§ 13-0105. Marine fisheries conservation and management.

1. (a) It is the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that the resources are sustained in usable abundance and diversity for future generations. Utilization and allocation of available resources will be administered consistent with the restoration and maintenance of healthy stocks and habitats. The state shall actively manage its marine fisheries and shall endeavor to: protect and conserve habitats; restore habitats in areas where they have been degraded; and maintain water quality at a level that will foster occurrence and abundance of marine resources. The state shall optimize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

(b) The marine fisheries conservation and management policy shall be carried out through achievement of the following objectives:

(1) the state shall strive to obtain the best possible scientific information through research and monitoring of the resources;

(2) the state shall use the best available scientific information in managing the resources;

(3) the state recognizes that an informed public is integral to the management system and shall inform and involve constituents in management decisions;

(4) the management of the state's transboundary and migratory species shall be consistent with any interjurisdictional management plans, interstate or state-federal;

(5) in the event that fishery conservation and management require actions that result in resource allocation impacts, the state shall endeavor to assure such allocation impacts are distributed equitably among user groups, giving priority to existing fisheries within the state;

(6) the state shall minimize waste and reduce discard mortality of marine fishery resources;

(7) the state shall investigate and encourage the development of aquaculture of economically important species, both to relieve pressure

on and enhance wild stocks and to provide economic opportunity;

(8) the state shall encourage and, when feasible, provide access to the state's marine fishery resources consistent with marine fisheries conservation and management policy; and

(9) the state recognizes that adequate law enforcement services are integral to the success of any marine resource management program and shall endeavor to provide the necessary law enforcement services to ensure the protection of the resources and compliance of users with laws and regulations designed to manage and allocate those resources.

2. Prior to proposing regulations for the management of marine fish, mollusks (Phylum mollusca) or crustaceans (Class crustacea) found in the marine and coastal district, the department shall identify recreational and commercial fisheries interests which may be affected by the proposed regulations and directly consult with such interests. Such consultation may include, as appropriate, the conduct of meetings with invited representatives of fisheries interests, public information meetings, public hearings, direct mailings of information and public comment solicitations, and publication of proposals and comment solicitations in trade publications, and other measures. Such consultation shall include a meeting with the marine resources advisory council. No consultation shall be required prior to proposing emergency regulations.

3. (a) In reviewing proposed regulations, the council may request comments from harvesters of marine fisheries and the commercial and recreational fishing industries.

(b) The council shall express its advice to the department as the result of a vote of the membership on a recommendation that the proposed regulations be adopted, not adopted, or adopted with specified revisions.

(c) In making its final decision on such regulations, the department shall be guided by the recommendations of the marine resources advisory council and, consistent with the marine fisheries conservation and management policy set forth in subdivision one of this section and the requirements of subparagraph three of paragraph (b) of subdivision one of this section, shall endeavor to incorporate such recommendations in the final rulemaking. The department's assessment of public comment

published in the state register shall set forth the council's recommendations and an explanation of the department's final decision in regard to such recommendations and the requirements of this section.