

Alaska boards of fisheries and game procedure for implementation of subsistence policy

The Board procedure for implementing the subsistence priority within 1978 SLA 151 involves the following steps. The steps may be utilized in any order or combination to achieve the purposes of the Board. The Boards intend the following to be general guidelines and not binding in either Board.

1. When the Board finds it necessary to restrict the harvest of a resource, the Board shall determine appropriate bag limits and season restrictions governing all user groups. The subsistence preference may be accomplished by setting limits and seasons sensitive to local use patterns in the area affected.

2. When the Board finds it necessary to restrict the harvest further, the Board shall determine appropriate controls on access governing all user groups. The subsistence preference may be accomplished by making it more inconvenient for distant user groups to engage in harvest.

3. When the Board finds it necessary to restrict the harvest further, the Board shall determine appropriate methods and means governing all user groups. The subsistence preference may be accomplished by adopting methods and means most available to local user groups.

4. When the Board finds it necessary to restrict the harvest further, the Board may create a regulation which allows for adequate subsistence harvest by residents of the area and a limited sport harvest by other user groups. This area accomplishes the subsistence priority addressed in 1978 SLA 151.

5. When the Board finds it necessary to restrict the harvest further and still implement the subsistence priority, the Board shall create a subsistence area which allows for a quota-controlled harvest by residents of the area only. This area shall be defined by the Board based on evidence presented to it by the Department of Fish and Game and within the constraints and specifications of 1978 SLA 151. The area shall be limited to specified resource species, seasons, and locations.

6. When the Board finds it necessary to restrict the harvest to a limited number of area residents, the Board shall utilize criteria for allocation (consistent with 1978 SLA 151) among area residents based, in part, on the suggestions and evidence provided by area residents and the Department of Fish and Game and subject to the Administrative Procedure Act.

7. When the Board finds that the resource cannot sustain further harvest, the Board shall close the season on the species and location.

8. The Board shall require the Department of Fish and Game to establish a uniform procedure whereby persons who consider themselves to be residents to a subsistence area but have been excluded by Board action in establishing the area may petition the Commissioner for inclusion. The Subsistence Section shall be required to investigate such petitions and make recommendations to the Commissioner. The Commissioner will notify the petitioner in writing of the findings and conclusions in the matter.