

Chapter 4

Fish and Game Advisory Committee

Title 5 Regulations

Part 6 Fish and Game Advisory Committees

Chapter

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Chapter 96

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

Article

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Article 1

Local Fish and Game Advisory Committees

Section

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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.

History: In effect before 1988

Authority: AS 16.05.260

5 AAC 96.020. Creation of local fish and game advisory committees

The joint board, as defined in 5 AAC 96.910(2), in accordance with the Administrative Procedure Act (AS 44.62), will establish advisory committees within each of the fish and

game resource management regions described in 5 AAC 96.210. A committee must represent user groups in the region 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.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

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/Holtna, Lower Yukon;

(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/Forty-Mile, 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
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
Kassan 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
Kenney 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
Willow 2 representatives
Big Lake 2 representatives
Talkeetna 2 representatives
Houston 2 representatives
Sunshine 2 representatives
Peters Creek 2 representatives
Trapper Creek 2 representatives
Undesignated 1 representative

(3) in the Southwest Alaska Region:

(A) 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

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
Bethel	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) Lower Yukon (13 members)

Marshall	1 representative
Russian Mission	1 representative
St. Marys	1 representative
Andreafski	1 representative
Mountain Village	1 representative
Scammon Bay	1 representative
Alakanuk	1 representative
Pilot Station	1 representative
Kotlik	1 representative
Emmonak	1 representative
Hooper Bay	1 representative
Pitkas Point	1 representative
Nunam Iqu	1 representative

(5) in the Arctic Alaska Region:

(A) Northern Norton Sound

Nome	6 representatives
Elim	1 representative
Wales	1 representative
Golovin	1 representative
White Mountain	1 representative
Shishmaref	1 representative
Teller	1 representative
Brevig Mission	1 representative
Undesignated	2 representatives

(B) Northern Seward Peninsula

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

(C) Upper Kobuk (10 members)

Ambler	3 representatives
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Shungnak	3 representatives
Kobuk	2 representatives
Undesignated	2 representatives

(D) Lower Kobuk

Noorvik	3 representatives
Kiana	2 representatives
Undesignated	10 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
Shaktolik	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/Forty Mile (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
Undesignated	0 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	
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

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95; am 8/2/86, Register 99; am 9/15/88, Register 107; am 3/16/89, Register 109; am 11/30/89, Register 112; am 9/26/90, Register 115; am 8/28/91, Register 119; am 6/26/93, Register 126; am 8/16/97, Register 143; am 7/12/98, Register 147; am 12/30/2007, Register 184
Authority: AS 16.05.260

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.
History: In effect before 1983; am 10/9/83, Register 88
Authority: AS 16.05.260

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;
 (4) advise the appropriate regional council regarding the conservation, development, and use of fish and wildlife resources;
 (5) work with the appropriate regional council to develop subsistence management plans and harvest strategy proposals; and
 (6) cooperate and consult with interested persons and organizations, including government agencies, to accomplish (1) - (5) of this section.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95
Authority: AS 16.05.260

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 and is administered by the joint board.
 (c) **Responsibilities.** Each committee is responsible for performing the functions described in 5 AAC 96.010 and 5 AAC 96.050 in accordance with provisions of 5 AAC 96 - 5 AAC 99.
 (d) **Title.** Each committee must have a title.
 (e) **Membership.**
 (1) Each committee must have at least five but not more than 15 members. The joint board will, in its discretion, limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee. To the extent possible, at least three user groups must be represented on each committee, and membership must include representatives from each town or village located in the area that the committee represents. To ensure full representation of an area, the joint

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

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

(3) Each committee member, and each voting-age resident of the area of committee jurisdiction under 5 AAC 97.005 who attends a committee election, may vote on a nomination for membership. Nominees receiving the most votes are elected. Except as otherwise provided in this paragraph, a committee need not establish a quorum to elect a new member. The election for a seat specified in 5 AAC 96.021(c) must take place in the community for which the seat is specified. An undesignated seat may be filled at a regularly scheduled committee meeting if a quorum is present. No committee may refuse membership to a nominee if committee membership is less than the number of members authorized by the joint board.

(4) A committee shall forward election results, and each newly-elected or re-elected member shall forward a new member form, to the appropriate regional office of the division of boards within 14 days after the election. A newly-elected or re-elected member has full voting and office-holding privileges upon election, but is subject to confirmation by the joint board.

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

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

(7) Each advisory committee may appoint two alternates. However, any member of an advisory committee who is the sole representative from a village or town may also appoint an alternate. Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member.

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

(g) **Vacancy.** A committee shall fill a vacancy through nomination and election under (e) of this section. A committee shall give at least 14 days' public notice of a vacancy. The term of a member filling a vacancy must be set as required by (f) of this section. A chairman shall declare a vacancy on a committee when any of the following occurs:

- (1) a member's death, resignation, or refusal accept election;
- (2) a member's absence from three consecutive, regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; or
- (3) a member's removal by the joint board for cause.

(h) **Nomination.** A committee member or resident of the area served by the committee who qualifies under this section may submit a nomination for committee membership to the committee orally or in writing, at any regular meeting, regardless of whether a quorum is present. The committee may set a time period during which it will accept nominations. If the committee establishes a time period, it shall give

adequate public notice of the time before it accepts nominations. A committee shall vote on each nomination under (e) of this section either at the next regular meeting after it accepts nominations, or at the same meeting at which it accepts a nomination. The committee shall decide whether to vote on nominations at the same or at a subsequent meeting and shall provide appropriate notice of this decision. A person qualifies as a resident of the area served by the committee if the person is a resident as defined in AS 16.05.940 who maintains an abode in the area served by a committee described in 5 AAC 97.005.

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

(j) **Chairman.** The chairman is elected by a majority vote of a quorum of the committee and is the presiding officer. A chairman must meet the qualifications set out in 5 AAC 96.040. The chairman of a committee, or a designee, is also a member of the regional council established under 5 AAC 96.220. However, any committee member who is a member of the council must be a resident of the region.

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

(l) **Secretary.** The secretary is elected by a majority vote of a quorum of a committee and may be, but need not be, a member of the committee. The secretary shall carry out the usual duties associated with the office. If the secretary is not a committee member, the secretary has no vote on committee business other than nominations for committee membership.

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

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

(n) **Removal for Cause.** The joint board will, in its discretion, remove any member of a committee for cause. As used in this subsection, "cause" includes

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

(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, upon approval of the chairman of the joint board or the chairman's designee, 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 must be conducted according to the latest edition of Robert's Rules of Order.

(s) **Record of Meetings.** Preliminary minutes of each committee meeting must be recorded in writing and forwarded to the director of the division of boards within three weeks after the meeting. Before an advisory committee chair or a designee will be allowed to represent the advisory committee before the joint board, the Board of Fisheries, or the Board of Game, the advisory committee must submit to the respective board a set of its relevant minutes.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95; am 11/30/89, Register 112; am 9/26/90, Register 115; am 7/12/98, Register 147

Authority: AS 16.05.260

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

(a) A committee chairman, or the chairman's designee, is a member of a council established in 5 AAC 96.220. The chairman of each committee, or a designee, shall attend meetings of the applicable council. Any committee member who is a member of a council must be a resident of the region.

(b) A committee is the primary forum for discussion by local residents of fisheries and wildlife management issues in their area. Councils shall assist the committees to this end.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

Article 2

Regional Fish and Game Councils

Section

200. Establishment of a regional fish and game council system.

210. Fish and game resource management regions.

220. Regional fish and game councils.

230. (Repealed).

240. (Repealed).

245. Non-voting member.

250. Functions of regional fish and game councils.

260. Uniform rules of operation.

270. (Repealed).

280. Attendance at meetings.

5 AAC 96.200. Establishment of a regional fish and game council system

A system of regional fish and game councils is established to provide a regional forum for the collection and expression of opinions and recommendations on matters relating to fish and wildlife resources, to assist the boards in deliberations concerning regulations, and to provide for public participation in the regulatory process to help adequately protect subsistence uses.

History: In effect before 1982; am 6/2/82, Register 82; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.210. Fish and game resource management regions

(a) For the purposes of conservation and management of the fish and wildlife resources of the state, the following fish and game resource management regions are created:

(1) Southeast Alaska, consisting of all lands and waters of Game Management Units 1 - 5, that part of Unit 6 east of Cape Suckling, and adjacent marine waters;

(2) Southcentral Alaska, consisting of all lands and waters of Game Management Units 6 west of Cape Suckling, 7, 9A, 11, 13 - 16, and adjacent marine waters;

(3) Southwest Alaska, consisting of all lands and waters of Game Management Units 8, 9B - E, 10, 17, and adjacent marine waters;

(4) Western Alaska, consisting of all lands and waters of Game Management Unit 18 and that portion of the Kuskokwim River drainage in Game Management Unit 19 downstream from, and including, the George River drainage and the Hoholtna River drainage, and adjacent marine waters;

(5) Arctic Alaska, consisting of all lands and waters of Game Management Units 22, 23, 26, and adjacent marine waters; and

(6) Interior Alaska, consisting of all lands and waters of Game Management Units 12, 20, 21, 24, 25, and that portion of the Kuskokwim River drainage in Unit 19 upstream from the George River drainage and the Hoholtna River drainage.

(b) The Game Management Units listed in (a) of this section are described in 5 AAC 90.010.

(c) A board will, in its discretion, temporarily change the boundaries of regions for individual resource issues.

History: In effect before 1982; am 6/2/82, Register 82; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.220. Regional fish and game councils

The joint board will establish a council within each region described in 5 AAC 96.210. Each council will consist of the chairmen, or their designees, of the active committees established within the region. Any committee member who is a member of a council must be a resident of the region.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

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

Each regional council may establish two seats for non-voting members if necessary to perform the functions set out in 5 AAC 96.250.

History: Eff. 9/22/85, Register 95

Authority: AS 16.05.260

5 AAC 96.250. Functions of regional fish and game councils

(a) Each council is authorized to:

- (1) hold public meetings on fish and wildlife matters;
- (2) elect officers;
- (3) in consultation with the local fish and game advisory committees in its region and with the department, review, evaluate, and make a recommendation to a board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the use of fish and wildlife, including any matter related to fish and wildlife habitat, within its region;
- (4) perform other duties specified by a board; and
- (5) submit to the joint board, the department, and the Secretary of Interior of the United States, by November 15 of each year, an annual report, containing:

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

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

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

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

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

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

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

History: In effect before 1982; am 6/2/82, Register 82; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

5 AAC 96.260. Uniform rules of operation

(a) **Rules.** Every action taken by a council must comply with the uniform rules of operation for committees set out in 5 AAC 96.060(j), (k), (m), and (q) - (s). The rules in (b) - (d) of this section supersede the corresponding rules in 5 AAC 96.060(c), (e), (o), and (t).

(b) **Responsibilities.** A council shall perform the functions described in 5 AAC 96.250 in accordance with the provisions of 5 AAC 96 and 97.

(c) **Membership.** Membership on a council is as provided in 5 AAC 96.220.

(d) **Meetings.** Each council shall hold regular meetings at times appropriate to the process described in 5 AAC 96.610. The chairman or a majority of a council's members may call a special meeting at which any interested person may submit statements to the council on any matter related to the purposes for which the meeting is called. Council meetings are public meetings under AS 44.62.310 and 44.62.312 and must be advertised in the region. The council shall allow public testimony at every council meeting.

(e) **Recommendations.** A council must convey any recommendation to the appropriate board in writing and with a justification or explanation before the start of the board meeting.

History: In effect before 1982; am 6/2/82, Register 82; am 10/9/83, Register 88; am 9/26/90, Register 115

Authority: AS 16.05.260

Editor's note: An amendment to 5 AAC 96.260(e) was adopted jointly by the Board of Fisheries and Board of Game in 1990, took effect 9/26/90, and should have appeared in Register 115, October 1990. The amendment, however, was inadvertently omitted when Register 115 was published, and did not appear in print until Register 122, July 1992.

5 AAC 96.270. Report of activities

Repealed 10/9/83.

5 AAC 96.280. Attendance at meetings

When adequate funding exists, the chairman, or his designee, shall attend regulatory meetings of the boards. Each council shall cooperate with other councils on matters of mutual interest and concern, and will, in its discretion, hold joint meetings, authorized by the boards, to accomplish this purpose.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

Article 3

Administration of Local Fish and Game Committees

Section

400. (Repealed).

410. Distribution of local fish and game advisory committees.

420. Review of requests for local fish and game advisory committees.

430. (Repealed).

440. Board assistance.

450. Committee status and change of status.

460. Attendance at meetings.

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.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

5 AAC 96.420. Review of requests for local fish and game advisory committees

The joint board will review requests to create committees. Factors that it will evaluate include

- (1) whether an existing committee could be expanded to include members who represent the interest of the persons making the request;
- (2) whether representation of all user groups on existing committees in the area is adequate;
- (3) whether residents of the local area are likely to participate actively on the proposed committee;
- (4) whether there are likely to be enough qualified people interested in serving on the proposed committee;
- (5) whether logistical problems would make it difficult to provide assistance to the proposed committee;
- (6) whether the proposed committee would enhance participation in the decision-making process;
- (7) the recommendation of the appropriate council; and
- (8) the efficiency of existing committees.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

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.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.450. Committee status and change of status

(a) A committee is active if it forwards minutes from at least two meetings per year to the appropriate regional office of the division of boards.

(b) The joint board will, in its discretion, place a committee on an inactive list by committee request or joint board action. The committee may reactivate by holding a meeting and informing the joint board of its active status through committee minutes.

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

(d) The joint board will, in its discretion, merge an inactive committee with an active committee if the joint board gives the committees notice of the proposed merger, if the inactive committee does not express an intention to reactivate or if it does not do so within a reasonable time after notice, and if the joint board determines that the merger should occur, after considering the factors in 5 AAC 96.420.

(e) The joint board will, in its discretion, dissolve a committee if the committee has been inactive for two years and fails to respond to joint board inquiries about its desire to remain in existence. The joint board will, in its discretion, dissolve a committee for failure to act in accordance with the provisions of 5 AAC 96 and 5 AAC 97.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.260

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.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

Article 4

Administration of Regional Fish and Game Councils

Section

500. Operation of regional fish and game council system.

510. Staff assistance.

520. Regular and special meetings.

530. Attendance at meetings.

540. Direction from the boards.

5 AAC 96.500. Operation of regional fish and game council system

The boards will, in their discretion, provide assistance to councils and maintain the council system so as to enable the councils to comply with the purposes and functions described in 5 AAC 96.200 and 5 AAC 96.250.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.510. Staff assistance

The commissioner will, in his discretion, assign staff or hire regional coordinators to aid councils in achieving maximum interaction with committees, the boards, and the department.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.520. Regular and special meetings

The boards will provide information to councils so that councils can schedule meetings at times that will maximize the council's participation in the boards' deliberations concerning fish and wildlife resources. In addition, a board may request a council to meet and to formulate recommendations on other issues affecting fish and wildlife resources. A board may require a regional fish and game council to review and comment on any recommendation received by a board from a committee or from a council, or require that a council meet with another council on matters of mutual concern.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.530. Attendance at meetings

(a) When adequate funding exists, the boards will request the department to reimburse council members for travel and expenses incurred in attending council meetings approved by the boards, and will request reimbursement for each council chairman or his designee for travel and other approved

expenses incurred in attending board meetings. A chairman's designee must be a council member.

(b) When adequate funding exists, the boards will request the department to provide funds to councils for travel to joint council meetings approved by the boards and for other approved expenses necessary for joint council business and meetings.

(c) Repealed 10/9/83.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.540. Direction from the boards

The boards will, in their discretion, give direction to the councils on the nature and format of council actions in order to enhance council assistance to the boards.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

Article 5

Adoption of Fish and Game Regulations

Section

600. Meetings.

610. Procedure for developing fish and game regulations.

615. Subsistence proposal policy.

620. (Repealed).

625. Joint board petition policy.

630. Special meetings.

640. Regular meetings.

650. (Repealed).

660. Compliance.

5 AAC 96.600. Meetings

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

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

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

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95; am 10/1/93, Register 127

Authority: AS 16.05.260

AS 16.05.300

AS 16.05.310

AS 16.05.315

5 AAC 96.610. Procedure for developing fish and game regulations

(a) For the purpose of developing fish and game regulations, each board will observe the procedures set out in this section. The deadlines for each phase will be set by the appropriate board for each meeting and will be announced to committees, councils, and the public.

(b) Phase 1. Each board will solicit regulatory proposals or comments to facilitate their deliberations. The boards will, in their discretion, limit those sections or portions of the existing regulations that will be open for change. The boards will provide forms to be used in preparing proposals. Notices

soliciting proposals will be distributed statewide. In order to be considered, a proposal must be received by the boards before the designated deadline unless provided otherwise by a board.

(c) Phase 2. After the deadline for receiving proposals, the division of boards shall compile all proposals received on time, including proposals from department staff and other government agencies, distribute them to the public through department offices, and send them to committees and councils. Proposals postmarked after the deadline may be considered if the proposal is covered in the legal notice.

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

(1) each council shall attempt to reach a consensus before making its recommendation to the board;

(2) each committee and council may request technical and scientific support data and prepared testimony from the department; and

(3) each recommendation to a board from a council must include a justification or explanation.

(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, after reviewing the recommendations by a council. The final decision on all proposals remains the responsibility of a board. However, if a council recommendation is on any proposal concerning the subsistence use of fish or wildlife within its region, a board will, in its discretion, choose not to follow the recommendation if the board determines that it is not supported by substantial evidence presented during the course of the board's administrative proceedings, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a council recommendation on any proposal regarding subsistence use of fish or wildlife within its region is not adopted by a board, the board will set out in writing the factual basis and the reasons for its decision.

(f) Phase 5. After completion of procedures required by the Administrative Procedure Act (AS 44.62), a board will notify each committee and council of the actions taken on their respective recommendations and proposals and the reasons for those actions, including any decision made under (e) of this section regarding a council recommendation on any proposal concerning the subsistence use of fish or wildlife within its region.

History: In effect before 1982; am 6/2/82, Register 82; am 10/9/83, Register 88; am 8/28/91, Register 119

Authority: AS 16.05.260

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.

History: Eff. 8/17/91, Register 119; readopt 5/15/93, Register 126

Authority: AS 16.05.251

AS 16.05.255

AS 16.05.258

Editor's note: At its November 1 - 7, 1992 meeting, the Joint Board of Fisheries and Game readopted 5 AAC 96.615 in its entirety, without change, under ch. 1, SSSLA 1992 (the 1992 subsistence law), which repealed and reenacted AS 16.05.258.

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, regional fish and game councils, and to over 500 other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then 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 and regional council 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 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.

History: Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126

Authority: AS 16.05.251

AS 16.05.255

AS 16.05.258

Editor's note: At its November 1 - 7, 1992 meeting, the Joint Board of Fisheries and Game readopted 5 AAC 96.625 in its entirety, without change, under ch. 1, SSSLA 1992 (the 1992 subsistence law), which repealed and reenacted AS 16.05.258.

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.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

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.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

5 AAC 96.650. Staff assistance

Repealed 10/9/83.

5 AAC 96.660. Compliance

The failure of a committee, council, or a board to observe procedures set out in 5 AAC 96 - 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.

History: In effect before 1983; am 10/9/83, Register 88

Authority: AS 16.05.260

Article 6 General Provisions

Section

900. (Repealed).

910. Definitions.

920. (Repealed).

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) "council" means a regional fish and game council;

(5) "designee" means a committee or council member who has been designated by the chairman;

(6) "region" means a fish and game resource management region; and

(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.

History: In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95

Authority: AS 16.05.251

AS 16.05.255

AS 16.05.260

AS 16.05.315

5 AAC 96.920. Supplemental action

Repealed 10/9/83.

Chapter 97 Advisory Committee Closures

Article

1. Areas of Jurisdiction. (5 AAC 97.005)

2. Emergency Closures. (5 AAC 97.010 - 5 AAC 97.020)

Article 1 Areas of Jurisdiction

Section

5. Areas of jurisdiction for advisory committees.

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, 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, and Tyonek 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 Mershikof;

(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, Central Bering Sea Coast Advisory Committee, and McGrath Advisory Committee;

(J) Lower Yukon Area

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

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

(K) Upper Yukon River Area

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

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

(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/Forty Mile 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 Kivalina-Noatak 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, 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 Statistical Area K described in 5 AAC 34.400, the Kodiak Advisory Committee shall have jurisdiction;

(ii) in king crab Statistical 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 shall have concurrent jurisdiction;

(iii) in king crab Statistical 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 1A 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 1B 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 1C 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 1D 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, and East Prince of Wales 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, 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, and Paxson Advisory Committee have concurrent jurisdiction;

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

(vii) in Game Management Unit 14 described in 5 AAC 92.450(14), the Mt. Yenlo Advisory Committee, Matanuska Valley Advisory Committee, Anchorage Advisory Committee, Whittier Advisory Committee, and Denali Advisory Committee 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, and Kenai/Soldotna 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, and Anchorage 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, and the Iliamna Advisory Committee shall have concurrent jurisdiction;

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

(D) Northern Alaska

(i) in Game Management Unit 19 described in 5 AAC 92.450(19) , the McGrath Advisory Committee, Central Kuskokwim Advisory Committee, Lower Kuskokwim Advisory Committee, Lake Minchumina Advisory Committee, and Anchorage Advisory Committee 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/Forty-Mile Advisory Committee have concurrent jurisdiction;

(iii) in Game Management Unit 21 described in 5 AAC 92.450(21) (D), the Ruby Advisory Committee, Galena Advisory Committee, Middle Nenana River Advisory Committee, Central Kuskokwim Advisory Committee, Lower Yukon Advisory Committee, Koyukuk Advisory Committee, Grayling/Anvik/Shageluk/Holy Cross Advisory Committee, Fairbanks Advisory Committee, Lake Minchumina Advisory Committee, and Tanana/Rampart/Manley Advisory Committee 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, and Southern Norton Sound 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 Barrow Advisory Committee and the Fairbanks Advisory Committee shall have concurrent jurisdiction.

History: In effect before 1980; am 7/11/81, Register 79; am 10/9/83, Register 88; am 8/2/86, Register 99; am 11/30/89, Register 112; am 9/26/90, Register 115; am 4/1/93, Register 125; am 7/12/98, Register 147

Authority: AS 16.05.260

Editor's note: Under the authority of AS 44.62.125 (b), the regulations attorney added sub-subparagraph (3)(A)(viii) to 5 AAC 97.005 as of Register 151, October 1999. The Joint Boards of Fisheries and Game had adopted that sub-subparagraph, but it was inadvertently omitted by the publisher in 1990.

Article 2 Emergency Closures

Section

10. Advisory committee emergency closures.

15. (Repealed).

20. (Repealed).

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.

History: In effect before 1980; am 7/11/81, Register 79; am 10/9/83, Register 88

Authority: AS 16.05.260

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 98

Areas of Jurisdiction for Antlerless Moose Seasons

Article

1. Areas of Jurisdiction. (5 AAC 98.005)

Article 1

Areas of Jurisdiction

Section

5. Areas of jurisdiction for antlerless moose seasons.

5 AAC 98.005. Areas of jurisdiction for antlerless moose seasons

For the purpose of implementing AS 16.05.780 , antlerless moose seasons require approval by a majority of the active advisory committees located in, or the majority of whose members reside in, the affected unit or subunit. For the purpose of this section, an "active advisory committee" is a committee that holds a meeting and acts on the proposal.

(1) repealed 12/13/79;

(2) repealed 12/13/79;

(3) repealed 12/13/79;

(4) repealed 12/13/79.

History: In effect before 1983; am 4/21/83, Register 86

Authority: AS 16.05.260

AS 16.05.780

Editor's note: In Register 88 (January 1984) all of 5 AAC 98.005 was erroneously shown as repealed. As of Register 89 (April 1984), that error has been corrected and only the 1979 repeals of paragraphs (1) - (4) of that section are shown.
