

S B

393

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2-2 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/3/88
Mr. President:

DATE TURNED INTO OFFICE _____

Resours Committee considered SB 393

relating to corrective management of threatened stocks of fish and game

and recommended:

replace with CS SB 393(res) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

John Dunca
Paul Fisher

OTHER RECOMMENDATIONS

John Dunca No Rec

John Dunca
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: 2/3/88 Agency Affected: Fish and Game
 Title: An Act relating to corrective BRU: Game
management of threatened stocks...
 Sponsor: Coghill Components: _____
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		59.4	61.8	63.3	65.8	68.4
TRAVEL		8.0	8.0	8.0	8.0	8.0
CONTRACTUAL		10.0	10.0	10.0	10.0	10.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	78.4	80.8	82.3	84.8	87.4

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	78.4	80.8	82.3	84.8	87.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME	0	3	3	3	3	3
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached page.

Prepared by: Donald E. McKnight Phone: 465-4190
 Division: Game Date: 3/22/88
 Approved by Commissioner: *Donna C. Jensen* Date: 3-22-88
 Agency: Fish and Game

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Page Two

Fiscal Note for CSSB 393
Management of Threatened Stocks of Game

The emergency nature of the actions necessitated by passage of this bill makes it impossible to accurately predict the level of funding needed to complete work on the CSMPs. At a minimum, however, it appears that we will have to hire an additional 9 months of P/S Game Biologist II support for the Interior and 3 months of P/S Game Biologist II support for Southcentral in FY 89. The above budget includes monies for these salaries and benefits plus money to support necessary travel, per diem, supplies and contractual services for these employees. It is important to recognize additionally that the development of CSMPs will place an additional workload on area biologists, regional management coordinators and supervisors and the Game Director. If development of CSMPs incurs additional costs to those above, the department will report to the Legislature with additional fiscal information based on actual impacts of this legislation.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Boards	BILL NUMBER SB 393	SPONSOR Coghill
SHORT TITLE OF BILL An Act relating to corrective management of threatened stocks of fish and game			
DEPARTMENT POSITION Neutral			
PREPARED BY Beth Stewart	DATE 2/8/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 2/8/88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Boards of Fish and Game	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters and fishermen
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Introduced by Coghill

ANALYSIS OF BILL/PROGRAM EFFECTS
The Boards of Fisheries and Game normally meet twice yearly. This bill would require special emergency board meetings in addition to the regular board meetings. The proposed requirement that the board develop emergency interim corrective stock management plans (GSMP) when petitioned by advisory committees will require additional board meetings. Staff support as well as travel, per diem and other costs associated with board meetings will be required to implement this program.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to corrective management of threatened stocks of fish & game
Sponsor: Coghill
Requestor: Senate Resources Committee
Agency Affected: ADF&G
BRU: Division of Boards
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		147.9	152.7	167.8	167.9	168.0
TRAVEL		25.1	27.0	29.0	31.0	33.0
CONTRACTUAL		13.5	14.0	15.0	16.0	17.0
SUPPLIES		2.5	6.0	6.5	7.0	7.5
EQUIPMENT		4.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		193.5	201.2	209.8	218.4	227.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		193.5	201.2	209.8	218.4	227.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached narrative

Prepared by: Beth Stewart Phone: 465-4110
Division: Division of Boards Date: 2-8-88

Approved by Commissioner: *Norman Phillips* Date: 465-4100
Agency: Alaska Department of Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL IMPACT

This bill would require that the board develop emergency interim corrective stock management plans (CSMP) when petitioned by an advisory committee. This means there will be additional board meetings.

Based on the number of petitions the boards have received in the past two years, we expect at least one additional meeting for each board per year. Preparation of CSMP in addition to the department's normal work load will require additional staff and funding. A commercial fisheries biologist, a sport fisheries biologist, and a game biologist will be hired to prepare the CSMP's in advance of the board meetings and to prepare the annual reports for on-going CSMP's.

The emergency nature of these actions provides no way of predicting in advance the level of funding needed to complete the work generated by the CSMP's. The department will report to the legislature with additional fiscal information based on actual impact as it occurs.

Table 1. Estimated costs for emergency five-day meeting of Board of Fish and Board of Game.

Line Item	Explanation	Cost (1000)
300	Room Rental, 10 days @ \$400/day	4.0
300	Printing and mailing costs (Proposals and legal notices)	5.0
300	Advertisements	1.0
300/ 400	Incidental expenses (Telephone, xerox, supplies)	3.5
200	Travel	
	5 board members @ \$300 (avg. ticket)	1.5
	20 advisory committee members @ \$100	2.0
	2 board staff, 1 Department of Law staff, 4 Game Division staff @ \$350	2.5
	1 Commissioner's office staff @ \$350	.3
200	Per Diem	
	7 board members @ \$150/day x 10 days	10.5
	20 advisory committee members @ \$80/ day x 1 day	1.6
	7 staff members @ \$80/day x 10 days	5.6
	1 Commissioner's office staff @ \$80/ day x 6 days	.5
	TOTAL	38.0



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER CSSB 393 (Res)	SPONSOR Senator Coghill
SHORT TITLE OF BILL An Act relating to Corrective Management of Threatened Stocks of Game			
DEPARTMENT POSITION Opposed			
PREPARED BY Donald E. McKnight	DATE 3/18/88	COMMISSIONER'S SIGNATURE <i>Donnell Williams</i>	DATE 3-22-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Board of Game	CONSTITUENT GROUP(S) AFFECTED BY BILL All users of wildlife
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill appears to be an attempt to insure that when a game population declines to levels at which human utilization must be severely restricted or curtailed, the Board of Game must develop (be provided with) an action plan designed to increase that population to levels which will support optimal human utilization. In addition, the Board must at least draft regulations necessary to implement that plan. This Corrective Stock Management Plan (CSMP) then must be provided to local advisory committees.

ANALYSIS OF BILL/PROGRAM EFFECTS

Under this bill, the Board of Game would, after receiving information from the department that a game population will not or may not sustain continued human utilization, develop a "corrective stock management plan" (CSMP) designed to restore that population to levels which would support human use, presumably harvest. Because the Board of Game has no staff to write CSMPs, this task would, by necessity, be absorbed by Game Division. Very likely the Area Biologist for the Unit in which the "threatened" stock occurs would be the one writing the CSMP for that threatened stock; this redirection of staff time would necessitate the hiring of additional biologists or technicians to provide assistance to an area biologist involved in writing a CSMP. Because the Game Division has a dynamic and responsive management planning system already in place, development of CSMPs constitutes a redundancy of effort which is both unnecessary and economically unsound.

AMENDMENTS PROPOSED

Use of the term "threatened" (Page 1, lines 6, 13, 19, 21, 23 and 27; page 2, lines 3 and 21) will be very confusing to agencies and the public. This term is normally applied in Federal law, news media, etc., to species which are in danger of becoming endangered (a species whose very existence is threatened). Use of the term "threatened" to mean human use of a population is in jeopardy, will be confusing to the public and the courts.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT <i>Fish and Game</i>	DIVISION <i>Game</i>	BILL NUMBER <i>CSSB 393(Res)</i>	SPONSOR <i>Senator Coghill</i>
SHORT TITLE OF BILL <i>Corrective Management of Threatened Game Stock</i>			
DEPARTMENT POSITION <i>Opposed</i>			
PREPARED BY <i>Don McKnight</i>	DATE <i>3-18-88</i>	COMMISSIONER'S SIGNATURE <i>Sam E. Gilley</i>	DATE <i>3/18/88</i>

SUMMARY

OTHER AGENCIES AFFECTED BY BILL <i>Board of Game</i>	CONSTITUENT GROUP(S) AFFECTED BY BILL <i>All users of wildlife</i>
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill appears to be an attempt to insure that when a game population declines to levels at which human utilization must be severely restricted or curtailed, the Board of Game must develop (be provided with) an action plan designed to increase that population to levels which will support optional human utilization. In addition, the Board must at least draft regulations necessary to implement that plan. This Corrective Stock Management Plan (CSMP) then must be provided to local advisory committees.

ANALYSIS OF BILL/PROGRAM EFFECTS

Under this bill, the Board of Game would, after receiving information from the department that a game population will not or may not sustain continued human utilization, develop a "corrective stock management plan (CSMP) designed to restore that population to levels which would support human use, presumably harvest. Because the Board of Game has no staff to write CSMPs this task would, by necessity, be absorbed by Game Division. Very likely the Area Biologist for the Unit in which the "threatened" stock occurs would be the one writing the CSMP for that threatened stock; this redirection of staff time would necessitate the hiring of an additional 3 biologists or technicians to provide assistance to an area biologist involved in writing a CSMP. Because the Game Division has a dynamic and responsive management planning system already in place, development of CSMPs constitutes a redundancy of effort which is both unnecessary and economically unsound.

AMENDMENTS PROPOSED

Use of the term "threatened" (Page 1 line 6, line 13, line 19, line 21, line 23, line 27, Page 2 line 3, line 21) will be very confusing to agencies and the public. This term is normally applied in Federal law, news media, etc. to species which are in danger of becoming endangered (a species whose very existence is threatened). Use of the term threatened to mean human use of a population is in jeopardy will be confusing to the public and to the Courts.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Introduced: 2/6/86
Referred: Resources and
Finance

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 542

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to corrective management of threat-
7 ened stocks of game."

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

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

10 Sec. 16.05.265. MANAGEMENT OF THREATENED STOCKS OF GAME. (a)

11 The Board of Game shall adopt an interim corrective stock management
12 plan by emergency regulation under AS 44.62.250 and 44.62.260 when the
13 board receives scientific data compiled by the department that a stock
14 is threatened and a majority of the advisory committees in or adjacent
15 to the game management unit where the stock is located petitions the
16 board to adopt an interim corrective stock management plan.

17 (b) An interim corrective stock management plan expires after
18 120 days or when the Board of Game adopts a corrective stock manage-
19 ment plan, whichever occurs first.

20 (c) Within 120 days after adopting an interim corrective stock
21 management plan the Board of Game shall adopt a corrective stock
22 management plan in accordance with the Administrative Procedure Act
23 (AS 44.62).

24 (d) The Board of Game

25 (1) shall include in the corrective stock management plan
26 regulations for intensive management of the threatened stock and for
27 effective and expeditious corrective management of prey and natural
28 predator species of the threatened stock; and

29 (2) may include in the corrective stock management plan

1 guidelines or regulations for human utilization of the threatened
2 stock, for research on the population status and the ecology of the
3 threatened stock, for restoration of habitat, for public education
4 programs, for law enforcement programs, for designation of reserves,
5 ranges, and preserves, and for artificial rearing of the threatened
6 stock.

7 (e) The Board of Game shall review annually each corrective
8 stock management plan and shall

9 (1) receive scientific data compiled by the department on
10 the status of the threatened stock;

11 (2) evaluate the success of the corrective stock management
12 plan;

13 (3) continue, amend, or rescind the corrective stock man-
14 agement plan; and

15 (4) adopt regulations in accordance with the Administrative
16 Procedure Act (AS 44.62) necessary to achieve the corrective goals of
17 the corrective stock management plan.

18 (f) The commissioner shall implement interim corrective
19 management plans and corrective stock management plans subject to
20 priorities among plans and to the availability of resources to the
21 department.

22 (g) In this section

23 (1) "corrective stock management plan" means a document
24 that compiles information for the purpose of restoring a stock to
25 sustained-yield population levels, as determined by the department,
26 and the regulations adopted to implement the plan

27 (2) "interim corrective stock management plan" means a
28 corrective stock management plan that provides for management and
29 conservation of a threatened stock while the Board of Game prepares

1 and adopts a corrective stock management plan;

2 (3) "stock" means a population of a game species identi-
3 fied with a specific geographic area;

4 (4) "threatened" means the prospect for the continued human
5 utilization of the stock is jeopardized due to either

6 (A) reduction of the stock below sustained-yield
7 levels by disease, pollution, predation, or overutilization;

8 (B) overabundance of a game species leading to the
9 imminent

10 (i) depletion of the stock; or

11 (ii) destruction of habitat of the stock;

12 (C) destruction, modification, or reduction of habi-
13 tat; or

14 (D) other natural or man-made factors seriously af-
15 fecting the prospect of continued human utilization of the stock.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

MEMORANDUM

To: Members of the Senate Resources Committee

From: Senator Coghill

Re: SB 393, "An Act relating to corrective management of threatened stocks of fish and game."

Date: February 10, 1988

SB 393 establishes a method for the Boards of Fish and Game to deal with the difficult problem of threatened stocks. This bill requires the boards to deal with the issue in a methodical way instead of ignoring it completely.

While this legislation does not mandate what the boards must do, it does place a duty on the boards to adopt an interim stock management plan after the board receives biological data that stocks are threatened.

I believe the constitutional provision relating to the management of our fish and game resources on the sustained yield principle is a mandate to the boards to take positive action of some sort to protect jeopardized stocks.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STAT. CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1986

SUBJECT: Section by section analysis of HB 536,
relating to management of threatened stocks
of fish and game.

TO: Representative Richard Shultz

FROM: George Utermohle *GU*
Legislative Counsel

Sec. 16.05.265(a). This subsection places a duty on the board of fisheries or board of game to adopt an interim corrective stock management plan when the board receives scientific data prepared by the Department of Fish and Game that the continued human utilization of a fish or game stock is jeopardized and a majority of the local fish and game advisory committees in the area where the stock lives petition the board to adopt a plan.

When this situation occurs the board must prepare an interim corrective stock management plan. The board has no discretion as to whether it will prepare the plan. However, the content of the plan, with two major exceptions, is left to the board's discretion. The authority and discretion of the board to adopt management plans in other situations are not affected.

The interim corrective stock management plan is implemented as an emergency regulation in order to avoid delays that may otherwise occur in developing a plan and promulgating regulations. The justification for emergency regulations is that any delay in responding to the management needs of a threatened stock violates Art. VIII, Section 4 of the State Constitution which mandates that renewable resources be managed according to sustained yield principles.

Sec. 16.05.265(b). This subsection terminates an interim corrective stock management plan after 120 days. An interim corrective stock management plan can be terminated before 120 days have elapsed if a board adopts a long term stock management plan.

Sec. 16.05.265(c). This section requires a board to prepare the long-term corrective stock management plan within 120 days after adopting the interim plan. This requirement ensures continuous intensive management of the threatened species. The stock management plan is adopted by the board as a regulation.

Sec. 16.05.265(d). This subsection lists the mandatory and discretionary elements of a stock management plan. At the minimum a plan must address intensive management of the threatened stock and effective and expeditious management of prey species and natural predator species.

Additional issues or factors affecting the survival of the threatened stock may be considered at a board's discretion. Among the discretionary factors which the bill suggests are regulation of human utilization, biological research, protection of habitat, artificial rearing, public education programs, and law enforcement. Though the bill speaks of these factors in discretionary terms, a board must address any factor which is critical to the survival of the stock. If a board does not address a critical factor which is in its control or influence, the board is not fulfilling its constitutional mandate to manage according to sustained yield principles.

Sec. 16.05.265(e). This subsection requires a board to review annually each corrective stock management plan in effect. After receiving any additional scientific data from the Department and evaluating the success of the plan the board must take appropriate action to maintain, amend, or rescind the plan and the regulations.

This review of the corrective stock management plan will be done according to the Administrative Procedure Act and board policies. Public comment and participation in this review is thus assured.

Sec. 16.05.265(f). This subsection places responsibility on the Commissioner of Fish and Game to implement interim and long-term corrective stock management plans. When the Department lacks the resources to implement all aspects of one or more corrective management plans, the Commissioner shall establish priorities among plans to achieve as much as possible with the resources available.

Representative Richard Shultz

Page 3

February 4, 1986

Sec. 16.05.265(g). This section defines key terms in the bill: "stock", "corrective stock management plan", and "threatened".

A "stock" is an identifiable and manageable population of fish or game defined in terms of the location where it lives. "Fish" and "game" are defined elsewhere in AS 16.05 to include natural and introduced species of finfish, aquatic invertebrates, amphibians, mammals, and birds.

"Corrective stock management plan" is the plan and its implementing regulations adopted by the board. The purpose of the plan is to restore a threatened species to sustained yield levels. The plan must include information that is useful in rebuilding the stock; the plan is not restricted to biological or scientific information.

"Threatened" means that the population cannot support continued human utilization because the population is too small, the population is endangered by another overabundant species, the population's habitat has been damaged, or the population is endangered by some other natural or man-made factor.

GU:csh
c5/038