

*Submitted by Alaska Department of Fish and Game March 5, 2015*

**Option 1:**

**Substitute Language for Proposal 71**

**5 AAC 92.072 (c)(1) ... the community or group representative must**

**(D) make efforts to ensure that the applicable customary and traditional use pattern described by the board and included by the department as a permit condition, if any, is observed by subscribers including meat sharing...**

**(F) in the community harvest hunt area described in 5 AAC 92.074(d), submit a complete report on a form provided by the department which describes efforts by households to observe the customary and traditional use pattern described by board findings for the game population(s) hunted under the conditions of this community harvest permit. Failure to submit a complete report may result in denial of a community subsistence harvest permit for the community or group for this area during the following regulatory year.**

**(G) be given the opportunity to request a hearing if the representative fails to submit a complete report as required by (c)(1)(F) of this section. A community or group aggrieved under by a decision under (c)(1)(F) of this section will be granted a hearing before the commissioner or the commissioner's designee, if the community or group representative makes a request for a hearing in writing to the commissioner within 60 days after the conclusion of the hunt for which the person failed to provide a report. The commissioner may determine that the penalty provided under (c)(1)(F) of this section will not be applied if the community or group representative provides the information required on the report and if the commissioner determines (i) that the failure to provide the report was the result of unavoidable circumstance, or (ii) that extreme hardship would result to the community or group.**

**5 AAC 92.072 (c)(2) a resident of the community or member of the group who elects to subscribe to a community harvest permit ...**

**(G) must, in the community harvest hunt area described in 5 AAC 92.074(d), submit a complete report on a form provided by the department which describes efforts by the participant's household to observe the customary and traditional use pattern described by board findings for the game population(s) hunted under the conditions of this community harvest permit. Participants who are members of the same household may submit a single report. Failure to submit a complete report that includes all information requested by the department may result in denial to a household of a Community Subsistence Harvest permit for this area during the following regulatory year.**

**(H) must be given the opportunity to request a hearing if a person fails to submit a complete report as required by (c)(2)(G) of this section. A household aggrieved under by a decision under (c)(2)(G) of this section will be granted a hearing before the commissioner or the commissioner's designee, if the household makes a request for a hearing in writing to the commissioner within 60 days after the conclusion of the hunt for which the household failed to provide a report. The commissioner may determine that the penalty provided under (c)(2)(G)**

**of this section will not be applied if the household provides the information required on the report and if the commissioner determines (i) that the failure to provide the report was the result of unavoidable circumstance, or (ii) that extreme hardship would result to the household.**

**5 AAC 92.072(f)** The department may disapprove an application for a community subsistence harvest permit from [A COMMUNITY SUBSISTENCE HARVEST PERMIT FROM] a community or group that has previously failed to comply with requirements in (c)(1) of this section.

**Option 2:**

**Substitute Language for Proposal 71**

**5 AAC 92.072 (c)(1)** ... the community or group representative must

**(D)** make efforts to ensure that the applicable customary and traditional use pattern described by the board and included by the department as a permit condition, if any, is observed by subscribers including meat sharing...

**(E)** submit a complete written report, on a form provided by the department, for households participating in the community harvest hunt area described in 5 AAC 92.074(d), that describes efforts by households to observe the customary and traditional use pattern described by board findings for the game population(s) hunted under the conditions of this community harvest permit.

**(i)** Complete reports submitted by hunt administrators shall report information about their efforts to observe the customary and traditional use pattern of the game population, as follows;

**(1)** Element 1, participation in a long-term, consistent pattern of noncommercial taking, use, and reliance on the game population: the number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and use of areas other than the community subsistence hunt area for harvest activities; and

**(2)** Element 2, participation in the pattern of taking or use of the game population that follows a seasonal use pattern of harvest effort in the hunt area: the months and/or seasons in which noncommercial harvest activities occur in the hunt area; and

**(3)** Element 3, participation in a pattern of taking or use of wild resources in the hunt area that includes methods and means of harvest characterized by efficiency and economy of effort and cost: costs associated with harvests; and methods used to reduce costs and improve efficiency of harvest; and number of species harvested during hunting activities; and

**(4)** Element 4, participation in a pattern of taking or use of wild resources that occurs in the hunt area due to close ties to the area: number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and variety of harvesting activities that

take place in the hunt area; and evidence of other areas used for harvest activities; and

(5) Element 5, use of means of processing and preserving wild resources from the hunt area that have been traditionally been used by past generations: complete listing of the parts of the harvested game that are used; and preservation methods of that game; and types of foods and other products produced from that harvest; and

(6) Element 6, participation in a pattern of taking or use of wild resources from the hunt area that includes the handing down of knowledge of hunting skills, values, and lore about the hunt area from generation to generation: involvement of multiple generations in the taking and use of the game population; and evidence of instruction and training; and

(7) Element 7, participation in a pattern of taking of wild resources from the hunt area in which the harvest is shared throughout the community: amount of harvest of the game population that is shared; and evidence of a communal sharing event; and support of those in need through sharing of the harvest of the game population; and

(8) Element 8, participation in a pattern that includes taking, use, and reliance on a wide variety of wild resources from the hunt area: the variety of resource harvest activities engaged in within the hunt area; and evidence of other areas used for harvest activities.

(ii) failure to report under this subsection, or under 5 AAC 92.072(f), may result in denial of a community subsistence harvest permit during the following regulatory year.

[E](F) beginning July 1, 2014, in the community harvest hunt area...

(G) must, be given the opportunity to request a hearing if the representative fails to submit a complete report as required by (c)(1)(F) of this section. A community or group aggrieved under by a decision under (c)(1)(F) of this section will be granted a hearing before the commissioner or the commissioner's designee, if the community or group representative makes a request for a hearing in writing to the commissioner within 60 days after the conclusion of the hunt for which the person failed to provide a report. The commissioner may determine that the penalty provided under (c)(1)(F) of this section will not be applied if the community or group representative provides the information required on the report and if the commissioner determines (i) that the failure to provide the report was the result of unavoidable circumstance, or (ii) that extreme hardship would result to the community or group.

5 AAC 92.072 (c)(2) a resident of the community or member of the group who elects to subscribe to a community harvest permit ...

(G) must, in the community harvest hunt area described in 5 AAC 92.074(d), submit a complete report on a form provided by the department that describes efforts by the participant's household to observe the customary and traditional use pattern using the elements described in (c)(1)(E) of this section for the game population(s) hunted under the

**conditions of this community harvest permit. Participants who are members of the same household may submit a single report. Failure to submit a complete report that includes all information requested by the department may result in denial to a household of a community subsistence harvest permit for this area during the following regulatory year.**

**(H) must be given the opportunity to request a hearing if a person fails to submit a complete report as required by (c)(2)(G) of this section. A household aggrieved under by a decision under (c)(2)(G) of this section will be granted a hearing before the commissioner or the commissioner's designee, if the household makes a request for a hearing in writing to the commissioner within 60 days after the conclusion of the hunt for which the household failed to provide a report. The commissioner may determine that the penalty provided under (c)(2)(G) of this section will not be applied if the household provides the information required on the report and if the commissioner determines that (i) the failure to provide the report was the result of unavoidable circumstance, or (ii) that extreme hardship would result to the household.**

**5 AAC 92.072(f)** The department may disapprove an application for a community subsistence harvest permit from [A COMMUNITY SUBSISTENCE HARVEST PERMIT FROM] a community or group that has previously failed to comply with requirements in (c)(1) of this section.