AN INITIATIVE TO PROHIBIT
SET NETS IN URBAN AREAS
A BILL BY INITIATIVE
FOR AN ACT ENTITLED

"An Act providing for the protection and conservation of Alaska’s fisheries by
prohibiting shore gill nets and set nets in nonsubsistence areas."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

* Section 1. The uncodified law of the State of Alaska is amended by adding a section to
read:

FINDINGS AND INTENT. (a) The people of the State of Alaska find that:

(1) The state permits the use of shore gill nets and set nets, which is a method
of taking fish that involves anchoring a net perpendicular to shore. Fish swim into and are
entangled in the net;

(2) Within a nonsubsistence area, shore gill net and set net fishing is an
antiquated method of harvesting fish that indiscriminately kills or injures large numbers of
non-target species;

(3) Within a nonsubsistence area, the use of shore gill nets and set nets is
wasteful of fisheries resources because they have a high mortality rate for fish that manage to
escape the netting and because they produce a high amount of by-catch of non-targeted
species compared to other, more selective forms of fishing;

(4) Shore gill nets and set nets have been banned in numerous states and
countries due to their indiscriminate method of take;
(5) There is significant pressure on fisheries resources in areas of the state designated for nonsubsistence use, as these areas are proximate to the state's urban population centers. The harvesting of fish in nonsubsistence areas requires more restrictive and protective means than in subsistence areas in order to minimize by-catch of non-targeted species. Shore gill nets and set nets are particularly inappropriate in these areas of high fishing pressure and the continued use of this method of take is inconsistent with Alaska's constitutional obligation and commitment to sustainable fisheries;

(6) Limiting the use of shore gill nets and set nets in nonsubsistence areas as provided herein will materially contribute to the long-term conservation and development of fisheries and ensure consistency with the sustained yield principle; and

(7) While shore gill nets and set nets are occasionally used for customary and traditional use or personal use fishing within nonsubsistence areas, those uses have a minimal biological impact on fisheries, whereas other use of this indiscriminate method of take in nonsubsistence areas has significant potential to harm fisheries resources.

(b) It is the intent of the people of the State of Alaska that this Act prohibit the use of shore gill nets and set nets in nonsubsistence areas of the State for all purposes, except for customary and traditional use or personal use fishing.

(c) It is the intent of the people of the State of Alaska that this Act not place any limitation on the legislature's or the Board of Fisheries' discretion to allocate fish among competing users.

*Section 2. Article 6 of AS 16.05 is amended by adding a new section to article 6 to read:

16.05.781. Set gillnetting in nonsubsistence areas prohibited.

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(a) Except for customary and traditional use or for personal use fishing, a person may not use a shore gill net or set net to take fish in any nonsubsistence area. This section shall control over any other provision to the contrary.

(b) For purposes of this section, "customary and traditional" has the meaning used in AS 16.05.940(7), "personal use fishing" has the meaning as used in AS 16.05.940(26), "shore gill net" and "set net" have the meaning as used in AS 38.05.082 and "nonsubsistence area" has the meaning as used in AS 16.05.258(c).

(c) Nothing in this section shall affect the use of shore gill nets and set nets to take fish in subsistence areas.

(d) Nothing in this section shall be construed as a limitation on the legislature's or the Board of Fisheries' discretion to allocate fish among competing users.

* Section 3. The uncodified law of the State of Alaska is amended by adding a new section to read:

It is the intention of the people of Alaska that the provisions of AS 16.05.781, as enacted, are independent and severable, and if any provision of AS 16.05.781 shall be held to be invalid by a court of competent jurisdiction, the remainder of AS 16.05.781 shall not be affected and shall be given effect to the fullest extent possible. References to Alaska Statutes in AS 16.05.781 are as in effect as of September 1, 2013.

* Section 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

This Act shall take effect immediately upon enactment.