

**HOUSE BILL NO. 600**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SPECIAL SESSION**

**BY REPRESENTATIVE BARNES**

**Introduced: 6/15/92**

**Referred: Resources, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to subsistence hunting and fishing; and providing for an  
2 effective date."

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

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

5 (e) The Board of Fisheries shall establish criteria for the allocation of fishery  
6 resources among subsistence use, personal use, sport, and commercial fishing. The  
7 criteria for the allocation to subsistence uses must be consistent with AS 16.05.258.  
8 The criteria for personal use, sport, and commercial fishing may, as appropriate  
9 to particular allocation decisions, include factors such as

- 10 (1) the history of each personal use, sport, and commercial fishery;  
11 (2) the number of residents and nonresidents who have participated in  
12 each fishery in the past and the number of residents and nonresidents who can  
13 reasonably be expected to participate in the future;  
14 (3) the importance of each fishery for providing residents the

- 1 opportunity to obtain fish for personal and family consumption;
- 2 (4) the availability of alternative fisheries resources;
- 3 (5) the importance of each fishery to the economy of the state;
- 4 (6) the importance of each fishery to the economy of the region and
- 5 local area in which the fishery is located;
- 6 (7) the importance of each fishery in providing recreational
- 7 opportunities for residents and nonresidents.

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

9 (h) The Board of Fisheries shall establish by regulation criteria for

10 determining the individuals who may

- 11 (1) take a fishery resource in a fishery for subsistence uses; and
- 12 (2) take a fishery resource in a fishery for subsistence uses in the event
- 13 of restrictions on subsistence use.

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

15 (a) The Board of Game may adopt regulations it considers advisable in

16 accordance with the Administrative Procedure Act (AS 44.62) for

17 (1) setting apart game reserve areas, refuges and sanctuaries in the

18 water or on the land of the state over which it has jurisdiction, subject to the approval

19 of the legislature;

20 (2) establishing open and closed seasons and areas for the taking of

21 game;

22 (3) establishing the means and methods employed in the pursuit,

23 capture, and transport of game, including regulations, consistent with resource

24 conservation and development goals, establishing means and methods that may be

25 employed by persons with physical disabilities;

26 (4) setting quotas, bag limits, harvest levels, and sex, age, and size

27 limitations on the taking of game;

28 (5) classifying game as game birds, song birds, big game animals, fur

29 bearing animals, predators or other categories;

30 (6) methods, means, and harvest levels necessary to control predation

31 and competition among game in the state;

- 1 (7) watershed and habitat improvement, and management,  
2 conservation, protection, use, disposal, propagation and stocking of game;  
3 (8) prohibiting the live capture, possession, transport, or release of  
4 native or exotic game or their eggs;  
5 (9) establishing the times and dates during which the issuance of game  
6 licenses, permits and registrations and the transfer of permits and registrations between  
7 registration areas and game management units or subunits is allowed;  
8 (10) regulating sport hunting and subsistence hunting, consistent with  
9 AS 16.05.258, as needed for the conservation, development, and utilization of game;  
10 (11) establishing criteria for determining which individuals may  
11 take a member of a game population for subsistence uses and the individuals who  
12 may take a member of a game population in the event of restrictions on  
13 subsistence use.

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

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

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

20 (c) The boards shall, [ADOPT SUBSISTENCE FISHING AND  
21 SUBSISTENCE HUNTING REGULATIONS] for each stock and population for  
22 which a harvestable portion is determined to exist under (b)(1) of this section, allocate  
23 by regulation the percentages of the stock or population that may be taken for  
24 subsistence uses, for personal uses, for sport uses, and for commercial uses. The  
25 percentage allocated for subsistence uses must give a preference to satisfy  
26 subsistence uses [. IF THE HARVESTABLE PORTION IS NOT SUFFICIENT TO  
27 ACCOMMODATE ALL CONSUMPTIVE USES OF THE STOCK OR  
28 POPULATION, BUT IS SUFFICIENT TO ACCOMMODATE SUBSISTENCE USES  
29 OF THE STOCK OR POPULATION, THEN NONWASTEFUL SUBSISTENCE  
30 USES SHALL BE ACCORDED A PREFERENCE OVER OTHER CONSUMPTIVE  
31 USES, AND THE REGULATIONS SHALL PROVIDE A REASONABLE

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

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

12 (2) local residency; and

13 (3) availability of alternative resources.

14 \* Sec. 6. AS 16.05.940(29) is amended to read:

15 (29) "subsistence fishing" means the taking of, fishing for, or  
16 possession of fish, shellfish, or other fisheries resources [BY A RESIDENT  
17 DOMICILED IN A RURAL AREA OF THE STATE] for subsistence uses with gill  
18 net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

19 \* Sec. 7. AS 16.05.940(30) is amended to read:

20 (30) "subsistence hunting" means the taking of, hunting for, or  
21 possession of game [BY A RESIDENT DOMICILED IN A RURAL AREA OF THE  
22 STATE] for subsistence uses by means defined by the Board of Game;

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

24 (31) "subsistence uses" means the noncommercial, customary, and  
25 traditional uses of wild, renewable resources by an individual who significantly  
26 depends on the resource [A RESIDENT DOMICILED IN A RURAL AREA OF  
27 THE STATE] for direct personal or family consumption as food, shelter, fuel,  
28 clothing, tools, or transportation, for the making and selling of handicraft articles out  
29 of nonedible by-products of fish and wildlife resources taken for personal or family  
30 consumption, and for the customary trade, barter, or sharing for personal or family  
31 consumption; in this paragraph,

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

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

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

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