

Original sponsor: Rules Committee
by request (for the Special
Committee on Subsistence)

Offered: 5/19/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 960 (Finance) am
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 fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.090 is amended by adding a new subsection to read:

22 (c) There is established in the Department of Fish and Game a
23 division of subsistence hunting and fishing.

24 * Sec. 3. AS 16.05 is amended by adding new sections to read:

25 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
26 FISHING. The division of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather
28 information, including data from subsistence users, on all aspects of
29 the role of subsistence hunting and fishing in the lives of the resi-

1 dents of the state;

2 (2) quantify the amount, nutritional value, and extent of
3 dependence on food acquired through subsistence hunting and fishing;

4 (3) make information gathered available to other appropriate
5 agencies and the legislature in a form suitable for use in developing
6 policies relating to land, water or resource use;

7 (4) assist the legislature or the Board of Fisheries or the
8 Board of Game in determining what uses of fish and game, as well as
9 which users and what methods, should be termed subsistence uses, users,
10 and methods;

11 (5) evaluate the impact of state and federal laws and regu-
12 lations on subsistence hunting and fishing and, when corrective action
13 is indicated, make recommendations to the governor and the legislature;

14 (6) make recommendations to the Board of Game and the Board
15 of Fisheries regarding adoption, amendment and repeal of regulations
16 relating to subsistence hunting and fishing;

17 (7) contract with organizations or individuals capable of
18 assisting the division in carrying out its duties;

19 (8) participate with other divisions in the preparation of
20 statewide and regional management plans so that those plans reorganize
21 and incorporate the needs of subsistence users of fish and game.

22 * Sec. 4. AS 16.05.251 is amended by adding a new subsection to read:

23 (b) The Board of Fisheries shall adopt regulations in accordance
24 with the Administrative Procedure Act (AS 44.62) permitting the taking
25 of fish for subsistence uses unless the board determines, in accordance
26 with the Administrative Procedure Act, that adoption of such regulations
27 will jeopardize or interfere with the maintenance of fish stocks on a
28 sustained-yield basis. Whenever it is necessary to restrict the taking
29 of fish to assure the maintenance of fish stocks on a sustained-yield

1 basis, or to assure the continuation of subsistence uses of such re-
2 sources, subsistence use shall be the priority use. If further restric-
3 tion is necessary, the board shall establish restrictions and limita-
4 tions on and priorities for these consumptive uses on the basis of the
5 following criteria:

6 (1) customary and direct dependence upon the resource as the
7 mainstay of one's livelihood;

8 (2) local residency; and

9 (3) availability of alternative resources.

10 * Sec. 5. AS 16.05.255 is amended by adding new subsections to read:

11 (b) The Board of Game shall adopt regulations in accordance with
12 the Administrative Procedure Act (AS 44.62) permitting the taking of
13 game for subsistence uses unless the board determines, in accordance
14 with the Administrative Procedure Act, that adoption of such regulations
15 will jeopardize or interfere with the maintenance of game resources on a
16 sustained-yield basis. Whenever it is necessary to restrict the taking
17 of game to assure the maintenance of game resources on a sustained-yield
18 basis, or to assure the continuation of subsistence uses of such re-
19 sources, subsistence use shall be the priority use. If further restric-
20 tion is necessary, the board shall establish restrictions and limita-
21 tions on and priorities for these consumptive uses on the basis of the
22 following criteria:

23 (1) customary and direct dependence upon the resource as the
24 mainstay of one's livelihood;

25 (2) local residency; and

26 (3) availability of alternative resources.

27 (c) In accordance with sound game management practices, the Board
28 of Game shall establish open seasons for game species which coincide
29 with the time of year when each species is most edible.

1 * Sec. 6. AS 16.05.257(a) is amended to read:

2 (a) The Board of Game, at its regularly scheduled annual meeting,
3 shall consider and may adopt regulations providing for subsistence
4 hunting in a game management unit or subunit or a portion of a unit or
5 subunit upon

6 (1) recommendation of the department, based on biological
7 evidence;

8 (2) the recommendation [MAJORITY VOTE] of the active local
9 advisory committees for that game management unit or subunit or a por-
10 tion of a unit or subunit;

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

13 (4) the written petition of not less than 25 interested
14 residents of an area which is requested for establishment as a subsis-
15 tence area within a game management unit or subunit.

16 * Sec. 7. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 8. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 9. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest.

22 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

23 (1) "subsistence hunting" means the taking of game animals by
24 a state resident for subsistence uses by means defined by the Board of
25 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

26 * Sec. 11. AS 16.05.257(h)(2) is repealed and re-enacted to read:

27 (2) "subsistence hunting area" means an area in which only
28 subsistence hunting of the affected species is permitted and which is
29 managed for maximum food potential.

1 * Sec. 12. AS 16.05.257 is amended by adding a new subsection to read:

2 (i) The Board of Game may make no decision denying, creating or
3 changing a subsistence hunting area unless based on specific written
4 findings of fact regarding all the information provided in accordance
5 with (e) of this section. No subsistence hunting area may be created if
6 the board determines that creation of such an area will jeopardize or
7 interfere with the maintenance of game populations on a sustained-yield
8 basis.

9 * Sec. 13. AS 16.05.290 is amended to read:

10 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
11 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
12 compensation for each day going to and from and for each day in actual
13 attendance at board meetings and other meetings or conferences author-
14 ized by a board.

15 * Sec. 14. AS 16.05.930 is amended by adding a new subsection to read:

16 (e) This chapter does not prevent the traditional barter of fish
17 and game taken by subsistence hunting or fishing, except that the com-
18 missioner may prohibit the barter of subsistence-taken fish and game by
19 regulation, emergency or otherwise, if a determination on the record is
20 made that the barter is resulting in a waste of the resource, damage to
21 fish stocks or game populations, or circumvention of fish or game
22 management programs.

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

24 (26) "subsistence uses" means the customary and traditional
25 uses in Alaska of wild, renewable resources for direct personal or
26 family consumption as food, shelter, fuel, clothing, tools, or trans-
27 portation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and wildlife resources taken for personal
29 or family consumption, and for the customary trade, barter or sharing

1 for personal or family consumption; for the purposes of this paragraph,
2 "family" means all persons related by blood, marriage, or adoption, and
3 any person living within the household on a permanent basis;

4 (27) "barter" means the exchange or trade of fish or game or
5 their parts

6 (A) for other fish or game or their parts; or

7 (B) for other food or for nonedible items if the ex-
8 change is of a limited and noncommercial nature.

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