

**ALASKA DEPARTMENT OF FISH AND GAME**  
**STAFF COMMENTS ON JOINT BOARD PROPOSALS**  
**ALASKA JOINT BOARD OF FISHERIES & GAME MEETING**  
**ANCHORAGE, ALASKA**  
**MARCH 25-28, 2024**



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Joint Board of Fisheries and Game meeting, March 25-28, 2024 in Anchorage, Alaska, and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

## ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on regulatory proposals for the Joint Board concerning the state's local fish and game advisory committees, the process for adopting fish and game regulations, and Nonsubsistence Areas. These comments were prepared by the department for use at the Alaska Joint Board of Fisheries and Game meeting, March 25-28, 2024 in Anchorage, Alaska. The comments are forwarded to assist the public and the Joint Board. The comments contained herein should be considered preliminary and may change as new information becomes available. Final department positions may be formulated after review of written and oral public testimony presented at the board.

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

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**Summary of Department Positions, Joint Board Meeting Proposals, March 2024**

<b>Proposal No.</b>	<b>Dept. Position</b>	<b>Issue</b>
1	O	Require one-month public notice for advisory committee election meetings and 14 days-notice for regular meetings
2	N	Require all advisory committee meetings be accessible via call-in option
3	S	Reduce the terms for advisory committee officers from two years to one
4	S	Clarify the responsibilities for advisory committee chairs
5	S	Clarify the responsibilities for the officer position of secretary/recorder
6	N	Allow advisory committees with community designated seats to appoint alternates for those communities
7	S	Clarify the process for appointing advisory committee alternates, allow alternates for communities having more than one designated seat, and establish one year term limits for alternates
8	N	Allow advisory committees the discretion to set membership term dates
9	O	Limit the number of consecutive terms advisory committee members can serve
10	N	Designate one seat on each advisory committee for non-consumptive representation
11	N	Designate non-consumptive user seats for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley advisory committees
12	S	Clarify the provision that advisory committees may not reject a nomination for an undesignated seat when membership is less than the number of members authorized
13	S	Clarify the process for declaring vacancies and filling expired seats
14	N	Adopt an absence policy allowing advisory committees to remove members who miss more than 50% of meetings without reasonable justification
15	N	Allow advisory committees to provide additional recommendations
16	S	Dissolve seven advisory committees in the Southeast Region due to inactive status
17	N	Establish a process in regulation for developing board proposals
18	N	Adopt a regulation or a Joint Board policy to limit certain types of amendments
19	N	Redefine the boundaries for the Fairbanks Nonsubsistence Area
20	N	Assign community designated seats on the East Prince of Wales Advisory Committee by community.

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

**PROPOSAL 1: 5 AAC 96.060. Uniform rules of operation.** Require one-month public notice for advisory committee election meetings and 14 days public notice for regular meetings.

**PROPOSED BY:** Lorraine Temple.

**WHAT WOULD THE PROPOSAL DO?** Require public notices for AC election meetings be posted weekly at least one-month in advance for election meetings, and 14-days advance public notice be provided for non-election AC meetings.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(g) Elections Procedures.

(1) Vacancy. A committee shall give at least 14 days public notice of a meeting for an election to fill a vacancy. The member elected to fill a vacant seat serves the remainder of the vacant seat's term. A chair may declare a vacancy when a member's term is set to expire, or has expired, and shall declare a vacancy when any of the following occurs:

....

(o) Meetings. An advisory committee is considered a governmental body under the Open Meetings Act, AS 44.62.310- AS 44.62.319.

....

**Alaska Statute 44.62.310. Government meetings public.**

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

....

**Alaska Statute 44.62.312. State policy regarding meetings.**

(a) It is the policy of the state that

(1) the governmental units mentioned in [AS 44.62.310\(a\)](#) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

- (3) the people of this state do not yield their sovereignty to the agencies that serve them;
  - (4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
  - (5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;
  - (6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.
- (b) [AS 44.62.310](#)(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

....

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as required by [AS 44.62.175](#)(a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Boards Support will work with the AC chairs to schedule election meetings so that at least one-month public notice can be provided, and 14 days public notice for regular AC meetings. AC chairs will not be able to call meetings on shorter notice, which may limit their ability to respond to any new or unforeseen topics that may have a deadline within a 14-day period. Additionally, some ACs such as those in western Alaska, often reschedule meetings due to weather or unexpected lack of quorum, for which 14 days' notice may not be feasible.

**BACKGROUND:** The ACs and the Boards of Fisheries and Game (boards) are subject to the State of Alaska Open Meetings Act (OMA) which requires "reasonable public notice" to be provided to the public and stipulates how meeting notices are to be distributed. The OMA does not specify a minimum number of days for reasonable public notice. Boards Support Section provides guidance to the ACs to ensure compliance with the public notice provisions of the OMA. Seven days advance public notice is recommended for AC meetings, although occasionally meetings have occurred with less notice.

Regarding election meetings, ACs are required by regulation to provide 14-days public notice.

**DEPARTMENT COMMENTS:** The department **OPPOSES** the proposal as it is more stringent than the Open Meetings Act and may hinder the ability of some ACs to meet and provide recommendations to the boards.

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

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**PROPOSAL 2: 5 AAC 96.060. Uniform rules of operation.** Require all advisory committee meetings be accessible via call-in option.

**PROPOSED BY:** Lorraine Temple.

**WHAT WOULD THE PROPOSAL DO?** Require all AC meetings, including subcommittee meetings, to be accessible via teleconference.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(o) Meetings. An advisory committee is considered a governmental body under the Open Meetings Act, AS 44.62.310- AS 44.62.319.

**Alaska Statute 44.62.310. Government meetings public.**

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

....

**Alaska Statute 44.62.312. State policy regarding meetings.**

(a) It is the policy of the state that

(1) the governmental units mentioned in [AS 44.62.310\(a\)](#) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;



(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) [AS 44.62.310](#)(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

....

(c) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as required by [AS 44.62.175](#)(a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Boards Support Section will need to provide web or teleconference access for all AC meetings for anyone interested in listening to the meeting. All AC meeting venues will need to be equipped with phone or internet connectivity and equipment.

Incorporating a call-in option for meetings at which members are meeting in person requires specialized teleconference equipment. ACs that do not have access to adequate equipment may have to meet entirely by web/teleconference with no in-person component to meet this requirement.

**BACKGROUND:** The Open Meetings Act (OMA) does not require public meetings to be accessible via teleconference, but it is state policy under the OMA that the use of teleconferencing is encouraged is for the convenience of the parties, the public, and the governmental units conducting the meetings.

A majority of AC meetings are accessible via web and teleconference, however a small number ACs either choose not to provide teleconference or web-conference access or meet in a venue that does not have the ability to connect via phone or computer.

Additionally, Boards Support assists some ACs by providing teleconference equipment for the meeting venues.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal but supports AC meetings to be accessible via teleconference or web-conference for those ACs that have the capability to do so.

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

Boards Support to purchase more teleconference equipment or to secure meeting venues that have the ability to host web or teleconferenced meetings. However, it may also have cost-saving effects if it reduces the need for AC member travel.

\*\*\*\*\*

**PROPOSAL 3: 5 AAC 96.060. Uniform rules of operation.** Reduce the terms for advisory committee officers from two years to one.

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

**WHAT WOULD THE PROPOSAL DO?** Reduce the terms for AC officers from two to one, which will require ACs to elect officers annually. Additionally, it offers an alternative term of “recorder” for the secretary position which is addressed in Proposal 5.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(i) **Officers.** The officers of a committee consist of a chair, a vice-chair, 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. Officers are elected by a majority vote of a quorum of a committee.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** ACs will need to conduct officer elections every year, likely in conjunction with membership elections. This will make it easier for AC members and Boards Support Section to keep track of officer term dates and would consistently afford newly elected AC members a voice in selecting AC leadership.

The proposal would eliminate the occurrence of out of sync officer terms with their membership terms. Additionally, having one-year terms for officers might be more desirable for AC members who are unable to commit to the additional officer duties for more than one year.

**BACKGROUND:** Several ACs meet frequently or consistently during the meeting cycle and tend to hold annual elections in the spring or fall, along with officer elections for expired terms. There are also several ACs that meet infrequently and hold membership and officer elections for expired terms when they are able.

Boards Support Section obtains the AC election records and AC rosters, and keeps track of membership and officer term dates, reminding ACs when to hold officer and membership elections.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal so that officer and membership terms are consistent.

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

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**PROPOSAL 4: 5 AAC 96.060. Uniform rules of operation.** Clarify the responsibilities for advisory committee chairs.

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

**WHAT WOULD THE PROPOSAL DO?** Specify, in regulation, the responsibilities of AC chairs which includes setting meeting dates, establishing agendas, and ensuring AC recommendations and actions are recorded and submitted to Boards Support.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(i) **Officers.** The officers of a committee consist of a chair, a vice-chair, 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. Officers are elected by a majority vote of a quorum of a committee.

(j) **Chair.** The chair is the presiding officer.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be little effect on AC chairs other than codifying the responsibilities consistent with information provided in the Alaska Department of Fish and Game Advisory Committee Manual, 4th Edition.

By having the duties codified, Boards Support staff will be able to reference the regulation when situations arise that require the leadership of the chair, primarily with regards to ensuring AC minutes/recommendations are recorded and submitted for board consideration.

**BACKGROUND:** As the presiding officer, AC chairs are expected to, and do carry out the responsibilities specified in the proposal, which are also described in the Advisory Committee Manual.

Some chairs rely on assistance from the Boards Support regional coordinator more than others, to help set meeting agendas, dates, and to compile AC minutes and ensure they are posted, maintained on file, and submitted for board consideration.

If a secretary/recorder position is unfilled or absent from the meeting, the chair should ensure the responsibility of recording the meeting minutes and proposal recommendations is being carried out by another AC member and submitted to Boards Support.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal.

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

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**PROPOSAL 5: 5 AAC 96.060. Uniform rules of operation.** Clarify the responsibilities for the officer position of secretary/recorder.

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

**WHAT WOULD THE PROPOSAL DO?** This would emphasize the important responsibility for the officer position of secretary/recorder and offers the alternative title of “recorder” which is consistent with the Alaska Department of Fish and Game Advisory Committee Manual, 4<sup>th</sup> Edition.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(i) **Officers.** The officers of a committee consist of a chair, a vice-chair, 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. Officers are elected by a majority vote of a quorum of a committee.

....

(l) **Secretary.** The secretary may be, but need not be, a member of the committee. The secretary shall carry out the usual duties associated with the office including maintaining records of the meetings in accordance with 5 AAC 96.060(s). If the secretary is not a committee member, the secretary has no vote on committee business other than nominations for committee membership.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** There would be little effect on the ACs, other than emphasizing the important responsibility for the officer position of secretary/recorder and offers the alternative title of “recorder” which is consistent with the current Department of Fish and Game AC Manual, 4<sup>th</sup> Edition.

It is hoped that making clear the essential role of the “recorder” in expressing the voice of the AC may increase the willingness of AC members to serve in this important officer position.

Additionally, Boards Support would utilize the title of “recorder” more often than “secretary.

**BACKGROUND:** Many ACs struggle to find members who are willing to serve in the officer position of recorder for various reasons. The most likely reason is because it involves extra work to take minutes during AC meetings and finalize them afterwards.

It is not the responsibility of Boards Support staff to take or finalize the meeting minutes, but boards staff will provide minimal assistance for those ACs that are struggling to take minutes.

Providing the AC minutes is critical to express the voice of the AC and their local communities to the Boards. Because of that, the department wants to emphasize the importance of this officer position in regulation.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal.

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

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**PROPOSAL 6: 5 AAC 96.060. Uniform rules of operation.** Allow advisory committees with community designated seats to appoint alternates for those communities.

**PROPOSED BY:** Minto/Nenana Fish and Game Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** Allow ACs having community designated seats the option of appointing an alternate for each community represented on the AC, in addition to having two undesignated alternates. This appointment for community designated alternates is an act of the AC at a duly noticed meeting.

The proposal also removes the ability for an AC member who is the sole representative for a community to appoint an alternate for that seat.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

**(g) Election Procedures.**

....

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

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Allow ACs to appoint alternates for communities having designated seats in addition to two undesignated alternates, thus increasing the overall number of alternates for several ACs. This change may result in the ability for some ACs to achieve quorum more easily.

The proposal will also change the process for AC members who are the sole designated representative for a community, to appoint an alternate to serve in their absence. This change may make it more difficult for some ACs to achieve quorum. For example, the Central Bering Sea AC has 10 single community designed seats, and the Lower Kuskokwim has 13. (See Table 1.1 below). Requiring action by these two ACs to select alternates for so many seats would be a more complicated process and would likely take up time during the AC meetings.

**BACKGROUND:** Of the 84 ACs, 37 have community designated seats and 16 of those have single seats for communities. The following table lists the 37 ACs having community designated seats, and shows the number of seats for each community per regulation.

<b>Southeast Alaska Region: (5 ACs with Multiple Community Designated Seats)</b>			
<b><u>Upper Lynn Canal</u></b>			
Haines	8	Representatives	
Skagway	2	Representatives	
Klukwan	1	Representative	
Undesignated	4	Representatives	
<b><u>Icy Straits</u></b>			
Hoonah	9	Representatives	
Gustavus	2	Representatives	
Undesignated	4	Representatives	
<b><u>Ketchikan</u></b>			
Saxman	2	Representatives	
Undesignated	13	Representatives	
		<b><u>Saxman</u></b>	
		Saxman	6 Representatives
		Ketchikan	2 Representatives
		Undesignated	1 Representative
		<b><u>East Prince of Wales</u></b>	
		Thorne Bay	1 Representative
		Coffman Cove	1 Representative
		Whale Pass	1 Representative
		Kasaan	1 Representative
		Undesignated	11 Representatives
<b>Southcentral Alaska Region: (3 ACs with Multiple Community Designated Seats)</b>			
<b><u>Copper Basin</u></b>			
Glennallen	2	Representatives	
Lake Louise	1	Representative	
		<b><u>Mount Yenlo</u></b>	
		Skwentna	4 Representatives
		Undesignated	11 Representatives

Tazlina	3	Representatives		
Copper Center	2	Representatives		
Gakona/Gulkana	3	Representatives		
Kenny Lake	1	Representative		
Chitina	1	Representative		
Undesignated	2	Representatives		
			<b><u>Tok Cutoff/Nabesna Road</u></b>	
			Mentasta	1 Representative
			Chistochina	1 Representative
			Undesignated	5 Representatives

**Southwest Alaska Region: (6 ACs with Multiple Community Designated Seats)**

<b><u>Chignik</u></b>			<b><u>Lake Iliamna (10 members)</u></b>		
Chignik	3	Representatives	Iliamna	1	Representative
Chignik Lagoon	3	Representatives	Nondalton	1	Representative
Ivanoff	3	Representatives	Pedro Bay	1	Representative
Chignik Lake	3	Representatives	Kokhanok	1	Representative
Perryville	3	Representatives	Igiugig	1	Representative
			Newhalen	1	Representative
<b><u>Kodiak</u></b>			Port Alsworth	1	Representative
Kodiak	7	Representatives	Undesignated	3	Representatives
Old Harbor	1	Representative	<b><u>Lower Bristol Bay</u></b>		
Ouzinkie	1	Representative	Ugashik	1	Representative
Port Lions	1	Representative	Egegik	2	Representatives
Undesignated	5	Representatives	Pilot Point	2	Representatives
<b><u>Nushagak</u></b>			Port Heiden	2	Representatives
Dillingham	5	Representatives	Undesignated	8	Representatives
Clarks Point	1	Representative	<b><u>Togiak</u></b>		
Ekwok	1	Representative	Togiak	3	Representatives
New Stuyahok	1	Representative	Manokotak	3	Representatives
Koliganek	1	Representative	Twin Hills	1	Representative
Aleknagik	1	Representative	Undesignated	8	Representatives
Togiak	1	Representative			
Portage Creek	1	Representative			
Manokotak	1	Representative			
Undesignated	2	Representatives			

**Western Alaska Region: (5 ACs with Multiple Community Designated Seats)**

<b><u>Central Bering Sea (12 Members)</u></b>			<b><u>Lower Kuskokwim (14 Members)</u></b>		
Chevak	1	Representative	Kwethluk	2	Representatives
Cheforak	1	Representative	Napaskian	2	Representatives
Goodnews Bay	1	Representative	Naiakiak	1	Representative
Kipnuk	1	Representative	Kasigluk	1	Representative
Kongiganak	1	Representative	Oscarville	1	Representative

Kwigillingok	1	Representative	Nunapitchuk	1	Representative
Merkoryuk	1	Representative	Tuntutuliak	1	Representative
Newtok	1	Representative	Atmauthluak	1	Representative
Nightmute	1	Representative	Akiak	1	Representative
Platinum	1	Representative	Akiachak	1	Representative
Quinhagak	1	Representative	Eek	1	Representative
Toksook Bay	1	Representative			
Tununak	1	Representative	<b><u>Coastal Lower Yukon (6 Members)</u></b>		
Undesignated	2	Representatives	Scammon Bay	1	Representative
<b><u>Mid-Lower Yukon (7 Members)</u></b>			Alakanuk	1	Representative
Marshall	1	Representative	Kotlik	1	Representative
Russian Mission	1	Representative	Emmonak	1	Representative
St. Marys	1	Representative	Hooper Bay	1	Representative
Andreafsky	1	Representative	Nunam Iqua	1	Representative
Mountain Village	1	Representative			
Pilot Station	1	Representative			
Pitkas Point	1	Representative			
<b><u>Arctic Region: (7 ACs with Multiple Community Designated Seats)</u></b>					
<b><u>Northern Norton Sound</u></b>			<b><u>Noatak/Kivalina (9 Members)</u></b>		
Nome	6	Representatives	Noatak	3	Representatives
Elim	1	Representative	Kivalina	2	Representatives
Wales	1	Representative	Undesignated	4	Representatives
Golovin	1	Representative			
City of White Mountain	1	Representative	<b><u>North Slope (9 Members)</u></b>		
Shishmaref	1	Representative	Barrow	1	Representative
Teller	1	Representative	Point Hope	1	Representative
Brevig Mission	1	Representative	Point Lay	1	Representative
Undesignated	2	Representatives	Wainwright	1	Representative
<b><u>Northern Seward Peninsula (9 Members)</u></b>			Atquasuk	1	Representative
Buckland	3	Representatives	Kaktovik	1	Representative
Deering	3	Representatives	Nuiqsut	1	Representative
Undesignated	3	Representatives	Anaktuvuk Pass	1	Representative
<b><u>Upper Kobuk (10 Members)</u></b>			Undesignated	1	Representative
Ambler	3	Representatives	<b><u>Southern Norton Sound</u></b>		
Shungnak	3	Representatives	Unalakleet	6	Representatives
Kobuk	2	Representatives	St. Michael	2	Representatives
Undesignated	2	Representatives	Shaktoolik	2	Representatives
			Stebbins	2	Representatives
			Koyuk	2	Representatives



<p><b><u>Lower Kobuk (11 Members)</u></b></p> <p>Noorvik 3 Representatives  Kiana 3 Representatives  Selawik 3 Representatives  Undesignated 2 Representatives</p>	<p>Undesignated 1 Representative</p>
<p><b><u>Interior Alaska Region: (11 ACs with Multiple Community Designated Seats)</u></b></p>	
<p><b><u>McGrath</u></b></p> <p>McGrath 6 Representatives  Nikolai 3 Representatives  Telida 1 Representative  Takotna 2 Representatives  Undesignated 3 Representatives</p> <p><b><u>Middle Nenana River (11 Members)</u></b></p> <p>Healy 5 Representatives  Clear 3 Representatives  McKinley Village 1 Representative  Ferry 1 Representative  Undesignated 1 Representative</p> <p><b><u>Upper Tanana/Fortymile (9 Members)</u></b></p> <p>Tok 3 Representatives  Northway 1 Representative  Tetlin 1 Representative  Dot Lake 1 Representative  Tanacross 1 Representative  Healy Lake 1 Representative  Undesignated 1 Representative</p> <p><b><u>Yukon Flats</u></b></p> <p>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</p> <p><b><u>Tanana/Rampart/Manley (9 Members)</u></b></p>	<p><b><u>Middle Yukon (13 Members)</u></b></p> <p>Galena 4 Representatives  Kaltag 4 Representatives  Nulato 3 Representatives  Koyukuk 2 Representatives</p> <p><b><u>Koyukuk River</u></b></p> <p>Allakaket 3 Representatives  Huslia 3 Representatives  Hughes 2 Representatives  Alatna 2 Representatives  Bettles 2 Representatives  Undesignated 3 Representatives</p> <p><b><u>Grayling/Anvik/Shageluk/Holy Cross (9 Members)</u></b></p> <p>Holycross 2 Representatives  Grayling 2 Representatives  Anvik 2 Representatives  Shageluk 2 Representatives  Undesignated 1 Representative</p> <p><b><u>Minto/Nenana (11 Members)</u></b></p> <p>Nenana 5 Representatives  Minto 5 Representatives  Undesignated 1 Representative</p> <p><b><u>Stony/Holitna (8 Members)</u></b></p> <p>Sleetmute 2 Representatives  Lime Village 2 Representatives  Stony River 2 Representatives  Red Devil 2 Representatives</p> <p><b><u>Lake Minichumina (9 Members)</u></b></p> <p>Lake Minichumina 4 Representatives</p>

Manley Hot Springs	2	Representatives	Undesignated	5	Representatives
Rampart	3	Representatives			
Tanana	3	Representatives			
Undesignated	1	Representative			

Of the 18 ACs having single community designated seats, the Boards Support regional coordinators work directly with each member to identify individuals to serve as alternates in the member’s absence. No action is needed by the AC. Under some circumstances, such as ensuring quorum can be met, the regional coordinator will work with the member to identify additional individuals to attend the meeting as an alternate when neither the member nor the first identified alternate can attend.

For those ACs having multiple seats designated for communities, that community goes unrepresented when none of the elected members for that community can attend meetings, unless there is a member holding an undesignated seat or alternate who happens to be from that community.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal allowing ACs to appoint alternates for communities having designated seats. The department submitted a similar proposal, Proposal #7, which provides additional options for the alternate selection process along with retaining the ability for members designated as the sole representative for an AC to appoint an alternate. If the board adopts this proposal, the department recommends the proposal be amended to retain this provision, which is a more efficient process and will help ensure the quorum is met.

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

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**PROPOSAL 7: 5 AAC 96.060. Uniform rules of operation.** Clarify the process for appointing advisory committee alternates, allow alternates for communities having more than one designated seat, and establish one year term limits for alternates.

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

**WHAT WOULD THE PROPOSAL DO?** Provide a process for ACs to appoint alternates to represent communities having more than one designated seat on an AC. The community alternates are to be appointed by a majority of the AC members elected to represent that community, or by the chair when the members representing a community are unable to appoint an alternate. This proposal also allows a chair to appoint alternates for a community designated seat with a single member, when the sole member for that community is unable to appoint an alternate.

The proposal clarifies that alternates appointed for community designated seats can serve throughout the year to fill a vacancy and it establishes one-year terms for all alternates, ending June 30, and not to exceed 12 months.

### **WHAT ARE THE CURRENT REGULATIONS?**

#### **5 AAC 96.060. Uniform rules of operation.**

....

#### **(g) Election Procedures.**

....

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

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** AC members elected to serve in community designated seats will have the ability to appoint an alternate for that community by a majority vote of the elected members representing that community. Additionally, Boards Support staff will be able to work with an AC chairman to appoint alternates for communities when the elected members from that community are unavailable or unresponsive to appoint alternates. This will result in Boards Support staff and the ACs having to keep track of several more alternates and is expected to assist some ACs with making quorum when the current members from a community are unable to attend an AC meeting.

Terms for alternates will be established as not to exceed 12 months and ending on June 30. Additionally, the circumstances for when alternates can fill a vacancy throughout the year will be clarified.

**BACKGROUND:** Currently, every AC can appoint two qualified, “undesigned” alternates to serve on an AC at meetings during an absence of any member, or to fill a vacancy throughout the year, provided the alternate was appointed from the remaining nominees from an election. Further, Boards Support interprets this regulation to mean that, while they can fill in for an absence at a meeting, any alternates who are not appointed from the remaining nominees from an election cannot fill a vacancy throughout the year.

Several ACs appoint alternates each year often at the time of elections, some of which were nominated for membership, while others were not. Several ACs appoint alternates at regular (non-election) meetings, and some choose not to have any alternates. Because the regulation does not

specify the length of terms for alternates, an alternate can continue to serve for multiple years. Boards Support staff encourages the ACs to update alternates annually, if possible.

In addition to the two undesignated alternates allowed for each AC, the sole representative for a community can select another individual from the community to serve as alternate to attend AC meetings in the member's absence. The regulation does not say the community alternate can fill a vacancy throughout the year if the elected member is no longer able to serve, however, Boards Support staff will continue to rely on the alternate to serve until an election can be held. In some cases, particularly those ACs that meet infrequently, it can be a long time before an election for a community designated seat is held.

Of the 84 ACs, 37 have community designated seats and 18 of those have single seats for communities. Table 1.1 (found in the staff comments on Proposal 6) lists the 37 ACs having community designated seats that would be affected by this proposal. Some ACs having multiple community designated seats have difficulty making quorum, and could benefit from having alternates, while others do not.

**DEPARTMENT COMMENTS:** The department submitted this proposal for Joint Board and AC consideration as potential options to assist the ACs and to clarify the regulations. The department **SUPPORTS** the proposal and recognizes there may be other ways to address vacancies and difficulties establishing a quorum.

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

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**PROPOSAL 8: 5 AAC 96.060. Uniform rules of operation.** Allow advisory committees the discretion to set membership term dates.

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

**WHAT WOULD THE PROPOSAL DO?** Eliminate the specific start and expiration dates for membership terms, giving ACs the flexibility to set their own term dates.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(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, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting. The maximum length of a term is three years.

**(g) Election Procedures.**

(1) **Vacancy.** A committee shall give at least 14 days public notice of a meeting for an election to fill a vacancy. The member elected to fill a vacant seat serves the remainder of the vacant seat's term. A chair may declare a vacancy when a member's term is set to expire or has expired, and shall declare a vacancy when any of the following occurs:

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

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

(C) a member's removal by the joint board for cause;

...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** ACs will be able to establish the start and expiration dates that will apply to the membership terms of their AC. This would lead to different expiration dates for different ACs for which Boards Support staff and the ACs themselves would need to be diligent in tracking. Since most ACs hold elections during the Boards' meeting cycle, the ACs would be able to align the terms' end dates with the elections.

**BACKGROUND:** The regulation specifies terms for AC members commence on July 1 and end June 30. AC elections typically occur throughout the meeting cycle. Several ACs hold elections in the fall, at the start of the cycle; several hold elections in the spring; and those ACs that meet once or twice a year will hold elections whenever they are able to meet. This results in several members' term lengths being greater than or less than three years, expiring on June 30. Additionally, elections for many community designated seats are scheduled and conducted by the communities and not during AC meetings.

At the 2013 Joint Board meeting, the Joint Board adopted a proposal to change the term dates from January 1–December 30, to July 1–June 30 to avoid elections and membership turn-over during the middle of the boards' meeting cycle.

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

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

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**PROPOSAL 9: 5 AAC 96.060. Uniform rules of operation.** Limit the number of consecutive terms advisory committee members can serve.

**PROPOSED BY:** Lorraine Temple.

**WHAT WOULD THE PROPOSAL DO?** Limit AC members to serving no more than two consecutive terms, for a maximum of six years. A person could be reelected to serve additional terms after being off the AC for one full year.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(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, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting. The maximum length of a term is three years.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Establish a limit of two consecutive terms any individual may serve on an AC. Members who are termed out will qualify for reelection after a one-year period. Board Support staff and the ACs would need to make sure to identify the members who have served two terms are not re-nominated during elections.

Additionally, there will be a significant turnover in AC membership as several current members have served at least six years. Because some ACs and communities struggle to find individuals interested in serving, seats will become vacant and some ACs may become inactive. On the other hand, it could lead to more people willing to serve who may have been reluctant to do so previously as election to an AC may seem daunting against long standing members.

**BACKGROUND:** There are over 800 AC members and many members have served more than two terms. Several ACs struggle to find new people to serve on ACs and many have members who have served more than two terms.

**DEPARTMENT COMMENTS:** The department is **OPPOSED** to this proposal, and many ACs will be negatively affected by the limitation, and unable to function.

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

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**PROPOSAL 10:** **5 AAC 96.060. Uniform rules of operation.** Designate one seat on each advisory committee for non-consumptive representation.

**PROPOSED BY:** Lorraine Temple.

**WHAT WOULD THE PROPOSAL DO?** Designates one seat on every AC for a non-consumptive member of the community with residence in which the AC is located. It also proposes

the Uniform Rules of Operation specify that ACs are to be representative of community members' input and desires.

**WHAT ARE THE CURRENT REGULATIONS?**

**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 96.060. Uniform rules of operation.**

....

**(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.

...

**(g) Election Procedures**

...

(2) **Nomination.** 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. Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat under 5 AAC 96.021(c) if committee membership is less than the number of members authorized by the joint board;

(3) **Place of election.** Elections for a community seat specified in 5 AAC 96.021(c) may take place in the community for which the seat is specified;

...

(5) **Elections.** Each committee member, and each voting-age resident of the area or served by the committee as defined in 5 AAC 96.010 (10) who attends the election, may vote on a nomination for membership. Nominees receiving the most votes are elected.

...

**5 AAC 96.610. Definitions**

...

(10) “resident of the area served by the committee” for the purposes of the advisory committee election procedures under 5 AAC 96.060(g) means a person who is a resident as defined in AS 16.05.940(28) and who maintains a domicile in the area served by a committee described in 5 AAC 97.005.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Each AC would be required to designate one seat for non-consumptive members of the community with residence in which the AC is located. Further, “non-consumptive member of the community” would likely need to be defined. For some ACs, particularly rural communities where residents heavily subsist on fish and game, it will be difficult to find qualified individuals to serve in a seat designated as such.

**BACKGROUND:** Currently, the only Joint Board designated seats on ACs are community designated, although the Joint Board may create designated seats for specific user groups. Additionally, the ACs can establish designated seats for specific user groups. Some examples of ACs having designated seats for user groups are Sitka, Kenai/Soldotna, and Kodiak.

**DEPARTMENT COMMENTS:** The department is NEUTRAL on the proposal and recognizes that for many ACs, particularly in rural Alaska, no community member would qualify for such a seat, which could result in permanent vacancies on these ACs. There are no stipulations that prevent a person who has not hunted or trapped in Alaska for at least five years from holding a seat at present.

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

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**PROPOSAL 11: 5 AAC 96.060. Uniform rules of operation.** Designate non-consumptive user seats for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley Advisory Committees.

**PROPOSED BY:** Kneeland Taylor.

**WHAT WOULD THE PROPOSAL DO?** Require the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley ACs to reserve a designated seat for non-consumptive users of game which means any qualified person who has not hunted or trapped in Alaska for at least five years.

**WHAT ARE THE CURRENT REGULATIONS?**

**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 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.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley ACs will need to ensure their membership includes a representative who has not hunted nor trapped in Alaska for the last five years.

**BACKGROUND:** Currently, the only Joint Board designated seats on ACs are for communities although the Joint Board may create designated seats for specific user groups. Additionally, ACs can establish designated seats for specific user groups. Of the four ACs affected by this proposal, Kenai/Soldotna is the only AC having designated seats for the following user groups: commercial fishing; commercial fishing drift gillnet, commercial fishing set gillnet, sport fish guide, subsistence, trapping, and hunting.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. There are no stipulations that prevent a person who has not hunted or trapped in Alaska for at least five years from holding a seat at present.

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

\*\*\*\*\*

**PROPOSAL 12: 5 AAC 96.060. Uniform rules of operation.** Clarify the provision that advisory committees may not reject a nomination for an undesignated seat when membership is less than the number of members authorized.

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

**WHAT WOULD THE PROPOSAL DO?** Correct a regulatory change from 2019 so that ACs may not refuse nominations for undesignated seats when membership is less than the number of members authorized.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

**(g) Election Procedures.**

....

(2) **Nomination.** 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. Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat under 5 AAC 96.021(c) if committee membership is less than the number of members authorized by the joint board;

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** This would prevent ACs from rejecting nominations to fill vacant, undesignated seats. Boards Support is unaware of any instances when an AC rejected a nomination for an undesignated seat, and therefore, the effect should be minimal.

**BACKGROUND:** Prior to 2019, regulation prevented ACs from rejecting nominations to fill vacant, undesignated seats. Specifically, the regulation read: “A committee may not refuse membership to a nominee if committee membership is less than the number of members authorized by the joint board”. During the 2019 Joint Board meeting, the department requested the Joint Board apply this regulation to “undesignated” seats only and exclude community designated seats. The final regulation applied this provision only to undesignated seats listed in 5 AAC 96.021(c), which inadvertently excluded 40 ACs without any designated seats, under 96.021(a), such as Anchorage, Fairbanks, Kenai, and Juneau.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal to make it clear that advisory committees may not refuse membership to nominees for all undesignated seats when membership is less than the number authorized.

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

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**PROPOSAL 13: 5 AAC 96.060. Uniform rules of operation.** Clarify the process for declaring vacancies and filling expired seats as follows:

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

**WHAT WOULD THE PROPOSAL DO?** Require the chair, or Boards Support Section when the chair is unable, to declare vacancies for several reasons, including when a member's term has expired or is set to expire. It also requires the chair, or Boards Support Section when the chair is unable, to declare vacancies for expired community designated seats if an election has not occurred 12 months following the expiration of the term.

The proposal further clarifies that elections for all vacant and expired seats for both designated and undesignated seats require 14 days public notice.

**WHAT ARE THE CURRENT REGULATIONS?**

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

...

(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).

**5 AAC 96.060. Uniform rules of operation.**

....

(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, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting. The maximum length of a term is three years.

**(g) Election Procedures.**

(1) **Vacancy.** A committee shall give at least 14 days public notice of a meeting for an election to fill a vacancy. The member elected to fill a vacant seat serves the remainder of the vacant seat's term. A chair may declare a vacancy when a member's term is set to expire or has expired, and shall declare a vacancy when any of the following occurs:

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

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

(C) a member's removal by the joint board for cause;

(2) **Nomination.** 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.

Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat under 5 AAC 96.021(c) if committee membership is less than the number of members authorized by the joint board;

(3) **Place of election.** Elections for a community seat specified in 5 AAC 96.021(c) may take place in the community for which the seat is specified;

...

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** This will provide clear direction to ACs that elections need to occur regularly for AC members to continue serving, including AC members serving in community designated seats whose terms have been expired for over one year. Communities failing to hold elections for members with terms that have been expired for longer than a year will no longer have representation on the AC, which may encourage those communities to hold timely elections.

It will also be clear that communities are required to provide a 14-day public notice for an election to fill vacant and expired seats.

**BACKGROUND:** Election procedures for communities to elect representatives to fill community designated seats on ACs are not explicit in the regulation. Boards Support Section staff work with city and tribal offices to conduct elections for community designated seats. City and tribal administrators are provided election guidance from staff, per the AC election procedures in regulation which includes information about membership, nomination and voter qualifications, and that two-week public notice is required, based on 5 AAC 96.060(g)(1). For some community elections, staff will provide flyers, ballots, nomination forms, and election records, and in other scenarios, staff will be at the community to run the election by accepting nominations and ballots. Some ACs hold elections for community designated seats during the actual AC meeting, even when the meeting is not located in that community, which then requires remote voting.

Because regulation states that members continue to serve until a successor has been duly elected at the next committee meeting, members serving in some community designated seats continue to serve long after their term has expired. Some chairs are reluctant to declare community seats vacant, and in some cases, members want to continue serving but the community will not conduct elections. Although the regulations stipulate that the maximum term length is three years, the current practice of Boards Support is to allow AC members whose terms have expired to continue to serve and ensure their communities have a voice.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal with a housekeeping amendment to change 5 AAC 96.021(b), replacing the reference of 96.060(e)(3) with (g)(2).

If the Joint Board does not adopt the proposal, guidance regarding expired community designated seats is requested for either continuing the way Boards Support currently works with community members having designated seats, or to enforce the three-year term length.

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

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**PROPOSAL 14: 5 AAC 96.060. Uniform rules of operation.** Adopt an absence policy requiring advisory committees to remove members who miss more than 50% of meetings without reasonable justification as follows:

**PROPOSED BY:** Lorraine Temple.

**WHAT WOULD THE PROPOSAL DO?** Remove AC members who are unable to participate in half of their AC meetings without reasonable justification.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.060. Uniform rules of operation.**

....

(g) **Election Procedures.**

(1) **Vacancy.** A committee shall give at least 14 days public notice of a meeting for an election to fill a vacancy. The member elected to fill a vacant seat serves the remainder of the vacant seat's term. A chair may declare a vacancy when a member's term is set to expire or has expired, and shall declare a vacancy when any of the following occurs:

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

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

(C) a member's removal by the joint board for cause;

....

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** An AC member seat would be declared vacant when the member is absent without reasonable justification, for half or more of their AC's meetings in a calendar year. The ACs would need to determine what is a reasonable justification and if a justification is not known at the time of the meeting the absence occurs, the AC may need to discuss it at a future meeting.

ACs who meet only once or twice in a calendar year may be disproportionately affected but may find it easier to vacate seats for non-participatory members.

**BACKGROUND:** The ACs have a regulation to declare seats vacant upon a member’s absence from three consecutive, regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee. Boards Support is not aware of any ACs that have utilized this regulation.

Currently, ACs record “unexcused absences” in the meeting minutes. For some ACs, unexcused absences occur when a member fails to notify anyone about his or her expected absence from a meeting. For some ACs, a member having attendance issues may be discussed at the time of reelection.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. If adopted, the Joint Board is asked to define what constitutes a “reasonable justification” for absences.

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

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**PROPOSAL 15: 5 AAC 96.440. Board assistance.** Allow advisory committees to provide additional recommendations.

**PROPOSED BY:** Alissa Nadine Rogers.

**WHAT WOULD THE PROPOSAL DO?** Allow ACs the ability to provide additional recommendations on subjects or issues, identified by the board.

**WHAT ARE THE CURRENT REGULATIONS?**

**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.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The effect of this proposal is uncertain but may result in instances when the boards call upon the ACs to provide additional recommendations, prior to, during, or following board meetings.

**BACKGROUND:** ACs can call a meeting to provide comments and recommendations to the board under the current regulations, and the boards currently ask ACs for input on specific issues.

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

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

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**PROPOSAL 16: 5 AAC 96.021. Establishment of advisory committees, and 5 AAC 97.005. Areas of Jurisdiction for advisory committees.** Eliminate seven advisory committees in the Southeast Region due to inactive status.

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

**WHAT WOULD THE PROPOSAL DO?** Eliminate seven ACs in the Southeast Region because they have been dormant for at least ten years. The ACs that would be eliminated are the Elfin Cove, Hydaburg, Hyder, Klukwan, Saxman, Sumner Strait, and Tenakee ACs.

**WHAT ARE THE CURRENT REGULATIONS?**

**5 AAC 96.450. Committee status and change of status.**

...

(c) Committees may merge if each affected committee votes to request merger, and if the joint board determines that the merger should occur.

(d) The joint board may merge a dormant committee with a committee if the boards support section gives the committees notice of the proposed merger, if the dormant committee does not express an intention to meet 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.

(e) The joint board may dissolve a committee if the committee has been dormant for two years and fails to respond to boards support section 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 96.021. Establishment of advisory committees.**

(a) The following advisory committees are established:

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

...

**5 AAC 96.021(c)(1)**

...

(1) in the Southeast Alaska Region:

...

(D) Saxman (9) members.

Saxman	2	representatives
Undesignated	13	representatives

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** Seven ACs would be repealed from regulation and will not have the ability to reactivate.

**BACKGROUND:** These seven ACs have been dormant for more than ten years. Notifications about dissolving these ACs were mailed to local government and tribal offices in the communities in September 2023, and no responses were received.

The following table provides the community population, general location, and last known AC meeting year.

<b>Community</b>	<b>Population in 2020</b>	<b>General Location</b>	<b>Last Known Meeting</b>
<a href="#">Elfin Cove</a>	24	33 miles northwest of Hoonah.	2008
<a href="#">Hydaburg</a>	380	41 miles south of Craig, Prince of Wales Island	2013
<a href="#">Hyder</a>	48	Hyder is 75 air miles northeast of Ketchikan.	1999
<a href="#">Klukwan</a>	87	22 miles north of Haines	2009
<a href="#">Saxman</a>	384	2.8 miles southwest of Ketchikan, connected on the road system.	2009
Sumner Strait	NA	Sumner Strait is a <a href="#">strait</a> north of Prince of Wales Island and South of Kupreanof Island.	2008
<a href="#">Tenakee</a> (Springs)	116	Tenakee Springs is located on the east side of Chichagof Island, approximately 64 miles east of Hoonah.	1996

*Population and location obtained from the Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs.*

It should be noted that two of the communities have designated seats on nearby ACs. The community of Saxman has two designated seats on the Ketchikan AC (KAC) which are currently



vacant. The KAC also has 13 undesignated seats that residents of Saxman could be elected to fill; currently they are all residents of Ketchikan.

The community of Klukwan has two designated seats on the Upper Lynn Canal AC (ULCAC), one of which is currently filled. The ULCAC also has four undesignated seats Klukwan could be elected to fill.

Additionally, residents of these areas are not prohibited from voting or serving on other Southeast ACs. For example, residents of Tenakee could be elected to fill any of the four undesignated seats on the Icy Straits AC which represents the nearby communities of Hoonah and Gustavus.

**DEPARTMENT COMMENTS:** The department submitted and **SUPPORTS** this proposal.

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

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**PROPOSAL 17: 5 AAC 96.610. Procedure for developing fish and game regulations.** Establish a process in regulation for developing board proposals.

**PROPOSED BY:** Mike Tinker.

**WHAT WOULD THE PROPOSAL DO?** Add a new paragraph to 5 AAC 96.610(c) to specify that a board generated proposal must have the opportunity for public and AC review and comment prior to final action. If a board generated proposal had not been previously noticed as part of a regular or special board meeting, the board must table the proposal for at least 24 hours and consult with ACs prior to taking final action. If the board generated proposal is of statewide application, the board must consult with two ACs in each fish and game region. If a board generated proposal is for less than statewide application, at least two fish and game advisory committees with Area of Jurisdiction (5 AAC 97.005) must be consulted for review and comment.

**WHAT ARE THE CURRENT REGULATIONS?**

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

....

(c) **Phase 2.** After the deadline for receiving proposals, the boards support section shall compile regulatory proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices and the boards support section website, and send them to the committees.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** A board would not be able to take final action on a board generated proposal that has not received prior public notice and opportunity for public and AC comment. A board proposal generated during a board meeting

would need to be tabled for a minimum of 24 hours to allow written comment and to consult with ACs. To receive AC consultation/recommendations on a board generated proposal, Boards Support staff will need to inform the applicable ACs and schedule properly noticed meetings for AC discussion and action, unless the topic was acted on previously by an AC. Since AC meetings require reasonable public notice under the Open Meetings Act, this would effectively preclude a board from acting on a board generated proposal at the same meeting that it was created, when the subject matter was already noticed. Although it may be a minimal occurrence, there could be instances when there are valid reasons for the boards to generate and schedule a proposal to address a topic at the same meeting. Such a delay could be impractical for the boards, department, and the public.

**BACKGROUND:** Current regulations do not prohibit either board from creating and adopting a board generated proposal during a properly noticed regulatory or special meeting if that proposal is within the scope of the notice that had previously been given. In 2013, the Joint Board adopted findings (13-34-JB) as criteria to consider in the use of board generated proposals. One criterion contained in the finding suggests the board consider whether the board’s action provides adequate opportunity for public comment, but it does not provide specific requirements.

Typically, when the boards generate proposals, the proposals are scheduled for consideration at future meetings with at least 30 days public notice in accordance with the requirements of the Administrative Procedures Act (AS 44.62.310). There have been times when board proposals were generated and considered at the same meeting. With regard to providing public notice of regulatory changes, among the requirements of the Administrative Procedures Act, notices must be published in a newspaper of statewide circulation and that individuals be mailed hard copies, 30 days in advance of the meeting. When a board adds new regulatory topics to the board meetings, the executive director prepares, distributes, and publishes a supplemental notice of regulatory change, which costs the program approximately \$1,500 for the newspaper publishing and the printing and postage for the mailing.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. If the Joint Board adopts the proposal, an amendment is needed to address the timeframe for AC consultation to avoid violating the Open Meetings Act. It would also delay action on issues that are legally noticed but could not be addressed because the specific language of a board generated proposal was not publicly noticed.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process. Approval of this proposal would likely result in additional cost to the department by requiring additional legal notices and/or additional meeting days to achieve the required time for public comment and AC outreach.

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**PROPOSAL 18: 5 AAC 96.060. Procedure for adopting fish and game regulations.** Adopt a regulation or a Joint Board policy to limit certain types of amendments.

**PROPOSED BY:** Resident Hunters of Alaska.

**WHAT WOULD THE PROPOSAL DO?** Prohibit a board from amending any proposal in such a way that changes or reverses the intent of the proposal and instead directs that board to develop a board generated proposal to accomplish the board’s desired outcome. The proposal suggests doing this either through regulatory amendment to 5 AAC 96.910(e) or through the adoption of a Joint Board policy.

**WHAT ARE THE CURRENT REGULATIONS?**

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

....

(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 the boards.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** This would prohibit a board from amending a proposal in such a way that changes or reverses the intent of the proposal as submitted, although it does not prohibit the board from taking such action via board generated proposal.

**BACKGROUND:** The Board of Fisheries has a standing rule in policy #91-128-FB, to not change nor reverse the intent of a proposal/issue, and instead generate a board proposal to accomplish the needed action.

The Board of Game does not have a similar standing policy on amendments. They recently discussed a public request to adopt a policy at the January 2021 Work Session. The board chose not to adopt a policy, but discussed being cognizant when changing proposals, to explain on the record the reasoning when amendments are adopted.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. It would delay action on issues that are legally noticed but could not be addressed because the specific amended language of a board proposal was not publicly noticed.

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

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**PROPOSAL 19: 5 AAC 99.015. Joint Board nonsubsistence areas.** Redefine the boundaries for the Fairbanks Nonsubsistence Area.

**PROPOSED BY:** Mike Tinker

**WHAT WOULD THE PROPOSAL DO?** Modify the boundaries of the Fairbanks Nonsubsistence Area (FNSA) to exclude portions of the current FNSA that are outside of the Fairbanks Management Area (FMA; 5 AAC 92.530(10)) while potentially maintaining other road accessible areas as part of the FNSA.

**WHAT ARE THE CURRENT REGULATIONS?**

**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:

...

(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.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The proposal does not define an exact area to be excluded from the existing FNSA boundaries. Instead, the proponent suggests starting with the FMA boundaries and consider adding other road-accessible areas, such as but not limited to Chena Hot Springs Road, based on relevant nonsubsistence area characteristics.

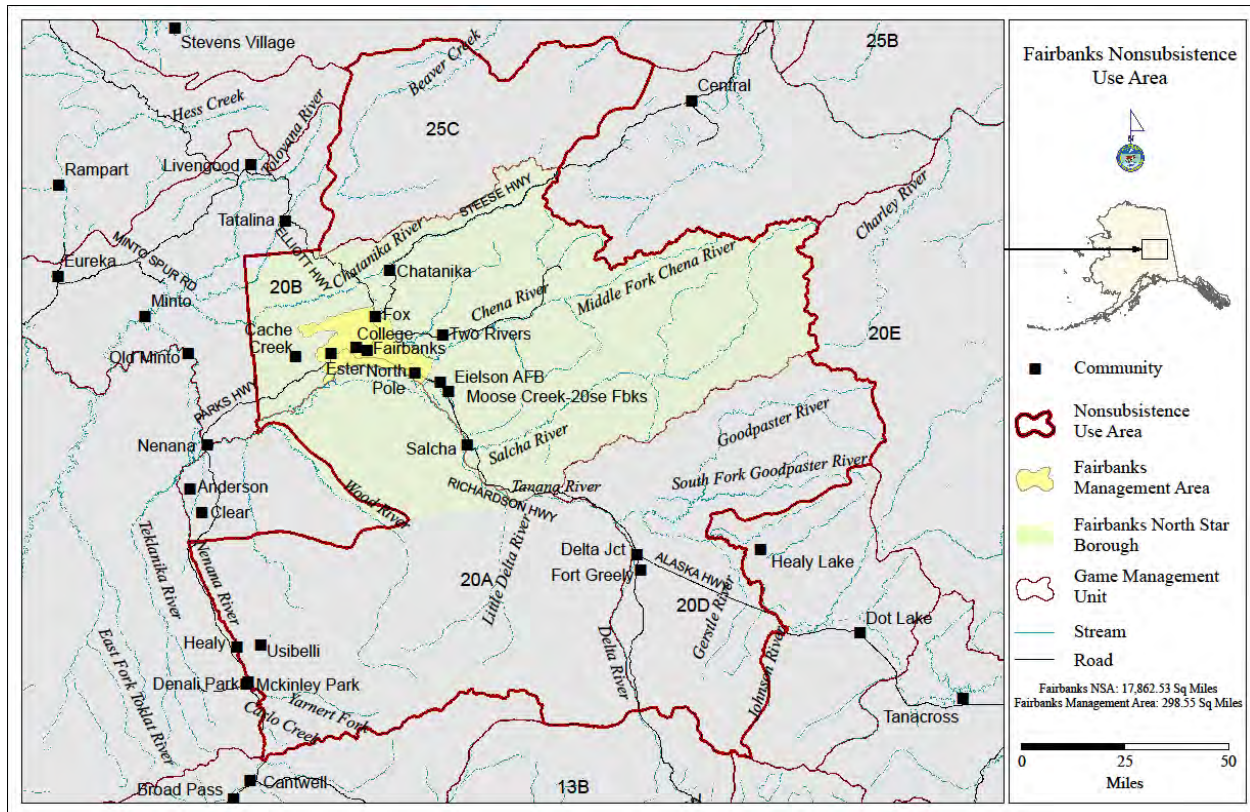


Figure 1. Current (red outline) and proposed FNSA (yellow area).

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

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

1. The social and economic structure;
2. The stability of the economy;
3. The extent and kinds of employment for wages (full time, part time, temporary, seasonal);
4. The amount and distribution of cash income for people living in the area or community;
5. The cost and availability of goods and services for people living in the area or community;
6. The variety of fish and game used by people living in the area or community;

7. The seasonal cycle of economic activity;
8. The percentage of those living in the area or community who hunt or fish, or who use wild fish and game;
9. The harvest levels of fish and game taken by people living in the area or community;
10. The cultural, social, and economic values associated with the taking or use of the fish or game;
11. The geographic locations that people living in the area or community hunt or fish; and
12. The extent of sharing and exchange of fish and game by people living in the area or community.

The 12 factors listed above were thoroughly evaluated by the Joint Board for various communities and area residents when they created the FNSA in 1992 and reevaluated it again in 2013. For example, in their evaluation of factors 6, 8, and 9, the board compared wildlife harvests and noncommercial salmon permits between Fairbanks North Star Borough residents and residents of Delta Junction and Fort Greely, as well as with residents of Healy, Cantwell, Nenana, and McKinley Park (now Denali Park) (ADF&G 1992).

Fish or game populations with positive C&T use findings in regulation cross nonsubsistence area boundaries. This movement of species does not affect the classification of an area, it only determines the type of fishery or hunt allowed and if the subsistence priority applies.

The department prepared a report summarizing available information and data on the 12 factors for the FNSA should the Joint Board seek to compare current data with information provided at earlier the Joint Board meetings when this area was established (1992) and reconsidered (2013).

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this proposal. In comments on two nonsubsistence area proposals considered by the Joint Board at the October 2007 meeting, the Department of Law advised: “Similar to past advice we’ve given on proposals to modify Customary and Traditional Determinations, the Joint Boards should carefully consider proposals to modify Nonsubsistence Area regulations. The current Nonsubsistence Area regulations are presumed to be legally valid. They were based on an extensive administrative record, and reviewed and approved by the Department of Law. We recommend that, in considering the current proposals, the Joint Board concentrate on any new information that has been developed since the adoption of the current regulations in 1993.”

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in the regulatory process. However, if this proposal were adopted, there may be additional costs to the department because the BOF and BOG may need to hold additional meetings to address a modified area; alternatively, implementation of any new regulations could be postponed until the next applicable board meetings.

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**PROPOSAL 20: 5 AAC 96.021. Establishment of advisory committees.** Assign community designated seats on the East Prince of Wales Advisory Committee by community.

**PROPOSED BY:** East Prince of Wales Advisory Committee.

**WHAT WOULD THE PROPOSAL DO?** Revise the list of community designated seats on the East Prince of Wales Advisory Committee (EPOW), by adding one more representative to each of the currently designated communities and designates two seats for the community of Hollis. Additionally, the number of undesignated seats on the EPOW AC is reduced from 11 to five.

**WHAT ARE THE CURRENT REGULATIONS?**

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

...

(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:

...

(F) East Prince of Wales

Thorne Bay	1 representative
Coffman Cove	1 representative
Whale Pass	1 representative
Kasaan	1 representative
Undesignated	11 representatives

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** The community of Hollis will have two designated seats on the AC and representation for the communities of Coffman Cove, Whale Pass, and Kasaan will be increased with one designated seat for each. This also has the net effect of reducing the number of undesignated seats on this AC from 11 to five.

**BACKGROUND:** The EPOW AC has been meeting in the community of Thorne Bay's city hall since it's located on the road system and can facilitate meetings for both in-person and online participation. This AC has requested additional seats be designated for other area communities to ensure the AC does not become dominated by Thorne Bay residents, due to the convenient meeting venue.

The community of Hollis, population 139, is located on the east side of Prince of Wales Island, 19 miles east of Craig by Road, and 35 miles west of Ketchikan by water. It is 56 road miles away from Thorne Bay. Hollis does not have any designated seats on the EPOW AC, but residents from Hollis could serve in any of undesignated seats.

The 2022 population estimates for the area communities according to the Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs as follows:

<u>Community</u>	<u>Population</u>
<a href="#"><u>Hollis</u></a>	139
Thorne Bay	449
Coffman Cove	201
Whale Pass	84
Kasaan	49

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

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

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