

PLEASE READ CAREFULLY

REVIEWER LETTER

Dear Reviewer,

February 2013

The Joint Board of Fisheries and Game will consider the attached book of regulatory proposals at its meeting scheduled for **October 2013**. The proposals generally concern changes to the state's local fish and game advisory committees, subsistence uses, and nonsubsistence areas. Members of the public, organizations, advisory committees, and department staff submitted these proposals. The proposals are published essentially, as they were received.

The proposals in this book are presented as brief statements summarizing the intended regulatory changes. In cases where confusion might arise or where the regulation is complex, proposed changes are also indicated in legal format. In this format, bolded and underlined words are **additions** to the regulation text, and capitalized words or letters in square brackets [XXXX] are deletions from the regulation text.

You are encouraged to read all proposals presented in this book. Some regulations have statewide application and some regulations affect other regions of the state. In this book, the proposals are grouped by topic (see Proposal Index). The proposals are not in roadmap order for the meeting. The Joint Board will generate a roadmap for deliberations prior to the meeting. The roadmap may be changed up to and during the meeting.

Before taking action on these proposed changes to the regulations, the Joint Board would like your written comments and/or oral testimony on any effects the proposed changes would have on your activities.

After reviewing the proposals, please send written comments to:

**ATTN: Joint Board Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094**

Written Comment Deadline: September 25, 2013

Public comment, in combination with Advisory Committee comments and ADF&G staff presentations, provide the Joint Boards of Fisheries and Game with useful information to form decisions. Written comments become public documents. As a practical matter, you are encouraged to mail or fax your written comments to the above Juneau address by the announced deadline. The following are recommendations for providing written comments:

Timely Submission: Submit written comments by fax or mail at least two weeks prior to the meeting for which the topic will be considered (*See Tentative Meeting Schedule on Page vii*). Written comments received after the two-week period will be accepted but will not be inserted in board member workbooks until the beginning of each meeting. Written comments received during a board meeting will be submitted to board members. If including graphs or charts, please indicate the source.

Length: Prior to the two week deadline, the board will accept written comment of up to 100 single sided pages in length from any one individual or group related to proposals at any one meeting. After the two-week deadline and during the meetings, written comment will be limited to 10 single sided pages in length.

List the Proposal Number: Written comments should indicate the proposal number(s) to which the comments apply. Written comments should specifically state “support” or “opposition” to the proposal(s). If the comments support a modification in the proposal, please indicate, “support as amended” and provide your preferred amendment in writing. This will help ensure written comments are correctly noted for the board members. You do not need to list the Alaska Administrative Code (AAC) number.

Do Not Use Separate Pages When Commenting on Separate Proposals: If making comments on more than one proposal, please do not use separate pieces of paper. Simply begin the next set of written comments by listing the next proposal number.

Provide an Explanation: Please briefly explain why you are in support or opposition of the proposal. Board actions are based on a complete review of the facts involved in each proposal, not a mere calculation of comments for or against a proposal. Advisory committees and other groups also need to explain the rationale behind recommendations. Minority viewpoints from an advisory committee should be noted in advisory committee minutes along with the majority recommendation. The board benefits greatly from understanding the pro and cons of each issue. A brief description consisting of a couple of sentences is sufficient.

Write Clearly: Comments will be photocopied so please use 8 1/2" x 11" paper and leave reasonable margins on all sides to allow room for insertion into the board workbooks. Whether typed or handwritten, use dark ink and write legibly.

Advisory Committees: In addition to the above, please make sure the Advisory Committee meeting minutes reflect why the committee voted as it did. If the vote was split, include the minority opinion. A brief description consisting of a couple of sentences is sufficient. Detail the number in attendance (e.g., 12 of 15 members) and indicate represented interests such as subsistence, guides, trappers, hunters, wildlife viewers, etc.

Meeting information, documents, and a link to the audio is available through the Joint Board website at: www.boards.adfg.alaska.gov. Board actions will also be posted on the website shortly after the meeting.

Persons with a disability needing special accommodations in order to comment on the proposed regulations should contact the Boards Support Section at (907) 465-4110 at least two weeks prior to the scheduled meeting to make any necessary arrangements.

Monica Wellard, Executive Director
Boards Support Section, ADF&G
(907) 465-4110

ALASKA JOINT BOARD OF FISHERIES AND GAME
2013 PROPOSAL BOOK
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LIST OF PROPOSALS

Proposal	Action Requested
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Advisory Committees Membership & Areas of Jurisdiction

- | | |
|---|---|
| 1 | Re-designate the seats for the Seward Advisory Committee to all Undesignated seats instead of solely Seward representatives. |
| 2 | Re-designate the seats for the Susitna Valley Advisory Committee. |
| 3 | Re-designate the Susitna Valley Advisory Committee. |
| 4 | Redistribute and increase representation from the community of Selawik from the Northern Seward Peninsula Advisory Committee to the Lower Kobuk Advisory Committee. |
| 5 | Establish an Advisory Committee for Mountain Village. |
| 6 | Establish an Advisory Committee for the Community of Bethel. |
| 7 | Restructure the Icy Straits Advisory Committee. |
| 8 | Update the Regulation for Areas of Jurisdiction with the current Advisory Committees. |

Advisory Committee Uniform Rules of Operation

- | | |
|----|---|
| 9 | Change the Advisory Committee Membership Term Dates. |
| 10 | Clarify the Advisory Committee Voting Process. |
| 11 | Modify the Nomination Process Advisory Committees. |
| 12 | Modify the Advisory Committee Membership Nomination and Election Process. |
| 13 | Clarify the Procedures for Declaring Vacancies and Noticing the Public. |

- 14 Modify the Uniform Rules of Operation to Incorporate use of Bylaws and Provide Other Clarifications.
- 15 Clarify the Uniform Rules of Operation to Accurately Reflect the Current Procedures Followed by the Advisory Committees and Boards Support Section.
- 16 Establish a Standard for Advisory Committee Minutes.
- 17 Clarify the Procedures for Removal for Cause of Advisory Committee Members, Implementing Disciplinary Measures under Roberts Rules of Order, and Submission of Minutes.
- 18 Modify the Definition for Removal for Cause.

Advisory Committee Membership Qualification

- 19 Expand the Qualifications for Advisory Committee Officers.
- 20 Change the Qualifications of Chairman and Modify the Removal for Cause of Advisory Committee Members.
- 21 Expand the List of Qualifications for Advisory Committee Members.

Advisory Committee Active Status, Function, & Staff Assistance

- 22 Reduce the Number of Meetings Required for Advisory Committees to Remain in Active Status, and Clarify the Process for Merging Advisory Committees.
- 23 Clarify the functions of Advisory Committees and add the applicable Regional Council Functions.
- 24 Replace “Council” with “Committee” in the Regulation Assigning Staff Assistance.

Adoption of Fish & Game Regulations

- 25 Clarify the Procedure for Accepting Proposals for each Board.

- 26 Require the Joint Board to Meet Every Year; Establish a Standing Committee of the Joint Board; and Remove the Reference to Council.
- 27 Modify the Regulations to Reflect the Need to Schedule Meetings for the Joint Board.

Advisory Committee Participation at Board Meetings

- 28 Incorporate Advisory Committee Participation into Board Deliberations.
- 29 Incorporate Advisory Committee Participation in Board Deliberations.

Regional Councils

- 30 Remove the Definition for “Council” from Regulation.
- 31 Repeal the Regional Council Regulations.
- 32 Repeal the Regional Council Regulations and Incorporate the Functions into the Advisory Committee Regulations.

Subsistence Uses & Procedures

- 33 Modify the Process for Determining Amount Necessary for Subsistence Finding.
- 34 Modify the Subsistence Procedures for Determining Amounts Reasonably Necessary for Subsistence Uses.
- 35 Create a Definition for Nonsubsistence Harvest.
- 36 Delete the Reference to Proximity of the User’s Domicile to the Stock or Population.
- 37 Add a Statewide Definition of “Noncommercial” as it Applies to Barter.

Nonsubsistence Areas

- 38 Repeal the State Nonsubsistence Areas.
- 39 Reduce the size of the Fairbanks Nonsubsistence area.
- 40 Create the Kodiak Nonsubsistence area.
- 41 Create the Bethel Nonsubsistence area.

**ALASKA JOINT BOARD OF FISHERIES AND GAME
TENTATIVE MEETING SCHEDULE**

Dates	Topics	Location
October 12 – 16, 2013	Advisory Committee Regulations & Subsistence Uses	Anchorage Hilton Hotel

****Written Comment Deadline: September 25, 2013***

ALASKA BOARD OF FISHERIES
MEMBER LIST

(as of February, 2013)

NAME AND ADDRESS	TERM EXPIRES
Karl Johnstone (Chair) 18618 Snowy Plover Circle Anchorage, AK 99516	6/30/2015
John Jensen P.O. Box 681 Petersburg, AK 99833	6/30/2014
Vince Webster P.O. Box 121 King Salmon, AK 99613	6/30/2013
Tom Kluberton (Vice-Chair) P.O. Box 200 Talkeetna, AK 99676	6/30/2013
Sue Jeffrey P.O. Box 3363 Kodiak, AK 99615	6/30/2014
Orville Huntington P.O. Box 107 Huslia, AK 99746	6/30/2015
Reed Morisky P.O. Box 83707 Fairbanks, AK 99708-3707	6/30/2014

Alaska Board of Fisheries members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110 PHONE

(907) 465-6094 FAX

Boards Support Section website: <http://boardoffish.adfg.alaska.gov>

Monica Wellard, Executive Director, Alaska Board of Game

e-mail: monica.wellard@alaska.gov

**ALASKA BOARD OF GAME
MEMBER LIST**

(as of January, 2013)

NAME AND ADDRESS	TERM EXPIRES
Ted Spraker (Chair) 49230 Victoria Ave. Soldotna, AK 99669	6/30/2014
Nathan Turner (Vice-Chair) P.O. Box 646 Nenana, AK 99760	6/30/2013
Stosh (Stanley) Hoffman P.O. Box 2374 Bethel, AK 99559	6/30/2014
Teresa Sager Albaugh HC 72 Box 835 Tok, AK 99780	6/30/2015
Nick Yurko 9412 Long Run Drive Juneau, AK 99801	6/30/2014
Pete Probasco P.O. Box 861 Palmer, AK 99645	6/30/2013
Bob (Robert) Mumford 13391 Baywind Drive Anchorage, AK 99516	6/30/2015

Alaska Board of Game members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110 PHONE
(907) 465-6094 FAX

Boards Support Section website: <http://boardofgame.adfg.alaska.gov>
Kristy Tibbles, Executive Director, Alaska Board of Game
e-mail: kristy.tibbles@alaska.gov

BOARDS SUPPORT SECTION STAFF LIST

Alaska Department of Fish and Game
Mailing address: PO Box 115526, Juneau, AK 99811-5526
Physical location: 1255 West 8th Street
Phone: (907) 465-4110; Fax: (907) 465-6094

HEADQUARTERS

Board of Fisheries

Monica Wellard, Exec. Director II, 465-6095
Frances Leach, Pub. Specialist II, 465-4046

Board of Game

Kristy Tibbles, Exec. Director I, 465-6098
Nissa Pilcher, (acting) Pub. Specialist II,
465-4046

Shaundy Petraborg, Administrative Officer I, 465-6096

Brenda Bowers, Administrative Assistant I, 465-4110

Dani Cherian, College Intern III, 465-6084

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Southeast Region (north of Frederick Sound)

Frances Leach

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Phone: 465-4046
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Western Region

Alissa Joseph

P.O. Box 1467
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Southwest Region

Susie Jenkins-Brito

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Dillingham, AK 99576
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Fax: 842-5514

LOCAL FISH AND GAME ADVISORY COMMITTEES (82)
(AS OF OCTOBER 2012)

Arctic Region (9)

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

Interior Region (15)

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

Southeast Region (23)

N. Frederick Sound
Frances Leach- RC
 Angoon
 Elfin Cove
 Icy Straits
 Juneau-Douglas
 Kake
 Klukwan
 Pelican
 Sitka
 Tenakee Springs
 Upper Lynn Canal
 Yakutat

S. Frederick Sound

Frances Leach- Acting RC
 Craig
 East Prince of Wales Island
 Edna Bay
 Hydaburg
 Hyder
 Ketchikan
 Klawock
 Petersburg
 Port Alexander
 Saxman
 Sumner Strait
 Wrangell

Southcentral Region (18)

Sherry Wright- RC
 Anchorage
 Central Peninsula
 Cooper Landing
 Copper Basin
 Copper River/Prince Wm. Sd
 Denali
 Homer
 Kenai/Soldotna
 Matanuska Valley
 Mt. Yenlo
 Paxson
 PWS/Valdez
 Seldovia
 Seward
 Susitna Valley
 Tok Cutoff/Nabesna Road
 Tyonek
 Whittier

Southwest Region (12)

Susie Jenkins-Brito- RC
 Chignik
 False Pass
 King Cove
 Kodiak*
 Lake Iliamna
 Lower Bristol Bay
 Naknek/Kvichak
 Nelson Lagoon
 Nushagak
 Sand Point
 Togiak
 Unalaska/Dutch Harbor

Western Region (5)

Alissa Joseph- RC
 Central Bering Sea
 Lower Kuskokwim
 Central Kuskokwim
 Lower Yukon
 Stony-Holitna



~DRAFT~

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

The Alaska Board of Fisheries and the Alaska Board of Game (Joint Board) propose to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with local fish and game advisory committees, subsistence uses, and nonsubsistence areas. including the following:

MEMBERSHIP AND AREAS OF JURISDICTION of local fish and game advisory committees, including establishing committees for Bethel, Mountain Village, and Icy Straits area; and restructuring the Susitna Valley, Upper Kobuk, and Northern Seward Peninsula advisory committees.

FUNCTION AND UNIFORM RULES OF OPERATION including designating seasons for specific user groups, standards for active status, submission of minutes, procedures for elections, and committee participation at board meetings.

QUALIFICATION FOR MEMBERS including standards for officers.

ADMINISTRATION of local fish and game advisory committees including staff assistance.

ADOPTION OF FISH AND GAME REGULATIONS including the procedure for accepting proposals, and meetings of the Joint Board.

REGIONAL COUNCILS including repeal of councils and reassignment of duties to advisory committees.

SUBSISTENCE USES & PROCEDURES, including procedures for determining amount reasonably necessary for subsistence uses; definitions for nonsubsistence harvest and noncommercial, and repeal of the reference to proximity of user's domicile to stock or population.

NONSUBSISTENCE AREAS, including Fairbanks, Kodiak, and Bethel, and repeal all nonsubsistence areas.

You may comment on the proposed regulation changes, including the potential costs to private persons for complying with the proposed changes, by written comments and oral public testimony as explained below. Written comments will be accepted on any subject in this notice and may be submitted to the Joint Board any time before the proposal is voted on by the Joint Board in deliberations at the meeting scheduled below, but as a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Written comments should be submitted by **5:00 p.m. on September 25, 2013** to: Joint Board of Fisheries and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, or by

fax to (907) 465-6094, to ensure inclusion in the board workbooks. Written comments are accepted by mail or fax; written comments become public records and are subject to public inspection. The Joint Board will take oral public testimony at this meeting.

TENTATIVE MEETING SCHEDULE

Anchorage Hilton Hotel
500 West 3rd Avenue
Anchorage, Alaska
October 12-16, 2013

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media on the Boards Support Section website at <http://www.boards.adfg.state.ak.us> or call (907) 465-4110.

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

For a copy of the proposed regulation changes, contact Boards Support Section at the above address or visit the website: <http://www.boards.adfg.state.ak.us>

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

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

Statutory Authority: AS 16.05.251; AS 16.05.255; AS 16.05.258; AS 16.05.260

Statutes being implemented, interpreted, or made specific: AS 16.05.251; AS 16.05.251; AS 16.05.255; AS 16.05.258; AS 16.05.260

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

Date: _____

Monica Wellard, Executive Director
Alaska Board of Fisheries

Advisory Committee Membership and Areas of Jurisdiction

PROPOSAL 1 - 5 AAC 96.021. Establishment of advisory committees. Re-designate the seats for the Seward Advisory Committee to all undesignated seats instead of solely Seward representatives as follows:

5 AAC 96.021 (c) the following committees are identified as representing more than one community, or additionally, as having less than 15 members, and the following seats on the committee are designated for each community

...

(2) in the Southcentral Region

...

(G) Seward
Undesignated 11 representatives

ISSUE: The Seward Advisory Committee would recommend that these seats be termed undesignated. This would allow flexibility in filling the seats from the general Moose Pass/Seward area which allows the communities to fill the seats as they see fit. Alternates would hopefully add to the working group.

Because of seasonal commitments and work schedules, the Seward Advisory Committee is having difficulty consistently establishing a quorum for its meetings. In the past, the 15 member committee was supplemented by alternates who could fill in when a quorum was lacking. Currently we do not have any alternates. Members are generally committed, but find it hard to regularly attend meetings scattered throughout the calendar year. Some of this has to do with commercial fishing and other out of town work in the spring, whereas others have conflicts in the fall. We feel a smaller number of dedicated members will make it easier to do good work without compromising public input.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Seward Advisory Committee will find itself having to reschedule meetings for lack of a quorum. While discussion can go on, it is a serious problem to have ADF&G staff travel from Soldotna or Anchorage to assist in deliberations and discussions when no official business can take place for lack of a quorum. Those absent fail to benefit from staff input and members attending two similar meetings experience frustration.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? More efficient use of human resources to give meaningful local input to the board process.

WHO IS LIKELY TO BENEFIT? Those who want to see efficient use of time by the committed volunteers who do the work of the local fish and game advisory committee. The members themselves who will have a better chance of conducting an official meeting each time it is scheduled. The people of Moose Pass and Seward who want meaningful input into the workings of the Boards of Fisheries and Game. The Advisory Committee members and public

who show up and cannot conduct official business for lack of a quorum and who must attend another meeting.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Maintaining the Advisory Committee at its current size of 15 will likely perpetuate the problem of not getting a regular quorum at meetings. Asking for a lower number of committee members, say seven or nine, would not allow for as great a number of representatives. Eleven seems to be a realistic number that can be bolstered by a pool of alternates. Undesignated seats allow for flexibility based on needs and the enthusiasm of area citizens.

PROPOSED BY: Seward Fish and Game Advisory Committee (JB1120122)

PROPOSAL 2 - 5 AAC 96.021(c)(2)(F). Establishment of advisory committees.
Re-designate the seats for the Susitna Valley Advisory Committee as follows:

(F) Susitna Valley (11 members)

<u>Peters Creek/Trapper Creek</u>	<u>1 representative</u>
<u>Willow/Nancy Lake</u>	<u>1 representative</u>
<u>Talkeetna/Sunshine</u>	<u>1 representative</u>
<u>Big Lake/Houston</u>	<u>1 representative</u>
<u>Undesignated</u>	<u>7 representatives</u>

The committee may also have two alternates, as found in 5 AAC 96.060(e)(7).

ISSUE: The current requirement for the Susitna Valley Fish & Game Advisory Committee designated seats doesn't work for making a quorum. Some of the designated communities that were assigned seats when the Joint Board approved the request to create an advisory committee never requested to participate in the advisory committee system. They were unable to have a meeting in nearly a year for lack of a quorum.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be a continued inability to get a quorum, making the advisory committee even less productive and in an area that has seven of the 13 stocks of concern for salmon in Alaska.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? This will cover the intended area and provide better coordination for a functional advisory committee.

WHO IS LIKELY TO BENEFIT? Those who are trying to volunteer their time and service to the boards and the Alaska resources.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Closing the Susitna Valley Advisory Committee and re-joining with the Mat Valley Advisory Committee, but that would disenfranchise the region it serves.

PROPOSED BY: Susitna Valley Fish & Game Advisory Committee (JB 1129128)

PROPOSAL 3 - 5 AAC 96.021. Establishment of advisory committees. Restructure the Susitna Valley Advisory Committee as follows:

1 member from Trapper Creek / Petersville

1 member from Sunshine / Talkeetna

1 member from Willow / Nancy Lake

1 member from Big Lake / Houston

ISSUE: Not meeting a quorum for meetings.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continue not meeting a quorum.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. Possible misrepresentation from specific areas.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Todd Kingery (JB 11301240)

PROPOSAL 4 - 5 AAC 96.021. Establishment of advisory committees. Redistribute and increase representation for the community of Selawik from the Northern Seward Peninsula Advisory Committee to the Lower Kobuk Advisory Committee as follows:

5 AAC 96.021 5(B) and 5(C)

Currently the Northern Seward Peninsula Advisory Committee (AC) is made up of three villages: Selawik (two seats), Buckland (three seats) and Deering (2 seats). The village of Selawik has long been requesting to join the Lower Kobuk AC, comprised of Kiana (2 seats) and Noorvik (3 seats), and secede from the Northern Seward Peninsula AC. The village of Selawik is also requesting to increase the number of seat representation from two seats to three seats.

ISSUE: Kiana and Noorvik are geographically, culturally, kinship and resource wise closer to Selawik. Noorvik, Kiana and Selawik are much more similar in natural resource utilization from both a fish and game perspective and therefore would have similar foci regarding regulations than Buckland and Deering. The village of Selawik primarily utilizes riverine resources from the

Selawik River. Kiana and Noorvik utilize the Kobuk River in a similar fashion. Alternatively, the villages of Deering and Buckland have a history of utilizing resources from the coast and therefore have different foci on resource use and management. From a game perspective Selawik, Noorvik, and Kiana are in the migratory route of the caribou and therefore utilize caribou at a different time of year than Buckland and Deering whom are close to the caribou wintering grounds. From a fish perspective, Selawik, Noorvik and Kiana are more dependent on sheefish and white fish, while these fish have little to no use in Buckland and Deering. Due to the differences in availability and cultural use of both fish and game, it is the request of the Selawik Advisory Committee Members that the joint board re-designate the representative seats for Selawik from the Northern Seward Peninsula AC to the Lower Kobuk AC.

Additionally, Selawik would like to increase their representation in the Lower Kobuk AC from two seats to three seats. Selawik has a population of 849 and Noorvik has a population of 628 represented with four seats and Kiana has 374 represented by three seats. This would insure a wider variety of perspective for a larger population of individuals.

WHAT WILL HAPPEN IF NOTHING IS DONE? The efficiency in making decisions in each of these communities will remain the same as it is now. Each of the communities agrees with rearrangement of village representation and therefore may be disappointed if they cannot represent their region through their voting and perspective that may be masked by ideas from a different cultural use of fish and game resources. There may also be a less broad representation from Selawik even though their population base is the largest in the region outside of Kotzebue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BY IMPROVED? Perhaps, if they are managed based on comments under a better more robust and consistent localized perspective.

WHO IS LIKELY TO BENEFIT? All of the members of Lower Kobuk and Northern Seward Peninsula AC members and the Department of Fish and Game as a result.

WHO IS LIKELY TO SUFFER? The Northern Seward Peninsula AC may suffer as a result of having a harder time making quorum and having less members of input if the Selawik seats are not filled by Buckland/Deering electorates.

OTHER SOLUTIONS CONSIDERED: Having Selawik AC members participate in both the Lower Kobuk and Northern Seward Peninsula AC meetings. Having Selawik members participate in the undesignated seats for the Lower Kobuk and leave the regulations. Having Selawik only have two seats in the Lower Kobuk AC.

PROPOSED BY: Selawik Representatives on the Northern Seward Peninsula Advisory Committee (JB 121912730)

PROPOSAL 5 - 5 AAC 96.021. Establishment of Advisory Committees. Establish an Advisory Committee for Mountain Village as follows:

Create a Mountain Village Advisory Committee representing Mount Village.

ISSUE: The Lower Yukon is currently represented by only one advisory committee, the Lower Yukon Advisory Committee. It represents villages of Russian Mission, Marshall, Pilot Station, St. Mary's, Andreafski, Pitkas Point, Mountain Village, Kotlik, Emmonak, Alakanuk, Nunam Equa, Scammon Bay, and Hooper Bay. All villages are not on the road system; all villages are accessible only by air for meetings except in the summer when some villages are accessible by boat. Compared to District 5, which has 13 Advisory Committees, Lower Yukon has only one. Lack of representatives is a major concern. This lacking of representatives at meetings is limiting public participation.

The creation of an Advisory Committee representing Mountain Village would allow more public participation from citizens living along the Lower Yukon River. By creating another Advisory Committee, this proposal will allow greater public participation in managing fish and game resources of the area.

WHAT WILL HAPPEN IF NOTHING IS DONE? Participation in the Advisory Committee process by residents of the Lower Yukon will continue to be limited to only one.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? The residents of Mountain Village including the Lower Yukon region would benefit from the opportunity for the increased public participation in the fish and game regulatory process.

WHO IS LIKELY TO SUFFER? No one should suffer from this expanded opportunity.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Mountain Village Working Group (JB 12051243)

PROPOSAL 6 - 5 AAC 96.021. Establishment of advisory committees. Establish an Advisory Committee for the Community of Bethel as follows:

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

...

(4) in the Western Alaska Region: Central Bering Sea, Lower Kuskokwim, Central Kuskokwim, Stony/Holitna, Lower Yukon, **Bethel** and;

ISSUE: Establish a state fish & game Advisory Committee for the community of Bethel. Currently Bethel is included with 12 other villages in the Lower Kuskokwim fish & game Advisory Committee that was created on a geographical basis back in the 1970's. Though the primary characteristics of reliance on traditional subsistence hunting and fishing activities remain as an integral basis of our economy, effects of population transience and community growth have changed significantly since that time. Bethel now faces a much higher level of scrutiny and consideration within the region regarding fish & game management issues. Addressing such concerns through the Board of Fisheries & Game regulatory processes by creating an Advisory Committee for Bethel would better serve and enhance the intent and purpose of the state's Advisory Committee system.

WHAT WILL HAPPEN IF NOTHING IS DONE? Status quo would remain, and the issue raised above would remain unaddressed.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Bethel residents customary and traditional access to resources.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo - does not address comprehensive concerns.

PROPOSED BY: Orutsararmiut Native Council (JB 11301239)

PROPOSAL 7 - 5 AAC 96.021. Establishment of Advisory Committees. Restructure the Icy Straits Advisory Committee as follows:

I propose the Icy Straits Advisory Committee be split into two separate Advisory Committees. These new Advisory Committees could be named the North and South Icy Straits Advisory committees to be more encompassing of people living outside Gustavus or Hoonah.

ISSUE: The current structure of the Icy Straits Advisory Committee (ISAC) is dysfunctional and unsustainable. The ISAC is currently comprised of five Gustavus and nine Hoonah members. Since the ISAC was reformed in the spring of 2012, numerous meetings have been held to discuss new board of game proposals. The issues discussed at each meeting have been distinct to each respective community. Combining concerns of both communities into common meetings results in members of the ISAC listening to discussions without being able to provide relevant input. This inefficiency does not serve either community well. Further, organizing meetings and dealing with administrative issues across Icy Straits is cumbersome. These factors make it unlikely the ISAC will be sustainable.

When issues relevant to both communities do arise the Uniform Rules of Operation (5 AAC

96.060) provides the following guidance: “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 WILL HAPPEN IF NOTHING IS DONE? The Icy Straits Advisory Committee will once again dissolve.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Dividing the ISAC into two separate ACs would benefit all those living in the greater Icy Straits area, because there would be two functional ACs. People will be more likely to participate in their local AC's because they will function more efficiently. The state will also save money in not having to fly AC members across Icy Straits to attend joint meetings.

WHO IS LIKELY TO SUFFER? No one will suffer if this change is made.

OTHER SOLUTIONS CONSIDERED? Sticking with the status quo was considered and rejected. The current structure of the ISAC has become inactive in the past and I fear it will happen again if we continue with the current ISAC.

PROPOSED BY: Craig Murdoch (JB 12051241)

PROPOSAL 8 - 5 AAC 97.005. Areas of jurisdiction for advisory committees. Update the regulation for areas of jurisdiction with the current advisory committees as follows:

5 AAC 97.005. Areas of jurisdiction for advisory committees. For the purpose of emergency closures on taking fish and game during established seasons, the following areas of jurisdiction are established for the advisory committees specified in this section:

(1) **finfish**

...

(C) Prince William Sound-Lower Copper River Area

(i) all waters of Alaska west of the longitude of Cape Suckling and east of the longitude of Cape Fairfield, and the Copper River below the Million Dollar Bridge;

(ii) fish and game advisory committees with concurrent jurisdiction are Copper River/Prince William Sound Advisory Committee, Copper Basin Advisory Committee, **Prince William Sound**/Valdez Advisory Committee, and Whittier Advisory Committee;

...

(E) Cook Inlet-Resurrection Bay Area

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

(ii) fish and game advisory committees with concurrent jurisdiction are Seward Advisory Committee, Cooper Landing Advisory Committee, Kenai/Soldotna Advisory Committee, Mt. Yenlo Advisory Committee, Homer Advisory Committee, Anchorage Advisory Committee,

Matanuska Valley Advisory Committee, Central Peninsula Advisory Committee, Seldovia Advisory Committee, Denali Advisory Committee, [AND] Tyonek Advisory Committee, **and Susitna Valley**;

..

(I) Kuskokwim Area

(i) all waters of the Kuskokwim River drainage and all waters of Alaska south of the latitude of Cape Romanzof, north of the latitude of Cape Newenham and including Nunivak and St. Matthew Island waters;

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

...

(J) Lower Yukon Area

(i) all waters of the Yukon River drainage below the mouth of the Bonasila River and waters of Alaska between the latitude of Canal Point Light and the latitude of Cape Romanzof;

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

(K) Upper Yukon River Area

(i) all waters of the Yukon River drainage from the mouth of the Bonasila River to the U.S.-Canada border, excluding the Tanana River drainage;

(ii) fish and game advisory committees with concurrent jurisdiction are Yukon Flats Advisory Committee, Tanana/Rampart/Manley Advisory Committee, Middle Yukon Advisory Committee, Eagle Advisory Committee, Ruby Advisory Committee, Lower Yukon Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory Committee, Minto/Nenana Advisory Committee, Koyukuk River Advisory Committee, [AND] Central Advisory Committee **and Stony/Holitna Advisory Committee**;

(2) shellfish

...

(B) Prince William Sound Area

(i) all waters subject to the jurisdiction of the state between the longitude of Cape Suckling and the longitude of Cape Fairfield;

(ii) fish and game advisory committees with concurrent jurisdiction are Copper River/Prince William Sound Advisory Committee, **Prince William Sound**/Valdez Advisory Committee, Seward Advisory Committee, and Whittier Advisory Committee;

...

(3) game

...

(v) in Game Management Unit 12 described in 5 AAC 92.450(12) , the Tok Cutoff/Nebesna Road Advisory Committee, Fairbanks Advisory Committee, Delta Advisory Committee, [AND] Paxson Advisory Committee, **and Upper Tanana/Fortymile** have concurrent jurisdiction;

(B) Southcentral Alaska

(i) in Game Management Unit 6 described in 5 AAC 92.450(6) , the Seward Advisory Committee, Copper River/Prince William Sound Advisory Committee, **Prince William Sound/Valdez** Advisory Committee, Copper Basin Advisory Committee, Yakutat Advisory Committee, Whittier Advisory Committee, and Anchorage Advisory Committee have concurrent jurisdiction;

...

(vi) in Game Management Unit 13 described in 5 AAC 92.450(13) , the Paxson Advisory Committee, Copper Basin Advisory Committee, Middle Nenana River Advisory Committee, Tok Cutoff/Nebesna Road Advisory Committee, Denali Advisory Committee, Anchorage Advisory Committee, Matanuska Valley Advisory Committee, [AND] Copper River/Prince William Sound Advisory Committee, **and Susitna Valley** have concurrent jurisdiction;

(vii) in Game Management Unit 14 described in 5 AAC 92.450(14) , the Mt. Yenlo Advisory Committee, Matanuska Valley Advisory Committee, Anchorage Advisory Committee, Whittier Advisory Committee, [AND] Denali Advisory Committee, **and Susitna Valley** have concurrent jurisdiction;

...

(ix) in Game Management Unit 16 described in 5 AAC 92.450(16) , the Central Peninsula Advisory Committee, Anchorage Advisory Committee, Mt. Yenlo Advisory Committee, Matanuska Valley Advisory Committee, Denali Advisory Committee, Cooper Landing Advisory Committee, Tyonek Advisory Committee, [AND] Kenai/Soldotna Advisory Committee, **and Susitna Valley** have concurrent jurisdiction;

...

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

(D) Northern Alaska

(i) in Game Management Unit 19 described in 5 AAC 92.450(19) , the McGrath Advisory Committee, Central Kuskokwim Advisory Committee, Lower Kuskokwim Advisory Committee, Lake Minchumina Advisory Committee, [AND] Anchorage Advisory Committee, **and Stony/Holitna Advisory Committee**, have concurrent jurisdiction;

...

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

...

(viii) in Game Management Unit 26 described in 5 AAC 92.450(26) , the [BARROW] **North Slope** Advisory Committee and the Fairbanks Advisory Committee shall have concurrent jurisdiction.

ISSUE: The regulation establishing the areas for jurisdiction for emergency closures on taking fish and game fail to list all of the 82 advisory committees. This proposal adds the

Stony/Holitna, Susitna Valley, and the Upper Tanana/Fortymile advisory committees to the regulation. It also corrects the names for the North Slope and the PWS/Valdez committees.

WHAT WILL HAPPEN IF NOTHING IS DONE? The advisory committees will continue to function without having the areas of jurisdiction identified for the purpose of emergency closures on taking fish and game.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? The advisory committees and the public will benefit for the purpose of the emergency closure process for advisory committees and the election process.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (JB 12071246)

Advisory Committee Uniform Rules of Operation

PROPOSAL 9 - 5 AAC 96.060 Uniform rules of operation. Change the current Advisory Committee membership term dates as follows:

(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 **July 1** [JANUARY 1] and expire on **June 30** [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.

ISSUE: Advisory Committee member terms currently expire during the middle of the board cycle. This makes it difficult to conduct Advisory Committee business. Current members can be distracted if their seat is up for election before the election, and after the election new members need to be brought up to speed on regional and statewide issues. This all occurs currently during the busiest time of year for many Advisory Committees.

WHAT WILL HAPPEN IF NOTHING IS DONE? Advisory Committees will continue to have valuable time during the middle of the boards' cycle devoted to the election processes.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? The Advisory Committee members and the communities they serve.

WHO IS LIKELY TO SUFFER? People who like things to remain the same.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Allen Barrette

(JB 11301236)

PROPOSAL 10 - 5 AAC 96.060(e)(3). Uniform Rules of Operation. Clarify the Advisory Committee voting process as follows:

5AAC 96.60(e)(3) shall provide as follows: "Each committee member, and each voting-age resident of the area of committee jurisdiction under 5AAC 95.005 who attends a committee election, may vote for one nominee. Nominees receiving the most votes are elected..."

ISSUE: In short, the regulation is being misapplied and advisory committees are allowing each committee member and each area resident to cast votes for each nomination, thereby allowing a single user group to elect members with the same agenda to each seat.

5AAC 96.060(e)(1) concerning membership on the committee, provides , in pertinent part, that "[t]he members must be representative of fish and game user groups in the area served by the

committee.” Thus, there is a regulatory mandate that each committee represent more than one user group. However, as 5AAC 96.060(e)(3) is currently being implemented, each committee member and each area resident may vote on all nominations at an election meeting. For example, if 25 members of the public all in the same user group show up at a committee election meeting and there are only 24 other voters, the one user group can elect the entire slate of new committee members by all voting in block for particular nominations.

The revisions to the regulation in 1985 should have fixed this problem. Prior to 1985, 5AAC 96.060(3)(3) provided “[e]ach committee member and each voting age resident to of the area of committee jurisdiction under 5AAC97.005 who attends a committee election **may vote on nominations** for membership.” (emphasis added). The regulation was revised in 1995 to provide that “[e]ach committee member, and each voting age resident of the area of committee jurisdiction under 5AAC 97.005 who attends a committee election **may vote on a nomination** for membership.” (emphasis added).

Accordingly, the regulation needs to be changed to ensure the mandate that advisory committees represent different user groups is satisfied.

WHAT WILL HAPPEN IF NOTHING IS DONE? As evidenced by the recent Anchorage Fish and Game Advisory Committee election meetings, the last two years, it allows special interest groups to elect the majority or even the entire slate of committee members so long as they vote in block and out-number the other committee members or residents voting at the meeting.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No applicable.

WHO IS LIKELY TO BENEFIT? The public.

WHO IS LIKELY TO SUFFER? Special interest groups.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Mike McCrary (JB 12071245)

PROPOSAL 11 - 5 AAC 96.060. Uniform rules of operation. Modify the nomination process for the Advisory Committees as follows:

(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. **Once nominations have been collected the members of the committee will interview the nominees to ensure they qualify for membership. Nominees must display**

knowledge of and experience with the fish and wildlife resources and their uses in the area, the Alaska Constitution, Alaska Statutes, Alaska Administrative Code, and must have a reputation within the community consistent with the responsibilities of committee membership as described in (c) of this section. Once the nominees have been interviewed the committee will vote on the eligible nominees. This may be accomplished by asking nominees to submit a curriculum vita which would then be reviewed by the members of the committee to determine suitability for committee membership. Those nominees that are recommended for membership by the committee will go before the community and each nomination shall be voted on under (e) of this section at the next regular meeting after it accepts nominations. The committee shall provide appropriate notice of the scheduled vote for nominees. 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.

ISSUE: Nomination for committee membership seems to have no standard other than the individual must know how to hunt and fish in the community and how the community would use the products of these activities.

Advisory Committees currently are entrusted with the ability to authorize antlerless moose hunts, set emergency closures, and call public meetings. The individuals we entrust these responsibilities too, should demonstrate more than a basic knowledge base. If their responsibilities are poorly executed it can cost the state in terms of funding, law suits, and lose of opportunity to the general public.

I would like the advisory committee too have the opportunity to select the nominees they send to the public for election onto the Advisory committees.

WHAT WILL HAPPEN IF NOTHING IS DONE? Advisory Committees will continue to be dysfunctional.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes, the regulatory process would benefit greatly.

WHO IS LIKELY TO BENEFIT? Advisory committees the public and the boards.

WHO IS LIKELY TO SUFFER? Special interest groups who would like to corrupt the advisory committee process by working the system.

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer (JB 11301225)

PROPOSAL 12 - 5 AAC 96.060. Uniform rules of operation. Modify the Advisory Committee membership, nomination, and voting process as follows:

The specific request to the Joint Boards as provided below would provide for appointment by the commissioner of advisory committee members with designated seats for different interest groups in a given locality. Elections would be more in the nature of nominations with the commissioner making the final selection of members of advisory committees.

1. The Joint Boards should implement the provisions of 5 AAC 96.060(e)(1) that mandate fair representation of the broad spectrum of user groups on the Anchorage Advisory Committee. Specifically, at least seven distinct user groups should have representation, with the number of designated seats for each group fairly reflecting the presence and proportion of that group residing within the Municipality of Anchorage.

2. The list of the distinct and discrete user groups which occupy designated seats on the Anchorage Advisory Committee should include at least the following:

- A. Sport hunters and trappers (holding current hunting or trapping licenses);
- B. Sport fishers (not holding current hunting or trapping licenses);
- C. Commercial fishers;
- D. Wildlife viewers and photographers (not holding current hunting or trapping licenses);
- E. Subsistence users
- F. Biologists and others in the scientific community; and
- G. Commercial tourism operators.

4. The Joint Board should also adopt regulations which will provide for fair representation on advisory committees, statewide, by all user groups that fairly represent the various discrete interests contained in the population of the local geographic community for which the local advisory committee acts.

5. The Joint Board should repeal those provisions of 5 AAC 96.060(e)(3) which provide solely for election of the members of advisory committees by the attendees, and substitute in its place a regulation providing for member appointments by the Commissioner, in part to fulfill the distribution of designated seats recommended by paragraph 3 above. Appointments could be preceded by local advisory committee elections of nominees; however, the provisions of 5 AAC 96.060(e)(3) that provide only for direct election of advisory committee members by those persons who attend a particular advisory committee meeting should be repealed.

6. If direct election under 5 AAC 96.060(e)(3) is to be continued, then procedures should be adopted, by regulation, which provide for a more open, transparent, fair and representative public process. Among the requirements that should be adopted by regulation are:

- A. Regulations must be promulgated that require member representation on each advisory committee in a fair proportion to the number of users of various groups in the local geographic community for which the advisory committee acts, as recommended in paragraphs 3 and 4 above.

- B. Voters present at the election meeting should be permitted to vote only once, and only for one Advisory Committee. Thus if, for example, A Mat-Sue resident wishes to vote in the Anchorage Advisory Committee election, then he or she should be prohibited from also voting in the Mat-Su Advisory Committee election.
- C. Nominations should be closed at least 15 days prior to voting, so that people voting will have an opportunity to become acquainted with the nominees and their interests, prior to voting.
- D. Voting prior to the close of nominations should be prohibited.
- E. Seats for distinct user groups should be designated (see paragraphs 3 and 4 above), and each candidate should run for only one designated seat, after providing evidence of his or her qualifications to fill that designated seat, prior to his or her nomination.
- F. Basic pre-requisites for filling a seat on an advisory committee should be established by regulation, to include a demonstrated interest and past involvement with wildlife-related issues, a past history free from game or fish-related citations and convictions of misdemeanor or felony crimes, and a clear and positive record showing qualification for the designated seat sought by the candidate.

ISSUE: The statutory authorization for advisory committees is AC 16.05.260. This statute gives the Boards of Fisheries and Game the authority to create advisory committees pursuant to regulations adopted jointly by the Board of Game and the Board of Fisheries. The statute directs that advisory committees shall “be composed of persons well informed on the fish or game resources of the locality.” Nothing in this statute requires or authorizes selection of advisory committee membership by direct election by the persons who attend a particular advisory committee meeting.

Pursuant to the statutory grant of authority, the Boards of Fisheries and Game have promulgated regulations providing for the creation, operation, and authority of advisory committees.

One of those regulations is 5 AAC 96.060(e)(1). It provides as follows:

“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.”

(Emphasis shown in the above-quoted regulation.)

Another regulation adopted by the Boards of Fisheries and Game is 5 AAC 96.060(e)(3). It provides for the direct election of advisory committee members by simple majority vote of those present and voting at the election meeting. As is starkly evident from past and current experience in the Anchorage Advisory Committee, a simple majority vote of those present has

not, and cannot, assure that ‘at least three user groups’ are represented, or that “full representation of an area” will occur.

In fact, groups of nonresident voters have exploited an existing loophole that allows individuals to vote twice, or three or four times, for advisory committee members in different advisory committees, regardless of the fact that only one, appropriate, advisory committee is located in or near these voters’ community of residence. Allowing commercial guides and sport hunters, for example, to vote multiple times in multiple advisory committees destroys the credibility of these advisory committees, and automatically casts suspicion of the quality of advice that they give to the Boards of Fisheries and Game. In effect, such advisory committees, influenced by organized “block voting” by persons who live in a geographic area that is represented by another advisory committee, have become captives of these narrow interests, and therefore do not (and cannot) reflect the wide interests of the community whose election has been captured by such “bloc voting”.

Other irregularities have been frequently observed at advisory committee elections. For instance, no safeguards were in place at the election held in Anchorage in January, 2010 to prevent persons from picking up a ballot, casting it, and then going to the back of the line to pick up a second ballot. No ID’s were checked, and the Board staff handling registration was so overwhelmed that they had no time to even look at the faces of the people registering.

These glaring deficiencies illustrate a more distinct legal point: The election of members by a simple majority vote of those present at the election meeting is inherently in conflict with the regulatory mandate that various user groups *must* be represented. For that reason, the Alaska Wildlife Alliance’s (AWA) proposal includes the request that the regulatory scheme be amended to delete all provisions providing for the direct election of advisory committee members. Instead, members should be appointed by the Commissioner. “Primary” elections might be conducted for the purpose of indicating to the Commissioner the nominee preferences of local residents, but the appointments should be by the Commissioner, and not by whoever shows up at an annual election meeting. Only in this manner can there be a guarantee that all interests in the community will be represented as required by statute, in fair proportion to their presence in that community.

There is a constitutional basis for the AWA’s request that the direct election of advisory committee members be discontinued. As you undoubtedly know, advisory committees have some regulatory authority, under AS 16.05.780 and 5 AAC 97. The delegation of governmental lawmaking authority to committees made up of people who are directly elected by residents raises constitutional issues, particularly with the loose election requirements, lack of multiple voter controls, and election manipulation so evident in recent Anchorage Advisory Committee elections.

Article II of the Constitution of the State of Alaska vest the legislative power of the State in the State Senate and State House of Representatives, where Article III vest the executive power of the State in the Governor. While the delegation of “legislative’ rule-making authority is routinely made to agencies, nevertheless, these agencies are part of the executive branch.

Advisory committees that are elected by direct, popular election are not part of formal government; yet by law they have been delegated certain regulatory authority.

5 AAC 96.060(e)(4) and (5) appear to be aimed at remedying the constitutional problem presented by direct election, since these regulations provide some oversight by the Joint Board. But if the Joint Board rarely meets, and never rules on the qualifications of those people elected by popular vote before they are elected, then the constitutional infirmity is not remedied.

The statute authorizing advisory committees, AS 16.05.260, does not authorize or permit the direct election of advisory committee members. It is only 5 AAC 96.060(e)(3) that provides for their direct election. In other words, it is this regulation that appears to be constitutionally flawed, and not AS 16.05.780 or 5 AAC 97.

This proposal raises procedural points, but it cannot be forgotten that Alaska's fish and wildlife are *public* resources, belonging in common to all Alaskans. Fish and wildlife should be managed in accordance with good science. The current system, where advisory committee members are elected at meetings jammed with people rounded up by political activists who are advancing narrow, exclusive interests, does not comport with scientifically-based management, and cannot yield good advice from a broad cross-section of the community. What you have now is pure power politics, that's all. You, the members of the Joint Board, should do what's right; right for Alaska's fish and wildlife, and for all of its citizens.

Thank you for your consideration of this proposal.

WHAT WILL HAPPEN IF NOTHING IS DONE? The advisory committees for large urban areas such as Anchorage will continue to be unrepresentative.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not directly but a better functioning advisory committee system might improve things.

WHO IS LIKELY TO BENEFIT? Wildlife viewers and non-consumptive users.

WHO IS LIKELY TO SUFFER? Guides and commercial interests who dominate the current system.

OTHER SOLUTIONS CONSIDERED? Packing elections with non-consumptive users as we have done previously but it is hard to get people to stand for election when there is little likelihood that more than a handful will be elected.

PROPOSED BY: Alaska Wildlife Alliance

(JB 12051244)

PROPOSAL 13 - 5 AAC 96.060. Uniform rules of operation. Clarify the procedures for declaring vacancies and noticing the public as follows:

(g) Vacancy. A committee shall fill a vacancy through nomination, selection, and election under (e) of this section. A committee shall give at least **10** [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; **or (4) a committee has exhausted all reasonable means to discipline a member in accordance with Roberts Rules of Order, and the member has failed to comply with the will of the committee.**

ISSUE: Advisory Committees are capable of and should be allowed to discipline themselves. The Joint Boards should develop the language necessary to allow this in accordance with Roberts Rules of Order.

WHAT WILL HAPPEN IF NOTHING IS DONE? Members of the public who want to disrupt the regulatory process will continue to seek election on to the Advisory Committees. Once on the committee, they will continue to offer dilatory motions and conduct themselves in disruptive ways to prevent the order of the day from being accomplished.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? N/A

WHO IS LIKELY TO SUFFER? N/A

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer (JB 11301224)

PROPOSAL 14 - 5 AAC 96.060. Uniform rules of operation. Modify the Uniform Rules of Operation to incorporate the use of bylaws and provide other clarifications as follows:

- (a) Each committee must comply with the uniform rules of operation contained in this section. **If needed these rules may be augmented with Advisory Committee by-laws, but at no time will a by-law reduce the requirements of this section. By-laws must be passed by a majority of the advisory committee, by-laws must be written down, and must be maintained at the appropriate regional board support office to be in effect.**
- (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,

the Alaska Constitution, Alaska Laws, Alaska Administrative Code, regulations, and other applicable policy as required by the Joint Board, Board of Game, or Board of Fisheries.

(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 **30** [14] days after the election. A newly-elected **member will be seated at the next regularly scheduled meeting after 1 January; re-elected members will continue to carry out their duties, elected members who are filling a vacated seat will have immediate voting and membership privileges,** but the election results are subject to confirmation by the joint board or its designee.

(5) A newly-elected or re-elected member loses membership status if he or she fails to submit a new member form within **30** [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 **and 5 AAC 96.040.** When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member.

(8) **if an advisory committee chooses to appoint alternates from the remaining nominees from an election, these alternates can be used to fill vacancies on the advisory committee throughout the year as long as election results are maintained for the record.**

ISSUE: Many times the unified rules need to be augmented at the local level to fill certain needs for this reason some method of bylaws should be set down. If bylaws are used the public should have some way of obtaining them. Currently advisory committees are not required to follow the laws of the land. Binding them to the same requirement of their governing body is reasonable and will reduce renegade activity. Filling seats with alternates will give the Advisory Committee an opportunity to evaluate the new members' qualifications, and will give the nominee an opportunity to gain the experience need to become a productive Advisory Committee member.

WHAT WILL HAPPEN IF NOTHING IS DONE? Advisory Committee dysfunction will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? I believe the Advisory Committees should be allowed to govern themselves with some limitations.

WHO IS LIKELY TO BENEFIT? The public and the Advisory Committee process will benefit.

WHO IS LIKELY TO SUFFER? No one; the special interest groups will just have to work through the established process or request a designated seat from the joint board.

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer (JB 11301223)

PROPOSAL 15 - 5 AAC 96.060. Uniform rules of operation. Clarify the Uniform Rules of Operation to accurately reflect the current procedures followed by the Advisory Committees and Boards Support Section 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 community boundary 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] may take place in the community for which the seat is specified. An undesignated seat may be filled at a regularly scheduled committee meeting if a quorum is present. 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] date of commencement of term or election to a vacant seat.

...

(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] July 1 and expire on [DECEMBER] June 30 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.] The member elected to fill a vacant seat will serve the remainder of the term.

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] and shall give adequate public notice of the time period 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, after appropriate public notice of when the vote will occur. 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.

...

ISSUE: The above regulatory changes provide clarity to more accurately reflect the current practices by advisory committees and Boards Support Section. The proposal includes deletions to references for approval by the Joint Board which currently does not occur nor is it practical. The proposal clarifies the term expiration dates for members who are elected to fill vacant seats and that voting privileges will begin upon commencement of the term date when new members are elected.

WHAT WILL HAPPEN IF NOTHING IS DONE? Advisory committees will continue to function under the current regulations which are somewhat vague.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Everyone as it provides clarity to the process.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo.

PROPOSED BY: Alaska Department of Fish and Game (JB 12071247)

PROPOSAL 16 - 5 AAC 96.060. Uniform rules of operation. Establish a standard for advisory committee minutes as follows:

s) **Record of Meetings.** Minutes of each committee meeting must be recorded in writing and forwarded to the appropriate regional board support staff after the next regularly scheduled 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.

(1) Minutes should include:

- a. Time and date called to order;**
- b. Presiding Officer;**
- c. Roll call;**
- d. Approval of minutes;**
- e. Relevant comment from the public;**
- f. Minute of any business conducted to include results of votes taken; and**
- g. Time adjourned**

ISSUE: Secretaries are unpaid volunteer positions; it is reasonable to allow maximum time for completion of the minutes. Organizing and standardizing the minutes might make it easier for the boards to read and reference the applicable public comment.

WHAT WILL HAPPEN IF NOTHING IS DONE? Public comment may be lost.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? No one.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? No other solutions considered

PROPOSED BY: Ray Heuer (JB 11301228)

PROPOSAL 17 - 5 AAC 96.060. Uniform Rules of operation. Clarify the procedures for removal for cause of advisory committee members, implementing disciplinary measures under Roberts Rules of Order during advisory committee meetings, and submission of advisory committee minutes:

5 AAC 96.060. Uniform Rules of operation. (a) Each committee must comply with the uniform rules of operation contained in this section.

...

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

- (1) unjustifiable absence from three consecutive meetings;
- (2) conviction of a crime or **imposition of an** administrative disciplinary action for behavior inconsistent with the responsibility of **a fish and game advisory** committee [OR COUNCIL]membership within the preceding five years;
- (3) **serious and substantial** disregard for or violation of the provisions of 5 AAC 96 or 5 AAC 97 governing the committee and council system, **including conduct warranting the imposition of disciplinary measures under Robert’s Rules of Order;** or
- (4) failure, at any time, to meet the qualifications for committee membership.

...

(r) Rules of Meetings. Meetings of a committee must be conducted according to the latest edition of Robert's Rules of Order. **A committee has the authority to implement the disciplinary measures in Robert’s Rules of Order, except for permanent removal of a member for cause under (n) of this section.**

(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 appropriate board may require that** the advisory committee [MUST]submit to the respective board a set of its **minutes** relevant [MINUTES]**to the topic of the board meeting.**

ISSUE: During the 2011/2012 meeting cycle, the Joint Boards of Fisheries and Game considered three requests for removal of advisory committee members. During the process of determining whether or not the advisory committee members should be removed, it was realized that the relevant regulations concerning the process for removal were not clear. Nor was it clear what disciplinary actions under Roberts Rules of Order could be implemented during advisory committee meetings such as suspension of members. It was also recommended that the regulations for submitting advisory committee minutes be clarified.

The Joint Board denied the requests and designated a committee to write findings on the decision. The Joint Board Findings (11-33-JB) provide background information about the removal for cause process which is available online at: www.adfg.alaska.gov/index.cfm?adfg=process.jbfindings.

WHAT WILL HAPPEN IF NOTHING IS DONE? There may be confusion with the process for removal for cause, disciplinary actions for advisory committees, and the submission of advisory committee minutes.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? NA

WHO IS LIKELY TO BENEFIT? Advisory committees, board members, and members of the public due to clarifications to the regulations concerning the disciplinary procedures, and the process for removal for cause and submission of advisory committee minutes

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Leave regulations as the status quo.

PROPOSED BY: Committee of the Joint Boards of Fisheries and Game (JB 020613734)

PROPOSAL 18 - 5 AAC 96.060. Uniform rules of operation. Modify the definition for “removal for cause” as follows:

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

(5) disregard for or violation of the Alaska’s Constitutional requirement to manage for Sustained Yield or failure to follow 5AAC 92.106 or 5AAC 92.108; or

(6) Persons making dilatory or frivolous motions, using parliamentary or none parliamentary forms with the evident object of obstructing Advisory Committee business.

ISSUE: I would like the Joint Board to insist that Advisory Committee members at least attempt to follow the constitution and state laws when performing their assigned duties. I would also like to see the boards specifically include the language in #6 above. I sat through the same meeting four times in 2011-12 before the AC members thought they had enough votes to finally allow the AC to take action on the issue. Every meeting it was lets postpone the vote until this happens or that happens, all the while there were 160 proposals on other issues we did not even bother to give due consideration too.

WHAT WILL HAPPEN IF NOTHING IS DONE? Not sure of the outcome if nothing is done, I do know I do not care for the way it is now.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? It would make it easier to sit through these meetings.

WHO IS LIKELY TO BENEFIT? N/A

WHO IS LIKELY TO SUFFER? N/A

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer

(JB 11301227)

Advisory Committee Membership Qualification

PROPOSAL 19 - 5 AAC 96.060. Uniform rules of operation. Expand the qualifications for advisory committee officers as follows:

(j) Chairman. The chairman is elected by a majority of a quorum of the full committee membership and is the presiding officer. **A chairman is required to have a higher degree of knowledge on issues related to the committee business, and as such is required to have served a minimum of 4 year or two full terms on the committee for which he is being nominated for chair. Additionally,** a chairman must meet the qualifications set out in 5 AAC 96.040. **If no member meets the time on the committee requirement for chairman a waiver can be requested by the chairman of the Joint Boards, but the individual selected should have the highest degree of knowledge and experience possible.**

(k) Vice-chairman. **The vice-chairman is required to have a higher degree of knowledge on issues related to the committee business, and as such is required to have served a minimum of 4 year or two full terms on the committee for which he is being nominated for vice-chair.** The vice-chairman is elected by a majority of a quorum of the full committee membership and shall assist the chairman and assume chairman's duties when the chairman is absent. **If no member meets the time on the committee requirement for vice-chair a waiver can be request from the chairman of the Joint Boards, but the individual selected should have the highest degree of knowledge and experience possible.**

(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 **may participate in discussions but** has no vote on committee business other than nominations for committee membership.

(m) Replacement of an Officer. A committee may replace an officer if (1) the officer resigns from office or from committee membership before his or her term in office, or on the committee, expires; (2) the committee declares the officer's seat vacant under (g) of this section; or (3) a quorum of the committee meets and a majority of the full committee membership votes to remove the committee member from office, after giving the officer written notice at least **10** [14] days before the meeting.

ISSUE: The chairman of the committee should be the most knowledgeable individual on the committee.

WHAT WILL HAPPEN IF NOTHING IS DONE? The desired outcome is to facilitate public comment in the best and most professional manner possible.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? N/A

WHO IS LIKELY TO SUFFER? N/A

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer

(JB 11301226)

PROPOSAL 20 - 5 AAC 96.060. Uniform rules of operation. Change the qualifications of Chairman and modify the removal for cause of Advisory Committee members as follows:

5 AAC 96.060. Uniform rules of operation. (a) Each committee must comply with the uniform rules of operation contained in this section.

...

(i) **Officers.** The officers of a committee consist of a chairman, a vice-chairman, and a secretary. The term of office for officers is two years starting January 1 and ending December 31 of the following year, or until the next meeting when new officers can be elected.

(j) **Chairman.** The chairman is elected by a majority vote of a quorum of the committee and is the presiding officer. A chairman must have served on the committee for at least one three year term and 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.

(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.

(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.

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

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

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

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

(n) **Removal for Cause.** The joint board 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) disregard for or violation of the Alaska’s Constitutional requirement to manage for Sustained Yield

or failure to follow 5AAC 92.106 or 5AAC 92.108.

(6) Persons making dilatory or frivolous motions, using parliamentary or none parliamentary forms with the evident object of obstructing Advisory Committee business.

(o) Meetings.

(1) **Regular meeting.** A committee shall meet at least twice a year to remain active under 5 AAC 96.450. A committee may meet at times appropriate to the process described in 5 AAC 96.610, and at other times to formulate regulatory proposals, review and comment on proposals, and consider matters appropriate to the committee's functions under 5 AAC 96.050. A chairman or a majority of the full committee membership may call a regular meeting.

...

ISSUE: The unified rules governing Advisory committees are ineffective. Some form of self-government needs to be allowed. If the Advisory Committees determine a member is disruptive to the process, they should be able to take appropriate disciplinary action, and the Joint Boards should support their actions. Even Robert Rules of Order recognizes the value of a committee being able to discipline its own membership. The officers of an AC should be the most knowledgeable members of the body or at a minimum have gone through one full board cycle to know what to expect of the process. I would like the Joint Board to have a working group address this issue. This group should be made up of AC members and board members.

WHAT WILL HAPPEN IF NOTHING IS DONE? We simply continue on as we have!

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? None.

WHO IS LIKELY TO SUFFER? None.

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Ray Heuer

(JB 11301229)

PROPOSAL 21 - 5 AAC 96.040. Qualifications for members. Expand the list of qualifications for Advisory Committee members as follows:

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. **Additionally new members should demonstrate a knowledge of the Alaskan Constitution, Alaska Statutes, Administrative Code, and a familiarity with Boards of Fisheries and Game procedures.**

ISSUE: New advisory committee members should be able to demonstrate more than a simple knowledge of where to hunt and fish in their back yard, and basic field dress/strip techniques. This process is too important to be decided by a popularity contest.

WHAT WILL HAPPEN IF NOTHING IS DONE? Too often perspective members will only show up for election one time a year and then not return until the following years election. They make no effort to stay abreast of the current fish and game issues. They have no idea how to submit proposals, provide meaningful comments to the boards, or what the responsibilities of advisory committee membership would be. They believe we are attempting to change the verbiage in the handy-dandy hunting regulation or fishing regulation books, and have no concept of subsistence, sustained yield, intensive management, customary and traditional use of fish and game, amounts necessary for subsistence, Alaska Statutes (Title 16) and the Alaska Administrative Code (Title 5). There should be some demonstrated willingness to participate in the process or even assist a constituent in drafting a proposal to resolve his/her issue. Simply knowing where to go fishing and hunting in their back yard is not enough knowledge to be an effective member of the local fish and game advisory committee.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not Applicable.

WHO IS LIKELY TO BENEFIT? This proposal shouldn't harm anyone. In fact it should encourage interested individuals to participate more. When they do finally get on an AC they will be more effective.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? None considered.

PROPOSED BY: Ray Heuer

(JB 1127127)

Advisory Committee Status, Function, and Staff Assistance

PROPOSAL 22 - 5 AAC 96.450. Committee status and change of status. Reduce the number of meetings required for Advisory Committees to remain in active status, and add clarify the process for merging Advisory Committees as follows:

5 AAC 96.450. Committee status and change of status. (a) A committee is active if it forwards minutes from at least **one** [TWO] meeting[S] 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, **if the active committee does not object to the merger**, 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.

ISSUE: 1.) Due to lack of funding, many rural advisory committees have not been afforded the opportunity to meet more than once a year. I believe the rules should reflect a more attainable level of minutes to be submitted. 2.) Merging advisory committees can be problematic, and could have the potential of making the active advisory committee dysfunctional.

WHAT WILL HAPPEN IF NOTHING IS DONE? I do not believe the Joint Board would intentionally dissolve a rural advisory committee due to this regulation unless they were truly inactive, but it is a vulnerability the rural advisory committees should not have.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not Applicable.

WHO IS LIKELY TO BENEFIT? Protecting rural advisory committees and active advisory committees should not hurt anyone.

WHO IS LIKELY TO SUFFER? Not Applicable.

OTHER SOLUTIONS CONSIDERED? Not Applicable.

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

Clarify the functions of local fish and game advisory committees and add the applicable regional council functions as follows:

96.060. 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] **Board** 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.
- (7) hold public meetings on fish and wildlife matters;**
- (8) elect officers;**
- (9) 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;**
- (10) perform other duties specified by a board;**
- (11) anticipate subsistence uses of fish and wildlife populations within the region, and other fish and wildlife uses that the committee identifies;**
- (12) recommend strategy for the management of fish and wildlife populations within the area of responsibility as described in 5AAC 97.005 to accommodate the identified fish and wildlife uses and needs;**
- (13) make recommendations concerning policies, standards, guidelines, and regulations to implement management strategies;**
- (14) provide a forum for 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 constituents, the committee shall attempt to develop areas of compromise and to reach a consensus on matters of controversy.**
- (15) 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.

(16) make recommendations to the joint board on the creation, consolidation, distribution, or operation of the committee system.

(17) any other duties required under statute or administrative code not listed here.

ISSUE: For reasons unknown to me (likely budget) the regional councils have fallen by the way side. With this in mind, many of their responsibilities have been performed by advisory committees or left unattended too. I would like to clarify the functions for local fish and game advisory committees and add the applicable regional council functions under this section. I would like to consolidate the duties from 5 AAC 96.050 and 5 AAC 96.250 to form a new 5 AAC 96.050.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not Applicable

WHO IS LIKELY TO BENEFIT? No one should be harmed by this action, but the process may benefit.

WHO IS LIKELY TO SUFFER? No one should be harmed by this action, but the process may benefit.

OTHER SOLUTIONS CONSIDERED? None Considered.

PROPOSED BY: Ray Heuer (JB 1130129)

PROPOSAL 24 - 5 AAC 96.510. Staff assistance. Replace “council” with “committee” in the regulation assigning staff assistance as follows:

5 AAC 96.510. Staff assistance. The commissioner will, in his/her discretion, assign staff or hire regional coordinators to aid committees [COUNCILS] in achieving maximum interaction with the public, boards, and the department. **The commissioner is further encouraged to the extent possible to utilize the advisory committees when developing management strategies versus utilizing focus/working groups for this purpose.**

ISSUE: Regional Councils have fallen into disrepair and advisory committees are performing the applicable responsibilities. This regulation should more clearly state "aid the advisory committees in achieving maximum interaction with the boards and the department".

WHAT WILL HAPPEN IF NOTHING IS DONE? In recent times it appears to be a more common practice to use Department of Fish and Game guided focus/working groups versus using the advisory committee process that is already in effect and is the accepted means of

gathering public comment for fish and game issues. Working groups are not bound to work within the framework of the administrative procedures act and the proposals and recommendations they develop still require public comment. This additional effort seems to simply draw funding away from the advisory committees or away from actual management of fish and game. All of this further exacerbates an atmosphere of distrust between the public and the advisory committees; the public, the advisory committees, and the department; and the public, advisory committees, and the boards. This atmosphere of distrust has led to infighting between user groups, advisory committees, and team building against the department. This said cooperation between all parties, using a common process would likely result in a more harmonious outcome which would benefit everyone.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Funding is tight all over, and to the extent possible we should attempt to work within the frame work which is already established. Additionally, requesting that the department develop these management plans through the advisory committee process might encourage more public participation with the advisory committees. See the question for everyone benefits.

WHO IS LIKELY TO BENEFIT? Perhaps leaning on the advisory committees to conduct more public meeting to gather applicable data and providing for clear guidance to board support will revitalize the advisory committee process.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? It has been suggested that Boards Support Section may be better served if located in the Legislative Information Office, as the boards are actually exercising delegated legislative authority. It is hard for the Boards Support staff to effectively do their jobs as department employees. Their allegiance always leans towards the department's position not the advisory committees' position. Since this is not an issue that can be resolved at the Joint Board level perhaps clearly articulating the Joint Board's intent to facilitate interaction between the boards, department, public and the advisory committees will serve the purpose.

PROPOSED BY: Ray Heuer (JB 11301221)

Adoption of Fish and Game Regulations

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

Clarify the procedure for accepting proposals for each board 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.]

(d) Phase 3. Committees and councils will, in their discretion, review the proposals at a public meeting in accordance with the following:

...

ISSUE: The proposal eliminates unused regulatory language allowing acceptance of proposals submitted after the deadline that is inconsistent with actual practice. Currently, proposals received after the deadline are rejected and are not provided to the Alaska Board of Fisheries and/or the Alaska Board of Game (boards) for consideration.

WHAT WILL HAPPEN IF NOTHING IS DONE? Current regulation provides a loophole for submitting proposals after the deadline.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Everyone involved with submission of proposals to the boards.

WHO IS LIKELY TO SUFFER? Those who submit proposals after the deadline.

OTHER SOLUTIONS CONSIDERED? Status quo.

PROPOSED BY: Alaska Department of Fish and Game

(JB 12071249)

PROPOSAL 26 - 5 AAC 96.600. Meetings. Require the Joint Board to meet every year; establish a standing committee of the joint board; and remove the reference to council as follows:

5 AAC 96.600. Meetings. (a) Each board will hold at least one regular meeting a year. Other meetings, including special meetings on specific issues, will be held as the boards consider necessary.

(b) The attendance of a Board of Fisheries member at a committee or council meeting constitutes a board hearing in accordance with AS 16.05.300(b). For the purposes of AS 16.05.300(b), "year" means the 12 month period beginning July 1 and ending June 30.

(c) The joint board will meet at least once each year to consider matters of mutual concern, including matters relating to committees [AND COUNCILS].

(d) The joint board will maintain a standing subcommittee made up of two members from the Board of Fisheries and two members from the Board of Game. This subcommittee will review election results annually, deliberate over or ratify advisory committee disciplinary proceedings, and give guidance to the advisory committees for enacting 5 AAC and solving other issues as they arise.

ISSUE: The Joint Board does not meet with any regularity. The advisory committees are made to feel as though they are left to tend to matters of discipline and interpretation without the benefit of their governing body meeting regularly to resolve minor or complex issues.

First this regulation requires the joint board meet once a year. The advisory committees and the public would like the Joint Board to attempt to follow this more closely. Maybe the Joint Board could attempt to meet on a regular basis. Like maybe twice in a decade? Preferably every year as the regulation requires, and with a call for proposals. This will be even more important if the Joint Boards make significant changes to the way advisory committees conduct business. There will no doubt be some adjustments required.

Second, a standing committee to help govern the advisory committees would also help. If advisory committees were unsure how to proceed they could communicate with the chairman of this committee to achieve a suitable resolution without waiting a full year or more for the joint board to meet. Currently, we work with board support on many of these matters or simply take an action and assume the Joint Board will correct us when required. This is not effective.

Lastly, the reference to councils is outdated and should be removed. We have an advisory committee process, and no longer use regional councils.

WHAT WILL HAPPEN IF NOTHING IS DONE? Advisory Committees will continue to be dysfunctional due to lack of guidance.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes, advisory committees will operate more professionally, and the intent of the Administrative Procedures Act will be better served.

WHO IS LIKELY TO BENEFIT? The Advisory Committees will benefit from regular guidance from their governing body.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ray Heuer (JB 11301222)

PROPOSAL 27 - 5 AAC 96.600. Meetings. Modify the regulations to reflect the need to schedule meetings for the Joint Board as follows:

- (a) Each board will hold at least one regular meeting a year. Other meetings, including special meetings on specific issues, will be held as the boards consider necessary.
- (b) The attendance of a Board of Fisheries member at a committee or council meeting constitutes a board hearing in accordance with AS 16.05.300 (b). For the purposes of AS 16.05.300 (b), "year" means the 12 month period beginning July 1 and ending June 30.
- (c) The joint board will meet [AT LEAST ONCE EACH YEAR] **as needed** to consider matters of mutual concern, including matters relating to committees and councils.

ISSUE: The current regulation states that the Joint Board will meet at least once each year which is neither practical nor necessary. In the past, the Joint Board has met to consider regulatory changes once every five to ten years. The proposed change provides a more realistic expectation for scheduling Joint Board meetings.

WHAT WILL HAPPEN IF NOTHING IS DONE? There may be an expectation or desire that the Joint Board will meet more frequently.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All participants involved with the Joint Board meetings.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo.

PROPOSED BY: Alaska Department of Fish and Game (JB 12071248)

Advisory Committee Participation at Board Meetings

PROPOSAL 28 - 5 AAC 96.XXX. New Section. Incorporate Advisory Committee participation into board deliberations as follows:

Give fish and game Advisory Committees the option of providing a designated representative to participate in board meetings as proposals are deliberated and voted upon. The new regulation would give each AC one representative for this purpose.

ISSUE: Presently, each Advisory Committee can provide testimony immediately prior to deliberations and voting on proposals that affect the given Advisory Committees' Game Management Unit areas of jurisdiction. Under this proposal, this practice would simply be extended to involve the AC representative during actual deliberations, thereby giving board members the opportunity to seek input from affected ACs in addition to the agency representatives seated at the table. Adding AC representatives to this segment of board meetings would offer balance to the current scenario that is heavily weighted in favor of the administrative and judicial branches (i.e. all government). It would also enhance the exchange of information and allow better informed decisions by board members. This solution may also have the residual benefit of encouraging greater public participation at the AC level (knowing that AC input will be carried through to the very end of the board process).

Board members make decisions on proposals without the availability and input of fish and game advisory committees during the actual deliberation and voting segment of the board meetings. Presently, representatives from the Department of Law, Department of Public Safety, the Federal Subsistence Board, and multiple divisions of the Department of Fish and Game, are part of the deliberations and voting portion of board meetings, but representatives of advisory committees are not.

Under the present system, and due to the sheer volume of oral and written testimony given during the early stages of the board meetings, board members often are unable to recall clearly or correctly critical items of information that should inform their decisions as votes are cast several days after public testimony is closed. Furthermore, there are often issues and questions raised during deliberations that can be addressed or answered more appropriately by Advisory Committees than by any other entity whose input is allowed at this stage of the meeting. Another problem occurs when amendments to proposals are offered. Sometimes these amendments are not considered or discussed during public testimony, and may result in a very significant change to the original proposal, the ramifications of which are not likely to be fully understood or appreciated by board members without AC reaction and input. It should be noted that Advisory Committees were initially provided for by the legislature in Alaska Statutes, and subsequently created and activated by the Boards of Fisheries and Game in Alaska Administrative Code. As such, ACs have specific and deliberate standing in law. The intent of the AC system was to create groups of local persons well informed on the fish or game resources of the locality who would make recommendations to the boards, would develop and submit proposals to the boards, and would evaluate all other public proposals. It is therefore not logical to eliminate AC input from board deliberations when the objectives of the law are to enable the boards to have open access to this very form of information and expertise.

WHAT WILL HAPPEN IF NOTHING IS DONE? The boards will continue to make decisions without the benefit of AC expertise and input during the most critical decision making portion of the meetings.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? This proposal does not directly affect the quality of harvested resources or resource related products, rather, it is focused on improving the public process because a better informed board will typically result in better informed decisions and better regulations.

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

WHO IS LIKELY TO SUFFER? It has been suggested that the board meetings may take longer if AC representatives are available to the board during deliberations, which would extend the public cost of the meetings. While this may be true, the additional time and expense should be carefully weighed against the potential benefits of an improved public process. It is also quite possible that AC participation would streamline deliberations and shorten the overall timeframe because the key information and answers of the ACs could be readily provided, as opposed to the lengthy discussions and speculation that often occur when board members are unsure of the ramifications of the changes they are considering. Businesses, special interest groups, and individual public members may believe they will suffer under this proposal because they are not given the same standing as the ACs; however, the statutory and regulatory authority and responsibility given to ACs appears to legitimize what is being proposed.

OTHER SOLUTIONS CONSIDERED? Another solution considered was to give each advisory committee a vote equal to those of the board members, but it was presumed that this change could only be achieved through statutory changes, which is the purview of the Legislature.

PROPOSED BY: Upper Tanana/Fortymile Fish & Game Advisory Committee (JB 11301238)

PROPOSAL 29 - 5 AAC 96.XXX. New Section. Incorporate Advisory Committee participation in board deliberations as follows:

Advisory Committee chairs will advise boards in deliberations concerning regulations for their jurisdictional Game Management Units.

ISSUE: Advisory Committees (ACs) participating at appropriate board deliberations.

WHAT WILL HAPPEN IF NOTHING IS DONE? The boards lose a valuable asset in deliberations. Currently the Department and Public Safety sits at the table during deliberations and both have the same legislative mandate to the boards as the AC's. That is to advise the boards. The departments only provide science and biology to the boards. They don't give allocation advice. Yet the boards don't allow AC chairs to participate at deliberation. Just look at the makeup of the boards in general. Many have less than ten years in the regulation process. Many of those who have been appointed to the boards only have knowledge of their area or region. Whereas AC chairs have many more years of participating in the regulatory process, have both current and historical knowledge of the region. AC members are elected by their respected communities. So their community's comments, proposals, ideologies or concerns would be represented at a board level. Writing comments and only having a 15 minute oral comment period at a board meeting is not sufficient. As you know many of our management plans and regulations are complicated, and many of the regional board meetings have in excess of 50 proposals for the boards to address. Any one of those proposals could take 15 minutes to make comments on from a local concern. The department has two opportunities to address the boards with no time constraints on each and every proposal. We only ask that the AC chair or chairs have a seat at deliberations to advise the boards of local or regional ideas or concerns at a regulatory level.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? With the chairs of the effected Game Management Units at the table during deliberations, the boards will have a wealth of experience, longevity in the region, historical insight, and first-hand knowledge of how a region can be or has been affected by regulation changes. This is not a new concept as the boards have made a regulation to allow Regional Fish and Game Councils to assist at deliberations, 5 AAC 96.200.

WHO IS LIKELY TO BENEFIT? The public process. The legislature was clear in their intent to have the AC's advise the boards. Many times we have witnessed the boards in deliberations struggle with a proposal. If the boards would have remembered the AC's comments (written or oral) they had an answer that would have helped. Board members could have a more complete understanding of how a regulation may affect the region or state. Board members would not have to rely on what they have read in written comments or what was said in oral comments on the topic at hand, or could have clarification.

WHO IS LIKELY TO SUFFER? I cannot see a downfall to this change. We are dealing with a public resource, and the boards should have all the resources available to them at deliberation to make well informed votes and help them build an accurate record of a public resource.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Allen Barrette

(JB 11301234)

Regional Councils

PROPOSAL 30 - 5 AAC 96.910. Definitions. Remove the definition for “council” from regulation as follows:

5 AAC 96.610. Definitions. In 5 AAC 96 - 5 AAC 99

- (1) "board" means the Board of Fisheries or the Board of Game acting individually;
- (2) "joint board" means the Board of Fisheries and the Board of Game acting jointly;
- (3) "committee" means a local fish and game advisory committee;
- [(4) “COUNCIL” MEANS A REGIONAL FISH AND GAME COUNCIL];
- [5] ~~4~~ "designee" means a committee or council member who has been designated by the chairman;
- [6] ~~5~~ "region" means a fish and game resource management region; and
- [7] ~~6~~ "designated seat" means any seat the joint board assigns, under 5 AAC 96.060, to represent a particular user group or a particular community.

ISSUE: I propose the definition for council removed from this AAC.

WHAT WILL HAPPEN IF NOTHING IS DONE? It is unclear what the effect of leaving this definition in will have. Maybe someday we will get funding for or find a use for the regional councils again.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Not applicable.

WHO IS LIKELY TO SUFFER? Not applicable.

OTHER SOLUTIONS CONSIDERED? Not applicable.

PROPOSED BY: Ray Heuer

(JB 11301220)

PROPOSAL 31 - 5 AAC Chapter 96, Article 2. Repeal the Regional Council language as follows:

Repeal 5 AAC Chapter 96, Article 2.

ISSUE: Repeal the regulations concerning regional councils.

WHAT WILL HAPPEN IF NOTHING IS DONE? There is no problem currently since this regulation has never been active. But there could be. If Regional Fish and Game Councils were to become active they would compete for funding from Board Support Section. In turn, effect the funding of statutory created Advisory Committees. Also the regulation does not mention how one becomes a member of a council. Are they appointed or elected? If appointed, who appoints?

Why create a regulatory council to make recommendations for people interested in fish and game issues? That's why the legislature created the Advisory Committees. Why have a council to help adequately protect subsistence uses? Whereas all current "elected by their communities" AC members that lay outside of a non-subsistence areas are potential subsistence users. Furthermore, I believe this regulation is not in compliance with the statutory authority. AS 16.05.260 is the statute that allows the Joint Boards to make regulations for Advisory Committees. There is no mention of or spirit of the law that suggests the Joint Boards may or shall create Regional Councils. Or what their powers or purposes are. This statute is clearly addressing Advisory Committees.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? The State of Alaska. The legislature has addressed through statute how the public can participate in the management of our fish and wildlife resources. The ACs as they will not have to compete for funding. Currently AC budgets are underfunded and don't allow for adequate participation at board meetings. The Department of Fish and Game as they will not have to reiterate management plans, or current data as to what the state of the area/region is. Subsistence users don't need a council to protect them. We already have a law that protects subsistence uses, AS 16.05.258. It may be broken but it still protects subsistence.

WHO IS LIKELY TO SUFFER? Those who believe in adding another layer of duplicated state funded working groups, committees and or councils, other than the Advisory Committee participation.

OTHER SOLUTIONS CONSIDERED? To support this regulation, but since the legislature has enacted the Advisory Committee (AS 16.05.260) participation process and has worked, there is no need to duplicate it at a regulatory level.

PROPOSED BY: Allen Barrette (JB 11301231)

PROPOSAL 32 - 5 AAC 96.080. Interaction of local advisory committees with regional fish and game councils. Repeal the regulation and incorporate the functions into the advisory committee regulations (as provided for in proposal #23) as follows:

5 AAC 96.080. Interaction of local advisory committees with regional fish and game councils. Repealed (date)

5 AAC 96.200. Establishment of a regional fish and game council system. Repealed (date)

5 AAC 96.210 Fish and game resource management regions. Repealed (date)

5 AAC 96.220 Regional fish and game councils. Repealed (date)

5 AAC 96.245 Non-voting member. Repealed (date)

5AAC 96.250. Functions of regional fish and game councils. Repealed (date)

5AAC 96.260. Uniform rules of operation. Repealed (date)

5 AAC 96.280 Attendance at meetings. Repealed (date)

5 AAC 96.500 Operation of regional fish and game council system. Repealed (date)

5 AAC 96.510 Staff assistance. Repealed (date)

5 AAC 96.520 Regulatory and special meetings. Repealed (date)

5 AAC 96.530 Attendance at meetings. Repealed (date)

5 AAC 96.540 Direction to boards. Repealed (date)

ISSUE: Regional Councils are no longer in use, and local fish and game advisory committees perform many of these functions. I propose to have this administrative code removed from codified.

WHAT WILL HAPPEN IF NOTHING IS DONE? It is unclear what the effect of leaving this Administrative Code in will have. Maybe someday we will get funding for or find a use for the regional councils again.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Not Applicable.

WHO IS LIKELY TO BENEFIT? Not Applicable.

WHO IS LIKELY TO SUFFER? Not Applicable.

OTHER SOLUTIONS CONSIDERED? Not Applicable.

PROPOSED BY: Ray Heuer (JB 11301210)

Subsistence Uses & Procedures

PROPOSAL 33 - 5 AAC Chapter 99. Subsistence Uses. Modify the process for determining Amount Necessary for Subsistence findings as follows:

We propose a two-step approach: 1.) Require all subsistence fishing and subsistence hunting of big game that the persons participating in those activities report on a state “harvest report”. Not later than 30 days after the time of harvest or by conditions set forth in the permit. 2.) ANS shall be determined by using five years of the “reportable harvest” from all subsistence users, for that unit or subunit, for that stock or game that has the positive finding of C&T.

“Reportable Harvest” is the data collected from Department of Fish and Game issued annual harvest reports.

ISSUE: Formulate/define how “reasonably necessary for subsistence uses” (ANS) is determined, with consistency in mind.

WHAT WILL HAPPEN IF NOTHING IS DONE? Current ANS determinations by the appropriate board does not always show the real need for subsistence use. Also there is no consistency in the development of an ANS. The statute has left the determination of ANS up to the appropriate board, with no guidance or definition of how to determine an ANS or a range of ANS. Nor has either board made a regulation in how an ANS will be developed. As leadership changes in Boards Support and department staff, and as board members change so does the development of ANS. We believe this is the weakest link in the subsistence allocation statute. We have seen more and more that the boards have not determined the ANS to reflect the real needs of subsistence, but have based an ANS to stay out of Tier II, or raised an ANS because a wildlife or stock population has increased. (ANS is used for “reasonable needs for subsistence” and not based on the rise and fall of a wildlife or stock population). We recognize the statute in noting the “appropriate board” will determine the ANS. We are asking the “Joint Boards” to develop something to be consistent in both fish and wildlife to satisfy Alaskan’s subsistence needs.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? If adopted most certainly. Currently we have many subsistence fisheries that those who participate in them do not have to report any harvest or when, where, how, and how many days of effort. We have some subsistence big game being harvested that is not being reported or data is not being collected.

WHO IS LIKELY TO BENEFIT? All Alaskans who regularly participate in subsistence. As you review ANS’s in codified many do not reflect the reasonable needs of the users. Having a more consistent and a much more accurate way of developing an ANS is only beneficial to Alaskan subsistence users. The department will see some cost savings in that they will not have to rely on gathering harvest reports through household surveys, which are very costly to conduct and does not capture the harvest of fish or wildlife timely or annually. Can anyone really explain to Alaskans how an ANS is developed? If someone does choose to answer this, is their explanation consistent with the ANS determinations we have in codified?

WHO IS LIKELY TO SUFFER? Some would lead you to believe getting a permit/harvest report and reporting an accurate harvest timely is too cumbersome. That rural residents do not have the capability to do so. Those who don't like change.

OTHER SOLUTIONS CONSIDERED? Status quo. The reliance on household surveys (HHS). Data is only collect from those who wish to participate in the survey. The HHS does not collect data in all subsistence harvests annually. Much harvest data from the surveys that is collected is many months after the fact of harvest and the harvester must estimate their take and when. Furthermore the person participating in the HHS is not accountable for the harvest they report or any other information.

PROPOSED BY: Allen Barrette (JB 11301232)

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

Modify the subsistence procedures for determining Amounts Reasonably Necessary for Subsistence Uses as follows:

Every ANS (Amount Necessary for Subsistence) finding determined by the boards should be based on harvest data collected from a range of regulatory categories including subsistence and general hunting, subsistence fisheries, and sport fishing including personal use.

Add a new section to 5 AAC 99.010:

....

(d) In applying the subsistence law the Board of Fisheries, and the Board of Game shall determine the amount reasonably necessary for subsistence uses (ANS) of a Customary & Traditional used fish stock and/or game population based on recorded harvest reporting.

ISSUE: The boards continue to make Amount Necessary for Subsistence findings based on incomplete and unsubstantiated harvest data.

WHAT WILL HAPPEN IF NOTHING IS DONE? ANS findings will continue to ignore per capita consumption of wild food harvest by the majority of Alaskan residents who have not been surveyed by ADF&G Division of Subsistence employees sent out to gather household harvest data.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? The proposal is allocative and does not improve the quality or productivity of the wild food resource.

WHO IS LIKELY TO BENEFIT? All Alaskans would benefit from an accurate accounting of how much of a fish stock and/or a game population is required to provide a reasonable amount of wild food harvest to those Alaskans who choose to participate in a C&T subsistence harvest.

WHO IS LIKELY TO SUFFER? Those who do not support a recorded harvest as bases for allocating fish stocks and/or game populations for subsistence use.

OTHER SOLUTIONS CONSIDERED? No other solution would correct the incomplete harvest reporting that boards are now basing their ANS findings on.

PROPOSED BY: Alaska Outdoor Council (JB 1126125)

PROPOSAL 35 - 5 AAC 99.021. Definition. Create a definition for nonsubsistence harvest as follows:

"Nonsubsistence harvest" means fish stocks and game populations taken by nonresidents and aliens.

ISSUE: There is no definition of what a nonsubsistence harvest is in AS 16.05.940 or 5AAC 99.020. 5AAC 99.010(c) requires that the boards will "exercise all practical options for restricting nonsubsistence harvest of the stock or population....."

WHAT WILL HAPPEN IF NOTHING IS DONE? The boards may remain confused as to which group of users they were to restrict harvest opportunity to.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? The proposal is allocative, having nothing to do with the quality or production of the resources.

WHO IS LIKELY TO BENEFIT? All Alaskans who participate in gathering a wildfood harvest of fish and/or game for a food sources.

WHO IS LIKELY TO SUFFER? Nonresidents and aliens who would like the same priority to hunt and fish in Alaska as residents do.

OTHER SOLUTIONS CONSIDERED? No other definition of "nonsubsistence harvest" would be consistent with Alaska State Constitution.

PROPOSED BY: Alaska Outdoor Council (JB 11301237)

PROPOSAL 36 - 5 AAC 99.010. Boards of fisheries and game subsistence procedures. Delete the reference to proximity of the user's domicile to the stock or population under the subsistence procedure regulations as follows:

Delete 5 AAC 99.010(c)(2) "**the proximity of the user's domicile to the stock or population**" from the existing regulation.

ISSUE: 5 AAC 99.010(c)(2) the proximity of the user's domicile to the stock or population was ruled unconstitutional by the Alaska Supreme Court in 1989. 5 AAC 99.010 has been amended twice since the 1989 Supreme Court decision ruling that all state residents qualified for subsistence harvest regardless of where they lived. 5 AAC 99.010(c)(2) needs to be repealed in order for the 5 AAC 99.010 to be constitutional.

WHAT WILL HAPPEN IF NOTHING IS DONE? 5 AAC 99.010 will remain an unconstitutional regulation and continue to confuse many individuals involved in the regulatory process of fish and game allocation in Alaska.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? This proposal is a resource allocation issue it will not affect the quality of the resource harvested or the products produced.

WHO IS LIKELY TO BENEFIT? Subsistence users will benefit from adoption of this proposal.

WHO IS LIKELY TO SUFFER? Those individuals who do not support subsistence uses. Everyone else will benefit from the adoption of this proposal by the Joint Boards to support subsistence uses.

OTHER SOLUTIONS CONSIDERED? Amend the Alaska State Constitution to give a priority use of a public resource (fish and game) to Alaska residents based on where they live.

This solution was rejected by the Alaska Outdoor Council (AOC). AOC prefers accommodating subsistence users for whom subsistence gathering is a mainstay of their livelihood (AS 16.05.258(b)(4)(B)(i) as opposed to where they live.

PROPOSED BY: Alaska Outdoor Council (JB 1126123)

PROPOSAL 37 - 5 AAC 99.021. Definition. Add a statewide definition of “noncommercial” as it applies to the barter of fish and game taken in subsistence fisheries, hunts, and trapping as follows:

(b) In addition to the definitions in AS 16.05.940, in 5 AAC 01–5 AAC 02, and in 5 AAC 84–5 AAC 92, unless the context requires otherwise,

(1) (A) For the purposes of barter of fish, shellfish, and game or their parts taken for subsistence uses, “noncommercial” means the exchange must:

(i) be of approximately equal value at the time of the exchange, as determined by the participants in the exchange, and not compiled over time; and

(ii) not provide direct or indirect profit to either participant in the exchange; and

(iii) for purposes of this subsection, “profit” means an advantageous gain or benefit to either party involved;

(B) the following are prohibited from engaging in barter of fish and game or their parts taken for subsistence uses:

(i) individuals or businesses holding a license under A.S. 43.70 to engage in the commercial sale of the food items or nonedible items provided by the barter exchange; and

(ii) individuals or businesses licensed to engage in providing the services provided by the barter exchange.

ISSUE: Alaska Statute [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 (board) modified 5 AAC 92.200 to allow the barter of most game taken for subsistence purposes. Under AS 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 board 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 transactions 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. Because it applies to subsistence uses of both fish and game, we propose that the definition of “noncommercial” be adopted by the Joint Board as part of Chapter 99, *Subsistence Uses*.

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...” (A.S. 16.05.940 (8); emphasis added). Thus, by statutory definition, customary trade is already noncommercial; furthermore, the Board of Fisheries and Board of Game have authority to restrict customary trade to ensure that it occurs for minimal amounts of cash.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations regarding the kinds of exchanges of game that are permissible as barter under 5 AAC 92.200 and of fish taken in subsistence fisheries will be unclear.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The quality of the resource harvested or products produced will be unaffected by this proposal.

WHO IS LIKELY TO BENEFIT? Alaskans who customarily obtain subsistence resources through barter. Enforcement officers will benefit from a clear, concise definition that applies to all subsistence resources, fish, shellfish, and game.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game and Alaska Wildlife Troopers
(JB 12071250)

Nonsubsistence Areas

PROPOSAL 38 - 5 AAC 99.015. Joint Board nonsubsistence areas. Repeal the state Nonsubsistence areas as follows:

Repeal **5 AAC 99.015. Joint Board nonsubsistence areas.**

ISSUE: Repeal nonsubsistence areas created by the Joint Boards. State nonsubsistence areas are no longer necessary for restricting the allocation of fish stocks and/or game populations to qualified subsistence users. Alaskan residents who have a customary and traditional (C&T) dependence on fish stocks and/or game populations as a mainstay of their livelihood but choose to live in an urban area are being denied an opportunity to obtain a subsistence harvest in areas classified as non-subsistence areas by the boards.

WHAT WILL HAPPEN IF NOTHING IS DONE? Alaskans who choose to participate in subsistence food gathering near urban areas wouldn't have as good an opportunity to harvest food resources close to their home. Nonsubsistence areas were created by the Joint Boards at a time when the state was attempting to comply with federal law by adopting a rural priority to harvest fish stocks and game populations. Alaska's Supreme Court ruled that a rural preference was unconstitutional in 1989, which allows all Alaskan residents a choice of participating in subsistence fishing and hunting regardless of where they live. The boards still have the authority to determine which fish stocks or game populations have C&T determinations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? This proposal is allocative and will not affect the quality or the production of the resource.

WHO IS LIKELY TO BENEFIT? Subsistence users will benefit by having more of the State open to subsistence harvest.

WHO IS LIKELY TO SUFFER? Those who do not support subsistence harvest of fish stocks and game populations near urban centers.

OTHER SOLUTIONS CONSIDERED? No other solution was considered viable due to the fact that the nonsubsistence areas did nothing but restrict urban Alaskans who may choose to participate in a subsistence way of life from doing so.

PROPOSED BY: Alaska Outdoor Council (JB 1126124)

PROPOSAL 39 - 5 AAC 99.015. Joint Board nonsubsistence areas. Reduce the size of the Fairbanks Nonsubsistence area as follows:

The Fairbanks Nonsubsistence Area (FNA) should be reduced in size in so that the Fortymile Caribou Herd on normal movement will not enter into the FNA.

ISSUE: The Fairbanks Nonsubsistence Area boundaries. We are asking that the FNA be reduced in size. Currently the Division of Wildlife Conservation issues joint federal/state subsistence registration permits (RC860 and RC867) to Alaskans who choose to have the opportunity to harvest Fortymile caribou. The Board of Game has found a positive C&T finding on the Fortymile Caribou Herd and has set an ANS of 350-400. Fortymile caribou are being allocated by AS 16.05.258 and has a regulated harvest by a joint federal/state subsistence permits within the FNA, Game Management Units 20B, 20D, and 25C.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Board of Game will continue to be out of compliance with statutory law, AS 16.05.2584(c) which reads: “The boards may not permit subsistence hunting or fishing in a nonsubsistence area.” Also the Board of Game is out of compliance with regulation 5 AAC 99.016 2(b): “Subsistence hunting and fishing regulations will not be adopted in these areas and the subsistence priority does not apply”.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. “The product produced” would be regulations that are in compliance with State Law, (AS 16.05.258 4(c)).

WHO IS LIKELY TO BENEFIT? All potential subsistence users.

WHO IS LIKELY TO SUFFER? All Alaskans. As it should not be the agenda of the Joint Boards to reduce Alaskans from an opportunity to participate in subsistence. We must not lose sight that the “Fortymile Caribou Herd” has the “positive finding of C&T” and not anyone or any group of Alaskans. AS 16.05.258 is the law to protect all Alaskans. Subsistence law better protects all Alaskan’s eligibility to participate in subsistence, than making an arbitral nonsubsistence area.

OTHER SOLUTIONS CONSIDERED? Enlarge the FNA. This would disenfranchise Alaskan subsistence uses.

PROPOSED BY: Allen Barrette (JB 11301230)

PROPOSAL 40 - 5 AAC 99.015. Joint Board nonsubsistence areas. Create the Kodiak Nonsubsistence area as follows:

Kodiak would be a Nonsubsistence Area.

ISSUE: The community of Kodiak qualifies as a Nonsubsistence Area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Joints Broads would be out of compliance with state law (AS 16.05.258 (c) 1-13)

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? Ignore state mandated law.

PROPOSED BY: Allen Barrette (JB 11301233)

PROPOSAL 41 - 5 AAC 99.015. Joint board nonsubsistence areas. Create the Bethel Nonsubsistence area as follows:

Bethel would be a nonsubsistence area.

ISSUE: The community of Bethel would appear to qualify as a nonsubsistence area.

WHAT WILL HAPPEN IF NOTHING IS DONE? It would give the perception that the Joint Boards are not reviewing communities that may have changed socially, economically, culturally, kinds of employment, and uses of fish stocks and game.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? Ignore the state mandated law, AS 16.05.258(c) 1-13.

PROPOSED BY: Allen Barrette (JB 11301235)
