

LEG. FINANCE - BILLS 1977 - 1978 857

HB 960 cont. CS HB 960

257

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

16

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960
Title An Act Relating to Fish and Game Management
Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL

Agency Affected Fish and Game
Program Category Affected NRMEC
Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment	919.4	887.1	887.1	887.1	887.1	887.1

FUNDING (Thousands of Dollars)

GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

note

IV. DATE May 2, 1978 PREPARED BY Bill Morrison
AGENCY Fish and Game
PHONE 465-4120
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistence.

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistence are as follows:

100 - 699.9	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '80 and beyond.

II. Section 5 adds two members each to the Boards of Fisheries and Game.

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistence Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

Introduced: 5/1/78
Referred: The Special Committee on
Subsistence, Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST (for the Special
Committee on Subsistence)

1 IN THE HOUSE

2 HOUSE BILL NO. 960

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.020(1) is amended to read:

22 (1) supervise and control the department, and, except as
23 provided under sec. 93 of this chapter, he may appoint and employ divi-
24 sion heads, enforcement agents, and the technical, clerical, and other
25 assistants necessary for the general administration of the department;

26 * Sec. 3. AS 16.05.090 is amended by adding a new subsection to read:

27 (c) There is established in the Department of Fish and Game a
28 division of subsistence hunting and fishing.

29 * Sec. 4. AS 16.05 is amended by adding new sections to read:

1 Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING
2 AND FISHING. The division of subsistence hunting and fishing shall be
3 administered by a director appointed by the governor.

4 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
5 FISHING. The division of subsistence hunting and fishing shall

6 (1) compile existing data and conduct studies to gather
7 information on all aspects of the role of subsistence hunting and fish-
8 ing in the lives of the residents of the state;

9 (2) quantify the amount, value, and extent of dependence on
10 food acquired through subsistence hunting and fishing;

11 (3) make information gathered available to the legislature in
12 a form suitable for use in developing legislation relating to land and
13 water management;

14 (4) assist the legislature to determine what uses of fish and
15 game, as well as which users and what methods, should be termed sub-
16 sistence uses, users, and methods;

17 (5) evaluate the impact of state and federal laws and regu-
18 lations on subsistence hunting and fishing and, when corrective action
19 is indicated, make recommendations to the governor and the legislature;

20 (6) make recommendations to the Board of Game and the Board
21 of Fisheries regarding adoption, amendment and repeal of regulations
22 relating to subsistence hunting and fishing.

23 * Sec. 5. AS 16.05.221 is amended to read:

24 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
25 of the conservation and development of the fishery resources of the
26 state, there is created the Board of Fisheries composed of nine [SEVEN]
27 members appointed by the governor, subject to confirmation by a majority
28 of the members of the legislature in joint session. The [APPOINTED]
29 members shall be residents of the state and shall be appointed without

1 regard to political affiliation [OR GEOGRAPHICAL LOCATION OF RESIDENCE].
2 Membership of the board shall include one user of fish for subsistence
3 from each of the four judicial districts of the state, two holders of
4 sport fishing licenses who are not users of fish for subsistence, two
5 holders of commercial fishing licenses, and one member at large. The
6 commissioner is not a member of the Board of Fisheries, but shall be ex
7 officio secretary.

8 (b) For purposes of the conservation and development of the game
9 resources of the state, there is created a Board of Game composed of
10 nine [SEVEN] members appointed by the governor, subject to confirmation
11 by a majority of the members of the legislature in joint session. The
12 [APPOINTED] members shall be residents of the state, and shall be ap-
13 pointed without regard to political affiliation [OR GEOGRAPHICAL LOCA-
14 TION OF RESIDENCE]. Membership of the board shall include one user of
15 game for subsistence from each of the four judicial districts of the
16 state, two holders of hunting licenses who are not users of game for
17 subsistence, two master guides, and one member at large. The commis-
18 sioner is not a member of the Board of Game, but shall be ex officio
19 secretary.

20 * Sec. 6. AS 16.05.251 is amended by adding a new subsection to read:

21 (b) The Board of Fisheries shall adopt regulations in accordance
22 with the Administrative Procedure Act (AS 44.62) permitting the taking
23 of fish for subsistence uses unless the board determines, in accordance
24 with the Administrative Procedure Act, that adoption of such regulations
25 will jeopardize or interfere with the maintenance of fish stocks on a
26 sustained-yield basis. Whenever it is necessary to restrict the taking
27 or other consumptive uses of fish in order to assure the maintenance of
28 fish stocks on a sustained-yield basis, or the continuation of subsis-
29 tence uses of such resources, subsistence use shall be the priority use.

1 If further restriction is necessary, the board shall establish restric-
2 tions and limitations on and priorities for these consumptive uses on
3 the basis of the following criteria:

4 (1) customary and direct dependence upon the resource as the
5 mainstay of one's livelihood;

6 (2) local residency; and

7 (3) availability of alternative resources.

8 * Sec. 7. AS 16.05.255 is amended by adding new subsections to read:

9 (b) The Board of Game shall adopt regulations in accordance with
10 the Administrative Procedure Act (AS 44.62) permitting the taking of
11 game for subsistence uses unless the board determines, in accordance
12 with the Administrative Procedure Act, that adoption of such regulations
13 will jeopardize or interfere with the maintenance of game resources on a
14 sustained-yield basis. Whenever it is necessary to restrict the taking
15 or other consumptive uses of game in order to assure the maintenance of
16 game resources on a sustained-yield basis, or the continuation of sub-
17 sistence uses of such resources, subsistence use shall be the priority
18 use. If further restriction is necessary, the board shall establish
19 restrictions and limitations on and priorities for these consumptive
20 uses on the basis of the following criteria:

21 (1) customary and direct dependence upon the resource as the
22 mainstay of one's livelihood;

23 (2) local residency; and

24 (3) availability of alternative resources.

25 (c) No regulations permitting the taking of game may be adopted
26 unless the game is edible at the time of year when the taking is to be
27 permitted.

28 * Sec. 8. AS 16.05.257(a) is amended to read:

29 (a) The Board of Game, at its regularly scheduled annual meeting,

1 shall consider and may adopt regulations providing for subsistence
2 hunting in a game management unit or subunit or a portion of a unit or
3 subunit upon

4 (1) recommendation of the department, based on biological
5 evidence;

6 (2) the recommendation [MAJORITY VOTE] of the active local
7 advisory committees for that game management unit or subunit or a por-
8 tion of a unit or subunit;

9 (3) the written petition of not less than 100 interested
10 residents of that game management unit or subunit or a portion of a unit
11 or subunit; or

12 (4) the written petition of not less than 25 interested
13 residents of an area which is requested for establishment as a subsis-
14 tence area within a game management unit or subunit or a portion of a
15 unit or subunit.

16 * Sec. 9. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 10. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 11. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest. No decision denying, creating or
22 changing a subsistence hunting area may be made unless based on specific
23 written findings of fact regarding all the information provided in
24 accordance with this section. No subsistence hunting area may be
25 created if the board determines that creation of such an area will
26 jeopardize or interfere with the maintenance of game populations on a
27 sustained-yield basis.

28 * Sec. 12. AS 16.05.257(h)(1) is amended to read:

29 (1) "subsistence hunting" means the taking of game animals by

1 a state resident for subsistence uses by means defined by the Board of
2 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

3 * Sec. 13. AS 16.05.257(h)(2) is repealed and re-enacted to read:

4 (2) "subsistence hunting area" means an area in which only
5 subsistence hunting of the affected species is permitted and which is
6 managed for maximum food potential.

7 * Sec. 14. AS 16.05.257 is amended by adding a new subsection to read:

8 (i) The Board of Game may make no decision denying, creating or
9 changing a subsistence hunting area unless based on specific written
10 findings of fact regarding all the information provided in accordance
11 with (e) of this section. No subsistence hunting area may be created if
12 the board determines that creation of such an area will jeopardize or
13 interfere with the maintenance of game populations on a sustained-yield
14 basis.

15 * Sec. 15. AS 16.05.290 is amended to read:

16 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
17 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
18 compensation for each day going to and from and for each day in actual
19 attendance at board meetings and other meetings or conferences author-
20 ized by a board.

21 * Sec. 16. AS 16.05.345 is amended to read:

22 Sec. 16.05.345. MUSK OXEN. The department shall issue big game
23 tags for the taking of musk oxen if an open season is declared. The
24 cost of these tags is \$500 for residents and \$1,000 for nonresidents
25 unless the musk ox is to be taken for subsistence by a person residing
26 in the vicinity of the habitat of the musk ox, in which case the tag
27 shall be issued at no charge. Drawings for subsistence musk oxen per-
28 mits shall be held in villages in the vicinity of the musk oxen habitat.
29 The department shall conduct a drawing for permits to take musk oxen.

1 No person is eligible for more than one permit a year. Each application
2 for a permit shall be accompanied by a \$10 fee.

3 * Sec. 17. AS 16.05.930(b) is amended to read:

4 (b) This chapter does not prohibit a person from taking fish or
5 game during the closed season for religious purposes or in a case [, IN
6 CASE] of dire emergency, as defined by regulation promulgated by the
7 appropriate board.

8 * Sec. 18. AS 16.05.930 is amended by adding a new subsection to read:

9 (e) This chapter does not prevent the traditional barter of fish
10 and game taken by subsistence hunting or fishing, except that the com-
11 missioner may prohibit the barter of subsistence-taken fish and game by
12 regulation, emergency or otherwise, if a determination on the record is
13 made that the barter is resulting in a waste of the resource, damage to
14 fish stocks or game populations, or circumvention of fish or game
15 management programs.

16 * Sec. 19. AS 16.05.940 is amended by adding new paragraphs to read:

17 (26) "subsistence uses" means the customary and traditional
18 uses in Alaska of wild, renewable resources for direct personal or
19 family consumption as food, shelter, fuel, clothing, tools, or trans-
20 portation, for the making and selling of handicraft articles out of
21 nonedible by-products of fish and wildlife resources taken for personal
22 or family consumption, and for the customary trade, barter or sharing
23 for personal or family consumption; for the purposes of this paragraph,
24 "family" means all persons related by blood, marriage, or adoption, and
25 any person living within the household on a permanent basis;

26 (27) "barter" means the exchange or trade of fish or game
27 taken for subsistence uses for valuable consideration other than money.

28 * Sec. 20. AS 24.20 is amended by adding new sections to read:

29 Sec. 24.20.600. SUBSISTENCE COMMITTEE ESTABLISHED. The Subsis-

1 tence Committee is established as a permanent interim committee of the
2 legislature. The establishment of the committee is a recognition that
3 continuous and intensive legislative study and involvement in the sub-
4 sistence lifestyle is necessary to insure that the subsistence lifestyle
5 remains a viable way of life for those who live it through choice or
6 necessity.

7 Sec. 24.20.610. MEMBERSHIP. The Subsistence Committee is composed
8 of three members of the house appointed by the speaker of the house, and
9 three members of the senate appointed by the president of the senate;
10 however, two of the three members from each house shall be the chairman
11 of the standing resources committee or his designee and one other member
12 of the committee. The membership from each house shall include at least
13 one member from each of the two major political parties. The committee
14 elects a chairman from among its members.

15 Sec. 24.20.620. TERM OF MEMBERSHIP. The Subsistence Committee
16 shall be organized within 15 days after the organization of each legis-
17 lature. Members serve for the duration of the legislature during which
18 they are appointed. If they are reelected or their term of office ex-
19 tends into the next succeeding legislature, they continue to serve until
20 reappointed or the appointment of their successor.

21 Sec. 24.20.630. VACANCIES. When a vacancy occurs in the member-
22 ship of the Subsistence Committee, the presiding officer of the house
23 incurring the vacancy shall choose a successor.

24 Sec. 24.20.640. MEETINGS. The Subsistence Committee may meet
25 during sessions of the legislature and during the interim between ses-
26 sions at such times and places in the state as the chairman may deter-
27 mine. Members may receive, for the minimum time required to get to and
28 from meetings and for the period while attending meetings, the same
29 travel and per diem allowances provided by law for members of the legis-

1 lature when attending sessions, except that members of the committee
2 receive no per diem during the legislative sessions other than the per
3 diem allowance paid to other members of the legislature.

4 Sec. 24.20.650. STAFF. The Legislative Affairs Agency shall pro-
5 vide the Subsistence Committee with professional and clerical assistance
6 under the auspices of the Legislative Council.

7 Sec. 24.20.660. DUTIES. The Subsistence Committee shall

8 (1) gather information on all aspects of subsistence hunting
9 and fishing and the role of subsistence in the lives of the residents of
10 the state;

11 (2) monitor the activities of state officers and agencies
12 which affect the use of subsistence resources;

13 (3) evaluate the impact of federal laws, regulations, and
14 policies which affect subsistence;

15 (4) receive public comment on governmental action affecting
16 subsistence;

17 (5) review regulations adopted by the Board of Fish and the
18 Board of Game which affect subsistence.

19 Sec. 24.20.670. POWERS. (a) The Subsistence Committee has the
20 following powers:

21 (1) to organize and adopt rules for the conduct of its busi-
22 ness;

23 (2) to hold public hearings;

24 (3) to call upon all state officials, agencies, and insti-
25 tutions to give full cooperation to the committee and its staff by
26 collecting and furnishing information, conducting studies and writing
27 recommendations;

28 (4) to sponsor legislation in accordance with AS 24.30.-
29 060(b), including resolutions annulling regulations.

1 (b) Nothing in secs. 600 - 680 of this chapter authorizes the
2 referral by the presiding officer of either house of legislation to the
3 committee at regular or special sessions of the legislature.

4 Sec. 24.20.680. REPORTS. The Subsistence Committee shall submit a
5 summary report of its findings and recommendations to each legislature.

6 * Sec. 21. AS 24.30.060(b) is amended to read:

7 (b) Bills introduced by the Legislative Council shall be delivered
8 with a letter of explanation to the rules committee of either house and
9 bear the inscription "Rules Committee by Request of the Legislative
10 Council"; bills introduced by the Subsistence Committee shall be de-
11 livered with a letter of explanation to the rules committee of either
12 house and bear the inscription "Rules Committee by request of the Sub-
13 sistence Committee"; bills introduced by the Administrative Regulation
14 Review Committee shall be delivered with a letter of explanation to the
15 rules committee of either house and bear the inscription "Rules Commit-
16 tee by Request of the Administrative Regulation Review Committee"; bills
17 introduced by the Legislative Budget and Audit Committee shall be de-
18 livered with a letter of explanation to the rules committee of either
19 house and bear the inscription "Rules Committee by Request of the Legis-
20 lative Budget and Audit Committee." Bills presented by the governor
21 shall be delivered with a letter to the rules committee of either house
22 and bear the inscription "Rules Committee by Request of the Governor";
23 bills so presented and inscribed shall be received as bills carrying the
24 approval of the governor as to policy and budget impact. The governor
25 may submit a statement of purpose and effect with each bill and appear
26 personally or through a representative before any committee considering
27 legislation.

28 * Sec. 22. The permanent interim Subsistence Committee established in AS
29 24.20.600, enacted in sec. 20 of this Act expires December 31, 1984.

1 * Sec. 23. Notwithstanding any other provisions of law, the terms of all
2 persons appointed to the Board of Fisheries and the Board of Game under AS
3 16.05.221 and serving on the boards on the effective date of this Act expire
4 on that date. The governor shall appoint persons to seats on the boards as
5 reconstituted under AS 16.05.221, as amended in sec. 5 of this Act, within 30
6 days of the effective date of this Act.

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Alaska State Legislature

House of Representatives

Official Business

May 30, 1978

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811
465-4936

MEMORANDUM

DATE: May 30, 1978

TO: All Senators

FROM: Rep. Nels A. Anderson, Jr., Chairman *N.A. Anderson*

SUBJECT: CSHB 960 (Finance) am

Attached find CSHB 960 (Finance) am, a bill outline and letter of intent for your information.

This comprehensive subsistence bill is the result of ten months of work by the Interim Committee on Subsistence and the Special Committee on Subsistence. The Administration and the Department of Fish and Game have frequently stated that subsistence should be the priority use of fish and game and yet up until this point have had no progress in coming to grips with the issue.

This bill provides the Department of Fish and Game a directive in establishing subsistence as the highest priority use and establishes a division of subsistence so that the legislature and the Department of Fish and Game can gain knowledge of this complex issue.

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Alaska State Legislature

House of Representatives

Special Committee
on Subsistence

Pou.h V
State Capitol
Juneau, Alaska 99811
465-4986

Official Business
May 30, 1978

BASIC ELEMENTS OF CSHB 960 (FINANCE) AM

- SECTION 1: Statement of Intent
- SECTION 2: Creation of a Division of Subsistence in the Department of Fish and Game.
- SECTION 3: Duties of the Division of Subsistence
- SECTIONS 4 & 5: Subsistence is the highest priority use of fish and game.
- SECTIONS 6 - 12: Amendments to the existing subsistence zone statutes.
- SECTION 13: \$100 per day compensation to the members of the Board of Fisheries and the Board of Game while on business.
- SECTION 14: Deletion of the current prohibition on barter of subsistence caught fish and game.
- SECTION 15: Definition of "subsistence uses" and "barter".



Alaska State Legislature

House of Representatives

Official Business

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

CSHB 960 (FINANCE) AM: "An Act relating to fish and game management."

This bill is intended to provide a coordinated plan for clarifying what subsistence use of fish and game is and for documenting subsistence uses so that they can be integrated into fish and game management planning. The bill also provides a legislative framework for the State's policy of recognizing subsistence as the priority use of fish and game.

Section two: This section provides for the creation of a division of subsistence hunting and fishing. Presently, the Department of Fish and Game has divisions of commercial fishing, sport fishing and game. As subsistence is to be the highest priority of the Department of Fish and Game, there is an obvious need for the gathering of information about subsistence hunting and fishing and the making of informed recommendations to the boards of fisheries and game. Presently, research is not being specifically directed towards the subsistence hunting and fishing economy of the state. Rather, specific species studies are conducted to determine the health of the species and the harvest to be allowed. This method does not consider the entire range of resources available to subsistence users and therefore does not allow for realistic regulations based upon the overall needs of the subsistence users. A division of subsistence given the tasks set forth in section four would have the information to make recommendations as to the needs of the subsistence users.

Section three: Duties of the division of subsistence hunting and fishing.

Sections four and five: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of the fish and game resources. While there are presently regulations for subsistence fishing, there is no mechanism for the promulgation of subsistence hunting regulations except with the creation of subsistence hunting areas pursuant to A.S. 16.05.257. Section seven would allow for these regulations so that subsistence hunting could be distinguished by separate regulations from sports hunting. Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resources are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before subsistence use. If these restrictions are inadequate, restriction of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence user, and the availability of alternate resources. It is the intent of the committee that decisions and determinations by the Board of Fisheries and the Board of Game will be subject to complete public scrutiny and that reasons will be given for any action or any failure to act.

Subsection C is intended to ensure that game meat is not wasted as a result of a hunt which is not allowed during a portion of the year when the meat is not edible. As the game resources are very limited, this subsection makes certain that the entire animal can be utilized.

Section six: This section does two things. First, it makes clear that the Board of Game must consider subsistence hunting area proposals at its regularly scheduled annual meeting. Second, it allows the Board of Game to consider recommendations from the active local advisory committees which are located in the area where the subsistence hunting proposal is being made without also needing a recommendation from the other advisory committees which have concurrent jurisdiction, in the game management unit or subunit affected. Therefore, if five local advisory committees have concurrent jurisdiction, it is only necessary to have the committee located in the affected area to make its recommendation rather than other committees which may not have any interest in the area being proposed.

Section seven: This section deals with the problem of not having sufficient information to present to the Board of Game when they are making their determinations. If the Board of Game is required to make investigations and present this information at the hearings, the participants will be able to make relevant comments. Subsection (C) (3) allows for the petitioners to dispute the investigations which have been made. Presently most of the hearings only deal with the participants personal observations. More meaningful hearings would be conducted if biological and user information were required.

Section eight: This section mandates a seventy-five (75) day period by which time a petition must be filed with the Department of

Fish and Game. This time period is included to enable the Department to make the investigation required under section eleven.

Section nine: This section requires the Department of Fish and Game to make detailed investigation concerning subsistence hunting area proposals. The Board of Game has rejected proposals in the past stating that they did not have enough information before them to justify their creation. The only agency which is capable of providing this information is the Department of Fish and Game. Therefore, to require the Department to make this investigation would force the Board of Game to make its decisions based upon the relevant data rather than being able to deny them out of hand. As the Board has not approved any of the proposals in the past, the changes in this section would require the Board to follow the legislative history of the law and would provide a mechanism for reviewing the Board's decision

Section ten: This section expands the uses which can be made of game taken in subsistence areas. Presently, the uses allowed are much more restrictive than the customary and traditional uses made of fish and game.

Section eleven: The definition of subsistence hunting is changed so that non-subsistence hunting of the species which is the subject of a petition or report will not be allowed. Sports hunting of other species is allowed so long as the subsistence hunting is not interfered with.

Section twelve: This section, like section eleven is intended to assure that any decisions regarding subsistence zones made by the Board of Game are made on the basis of adequate information.

Section thirteen: This section provides for a \$100 dollar per day compensation fee to be given to members of the Board of Fisheries and the Board of Game in addition to travel expenses and \$100 per day per die.

Section fourteen: This section provides for the barter of subsistence caught fish and game as barter is defined in section seventeen, subsection 27 below. As barter is customary and traditional use of fish and game products, there is no necessity for it to be outlawed as is presently the case. However, if barter is to be allowed, the Department of Fish and Game should be allowed to control it so that there are no abuses. This is provided for in section sixteen. Barter is a means of rounding out a subsistence users diet and simply because one resource is available in an area and another is not should not force people to consume only what they can take themselves. The

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definition of barter specifically prohibits the selling of subsistence caught fish and game but does not limit what other consideration can be given.

Section fifteen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

Original sponsor: Rules Committee
by request (for the Special
Committee on Subsistence)

Offered: 5/19/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 960 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.090 is amended by adding a new subsection to read:

22 (c) There is established in the Department of Fish and Game a
23 division of subsistence hunting and fishing.

24 * Sec. 3. AS 16.05 is amended by adding new sections to read:

25 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
26 FISHING. The division of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather
28 information, including data from subsistence users, on all aspects of
29 the role of subsistence hunting and fishing in the lives of the resi-

1 dents of the state;

2 (2) quantify the amount, nutritional value, and extent of
3 dependence on food acquired through subsistence hunting and fishing;

4 (3) make information gathered available to other appropriate
5 agencies and the legislature in a form suitable for use in developing
6 policies relating to land, water or resource use;

7 (4) assist the legislature or the Board of Fisheries or the
8 Board of Game in determining what uses of fish and game, as well as
9 which users and what methods, should be termed subsistence uses, users,
10 and methods;

11 (5) evaluate the impact of state and federal laws and regu-
12 lations on subsistence hunting and fishing and, when corrective action
13 is indicated, make recommendations to the governor and the legislature;

14 (6) make recommendations to the Board of Game and the Board
15 of Fisheries regarding adoption, amendment and repeal of regulations
16 relating to subsistence hunting and fishing;

17 (7) contract with organizations or individuals capable of
18 assisting the division in carrying out its duties;

19 (8) participate with other divisions in the preparation of
20 statewide and regional management plans so that those plans reorganize
21 and incorporate the needs of subsistence users of fish and game.

22 * Sec. 4. AS 16.05.251 is amended by adding a new subsection to read:

23 (b) The Board of Fisheries shall adopt regulations in accordance
24 with the Administrative Procedure Act (AS 44.62) permitting the taking
25 of fish for subsistence uses unless the board determines, in accordance
26 with the Administrative Procedure Act, that adoption of such regulations
27 will jeopardize or interfere with the maintenance of fish stocks on a
28 sustained-yield basis. Whenever it is necessary to restrict the taking
29 of fish to assure the maintenance of fish stocks on a sustained-yield

1 basis, or to assure the continuation of subsistence uses of such re-
2 sources, subsistence use shall be the priority use. If further restric-
3 tion is necessary, the board shall establish restrictions and limita-
4 tions on and priorities for these consumptive uses on the basis of the
5 following criteria:

6 (1) customary and direct dependence upon the resource as the
7 mainstay of one's livelihood;

8 (2) local residency; and

9 (3) availability of alternative resources.

10 * Sec. 5. AS 16.05.255 is amended by adding new subsections to read:

11 (b) The Board of Game shall adopt regulations in accordance with
12 the Administrative Procedure Act (AS 44.62) permitting the taking of
13 game for subsistence uses unless the board determines, in accordance
14 with the Administrative Procedure Act, that adoption of such regulations
15 will jeopardize or interfere with the maintenance of game resources on a
16 sustained-yield basis. Whenever it is necessary to restrict the taking
17 of game to assure the maintenance of game resources on a sustained-yield
18 basis, or to assure the continuation of subsistence uses of such re-
19 sources, subsistence use shall be the priority use. If further restric-
20 tion is necessary, the board shall establish restrictions and limita-
21 tions on and priorities for these consumptive uses on the basis of the
22 following criteria:

23 (1) customary and direct dependence upon the resource as the
24 mainstay of one's livelihood;

25 (2) local residency; and

26 (3) availability of alternative resources.

27 (c) In accordance with sound game management practices, the Board
28 of Game shall establish open seasons for game species which coincide
29 with the time of year when each species is most edible.

1 * Sec. 6. AS 16.05.257(a) is amended to read:

2 (a) The Board of Game, at its regularly scheduled annual meeting,
3 shall consider and may adopt regulations providing for subsistence
4 hunting in a game management unit or subunit or a portion of a unit or
5 subunit upon

6 (1) recommendation of the department, based on biological
7 evidence;

8 (2) the recommendation [MAJORITY VOTE] of the active local
9 advisory committees for that game management unit or subunit or a por-
10 tion of a unit or subunit;

11 (3) the written petition of not less than 100 interested
12 residents of that game management unit or subunit; or

13 (4) the written petition of not less than 25 interested
14 residents of an area which is requested for establishment as a subsis-
15 tence area within a game management unit or subunit.

16 * Sec. 7. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 8. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 9. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest.

22 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

23 (1) "subsistence hunting" means the taking of game animals by
24 a state resident for subsistence uses by means defined by the Board of
25 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

26 * Sec. 11. AS 16.05.257(h)(2) is repealed and re-enacted to read:

27 (2) "subsistence hunting area" means an area in which only
28 subsistence hunting of the affected species is permitted and which is
29 managed for maximum food potential.

1 * Sec. 12. AS 16.05.257 is amended by adding a new subsection to read:

2 (i) The Board of Game may make no decision denying, creating or
3 changing a subsistence hunting area unless based on specific written
4 findings of fact regarding all the information provided in accordance
5 with (e) of this section. No subsistence hunting area may be created if
6 the board determines that creation of such an area will jeopardize or
7 interfere with the maintenance of game populations on a sustained-yield
8 basis.

9 * Sec. 13. AS 16.05.290 is amended to read:

10 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
11 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
12 compensation for each day going to and from and for each day in actual
13 attendance at board meetings and other meetings or conferences author-
14 ized by a board.

15 * Sec. 14. AS 16.05.930 is amended by adding a new subsection to read:

16 (e) This chapter does not prevent the traditional barter of fish
17 and game taken by subsistence hunting or fishing, except that the com-
18 missioner may prohibit the barter of subsistence-taken fish and game by
19 regulation, emergency or otherwise, if a determination on the record is
20 made that the barter is resulting in a waste of the resource, damage to
21 fish stocks or game populations, or circumvention of fish or game
22 management programs.

23 * Sec. 15. AS 16.05.940 is amended by adding new paragraphs to read:

24 (26) "subsistence uses" means the customary and traditional
25 uses in Alaska of wild, renewable resources for direct personal or
26 family consumption as food, shelter, fuel, clothing, tools, or trans-
27 portation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and wildlife resources taken for personal
29 or family consumption, and for the customary trade, barter or sharing

1 for personal or family consumption; for the purposes of this paragraph,
2 "family" means all persons related by blood, marriage, or adoption, and
3 any person living within the household on a permanent basis;

4 (27) "barter" means the exchange or trade of fish or game or
5 their parts

6 (A) for other fish or game or their parts; or

7 (B) for other food or for nonedible items if the ex-
8 change is of a limited and noncommercial nature.

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Original sponsor: Rules Committee
by request (for the Special
Committee on Subsistence)

Offered: 5/4/78
Referred: Finance

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 960

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * ~~Sec. 2. AS 16.05.020(1) is amended to read:~~

22 ~~(1) supervise and control the department, and, except as~~
23 ~~provided under sec. 93 of this chapter, he may appoint and employ divi-~~
24 ~~sion heads, enforcement agents, and the technical, clerical, and other~~
25 ~~assistants necessary for the general administration of the department;~~

26 * Sec. 3. AS 16.05.090 is amended by adding a new subsection to read:

27 (c) There is established in the Department of Fish and Game a
28 division of subsistence hunting and fishing.

29 * ~~Sec. 4. AS 16.05 is amended by adding new sections to read:~~

1 ~~Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING~~
2 ~~AND FISHING. The division of subsistence hunting and fishing shall be~~
3 ~~administered by a director appointed by the governor.~~

4 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
5 FISHING. The division of subsistence hunting and fishing shall

6 (1) compile existing data and conduct studies to gather
7 information, including data from subsistence users, on all aspects of
8 the role of subsistence hunting and fishing in the lives of the resi-
9 dents of the state;

10 (2) quantify the amount, nutritional value, and extent of
11 dependence on food acquired through subsistence hunting and fishing;

12 (3) make information gathered available to other appropriate
13 agencies and the legislature in a form suitable for use in developing
14 policies relating to land, water or resource use;

15 (4) assist the legislature or the Board of Fisheries or the
16 Board of Game in determining what uses of fish and game, as well as
17 which users and what methods, should be termed subsistence uses, users,
18 and methods;

19 (5) evaluate the impact of state and federal laws and regu-
20 lations on subsistence hunting and fishing and, when corrective action
21 is indicated, make recommendations to the governor and the legislature;

22 (6) make recommendations to the Board of Game and the Board
23 of Fisheries regarding adoption, amendment and repeal of regulations
24 relating to subsistence hunting and fishing;

25 (7) contract with organizations or individuals capable of
26 assisting the division in carrying out its duties;

27 (8) participate with other divisions in the preparation of
28 statewide and regional management plans so that those plans reorganize
29 and incorporate the needs of subsistence users of fish and game.

1 * Sec. 5. AS 16.05.221 is amended to read:

2 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
3 of the conservation and development of the fishery resources of the
4 state, there is created the Board of Fisheries composed of nine [SEVEN]
5 members appointed by the governor, subject to confirmation by a majority
6 of the members of the legislature in joint session. The [APPOINTED]
7 members shall be residents of the state and shall be appointed without
8 regard to political affiliation [OR GEOGRAPHICAL LOCATION OF RESIDENCE].
9 The commissioner is not a member of the Board of Fisheries, but shall be
10 ex officio secretary.

11 (b) For purposes of the conservation and development of the game
12 resources of the state, there is created a Board of Game composed of
13 nine [SEVEN] members appointed by the governor, subject to confirmation
14 by a majority of the members of the legislature in joint session. The
15 [APPOINTED] members shall be residents of the state, and shall be ap-
16 pointed without regard to political affiliation [OR GEOGRAPHICAL LOCA-
17 TION OF RESIDENCE]. The commissioner is not a member of the Board of
18 Game, but shall be ex officio secretary.

19 * Sec. 6. AS 16.05.251 is amended by adding a new subsection to read:

20 (b) The Board of Fisheries shall adopt regulations in accordance
21 with the Administrative Procedure Act (AS 44.62) permitting the taking
22 of fish for subsistence uses unless the board determines, in accordance
23 with the Administrative Procedure Act, that adoption of such regulations
24 will jeopardize or interfere with the maintenance of fish stocks on a
25 sustained-yield basis. Whenever it is necessary to restrict the taking
26 of fish to assure the maintenance of fish stocks on a sustained-yield
27 basis, or to assure the continuation of subsistence uses of such re-
28 sources, subsistence use shall be the priority use. If further restric-
29 tion is necessary, the board shall establish restrictions and limita-

1 tions on and priorities for these consumptive uses on the basis of the
2 following criteria:

3 (1) customary and direct dependence upon the resource as the
4 mainstay of one's livelihood;

5 (2) local residency; and

6 (3) availability of alternative resources.

7 * Sec. 7. AS 16.05.255 is amended by adding new subsections to read:

8 (b) The Board of Game shall adopt regulations in accordance with
9 the Administrative Procedure Act (AS 44.62) permitting the taking of
10 game for subsistence uses unless the board determines, in accordance
11 with the Administrative Procedure Act, that adoption of such regulations
12 will jeopardize or interfere with the maintenance of game resources on a
13 sustained-yield basis. Whenever it is necessary to restrict the taking
14 of game to assure the maintenance of game resources on a sustained-yield
15 basis, or to assure the continuation of subsistence uses of such re-
16 sources, subsistence use shall be the priority use. If further restric-
17 tion is necessary, the board shall establish restrictions and limita-
18 tions on and priorities for these consumptive uses on the basis of the
19 following criteria:

20 (1) customary and direct dependence upon the resource as the
21 mainstay of one's livelihood;

22 (2) local residency; and

23 (3) availability of alternative resources.

24 (c) No regulations permitting the taking of game may be adopted
25 unless the game is edible at the time of year when the taking is to be
26 permitted.

27 * Sec. 8. AS 16.05.257(a) is amended to read:

28 (a) The Board of Game, at its regularly scheduled annual meeting,
29 shall consider and may adopt regulations providing for subsistence

1 hunting in a game management unit or subunit or a portion of a unit or
2 subunit upon

3 (1) recommendation of the department, based on biological
4 evidence;

5 (2) the recommendation [MAJORITY VOTE] of the active local
6 advisory committees for that game management unit or subunit or a por-
7 tion of a unit or subunit;

8 (3) the written petition of not less than 100 interested
9 residents of that game management unit or subunit; or

10 (4) the written petition of not less than 25 interested
11 residents of an area which is requested for establishment as a subsis-
12 tence area within a game management unit or subunit.

13 * Sec. 9. AS 16.05.257(c) is repealed and re-enacted to read:

14 (c) No regulations may be adopted by the Board of Game under (a),
15 (b) or (f) of this section unless, in addition to the requirements of AS
16 44.62.180 - 44.62.290, the department

17 (1) holds public hearings, after reasonable notice, at least
18 30 days before the meeting at which the regulation is to be adopted,
19 with at least one of the hearings being held in close proximity to the
20 area potentially affected;

21 (2) presents at the hearings the information provided for in
22 (e) of this section;

23 (3) makes the information provided for in (e) of this section
24 available to the appropriate advisory committees and to petitioners if
25 consideration of adoption of regulations was prompted by petitions under
26 (a)(3) or (4) of this section; comments shall be received by the board
27 until 10 days before any adoption of regulations.

28 * Sec. 10. AS 16.05.257(d) is amended to read:

29 (d) A petition submitted under (a)(3) - (4) of this section shall

1 contain a complete description of the area requested as a subsistence
2 area and a specification of the species within the area considered
3 necessary for subsistence use. A petition or request made under (a)(2),
4 (3) or (4) of this section must be filed with the department at least
5 75 days before the next scheduled meeting of the board.

6 * Sec. 11. AS 16.05.257(e) is repealed and re-enacted to read:

7 (e) The department shall investigate every petition or request
8 made under (a)(2), (3) or (4) of this section and provide the following
9 information: (1) the concentration and carrying capacity of the species
10 to be affected; (2) the concentration of other species; (3) the extent
11 of competition of other species with the affected species in the area;
12 (4) the current hunting practices in the area, including numbers of
13 animals taken and by what methods and means, whether the take is sub-
14 sistence or recreational, and characteristics of the hunters; (5) the
15 past and present dependence of persons in the area for subsistence use
16 of a species; (6) the biomass of the species to be affected; (7) the
17 population trends in the area; and (8) whether the population is able to
18 support a nonsubsistence harvest.

19 * Sec. 12. AS 16.05.257(h)(1) is amended to read:

20 (1) "subsistence hunting" means the taking of game animals by
21 a state resident for subsistence uses by means defined by the Board of
22 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

23 * Sec. 13. AS 16.05.257(h)(2) is repealed and re-enacted to read:

24 (2) "subsistence hunting area" means an area in which only
25 subsistence hunting of the affected species is permitted and which is
26 managed for maximum food potential.

27 * Sec. 14. AS 16.05.257 is amended by adding a new subsection to read:

28 (i) The Board of Game may make no decision denying, creating or
29 changing a subsistence hunting area unless based on specific written

1 findings of fact regarding all the information provided in accordance
2 with (e) of this section. No subsistence hunting area may be created if
3 the board determines that creation of such an area will jeopardize or
4 interfere with the maintenance of game populations on a sustained-yield
5 basis.

6 * Sec. 15. AS 16.05.290 is amended to read:

7 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
8 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
9 compensation for each day going to and from and for each day in actual
10 attendance at board meetings and other meetings or conferences author-
11 ized by a board.

12 * Sec. 16. AS 16.05.930 is amended by adding a new subsection to read:

13 (e) This chapter does not prevent the traditional barter of fish
14 and game taken by subsistence hunting or fishing, except that the com-
15 missioner may prohibit the barter of subsistence-taken fish and game by
16 regulation, emergency or otherwise, if a determination on the record is
17 made that the barter is resulting in a waste of the resource, damage to
18 fish stocks or game populations, or circumvention of fish or game
19 management programs.

20 * Sec. 17. AS 16.05.940 is amended by adding new paragraphs to read:

21 (26) "subsistence uses" means the customary and traditional
22 uses in Alaska of wild, renewable resources for direct personal or
23 family consumption as food, shelter, fuel, clothing, tools, or trans-
24 portation, for the making and selling of handicraft articles out of
25 nonedible by-products of fish and wildlife resources taken for personal
26 or family consumption, and for the customary trade, barter or sharing
27 for personal or family consumption; for the purposes of this paragraph,
28 "family" means all persons related by blood, marriage, or adoption, and
29 any person living within the household on a permanent basis;

1 (27) "barter" means the exchange or trade of fish or game
2 taken for subsistence uses for valuable consideration other than money.

3 * Sec. 18. AS 24.20 is amended by adding new sections to read:

4 Sec. 24.20.600. SUBSISTENCE COMMITTEE ESTABLISHED. The Subsis-
5 tence Committee is established as a permanent interim committee of the
6 legislature. The establishment of the committee is a recognition that
7 continuous and intensive legislative study and involvement in the sub-
8 sistence lifestyle is necessary to insure that the subsistence lifestyle
9 remains a viable way of life for those who live it through choice or
10 necessity.

11 Sec. 24.20.610. MEMBERSHIP. The Subsistence Committee is composed
12 of three members of the house appointed by the speaker of the house, and
13 three members of the senate appointed by the president of the senate;
14 however, two of the three members from each house shall be the chairman
15 of the standing resources committee or his designee and one other member
16 of the committee. The membership from each house shall include at least
17 one member from each of the two major political parties. The committee
18 elects a chairman from among its members.

19 Sec. 24.20.620. TERM OF MEMBERSHIP. The Subsistence Committee
20 shall be organized within 15 days after the organization of each legis-
21 lature. Members serve for the duration of the legislature during which
22 they are appointed. If they are reelected or their term of office ex-
23 tends into the next succeeding legislature, they continue to serve until
24 reappointed or the appointment of their successor.

25 Sec. 24.20.630. VACANCIES. When a vacancy occurs in the member-
26 ship of the Subsistence Committee, the presiding officer of the house
27 incurring the vacancy shall choose a successor.

28 Sec. 24.20.640. MEETINGS. The Subsistence Committee may meet
29 during sessions of the legislature and during the interim between ses-

1 sions at such times and places in the state as the chairman may deter-
2 mine. Members may receive, for the minimum time required to get to and
3 from meetings and for the period while attending meetings, the same
4 travel and per diem allowances provided by law for members of the legis-
5 lature when attending sessions, except that members of the committee
6 receive no per diem during the legislative sessions other than the per
7 diem allowance paid to other members of the legislature.

8 Sec. 24.20.650. STAFF. The Legislative Affairs Agency shall pro-
9 vide the Subsistence Committee with professional and clerical assistance
10 under the auspices of the Legislative Council.

11 Sec. 24.20.660. DUTIES. The Subsistence Committee shall

12 (1) gather information on all aspects of subsistence hunting
13 and fishing and the role of subsistence in the lives of the residents of
14 the state;

15 (2) monitor the activities of state officers and agencies
16 which affect the use of subsistence resources;

17 (3) evaluate the impact of federal laws, regulations, and
18 policies which affect subsistence;

19 (4) receive public comment on governmental action affecting
20 subsistence;

21 (5) review regulations adopted by the Board of Fish and the
22 Board of Game which affect subsistence.

23 Sec. 24.20.670. POWERS. (a) The Subsistence Committee has the
24 following powers:

25 (1) to organize and adopt rules for the conduct of its busi-
26 ness;

27 (2) to hold public hearings;

28 (3) to call upon all state officials, agencies, and insti-
29 tutions to give full cooperation to the committee and its staff by

1 collecting and furnishing information, conducting studies and writing
2 recommendations;

3 (4) to sponsor legislation in accordance with AS 24.30.-
4 060(b), including resolutions annulling regulations.

5 (b) Nothing in secs. 600 - 680 of this chapter authorizes the
6 referral by the presiding officer of either house of legislation to the
7 committee at regular or special sessions of the legislature.

8 Sec. 24.20.680. REPORTS. The Subsistence Committee shall submit a
9 summary report of its findings and recommendations to each legislature.

10 * Sec. 19. AS 24.30.060(b) is amended to read:

11 (b) Bills introduced by the Legislative Council shall be delivered
12 with a letter of explanation to the rules committee of either house and
13 bear the inscription "Rules Committee by Request of the Legislative
14 Council"; bills introduced by the Subsistence Committee shall be de-
15 livered with a letter of explanation to the rules committee of either
16 house and bear the inscription "Rules Committee by request of the Sub-
17 sistence Committee"; bills introduced by the Administrative Regulation
18 Review Committee shall be delivered with a letter of explanation to the
19 rules committee of either house and bear the inscription "Rules Commit-
20 tee by Request of the Administrative Regulation Review Committee"; bills
21 introduced by the Legislative Budget and Audit Committee shall be de-
22 livered with a letter of explanation to the rules committee of either
23 house and bear the inscription "Rules Committee by Request of the Legis-
24 lative Budget and Audit Committee." Bills presented by the governor
25 shall be delivered with a letter to the rules committee of either house
26 and bear the inscription "Rules Committee by Request of the Governor";
27 bills so presented and inscribed shall be received as bills carrying the
28 approval of the governor as to policy and budget impact. The governor
29 may submit a statement of purpose and effect with each bill and appear

1 personally or through a representative before any committee considering
2 legislation.

3 * Sec. 20. The permanent interim Subsistence Committee established in AS
4 24.20.600, enacted in sec. 18 of this Act expires December 31, 1984.

5 * Sec. 21. The governor shall appoint persons to the seats added under AS
6 16.05.221, amended in sec. 5 of this Act, to the Board of Fisheries and the
7 Board of Game within 30 days of the effective date of this Act.

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Introduced: 5/1/78
Referred: The Special Committee on
Subsistence, Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST (for the Special
Committee on Subsistence)

1 IN THE HOUSE

2 HOUSE BILL NO. 960

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.020(1) is amended to read:

22 (1) supervise and control the department, and, except as
23 provided under sec. 93 of this chapter, he may appoint and employ divi-
24 sion heads, enforcement agents, and the technical, clerical, and other
25 assistants necessary for the general administration of the department;

26 * Sec. 3. AS 16.05.090 is amended by adding a new subsection to read:

27 (c) There is established in the Department of Fish and Game a
28 division of subsistence hunting and fishing.

29 * Sec. 4. AS 16.05 is amended by adding new sections to read:

1 Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING
2 AND FISHING. The division of subsistence hunting and fishing shall be
3 administered by a director appointed by the governor.

4 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
5 FISHING. The division of subsistence hunting and fishing shall

6 (1) compile existing data and conduct studies to gather
7 information on all aspects of the role of subsistence hunting and fish-
8 ing in the lives of the residents of the state;

9 (2) quantify the amount, value, and extent of dependence on
10 food acquired through subsistence hunting and fishing;

11 (3) make information gathered available to the legislature in
12 a form suitable for use in developing legislation relating to land and
13 water management;

14 (4) assist the legislature to determine what uses of fish and
15 game, as well as which users and what methods, should be termed sub-
16 sistence uses, users, and methods;

17 (5) evaluate the impact of state and federal laws and regu-
18 lations on subsistence hunting and fishing and, when corrective action
19 is indicated, make recommendations to the governor and the legislature;

20 (6) make recommendations to the Board of Game and the Board
21 of Fisheries regarding adoption, amendment and repeal of regulations
22 relating to subsistence hunting and fishing.

23 * Sec. 5. AS 16.05.221 is amended to read:

24 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
25 of the conservation and development of the fishery resources of the
26 state, there is created the Board of Fisheries composed of nine [SEVEN]
27 members appointed by the governor, subject to confirmation by a majority
28 of the members of the legislature in joint session. The [APPOINTED]
29 members shall be residents of the state and shall be appointed without

1 regard to political affiliation [OR GEOGRAPHICAL LOCATION OF RESIDENCE].
2 Membership of the board shall include one user of fish for subsistence
3 from each of the four judicial districts of the state, two holders of
4 sport fishing licenses who are not users of fish for subsistence, two
5 holders of commercial fishing licenses, and one member at large. The
6 commissioner is not a member of the Board of Fisheries, but shall be ex
7 officio secretary.

8 (b) For purposes of the conservation and development of the game
9 resources of the state, there is created a Board of Game composed of
10 nine [SEVEN] members appointed by the governor, subject to confirmation
11 by a majority of the members of the legislature in joint session. The
12 [APPOINTED] members shall be residents of the state, and shall be ap-
13 pointed without regard to political affiliation [OR GEOGRAPHICAL LOCA-
14 TION OF RESIDENCE]. Membership of the board shall include one user of
15 game for subsistence from each of the four judicial districts of the
16 state, two holders of hunting licenses who are not users of game for
17 subsistence, two master guides, and one member at large. The commis-
18 sioner is not a member of the Board of Game, but shall be ex officio
19 secretary.

20 * Sec. 6. AS 16.05.251 is amended by adding a new subsection to read:

21 (b) The Board of Fisheries shall adopt regulations in accordance
22 with the Administrative Procedure Act (AS 44.62) permitting the taking
23 of fish for subsistence uses unless the board determines, in accordance
24 with the Administrative Procedure Act, that adoption of such regulations
25 will jeopardize or interfere with the maintenance of fish stocks on a
26 sustained-yield basis. Whenever it is necessary to restrict the taking
27 or other consumptive uses of fish in order to assure the maintenance of
28 fish stocks on a sustained-yield basis, or the continuation of subsis-
29 tence uses of such resources, subsistence use shall be the priority use.

1 If further restriction is necessary, the board shall establish restric-
2 tions and limitations on and priorities for these consumptive uses on
3 the basis of the following criteria:

4 (1) customary and direct dependence upon the resource as the
5 mainstay of one's livelihood;

6 (2) local residency; and

7 (3) availability of alternative resources.

8 * Sec. 7. AS 16.05.255 is amended by adding new subsections to read:

9 (b) The Board of Game shall adopt regulations in accordance with
10 the Administrative Procedure Act (AS 44.62) permitting the taking of
11 game for subsistence uses unless the board determines, in accordance
12 with the Administrative Procedure Act, that adoption of such regulations
13 will jeopardize or interfere with the maintenance of game resources on a
14 sustained-yield basis. Whenever it is necessary to restrict the taking
15 or other consumptive uses of game in order to assure the maintenance of
16 game resources on a sustained-yield basis, or the continuation of sub-
17 sistence uses of such resources, subsistence use shall be the priority
18 use. If further restriction is necessary, the board shall establish
19 restrictions and limitations on and priorities for these consumptive
20 uses on the basis of the following criteria:

21 (1) customary and direct dependence upon the resource as the
22 mainstay of one's livelihood;

23 (2) local residency; and

24 (3) availability of alternative resources.

25 (c) No regulations permitting the taking of game may be adopted
26 unless the game is edible at the time of year when the taking is to be
27 permitted.

28 * Sec. 8. AS 16.05.257(a) is amended to read:

29 (a) The Board of Game, at its regularly scheduled annual meeting,

1 shall consider and may adopt regulations providing for subsistence
2 hunting in a game management unit or subunit or a portion of a unit or
3 subunit upon

4 (1) recommendation of the department, based on biological
5 evidence;

6 (2) the recommendation [MAJORITY VOTE] of the active local
7 advisory committees for that game management unit or subunit or a por-
8 tion of a unit or subunit;

9 (3) the written petition of not less than 100 interested
10 residents of that game management unit or subunit or a portion of a unit
11 or subunit; or

12 (4) the written petition of not less than 25 interested
13 residents of an area which is requested for establishment as a subsis-
14 tence area within a game management unit or subunit or a portion of a
15 unit or subunit.

16 * Sec. 9. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 10. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 11. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest. No decision denying, creating or
22 changing a subsistence hunting area may be made unless based on specific
23 written findings of fact regarding all the information provided in
24 accordance with this section. No subsistence hunting area may be
25 created if the board determines that creation of such an area will
26 jeopardize or interfere with the maintenance of game populations on a
27 sustained-yield basis.

28 * Sec. 12. AS 16.05.257(h)(1) is amended to read:

29 (1) "subsistence hunting" means the taking of game animals by

1 a state resident for subsistence uses by means defined by the Board of
2 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

3 * Sec. 13. AS 16.05.257(h)(2) is repealed and re-enacted to read:

4 (2) "subsistence hunting area" means an area in which only
5 subsistence hunting of the affected species is permitted and which is
6 managed for maximum food potential.

7 * Sec. 14. AS 16.05.257 is amended by adding a new subsection to read:

8 (i) The Board of Game may make no decision denying, creating or
9 changing a subsistence hunting area unless based on specific written
10 findings of fact regarding all the information provided in accordance
11 with (e) of this section. No subsistence hunting area may be created if
12 the board determines that creation of such an area will jeopardize or
13 interfere with the maintenance of game populations on a sustained-yield
14 basis.

15 * Sec. 15. AS 16.05.290 is amended to read:

16 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
17 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
18 compensation for each day going to and from and for each day in actual
19 attendance at board meetings and other meetings or conferences author-
20 ized by a board.

21 * Sec. 16. AS 16.05.345 is amended to read:

22 Sec. 16.05.345. MUSK OXEN. The department shall issue big game
23 tags for the taking of musk oxen if an open season is declared. The
24 cost of these tags is \$500 for residents and \$1,000 for nonresidents
25 unless the musk ox is to be taken for subsistence by a person residing
26 in the vicinity of the habitat of the musk ox, in which case the tag
27 shall be issued at no charge. Drawings for subsistence musk oxen per-
28 mits shall be held in villages in the vicinity of the musk oxen habitat.
29 The department shall conduct a drawing for permits to take musk oxen.

1 No person is eligible for more than one permit a year. Each application
2 for a permit shall be accompanied by a \$10 fee.

3 * Sec. 17. AS 16.05.930(b) is amended to read:

4 (b) This chapter does not prohibit a person from taking fish or
5 game during the closed season for religious purposes or in a case [, IN
6 CASE] of dire emergency, as defined by regulation promulgated by the
7 appropriate board.

8 * Sec. 18. AS 16.05.930 is amended by adding a new subsection to read:

9 (e) This chapter does not prevent the traditional barter of fish
10 and game taken by subsistence hunting or fishing, except that the com-
11 missioner may prohibit the barter of subsistence-taken fish and game by
12 regulation, emergency or otherwise, if a determination on the record is
13 made that the barter is resulting in a waste of the resource, damage to
14 fish stocks or game populations, or circumvention of fish or game
15 management programs.

16 * Sec. 19. AS 16.05.940 is amended by adding new paragraphs to read:

17 (26) "subsistence uses" means the customary and traditional
18 uses in Alaska of wild, renewable resources for direct personal or
19 family consumption as food, shelter, fuel, clothing, tools, or trans-
20 portation, for the making and selling of handicraft articles out of
21 nonedible by-products of fish and wildlife resources taken for personal
22 or family consumption, and for the customary trade, barter or sharing
23 for personal or family consumption; for the purposes of this paragraph,
24 "family" means all persons related by blood, marriage, or adoption, and
25 any person living within the household on a permanent basis;

26 (27) "barter" means the exchange or trade of fish or game
27 taken for subsistence uses for valuable consideration other than money.

28 * Sec. 20. AS 24.20 is amended by adding new sections to read:

29 Sec. 24.20.600. SUBSISTENCE COMMITTEE ESTABLISHED. The Subsis-

1 tence Committee is established as a permanent interim committee of the
2 legislature. The establishment of the committee is a recognition that
3 continuous and intensive legislative study and involvement in the sub-
4 sistence lifestyle is necessary to insure that the subsistence lifestyle
5 remains a viable way of life for those who live it through choice or
6 necessity.

7 Sec. 24.20.610. MEMBERSHIP. The Subsistence Committee is composed
8 of three members of the house appointed by the speaker of the house, and
9 three members of the senate appointed by the president of the senate;
10 however, two of the three members from each house shall be the chairman
11 of the standing resources committee or his designee and one other member
12 of the committee. The membership from each house shall include at least
13 one member from each of the two major political parties. The committee
14 elects a chairman from among its members.

15 Sec. 24.20.620. TERM OF MEMBERSHIP. The Subsistence Committee
16 shall be organized within 15 days after the organization of each legis-
17 lature. Members serve for the duration of the legislature during which
18 they are appointed. If they are reelected or their term of office ex-
19 tends into the next succeeding legislature, they continue to serve until
20 reappointed or the appointment of their successor.

21 Sec. 24.20.630. VACANCIES. When a vacancy occurs in the member-
22 ship of the Subsistence Committee, the presiding officer of the house
23 incurring the vacancy shall choose a successor.

24 Sec. 24.20.640. MEETINGS. The Subsistence Committee may meet
25 during sessions of the legislature and during the interim between ses-
26 sions at such times and places in the state as the chairman may deter-
27 mine. Members may receive, for the minimum time required to get to and
28 from meetings and for the period while attending meetings, the same
29 travel and per diem allowances provided by law for members of the legis-

1 lature when attending sessions, except that members of the committee
2 receive no per diem during the legislative sessions other than the per
3 diem allowance paid to other members of the legislature.

4 Sec. 24.20.650. STAFF. The Legislative Affairs Agency shall pro-
5 vide the Subsistence Committee with professional and clerical assistance
6 under the auspices of the Legislative Council.

7 Sec. 24.20.660. DUTIES. The Subsistence Committee shall

8 (1) gather information on all aspects of subsistence hunting
9 and fishing and the role of subsistence in the lives of the residents of
10 the state;

11 (2) monitor the activities of state officers and agencies
12 which affect the use of subsistence resources;

13 (3) evaluate the impact of federal laws, regulations, and
14 policies which affect subsistence;

15 (4) receive public comment on governmental action affecting
16 subsistence;

17 (5) review regulations adopted by the Board of Fish and the
18 Board of Game which affect subsistence.

19 Sec. 24.20.670. POWERS. (a) The Subsistence Committee has the
20 following powers:

21 (1) to organize and adopt rules for the conduct of its busi-
22 ness;

23 (2) to hold public hearings;

24 (3) to call upon all state officials, agencies, and insti-
25 tutions to give full cooperation to the committee and its staff by
26 collecting and furnishing information, conducting studies and writing
27 recommendations;

28 (4) to sponsor legislation in accordance with AS 24.30.-
29 060(b), including resolutions annulling regulations.

1 (b) Nothing in secs. 600 - 680 of this chapter authorizes the
2 referral by the presiding officer of either house of legislation to the
3 committee at regular or special sessions of the legislature.

4 Sec. 24.20.680. REPORTS. The Subsistence Committee shall submit a
5 summary report of its findings and recommendations to each legislature.

6 * Sec. 21. AS 24.30.060(b) is amended to read:

7 (b) Bills introduced by the Legislative Council shall be delivered
8 with a letter of explanation to the rules committee of either house and
9 bear the inscription "Rules Committee by Request of the Legislative
10 Council"; bills introduced by the Subsistence Committee shall be de-
11 livered with a letter of explanation to the rules committee of either
12 house and bear the inscription "Rules Committee by request of the Sub-
13 sistence Committee"; bills introduced by the Administrative Regulation
14 Review Committee shall be delivered with a letter of explanation to the
15 rules committee of either house and bear the inscription "Rules Commit-
16 tee by Request of the Administrative Regulation Review Committee"; bills
17 introduced by the Legislative Budget and Audit Committee shall be de-
18 livered with a letter of explanation to the rules committee of either
19 house and bear the inscription "Rules Committee by Request of the Legis-
20 lative Budget and Audit Committee." Bills presented by the governor
21 shall be delivered with a letter to the rules committee of either house
22 and bear the inscription "Rules Committee by Request of the Governor";
23 bills so presented and inscribed shall be received as bills carrying the
24 approval of the governor as to policy and budget impact. The governor
25 may submit a statement of purpose and effect with each bill and appear
26 personally or through a representative before any committee considering
27 legislation.

28 * Sec. 22. The permanent interim Subsistence Committee established in AS
29 24.20.600, enacted in sec. 20 of this Act expires December 31, 1984.

1 * Sec. 23. Notwithstanding any other provisions of law, the terms of all
2 persons appointed to the Board of Fisheries and the Board of Game under AS
3 16.05.221 and serving on the boards on the effective date of this Act expire
4 on that date. The governor shall appoint persons to seats on the boards as
5 reconstituted under AS 16.05.221, as amended in sec. 5 of this Act, within 30
6 days of the effective date of this Act.

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BASIC ELEMENTS OF HB 960

Section 1 Statement of Intent

Sections 2-4 Creation of a Division of Subsistence in the
Department of Fish and Game Fiscal impact: \$871,100

Section 5 Addition of two members to the Board of Fisheries
and two members to the Board of Game
fiscal impact: \$18,400

Sections 6-7 Subsistence is the priority use of fish and game

Sections 8-14 Amendments to the existing subsistence zone
statutes. no fiscal impact

Section 15 \$100 per day compensation to the members of the
Board of Fisheries and the Board of Game while
on business. fiscal impact \$49,800

Section 16 Deletion of the current prohibition on barter of
subsistence caught fish and game

Section 17 definition of "subsistence uses"

Sections 18-20 Creation of a permanent interim committee on
Subsistence for five years. fiscal impact: \$105,300



Official Business

Alaska State Legislature

House of Representatives

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

HB 960: "An Act relating to fish and game management."

This bill is intended to provide a coordinated plan for clarifying what subsistence use of fish and game is and for documenting subsistence uses so that they can be integrated into fish and game management planning. The bill also provides a legislative framework for the State's policy of recognizing subsistence as the priority use of fish and game.

Sections two through four: These sections provide for the creation of a division of subsistence hunting and fishing. Presently, the Department of Fish and Game has divisions of commercial fishing, sport fishing and game. As subsistence is to be the highest priority of the Department of Fish and Game, there is an obvious need for the gathering of information about subsistence hunting and fishing and the making of informed recommendations to the boards of fisheries and game. Presently, research is not being specifically directed towards the subsistence hunting and fishing economy of the state. Rather, specific species studies are conducted to determine the health of the species and the harvest to be allowed. This method does not consider the entire range of resources available to subsistence users and therefore does not allow for realistic regulations based upon the overall needs of the subsistence users. A division of subsistence given the tasks set forth in section four would have the information to make recommendations as to the needs of the subsistence users.

Sections six and seven: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of the fish and game resources. While there are presently regulations for subsistence fishing, there is no mechanism for the promulgation of subsistence hunting regulations except with the creation of subsistence hunting areas pursuant to A.S. 16.05.257. Section seven would allow for these regulations so that subsistence hunting could be distinguished by separate regulations from sports hunting. Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resources are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before subsistence use. If these restrictions are inadequate, restriction of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence user, and the availability of alternate resources. It is the intent of the committee that decisions and determinations by the Board of Fisheries and the Board of Game will be subject to complete public scrutiny and that reasons will be given for any action or any failure to act.

Subsection C is intended to ensure that game meat is not wasted as a result of a hunt which is not allowed during a portion of the year when the meat is not edible. As the game resources are very limited, this subsection makes certain that the entire animal can be utilized.

Section eight: This section does two things. First, it makes clear that the Board of Game must consider subsistence hunting area proposals at its regularly scheduled annual meeting. Second, it allows the Board of Game to consider recommendations from the active local advisory committees which are located in the area where the subsistence hunting proposal is being made without also needing a recommendation from the other advisory committees which have concurrent jurisdiction, in the game management unit or subunit affected. Therefore, if five local advisory committees have concurrent jurisdiction, it is only necessary to have the committee located in the affected area to make its recommendation rather than other committees which may not have any interest in the area being proposed.

Section nine: This section deals with the problem of not having sufficient information to present to the Board of Game when they are making their determinations. If the Board of Game is required to make investigations and present this information at the hearings, the participants will be able to make relevant comments. Subsection (C) (3) allows for the petitioners to dispute the investigations which have been made. Presently most of the hearings only deal with the participants personal observations. More meaningful hearings would be conducted if biological and user information were required.

Section ten: This section mandates a seventy-five (75) day period by which time a petition must be filed with the Department of

Fish and Game. This time period is included to enable the Department to make the investigation required under section eleven.

Section eleven: This section requires the Department of Fish and Game to make detailed investigation concerning subsistence hunting area proposals. The Board of Game has rejected proposals in the past stating that they did not have enough information before them to justify their creation. The only agency which is capable of providing this information is the Department of Fish and Game. Therefore, to require the Department to make this investigation would force the Board of Game to make its decisions based upon the relevant data rather than being able to deny them out of hand. As the Board has not approved any of the proposals in the past, the changes in this section would require the Board to follow the legislative history of the law and would provide a mechanism for reviewing the Board's decision.

Section twelve: This section expands the uses which can be made of game taken in subsistence areas. Presently, the uses allowed are much more restrictive than the customary and traditional uses made of fish and game.

Section thirteen: The definition of subsistence hunting is changed so that non-subsistence hunting of the species which is the subject of a petition or report will not be allowed. Sports hunting of other species is allowed so long as the subsistence hunting is not interfered with.

Section fourteen: This section, like section eleven is intended to assure that any decisions regarding subsistence zones made by the Board of Game are made on the basis of adequate information.

Section fifteen: This section provides for a \$100 dollar per day compensation fee to be given to members of the Board of Fisheries and the Board of Game in addition to travel expenses and \$100 per day per diem.

Section sixteen: This section provides for the barter of subsistence caught fish and game as barter is defined in section seventeen, subsection 27 below. As barter is customary and traditional use of fish and game products, there is no necessity for it to be outlawed as is presently the case. However, if barter is to be allowed, the Department of Fish and Game should be allowed to control it so that there are no abuses. This is provided for in section sixteen. Barter is a means of rounding out a subsistence users diet and simply because one resource is available in an area and another is not should not force people to consume only what they can take themselves. The

definition of barter specifically prohibits the selling of subsistence caught fish and game but does not limit what other consideration can be given.

Section seventeen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

Sections 18 through 20: The Special Committee on Subsistence recognizes the necessity for the establishment of a permanent legislative Subsistence Committee in addition to a division of subsistence in the Alaska Department of Fish and Game. This committee will be active in assisting the ADF&G in the establishment of the Subsistence Division and will ensure that the department structures that division in accordance with legislative intent. After the division has been established, the committee will continue its involvement with the division in an oversight role.

The committee further recognizes the need for future legislative action on the subsistence issue. The permanent interim committee will be able to conduct the hearings and research which will produce effective legislation. The permanent committee will also be able to effectively deal with federal legislation and federal regulations which will have an impact on subsistence uses of Alaska lands, and should participate in the development and implementation of any cooperative management agreements effecting fish and game resources.

A permanent Subsistence Committee would also monitor the activities of the Board of Fisheries and the Board of Game to see that the regulatory process is operating in a fair and equitable manner and that it is receptive to the needs of subsistence users.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960

Title An Act Relating to Fish and Game Management

Requested by Representative Anderson

Date 5/1/78

II. FISCAL DETAIL

Agency Affected Fish and Game

Program Category Affected NRMEC

Budget Request Unit(s) Affected Boards of Fish and Game

plus New BRU for Division of Subsistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		919.4	887.1	887.1	887.1	887.1

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978

PREPARED BY [Signature]

AGENCY Fish and Game

PHONE 465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 718

Title Creating Permanent Interim Subsistence Committee

Requested by House Special Committee on Subsistence Date 3-17-78

II. FISCAL DETAIL

Agency Affected Legislative Affairs

Program Category Affected General Government

Budget Request Unit(s) Affected Council & Committees

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		31.3	31.3	31.3	31.3	31.3
200 TRAVEL		18.0	18.0	18.0	18.0	18.0
300 CONTRACTUAL		56.0	36.0	36.0	36.0	36.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	None	105.3	85.3	85.3	85.3	85.3

FUNDING (Thousands of Dollars)

GENERAL FUND		105.3	85.3	85.3	85.3	85.3
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY		2	2	2	2	2

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

For initial year, cost estimate will be identical to Fiscal Note for RCR 93.

Subsequent years' costs should subside somewhat with less need for special contractual services.

IV. DATE March 21, 1978

PREPARED BY

M. R. Charney, Director

AGENCY

Legislative Affairs

PHONE

465-3850

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

DEPARTMENT OF FISH AND GAME

Operating Budget Summaries
(Rounded to nearest \$1,000)

	FY'77 Actual	FY'78 Authorized	FY'79 Request
Commerical Fisheries - Total	\$7,315.9	\$7,973.2	\$9,160.3
Funding: Federal Receipts	640.6	633.5	633.5
Matching General Fund	427.1	442.7	442.7
General Fund	6,217.4	6,872.0	8,059.1
Program Receipts	30.8	25.0	25.0
Game - Total	4,464.0	5,058.5	6,032.5
Funding: Federal Receipts	2,825.6	3,219.7	3,676.7
General Fund	163.9	20.0	
Fish and Game Fund	1,474.5	1,816.8	2,155.8
Sport Fish - Total	2,618.6	3,036.7	3,929.7
Funding: Federal Receipts	1,136.9	1,269.9	1,359.9
General Fund	539.9		
Fish and Game Fund	941.8	1,816.8	2,569.8
F.R.E.D. - Total	4,695.5	6,975.1	9,335.5
Funding: Federal Receipts	84.4		
General Fund	4,611.1	6,975.1	9,335.5
Administration - Total	2,290.9	2,667.8	2,824.8
Funding: Federal Receipts	365.6	319.5	350.0
General Fund	1,763.0	2,144.4	2,269.0
Interagency Receipts	139.7	75.2	75.2
Program Receipts	22.6	128.7	130.6
Vessels - Total	1,080.6	1,219.2	1,321.1
Funding: General Fund	1,072.6	1,194.2	1,311.1
Interagency Receipts	8.0	25.0	10.0
Habitat - Total	\$1,105.7	\$ 896.5	\$1,023.5
Funding: Federal Receipts	226.2	209.0	
Matching General Fund	81.7	83.5	
General Fund	722.5	604.0	814.6
Interagency Receipts	75.3		
Pipeline Monitoring - Total	867.8	952.1	1,238.0
Funding: Federal Receipts			151.0
Program Receipts	867.8	952.1	1,134.0
Boards of Fish and Game - Total	143.4	158.3	316.7
Funding: General Fund	143.4	158.3	316.7
Crab Board - Total	224.2	336.8	265.9
Funding: Program Receipts	224.2	336.8	265.9
Total Department Budget	24,806.6	29,324.2	35,518.1
Funding: Federal Receipts	5,279.3	5,651.6	6,374.1
Matching General Fund	508.8	526.2	442.7
General Fund	15,233.8	17,968.0	22,105.0
Interagency Receipts	223.0	100.2	85.2
Program Receipts	1,145.4	1,442.6	1,575.5
Fish and Game Fund	2,416.3	3,635.6	4,934.6

DISTRIBUTION OF FISH AND GAME PERSONNEL

Residing within blackened area: 509 people
 Residing within rest of state: 33 people
 Rest of state excluding Aleutians
 and Bristol Bay: 14 people



CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960

Title An Act Relating to Fish and Game Management

Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL

Agency Affected Fish and Game

Program Category Affected NRMEC

Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistence

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment	919.4	887.1	887.1	887.1	887.1	887.1

FUNDING (Thousands of Dollars)

GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978

PREPARED BY [Signature]

AGENCY Fish and Game

PHONE 465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistence.

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistence are as follows:

100 - 699.9	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '80 and beyond.

~~II. Section 5 adds two members each to the Boards of Fisheries and Game~~

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistence Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 718
 Title Creating Permanent Interim Subsistence Committee
 Requested by House Special Committee on Subsistence Date 3-17-78

II. FISCAL DETAIL

Agency Affected Legislative Affairs
 Program Category Affected General Government
 Budget Request Unit(s) Affected Council & Committees

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		31.3	31.3	31.3	31.3	31.3
200 TRAVEL		18.0	18.0	18.0	18.0	18.0
300 CONTRACTUAL		56.0	36.0	36.0	36.0	36.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	None	105.3	85.3	85.3	85.3	85.3

FUNDING (Thousands of Dollars)

GENERAL FUND		105.3	85.3	85.3	85.3	85.3
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY		2	2	2	2	2

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

For initial year, cost estimate will be identical to Fiscal Note for HCR 93.

Subsequent years' costs should subside somewhat with less need for special contractual services.

IV. DATE March 21, 1978 PREPARED BY M. R. Charney, Director
 AGENCY Legislative Affairs
 PHONE 465-3850

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

DEPARTMENT OF FISH AND GAME

Operating Budget Summaries
(Rounded to nearest \$1,000)

	FY'77 Actual	FY'78 Authorized	FY'79 Request
Commerical Fisheries - Total	\$7,315.9	\$7,973.2	\$9,160.3
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Funding: Federal Receipts	84.4		
General Fund	4,611.1	6,975.1	9,335.5
Administration - Total	2,290.9	2,667.8	2,824.8
Funding: Federal Receipts	365.6	319.5	350.0
General Fund	1,763.0	2,144.4	2,259.0
Interagency Receipts	139.7	75.2	75.2
Program Receipts	22.6	128.7	130.6
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Funding: General Fund	143.4	158.3	316.7
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Fish and Game Fund	2,416.3	3,635.6	4,934.5

DISTRIBUTION OF FISH AND GAME PERSONNEL

Residing within blackened area: 509 people
 Residing within rest of state: 33 people
 Rest of state excluding Aleutians
 and Bristol Bay: 14 people



①

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS ON
HOUSE BILL NO. 960 "An Act relating to fish and game
management."

In general, the Department of Fish and Game is opposed to the passage of H.B. 960, although certain sections certainly are desirable. Our main comments are listed below:

Sec. 3 AS 16.05.090(c): The Department of Fish and Game objects to a Division of Subsistence because it delegates too much power to the Division. It also would complicate management decisions needlessly. The Department feels it can accomplish the intent of this Section within the existing organization provided that support funding is made available.

Sec. 16.093: The Director of Subsistence would be appointed by the Governor and it is not clear who would have administrative control over the programs of the Division. The special status of this Division could undercut the authority of the Commissioner and the Boards and cause serious problems of coordinated management.

Sec. 16.05.221 (a)(b): Membership of the Boards is biased unnecessarily toward user groups. The Department is in favor of not designating Board seats by user group or geographical area but having qualified people who would serve the best interests of the State and of all citizens.

Sec. 7 AS 16.05.255 (c): The Department recommends deletion because this requires a subjective determination. The Board of Game has found that no consensus exists among users of game on the issue of

(2)

palatability. The edibility of game apparently is directly proportional to the nutritional state of the consumer.

Sec. 11 AS 16.05.257 (e): The Department recommends deletion because it places too great a demand on the Department and funds are not available to acquire this information in the time frame that would be required.

Sec. 14 AS 16.05.257 (i): The Department recommends deletion in line with our comments on Sec. 11. Records are kept of all decisions made by the Boards of Fisheries and Game (tape recordings).

Sec. 16 AS 16.05.930(e): The Department feels that the definition of subsistence fishing as contained presently in Alaska Statute 16.05.940(17) should be modified to permit barter.

Sec. 17 AS 16.05.940(26): The Department recommends utilization of language presently in H.R. 39, Title VII (April 24) as follows:

Sec. 703. As used in this Act, the term "subsistence uses" means the noncommercial (except as provided under paragraph (2)) customary and traditional utilization within the State of wild, renewable resources for (1) direct personal or family use for food, shelter, fuel, clothing, tools, or transportation; (2) the making and selling of handicraft articles (including clothing), but only out of nonedible by-products of fish and wildlife taken for such personal or family use; or (3) customary trade, barter, or sharing for personal or family use among subsistence users.

Sec. 17 AS 16.05.940(27); The Department recommends utilization of language presently contained in S.B. 506 as follows:

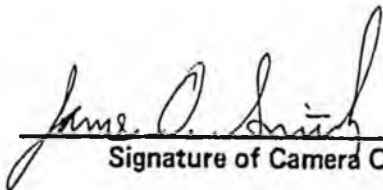
"barter" means to exchange, trade for, or otherwise give and receive subsistence-taken fish or game or their parts in exchange for other subsistence-taken fish or game or their parts.



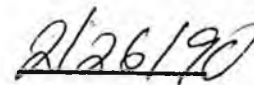
RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.



Signature of Camera Operator



Date

To Finance Committee

HOUSE JOURNAL
LETTER OF INTENT

HB 960: "An Act relating to fish and game management."

This bill is intended to provide a coordinated plan for clarifying what subsistence use of fish and game is and for documenting subsistence uses so that they can be integrated into fish and game management planning. This bill also provides a legislative framework for the State's policy of recognizing subsistence as the priority use of fish and game.

Sections two through four: These sections provide for the creation of a division of subsistence hunting and fishing. Presently, the Department of Fish and Game has divisions of commercial fishing, sport fishing and game. As subsistence is to be the highest priority of the Department of Fish and Game, there is an obvious need for the gathering of information about subsistence hunting and fishing and the making of informed recommendations to the boards of fisheries and game. Presently, research is not being specifically directed towards the subsistence hunting and fishing economy of the state. Rather, specific species studies are conducted to determine the health of the species and the harvest to be allowed. This method does not consider the entire range of resources available to subsistence users and therefore does not allow for realistic regulations based upon the overall needs of the subsistence users. A division of subsistence given the tasks set forth in section four would have the information to make recommendations as to the needs of the subsistence users.

Sections six and seven: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of fish and game resources. While there are presently regulations for subsistence fishing, there is no mechanism for the promulgation of subsistence hunting regulations except with the creation of subsistence hunting areas pursuant to A.S. 16.05.257. Section seven would allow for these regulations so that subsistence hunting could be distinguished by separate regulations from sports hunting. Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resources are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before subsistence use. If these restrictions are inadequate, restriction of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence users, and the availability of alternate resources. It is the intent of the Committee that decisions and determinations by the Board of Fisheries and the Board of Game will be subject to complete public scrutiny and that reasons will be given for any action or any failure to act.

Subsection C is intended to ensure that game meat is not wasted as a result of a hunt which is not allowed during a portion of the year when the meat is not edible. As the game resources are very limited, this subsection makes certain that the entire animal can be utilized.

Section eight: This section does two things. First, it makes clear that the Board of Game must consider subsistence hunting area proposals at its regularly scheduled annual meeting. Second, it allows the Board of Game to consider recommendations from the active local advisory committees which are located in the area where the subsistence hunting proposal is being made without also needing a recommendation from the other advisory committees which have concurrent jurisdiction, it is only

HOUSE JOURNAL

Intent HB 960
page 2

necessary to have the committee located in the affected area to make its recommendation rather than other committees which may not have any interest in the area being proposed.

Section nine: This section deals with the problem of not having sufficient information to present to the Board of Game when they are making their determinations. If the Board of Game is required to make investigations and present this information at the hearings, the participants will be able to make relevant comments. Subsection (C) (3) allows for the petitioners to dispute the investigations which have been made. Presently most of the hearings only deal with the participants personal observations. More meaningful hearings could be conducted if biological and user information were required.

Section ten: This section mandates a seventy-five (75) day period by which time a petition must be filed with the Department of Fish and Game. This time period is included to enable the Department to make the investigation required under section eleven.

Section eleven: This section requires the Department of Fish and Game to make detailed investigation concerning subsistence hunting area proposals. The Board of Game has rejected proposals in the past stating that they did not have enough information before them to justify their creation. The only agency which is capable of providing this information is the Department of Fish and Game. Therefore, to require the Department to make this investigation would force the Board of Game to make its decisions based upon the relevant data rather than being able to deny them out of hand. As the Board has not approved any of the proposals in the past, the changes in this section would require the Board to follow the legislative history of the law and would provide a mechanism for reviewing the Board's decision.

Section twelve: This section expands the uses which can be made of game taken in subsistence areas. Presently, the uses allowed are much more restrictive than the customary and traditional uses made of fish and game.

Section thirteen: The definition of subsistence hunting is changed so that non-subsistence hunting of the species which is the subject of a petition or report will not be allowed. Sports hunting of other species is allowed so long as the subsistence hunting is not interfered with.

Section fourteen: This section, like section eleven is intended to assure that any decisions regarding subsistence zones made by the Board of Game are made on the basis of adequate information.

Section fifteen: This section provides for a \$100 dollar per day compensation fee to be given to members of the Board of Fisheries and the Board of Game in addition to travel expenses and \$100 per day per diem.

Section sixteen: This section provides for the barter of subsistence caught fish and game as barter is defined in section seventeen, subsection 27 below. As barter is customary and traditional use of fish and game products, there is no necessity for it to be outlawed as is presently the case. However, if barter is to be allowed, the Department of Fish and Game should be allowed to control it so that there are no abuses. This is provided for in section sixteen. Barter is a means of rounding out a subsistence users diet and simply because one resource is available in an area and another is not should not force people to consume only what they can take themselves. The definition of barter specifically prohibits the selling of subsistence caught fish and game but does not limit what other consideration can be given.

HOUSE JOURNAL


Intent Hb 960
page 3

Section seventeen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

Sections eighteen through twenty: The Special Committee on Subsistence recognizes the necessity for the establishment of a permanent legislative Subsistence Committee in addition to a division of subsistence in the Alaska Department of Fish and Game. This committee will be active in assisting the ADF&G in the establishment of the Subsistence Division and will ensure that the department structures that division in accordance with legislative intent. After the division has been established, the committee will continue its involvement with the division in an oversight role.

The committee further recognizes the need for future legislative action on the subsistence issue. The permanent interim committee will be able to conduct the hearings and research which will produce effective legislation. The permanent committee will also be able to effectively deal with federal legislation and federal regulations which will have an impact on subsistence uses of Alaska lands, and should participate in the development and implementation of any cooperative management agreements effecting fish and game resources.

A permanent Subsistence Committee would also monitor the activities of the Board of Fisheries and the Board of Game to see that the regulatory process is operating in a fair and equitable manner and that it is receptive to the needs of subsistence users.


Rep. Nels A. Anderson, Jr., Chairman
Special Committee on Subsistence

①

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS ON
HOUSE BILL NO. 960 "An Act relating to fish and game
management."

In general, the Department of Fish and Game is opposed to the passage of H.B. 960, although certain sections certainly are desirable. Our main comments are listed below:

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Sec. 16.093: The Director of Subsistence would be appointed by the Governor and it is not clear who would have administrative control over the programs of the Division. The special status of this Division could undercut the authority of the Commissioner and the Boards and cause serious problems of coordinated management.

Sec. 16.05.221 (a)(b): Membership of the Boards is biased unnecessarily toward user groups. The Department is in favor of not designating Board seats by user group or geographical area but having qualified people who would serve the best interests of the State and of all citizens.

Sec. 7 AS 16.05.255 (c): The Department recommends deletion because this requires a subjective determination. The Board of Game has found that no consensus exists among users of game on the issue of

(2)

~~palatability. The edibility of game apparently is directly pro-~~
~~portional to the nutritional state of the consumer.~~

Sec. 11 AS 16.05.257 (e): The Department recommends deletion because it places too great a demand on the Department and funds are not available to acquire this information in the time frame that would be required.

Sec. 14 AS 16.05.257 (i): The Department recommends deletion in line with our comments on Sec. 11. Records are kept of all decisions made by the Boards of Fisheries and Game (tape recordings).

Sec. 16 AS 16.05.930(e): The Department feels that the definition of subsistence fishing as contained presently in Alaska Statute 16.05.940(17) should be modified to permit barter.

Sec. 17 AS 16.05.940(26): The Department recommends utilization of language presently in H.R. 39, Title VII (April 24) as follows:

Sec. 703. As used in this Act, the term "subsistence uses" means the noncommercial (except as provided under paragraph (2)) customary and traditional utilization within the State of wild, renewable resources for (1) direct personal or family use for food, shelter, fuel, clothing, tools, or transportation; (2) the making and selling of handicraft articles (including clothing), but only out of nonedible by-products of fish and wildlife taken for such personal or family use; or (3) customary trade, barter, or sharing for personal or family use among subsistence users.

Sec. 17 AS 16.05.940(27); The Department recommends utilization of language presently contained in S.B. 506 as follows:

"barter" means to exchange, trade for, or otherwise give and receive subsistence-taken fish or game or their parts in exchange for other subsistence-taken fish or game or their parts.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

(6)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960
 Title An Act Relating to Fish and Game Management
 Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		919.4	887.1	887.1	887.1	887.1

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

note

IV. DATE May 2, 1978 PREPARED BY [Signature]
 AGENCY Fish and Game
 Original: Legislative Finance PHONE 465-4120
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistance.

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistance are as follows:

100 - 699.9	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '60 and beyond.

II. Section 5 adds two members each to the Boards of Fisheries and Game.

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistance Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

Original sponsor: Rules Committee
by request (for the Special
Committee on Subsistence)

Offered: 5/19/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 960 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.090 is amended by adding a new subsection to read:

22 (c) There is established in the Department of Fish and Game a
23 division of subsistence hunting and fishing.

24 * Sec. 3. AS 16.05 is amended by adding new sections to read:

25 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
26 FISHING. The division of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather
28 information, including data from subsistence users, on all aspects of
29 the role of subsistence hunting and fishing in the lives of the resi-

1 dents of the state;

2 (2) quantify the amount, nutritional value, and extent of
3 dependence on food acquired through subsistence hunting and fishing;

4 (3) make information gathered available to other appropriate
5 agencies and the legislature in a form suitable for use in developing
6 policies relating to land, water or resource use;

7 (4) assist the legislature or the Board of Fisheries or the
8 Board of Game in determining what uses of fish and game, as well as
9 which users and what methods, should be termed subsistence uses, users,
10 and methods;

11 (5) evaluate the impact of state and federal laws and regu-
12 lations on subsistence hunting and fishing and, when corrective action
13 is indicated, make recommendations to the governor and the legislature;

14 (6) make recommendations to the Board of Game and the Board
15 of Fisheries regarding adoption, amendment and repeal of regulations
16 relating to subsistence hunting and fishing;

17 (7) contract with organizations or individuals capable of
18 assisting the division in carrying out its duties;

19 (8) participate with other divisions in the preparation of
20 statewide and regional management plans so that those plans reorganize
21 and incorporate the needs of subsistence users of fish and game.

22 * Sec. 4. AS 16.05.251 is amended by adding a new subsection to read:

23 (b) The Board of Fisheries shall adopt regulations in accordance
24 with the Administrative Procedure Act (AS 44.62) permitting the taking
25 of fish for subsistence uses unless the board determines, in accordance
26 with the Administrative Procedure Act, that adoption of such regulations
27 will jeopardize or interfere with the maintenance of fish stocks on a
28 sustained-yield basis. Whenever it is necessary to restrict the taking
29 of fish to assure the maintenance of fish stocks on a sustained-yield

1 basis, or to assure the continuation of subsistence uses of such re-
2 sources, subsistence use shall be the priority use. If further restric-
3 tion is necessary, the board shall establish restrictions and limita-
4 tions on and priorities for these consumptive uses on the basis of the
5 following criteria:

- 6 (1) customary and direct dependence upon the resource as the
7 mainstay of one's livelihood;
- 8 (2) local residency; and
- 9 (3) availability of alternative resources.

10 * Sec. 5. AS 16.05.255 is amended by adding new subsections to read:

11 (b) The Board of Game shall adopt regulations in accordance with
12 the Administrative Procedure Act (AS 44.62) permitting the taking of
13 game for subsistence uses unless the board determines, in accordance
14 with the Administrative Procedure Act, that adoption of such regulations
15 will jeopardize or interfere with the maintenance of game resources on a
16 sustained-yield basis. Whenever it is necessary to restrict the taking
17 of game to assure the maintenance of game resources on a sustained-yield
18 basis, or to assure the continuation of subsistence uses of such re-
19 sources, subsistence use shall be the priority use. If further restric-
20 tion is necessary, the board shall establish restrictions and limita-
21 tions on and priorities for these consumptive uses on the basis of the
22 following criteria:

- 23 (1) customary and direct dependence upon the resource as the
24 mainstay of one's livelihood;
- 25 (2) local residency; and
- 26 (3) availability of alternative resources.

27 (c) In accordance with sound game management practices, the Board
28 of Game shall establish open seasons for game species which coincide
29 with the time of year when each species is most edible.

1 * Sec. 6. AS 16.05.257(a) is amended to read:

2 (a) The Board of Game, at its regularly scheduled annual meeting,
3 shall consider and may adopt regulations providing for subsistence
4 hunting in a game management unit or subunit or a portion of a unit or
5 subunit upon

6 (1) recommendation of the department, based on biological
7 evidence;

8 (2) the recommendation [MAJORITY VOTE] of the active local
9 advisory committees for that game management unit or subunit or a por-
10 tion of a unit or subunit;

11 (3) the written petition of not less than 100 interested
12 residents of that game management unit or subunit; or

13 (4) the written petition of not less than 25 interested
14 residents of an area which is requested for establishment as a subsis-
15 tence area within a game management unit or subunit.

16 * Sec. 7. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 8. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 9. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest.

22 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

23 (1) "subsistence hunting" means the taking of game animals by
24 a state resident for subsistence uses by means defined by the Board of
25 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

26 * Sec. 11. AS 16.05.257(h)(2) is repealed and re-enacted to read:

27 (2) "subsistence hunting area" means an area in which only
28 subsistence hunting of the affected species is permitted and which is
29 managed for maximum food potential.

1 * Sec. 12. AS 16.05.257 is amended by adding a new subsection to read:

2 (i) The Board of Game may make no decision denying, creating or
3 changing a subsistence hunting area unless based on specific written
4 findings of fact regarding all the information provided in accordance
5 with (e) of this section. No subsistence hunting area may be created if
6 the board determines that creation of such an area will jeopardize or
7 interfere with the maintenance of game populations on a sustained-yield
8 basis.

9 * Sec. 13. AS 16.05.290 is amended to read:

10 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
11 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
12 compensation for each day going to and from and for each day in actual
13 attendance at board meetings and other meetings or conferences author-
14 ized by a board.

15 * Sec. 14. AS 16.05.930 is amended by adding a new subsection to read:

16 (e) This chapter does not prevent the traditional barter of fish
17 and game taken by subsistence hunting or fishing, except that the com-
18 missioner may prohibit the barter of subsistence-taken fish and game by
19 regulation, emergency or otherwise, if a determination on the record is
20 made that the barter is resulting in a waste of the resource, damage to
21 fish stocks or game populations, or circumvention of fish or game
22 management programs.

23 * Sec. 15. AS 16.05.940 is amended by adding new paragraphs to read:

24 (26) "subsistence uses" means the customary and traditional
25 uses in Alaska of wild, renewable resources for direct personal or
26 family consumption as food, shelter, fuel, clothing, tools, or trans-
27 portation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and wildlife resources taken for personal
29 or family consumption, and for the customary trade, barter or sharing

1 for personal or family consumption; for the purposes of this paragraph,
2 "family" means all persons related by blood, marriage, or adoption, and
3 any person living within the household on a permanent basis;

4 (27) "barter" means the exchange or trade of fish or game or
5 their parts

6 (A) for other fish or game or their parts; or

7 (B) for other food or for nonedible items if the ex-
8 change is of a limited and noncommercial nature.

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