

(A previous draft version was submitted as RC14 in Bethel, January 2017)

5 AAC 92.005. Policy for changing board agenda.

(a) The Board of Game (board) may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) an agenda change request must be to consider a proposed regulatory change outside the board's published schedule and must specify the change proposed and the reason the proposed change should be considered out of sequence. An agenda change request is not intended to address proposals that could have been submitted by the deadline scheduled for submitting proposals;

(2) the board will accept an agenda change request only

(A) [FOR A CONSERVATION PURPOSE OR REASON;] **repealed;**

(B) to correct an error in a regulation; [OR]

(C) to correct an effect of a regulation that was unforeseen when a regulation was adopted; **or**

(D) if the request identifies a biological concern for the population or a threat to meeting objectives for the population;

(E) if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional fish and wildlife uses, as defined in AS 16.05.258(f);or

(F) if the request identifies 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;

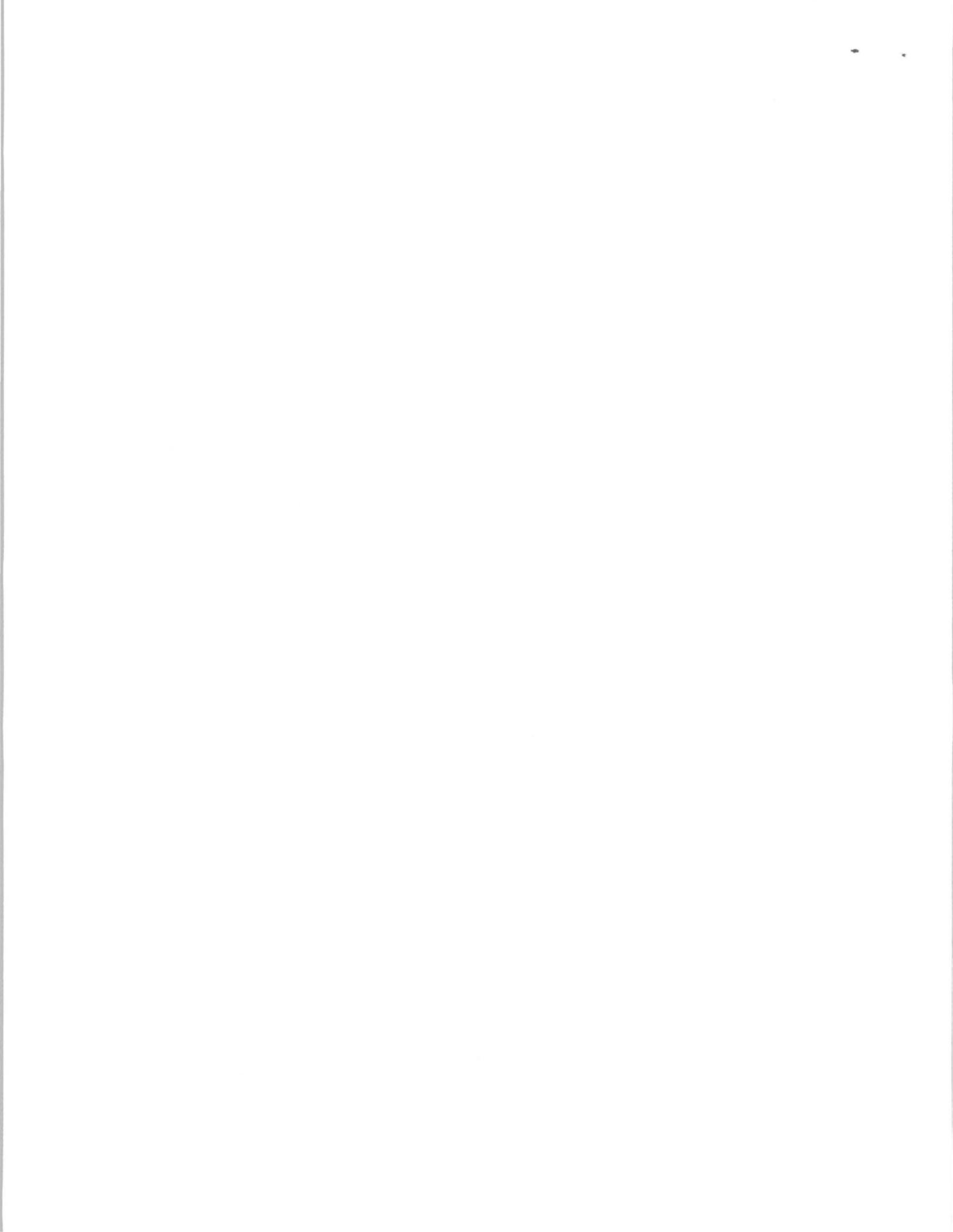
(3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(4) a request must be received by the executive director of the boards support section [AT LEAST 60 DAYS BEFORE THE FIRST REGULARLY SCHEDULED MEETING] by November 1st of that year;

(5) if one or more agenda change requests have been timely submitted, the board shall meet to review the requests within 30 days following the submittal deadline in subsection (4), and may meet telephonically for this purpose;[.]

(6) when considering an agenda change request, the board should take into consideration 5 AAC 96.625(d) and 5 AAC 96.625(e);

(7) if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations.



Draft proposed regulatory language

Submitted by DWC/ADF&G

RC 67

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.

For reference:

5 AAC 96.625. Joint board petition policy.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or subsistence fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

