

PROPOSALS 38, 39, 40 & 41
5 AAC 99.015
Joint Board Nonsubsistence
Areas

Prepared for

Alaska Joint Board of Fisheries & Game

October 2013

RC 5

Proposals 38, 39, 40, and 41

These proposals would make the following regulatory changes:

- Proposal 38: repeal current five nonsubsistence areas.
- Proposal 39: reduce size of Fairbanks Nonsubsistence Area based on Fortymile caribou herd range.
- Proposal 40: create a Kodiak nonsubsistence area.
- Proposal 41: create a Bethel nonsubsistence area.

Department Recommendations:

Neutral.

State Statute

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 [12] socio-economic characteristics of the area or community."

12 Socio-Economic Characteristics

- "
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;

..."

12 Socio-Economic Characteristics, Continued

- " 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;
- ... "

12 Socio-Economic Characteristics, Continued

- " 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."

Existing Nonsubsistence Areas

In 1992 and 1993, the Joint Board established five nonsubsistence areas (5 AAC 99.015).

The 1992 and 1993 Joint Boards wrote findings for each nonsubsistence area.

– (Appendices C–G in RC 3).

1. Juneau Nonsubsistence Area (#92-22-JB).
2. Ketchikan Nonsubsistence Area (#92-23-JB).
3. Fairbanks Nonsubsistence Area (#92-24-JB).
4. Anchorage-Matsu-Kenai Nonsubsistence Area (#92-25-JB).
5. Valdez Nonsubsistence Area (#93-27-JB).

160°E 180° 160°W 140°W 120°W



Legend

- Borough/Census Areas
- Nonsubsistence Areas

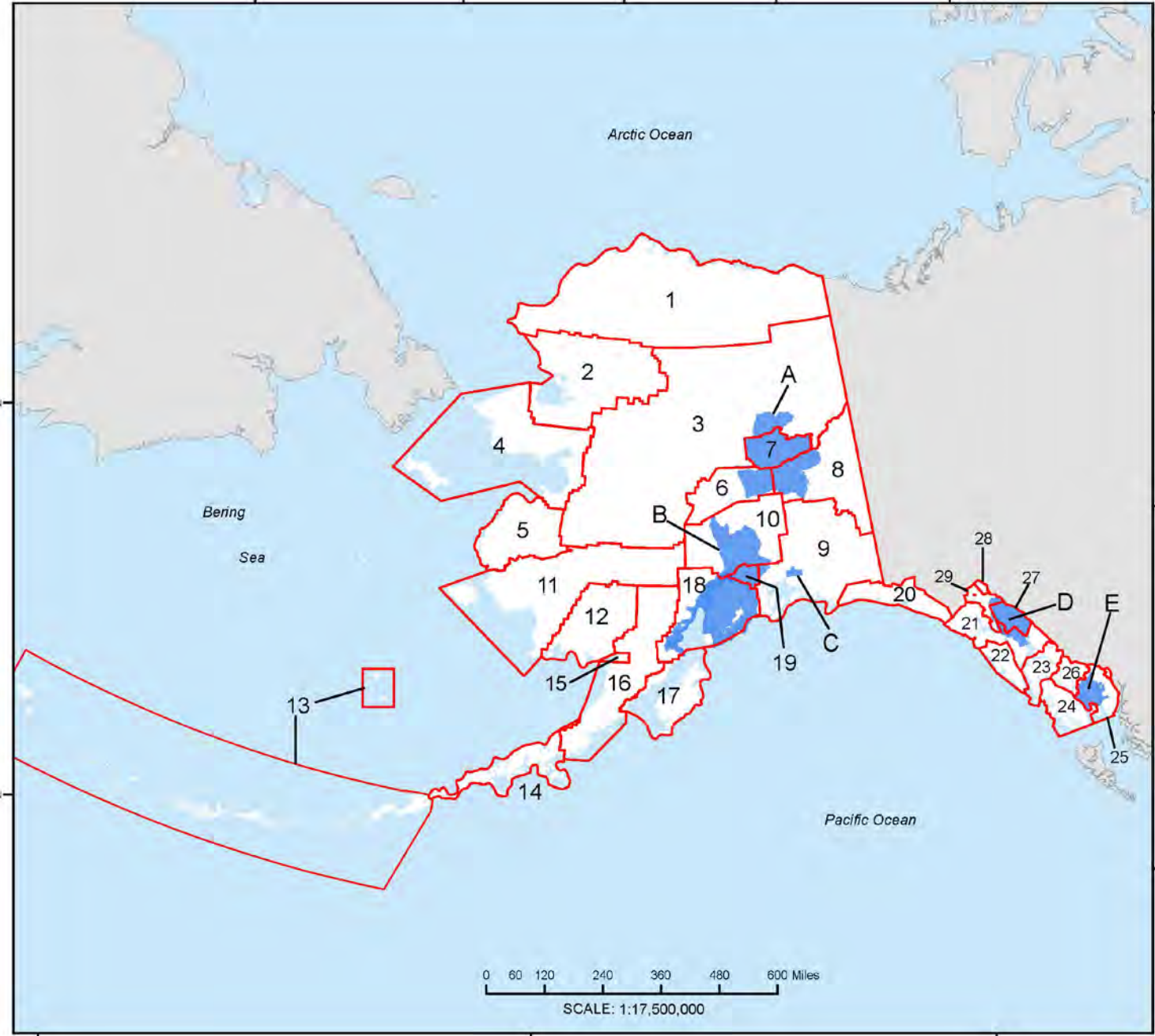
Borough/Census Areas

- 1 North Slope Borough
- 2 Northwest Arctic Borough
- 3 Yukon-Koyukuk Census Area
- 4 Nome Census Area
- 5 Wade Hampton Census Area
- 6 Denali Borough
- 7 Fairbanks North Star Borough
- 8 Southeast Fairbanks Census Area
- 9 Valdez-Cordova Census Area
- 10 Matanuska-Susitna Borough
- 11 Bethel Census Area
- 12 Dillingham Census Area
- 13 Aleutians West Census Area
- 14 Aleutians East Borough
- 15 Bristol Bay Borough
- 16 Lake and Peninsula Borough
- 17 Kodiak Island Borough
- 18 Kenai Peninsula Borough
- 19 Anchorage Municipality
- 20 Yakutat City and Borough
- 21 Hoonah-Angoon Census Area
- 22 Sitka City and Borough
- 23 Petersburg Census Area
- 24 Prince of Wales-Hyder Census Area
- 25 Ketchikan Gateway Borough
- 26 Wrangell City and Borough
- 27 Juneau City and Borough
- 28 Skagway Municipality
- 29 Haines Borough

Nonsubsistence Areas

- A Fairbanks
- B Anchorage-Matsu-Kenai
- C Valdez
- D Juneau
- E Ketchikan

Prepared by:
Alaska Department of Fish and Game
(ADF&G) Division of Subsistence
March 2013
North American Datum 1627,
Alaska Albers Projection.



0 60 120 240 360 480 600 Miles

SCALE: 1:17,500,000

60°N

50°N

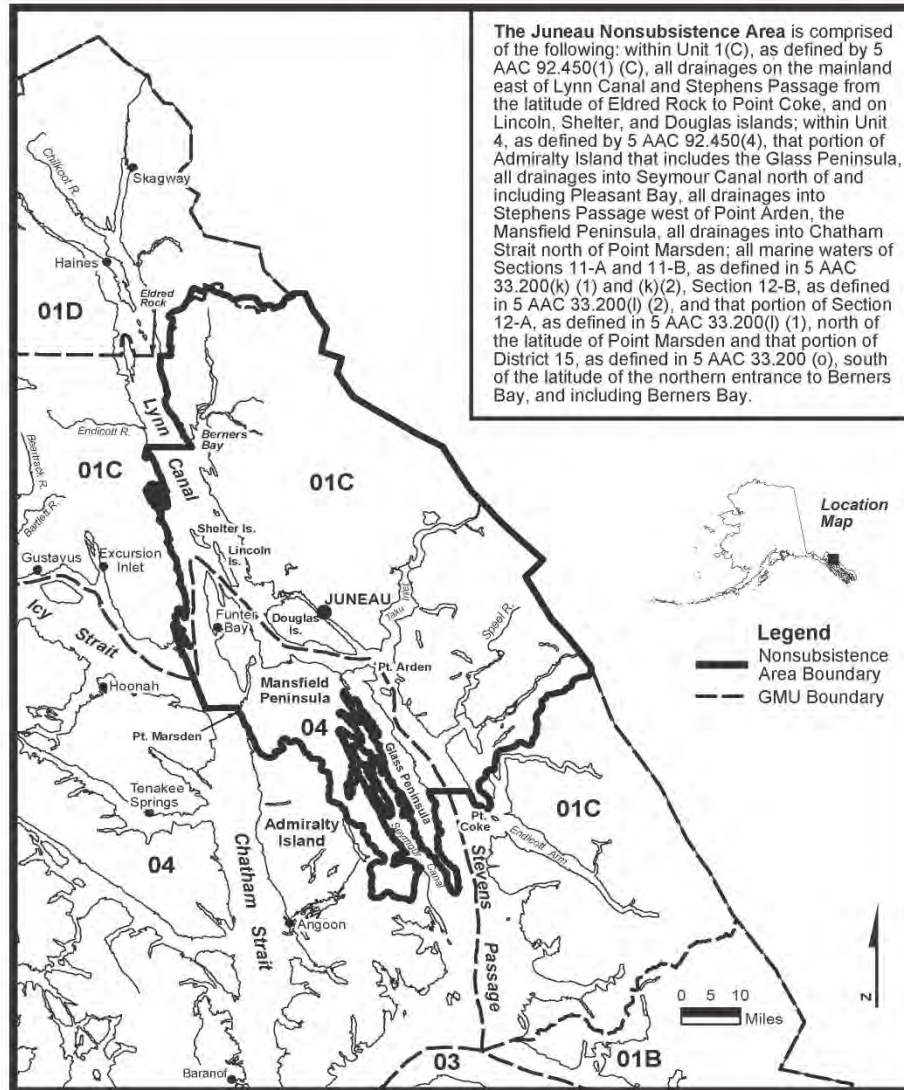
180°

160°W

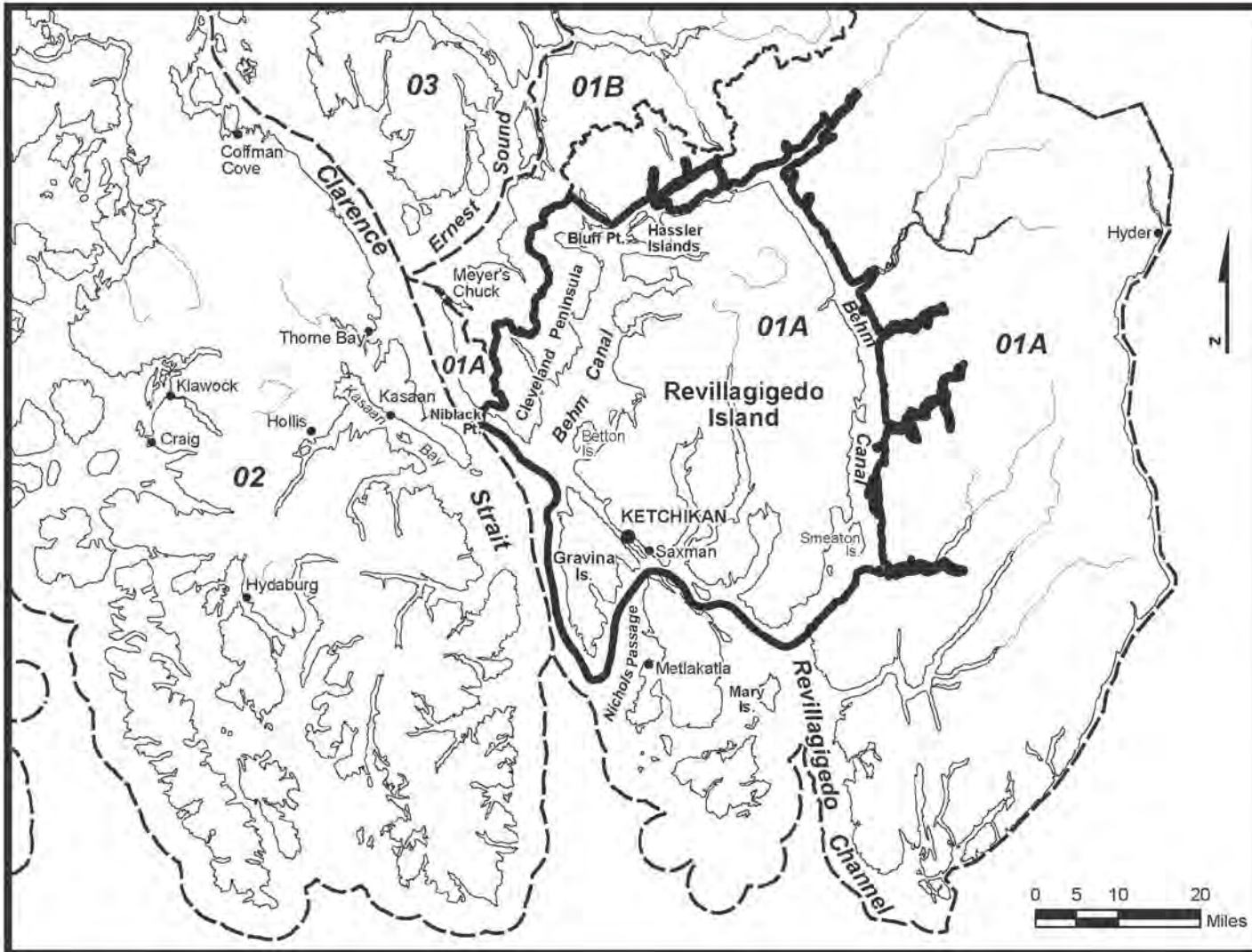
140°W

Juneau Nonsubsistence Area

The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k) (1) and (k)(2), Section 12-B, as defined in 5 AAC 33.200(l) (2), and that portion of Section 12-A, as defined in 5 AAC 33.200(l) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200 (o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.





Ketchikan Nonsubsistence Area



The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.



Legend

-  Nonsubsistence Area Boundary
-  GMU Boundary

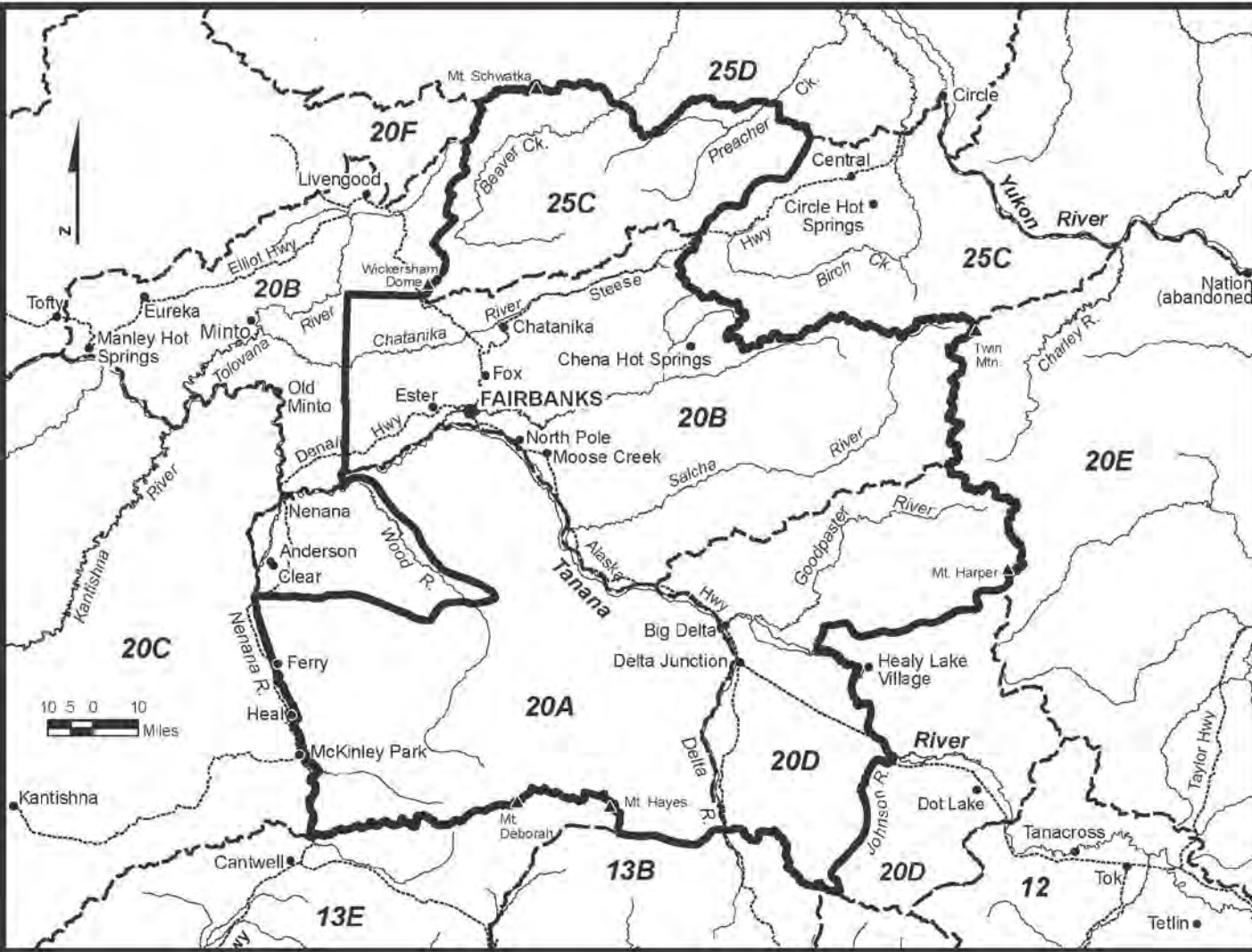
Fairbanks Nonsubsistence Area

The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



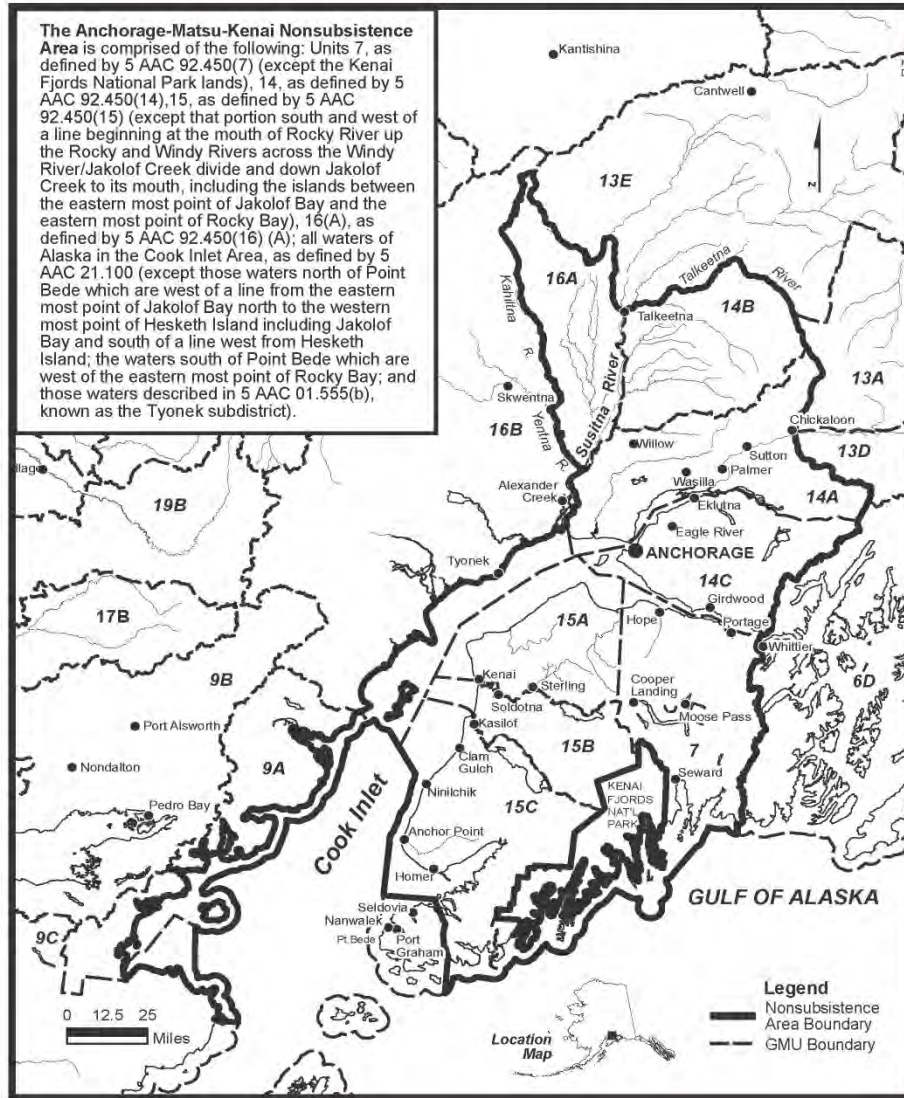
Legend

- Nonsubsistence Area Boundary
- GMU Boundary
- Roads



Anchorage Nonsubsistence Area

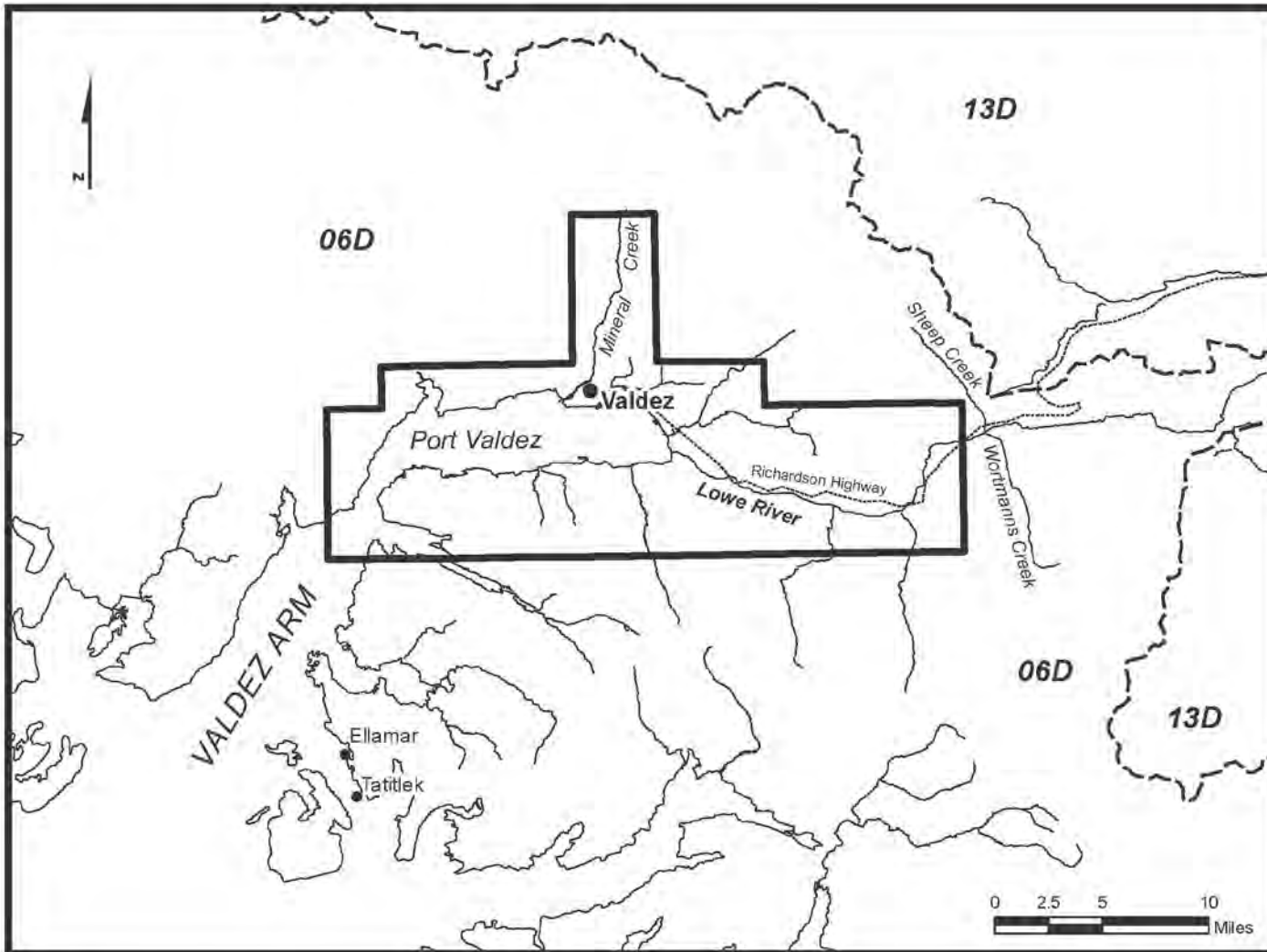
The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC 92.450(14), 15, as defined by 5 AAC 92.450(15) (except that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).



Alaska Department of Fish and Game
Division of Subsistence and Boards

September 2007

Valdez Nonsubsistence Area



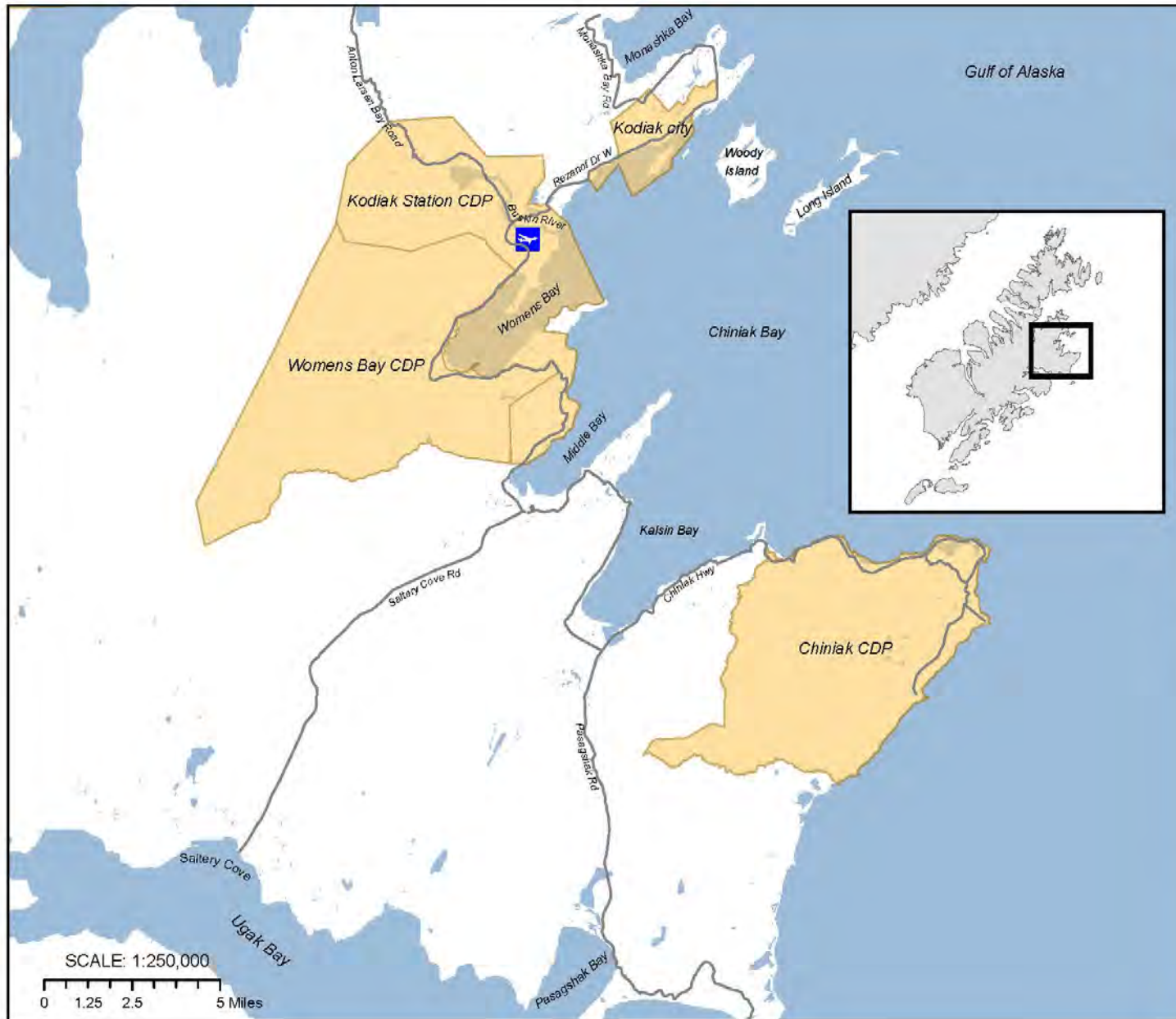
The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.







Legend

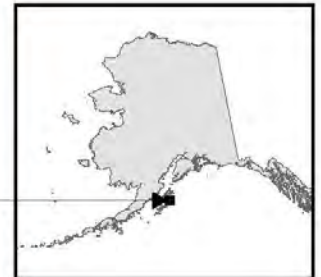
- Nonsubsistence Area Boundary
- GMU Boundary
- Roads

Kodiak vicinity



Legend

-  2010 CDPs
-  Airport
-  Roads
-  Rivers

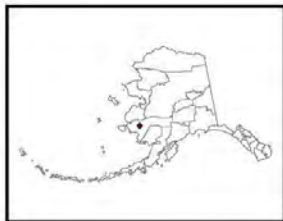


Prepared by:
Alaska Department of Fish and
Game (ADF&G) Division of
Subsistence

July 2013

North American Datum 1927.
Alaska Albers Projection.

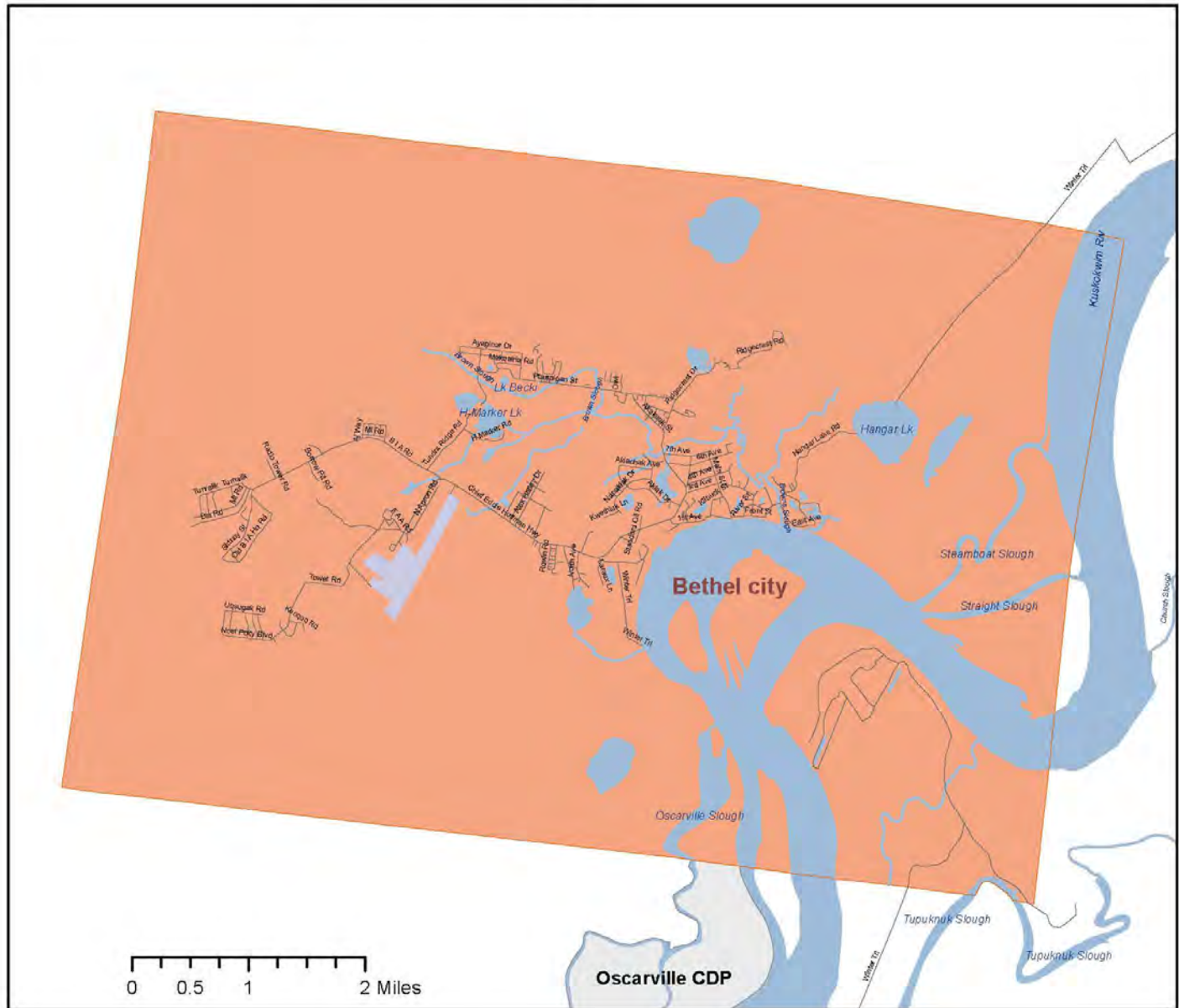
Bethel City



Prepared by:
Alaska Department of Labor
& Workforce Development

October 2011

Source: US Census
2010 TIGERline



Effect of Proposals

Under AS 16.05.258(c), "The boards may not permit subsistence hunting or fishing in a nonsubsistence area."

- Proposals 38 and 39—eliminate or reduce size of current nonsubsistence areas:
 - Individual boards could then consider proposals for subsistence hunting and fishing in these areas, including making customary and traditional use (C&T) determinations and findings of amounts reasonably necessary for subsistence (ANS).
- Proposals 40 and 41—create new nonsubsistence areas:
 - Subsistence hunting and fishing would not be permitted in identified nonsubsistence areas.

Considerations

Details in department written report "Report on Proposed Changes to Nonsubsistence Areas" (RC 3).

- Modeled after 1992 department report.
- Summarizes updated information for each of the 12 socio-economic characteristics for areas addressed in proposals.
- Includes 1992 and 1993 nonsubsistence area findings.

Considerations, Continued

- Creation of nonsubsistence areas does not affect individual eligibility to participate in subsistence hunting and fishing.
- Residents of nonsubsistence areas may participate in any subsistence fishery or hunt authorized by the Board of Game or Board of Fisheries.

Considerations, Continued:

"5 AAC 99.016. Activities permitted in a nonsubsistence area.

(a) 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 a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

(1) general hunting, including drawing and registration permit hunts;

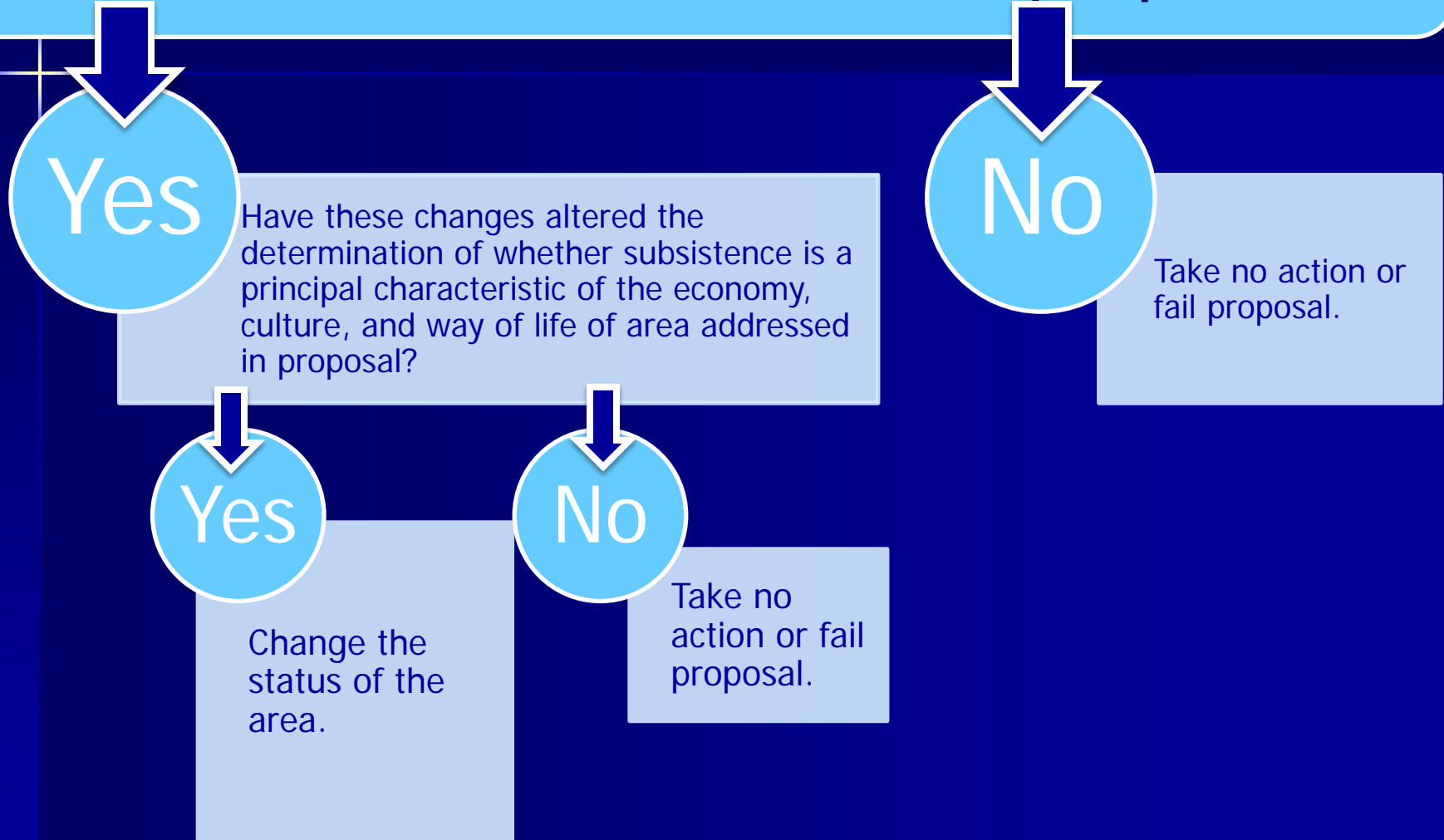
(2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.

(b) Subsistence hunting and fishing regulations will not be adopted for these areas and the subsistence priority does not apply."

Joint Board Steps

- Joint Board reviews department report (RC 3) and other information (such as public comments) to determine if relevant changes relative to 12 factors have occurred in areas addressed in proposals.
 - If yes, the Joint Board should evaluate the new information to determine if the determination of whether subsistence is a principal characteristic of the economy, culture, and way of life of area under review should be changed.
 - If no relevant changes have occurred, the Joint Board may take no action or vote to not adopt a proposal.

Have relevant changes relative to 12 factors occurred in area addressed in proposal?



Background

- Population trends (factors 1 and 2).
- Cash income, poverty level (Factor 4).
- Costs of living/food (Factor 5).
- Harvest levels (Factor 9).
- Nutritional contribution (Factor 9).
- Location of hunting (Factor 11).

Sources of Information

- US Bureau of the Census: decennial census and *American Community Survey*.
- *Geographic Differential Study*; market basket surveys.
- Alaska Department of Labor.
- Alaska Department of Fish and Game:
 - Divisions of Commercial Fisheries, Sport Fish, Subsistence, and Wildlife Conservation.

Associations Between Factors

- Relatively high harvest levels.
- Diverse harvests.
- Low cash incomes.
- High costs of living.
- Seasonal employment.
- Higher unemployment.

Figure 2.2-1. Population of Nonsubsistence Areas and Other Alaska Areas, 1960 - 2010

—◆— Nonsubsistence Areas —■— Other Areas

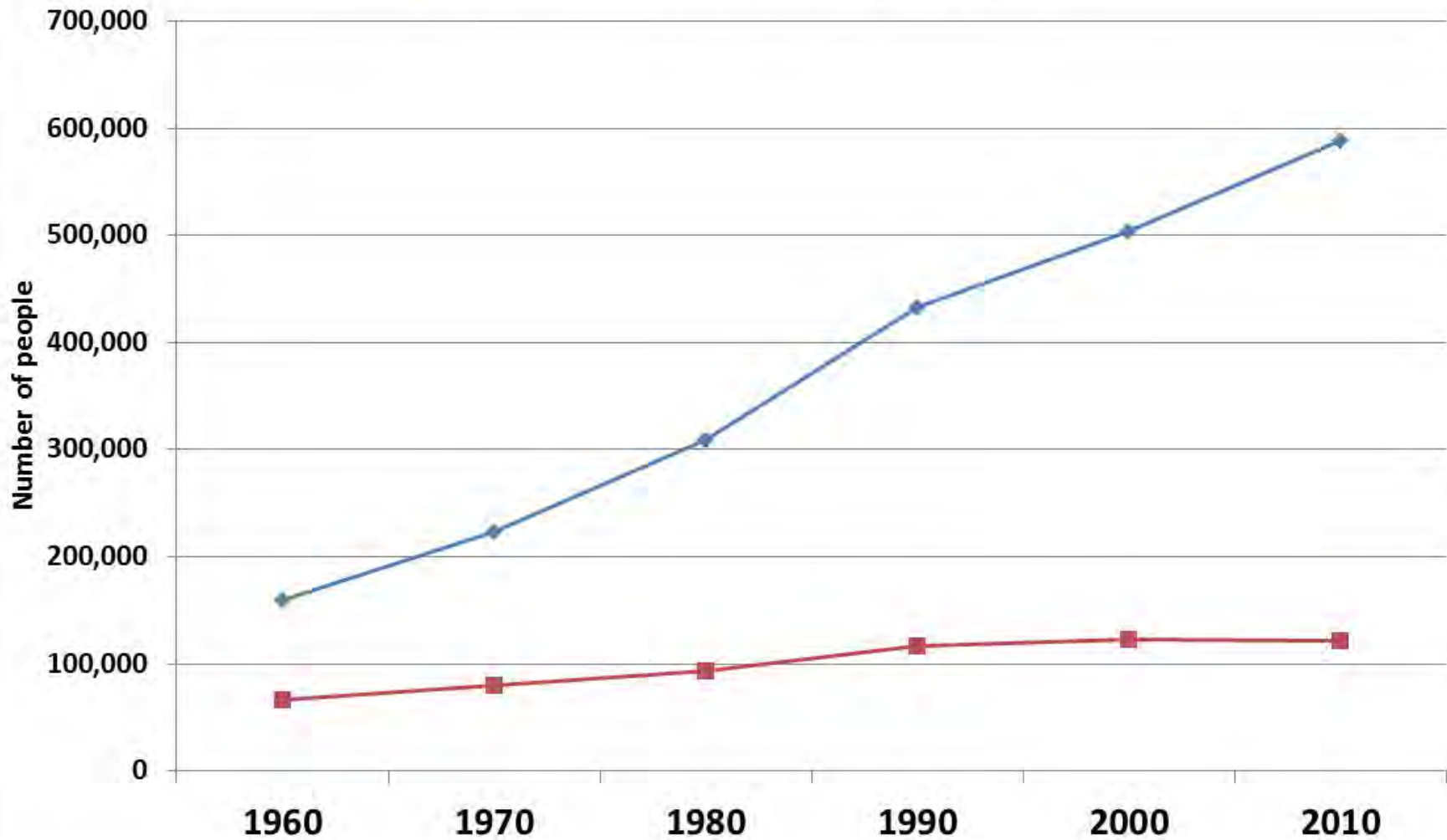


Figure 2.2-3. Change in Population, 2010 Compared to 1990

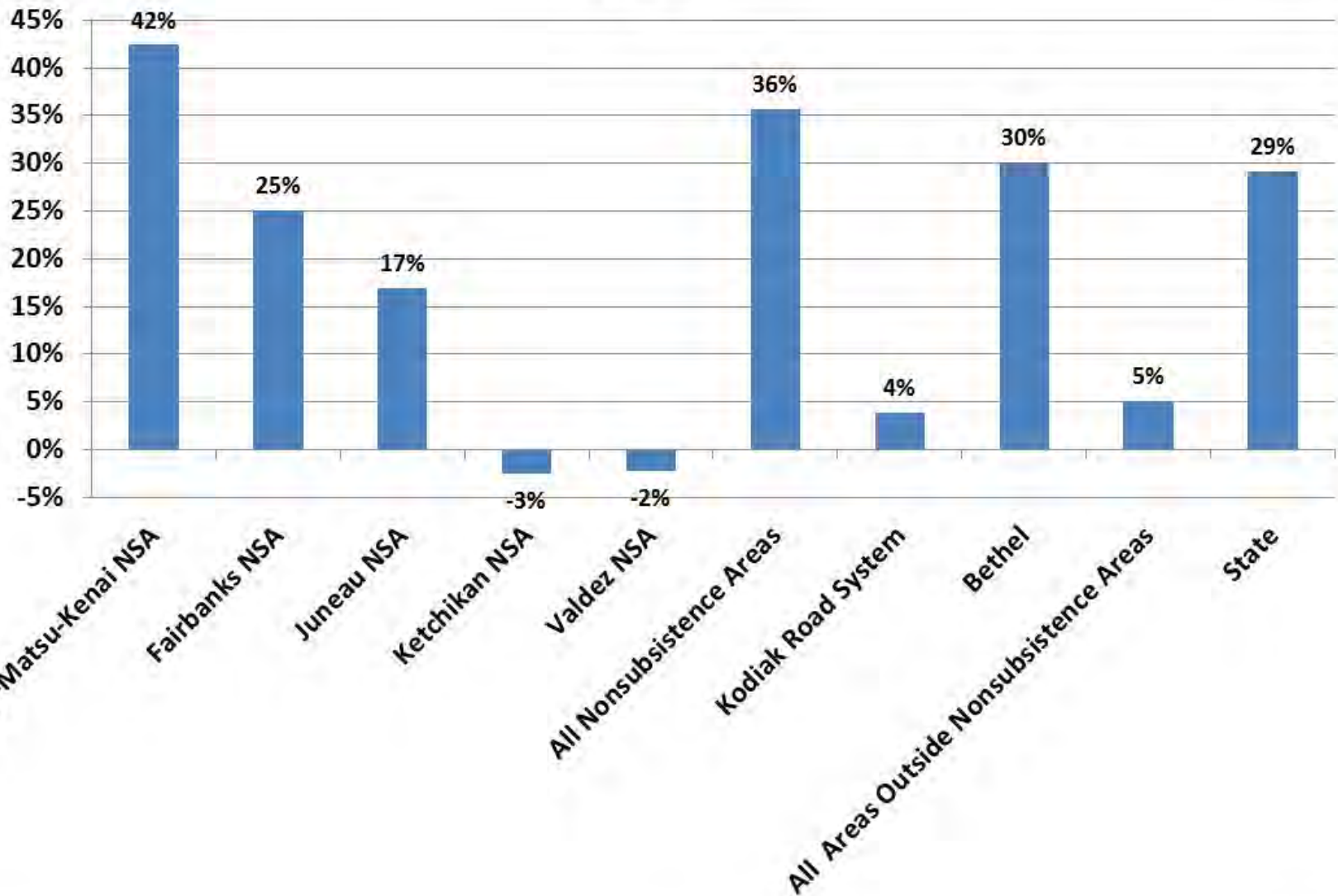


Figure 2.3-1. Per capita income by census area, 2007-2011 annual average

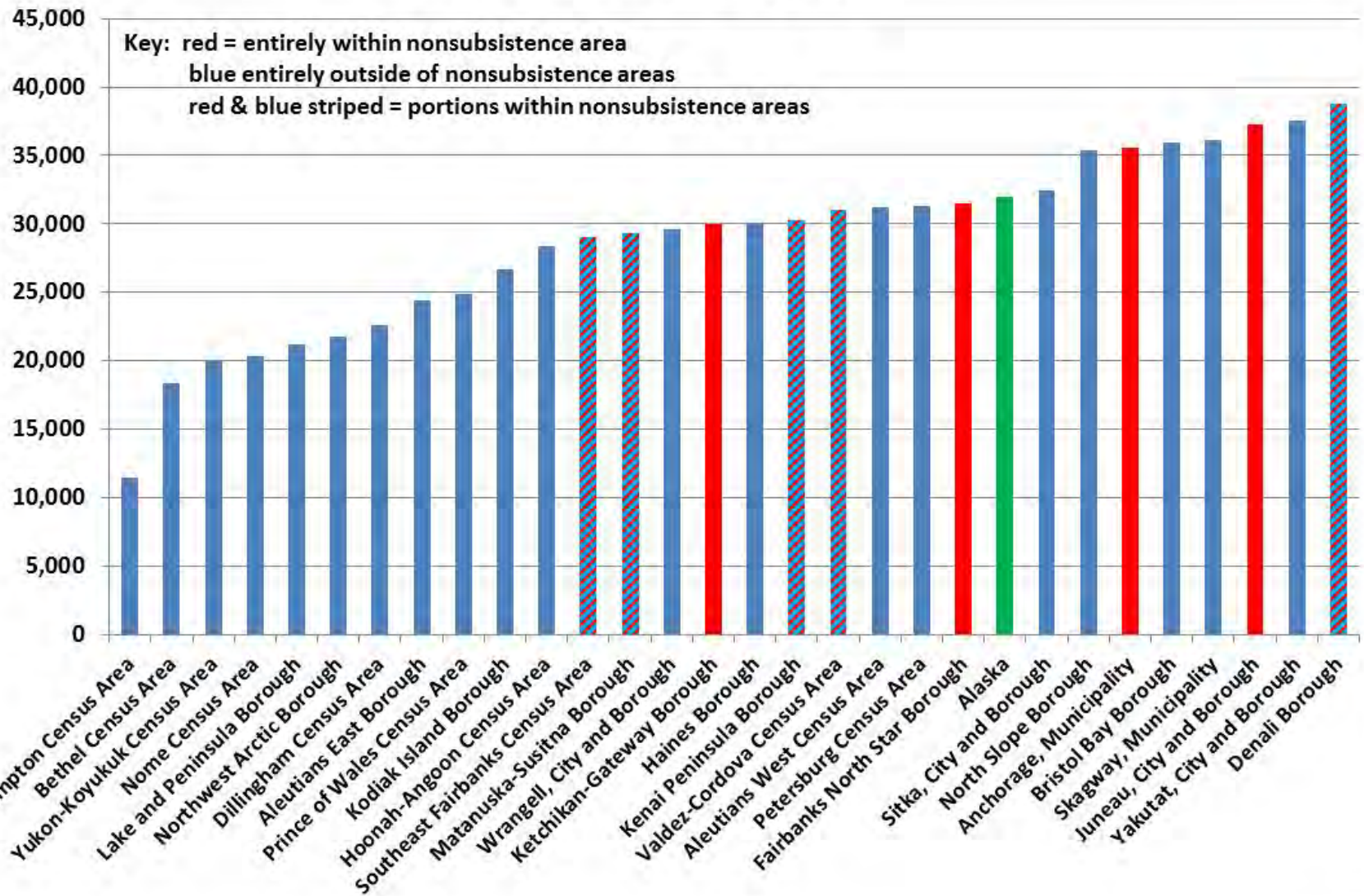


Figure 2.3-3. Percentage of population living below poverty threshold, 1989 and annual average 2007-2011

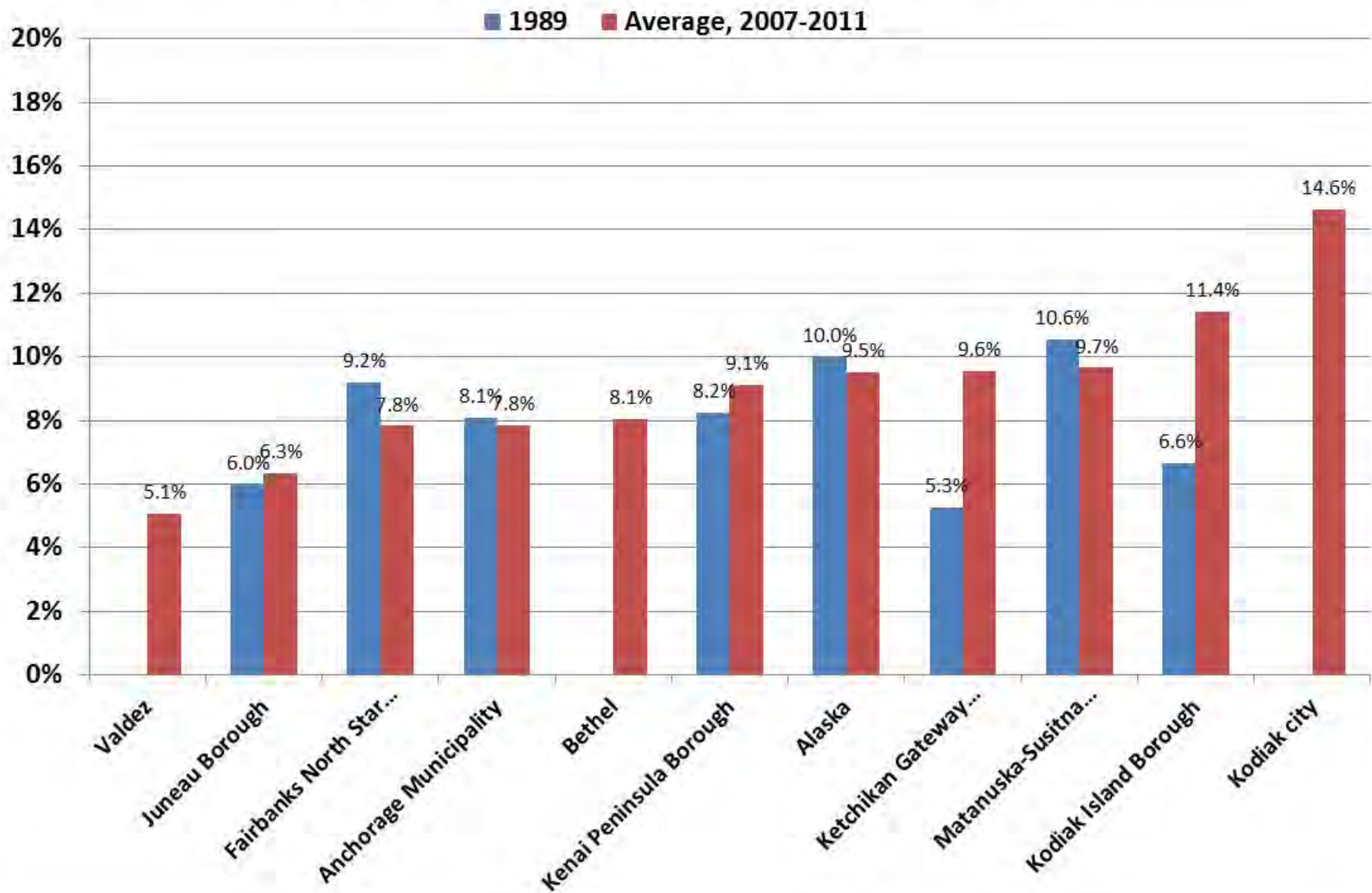


Figure 2.5-1. Geographic cost differentials in 2008

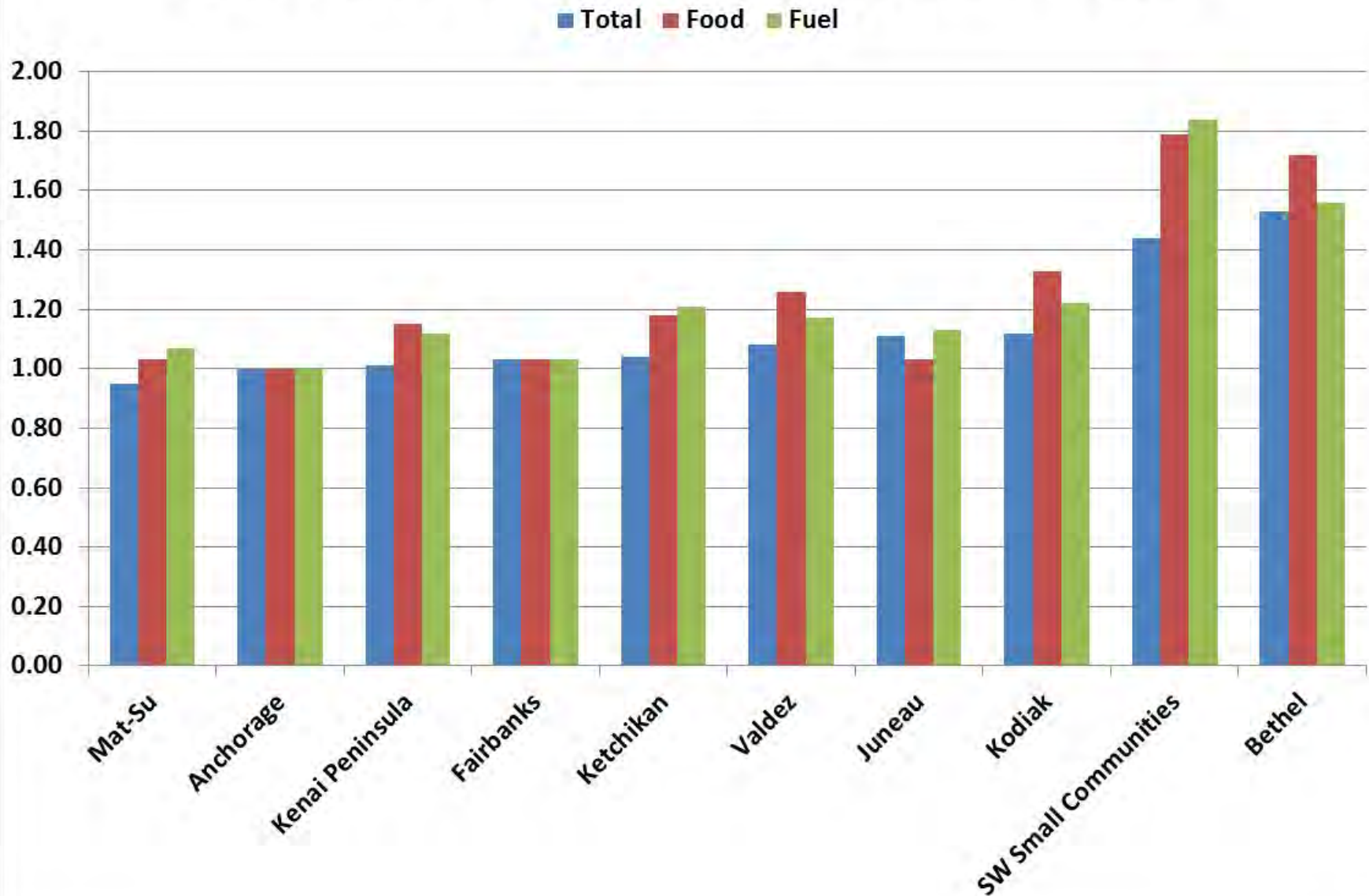
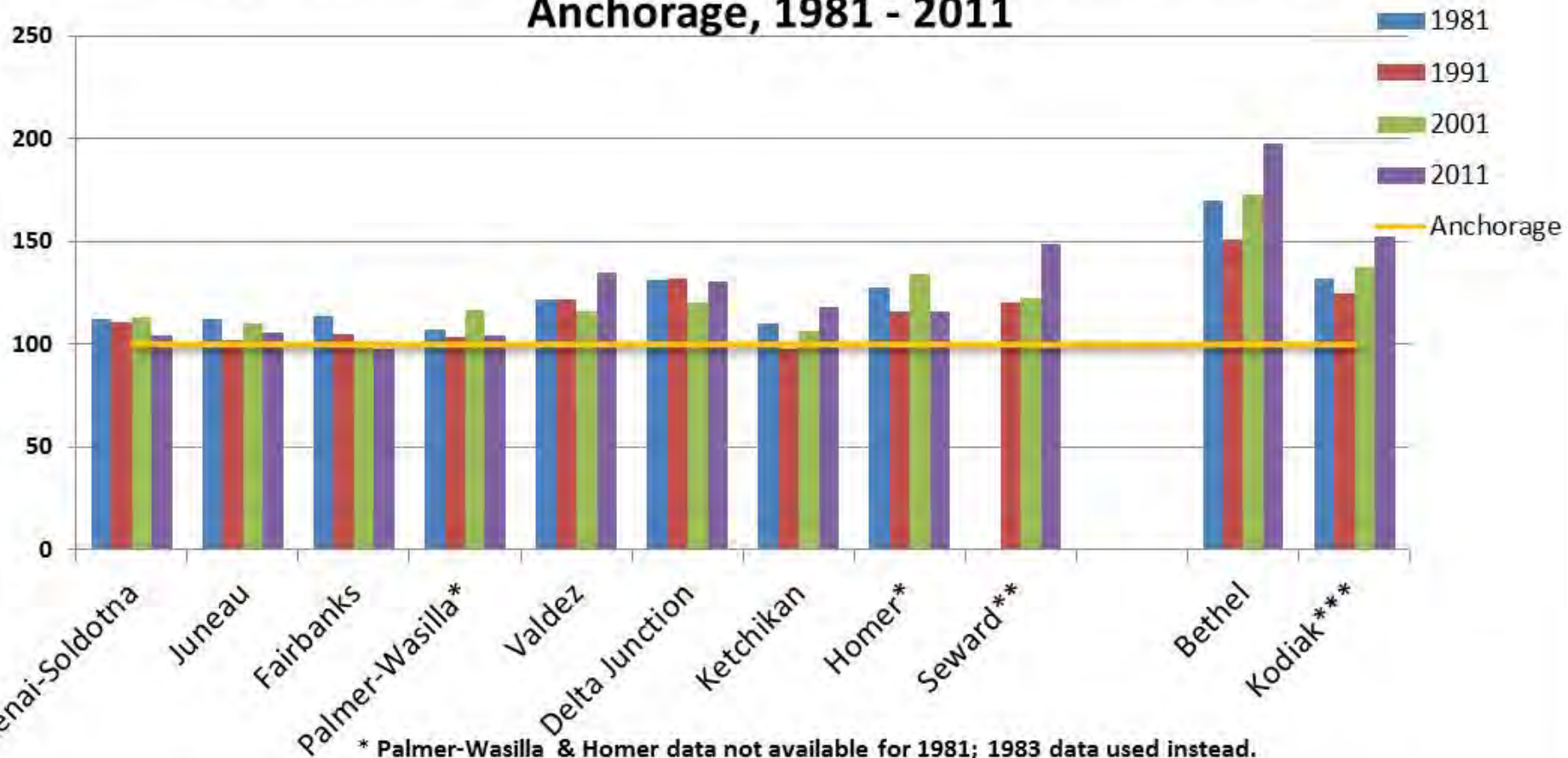


Figure 2.5-2. Cost of food index for non-subsistence areas and proposed non-subsistence area places, referenced from Anchorage, 1981 - 2011



* Palmer-Wasilla & Homer data not available for 1981; 1983 data used instead.

** Data unavailable for Seward until 1991; no substitute available.

*** Data for Kodiak not available in 1981 or 2011; 1983 and 2010 data were used instead.

Figure 2.6-1. Wild food harvests in Alaska by area - 2011: lb usable weight per person per year

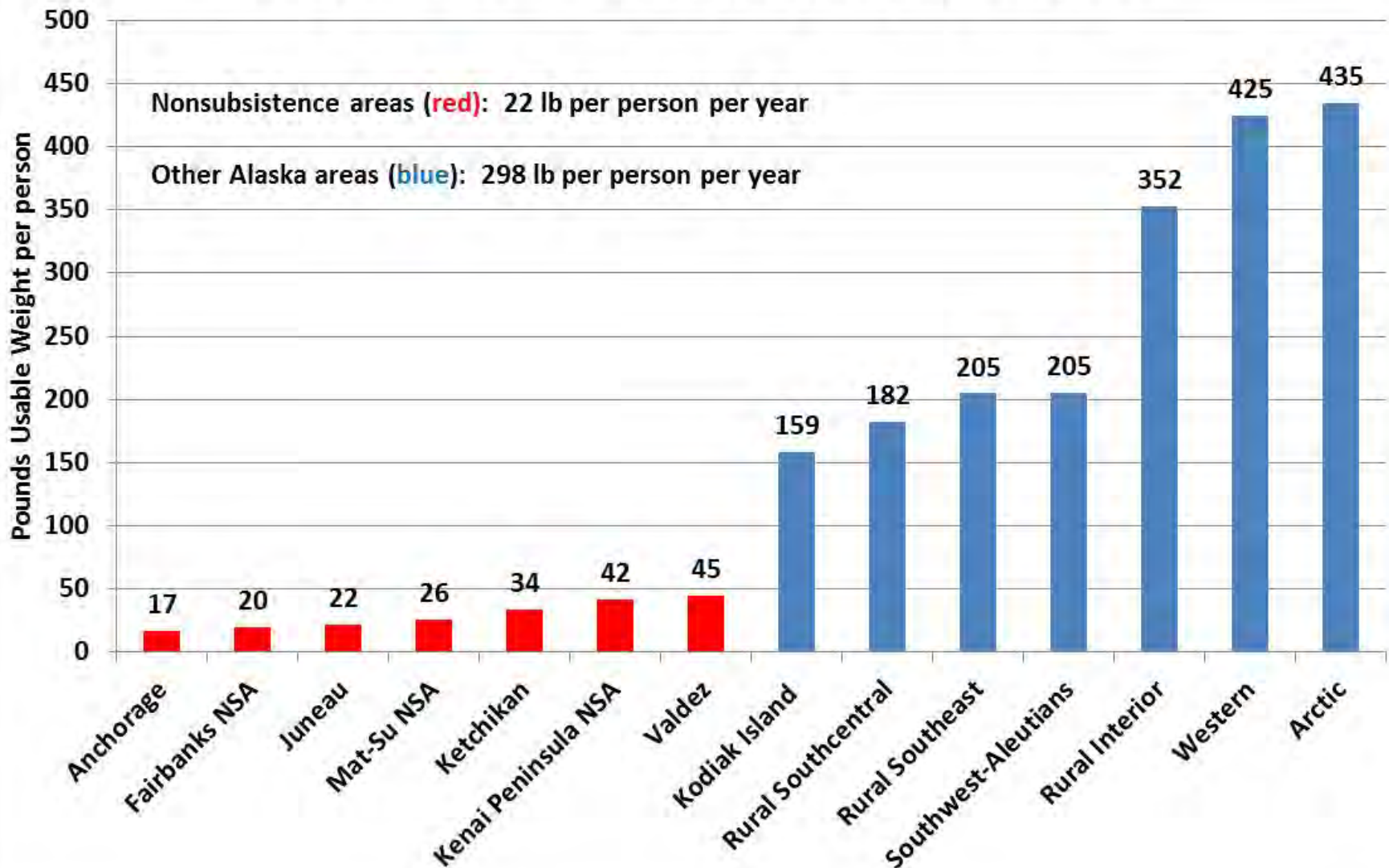
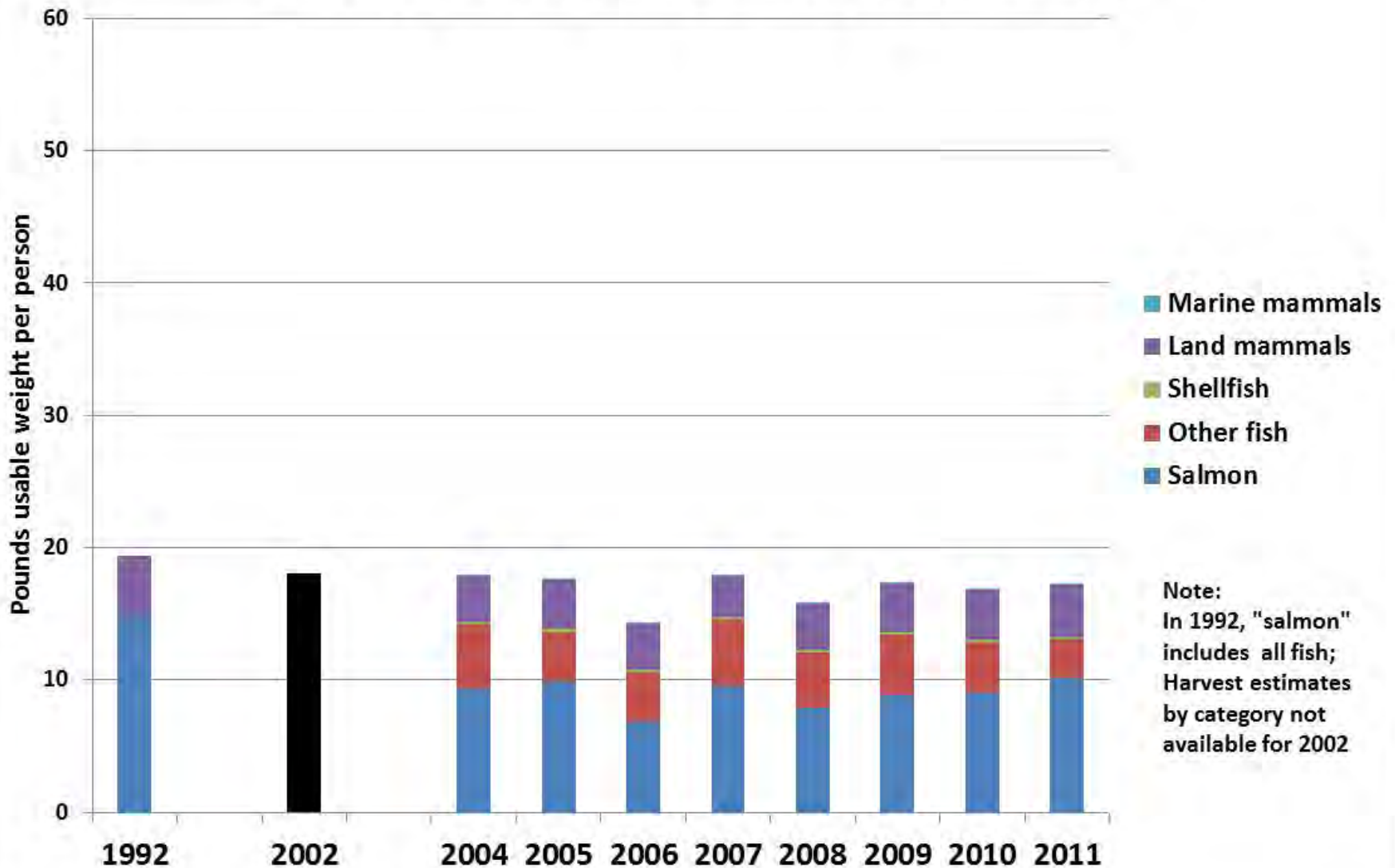


Figure 3.1-11. Anchorage Municipality: estimated harvests of fish and wildlife for home use



Estimated harvests of fish and wildlife resources, pounds usable weight per person, Alaska nonsubsistence areas, 1992 and 2007-2011

■ 1992 ■ 2007-2011

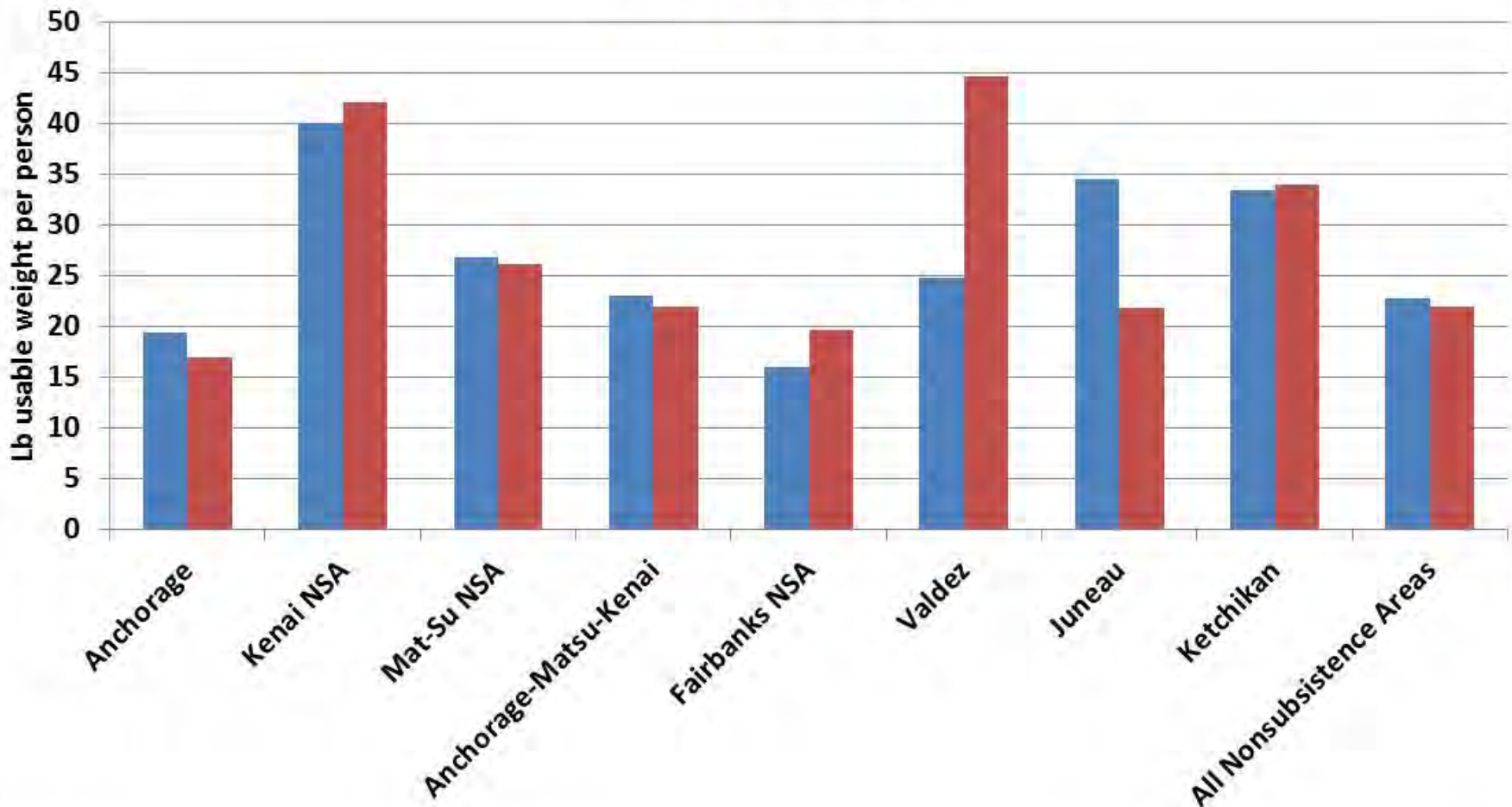


Figure 2.6-2. Percentage of average American consumption of meat, fish, and poultry produced by fish and wildlife harvests

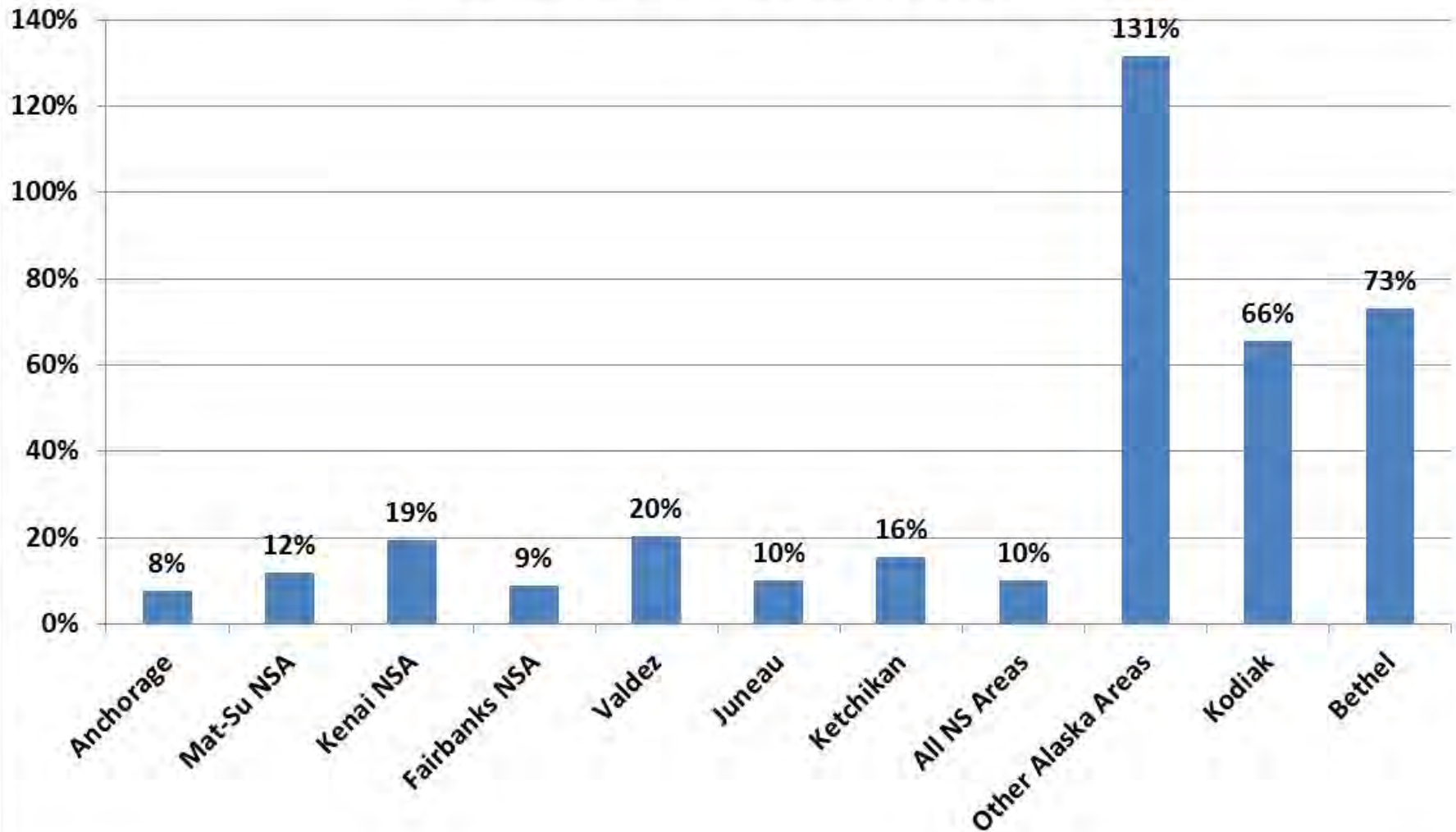


Figure 2.6-3. Percentage of protein requirements produced by fish and wildlife harvests

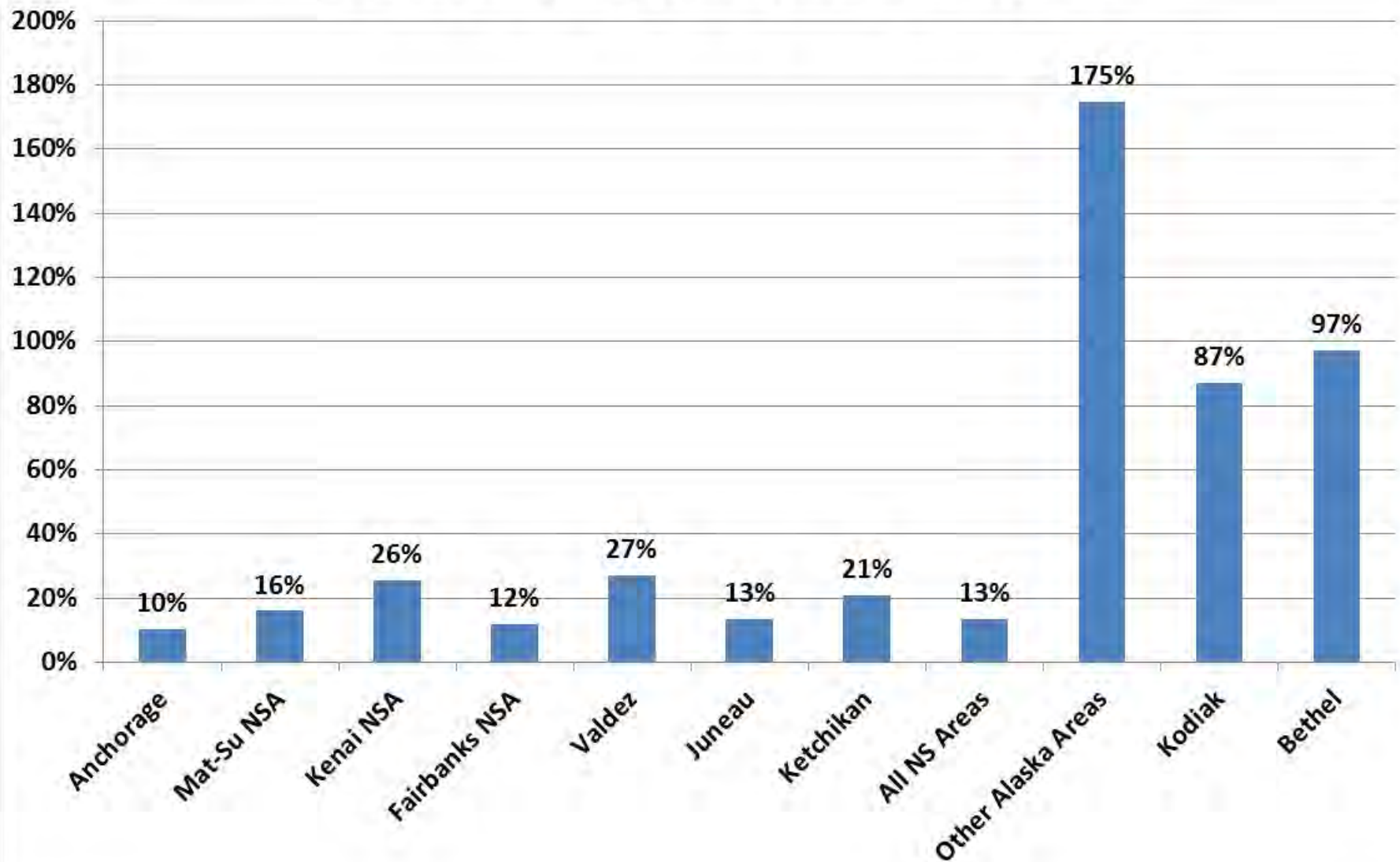


Figure 2.6-7. Salmon harvest for home use by type of fishery, residents of nonsubsistence areas, 5-year average 2007-2011, pounds usable weight

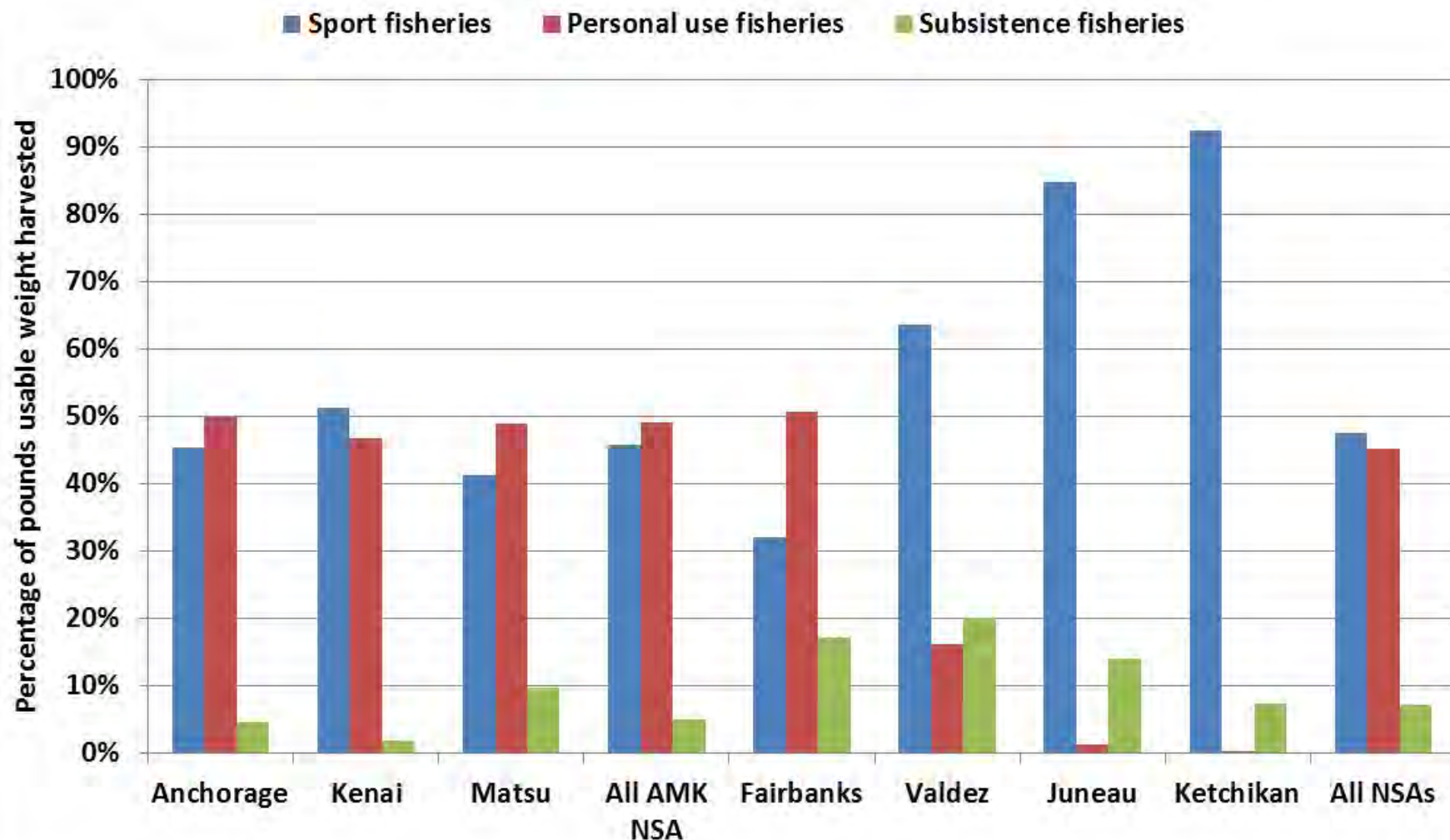
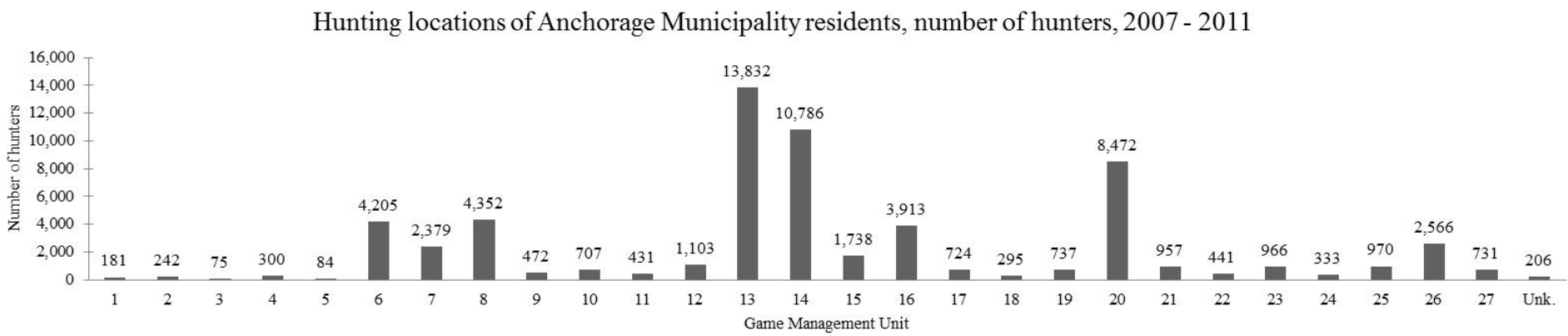


Figure 3.1-16. Total hunters by GMU, Anchorage Municipality residents, 2007–2011



Summary

- Proposal 38: eliminate all current nonsubsistence areas.
- Proposal 39: reduce size of Fairbanks Nonsubsistence Area.
- Proposal 40: create Kodiak Nonsubsistence Area.
- Proposal 41: create Bethel Nonsubsistence Area.

Department Recommendations: Neutral.