

**AN INITIATIVE TO PROHIBIT
SET NETS IN URBAN AREAS**

**A BILL BY INITIATIVE
FOR AN ACT ENTITLED**

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

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

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

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

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

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

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

17 (4) Shore gill nets and set nets have been banned in numerous states and
18 countries due to their indiscriminate method of take;

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

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

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

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

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

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

22 **16.05.781. Set gillnetting in nonsubsistence areas prohibited.**

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

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

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

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

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

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

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

21 This Act shall take effect immediately upon enactment.