

5 AAC 96.625. JOINT BOARD PETITION POLICY

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, regional fish and game councils, and to over 500 other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee and regional councils reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or 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 to the petitioners because the resource would be unavailable in the future. (Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

ALASKA BOARD OF GAME AGENDA CHANGE REQUEST POLICY

Because of the volume of proposed regulatory changes, time constraints, and budget considerations, the boards must limit their agendas. The boards attempt to give as much advance notice as possible on what schedule subjects will be open for proposals. The following regulations specifies how the Board of Game considers agenda change requests (5 AAC 92.005):

5 AAC 92.005. Policy for changing board agenda. (a) The Board of Game may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

- (1) an agenda change request to consider a proposed regulatory change outside the board's published schedule must specify the change proposed and the reason the proposed change should be considered out of sequence;
- (2) the board will accept an agenda change request only
 - a. for a conservation purpose or reason;
 - b. to correct an error in a regulation; or
 - c. to correct an effect on a hunt that was unforeseen when a regulation was adopted;
- (3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;
- (4) a request must be sent to the executive director of the boards support section at least 60 days before a scheduled meeting unless the board allows an exception to the deadline because of an emergency;
- (5) the executive director shall attempt to obtain comments on the request from as many board members as can be contacted; and if a majority of the board members contacted approve the request, the executive director shall notify the public and the department of the agenda change and when the board will consider the proposed regulatory change requested;

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.

Note: The form in 5 AAC 92.005 is available on the Board of Game webpage at: <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.forms> or by contacting the Department of Fish and Game, Boards Support Section office (907) 465-4110.