DRAFT BOARD OF FISHERIES

POLICY ON PROPOSAL REVIEW PROCESS

The Alaska Joint Board Subcommittee (subcommittee) met on December 9, 2015, and January 17, 2016, in response to the Alaska Department of Fish & Game's (ADF&G) request to evaluate potential regulatory and administrative process changes that might lead to cost savings.

The subcommittee recommended to both Boards of Game and Fisheries to consider establishing a proposal review process that might reduce the workload on the boards, agency staff, advisory committees, and the general public.

The Alaska Board of Fisheries (board) reviewed potential changes to its proposal review process and has determined the following changes may streamline proposal reviews, provide clarity for the general public, and reduce the workload for affected agencies, boards, advisory committees, and the general public.

Committee on the Committee: The Board of Fisheries appoints its Committee on Committees (CoC) to serve as the review committee for proposals received through the Board of Fisheries Call for Proposals (call).

Call for Proposals: At its work session proceeding a regulatory meeting cycle, the board will approve the call for the following regulatory cycle. The call will identify by reference this proposal review process policy. Nothing in this policy limits the board's ability to broadly or narrowly define its call as allowed under 5 AAC 96.610(b).

Department Review: The Department, through Boards Support, will receive all proposal submissions. Boards Support, in consultation with other ADF&G divisions, the departments of Law and Public Safety, and other resources as deemed necessary, will eliminate proposal submissions that miss the deadline, do not have contact information, do not identify an individual(s) for questions, and are non-responsive to the call.

Boards Support will make these findings and notify the submitter in writing if possible using any contact information provided. The board chair and CoC will be notified at the same time.

Committee on Committee Review: Following the department's review of proposals, and prior to publishing the proposal workbook, the CoC will convene to review the remaining proposals. This review will be supported as needed by agency staff. In its review, the CoC will create two subcategories of proposals, those for delegations and those for consent agendas.

Delegations: The CoC will identify proposals action on which may be delegated to the ADF&G under AS 16.05.270. The two categories for such proposals are:

- Existing delegations. Proposals requesting action that is covered by an existing delegation by the board to the department. An example includes the board's delegation to the department to correct technical errors in regulation (2006-250-FB).
- Potential delegations. Proposals requesting action that may and should be appropriately delegated by the board to the department in a delegation of authority yet to be granted. Proposals of this nature may generally be inconsequential yet widespread throughout the regulatory structure, correcting confusion or redundancy in regulation, or other benign, but useful, regulatory changes. (i.e., technical conversions of boundary lines that do not alter the position of the line such as - from Loran to GPS, to GPS from markers; removal of regulatory language regarding species that are not resident in the geographic area under review during that cycle; etc.)

The list of proposals requesting action that may be delegated by the board to the department will be presented to the chair and to the full board at its work session for concurrence. The board may make new delegations at the work session, or subsequent meetings, and so direct the department to consider the proposals under the delegation. The board recognizes the department may not eventually adopt the proposal(s). Notwithstanding the proposals having been identified as ones that may be delegated by the board to the department, the board may elect to place any of the proposals on its agenda for that cycle and schedule the proposals for consideration at a meeting.

Consent agendas: The CoC will review proposals to create consent agendas. Consent agendas will contain those proposals the CoC finds are needed for the conservation, development, and utilization of fisheries, but routine in nature and uncontroversial. Examples may include proposals that establish existing management practices into regulation for clarity. Consent agendas for each regulatory meeting will be presented in the proposal book with each proposal.

Following public testimony at each public meeting, the CoC will present the consent agendas to the full board. Any board member may pull any proposal from the consent agenda without a second by another board member and ask that it receive a full review and deliberation during the meeting. Once the consent agenda is finalized, the board will vote to pass the proposals in the affirmative.

The CoC will handle other proposal review actions, including:

- Provide a ruling on whether a proposal addresses more than one issue or is unclear.

All actions of the CoC will be forwarded to the chair for final approval. Following chair concurrence, proposals will be published and made available in accordance with 5 AAC 96.610(c).