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1 IN THE HOUSE

2

HOUSE BILL NO. 415

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

8 * Section 1. AS 16.05.258(a) is amended to read:

9 (a) The Board of Fisheries and the Board of Game shall identify
10 the fish stocks and game populations, or portions of stocks and popu-
11 lations, that are customarily and traditionally used for subsistence
12 [IN EACH RURAL AREA IDENTIFIED BY THE BOARDS].

13 * Sec. 2. AS 16.05.258(c) is amended to read:

14 (c) The boards shall adopt subsistence fishing and subsistence
15 hunting regulations for each stock and population for which a harvest-
16 able portion is determined to exist under (b)(1) of this section. If
17 the harvestable portion is not sufficient to accommodate all consump-
18 tive uses of the stock or population, but is sufficient to accommodate
19 subsistence uses of the stock or population, then nonwasteful subsis-
20 tence uses shall be accorded a preference over other consumptive uses,
21 and the regulations shall provide a reasonable opportunity to satisfy
22 the subsistence uses. If the harvestable portion is sufficient to
23 accommodate the subsistence uses of the stock or population, then the
24 boards may provide for other consumptive uses of the remainder of the
25 harvestable portion. If it is necessary to restrict subsistence
26 fishing or subsistence hunting in order to assure sustained yield or
27 continue subsistence uses, then the preference shall be limited, and
28 the boards shall distinguish among subsistence users [,] on the basis
29 of the extent of the subsistence user's [BY APPLYING THE FOLLOWING

1 **CRITERIA:**

2 (1)] customary and direct dependence on the fish stock or
3 game population as the mainstay of livelihood [;

4 (2) LOCAL RESIDENCY;] and the

5 (3)] availability of alternative resources.

6 * Sec. 3. AS 16.05.258 is amended by adding a new subsection to read:

7 (g) Methods and means employed in the pursuit, capture, and
8 transport of fish or game for subsistence use may not include

9 (1) motorized vehicles, including motorized boats, air-
10 craft, snow machines, trucks, and automobiles;

11 (2) poison or a similar substance;

12 (3) explosive devices or charges that could affect more
13 than one animal at a time;

14 (4) gill nets, seines, or long lines;

15 (5) traps or snares that the Board of Fisheries or Board of
16 Game determines to be inhumane.

17 * Sec. 4. AS 16.05.940(29) is amended to read:

18 (29) "subsistence fishing" means the taking of, fishing for,
19 or possession of fish, shellfish, or other fisheries resources by a
20 subsistence user [RESIDENT DOMICILED IN A RURAL AREA OF THE STATE] for
21 subsistence uses with a dip net, spear [GILL NET, SEINE], fish wheel,
22 [LONG LINE,] or other means defined by the Board of Fisheries;

23 * Sec. 5. AS 16.05.940(30) is amended to read:

24 (30) "subsistence hunting" means the taking of, hunting for,
25 or possession of game by a subsistence user [RESIDENT DOMICILED IN A
26 RURAL AREA OF THE STATE] for subsistence uses by means defined by the
27 Board of Game;

28 * Sec. 6. AS 16.05.940(31) is amended to read:

29 (31) "subsistence uses" means the noncommercial, customary,

1 and traditional uses of wild, renewable resources by a subsistence
2 user [RESIDENT DOMICILED IN A RURAL AREA OF THE STATE] for direct
3 personal or family consumption as food, shelter, fuel, clothing,
4 tools, or transportation, for the making and selling of handicraft
5 articles out of nonedible by-products of fish and wildlife resources
6 taken for personal or family consumption, and for the customary trade,
7 barter, or sharing for personal or family consumption; in this para-
8 graph, "family" means persons related by blood, marriage, or adoption
9 living in the same household, and a person living in the household on
10 a permanent basis;

11 * Sec. 7. AS 16.05.940 is amended by adding a new paragraph to read:

12 (36) "subsistence user" means a resident of the state whose
13 family income from all sources is at or below the poverty level, whose
14 net worth is less than \$10,000, and who lacks alternative resources to
15 meet needs satisfied by subsistence use of fish and game; in this
16 paragraph, "poverty level" means a family income from all sources that
17 is less than or equal to the sum of \$7,480 for the first member of the
18 family and \$2,550 for each additional member of the family; in this
19 paragraph "family" means persons related by blood, marriage, or adop-
20 tion living in the same household, and other persons living in the
21 household on a permanent basis.

22 * Sec. 8. AS 16.05.940(26) is repealed.