

Submitted by the Alaska Department of Fish and Game at the request of Board Member Jensen
October 16, 2013

Substitute language for Proposal 36

5 AAC 99.010(c)(2) is repealed:

(c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under AS 16.05.258(b)(4)(B) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

...

(2) ~~repealed~~ / / [THE PROXIMITY OF THE USER'S DOMICILE TO THE STOCK OR POPULATION]; and

5 AAC 99.015(b) is repealed:

5 AAC 99.015. Joint Board nonsubsistence areas.

(b) Repealed / / . [THE PROVISIONS OF THIS SECTION DO NOT APPLY DURING THE PERIOD FROM APRIL 28, 1994 UNTIL A FINAL DECISION BY THE ALASKA SUPREME COURT IN STATE V. KENAITZE, NO. S-6162, CONCERNING THE CONSTITUTIONALITY OF AS 16.05.258(c).]