

GAME BOARD STAFF DIRECTIVE TO SUBSISTENCE SECTION

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#79-22 - GB

Whenever a subsistence hunting area is before the Board for regulatory consideration, the Department shall present adequate data to show the status of residents within the area concerned as to:

- a. customary and direct dependence on the resource as the mainstay of one's livelihood,
- b. local residency, and
- c. availability of alternative resources.

This data shall be presented in comparison to the status of residents from outside the proposed subsistence hunting area.

It is the Board's opinion that this data base is a necessary predicate to the establishment of a subsistence hunting area. The Board intends to create subsistence hunting areas only if the Department is able to provide the full data base described above and in AS 16.05.257 (e). Until the Department and the Subsistence Section have the ability to present the essential data, it is the intent of the Board to continue to provide a priority to customary and traditional subsistence users through the regulatory techniques outlined in Joint Board Policy Statement #79-5-JB.

REASONING

Residents within a particular locale often are not similarly situated with respect to their dependence on subsistence resources or the relative availability of alternatives to subsistence resources. SLA 151 (1978) recognizes this heterogeneity among Alaskans and requires the Board to consider three criteria when the need for restrictions arises under AS 16.05.255 (b).

The law does not dictate the weight the Board must give to these three criteria. Considerable discretion is vested in the Board when evaluating:

- a. customary and direct dependence on the resource as the mainstay of one's livelihood,
- b. local residency, and
- c. availability of alternative resources.

It should be emphasized that some evidence must be presented by the Department on each criterion. The Board then must consider the evidence on each of the three factors when adopting regulations under AS 16.05.255 (b).