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ALASKA JOINT BOARDS OF FISHERIES AND GAME

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ALASKA BOARD OF FISHERIES

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ALASKA BOARD OF GAME

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**Valdez Nonsubsistence Area
Findings #93-27-JB**

A. Introduction to Written Findings: During the publicly convened board meeting on March 6 - 8, 1993, the Joint Boards of Fisheries and Game (Joint Board) heard and considered public testimony, ADF&G staff reports and advisory committee reports, and deliberated on the information in relation to the totality of the twelve socio-economic characteristics in the 1992 subsistence law at AS 16.05.258(c). Based on the information and deliberations the Joint Board found that in the Valdez area described in Section B below, subsistence is not a principal characteristic of the economy, culture, and way of life. The Joint Board incorporates by reference the information provided by ADF&G in the worksheets included in the Joint Board Workbook. Additionally the Board found the following:

Geographic locations where those domiciled in the area or community hunt and fish: The Joint Board examined (under factor 11) patterns of hunting and fishing by residents of the proposed nonsubsistence area. The Board finds that area residents hunt and fish throughout the proposed area as well as other areas of the state.

1. **The socio-economic structure:** The socio-economic structure of this area is consistent with the information provided by the ADF&G in no. 1 of the nonsubsistence area report. The Board recognizes that most segments of the population within the area participated in an industrial-capitalism economy; example: oil industry, commercial fishing & commercial guiding. However, there is a mixture of lifestyles and a percent of the residents obtain food by sport hunting and fishing. Based on the information presented and the Board's discussion, the Board found that subsistence was not a principal characteristic of the socio-economic structure.

2. **The stability of the economy:** The socio-economic structure of this area is consistent with the information provided in Section 2 of the nonsubsistence area report. The Valdez area economy is dependent on wage employment in the following job categories: transportation (31 percent), government (27 percent), services (14 percent), and manufacturing (13 percent). Unemployment is low for the Valdez area compared to remote isolated Alaskan communities where unemployment is above 30 percent and the state average of 9.7 percent. Overall wages are higher than most areas of the state and the numbers of jobs are stable. The Board concludes that the harvest of fish and game for subsistence uses does not contribute significantly to the stability of the economy.

3. **Extent and kinds of employment for wages, including full time, part time, temporary, and seasonal employment:** In the proposed area most wage-paying jobs were in transportation (31 percent) and government (27 percent). This reflects the importance of shipping oil in the local economy. In 1991, there were 48 limited entry commercial fishing permits issued to Valdez residents. The Board after reviewing the data on the extent and kinds of employment found that Valdez's unemployment rate typifies a stable urban environment. The Board found that subsistence is not a principal characteristic of the area.

4. **The amount and distribution of cash income among those domiciled in the area or community:** In 1989, per capita income of \$26,968 in Valdez was above the state's average of \$17,610. The Board recognized that distribution of cash income varies among

residents within the proposed area but is consistent with an urban environment in Alaska and is typical of a nonsubsistence area.

5. The cost and availability of goods and services to those domiciled in the area or community: Valdez has a well developed system of commerce providing needed goods and services. Valdez's cost of food index is 23 percent higher than Anchorage but is below the cost of food index for Dillingham (45 percent higher than Valdez). The availability of goods and services and the relative low harvest of wild foods supports a finding that Valdez residents are typical of residents of a nonsubsistence area.

6. The variety of fish and game species used by those domiciled in the area or community: The residents of Valdez make use of the wide variety of fish and wildlife in their area. Game species used include black bear, brown bear, caribou, goat, moose, sheep, and deer. Fish species used include salmon (all five species), halibut, varieties of trout, other freshwater fish, and shellfish. The Board found that Valdez residents harvest a variety of resources within the proposed area and a high percent harvested outside the proposed area. The Board found that the proposed nonsubsistence area supported only a limited amount of hunting effort, but did support a large majority of the recreational sport fishing effort.

7. The seasonal cycle of economic activity: The majority of Valdez's employment is year-round with summer seasonal increase due to tourism and commercial fishing. The Board finds the overall economic activity of the proposed area to be representative of an economy where reliance on wage employment is a principal characteristic of the economy.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game: In Valdez, 44-68 percent of the population fished with rod and reel during 1989-91, based on angler surveys. Valdez's percentages for rod and reel compare closely with Anchorage percentages, representative of a nonsubsistence area. In 1991, 788 hunting/fishing combination licenses were sold to Valdez residents. Based on the data provided, the Board found that hunting and fishing is recreational in nature rather than for food production. The Board finds overall residents of the proposed area hunted and fished for recreational purposes.

9. The harvest levels of fish and game by those domiciled in the area or community: The wild resource harvests pounds per person for 1991 was 85 pounds (excluding wild plants). The 1991 harvest levels are closely aligned with the Anchorage/Matsu/Kenai Nonsubsistence area which has 80 pounds per person for wild resource harvests, and much less than subsistence use areas (example: Chenega Bay at 188 pounds). The Board found that this level of harvest typifies a nonsubsistence area.

10. The cultural, social, and economic values associated with the taking and use of fish and game: The predominant values associated with fish and wildlife harvests are recreational. Fishing and hunting are periodic outdoor activities, valued as breaks from the wage-employment. For residents directly employed in commercial fishing and outdoor recreational industries values are commercial in nature with a percent harvested for

recreational values. Environmental awareness and nonconsumptive uses (wildlife viewing) are other values Valdez residents associate with fish and game resources. The Board determined the area's cultural, social, and economic values represent a nonsubsistence value system.

11. The geographic locations where hunting and fishing takes place: During 1986-91 Valdez hunted primarily in GMUs 13, 6, 20, 11, and 12. The Board found that 75 percent of the sport fishing effort by residents domiciled in Valdez takes place within the proposed nonsubsistence area. The Board had difficulty with the proposed boundaries based on straight line surveys and not topographical features. The Board was unable to describe the proposed nonsubsistence area using other boundaries based on information provided. The game harvests by residents of Valdez as well as residents of Anchorage, Tatitlek, and Chenega Bay overlap within Prince William Sound which made separation of use areas into an expanded nonsubsistence area difficult. No reasonable solution was evident in attempts to adjust the boundaries to better reflect area uses.

12. The extent of sharing and exchange of fish and game: The 1991 average number of fish and game resources shared per household was four which closely matches the Anchorage/Matsu/Kenai Nonsubsistence Area. The Board felt the amount of wild foods shared on a per capita basis by Valdez residents is indicative of a nonsubsistence area.

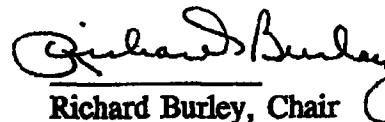
Conclusion: Based upon an examination of the relative importance of subsistence in the context of the totality of the 12 socio-economic characteristics established in AS 16.05258(c), the Joint Board concludes that subsistence is not a principal characteristic of the economy, culture, and way of life of the Valdez area as defined below.

B. Area Boundaries:

Based on the information provided to the Joint Board and the Board's deliberations, the Joint Board concludes that the boundaries of the Valdez Nonsubsistence area are as follows:

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;

The Joint Board agrees with and incorporates by reference the ADF&G recommendations contained in the worksheets used during this deliberation. Based on examination of the 12 factors the Joint Board concludes that the Valdez area is indeed a nonsubsistence area.



Richard Burley, Chair
Joint Boards of Fisheries and Game

Adopted: March 7, 1993
Juneau, Alaska

ANCHORAGE/MATSU/KENAI
NONSUBSISTENCE AREA
#92-25-JB

A. During the publicly convened board meeting on November 1, 1992, the Joint Boards of Fisheries and Game ("Joint Board") heard and considered public testimony, ADF&G staff reports and advisory committee reports, and deliberated on the information in relation to the totality of the twelve socio-economic characteristics in the 1992 subsistence law at AS 16.05.258(c). Based on the information and deliberations, the Joint Board found that for the Anchorage-MatSu and the Kenai Peninsula nonsubsistence areas described in Section B below, subsistence is not a principle characteristic of the economy, culture and way of life. The Joint Board incorporates by reference the information provided by the ADF&G in the worksheets included in the Joint Board workbook as well as additional information presented during deliberations. Additionally, the Board found the following:

Geographic locations where those domiciled in the area or community hunt and fish: The Joint Board first examined (under factor 11) patterns of hunting and fishing by residents of the proposed nonsubsistence areas. The Board found that residents of both areas hunt and fish throughout the proposed areas as well as adjacent areas such as GMU's 13 and 16, including the additional portion of the Kenai Peninsula not contained in the area originally proposed. Within the Nonsubsistence Use Area, GMU 14 accounts for 37% of successful Anchorage moose hunters and 56% of successful MatSu moose hunters. GMU 15 accounts for 73% of Kenai moose harvests. As much as 75% of the moose hunting by residents is done within the proposed areas and more than 1 million angler days are dedicated annually to sport fishing within these areas, and in marine waters beyond the scope of the management proposal as well as in outlying freshwater systems such as the Western Susitna. The Board also reviewed the use patterns of Eklutna, Knik, and Ninilchik which are highway connected communities located within the proposed area, as well as uses by the Kenaitze and Chickaloon members. The Board determined that these persons and their characteristics of use, as well as the characteristics of the road located communities have been integrated into the surrounding areas and are no longer distinguishable from the uses of the populations of the nonsubsistence area as a whole.

The Board examined harvest levels and patterns of use of English Bay (Nanwalek), Port Graham, Seldovia, and Tyonek which lie outside the Nonsubsistence Use Area. Some use of hooligan, invertebrates and waterfowl occur within Nonsubsistence Use Area but they were found not to constitute a significant component of harvest of fish and game resources by these communities.

Boundary adjustments of proposed nonsubsistence area: The Board made minor adjustments to Nonsubsistence Use Area boundaries in the vicinity of Seldovia, Port Graham, and English Bay. A minor adjustment to the mainland boundary made the Nonsubsistence Use Area boundary consistent with existing management units used in data collection by the Game Division after it was determined this would not affect subsistence uses of game. The Board deleted the western portion of GMU 7 which conflicted with federal management of Kenai Fjords National Monument.

The Board closely examined a proposed boundary which would place a small subpopulation of the greater Nelchina caribou herd in GMU 14(B) within the Nonsubsistence Use Area. The Board determined an average harvest of 10 animals annually out of 3000 taken in the overall hunt would not significantly affect subsistence users hunting with Nelchina Caribou Tier II permits. The Joint Board discussed future management actions which could be considered for the Nelchina hunt. This determination made the Nonsubsistence Use Area boundary consistent with existing management units.

The Board expanded the original description of marine waters of the Nonsubsistence Use Area to more accurately reflect the areas in which major sport and commercial fisheries occur by the residents of the Nonsubsistence Use Area. An area in the vicinity of Tyonek was exempted from Nonsubsistence Use Area in order to provide for subsistence gillnet fisheries and other uses by Tyonek residents. Adjustments to Nonsubsistence Use Area marine boundaries occurred seaward of GMU 15(C) to allow residents of Seldovia, Port Graham and English Bay to utilize resources outside of Nonsubsistence Use Area.

Specific comments remaining factors:

1. The socio-economic structure: The Joint Board finds that the socio-economic structure of this area is consistent with the information provided by the ADF&G staff at No. 1 of the Kenai Peninsula and Anchorage-Matsu Nonsubsistence Area reports. The area is highly urbanized and acquires goods and services through the commercial sector. The population of Anchorage is 260,000, half of those domiciled in the state. The Board examined characteristics of communities within the Nonsubsistence Use Area boundary, focusing specifically on those brought to their attention by public oral and written comments. Several Board members spoke to the growth of Ninilchik, a community where 11 years ago, the Subsistence Division documented higher per capita consumption and more sharing than in the overall area. The growth is attributed to housing for oil field workers and the growing sportfish industry. Opportunities to obtain and dispose of large parcels of private land as well as growth of the marine saltwater fishery have contributed to the growth of this community. Lifelong residents

have experienced the steady change from an area where most persons domiciled partook in subsistence use of fish and game to an economy in which subsistence uses are no longer a principle characteristic of economy, culture and way of life.

Characteristics of Eklutna, Knik and Kenaitze and Chickaloon groups were examined within the scope of experience of the Board, as informed by their own knowledge of the areas and people and as informed by testimony and written comment. Subsistence Division had no current data on these groups. Without further information, the Board could only conclude that the socio-economic characteristics of Ninilchik, Knik, Eklutna and the Kenaitze and Chickaloon groups were indistinguishable from those of the region as a whole.

2. The stability of the economy: The Board found that the information presented at No. 2 of the ADF&G report supports the finding that the economy is stable and expanding. The mean annual population growth rate was 7.6% for the Anchorage-MatSu Nonsubsistence Area and 7.5% for the Kenai Peninsula Nonsubsistence Area during the 1980s. Both areas are urbanized. During the decade of the 1980s the number of wage-paying jobs increased from 80,050 to 113,100 in the Anchorage-MatSu portion of the Nonsubsistence Area and from 5,637 to 9,270 in the Kenai Peninsula portion of the Nonsubsistence Area.

The Anchorage-Kenai-MatSu area has grown by 790 percent since 1950. The Anchorage-Kenai-MatSu area demonstrates characteristics of a capital-industrial society.

3. Extent and kinds of employment for wages, including full time, part time, temporary, and seasonal employment: In the Anchorage-MatSu portion of the Nonsubsistence Area, employment for 1991 includes government jobs (22-35%), service industries (20-23%), trade (21-26%), and transportation (10%). The military bases of Elmendorf Air Force Base and Fort Richardson also contribute to employment in the area. Seasonal employment includes jobs in tourism, commercial fishing, and mining.

In the Kenai Peninsula portion of the Nonsubsistence Area, employment for 1991 includes government jobs (21-33%), service industries (13-22%), trade (17-23%), and manufacturing (primarily fish processing) (14-18%). Commercial fishing and fish processing are major industries on the Kenai Peninsula as are recreational fishing and tourism.

Wage employment dominates the proposed combined area. Services, manufacturing, tourism, recreational hunting and fishing and commercial fishing make up the majority of employment. In 1991

there were 2,857 limited entry commercial fishing permits in the combined area and ex-vessel value of the commercial fishing harvest totaled \$89.2 million.

The combined factors outlined above and the information presented in the staff reports indicate the area is characteristic of a capital-industrial economy in which reliance on the harvest of fish and game for subsistence uses is not a principle characteristic of the economy.

4. The amount and distribution of cash income among those domiciled in the area or community: Per capita income in the area approximates the state average with a wide range from \$16,000 to \$93,000. Although income distribution is not even among the residents, it is typical of an urban, cash-based economy as opposed to a subsistence economy.

5. The cost and availability of goods and services to those domiciled in the area or community: The area has a well developed system of commerce offering a variety of goods and services. Costs in the Kenai Peninsula and MatSu portions of the Nonsubsistence Area are slightly higher than in Anchorage. Households use recreational, commercial and personal use fishing regulations and general hunting regulations for their harvesting activities.

6. The variety of fish and game species used by those domiciled in the area or community: Species used by residents of the Nonsubsistence Use Area include moose, caribou, bear, mountain goat, sheep, all species of Pacific salmon, grayling, pike, burbot, whitefish, dolly varden, trout, halibut, lingcod, rockfish, clams, cockles, and crab.

7. The seasonal cycle of economic activity: The area shows seasonal fluctuations in the tourism, recreation and commercial fishing industries. The primary types of employment in the area (government, trade, services, and transportation) are not normally affected by seasonal cycles.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game: In the area during 1989 to 1991, 40-71% of the residents fished with rod and reel, and during 1991 approximately 7,000 area residents obtained permits for non-commercial net fishing. About 40,700 residents of the area obtained hunting licenses during 1991. The Board found that households within the area do not predominantly harvest wild fish or game as a community wide method of food production.

9. The harvest levels of fish and game by those domiciled in the area or community: In the area, wild food harvests are low; 19 pounds per person for the Anchorage-MatSu area and 40 pounds per person for the Kenai Peninsula portion of the area. Low food production rates by households are characteristics of an industrial-capital system, where most foods are produced and distributed through commercial businesses and are purchased by households with wage earnings.

10. The cultural, social, and economic values associated with the taking and use of fish and game: Diverse cultural values are represented in the Nonsubsistence Area. There are instances of hunting and fishing values that derive from Alaska Native cultural traditions. However, the Board found the predominant values associated with the taking and use of fish and game to be recreational. Fishing and hunting are periodic outdoor activities that are valued as breaks from the economic work routine and as high quality outdoor experiences which supplement the households diet.

12. The extent of sharing and exchange of fish and game by those domiciled in the area or community: Although there was testimony reflecting sharing among the area population, there have been no recent studies which determine the extent of such sharing. The Board found that distribution of fish and game through non-commercial networks is not a significant mechanism for supplying food in the area.

Conclusion: Based on these findings the Joint Board concludes that the Anchorage/MatSu/Kenai Peninsula area is a Nonsubsistence Area under AS 16.05.258(c).

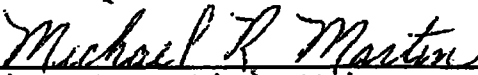
B. Area Boundaries

Based on the information provided to the Joint Board and the Board's deliberations, the Joint Board concludes that the boundaries of the Anchorage/MatSu/Kenai Nonsubsistence Area is as follows:

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/ Jackolof Creek divide and down Jackolof Creek to its mouth and the islands between the eastern most point of Jackolof Bay and the eastern most point of Rocky Bay, including the Chugach Islands), 16(A) as defined by 5 AAC

92.450(16)(A); all Cook Inlet Area Statewaters 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 Jackolof 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).

The Joint Board agrees with and incorporates by reference the ADF&G recommendations contained in the worksheets used during this deliberation. It became evident to the Board as the discussion progressed that the area original area proposed needed to be expanded to incorporate an area used extensively by Anchorage, Matanuska Valley and Kenai Peninsula residents. Based on examination of the 12 factors the Joint Board concludes that the Anchorage/Matsu/Kenai area is a Nonsubsistence Area.



Michael Martin, Chair
Joint Boards of Fisheries and Game

Adopted: November 7, 1992
Anchorage, Alaska

**FAIRBANKS NONSUBSISTENCE AREA
FINDINGS
#92-24-JB**

A. Introduction to Written Findings: During the publicly convened board meeting on November 1 - 7, 1992, the Joint Boards of Fisheries and Game (Joint Board) heard and considered public testimony, ADF&G staff reports and advisory committee reports, and deliberated on the information in relation to the totality of the twelve socio-economic characteristics in the 1992 subsistence law at AS 16.05.258(c). Based on the information and deliberations the Joint Board found that in the Fairbanks-Denali area described in Section B below, subsistence is not a principal characteristic of the economy, culture, and way of life. The Joint Board incorporates by reference the information provided by ADF&G in the worksheets included in the Joint Board Workbook. Additionally the board found the following:

Geographic locations where those domiciled in the area or community hunt and fish: The Joint Board examined (under factor 11) patterns of hunting and fishing by residents of the proposed nonsubsistence area. The Board finds that area residents hunt and fish throughout the proposed area as well as GMU 13 and other areas of the state. The Board considered including the Minto Flats State Game Refuge and later added the Minto Flats Management Area and Uniform Coding Unit 0100 south of the Tanana River. The additional area was used by residents of the proposed nonsubsistence area for fishing and hunting for moose, waterfowl, and other wildlife uses. The Minto Refuge and Management Area was removed from consideration as a nonsubsistence area based on information submitted by the department from a 1983-84 household survey of Minto residents and wildlife use and consumptive patterns. Specifically there is not a well developed cash economy. Only 25 percent of the population is employed, primarily in seasonal jobs. 75 percent of the residents were below the poverty level with only a third having motor vehicles. There is a small store but costs are 1.8 times those of Fairbanks. There is a high use of fish and game resources by Minto residents which is consistent with a subsistence lifestyle dependent on the natural resources.

In discussing the area of 20(C) west of the Nenana River, the Board concluded that the land area in the proposed nonsubsistence area was predominantly Denali National Park over which the State has no authority. Hunting is by subsistence permit only and restricted to rural residents as defined by Federal regulations. This area was removed from the proposed nonsubsistence area. Additionally, the board reviewed fish and game harvest and use patterns of the residents along the Parks Highway in GMU 20(A) between Nenana and Wood Rivers to see if that area should be removed from the nonsubsistence area. In applying the 12 factors, the Board found a mixed social and economic lifestyle that was characterized by

average incomes higher than Fairbanks and wildlife use patterns that fluctuated from high to low use. The proximity to Fairbanks, employment at the Usibelli Mine, Clear Air Force Base, Golden Valley Power Plant and Denali National Park and the accompanying service sectors brought many jobs, some seasonal in nature. The use patterns of highway residents showed use of the area, i.e., an average annual moose harvest by Healy residents of 8.3, Denali Park 2.3, Anderson 6.5 and Fairbanks of 155.8; an average annual sheep harvest by Healy residents of 5.7, Denali Park 1.3, Anderson 3, and Fairbanks 45. Based on the totality of the factors, the Board left the area in the proposed nonsubsistence area as it determined it was an area used by a high percentage of the residents of the nonsubsistence area.

1. The socio-economic structure: The socio-economic structure of this area is consistent with the information provided by the ADF&G in no. 1 of the nonsubsistence area report for proposal no. 1. The Board recognizes that most segments of the population within the area support an industrial-capitalism economy. However, there is a mixture of lifestyles and a high percent of the residents obtain food by hunting and fishing. Evidence supplied by Board members from the area support the department's information indicating that Fairbanks typifies the type of cash economy envisioned by the legislature as a nonsubsistence area. Based on the information presented and the Board's discussion, the Board found that subsistence was not a principal characteristic of the socio-economic structure.

2. The stability of the economy: The Board found that the information presented in Section 2 of the ADF&G staff report indicates that the Fairbanks area's economy is heavily dependent on government, military, and services jobs. Unemployment is low, 10.7 percent, compared to remote isolated Alaskan communities where unemployment is above 30 percent and the state average of 9.7%. Overall wages are higher than most areas of the state, unemployment is low, and the numbers of jobs are expanding. The board concludes the area has a relatively stable industrial-capitalism economy and subsistence is not a principal characteristic of the economy.

3. Extent and kinds of employment for wages, including full time, part time, temporary, and seasonal employment: Department of Labor statistics for 1991 have 27,800 jobs in Fairbanks of which 7,650 are in military, 9,950 in government, 6,250 in services, 6,400 in trade, and 600 in manufacturing. This indicates the heavy dependence in Fairbanks on government and military employment. The Board also explored the Department of Labor statistics for Healy and McKinley Village communities within the proposed area. Based on percent of households having employed members (1987), Healy has 53 percent employed in mining, 20 percent in transportation/utilities/communications, 19 percent in services,

and 29 percent in government (local, state, & federal). McKinley Village's percent of households having employed members for 1987 were 10 percent in mining, 18 percent for transportation/utilities/communications, 13 percent services, and 74 percent in government (local, state, & federal). Reviewing Fairbanks and McKinley Village labor statistics, reveals a capital-industrial economy. Reliance on subsistence is not a principal characteristic of the area.

4. The amount and distribution of cash income among those domiciled in the area or community: In 1989 the average per capita income for the Fairbanks North Star Borough was \$15,914, slightly below Alaska's average of \$17,610. The average income in 1989 for McKinley Park Village was \$20,917, in Healy \$18,160. Board members summarized the economic data for Delta Junction and Fort Greely based on personal knowledge and information provided the Board by ADF&G. The average household incomes discussed in Delta Junction and Fort Greely were \$35 - 40,000 for Delta Junction and \$20 - 30,000 for Fort Greely. 11.5 percent of the households earning less than the federal poverty standards (1989) were in Fairbanks. The Board recognized that distribution of cash income varies among the residents within the proposed nonsubsistence area but is consistent with an urban environment in Alaska.

5. The cost and availability of goods and services to those domiciled in the area or community: The Fairbanks area has a large range of goods and services available. Fairbanks' cost of food index at 7 percent higher than Anchorage is relatively low for Alaskan communities. The cost of food index for Delta Junction is 33 percent higher than Anchorage and for the Parks Highway area is 56 - 89 percent higher. The communities located along the Parks Highway do most of their shopping in Fairbanks due to road access.

6. The variety of fish and game species used by those domiciled in the area or community: Residents of the proposed area used a wide variety of fish and game resources locally available as well as resources distant from their residence. Primary big game species used in order of importance are moose, caribou, sheep, black and brown bears. Major fish species include salmon, grayling, pike, burbot and white fish. Halibut are also taken in other areas of the state. The Board of Game previously found a positive customary and traditional finding for moose in Game Management Units (GMU) 20A, 20B, 20C & 20D. There were no findings for GMU 25C. There are also no findings for black and brown bears. There are negative findings for sheep in GMUs 20D and 25C, and negative findings for bison in GMU 20D. There were no positive C&Ts for caribou in the area. The Board of Fisheries previously determined positive C&Ts for salmon and other finfish (sheefish, white fish, lamprey, burbot, sucker, grayling, pike,

char, and blackfish). Subsistence fishing permits for residents of the nonsubsistence area were used mainly in areas along the Tanana River, outside the proposed area.

7. The seasonal cycle of economic activity: The Fairbanks area has seasonal fluctuations in economic activity related to tourism. The primary types of jobs in the Fairbanks area (government, military, services and trade) are not normally affected by seasonal changes. Residents along the Parks Highway have seasonal cycles of employment associated with Denali National Park tourism. Healy and Anderson residents are not affected as much by seasonal changes because of coal mine and electrical production employment. The Board finds overall economic activity of the proposed area to be representative of an economy where reliance on wage employment is a principal characteristic of the economy.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game: Based on a household survey in the Fairbanks North Star Borough, 50 - 59 percent hunted and 74 - 82 percent fished. In McKinley Park Village households, 70 percent fished and 45 percent hunted. The Board notes some individual households within the proposed area may be hunting and fishing for larger amounts for food production, but overall residents of the proposed area hunted and fished for nonsubsistence use.

9. The harvest levels of fish and game by those domiciled in the area or community: The Board considered harvest levels of fish and game species in communities within the proposed area by using department reports and verbal and written comments by the public and Board members. The Board noted the range of pounds per person, per year for communities in the proposed area with Fairbanks at 16 pounds, Healy at 132 pounds and McKinley Village at 242 pounds. The Board finds the overall proposed area the harvest levels are representative of a nonsubsistence area.

10. The cultural, social, and economic values associated with the taking and use of fish and game: The Board notes there are subsistence uses outside the proposed area and protected Minto and Nenana subsistence uses when it deleted the proposed addition of the Minto Flats area. The Board determined the area's cultural, social, and economic values represent a nonsubsistence value system.

12. The extent of sharing and exchange of fish and game by those domiciled in the area or community: Sharing and exchange of wild fish and game occurs within and between families in and adjacent to the proposed area. The extent of sharing for the proposed area has not been quantified in all communities.

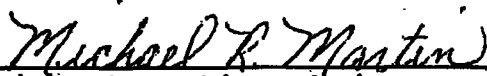
Conclusion: Based on all the information before the Joint Board, deliberations and the finding above, the Board concludes that dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the Fairbanks/Denali areas as defined below. In making this determination, the Board noted that Fairbanks is easily defined as a nonsubsistence area when applying the 12 factors. There is a wide variety of uses and a mixture of lifestyles of which subsistence was not a principal characteristics of the area.

B. Area Boundaries

Based on the information provided to the Joint Board and the Board's deliberations, the Joint Board concludes that the boundaries of the Fairbanks Nonsubsistence area are as follows:

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 confluences with the Johnson and Delta Rivers, west of the west 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.

The Joint Board agrees with and incorporates by reference the ADF&G recommendations contained in the worksheets used during this deliberation. Based on examination of the 12 factors the Joint Board concludes that the reduced Fairbanks-Denali area is a nonsubsistence area.



Michael Martin, Chair
Joint Boards of Fisheries and Game

Adopted: November 7, 1992
Anchorage, Alaska

**KETCHIKAN NONSUBSISTENCE AREA
FINDINGS
#92-23-JB**

A. Introduction to Written Findings: During the publicly convened board meeting on November 1 - 7, 1992, the Joint Boards of Fisheries and Game (Joint Board) heard and considered public testimony, ADF&G staff reports and advisory committee reports, and deliberated on the information in relation to the totality of the twelve socio-economic characteristics in the 1992 subsistence law at AS 16.05.258(c). Based on the information and deliberations the Joint Board found that in the Ketchikan area, described in Section B below, subsistence is not a principal characteristic of the economy, culture and way of life. The Joint Board incorporates by reference the information provided by the ADF&G in the worksheets included in the Joint Board Workbook as well as additional information presented during deliberations. Additionally the board found the following:

Geographic locations where those domiciled in the area or community hunt and fish: The Joint Board first examined (under criteria 11) patterns of hunting and fishing by residents of the proposed nonsubsistence area. The Board found that residents of the area hunt and fish throughout the proposed area as well as on the Cleveland Peninsula, Yes Bay and Northern Prince of Wales Island and other areas of Southeast Alaska. The Boards considered inclusion of Game statistical area UCU 614 which includes Meyer's Chuck and is an area where Meyer's Chuck residents hunt. This area was excluded from the proposed nonsubsistence area. The Board applied the criteria and found that Meyer's Chuck was a small, separate rural community whose residents may participate in subsistence activities, and was not typical of the socio-economic structure found in Ketchikan. There is a personal use fishery in Yes Bay used by Ketchikan residents. The Board determined it was appropriate to expand the original area to include a portion of the Cleveland Peninsula, including Yes Bay, due to its nearly exclusive use by Ketchikan residents. The final nonsubsistence area incorporates approximately 90-95% of the recreational fishing area used by Ketchikan area fishermen and 43% of the Ketchikan area deer hunters.

1. **The socio-economic structure:** The Joint Board finds that the socio-economic structure of this area is consistent with the information provided by the ADF&G at no. 1 of the nonsubsistence area report. The information presented at no. 1 is pertinent to the expanded area. The growth pattern of Ketchikan from 1950 to 1990 was 110% (from 6446 to 13,828 residents). Ketchikan is a large community spread out along the water with a pulp mill, large commercial fishing fleet, port for a state ferry, retail stores, and a hospital. The complexion is that of an urban area with a dense population. Saxman is an enclave within the Ketchikan

community that demonstrates some reliance upon fish and game harvested for subsistence uses. The examination of information and criteria is particularly complicated when dealing with Saxman, a community within a community. The residents have a history of subsistence over a long period and there is concern whether the intent of the 1992 subsistence law is to include such communities in a nonsubsistence area. After examining all evidence available, the Joint Board determined that the industrial-capitalism culture dominates the area's social and economic structure even though there are other uses present in the community. For these reasons, the Board concluded that subsistence uses of fish and game is not a principal component of the overall social and economic structure of Ketchikan.

2. The stability of the economy: The Board found that the information presented at No. 2 of the ADF&G staff report supports the finding that the economy is stable, while showing growth over four decades. The Board found no evidence that subsistence uses contributed significantly to the stability of the economy.

3. Extent and kinds of employment for wages, including full time, part time, temporary, and seasonal employment: Department of Labor statistics indicate a wide diversity of employment including 188 jobs in the military, 1234 service jobs, 1367 trade jobs, 1657 manufacturing jobs, government jobs at 1802, and an additional 1200+ jobs in other sectors. Unemployment is among the state's lowest at 9.7%. The Joint Board concluded that the factors outlined above and those in the report, specifically Figures 4, 7 and 8, are characteristic of a capital-industrial economy in which reliance on subsistence harvest of fish and game is not a principal characteristic of the economy.

4. The amount and distribution of cash income among those domiciled in the area or community: Per capita income in Ketchikan Borough is \$18,789 which is above the state average, and only 6.6% of the population is below the federal poverty scale. Income distribution is not even among the residents, but is typical of an urban, cash-based economy in the state.

5. The cost and availability of goods and services to those domiciled in the area or community: With Ketchikan's close proximity to the lower 48 and its corresponding lower transportation costs, goods are readily available at lower costs than other areas of the state. Ketchikan is also a transportation hub which increases the availability of goods and services. The availability of goods and services and the relative low harvest of wild foods, supports a finding that Ketchikan residents are not reliant on subsistence.

6. The variety of fish and game species used by those domiciled in the area or community: Ketchikan residents use a wide variety of fish and game species including deer, goat, bear, salmon, halibut, rockfish and shellfish.

7. The seasonal cycle of economic activity: There is a high incidence of seasonal employment in Ketchikan, attributable to a large commercial fishing community, tourism and a pulp mill. There is considerable seasonal employment including commercial fishing and manufacturing. The Board determined that Ketchikan was an industrial-capital economy as opposed to a subsistence economy.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game: The Board found that residents participate in recreational hunting and fishing and commercial fishing. Those domiciled in Saxman showed a higher percentage of households harvesting fish and game than the Ketchikan Borough as a whole.

9. The harvest levels of fish and game by those domiciled in the area or community: Testimony from staff and board members and information from figure #19 show a per capita harvest of wild resources of 33 pounds for the Ketchikan area which was among the lowest in the state. Figure #20 shows Ketchikan to be similar to Juneau in terms of protein requirements satisfied by wild foods. The harvest level in Saxman is 89.3 pounds per capita.

10. The cultural, social, and economic values associated with the taking and use of fish and game: Diverse cultural values are represented in the Ketchikan area. The information presented and testimony from staff and board members shows a community that places a high value on recreational hunting and fishing and includes some subsistence uses.

12. The extent of sharing and exchange of fish and game by those domiciled in the area or community: Although there was testimony from area residents reflecting sharing among the local population, there have been no specific studies to determine the extent of such sharing.

13. In 1986 using the old rural/urban criteria the Boards designated Saxman a rural community. Customary and traditional findings were developed for deer, finfish and shellfish for those domiciled in Saxman. The Board found that Saxman residents would not lose the opportunity to harvest fish and game resources under general hunting regulations in the nonsubsistence use area. However, the subsistence preference, under which residents of

Saxman would hunt and fish at times of resource shortage while those domiciled in Ketchikan would be prohibited from harvest, would no longer be extended.

Conclusion: Based on the information before the Joint Board, deliberations and the findings above, the Board concludes that dependence upon subsistence is not a principal characteristic of the economy, culture and way of life of the Ketchikan area as defined below.

B. Area Boundaries

Based on the information provided to the Joint Board and the Board's deliberations, the Joint Board concludes the boundaries of Ketchikan Nonsubsistence Area are as follows:

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) and 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 32.200(b) within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

The Joint Board agrees with and incorporates by reference the ADF&G recommendations contained in the worksheets used during this deliberation as well as additional information presented by the public, staff and board members. The Board examined the area originally proposed, and considered an enlarged area before deciding on an area larger than the original. This area added lands where Ketchikan residents hunt and fish and where there is little or no use by other residents. Based on examination of the 12 factors, the Joint Board concludes that the Ketchikan area is a nonsubsistence area.

Michael K. Martin

Michael Martin, Chair
Joint Boards of Fisheries and Game

Adopted: November 7, 1992
Anchorage, Alaska

**JUNEAU NONSUBSISTENCE AREA
FINDINGS
#92-22-JB**

A. Introduction to Written Findings: During the publicly convened board meeting on November 1 - 7, 1992, the Joint Boards of Fisheries and Game (Joint Board) heard and considered public testimony, ADF&G staff reports and advisory committee reports, and deliberated on the information in relation to the totality of the twelve socio-economic characteristics in the 1992 subsistence law at AS 16.05.258(c). Based on the information and deliberations the Joint Board found that in the Juneau area described in Section B below, subsistence is not a principal characteristic of the economy, culture and way of life. The Joint Board incorporates by reference the information provided by the ADF&G in the worksheets included in the Joint Board Workbook. Additionally the board found the following:

Geographic locations where those domiciled in the area or community hunt and fish: The Joint Board first examined (under criteria 11) patterns of hunting and fishing by residents of the proposed nonsubsistence area. The Board finds that residents of the area hunt and fish throughout the proposed area. Additionally, hunting takes place on the Mansfield Peninsula, Young Bay, Oliver Inlet, the drainages of Seymour Canal and the Glass Peninsula as well as various other areas in Southeast Alaska. Fishing occurs primarily in Lynn Canal south of Eldred Rock, Berners Bay, northern Chatham Strait, Stephens Passage north of Tracy Arm, contiguous bays within this boundary, and other waters of Southeast Alaska. The Board reviewed statistics reflecting where the residents of nearby communities of Tenakee, Kake, Haines, Klukwan, Angoon and Hoonah hunted and fished. These communities hunt and fish predominantly on lands and in waters adjacent to their own communities, but do exhibit a pattern of dispersed effort which is typical of the region as a whole. Some of their hunting and fishing does take place in the nonsubsistence area, but it is not a significant portion of their harvest. The board determined it was appropriate to expand the proposed nonsubsistence area to include those areas used often and almost exclusively by Juneau area residents. The final nonsubsistence area incorporates approximately 90-95% of the recreational fishing area and 47% of the deer harvest for those domiciled in the area.

1. The socio-economic structure: The socio-economic structure of this area is consistent with the information provided by the ADF&G at no. 1 of the nonsubsistence area report. The information presented at no. 1 does include the expanded boundaries. The importance of fishing for recreation and as an industry was recognized as were other industries such as commercial fishing, tourism and government. Additionally Juneau is a transportation hub for northern Southeast and is the state's

capital. Evidence supplied by board members from the area support the department's information indicating that Juneau typifies the type of economy envisioned by the legislature as a nonsubsistence area. Based on the information presented and the Board's discussion the Board found that subsistence was not a principal characteristic of the socio-economic structure.

2. The stability of the economy: The Board found that the information presented at Section No. 2 of the ADF&G staff report supports the finding that this economy is stable and expanding. The Juneau area economy is heavily dependent on government and the service sector needed to support it. Approximately 11,000 of the 14,000 jobs in Juneau can be traced to government, trade and the service sector. Unemployment is low compared to statewide averages. For example, unemployment in Juneau is 7.5% while unemployment in Koyukuk is 30.9% and in Fairbanks 10.7%. The board concludes that the harvest of fish and game for subsistence uses does not contribute significantly to the stability of the economy.

3. Extent and kinds of employment for wages, including full time, part time, temporary, and seasonal employment: Department of Labor statistics indicate that of the 14,000 jobs in Juneau, 2416 are in trade, 2279 in services and over 7000 in the government sector accounting for 11,000 of the 14,000 jobs. This indicates the heavy dependence in the Juneau area on the government and tourism sectors of the economy. The number of jobs compared to the population and the fact that incomes in Juneau are higher than statewide averages are indicative of a strong employment for wages. The combined factors outlined above and the information presented are characteristic of a capital-industrial economy in which reliance on the harvest of fish and game for subsistence uses is not a principal characteristic of the economy.

4. The Joint Board relies on the information presented at no. 4 of the ADF&G staff report and finds that while income is not distributed evenly over the various racial and ethnic groups in Juneau, that unemployment is low and that Juneau is a wage economy as opposed to a subsistence economy.

5. The cost and availability of goods and services to those domiciled in the area or community: Chart #11 indicates that Juneau enjoys a wide availability of goods and services with some of the lowest costs in the state. The information presented and board discussion, as well as chart #18 (showing a relatively low harvest of wild foods) supports a finding that Juneau area residents rely on commercial markets rather than relying on harvest of fish and game for subsistence uses.

6. The variety of fish and game species used by those domiciled in the area or community: Information was provided that Juneau area residents use a variety of the resources available locally and that they travel some distances in the state to harvest other resources. Important resources include salmon, halibut, shellfish, deer, bear (brown and black), goat and moose.

7. The seasonal cycle of economic activity: Information at no. 7 of the ADF&G staff report and Board discussion confirm that the area's seasonal employment is principally tied to tourism and the legislative session rather than to gathering natural resources. This is indicative of a community that does not rely on wildlife resources, but rather on wage employment associated with other factors.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game: The popularity of sport fishing was noted, with 44-50% of the population having sport fishing licenses. Only 12% have hunting licenses. This supports the concept that hunting and fishing is more recreational in nature rather than a community-wide method of food production.

9. The harvest levels of fish and game by those domiciled in the area or community: According to chart #18, and other information provided by ADF&G, per capita use of fish and wildlife resources by the area residents was one of the lowest in the state.

10. The cultural, social, and economic values associated with the taking and use of fish and game: Although predominantly Euro-American, Juneau is a socially and culturally diverse community with an active and strong Alaska Native culture and a South Pacific culture both of which are widely reflected by cultural activities and native art. It is not possible to distinguish separate use patterns among any certain groups in the community. The information indicated an integrated community with a pattern of uses in which recreational hunting and fishing predominate, although some subsistence uses take place.

12. The extent of sharing and exchange of fish and game by those domiciled in the area or community: Although there was testimony reflecting sharing among the local population, there have been no specific studies to determine the extent of such sharing.


Conclusion: Based on all the information before the Joint Board, deliberations and the finding above, the Board concludes that dependence upon subsistence is not a principal characteristic of the economy, culture and way of life of the Juneau area as defined below.

B. Area Boundaries

Based on the information provided to the Joint Board and the Board's deliberations, the Joint Board concludes that the boundaries of Juneau Nonsubsistence area are as follows:

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, including Lincoln, Shelter, and Douglas islands; within Unit 4 as defined by 5 AAC 92.450(4), that portion of Admiralty Island including 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(1)(2), and that portion of Section 12-A as defined in 5 AAC 33.200(1)(1) north of the latitude of Point Marsden.

The Joint Board agrees with and incorporates by reference the ADF&G recommendations contained in the worksheets used during this deliberation. It became evident to the Board as the discussion progressed that the area original area proposed needed to be expanded to incorporate an area used almost exclusively by Juneau residents. This expansion added lands where Juneau residents hunt and fish and where there is little and relatively insignificant use by other residents. Based on examination of the 12 factors the Joint Board concludes that the expanded Juneau area was indeed a nonsubsistence area.


Michael Martin, Chair
Joint Boards of Fisheries and Game

Adopted: November 7, 1992
Anchorage, Alaska

Footnote to Juneau Nonsubsistence Area Findings #92-22-JB

NOTE: The Juneau Nonsubsistence Area description was adopted by the Joint Board at the November 1992 meeting in Anchorage. During that meeting there was some board discussion about including the waters of Berners Bay and the marine waters of Lynn canal south of Berners Bay to the area. However, there was no formal board action to add those waters to the area description. After the meeting two board members approached staff for clarification and to insure Berners Bay was included in the area. Since it was not, the board directed the department to draft Proposal B for board action at the March 1993 Joint Board meeting. At that meeting the board voted to add the following language to end of the Juneau Nonsubsistence Area description:

, 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.

ALASKA JOINT BOARD OF FISHERIES AND GAME
85-16-JB

JOINT BOARD PETITION POLICY

Under AS 44.62.220 an interested person may petition an agency for the adoption or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reasons for the request, and the reference to the authority of the agency to take the action requested. Upon receipt of a petition, the agency must within 30 days deny the petition in writing or schedule the matter for public hearing under AS 44.62.190 -- AS 44.62.210, which basically require that the agency publish legal notice describing the proposed change and solicit written comment for 30 days before taking action. Alaska Statute 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.


Fish and game regulations are promulgated by the seven member Alaska Board of Fisheries and the seven member Alaska Board of Game. At least twice annually, the boards solicit changes to the regulations governing Alaska's fish and game resources. As many as 600 proposed changes per meeting have been submitted to each board. These proposals are bound and mailed to the 74 Fish and Game Advisory Committees, 6 Regional Fish and Game Councils, and more than 500 other interested individuals. Additionally, copies of the proposals are available at local Department of Fish and Game offices. When the proposal booklets are available, the advisory committees and regional councils then schedule 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 6 weeks, taking department staff reports, public comment, and advisory committee and regional council reports before voting in public session on the proposed changes.

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, sports fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

The Joint Board of Fisheries and Game recognizes the importance of public participation in developing management regulations, and recognizes that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The board finds that in most cases petitions

detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

However, the Joint Board recognizes that in rare instances extraordinary circumstances may require regulatory changes outside this process. Therefore, it is the policy of the Board of Fisheries and the Board of Game that petitions will only be accepted if the problem outlined in the petition results in a finding of emergency. In accordance with state policy (AS 44.62.270) emergencies will be held to a minimum and rarely found to exist. Alaska Statute 44.62.250 specifies that in order to adopt emergency regulations, the agency must find that it is necessary for the immediate preservation of the public peace, health, safety, or general welfare. For fish and game regulations, the boards determined that 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 since the resource would be unavailable in the future.



Ron Jolin, Chairman
Alaska Board of Fisheries and Game

Adopted March 19, 1985
Anchorage, AK
VOTE: 12/0/2 absent

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

5 AAC 96.615 SUBSISTENCE PROPOSAL POLICY

(A) It is the policy of the Boards of Fisheries and Game to consider subsistence proposals for topics that are not covered by the notice soliciting proposals under 5 AAC 96.610(a). To be considered by a board, a subsistence proposal must be timely submitted under 5 AAC 96.610(a), and

(1) the proposal must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or

(2) the circumstances of the proposal otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(b) A board may delegate authority to a review committee, consisting of members of the board, to review all subsistence proposals for any meeting to determine whether the conditions in (a) of this section apply.

(c) A board may decline to act on a subsistence proposal for any reason, including the following:

(1) the board has previously considered the same issue and there is no substantial new evidence warranting reconsideration; or

(2) board action on the proposal would affect other subsistence users who have not had a reasonable opportunity to address the board on the matter.

(Eff. 8/17/91, Register 119; readopted 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

**POLICY FOR CHANGING
BOARD OF FISHERIES AGENDA**

5 AAC 39.999. POLICY FOR CHANGING BOARD AGENDA. (a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of a proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

- (1) the board will accept an agenda change request only**
 - (A) for a fishery conservation purpose or reason;**
 - (B) to correct an error in a regulation; or**
 - (C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;**
 - (2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information found by the board to be compelling;**
 - (3) the board will consider an agenda change request only at its first meeting in the fall; the request must be sent to the executive director of the board at least 45 days before the first meeting in the fall.**
- (b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.**
- (c) If the board accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.**

**Authority: AS 16.05.251 Regulations of the Board of Fisheries
AS 16.05.300 Board Meetings**

Note: The form in 5 AAC 39.999 is available by writing to the Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526 or by calling (907) 465-4110.

(Send agenda change requests to: Board of Fisheries Executive Director, at the above address.)

**AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES**

The Board of Fisheries will accept an agenda change request only:

- 1) for a fishery conservation purpose or reason; or
- 2) to correct an error in regulation; or
- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

The board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information found by the board to be compelling (5 AAC 39.999).

NAME: _____

ADDRESS: _____

TELEPHONE: _____ City State Zip

Day Evening

EMAIL ADDRESS: _____

1) STATE IN DETAIL THE NATURE OF THE PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

2) STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

- 1) Fishery conservation purpose or reason:

- or 2) Correct an error in regulation:

- or 3) Correct an unforeseen effect of a regulation:

3) STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE.

Alaska Board of Fisheries Agenda Change Request Form

4) IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

5) CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

6) STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.

7) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.).

8) STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

DATE: _____ SIGNATURE: _____

**ALASKA BOARD OF FISHERIES
POLICY ON EMERGENCY PETITION PROCESS
#2000-203- BOF**

The Board of Fisheries often receives petitions for emergency changes to its regulations during times of the year when it is not meeting and no meeting is scheduled within the next 30 days. The Alaska Administrative Procedures Act (APA) requires that the Board shall, within 30 days of receipt of a petition, deny the petition in writing or schedule the matter for public hearing. AS 44.62.230. 5 AAC 96.625(f) establishes criteria for acceptance or denial of an emergency petition, but it does not establish the procedure the Board will go through to address the petition. This policy lays out the procedure that the Board will follow upon receipt of a petition for an emergency change to its regulations.

If the Board is in session or scheduled to meet within 30 days of receipt of an emergency petition, the executive director will schedule the petition for consideration by the Board on the agenda of the current or upcoming meeting.

If the Board is not in session and is not scheduled to meet within 30 days of receipt of an emergency petition, the executive director will transmit to each Board member a copy of the petition, a cover memo in the form attached to this policy, and any information furnished by the Alaska Department of Fish and Game in response to the petition. After reviewing this information, each Board member will, on the cover memo, indicate his or her vote to deny the petition or schedule a special meeting for Board consideration and possible adoption of the petition, date and sign the document, and return it to the executive director as soon as practicable.

Pursuant to AS 16.05.310, if two or more Board members vote in favor of a special meeting to consider the emergency petition, then the executive director will, after consultation with the Board chair and members, schedule a public meeting of the Board at which it will consider acceptance or denial of the petition.

If two or more Board members do not vote in favor of a special meeting, the petition will be considered denied, and the executive director will write a letter to the petitioner indicating the Board's denial of the petition.

ADOPTED: November 5, 2000
Anchorage, Alaska


Dan K. Coffey, Chairman
Alaska Board of Fisheries

VOTE: 7 - 0

PROCEDURES FOR BOARD OF FISHERIES MEETING COMMITTEES

#2000-200-FB

INTRODUCTION

The description of the processes in this Memorandum are applicable to Board committees that meet during a regulatory Board meeting. They are not applicable to the Board's standing committees and task forces that conduct business throughout the year on number matters. Examples of standing committees are the Joint Protocol Committee that works with the North Pacific Fishery Management Council and the Legislative Committee that is responsible for all matters before the Alaska State Legislature.

The meeting committees consist of Board members only. Members of the public who participate in the committee process are advisers to the committee, but are not committee members themselves. Advisory committee representatives are ex-officio members of any advisory panel to any committee with which they wish to serve.

DESCRIPTION OF THE COMMITTEE PROCESS

The committee formation process for each regulatory year will commence shortly after proposals for that regulatory year are received and compiled. Appropriate department staff, working with Board members assigned by the Chair, will group and preliminarily assign proposals, grouped by appropriate topic, to committees for each scheduled regulatory meeting during the year. Proposal roadmaps will likewise be developed that mesh with committee proposal groupings. Preliminary staff assignments for committees will also be considered during the initial proposal review.

At its work session each fall, the Board will evaluate and provide further refinement to the draft roadmaps and preliminary committee organization and assignments. Board member responsibilities for and assignments to committees will be determined at the fall work session. The goal is to have all committee structures, including Board member and staff assignments, completed before the respective regulatory meeting occurs. Committee roadmaps with Board member assignments will be distributed to the public after the fall work session. The roadmaps and the committee assignments are subject to change in the face of unforeseen circumstances or changed conditions.

COMMITTEE PROCEDURES DURING REGULATORY MEETINGS

The practices and procedures to which committees will attempt to adhere during Board regulatory meetings are as follows:

1. Early during each regulatory meeting the Board Chair will provide a brief description of how the committee system works and will further direct the public's attention to the location of a posted committee roadmap and committee assignments. The Chair will also announce that a copy of the Board's Policy Statement and this procedural description on the role of committees is available from the Board's Executive Director upon request.
2. Board committees consist solely of Board members appointed by the Board Chair. Advisory committee representatives and public panel participants are not committee members, but rather are advisors to the committee. Department staff as well as other state and federal agencies staff will provide technical assistance to committees.
 - A) Public panel participants are generally stakeholders in the fisheries under consideration. They may be CFEC permit holders, crewmen, processors, executive directors of associations, and private citizens.
 - B) A Board member will serve as a chairperson for each committee.
 - C) The Board Chair will announce the location and time of all committee meetings.
 - D) All committee meetings are open to anyone that desires to attend, although participation is limited to the advisory committee representatives, the public panel participants, the technical advisors, the department staff and the committee members.
3. Individuals that desire to serve as public panel participants to any committee should make their availability known to the chair of the respective committee. Willingness to serve can be expressed by personal contact with a committee chair or during presentation of formal oral testimony. Committee chairs are to keep a list of prospective public panel participants

during the course of the meeting.

A) Attendance at the Board meeting during the presentation of staff reports and presentation of oral testimony is generally a prerequisite to serving as a public panel participant to a committee at most meetings. This requirement will be most prevalent at meetings having high levels of attendance.

B) Advisory Committee representatives are ex-officio members of all public panels to all committees and may move between committees as they choose.

4. At the conclusion of public testimony, the chair of the respective committees will develop a preliminary list of public panel participants. The goal of the selection process will be to insure, as far as practicable, that there is appropriate and balanced representation of fishery interests on all committees. Tentative assignments will be reviewed by the Board as a whole and then posted for public review. After public review the Board Chair, in session on the record, will ask the public for concurrence or objections to the panel membership. Reasonable adjustments to membership on public panels will be accommodated.
5. Parliamentary procedures for committee work will follow the "New England Town Meeting" style. Public panel participants, upon being recognized by the committee chair, may provide comments, ask questions of other public panel members, ADF&G staff or the committee members or may otherwise discuss the issues assigned to a committee. Committee chairs will attempt to manage meetings in a manner that encourages exchange of ideas, solutions to complex issues and resolution of misunderstandings. Participants are required to engage in reasonable and courteous dialogue between themselves, Board committee members and with ADF&G staff. Committee meetings are intended to provide opportunities for additional information gathering and sometimes for dispute resolution. Committees are not a forum for emotional debate nor a platform for repeating information already received through public testimony and the written record. Department staff will be assigned to each committee to keep notes of discussions and consensuses reached, if any.

A) Formal votes will not normally be taken by the committees, but proposals or management plans that

receive public panel consensus, either negative or positive, will be noted in the committee report.

B) The committee process, in the absence of consensus will attempt to bring greater clarity to individual proposals and to complex conservation or allocation concerns.

6. Advisory Committee representatives serving on public panels are not constrained to merely presenting the official positions of their Advisory Committee (as is required while providing public testimony). When participating in the committee process, Advisory Committee representatives may express both the official positions of their committee as well as their personal views on issues not acted upon or discussed by their Advisory Committee. They must, however, identify which of the two positions they are stating. The Board recognizes Advisory Committee representatives as knowledgeable fisheries leaders who have a sense of their community's position on issues that come before the Board. Therefore, the Board believes that Advisory Committee representatives must be able to function freely during committee meetings.

7. After a committee has completed its work with its public panel, the committee chair will prepare a report with assistance from other members of the committee and department staff. The format of this report, which becomes part of the public record, is attached to this policy. The primary purpose of a committee report is to inform the full Board of the committee work in synopsis form. The report will additionally serve as a compilation index to Advisory Committee, public and staff written materials (record copies, public comments and staff reports) relative to the proposals assigned to the respective committees. Committee reports will be clear, concise, and in all cases, will attempt to emphasize "new information" that became available during the committee process, i.e., information that had not previously been presented to the full Board in oral or written form.

A) In order to provide focus, committee reports should include recommendations relative to most proposals.

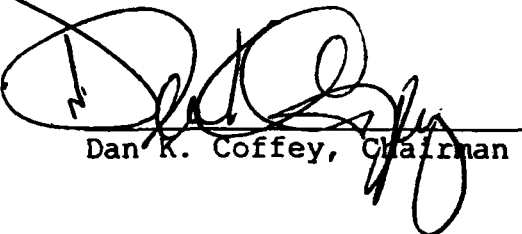
B) If a committee has developed a proposal to replace or modify an existing proposal, the substitute proposal should be prepared and attached the to

committee report.

- C) Committee reports will not include recommendations for proposals when such recommendations will predetermine the ultimate fate of the proposal. For example, when the full Board consists of six or few voting members (because of absence, abstention or conflict of interest) a committee of three should not provide a negative recommendation on a proposal.
8. Committee reports will be made available to the public in attendance at the meeting prior to the Board beginning deliberations on proposals. The Board Chair will publicly announce when reports are expected to be available for review by members of the public. The public will be encouraged to provide written comments to the Board (submittal of record copies) regarding the content of the committee reports and/or to personally contact Board members to discuss the reports.
- A) The Board Chair will provide sufficient time between release of committee reports and deliberations for the preparation of written comments or for verbal communications with individual Board members to occur.
9. Board deliberations will begin after the full Board has had time to review committee reports, after the public in attendance has had an opportunity to respond to the reports, and after the full Board has had an opportunity to review the public's comments made in response to the committee reports. During the course of deliberations, committee chairs will present their committee's report and initially will lead the discussion relative to proposals assigned to their committee.
10. The full Board shall be involved in the debate or discussion of all proposals and will make regulatory decisions based on all information received to the record, including information from committees.

Adopted by the Board in Anchorage on March 23, 2000.

Vote: 6-0-1
(Miller absent)


Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES
POLICY STATEMENT

Policy for Formation and Role of Committees at Board Meetings

#2000-199-FB

INTRODUCTION

During the past three (3) years, in response to its workload and in a desire to increase public participation, the Board has employed a committee process during the course of its meetings throughout the state of Alaska. This committee process has changed and developed over these three years in response public and department comments and the experiences of the Board in using the committee process.

It is expected that this process will continue to evolve as the needs of the public, the Board and the Department continue to evolve. As such, the committee process is meant to be dynamic and flexible. However, despite the expected future refinements, now that the committee process has been through a three-year Board cycle, it is appropriate for the Board to consider formal adoption of a Policy Statement on the Board committee process.

The Board recognizes that the public relies on the predictability of the regulatory process. The purpose of adopting this Policy Statement and the attached description of the committee process is to place the committee process in the records of the Board. Thus, the adoption of this Policy Statement will define the purpose, the formation and the role of Board committees. Over time, all participants in the Board process can be knowledgeable and effective participants before the Board of Fisheries.

DISCUSSION

A major strength of the Board committee process lies in its broad-based public participation format. To accommodate greater levels of public involvement, to enable the Board to receive and utilize the volume of information presented to it and to effectively handle the increased number of proposals seeking regulatory changes, the Board has found it desirable to create internal Board committees. The Board has found that these committees allow the Board to complete its work timely and effectively, with full consideration of the content and purpose of the many proposals before it each year.

The Board considers the use of committees as an expansion of its traditional processes; not as a replacement for such long-standing information gathering activities as staff and advisory committee reports, public testimony, written comments or informal contacts between Board members and the public. The Board committees are intended to enhance the process, not become a substitute for existing process.

While the committee process, of necessity, involves less than the full Board, nothing about the committee process is intended to, or has the consequence of, replacing the judgment of the full Board on all proposals before it at any regulatory meeting. The Board has taken steps to insure that its committees do not dictate/direct the outcome of any vote on any proposal. These steps include limiting participation by Board members to less than the number of Board members necessary to determine the outcome of the vote on any proposal. In addition, Board committees avoid predetermining the outcome by organizing the written materials presented to the Board so that they are readily available for review by the full Board, by presenting detailed reports on the committee's work and by fostering and encouraging debate during the deliberative process.

The goals and purposes of the Board committee process include but are not limited to the following:

1. Acquisition of additional detailed information from both the public and staff.
2. Providing a consensus-building forum that assists in the understanding and resolution of complex and controversial conservation, allocation, fishery resource, habitat and management issues.
3. Enhancing the interaction among the Board, the public and department staff which results in broader public understanding of the regulatory decisions of the Board and the Department's management of the fisheries.
4. Promoting efficient use of time by organizing and grouping similar proposals, reducing redundancy and organizing the huge volume of written materials provided before and during meetings by the department and the public.
5. Insuring completion of the Board's work within fiscal and temporal constraints.

The Board now finds as follows:

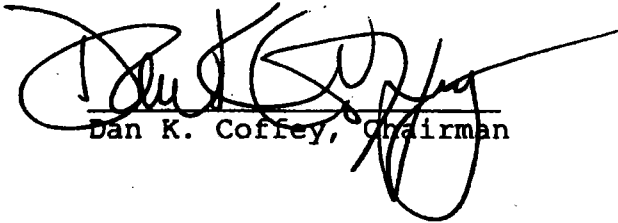
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

Based on the findings, the Board of Fisheries resolves as follows:

1. The Policy Statement is hereby adopted as the policy of the Board of Fisheries.
2. The description of the committee process attached to this Policy Statement will be followed, in most circumstances, by the Board during the course of its regulatory meetings, subject always to the exceptional circumstance as determined by the Board.
3. The committee process is intended to be dynamic and flexible to meet the needs of the public, the Board and the Department. Thus, this Policy Statement and the attached description of the committee process are subject to ongoing review and amendment by the Board.

DATED at Anchorage, Alaska this 23rd day of March, 2000.

Vote
(Miller Absent)



Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES

ALLOCATION CRITERIA

The Alaska Supreme Court recently issued a decision, Peninsula Marketing Association vs. State (Opinion No. 3754; dated September 20, 1991), regarding the application of the allocation criteria found in AS 16.05.251(e). The Court interpreted the statute to require the criteria to be considered when allocating between commercial fisheries as well as among the three user groups, commercial, personal use, and sport.

Consistent with the decision of the Court, the board finds that it will utilize the following specific allocation criteria when allocating between fisheries. Note that these criteria are essentially the same as the allocative criteria specified in AS 16.05.251(e), which the board has historically used as set out in 5AAC 39.205, 5AAC 77.007, and 5AAC 75.017.


- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative fisheries resources;
- 5) the importance of each fishery to the economy of the state;
- 6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- 7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

Note that all seven (7) criteria do not necessarily apply in all allocation situations, and any particular criterion will be applied only where the board determines it is applicable.

Adopted: November 23, 1991

Vote: (Yes/No/Abstain/Absent) (5/0/0/2) [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn


Mike Martin
Chair
Alaska Board of Fisheries

Alaska Board of Fisheries
ALLOCATION CRITERIA

5 AAC 39.205 CRITERIA FOR THE ALLOCATION OF FISHERY RESOURCES AMONG PERSONAL USE, SPORT, AND COMMERCIAL FISHERIES., **5 AAC 75.017** CRITERIA FOR THE ALLOCATION OF FISHERY RESOURCES AMONG PERSONAL USE, SPORT, AND COMMERCIAL FISHERIES., and **5 AAC 77.007** CRITERIA FOR THE ALLOCATION OF FISHERY RESOURCES AMONG PERSONAL USE, SPORT, AND COMMERCIAL FISHERIES.

Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

Note: The above statewide commercial, sport (including guided sport), and personal use regulations were adopted: History - Eff. 6/10/87, Register 102 [Authority - AS 16.05.251]

Alaska Statutes 16.05.251. Regulations of the Board of Fisheries.(e):

The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

- (1) the history of each personal use, sport, guided sport, and commercial fishery;
- (2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- (4) the availability of alternative fisheries resources;
- (5) the importance of each fishery to the economy of the state;
- (6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

"Court Interpretations of AS 16.05.251(e)"

1. The Alaska Supreme Court has interpreted AS 16.05.251(e) to require the allocation criteria to be considered when allocating between two or more commercial fisheries as well as when allocating among commercial, sport, and personal use fisheries. *Peninsula Marketing Association v. State*, 817 P.2d 917 (Alaska 1991).
2. The Alaska Supreme Court ruled that there is no requirement that the Board consider detailed documents establishing exact amounts of money that will be lost or gained in allocative decisions. The Board was aware of the applicable allocative criteria and adequately addressed each one. Incorporation by reference of earlier discussion and consideration of allocation criteria under another proposal was deemed proper by the court. *Stepovak-Shumagin Set Net Association v. State, Board of Fisheries*, 886 P.2d 632 (Alaska 1994).

91-128-FB

(Previously Finding #: 91-2-FB)
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ALASKA BOARD OF FISHERIES STANDING RULES

As a guide, the Alaska Board of Fisheries follows the most current version of Robert's Rules of Order in the conduct of the meetings [Note that the Alaska Statutes do not require the board to use any specific parliamentary procedure]. The board has by traditional agreement varied from the written Robert's Rules of Order. Below is a partial list of these variations (known as "Standing Rules") that the board follows:

- **Take No Action.** Has the effect of killing a proposal or issue upon adjournment. There are two reasons for taking no action: 1) It is found that the proposal is beyond the board's authority; or 2) due to board action on a previous proposal(s).
- **Tabling** has the effect of postponing indefinitely (Robert's Rules of Order). One of the primary reasons the board tables a proposal/issue is to gather more information during that meeting since a tabled proposal/issue dies when that meeting session adjourns.
- **One amendment at a time.** As a practice, the board discourages an amendment to an amendment. This is a proper motion by Robert's Rules of Order, however the board tries to avoid the practice because of the complexities of issues.
- **Do not change or reverse the intent of a proposal/issue.** For example, if a proposal's intent is to restrict a particular fishery and the board wishes to close or expand the fishery, the board will not amend the original proposal. The board will defeat, table or take no action on that proposal and then develop a board generated proposal to accomplish the action they feel is needed.
- **"Ruling of the Chair" or "Chair's Ruling".** When the chair makes a ruling, the board members have two options; 1) accept the ruling and move on; or 2) appeal/challenge the chair's ruling. By Robert's Rules of Order, the process is as follows (When a chair's decision is appealed/challenged):

By Robert's Rules of Order, the process is as follows (when a chair's decision is appeal/challenged):

- 1) The chair makes a ruling;
- 2) A member appeals (challenges) the chair's ruling (i.e. "I appeal the decision of the chair") and it is seconded (Note: All board members present can or could appeal/challenge the ruling);
- 3) Any board member can debate the ruling and appeal/challenge (Note: By Robert's Rules the chair and the person appealing/challenging the ruling are the only two who are to debate the issue);
- 4) The question before the board is: "Shall the decision of the chair be sustained?"
- 5) After the result of the vote is announced, business resumes.

- The public depends on or expects the board members to keep an open mind on the issues before the board. To accomplish this the board will listen to and ask questions: 1) staff reports, advisory committee and regional council reports, and 2) during deliberations on the issues, listen to fellow board members points and issues. It is not conducive to soliciting public involvement if the board members express that they already have an opinion and it is up to the public or staff to "change their mind."
- Note another "Standing Rule" contained in Board of Fisheries Finding Number: 80-78-FB. This finding is regarding the Reconsideration Policy of the board.

Adopted: November 23, 1991

Vote: (Yes/No/Absent/Abstain) 5/0/2/0/ (Absent: Robin Samuelson, Tom Elias)

Location: Anchorage International Airport Inn

Mike Martin, Chairman
Alaska Board of Fisheries

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ALASKA BOARD OF FISHERIES

Operating Procedures

Motion to Reconsider

1. Any member of the Board of Fisheries who voted on the original issue may move to reconsider a vote, regardless of how the member voted on the original issue.
2. A motion to reconsider may be made at any time prior to final adjournment of the Board meeting. A motion to reconsider need not be made on the day the original vote is taken.
3. A motion to reconsider must be supported by a presentation of new evidence that was not before the Board at the time the original vote was taken.
4. A Board member who intends to move for reconsideration should inform the Chairman of his intent.
5. When intent to reconsider is made known, public notice will be given as to when reconsideration will occur.

ADOPTED: April 3, 1980
VOTE: 6/0 (Goll absent)
Anchorage, Alaska

**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. Following are the regulations under which the Board of Game considers agenda change requests (5 AAC 92.005):

BOARD OF GAME

5 AAC 92.005. The Board of Game may change its agenda for consideration of proposed regulatory changes in accordance with the following guidelines:

- (1) A request for a change must state in writing the change proposed and the reason it should be considered out of sequence;
- (2) a request must be sent to the executive director of the Boards Support Section at least 45 days before a scheduled meeting unless the board allows an exception to the deadline because of an emergency;
- (3) the executive director shall attempt to obtain comments on the request from as many board members as can reasonably be contacted; and
- (4) 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.