

PROPOSAL 38: 5 AAC 99.015. Joint Board Nonsubsistence Areas. Include portions of Game Management Unit 13 in a nonsubsistence area.

PROPOSED BY: Matanuska Valley Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would include portions of GMU 13A, portions of GMU 13B, and portions of GMU 13E in a nonsubsistence area. The proposal states the intent to add portions of Units 13, 14, and 20 to a nonsubsistence area, but the area described in the proposal only includes portions of GMU 13. All of GMU 14 is already within the Anchorage-Matsu-Kenai Nonsubsistence Area. Portions of Game Management Subunits 20A, 20B, and 20D are within the Fairbanks Nonsubsistence Area.

WHAT ARE THE CURRENT REGULATIONS? All of GMU 13 is outside the boundaries of established nonsubsistence areas.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Portions of GMU 13 would become a nonsubsistence area. The Board of Fisheries and the Board of Game may not permit subsistence fishing or hunting in nonsubsistence areas (AS 16.05.258(c)).

BACKGROUND: Under AS 16.05.258 (c), “the boards [of Fisheries and Game], acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

1. the social and economic structure;
2. the stability of the economy;
3. the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;
4. the amount and distribution of cash income among those domiciled in the area or community;
5. the cost and availability of goods and services to those domiciled in the area or community;
6. the variety of fish and game species used by those domiciled in the area or community;
7. the seasonal cycle of economic activity;
8. the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
9. the harvest levels of fish and game by those domiciled in the area or community;
10. the cultural, social, and economic values associated with the taking and use of fish and game;
11. the geographic locations where those domiciled in the area or community hunt and fish;
12. the extent of sharing and exchange of fish and game by those domiciled in the area or community.”

In November 1992 and March 1993, the Joint Board defined 5 nonsubsistence areas: Anchorage-Matsu-Kenai, Fairbanks, Juneau, Ketchikan, and Valdez. The establishment of each nonsubsistence area was supported by a written finding, drawing upon a report prepared by the Department. In defining the Anchorage-Mat-Su-Kenai Nonsubsistence area in 1992, the Board adjusted the area in the original proposal to include areas used extensively by Anchorage, Matanuska Valley, and Kenai Peninsula residents, but not by smaller communities for subsistence hunting or fishing. The Board closely examined the proposed boundary of the nonsubsistence area at the boundary of GMU 14 and GMU 13, and used the GMU 14/13 boundary as the limit of the nonsubsistence area because it did not significantly affect the Nelchina Caribou Herd subsistence hunt (Joint Board Finding #92-25-JB; page 1, page 6).

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal.

As described in the proposal, the Parks, Glenn, and Richardson highways would be used to define boundaries of the nonsubsistence area in GMU 13. Relatively small portions of GMUs 13A, 13B, and 13E are consequently left out of the nonsubsistence area. The highways also bisect many GMU 13 communities whose residents hunt and fish within the proposed area. If the Board advances the proposal for further consideration, the board might consider options for adjusting the boundaries of the proposed area to reflect GMU subunit boundaries to conform more closely with the structure of current hunting regulations. Even though this modification would use GMU boundaries, it also would apply to subsistence fishing in the area. Existing subsistence fisheries are within this proposed nonsubsistence area.

The department will prepare a report summarizes available information for the 12 factors, modeled after the report that was prepared for the 1992 Joint Board meeting. The department recommends that the Board review this information to determine if significant changes have occurred since the present nonsubsistence areas were established in 1992 to justify further public review and department analysis prior to regulatory action at a second meeting to be scheduled in 2008.

COST ANALYSIS: The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in fishing or hunting.
