

Nonsubsistence Areas

JB ACR 1 – Consider whether the Chitina Subdistrict should be classified as a nonsubsistence area.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Add reconsideration of the boundaries of nonsubsistence areas, as defined in 5 AAC 99.015.

PRESENT SITUATION: The Chitina Subdistrict is outside the nonsubsistence areas identified by the Joint Board (5 AAC 99.015) in 1992 and 1993. Because of a negative customary and traditional use determination (C&T finding) by the Alaska Board of Fisheries, harvest opportunities for the salmon stocks of the subdistrict are provided through personal use regulations, not subsistence regulations. There is a positive C&T finding for freshwater finfish in the Prince William Sound Area that includes the Chitina Subdistrict. The Board of Game has made numerous positive C&T findings for game populations in Game Management Units (GMUs) 11 and 13 (5 AAC 99.025); the Chitina Subdistrict is within GMUs 11 and 13.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

Does the agenda change request correct an error in regulation? No.

Does the agenda change request address an effect of a regulation that was unforeseen when that regulation was adopted? No.

Does the agenda change request identify a biological concern for the population or a threat to meeting objectives for the population? No.

Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)? No.

Does the request identify an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome because the resource would be unavailable in the future? No.

ADDITIONAL INFORMATION: AS 16.05.258 lays out the steps to be taken by the Board of Fisheries and Board of Game to provide subsistence harvest opportunities. The first step is for the boards, acting jointly, to identify nonsubsistence areas using the procedures described in AS 16.05.258(c). The boards may not permit subsistence fisheries or hunts in nonsubsistence areas. Next, each board, acting separately, identifies those fish stocks and game populations outside the nonsubsistence areas that are customarily and traditionally taken or used for subsistence, and adopts regulations providing reasonable opportunities for subsistence harvests of those stocks or populations. Subsistence regulations are not adopted for stocks or populations with negative C&T findings: harvest opportunities may be provided for these stocks or populations through personal use and/or sport fisheries and general hunts. The Board of Fisheries followed these procedures when it made a negative C&T finding for the salmon stocks of the Chitina Subdistrict in 2003 (which the Joint Board had

determined is outside any nonsubsistence area) and subsequently adopted personal use regulations, and the Board of Game followed these procedures in making positive C&T findings for various wildlife populations in this same area. The status of the Chitina Subdistrict as outside the nonsubsistence areas was not affected by these C&T findings.

It should also be noted that there are other examples of negative C&T findings for fish stocks or game populations outside nonsubsistence areas; for example, salmon in some portions of Southeast Alaska, and brown bears in GMUs 11 and 13.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee.