

Introduced: 5/12/85
Referred: House Special Committee
on Fisheries, Resources and Finance

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1 IN THE HOUSE

2 HOUSE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subsistence fishing and hunting;
7 and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the continuation of the opportunity for nonwasteful subsis-
11 tence uses by many Alaskans is important and in many cases essential to
12 their physical, traditional, cultural, and social existence, and that in
13 certain instances no practical alternative resources or means are available
14 to replace food, supplies, and other items gathered from fish and wildlife
15 that supply rural residents dependent on subsistence uses;

16 (2) in order to protect subsistence users, to protect sport and
17 commercial uses of fish and wildlife, and to maintain healthy fish and
18 wildlife populations available to subsistence, sport, and commercial users,
19 it is necessary for the Board of Fisheries and the Board of Game to have
20 authority, only for the 1985 and 1986 fishing and hunting seasons and until
21 December 31, 1986, to regulate subsistence fishing and hunting in the
22 manner in which they were regulated in 1984;

23 (3) conservation of fish and wildlife during the 1985 and 1986
24 seasons will be furthered if the legislature is unhurried in its consid-
25 eration of complicated social, political, and biological questions related
26 to subsistence; by December 31, 1986 the legislature should be able to
27 consider, after statewide hearings, more complicated subsistence issues
28 that cannot be adequately considered in the remaining days of the First
29 Session of the Fourteenth Legislature.

1 * Sec. 2. SUBSISTENCE CRITERIA. Until December 31, 1986, and in accor-
2 dance with the Administrative Procedure Act (AS 44.62), the Board of Fish-
3 eries and the Board of Game may adopt regulations in order to identify
4 customary and traditional subsistence uses by Alaskans by using the crite-
5 ria set out in the regulations in effect in 1984 and found at 5 AAC 99.010
6 and 5 AAC 01.597 and those criteria are hereby established for the 1985
7 fishing and hunting seasons.

8 * Sec. 3. EMERGENCY ORDERS AND REGULATIONS. For the 1985 and 1986
9 fishing and hunting seasons, the commissioner of fish and game shall use
10 the authority in AS 16.05.060 and AS 44.62.250 to issue emergency orders
11 and regulations in order to provide for subsistence as it occurred in 1984;
12 provided however, that in this instance a biological emergency need not
13 exist as is otherwise required by AS 16.05.060.

14 * Sec. 4. SUBSISTENCE USES. Until December 31, 1986, only those sub-
15 sistence uses specified by statute or by regulations of the Board of Fish-
16 eries or the Board of Game are authorized.

17 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).