

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

JOINT BOARD PETITION POLICY

Under AS 44.62.220 an interested person may petition an agency for the adoption or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reasons for the request, and the reference to the authority of the agency to take the action requested. Upon receipt of a petition, the agency must within 30 days deny the petition in writing or schedule the matter for public hearing under AS 44.62.190 -- AS 44.62.210, which basically require that the agency publish legal notice describing the proposed change and solicit written comment for 30 days before taking action. Alaska Statute 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

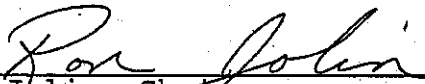
Fish and game regulations are promulgated by the seven member Alaska Board of Fisheries and the seven member Alaska Board of Game. At least twice annually, the boards solicit changes to the regulations governing Alaska's fish and game resources. As many as 600 proposed changes per meeting have been submitted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

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

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

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

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



Ron Jolin, Chairman
Alaska Board of Fisheries and Game

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