narrative showing the relationship between the Fish and Game Fund revenues and expenditures.

The Fish and Game Fund was established to meet Federal requirements regarding State participation in the Fish and Wildlife Restoration Programs, commonly called the "D-J program" (Sport Fish) and the "P-R program" (Game). The Fish and Game Fund may be made up of the following monies:

- . money received from the sale of State sport fishing and hunting licenses and special permits;
- . proceeds received from the sale of furs, skins and specimens taken by predator hunters and other employees;
- . money received in settlement of a claim or loss caused by damage to the fish and game resources of the State;
- . money received from Federal, State, or other governmental units or from a private donor for fish and game purposes;
- . money from any other source (§ 17 Art 1 Ch 94 SLA 1959)

In actuality, almost all of the funds deposited in this account have been derived from the sale of sport fishing and hunting licenses.

In 1975 and 1976 the Fish and Game Fund was depleted to the point where cash flow problems were present and difficulty occurred in covering daily expenses in spite of monthly claims for reimbursement on Federal contracts. The Sport Fish budgets in FY 1974, 1975, 1976, 1977 and 1978 were below-maintenance level budgets due to inadequate reserves in this fund. In 1977, the Division was given \$539.8 in general funds by the Legislature to help cover the shortage of funds in the account and, during that session, legislation was passed to increase the resident and non-resident sport fishing, hunting and trapping licenses and certain tag fees. In the period (1974-1978), the Division restructured its programs and established and partially implemented a lay off list for permanent staff. This occurred during a period when angler pressure on the resource and the numbers of anglers entering the fishery were rapidly increasing. The Sport Fish budget and funding sources have been as follows for FY '77 and '78:

<u>Funding Sources</u>	<u>FY 1977</u>	<u>FY 1978</u>
Federal Receipts	\$1,267.0	\$1,269.9
General Funds	539.9	-0
Fish and Game Funds	1,040.6	1,816.8
	<u>\$2,847.5</u>	<u>\$3,086.7</u>

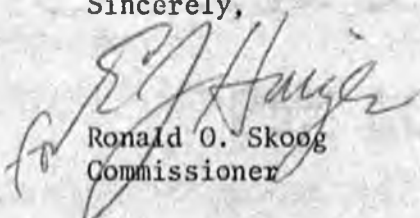
March 16, 1978

Anticipated revenue from license sales under the new rate during calendar 1977 was expected to replace the special General Fund allowance during 1978. This has occurred, as approximately \$1,935.7 was collected in Sport Fish license sales.

In spite of the additional revenue generated by the basic license fee increase several years ago, part of the increase was committed to replace the General Fund appropriations provided the prior year, and annual increased costs of doing business attributed to inflation has effectively taken its share of the balance. In addition, increasing benefits are provided to Alaskans through the sport fishing and hunting license structure that singly appear inconsequential, but collectively do have a definite impact on revenues to the Fish and Game Fund, e.g., license exemption of those over 60 years of age with 30 years of residency and the 25¢ hardship licenses; for which there are definite indications of abuse. Therefore, there is a remaining need for the money that could be generated by the king salmon stamp. For more detail, please note the material included.

In summary, the king salmon stamp should generate approximately \$200,000. Associated costs for king salmon investigations and punch card management could cost approximately \$156,000, if it was available and allocated, leaving approximately \$50,000 surplus to collections. It is felt that revenue from the king salmon stamp could provide the necessary funding to manage the recreational Cook Inlet king salmon stocks.

Sincerely,



Ronald O. Skoog
Commissioner

Enclosures

Cost estimates to implement a Cook Inlet King Salmon punch card fishery program have been defined as follows:

Approximately 108,000-122,000 anglers fished in Cook Inlet in 1977 and will expend close to 200,000 man days of effort during 1979.

A. Punch Card Costs:

I. Printing costs for punch card:

100,000 @ \$75/1000 = \$7,500

Postage based on 40% return of

72,000 cards (includes \$150 for

permit) = \$3,900

Subtotal

\$11,400

II. Distribution and Collection of Punch Card:

books. One man-month Aide time, \$1,500

travel costs/or Anchorage,

Matanuska Valley and Kenai

Peninsula areas \$ 500

Subtotal

\$ 2,000

The following listing will provide for a release of existing funds and include the costs for providing a program to monitor and manage the punch card fishery as directed by the Board.

Lower Kenai Streams - Existing program-additional funds will ^{allow} permit release of some permanent personnel (presently 5 permanent staff are committed to this program during the limited weekends fishery) to pursue their other assigned projects. Additional Aides will permit the continuation of this project. Additional cost is minimal - Aide time, \$4,000.

Kasilof River - New opening-stratified creel census designed by a Biometrician will be used at four access points. There will be no boat census initially; Aerial boat counts are planned. Since this is a new fishery, we will evaluate the relative effort originating at each access point and, after evaluation, adjust our sampling effort accordingly. No additional equipment is needed but additional costs total \$5,500.

Kenai River - Effort by the public will likely result in over 10,000 angler interviews for catch and effort data. Changes to existing programs will entail increased aerial boat counts to provide a more adequate coverage of this large river system with increased Aide time. At present, estimates of stock status (run size) is unknown. Aircraft use for these systems must rely heavily on helicopters with the increased costs associated with this method. Cost \$25,000.

Deep Creek Marine Fishery - Data collected to date indicates stock separation of Kenai Peninsula kings from Susitna fish is possible with a quite high degree of reliability. Stocks from various Kenai Peninsula streams can be separated with less reliability. A stratified creel census will be conducted with an increase in scale sampling. Cost \$15,000.

Susitna Streams - Five east side and three west side streams will be open to angling. Since we are unsure of how this new fishery will react, the Division plans to place two Aides on each stream during the open periods. In addition to collecting standard data on the catch, we will be evaluating the best way to manage these fisheries. Therefore, rather than establishing a statistically valid census design, we will conduct a nearly steady census. Since many anglers will be boaters, east and west side crews will have to be closely coordinated. In all, approximately nine man months of Aide time will be required in addition to permanent staff participation. Cost \$16,500.

Total Management: \$66,000

With the 14 streams, plus the marine area open to king salmon angling, the Sport Fish Division will, in future years, not be able to continue to provide catch estimates as precise as they are currently providing.

However, with overall management of the Susitna stocks still undecided and the obvious potential to over-harvest runs in the Kenai River, the Division is married to a long-term, expensive monitoring program if anglers are to continue to benefit from this resource.

III. Punch card data work-up:	
2 man months secretarial (clerk typist)	\$2,200
1 man month biologist/ biometrics.	\$2,500
Telephone or mail questionnaire for cards not returned	← \$1,900
Subtotal	<u>\$6,600</u>
Total	\$20,000

B. Management Implications to the Program.

The punch card fishery has remained relatively small over the years. The recent rapid growth of the Cook Inlet area in numbers of anglers, has placed a budgetary impact on the limited resources available to the Sport Fish Division. In the past, a small punch card fishery was absorbed into the existing program with only minor impact. Current demands, plus the expansion contemplated, will seriously impact all programs in Cook Inlet to the eventual exclusion of all but the punch card king salmon effort. Additional revenue sources will permit continuation of critical programs ^{involves} on other species and problems, while providing the necessary ^{funds} effort to adequately conduct a sound king salmon punch card effort.

In addition, research must be more adequately pursued to provide the necessary information on which adequate management decisions must be made. Programs which are presently identified and for which funding is not available include:

1. Stock separation - king salmon destined for upper inlet streams must be more critically determined from those stock on the Kenai Peninsula and the Kenai River. Timing, magnitude of runs, and migratory routes must be determined.
2. Early life history studies to determine seaward migration and enumeration of smolts.
3. Extensive background work is required to determine stock status on the Kenai River. A \$50,000 engineering feasibility study is in the current CIP Budget for an adult/smolt weir trap facility for this system. The Kenai River is the largest king salmon system on the Peninsula. No data exists on the magnitude of this run.
4. Pre-enhancement (stocking) evaluation will be required before (and after) artificial propagation programs can begin or their effects measured.

The research investigations outlined above will cost approximately \$70,000.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 807
 Title "An Act relating to a fee stamp system for King Salmon"
 Requested by Mr. Hugh Malone, Speaker Date March 15, 1978

II. FISCAL DETAIL

Agency Affected Alaska Department of Fish and Game
 Program Category Affected Sport Fish
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	NONE-	-	-	-	-	-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify) F&G Fund	237.5					

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The above figure is based on 50,000 licenses sold and receiving \$4.75 from each stamp purchased...25¢ is kept by the vender.

IV. DATE March 15, 1978 PREPARED BY *E. J. Huijer*
 Original: Legislative Finance AGENCY _____
 cc: Budget and Management PHONE _____
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1978

SUBJECT: King Salmon Sport Fishing Stamp
CSHB 807

TO: Representative Hugh Malone

FROM: Kenneth E. Vassar
Legislative Counsel *KV*

As you requested, I am including herein a work draft copy of a revised draft of CSHB 807 (fee stamp system for king salmon sport fishing). The draft includes a provision for the channeling of revenues received from the sale of the fee stamps to the division of sport fish within the Department of Fish and Game.

As you know, Article IX, Section 7, of the state constitution prohibits dedication of the proceeds of any state tax or license, except "when required by the federal government for state participation in federal programs." The existing provisions of AS 16.05.100 - 16.05.130, at least insofar as the dedication of fish and game licenses is concerned, is authorized under this clause of the constitution by virtue of the requirement in 16 U.S.C. 669 and 16 U.S.C. 777. These federal statutes require the dedication of state fishing and hunting license proceeds in order for the state to qualify for federal assistance. Section 777 provides in part:

No money apportioned under this Act to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this Act and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department...

Representative Hugh Malone
Page 2
March 23, 1978

This federal statute clearly was intended to provide for the conservation of fish (not just sport fish), and in that regard it specifically provides that license fees paid by fishermen be dedicated to the administration of the state's fish and game department. It could be argued that the provision of this redraft of CSHB 807 is in contravention of that statute by dedicating certain license fees to the administration of a division of the department, thus reducing the department's effectiveness in conserving fish in relation to fishing activities other than sport fishing. If the provision is not in compliance with the federal statute, it would clearly be prohibited under the state constitution as an unlawful dedication of the proceeds of a state license.

If you would like to replace the original draft with this one, please return the original to me; and we will provide a final draft of this version. If I can provide any further assistance, please let me know.

KEV:jpd

Enclosure

for the
HB 807
file

Ref to on p. 23
just a few pages mounted
to show Act is devoted to
fish fishing

FEDERAL AID
IN
FISH AND WILDLIFE
RESTORATION



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF SPORT FISHERIES AND WILDLIFE

Regulatory Announcement 52

(Issued October, 1968. Supersedes Regulatory Announcements 64 and 65)

CONTENTS

	Page
General information.....	3
Purpose of the Fish and Wildlife Restoration Acts.....	3
Sources of revenue.....	3
Merged administration of the Acts.....	3
How States qualify to participate.....	4
Project initiation and accomplishment.....	4
Types of suitable project activities.....	4
Activities not approvable under the Acts.....	5
Maintenance and management activities.....	5
Ownership and administration of restored units.....	6
Incidental benefits.....	6
Method of allocating funds to the States.....	6
Disposition of unused funds.....	6
Period of availability of funds.....	7
Rules and regulations of the Secretary of the Interior for administration of the Federal Aid in Fish and Wildlife Restoration Acts....	8
Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act)....	15
Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act or Federal Aid in Fish Restoration Act).....	23

GENERAL INFORMATION

Purpose of the fish and wildlife restoration acts

Fish and wildlife in the United States are valuable natural resources. Recreational benefits alone dependent upon fishing and hunting each year exceed 700 million man-days. Some 33 million hunters and fishermen who enjoy this recreation annually spend more than \$4 billion for the pleasure. In recognition of the value of these recreational activities to Americans and the need to conserve and restore the fish and wildlife resources that make them possible, Congress passed two important acts to assist State fish and game departments in their stewardship. These acts were intended to stimulate progressive research and management through programs financed in part by Federal grants in aid to the States.

The Federal Aid in Wildlife Restoration Act, approved September 2, 1937, and popularly known as the Pittman-Robertson Act, was designed to help check the depletion of the Nation's wildlife and to insure efficient administration in its restoration.

The Federal Aid in Sport Fish Restoration Act, approved August 9, 1950, and popularly known as the Dingell-Johnson Act, was designed to help protect and restore the Nation's sport-fishery resources.

The Acts provide that the Federal Government may pay up to 75 percent of the cost of work performed by the States on approved projects.

Sources of revenue

Funds available under the Pittman-Robertson program are derived from a manufacturers' excise tax of 11 percent on sporting arms and ammunition.

The revenue that supports the Dingell-Johnson program comes from a manufacturers' excise tax of 10 percent on fishing rods, creels, reels, and artificial lures, baits, and flies.

Moneys collected by the Treasurer of the United States during each fiscal year are authorized to be appropriated for the succeeding fiscal year for carrying out the purposes of the Acts.

Merged administration of the acts

To ensure economy, efficiency, and operational uniformity in the execution of these closely related laws, the Secretary of the Interior delegated administration of both to the Bureau of Sport Fisheries

and Wildlife of the United States Fish and Wildlife Service. Many of the procedures developed to carry out the wildlife-restoration program have been adopted wholly or in part for its fisheries counterpart. This is evident in the single set of regulations and standards and in the merged administration of the two activities.

How States qualify to participate

To participate in these programs, a State must assent to the provisions of the Dingell-Johnson and Pittman-Robertson Acts "and shall have passed laws for the conservation of fish (wildlife) which shall include a prohibition against the diversion of license fees paid by fishermen (hunters) for any other purpose than the administration of said State fish and game departments."

All States have assented to the provisions of the Acts.

Only fish and game departments or other authorities vested, under State laws, with fish and wildlife conservation functions are eligible to receive reimbursement for approved projects under the Acts.

Project initiation and accomplishment

When a State desires to obtain Federal Aid funds, its fish and game department submits a project statement to the Bureau of Sport Fisheries and Wildlife, describing the restoration work proposed and the estimated cost. If the project statement meets the requirements of the law, is substantial in character and design, and fulfills the requirements of the Secretary's Rules and Regulations, it is approved.

The State fish and game department then sends the Bureau a signed project agreement with full and detailed information, including a financial plan and sufficient supporting data to justify obligation of funds for the work described. Approval of a project agreement by the Bureau represents a contract for work mutually agreed upon between the Secretary of the Interior and the State fish and game department.

An amount is then set aside from the sum apportioned to the State, to meet the Federal Government's share of the project's cost. When the project is completed, or from time to time as work progresses, reimbursement is claimed by the State and paid by the Federal Government for work satisfactorily completed.

Types of suitable project activities

To carry out the purposes of these grant-in-aid programs—to restore populations of fish and wildlife and thereby increase hunting and fishing opportunities—it is a basic requirement that all fish and wildlife restoration projects be substantial in character and design. They may include activities of the following types:

Coordination.—Reimbursement can be approved for the planning

and supervision of projects by State personnel to insure effective administration of the work.

Research.—Studies designed to develop new knowledge of fish, wildlife, or their habitats are approvable.

Surveys and inventories.—Studies designed to provide fish or wildlife management data such as current stocks, harvest information, and fisherman or hunter use can be approved.

Land purchase.—States must have adequate control of restoration units prior to the development of capital improvements or the programming of substantial investments on land units. Control may be obtained through purchase, gifts, long term easements, or leases. The costs for such acquisitions can be approved.

Land and water developments.—Development activities designed to increase hunter and fisherman use of restoration units are approvable. Examples of such work are constructing public fishing lakes, developing access areas to public hunting grounds and fishing waters, planting food and cover crops, and stocking birds, mammals, or fish where needed. A State must assure the Bureau that adequate planning and design has preceded actual work to insure substantial results.

Maintenance.—Federal Aid funds can be approved for the upkeep and repair of capital improvements acquired or constructed under Federal Aid Projects.

Management.—Work concerned with the harvest or control of wild birds, mammals, and fish as a means of managing the resource is approvable.

Activities not approvable under the Acts

There are limitations on types of conservation activities that can be funded by the Acts. Conservation programs carried out through law enforcement, information and education, and extension activities, important as they may be, cannot be financed. Congress intended that funds appropriated should be used for fact-finding and in direct action programs for restoration of sport fishes and wildlife.

Maintenance and management activities

The Acts require that projects completed under their provisions shall be maintained by the States. A State may not spend more than 25 percent of the moneys apportioned to it under either Act in any fiscal year to help defray maintenance costs.

The Pittman-Robertson Act authorizes expenditures for the management of wildlife areas and resources, but limits expenditures for such purposes to not more than 30 percent of the amount apportioned to a State in any fiscal year. No such limitation on management activities is contained in the Dingell-Johnson Act.

Ownership and administration of restored units

All lands acquired become the property of the States and are maintained and administered by them under State laws. All structures built and all equipment purchased with these cooperative funds likewise become State property.

Incidental benefits

One of the critical needs to meet today's demands for outdoor recreation is space. Some land and water areas made available through the Federal Aid in Fish and Wildlife Restoration Programs may also be suitable for other types of outdoor recreation. If the associated recreation activities interfere with the primary objectives of the Acts, Federal Aid participation in total costs must be limited to the part concerned with fish or wildlife restoration. On areas acquired and managed by Federal Aid in Fish and Wildlife Restoration funds, fishing or hunting must be given primary consideration and must not suffer by competition from other forms of outdoor recreation.

Method of allocating funds to the States

The method of allocating Pittman-Robertson funds to each State is as follows: Half in the ratio that the area of the State bears to the total area of all the States, and half in the ratio that the number of paid hunting-license holders of the State bears to the total number of paid hunting-license holders of all the States.

Dingell-Johnson money is apportioned to each State as follows: Forty percent in the ratio that the area of the State (including coastal or Great Lakes water-) bears to the total area of all the States, and sixty percent in the ratio that the number of persons holding paid licenses to fish for sport or recreation in the State bears to the number of such persons in all the States.

Under each Act an initial deduction, not to exceed 8 percent, is made for administering the Act, and deductions are made for apportionments to Guam, Puerto Rico, and the Virgin Islands.

Disposition of unused funds

If a State wishes to use funds available under the Acts, it must notify the Secretary of the Interior each year within 60 days after receiving the certification of apportionment of funds, of its desire to participate. If such notification is not made, or if a State declines to participate, or if it fails to expend or obligate its entire apportionment within the period the funds are available, such apportionments or unused balances are then available for expenditure by the Secretary in carrying out programs of the Bureau of Sport Fisheries and Wildlife. Unused Dingell-Johnson funds revert to the Bureau's fishery research

program and unused Pittman-Robertson funds help pay for work conducted under the Migratory Bird Conservation Act.

Period of availability of funds

Money apportioned to any State for any fiscal year unobligated by an approved project at the close of that fiscal year is available for obligation in that State until the close of the succeeding year. For example, funds that became available for expenditure on July 1, 1965, could be obligated for work on projects as late as June 30, 1967, provided the State complied with the requirement of notifying the Secretary of the Interior of its desire to use apportioned funds and continues to be eligible.

RULES AND REGULATIONS OF THE SECRETARY OF THE INTERIOR FOR ADMINISTRATION OF THE FEDERAL AID IN FISH AND WILDLIFE RESTORATION ACTS

§ 80.1 Definitions. As used in this part, terms shall have the meanings ascribed in this section.

(a) Federal Aid Act(s). (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" (50 Stat. 917, as amended; 16 U.S.C., sec. 669-669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430, as amended; 16 U.S.C., sec. 777-777k), commonly referred to as the Dingell-Johnson Act.

(b) State. Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) State Fish and Game Department. Any department or division, or commission, or official of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Secretary of Agriculture of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) Fish and wildlife. (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(e) Project. A sound and substantial undertaking with the general objective of restoring or managing fish and wildlife populations now and for the future and for the preservation and improvement of sport fishing, hunting, and related uses of these resources.

(f) Project substantiality. A substantial project is one which will provide benefits to hunters and fishermen commensurate with cost, and which is designed in accordance with accepted fish and wildlife conservation and management practices and sound engineering principles.

(g) Project segment. An essential part or division of a project, usually separated as a period of time, occasionally as a unit of work.

(h) Land acquisition. The acquisition of lands, waters, or interests therein, by purchase, condemnation, lease, or gift.

(i) Development. Improving areas of land or water through the construction of works and facilities, improvement of soil and water conditions, establishing or controlling vegetation and animal populations, and including operation and protection of the areas.

(j) Research and surveys. Investigations into problems of fish and wildlife management necessary for the efficient administration of these resources, including:

(1) Research. Studies designed to supply new information about fish and wildlife, their environment, or the development of new methods for management of these resources.

(2) Surveys and inventories. Routine collection of data on the abundance and utilization of fish and wildlife, or the condition of their environment, through the application of established methodology.

(k) Management. For purposes of the limitation on the use of Federal Aid in Wildlife Restoration funds for the management of wildlife areas and resources, the term includes measures and facilities for the harvest and control of wild birds and mammals.

(l) Maintenance. Repair and upkeep of capital improvements acquired or constructed under the Federal Aid Acts. A capital improvement is any successfully established improvement having an expected useful life in excess of 5 years. For the purpose of qualifying for maintenance, a project is completed when the lands have been acquired, or capital improvements have been finished.

(m) Coordination. The selection, planning, direction, supervision, and coordination of projects within a State's Federal Aid program, including the coordination of this program with other related activities of the fish and game department.

(n) Administration. As used in Section 1 of each of the Federal Aid Acts, relating to diversion of license fees, in this part of administration of a fish and game department includes all of the normal operations and functions of such an organization.

§ 80.2 Apportionment and certification. The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department, the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate. Any State Fish and Game Department desiring to avail itself of the benefits of the Acts, shall notify the Secretary within 60 days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Period of availability of funds. Funds are available to a State for expenditure or obligation during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement or amendment thereto is signed by the Secretary or his authorized representative.

§ 80.5 Diversion of funds.

(a) Conditions to participation in the benefits of these Acts are that a State's hunting and fishing license revenues must be used only for administration of its Fish and Game Department and Federal Aid funds granted under the Acts must be used for the purposes of approved projects. A diversion of license fees occurs when a State Fish and Game Department, through legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State Fish and Game Department. A diversion of Federal Aid funds occurs whenever they are applied by a State to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State Fish and Game Department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary, or as they may be amended with the approval of the Secretary.

(b) When a diversion of funds occurs, a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act from the date the diversion occurs until (1) action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; (2) hunting and sport fishing license fees used for purposes other than the programs of the State Fish and Game Department are replaced; (3) Federal Aid funds used for purposes or activities which are not a part of an approved project are replaced; (4) Federal-Aid financed real property which has passed from the control of the State Fish and Game Department is restored to that control, or a property of equal value at current market prices and with commensurate benefits to fish and wildlife is acquired with non-Federal funds to replace it; or (5) uses of Federal-Aid financed real property which interfere with the accomplishment of approved

project objectives are ceased: *Provided, however,* That, where any projects were approved in compliance with the terms of the pertinent Act prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefor until expended, without regard for the intervening period of the State's ineligibility under the Federal Aid Acts: *Provided, further,* That, when the State shall find, and the Secretary agree, that a property is no longer useful for the purposes for which it was acquired or constructed, and that it is not practical to convert the property to other fish or wildlife restoration, development, or management purposes, the State may sell the property and apply the proceeds of sale as the State Fish and Game Department and the Secretary may then agree: *Provided, further,* That, when required by this section to acquire a property with non-Federal funds, a State shall be given a reasonable time, up to 3 years, to accomplish this, before becoming ineligible to receive Federal Aid funds.

§ 80.6 General information for the Secretary. Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State Fish and Game Department and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration, and management of fish or wildlife.

(a) Document signature. The Secretary of State of each State or any authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) Program information. The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

(c) Planning-Programming-Budgeting System. To promote the most efficient use of the financial resources of the Federal Government, Federal funds are budgeted according to a Planning-Programming-Budgeting System. In order that Federal funds for financing projects under the Federal Aid Acts may be budgeted under this system, States must furnish such plans and programs as the Secretary may require for this purpose.

§ 80.7 Hunting and fishing license information.

(a) Information concerning the number of paid hunting-license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year in form specified by the Secretary.

(b) This information shall be certified as accurate by the Director of the State Fish and Game Department. He shall furnish, when requested by the Secretary, evidence used in determining accuracy of the certification.

§ 80.8 Activities prohibited. Neither law enforcement nor public relation activities which are not incidental to custodial functions on an approved Federal Aid project may be financed under the programs.

§ 80.9 Uses other than for fish and wildlife. With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Federal Aid Acts shall be limited to the extent of the benefits to fish and wildlife resulting from such projects. Participation in maintenance of completed projects shall be similarly limited. Also, the costs of maintenance shall be appropriately shared according to the use of the area and facilities; Federal Aid funds shall not be applied to maintenance required by use other than for approved project purposes.

§ 80.10 Minimum Federal participation. A minimum Federal Aid participation of 10 percent in the cost of each project is required as a condition of approval.

§ 80.11 Project statement. A project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project meets the requirement of being substantial in character and design in accordance with standards set forth in the Federal Aid in Fish and Wildlife Restoration Manual. This Manual is distributed to all program participants and is available at the Washington and Regional Offices of the Bureau of Sport Fisheries and Wildlife.

§ 80.12 Financial plan. A budget or spending plan listing estimated expenditures by activities (land acquisition, development, research, management, maintenance, and coordination) as related to the elements of Planning, Programming, and Budgeting shall be submitted for each project in a State covering the work to be performed over a specified period.

§ 80.13 Plans, specifications, and estimates. The annual financial plan shall be accompanied by supporting documents listing and describing the work to be performed with the funds listed therein. These

shall be as follows: (a) Engineering plans, specifications, and estimates shall be submitted for major construction activities. (b) Plans in job description form shall be submitted for each logical and effective unit of research activity. (c) Work plans, listing the development activities to be carried out under the financial plan shall be submitted. (d) Schedules of supervisory and technical personnel to be employed and major items of equipment to be purchased shall be provided.

§ 80.14 Project agreement. After the Secretary shall have approved project statements and the required plans, specifications, and estimates, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by an agreement to be executed between the State Fish and Game Department and the Secretary. An agreement shall cover the financing proposed in one financial plan and the work items described in the documents supporting it.

§ 80.15 Officials not to benefit. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part agreement, made under the Federal Aid Acts, or to any benefit that may arise therefrom.

§ 80.16 Equal employment opportunity. Each project agreement shall contain the equal employment opportunity provision of Part III of Executive Order 11216 (20 F.R. 12319) and as it may be amended.

§ 80.17 Submission of documents. Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the Bureau of Sport Fisheries and Wildlife, or by the appropriate Regional Director of the Bureau.

§ 80.18 Divergent opinions over project merits. Any difference of opinion about the substantiality of a proposed project, nature of development required, or appraised value of land to be acquired, are considered by qualified representatives of the Bureau of Sport Fisheries and Wildlife and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 80.19 Land control. The State Fish and Game Department must control lands or waters on which improvements are made. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.20 Samples of materials to be submitted. Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.21 **Contracts.** Contracts shall be solicited and awarded according to the laws and regulations of the State except as otherwise provided in this part.

§ 80.22 **Safety and accident prevention.** In the performance of each project, the State shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The State shall be responsible that all safeguards, safety devices, and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work.

§ 80.23 **Statements and payrolls.** The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended, (40 U.S.C. 276e), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this regulation by reference. The State Fish and Game Department will comply with these regulations and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 80.21 **Prosecution of work.**

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Projects with activities extending over a period of years may be financed from a number of succeeding apportionments as appropriate to the schedule.

(b) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable State laws.

(d) Appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.25 **Personnel.** The State Fish and Game Department shall employ adequate and competent personnel to initiate and carry Federal Aid projects through to satisfactory completion.

§ 80.26 **Maintenance of completed projects.** The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed acquisition or development of lands or waters.

§ 80.27 **Production of income.** Federal Aid funds shall not be spent for the purpose of producing income; e.g.,

(a) Producing agricultural crops in excess of those required for attracting, conserving, and enhancing wildlife populations.

(b) In connection with the acquisition of lands, paying for readily marketable timber or the salvage value of structures either of which are excess to project purposes when the State can secure immediate reimbursement through removal and sale.

(c) Purchasing transportation, construction, or farming equipment not needed for its full life on activities which are approvable for Federal Aid assistance.

(d) Conducting public hunting and fishing activities where user fees substantially pay for these costs.

Federal Aid funds used for such purposes shall be replaced as required under § 80.5, "Diversion of funds."

§ 80.28 **Inspection.** Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.29 **Civil rights.** Approval of each agreement shall be conditioned upon the acceptance by the United States of an assurance executed in writing by the properly authorized representative of the contracting State agency, or political division of the contracting State, supported by proper certification, guaranteeing that the program will be conducted in accordance with Title VI of the Civil Rights Act of 1964 and with the rules and regulations promulgated thereunder by the Secretary and published as 43 CFR Part 17 (filed December 3, 1964) to that end.

§ 80.30 **Federal Aid payments.** Payments under the Federal Aid Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made unless the project statement, such plans, specifications, and estimates as are required by the Secretary, and all other documents that may be necessary or required in the administration of these acts, shall have first been submitted to and approved by the Secretary. Payments shall be made only by way of reimbursement for expenditures reported and certified by the State Fish and Game Departments. Payments shall be made only to the State office or official designated by the State Fish and Game Department and authorized under the laws of the State to receive public funds of the State.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands and the Commonwealth of Puerto Rico

shall not exceed the amount specified in the agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) Payments for acquired real property shall not exceed 75 percent of the fair and reasonable value of the property as approved by the Secretary.

(d) Overhead and preliminary costs which are clearly tied to an approved project may be reimbursed provided the claims are supported by accurate records.

§ 80.31 Form of vouchers. Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department.

§ 80.32 Records and reporting. Reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. In projects containing multiple activities, costs for research, acquisition, development, and coordination shall be segregated. The accounts and records maintained by the State, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.33 Records retention period. The records, accounts, and supporting documents required to be maintained under the regulations in this part for each project shall be retained by the State Fish and Game Department until the expiration of 3 years after final payment of reimbursement to the State on the project.

§ 80.34 Convict labor. The State shall not employ any persons undergoing sentence of imprisonment at hard labor to perform work on projects approved under the Federal Aid Acts.

§ 80.35 Water pollution control. In the performance of each project, the State shall take necessary action to avoid pollution of water as a direct or indirect result of project activity. Water quality must be maintained at a level consistent with State water quality standards approved by the Secretary.

§ 80.36 Purchase of equipment. Advance approval by the Secretary is required for the purchase with Federal Aid participation of items of equipment costing in excess of \$500.

§ 80.37 Patents. Every project agreement and subcontract, having as a purpose the conduct of experimental or research work, shall con-

tain a patent article conforming to the President's Statement of Government Patent Policy, issued October 10, 1962, 28 F.R. 16913.

§ 80.38 Fish and wildlife planning. It is desirable that the expenditure of funds made available under the Federal Aid Acts be guided by long-range fish and wildlife plans. Therefore, undertakings of statewide planning for fish and wildlife are of the highest priority for Federal Aid Financing.

expended for such purpose. (Sept. 2, 1937, ch. 899, § 8, 50 Stat. 919; July 24, 1946, ch. 605, § 2, 60 Stat. 656; August 12, 1955, ch. 861, § 2, 69 Stat. 698.)

Sec. 8(a). The Secretary of the Interior is authorized to cooperate with the Commissioner of Agriculture and Commerce of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding \$10,000 each for Puerto Rico, Guam, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by this Act; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act. (Sept. 2, 1937, ch. 899, § 8(a), as added Aug. 15, 1941, ch. 397, 55 Stat. 692, and amended Aug. 9, 1959, ch. 529, 64 Stat. 399; July 2, 1956, ch. 489, § 2, 70 Stat. 473; Aug. 1, 1956, ch. 552, § 7, 70 Stat. 908; June 25, 1959, Public Law 86-70, § 15, 73 Stat. 143.)

Sec. 9. Out of the deductions set aside for administering and executing this Act and the Migratory Bird Conservation Act, the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible list of the Civil Service; to rent or construct buildings outside of the city of Washington; to purchase such supplies, material, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the purposes of this Act. (Sept. 2, 1937, ch. 899, § 9, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Sec. 10. The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this Act. (Sept. 2, 1937, ch. 899 § 10, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

FEDERAL AID IN SPORT FISH RESTORATION ACT

(DINGELL-JOHNSON ACT OR FEDERAL AID IN FISH RESTORATION ACT)

[Act of August 9, 1959 (64 Stat. 439), as amended (16 U.S.C. 777-777k)]

Sec. 1. The Secretary of the Interior is authorized and directed to cooperate with the States through their respective State fish and game departments in fish restoration and management projects as hereinafter set forth: No money apportioned under this Act to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this act and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this Act, the assent of the governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this Act shall agree upon the fish restoration and management projects to be aided in such State under terms of this Act, and all projects shall conform to the standards fixed by the Secretary of the Interior. (Aug. 9, 1959, ch. 658, § 1, 64 Stat. 439)

Sec. 2. For the purpose of this Act the term "fish restoration and management projects" shall be construed to mean projects designed for the restoration and management of all species of fish which have material value in connection with sport or recreation in the marine and/or fresh water of the United States and include—

(a) such research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources;

(b) the acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;

(c) the formulation and adoption of plans of restocking waters with food and game fishes according to natural areas or districts to which such plans are applicable, together with the acquisition of such facts as are necessary to the formulation, execution, and testing the efficacy of such plans;

(d) the selection, restoration, rehabilitation, and improvement of areas of water or land adaptable as hatching, feeding, resting, or breeding places for fish, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes, and such preliminary or incidental costs and expenses as may be incurred in and about such work. The term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department. (Aug. 9, 1950, ch. 658, § 2, 64 Stat. 431; July 2, 1956, ch. 489, § 2, 70 Stat. 473; as amended July 12, 1960, § 12, 74 Stat. 113.)

SEC. 3. To carry out the provisions of this Act, there is authorized to be appropriated an amount equal to the revenue accruing from tax imposed by section 2406 of Title 26, on fishing rods, creels, reels, and artificial lures, baits, and flies during the fiscal year ending June 30, 1951, and each fiscal year thereafter. The appropriation made under the provisions of this section for each fiscal year shall continue available during the succeeding fiscal year. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation. (Aug. 9, 1950, ch. 658, § 3, 64 Stat. 431.)

SEC. 4. So much, not to exceed 5 per centum, of each annual appropriation made in pursuance of the provisions of section 3 of this Act as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh

waters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner, that is to say, 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all the States: *Provided*, That such apportionments shall be adjusted equitably so that no State shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned to all of the States: *Provided, further*, That where the apportionment to any State under this section is less than \$1,500 annually, the Secretary of the Interior may allocate not more than \$1,500 of said appropriation to said State to carry out the purposes of this Act when said State certifies to the Secretary of the Interior that it has set aside not less than \$1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount for said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is authorized to be made available for expenditure to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year such sum is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. (Aug. 9, 1950, ch. 658, § 4, 64 Stat. 432.)

SEC. 5. For each fiscal year beginning with the fiscal year ending June 30, 1951, the Secretary of the Interior shall certify to the Secretary of the Treasury, and to each State fish and game department, the sum which he has estimated to be deducted for administering and executing this Act and the sum which he has apportioned to each State for such fiscal year. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the fish-research program of the Fish and Wildlife Service. (Aug. 9, 1950, ch. 658, § 5, 64 Stat. 432.)

SEC. 6. Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit to the Secretary of the Interior full and detailed statements of any fish-restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set up by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of the Interior shall approve only such projects as may be substantial in character and design, and the expenditure of funds authorized shall be applied only to such approved projects and if otherwise applied they shall be repaid by the State before it may participate in any further apportionment under this Act.

Items included for engineering, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of such works and shall be paid by the State as a part of its contribution to the total cost of such works. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside so much of said appropriation as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. No payment of any money apportioned under this Act shall be made on any project until such statement of the project and the plans, specifications, and estimates thereof shall have been submitted to and approved by the Secretary of the Interior. (Aug. 9, 1950, ch. 658, § 6, 61 Stat. 452.)

SEC. 7. When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided*, That the Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States pro rata share of the project in conformity with said plans and specifications. Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this Act. The Secretary of the

Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this Act. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State. (Aug. 9, 1950, ch. 658, § 7, 61 Stat. 453.)

SEC. 8. To maintain fish-restoration and management projects established under the provisions of this Act shall be the duty of the States according to their respective laws: *Provided*, That beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this Act may be considered as projects under this Act: *Provided further*, That not more than 25 per centum of the allocation from Federal funds in any one year after July 1, 1953, may be set aside for such maintenance projects. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this Act, shall be vested in such State. (Aug. 9, 1950, ch. 658, § 8, 61 Stat. 453.)

SEC. 9. Out of the deductions set aside for administering and executing this Act the Secretary of the Interior is authorized to employ such as assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the civil service; to rent or construct buildings outside of the District of Columbia; to purchase such supplies, materials (equipment, office fixtures, and apparatus) and to incur such travel and other expenses, including publication of technical and administrative reports, purchase, maintenance, and hire of passengers carrying motor vehicles, as he may deem necessary for carrying out the provision of this Act. (Aug. 9, 1950, ch. 658, § 9, 61 Stat. 453.)

SEC. 10. The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this Act. (Aug. 9, 1950, ch. 658, § 10, 61 Stat. 454.)

SEC. 12. The Secretary of the Interior is authorized to cooperate with the Commissioner of Agriculture and Commerce of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding \$10,000 each for Puerto Rico, Guam, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before

making the apportionments to the States provided for by this Act; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport¹ recreation. (Aug. 9, 1950, ch. 655, § 12, 64 Stat. 424; July 2, 1950, ch. 489, § 4, 70 Stat. 473; Aug. 1, 1950, ch. 852, § 8, 70 Stat. 998; June 25, 1950, Public Law 86-70, § 16, 73 Stat. 143.)

Sec. 13. The effective date of this Act shall be July 1, 1950

¹ So in original. Probably should read "sport or."

Original sponsor: Malone

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 807

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a fee stamp system for king salmon
7 sport fishing; and providing for an effective date."

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

9 * Section 1. AS 16.05.251 is amended by adding a new paragraph to read:

10 (13) implementation of a fee stamp system, for king salmon
11 sport fishing in areas designated by the board.

12 * Sec. 2. AS 16.05.340(a) is amended by adding a new paragraph to read:

13 (20) Resident king salmon sport fishing stamp 5(8)

14 However, a person who possesses a 25-cent license, as provided in (5) of
15 this subsection, may receive a king salmon sport fishing stamp without
16 charge. The stamp is nontransferable and shall be signed by the bearer
17 before use.

18 * Sec. 3. AS 16.05.940 is amended by adding a new paragraph to read:

19 (26) ^A "license" includes fee stamps issued for the current
20 fishing season as provided in sec. 340(a)(20) of this chapter.

21 * Sec. 4. This Act takes effect January 1, [1980.] 1979

22
23
24 * Take out the word "Resident" (could apply that only residents would have
25 to buy or pay for the stamps). Removal
26 recommended by Sen. Randleola.

A.

Obtaining a stamp does not preclude the need to obtain a sport fishing license in order to take king salmon.



Alaska House of Representatives



HUGH MALONE

POUCH V
JUNEAU
99611

P. O. BOX 9
KENAI
99611

February 6, 1978

Mr. Calvin Fair, D.D.S.
P. O. Box 369
Soldotna, Alaska 99669

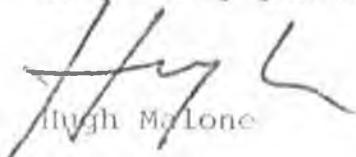
Dear Cal:

I am having legislation drafted regarding the king salmon punch card and fee system.

I'll send a copy to you, when I receive it, for your comments.

Thank you for your letter.

Very truly yours,



Hugh Malone

HM:JB:sf

CALVIN M. FAIR, D.D.S.
P O BOX 369
SOLDATNA ALASKA 99669

January 30, 1978

Rep. Hugh Malone
Pouch V
Juneau, Alaska
99801

Dear Hugh:

Concerning the king salmon punch card and fee bill. Have you had time yet to consider if you would want to submit it?

I feel the fee stipulation is a very important consideration as to whether or not we will have a punch card or game tag system here on the Kenai. The department just does not feel they can carry the cost of a card or tag unless it pays for itself.

If you do submit it, are there any persons in particular, myself or sport fish biologists, should contact to help it along?

According to the testimony we (Fish Bd.) heard in Anchorage in October and again in December you can assume the public is solidly in support of the card or tag and a fee if necessary to assure it.

Warm regards,
Calvin Fair
Calvin M. Fair

TELEGRAM

BOA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6440
JUNEAU, ALASKA 99801

00259 PGM TDA EAGLE RIVER ALASKA 15 3-22 940P AST

PMS REP ALVIN OSTERBACK

JUN

OUR ORGANIZATION REQUESTS HB887 BE AMEN. T READ

FRESH WATERS ONLY AND PASSEY.

DALE BONDURANT PRESIDENT SPORTSMENS GAME PRESERVATIONS

ASSOCIATION BOX 427 EAGLE RIVER AK

1978 MAR 5 AM 12 50

ALASKA COMMUNICATIONS, INC.

PHONE: 386-6440

UNALASKA, ALASKA 99501

#

02141 POM ANCHORAGE AK 15 03-31 200P AST

PMS REP ALVIN OSTERRACK

JUN

OUR LEAGUE REQUESTS HOUSE BILL 807 BE AMENDED TO READ
FRESH WATERS ONLY AND PASSED.

SAM E. MCDOWELL PRESIDENT

ANCHORAGE CHAPTER IZAAK WALTON LEAGUE OF AMERICA

ANCHORAGE ALASKA

1978 MAR 31 PM 8 31