

Chapter 96

Local Fish and Game Advisory Committees and Adoption of Fish and Game Regulations

Article 1

Local Fish and Game Advisory Committees

5 AAC 96.010. Establishment of a local fish and game advisory committee system.

There is established a system of local fish and game advisory committees to provide a local forum for the collection and expression of opinions and recommendations on matters relating to the management of fish and wildlife resources.

5 AAC 96.020. Creation of local fish and game advisory committees.

(a) 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. 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.

(b) A committee must be approved by the joint board before starting its operations. The joint board will appoint the original five members of a committee, at which time the committee shall begin its operations.

(c) The joint board will review requests to create committees. Factors that it will evaluate include:

(1) whether an existing committee could be expanded to include members who represent the interest of the persons making the request;

(2) whether representation of all user groups in the area on existing committees is adequate;

(3) whether residents of the local area are likely to participate actively on the proposed committee;

(4) whether there are likely to be enough qualified people interested in serving on the proposed committee;

(5) whether logistical problems would make it difficult to provide assistance to the proposed committee;

(6) whether the proposed committee would enhance participation in the decision-making process; and

(7) the efficiency of existing committees.

5 AAC 96.021. Establishment of advisory committees.

(a) The following local fish and game advisory committees are established:

(1) in the Southeast Alaska Region:
Angoon, Craig, East Prince of Wales, Edna Bay, Elfin Cove, Juneau-Douglas, Hydaburg, Hyder, Icy Straits, Kake, Ketchikan, Klawock, Klukwan, Pelican, Petersburg, Port Alexander, Saxman, Sitka, Sumner Strait, Tenakee, Upper Lynn Canal, Wrangell, Yakutat;

(2) in the Southcentral Alaska Region:
Copper River/Prince William Sound, Prince William Sound/Valdez, Copper Basin, Anchorage, Seward, Kenai/Soldotna, Central Peninsula, Homer, Seldovia, Tok
Cutoff/Nabesna Road, Paxson, Denali,

Matanuska Valley, Mt. Yenlo, Tyonek, Cooper Landing, Whittier, Susitna Valley;

(3) in the Southwest Alaska Region:

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

(4) in the Western Alaska Region:

Central Bering Sea, Lower Kuskokwim, Central Kuskokwim, Coastal Lower Yukon, Mid-Lower Yukon, Bethel;

(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

(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, Stony/Holitna.

(b) The joint board may identify a committee established in (a) of this section as representing more than one community, and may designate one or more seats on the committee for a specific community. Each community is entitled to elect up to the designated number of representatives for the committee, in accordance with 5 AAC 96.060(g)(2).

(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 designated for each community:

(1) in the Southeast Alaska Region:

(A) Upper Lynn Canal

Haines	8	representatives
Skagway	2	representatives
Skagway	1	representative
Undesignated	4	representatives

(B) Icy Straits

Hoonah	9	representatives
Gustavus	2	representatives
Undesignated	4	representatives

(C) Ketchikan

Saxman	2	representatives
Undesignated	13	representatives

(D) Saxman (9 members)

Saxman	6	representatives
Ketchikan	2	representatives
Undesignated	1	representative

(E) Edna Bay (7 members)

Edna Bay	7	representatives
----------	---	-----------------

(F) East Prince of Wales

Thorne Bay	2	representatives
Coffman Cove		2representatives
Whale Pass	2	representatives
Kasaan	2	representatives
Hollis	2	representatives
Undesignated	5	representatives

(2) in the Southcentral Alaska Region:

(A) Copper Basin

Glennallen	2	representatives
Lake Louise	1	representative
Tazlina	3	representatives
Copper Center	2	representatives
Gakona/Gulkana		3
		representatives
Kenny Lake	1	representative
Chitina	1	representative
Undesignated	2	representatives

(B) repealed 7/12/98;

(C) Mount Yenlo

Skwentna	4	representatives
----------	---	-----------------

Undesignated	11	representatives	Pilot Point	2	representatives
(D) Tok Cutoff/Nabesna Road (7 members)			Port Heiden	2	representatives
Mentasta	1	representative	Undesignated	8	representatives
Chistochina	1	representative	(E) Nushagak		
Undesignated	5	representatives	Dillingham	5	representatives
(E) Whittier (9 members)			Clarks Point	1	representative
Undesignated	9	representatives	Ekwok	1	representative
(F) Susitna Valley (7 members)			New Stuyahok	1	representative
Undesignated	7	representatives	Koliganek	1	representative
(G) Seward (11 members)			Aleknagik	1	representative
Undesignated	11	representatives	Togiak	1	representative
(3) in the Southwest Alaska Region:			Portage Creek	1	representative
(A) Chignik			Manokotak	1	representative
Chignik	3	representatives	Undesignated	2	representatives
Chignik Lagoon			(F) Togiak		
	3	representatives	Togiak	3	representatives
Ivanoff	3	representatives	Manokotak	3	representatives
Chignik Lake	3	representatives	Twin Hills	8	representatives
Perryville	3	representatives	Undesignated	8	representatives
(B) Kodiak			(4) in the Western Alaska Region:		
Kodiak	7	representatives	(A) Central Bering		
Old Harbor	1	representative	SeaChevak	1	representative
Ouzinkie	1	representative	Chefornak	1	representative
Port Lions	1	representative	Goodnews Bay		
Undesignated	5	representatives		1	representative
(C) Lake Iliamna (10 members)			Kipnuk	1	representative
Iliamna	1	representative	Kongiganak	1	representative
Nondalton	1	representative	Kwigillingok	1	representative
Pedro Bay	1	representative	Mekoryuk	1	representative
Kokhanok	1	representative	Newtok	1	representative
Igiugig	1	representative	Nightmute	1	representative
Newhalen	1	representative	Platinum	1	representative
Port Alsworth	1	representative	Quinhagak	1	representative
Undesignated	3	representatives	Toksook Bay	1	representative
(D) Lower Bristol Bay			Tununak	1	representative
Ugashik	1	representative	Undesignated	2	representatives
Egegik	2	representatives	(B) Lower Kuskokwim (14 members)		
			Kwethluk	2	representatives
			Napaskiak	2	representatives
			Napakiak	1	representative
			Kasigluk	1	representative
			Oscarville	1	representative

Nunapitchuk	1	representative
Tuntutuliak	1	representative
Tuluksak	1	representative
Atmauthluak	1	representative
Akiak	1	representative
Akiachak	1	representative
Eek	1	representative

(C) Central Kuskokwim (12 members)

Crooked Creek		
	2	representatives
Aniak	2	representatives
Chuathbaluk	2	representatives
Lower Kalskag		
	2	representatives
Upper Kalskag		
	2	representatives
Undesignated	2	representatives

(D) repealed 9/19/2019;

(E) Coastal Lower Yukon (6 members)

Scammon Bay		
	1	representative
Alakanuk	1	representative
Kotlik	1	representative
Emmonak	1	representative
Hooper Bay	1	representative
Nunam Iqua	1	representative

(F) Mid-Lower Yukon (7 members)

Marshall	1	representative
Russian Mission		
	1	representative
St. Marys	1	representative
Andreafski	1	representative
Mountain Village		
	1	representative
Pilot Station	1	representative
Pitkas Point	1	representative

(G) Bethel (11 members)

Undesignated	11	representatives
--------------	----	-----------------

(5) in the Arctic Alaska Region:

(A) Northern Norton Sound

Nome	6	representatives
Elim	1	representative
Wales	1	representative
Golovin	1	representative
City of White Mountain		
	1	representative
Shishmaref	1	representative
Teller	1	representative
Brevig Mission		
	1	representative
Undesignated	2	representatives

(B) Northern Seward Peninsula (9 members)

Buckland	3	representatives
Deering	3	representatives
Undesignated	3	representatives

(C) Upper Kobuk (10 members)

Ambler	3	representatives
Shungnak	3	representatives
Kobuk	2	representatives
Undesignated	2	representatives

(D) Lower Kobuk (11 members)

Noorvik	3	representatives
Kiana	3	representatives
Selawik	3	representatives
Undesignated	2	representatives

(E) Noatak/Kivalina (9 members)

Noatak	3	representatives
Kivalina	2	representatives
Undesignated	4	representatives

(F) North Slope (9 members)

Barrow	1	representative
Point Hope	1	representative
Point Lay	1	representative
Wainwright	1	representative
Atquasuk	1	representative
Kaktovik	1	representative
Nuiqsut	1	representative
Anaktuvuk Pass		
	1	representative
Undesignated	1	representative

(G) repealed 12/30/2007;

(H) Southern Norton Sound

Unalakleet	6	representatives
St. Michael	2	representatives
Shaktoolik	2	representatives
Stebbins	2	representatives
Koyuk	2	representatives
Undesignated	1	representative

(6) in the Interior Alaska Region:

(A) McGrath

McGrath	6	representatives
Nikolai	3	representatives
Telida	1	representative
Takotna	2	representatives
Undesignated	3	representatives

(B) Middle Nenana River (11 members)

Healy	5	representatives
Clear	3	representatives
McKinley Village	1	representative
Ferry	1	representative
Undesignated	1	representative

(C) Upper Tanana/Fortymile (9 members)

Tok	3	representatives
Northway	1	representative
Tetlin	1	representative
Dot Lake	1	representative
Tanacross	1	representative
Healy Lake	1	representative
Undesignated	1	representative

(D) Yukon Flats

Birch Creek	1	representative
Beaver	2	representatives
Chalkyitsik	2	representatives
Fort Yukon	2	representatives
Arctic Village	2	representatives
Circle	2	representatives
Venetie	2	representatives
Stevens Village	2	representatives

(E) Tanana/Rampart/Manley (9 members)

Manley Hot Springs

	2	representatives
Rampart	3	representatives
Tanana	3	representatives
Undesignated	1	representative

(F) Middle Yukon (13 members)

Galena	4	representatives
Kaltag	4	representatives
Nulato	3	representatives
Koyukuk	2	representatives

(G) Koyukuk River

Allakaket	3	representatives
Huslia	3	representatives
Hughes	2	representatives
Alatna	2	representatives
Bettles	2	representatives
Undesignated	3	representatives

(H) Grayling/Anvik/Shageluk/Holy Cross (9 members)

Holy Cross	2	representatives
Grayling	2	representatives
Anvik	2	representatives
Shageluk	2	representatives
Undesignated	1	representative

(I) Minto/Nenana (11 members)

Nenana	5	representatives
Minto	5	representatives
Undesignated	1	representative

(J) Ruby (9 members)

Undesignated	9	representatives
--------------	---	-----------------

(K) Eagle (9 members)

Undesignated	9	representatives
--------------	---	-----------------

(L) Delta (11 members)

Undesignated	11	representatives
--------------	----	-----------------

(M) Central (9 members)

Undesignated	9	representatives
--------------	---	-----------------

(N) Stony/Holitna (8 members)
Sleetmute 2 representatives
Lime Village 2 representatives
Stony River 2 representatives
Red Devil 2 representatives

(O) Lake Minchumina (9 members)
Lake Minchumina
4 representatives
Undesignated 5 representatives

5 AAC 96.022. Determination of compliances.

Repealed 12/13/79.

5 AAC 96.025. Qualification of members.

Repealed 12/13/79.

5 AAC 96.030. Composition of local fish and game advisory committees.

Repealed 10/9/83.

5 AAC 96.040. Qualifications for members.

To qualify for membership on a committee, a candidate must have knowledge of and experience with the fish and wildlife resources and their uses in the area, and have a reputation within the community consistent with the responsibilities of committee membership.

5 AAC 96.045. Removal for cause.

Repealed 12/13/79.

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 2/23/2014;

(5) repealed 2/23/2014;

(6) cooperate and consult with interested persons and organizations, including government agencies, and encourage youth and elder involvement in committee activities, to accomplish (1) - (3) of this section.

5 AAC 96.060. Uniform rules of operation.

(a) Each committee must comply with the uniform rules of operation contained in this section.

(b) Organization. Each committee is organized under AS 16.05.260.

(c) Responsibilities. Each committee is responsible for performing the functions described in 5 AAC 96.010 and 5 AAC 96.050 in accordance with provisions of 5 AAC 96 - 5 AAC 99.

(d) Title. Each committee must have a title.

(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.

(3) repealed 9/19/2019;

(4) repealed 9/19/2019;

(5) repealed 9/19/2019;

(6) repealed 9/19/2019;

(7) repealed 9/19/2019;

(8) repealed 9/19/2019.

(f) Terms of Members. Each committee shall establish the terms of the committee's members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on July 1 and expire on June 30 of the year designated. Except as specified in (g)(1) of this section, an expired term may continue until a successor has been duly elected at the next committee meeting, or for community designated seats under 5 AAC 96.021(c), at an election within 12 months following the expiration of the term. The maximum length of a term is three years.

(g) Election Procedures.

(1) Vacancy. A committee shall give at least 14 days public notice of a meeting for an election to fill a vacant or expired seat. An election for a community designated seat under 5 AAC 96.021(c) must also have 14 days public notice. The member elected to fill a vacant seat will serve the remainder of the vacant seat's term. A chair, or boards support section when the chair is unable, shall declare a vacancy 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, regularly advertised 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;

(D) a member's term has expired or its expiration is imminent;

(E) for community designated seats under 5 AAC 96.021(c), if an election has not occurred 12 months following the expiration of the term;

(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 before accepting nominations. Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat if committee membership is less than the number of members authorized by the joint board;

(3) Place of election. 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 committee need not establish a quorum to accept nominations or elect a new member except that, for committees with both community and undesignated seats, election for undesignated seats shall be held at a committee meeting at which a quorum is present;

(5) Elections. Each committee member, and each voting-age resident of the area or served by the committee as defined in 5 AAC 96.910(10) who attends the election, 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 boards 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.

(A) Each advisory committee may appoint two undesignated alternates. An undesignated alternate may act as a member of the advisory committee in place of any member who is absent from a meeting. If an advisory committee appoints an undesignated alternate from the remaining nominees from an election, the alternate may serve on the advisory committee throughout the year to fill a vacancy;

(B) Advisory committees with community-designated seats identified in 5 AAC 96.021(c) may appoint an alternate for each community represented, to be appointed by a majority of the elected members representing that community, the member who is the sole

representative of the community, or by the chair when elected members representing the community are unable to appoint an alternate. A community-designated alternate may act as a member of the advisory committee when an elected member representing that community is absent from the meeting. If a community-designated alternate is appointed by a majority of the elected members representing that community or the sole representative of a community, the alternate may serve on that advisory committee throughout the year to fill a vacancy;

(C) Alternates must meet the qualifications under this chapter. Alternates are not elected under (1) - (6) of this subsection. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. The term for an undesignated or community-designated alternate is not to exceed a 12-month period and the term ends on June 30.

(h) Repealed 9/19/2019.

(i) Officers. The officers of a committee consist of a chair, a vice-chair, and a secretary or recorder. 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) Chair. The chair is the presiding officer and is responsible for setting meeting dates, establishing agendas, and ensuring that preliminary recommendations and actions of the committee are recorded in writing and submitted to boards support section in the manner specified by boards support.

(k) Vice-chair. The vice-chair shall assist the chair and assume chair's duties when the chair is absent.

(l) Secretary or recorder. The secretary or recorder is essential for ensuring the actions by the advisory committee are accurately recorded in writing. The secretary or recorder may be, but need not be, a member of the committee. The secretary or recorder 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 or recorder is not a committee member, the secretary or recorder has no vote on committee business other than nominations for committee membership.

(m) Replacement of an Officer. A committee may replace an officer if

(1) the officer resigns from office or from committee membership before his or her term in office, or on the committee, expires;

(2) the committee declares the officer's seat vacant under (g) of this section; or

(3) a quorum of the committee meets and a majority of the full committee membership votes to remove the committee member from office, after giving the officer written notice at least 14 days before the meeting.

(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) repealed 9/19/2019;

(2) 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;

(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

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

(o) Meetings. An advisory committee is considered a governmental body under the Open Meetings Act, AS 44.62.310 - AS 44.62.319.

(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 chair, the department, or two members of the committee may call a regular meeting.

(2) Special meeting. A chair, the department, or two members of the committee 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) or (m).

(p) Joint Committee Meeting. Each committee shall cooperate with other committees on matters of mutual interest and concern, and may hold a joint meeting to accomplish this purpose.

(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. A member abstaining from voting may be recorded as an abstention if the member provides an explanation that is included in the committee records. Notwithstanding (q) of this section, if abstention votes are recorded, the action or decision of a majority of the remaining members at a meeting at which a quorum is present is an act of the committee.

(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 meet with a quorum to approve written recommendations, the committee shall appoint a member other than the secretary to provide a preliminary approval of the recommendations.

(t) Records. 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, so that such records

may be kept as a permanent state record and transferred to the Alaska State Archives in accordance with the records retention schedule adopted under AS 40.21.030.

5 AAC 96.070. Report of activities.

Repealed 10/9/83.

5 AAC 96.080. Interaction of local advisory committees with regional fish and game councils.

Repealed.

Article 2

Regional Fish and Game Councils

5 AAC 96.200. Establishment of a regional fish and game council system.

Repealed.

5 AAC 96.210. Fish and game resource management regions.

Repealed.

5 AAC 96.220. Regional fish and game councils.

Repealed.

5 AAC 96.230. Qualifications for membership.

Repealed 10/9/83.

5 AAC 96.240. Non-voting members.

Repealed 10/9/83.

5 AAC 96.245. Non-voting member.

Repealed.

5 AAC 96.250. Functions of regional fish and game councils.

Repealed.

5 AAC 96.260. Uniform rules of operation.

Repealed.

5 AAC 96.270. Report of activities.

Repealed 10/9/83.

5 AAC 96.280. Attendance at meetings.

Repealed.

Article 3

Administration of Local Fish and Game Committees

5 AAC 96.400. Operation of local fish and game advisory committee system.

Repealed 10/9/83.

5 AAC 96.410. Distribution of local fish and game advisory committees.

Repealed.

5 AAC 96.420. Review of requests for local fish and game advisory committees.

Repealed.

5 AAC 96.430. Review of nominations for membership on local fish and game advisory committees.

Repealed 11/30/89.

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.

5 AAC 96.450. Committee status and change of status.

(a) Repealed 9/19/2019;

(b) Repealed 9/19/2019;

(c) Committees may merge if each affected committee votes to request merger, and if the joint board determines that the merger should occur.

(d) The joint board may merge a dormant committee with a committee if the boards support section gives the committees notice of the proposed merger, if the dormant committee does not express an intention to meet 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.

(e) The joint board may dissolve a committee if the committee has been dormant for two years and fails to respond to boards support section 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.

5 AAC 96.460. Attendance at meetings.

When adequate funding exists the department will, in its discretion, 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 chair's designee must be a committee member.

Article 4

Administration of Regional Fish and Game Councils

5 AAC 96.500. Operation of regional fish and game council system.

Repealed.

5 AAC 96.510. Staff assistance.

Repealed.

5 AAC 96.520. Regular and special meetings.

Repealed.

5 AAC 96.530. Attendance at meetings.

Repealed.

5 AAC 96.540. Direction from the boards.

Repealed.

Article 5

Adoption of Fish and Game Regulations

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 9/19/2019.

(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 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 proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices and the 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 96.615. Subsistence proposal policy.

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

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

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

(b) A board may delegate authority to a review committee, consisting of members of the board, to review all subsistence proposals for any

meeting to determine whether the conditions in (a) of this section apply.

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

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

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

5 AAC 96.620. Supplemental regulations and actions.

Repealed 10/9/83.

5 AAC 96.625. Joint board petition policy.

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

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). 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.

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

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

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions received under (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.

(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. It is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, 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. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

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

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

5 AAC 96.630. Special meetings.

In conjunction with any special meeting called under 5 AAC 96.600, each board will follow the procedures set out in 5 AAC 96.610 to the extent time permits. However, a board will, in its discretion, modify the procedures, if it would be more suitable for any particular special meeting.

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 participation in the board's deliberations.

5 AAC 96.650. Staff assistance.

Repealed 10/9/83.

5 AAC 96.660. Compliance.

(a) The failure of a committee or a board to observe procedures set out in this chapter and 5 AAC 97, except as may be required by the Administrative Procedure Act (AS 44.62), does not invalidate a regulation adopted by a board.

(b) The failure of a committee to observe procedures set out in this chapter will be addressed by the boards support section of the department. If the boards support section determines that it is necessary for a particular matter to be addressed by a board or joint board, the boards support section will forward that particular matter to the appropriate board or the joint board for resolution.

Article 6

General Provisions

5 AAC 96.900. Removal for cause.

Repealed 10/9/83.

5 AAC 96.910. Definitions.

In 5 AAC 96 - 5 AAC 99

(1) "board" means the Board of Fisheries or the Board of Game acting individually;

(2) "joint board" means the Board of Fisheries and the Board of Game acting jointly;

(3) "committee" means a local fish and game advisory committee;

(4) repealed 2/23/2014;

(5) "designee" means a committee member who has been designated by the chair of the committee;

(6) "region" means a fish and game resource management region;

(7) "designated seat" means any seat the joint board assigns, under 5 AAC 96.060, to represent a particular user group or a particular community;

(8) "boards support section" means the section in the department assigned to perform administrative functions and support to the boards and joint board;

(9) "department" means the Department of Fish and Game;

(10) "resident of the area served by the committee" for the purposes of the advisory committee election procedures under 5 AAC 96.060(g) means a person who is a resident as defined in AS 16.05.940(28) and who maintains a domicile in the area served by a committee described in 5 AAC 97.005.

5 AAC 96.920. Supplemental action.

Repealed 10/9/83.