

**HOUSE BILL NO. 592**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Introduced: 5/10/92**

**Referred: Resources, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the taking of fish and game for subsistence; and providing for an  
2 effective date."

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

4 \* **Section 1. FINDINGS.** The legislature finds that

5 (1) the overwhelming majority of residents of rural areas of the state, both Alaska Natives  
6 and non-Natives, rely upon the subsistence use of fish and game for nutritional, economic, social, and  
7 cultural purposes;

8 (2) residents of rural areas of the state have few nutritional and economic alternatives for  
9 maintaining their livelihood other than subsistence uses of fish and wildlife;

10 (3) the state's fish and game are not unlimited and cannot provide for every desired use,  
11 now or in the future; competition for and the level of effort on these resources have required the  
12 legislature to establish a preference for subsistence among the various beneficial uses of fish and game  
13 in the state; and

14 (4) residents of urban areas of the state have nutritional and economic alternatives for

1 maintaining their livelihood other than subsistence uses of fish and wildlife, though many residents of  
2 urban areas do rely upon the taking of fish and wildlife for nutritional and cultural purposes.

3 \* Sec. 2. AS 16.05.070 is amended to read:

4 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the boards of fisheries  
5 and game, of the Subsistence Board, and of the commissioner, including emergency openings  
6 and closures, are admissible as evidence in the courts of the state in accordance with the  
7 Administrative Procedure Act (AS 44.62).

8 \* Sec. 3. AS 16.05.080 is amended to read:

9 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter authorizes the  
10 department, the Subsistence Board, or the boards of fisheries and game to change the amount  
11 of fees or licenses.

12 \* Sec. 4. AS 16.05.094 is amended to read:

13 Sec. 16.05.094. DUTIES OF SECTION OF SUBSISTENCE HUNTING AND FISHING.

14 The section of subsistence hunting and fishing shall

15 (1) compile existing data and conduct studies to gather information, including data  
16 from subsistence users and urban subsistence users, on all aspects of the role of subsistence  
17 hunting and fishing in the lives of the rural and urban residents of the state;

18 (2) quantify the amount, nutritional value, and extent of dependence on food  
19 acquired through subsistence hunting and fishing by rural and urban residents of the state;

20 (3) make information gathered available to the public, appropriate agencies, and  
21 other organized bodies;

22 (4) assist the department, the Subsistence Board, the Board of Fisheries, and the  
23 Board of Game in determining what uses of fish and game, as well as which users and what  
24 methods, should be termed subsistence uses, users, and methods;

25 (5) evaluate the impact of state and federal laws and regulations on subsistence  
26 hunting and fishing and, when corrective action is indicated, make recommendations to the  
27 department;

28 (6) make recommendations to the Subsistence Board [BOARD OF GAME AND  
29 THE BOARD OF FISHERIES] regarding adoption, amendment, and repeal of regulations  
30 affecting subsistence hunting and fishing and urban subsistence hunting and fishing;

31 (7) participate with other divisions in the preparation of statewide and regional

1 management plans so that those plans recognize and incorporate the needs of rural and urban  
2 subsistence users of fish and game.

3 \* Sec. 5. AS 16.05.094 is amended by adding a new subsection to read:

4 (b) The section of subsistence hunting and fishing shall provide staff for the Subsistence  
5 Board.

6 \* Sec. 6. AS 16.05.221 is amended by adding a new subsection to read:

7 (c) There is created the Subsistence Board consisting of one member from each  
8 subsistence region established under AS 16.05.260(b). The regional council of each subsistence  
9 region shall submit the names of three persons to serve on the board from its respective region.  
10 The governor shall appoint members of the board from among persons nominated by the regional  
11 council within 30 days after the governor receives the list of persons nominated by a regional  
12 council to fill a vacancy on the board. If the governor rejects all persons nominated by a  
13 regional council, the regional council shall submit to the governor a list of three new persons to  
14 fill the vacancy on the board. Persons nominated by a regional council must be subsistence users  
15 and residents of the subsistence region from which they are appointed. Members of the board  
16 shall be appointed to staggered three-year terms, subject to confirmation by a majority of the  
17 members of the legislature in joint session. The commissioner is not a member of the board, but  
18 shall be ex officio secretary.

19 \* Sec. 7. AS 16.05 is amended by adding a new section to read:

20 Sec. 16.05.231. AUTHORITY OF SUBSISTENCE BOARD. (a) The Subsistence Board  
21 shall identify by regulation

22 (1) communities and areas of the state that qualify as rural areas under this  
23 paragraph as follows:

24 (A) a community or area with a population of 2,500 persons or less is a  
25 rural area unless the board determines that the community or area possesses significant  
26 characteristics of an urban nature or is a part of an urbanized area;

27 (B) a community or area with a population of more than 2,500 persons but  
28 not more than 7,000 persons shall be classified as a rural area or urban area according to  
29 the characteristics identified under (E) of this paragraph; the board shall classify  
30 communities and areas of more than 2,500 persons but not more than 7,000 persons  
31 before classifying other communities and areas;

1 (C) a community or area with a population of more than 7,000 persons is  
2 presumed to be an urban area, unless the board determines that the community or area  
3 should be classified as a rural area because the community or area possesses significant  
4 characteristics of a rural area;

5 (D) the population of a community or area is determined according to the  
6 most recent census conducted by the United States Bureau of the Census as updated by  
7 the Department of Labor;

8 (E) community or area characteristics must be considered in determining  
9 whether the community or area is a rural area or urban area; the characteristics that may  
10 be considered include fish and game use, development and diversity of the economy,  
11 transportation, communication links, community infrastructure, and educational, cultural,  
12 and governmental institutions;

13 (F) communities or areas that are economically, socially, and communally  
14 integrated must be considered in the aggregate;

15 (2) for each rural and urban area of the state,

16 (A) the fish stocks and game populations that are taken for subsistence  
17 uses or urban subsistence uses;

18 (B) the customary and traditional patterns of taking and use of fish stocks  
19 and game populations taken for subsistence uses or urban subsistence uses;

20 (C) how much of the harvestable portion of a fish stock or game  
21 population identified in (A) of this paragraph is needed to satisfy subsistence uses and  
22 urban subsistence uses of the stock or population;

23 (3) the criteria for identifying those residents who qualify as urban subsistence  
24 users because they

25 (A) are residents of a community or area that has a nutritional or cultural  
26 dependence upon wild renewable resources for urban subsistence uses; or

27 (B) can individually demonstrate that they have a nutritional or cultural  
28 dependence upon wild renewable resources for urban subsistence uses.

29 (b) The Subsistence Board shall adopt regulations necessary to provide for subsistence  
30 fishing and hunting and urban subsistence fishing and hunting under this section and  
31 AS 16.05.258.

1 (c) For each fish stock and game population, or portion of a stock or population, that is  
2 taken for subsistence uses and identified under (a)(2) of this section, and when necessary to  
3 implement the provisions of AS 16.05.258(c), the Subsistence Board shall identify those residents  
4 who

5 (1) engage in subsistence uses of the stock or population;

6 (2) have the greatest customary and direct dependence on the subsistence uses of  
7 fish and game as the mainstay of livelihood;

8 (3) live closest to the stock or population; and

9 (4) have the least availability of alternative resources.

10 (d) For each fish stock and game population, or portion of a stock or population, that is  
11 taken for urban subsistence uses, identified under (a)(2) of this section, and when necessary to  
12 implement the provisions of AS 16.05.258(f), the Subsistence Board shall identify residents who

13 (1) engage in urban subsistence uses of the stock or population;

14 (2) have the greatest customary and direct dependence on the subsistence uses of  
15 fish and wildlife as the mainstay of livelihood;

16 (3) live closest to the stock or population; and

17 (4) have the least availability of alternative resources.

18 (e) In this section, "community" means a group of people who can demonstrate a  
19 sustained interaction or significant relationship that differentiate members of the group from  
20 nonmembers; "community" shall be construed in the context of the history, geography, and  
21 cultural organization of the group.

22 \* Sec. 8. AS 16.05.251(a) is amended to read:

23 (a) Subject to the authority of the Subsistence Board under AS 16.05.231 and to  
24 AS 16.05.258, the [THE] Board of Fisheries may adopt regulations it considers advisable in  
25 accordance with the Administrative Procedure Act (AS 44.62) for

26 (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the  
27 state over which it has jurisdiction, subject to the approval of the legislature;

28 (2) establishing open and closed seasons and areas for the taking of fish; if  
29 consistent with resource conservation and development goals, the board may adopt regulations  
30 establishing restricted seasons and areas necessary for persons 60 years of age and older to  
31 participate in sport or [,] personal use [, OR SUBSISTENCE] fishing;

- 1                   (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the  
2 taking of fish;
- 3                   (4) establishing the means and methods employed in the pursuit, capture, and  
4 transport of fish;
- 5                   (5) establishing marking and identification requirements for means used in pursuit,  
6 capture, and transport of fish;
- 7                   (6) classifying as commercial fish, sport fish, personal use fish, [SUBSISTENCE  
8 FISH,] or predators or other categories essential for regulatory purposes;
- 9                   (7) watershed and habitat improvement, and management, conservation, protection,  
10 use, disposal, propagation, and stocking of fish;
- 11                   (8) investigating and determining the extent and effect of disease, predation, and  
12 competition among fish in the state, exercising control measures considered necessary to the  
13 resources of the state;
- 14                   (9) prohibiting and regulating the live capture, possession, transport, or release  
15 of native or exotic fish or their eggs;
- 16                   (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- 17                   (11) establishing the times and dates during which the issuance of fishing licenses,  
18 permits, and registrations and the transfer of permits and registrations between registration areas  
19 is allowed; however, this paragraph does not apply to permits issued or transferred under  
20 AS 16.43;
- 21                   (12) regulating commercial, sport, [SUBSISTENCE,] and personal use fishing as  
22 needed for the conservation, development, and utilization of fisheries;
- 23                   (13) requiring, in a fishery, observers on board fishing vessels, as defined in  
24 AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c),  
25 after making a written determination that an on-board observer program
- 26                               (A) is the only practical data-gathering or enforcement mechanism for that  
27 fishery;
- 28                               (B) will not unduly disrupt the fishery;
- 29                               (C) can be conducted at a reasonable cost; and
- 30                               (D) can be coordinated with observer programs of other agencies,  
31 including the National Marine Fisheries Service, North Pacific Fishery Management

1 Council, and the International Pacific Halibut Commission;

2 (14) establishing nonexclusive, exclusive, and super exclusive registration and use  
3 areas for regulating commercial fishing.

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

5 (a) Subject to the authority of the Subsistence Board under AS 16.05.231 and to  
6 AS 16.05.258, the [THE] Board of Game may adopt regulations it considers advisable in  
7 accordance with the Administrative Procedure Act (AS 44.62) for

8 (1) setting apart game reserve areas, refuges, and sanctuaries in the water or on  
9 the land of the state over which it has jurisdiction, subject to the approval of the legislature;

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

11 (3) establishing the means and methods employed in the pursuit, capture, and  
12 transport of game, including regulations, consistent with resource conservation and development  
13 goals, establishing means and methods that may be employed by persons with physical  
14 disabilities;

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

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

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

21 (7) watershed and habitat improvement, and management, conservation, protection,  
22 use, disposal, propagation, and stocking of game;

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

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

28 (10) regulating sport hunting [AND SUBSISTENCE HUNTING] as needed for  
29 the conservation, development, and utilization of game.

30 \* Sec. 10. AS 16.05.258 is repealed and reenacted to read:

31 Sec. 16.05.258. SUBSISTENCE AND ALLOCATION OF FISH AND GAME. (a) A

1 combined board shall determine what portion, if any, of the fish stocks and game populations  
2 identified under AS 16.05.231(a)(2) can be harvested consistent with sustained yield.

3 (b) The Subsistence Board shall determine how much of the harvestable portion of a  
4 stock or population is needed to satisfy the subsistence uses of the stock and population.

5 (c) The Subsistence Board shall adopt subsistence fishing and hunting regulations for  
6 each stock and population for which a harvestable portion is determined to exist under (a) of this  
7 section. Regulations adopted by the Subsistence Board under this subsection shall provide, to  
8 the extent consistent with sustained yield, for the customary and traditional uses and practices  
9 of residents who engage in subsistence use in a manner that will result in the least adverse effect  
10 upon those uses. If the harvestable portion of a stock or population is not sufficient to  
11 accommodate all consumptive uses of the stock or population, but is sufficient to accommodate  
12 subsistence uses of the stock or population, then nonwasteful subsistence uses shall be accorded  
13 a preference over other consumptive uses, including urban subsistence uses, of the stock or  
14 population. If it is necessary to restrict subsistence fishing or subsistence hunting in order to  
15 assure sustained yield or to continue subsistence uses of the stock or population, then the  
16 preference for subsistence uses shall be limited, and the Subsistence Board shall distinguish  
17 among subsistence users, by applying the following criteria:

18 (1) customary and direct dependence on the fish stock or game population as the  
19 mainstay of livelihood;

20 (2) local residency; and

21 (3) availability of alternative resources.

22 (d) The Subsistence Board shall determine how much of the harvestable portion of a  
23 stock or population is needed to provide for the urban subsistence uses of the stock or population.  
24 If the harvestable portion of a stock or population identified under AS 16.05.231(a)(2) is  
25 sufficient to accommodate consumptive uses in addition to subsistence uses, the Subsistence  
26 Board shall adopt regulations consistent with this section that authorize the taking of the stock  
27 or population for urban subsistence uses. The Board of Fisheries or Board of Game, as  
28 appropriate, may adopt regulations consistent with this section that authorize the taking of the  
29 stock or population for other consumptive uses.

30 (e) Regulations adopted by the Board of Fisheries or the Board of Game under (d) of this  
31 section may not authorize a level of nonsubsistence hunting or fishing that would deny

1 subsistence users the opportunity to satisfy subsistence uses or urban subsistence uses due to  
2 overcrowding in harvest areas or disruption of stocks or populations.

3 (f) Regulations adopted under (d) of this section shall provide for the taking of all, or  
4 a portion, of the harvestable portion of a stock or population for urban  
5 subsistence uses; and that the taking of a stock or population for urban subsistence uses has a  
6 preference over the taking of the stock or population for nonsubsistence consumptive uses. If  
7 the harvestable portion of a stock or population available for urban subsistence uses is not  
8 sufficient to accommodate all urban subsistence users, the Subsistence Board shall determine  
9 which urban subsistence users may participate in the taking of the stock or population for urban  
10 subsistence uses on the basis of

11 (1) customary and direct dependence on the stock or population as the mainstay  
12 of livelihood;

13 (2) local residency; and

14 (3) availability of alternative resources.

15 (g) Subject to (c) of this section, the taking of fish or game authorized under this section  
16 is subject to reasonable regulation of seasons, catch or bag limits, and methods and means by the  
17 Subsistence Board. The taking and use of fish and game authorized under this section is subject  
18 to AS 16.05.831 and AS 16.30.

19 (h) If the harvestable portion of a stock or population is insufficient to provide for  
20 subsistence uses, urban subsistence uses, and nonsubsistence consumptive uses, the department  
21 and advisory committee members representing affected subsistence users, urban subsistence users,  
22 and nonsubsistence users shall develop a cooperative management plan to facilitate the recovery  
23 of the stock or population to allow for increased consumptive use of the stock or population. The  
24 cooperative management plan must contain recommendations to the appropriate boards for  
25 necessary changes in regulations. If the subsistence uses or urban subsistence uses of a stock or  
26 population has been eliminated to achieve sustained yield, the Subsistence Board shall adopt  
27 regulations to allow subsistence harvest of the stock or population as soon as the combined board  
28 has determined there is a harvestable portion consistent with sustained yield.

29 (i) In this section, "combined board" means the Subsistence Board and the Board of  
30 Fisheries, acting jointly, in regard to fishery resources and the Subsistence Board and the Board  
31 of Game, acting jointly, in regard to game resources.

1 \* Sec. 11. AS 16.05.260 is amended to read:

2           Sec. 16.05.260. **ADVISORY COMMITTEES.** ~~The Subsistence Board, the~~ Board of  
3 Fisheries, and the Board of Game may adopt regulations they consider advisable in accordance  
4 with the Administrative Procedure Act (AS 44.62) establishing, at places in the state designated  
5 by the individual boards, advisory committees to be composed of persons well informed on the  
6 fish or game resources of the locality. The boards shall set the number and terms of each of the  
7 members of the advisory committees, shall delegate one member of each committee as chair  
8 [CHAIRMAN], and shall give the chair [CHAIRMAN] authority to hold public hearings on fish  
9 or game matters. Recommendations from the advisory committees shall be forwarded to the  
10 appropriate board for their consideration but if the Subsistence Board, the Board of Fisheries,  
11 or the Board of Game chooses not to follow the recommendations of the local advisory  
12 committee the appropriate board shall inform the appropriate advisory committee of this action  
13 and state the reasons for not following the recommendations. The commissioner shall delegate  
14 authority to advisory committees for emergency closures during established seasons. The  
15 commissioner is empowered to set aside and make null and void only opening of seasons set by  
16 the advisory committees under this section. The appropriate board shall adopt the necessary  
17 regulations governing these closures.

18 \* Sec. 12. AS 16.05.260 is amended by adding new subsections to read:

19           (b) Board of Fisheries and Board of Game, acting jointly, shall divide the state into at  
20 least six subsistence regions. The number and boundaries of the regions shall be sufficient to  
21 assure that regional differences in subsistence uses and urban subsistence uses of fish and game  
22 are adequately accommodated. The commissioner shall establish a regional council in each  
23 subsistence region. The membership of each regional council consists of the chair, or the chair's  
24 designee, of each advisory committee within the region.

25           (c) Each regional council, in consultation with the section of subsistence hunting and  
26 fishing, shall provide recommendations to the Subsistence Board on the identifications and  
27 regulations required under AS 16.05.231 and 16.05.258. The Subsistence Board shall adopt a  
28 recommendation unless the recommendation is not supported by substantial evidence presented  
29 during the course of its proceedings, violates recognized principles of fish and wildlife  
30 conservation, or would be detrimental to the satisfaction of subsistence needs. If the Subsistence  
31 Board does not follow the recommendation of a regional council, the board shall return the

1 recommendation with an explanation of its reason for not adopting the recommendation to the  
2 regional council for further consideration.

3 \* Sec. 13. AS 16.05.270 is amended to read:

4 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the  
5 purpose of administering AS 16.05.231, 16.05.251, [AS 16.05.251] and 16.05.255, each board  
6 may delegate authority to the commissioner to act in its behalf. If there is a conflict between the  
7 board and the commissioner on proposed regulations, public hearings shall be held concerning  
8 the issues in question. If, after the public hearings, the board and the commissioner continue to  
9 disagree, the issue shall be certified in writing by the board and the commissioner to the governor  
10 who shall make a decision. The decision of the governor is final.

11 \* Sec. 14. AS 16.05.315 is amended to read:

12 Sec. 16.05.315. JOINT BOARD MEETINGS. The Board of Fisheries and the Board of  
13 Game, the Subsistence Board and the Board of Fisheries, the Subsistence Board and the  
14 Board of Game, or the Subsistence Board, Board of Fisheries, and the Board of Game may  
15 hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in  
16 regulations of the boards and to consider matters, as determined by the commissioner or a board,  
17 which require the joint consideration of the [BOTH] boards.

18 \* Sec. 15. AS 16.05.320 is amended to read:

19 Sec. 16.05.320. QUORUM. A majority of the members of a board constitutes a quorum  
20 for the transaction of business, for the performance of any duty, and for the exercise of any  
21 power. However, a majority of the full board membership is required to carry all motions,  
22 regulations, and resolutions. A majority of the members of the boards convening in a joint  
23 meeting [OF FISHERIES AND GAME] constitute a quorum for the transaction of business in  
24 a joint board meeting. A majority of the membership of the boards is required to carry all joint  
25 motions, regulations, and resolutions of the boards.

26 \* Sec. 16. AS 16.05.330(c) is amended to read:

27 (c) The Subsistence Board [OF FISHERIES AND THE BOARD OF GAME] may adopt  
28 regulations providing for the issuance and expiration of subsistence permits for areas, villages,  
29 communities, groups, or individuals as needed for authorizing, regulating, and monitoring the  
30 subsistence harvest of fish and game by subsistence users or urban subsistence users. The  
31 boards shall adopt these regulations when the subsistence preference requires a reduction in the

1 harvest of a fish stock or game population by ~~subsistence users, urban subsistence users, or~~  
2 nonsubsistence users.

3 \* Sec. 17. AS 16.05.940(3) is amended to read:

4 (3) "a board" means either the Subsistence Board, the Board of Fisheries, or the  
5 Board of Game;

6 \* Sec. 18. AS 16.05.940(26) is repealed and reenacted to read:

7 (26) "rural area" means a community or area of the state classified as rural by the  
8 Subsistence Board;

9 \* Sec. 19. AS 16.05.940(29) is repealed and reenacted to read:

10 (29) "subsistence fishing" means the taking of, fishing for, or possession of fish,  
11 shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for  
12 subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the  
13 Subsistence Board;

14 \* Sec. 20. AS 16.05.940(30) is repealed and reenacted to read:

15 (30) "subsistence hunting" means the taking of, hunting for, or possession of game  
16 by a resident domiciled in a rural area of the state for subsistence uses by means defined by the  
17 Subsistence Board;

18 \* Sec. 21. AS 16.05.940(31) is repealed and reenacted to read:

19 (31) "subsistence uses" means the noncommercial, customary and traditional uses  
20 of wild, renewable resources by a resident domiciled in a rural area of the state for direct  
21 personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the  
22 making and selling of handicraft articles out of nonedible by-products of fish and wildlife  
23 resources taken for personal or family consumption, and for the customary trade, barter, or  
24 sharing for personal or family consumption; in this paragraph, "family" means persons related  
25 by blood, marriage, or adoption, and includes a person living in the household on a permanent  
26 basis;

27 \* Sec. 22. AS 16.05.940 is amended by adding new paragraphs to read:

28 (36) "urban subsistence fishing" means the taking of, fishing for, or possession  
29 of fish, shellfish, or other fisheries resources by a resident who is domiciled in an urban area of  
30 the state for urban subsistence uses with gill net, seine, fish wheel, long line, or other means  
31 defined by the Subsistence Board;

1 (37) "urban subsistence hunting" means the taking of, hunting for, or possession  
2 of game by a resident who is domiciled in an urban area of the state for urban subsistence uses;

3 (38) "urban subsistence uses" means the noncommercial, customary, and  
4 traditional uses of wild, renewable resources by a resident of the state who is domiciled in an  
5 urban area for direct personal or family consumption as food, shelter, fuel, clothing, tools, or  
6 transportation, or for sharing for personal or family consumption; in this paragraph, "family"  
7 means persons related by blood, marriage, or adoption, and includes a person living in the  
8 household on a permanent basis;

9 (39) "urban area" means a community or area that has not been classified as a  
10 rural area by the Subsistence Board.

11 \* Sec. 23. AS 16.20.033(f) is amended to read:

12 (f) The department shall allow commercial, sport, and subsistence fishing and hunting  
13 within the Yakataga State Game Refuge under regulations of the Subsistence Board, the Board  
14 of Fisheries, and the Board of Game. The department shall also permit associated support  
15 activities when necessary and consistent with AS 16.20.010 - 16.20.080 to support fishing and  
16 hunting permitted under this section, including fish buying operations, aircraft support including  
17 landing strips, and off-road vehicle use.

18 \* Sec. 24. AS 41.21.176(c) is amended to read:

19 (c) The regulations governing public use of the Shuyak Island State Park shall provide  
20 ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses.  
21 Except to protect public safety the commissioner may not restrict the exercise of sport or  
22 subsistence fishing or hunting, or trapping permitted under law or under a regulation of the  
23 Subsistence Board, the Board of Fisheries, or the Board of Game within the Shuyak Island State  
24 Park.

25 \* Sec. 25. AS 41.23.030(c) is amended to read:

26 (c) The commissioner may not restrict lawful sport and subsistence fishing, hunting, or  
27 trapping rights allowed under a regulation of the Subsistence Board, the Board of Fisheries, or  
28 the Board of Game within the Nelchina Public Use Area.

29 \* Sec. 26. INITIAL APPOINTMENT OF MEMBERS TO THE SUBSISTENCE BOARD. In making  
30 the initial appointments to the Subsistence Board created under AS 16.05.221(c), added by sec. 6 of this  
31 Act, the governor shall designate those members of the board that are appointed to one-year, two-year,

1 and three-year terms.

2 \* Sec. 27. Sections 1 and 6 of this Act, AS 16.05.260(b) added by sec. 12 of this Act, and sec. 26  
3 of this Act take effect on the effective date of a constitutional amendment relating to subsistence uses  
4 of fish and game that is approved by the voters at the 1992 general election.

5 \* Sec. 28. Except as provided in sec. 27 of this Act, this Act takes effect upon the convening of the  
6 first meeting of the Subsistence Board created under AS 16.05.221(c), added by sec. 6 of this Act. The  
7 commissioner of fish and game shall notify the lieutenant governor and the revisor of statutes of the date  
8 of the first meeting of the Subsistence Board.