

**ALASKA DEPARTMENT OF FISH AND GAME**

**Staff Comments on Joint Board Proposals**

**Joint Board of Fisheries and Game Meeting  
Anchorage, Alaska**

**October 12-16, 2013**



These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Joint Board of Fisheries and Game Meeting, October 12-16, 2013, in Anchorage, Alaska. The comments are designed to assist the public and board. The stated staff comments should be considered preliminary and may be subject to change, if or when new information becomes available.



## ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on regulatory proposals for the Joint Board concerning the state's local fish and game advisory committees, subsistence uses, and nonsubsistence areas. These comments were prepared by the department for use at the Alaska Joint Board of Fisheries and Game meeting, October 12-16, 2013 in Anchorage, Alaska. The comments are forwarded to assist the public and the Joint Board. The comments contained herein should be considered preliminary and may change as new information becomes available. Final department positions may be formulated after review of written and oral public testimony presented at the board.

Key words: Joint Board of Fisheries and Game (Joint Board), Alaska Department of Fish and Game (department) staff comments, uniform rules of operation, fish and game advisory committees (ACs), Robert's Rules of Order, qualifications, members, officers, elections, nomination, functions, regional, subsistence, nonsubsistence areas, and customary and traditional (C&T).

*This document should be cited as:*

*ADF&G (Alaska Department of Fish and Game). 2013. Alaska Department of Fish and Game staff comments on Joint Board Proposals, Joint Board of Fisheries and Game meeting, Anchorage, Alaska October 12-16, 2013. Alaska Department of Fish and Game, Juneau.*

The Alaska Department of Fish and Game administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

**If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information please write to:**

ADF&G, P.O. Box 115526, Juneau, AK 99811-5526; U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington, VA 22203; or O.E.O., U.S. Department of the Interior, Washington DC 20240.

**For information on alternative formats for this and other department publications, please contact the department ADA Coordinator at (VOICE) 907-465-6077, (TDD) 1-800-478-3648 or 907-465-3646, or (FAX) 907-465-6078.**

## Table of Contents

<b>Proposal No. &amp; Subject</b>	<b>Page</b>
<b>Summary of Department Positions .....</b>	<b>v-vi</b>
<b><i>Advisory Committee Membership &amp; Areas of Jurisdiction</i></b>	
1 Change the representation for the Seward Advisory Committee (AC) .....	1
2 Re-designate the seats for the Susitna Valley Advisory Committee .....	2
3 Change the makeup of the Susitna Valley AC.....	4
4 Move Selawik from the Northern Seward Peninsula AC to the Lower Kobuk AC.....	6
5 Create an AC for the community of Mountain Village. ....	7
6 Create an AC for the community of Bethel. ....	9
7 Divide the Icy Straits AC into two ACs.....	11
8 Add the Stony/Holitna, Susitna Valley, and the Upper Tanana/Fortymile ACs to areas of jurisdiction and correct names for the North Slope and the Prince William Sound/Valdez ACs.....	13
<b><i>Advisory Committee Uniform Rules of Operation</i></b>	
9 Change the membership term dates for ACs to July 1 through June 30.....	14
10 Change the election process for AC membership.....	15
11 Modify the nomination process for AC membership. ....	16
12 Change the AC election and nomination process. ....	18
13 Allow AC chairs to declare vacancies, and reduce the length of the public notice requirement announcing the vacancy to ten days. ....	20
14 Modify the <i>Uniform Rules of Operation</i> for ACs.....	21
15 Clarify the <i>Uniform Rules of Operation</i> for the ACs and change the membership term date to July 1–June 30.....	24
16 Establish a standard in regulation for AC minutes. ....	27
17 Modify the procedures for removal for cause of AC members and clarify the causes for removal. ....	29
18 Expand upon the causes for removal for AC members. ....	31

***Advisory Committee Membership Qualification***

- 19 Expand the qualifications for AC officers, shorten the notification for removal of officers, and clarify nonvoting privileges for secretaries. ....32
- 20 Modify the qualifications for chairman, and removal for cause for members.....34
- 21 Expand the qualifications for AC members.....36

***Advisory Committee Active Status, Function, & Staff Assistance***

- 22 Reduce the number of required meetings for active status to one meeting per year, and clarify the process for merging an inactive AC with an active AC.....37
- 23 Move the functions of regional councils to AC functions. ....39
- 24 Direct the commissioner to assign staff to aid the ACs. ....42

***Adoption of Fish & Game Regulations***

- 25 Clarify the process for accepting proposals for each board. ....43
- 26 Establish a Joint Board standing committee for reviewing election results, ratifying AC disciplinary proceedings, and providing guidance to ACs .....44
- 27 Change the Joint Board meeting schedule from once each year to as needed.....45

***Advisory Committee Participation at Board Meetings***

- 28 Provide the option to allow designated AC representatives to participate in board deliberations. ....46
- 29 Allow AC chairs to participate during board deliberations. ....47

***Regional Councils***

- 30 Remove the definition of “council” from regulations.....48
- 31 Repeal regulations concerning Regional Advisory Councils (RACs).....49
- 32 Repeal regulations concerning RACs and incorporate the functions into the AC regulations. ....50

***Subsistence Uses & Procedures***

- 33 Establish a new reporting requirement for all subsistence finfish and shellfish fisheries and all big game subsistence harvests. ....53
- 34 Modify the process for determining the amount reasonably necessary for subsistence (ANS) findings.....56
- 35 Define “nonsubsistence harvests” of fish stocks and game populations as any harvest by nonresidents and aliens.....58

<b>36</b>	Repeal the second of three factors listed in 5 AAC 99.010(c) for distinguishing among subsistence users in Tier II hunts and fisheries. ....	61
<b>37</b>	Create a definition of “noncommercial” as it applies to the barter of fish and game taken in subsistence fishing, hunting, and trapping activities. ....	62
<b>38</b>	Eliminate the five nonsubsistence areas currently established by the Joint Board.....	64
<b>39</b>	Reduce the size of the Fairbanks Nonsubsistence Area based on the range of the Fortymile caribou herd.....	73
<b>40</b>	Create a Kodiak nonsubsistence area.....	76
<b>41</b>	Create a Bethel nonsubsistence area. ....	78

### Summary of Department Positions, Joint Board Meeting Proposals, October 2013

Proposal No.	Dept. Position	Issue
1	N	Change the representation for the Seward Advisory Committee (AC).
2	N	Change the makeup of the Susitna Valley AC.
3	N	Change the makeup of the Susitna Valley AC.
4	N	Move Selawik from the Northern Seward Peninsula AC to the Lower Kobuk AC.
5	N	Create an AC for the community of Mountain Village.
6	N	Create an AC for the community of Bethel.
7	N	Divide the Icy Straits AC into two ACs.
8	S	Add the Stony/Holitna, Susitna Valley, and the Upper Tanana/Fortymile ACs to areas of jurisdiction and correct names for the North Slope and the Prince William Sound/Valdez ACs.
9	S	Change the membership term dates for ACs to July 1 through June 30.
10	N	Change the election process for AC membership.
11	O	Modify the nomination process for AC membership.
12	O/N	Change the AC election and nomination process.
13	N	Allow AC chairs to declare vacancies, and reduce the length of the public notice requirement announcing the vacancy to ten days.
14	S/O	Modify the <i>Uniform Rules of Operation</i> for ACs.
15	S	Clarify the <i>Uniform Rules of Operation</i> for the ACs and change the membership term date to July 1–June 30.
16	N	Establish a standard in regulation for AC minutes.
17	S	Modify the procedures for removal for cause of AC members and clarify the causes for removal.
18	O	Expand upon the causes for removal for AC members.
19	O	Expand the qualifications for AC officers, shorten the notification for removal of officers, and clarify nonvoting privileges for secretaries.
20	O	Modify the qualifications for chairman, and removal for cause for members.
21	O	Expand the qualifications for AC members.
22	S	Reduce the number of required meetings for active status to one meeting per year, and clarify the process for merging an inactive AC with an active AC.
23	O	Move the functions of regional councils to AC functions.
24	O	Direct the commissioner to assign staff to aid the ACs.
25	S	Clarify the process for accepting proposals for each board.
26	N/S	Establish a Joint Board standing committee for reviewing election results, ratifying AC disciplinary proceedings, and providing guidance to ACs.
27	S	Change the Joint Board meeting schedule from once each year to as needed.
28	O	Provide the option to allow designated AC representatives to participate in board deliberations.

**N=Neutral; S=Support; O=Oppose**

<b>Proposal No.</b>	<b>Dept. Position</b>	<b>Issue</b>
29	<b>O</b>	Allow AC chairs to participate during board deliberations.
30	<b>S</b>	Remove the definition of “council” from regulations.
31	<b>S</b>	Repeal regulations concerning Regional Advisory Councils (RACs).
32	<b>O/S</b>	Repeal regulations concerning RACs and incorporate the functions into the AC regulations.
33	<b>O</b>	Establish a new reporting requirement for all subsistence finfish and shellfish fisheries and all big game subsistence harvests.
34	<b>O</b>	Modify the process for determining the amount reasonably necessary for subsistence (ANS) findings
35	<b>O</b>	Define “nonsubsistence harvests” of fish stocks and game populations as any harvest by nonresidents and aliens.
36	<b>S</b>	Repeal the second of three factors listed in 5 AAC 99.010(c) for distinguishing among subsistence users in Tier II hunts and fisheries.
37	<b>S</b>	Create a definition of “noncommercial” as it applies to the barter of fish and game taken in subsistence fishing, hunting, and trapping activities.
38	<b>N</b>	Eliminate the five nonsubsistence areas currently established by the Joint Board
39	<b>N</b>	Reduce the size of the Fairbanks Nonsubsistence Area based on the range of the Fortymile caribou herd.
40	<b>N</b>	Create a Kodiak nonsubsistence area.
41	<b>N</b>	Create a Bethel nonsubsistence area.

**N=Neutral; S=Support; O=Oppose**



**PROPOSAL 1 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Seward Fish and Game Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** This proposal would change representation for the Seward Advisory Committee (AC) from 15 members for the community of Seward, to 11 undesignated representatives.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations establish the Seward AC as a single community with 15 members.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The membership for the Seward AC would consist of 11 undesignated representatives, giving flexibility to allow nearby communities, such as Moose Pass, to serve on the AC. Reducing the total number of seats for the AC could assist the AC with making a quorum for meetings.

**BACKGROUND:** The Seward Fish and Game AC participates in both the fish and the game regulatory processes. It has had difficulty in establishing a quorum for holding meetings. It is not clear, under current regulations, if members from nearby communities can serve on the Seward AC.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The department supports the committee working with the Joint Board for improvements to become more effective in the fish and game regulatory process.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 2 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Susitna Valley Fish and Game Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** This proposal would change the makeup of the Susitna Valley Advisory Committee (AC) by providing seven undesignated seats and designating one seat for each of the following communities: Peters Creek/Trapper Creek, Willow/Nancy Lake, Talkeetna/Sunshine, and Big Lake/Houston. The proposal reduces the total number of members from 15 to 11.

**WHAT ARE THE CURRENT REGULATIONS?** The Susitna Valley AC has designated seats, as follows:

Willow	2 representatives
Big Lake	2 representatives
Talkeetna	2 representatives
Houston	2 representatives
Sunshine	2 representatives
Peters Creek	2 representatives
Trapper Creek	2 representatives
Undesignated	1 representative

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The number of designated seats for each of the seven communities would be reduced and the overall number of seats on the AC from 15 to 11. The proposal also includes a representative for Nancy Lake. Having a greater number of undesignated seats would give the AC flexibility in electing AC members. Reducing the total number of seats on the AC could assist the AC with making a quorum for meetings.

**BACKGROUND:** The Susitna Valley AC was established by the Joint Board at the October 2007 meeting. Since its establishment, the AC has had difficulty making a quorum to conduct business.

Population estimates for the communities/areas according to the Department of Labor 2012 population estimate, are as follows:

Trapper Creek	475
Talkeetna	894
Willow	2,155
Houston City	2,012
Big Lake	3,502
Sunshine	not listed
Nancy Lake	not listed
Peters Creek	not listed
Petersville	5

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The department supports the AC working with the Joint Board for improvements to become more

effective in the fish and game regulatory process. Neither Nancy Lake nor Peters Creek are listed in the Department of Labor 2012 population estimates; however, Petersville is listed in Department of Labor estimates, but not in the AC regulation. The Joint Board may want to clarify seat designations for these areas.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 3 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Todd Kingery.

**WHAT WOULD THE PROPOSAL DO?** This proposal would change the makeup of the Susitna Valley Advisory Committee (AC) by reducing the total number of seats and designating one seat for each of the following communities: Trapper Creek/Petersville, Willow/Nancy Lake, Sunshine/Talkeetna, and Big Lake/Houston.

**WHAT ARE THE CURRENT REGULATIONS?** The Susitna Valley AC has designated seats, as follows:

Willow	2 representatives
Big Lake	2 representatives
Talkeetna	2 representatives
Houston	2 representatives
Sunshine	2 representatives
Peters Creek	2 representatives
Trapper Creek	2 representatives
Undesignated	1 representative

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The number of representatives for each of the seven communities would be reduced and representation for Petersville and Nancy Lake would be added. Assuming the undesignated seat would remain in regulation, the proposal would reduce the AC membership to five members. Under 5 AAC 96.060(e), committees are required to have at least five members. A reduction in the total number of members on the AC could assist the AC with making a quorum for meetings.

**BACKGROUND:** The Susitna Valley AC was established by the Joint Board at the October 2007 meeting. Since its establishment, the AC has had difficulty making a quorum to conduct business.

Population estimates for the communities/areas, according to the Department of Labor 2012 population estimate are as follows:

Trapper Creek	475
Talkeetna	894
Willow	2,155
Houston City	2,012
Big Lake	3,502
Sunshine	not listed
Nancy Lake	not listed
Peters Creek	not listed
Petersville	5

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. Neither Nancy Lake nor Peters Creek are listed in the Department of Labor 2012 population estimate;

however, Petersville is listed in Department of Labor estimates, but not in the AC regulation. The Joint Board should clarify seat designations for these areas.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 4 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Selawik Representatives on the Northern Seward Peninsula Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** This proposal would remove designated seats for Selawik from the Northern Seward Peninsula Advisory Committee (AC) and add three designated seats for Selawik to the Lower Kobuk AC.

**WHAT ARE THE CURRENT REGULATIONS?** The Northern Seward Peninsula AC and the Lower Kobuk AC have designated seats, as follows:

Northern Seward Peninsula AC:

Buckland	3 representatives
Selawik	2 representatives
Deering	2 representatives
Undesignated	8 representatives

Lower Kobuk AC:

Noorvik	3 representatives
Kiana	2 representatives
Undesignated	10 representatives

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The Village of Selawik would join the Lower Kobuk AC having three designated seats and would secede from the Northern Seward Peninsula AC. The designated and undesignated seats for both the Northern Seward Peninsula AC and the Lower Kobuk AC would need to be adjusted to maintain 15 seats. Since Selawik is located closer to Noorvik and Kiana, it may be more feasible for Selawik representatives to travel to meetings of the Lower Kobuk AC.

**BACKGROUND:** Both ACs participate in the fish and game regulatory process. The proponent says that Selawik is more similar to Noorvik and Kiana than Buckland and Deering. The population for each community, according to the Department of Labor 2012 population estimate, is as follows:

Selawik	856
Noorvik	626
Kiana	383
Buckland	453
Deering	142

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The department supports committee members working with the Joint Board for improvements to become more effective in the fish and game regulatory process. If the Joint Board adopts the proposal, it will need to consider adjusting designated and undesignated seats for the two ACs to maintain 15 seats.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 5 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Mountain Village Working Group.

**WHAT WOULD THE PROPOSAL DO?** This proposal would create an advisory committee (AC) for the community of Mountain Village.

**WHAT ARE THE CURRENT REGULATIONS?** Mountain Village is one of thirteen villages, each one having one designated seat on the Lower Yukon AC.

5 AAC 96.420. *Review of requests for local fish and game advisory committees.* 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 on existing committees in the area 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;
- 7) the recommendation of the appropriate council; and
- 8) and the efficiency of existing committees.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The community of Mountain Village would be able to meet as an AC, as needed, since travel costs associated with the meeting would likely be minimal. As an AC, it would be able to provide recommendations to the boards and attend pertinent board meetings. The remaining twelve villages on the Lower Yukon AC would continue to be represented by one AC. Establishing an additional AC will result in an increased number of AC comments and testimony provided at board meetings.

**BACKGROUND:** The Lower Yukon AC participates in both the fisheries and the game regulatory processes, but has limitations on the number of meetings due to the high costs associated with the meetings. Mountain Village, along with the 12 other communities on the committee, is located in Game Management Unit 18, in the Arctic-Yukon-Kuskokwim Area.

The population estimates for each community on the Lower Yukon AC, according to the Department of Labor 2012 population estimate, are as follows:

Marshall	414
Russian Mission	312
St. Marys	524
Andreafski	not listed
Mountain Village	830
Scammon Bay	536

Alakanuk	707
Pilot Station	597
Kotlik	628
Emmonak	755
Hooper Bay	1,114
Pitkas Point	102
Nunam Iqua	185

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal, but is supportive of committee members working with the Joint Board for improvements that enable them to become more effective in the fish and game regulatory process.

There would be additional cost to the department for staff to attend additional AC meetings on the Lower Yukon River and for sending a representative of this AC to board meetings. Increasing the number of ACs has the potential to impact funding for other ACs.

The department recommends the Jt. Board consider any potential changes to the dynamics for Lower Yukon River villages if an AC is established solely for Mountain Village. If the Joint Board chooses to establish an AC for Mountain Village, it may want to consider adjusting representation for other villages on the Lower Yukon AC or create other ACs, based on location, to better represent geographic areas, which may reduce AC members' travel costs.

If the Joint Board adopts this proposal, it will need to appoint the first five members of the new AC according to regulation (5 AAC 96.060(e)(2)).

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.



**PROPOSAL 6 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Orutsarmiut Native Council.

**WHAT WOULD THE PROPOSAL DO?** This proposal would create an advisory committee (AC) for the community of Bethel.

**WHAT ARE THE CURRENT REGULATIONS?** Bethel is one of thirteen communities on the Lower Kuskokwim AC. It has one designated seat. Ten other communities on the committee have one representative each; the communities of Kwethluk and Napaskiak have two representatives each.

5 AAC 96.420. *Review of requests for local fish and game advisory committees.* 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 person making the request;
- 2) whether representation of all user groups on existing committees in the area 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;
- 7) the recommendation of the appropriate council; and
- 8) and the efficiency of existing committees.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The community of Bethel would be able meet as an AC, as needed, since travel costs associated with the AC would likely be minimal. As an AC, it would be able to provide recommendations to the boards and attend pertinent board meetings. The remaining twelve villages on the Lower Kuskokwim AC would continue to be represented by one AC. Establishing an additional AC will result in an increased number of AC comments and testimony provided at board meetings.

**BACKGROUND:** The Lower Kuskokwim AC participates in both the fish and the game regulatory processes, but has limitations on meetings due to the high costs associated with holding meetings. Bethel is located in Game Management Unit 18, in the Arctic-Yukon-Kuskokwim Area. The population for the city of Bethel, according to the 2012 Department of Labor population estimate, is 6,113. The populations for the other designated communities on the Lower Kuskokwim AC are as follows:

Kwethluk	751
Napaskiak	434
Napakiak	358
Kasigluk	594
Oscarville	69

Nunapitchuk	549
Tuntutuliak	420
Tuluksak	384
Atmautluak	302
Akiak	361
Akiachak	663
Eek	339

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal, but is supportive of committee members working with the Joint Board for improvements that enable them to become more effective in the fish and game regulatory process.

There would be additional cost to the department for staff to attend additional AC meetings and for sending a representative of this AC to board meetings. Increasing the number of ACs has the potential to impact funding for other ACs.

The department recommends the Jt. Board consider any potential changes to the dynamics for Lower Kuskokwim River villages if an AC is established solely for Bethel. If the Joint Board chooses to establish an AC for Bethel, it may want to consider adjusting representation for other villages on the Lower Lower Kuskokwim AC or create other ACs, based on location, to better represent geographic areas, which may reduce AC members' travel costs.

If the Joint Board adopts this proposal, it will need to appoint the first five members of the new AC according to regulation (5 AAC 96.060(e)(2)).

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 7 – 5 AAC 96.021. Establishment of advisory committees.**

**PROPOSED BY:** Craig Murdoch.

**WHAT WOULD THE PROPOSAL DO?** This proposal divides the Icy Straits Advisory Committee (AC) into two ACs.

**WHAT ARE THE CURRENT REGULATIONS?** The Icy Straits AC is comprised of two Gustavus representatives, nine Hoonah representatives, and four undesignated seats.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The communities of Hoonah and Gustavus would each be able to meet as an AC to provide recommendations to the boards and attend board meetings. It would be more feasible to schedule AC meetings since travel or teleconferencing arrangements would not be necessary. Establishing an additional AC will result in an increased number of AC comments and testimony provided at board meetings.

**BACKGROUND:** The Icy Straits AC participates in both the fish and game regulatory process. The AC is composed of communities in Game Management Unit (GMU) 1C and GMU 4, in Southeast Alaska. Gustavus and Hoonah are separated by Icy Strait, a large body of water separating Chichagof Island (GMU 4) and mainland Southeast Alaska (GMU 1C); Excursion Inlet and remote properties in the Pt. Couverden area are also located on the mainland. The population for Hoonah is 777 and the population for Gustavus is 489, according to the Department of Labor 2012 population estimate.

Hunters and trappers from all these communities regularly hunt and trap on both sides of Icy Strait, utilizing wildlife resources throughout the Icy Strait area. Based on their geographic location, each community has unique wildlife use patterns. For example, the mainland areas support big game species, such as moose, Sitka black-tailed deer, black and brown bears, mountain goats, and wolves. Hoonah, located on northeast Chichagof Island, supports primarily Sitka black-tailed deer and brown bears. While each area supports some of the same game species, discussions on how these species should be managed may not be consistent because of differences in use patterns between communities. These differences speak in support of separating the ACs so they can focus on questions concerning management of game species that directly impact residents in their respective areas.

As noted in the proposal, ACs are able to comment and testify on any proposal the committee chooses. By separating the Icy Straits AC, there may be no net loss of input because either or both of the Icy Strait committees can contribute to board proposals or testimony. There could be an increase in meeting efficiencies, and committee members and the communities they represent may be able to focus more on issues directly related to where they reside.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal, but is supportive of committee members working with the Joint Board for improvements that enable them to become more effective in the fish and game regulatory process.

There would be additional cost to the department for staff to attend additional AC meetings and for sending a representative of this AC to board meetings. Increasing the number of ACs has the potential to impact funding for other ACs.

If the Joint Board adopts this proposal, it will need to appoint the first five members of the new AC according to regulation (5 AAC 96.060(e)(2)).

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 8 – 5 AAC 97.005. Areas of jurisdiction for advisory committees.**

**PROPOSED BY:** Alaska Department of Fish and Game.

**WHAT WOULD THE PROPOSAL DO?** The proposal adds the Stony/Holitna, Susitna Valley, and the Upper Tanana/Fortymile advisory committees (ACs) to the regulation describing areas of jurisdiction for ACs. It also corrects the names for the North Slope and the Prince William Sound/Valdez AC.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulation (5 AAC 97.005) establishes areas of jurisdiction for ACs to initiate emergency closures after delegation of authority from the commissioner, for finfish, shellfish, and game. 5 AAC 96.060(3) also references 5 AAC 97.005 for the purpose of identifying qualifying voters at AC election meetings.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The areas of jurisdiction will include the Susitna Valley, Stony/Holitna, and Upper Tanana/Forty Mile ACs. In addition, the names for the Prince William Sound/Valdez and North Slope Advisory Committees will be correctly identified under 5 AAC 97.005.

**BACKGROUND:** The regulation establishing the areas for jurisdiction for emergency closures on taking fish and game does not list all 82 ACs.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal, with an amendment to add St. Lawrence Island, Port Alexander, Lower Bristol Bay, and Togiak ACs to the appropriate game management units listed in 5 AAC 97.005. The proposal clarifies areas of jurisdiction for staff, the boards, and the public.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 9 – 5 AAC 96.060. Uniform rules of operation.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** The proposal would change the membership term dates for advisory committees (ACs) from January 1 through December 31, to July 1 through June 30.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.060(f) states:

...

“Terms commence on January 1 and expire on December 31 of the year designated or until a successor has been duly elected at the next committee meeting. Maximum length of a term is three years.”

Members serve staggered terms so that not more than one-third of the committee members’ terms expire in one calendar year.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Term dates for AC members will commence on July 1 and expire on June 30. Advisory committees will likely hold election meetings during the first AC meeting in the board cycle, which may allow the ACs to maintain continuity with their memberships for the entire cycle rather than potentially having changes halfway through.

**BACKGROUND:** Advisory committee member terms expire January 1; however, there is flexibility for scheduling of election meetings any time during the board meeting cycle. Oftentimes, election meetings are held near the start of the term date, but for those committees that have a limited number of meetings, elections are scheduled to occur whenever the committee meets during the board meeting cycle. Some ACs have expressed frustration for having changes to committee membership mid-cycle, which can be disruptive for committee work on fish and game issues.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal. It would be more efficient for ACs to hold elections at the beginning of the meeting cycle, and would provide continuity of membership throughout the cycle.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 10 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Mike McCrary.

**WHAT WOULD THE PROPOSAL DO?** The proposal requests a change in the election process so that each qualified voter would vote for only one nominee at advisory committee (AC) elections.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.060, *Uniform rules of operation*, specifies in paragraph (e)(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. ...”

5 AAC 96.020 specifies that “...A committee must represent user groups in the region as required in 5 AAC 96.060(e)(1),” which states: “...The members must be representative of fish and game user groups in the area served by the committee. To the extent possible, 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 will, in its discretion, assign a seat on the committee to represent a specific user group or specific community.”

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The effect may be to prevent qualified voters from voting on multiple nominations regardless of the number of seats open for election. Voters attending election meetings would vote for only one person, and will not be able to vote on any other nominations for open seats.

**BACKGROUND:** The election process varies among ACs. For some ACs, the public may vote on nominations for each open seat, one seat at a time. For other ACs, the public may vote on all nominations for the number of open seats (i.e., five open seats, five votes) and the top nominations receiving the most votes are elected. Elections for community-designated seats often occur in conjunction with, and under the same procedures, as tribal or city elections. Currently, no AC limits a person to one vote for one candidate if more than one seat is up for election.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal, but supportive of committees having clear procedures so that elections are open and transparent for the public. Advisory committees typically utilize one of the two election procedures described above. The department supports ACs officially establishing one of these two election processes and making it known to the public.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

## **PROPOSAL 11 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to modify the nomination process for advisory committee (AC) membership by establishing a higher standard for membership. Specifically, it would require the following standards and process:

1. Committees would interview nominees to ensure qualifications are met;
2. Nominees would be expected to display knowledge of the Alaska constitution, Alaska statutes, and Administrative Code, in addition to the current qualifications provided in 5 AAC 96.040; and
3. Committee members would vote on nominations, which would then be voted on by the community at the next regular meeting.

**WHAT ARE THE CURRENT REGULATIONS?** Qualifications for AC members are specified under 5 AAC 96.040, which states: “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.”

The nomination process is contained in 5 AAC 96.060(h), which reads: “A committee member or resident of the area served by the committee who qualifies under this section may submit a nomination for committee membership to the committee orally or in writing, at any regular meeting, regardless of whether a quorum is present. The committee may set a time period during which it will accept nominations. If the committee establishes a time period, it shall give adequate public notice of the time before it accepts nominations. A committee shall vote on each nomination under (e) of this section either at the next regular meeting after it accepts nominations, or at the same meeting at which it accepts a nomination. The committee shall decide whether to vote on nominations at the same or at a subsequent meeting and shall provide appropriate notice of this decision. A person qualifies as a resident of the area served by the committee if the person is a resident as defined in AS 16.05.940 who maintains an abode in the area served by a committee described in 5 AAC 97.005.”

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The election process for ACs will require additional meetings, rather than one single meeting. Individuals interested in serving on an AC would have to go through an interview process and would be expected to explain their knowledge of the constitution and various fish and game statutes and regulations. Residents of the area would vote on membership at the next regular meeting, from a list of nominees provided by the ACs.

Additional standards and an interview process may discourage some qualified candidates from volunteering for membership for some committees. Those ACs having limited meetings may not be able to comply with an interview process before holding elections.

**BACKGROUND:** The current process utilized by several ACs allows nominees to provide a statement about his/her qualifications before a vote is taken. Current qualifications for AC



membership are broad and provide committees with some flexibility for recruiting new members. Oftentimes ACs develop internal guidelines for the process of holding elections and other operating procedures.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. It is unknown how many AC meetings would be needed for the interview process and there could be additional costs to the department for additional AC meetings. If adopted, the Joint Board would need to adopt some basic testing standards to ensure all committees were applying consistent requirements and opportunities. This would avoid potential claims of arbitrary and capricious standards.

**COST ANALYSIS:** Approval of this proposal is expected to result in an additional direct cost for a private person to participate in the regulatory process due to potentially having to attend additional AC meetings.

## **PROPOSAL 12 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Alaska Wildlife Alliance.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to change the advisory committee (AC) election process to an appointment process by the commissioner of ADF&G, and provides for designated seats for different interest groups. Elections would occur for the purpose of providing nominations to the commissioner.

The proposal requests the Joint Board to assign seats for the Anchorage AC to represent at least seven distinct user groups, with the number of designated seats reflecting the presence and proportion of that group residing within the Municipality of Anchorage, per 5 AAC 96.060(e)(1).

The proposal would require representation for additional interest groups for all ACs and would repeal provisions providing for election of AC members by qualified voting residents of the area.

If the Joint Board retains the regulation for the current election process, the proposal would add additional stipulations:

1. Member representation on each AC would be required in fair proportion to the number of users of various groups in the community for the AC;
2. Voters present at the election meeting would be allowed to vote only once and only for one AC;
3. Nominations would be closed at least 15 days prior to voting;
4. Voting prior to the close of nominations would be prohibited;
5. Seats for distinct user groups would be designated;
6. Each candidate would be able to run for only one designated seat, after providing evidence of his or her qualifications;
7. Basic prerequisites for membership would be needed and would include:
  - a. Demonstrated interest and past involvement in wildlife related issues;
  - b. A past history free from game- or fish-related citations, and convictions of misdemeanor or felony crimes; and
  - c. A clear and positive record showing qualifications for the designated seat sought by the candidate.

**WHAT ARE THE CURRENT REGULATIONS?** Under 5 AAC 96.060, *Uniform Rules of Operation*, (e)(1) specifies that members must be representative of fish and game user groups in the area served by the committee. To the extent possible, at least three user groups must be represented on each committee. The regulation also specifies the Joint Board will, in its discretion, assign a seat on the committee to represent a specific user group or specific community to ensure full representation of an area.

5 AAC 96.060(e)(3) states “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. ...” Voting for nominations is allowed during the same meeting or at subsequent meetings as long as the meetings are properly noticed per 5 AAC 96.060(h).

5 AAC 96.040 specifies the qualifications for advisory committee members: "...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 96.020 states: "...A committee must represent user groups in the region as required in 5 AAC 96.060(e)(1). ..."

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The AC election process would change substantially. The commissioner of ADF&G would be expected to make hundreds of appointments every year. Representation for some user groups may be expanded for some committees and there would be a need for increased effort by the ACs and the department to review the representation of specific user groups to ensure there was a fair proportion to the various user groups in the community.

If the Joint Board did not adopt the process of having the commissioner appoint AC members, but adopted the other proposed changes to the election process, AC elections would take two separate meetings instead of one and members of the public would be allowed to vote for only one AC member and for only one AC.

**BACKGROUND:** Advisory committees make the effort to maintain memberships that are representative of a variety of user groups. The department's Boards Support Section regional coordinators provide guidance, when needed, for committees to fulfill the regulatory requirement for having at least three user groups represented on committees. Some ACs have adopted seat designations to ensure that it remains balanced in composition and representation of local interests. Advisory committees have the ability to adopt internal guidelines to establish procedures for elections and nominations.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. The proposal would result in a demanding administrative process that would increase department personnel costs. The department supports the democratic practice of residents of the area electing their AC representatives and supports ACs establishing clear procedures so that elections are open and transparent for the public. For those ACs that have limited number of meetings, the department is concerned that they may not be able to comply with the election process as described in this proposal. Advisory committees may also have difficulty maintaining membership because additional standards may discourage some qualified candidates from volunteering.

Another section of the proposal requests the Joint Board to appoint members to the Anchorage AC in accordance with 5 AAC 96.060(e)(1); the department is **NEUTRAL** on this request. This would require annual meetings of the Joint Board, which are not funded under the current department budgets.

**COST ANALYSIS:** Approval of this proposal is expected to result in an additional direct cost for a private person to participate in the regulatory process due to potentially having to attend additional AC meetings.

**PROPOSAL 13 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal allows advisory committee (AC) chairs to declare vacancies after a committee has exhausted all reasonable means to discipline a member in accordance with *Robert's Rules of Order*, and the member fails to comply with the will of the AC. The proposal also reduces the length of the public notice requirement announcing the vacancy from 14 days to 10 days.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation for declaring a vacancy is as follows:

5 AAC 96.060(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 term of a member filling a vacancy must be set as required by (f) of this section. A chairman shall declare a vacancy on a committee when any of the following occurs: (1) a member's death, resignation, or refusal accept election; (2) a member's absence from three consecutive, regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; or (3) a member's removal by the joint board for cause.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Advisory committee chairs will be able to publicly declare vacancies, with 10 days' notice, for members who have received exhaustive disciplinary action as provided for in *Robert's Rules of Order*. The proposal may authorize an AC to effectively remove a member for those reasons. According to the Department of Law, committee members removed in this fashion would need to be given some opportunity to appeal their removal to the Joint Board to satisfy constitutional due process requirements.

**BACKGROUND:** It is uncommon for ACs to discipline members for disruptive behavior. In 2011, the Joint Board addressed a situation involving disruptive behavior which resulted in a Joint Board Finding (#11-33-JB) recommending that ACs utilize disciplinary measures under *Robert's Rules of Order* to regulate conduct of committee members during meetings.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 14 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to modify the *Uniform Rules of Operation* for advisory committees (ACs) by making the following changes:

1. Committees may adopt bylaws to augment the *Uniform Rules of Operation* (5 AAC 96.060(a));
2. Committee responsibilities (5 AAC 96.060(c)) are explicitly framed in accordance with provisions of the Alaska Constitution, Alaska laws, the Alaska Administrative Code, and applicable joint board policies;
3. The number of days for submitting new member forms to Boards Support Section following elections would increase from 14 to 30 days (5 AAC 96.060(e)(4));
4. Clarification would be provided such that newly elected members would be seated at the next regularly scheduled meeting after January 1; re-elected members would continue to carry out their duties, and elected members filling vacated seats would have immediate voting and membership privileges (5 AAC 96.060(e)(4));
5. 5 AAC 96.040 would be referenced as to the qualifications for alternates (5 AAC 96.060(e)(7)); and
6. Clarification would be provided that committees could appoint alternates from the remaining nominees from an election, and who could also be used to fill vacancies throughout the year as long as election results were maintained for the record (5 AAC 96.060(e)(new paragraph)).

**WHAT ARE THE CURRENT REGULATIONS?** The *Uniform Rules of Operation* (5 AAC 96.060) state

(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 and is administered by the joint board.

(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 will, in its discretion, 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 possible, 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 will, in its discretion, assign a seat on the committee to represent a specific user group or specific community.

(2) The joint board will appoint the original five members of each committee. An additional member will be confirmed by the joint board from names submitted to it after a committee election.

(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) must 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. No committee may refuse membership to a nominee if committee membership is less than the number of members authorized by the joint board.

(4) 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 division of boards within 14 days after the election. A newly-elected or re-elected member has full voting and office-holding privileges upon election, but is subject to confirmation by the joint board.

(5) A newly-elected or re-elected member loses membership status if he or she fails to submit a new member form within 14 days after the election, or if his or her confirmation is refused by the joint board.

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

(7) Each advisory committee may appoint two alternates. However, any member of an advisory committee who is the sole representative from a 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.

...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Advisory committees may adopt bylaws to establish or clarify the rules by which the ACs operate; alternates would be allowed to fill vacant seats in place of ACs holding elections for those seats; newly elected members will be seated after January 1 when elected prior to January 1, rather than being seated upon election; new members will have an additional 16 days to submit new member forms to Boards Support Section; and framing the responsibilities of the ACs to be in accordance with the Alaska Constitution, Alaska laws, the Alaska Administrative Code, and applicable board policies would place the ACs inappropriately in the position of interpreting these authorities without their having been delegated that authority.

**BACKGROUND:** Under regulation, AC meetings are conducted in accordance with the latest edition of *Robert's Rules of Order*, which provides for the adoption of bylaws. Some ACs have adopted either informal guidelines or formal bylaws to explain some procedures, mostly concerning election processes and establishing designated seats. Some ACs appoint alternates to fill vacant seats until an election is scheduled, while others appoint alternates to serve the remainder of the term. Advisory committees have rarely expressed confusion to department staff about the process for commencement of terms for newly elected members. Oftentimes, newly elected AC members are able to submit new member forms within 14 days, but some AC members need additional time.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** the following elements of the proposal (item numbers 3, 4, and 6 listed above) which would improve the clarity in the regulations and give newly elected AC members additional time to submit the new member forms:

- the increase in the number of days for newly elected AC members to submit new member forms ((5 AAC 96.060(e)(4));
- the clarification for new members to be seated at the next meeting;(5 AAC 96.060(e)(4)); and
- the clarification to the process for appointing alternates (5 AAC 96.060(e)(new section)) .

The department **OPPOSES** item numbers 1, 2, and 5 listed above. Regarding proposed language related to bylaws, ACs already have the ability to adopt bylaws under *Robert's Rules of Order*. However, the department is concerned about the potential for inconsistencies developing between how ACs function, as well as difficulties that may arise in working within divergent processes to assure consistency with existing statutes and regulations. It would be less of a concern for the department if the Joint Board were to provide guidance and sideboards by adopting regulations for bylaw development that would ensure consistency among the ACs and with the *Uniform Rules of Operation* and the *Open Meetings Act*. With respect to additional language related to responsibilities, the department is concerned that the language is unclear and ACs' time will unnecessarily be consumed trying to adhere to the additional functions. Lastly, the added regulatory citation (5 AAC 96.040) to the qualification for alternates is already under Chapter 96 and therefore unnecessary.

**COST ANALYSIS:** Approval of this proposal is expected to result in an additional direct cost for a private person to participate in the regulatory process due to potentially having to attend additional AC meetings.

**PROPOSAL 15 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Alaska Department of Fish and Game.

**WHAT WOULD THE PROPOSAL DO?** This proposal seeks to clarify the *Uniform Rules of Operation* to accurately reflect the current procedures followed by the advisory committees (ACs) and Boards Support Section. It also changes the membership term date to July 1–June 30. The specific changes in the proposal are as follows:

1. Removes the requirement of the Joint Board to confirm additional members for newly-created ACs after a committee election is held.
2. Clarifies when newly-elected or re-elected members have full voting and office-holding privileges.
3. Provides flexibility for the location of elections for designated seats.
4. Removes the requirement of confirmation by the Joint Board for newly-elected or re-elected members.
5. Changes the term dates for membership to July 1–June 30 and clarifies that a member elected to fill a vacant seat will serve the remainder of the term.
6. Clarifies the nomination process by removing a redundant phrase.
7. Removes the requirement for approval by the Joint Board chair for holding joint AC meetings.

**WHAT ARE THE CURRENT REGULATIONS:** The current regulations are as follows:

5 AAC 96.060. Uniform rules of operation.

...

(e) Membership.

(1) Each committee must have at least five but not more than 15 members. The joint board will, in its discretion, 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 possible, 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 will, in its discretion, assign a seat on the committee to represent a specific user group or specific community.

(2) The joint board will appoint the original five members of each committee. An additional member will be confirmed by the joint board from names submitted to it after a committee election.

(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) must 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. No committee may refuse membership to a nominee if committee membership is less than the number of members authorized by the joint board.



(4) 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 division of boards within 14 days after the election. A newly-elected or re-elected member has full voting and office-holding privileges upon election but is subject to confirmation by the joint board.

...

(f) Terms of Members. Each committee shall establish the terms of its members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on January 1 and expire on December 31 of the year designated or until a successor has been duly elected at the next committee meeting. Maximum length of a term is three years.

(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 term of a member filling a vacancy must be set as required by (f) of this section. A chairman shall declare a vacancy on a committee when any of the following occurs:

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

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

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

(h) Nomination. A committee member or resident of the area served by the committee who qualifies under this section may submit a nomination for committee membership to the committee orally or in writing, at any regular meeting, regardless of whether a quorum is present. The committee may set a time period during which it will accept nominations. If the committee establishes a time period, it shall give adequate public notice of the time before it accepts nominations. A committee shall vote on each nomination under (e) of this section either at the next regular meeting after it accepts nominations, or at the same meeting at which it accepts a nomination. The committee shall decide whether to vote on nominations at the same or at a subsequent meeting and shall provide appropriate notice of this decision. A person qualifies as a resident of the area served by the committee if the person is a resident as defined in AS 16.05.940 who maintains an abode in the area served by a committee described in 5 AAC 97.005.

...

(p) Joint Committee Meeting. Each committee shall cooperate with other committees on matters of mutual interest and concern, and may, upon approval of the chairman of the joint board or the chairman's designee, hold a joint meeting to accomplish this purpose.

...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The change in term dates will allow ACs to hold elections at the beginning of the board meeting cycle and to maintain consistent membership throughout an entire board meeting cycle, rather than having membership change midway through the cycle. The other changes reflect the processes currently used for the ACs.

**BACKGROUND:** Some ACs have expressed frustration that the current term dates are disruptive for the ACs' work on fish and game issues, especially when membership changes mid-cycle.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal, with an amendment to change the term dates for officers under 5 AAC 96.060 (i). The proposed regulatory changes more accurately reflect current practices being used by ACs and Board Support Section.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 16 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** This proposal seeks to establish a standard in regulation for advisory committee (AC) minutes by including the following:

1. Time and date that meeting was called to order;
2. Presiding officer;
3. Roll call;
4. Approval of minutes;
5. Relevant comment from the public;
6. Results of votes taken; and
7. Time adjourned.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations are as follows:

5 AAC 96.060(r) Rules of Meetings. Meetings of a committee must be conducted according to the latest edition of Robert’s Rules of Order.

5 AAC 96.060(s). Record of Meetings. Preliminary minutes of each committee meeting must be recorded in writing and forwarded to the director of the division of boards within three weeks 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 advisory committee must submit to the respective board a set of its relevant minutes.

Alaska Statute 16.05.260. Advisory committees.

...

Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be some consistency in the AC minutes submitted to the boards which may benefit board members and others who view the minutes. Many of the ACs already include this information in their minutes.

**BACKGROUND:** Boards Support Section works with ACs to encourage specific content and format for meeting minutes, including provision of the AC’s rationale behind recommendations and both the minority and majority viewpoints, both of which provides valuable information for the boards’ deliberative processes. *Robert’s Rules of Order* specifies content for meeting minutes.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The requirement for ACs to include relevant public comment in meeting minutes may be onerous to the AC. However, the department supports ACs having consistent content so that AC positions and recommendations are clearly communicated.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 17 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Committee of the Joint Board of Fish and Game.

**WHAT WOULD THE PROPOSAL DO?** The proposal would modify the procedures for removal for cause by the Joint Board by requiring submission of a written request of the majority of all members serving on the advisory committee (AC) setting out the reasons for the requested removal. The request must be submitted to the Joint Board. The proposal also clarifies the causes for removal.

The proposal specifies the use of disciplinary measures under *Robert’s Rules of Order* during AC meetings, and relaxes the requirement for the AC to submit minutes relevant to the topic of the board meeting.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations are as follows:

5 AAC 96.060(n). Removal for Cause. The joint board will, in its discretion, remove any member of a committee for cause. As used in this subsection, “cause” includes

- (1) unjustifiable absence from three consecutive meetings;
- (2) conviction of a crime or administrative disciplinary action for behavior inconsistent with the responsibility of committee or council membership within the preceding five years;
- (3) disregard for or violation of the provisions of 5 AAC 96 or 5 AAC 97 governing the committee and council system; or
- (4) failure, at any time, to meet the qualifications for committee membership.

...

5 AAC 96.060(r). Rules of Meetings. Meetings of a committee must be conducted according to the latest edition of Robert’s Rules of Order.

...

5 AAC 96.060(s). Record of Meetings. Preliminary minutes of each committee meeting must be recorded in writing and forwarded to the director of the division of boards within three weeks 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 advisory committee must submit to the respective board a set of its relevant minutes.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Advisory committees will be provided guidance and clarity on the process and reasons for requesting removal of AC members by the Joint Board. Requests for removal from ACs will only be received by the ACs.

**BACKGROUND:** The proposed changes are the result of a 2011 Joint Board meeting at which the boards considered requests for removal of AC members as described in this proposal. The changes provide better clarity to the process for removal of members for cause and for the submission of AC minutes.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal because it provides for a more orderly disciplinary system, clarifies the respective disciplinary roles of ACs and the Joint Board, and clarifies the standards for removal. The proposal would also allow more flexibility in the requirements for submission of minutes before AC testimony at board meetings.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 18 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal expands upon the causes for removal to include:

1. Disregard for or violation of Alaska’s constitutional requirement to manage for sustained yield
2. Failure to follow the Board of Game intensive management regulations, 5 AAC 92.106 and 92.108, and
3. Persons making dilatory or frivolous motions, using parliamentary or nonparliamentary forms with the evident object of obstructing advisory committee (AC) business.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations for removal for cause are as follows:

5 AAC 96.060(n). Removal for Cause. The joint board will, in its discretion, remove any member of a committee for cause. As used in this subsection, “cause” includes

- (1) unjustifiable absence from three consecutive meetings;
- (2) conviction of a crime or administrative disciplinary action for behavior inconsistent with the responsibility of committee or council membership within the preceding five years;
- (3) disregard for or violation of the provisions of 5 AAC 96 or 5 AAC 97 governing the committee and council system; or
- (4) Failure, at any time, to meet the qualifications for committee membership.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Advisory committees will have additional reasons for requesting the Joint Board to remove AC members for cause. The Joint Board may see an increase in the number of requests for removal.

**BACKGROUND:** Advisory committees have the ability under *Robert’s Rules of Order* to take disciplinary action on disruptive members under *Robert’s Rules of Order*, including temporary suspension. The Alaska Constitution and intensive management regulations cited do not impose any requirements on individuals, so it is unclear how these proposed standards could be implemented.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it would be difficult for ACs and the Joint Board to determine if there were any disregard for constitutional requirements and intensive management regulations. It would also be difficult to determine if motions were dilatory or frivolous and made with intent to obstruct AC business. Advisory committees and communities they represent can best determine the qualifications for membership, either through internal guidelines or the election process.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 19 – 5 AAC 96.060. Uniform rules of operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to expand the list of qualifications for advisory committee (AC) chair and vice-chair as specified below, and shortens the notification to 10 days for removal of committee officers. It provides for a waiver by the Joint Board if members do not meet the requirements for chair and vice-chair. The proposal also clarifies the expectation of nonvoting privileges for secretaries who are nonmembers.

The chairman would be required to have a higher degree of knowledge on issues related to the committee business, and as such, would also be required to have served a minimum of four years or two full terms on the AC for which he or she is being nominated for chair, in addition to the current qualifications set out in 5 AAC 96.040.

The vice-chairman would be required to have a higher degree of knowledge on issues related to the AC business, and as such, would also be required to have served a minimum of four years or two full terms on the AC for which he or she is being nominated for vice-chair.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations read as follows:

5 AAC 96.060(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. The chairman of a committee, or a designee, is also a member of the regional council established under 5 AAC 96.220. However, any committee member who is a member of the council must be a resident of the region.

5 AAC 96.060(k). Vice-chairman. The vice-chairman is elected by a majority vote of a quorum of a committee and shall assist the chairman and assume chairman's duties when the chairman is absent.

5 AAC 96.060(l). Secretary. The secretary is elected by a majority vote of a quorum of a 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. If the secretary is not a committee member, the secretary has no vote on committee business other than nominations for committee membership.

5 AAC 96.060(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.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be additional qualifications for officers. Having experienced AC officers may result in more productive AC meetings, although many of the ACs currently have officers who have been long-



serving members. Some ACs may have difficulty finding members to serve as officers. The Joint Board would need to address waivers submitted by those ACs unable to elect a chair who has served a minimum of four years on the committee.

**BACKGROUND:** The current requirement for officer qualification is minimal. Advisory committees have the ability to develop internal guidelines to set qualifications for officers.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal, and has concerns that additional qualifications for officers may be limiting and cause some committees to have difficulty finding members to serve as officers. Although the proposal provides for a waiver from the Joint Board for members who do not meet the qualifications, it may not be practical for the Joint Board to do so.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 20 – 5 AAC 96.021. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal modifies the qualification for chairman to include a background of serving on the advisory committee (AC) for at least one three-year term. It also modifies the removal for cause regulations to include:

1. Disregard for or violation of the constitutional requirement to manage for sustained yield;
2. Failure to follow the Board of Game intensive management regulations, 5 AAC 92.106 and 92.108; and
3. Persons making dilatory or frivolous motions, using parliamentary or nonparliamentary forms with the evident object of obstructing AC business.

The issue statement of the proposal also requests the Joint Board to establish a working group to address these issues.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulation reads as follows:

5 AAC 96.060(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. The chairman of a committee, or a designee, is also a member of the regional council established under 5 AAC 96.220. However, any committee member who is a member of the council must be a resident of the region.

5 AAC 96.060(n). Removal for Cause: The joint board will, in its discretion, remove any member of a committee for cause. As used in this subsection, “cause” includes (1) unjustifiable absence from three consecutive meetings; (2) conviction of a crime or administrative disciplinary action for behavior inconsistent with the responsibility of committee or council membership within the preceding five years; (3) disregard for or violation of the provisions of 5 AAC 96 or 5 AAC 97 governing the committee and council system; or (4) failure, at, any time, to meet the qualifications for committee membership.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be an additional requirement for chairs to have served one term on the committee. Some ACs may have difficulty finding members to serve as officers. Advisory committees would have the ability to request the Joint Board to remove members for situations that involve poor conduct by members and who show disregard for sustained yield management and intensive management regulations.

**BACKGROUND:** The current requirement for officer qualification is minimal. Advisory committees have the ability to develop internal guidelines to set qualifications for officers. Advisory committees also have the ability to take disciplinary action on disruptive members under *Robert’s Rules of Order*, include temporary suspension. The Alaska Constitution and intensive management regulations cited do not impose any requirements on individuals, so it is unclear how these proposed standards could be implemented.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it would be difficult for ACs or the Joint Board to determine if there were any disregard for constitutional requirements and intensive management regulations. It would also be difficult to determine if motions were dilatory or frivolous and made with intent to obstruct AC business. Advisory committees can best determine the qualifications for chairmanship, either through internal guidelines or the election process.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 21 – 5 AAC 96.060. Uniform Rules of Operation.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to expand the list of qualifications for new advisory committee (AC) members to include a demonstration of knowledge of the Alaska Constitution, Alaska statutes, regulations, and a familiarity with board procedures.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation for member qualifications is as follows:

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.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Candidates for membership would need to demonstrate their knowledge of the Alaska Constitution, Alaska statutes, the Alaska Administrative Code, and a familiarity with boards of Fisheries and Game procedures. The requirement may cause ACs to spend more time evaluating candidate qualifications; general membership may be better informed, and, there may be difficulty for some ACs to elicit nominations.

**BACKGROUND:** The current qualifications for membership are broad and have generally not been problematic. Prior to AC elections, candidates are typically afforded the opportunity to verbally introduce themselves, highlight their backgrounds, and explain to those in attendance how they meet the qualifications for AC membership. Advisory committees have the ability to develop internal guidelines to designate seats for user group representation and election procedures; guidelines could also be used to expand upon qualifications.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. These requirements may discourage some qualified candidates from volunteering to serve on the committees. The department is also concerned that the ACs' time will unnecessarily be consumed trying to determine the qualifications for members.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 22 – 5 AAC 96.450. Committee status and change of status.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to reduce the number of required meetings for determining active status for advisory committees (ACs) from two meetings per year to one meeting per year. The proposal also clarifies the Joint Board's process for merging an inactive AC with an active AC. Specifically, it provides for consensus by the affected, active AC being merged with the inactive AC.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation reads as follows:

5 AAC 96.450(a). Committee status and change of status. A committee is active if it forwards minutes from at least two meetings per year to the appropriate regional office of the division of boards.

(b) The joint board will, in its discretion, 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 its active status through committee minutes.

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

(d) The joint board will, in its discretion, merge an inactive committee with an active committee if the joint board gives the committees notice of the proposed merger, if the inactive committee does not express an intention to reactivate, if it 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 will, in its discretion, dissolve a committee if the committee has been inactive for two years and fails to respond to joint board inquiries about its desire to remain in existence. The joint board will, in its discretion, dissolve a committee for failure to act in accordance with the provisions of 5 AAC 96 and 5 AAC 97.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be little effect because the current regulation describing active status is not enforced due to funding limitations. The Joint Board does not take action to merge inactive and active ACs.

**BACKGROUND:** Advisory committee mergers have rarely occurred. In 2007, the Joint Board addressed several proposals to consolidate inactive ACs with active ACs; most of the proposals were not adopted.

Many rural ACs are not always able to have more than one meeting each year due to various reasons, such as limited funding and bad weather, but are still considered to be in active status. Neither the department nor the Joint Board have taken any steps to change any AC's status based on the reduced number of meetings.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal. The regulatory change for active status is consistent with current practice. Although mergers typically do not occur, the department supports having the concurrence of the active AC affected by the merge.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 23 – 5 AAC 96.050. Functions of local fish and game advisory committees.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to move the functions of regional councils, established in 5 AAC 96.250, to advisory committee (AC) functions, and removes reference to regional councils under 5 AAC 96.050. Regional council functions proposed to be added to AC functions are as follows:

1. Hold public meetings on fish and wildlife matters;
2. Elect officers;
3. In consultation with the department, review, evaluate, and make a recommendation to a board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the use of fish and wildlife, including any matter related to fish and wildlife habitat, within its areas of responsibility as described in 5 AAC 97.005;
4. Perform other duties specified by a board;
5. Anticipate subsistence uses of fish and wildlife populations within the region, and other fish and wildlife uses that the AC identifies;
6. Recommend strategies for management of fish and wildlife populations within the area of responsibility as described in 5AAC 97.005 to accommodate identified fish and wildlife uses and needs;
7. Make recommendations concerning policies, standards, guidelines, and regulations to implement management strategies;
8. Provide a forum for obtaining opinions and recommendations of people interested in fish and wildlife matters so as to achieve the greatest possible local participation in the decision-making process. If differences of opinion exist among constituents, the AC shall attempt to develop areas of compromise and to reach a consensus on matters of controversy;
9. In its discretion, present recommendations concerning the conservation, regulation, management, and use of fish and wildlife resources within its area of responsibility, along with the evidence upon which the recommendations are based, to the appropriate board;
10. Make recommendations to the Joint Board on the creation, consolidation, distribution, or operation of the AC system; and
11. Any other duties required under statute or administrative code not listed here.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulations for AC functions are 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;
  - (4) advise the appropriate regional council regarding the conservation, development, and use of fish and wildlife resources;

(5) work with the appropriate regional council to develop subsistence management plans and harvest strategy proposals; and

(6) cooperate and consult with interested persons and organizations, including government agencies, to accomplish (1)–(5) of this section.

5 AAC 96.250(a). Functions of regional fish and game councils. Each council is authorized to:

(1) hold public meetings on fish and wildlife matters;

(2) elect officers;

(3) in consultation with the local fish and game advisory committees in its region and with the department, review, evaluate, and make a recommendation to a board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the use of fish and wildlife, including any matter related to fish and wildlife habitat, within its region;

(4) perform other duties specified by a board; and

(5) submit to the joint board, the department, and the Secretary of Interior of the United States, by November 15 of each year, an annual report, containing:

(A) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region, and other fish and wildlife uses that the council identifies;

(B) an evaluation of current and anticipated subsistence needs for use of fish and wildlife populations within the region, and of other fish and wildlife needs that the council identifies;

(C) a recommended strategy for the management of fish and wildlife populations within the region to accommodate the identified fish and wildlife uses and needs; and

(D) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

(b) A council shall provide a forum for, and assist its local fish and game advisory committees in, obtaining the opinions and recommendations of people interested in fish and wildlife matters so as to achieve the greatest possible local participation in the decision-making process. If differences of opinion exist among the committees, the council shall attempt to develop areas of compromise and to reach a regional consensus on matters of controversy.

(c) A council will, in its discretion, present recommendations concerning the conservation, regulation, management, and use of fish and wildlife resources within its region, along with the evidence upon which the recommendations are based, to the appropriate board.

(d) A council may make recommendations to the joint board on the creation, consolidation, distribution, or operation of the committee system.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Functions for ACs will be broadened to include responsibilities such as: reviewing policies, regulations, management plans, and other matters related to the use of fish and wildlife resources; recommending strategies for management of fish and wildlife populations; and making recommendations concerning policies, standards, guidelines, and regulations to implement management strategies. Under these additional functions, some ACs may continue to function as they currently do, while other ACs may feel an obligation to expand their duties beyond reviewing and providing comments on board proposals. There would be confusion over what types of policies, guidelines, and strategies the ACs would be expected to comment on.



**BACKGROUND:** The regional council system was coordinated by the state until 1992 when the federal subsistence program ruled the state out of compliance with the Alaska National Interest Lands Conservation Act (ANILCA). Since that time, because funding for regional councils was provided for in ANILCA and the federal government formed and funded regional councils, the state has not funded its regional council system and many of the functions of the state's regional council system have been incorporated into the federal regional advisory council system coordinated by the federal Office of Subsistence Management.

In the regulation that addresses the functions of regional councils, 5 AAC 96.250, functions five through seven are the contents of annual reports to be submitted by regional councils to the Joint Board, department, and Secretary of the Interior, rather than interactions with the boards. Incorporating these functions into the AC functions would take the AC's functions beyond the charges of the ACs.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. The proposal seems to require that the department consult with ACs prior to taking management actions under its delegated authority or prior to proposing changes to regulations. The department has the expertise to present the best available information to the boards regarding existing or proposed regulations, policies, and management plans; customary and traditional uses of fish and wildlife populations; and other matters relating to the uses of fish and wildlife and their habitats, though ACs certainly contribute to the boards' understanding of the impacts of proposed changes in regulations to their communities.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 24 – 5 AAC 96.510. Staff Assistance.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal directs the commissioner to use his/her discretion to assign staff or hire regional coordinators to aid the ACs in achieving maximum interaction with the public, boards, and the department. It also encourages the commissioner to utilize advisory committees (ACs) when developing management strategies “versus” focus/working groups. It also adds a gender reference for the commissioner.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation states: “The commissioner will, in his discretion, assign staff or hire regional coordinators to aid councils in achieving maximum interaction with committees, the boards, and the department.” However, the council system has not been funded or supported by the state since 1992. There currently are no regulations that direct the commissioner to provide staff support for ACs.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The commissioner would be expected to use her discretion to assign staff to aid ACs in achieving maximum interaction with the public, boards, and the department, and to utilize ACs when developing management strategies. However, the proposal would have no effect because as stated, such direction would be at the commissioner’s discretion.

**BACKGROUND:** The board and department already utilize ACs and working groups, which often include members of ACs, to address complex management issues. These types of meeting groups work well because they involve a broad representation of interested individuals and members of the public. Regional coordinators are already in place to provide assistance to the ACs.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it has no practical effect.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 25 – 5 AAC 96.610. Procedure for developing fish and game regulations.**

**PROPOSED BY:** Alaska Department of Fish and Game.

**WHAT WOULD THE PROPOSAL DO?** The proposal clarifies the process for accepting proposals by removing the language allowing for consideration of proposals postmarked after the deadline.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulation reads 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, councils, and the public.

(b) Phase 1. Each board will solicit regulatory proposals or comments to facilitate their deliberations. The boards will, in their discretion, 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 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 division of boards shall compile all proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices, and send them to committees and councils. Proposals postmarked after the deadline may be considered if the proposal is covered in the legal notice.

...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** It will clarify that late proposals will not be accepted, which is consistent with current practice.

**BACKGROUND:** Currently, proposals received after the deadline are rejected and are not published in the Alaska Board of Fisheries and/or Alaska Board of Game proposal books. The author of a late proposal is informed the proposal will not be published and is encouraged to review the published proposals addressing similar issues that he/she can comment on to the boards and to ACs.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal. Clarifying the regulation benefits the public, staff, and the boards.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 26 – 5 AAC 96.600. Meetings.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to establish a Joint Board standing committee, consisting of two members from each board, for the purpose of reviewing election results annually, ratifying advisory committee (AC) disciplinary proceedings, and providing guidance to ACs. The proposal also removes a reference to the regional fish and game councils.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation (5 AAC 96.600(c)) reads: “The joint board will meet at least once each year to consider matters of mutual concern, including matters relating to committees and councils.”

The duties of the Joint Board listed in the Uniform Rules of Operation (5 AAC 96.060(e)(1), (4) and (5)) are summarized as: assigning seats on committees to represent specific user groups or specific communities; confirming full voting and office-holding privileges upon election of newly elected or re-elected members; appointing the original five members of each committee and confirming additional members; and removal for cause of AC members.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The Joint Board would establish a standing committee of four board members. Public meetings would need to be scheduled each year for the committee to ratify AC election results, review disciplinary proceedings, and provide guidance to ACs. AC members may be expected to attend the committee meetings. It may be possible for the committee meetings to occur via teleconference rather than in person.

**BACKGROUND:** Joint Board meetings are infrequent and have been scheduled to address issues that arise or for the commissioner nomination process. Most recently, the Joint Board met in May 2011, at which the Joint Board addressed two requests for removal. The last regulatory meeting held by the Joint Board was October 2007. Currently, the Joint Board does not confirm membership for the ACs, but occasionally receives requests for removal.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. If the Joint Board establishes a standing committee, meetings should be scheduled on an as-needed basis rather than annually. There would be additional cost to the department for preparing for and holding annual standing committee meetings.

The department **SUPPORTS** removal of the definition for council. If the state regains management on federal public lands in the future, the Joint Board can readopt regional council regulations in order to be in compliance with ANILCA. Until then, repealing the regulations will be less confusing than leaving them in place.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 27 – 5 AAC 96.600. Meetings.**

**PROPOSED BY:** Alaska Department of Fish and Game.

**WHAT WOULD THE PROPOSAL DO?** The proposal seeks to change the requirement for the Joint Board meeting schedule from meeting at least once each year to holding meetings only as needed.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.600(c) states: “The joint board will meet at least once each year to consider matters of mutual concern, including matters relating to committees and councils.”

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The regulations would be consistent with what is currently practiced, with meetings scheduled on an as-needed basis.

**BACKGROUND:** Joint Board meetings are infrequent and have been scheduled to address issues that arise or for the commissioner nomination process. Most recently, the Joint Board met in May 2011, at which the Joint Board addressed two requests for removal. The last regulatory meeting held by the Joint Board was October 2007.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal because it aligns regulation with current practice.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 28 – 5 AAC 96.XXX. New Section.**

**PROPOSED BY:** Upper Tanana/Fortymile Fish and Game Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** The proposal would provide the option of allowing designated advisory committee (AC) representatives to participate in board deliberations.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.050, *Functions of local fish and game advisory committees*, specifies that committees may evaluate regulatory proposals and make recommendations to the appropriate board. The authority for this provision is based on Alaska Statute 16.05.260, which specifies that recommendations from ACs shall be forwarded to the appropriate board for its consideration.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The boards would involve AC representatives in deliberations on proposals. The boards would have to determine for each proposal which ACs should participate in the deliberation. Board meetings would need to be extended to accommodate lengthier discussions.

**BACKGROUND:** The Alaska Board of Game (BOG) generally provides AC representatives 15 minutes for testimony plus the option of testifying either during the public testimony portion of the meeting or immediately prior to board deliberations on proposals affecting the AC's area. The Alaska Board of Fisheries (BOF) generally affords AC representatives 10 minutes during oral public testimony. During the BOF committee process, AC representatives are automatically members of the public panels. The boards also have the authority to call an AC representative to the table for consultation during deliberations when they have a reason to do so.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. While some proposal topics affect only a local area and would be of interest only to one AC, many proposals address regionwide or statewide topics and would be of interest to many ACs. The department is concerned the process for determining which ACs should participate in deliberations would create a very time-consuming and cumbersome meeting. There would be additional cost to the department resulting from more lengthy meetings. The Department of Law advises there may be legal issues with the proposal and we defer to their written comments.

**COST ANALYSIS:** Approval of this proposal is expected to result in an additional direct cost for a private person to participate in the regulatory process due to the cost of attending longer meetings.

**PROPOSAL 29 – 5 AAC 96.XXX. New Section.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** The proposal would allow advisory committee (AC) chairs to participate during board deliberations concerning regulations for their jurisdictional game management units.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.050, *Functions of local fish and game advisory committees*, specifies that committees may evaluate regulatory proposals and make recommendations to the appropriate board. The authority for this provision is based on Alaska Statute 16.05.260, which specifies that recommendations from the ACs shall be forwarded to the appropriate board for its consideration.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The boards would involve AC representatives in deliberations on proposals and would have to determine for each proposal which ACs should participate in the deliberations. Board meetings would need to be extended to accommodate lengthier discussions.

**BACKGROUND:** The Alaska Board of Game generally provides AC representatives 15 minutes for testimony, plus the option of testifying either during the public testimony portion of the meeting or immediately prior to board deliberations on proposals affecting the AC's area. The Alaska Board of Fisheries (BOF) generally affords AC representatives ten minutes during oral public testimony. During the BOF committee process, AC representatives are automatically members of the public panels. The boards also have the authority to call an AC representative to the table for consultation during deliberations when they have a reason to do so.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. While some proposal topics affect only a local area and would be of interest only to one AC, many proposals address regionwide or statewide topics and would be of interest to many ACs. The department is concerned the process for determining which ACs should participate in deliberations would create a very time consuming and cumbersome meeting. There would be additional cost to the department resulting from more lengthy meetings. The Department of Law advises there may be legal issues with the proposal and we defer to their written comments.

**COST ANALYSIS:** Approval of this proposal is expected to result in an additional direct cost for a private person to participate in the regulatory process due to the cost of attending longer meetings.

**PROPOSAL 30 – 5 AAC 96.910. Definitions.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** This proposal would remove the definition for “council” from regulations.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 96.910(4) reads: “‘Council’ means a regional fish and game council;”

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** It would have little practical effect since the council system has not been funded by the state for over 20 years.

**BACKGROUND:** The regional council system was coordinated by the state, with federal funding, until 1992 when the federal subsistence program ruled the state out of compliance with the Alaska National Interests Lands Conservation Act (ANILCA). Since that time, the state has not funded its regional council system and many of the functions of the regional council system.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal. If the state regains management on federal public lands in the future, the Joint Board can readopt regional council regulations in order to be in compliance with ANILCA. Until then, repealing the regulations will be less confusing than leaving them in place.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.



**PROPOSAL 31 – 5 AAC Chapter 96, Article 2. Regional Fish and Game Councils.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** This proposal would repeal regulations concerning regional fish and game councils.

**WHAT ARE THE CURRENT REGULATIONS?** Current regulations at 5 AAC Chapter 96, Article 2, include the following sections:

- 5 AAC 96.200. Establishment of a regional fish and game council system.
- 5 AAC 96.210. Fish and game resource management regions.
- 5 AAC 96.220. Regional fish and game councils.
- 5 AAC 96.245. Non-voting member.
- 5 AAC 96.250. Functions of regional fish and game councils.
- 5 AAC 96.260. Uniform rules of operation.
- 5 AAC 96.280. Attendance at meetings.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The regulations establishing the regional councils system would be repealed from regulation; however, there would not be any effect since the council system has not been funded by the state for over 20 years. If there is a need to utilize regional councils in the future, the regulations would need to be re-adopted by the Joint Board.

**BACKGROUND:** The regional council system was coordinated by the state, with federal funding, until 1992 when the federal subsistence program ruled the state out of compliance with the Alaska National Interests Lands Conservation Act (ANILCA). Since that time, the state has not funded its regional council system and many of the functions of the regional council system.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal. If the state regains management on federal public lands in the future, the Joint Board can readopt regional council regulations in order to be in compliance with ANILCA. Until then, repealing the regulations will be less confusing than leaving them in place.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 32 – 5 AAC 96.080. Interaction of local advisory committees with regional fish and game councils.**

**PROPOSED BY:** Ray Heuer.

**WHAT WOULD THE PROPOSAL DO?** This proposal would repeal the regulations concerning regional fish and game councils and incorporate the functions into the advisory committee (AC) regulations.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulation sections include the following:

- 5 AAC 96.080. Interaction of local advisory committees with regional fish and game councils.
- 5 AAC 96.200. Establishment of a regional fish and game council system.
- 5 AAC 96.210. Fish and game resource management regions.
- 5 AAC 96.220. Regional fish and game councils.
- 5 AAC 96.245. Non-voting member.
- 5 AAC 96.250. Functions of regional fish and game councils. (*See full regulation below.*)
- 5 AAC 96.260. Uniform rules of operation.
- 5 AAC 96.280. Attendance at meetings.
- 5 AAC 96.500. Operation of regional fish and game council system.
- 5 AAC 96.510. Staff assistance.
- 5 AAC 96.520. Regulatory and special meetings.
- 5 AAC 96.530. Attendance at meetings.
- 5 AAC 96.540. Direction from the boards.
- 5 AAC 96.250. Functions of regional fish and game councils: (a) Each council is authorized to:
  - (1) hold public meetings on fish and wildlife matters;
  - (2) elect officers;
  - (3) in consultation with the local fish and game advisory committees in its region and with the department, review, evaluate, and make a recommendation to a board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the use of fish and wildlife, including any matter related to fish and wildlife habitat, within its region;
  - (4) perform other duties specified by a board; and

(5) submit to the joint board, the department, and the Secretary of Interior of the United States, by November 15 of each year, an annual report, containing:

(A) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region, and other fish and wildlife uses that the council identifies;

(B) an evaluation of current and anticipated subsistence needs for use of fish and wildlife populations within the region, and of other fish and wildlife needs that the council identifies;

(C) a recommended strategy for the management of fish and wildlife populations within the region to accommodate the identified fish and wildlife uses and needs; and

(D) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

(b) A council shall provide a forum for, and assist its local fish and game advisory committees in, obtaining the opinions and recommendations of people interested in fish and wildlife matters so as to achieve the greatest possible local participation in the decision-making process. If differences of opinion exist among the committees, the council shall attempt to develop areas of compromise and to reach a regional consensus on matters of controversy.

(c) A council will, in its discretion, present recommendations concerning the conservation, regulation, management, and use of fish and wildlife resources within its region, along with the evidence upon which the recommendations are based, to the appropriate board.

(d) A council may make recommendations to the joint board on the creation, consolidation, distribution, or operation of the committee system.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The functions for ACs will be broadened to include responsibilities such as: reviewing policies, regulations, management plans, and other matters related to the use of fish and wildlife resources; recommending strategies for the management of fish and wildlife populations; and making recommendations concerning policies, standards, guidelines, and regulations to implement management strategies. Under these additional functions, ACs may continue to function as they currently do, while other ACs may feel an obligation to expand their duties beyond the review of and providing comments on board proposals. There would be confusion over what types of policies, guidelines, and strategies the ACs would be expected to comment on.

**BACKGROUND:** The regional council system was coordinated by the state until 1992 when the federal subsistence program ruled the state out of compliance with the Alaska National Interests Lands Conservation Act (ANILCA). Since that time, because funding for regional councils was provided for in ANILCA and the federal government formed and funded regional councils, the state has not funded the regional council system and many of the functions of the state's regional council system.

In the regulation that addresses the functions of regional councils, 5 AAC 96.250, functions five through seven are the contents of annual reports to be submitted by regional councils to the Joint Board, department, and Secretary of the Interior, rather than interactions with the boards.

Incorporating these functions into the AC functions would take the AC's functions beyond the charges of the ACs.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal. The proposal seems to require that the department consult with ACs prior to taking management actions under its delegated authority or prior to proposing changes to regulations. The department has the expertise to present the best available information to the boards regarding existing or proposed regulations, policies, and management plans; customary and traditional uses of fish and wildlife populations; and other matters relating to the uses of fish and wildlife and their habitats, though ACs certainly contribute to the boards' understanding of the impacts of proposed changes in regulations to their communities.

The department **SUPPORTS** the repeal of the regional council regulations. If the state regains management on federal public lands in the future, the Joint Board can readopt regional council regulations in order to be in compliance with ANILCA. Until then, repealing the regulations will be less confusing than leaving them in place.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process.

**PROPOSAL 33 – 5 AAC 99.XXX. New Regulation.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** This proposal would establish a new reporting requirement for all subsistence finfish and shellfish fisheries and all big game subsistence harvests. Subsistence hunters of big game and all subsistence fishers would be required to report all subsistence harvests within 30 days “or by conditions set forth in the permit.” The proposal does not address harvest data programs and procedures for developing amounts reasonably necessary for subsistence (ANS) for small game and furbearers.

Also, for all populations with positive customary and traditional (C&T) use findings, this proposal would require the Alaska Board of Game (BOG) and the Alaska Board of Fisheries (BOF) to base their ANS findings solely on reports from this new system over a five year period.

**WHAT ARE THE CURRENT REGULATIONS?** There are reporting requirements established in statute for subsistence and other harvests based upon data needs (AS 16.05.094 and 16.05.370). There are no regulations directing the boards how to establish ANS findings: each board establishes ANS findings using the best available information, including public input and the judgment and experience of board members.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** A harvest reporting program as proposed, requiring year-round reports for all fish and big game subsistence harvests within 30 days of a harvest, or by conditions set forth in a permit, would be in addition to some existing programs, would be new to many fisheries and some hunts, and would be costly to implement. Considerable effort would need to be invested in over 200 communities to develop an effective system and encourage compliance, which may take years to accomplish, since many subsistence fisheries and hunts currently do not have permits and/or 30-day reporting requirements. Without this effort, the results of the proposed system may be incomplete and inaccurate, and inferior to data currently available from multiple sources.

The boards would be required to base ANS determinations only on data from a five-year period derived from this new reporting system.

**BACKGROUND:** For fish stocks and game populations for which the BOF or the BOG has identified “customary and traditional uses”—in other words, for fish and game with positive C&T findings—the state subsistence law (AS 16.05.258) states the boards “shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses”—called an “ANS” determination. ANS findings are one management tool to help gauge if reasonable opportunity for subsistence is being provided by current regulations. Harvests consistently above the lower bound of an ANS range are indicators that there probably is a reasonable opportunity for subsistence uses. Harvests consistently below the lower bound of an ANS range could be indicators that there is not a reasonable opportunity. There may, however, be a number of factors affecting why harvests may be below the lower bound of an ANS range that should be examined.

Presently, the department requires reporting for the majority of big game harvests. Reporting requirements vary according to management needs, which are often linked to the status of the game population. Options include harvest tickets, registration permits, community harvest permits, and Tier I and II permits. Subsistence harvest estimates are supplemented periodically by face-to-face surveys conducted by the department, often in partnership with local governments or regional organizations.

The BOF requires harvest reports for some subsistence finfish and shellfish fisheries, which are usually linked to a permit program in which the fisher submits a harvest report at the end of the season (such as the Glennallen Subdistrict subsistence salmon fishery, the Copper River Subdistrict subsistence salmon fishery, and the Yukon River road-accessible subsistence salmon fisheries). For major subsistence salmon fisheries for which permit programs are not in place (such as the Kuskokwim and Yukon management areas), the department conducts post-season household harvest surveys. Data for other fisheries (such as Norton Sound nonsalmon subsistence fisheries) are collected periodically through face-to-face harvest surveys conducted by the department, often in partnership with local governments or regional organizations.

Neither board is bound by a specific data source in order to make an ANS finding. Currently, the practice of both boards has been to review, on a case-by-case basis, all data—from all ADF&G sources, including harvest tickets, permits, and postseason surveys; from harvest studies from other organizations; from the public; and from their own expertise—then evaluate each data source, and provide a clear record as to why they support a particular ANS option.

Requiring the boards to base ANS determinations for every C&T population on a five-year period—or any regulatory-defined period—is problematic. For example, for some resources, harvests from the most recent five-year period may be low due to depleted fish stocks or an unusual distribution of a game population, and thus not reflect the range of harvests necessary for subsistence uses. Some resources, such as king salmon, have a replacement cycle that is longer than five years and abundance fluctuates from year to year. It is important that the boards have flexibility to base ANS findings on an appropriate, representative range of years, which is determined by evaluating all the available data.

The ADF&G guidelines on what harvest data are presented are clearly stated in each “ANS Options” report presented to the boards when an ANS is under review. Several court decisions have confirmed current practices result in defensible ANS findings; see, for example, Judge Moran’s discussion of the BOG’s ANS findings in the Superior Court case 3KN-11-367 CI.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it would unnecessarily replace existing harvest reporting programs established by the Board of Fisheries and the Board of Game; impose a burden on the public when annual harvest reporting is unnecessary; unnecessarily limit the boards’ options for establishing ANS findings; and possibly result in ANS findings which are not based on a complete consideration of available information. There would also be significant cost to the department to implement the program.

This said, ADF&G supports collection of accurate, up-to-date harvest, use, and effort information. The department invests significant resources in producing the best available

information so that each board can make sound decisions, and recognizes improvement is needed in some areas and continually reviews its harvest monitoring research programs for accuracy and efficiency.

**COST ANALYSIS:** Approval of this proposal may result in an additional direct cost for a private person to participate in subsistence hunts and subsistence fisheries in that people would need to pick up a permit or harvest report, and then report that harvest within 30 days. This may necessitate travel from the field to pick up and then turn in harvest reports, or additional costs for mailing harvest reports.

**PROPOSAL 34 – 5 AAC 99.010. Boards of fisheries and game subsistence procedures.**

**PROPOSED BY:** Alaska Outdoor Council.

**WHAT WOULD THE PROPOSAL DO?** This proposal would modify the process for determining the amount reasonably necessary for subsistence (ANS) findings by requiring the Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) to use only harvest reports collected from "recorded harvest reporting," evidently meaning annual harvest monitoring programs. The proponents state harvest data used in determining ANS findings should include sport and personal use fishing information, and general hunting and subsistence hunting information, thereby increasing the harvest amounts under consideration, and thus potentially changing ANS ranges.

**WHAT ARE THE CURRENT REGULATIONS?** There are reporting requirements established in statute for subsistence and other harvests based upon data needs (AS 16.05.094 and 16.05.370). Although there are no regulations directing the boards how to establish ANS findings, each board establishes ANS findings using the best available information, plus public input and the judgment and experience of board members using input from the public and advisory committees

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** The boards would be limited to using data only from annual harvest monitoring programs to establish ANS findings, and would be required to base the ANS range on harvests from all noncommercial fisheries and hunts.

A direction from the Joint Board to include harvests from sport fisheries, personal use fisheries, and general hunts in ANS determinations would result in increased harvest amounts, potentially higher ANS ranges, and an increased probability that some fisheries and hunts would go into Tier II.

**BACKGROUND:** For fish stocks and game populations for which the BOF or the BOG has identified "customary and traditional uses"—in other words, for fish and game with positive C&T findings—the state subsistence law (AS 16.05.258) states the boards "shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses"—called an "ANS" determination. ANS findings are one management tool to help gauge if reasonable opportunity for subsistence is being provided by current regulations. Harvests consistently above the lower bound of an ANS range are indicators that there probably is a reasonable opportunity for subsistence uses. Harvests consistently below the lower bound of an ANS range could be indicators that there is not a reasonable opportunity. There may be, however, a number of factors affecting why harvests may be below the lower bound of an ANS range that should be examined.

Neither board is bound by a specific data source in order to make an ANS finding. Currently, the practice of both boards has been to review, on a case-by-case basis, all data—from all ADF&G sources, including harvest tickets, permits, and post-season surveys; from harvest studies from



other organizations; from the public; and from their own expertise—then evaluate each data source, and provide a clear record as to why they support a particular ANS option.

The ADF&G guidelines on what harvest data are presented are clearly stated in each “ANS Options” report presented to the boards when an ANS is under review. Several court decisions have confirmed current practices result in defensible ANS findings; see, for example, Judge Moran’s discussion of the BOG’s ANS findings in the Superior Court case 3KN-11-367 CI.

This proposal would modify the process used by both boards by limiting the data that could be considered for ANS determinations to data “based on recorded harvest reporting,” evidently meaning annual harvest monitoring programs conducted by the department. Currently, the department has a variety of annual harvest monitoring programs in place, in accordance with conservation and management needs. However, annual harvest monitoring programs do not exist for all fish and game populations with a positive C&T finding. Also, it would require the boards to “base” the ANS findings on all noncommercial harvests (sport fisheries, personal use fisheries, and general hunting, in addition to subsistence fisheries and hunts). Presently, the boards have significant discretion and authority in determining what portion of the noncommercial harvests of fish stocks and game populations are subsistence uses.

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it would limit the boards’ options for complete consideration of available harvest information when establishing ANS findings, possibly resulting in unmanageable ANS findings.

This proposal also would be difficult to put into effect given the diversity of harvest information available for fish and wildlife populations with a positive C&T finding. Many subsistence resources are not associated with specific harvest reporting requirements, such as hares and other small game, salmon and other finfish in certain areas of the state, and most subsistence harvests of shellfish.

This proposal, if adopted, would require the department to invest significant funding and other resources in developing harvest reporting systems for all fish and wildlife harvested for subsistence and nonsubsistence uses not currently in place. For example, requiring Alaskan residents to submit harvest reports for hares, grouse, and miscellaneous shellfish harvested will not provide information necessary for the management of such species and would be costly.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

**PROPOSAL 35 – 5 AAC 99.021. Definition.**

**PROPOSED BY:** Alaska Outdoor Council.

**WHAT WOULD THE PROPOSAL DO?** Define “nonsubsistence harvests” of fish stocks and game populations as any harvest by nonresidents and aliens.

**WHAT ARE THE CURRENT REGULATIONS?** Under state law, the Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) identify fish stocks and game populations with customary and traditional (subsistence) uses and, for those stock and populations, adopt regulations providing subsistence harvest opportunities for Alaska residents (AS 16.05.258). Other (nonsubsistence) harvest opportunities are provided under sport fishing, personal use fishing, and commercial fishing regulations, and general (resident and nonresident) hunting regulations. There are statutory definitions of subsistence fishing and subsistence hunting that distinguish these activities from sport fishing, personal use fishing, commercial fishing, and general hunting by Alaska residents.

Regulations state that under certain circumstances, the boards must exercise all practical options for restricting nonsubsistence harvests, and may address other factors, before restricting subsistence harvests below the level that the board has determined provides a reasonable opportunity. If all available options for restricting nonsubsistence harvests have been taken and further restrictions are necessary, the boards must eliminate nonsubsistence consumptive uses and reduce subsistence harvests in a “series of graduated steps” (i.e., Tier II) that distinguish among subsistence users based on certain criteria.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** If adopted, having a definition for nonsubsistence harvest would also define subsistence harvests and other harvests of fish and wildlife which would be contrary to state law. Subsistence harvests would be defined by the residency or citizenship of a user: nonsubsistence harvests would be those harvests by nonresidents and aliens, and subsistence harvests would be those harvested by Alaska residents.

**BACKGROUND:** Alaska’s subsistence law (AS 16.05.258) directs the BOF and BOG to identify fish stocks and game populations with “customary and traditional”—that is, “subsistence”—uses. Subsistence uses are defined in AS 16.05.940(33) as:

The noncommercial, customary and traditional uses of wild, renewable resources by a resident . . . of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handcraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption.

“Customary and traditional” is defined as (AS 16.05.940(7)):

The noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game.

“Subsistence fishing” is defined as (AS 16.05.940(31)):

The taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident . . . of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries.

“Subsistence hunting” is defined as (AS 16.05.940(32)):

The taking of, hunting for, or possession of game by a resident . . . of the state for subsistence uses by means defined by the Board of Game”.

Given these statutory definitions of subsistence uses, all other noncommercial uses are, by default, “nonsubsistence uses.” The boards have significant discretion and authority to determine which stocks or populations have subsistence uses, and how much of that stock or population should be allocated to subsistence uses.

This proposal may intend to aggregate all harvests of stocks or populations by all Alaska residents in the category of “subsistence harvests,” thus eliminating distinctions between subsistence, sport, and personal use (and, as written, commercial) harvests and between subsistence and general (resident) hunt harvests.

In regards to fishing, there are distinctions between subsistence, sport, personal use, and commercial fishing; regulatory definitions have been developed for all four.

“Sport fishing” is defined as taking “for personal use, and not for sale or barter, any freshwater, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries” (AS 16.05.940(30)).

“Personal use fishing” is defined as the taking of fish “by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries” (AS 16.05.940(25)).

“Commercial fishing” is defined as the taking of fish “with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels” (AS 16.05.940(5)).

**DEPARTMENT COMMENTS:** The department **OPPOSES** this proposal because it would create definitions of subsistence harvests and other harvests of fish and wildlife contrary to state law. The department does not anticipate that adoption of the proposal would result in significant cost to the department to implement.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

**PROPOSAL 36 – 5 AAC 99.010. Boards of fisheries and game subsistence procedures.**

**PROPOSED BY:** Alaska Outdoor Council.

**WHAT WOULD THE PROPOSAL DO?** This proposal would repeal the second of three factors listed in 5 AAC 99.010(c) for distinguishing among subsistence users in Tier II hunts and fisheries.

**WHAT ARE THE CURRENT REGULATIONS?** “The proximity of the user’s domicile to the stock or population” is listed as one of three factors for distinguishing among subsistence users in Tier II hunts and fisheries.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** There would be no effect on determining who is eligible to participate in subsistence fisheries and hunts since that factor is no longer used. The regulation would be consistent with case law.

**BACKGROUND:** In December 1989, the Alaska Supreme Court ruled that the rural residency provision in Alaska’s subsistence law violated the Alaska Constitution and that place of residence may not be a factor in determining who may participate in subsistence fisheries or hunts (see *McDowell v. State* S-9101, 23 P.3d 1165). Deleting this language from 5 AAC 99.010 would be consistent with current law. Currently, there is no regulation or permit requirement that uses “proximity to the user’s domicile” to determine eligibility for any subsistence fishery or hunt. This criterion is no longer used in the Tier II point system.

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal since it will align regulation with current law. It would also not result in significant increase in cost to the department.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

**PROPOSAL 37 – 5 AAC 99.021. Definition.**

**PROPOSED BY:** Alaska Department of Fish and Game and Alaska Wildlife Troopers, at the request of the Alaska Board of Game.

**WHAT WOULD THE PROPOSAL DO?** This proposal would create a definition of “noncommercial” as it applies to the barter of fish and game taken in subsistence fishing, hunting, and trapping activities.

**WHAT ARE THE CURRENT REGULATIONS?** There is presently no definition of “noncommercial” in the context of bartering of subsistence resources.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** A definition of “noncommercial” would identify barter exchanges that are permissible under the state subsistence law, which would provide clarity to the public and law enforcement.

**BACKGROUND:** Alaska Statue [AS] 16.05.940(33) recognizes barter of subsistence-taken fish and game as a customary and traditional (C&T) use. No regulations prohibit the barter of finfish or shellfish taken in subsistence fisheries.

In January 2012, the Alaska Board of Game (BOG) modified 5 AAC 92.200 to allow the barter of most game taken for subsistence purposes. Under 16.05.940(2), “barter means the exchange or trade of fish or game, or their parts, taken for subsistence uses (A) for other fish or game or their parts; or (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.” As defined in AS 16.05.940(33), subsistence uses are “the noncommercial, customary and traditional uses of wild, renewable resources.” The BOG requested that the department, in collaboration with the Division of Alaska Wildlife Troopers, propose a definition of “noncommercial” as it applies to AS 16.05.940(33), to guide enforcement of 5 AAC 92.200 so that barter transaction of subsistence resources do not develop into commercial activities.

The proposed definition is based on contrasts between noncommercial activities and commercial activities, with the latter understood to involve marketing of goods and services to produce a profit. In contrast, the goal of traditional barter of subsistence resources is to distribute them equitably within and between communities.

Barter exchanges do not include cash: exchanges of subsistence resources for cash are classified as “customary trade,” which is defined by Alaska state law as “the limited, noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources...” [AS 16.05.940(8)].

**DEPARTMENT COMMENTS:** The department **SUPPORTS** this proposal because we favor clear and enforceable definitions. It would also not result in additional costs to the department.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

**PROPOSAL 38 – 5 AAC 99.015. Joint Board nonsubsistence areas.**

**PROPOSED BY:** Alaska Outdoor Council.

**WHAT WOULD THE PROPOSAL DO?** The proposal would eliminate the five nonsubsistence areas currently established by the Joint Board (see figures 38-1 through 38-5).

**WHAT ARE THE CURRENT REGULATIONS?** There are five nonsubsistence areas: Ketchikan (5 AAC 99.015(a)(1)); Juneau (5 AAC 99.015(a)(2)); Anchorage-Matsu-Kenai (5 AAC 99.015(a)(3)); Fairbanks (5 AAC 99.015(a)(4)); and Valdez (5 AAC 99.015(a)(5)).

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** If any nonsubsistence areas are eliminated, both the Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) would, at a future meeting, need to implement the provisions of AS 16.05.258, *Subsistence use and allocation of fish and game*, pertaining to those areas, including: identifying fish stocks and game populations with customary and traditional uses (make “C&T” findings); establishing amounts reasonably necessary (ANS) to provide a reasonable opportunity for successful subsistence harvest for these stocks and populations; and adopt subsistence regulations for these stocks and populations.

Furthermore, the boards may need to restrict or prohibit other uses (sport, personal use, or commercial fishing; and general hunting, including nonresident hunting) if harvestable surpluses were inadequate to provide reasonable subsistence opportunities for some or all of these other uses; and, if harvestable surpluses were inadequate to provide reasonable opportunities for all Alaskans to participate in authorized subsistence fisheries or hunts, adopt Tier II regulations.

**BACKGROUND:** AS 16.05.258(c) requires the boards, acting jointly, to “identify by regulation the boundaries of nonsubsistence areas.” The statute says that “a nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community.” When addressing proposals to create or change a nonsubsistence area, state law requires the Joint Board to consider the “relative importance of subsistence” in “the context of the totality” of the following socioeconomic characteristics of the area or community:

1. The social and economic structure;
2. The stability of the economy;
3. The extent and kinds of employment for wages (full time, part time, temporary, seasonal);
4. The amount and distribution of cash income for people living in the area or community;
5. The cost and availability of goods and services for people living in the area or community;
6. The variety of fish and game used by people living in the area or community;
7. The seasonal cycle of economic activity;
8. The percentage of those living in the area or community who hunt or fish, or who use wild fish and game;
9. The harvest levels of fish and game taken by people living in the area or community;



10. The cultural, social, and economic values associated with the taking or use of the fish or game;
11. The geographic locations that people living in the area or community hunt or fish; and
12. The extent of sharing and exchange of fish and game by people living in the area or community.

The boards may not permit subsistence hunting or fishing in a nonsubsistence area and do not identify stocks or populations with C&T uses in these areas. However, Alaska residents in nonsubsistence areas may participate in any authorized subsistence fishery or hunt across the state. In other words, nonsubsistence area provisions do not restrict participation in subsistence fishing and hunting and do not “allocate fish stocks and/or game populations to qualified subsistence users.” If participation in subsistence fisheries or hunts must be restricted through Tier II regulations, place of residence, including residence in a nonsubsistence area, is not a factor that limits eligibility to apply for a permit.

The Joint Board established the current five nonsubsistence areas in 1992 and 1993. The board considered, but rejected, proposals to change the boundaries of two areas (Anchorage-Matsu-Kenai and Juneau) in October 2007, based on a lack of evidence of significant new information to support the boundary changes.

The department submitted a report providing background on these proposed changes at the October 2007 Joint Board meeting. At that meeting, the Department of Law advised that the Joint Board should

carefully consider proposals to modify Nonsubsistence Area regulations. The current Nonsubsistence Area regulations are presumed to be legally valid. They were based on an extensive administrative record and reviewed and approved by the Department of Law. We recommend that, in considering the current [2007] proposals, the Joint Boards concentrate on any new information that has been developed since the adoption of the current regulations in 1993.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. For the October 2013 Joint Board meeting, the department has prepared a new report that summarizes available information on the 12 factors for the five nonsubsistence areas, which can be compared with information provided at earlier board meetings when these areas were established and reviewed.

The department recommends that the board review information on the 12 factors as summarized in the October 2013 written report, and the new information provided in public comments or during public testimony in order to determine if significant changes have occurred that warrant reclassification of existing areas.

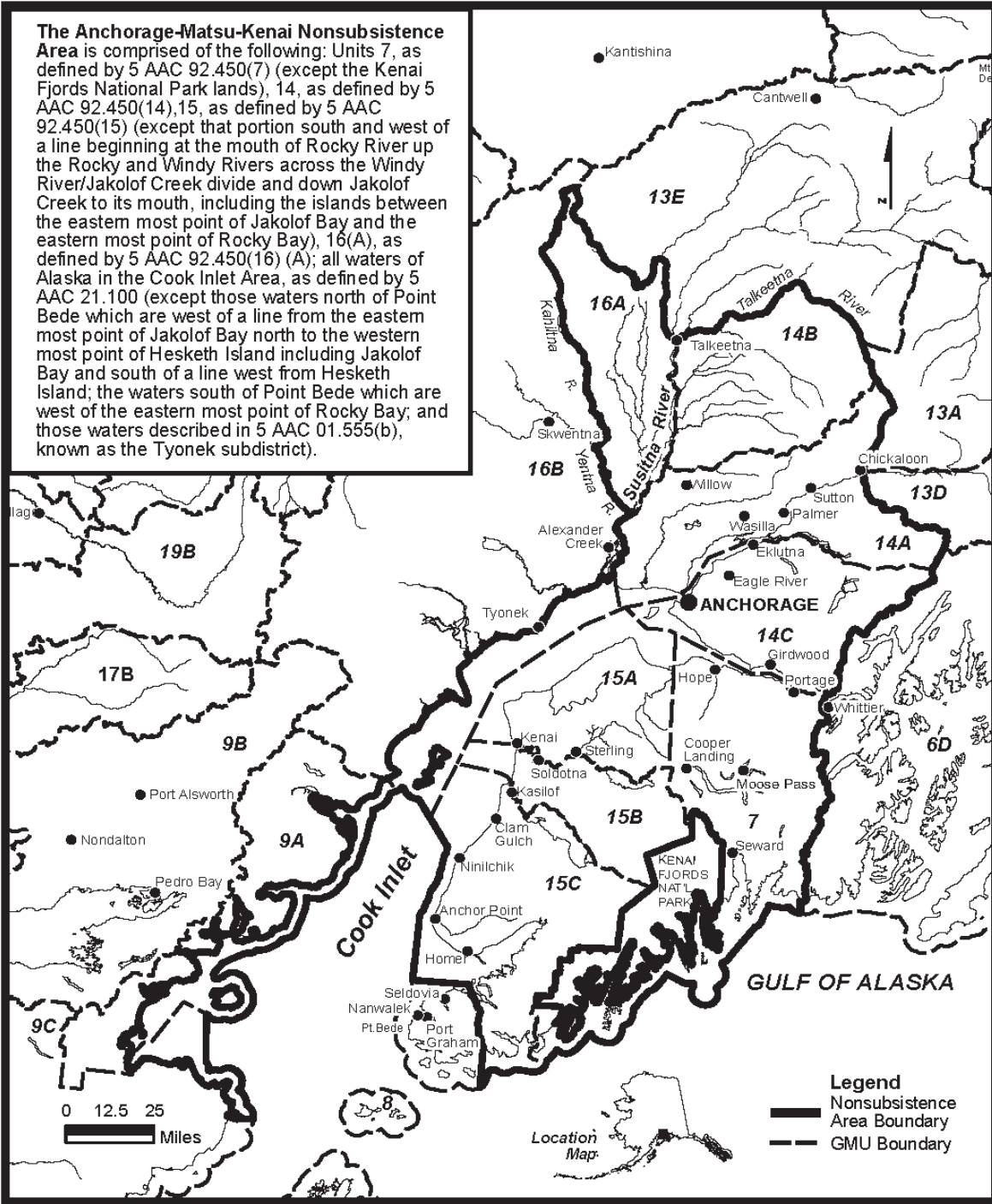
Adoption of the proposal would result in costs to the department to implement.

**COST ANALYSIS:** Approval of this proposal would not result in an additional direct cost for a private person to participate in the hunt or fishery.



# Anchorage Nonsubsistence Area

The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC 92.450(14), 15, as defined by 5 AAC 92.450(15) (except that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).

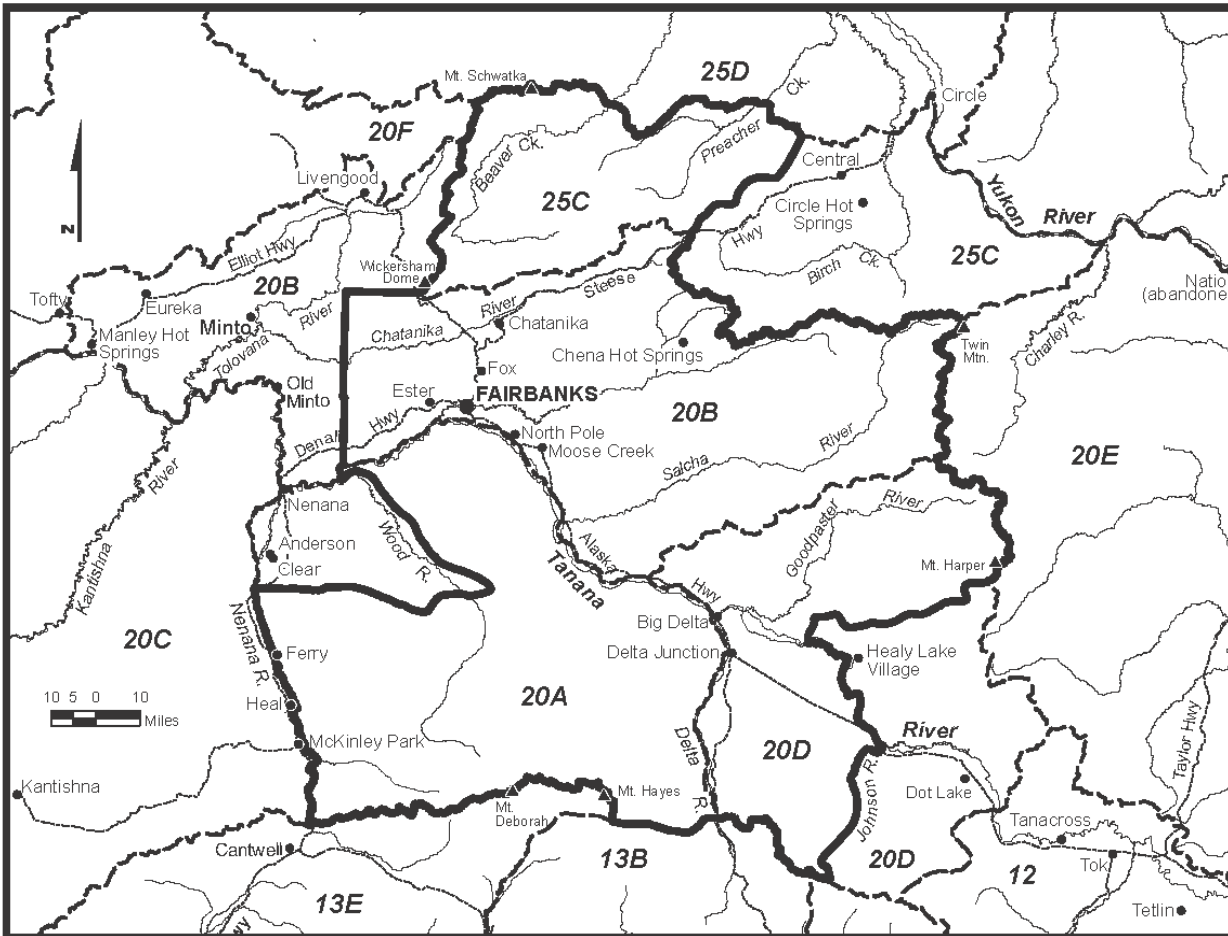


Alaska Department of Fish and Game  
Division of Subsistence and Boards

September 2007

Figure 38-1.—Anchorage-Matsu-Kenai nonsubsistence area.

# Fairbanks Nonsubsistence Area



The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.

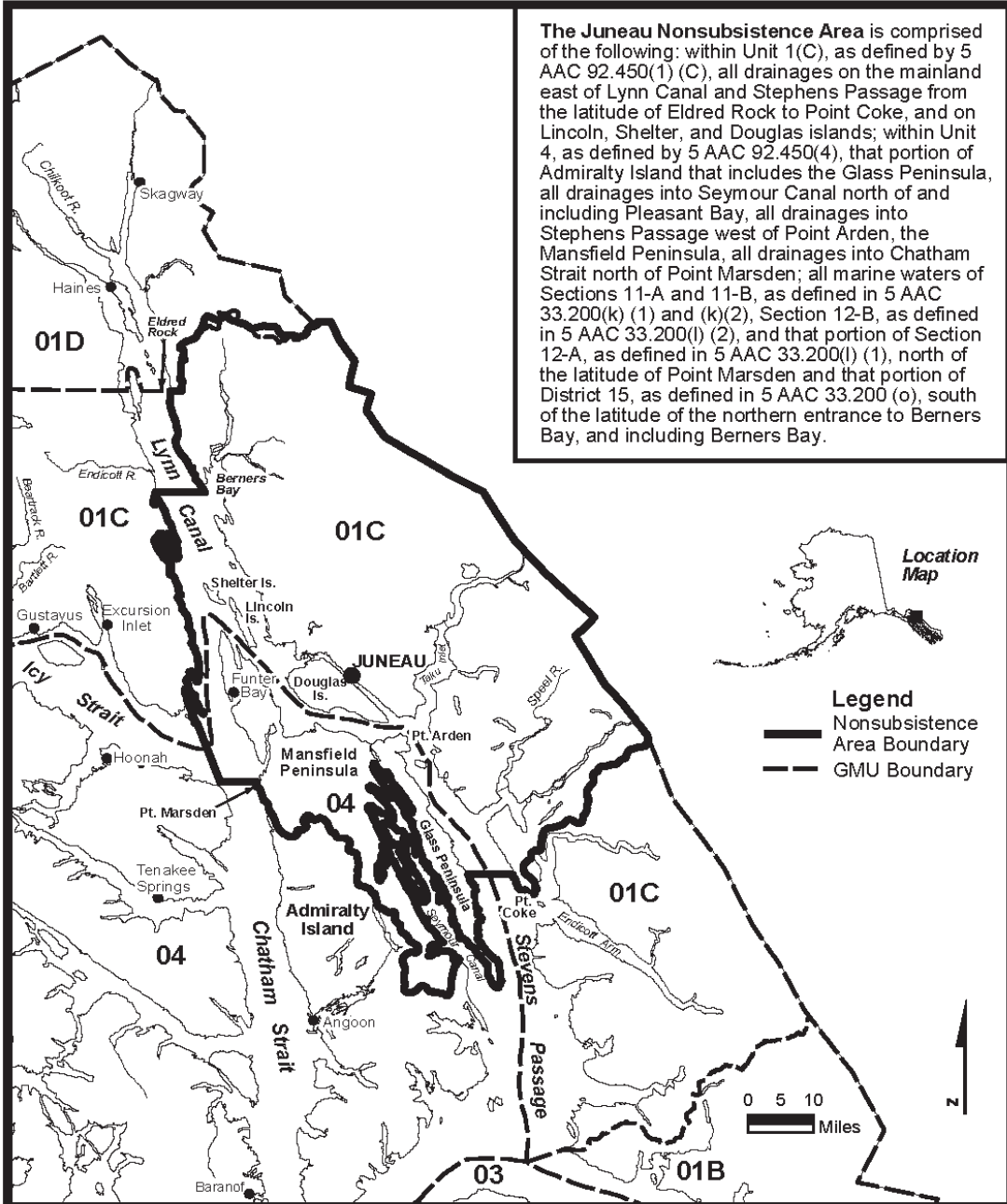


- Legend**
- Nonsubsistence Area Boundary
  - Area Boundary
  - GMU Boundary
  - Roads



Figure 38-2.—Fairbanks nonsubsistence area.

# Juneau Nonsubsistence Area

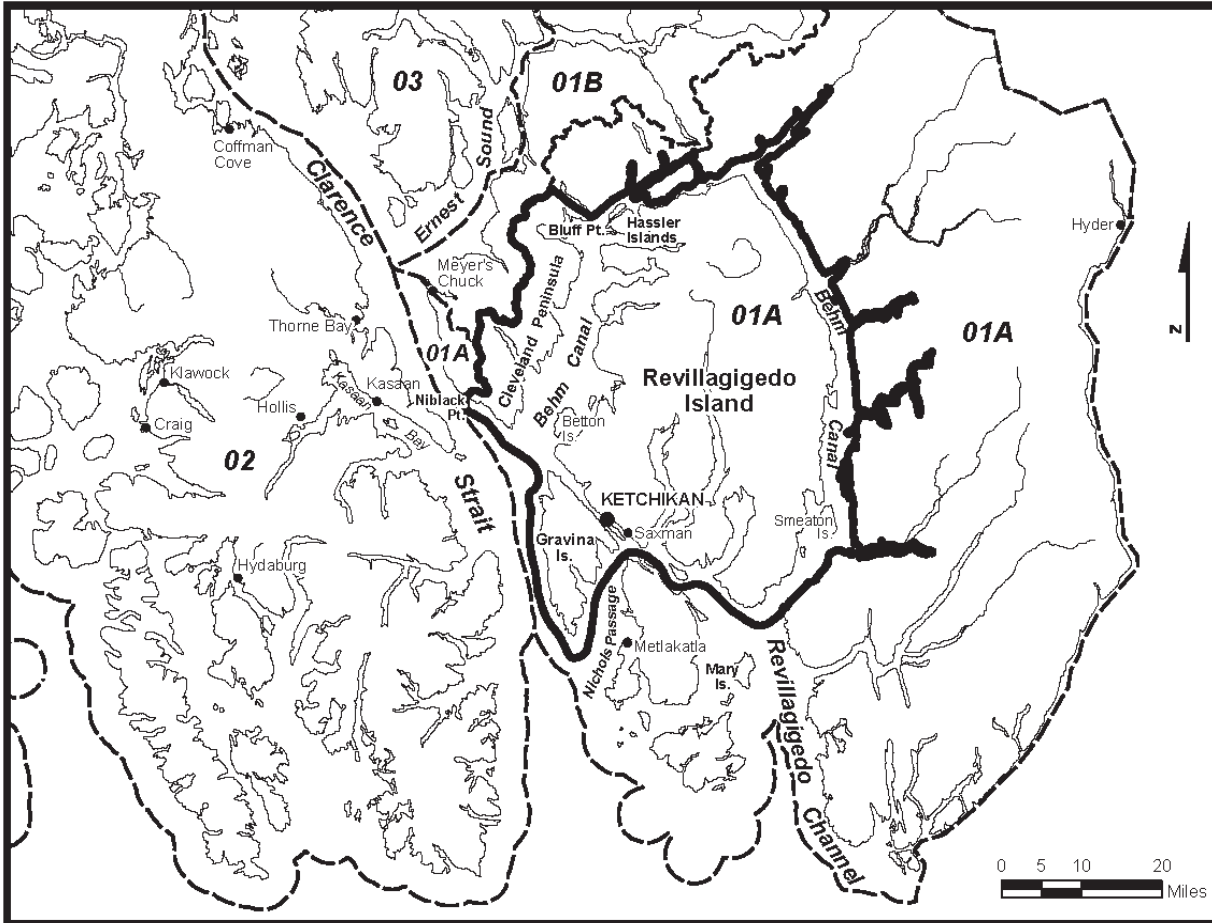


Alaska Department of Fish and Game  
 Division of Subsistence and Boards

September 2007

Figure 38-3.—Juneau nonsubsistence area.

# Ketchikan Nonsubsistence Area



The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

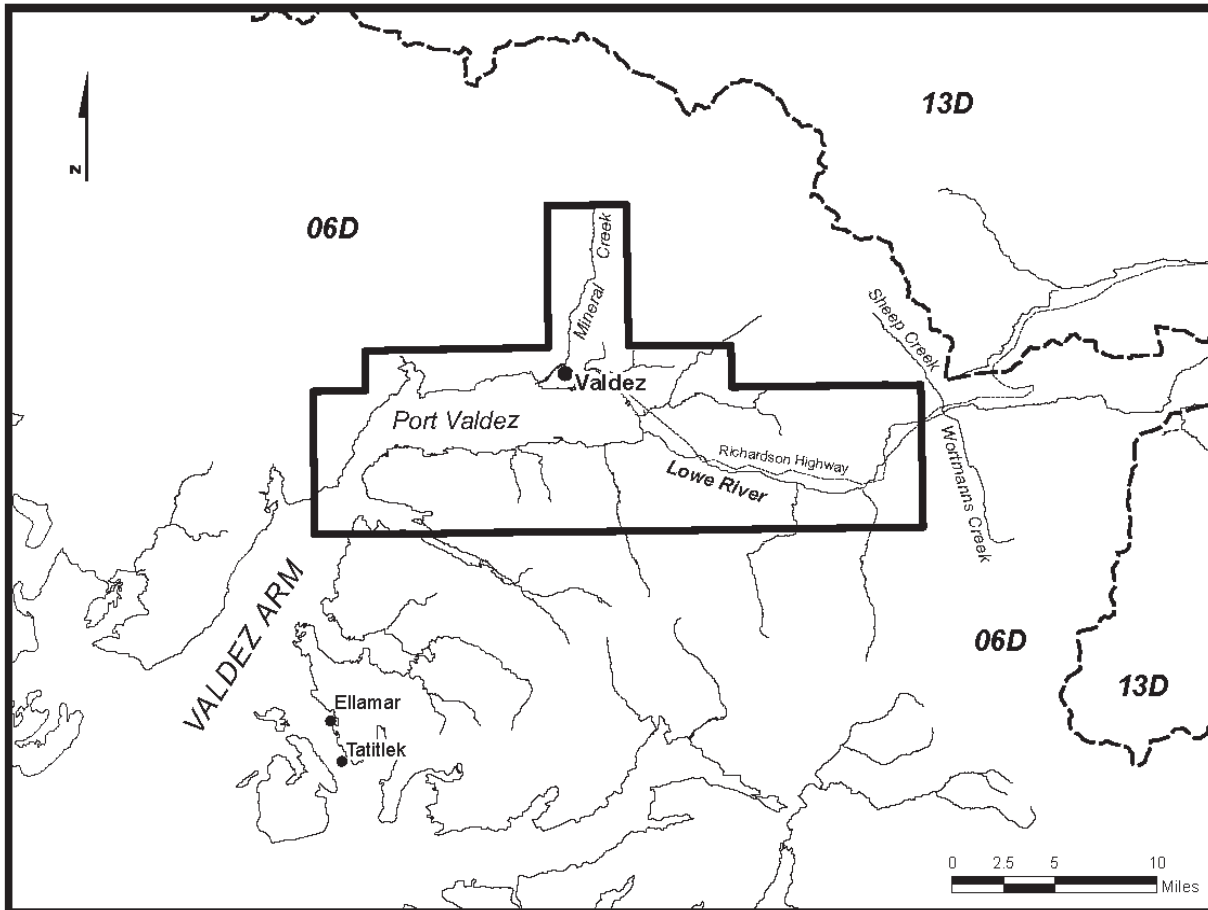


**Legend**  
 — Nonsubsistence Area Boundary  
 - - - GMU Boundary



Figure 38-4.—Ketchikan nonsubsistence area.

# Valdez Nonsubsistence Area



The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.



### Legend




-  Nonsubsistence Area Boundary
-  GMU Boundary
-  Roads



Figure 38- 5.-Valdez nonsubsistence area.



**PROPOSAL 39 – 5 AAC 99.015. Joint Board nonsubsistence areas.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** The proposal would reduce the size of the Fairbanks Nonsubsistence Area based on the range of the Fortymile caribou herd.

**WHAT ARE THE CURRENT REGULATIONS?** The Fairbanks Nonsubsistence Area is defined at 5 AAC 99.015(a)(4) (see also Figure 39-1).

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** The Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) would be obligated under AS 16.05.258 to identify fish stocks and game populations with customary and traditional (C&T) uses in the area removed from the nonsubsistence area; identify amounts reasonably necessary for subsistence (ANS) and adopt subsistence hunting and fishing regulations for these stocks; restrict or eliminate other uses as necessary; and, if harvestable surpluses were below the ANS, and implement Tier II fisheries or hunts.

**BACKGROUND:** AS 16.05.258(c) requires the boards, acting jointly, to “identify by regulation the boundaries of nonsubsistence areas.” The statute says that “a nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community.” When addressing proposals to create or change a nonsubsistence area, state law requires the Joint Board to consider the “relative importance of subsistence” in “the context of the totality” of the following socioeconomic characteristics of the area or community:

1. The social and economic structure;
2. The stability of the economy;
3. The extent and kinds of employment for wages (full time, part time, temporary, seasonal);
4. The amount and distribution of cash income for people living in the area or community;
5. The cost and availability of goods and services for people living in the area or community;
6. The variety of fish and game used by people living in the area or community;
7. The seasonal cycle of economic activity;
8. The percentage of those living in the area or community who hunt or fish, or who use wild fish and game;
9. The harvest levels of fish and game taken by people living in the area or community;
10. The cultural, social, and economic values associated with the taking or use of the fish or game;
11. The geographic locations that people living in the area or community hunt or fish; and
12. The extent of sharing and exchange of fish and game by people living in the area or community.

The movement of a stock or population is not one of the 12 factors that the Joint Board is required to consider in identifying the boundaries of nonsubsistence areas. Designating a

nonsubsistence area must be based on the activities and characteristics of the people and communities that use the area, not simply on the range of a stock or population. Fish or game populations with positive C&T use findings in regulation can and do cross nonsubsistence area boundaries, but this movement does not affect the classification of the area—it only determines the type of fishery or hunt allowed, and if the subsistence priority applies.

The proposal does not define the area to be excluded from the Fairbanks Nonsubsistence Area, except that it should be based on “the normal movement” of the herd. The size and range of this herd have varied greatly over time and continues to change.

The department has prepared a new report that summarizes available information on the 12 factors for the Fairbanks Nonsubsistence area so as to compare with information provided at earlier board meetings when this area was established. Because the range of the herd is variable and does not conform to the boundaries of areas used for summarizing most socioeconomic data, it is difficult to provide summaries for the 12 factors that focus on the range of the herd.

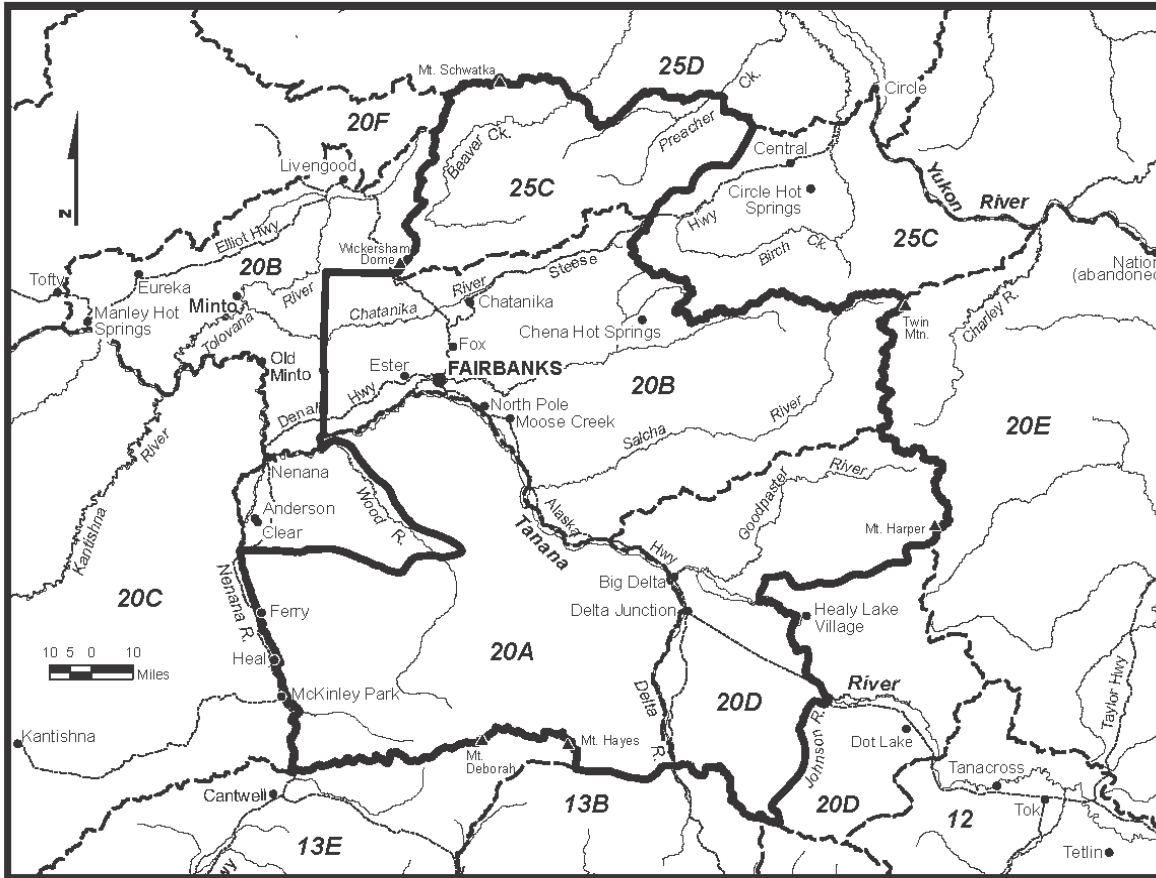
**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. This said, the Joint Board should identify what portion of the current Fairbanks Nonsubsistence Area is within the range of the Fortymile caribou herd. It should determine if available information warrants separation of this area from the nonsubsistence area based on the 12 factors.

If this proposal were adopted, there may be additional costs to the department because the BOF and BOG would need to hold additional meetings to address a modified area.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

# Fairbanks Nonsubsistence Area

Page 75 of 79



The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



**Legend**  
 — Nonsubsistence Area Boundary  
 - - - GMU Boundary  
 - - - Roads



Alaska Department of Fish and Game - Division of Subsistence and Boards

September 2007

Figure 39-1.—Map of current Fairbanks nonsubsistence area.

**PROPOSAL 40 – 5 AAC 99.015. Joint Board nonsubsistence areas.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** Create a Kodiak nonsubsistence area.

**WHAT ARE THE CURRENT REGULATIONS?** Kodiak is outside the five nonsubsistence areas identified in 5 AAC 99.015.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** At a subsequent meeting, the Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) would need to meet to repeal customary and traditional use findings, amounts reasonably necessary for subsistence, regulations for subsistence finfish and shellfish fisheries, and regulations for subsistence hunts, and consider adopting sport, personal use, and general hunting regulations. The subsistence priority would no longer apply for the Kodiak area.

**BACKGROUND:** AS 16.05.258(c) requires the boards, acting jointly, to “identify by regulation the boundaries of nonsubsistence areas.” The statute says that “a nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community.” When addressing proposals to create or change a nonsubsistence area, state law says the Joint Board must consider the “relative importance of subsistence” in “the context of the totality” of the following socioeconomic characteristics of the area or community:

1. The social and economic structure;
2. The stability of the economy;
3. The extent and kinds of employment for wages (full time, part time, temporary, seasonal);
4. The amount and distribution of cash income for people living in the area or community;
5. The cost and availability of goods and services for people living in the area or community;
6. The variety of fish and game used by people living in the area or community;
7. The seasonal cycle of economic activity;
8. The percentage of those living in the area or community who hunt or fish, or who use wild fish and game;
9. The harvest levels of fish and game taken by people living in the area or community;
10. The cultural, social, and economic values associated with the taking or use of the fish or game;
11. The geographic locations that people living in the area or community hunt or fish; and
12. The extent of sharing and exchange of fish and game by people living in the area or community.

The boards may not permit subsistence hunting or fishing in a nonsubsistence area and do not identify stocks or populations with customary and traditional uses in these areas. However, Alaska residents of nonsubsistence areas may participate in any authorized subsistence fishery or hunt.

The proposal does not specify what the boundaries of a Kodiak nonsubsistence area would be. Three possibilities include: 1) the Kodiak Island Borough, which includes Kodiak City and other areas on the Kodiak Island road system and seven small remote communities (total population in 2010 of 13,592); 2) the City of Kodiak only (population 6,130 in 2010); or 3) the City of Kodiak plus all or some other portion of the areas along the Kodiak Island Road system (total population 12,787 in 2010).

The proposal provides no justification for classifying Kodiak as a nonsubsistence area. It does not address any of the 12 factors listed above nor identify any changes to the area since the Joint Board established the current nonsubsistence areas in 1992 that might warrant a new classification as a nonsubsistence area.

The department has prepared a report with information that addresses each of the 12 factors, focusing primarily on the Kodiak Island road system area.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The department recommends that the board review information on the 12 factors as summarized in the staff report, and new information provided in public comments or during public testimony in order to determine if significant changes have occurred to the role of subsistence hunting and fishing in the economy, culture, and way of life in Kodiak that warrant its reclassification as a nonsubsistence area.

If this proposal were adopted, there may be additional costs to the department because the BOF and BOG would need to hold additional meetings to address the new area.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.

**PROPOSAL 41 – 5 AAC 99.015. Joint Board nonsubsistence areas.**

**PROPOSED BY:** Allen Barrette.

**WHAT WOULD THE PROPOSAL DO?** Create a Bethel nonsubsistence area.

**WHAT ARE THE CURRENT REGULATIONS?** Bethel is outside the five nonsubsistence areas identified in 5 AAC 99.015.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** At a subsequent meeting, the Alaska Board of Fisheries (BOF) and the Alaska Board of Game (BOG) would need to meet to repeal customary and traditional use findings, amounts reasonably necessary for subsistence, regulations for subsistence finfish and shellfish fisheries, and regulations for subsistence hunts, and consider adopting sport, personal use, and general hunting regulations. The subsistence priority would no longer apply.

**BACKGROUND:** AS 16.05.258(c) requires the boards, acting jointly, to “identify by regulation the boundaries of nonsubsistence areas.” The statute says that “a nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community.” When addressing proposals to create or change a nonsubsistence area, state law says the Joint Board must consider the “relative importance of subsistence” in “the context of the totality” of the following socioeconomic characteristics of the area or community:

1. The social and economic structure;
2. The stability of the economy;
3. The extent and kinds of employment for wages (full time, part time, temporary, seasonal);
4. The amount and distribution of cash income for people living in the area or community;
5. The cost and availability of goods and services for people living in the area or community;
6. The variety of fish and game used by people living in the area or community;
7. The seasonal cycle of economic activity;
8. The percentage of those living in the area or community who hunt or fish, or who use wild fish and game;
9. The harvest levels of fish and game taken by people living in the area or community;
10. The cultural, social, and economic values associated with the taking or use of the fish or game;
11. The geographic locations that people living in the area or community hunt or fish; and
12. The extent of sharing and exchange of fish and game by people living in the area or community.

The boards may not permit subsistence hunting or fishing in a nonsubsistence area and do not identify stocks or populations with customary and traditional uses in these areas. However,

Alaska residents of nonsubsistence areas may participate in any authorized subsistence fishery or hunt.

The proposal does not specify the boundaries of a Bethel nonsubsistence area. However, it may intend to address the area within the Bethel city limits (population 6,080 in 2010; approximately 49 square miles of land and water).

The proposal provides no justification for classifying Bethel as a nonsubsistence area. It does not address any of the 12 factors listed above or identify any changes to the area since the Joint Board established the current nonsubsistence areas in 1992 that might warrant a new classification as a nonsubsistence area.

The department has prepared a report with information that addresses each of the 12 factors for Bethel.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. The department recommends that the board review information on the 12 factors as summarized in the staff report, and the new information provided in public comments or during public testimony in order to determine if significant changes have occurred to the role of subsistence hunting and fishing in the economy, culture, and way of life in Bethel that warrant its reclassification as a nonsubsistence area.

If this proposal were adopted, there may be additional costs to the department because the BOF and BOG would need to hold additional meetings to address the new area.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the hunt or fishery.