

BY REP. PHILLIPS

1 IN THE HOUSE

2

HOUSE BILL NO. 600

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SPECIAL SESSION

5

A BILL

6

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

7

and providing for an effective date."

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

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\* Section 1. AS 16.05.251(e) is amended to read:

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(e) The Board of Fisheries shall establish criteria for the

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allocation of fishery resources among subsistence use, personal use,

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sport, and commercial fishing. The criteria for the allocation to

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subsistence uses must be consistent with AS 16.05.258. The criteria

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for personal use, sport, and commercial fishing may, as appropriate to

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particular allocation decisions, include factors such as

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(1) the history of each personal use, sport, and commercial

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fishery;

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(2) the number of residents and nonresidents who have

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participated in each fishery in the past and the number of residents

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and nonresidents who can reasonably be expected to participate in the

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future;

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(3) the importance of each fishery for providing residents

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the opportunity to obtain fish for personal and family consumption;

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(4) the availability of alternative fisheries resources;

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(5) the importance of each fishery to the economy of the

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state;

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(6) the importance of each fishery to the economy of the

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region and local area in which the fishery is located;

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(7) the importance of each fishery in providing

1 recreational opportunities for residents and nonresidents.

2 \* Sec. 2. AS 16.05.251 is amended by adding a new subsection to read:

3 (g) The Board of Fisheries shall establish by regulation crite-  
4 ria for determining the individuals who may

5 (1) take a fishery resource in a fishery for subsistence  
6 uses; and

7 (2) take a fishery resource in a fishery for subsistence  
8 uses in the event of restrictions on subsistence use.

9 \* Sec. 3. AS 16.05.255(a) is amended to read:

10 (a) The Board of Game may adopt regulations it considers advis-  
11 able in accordance with the Administrative Procedure Act (AS 44.62)  
12 for

13 (1) setting apart game reserve areas, refuges and sanctu-  
14 aries in the water or on the land of the state over which it has  
15 jurisdiction, subject to the approval of the legislature;

16 (2) establishing open and closed seasons and areas for the  
17 taking of game;

18 (3) establishing the means and methods employed in the  
19 pursuit, capture, and transport of game, including regulations, con-  
20 sistent with resource conservation and development goals, establishing  
21 means and methods that may be employed by persons with physical dis-  
22 abilities;

23 (4) setting quotas, bag limits, harvest levels, and sex,  
24 age, and size limitations on the taking of game;

25 (5) classifying game as game birds, song birds, big game  
26 animals, fur bearing animals, predators or other categories;

27 (6) methods, means, and harvest levels necessary to control  
28 predation and competition among game in the state;

29 (7) watershed and habitat improvement, and management,

1 conservation, protection, use, disposal, propagation and stocking of  
2 game;

3 (8) prohibiting the live capture, possession, transport, or  
4 release of native or exotic game or their eggs;

5 (9) establishing the times and dates during which the  
6 issuance of game licenses, permits and registrations and the transfer  
7 of permits and registrations between registration areas and game  
8 management units or subunits is allowed;

9 (10) regulating sport hunting and subsistence hunting,  
10 consistent with AS 16.05.258, as needed for the conservation, develop-  
11 ment, and utilization of game;

12 (11) establishing criteria for determining which individuals  
13 may take a member of a game population for subsistence uses and the  
14 individuals who may take a member of a game population in the event of  
15 restrictions on subsistence use.

16 \* Sec. 4. AS 16.05.258(a) is amended to read:

17 (a) The Board of Fisheries and the Board of Game shall identify  
18 the fish stocks and game populations, or portions of stocks and popu-  
19 lations, that are customarily and traditionally used for subsistence  
20 in each [RURAL] area identified by the boards.

21 \* Sec. 5. AS 16.05.258(c) is amended to read:

22 (c) The boards shall, [ADOPT SUBSISTENCE FISHING AND SUBSISTENCE  
23 HUNTING REGULATIONS] for each stock and population for which a har-  
24 vestable portion is determined to exist under (b)(1) of this section,  
25 allocate by regulation the percentages of the stock or population that  
26 may be taken for subsistence uses, for personal uses, for sport uses,  
27 and for commercial uses. The percentage allocated for subsistence  
28 uses must give a preference to satisfy subsistence uses [ . IF THE  
29 HARVESTABLE PORTION IS NOT SUFFICIENT TO ACCOMMODATE ALL CONSUMPTIVE

1 USES OF THE STOCK OR POPULATION, BUT IS SUFFICIENT TO ACCOMMODATE  
2 SUBSISTENCE USES OF THE STOCK OR POPULATION, THEN NONWASTEFUL SUBSIS-  
3 TENCE USES SHALL BE ACCORDED A PREFERENCE OVER OTHER CONSUMPTIVE USES,  
4 AND THE REGULATIONS SHALL PROVIDE A REASONABLE OPPORTUNITY TO SATISFY  
5 THE SUBSISTENCE USES. IF THE HARVESTABLE PORTION IS SUFFICIENT TO  
6 ACCOMMODATE THE SUBSISTENCE USES OF THE STOCK OR POPULATION, THEN THE  
7 BOARDS MAY PROVIDE FOR OTHER CONSUMPTIVE USES OF THE REMAINDER OF THE  
8 HARVESTABLE PORTION]. If it is necessary to restrict subsistence  
9 fishing or subsistence hunting in order to assure sustained yield or  
10 continue subsistence uses, then the preference shall be limited, and  
11 the boards shall distinguish among subsistence users on the basis of  
12 their [, BY APPLYING THE FOLLOWING CRITERIA:]

- 13 (1) customary and direct dependence on the fish stock or  
14 game population as the mainstay of livelihood;  
15 (2) local residency; and  
16 (3) availability of alternative resources.

17 \* Sec. 6. 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 RESIDENT DOMICILED IN A RURAL AREA OF THE STATE] for subsistence uses  
21 with gill net, seine, fish wheel, long line, or other means defined by  
22 the Board of Fisheries;

23 \* Sec. 7. 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 RESIDENT DOMICILED IN A RURAL AREA OF THE  
26 STATE] for subsistence uses by means defined by the Board of Game;

27 \* Sec. 8. AS 16.05.940(31) is amended to read:

28 (31) "subsistence uses" means the noncommercial, customary,  
29 and traditional uses of wild, renewable resources by an individual who

1        significantly depends on the resource [A RESIDENT DOMICILED IN A RURAL  
2        AREA OF THE STATE] for direct personal or family consumption as food,  
3        shelter, fuel, clothing, tools, or transportation, for the making and  
4        selling of handicraft articles out of nonedible by-products of fish  
5        and wildlife resources taken for personal or family consumption, and  
6        for the customary trade, barter, or sharing for personal or family  
7        consumption; in this paragraph,

8                    (A) "customary and traditional uses" means those uses  
9                    that have historically been made by residents of rural Alaska;  
10                   and

11                   (B) "family" means persons related by blood, marriage,  
12                   or adoption, and a person living in the household on a permanent  
13                   basis;

14        \* Sec. 9. AS 16.05.940(26) is repealed.

15        \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).