

Introduced: 1/31/73
Referred: Resources

1 IN THE SENATE

BY SACKETT

2 CS SENATE BILL NO. 99

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of subsistence
7 fish and game zones."

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

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

10 ARTICLE 5. SUBSISTENCE FISH AND GAME ZONES.

11 Sec. 16.05.730. LEGISLATIVE FINDING AND POLICY. (a) The legis-
12 lature finds and declares that:

13 (1) many low-income residents have traditionally depended
14 upon the fish and game resources of the state for subsistence food and
15 clothing;

16 (2) this dependence upon fish and game resources for sub-
17 sistence food and clothing is most pronounced in the rural areas of
18 the state, particularly those areas known as the bush;

19 (3) increasing sport hunting and fishing pressure is a
20 threat to the continued fulfillment of traditional subsistence require-
21 ments of fish and game resources;

22 (4) the Alaska Native Claims Settlement Act (P.L. 92-203;
23 85 Stat. 688) was in part enacted to protect traditional subsistence
24 usage of the land by the Alaska Natives;

25 (5) protection of the subsistence usage of fish and game
26 resources for low-income residents is vital to the health, safety and
27 general welfare of the citizens of this state;

28 (6) the fish and game resources of the state are reasonably
29 abundant, and subsistence zones, managed properly, will not result in

1 a declining resource.

2 (b) It is the policy of the state, based on the findings in (a)
3 of this section, to place primary management emphasis of fish and game
4 on a subsistence basis in certain areas to provide the necessary
5 assistance for needy and low-income residents. It is declared to be
6 in the public interest to assure that the subsistence needs of the
7 people of the state are met before resources are managed on a sport
8 or commercial basis.

9 Sec. 16.05.735. ESTABLISHMENT OF SUBSISTENCE ZONES. (a) The
10 Board of Fish and Game, after examining and evaluating traditional
11 resource use and present resource needs, shall establish subsistence
12 zones adjacent or in close proximity to rural communities in the
13 state. In addition, the board may establish such other subsistence
14 zones as it considers necessary to satisfy the subsistence needs of
15 persons otherwise qualified by permit but not living adjacent or in
16 close proximity to rural communities. When establishing a zone under
17 this section, conflicts with commercial fishing areas shall be mini-
18 mized.

19 (b) In a subsistence zone established under this section, the
20 board may limit the species of fish or game, or both, that are subject
21 to subsistence use. A limitation made under this subsection may be
22 made only after a finding that traditional subsistence utilization was
23 not made of the species limited.

24 (c) Before a specific classification of a subsistence zone is
25 made under this section, the department shall conduct a public hearing
26 in a central location within the area under consideration for purposes
27 of assisting the board in its determination. After determining that
28 a classification of land for subsistence use is necessary and appropri-
29 ate, the board shall publish reasonable notice of the proposed

1 classification.

2 (d) The board may review and change the boundaries of a sub-
3 sistence zone, or areas within the zone, at any time upon a finding
4 that either (1) the economic needs of the people that use it have
5 changed, or (2) that the fish and game resources within a zone have
6 become depleted by falling below a sustained yield level. However,
7 no change may be made under this subsection until a public hearing
8 is conducted within the zone to be affected.

9 (e) No subsistence zone established under this section may be
10 larger than necessary to satisfy the food and clothing needs of the
11 persons holding permits to utilize it.

12 Sec. 16.05.740. ISSUANCE OF SUBSISTENCE PERMITS. (a) Except
13 as authorized in (b) of this section, a subsistence permit to engage
14 in hunting, fishing, or trapping shall be issued to an applicant upon
15 submission of proof to the commissioner or his designee that

16 (1) the person is a bona fide resident of the rural com-
17 munity for which the zone was established;

18 (2) the person holds a valid license entitling him to take
19 the fish or game, or both, that he intends to take in a subsistence
20 manner; and

21 (3) an independent determination made by the local governing
22 body in the rural community for which the zone was established, based
23 on proof submitted by the applicant, has concluded that sufficient
24 economic need warrants permit issuance; in the case of persons in or
25 near zones or in other areas where no governing body exists, the
26 independent determination shall be made by the commissioner; for pur-
27 poses of this paragraph, "sufficient economic need" means reliance on
28 the resource to the extent that it forms a necessary and essential
29 part of the applicant's food source, contributing in a significant

1 way to his continued existence.

2 (b) In addition to persons eligible for a permit under (a) of
3 this section, a person not living adjacent or in close proximity to a
4 rural community who meets the requirements of (a)(2) and (3) of this
5 section shall be issued a subsistence permit.

6 (c) No person may engage in hunting, fishing, or trapping in a
7 subsistence zone unless he possesses a permit issued to him under this
8 section. A subsistence permit entitles its holder to enter any zone
9 established under sec. 735 of this chapter for the purpose of hunting,
10 fishing, and trapping.

11 Sec. 16.05.745. USE OF AIRCRAFT PROHIBITED. No person holding
12 a subsistence permit issued under sec. 740 of this chapter may utilize
13 an aircraft in any manner, including transportation, for the purpose
14 of hunting, fishing, or trapping in a subsistence zone established
15 under sec. 735 of this chapter.

16 Sec. 16.05.750. COMPLIANCE WITH REGULATIONS MANDATORY. The
17 establishment of a subsistence zone under sec. 735 of this chapter in
18 no way exempts persons qualified to use it from complying with appli-
19 cable regulations as promulgated by the board.

20 Sec. 16.05.753. PERMIT FEE AND EXPIRATION. (a) The fee for a
21 subsistence permit issued under sec. 740 of this chapter is \$1. The
22 method of permit issuance and the collection of funds shall be deter-
23 mined by the commissioner of revenue. The procedures specified in
24 sec. 360 and secs. 380 - 390 of this chapter may be followed for permit
25 issuance and fee collection.

26 (b) A subsistence permit expires at the close of December 31
27 following issuance.

28 Sec. 16.05.756. REPORTS BY PERMITTEES. The commissioner of
29 fish and game may require a report to be made by each permittee

1 concerning the time, manner and specific area of taking fish and game,
2 the kinds and quantity taken, and other information helpful in the
3 management of fish and game resources.

4 Sec. 16.05.761. VIOLATIONS. (a) A person who engages in the
5 act of hunting, fishing, or trapping in a subsistence area without a
6 permit as required under sec. 740 of this chapter, upon conviction,
7 is guilty of a misdemeanor. In addition to punishment for a misde-
8 meanor, all guns, fishing tackle, camping gear, boats or other vehicles,
9 and other equipment and paraphernalia used in or in aid of a violation
10 under secs. 730 - 761 of this chapter shall be confiscated by persons
11 authorized to enforce this chapter.

12 (b) A person who knowingly makes a false statement or knowingly
13 omits a material fact in or in relation to an application for a sub-
14 sistence permit is guilty of a misdemeanor.

15 * Sec. 2. AS 16.05.940 is amended by adding new paragraphs to read:

16 (26) "subsistence zone" or "zone" means the specified land
17 area designated by the board for subsistence permit hunting, fishing,
18 or trapping; however, pending a final boundary determination by the
19 board, a zone is established for the area within a radius of 25 miles
20 of each Native village listed in sec. 11(b)(1) of the Alaska Native
21 Claims Settlement Act (P.L. 92-203; 85 Stat. 688);

22 (27) "rural community" means a community, town, or village
23 selected by the board after a determination that a general economic
24 need exists at the time the determination is made and that subsistence
25 use of fish and game has traditionally been practiced among most of
26 the residents of the community; however, pending final classification
27 of subsistence zones by the board under sec. 735 of this chapter,
28 "rural community" means a Native village listed in sec. 11(b)(1) of
29 the Alaska Native Claims Settlement Act (P.L. 92-203; 85 Stat. 688);

1 (28) "bona fide resident of a rural community" means a person
2 who

3 (A) maintains a permanent place of abode within the
4 community or village;

5 (B) has not claimed residence elsewhere;

6 (C) shows by all attending circumstances that his intent
7 is to make the community his permanent home;

8 (29) "subsistence" means the taking of fish or game for use
9 and consumption by the person taking the fish or game and his family
10 or household, including domestic animals; however, by-products of the
11 fish or game may be used in the construction of native handicrafts;

12 (30) "sustained yield level" means maintenance of the numbers
13 of fish and game in an area at maximum productivity of the population
14 or species, considering the optimum carrying capacity of the habitat
15 and the health of the ecosystem of which they form a constituent
16 element.

17 * Sec. 3. AS 16.05.250 is amended by adding a new paragraph to read:

18 (15) classifying areas of the state as subsistence zones
19 under sec. 735 of this chapter.
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