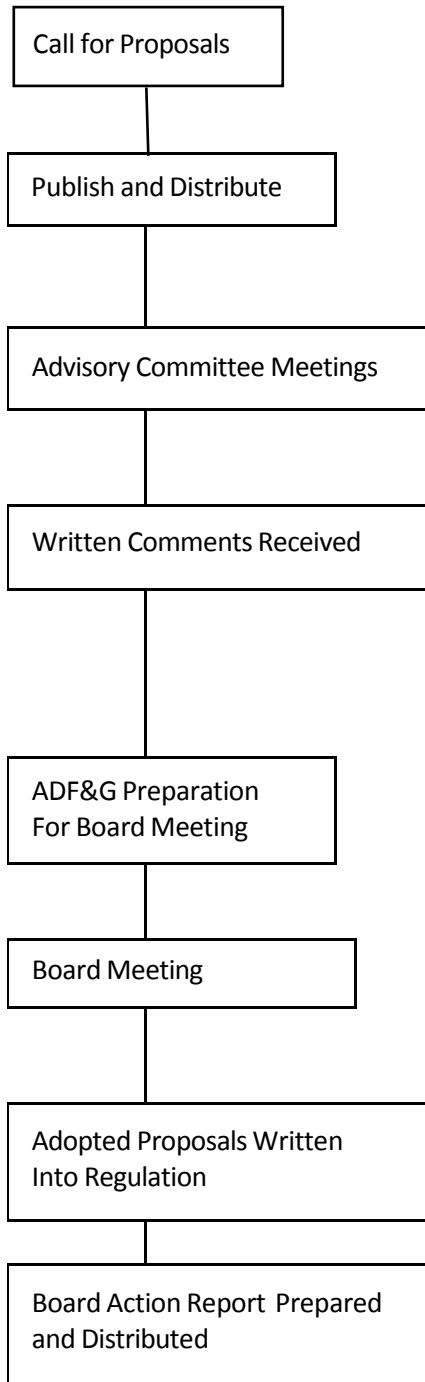


Boards Regulatory Process

The regulatory year begins on July 1. Game regulations adopted during the yearly board cycle normally become effective on the July 1 following the board meeting. Fishing regulations typically go into effect 90-120 days following a board meeting with an emphasis on finalizing the regulations before impacted fisheries begin. Both boards have standing delegations of authority to the commissioner to accommodate emergency situations.



Each year, the boards issue a call for proposals describing regulations the board is considering for changes. There is a hard deadline for submissions.

After the proposals deadline, Boards Support staff consolidate, type, print and distribute the proposals for each board. The proposals are published in books and online and distributed statewide for comment.

Advisory committees meet to review proposals. The committees provide a forum for local area comment.

Prior to a board meeting, a comment deadline is published. Comments received from advisory committees and the general public are compiled and recorded in the board members' meeting workbooks and online. Additional comments received after the comment deadline are provided to board members at the relevant meeting.

At the same time Boards staff is preparing for the board meetings, divisions of ADF&G are compiling reports on the fish or game subjects for discussion by the boards.

At the board meeting, the board hears reports from ADF&G staff and public comment. Staff provide biological and socioeconomic data which, in combination with public comment, form the basis for the board's decisions.

After the board meeting, adopted proposals are written into proper legal format and submitted to the lieutenant governor for filing. After filing the adopted proposals become official state regulations.

At the conclusion of each meeting a report is compiled which outlines the board's actions on each proposal.

Joint Board Process

The Board of Fisheries and the Board of Game meet jointly as the Joint Board of Fisheries and Game (Joint Board) to address issues common to both boards such as subsistence areas, regulations governing advisory committees, and for the commissioner nomination process. Meetings of the Joint Board are scheduled on an as-needed basis. Actions taken by the Joint Board require a majority of each of two boards.

The Joint Board sets the regulations for advisory committee guidelines. These include the establishment of advisory committees, setting the number of seats by community if more than one community is represented on the committee, and setting the guidelines for uniform rules of operation. The composition of advisory committees can be changed by the Joint Board after it receives a proposal and meets to act on the proposal.

The Joint Board's authority is provided under Alaska Statute 16.05.315. The regulations the Joint Board has authority over are 5 AAC Chapter 96 which includes the local fish and game advisory committee system and the boards' process for adopting fish and game regulations, 5 AAC Chapter 97 dealing with advisory committee closures, 5 AAC Chapter 97 dealing with advisory committee closures, and 5 AAC Chapter 99 regarding subsistence uses.

Agenda Change Requests (ACRs)

ACRs are requests to consider proposals that are not part of the current cycle. Each board has its own ACR policy and form. Full versions of ACR policies and ACR forms can be found on the Boards website or by contacting Boards Support.

Per the Board of Fisheries ACR policy (5 AAC 39.999), the ACR deadline is 60 days prior to the first day of the Work Session. The board will accept an ACR only

- for a fishery conservation purpose or reason;
- to correct an error in a regulation; or
- to correct an effect on a fishery that was unforeseen when a regulation was adopted.

Per the Board of Game ACR policy (5 AAC 92.005), the ACR deadline is November 1. The board will accept an ACR only

- to correct an effect of a regulation that was unforeseen when a regulation was adopted; or
- if the request identifies a biological concern for the population or a threat to meeting objectives for the population;
- if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f); or
- 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.

Please note: The Board of Game adopted a proposal to change the ACR policy during their November 2017 meeting; these changes went into effect July 1, 2018.

According to the policies, the boards may also change their schedule for consideration of proposed

regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies and programs.

Emergency Petitions

The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the regular process. Submitted emergency petitions must outline the justification for 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. If a board finds an emergency as indicated in the petition, it may then enact regulations to remedy the emergency. Both boards have delegated authority to the Commissioner of the Department of Fish and Game to address petitions that are received outside 30 days of a regular board meeting. When petitions are received within 30 days of a regular meeting, the boards will consider the petition at that meeting.

The Joint Board Petition Policy (5 AAC 96.625) can be found on the Boards website.

Subsistence Proposals

Certain types of subsistence proposals may be accepted out-of-cycle in either board's regular proposal process. If a subsistence proposal is received timely in the proposal process, 5 AAC 96.615 allows the proposal's acceptance if the proposal seeks to identify a new species for a customary and traditional use finding, or the circumstances of the proposal require expedited consideration by the board.

Petition Policy for Bering Sea and Aleutian Islands king or Tanner crab

A final method for introducing regulatory change for the Board of Fisheries relates to Bering Sea king and tanner crab fisheries. Alaska fisheries that occur beyond three miles from the shore are managed by the federal government with the exception of crab fisheries. Alaska's experience managing these fisheries pre-dated federal fisheries management. Federal managers delegated authority of management to the State of Alaska under federal fisheries management plans (federal FMPs). While the state maintains management of the fisheries, it must do so while complying with features in the federal FMPs. If something changes in the federal FMP, the state must change its management to be in compliance. 5 AAC 39.998 provides guidance for allowing this compliance correction to go forward. They are rarely seen.