

## **JOINT BOARD RELATED STATUTES AND REGULATIONS**

### **Advisory Committee & Joint Board Statutes**

#### **Sec. 16.05.258. Subsistence use and allocation of fish and game.**

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

- (i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;
  - (ii) the proximity of the domicile of the subsistence user to the stock or population; and
  - (iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.
- (c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:
- (1) the social and economic structure;
  - (2) the stability of the economy;
  - (3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;
  - (4) the amount and distribution of cash income among those domiciled in the area or community;
  - (5) the cost and availability of goods and services to those domiciled in the area or community;
  - (6) the variety of fish and game species used by those domiciled in the area or community;
  - (7) the seasonal cycle of economic activity;
  - (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
  - (9) the harvest levels of fish and game by those domiciled in the area or community;
  - (10) the cultural, social, and economic values associated with the taking and use of fish and game;
  - (11) the geographic locations where those domiciled in the area or community hunt and fish;
  - (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
  - (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.
- (d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.
- (e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.
- (f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

**Sec. 16.05.260. Advisory committees.** The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with [AS 44.62](#) (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

**Sec. 16.05.315. Joint board meetings.** The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, that require the consideration of both boards.

**Sec. 44.39.030. Appointment of commissioner.** The governor shall appoint the commissioner of fish and game from a list of qualified persons nominated by the Board of Fisheries and the Board of Game meeting in joint session, subject to the right of the governor to request additional nominations. The appointment shall be confirmed by a majority of the members of the legislature in joint session. The commissioner of fish and game serves at the pleasure of the governor and may not be appointed for a fixed term.

## **Joint Board Regulations**

### **Chapter 96**

#### **Local Fish and Game Advisory Committees and Regional Fish and Game Councils**

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### **Article 1**

#### **Local Fish and Game Advisory Committees**

**5 AAC 96.010. Establishment of a local fish and game advisory committee system** There is established a system of local fish and game advisory committees to provide a local forum for the

collection and expression of opinions and recommendations on matters relating to the management of fish and wildlife resources.

**5 AAC 96.020. Creation of local fish and game advisory committees** The joint board may establish an advisory committee that represents fish and game user groups in the area served by the committee as required in [5 AAC 96.060\(e\)\(1\)](#). A group of 25 interested people may request the joint board to create a committee. When considering a request to create a committee, the joint board will consider the factors set out in [5 AAC 96.420](#). A committee must be approved by the joint board before starting its operations.

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

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

(2) in the Southcentral Alaska Region: Copper River/Prince William Sound, Prince William Sound/Valdez, Copper Basin, Anchorage, Seward, Kenai/Soldotna, Central Peninsula, Homer, Seldovia, Tok Cutoff/Nabesna Road, Paxson, Denali, Matanuska Valley, Mt. Yenlo, Tyonek, Cooper Landing, Whittier, Susitna Valley;

(3) in the Southwest Alaska Region: Nushagak, Naknek/Kvichak, Lake Iliamna, Nelson Lagoon, Chignik, Kodiak, Sand Point, King Cove, False Pass, Unalaska/Dutch Harbor, Lower Bristol Bay, Togiak;

(4) in the Western Alaska Region: Central Bering Sea, Lower Kuskokwim, Central Kuskokwim, Stony/Holitsna, Coastal Lower Yukon, Mid-Lower Yukon, Bethel;

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

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

(b) The joint board will, in its discretion, identify a committee established in (a) of this section as representing more than one community, and will, in its discretion, designate one or more seats on the committee for a specific community. Each community is entitled to elect up to the designated number of representatives for the committee, in accordance with [5 AAC 96.060\(e\)\(3\)](#).

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

(1) in the Southeast Alaska Region: (A) Upper Lynn Canal Haines 8 representatives Skagway 2 representatives Klukwan 1 representative Undesignated 4 representatives (B) Icy Straits Hoonah 9 representatives Gustavus 2 representatives Undesignated 4 representatives (C) Ketchikan Saxman 2 representatives Undesignated 13 representatives (D) Saxman (9 members) Saxman 6 representatives Ketchikan 2 representatives Undesignated 1 representative (E) Edna Bay (7 members) Edna Bay 7 representatives (F) East Prince of Wales Thorne Bay 1 representative Coffman Cove 1 representative Whale Pass 1 representative Kasaan 1 representative Undesignated 11 representatives

(2) in the Southcentral Alaska Region: (A) Copper Basin Glennallen 2 representatives Lake Louise 1 representative Tazlina 3 representatives Copper Center 2 representatives Gakona/Gulkana 3 representatives Kenny Lake 1 representative Chitina 1 representative Undesignated 2 representatives (B) repealed 7/12/98; (C) Mount Yenlo Skwentna 4 representatives Undesignated 11 representatives (D) Tok Cutoff/Nabesna Road (7 members) Mentasta 1 representative Chistochina 1 representative Undesignated 5 representatives (E) Whittier (9 members) Undesignated 9 representatives (F) Susitna Valley (7 members) Undesignated 7 representatives (G) Seward (11 members) Undesignated 11 representatives

(3) in the Southwest Alaska Region: (A) Chignik Chignik 3 representatives Chignik Lagoon 3 representatives Ivanoff 3 representatives Chignik Lake 3 representatives Perryville 3 representatives (B) Kodiak Kodiak 7 representatives Old Harbor 1 representative Ouzinkie 1 representative Port Lions 1 representative Undesignated 5 representatives (C) Lake Iliamna Iliamna 3 representatives Nondalton 2 representatives Pedro Bay 1 representative Kokhanok 1 representative Igiugig 1 representative Newhalen 1 representative Undesignated 6 representatives (D) Lower Bristol Bay Ugashik 1 representative Egegik 2 representatives Pilot Point 2 representatives Port Heiden 2 representatives Undesignated 8 representatives (E) Nushagak Dillingham 5 representatives Clarks Point 1 representative Ekwok 1 representative New Stuyahok 1 representative Koliganek 1 representative Aleknagik 1 representative Togiak 1 representative Portage Creek 1 representative Manokotak 1 representative Undesignated 2 representatives (F) Togiak Togiak 3 representatives Manokotak 3 representatives Twin Hills 1 representative Undesignated 8 representatives

(4) in the Western Alaska Region: (A) Central Bering Sea Chevak 1 representative Cheforak 1 representative Goodnews Bay 1 representative Kipnuk 1 representative Kongiganak 1 representative Kwigillingok 1 representative Mekoryuk 1 representative Newtok 1 representative Nightmute 1 representative Platinum 1 representative Quinhagak 1 representative Toksook Bay 1 representative Tanunak 1 representative Undesignated 2 representatives (B) Lower Kuskokwim (14 members) Kwethluk 2 representatives Napaskiak 2 representatives Napakiak 1 representative Kasigluk 1 representative Oscarville 1 representative Nunapitchuk 1 representative Tuntutuliak 1 representative Tuluksak 1 representative Atmauthluak 1 representative Akiak 1 representative Akiachak 1 representative Eek 1 representative (C) Central Kuskokwim (10 members) Crooked Creek 2 representatives Aniak 2 representatives Chuathbaluk 2 representatives Lower Kalskag 2 representatives Upper Kalskag 2 representatives (D) Stony/Holitna (8 members) Sleetmute 2 representatives Lime Village 2 representatives Stoney River 2 representatives Red Devil 2 representatives (E) Coastal Lower Yukon (6 members) Scammon Bay 1 representative Alakanuk 1 representative Kotlik 1 representative Emmonak 1 representative Hooper Bay 1 representative

Nunam Iqua 1 representative (F) Mid-Lower Yukon (7 members) Marshall 1 representative Russian Mission 1 representative St. Marys 1 representative Andreafski 1 representative Mountain Village 1 representative Pilot Station 1 representative Pitkas Point 1 representative (G) Bethel (11 members) Undesignated 11 representatives

(5) in the Arctic Alaska Region: (A) Northern Norton Sound Nome 6 representatives Elim 1 representative Wales 1 representative Golovin 1 representative City of White Mountain 1 representative Shishmaref 1 representative Teller 1 representative Brevig Mission 1 representative Undesignated 2 representatives (B) Northern Seward Peninsula Buckland 3 representatives Deering 2 representatives Undesignated 10 representatives (C) Upper Kobuk (10 members) Ambler 3 representatives Shungnak 3 representatives Kobuk 2 representatives Undesignated 2 representatives (D) Lower Kobuk Noorvik 3 representatives Kiana 2 representatives Selawik 3 representatives Undesignated 7 representatives (E) Noatak/Kivalina Noatak 3 representatives Kivalina 2 representatives Undesignated 10 representatives (F) North Slope (9 members) Barrow 1 representative Point Hope 1 representative Point Lay 1 representative Wainwright 1 representative Atkasuk 1 representative Kaktovik 1 representative Nuiqsut 1 representative Anaktuvuk Pass 1 representative Undesignated 1 representative (G) repealed 12/30/2007; (H) Southern Norton Sound Unalakleet 6 representatives St. Michael 2 representatives Shaktoolik 2 representatives Stebbins 2 representatives Koyuk 2 representatives Undesignated 1 representative

(6) in the Interior Alaska Region: (A) McGrath McGrath 6 representatives Nikolai 3 representatives Telida 1 representative Takotna 2 representatives Undesignated 3 representatives (B) Middle Nenana River (11 members) Healy 5 representatives Clear 3 representatives McKinley Village 1 representative Ferry 1 representative Undesignated 1 representative (C) Upper Tanana/Fortymile (9 members) Tok 3 representatives Northway 1 representative Tetlin 1 representative Dot Lake 1 representative Tanacross 1 representative Healy Lake 1 representative Undesignated 1 representative (D) Yukon Flats Birch Creek 1 representative Beaver 2 representatives Chalkyitsik 2 representatives Fort Yukon 2 representatives Arctic Village 2 representatives Circle 2 representatives Venetie 2 representatives Stevens Village 2 representatives (E) Tanana/Rampart/Manley (9 members) Manley Hot Springs 2 representatives Rampart 3 representatives Tanana 3 representatives Undesignated 1 representative (F) Middle Yukon (13 members) Galena 4 representatives Kaltag 4 representatives Nulato 3 representatives Koyukuk 2 representatives (G) Koyukuk River Allakaket 3 representatives Huslia 3 representatives Hughes 2 representatives Alatna 2 representatives Bettles 2 representatives Undesignated 3 representatives (H) Grayling/Anvik/Shageluk/Holy Cross (9 members) Holy Cross 2 representatives Grayling 2 representatives Anvik 2 representatives Shageluk 2 representatives Undesignated 1 representative (I) Minto/Nenana (11 members) Nenana 5 representatives Minto 5 representatives Undesignated 1 representative (J) Ruby (9 members) Undesignated 9 representatives (K) Eagle (9 members) Undesignated 9 representatives (L) Delta (11 members) Undesignated 11 representatives (M) Central (9 members) Undesignated 9 representatives

**5 AAC 96.022. Determination of compliances** Repealed 12/13/79.

**5 AAC 96.025. Qualification of members** Repealed 12/13/79.

**5 AAC 96.030. Composition of local fish and game advisory committees** Repealed 10/9/83.

**5 AAC 96.040. Qualifications for members** To qualify for membership on a committee, a candidate must have knowledge of and experience with the fish and wildlife resources and their uses in the area, and have a reputation within the community consistent with the responsibilities of committee membership.

**5 AAC 96.045. Removal for cause** Repealed 12/13/79.

**5 AAC 96.050. Functions of local fish and game advisory committees** A committee may (1) develop regulatory proposals for submission to the appropriate board; (2) evaluate regulatory proposals submitted to them and make recommendations to the appropriate board; (3) provide a local forum for fish and wildlife conservation and use, including any matter related to fish and wildlife habitat; and (4) repealed 2/23/2014; (5) repealed 2/23/2014; (6) cooperate and consult with interested persons and organizations, including government agencies, to accomplish (1) - (5) of this section.

**5 AAC 96.060. Uniform rules of operation** (a) Each committee must comply with the uniform rules of operation contained in this section. (b) Organization. Each committee is organized under [AS 16.05.260](#). (c) Responsibilities. Each committee is responsible for performing the functions described in [5 AAC 96.010](#) and [5 AAC 96.050](#) in accordance with provisions of [5 AAC 96 - 5 AAC 99](#). (d) Title. Each committee must have a title. (e) Membership. (1) Each committee must have at least five but not more than 15 members. The joint board may limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee. To the extent practicable, at least three user groups must be represented on each committee, and membership must include representatives from each town or village located in the area that the committee represents. To ensure full representation of an area, the joint board may assign a seat on the committee to represent a specific user group or specific community. (2) The joint board will appoint the original five members of a committee. (3) Each committee member, and each voting-age resident of the area of committee jurisdiction under [5 AAC 97.005](#) who attends a committee election, may vote on a nomination for membership. Nominees receiving the most votes are elected. Except as otherwise provided in this paragraph, a committee need not establish a quorum to elect a new member. The election for a seat specified in [5 AAC 96.021](#)(c) may take place in the community for which the seat is specified. An undesignated seat may be filled at a regularly scheduled committee meeting if a quorum is present. A committee may not refuse membership to a nominee 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 board support section not later than 30 days after the election. A re-elected member continues to carry out that member's duties. A newly-elected member that is filling a (A) vacated seat begins serving immediately and has immediate voting and membership privileges; (B) seat of a member whose term is expiring will be seated at the first committee meeting that is held after the date that the term of the previous member expires. (5) A newly-elected or re-elected member loses membership status if the member fails to submit a new member form within 30 days after the election, or if the member's confirmation is refused by the



joint board. (6) A committee shall begin its duties when the joint board appoints the first five members. (7) Each advisory committee may appoint two alternates. However, any member of an advisory committee who is the sole representative from a village or town may also appoint an alternate. Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. (8) If an advisory committee appoints an alternate from the remaining nominees from an election, the alternate may fill a vacancy on the advisory committee throughout the year, if the election results are maintained for the record. (f) Terms of Members. Each committee shall establish the terms of the committee's members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on July 1 and expire on June 30 of the year designated or until a successor has been duly elected at the next committee meeting. The 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 member elected to fill a vacant seat serves the remainder of the vacant seat's term. A chairman shall declare a vacancy on a committee when any of the following occurs: (1) a member's death, resignation, or refusal to 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 the committee will accept nominations and shall give adequate public notice of the time before accepting nominations. A committee shall vote on each nomination under (e) of this section either at the next regular meeting after the committee accepts nominations, or at the same meeting at which the committee accepts a nomination. The committee shall decide whether to vote on nominations at the same or at a subsequent meeting and shall provide appropriate notice of this decision. A person qualifies as a resident of the area served by the committee if the person is a resident as defined in [AS 16.05.940](#) who maintains an abode in the area served by a committee described in [5 AAC 97.005](#). (i) Officers. The officers of a committee consist of a chairman, a vice-chairman, and a secretary. The term of office for officers is two years starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. (j) Chairman. The chairman is elected by a majority vote of a quorum of the committee and is the presiding officer. A chairman must meet the qualifications set out in [5 AAC 96.040](#). (k) Vice-chairman. The vice-chairman is elected by a majority vote of a quorum of 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 may remove any member of a



committee for cause upon the written request of the majority of all members serving on the committee setting out the reasons for the requested removal. As used in this subsection, "cause" includes (1) unjustifiable absence from three consecutive meetings; (2) conviction of a crime or imposition of an administrative disciplinary action for behavior inconsistent with the responsibility of a fish and game advisory committee membership within the preceding five years; (3) serious and substantial disregard for or violation of the provisions of this chapter or [5 AAC 97](#) governing the committee system, including conduct warranting the imposition of disciplinary measures under Robert's Rules of Order; or (4) failure, at any time, to meet the qualifications for committee membership. (o) Meetings. (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. (2) Special meeting. A chairman or a majority of the full committee membership may call a special meeting at which any person may submit a statement to the committee on any matter relating to the committee's functions under [5 AAC 96.050](#) or [5 AAC 96.060](#)(g), (h), or (m). (p) Joint Committee Meeting. Each committee shall cooperate with other committees on matters of mutual interest and concern, and may hold a joint meeting to accomplish this purpose. (q) Quorum. A majority of all the members serving on a committee constitutes a quorum for the transaction of business. Every action or decision of a majority of the members present at a duly held meeting of a committee, at which a quorum is present, is an act of the committee. (r) Rules of Meetings. Meetings of a committee will, to the extent practicable, be conducted according to the latest edition of Robert's Rules of Order. A committee may implement the disciplinary measures in Robert's Rules of Order except for permanent removal of a member for cause under (n) of this section. (s) Record of Meetings. Preliminary recommendations of each committee meeting shall be recorded in writing and forwarded to the boards support section not later than 30 days after the meeting. Before an advisory committee chair or a designee will be allowed to represent the advisory committee before the joint board, the Board of Fisheries, or the Board of Game, the appropriate board may require that the advisory committee submit to the respective board a set of the committee's written recommendations relevant to the topic of the board meeting.

[5 AAC 96.070. Report of activities](#) Repealed 10/9/83.

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

## Article 2

### **Regional Fish and Game Councils**

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

[5 AAC 96.210. Fish and game resource management regions](#) Repealed.

[5 AAC 96.220. Regional fish and game councils](#) Repealed.

**5 AAC 96.230. Qualifications for membership** Repealed 10/9/83.

**5 AAC 96.240. Non-voting members** Repealed 10/9/83.

**5 AAC 96.245. Non-voting member** Repealed.

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

**5 AAC 96.260. Uniform rules of operation** Repealed.

**5 AAC 96.270. Report of activities** Repealed 10/9/83.

**5 AAC 96.280. Attendance at meetings** Repealed.

### **Article 3**

#### **Administration of Local Fish and Game Committees**

**5 AAC 96.400. Operation of local fish and game advisory committee system** Repealed 10/9/83.

**5 AAC 96.410. Distribution of local fish and game advisory committees** The joint board will, to the extent feasible, establish and locate committees to allow an opportunity for all citizens of the state to participate in the regulatory system.

**5 AAC 96.420. Review of requests for local fish and game advisory committees** The joint board will review requests to create committees. Factors that it will evaluate include (1) whether an existing committee could be expanded to include members who represent the interest of the persons making the request; (2) whether representation of all user groups on existing committees in the area is adequate; (3) whether residents of the local area are likely to participate actively on the proposed committee; (4) whether there are likely to be enough qualified people interested in serving on the proposed committee; (5) whether logistical problems would make it difficult to provide assistance to the proposed committee; (6) whether the proposed committee would enhance participation in the decision-making process; and (7) repealed 2/23/2014; (8) the efficiency of existing committees.

**5 AAC 96.430. Review of nominations for membership on local fish and game advisory committees** Repealed 11/30/89.

**5 AAC 96.440. Board assistance** The boards will provide information regarding board meetings to committees so that committees may plan maximum participation in the boards' deliberations. In addition, a board may request a committee to meet and to formulate recommendations on a subject or issue identified by the board.

**5 AAC 96.450. Committee status and change of status** (a) A committee is active if the committee forwards recommendations from at least two meetings per year to the appropriate regional office of the boards support section. (b) The joint board may place a committee on an

inactive list by committee request or joint board action. The committee may reactivate by holding a meeting and informing the joint board of the committee's active status through committee recommendations. (c) Committees may merge if each affected committee votes to request merger, and if the joint board determines that the merger should occur, after considering the factors set out in [5 AAC 96.420](#). (d) The joint board may merge 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 or if the committee does not do so within a reasonable time after notice, and if the joint board determines that the merger should occur, after considering the factors in [5 AAC 96.420](#). (e) The joint board may dissolve a committee if the committee has been inactive for two years and fails to respond to joint board inquiries about the committee's desire to remain in existence. The joint board may dissolve a committee for failure to act in accordance with the provisions of this chapter and [5 AAC 97](#).

**[5 AAC 96.460. Attendance at meetings](#)** When adequate funding exists the boards will, in their discretion, request the department to reimburse committee members for the following: (1) travel to local committee meetings and necessary related expenses; (2) travel, approved in advance, for the purpose of joint meetings between two or more committees; and (3) travel and other necessary expenses approved in advance by the boards for committee chairmen or their designees to attend board meetings. A chairman's designee must be a committee member.

#### **Article 4**

#### **Administration of Regional Fish and Game Councils**

**[5 AAC 96.500. Operation of regional fish and game council system](#)** Repealed.

**[5 AAC 96.510. Staff assistance](#)** Repealed.

**[5 AAC 96.520. Regular and special meetings](#)** Repealed.

**[5 AAC 96.530. Attendance at meetings](#)** Repealed.

**[5 AAC 96.540. Direction from the boards](#)** Repealed.

#### **Article 5**

#### **Adoption of Fish and Game Regulations**

**[5 AAC 96.600. Meetings](#)** (a) Each board will hold at least one regular meeting a year. Other meetings, including special meetings on specific issues, will be held as the boards consider necessary. (b) The attendance of a Board of Fisheries member at a committee meeting constitutes a board hearing in accordance with [AS 16.05.300](#)(b). For the purposes of [AS 16.05.300](#)(b), "year" means the 12-month period beginning July 1 and ending June 30. (c) The joint board will meet as needed to consider matters of mutual concern, including matters relating to committees.

**[5 AAC 96.610. Procedure for developing fish and game regulations](#)** (a) For the purpose of developing fish and game regulations, each board will observe the procedures set out in this section. The deadlines for each phase will be set by the appropriate board for each meeting and

will be announced to committees and the public. (b) Phase 1. Each board will solicit regulatory proposals or comments to facilitate that board's deliberations. The boards may limit those sections or portions of the existing regulations that will be open for change. The boards will provide forms to be used in preparing proposals. Notices soliciting proposals will be distributed statewide. In order to be considered, a proposal must be received by the boards before the designated deadline unless provided otherwise by a board. (c) Phase 2. After the deadline for receiving proposals, the boards support section shall compile all proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices, and send them to the committees. (d) Phase 3. Committees may review the proposals at a public meeting and may request technical and scientific support data and prepared testimony from the department. (e) Phase 4. Each board will give legal notice of timely received proposals. In accordance with the Administrative Procedure Act ([AS 44.62](#)), each board will hold a public hearing and will act on proposals or develop alternatives on the subject matter legally noticed. The final decision on all proposals remains the responsibility of a board. (f) Phase 5. After completion of procedures required by the Administrative Procedure Act ([AS 44.62](#)), a board will notify each committee of the actions taken on each committee's respective recommendations and proposals and the reasons for those actions.

**5 AAC 96.615. Subsistence proposal policy** (a) It is the policy of the Boards of Fisheries and Game to consider subsistence proposals for topics that are not covered by the notice soliciting proposals under [5 AAC 96.610\(a\)](#). To be considered by a board, a subsistence proposal must be timely submitted under [5 AAC 96.610\(a\)](#), and (1) the proposal must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under [AS 16.05.258](#); or (2) the circumstances of the proposal otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority. (b) A board may delegate authority to a review committee, consisting of members of the board, to review all subsistence proposals for any meeting to determine whether the conditions in (a) of this section apply. (c) A board may decline to act on a subsistence proposal for any reason, including the following: (1) the board has previously considered the same issue and there is no substantial new evidence warranting reconsideration; or (2) board action on the proposal would affect other subsistence users who have not had a reasonable opportunity to address the board on the matter.

**5 AAC 96.620. Supplemental regulations and actions** Repealed 10/9/83.

**5 AAC 96.625. Joint board petition policy** (a) Under [AS 44.62.220](#), an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under [AS 44.62.190](#) - [44.62.210](#), which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. [AS 44.62.230](#) also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the

finding of emergency and putting the regulation into proper form. (b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees and to other interested individuals. (c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes. (d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings. (e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings. (f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or subsistence fishing, which will be evaluated on a case-by-case basis under the criteria in [5 AAC 96.615](#)(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in [AS 44.62.270](#), emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

**[5 AAC 96.630. Special meetings](#)** In conjunction with any special meeting called under [5 AAC 96.600](#), each board will follow the procedures set out in [5 AAC 96.610](#) to the extent time permits. However, a board will, in its discretion, modify the procedures, if it would be more suitable for any particular special meeting.

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

**[5 AAC 96.650. Staff assistance](#)** Repealed 10/9/83.

**[5 AAC 96.660. Compliance](#)** (a) The failure of a committee or a board to observe procedures set out in this chapter and [5 AAC 97](#), except as may be required by the Administrative Procedure Act ([AS 44.62](#)), does not invalidate a regulation adopted by a board. (b) The failure of a committee to observe procedures set out in this chapter will be addressed by the boards support

section of the department. If the boards support section determines that it is necessary for a particular matter to be addressed by a board or joint board, the boards support section will forward that particular matter to the appropriate board or the joint board for resolution.

## **Article 6** **General Provisions**

**5 AAC 96.900. Removal for cause** Repealed 10/9/83.

**5 AAC 96.910. Definitions** In 5 AAC 96 - 5 AAC 99 (1) "board" means the Board of Fisheries or the Board of Game acting individually; (2) "joint board" means the Board of Fisheries and the Board of Game acting jointly; (3) "committee" means a local fish and game advisory committee; (4) repealed 2/23/2014; (5) "designee" means a committee member who has been designated by the chairman of the committee; (6) "region" means a fish and game resource management region; (7) "designated seat" means any seat the joint board assigns, under 5 AAC 96.060, to represent a particular user group or a particular community; (8) "boards support section" means the section in the department assigned to perform administrative functions and support to the boards and joint board; (9) "department" means the Department of Fish and Game.

**5 AAC 96.920. Supplemental action** Repealed 10/9/83.

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## **Chapter 97** **Advisory Committee Closures**

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### **Article 1** **Areas of Jurisdiction**

**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 (A) Southeastern Alaska Area (i) all waters of Alaska between the latitude of Cape Fairweather and the International Boundary at Dixon Entrance; (ii) fish and game advisory committees with concurrent jurisdiction are Ketchikan Advisory Committee, Craig Advisory Committee, Klawock Advisory Committee, Angoon Advisory Committee, Tenakee Advisory Committee, Hyder Advisory Committee, Sumner Strait Advisory Committee, Edna Bay Advisory Committee, Sitka Advisory Committee, Juneau-Douglas Advisory Committee, Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, Pelican Advisory Committee, Kake Advisory Committee, Wrangell Advisory Committee, Petersburg Advisory Committee, Hydaburg Advisory Committee, Icy Straits Advisory Committee, Saxman Advisory Committee, Elfin Cove Advisory Committee, and East Prince of Wales Advisory Committee; (B) Yakutat-Yakataga Area

(i) all waters of Alaska north of the latitude of Cape Fairweather and east of the longitude of Cape Suckling; (ii) fish and game advisory committees with concurrent jurisdiction are Yakutat Advisory Committee and Copper River-Prince William Sound Advisory Committee; (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; (D) Upper Copper River Area

(i) all waters of the Copper River drainage above the Million Dollar Bridge; (ii) fish and game advisory committees with concurrent jurisdiction are Copper Basin Advisory Committee, Tok Cutoff-Nebesna Road Advisory Committee, and Paxson 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, Tyonek Advisory Committee, and Susitna Valley Advisory Committee; (F) Kodiak-Chignik Area

(i) all waters of Alaska south of the latitude of Cape Douglas and east of a line extending southeast from Kupreanof Point; (ii) fish and game advisory committees with concurrent jurisdiction are Kodiak Advisory Committee and Chignik Advisory Committee; (G) Alaska Peninsula-Aleutian Islands Area

(i) all Pacific Ocean waters of Alaska west of a line extending southeast from Kupreanof Point and Bering Sea waters south and west of a line extending northwest from Cape Menshikof; (ii) fish and game advisory committees with concurrent jurisdiction are Sand Point Advisory Committee, King Cove Advisory Committee, False Pass Advisory Committee, Nelson Lagoon Advisory Committee and Unalaska Advisory Committee; (H) Bristol Bay Area (i) all waters of Alaska east of a line from Cape Newenham to Cape Menshikof; (ii) fish and game advisory committees with concurrent jurisdiction are Iliamna Advisory Committee, Lower Bristol Bay Advisory Committee, Nushagak Advisory Committee, Naknek/Kvichak Advisory Committee, and Togiak Advisory Committee; (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, Bethel Advisory Committee, Central Bering Sea Coast Advisory Committee, McGrath Advisory Committee, and Stony/Holitsna 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 Coastal Lower Yukon Advisory Committee, Mid-Lower Yukon Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory Committee, 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, Coastal Lower Yukon Advisory Committee, Mid-Lower Yukon Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory Committee, Minto/Nenana Advisory Committee, Koyukuk River Advisory Committee, Central Advisory Committee, and Stony/Holitna Advisory Committee; (L) Tanana River Area

(i) all waters of the Tanana River drainage; (ii) fish and game advisory committees with concurrent jurisdiction are Tanana/Rampart/Manley Advisory Committee, Minto/Nenana Advisory Committee, Delta Advisory Committee, Middle Nenana River Advisory Committee, Tok Cutoff/Nebesna Road Advisory Committee, Upper Tanana/Fortymile Advisory Committee, and Fairbanks Advisory Committee; (M) Norton Sound-Port Clarence Area

(i) all waters of Alaska between the latitude of Cape Prince of Wales and the latitude of Canal Point Light; (ii) fish and game advisory committees with concurrent jurisdiction are Northern Norton Sound Advisory Committee and Southern Norton Sound Advisory Committee; (N) Kotzebue Sound Area

(i) all waters of Alaska between the latitude of Point Hope and the latitude of Cape Prince of Wales; (ii) fish and game advisory committees with concurrent jurisdiction are Kotzebue Advisory Committee, Upper Kobuk Advisory Committee, Lower Kobuk Advisory Committee, Northern Seward Peninsula Advisory Committee, and Noatak/Kivalina Advisory Committee; (2) shellfish (A) Southeastern Alaska-Yakutat Area

(i) all waters subject to the jurisdiction of the state between the longitude of Cape Suckling and the International Boundary at Dixon Entrance; (ii) fish and game advisory committees with concurrent jurisdiction are Angoon Advisory Committee, Ketchikan Advisory Committee, Craig Advisory Committee, Klawock Advisory Committee, Tenakee Advisory Committee, Hyder Advisory Committee, Sitka Advisory Committee, Juneau-Douglas Advisory Committee, Kake Advisory Committee, Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, Edna Bay Advisory Committee, Wrangell Advisory Committee, Petersburg Advisory Committee, Pelican Advisory Committee, Sumner Strait Advisory Committee, Yakutat Advisory Committee, Hydaburg Advisory Committee, Elfin Cove Advisory Committee, Saxman Advisory Committee, Icy Straits Advisory Committee, and East Prince of Wales Advisory Committee; (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; (C) Cook Inlet Area

(i) all waters subject to the jurisdiction of the state west of the longitude of Cape Fairfield and north of the latitude of Cape Douglas; (ii) fish and game advisory committees with concurrent jurisdiction are Seward Advisory Committee, Cooper Landing Advisory Committee, Seldovia Advisory Committee, Homer Advisory Committee, Tyonek Advisory Committee, and Central Peninsula Advisory Committee; (D) westward area shellfish other than king crab

(i) all Pacific Ocean waters subject to the jurisdiction of the state south of the latitude of Cape Douglas, east of 172° E. longitude and Bering Sea waters east of 172° E. longitude; (ii) fish and game advisory committees with concurrent jurisdiction are Kodiak Advisory Committee, Chignik Advisory Committee, Sand Point Advisory Committee, King Cove Advisory Committee, False Pass Advisory Committee, and Unalaska Advisory Committee; (E) westward area king crab

(i) in king crab Registration Area K described in [5 AAC 34.400](#), the Kodiak Advisory Committee has jurisdiction;

(ii) in king crab Registration Area M described in [5 AAC 34.500](#), the Chignik Advisory Committee, Sand Point Advisory Committee, King Cove Advisory Committee, and False Pass Advisory Committee have concurrent jurisdiction;

(iii) in king crab Registration Area O described in [5 AAC 34.600](#), the Unalaska Advisory Committee, Sand Point Advisory Committee, King Cove Advisory Committee, and False Pass Advisory Committee have concurrent jurisdiction;

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

(3) game

(A) Southeastern Alaska (i) in Game Management Unit 1(A) described in [5 AAC 92.450](#)(1)(A), the Ketchikan Advisory Committee, Hyder Advisory Committee, Craig Advisory Committee, Klawock Advisory Committee, Saxman Advisory Committee, Hydaburg Advisory Committee, and East Prince of Wales Advisory Committee have concurrent jurisdiction;

(ii) in Game Management Unit 1(B) described in [5 AAC 92.450](#) (1)(B), the Wrangell Advisory Committee, Petersburg Advisory Committee, Sumner Strait Advisory Committee, Kake Advisory Committee, and East Prince of Wales Advisory Committee have concurrent jurisdiction;

(iii) in Game Management Unit 1(C) described in [5 AAC 92.450](#) (1)(C), the Juneau-Douglas Advisory Committee, Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, Angoon Advisory Committee, Petersburg Advisory Committee, Wrangell Advisory Committee, Tenakee Advisory Committee, Kake Advisory Committee, Sitka Advisory Committee, and East Prince of Wales Advisory Committee have concurrent jurisdiction;

(iv) in Game Management Unit 1(D) described in [5 AAC 92.450](#)(1)(D), the Upper Lynn Canal Advisory Committee, Klukwan Advisory Committee, and Juneau-Douglas Advisory Committee have concurrent jurisdiction;

(v) in Game Management Unit 2 described in [5 AAC 92.450](#)(2), the Craig Advisory Committee, Klawock Advisory Committee, Sumner Strait Advisory Committee, Hyder Advisory Committee, Ketchikan Advisory Committee, Edna Bay Advisory Committee, Wrangell Advisory Committee, Petersburg Advisory Committee, Kake Advisory Committee, Saxman Advisory Committee, Hydaburg Advisory Committee, and East Prince of Wales Advisory Committee have concurrent jurisdiction;

(vi) in Game Management Unit 3 described in [5 AAC 92.450](#)(3), the Petersburg Advisory Committee, Wrangell Advisory Committee, Kake Advisory Committee, Sumner Strait Advisory Committee, Edna Bay Advisory Committee, Sitka Advisory Committee, and East Prince of Wales Advisory Committee have concurrent jurisdiction;

(vii) in Game Management Unit 4 described in [5 AAC 92.450](#)(4), the Sitka Advisory Committee, Juneau-Douglas Advisory Committee, Petersburg Advisory Committee, Pelican Advisory Committee, Wrangell Advisory Committee, Kake Advisory Committee, Angoon Advisory Committee, Tenakee Advisory Committee, Edna Bay Advisory Committee, Klukwan Advisory Committee, Upper Lynn Canal Advisory Committee, Icy Straits Advisory Committee, Elfin Cove Advisory Committee, East Prince of Wales Advisory Committee, and Port Alexander Advisory Committee have concurrent jurisdiction;

(viii) in Game Management Unit 5 as defined by [5 AAC 92.450](#)(5), the Yakutat Advisory Committee, Gastineau Channel (Juneau-Douglas) Advisory Committee, and Copper River/Prince William Sound Advisory Committee 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;

(ii) in Game Management Unit 7 described in [5 AAC 92.450](#)(7), the Seward Advisory Committee, Anchorage Advisory Committee, Kenai/Soldotna Advisory Committee, Central Peninsula Advisory Committee, Homer Advisory Committee, Whittier Advisory Committee, and Cooper Landing Advisory Committee have concurrent jurisdiction;

(iii) in Game Management Unit 8 described in [5 AAC 92.450](#)(8), the Kodiak Advisory Committee and the Anchorage Advisory Committee shall have concurrent jurisdiction;

(iv) in Game Management Unit 11 described in [5 AAC 92.450](#)(11), the Copper Basin Advisory Committee, the Tok Cutoff/Nebesna Road Advisory Committee, the Paxson Advisory Committee, and the Anchorage Advisory Committee shall have concurrent jurisdiction;

(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, Paxson Advisory Committee, and Upper Tanana/Fortymile 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, Copper River/Prince William Sound Advisory Committee, and Susitna Valley Advisory Committee 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, Denali Advisory Committee, and Susitna Valley Advisory Committee have concurrent jurisdiction;

(viii) in Game Management Unit 15 described in [5 AAC 92.450](#)(15), the Central Peninsula Advisory Committee, Kenai/Soldotna Advisory Committee, Cooper Landing Advisory Committee, Homer Advisory Committee, Seldovia Advisory Committee, Seward Advisory Committee, and Anchorage Advisory Committee 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, Kenai/Soldotna Advisory Committee, and Susitna Valley Advisory Committee have concurrent jurisdiction;

#### (C) Bristol Bay-Western Alaska

(i) in Game Management Unit 9 as defined by [5 AAC 92.450](#)(9), the Naknek/Kvichak Advisory Committee, Iliamna Advisory Committee, Nelson Lagoon Advisory Committee, Chignik Advisory Committee, Kodiak Advisory Committee, Sand Point Advisory Committee, King Cove Advisory Committee, False Pass Advisory Committee, Anchorage Advisory Committee, and Lower Bristol Bay Advisory Committee have concurrent jurisdiction;

(ii) in Game Management Unit 10 as defined by [5 AAC 92.450](#)(10), the False Pass Advisory Committee and the Unalaska Advisory Committee shall have concurrent jurisdiction; (iii) in Game Management Unit 17 as defined by [5 AAC 92.450](#)(17), the Nushagak Advisory

Committee, the Naknek/Kvichak Advisory Committee, Iliamna Advisory Committee, and Togiak Advisory Committee have concurrent jurisdiction;

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

(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, Bethel Advisory Committee, Lake Minchumina Advisory Committee, Anchorage Advisory Committee and Stony/Holitna Advisory Committee have concurrent jurisdiction;

(ii) in Game Management Unit 20 described in [5 AAC 92.450](#)(20), the Central Advisory Committee, Fairbanks Advisory Committee, Middle Nenana River Advisory Committee, Paxson Advisory Committee, Tok Cutoff/Nabesna Road Advisory Committee, Eagle Advisory Committee, Denali Advisory Committee, Delta Advisory Committee, Yukon Flats Advisory Committee, Lake Minchumina Advisory Committee, Tanana/Rampart/Manley Advisory Committee, Minto/Nenana Advisory Committee, and Upper Tanana/Fortymile Advisory Committee have concurrent jurisdiction;

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

(iv) in Game Management Unit 22 described in [5 AAC 92.450](#)(22), the Northern Norton Sound Advisory Committee, Kotzebue Advisory Committee, Northern Seward Peninsula Advisory Committee, Southern Norton Sound Advisory Committee, and St. Lawrence Island Advisory Committee have concurrent jurisdiction;

(v) in Game Management Unit 23 described in [5 AAC 92.450](#)(23), the Kotzebue Advisory Committee, Northern Norton Sound Advisory Committee, Northern Seward Peninsula Advisory Committee, Upper Kobuk Advisory Committee, Lower Kobuk Advisory Committee, and Kivalina-Noatak Advisory Committee have concurrent jurisdiction;

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

(vii) in Game Management Unit 25 described in [5 AAC 92.450](#)(25), the Central Advisory Committee, Yukon Flats Advisory Committee, Tanana/Rampart/Manley Advisory Committee, Minto/Nenana Advisory Committee, Eagle Advisory Committee, and Fairbanks Advisory Committee have concurrent jurisdiction;

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

## **Article 2** **Emergency Closures**

**5 AAC 97.010. Advisory committee emergency closures** (a) After delegation of authority from the commissioner, a committee may initiate an emergency closure during an established season for the taking of fish or game within its area of jurisdiction described in [5 AAC 97.005](#), under the procedures in this section. No committee may initiate an emergency opening. (b) After initiation of an emergency closure by a committee, a majority of the members of a majority of the committees in the affected area of jurisdiction described in [5 AAC 97.005](#) must, by affirmative vote, ratify the action. A committee member may not vote by proxy or delegation. An emergency closure initiated by a committee is not effective until reviewed by the commissioner under (c) and (d) of this section and until field announcement is made under (f) of this section. (c) An emergency closure initiated by a committee must be based on sound conservation reasoning and the sustained-yield principle. An emergency closure initiated by a committee must be necessary for the immediate protection of a stock, species, or population, and may not be initiated for the purpose of achieving primarily social, economic, or other nonbiological goals. The commissioner or his authorized representative shall review the emergency closure initiated by a local advisory committee to ensure compliance with these standards. (d) At least 48 hours before an emergency closure is to become effective, the chairman of a committee voting to initiate an emergency closure must (1) notify the commissioner by telegram, telephone, or in writing, of (A) the decision to initiate the emergency closure; (B) the time, area, and species involved; (C) which committees the initiating committee contacted; and (D) the vote of each committee regarding the closure; and (2) deliver to the department office nearest the affected area a signed affidavit identifying the roll call vote of the committee, and a written emergency order, following the format specified in the Advisory Committee Emergency Order Manual printed by the department, stating the findings of fact made by the committee to justify the closure, and specifying the evidence relied upon by the committee. (e) Upon receipt of the documents specified in (d)(2) of this section, the commissioner shall make a reasonable effort to contact the chairman of other committees of the appropriate council, so that the committee can vote for or against ratifying the closure. The commissioner shall notify the chairman or vice-chairman of the appropriate board, of a committee's emergency closure action. The commissioner shall provide the appropriate board with a copy of all written material pertinent to the emergency closure. (f) The commissioner shall take appropriate action to make field announcement of the emergency closure within 48 hours after receipt of the documents specified in (d)(2) of this section, if the commissioner finds that the closure meets the standards of (b), (c), and (d) of this section. An emergency closure becomes effective after formal field announcement by the commissioner or his authorized representative. (g) An emergency closure adopted by a committee under this section expires 120 days after its effective date or when superseded by regulation.



[5 AAC 97.015. Authority of the boards over emergency closures](#) Repealed 10/9/83.

[5 AAC 97.020. Notice to the public of emergency closures](#) Repealed 10/9/83.

## **Chapter 99**

### **Subsistence Uses**

[5 AAC 99.005. Boards of Fisheries subsistence finding standards](#) In the identification by the Board of Fisheries of fish stocks or portions of fish stocks that are customarily and traditionally taken or used by residents of this state for subsistence uses under [5 AAC 99.010\(b\)](#), "subsistence way of life" means a way of life that is based on consistent, long-term reliance upon fish and game resources for the basic necessities of life.

[5 AAC 99.010. Boards of fisheries and game subsistence procedures](#) (a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles. (b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria: (1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns; (2) a pattern of taking or use recurring in specific seasons of each year; (3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost; (4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established; (5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate; (6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation; (7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and (8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life. (c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of



graduated steps under [AS 16.05.258\(b\)\(4\)\(B\)](#) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on (1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood; and (2) repealed 2/23/2014; (3) the ability of the subsistence user to obtain food if subsistence use of the stock or population is restricted or eliminated.

**5 AAC 99.012. Rural criteria** Repealed 1/17/91.

**5 AAC 99.014. Joint board findings relating to rural and non-rural areas** Repealed 1/17/91.

**5 AAC 99.015. Joint Board nonsubsistence areas** (a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas: (1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in [5 AAC 92.450\(1\)\(A\)](#), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by [5 AAC 33.200\(a\)\(3\)](#), 1-D, as defined by [5 AAC 33.200\(a\)\(4\)](#), 1-E, as defined by [5 AAC 33.200\(a\)\(5\)](#), that portion of Section 1-F, as defined by [5 AAC 33.200\(a\)\(6\)](#), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by [5 AAC 33.200\(b\)](#), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point. (2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by [5 AAC 92.450\(1\)\(C\)](#), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by [5 AAC 92.450\(4\)](#), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in [5 AAC 33.200\(k\)\(1\)](#) and (k)(2), Section 12-B, as defined in [5 AAC 33.200\(l\)\(2\)](#), and that portion of Section 12-A, as defined in [5 AAC 33.200\(l\)\(1\)](#), north of the latitude of Point Marsden and that portion of District 15, as defined in [5 AAC 33.200\(o\)](#), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay. (3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by [5 AAC 92.450\(7\)](#) (except the Kenai Fjords National Park lands), 14, as defined by [5 AAC 92.450\(14\)](#), 15, as defined by [5 AAC 92.450\(15\)](#) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by [5 AAC 92.450\(16\)\(A\)](#); all waters of Alaska in the Cook Inlet Area, as defined by [5 AAC 21.100](#) (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those

waters described in [5 AAC 01.555](#)(b), known as the Tyonek subdistrict). (4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by [5 AAC 92.450](#)(20)(A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by [5 AAC 92.450](#)(20)(B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by [5 AAC 92.450](#)(20)(D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by [5 AAC 92.450](#)(25)(C), the Preacher and Beaver Creek drainages. (5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by [5 AAC 92.450](#)(6)(D), and all waters of Alaska in the Prince William Sound Area as defined by [5 AAC 24.100](#), within the March 1993 Valdez City limits. (b) Repealed 2/23/2014.

**[5 AAC 99.016. Activities permitted in a nonsubsistence area](#)** (a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation: (1) general hunting, including drawing and registration permit hunts; (2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit. (b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

**[5 AAC 99.020. Definitions](#)** Repealed 10/9/83.

**[5 AAC 99.021. Definitions](#)** In addition to the definitions in [AS 16.05.940](#), in this chapter, (1) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles; (2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries; (3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game; (4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis.

**5 AAC 99.025. Customary and traditional uses of game populations** (a) The Board of Game has examined whether the game populations in the units set out in the following table, excluding those units or portions of those units within nonsubsistence areas established by the Joint Board of Fisheries and Game ([5 AAC 99.015](#)), are customarily and traditionally taken or used for subsistence and make the following findings:

SPECIES & UNIT	FINDING	AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE USES
(1) Bison Unit 11	negative	
Unit 19(D)	negative	
Unit 20(D)	negative	
(2) Black Bear Unit 1(A), outside the Ketchikan Nonsubsistence Area		
	positive	5 - 10
Unit 1(B)	positive	2 - 5
...		
(14) Unclassified Game		
bats (statewide)	negative	

(b) In order to establish an amount reasonably necessary for subsistence uses under this section and whether a reasonable opportunity for subsistence uses exists, the Board of Game will, as the board determines is appropriate, attempt to integrate opportunities offered under both state and federal regulations. (c) In this section, (1) "amount reasonably necessary for subsistence uses" includes the total amount of animals from a population that must be available for subsistence hunting in order to provide a reasonable opportunity for subsistence uses, under state and federal subsistence hunting regulations, where both exist; (2) "reasonable opportunity" has the meaning given in [AS 16.05.258\(f\)](#).

**5 AAC 99.030. Eligibility for subsistence and general hunts** (a) Only a resident domiciled in the state may participate in a subsistence hunt, unless participation is further limited by the regulation governing that particular subsistence hunt. (b) Anyone may participate in a general hunt, except in some cases regulations governing a particular general hunt specify different or no opportunities for nonresidents.