



**REVIEWER LETTER**

PLEASE READ CAREFULLY

August 2018

The Joint Board of Fisheries and Game will consider the attached book of regulatory proposals at its meeting scheduled for **March 2019**. The proposals concern changes to the state's local fish and game advisory committees and the boards' process for adopting fish and game regulations. Proposals have been submitted timely by members of the public, organizations, advisory committees, and the Alaska Department of Fish and Game (ADF&G). The proposals are published essentially as they were received.

**Proposals.** Proposals are often presented as brief statements summarizing intended regulation changes. Proposed changes are also often written in accordance with the Department of Law's drafting standards: additions are **bolded and underlined** while deletions are [BRACKETED AND CAPITALIZED].

Reading all proposals in this book is encouraged. The proposals are grouped by topic (see the Proposal Index) and are not in roadmap order for the meeting. The Joint Board chair will generate a roadmap setting the order for deliberations on proposals prior to the meeting. The roadmap may be changed up to and during the meeting.

**Public comment requested.** The boards rely on written comments and oral testimony. Public comment, in combination with advisory committee recommendations and ADF&G staff presentations, provide the board with useful information for their decision-making process. Written comments become public documents.

**Submit your comments.**

Online	<a href="http://www.adfg.alaska.gov/index.cfm?adfg=process.jointboard">www.adfg.alaska.gov/index.cfm?adfg=process.jointboard</a>
Email	<a href="mailto:dfg.bof.comments@alaska.gov">dfg.bof.comments@alaska.gov</a>
Fax	(907) 465-6094
Mail	P.O. Box 115526 Juneau, AK 99811-5526

**More about public comments.** Comments must be received by the March 7, 2019 deadline. They are included as part of board member workbooks, listed in each meeting's Index of Comments, and posted on the Boards Support website in advance of the meeting. Requirements include:

- Received by mail, email, fax, in office, or through the Boards Support website.
- 100 single-sided pages or less from any one individual or group per proposal.

- Fits on 8½” x 11” paper with adequate margins for three-hole punching.
- Web links to external documents or multimedia are not accepted.
- Include the author’s name and contact information.
- For charts or graphs, cite the source.

**Record copies.** Written materials received after the on-time deadline, including during board meetings, are “record copies.” Requirements are the same as above, except:

- Comments may not be accepted via email after the on-time deadline.
- Prior to the start of a meeting, comments may be submitted by mail, fax, or hand delivered in office.
- After the start of a meeting, comments may be submitted in person at the meeting. Copies will need to be provided. The actual number of copies needed is posted at the meeting, usually ~25, and may change throughout the duration of the meeting. Comments are also accepted by fax during meetings for those not able to attend.
- 10 single-sided pages or less from any one individual or group per proposal until the board begins deliberations on proposals.

**Oral testimony.** The Joint Board welcomes oral testimony during the meeting. The oral hearing will begin on the first day of the meeting and will continue until everyone who has signed up by the announced deadline and is present when called has been given the opportunity to be heard. The time allowed for individual and advisory committee testimony will be announced prior the meeting. Anyone interested in or affected by the subject matter contained in these proposals should make written or oral comments if they wish to have their views considered by the board.

**Tips for comments.**

- Identify proposal(s). Clearly state the proposal number you wish to discuss and if you support or oppose the proposal. If the comments support a modification in the proposal, indicate “support as amended” with the preferred amendment in writing.
- Commenting on more than one proposal. If making comments on more than one proposal, simply list the next proposal number followed by your comments. There is no need for separate pages or to submit multiple comments.
- Explain why. Help the board understand your rationale by identifying factors to take into account when acting on a proposal.
- Keep comments brief and clear. Board members are extremely busy. Clearly stating proposal numbers and one’s position with supporting rationale will assist board members.
- Follow the requirements. Pages in excess of the page limit and comments not in the proper format will be discarded. Testimony greater than the allotted time will be cut short.
- The sooner the better. As a practical matter comments submitted after the board begins deliberations are likely to receive less consideration than comments submitted earlier.
- Write clearly. Whether typed or handwritten, use dark ink and write legibly.
- Use the committee process for detailed comments. The board considers specific proposals, grouped by subject, during committees to receive much greater detail from the participating public. Public testimony should be tailored to encompass major items of importance. Fine details may be reserved for committee work.
- Be polite. Inflammatory material may be excluded and public testimony may be cut short.


**Advisory committees.** Advisory committees written recommendations should be submitted in the format prescribed by the board; boards staff can provide the right form. Recommendations should note the number of committee members in attendance as well as other stakeholders in attendance during meetings. Remember, advisory committee recommendations must be developed at a meeting where the conditions of the Open Meetings Act (AS 44.62.310) were met. When providing public testimony, provide commentary and explain the committee's current discussion. Expressing minority opinions is helpful. Reading off proposal numbers and committee recommendations is difficult to follow; your written comments should cover this sort of summary. For additional information on providing public comment, refer to the Advisory Committee Manual.

**Additional instructions for advisory committee chairs.** Advisory committee chairs are responsible for calling committee meetings to review proposals and provide recommendations. In order to efficiently budget and provide for travel, pre-planning is essential. Chairs are to identify to Boards Support by November 15 if they anticipate an advisory committee representative might attend this meeting. Failure to provide early notice may prevent the advisory committee from traveling should adequate funding be unavailable.

**Special notes.** Persons with a disability needing special accommodations in order to comment on the proposed regulations should contact the Boards Support Section at (907) 465-4110 no later than two weeks prior to the scheduled meeting to make any necessary arrangements.

Thank you for taking an active role in Alaska's fish and game regulatory and advisory committee process.

Sincerely,

A handwritten signature in blue ink that reads "Glenn Haight".

Glenn Haight  
Executive Director

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**Alaska Department of Fish and Game**  
**Boards Support Section**  
P.O. Box 115526  
Juneau, AK 99811-5526  
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[www.boards.adfg.alaska.gov](http://www.boards.adfg.alaska.gov)

**ALASKA JOINT BOARD OF FISHERIES AND GAME**  
**Tentative Meeting Schedule**

<b>Meeting Dates</b>	<b>Topic</b>	<b>Location</b>	<b>Comment Deadline</b>
<b>March 21-25, 2019</b> (5 days)	<b>Joint Board Meeting</b>	<b>Anchorage</b> Sheraton Anchorage Hotel	<b>March 7, 2019</b>





**Alaska Department of Fish and Game**  
**Board of Fisheries**  
P.O. Box 115526  
Juneau, AK 99811-5526  
(907) 465-4110  
[www.boardoffisheries.adfg.alaska.gov](http://www.boardoffisheries.adfg.alaska.gov)

**ALASKA BOARD OF FISHERIES**  
**MEMBER LIST**  
July 2018

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NAME	TERM EXPIRES
John Jensen (Chair)	6/30/2020
Orville Huntington	6/30/2021
Reed Morisky	6/30/2020
Alan Cain	6/30/2021
Israel Payton	6/30/2019
Robert Ruffner	6/30/2019
Fritz Johnson	6/30/2020

\*\*\*\*\*

Alaska Board of Fisheries members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
(907) 465-4110 PHONE  
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[www.boardoffisheries.adfg.alaska.gov](http://www.boardoffisheries.adfg.alaska.gov)

Glenn Haight, Executive Director, Alaska Board of Fisheries  
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**Alaska Department of Fish and Game**  
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**ALASKA BOARD OF GAME**  
**MEMBER LIST**  
 July 2018

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NAME	TERM EXPIRES
Ted Spraker, Chair	6/30/2020
Nathan Turner, Vice Chair	6/30/2019
Stosh (Stanley) Hoffman	6/30/2020
Teresa Sager Albaugh	6/30/2021
Karen Linnell	6/30/2019
Larry Van Daele	6/30/2021
Tom Lamal	6/30/2020

\*\*\*\*\*

Alaska Board of Game members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME  
 Boards Support Section  
 P.O. Box 115526  
 Juneau, AK 99811-5526  
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Juneau, AK 99811-5526  
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## Boards Support Section Staff List

### HEADQUARTERS

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### REGIONAL OFFICES / REGIONAL COORDINATORS

#### Southeast Region (north of Frederick Sound)

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(see above contact info)

#### Southeast Region (south of Frederick Sound)

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Kotzebue  
 Lower Kobuk  
 Noatak/Kivalina  
 North Slope  
 Northern Norton Sound  
 Northern Seward Peninsula  
 St Lawrence Island  
 Southern Norton Sound  
 Upper Kobuk

### Interior Region (15)

Central  
 Delta  
 Eagle  
 Fairbanks  
 Grayling/Anvik./Shageluk/  
 Holy Cross (G.A.S.H.)  
 Koyukuk River  
 Lake Minchumina  
 McGrath  
 Middle Nenana River  
 Middle Yukon River  
 Minto/Nenana  
 Ruby  
 Tanana/Rampart/Manley  
 Upper Tanana/Fortymile  
 Yukon Flats

### Southeast Region (23)

#### **N. Frederick Sound**

Angoon  
 Elfin Cove  
 Icy Straits  
 Juneau-Douglas  
 Kake  
 Klukwan  
 Pelican  
 Sitka  
 Tenakee Springs  
 Upper Lynn Canal  
 Yakutat

#### **S. Frederick Sound**

Craig  
 East Prince of Wales Island  
 Edna Bay  
 Hydaburg  
 Hyder  
 Ketchikan  
 Klawock  
 Petersburg  
 Port Alexander  
 Saxman  
 Sumner Strait  
 Wrangell

### Southcentral Region (18)

Anchorage  
 Central Peninsula  
 Cooper Landing  
 Copper Basin  
 Copper River/Prince  
 William Sound  
 Denali  
 Homer  
 Kenai/Soldotna  
 Matanuska Valley  
 Mt. Yenlo  
 Paxson  
 Prince William Sound/  
 Valdez  
 Seldovia  
 Seward  
 Susitna Valley  
 Tok Cutoff/Nabesna Road  
 Tyonek  
 Whittier

### Southwest Region (12)

Chignik  
 False Pass  
 King Cove  
 Kodiak  
 Lake Iliamna  
 Lower Bristol Bay  
 Naknek/Kvichak  
 Nelson Lagoon  
 Nushagak  
 Sand Point  
 Togiak  
 Unalaska/Dutch Harbor

### Western Region (7)

Bethel  
 Central Bering Sea  
 Coastal Lower Yukon  
 Lower Kuskokwim  
 Mid-Lower Yukon  
 Central Kuskokwim  
 Stony-Holitna



**DRAFT NOTICE OF PROPOSED CHANGES**  
**IN THE REGULATIONS OF THE**  
**ALASKA JOINT BOARD OF FISHERIES AND GAME**

The Alaska Board of Fisheries and the Alaska Board of Game (collectively the Joint Board) propose to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with local fish and game advisory committees (ACs) and adoption of fish and game regulations including the following:

**ESTABLISHMENT AND MEMBERSHIP OF ADVISORY COMMITTEES**, including designated seats for specific communities, undesignated seats, dissolving inactive ACs, and residential requirements for members.

**AREAS OF JURISDICTION AND EMERGENCY CLOSURES**, including the jurisdiction for the Cook Inlet-Resurrection Bay area, Southeast Alaska-Yakutat Area, westward area for king crab, game management areas 21 and 24, and the process for advisory committee emergency closures.

**FUNCTION AND UNIFORM RULES OF OPERATION OF LOCAL FISH AND GAME ADVISORY COMMITTEES**, including election procedures, voting requirements, secretary duties, and processes for addressing vacancies, unjustifiable absences, calling meetings, and approving AC recommendations.

**ADMINISTRATION OF LOCAL FISH AND GAME ADVISORY COMMITTEES**, including board action on AC requests and inactive ACs, and AC participation during board deliberations.

**ADOPTION OF FISH AND GAME REGULATIONS**, including the Joint Boards Petition and Subsistence Proposals Policies, procedure for board generated proposals and amendments, definition of board hearings and work sessions, and the process for scheduling inactive shellfish regulations.

In addition to the topics described above, the Joint Board will discuss setting a schedule for future joint board meetings. The Joint Board may also address other nonregulatory topics such as letters, findings and policies, and nonregulatory items typically at the end of the meeting under miscellaneous business, but action may occur earlier in the meeting if necessary.

The proposed changes are available on the Joint Board meeting information website at [www.adfg.alaska.gov/index.cfm?adfg=process.jbmeetinginfo&date=03-21-2019&meeting=anchorage](http://www.adfg.alaska.gov/index.cfm?adfg=process.jbmeetinginfo&date=03-21-2019&meeting=anchorage), or by contacting the ADF&G Boards Support Section Office at (907) 465-4110.

Anyone interested in or affected by the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments limited to more than 100 single-sided or

50 double-sided pages to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094, or online submission at [www.adfg.alaska.gov/index.cfm?adfg=process.jointboard](http://www.adfg.alaska.gov/index.cfm?adfg=process.jointboard) so that comments are received no later than March 7, 2019. Written public comments over 100 single-sided or 50 double-sided pages in length from any one individual or group relating to proposals at the meeting will not be accepted. Written public comments limited to 10 single-sided or five double-sided pages in length from any one individual or group will also be accepted after the March 7, 2019 deadline by fax, mail, or hand delivery, but will not be inserted in board member workbooks until the beginning of the meeting.

Written comments will be accepted on any subject in this notice and may be submitted to the Joint Board any time before the proposal is voted on by the Joint Board in deliberations at the meeting scheduled below, but as a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

During the meeting, written public comments from any one individual or group may be submitted by hand delivery at any time if 25 copies are provided. Oral comments may also be presented as explained below.

The public hearing portion of the meeting will begin following staff reports and continue until everyone who has signed up and is present has been given the opportunity to be heard. Additional public hearings with board committees may be held throughout the meeting before consideration and adoption of proposed changes in the regulations for the various topics. An agenda will be posted daily during the meeting. The Joint Board will take oral testimony only from those who register before the cut-off time announced by the board chair at the meeting. The length of oral statements may be limited to five minutes or less for private persons and 15 minutes or less for fish and game advisory committee and federal regional council representatives. Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the Joint Board.

### **TENTATIVE MEETING SCHEDULE**

Alaska Joint Board of Fisheries and Game

March 21- 25, 2019

Anchorage Sheraton Hotel

401 East 6<sup>th</sup> Avenue

Anchorage, Alaska

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media on the Joint Boards website at [www.adfg.alaska.gov/index.cfm?adfg=process.jointboard](http://www.adfg.alaska.gov/index.cfm?adfg=process.jointboard) or call (907) 465-4110.

If you are a person with a disability needing special accommodations in order to participate in this process, please contact Boards Support at (907) 465-4110 no later than ten days before the accommodation is needed to ensure that any necessary accommodations can be provided.

Anyone interested in or affected by the subject matter included in this notice, including advisory committee composition, membership qualifications, rules of operation, areas of jurisdiction, or procedures for adoption of fish and game regulations, is hereby informed that, by publishing this legal notice the Joint Board may consider any or all of the subject areas covered by this notice. **THE JOINT BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF ACTUAL PROPOSALS SUBMITTED BY THE PUBLIC OR DEPARTMENT STAFF.** Pursuant to AS 44.62.200, the Joint Board may review the full range of activities appropriate to any of the subjects listed in this notice.

After reviewing written public comments and considering oral public comments, the Joint Board may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, defer or decide to take no action on the proposed regulation changes. The language of the final regulations may be different from the proposed regulations. **YOU SHOULD SUBMIT WRITTEN COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

**Statutory Authority:** AS 16.05.251; AS 16.05.255; AS 16.05.260

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.251; AS 16.05.255; AS 16.05.260

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: \_\_\_\_\_

\_\_\_\_\_  
Glenn Haight, Executive Director  
Alaska Board of Fisheries

# Establishment and Membership of Advisory Committees

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**PROPOSAL 1 - 5 AAC 96.021. Establishment of advisory committees.** Designate seats for the community of Craig and the Port St. Nicholas area on the Craig Advisory Committee as follows:

Make the **Craig Advisory Committee (AC) an exclusive AC, for members within the community of Craig and Port St. Nicholas area.** (Port St. Nicholas is the suburb of Craig.)

**What is the issue you would like the board to address and why?** We would like to address the composition of the Craig Advisory Committee so that it continues to represent our community. At this point all members of the Craig AC are from Craig and we would like to keep it that way. There are other ACs on Prince of Wales Island and vicinity, with most being inactive at this point. The Craig AC has been active for at least the last ten years.

If nothing is changed, the composition of the Craig AC could change, so that it does not represent the community of Craig. Open seats would be available to others in the area without active ACs, not just Craig and the immediate vicinity.

**PROPOSED BY:** Craig Fish and Game Advisory Committee (HQ-F18-004)  
\*\*\*\*\*

**PROPOSAL 2 - 5 AAC 96.021. Establishment of advisory committees.** Move the seat designation for the community of Chevak from the Central Bering Sea Advisory Committee to the Coastal Lower Yukon Advisory Committee as follows:

5 AAC 96.021. Establishment of advisory committees.

....

(c)

...

(4) in the Western Alaska Region:

(A) Central Bering Sea **(14 members)**

[CHEVAK 1 REPRESENTATIVE]

Chefornak 1 representative

Goodnews Bay 1 representative

Kipnuk 1 representative

Kongiganak 1 representative

Kwigillingok 1 representative

Mekoryuk 1 representative

Newtok 1 representative

Nightmute 1 representative



Platinum 1 representative  
Quinhagak 1 representative  
Toksook Bay 1 representative  
Tanunak 1 representative  
Undesignated 2 representatives

....

(E) Coastal Lower Yukon (7 [6] members)  
Scammon Bay 1 representative  
Alakanuk 1 representative  
Kotlik 1 representative  
Emmonak 1 representative  
Hooper Bay 1 representative  
Nunam Iqua 1 representative  
**Chevak 1 representative**

**What is the issue you would like the board to address and why?** The community of Chevak has a designated seat on the Central Bering Sea Advisory Committee. Chevak is the northernmost community in the committee and is more proximate to communities within the Coastal Lower Yukon Advisory Committee. Chevak's geographic location and subsistence patterns suggest Chevak may align more with resource interests of the Coastal Lower Yukon Advisory Committee. Boards Support notified the committees and Chevak to encourage comment for joint board consideration.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-009)  
\*\*\*\*\*

**PROPOSAL 3 - 5 AAC 96.021. Establishment of advisory committees.** Add two undesignated seats to the Central Kuskokwim Advisory Committee as follows:

5 AAC 96.021(c)(4)  
(C) Central Kuskokwim (12[10] members)  
Crooked Creek 2 representatives  
Aniak 2 representatives  
Chuathbaluk 2 representatives  
Lower Kalskag 2 representatives  
Upper Kalskag 2 representatives  
**Undesignated 2 representatives**

**What is the issue you would like the board to address and why?** In 2007, the Central Kuskokwim Advisory Committee (AC) split into two Advisory Committees: Central Kuskokwim AC and Stony/Holitna AC. Currently, the Central Kuskokwim AC is comprised of ten members, two members from each designated community (Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk, and Crooked Creek). There are members who live in the region of this AC but do

not live in one of the designated communities. These residents are active users of fish and game resources in the region. This proposal would seek to add two undesignated seats to the Central Kuskokwim AC to be more inclusive of residents within the region who may not live in the designated communities.

**PROPOSED BY:** Lisa Feyereisen (HQ-F18-003)  
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**PROPOSAL 4 - 5 AAC 96.021. Establishment of advisory committees.** Move the Stony/Holitna Advisory Committee from the Western Region to the Interior Region as follows:

Move all reference to the Stony/Holitna Advisory Committee (SHAC) from the Western Region and put the committee in the Interior Region.

**What is the issue you would like the board to address and why?** The SHAC is currently listed under the Western Region for advisory committees, but SHAC lies in Game Management Unit 19, which is an Interior Region unit. We think that we should be listed under the Interior Region and request the Joint Board to do so.

**PROPOSED BY:** Stony/Holitna Fish and Game Advisory Committee (EJ-F18-745)  
\*\*\*\*\*

**PROPOSAL 5 - 5 AAC 96.021. Establishment of advisory committees.** Designate two seats on the Stony/Holitna Advisory Committee for the community of Georgetown as follows:

- (D) Stony/Holitna (10 [8] members)
- Sleetmute 2 representatives
- Lime Village 2 representatives
- Stoney River 2 representatives
- Red Devil 2 representatives
- Georgetown 2 representatives**

**What is the issue you would like the board to address and why?** Georgetown Tribal Council requests admission to the Stony/Holitna Advisory Committee to help develop and evaluate regulatory proposals, represent Georgetown interests for fish and wildlife conservation and management, and to increase communication with stakeholders.

**PROPOSED BY:** Georgetown Tribal Council (HQ-F18-002)  
\*\*\*\*\*

**PROPOSAL 6 – 5 AAC 96.021. Establishment of advisory committees and 5 AAC 97.005. Areas of jurisdiction for advisory committees.** Dissolve the Lake Minchumina Advisory Committee as follows:

5 AAC 96.021. Establishment of advisory committees. (a) The following local fish and game advisory committees are established:

...

(6) in the Interior Alaska Region: Central, Middle Nenana River, Delta, Eagle, Fairbanks, [LAKE MINCHUMINA,] Middle Yukon, Grayling/Anvik/Shageluk/Holy Cross, Koyukuk, McGrath, Ruby, Tanana/Rampart/Manley, Minto/Nenana, Upper Tanana/Fortymile, Yukon Flats.

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5 AAC 97.005. Areas of jurisdiction for advisory committees.

....

(3) game

...

(D) Northern Alaska

...

(6) in the Interior Alaska Region: Central, Middle Nenana River, Delta, Eagle, Fairbanks, [LAKE MINCHUMINA,] Middle Yukon, Grayling/Anvik/Shageluk/Holy Cross, Koyukuk, McGrath, Ruby, Tanana/Rampart/Manley, Minto/Nenana, Upper Tanana/Fortymile, Yukon Flats.

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5 AAC 97.005

....

(3)

(i) in Game Management Unit 19 described in 5 AAC 92.450(19), the McGrath Advisory Committee, Central Kuskokwim Advisory Committee, Lower Kuskokwim Advisory Committee, Bethel Advisory Committee, [LAKE MINCHUMINA ADVISORY COMMITTEE] Anchorage Advisory Committee and Stony/Holitna Advisory Committee have concurrent jurisdiction;

(ii) in Game Management Unit 20 described in 5 AAC 92.450(20), the Central Advisory Committee, Fairbanks Advisory Committee, Middle Nenana River Advisory Committee, Paxson Advisory Committee, Tok Cutoff/Nabesna Road Advisory Committee, Eagle Advisory Committee, Denali Advisory Committee, Delta Advisory Committee, Yukon Flats Advisory Committee, [LAKE MINCHUMINA ADVISORY COMMITTEE,] Tanana/Rampart/Manley

Advisory Committee, Minto/Nenana Advisory Committee, and Upper Tanana/Fortymile Advisory Committee have concurrent jurisdiction;

(iii) in Game Management Unit 21 described in 5 AAC 92.450(21)(D), the Ruby Advisory Committee, Galena Advisory Committee, Middle Nenana River Advisory Committee, Central Kuskokwim Advisory Committee, Lower Yukon Advisory Committee, Koyukuk Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory Committee, Fairbanks Advisory Committee, [LAKE MINCHUMINA ADVISORY COMMITTEE,] Tanana/Rampart/Manley Advisory Committee, and Stony/Holitna Advisory Committee have concurrent jurisdiction;

**What is the issue you would like the board to address and why?** This proposal seeks to dissolve the Lake Minchumina advisory committee. The committee has not met since 1992. The population of this community has been on a downward trend since 2000 with the current population estimate at 11 individuals. Boards Support notified residents in Lake Minchumina of the proposal to encourage their comments for joint board consideration. The joint board has the option of moving the community to another nearby committee.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-008)  
\*\*\*\*\*

**PROPOSAL 7 - 5 AAC 96.021. Establishment of advisory committees.** Reduce the membership for the Lake Iliamna Advisory Committee to ten and add designations for the communities of Pope Vannoy Landing and Port Alsworth as follows:

Amend 5 AAC 96.021(c)(3)(C) to read:

**Lake Iliamna**

<b><u>Iliamna</u></b>	<b><u>1 representative</u></b>
<b><u>Nondalton</u></b>	<b><u>1 representative</u></b>
<b><u>Pedro Bay</u></b>	<b><u>1 representative</u></b>
<b><u>Kokhanok</u></b>	<b><u>1 representative</u></b>
<b><u>Igiugig</u></b>	<b><u>1 representative</u></b>
<b><u>Newhalen</u></b>	<b><u>1 representative</u></b>
<b><u>Port Alsworth</u></b>	<b><u>1 representative</u></b>
<b><u>Pope Vannoy Landing</u></b>	<b><u>1 representative</u></b>
<b><u>Undesignated</u></b>	<b><u>2 representatives</u></b>

[LAKE ILIAMNA	
ILIAMNA	3 REPRESENTATIVES
NONDALTON	2 REPRESENTATIVES
PEDRO BAY	1 REPRESENTATIVE
KOKHANOK	1 REPRESENTATIVE
IGIUGIG	1 REPRESENTATIVE

NEWHALEN  
UNDESIGNATED

1 REPRESENTATIVE  
6 REPRESENTATIVES]

**What is the issue you would like the board to address and why?** The Lake Iliamna Advisory Committee (AC) believes that with current population conditions, it is adequate for each community represented by the committee to have one designated seat. The AC would also like to see Port Alsworth, and Pope Vannoy be included among the communities with designated seats. Having a ten-member committee allows the AC to vary the location of their meetings without concern over sacrificing travel efficiency. To maintain a ten-member committee, the number of undesignated seats would be set at two.

If the AC had all 15 of its current seats filled it would take multiple aircraft or multiple trips with one aircraft to move the committee for a face-to-face meeting. This can cause both logistical issues, and budget issues.

There are a limited number of aircraft in the Lake Iliamna area that are available to the AC for charter in accordance with the state charter list. The most common aircraft types available to the committee are the Cessna 206 and Cessna 207, which can generally accommodate five passengers. With advanced planning, there is also access to a Cessna 208, which can accommodate up to nine passengers.

Many AC meetings take place during the winter when daylight hours are short. Being able to travel efficiently allows for single-day meetings, which are preferable for budgetary reasons, but also because both commercial accommodations and the amount of time a member is able to commit to a meeting are often limited.

**PROPOSED BY:** Lake Iliamna Fish and Game Advisory Committee (HQ-F18-005)

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**PROPOSAL 8 - 5 AAC 96.021. Establishment of advisory committees.** Establish seat designations for the Naknek/Kvichak Advisory Committee as follows:

**(G) Naknek/Kvichak**

<b><u>Levelock</u></b>	<b><u>1 Representative</u></b>
<b><u>South Naknek</u></b>	<b><u>1 Representative</u></b>
<b><u>Undesignated</u></b>	<b><u>13 Representatives</u></b>

**What is the issue you would like the board to address and why?** The Naknek/Kvichak Advisory Committee (committee) is established in the Southwest Region with 15 members and without any specific seat designations under 96.021(c). The committee currently chooses to designate one seat each for the communities of Levelock, and South Naknek. This proposal seeks to add designated community seats for these communities to reflect current practice of the committee. Doing this will allow these communities to hold local elections for these seats and appoint alternates.

**PROPOSED BY:** Everett Thompson

(HQ-F18-001)

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**PROPOSAL 9 - 5 AAC 96.021. Establishment of advisory committees.** Change the name of the Kotzebue Advisory Committee to Kotzebue Sound Advisory Committee as follows:

5 AAC 96.021. Establishment of advisory committees.

...

(c) the following committees are identified as representing more than one community, or additionally, as having less than 15 members, and the following seats on the committee are designed for each community:

...

(5) in the Arctic Alaska Region: Northern Norton Sound, Kotzebue **Sound**, Northern Seward Peninsula, Upper Kobuk, Lower Kobuk, Noatak/Kivalina, North Slope, St. Lawrence Island, Southern Norton Sound; and

...

**What is the issue you would like the board to address and why?** When the advisory committee for Kotzebue was named and documents were forwarded to the Joint Board, the word "sound" was inadvertently left out. The reason the committee wanted to be named the Kotzebue Sound Advisory Committee is because there are permanent and seasonal camps all around the Sound and Kotzebue residents want to include sound residents in order that they might serve on the advisory committee as well. The Regional Regulatory Program Assistant was vacant for a time and other program assistants were asked to complete an annual report. They were the ones that questioned why we called ourselves the Kotzebue Sound Advisory Committee when regulation has it listed as Kotzebue Advisory Committee.

**PROPOSED BY:** Alex Whiting

(EJ-F18-746)

\*\*\*\*\*

**PROPOSAL 10 - 5 AAC 96.021. Establishment of advisory committees.** Reduce the number of undesigned seats for advisory committees in the Arctic region as follows:

5 AAC 96.021. Establishment of advisory committees.

....

(c) The following committees are identified as representing more than one community, or additionally, as having less than 15 members, and the following seats on the committee are designed for each community:

...

(5) in the Arctic Alaska Region:

...

(B) Northern Seward Peninsula **(9 members)**

Buckland	3	representatives
Deering	2	representatives
Undesignated	<b>4</b> [10]	representatives

...

(D) Lower Kobuk **(11 members)**

Noorvik	3	representatives
Kiana	2	representatives
Selawik	3	representatives
Undesignated	<b>3</b> [7]	representatives

(E) Noatak/Kivalina **(9 members)**

Noatak	3	representatives
Kivalina	2	representatives
Undesignated	<b>4</b> [10]	representatives

**What is the issue you would like the board to address and why?** There are a number of undesignated seats in the Arctic Alaska region that go unfilled. This proposal suggests lowering the number of undesignated seats in three of the Arctic advisory committees to reflect current membership. Boards Support will encourage comment from each of the committees for joint board consideration on the suggested seat change.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-023)  
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**PROPOSAL 11 - 5 AAC 96.020. Creation of local fish and game advisory committees.**  
Consolidate regulations addressing the creation of advisory committees as follows:

5 AAC 96.020. Creation **and distribution** of local fish and game advisory committees. **The joint board will, to the extent feasible, establish and locate committees to allow an opportunity for all residents of the state to participate in the regulatory system.** The joint board may establish an advisory committee that represents fish and game user groups in the area served by the committee as required in 5 AAC 96.060(e)(1). A group of 25 interested people may request the joint board to create a committee. When considering a request to create a committee, the joint board will consider the factors set out in 5 AAC 96.420. A committee must be approved by the joint board before starting its operations.

**(1) The joint board will appoint the original five members of a committee.**

**(2) A committee shall begin its duties when the joint board appoints the first five members.**

...

5 AAC 96.060(e)

(2): **Repealed** \_\_/\_\_/\_\_. [THE JOINT BOARD WILL APPOINT THE ORIGINAL FIVE MEMBERS OF A COMMITTEE.]

...

(6): **Repealed** \_\_/\_\_/\_\_. [A COMMITTEE SHALL BEGIN ITS DUTIES WHEN THE JOINT BOARD APPOINTS THE FIRST FIVE MEMBERS.]

....

5 AAC 96.410. **Repealed** \_\_/\_\_/\_\_. [DISTRIBUTION OF LOCAL FISH AND GAME ADVISORY COMMITTEES. REPEALED. THE JOINT BOARD WILL TO THE EXTENT FEASIBLE, ESTABLISH AND LOCATE COMMITTEES TO ALLOW AN OPPORTUNITY FOR ALL CITIZENS OF THE STATE TO PARTICPATE IN THE REGULATORY SYSTEM]

**What is the issue you would like the board to address and why?** The joint board has the authority to create advisory committees. Currently regulatory guidance to create committees exists in four locations throughout the regulations. This proposal seeks to combine that guidance into initial instructions under 5 AAC 96.020.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-006)  
\*\*\*\*\*

**PROPOSAL 12 - 5 AAC 92.020. Creation of local fish and game advisory committees.**  
Require members to reside within the committee’s geographic area as follows:

Add language clearly stating advisory committee members must reside within the geographic area corresponding with each advisory committee.

**What is the issue you would like the board to address and why?** Current regulations are not clear on whether advisory committee members must reside in the geographic area corresponding with each advisory committee. This could result in individuals sitting on a committee who live in a completely different area of the state and lack local knowledge, and dilute local participation as contemplated in the regulations.

**PROPOSED BY:** Rebecca Skinner (EJ-F18-775)  
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## Areas of Jurisdiction and Emergency Closures

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**PROPOSAL 13 - 5 AAC 97.005. Areas of jurisdiction for advisory committees.** Change the advisory committees having jurisdiction for the Cook Inlet-Resurrection Bay area by removing Mt. Yenlo and Denali Advisory Committees as follows:

(1) finfish

...

(E) Cook Inlet-Resurrection Bay

(i) all waters of Alaska north of the latitude of Cape Douglas and west of a longitude of Cape Fairfield;

(ii) fish and game advisory committees with concurrent jurisdiction are Seward Advisory Committee, Cooper Landing Advisory Committee, Kenai/Soldotna Advisory Committee, Homer Advisory Committee, Anchorage Advisory Committee, Matanuska Valley Advisory Committee, Central Peninsula Advisory Committee, Seldovia Advisory Committee, and Tyonek Advisory Committee.

**What is the issue you would like the board to address and why?** Reduce the number of fish and game advisory committees with concurrent jurisdiction in the Cook Inlet-Resurrection Bay finfish subchapter to reflect advisory committees actually located in that watershed. Remove the Mt Yenlo and Denali Advisory Committees from jurisdiction in the Cook Inlet-Resurrection Bay regulatory area.

**PROPOSED BY:** Seward Fish and Game Advisory Committee (EJ-F18-756)  
\*\*\*\*\*

**PROPOSAL 14 - 5 AAC 97.005. Areas of jurisdiction for advisory committees.** Update the area of jurisdiction for westward area king crab to include the Kotzebue Fish and Game Advisory Committee as follows:

5 AAC 97.005 (2) is amended to read:

...

(E) westward area king crab

(iv) in king crab Area Q described in 5 AAC 34.900, the Kodiak Advisory Committee, Chignik Advisory Committee, Sand Point Advisory Committee, King Cove Advisory Committee, False Pass Advisory Committee, Unalaska Advisory Committee, [AND] Northern Norton Sound Advisory Committee, and the Kotzebue Advisory Committee have concurrent jurisdiction;

...

**What is the issue you would like the board to address and why?** There is a subsistence king crab fishery in waters of Kotzebue Sound. However, the Kotzebue Fish and Game Advisory Committee is not listed anywhere in regulation as having jurisdiction for purposes of emergency closures on taking shellfish during established seasons.

**PROPOSED BY:** Alaska Department of Fish and Game. (HQ-F18-022)

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**PROPOSAL 15 - 5 AAC 97.010. Advisory committee emergency closures.** Amend the emergency closure process to exclude advisory committees that have not meet within the last three years as follows:

5 AAC 97.010. Advisory committee emergency closures

...

(b) After initiation of an emergency closure by a committee, a majority of the members of a majority of the **active** committees in the affected area of jurisdiction described in 5 AAC 97.005 must, by affirmative vote, ratify the action. **For the purpose of this section, “active committees” are those committees that have met in a regular or special meeting within the last three years.**

A committee member may not vote by proxy or delegation. An emergency closure initiated by a committee is not effective until reviewed by the commissioner under (c) and (d) of this section and until field announcement is made under (f) of this section.

**What is the issue you would like the board to address and why?** The current process for committees to enact emergency closures requires a majority of the committees in an area to vote in the affirmative for a closure. While it is improbable that committees will be able to form in the summer in enough mass to trigger an emergency closure action, with the current language it is impossible in some regions. In the Southeast Alaska region there are 23 committees, but only seven have met in recent years. Many have not responded to Boards Support letters of interest.

This proposal recommends the emergency closure language be amended to require affirmative vote of those committees that have met within the last three years.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-021)

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## Function and Uniform Rules of Operation

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**PROPOSAL 16 - 5 AAC 96.050. Functions of local fish and game advisory committees.** Expand the functions of the advisory committees to encourage the involvement of youth and elders as follows:

**5 AAC 96.050. Functions of local fish and game advisory committees.** A committee may

- (1) Develop regulatory proposals for submission to the appropriate board;
- (2) Evaluate regulatory proposals submitted to them and make recommendations to the appropriate board;
- (3) Provide a local forum for fish and wildlife conservation and use, including any matter related to fish and wildlife habitat; and
- (4) repealed
- (5) repealed;
- (6) cooperate and consult with interested persons and organizations, including government agencies, **and encourage youth and elder involvement in committee activities,** to accomplish (1) – (5) of this section.

**What is the issue you would like the board to address and why?** For many committees, membership has slow turnover and young residents, particularly in rural communities, are not involved with the committee activities. This proposal provides support for committees to incorporate more youth involvement in their business operations. It also turns to elder encouragement and guidance of advisory activities and involvement.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-010)  
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**PROPOSAL 17 - 5 AAC 96.060. Election procedures.** Reorder and clarify the election procedures under the uniform rules of operation for advisory committees as follows:

**(e) Membership**

(1) Each committee must have at least five but not more than 15 members. The joint board may limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee. To the extent practicable, at least three user groups must be represented on each committee, and membership must include representatives from each town or village located in the area that the committee represents. To ensure full representation of an area, the joint board may assign a seat on the committee to represent a specific user group or specific community.

**(2) A newly-elected member that is filling a**

(a) vacated seat, begins serving immediately and has immediate voting and membership privileges;

(b) seat of a member whose term is expiring will be seated at the first committee meeting that is held after the date that the term of the previous member expires.

*{Delete all of paragraphs (E)(2)-(8), with the exception of sections (4)(A) and (B) which are added to (e) Membership.}*

(g) Elections Procedures.

(1) Vacancy. A committee shall give at least 14 days public notice of an election meeting due to a vacancy. A chairman shall declare a vacancy on a committee when any of the following occurs:

(a) a member's death, resignation, or refusal to accept election;

(b) a member's absence from three consecutive, duly noticed meetings without reasonable justification, as determined by a majority vote of the committee; or

(c) a member's removal by the joint board for cause.

(2) Nomination. The committee may set a time period during which the committee will accept nominations and shall give adequate public notice of the time when announcing vacancies and elections under this section. Any committee member or resident of the area served by the committee as defined by 96.910(10) may submit a nomination.

(3) Place of election. Undesignated seats as defined in 5 AAC 96.021(c) will be elected at a committee meeting with proper notice given when announcing vacancies and elections. Elections for a community seat specified in 5 AAC 96.021(c) may take place in the community for which the seat is specified.

(4) Quorum requirements for elections:

(a) For advisory committees listed in 5 AAC 96.021(a) and not listed in 5 AAC 96.021(c) and for those committees listed in 5 AAC 96.021(c) with no community designated seats, a quorum is not needed to accept nominations and conduct elections consistent with this section.

(b) For those advisory committees listed in 5 AAC 96.021(c) with community designated seats, a quorum is not needed to accept nominations and conduct elections consistent with this section.

(c) For those advisory committees listed in 5 AAC 96.021(c) that have both designated community seats and undesignated seats, elections for undesignated seats are to be held at a duly noticed committee meeting at which a quorum is present.

**(5) Elections. Each committee member, and each voting-age resident of the area of committee jurisdiction as defined in 96.901(10), may vote on a nomination for membership. Nominees receiving the most votes are elected.**

**(6) Election results.** A committee shall forward election results, and each newly-elected or re-elected member shall forward a new member form, to the appropriate regional office of the board support section not later than 30 days after the election. A newly-elected or re-elected member loses membership status if the member fails to submit a new member form within 30 days after the election.

**(7) Alternates.** Each advisory committee may appoint two alternates. However, any member of an advisory committee who is the sole representative from a **community** [VILLAGE OR TOWN] may also appoint an alternate. Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. If an advisory committee appoints an alternate from the remaining nominees from an election, the alternate may fill a vacancy on the advisory committee throughout the year. [, IF THE ELECTION RESULTS ARE MAINTAINED FOR THE RECORD.]

...

**5 AAC 96.910. Definitions.** In 5 AAC 96 - 5 AAC 99

...

**(10) "'resident" for the purposes of the advisory committee election procedures under 5 AAC 96.060(g), means a resident of the area served by the committee if the person is a resident as defined in AS 16.05.940 who maintains a domicile in the area served by a committee described in 5 AAC 97.005.**

**What is the issue you would like the board to address and why?** Current regulations for the uniform rules of operation instruct how committees are to conduct elections, determine vacancies, nominate members, provide public notice, establish quorum for elections, determine election locations, and report election results. The layout of these regulations is scattershot, likely reflecting amendments overtime that are now difficult to administer. This proposal seeks to create a new section for election procedures, aligning it in a linear fashion to remove ambiguity for staff and committee members when approaching this important committee function. Further clarity is provided by removing redundant provisions and updating provisions to reflect current practices.

Given the breadth of this proposal, the following explanations offer changes by sections.

**Membership:** This proposal retains current language under paragraph 1, and deletes all other language related to vacancies, nominations and elections. It incorporates existing wording giving instruction that a member elected to fill a vacant seat serves the remainder of the vacant seat's term. The department recommends changes to membership as a separate proposal from election procedures under Proposal 18.

Vacancy: 1) The new language ties the announcement of vacancies to the same public notice which announces nominations and elections. This is a consistent practice across the committees. The department recommends other changes to committee vacancies as a separate proposal from election procedures under Proposal 20.

Nomination: Nomination provisions in the advisory committee uniform rules of operation provide instructions for how committees collect nominations and schedule meetings thereafter. There is also language explaining who may nominate members that involves definitions of residency. None of the committees currently employ a two-stage nomination process. When undesignated seats are up for election, the committee notices the vacancy and election and asks for nominations. Those nominations are received at the meeting and voted on at the time. While some committees may have the ability to stage multiple meetings to consider nominations it is not a practice. The changes to this section removes this language to make the election and nomination process concise and less confusing.

Quorum for elections: Quorum for the purposes of holding elections varies based on the type of seat as defined in 5 AAC 96.021. The current regulations say that quorum is not necessary for an election meeting unless it is for an undesignated seat. There are nuances to “types of seats” that create confusion in interpreting this requirement. Making quorum should not be required for most advisory committee elections. The section breaks out existing quorum guidance for election meetings. It also adds a new clarification that quorum is not needed for committee elections when membership is less than 15 members but consists solely of undesignated seats such as the Bethel committee.

1. For community designated seats most, if not all, of those elections are held in communities where the meeting is not occurring. It is sensible that quorum is not required for community designated seats.
2. For those advisory committees that have nothing but undesignated seats under 5 AAC 96.021(c) there may be times when elections must occur because they are without enough current members to make quorum. Therefore, the election is necessary to make quorum. Usually this is not the case, but it could occur.
3. For those advisory committees with a mix of community designated and undesignated seats, a quorum is required.

Place of Election and Elections: For clarity it is recommended these sections are broken out from where they currently are in the 5 AAC 96.060(e)(3). There are no other changes to this section.

Alternates: The alternates language would be placed after election instructions. The changes for clarity are minor. The word “community” which is used throughout the regulations, replaces “village and town”. Also removed is a reference that suggests election results are not kept.

Definition for Resident: Currently, references to residency definitions are found in the nomination and election sections. These definitions are somewhat different. It will help interpretation to establish a single definition in the definition section and simply refer to that in the rules of

operations. The new definition for resident also makes a technical change for using the word “domicile” instead of “abode”. Domicile is used in statute.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-011)  
\*\*\*\*\*

**PROPOSAL 18 - 5 AAC 96.060. Uniform rules of operation.** Clarify the provision that advisory committees may not refuse membership to a nominee as follows:

5 AAC 96.060. Uniform rules of operation.

....

(3) Each committee member, and each voting-age resident of the area of committee jurisdiction under 5 AAC 97.005 who attends a committee election, may vote on a nomination for membership. Nominees receiving the most votes are elected. Except as otherwise provided in this paragraph, a committee need not establish a quorum to elect a new member. The election for a seat specified in 5 AAC 96.021(c) may take place in the community for which the seat is specified. An undesignated seat may be filled at a regularly scheduled committee meeting if a quorum is present. A committee may not refuse membership to a nominee **for undesignated seats** if committee membership is less than the number of members authorized by the joint board.

**What is the issue you would like the board to address and why?** In the election rules there is a provision that says a committee may not refuse membership of someone if there are available seats. This prevents an interested and qualified person from being barred from service for arbitrary reasons. This proposal supports this intent but limits its use to non-community seats because there are occasions when a committee may not strongly promote community positions and is pressured to fill community seats with individuals not from those communities.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-014)  
\*\*\*\*\*

**PROPOSAL 19 - 5 AAC 96.060. Uniform rules of operation.** Simplify the process for removing advisory committee members for having unjustifiable absences from meetings as follows:

There are a few simple solutions to this issue. If the affected member does not respond within X number of days to a written request from Department of Fish and Game Boards Support, then it should just automatically happen. Otherwise either a Board of Fisheries or a Board of Game chairman could approve removal, or Boards Support staff could approve the removal of a non-participant in a committee.

**What is the issue you would like the board to address and why?** With the lack of timely joint board meetings, the process for removing someone from an advisory committee’s roster is not a simple thing to achieve. When an advisory committee votes to remove a member for more than three unexcused absences, it should be easier to remove them than having a joint board meeting convene. The reason why this is such an issue is it may be difficult to reach a quorum because of

a lack of attendance by some individuals who may have quit the advisory committee but not given notice.

**PROPOSED BY:** Kenai/Soldotna Fish and Game Advisory Committee (EJ-F18-760)  
\*\*\*\*\*

**PROPOSAL 20 - 5 AAC 96.060. Uniform rules of operation.** Amend the removal for cause provisions as follows:

5 AAC 96.060. Uniform rules of operation.

....

(n) Removal for Cause. The joint board may remove any member of a committee for cause upon the written request of the majority of all members serving on the committee setting out the reasons for the requested removal. As used in this subsection, "cause" includes

[~~(1)~~] UNJUSTIFIABLE ABSENCE FROM THREE CONSECUTIVE MEETINGS;

~~(2)~~ **(1)** conviction of a crime or imposition of an administrative disciplinary action for behavior inconsistent with the responsibility of a fish and game advisory committee membership within the preceding five years;

~~(2)~~ **(3)** serious and substantial disregard for or violation of the provisions of this chapter or 5 AAC 97 governing the committee system, including conduct warranting the imposition of disciplinary measures under Robert's Rules of Order; or

~~(3)~~ **(4)** failure, at any time, to meet the qualifications for committee membership.

**What is the issue you would like the board to address and why?** The Uniform rules of operation provide provisions for removal of committee members. One provision for removal is failure to attend three consecutive meetings without justification which appears in subsection (g) Vacancy and (n) Removal for cause. The vacancy provision affords the committee chair the ability to remove a committee member from a seat. The removal for cause provision gives authority to the joint board.

These provisions cause confusion. May a committee declare a vacancy for attendance issues, or does it need to wait for joint board action? The department recommends the authority exist with the committees. Unlike more subjective reasons such as a violation of law or behavior unbecoming an AC member, missing meetings without a good excuse is clear and an individual can easily correct the deficiency to maintain current membership status.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-015)  
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**PROPOSAL 21 - 5 AAC 96.060. Uniform rules of operation.** Amend the advisory committee vacancy rules as follows:

**5 AAC 96.060. Uniform rules of operation.**

....

(g) Vacancy. A committee shall fill a vacancy through nomination and election under (e) of this section. A committee shall give at least 14 days' public notice of a vacancy. The member elected to fill a vacant seat serves the remainder of the vacant seat's term.

**(1)** A chairman shall declare a vacancy on a committee when any of the following occurs:

**(ii [1])** a member's death, resignation, or refusal to accept election; **or**

**(iii [2])** a member's absence from three consecutive, regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; or

**(iv [3])** a member's removal by the joint board for cause.

**(2) A chairman may declare a vacancy on a committee when a member's term is set to expire or has expired.**

**What is the issue you would like the board to address and why?** Vacancy provisions in the Uniform rules of operation do not allow a committee to compel an election for a community designated seat under 5 AAC 96.021(c).

This proposal allows the chairman to declare a vacancy for a member who has not been duly elected but remains in the seat per the allowances under the Terms of Members section which says, "Terms commence on July 1 and expire on June 30 of the year designated or until a successor has been duly elected at the next committee meeting."

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-012)  
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**PROPOSAL 22 - 5 AAC 96.060. Uniform rules of operation.** Allow advisory committee members to discuss and vote by email, excluding actions for antlerless moose reauthorizations or emergency order closures, as follows:

Adding a new section in 5 AAC 96.060.

**(xx) Voting: When it is impractical for a committee to meet as a whole on a fish or game issue, the chair or his or her designee may allow discussion and a vote on a particular issue through electronic transmissions (email).**

**(1) All members of the committee, and the Boards Support coordinator for that committee, shall be included in the electronic transmission.**

**(2) Votes on antlerless moose authorization or emergency order applications shall not be**

taken through electronic transmissions.

(3) A formal record of the action taken by the committee shall be recorded at its next regularly scheduled meeting.

**What is the issue you would like the board to address and why?** Advisory committees (committees) many times a year have a hard time complying with or fulfilling their obligations in 5 AAC 96.010 Establishment of local fish and game advisory committees. Many committees have a hard time assembling together as many times as necessary to make informed comments and vote on fish and game issues. Things like budget, distance between members, and availability of meeting places are some of the most common issues hindering formal committee meetings. Also, for committees that do have regular meetings, there are many issues that come up between meetings that immediately need to be addressed by the committee. We are proposing that modern technology be allowed to aid in the collection and expressions of opinions, voting and recommendations on matters relating to fish and wildlife resources. We also recognize that committees do not have regulatory authority, other than antlerless moose authorization and emergency order authority. Many of the criteria laid out in AS 44.62 do not pertain to a non-regulatory board, committee or group.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-765)

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**PROPOSAL 23 - 5 AAC 96.060. Uniform rules of operation.** Provide guidance for advisory committee actions having abstentions as follows:

5 AAC 96.060. Uniform rules of operation.

....

(q) Quorum. A majority of all the members serving on a committee constitutes a quorum for the transaction of business. Every action or decision of a majority of the members present at a duly held meeting of a committee, at which a quorum is present, is an act of the committee.

(r) Rules of Meetings. Meetings of a committee will, to the extent practicable, be conducted according to the latest edition of Robert's Rules of Order. A committee may implement the disciplinary measures in Robert's Rules of Order except for permanent removal of a member for cause under (n) of this section. **Notwithstanding voting requirements in (q) of this section, advisory committees may report abstention votes to not count as a "no" vote if the intent is clearly are stated in the recommendation with an explanation for the action. If abstention votes are recorded, the action or decision by a majority of the remaining members voting will carry a vote.**

**What is the issue you would like the board to address and why?** There are committees that commonly use abstentions when developing recommendations to the board. These committees may choose to exclude the abstention votes from the vote tally instead of counting them as "no" votes which at times, may cause them to be noncompliant with 5 AAC 96.060(q) Quorum, which directs

... Every action or decision of a majority of the members present at a duly held meeting of a committee, at which a quorum is present, is an act of the committee.”

Roberts Rules of Order allows abstentions in certain circumstances. A common reason committees indicate they use abstentions is when certain members do not find themselves knowledgeable in a subject, but do not want the vote of the knowledgeable members to be nullified.

Further confusion persists from 5 AAC 96.060(r) Rules of the meetings, which directs advisory committees to conduct business in accordance to Roberts Rules of Order to the extent practicable. Under Roberts Rules of Order, abstentions can count as “no” votes, or not be counted at all.

This proposal clarifies that if committees choose not to show abstentions as part of the vote tally, they will not be in contradiction with the quorum and action requirements under 96.060(r). A decision by the joint board regarding the use or discontinuation of this practice is appreciated.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-017)  
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**PROPOSAL 24 - 5 AAC 96.060. Uniform rules of operation.** Add language to clarify advisory committee meetings are subject to the Open Meetings Act and modify noncompliant provisions as follows:

5 AAC 96.060. Uniform rules of operation.

....

(o) Meetings. **Advisory committees are considered governing bodies in accordance with the Open Meetings Act in AS 44.62.310.**

(1) Regular meeting. A committee shall meet at least twice a year to remain active under 5 AAC 96.450. A committee may meet at times appropriate to the process described in 5 AAC 96.610, and at other times to formulate regulatory proposals, review and comment on proposals, and consider matters appropriate to the committee's functions under 5 AAC 96.050. A chairman, **the department, or two members of the committee** [OR A MAJORITY OF THE FULL COMMITTEE MEMBERSHIP] may call a regular meeting.

(2) Special meeting. A chairman, **the department, or two members of the committee** [OR A MAJORITY OF THE FULL COMMITTEE MEMBERSHIP] may call a special meeting at which any person may submit a statement to the committee on any matter relating to the committee's functions under 5 AAC 96.050 or 5 AAC 96.060(g), (h), or (m).

....

(s) Record of Meetings. Preliminary recommendations of each committee meeting shall be recorded in writing and forwarded to the boards support section not later than 30 days after the meeting. Before an advisory committee chair or a designee will be allowed to represent the

advisory committee before the joint board, the Board of Fisheries, or the Board of Game, the appropriate board may require that the advisory committee submit to the respective board a set of the committee's written recommendations relevant to the topic of the board meeting. **In the event a committee is unable to approve recommendations in a duly noticed meeting with quorum, the committee shall appoint a member other than the secretary who will provide a preliminary approval of the recommendations.**

**What is the issue you would like the board to address and why?** This proposal seeks to amend provisions in the current regulations for committee meetings which may be in violation of the Open Meetings Act found in AS 44.62.310. The department recommends for the purpose of clarity and to assure compliance with the Act that a few changes are made to these sections. The proposal also provides language to assist committees with calling a meeting for those that have not met in a long time and no longer have members to call a meeting. With this scenario it appears providing the department the ability to call a meeting may be a way to kick-start dormant committees.

Finally, recent court findings dictate the use of email polls to conduct business is a violation of the Act. This was found related to the board's use of email polls to call meetings to review emergency petitions, but also applies to committees when they are compelled to approve preliminary recommendations for upcoming board meetings before they have an opportunity to meet in full. To address this pressing need, the proposed regulation contemplates a committee appoint someone other than the secretary to approve preliminary recommendations that may later be approved in final by the committee.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-016)  
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**PROPOSAL 25 - 5 AAC 96.060. Uniform rules of operation.** Remove redundant provisions for advisory committee officer regulations and clarify duties of the secretary as follows:

5 AAC 96.060. Uniform rules of operation.

....

(i) Officers. The officers of a committee consist of a chairman, a vice-chairman, and a secretary. The term of office for officers is two years starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. **Officers are elected by a majority vote of a quorum of a committee.**

(j) Chairman. The chairman [IS ELECTED BY A MAJORITY VOTE OF A QUORUM OF THE COMMITTEE AND] is the presiding officer. [A CHAIRMAN MUST MEET THE QUALIFICATIONS SET OUT IN 5 AAC 96.040.]

(k) Vice-chairman. The vice-chairman [IS ELECTED BY A MAJORITY VOTE OF A QUORUM OF THE COMMITTEE AND] shall assist the chairman and assume chairman's duties when the chairman is absent.

(l) Secretary. The secretary [IS ELECTED BY A MAJORITY VOTE OF A QUORUM OF THE COMMITTEE AND] may be, but need not be, a member of the committee. The secretary shall carry out the usual duties associated with the office **including maintaining records of the meetings in accordance with 5 AAC 96.060(s)**. If the secretary is not a committee member, the secretary has no vote on committee business other than nominations for committee membership.

**What is the issue you would like the board to address and why?** Officer provisions are listed in the Uniform rules of operation. This proposal recommends the removal of redundant language for requiring a quorum of membership to elect officers; it also removes unnecessary wording about the chair having to meet the qualifications for membership which is already required under 5 AAC 96.040.

Finally, because there is often reluctance by committee members to handle the recordkeeping duties of the secretary despite this arguably being the most important officer position, this proposal clarifies taking meeting minutes as a requirement of the position.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-013)  
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## Administration of Advisory Committees

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**PROPOSAL 26 - 5 AAC 96.XXX. New regulation.** Schedule certain requests for advisory committees to be acted upon by each board during regularly scheduled meetings as follows:

**5 AAC 96.XXX Joint Board meetings.**

**When Boards Support receives a request in accordance with 5 AAC 96.410 – 5 AAC 96.450 for the joint board to review.**

**(1) The request will be scheduled for a Board of Fisheries and a Board of Game meeting that year.**

**(2) Each board will have the request publicly noticed on their agenda at a regularly scheduled meeting. Each board will take action on the request and forward their actions to Boards Support.**

**(3) Boards Support will combine the action from each board and publicly notice the action of the boards acting jointly.**

What is the issue you would like the board to address and why? Reducing potential Joint Board meetings. We believe there should be a new section added to 5 AAC 96 addressing boards acting jointly on advisory committee (AC) issues. This new section would reduce costs to Boards Support and the boards. It would also address AC issues in a timelier manner.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-761)

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**PROPOSAL 27 - 5 AAC 96.450. Committee status and change of status.** Remove the concept of “active” and “inactive” committees as follows:

5 AAC 96.450. Committee status and change of status

(a) **Repealed** / / . [A COMMITTEE IS ACTIVE IF THE COMMITTEE FORWARDS RECOMMENDATIONS FROM AT LEAST TWO MEETINGS PER YEAR TO THE APPROPRIATE REGIONAL OFFICE OF THE BOARDS SUPPORT SECTION.]

(b) **Repealed** / / . [THE JOINT BOARD MAY PLACE A COMMITTEE ON AN INACTIVE LIST BY COMMITTEE REQUEST OR JOINT BOARD ACTION. THE COMMITTEE MAY REACTIVATE BY HOLDING A MEETING AND INFORMING THE JOINT BOARD OF THE COMMITTEE'S ACTIVE STATUS THROUGH COMMITTEE RECOMMENDATIONS.]

(c) Committees may merge if each affected committee votes to request merger, and if the joint board determines that the merger should occur, after considering the factors set out in 5 AAC 96.420.

(d) The joint board may merge a[N] **dormant** [INACTIVE] committee with a[N] [ACTIVE] committee if the **boards support section** [JOINT BOARD] gives the committees notice of the

proposed merger, if the **dormant** [INACTIVE] committee does not express an intention to **meet** [REACTIVATE] or if the committee does not do so within a reasonable time after notice, and if the joint board determines that the merger should occur, after considering the factors in 5 AAC 96.420.

(e) The joint board may dissolve a committee if the committee has been **dormant** [INACTIVE] for two years and fails to respond to **boards support section** [JOINT BOARD] inquiries about the committee's desire to remain in existence. The joint board may dissolve a committee for failure to act in accordance with the provisions of this chapter and 5 AAC 97.

**What is the issue you would like the board to address and why?** There are currently 84 committees. Most are active. In any given year generally 60 or more hold meetings. There are some committees that have not met in over ten years and longer. There is merit to considering the elimination of these dormant committees, but in truth they pose little complication save for the public perception of disinterest. Most of these dormant advisory committees are in the Southeast Alaska region. If the department wrote proposals to dissolve these committees, it would likely lead to a number of reactivation meetings for the sole purpose of expressing a desire to stay on the books.

In addition, Boards support spends considerable time wrestling administratively with what to do with “inactive advisory committees” and in particular the “inactive list” which is supposedly created by the joint board. It is not clear what value there is with an inactive list, nor does the joint board meet in timely enough fashion to drive such a list. On the last point, this proposal seeks to name the Boards Support to conduct administrative-related duties.

With that, the department recommends eliminating the concept of “active” v. “inactive” advisory committees.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-018)  
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**PROPOSAL 28 - 5 AAC 96.640. Regular meetings or 5 AAC 96.641. New regulation.** Allow advisory committee representatives to be at the board table during deliberations for those proposals the advisory committee authored as follows:

A good solution is to allow the advisory committee (AC) to sit with the board and agencies and stop the misinterpretation of the proposal or the bunny trail the board gets led into that is totally off topic of the intent. Allowing the representative a seat at the table for a proposal the AC wrote is a much better way for the board to be informed. Testimony during public is so cumbersome and hard for the board to remember later during deliberation. This would only be allowed by the ACs and not other individual or group or public. If those people complain, then they should serve on an AC.

The new regulation could be under 5 AAC 96.640 or add a new section (5 AAC 96.641) but make it regulation as not to lose the ability for AC to sit at the deliberation table when changes are made

in board meetings. I do not believe this should be at the board discretion, this should be in regulation.

Even if a committee of the whole occurs at the board meeting, ACs should still be at the table during deliberations.

Some other solutions I have thought about is make all oral public testimony to the board process go before the ACs in their region and only written public testimony go before the board. I believe there should be ways to streamline public testimony and help the ACs. Even though this method would help streamline the board, it would unnecessarily challenge the volunteers of the ACs. I find it good discussion, though, since public testimony before the board can be days of exhausting testimony wearing down AC testimony and board members. The main problem here is with the AC's testimony being lost which has and is an ongoing problem that needs solved.

**What is the issue you would like the board to address and why?** Fish and game advisory committee participation/representation at board meetings during a proposal that the AC submitted to the board.

ACs continually are frustrated when a proposal they submit to the boards are totally misinterpreted by the board and the state or other agencies present at the board meeting during deliberation. The ACs dedication as they volunteer time to serve on an AC and write a proposal need the same consideration as that the many Department of Fish and Game (department) heads sitting at the table. The department heads or board members start changing the concept of the proposal or totally misrepresent the idea. Good proposals are often never considered on their merit. ACs continue to remain frustrated. Without their input, they sit patiently in the audience listening to the deliberation, wondering how they could mess it up so badly. If the AC representative was only present, they then could clarify the intent.

**PROPOSED BY:** Sue Entsminger (EJ-F18-776)  
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**PROPOSAL 29 - 5 AAC 96.XXX. New Section.** Allow advisory committee representatives a seat at the board table during deliberations on proposals affecting their region as follows:

Wording: Advisory committees (ACs) sit at the table during deliberations of proposals affecting their region for answering questions and adding explanation to the reason they voted the way they did.

Please note: The entire board process will benefit because the expertise of the legally created and recognized ACs will be available to board members throughout the complete deliberations process. Board members' questions that are better informed by AC input will not go unanswered, and the input and reaction of the ACs to amendments offered and new issues raised during deliberations will be fully available to the board. This new dynamic would also benefit the general public because better regulations will be adopted, unadvisable proposals will be rejected, and less public money will be spent on emergency and other out-of-cycle meetings to correct prior board actions that were the result of uninformed or less than fully informed decisions.



**What is the issue you would like the board to address and why?** Give fish and game ACs the option of providing a designated representative to participate in board meetings as proposals are deliberated and voted upon. The new regulation would give each AC one representative for this purpose.

**ISSUE:** Presently, each AC can provide testimony immediately prior to deliberations and voting on proposals that affect the given ACs Game Management Unit areas of jurisdiction. Under this proposal, this practice would simply be extended to involve the AC representative during actual deliberations, thereby giving board members the opportunity to seek input from affected ACs in addition to the agency representatives seated at the table. Adding AC representatives to this segment of board meetings would offer balance to the current scenario that is heavily weighted in favor of the administrative and judicial branches (i.e. all government). It would also enhance the exchange of information and allow better informed decisions by board members. This solution may also have the residual benefit of encouraging greater public participation at the AC level (knowing that AC input will be carried through to the very end of the board process). We feel this should be in regulation so as not to be lost if the makeup of the board changes. This practice would not be lost.

Presently, representatives from the Department of Law, Department of Public Safety, the Federal Subsistence Board, and multiple divisions of the Department of Fish and Game are part of the deliberations, but representatives of ACs are not. Board members make decisions on proposals without the availability and input of ACs during the actual deliberation. Too often, the intent of an AC proposal is misinterpreted, leading the board in a completely different direction of the proposal losing all continuity of the proposal. This happens too often, where clarification from the AC would solve the problem.

The Upper Tanana Fortymile AC recently learned that the Board of Game has a policy to allow AC testimony before their region. We believe this should be in regulation. This is a good step in the right direction, since the sheer volume of oral and written testimony given during the early stages of the board meetings makes it hard for board members to recall clearly or correctly critical items of information that should inform their decisions as votes are cast several days after public testimony is closed. Furthermore, there are often issues and questions raised during deliberations that can be addressed or answered more appropriately by ACs than by any other entity whose input is allowed at this stage of the meeting. Another problem occurs when amendments to proposals are offered. Sometimes these amendments are not considered or discussed during public testimony and may result in a very significant change to the original proposal, the ramifications of which are not likely to be fully understood or appreciated by board members without AC reaction and input. It should be noted that ACs were initially provided for by the legislature in Alaska Statutes, and subsequently created and activated by the Boards of Fisheries and Game in Alaska Administrative Code. As such, ACs have specific and deliberate standing in law. (See 5 AAC 96.440. Board assistance, and 5 AAC 96.640. Regular meetings below.) It is therefore not logical to eliminate AC input from board deliberations when the objectives of the law are to enable the boards to have open access to this very form of information and expertise.

**5 AAC 96.440. Board assistance.** The boards will provide information regarding board meetings to committees so that committees may plan maximum participation in the boards' deliberations.

In addition, a board may request a committee to meet and to formulate recommendations on a subject or issue identified by the board. **History: In effect before 1983; am 10/9/83, Register 88.**

**5 AAC 96.640. Regular meetings.** A board will, in its discretion, modify the procedures set out in 5 AAC 96.610 in conjunction with any regular meeting, if to do so would enhance public, committee, or council participation in the board's deliberations. **History: In effect before 1983; am 10/9/83, Register 88.**

**PROPOSED BY:** Frank and Sue Entsminger (EJ-F18-771)

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# Process for Adopting Fish and Game Regulations

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**PROPOSAL 30 - 5 AAC 96.910. Definitions.** Provide a definition for board work sessions and allow submitters of Agenda Changes Requests (ACRs) to provide testimony at work sessions as follows:

Work session means: is separate from a meeting or hearing. It is a quorum of board members to take action on non-regulatory items not scheduled for a regular meeting, hearing, or requirements by statute. An agenda for the work session will be posted for the public to review and have an opportunity to submit written comments. If an ACR is scheduled for the work session, the sponsor may have up to ten minutes of oral testimony on the ACR.

**What is the issue you would like the board to address and why?** Define work session. Work session is not defined in statute or regulation and the boards have different interpretations of what a work session is and how it applies to the public, statutes, and regulations.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-763)  
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**PROPOSAL 31 - 5 AAC 96.910. Definitions.** Provide a definition for a board hearing of at least three board members with a public comment requirement as follows:

**Board hearing is a publicly noticed official proceeding of at least three Board of Fisheries or Board of Game members during which the public is accorded the right to be heard.**

**What is the issue you would like the board to address and why?** Define the term “board hearing.” It has not been defined in regulation as to how it applies to the Board of Fisheries or the Board of Game. Having a definition would clarify and aid in complying with the Alaska Open Meetings Act.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-764)  
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**PROPOSAL 32 - 5 AAC 96.600. Meetings.** Repeal the provision for Board of Fisheries members attending advisory committee meetings to be in compliance with the statutory requirement for holding board meetings in specific areas of the state as follows:

Remove language in 5 AAC 96.600(b) as follows: [THE ATTENDANCE OF A BOARD OF FISHERIES MEMBER AT A COMMITTEE MEETING CONSTITUTES A BOARD HEARING IN ACCORDANCE WITH AS 16.05.300(B).] For the purposes of AS 16.05.300(b), "year" means the 12-month period beginning July 1 and ending June 30

**What is the issue you would like the board to address and why?** 5 AAC 96.600(b) states: The attendance of a Board of Fisheries member at a committee meeting constitutes a board hearing in

accordance with AS 16.05.300(b). For the purposes of AS 16.05.300(b), "year" means the 12-month period beginning July 1 and ending June 30.

We believe that 5 AAC 96.600(b) is not in compliance with AS 16.05.300(b), where it states: In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon – Kuskokwim – Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat).

Hearing is not defined in law or regulation, so the common definition should be used.

According to Alaska Statute 01.10.040. Words and phrases; meaning of "including".

(a) Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage.

We believe that just because a Board of Fisheries member attends a committee meeting—one that may not even have any Board of Fisheries issues on the agenda—that this does not constitute a board hearing.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-762)  
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**PROPOSAL 33 - 5 AAC 96.610. Procedure for developing fish and game regulations.** Amend the Joint Board’s procedure for establishing fish and game regulations as follows:

5 AAC 96.610. Procedure for developing fish and game regulations

- (a) For the purpose of developing fish and game regulations, each board will observe the procedures set out in this section. The deadlines for each phase will be set by the appropriate board for each meeting and will be announced to committees and the public.
- (b) Phase 1. Each board will solicit regulatory proposals or comments to facilitate that board's deliberations. The boards may limit those sections or portions of the existing regulations that will be open for change. The boards will provide forms to be used in preparing proposals. Notices soliciting proposals will be distributed statewide. In order to be considered, **all** [A] proposals, **including board generated proposals,** must be received by the boards before the designated deadline [UNLESS PROVIDED OTHERWISE BY A BOARD].
- (c) Phase 2. After the deadline for receiving proposals, the boards support section shall compile all proposals received on time, including proposals from department staff, **the board,** and other government agencies, distribute them to the public through department offices, and send them to the committees.
- (d) Phase 3. Committees may review the proposals at a public meeting and may request technical and scientific support data and prepared testimony from the department.

(e) Phase 4. Each board will give legal notice of timely received proposals. In accordance with the Administrative Procedure Act (AS 44.62), each board will hold a public hearing and will act on proposals [OR DEVELOP ALTERNATIVES ON THE SUBJECT MATTER LEGALLY NOTICED]. **Board amendments are limited as to not contradict the original intent of the proposal.** The final decision on all proposals remains the responsibility of a board.

(f) Phase 5. After completion of procedures required by the Administrative Procedure Act (AS 44.62), a board will **promptly** notify each committee of the actions taken on each committee's respective recommendations and proposals and the reasons for those actions.

**What is the issue you would like the board to address and why?** The clear intent of our constitutional framers and early legislators was to include the public in the process of managing and allocating our fish and game resources. Unfortunately, this intent toward public participation has in recent years been frustrated by a commingling of the functions of the Board of Fish with the Department of Fish and Game (department), the result of which has been public exclusion. The problem that has developed is that board factions are developing proposals outside of the public purview. While individual members of the public and advisory committees (ACs) must submit their proposals in advance of board meetings, the board factions and department staff can work on proposal language with no notice to the public. This language is often adopted as board regulation without the public having opportunity to engage in its development. Proposals submitted by the public and ACs can be amended by the board and modified to the extent that the original intent of the proposal is lost or is contradictory in nature. It is the intent of this board proposal to place the public on equal footing with the Board of Fish; as well as, introduce transparency to the public process of developing fish regulations.

**PROPOSED BY:** Tammie Wilson (EJ-F18-769)  
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**PROPOSAL 34 - 5 AAC 96.625. Joint board petition policy.** Amend the Joint Board Petition Policy to correct a contradiction with the subsistence proposal policy as follows:

5 AAC 96.625. Joint board petition policy

....

(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 SUBSISTENCE FISHING, WHICH WILL BE EVALUATED ON A CASE-BY-CASE BASIS UNDER THE CRITERIA IN 5 AAC 96.615(A),] **I**t is the policy of the boards that a petition will be denied and not scheduled for a hearing unless the problem outlined in the petition justifies an 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.

**What is the issue you would like the board to address and why?** The Joint Board Petition Policy allows for the boards to review subsistence-related proposals at any time if they meet the subsistence proposal criteria found in 5 AAC 96.615(a). By citing 5 AAC 96.615(a) the regulation creates a contradiction. 5 AAC 96.615 indicates subsistence proposals must be timely submitted under the board’s regular regulatory process (5 AAC 96.610(a)). The Joint Board Petition Policy contemplates receiving petitions at any time. Likely the intent is for subsistence-related proposals to be received under the criterion listed in subsections (1) and (2) but it includes timing considerations in the controlling section (a).

This proposal removes the allowance for subsistence related proposals to receive additional consideration through the Joint Board Petition Policy. Boards Support does not favor this approach over clearly identifying the criteria in subsections (1) and (2) in 5 AAC 96.615(a) or without including the reference to “timely submitted proposals under 5 AAC 96.610(a)”.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-020)  
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**PROPOSAL 35 - 5 AAC 96.625. Joint board petition policy.** Repeal and rewrite the Joint Board Petition Policy as follows:

Repeal and replace 5 AAC 96.625.

**5 AAC 96.625. Joint board emergency petition policy**

**(a) The Boards of Fisheries and Game recognize that in rare instances that an emergency may require immediate 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) 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.**

**What is the issue you would like the board to address and why?** Much of 5 AAC 96.625 contains inaccuracies. Both boards have made their own policies on Agenda Change Requests (ACRs), and the word “petition” complicates the regulation.

With both boards having their own ACR policies and when they will accept and take action on those requests, Section (a) is contradictory to both boards' ACR policy where it states: "Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing."

Petition is used for emergencies and from what we have been led to believe is also an ACR, though ACR is not used in the regulation. This is confusing to the public, especially when both boards have policies on ACRs.

We would like to amend this regulation.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-758)  
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**PROPOSAL 36 - 5 AAC 96.625. Joint board petition policy and 5 AAC 96.910. Definitions.**  
Allow a petitioner the opportunity to present information about the petition to the boards and establish definitions for unforeseen and unexpected events and situations as follows:

(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 **the agency shall give each interested person or the person's authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with** 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.

5 AAC 96.910 Definitions

The Board of Fisheries will define what an **unforeseen or unexpected event** means or an **unforeseen or unexpected situation** means in clear and concise terms that the public may understand.

It is not clear if it is the Board of Fisheries/Board of Game who makes this decision as individual board members or it is solely under the authority of the Commissioner of the Department of Fish and Game.

**What is the issue you would like the board to address and why?** Inconsistency with Board of Fisheries/Board of Game policies and resolutions #2000-203-BOF, #80-81-FB.

Noncompliance to the Administrative Procedures Act AS 44.62.XXX, AS 44.62.220, AS 44.62.210, AS 44.62. 180 – 44.62.290.

Administrative code lacks definitions for "unforeseen or unexpected" and who makes that decision based on what criteria. 5 AAC 96.625(a)(f)

The petitioners do not have the opportunity to present their support information or address questions and inequities in other information submitted by the Department of Fish and Game or other responders. Petitioners should have their right to present and defend their petitions in an open and transparent manner and all testifiers should be under oath to be accountable for their information and actions.

**PROPOSED BY:** Paul Shadura (EJ-F18-770)

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**PROPOSAL 37 - 5 AAC 96.615. Subsistence proposal policy.** Repeal the boards' Subsistence Proposal Policy as follows:

Repeal 5 AAC 96.615 Subsistence Proposal Policy.

**What is the issue you would like the board to address and why?** The subsistence proposal policy, 5 AAC 96.615, is a section in regulation that is unnecessary. The regulation is more restrictive than the Agenda Change Request (ACR) policy of either board, and neither boards' ACR policy (5 AAC 39.999 and 5 AAC 92.005) restricts a petitioner from submitting an ACR on a subsistence issue. Both boards have provisions in their ACR policies to address subsistence issues out of cycle or not on the call for proposals.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EJ-F18-766)

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**PROPOSAL 38 - 5 AAC 96.6XX. Adoption of Fish and Game Regulations.** Require the Board of Fisheries to schedule shellfish regulations for any that have been closed by emergency order for 24 consecutive months as follows:

Any shellfish season closed by emergency order for 24 consecutive months shall be revisited by the Alaska Board of Fisheries whether in or out of cycle

**What is the issue you would like the board to address and why?** Unclear/inconsistent regulations in state regulation book. For instance, razor clam season on the east side of Cook Inlet has been closed for two years, though the reg book still states it is open with a limit of 60 clams... yet closed by emergency order. There is no reasonable expectation of this season opening as written anytime in the near future. It would be much more clear were it to be struck from the books until such time as the season can be opened and new regulations put in place if deemed prudent.

**PROPOSED BY:** Homer Fish and Game Advisory Committee (EJ-F18-630)

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# Errors, Omissions, and Clarifications

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**PROPOSAL 39 – 5 AAC Part 6 - Fish and Game Advisory Committees; Chapter 96 - Local fish and game advisory committees and regional councils; 5 AAC 96.021. Establishment of advisory committees; 5 AAC 96.050. Functions of local fish and game advisory committees; 5 AAC 96.640. Regular meetings; and 5 AAC 97.005. Areas of jurisdiction for advisory committees.** Update the regulations to correct errors and omissions as follows:

## **Part 6 – Fish and Game Advisory Committees and Adoption of Fish and Game Regulations**

### **Chapter 96 – Local Fish and Game Advisory Committee and Adoption of Fish and Game Regulations [REGIONAL FISH AND GAME COUNCILS].**

#### **5 AAC 96.021. Establishment of advisory committees.**

....

(c) The following committees are identified as representing more than one community, or additionally, as having less than 15 members, and the following seats on the committee are designed for each community:

...

(4) in the Western Alaska Region:

...

(A) Central Bering Sea

....

**Tununak** [TANUNAK]      1      representative

...

(D) Stony/Holitna (8 members)

Sleetmute                      2      representatives

Lime Village                    2      representatives

**Stony** [STONE] River        2      representatives

Red Devil                        2      representatives

(E) Coastal Lower Yukon (6 members)

...

**5 AAC 96.050. Functions of local fish and game advisory committees.** A committee may

- (1) Develop regulatory proposals for submission to the appropriate board;
- (2) Evaluate regulatory proposals submitted to them and make recommendations to the appropriate board;
- (3) Provide a local forum for fish and wildlife conservation and use, including any matter related to fish and wildlife habitat; and
- (4) Repealed
- (5) repealed
- (6) cooperate and consult with interested persons and organizations, including government agencies, to accomplish (1) – (3[5]) of this section.

...

**5 AAC 96.640. Regular meetings.** A board will, in its discretion, modify the procedures set out in 5 AAC 96.610 in conjunction with any regular meeting, if to do so would enhance public [,] or committee [, OR COUNCIL] participation in the board's deliberations.

...

**5 AAC 97.005. Areas of jurisdiction for advisory committees**

....

(1) finfish

(A) Southeastern Alaska-Yakutat Area

...

(ii) fish and game advisory committees with concurrent jurisdiction are Ketchikan Advisory Committee, Craig Advisory Committee, Klawock Advisory Committee, Angoon Advisory Committee, Tenakee Advisory Committee, Hyder Advisory Committee, Sumner Strait Advisory Committee, Edna Bay Advisory Committee, Sitka Advisory Committee, Juneau-Douglas Advisory Committee, Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, Pelican Advisory Committee, Kake Advisory Committee, Wrangell Advisory Committee, Petersburg Advisory Committee, Hydaburg Advisory Committee, Icy Straits Advisory Committee, Saxman Advisory Committee, Elfin Cove Advisory Committee, **Port Alexander Advisory Committee**, and East Prince of Wales Advisory Committee;

...

(I) Kuskokwim Area

...

(ii) fish and game advisory committees with concurrent jurisdiction are Lower Kuskokwim Advisory Committee, Central Kuskokwim Advisory Committee, Bethel Advisory Committee, Central Bering Sea [COAST] Advisory Committee, McGrath Advisory Committee, and Stony/Holitna Advisory Committee;

...

(J) Lower Yukon Area

...

(ii) fish and game advisory committees with concurrent jurisdiction are Lower Yukon Advisory Committee, Grayling-Anvik-Shageluk-Holy Cross Advisory Committee, and Central Bering Sea [COAST] Advisory Committee;

...

(2) shellfish

(A) Southeastern Alaska-Yakutat Area

...

(ii) fish and game advisory committees with concurrent jurisdiction are Angoon Advisory Committee, Ketchikan Advisory Committee, Craig Advisory Committee, Klawock Advisory Committee, Tenakee Advisory Committee, Hyder Advisory Committee, Sitka Advisory Committee, Juneau-Douglas Advisory Committee, Kake Advisory Committee, Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, Edna Bay Advisory Committee, Wrangell Advisory Committee, Petersburg Advisory Committee, Pelican Advisory Committee, Sumner Strait Advisory Committee, Yakutat Advisory Committee, Hydaburg Advisory Committee, Elfin Cove Advisory Committee, Saxman Advisory Committee, Icy Straits Advisory Committee, **Port Alexander Advisory Committee** and East Prince of Wales Advisory Committee;

...

(3) game

...

(iii) in Game Management Unit 21 described in 5 AAC 92.450(21) (D), the Ruby Advisory Committee, [GALENA] **Middle Yukon** Advisory Committee, Middle Nenana River Advisory Committee, Central Kuskokwim Advisory Committee, Lower Yukon Advisory Committee, Koyukuk Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory

Committee, Fairbanks Advisory Committee, Lake Minchumina Advisory Committee, and Tanana/Rampart/Manley Advisory Committee have concurrent jurisdiction;

(iv) in Game Management Unit 18 as defined by 5 AAC 92.450(18), the Central Bering [COAST] Advisory Committee, Lower Kuskokwim Advisory Committee, Bethel Advisory Committee, Coastal Lower Yukon Advisory Committee, Mid-Lower Yukon Advisory Committee, Central Kuskokwim Advisory Committee, and Stony/Holitna Advisory Committee have concurrent jurisdiction;

...

(vi) in Game Management Unit 24 described in 5 AAC 92.450(24) , the [GALENA] **Middle Yukon** Advisory Committee, Koyukuk Advisory Committee, Ruby Advisory Committee, Tanana/Rampart/Manley Advisory Committee, and Fairbanks Advisory Committee have concurrent jurisdiction;

...

**What is the issue you would like the board to address and why?** This proposal seeks corrections to the following regulations:

1. Updates the titles for 5 AAC Part 6 and Chapter 96 to include the board process for adopting fish and game regulations found in Chapter 96 Article 5;
2. Corrects misspellings for community names under the regulations establishing committees;
3. Corrects a typo in the advisory committee functions section;
4. Removes a reference to regional fish and game councils resulting from joint board action in 2013; and
5. Updates the areas of jurisdiction for committees by adding Port Alexander advisory committee to the Southeast finfish and shellfish areas of jurisdiction which was likely omitted as an oversight, and changes the Galena advisory committee to its current name, Middle Yukon.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-007)  
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**PROPOSAL 40 - 5 AAC 96.060. Uniform rules of operation; 5 AAC 96.460. Attendance at meetings; 5 AAC 96.600. Meetings; and 5 AAC 96.610 Procedure for developing fish and game regulations.** Amend regulations to align and clarify current practices for advisory committees and the process for adopting fish and game regulations as follows:

**5 AAC 96.060. Uniform rules of operation.**

....

**(t) Records. All formal actions by committees are kept as part of the permanent record and housed with the Alaska State Archives. All correspondence, manuals, meetings minutes, membership listings, newsletters, regulations, requests for new committees, structure and reorganization data, public meeting notices and membership nominations must be forwarded to the boards support section not later than 30 days after the production of the action.**

....

#### **5 AAC 96.460. Attendance at meetings**

When adequate funding exists [THE BOARDS WILL, IN THEIR DISCRETION, REQUEST] the department **will, in its discretion,** [to] reimburse committee members for the following:

- (1) travel to local committee meetings and necessary related expenses;
- (2) travel, approved in advance, for the purpose of joint meetings between two or more committees; and
- (3) travel and other necessary expenses approved in advance by the boards for committee chairmen or their designees to attend board meetings. A chairman's designee must be a committee member. Committee status and change of status

....

#### **5 AAC 96.600. Meetings**

(a) Each board will hold at least one regular meeting a year. Other meetings, including special meetings on specific issues, will be held as the boards consider necessary.

(b) **Repealed** / / . [THE ATTENDANCE OF A BOARD OF FISHERIES MEMBER AT A COMMITTEE MEETING CONSTITUTES A BOARD HEARING IN ACCORDANCE WITH AS 16.05.300(B). FOR THE PURPOSES OF AS 16.05.300(B), "YEAR" MEANS THE 12-MONTH PERIOD BEGINNING JULY 1 AND ENDING JUNE 30.]

(c) The joint board will meet as needed to consider matters of mutual concern, including matters relating to committees.

....

#### **5 AAC 96.610. Procedure for developing fish and game regulations**

(a) For the purpose of developing fish and game regulations, each board will observe the procedures set out in this section. The deadlines for each phase will be set by the appropriate board for each meeting and will be announced to committees and the public.

(b) Phase 1. Each board will solicit regulatory proposals [OR COMMENTS] to facilitate that board's deliberations. The boards may limit those sections or portions of the existing regulations that will be open for change. The boards will provide forms to be used in preparing proposals. Notices soliciting proposals will be distributed statewide. In order to be considered, a proposal **seeking regulatory change in those sections or portions of the regulations open for change** must be received by the boards before the designated deadline unless provided otherwise by a board.

(c) Phase 2. After the deadline for receiving proposals, the boards support section shall compile **regulatory** [ALL] proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices **and on boards support section website**, and send them to the committees.

(d) Phase 3. Committees may review the proposals at a public meeting and may request technical and scientific support data and prepared testimony from the department. **The boards will receive committee recommendations and solicit public comment.**

(e) Phase 4. Each board will give legal notice of timely received proposals. In accordance with the Administrative Procedure Act (AS 44.62), each board will hold a public hearing and will act on proposals or develop alternatives on the subject matter legally noticed. The final decision on all proposals remains the responsibility of a board.

(f) Phase 5. After completion of procedures required by the Administrative Procedure Act (AS 44.62), a board will notify each committee of the actions taken on each committee's respective recommendations and proposals and the reasons for those actions.

....

#### **5 AAC 96.625. Joint board petition policy**

(a) Under AS 44.62.220, and 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 A] **Annually**, the boards solicit regulation changes **as regulatory proposals described in 5 AAC 96.600(b)**. 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 and to other interested individuals.

...

(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 **received in (a) of this section** can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

...

**What is the issue you would like the board to address and why?** This proposal seeks to amend four sections of regulations for committees and the process of adopting fish and game regulations to better reflect current practices.

1. Records: Actions of the committees are part of the permanent archive record pursuant to Alaska Statute 40.21 and 4 AAC 59. Boards Support is responsible for maintaining and archiving the committee records listed above, which is from the records retention schedule the department has with the Alaska State Archives. Often actions of the committees occur without a record. This new section seeks to clarify that committee records are required for permanent retention.

2. Attendance at meetings: Under 5 AAC 96.640, regulations direct the boards to direct the department to reimburse committees travel expenses under 5 AAC 96.460. This is not done in practice. Not only do the boards not have budgetary authority, but there is no deliberative work performed by the boards to direct the department. By virtue of the legislature's allocation of funding to the Advisory Committee Appropriation, the department is directed to perform this function regardless of board direction. The section requests reimbursement at the discretion of the department for the purpose of handling abuses of the traveling provisions. In most cases this is related to non-performance at committee or board meetings.

3. Board of Fisheries meeting provision: The current regulations under 5 AAC 96.600 provide guidance on board meeting practices. Section (b) indicates that a Board of Fisheries member attending an advisory committee meeting constitutes a "hearing" in accordance with AS 16.05.300(b). 16.05.300 Board Meetings was last amended in 1975 when the Board of Fisheries and Game split into two boards. Section (b) in that statute directs the Board of Fisheries to hold hearings or meetings in each of areas listed in the statute. This was the Board's practice through the mid-80's when the number of regulatory proposals increased past 800 a year. This workload was untenable leading to the creation of multi-year meeting cycles. It is possible 5 AAC 96.600, which was amended in 1993, was an attempt by the boards to accommodate this statutory requirement although it is not clear how long the practice was upheld. It certainly is not upheld now. Today the statute is interpreted to require the Board of Fisheries to avail an opportunity to the public to bring forward regulatory subjects for these management areas on an annual basis. This is done through the agenda change request policy. With that, the department recommends this archaic regulation be repealed.

4. Procedure for developing fish and game regulations: This proposal seeks to amend regulations for the procedures for developing fish and game regulations to update a number of provisions to current practices for accepting proposals and comments.

5. Petition process: The joint board petition process is guided by 5 AAC 96.625. This proposal seeks to amend the regulation to clarify current practices.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-019)  
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