

Submitted by the Alaska Department of Fish and Game
March 23, 2019

Substitute language for proposal 34:

5 AAC 96.625. Joint Board Petition Policy.

5 AAC 96.625(f) is amended to read:

(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. **Under AS 44.62.250, the board may adopt an emergency regulation if it makes a written finding that the adoption of the regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare.** [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),] [I]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. **Except for subsistence hunting or subsistence fishing petitions,** [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. **Petitions dealing with subsistence hunting or subsistence fishing will be evaluated on a case-by-case basis under these criteria:**

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

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