

Introduced: 4/26/77
Referred: Resources

1 IN THE HOUSE

BY ANDERSON

2  HOUSE BILL NO. 506

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subsistence hunting."

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

8 * Section 1. AS 16.05.257 is repealed and re-enacted to read:

9 Sec. 16.05.257. SUBSISTENCE HUNTING REGULATIONS. (a) The Board
10 of Game, at its regularly scheduled annual meeting, or within 120 days
11 from the vote conducted under (2) of this subsection, or within 120 days
12 from the date a petition is submitted under (3) or (4) of this subsec-
13 tion, whichever comes sooner, may adopt regulations providing for subsis-
14 tence hunting in a game management unit or subunit or a portion of a
15 unit or subunit upon

16 (1) recommendation of the department, based on biological
17 evidence;

18 (2) the majority vote of the active local advisory committee
19 for that game management unit or subunit;

20 (3) the written petition of not less than 100 interested
21 residents of that game management unit or subunit; or

22 (4) the written petition of not less than 25 interested resi-
23 dents of an area which is requested for establishment as a subsistence
24 area within a game management unit or subunit.

25 (b) The regulations may include but are not limited to the
26 following:

27 (1) the establishment of subsistence hunting areas;

28 (2) the regulation of transportation methods and means to
29 protect subsistence hunting within subsistence hunting areas, including

1 the prohibition or limitation of pack animals and mechanized vehicles and
2 aircraft, other than watercraft or wheeled vehicles operating on a road
3 maintained by public funds;

4 (3) the establishment of open and closed seasons and areas to
5 protect subsistence hunting;

6 (4) the limitation of hunting to only one sex of the animal.

7 (c) At least 45 days before the determination made in (a) and (b)
8 of this section the department shall,

9 (1) after reasonable notice, hold public hearings, at least
10 one of which must be at or in close proximity to the area for which a
11 subsistence area is requested, with at least one department game biolo-
12 gist responsible for the unit or subunit in which the subsistence area
13 is located and two members of the Board of Game in attendance at these
14 hearings;

15 (2) make an adequate biological investigation, including
16 but not limited to the carrying capacity of the species under considera-
17 tion, the concentration of other species, and competition among species
18 which are found in the unit or subunit under consideration;

19 (3) make an adequate report of the numbers of the species that
20 are being harvested and who is harvesting them, including but not limited
21 to residents, nonresidents, subsistence hunters and recreational hunters;

22 (4) make the reports submitted under (2) - (3) of this sub-
23 section available to the advisory committees voting under (a)(2) of this
24 section or to the persons who petitioned under (a)(3) or (4) of this
25 section.

26 (d) Comments to the reports submitted under (c)(2) - (3) of this
27 section may be submitted to the Board of Game at least 10 days before a
28 determination to adopt regulations under (a) and (b) of this section is
29 made.

1 (e) A petition submitted under (a)(3) or (4) of this section shall
2 contain a complete description of the area requested as a subsistence
3 area, a specification of the species within the area considered necessary
4 for subsistence use, and a statement as to why a subsistence area is
5 being requested, including but not limited to the availability of the
6 species for subsistence harvest and the competition between subsistence
7 and nonsubsistence users.

8 (f) Subject to (g) of this section, the determination by the Board
9 of Game to provide for subsistence hunting shall be based on the fol-
10 lowing:

- 11 (1) the past and present dependence of the area for subsis-
12 tence use of the species;
- 13 (2) the extent of the biomass in the area;
- 14 (3) the population trends of the species in the area; and
- 15 (4) whether the population is able to support nonsubsistence
16 harvest.

17 (g) No subsistence area may be created under this section if the
18 Board of Game determines that biological evidence indicates that the
19 creation of such an area is likely to adversely affect a resource in that
20 it would fall below the level of sustained yield determined to be
21 adequate.

22 (h) The Board of Game at any time may review and change the boun-
23 daries of a subsistence area upon

- 24 (1) the recommendation of the department, based on biological
25 evidence;
- 26 (2) the written petition of not less than 25 interested resi-
27 dents of that area; or
- 28 (3) the majority vote of the active local advisory committees
29 for that area.

1 (i) The department shall submit a report to the legislature during
2 the first 10 days of each legislative session beginning after January 1,
3 1977. The report shall include, but is not limited to, a listing of the
4 specific subsistence areas established or modified during the preceding
5 year and the species subject to subsistence use within those areas.

6 (j) In this section

7 (1) "subsistence hunting" means the taking of game animals by
8 a state resident for food or clothing for personal or immediate family
9 use;

10 (2) "subsistence hunting area" means an area designated by
11 the board as primarily important for subsistence use and in which it is
12 unlikely that subsistence needs will be met if recreational hunting,
13 including hunting for trophy purposes, is permitted or if certain methods
14 and means are continued.