



Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526



THE ALASKA JOINT BOARD OF FISHERIES AND GAME

**2023/2024 Proposed Changes to Regulations
for Local Fish and Game Advisory Committees,
Board Process for Developing Regulations,
and Nonsubsistence Areas**





REVIEWER LETTER

PLEASE READ CAREFULLY

September 2023

The Joint Board of Fisheries and Game will consider the attached book of regulatory proposals at its meeting scheduled for **March 25-28, 2024** in Anchorage, Alaska. The proposals concern changes to the state's local fish and game advisory committees, the process for adopting regulations, and a nonsubsistence area. Proposals were submitted timely by members of the public, organizations, advisory committees, the Alaska Department of Fish and Game (ADF&G), and other agencies. With the exception of minor edits and clarifications, the proposals are published essentially as they were received with the insertion of the appropriate Alaska Administrative Code citation and a brief description of the action requested.

Proposals. Proposals are often presented as brief statements summarizing intended regulation changes. Proposed changes are also often written in accordance with the Department of Law's drafting standards: additions are **bolded and underlined** while deletions are [BRACKETED AND CAPITALIZED].

Readers are encouraged to view all proposals in this book. The proposals are grouped by topic (see the Proposal Index) and are not in roadmap order for the meeting. The Joint Board chair will generate a roadmap setting the order for deliberations on proposals prior to the meeting. The roadmap may be changed up to and during the meeting.

Public comment requested. The boards rely on written comments and oral testimony. Public comment, in combination with advisory committee recommendations and ADF&G staff presentations, provide the board with useful information for the decision-making process. Written comments become public documents and can be submitted to the board by the following methods:

Submit your comments.

Online	www.jointboards.adfg.alaska.gov
Fax	(907) 465-6094
Mail	P.O. Box 115526 Juneau, AK 99811-5526

More about public comments. Comments received by the March 11, 2024 deadline will be included in the board member workbooks and posted on the Joint Board meeting information website in advance of the meeting. Requirements include:

- Received by mail, fax, in office, or through the Boards Support website.
- 100 single-sided pages or less from any one individual or group
- Comments must fit on 8½” x 11” paper with adequate margins for three-hole punching.
- Web links to external documents or multimedia are not accepted.
- Include the author’s name and community of residence.
- For charts or graphs, reference the source.

Record copies. Once the meeting begins, comments will be accepted as “record copies” via online portal, by hand delivery at the meeting, or via fax to (907) 465-6094. Comments submitted during the meeting are limited to ten single-sided or five double-sided pages in length from any one individual or group.

Oral testimony. The Joint Board welcomes oral testimony during the meeting. The oral hearing will begin on the first day of the meeting and will continue until everyone who has signed up by the announced deadline and is present when called has been given the opportunity to be heard. The time allowed for individual and advisory committee testimony will be announced prior the meeting. Anyone interested in or affected by the subject matter contained in these proposals should make written or oral comments if they wish to have their views considered by the board.

Tips for comments.

- Clearly state the proposal number you wish to discuss and if you support or oppose the proposal. If the comments support a modification in the proposal, indicate “support as amended” with the preferred amendment in writing.
- Commenting on more than one proposal. If making comments on more than one proposal, simply list the next proposal number followed by your comments. There is no need for separate pages or to submit multiple comments.
- Briefly explain why you support or oppose the proposal to help the board members understand the pros and cons of each issue. Board actions are based on a complete review of the facts involved, not the sum of total comments for or against a proposal.
- Keep comments brief and clear. Clearly stating proposal numbers and one’s position with supporting rationale will assist board members.
- Follow the requirements. Pages in excess of the page limit and comments not in the proper format will be discarded. Testimony greater than the allotted time will be cut short.
- As a practical matter, comments submitted after the board begins deliberations are likely to receive less consideration than comments submitted earlier.
- If handwriting comments, write clearly, use dark ink and write legibly. Comments will be scanned and photocopied so please use 8 1/2" x 11" paper and leave reasonable margins.
- If using acronyms, please state what the acronym stands for.
- Be polite. Inflammatory material may be excluded and public testimony may be cut short.

Advisory committees. Advisory committees written recommendations should be submitted using a template provided by Boards Support. Recommendations should note the number of committee members in attendance as well as other stakeholders in attendance during meetings. Advisory

committee recommendations must be developed at a meeting where the conditions of the Open Meetings Act (AS 44.62.310) were met, including adequate public notice and a quorum of members. Proposal recommendations should reflect why the AC voted as it did. A brief description consisting of a couple sentences is sufficient. When providing public testimony, provide commentary and explain the committee's current discussion. Expressing minority opinions is helpful. During public testimony, avoid reading proposal decisions into the record your written comments should cover this sort of summary. For additional information on providing public comment, refer to the Advisory Committee Manual.

Special notes. Persons with a disability needing special accommodations in order to comment on the proposed regulations should contact the Boards Support Section at (907) 465-4110 no later than two weeks prior to the scheduled meeting to make any necessary arrangements.

Thank you for taking an active role in Alaska's fish and game regulatory and advisory committee process.

Sincerely,



Kristy Tibbles, Executive Director
Board of Game



Art Nelson, Executive Director
Board of Fisheries

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Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.boards.adfg.alaska.gov

ALASKA JOINT BOARD OF FISHERIES AND GAME
Tentative Meeting Schedule

Meeting Dates	Topic	Location	Comment Deadline
March 25-28, 2024 (4 days)	Joint Board Meeting	Anchorage Egan Civic and Convention Center	March 11, 2024



Alaska Board of Game

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

www.boardofgame.adfg.alaska.gov

**ALASKA BOARD OF GAME
MEMBER LIST
August 2023**

NAME	TERM EXPIRES
Jerry Burnett, Chair	6/30/2024
Stosh (Stanley) Hoffman, Vice Chair	6/30/2026
Al Barrette	6/30/2025
Jake Fletcher	6/30/2026
James Cooney	6/30/2024
Ruth Cusack	6/30/2025
Dave Lorring	6/30/2026

Alaska Board of Game members may be reached through:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526, Juneau, AK 99811-5526

(907) 465-4110 PHONE

(907) 465-6094 FAX

www.boardofgame.adfg.alaska.gov

Kristy Tibbles, Executive Director, Alaska Board of Game

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Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

www.boardoffisheries.adfg.alaska.gov

ALASKA BOARD OF FISHERIES

Member List

August 2023

NAME	TERM EXPIRES
Märit Carlson-Van Dort, Chair	6/30/2024
Thomas Carpenter	6/30/2025
Mike Wood	6/30/2026
Gerad Godfrey	6/30/2026
Stan Zuray	6/30/2025
John Wood	6/30/2024
Greg Svendsen	6/30/2026

Alaska Board of Fisheries members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110 PHONE

(907) 465-6094 FAX

www.boardoffisheries.adfg.alaska.gov

Art Nelson, Executive Director, Alaska Board of Fisheries

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Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.boards.adfg.alaska.gov

BOARDS SUPPORT SECTION STAFF LIST

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Vacant, Pub. Specialist 2

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Georgianna Phillips
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Southeast Region (South of Frederick Sound)
Vacant, Contact 907-465-4110

Southeast Region (North of Frederick Sound)
Annie Bartholomew (see above contact info)

www.adfg.alaska.gov/index.cfm?adfg=process.regcoordinators

Advisory Committees by Region

Advisory committees are local groups that meet to discuss fish and wildlife issues, provide a local forum for those issues, and make recommendations to the Alaska boards of fisheries and game. There are 84 advisory committees throughout six regions of the state, each with expertise in a particular local area. View AC web pages at www.advisory.adfg.alaska.gov.

Arctic Region

Kotzebue Sound
 Lower Kobuk
 Noatak/Kivalina
 Northern Norton Sound
 Northern Seward Peninsula
 North Slope
 St Lawrence Island
 Southern Norton Sound
 Upper Kobuk

Southcentral Region

Anchorage
 Central Peninsula
 Cooper Landing
 Copper Basin
 Copper River/Prince William Sound
 Denali
 Homer
 Kenai/Soldotna
 Matanuska Valley
 Mt. Yenlo
 Paxson
 Prince William Sound/Valdez
 Seldovia
 Seward
 Susitna Valley
 Tok Cutoff/Nabesna Road
 Tyonek
 Whittier

Southwest Region

Chignik
 False Pass
 King Cove
 Kodiak
 Lake Iliamna
 Lower Bristol Bay
 Naknek/Kvichak
 Nelson Lagoon
 Nushagak
 Sand Point
 Togiak
 Unalaska/Dutch Harbor

1. Southeast
2. Southcentral
3. Southwest
4. Western
5. Arctic
6. Interior



Southeast Region

North Frederick Sound

Angoon
 Elfin Cove
 Icy Straits
 Juneau-Douglas
 Kake
 Klukwan
 Pelican
 Sitka
 Tenakee Springs
 Upper Lynn Canal
 Yakutat

South Frederick Sound

Craig
 East Prince of Wales Island
 Edna Bay
 Hydaburg
 Hyder
 Ketchikan
 Klawock
 Petersburg
 Port Alexander
 Saxman
 Sumner Strait
 Wrangell

Interior Region

Central
 Delta
 Eagle
 Fairbanks
 Grayling, Anvik, Shageluk and Holy Cross (GASH)
 Koyukuk River
 Lake Minchumina
 McGrath
 Middle Nenana River
 Middle Yukon
 Minto/Nenana
 Ruby
 Stony/Holitna
 Tanana/Rampart/Manley
 Upper Tanana/Fortymile
 Yukon Flats

Western Region

Bethel
 Central Bering Sea
 Central Kuskokwim
 Coastal Lower Yukon
 Lower Kuskokwim
 Mid-Lower Yukon

DRAFT NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF THE
ALASKA JOINT BOARD OF FISHERIES AND GAME

The Alaska Board of Fisheries and the Alaska Board of Game (collectively the Joint Board) will consider proposed regulation changes in Title 5 of the Alaska Administrative Code, dealing with local fish and game advisory committees (ACs), adoption of fish and game regulations, and subsistence uses including the following:

FUNCTION AND UNIFORM RULES OF OPERATION OF LOCAL FISH AND GAME ADVISORY COMMITTEES, including notice requirements and public accessibility for meetings; procedures for elections; designation of seats for specific user groups; officer duties; terms of members, alternates, and officers; and processes for addressing unjustifiable absences, appointing alternates; declaring vacancies, and filling expired seats.

ADMINISTRATION OF LOCAL FISH AND GAME ADVISORY COMMITTEES, including board action to dissolve inactive advisory committees in the Southeast Region.

PROCEDURES FOR DEVELOPING FISH AND GAME REGULATIONS including procedures for board generated proposals and amendments.

NONSUBSISTENCE AREAS, including the boundaries for the Fairbanks Nonsubsistence Area.

In addition to the topics described above, the Joint Board may also address other nonregulatory topics such as letters, findings, and policies. Nonregulatory items are typically addressed at the end of the meeting under miscellaneous business, but action may occur earlier in the meeting.

The proposed changes are available on the Joint Board meeting information website at <http://www.adfg.alaska.gov/index.cfm?adfg=process.jbmeetinginfo&date=03-25-2024&meeting=anchorage> or by contacting the ADF&G Boards Support Section Office at (907) 465-4110. Additional meeting information such as the roadmap, agency reports, and advisory committee and public comments will be added to the website as they become available.

Anyone interested in or affected by the subject matter contained in this legal notice should provide written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages.

Written comment can be submitted online at www.jointboards.adfg.alaska.gov. Written comments can be uploaded as a file (.doc or .pdf) or entered manually into the website. Written comments are not accepted via email. Additionally, comments will be accepted by mail to: ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094. Written comments received by Boards Support by the deadline of March 11, 2024, will be included in the board meeting workbook, and made available for viewing prior to the start of the meeting.

Once the meetings begin, comments will be accepted online as record copies, by hand delivery at the meeting, or via fax to (907) 465-6094. Comments submitted during the meeting are limited to ten single-sided or five double-sided pages in length from any one individual or group.

As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

The public hearing portion of the meeting will begin following staff reports and continue until everyone who has signed up and is present has been given the opportunity to be heard. A list will be posted daily during the meeting. The Joint Board will take oral testimony only from those who register before the cut-off time announced by the board chair at the meeting. The length of oral statements may be limited to five minutes or less for private persons and 15 minutes or less for fish and game advisory committee and federal regional advisory council representatives.

TENTATIVE MEETING SCHEDULE

Alaska Joint Board of Fisheries and Game

March 25- 28, 2024

Egan Civic and Convention Center

555 W. Fifth Avenue

Anchorage, Alaska

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media and on the Joint Boards website at www.adfg.alaska.gov/index.cfm?adfg=process.jointboard or call (907) 465-4110.

Anyone interested in or affected by the subject matter included in this notice, including advisory committee composition, membership qualifications, rules of operation, areas of jurisdiction, or procedures for adoption of fish and game regulations, is hereby informed that, by publishing this legal notice the Joint Board may consider any or all of the subject areas covered by this notice. **THE JOINT BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF ACTUAL PROPOSALS SUBMITTED BY THE PUBLIC OR DEPARTMENT STAFF.** Pursuant to AS 44.62.200, the Joint Board may review the full range of activities appropriate to any of the subjects listed in this notice.

If you are a person with a disability needing special accommodations in order to participate in this process, please contact Boards Support at (907) 465-4110 no later than ten days before the accommodation is needed to ensure that any necessary accommodations can be provided.

After reviewing written public comments and considering oral public comments, the Joint Board may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, defer or decide to take no action on the proposed regulation changes. The language of the final regulations may be different from the proposed regulations. **YOU ARE**

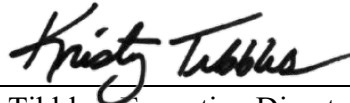
ENCOURAGED TO SUBMIT WRITTEN COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 16.05.251; AS 16.05.255; as 16.05.258; AS 16.05.260

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.251; AS 16.05.255; AS 16.05.260' AS 16.05.260

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 9/7/23



Kristy Tibbles, Executive Director
Alaska Board of Game

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Advisory Committees – Uniform Rules of Operation

PROPOSAL 1

5 AAC 96.060. Uniform rules of operation.

Require one-month public notice for advisory committee election meetings and 14 days-notice for regular meetings as follows:

Elections

“All elections for AC membership shall be noticed to the public at least 1 month ahead of time and posted weekly for the 4 weeks prior to the election.”

And under **Meetings**, change the ‘7-day notice’ to a ‘14-day notice’ prior to meetings.

What is the issue you would like the board to address and why? Public notice of upcoming meetings and elections to be more frequent and posted in more places for increased transparency and increased community information. More lead time for elections and advance announcements for meetings will allow better time management to increase public attendance, time for researching agenda items and/or decision making on becoming part of the AC and community involvement.

PROPOSED BY: Lorraine Temple

(EJ-F23-684)

PROPOSAL 2

5 AAC 96.060. Uniform rules of operation.

Require all advisory committee meetings be accessible via call-in option as follows:

Add “All AC meetings (including subcommittee meetings) must have a listener call-in option posted with the meeting announcement.

What is the issue you would like the board to address and why? For easier community involvement, have a listener call-in option posted with the meeting announcement. Some people either don’t use zoom or don’t have access to a computer all the time; they would prefer to use a call-in option.

PROPOSED BY: Lorraine Temple

(EJ-F23-687)

PROPOSAL 3

5 AAC 96.060. Uniform rules of operation.

Reduce the terms for advisory committee officers from two years to one as follows:

5 AAC 96.060(i) is amended to read:

...

(i) Officers. The officers of a committee consist of a chair, a vice-chair, and secretary/**recorder**. The term of office for officers is **one year** [TWO YEARS] starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. Officers are elected by a majority vote of a quorum of a committee.

What is the issue you would like the board to address and why? Current regulation sets the term for advisory committee officers at two years. A one-year term would require advisory committees to elect new officers every year upon new member elections. This may reduce complexity in tracking officer terms, and would consistently afford newly elected members a voice in selecting committee leadership.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-005)

PROPOSAL 4

5 AAC 96.060. Uniform rules of operation.

Clarify the responsibilities for advisory committee chairs as follows:

5 AAC 96.060(j) is amended to read:

...

(j) Chair. The chair is the presiding officer [.] **and is responsible for setting meeting dates, establishing agendas, and ensuring that preliminary recommendations and actions of the committee are recorded in writing and submitted to boards support section in the manner specified by boards support.**

What is the issue you would like the board to address and why? Advisory committees (AC) require an active chairperson(s) and secretary/recorder to effectively participate in the regulatory process. In the event the secretary/recorder position is unfilled, absent from an AC meeting, or unable to perform the duties, it remains the chair’s responsibility to ensure the recommendations and other actions of the AC (i.e. meeting minutes) are recorded and submitted to Boards Support Section staff. This proposal seeks to codify the chair’s responsibilities outlined in the Alaska Department of Fish and Game Advisory Committee Manual 4th Edition. Ensuring that meeting minutes are recorded, usually by the committee’s secretary/recorder, and submitted to the Boards Support Section in a timely manner is a critical component of effective AC participation in the regulatory process.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-007)

PROPOSAL 5

5 AAC 96.060. Uniform rules of operation.

Clarify the responsibilities for the officer position of secretary/recorder as follows:

5 AAC 96.060(i) is amended to read:

...

(i) **Officers.** The officers of a committee consist of a chair, a vice-chair, and a secretary /recorder. The term of office for officers is two years starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. Officers are elected by a majority vote of a quorum of a committee.

...

5 AAC 96.060(l) is amended to read:

(l) secretary/recorder. The secretary/recorder is essential for ensuring the actions by the advisory committee are accurately recorded in writing. The secretary/recorder may be, but need not be, a member of the committee. The secretary/recorder shall carry out the usual duties associated with the office including maintaining records of the meeting in accordance with 5 AAC 96.060(s). If the secretary/recorder is not a committee member, the secretary/recorder has no vote on committee business other than nominations for committee membership.

What is the issue you would like the board to address and why? This proposal emphasizes the important responsibility for the officer position of secretary/recorder and offers the alternative title of “recorder” which is consistent with the current Advisory Committee Manual. Boards Support has been transitioning to the term “recorder” to quell any misconception that women should fill the role of secretary.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-008)

PROPOSAL 6

5 AAC 96.060. Uniform rules of operation.

Allow advisory committees with community designated seats to appoint alternates for those communities as follows:

Amend 5 AAC 96.060(g)(7) to read:

Each advisory committee may appoint two undesigned alternates. In addition, advisory committees with community designated seats may appoint an alternate for each community represented on the committee. [ANY MEMBER OF AN ADVISORY COMMITTEE WHO IS THE SOLE REPRESENTATIVE FROM A COMMUNITY MAY ALSO APPOINT AN ALTERNATE.] Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. If an advisory committee appoints an alternate from the remaining nominees from an election, the alternate may fill a vacancy on the advisory committee throughout the year.

What is the issue you would like the board to address and why? Currently the Minto/Nenana Advisory Committee and most advisory committees in the state are only allowed to appoint two alternates. It is important for communities to be able involve younger generations in the public decision-making process, and alternates are a good entry point for new members to get involved with advisory committees. If advisory committees that represent multiple communities were allowed to appoint additional alternates for each community with designated seats, it would also improve the committee's ability to reliably reach a quorum.

PROPOSED BY: Minto/Nenana Fish and Game Advisory Committee (EJ-F23-678)

PROPOSAL 7

5 AAC 96.060. Uniform rules of operation.

Clarify the process for appointing advisory committee alternates, allow alternates for communities having more than one designated seat, and establish one year term limits for alternates as follows:

5 AAC 96.060(g)(7) is amended to read:

(7) Alternates.

(A) Each advisory committee may appoint two undesigned alternates. [HOWEVER, ANY MEMBER OF AN ADVISORY COMMITTEE WHO IS THE SOLE REPRESENTATIVE FROM A COMMUNITY MAY ALSO APPOINT AN ALTERNATE.] An undesigned alternate may act as a member of the advisory committee in place of any member who is absent from a meeting. If an advisory committee appoints an undesigned alternate from the remaining nominees from an election, the alternate may [FILL A VACANCY] serve on the advisory committee throughout the year to fill a vacancy;

(B) Advisory committees with community-designated seats identified in 5 AAC 96.021(c) may appoint an alternate for each community represented, to be appointed by a majority of the elected members representing that community, the member who is the sole representative of the community, or by the chair when elected members representing the community are unable to appoint an alternate. A community-designated alternate may act as a member of the advisory committee when an elected member representing that community is absent from the meeting. If a community-designated alternate is appointed by a majority of the elected members representing that community or the sole representative of a community, the alternate may serve on that advisory committee throughout the year to fill a vacancy;

(C) All alternates [EACH ALTERNATE] must meet the qualifications under this chapter. Alternates are not elected under (1)-(6) of this paragraph. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. The term for an undesigned or community-designated alternate is not to exceed a 12 month period and the term ends on June 30.

What is the issue you would like the board to address and why? The composition of designated and undesignated seats varies across advisory committees as do the difficulties encountered in ensuring community representation and achieving quorum.

Current regulation allows each AC to appoint two alternates, and a sole representative of a community to appoint an alternate. Also, terms for alternates are not specified. This proposal provides a process for appointing alternates to represent communities having more than one designated seat and establishes one-year terms for alternates, ending on June 30.

Additionally, 5 AAC 96.060(g)(7) currently allows an alternate to fill a vacancy if the alternate was appointed from the remaining nominees following an election. It does not specify whether an alternate selected for a sole community-designated seat may fill a vacancy for the community-designated seat they were appointed to represent. This proposal clarifies that an alternate for a community designated seat can fill a vacancy for that designated seat, if appointed by the majority of the seated members representing that community of the sole-representative for that community.

This proposal provides options for the Joint Board to consider, to allow the appointment of additional alternates for communities which may assist ACs that have difficulty making quorum due to absences and/or vacancies and to facilitate community representation at AC meetings.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-004)

PROPOSAL 8

5 AAC 96.060. Uniform rules of operation.

Allow advisory committees the discretion to set membership term dates as follows:

5 AAC 96.060(f) Terms of Membership: each committee shall establish the terms of the committees' members so that not more than 1/3 of the committee members terms expire calendar year. TERMS COMMENCE AT A DATE AT THE DISCRETION OF THE COMMITTEE of the year designated or, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting the maximum length of a term is 3 years.

What is the issue you would like the board to address and why? We would like advisory committees (ACs) to have the flexibility and discretion to elect members and commence term appointments when it is the most efficient and practical for each committee. Many ACs adjourn for the summer and reconvene in the fall to begin discussing proposals in the current board cycle. Elections occurring in winter, with terms commencing in summer, disrupts the exchange of ideas and results in lost time when new members must be brought up to date on work ongoing since fall.

PROPOSED BY: Homer Fish and Game Advisory Committee (EJ-F23-681)

PROPOSAL 9

5 AAC 96.060. Uniform rules of operation.

Limit the number of consecutive terms advisory committee members can serve as follows:

Elections

Add “An AC member may sit for two consecutive terms then take one year off before being considered for re-election.”

What is the issue you would like the board to address and why? Multiple term members seem to have pursued personal agendas as opposed to what community desires reflect. Keeping a fresh advisory committee with a broader scope of interests can help meet the necessity of evolving community land usages and circle back to the equitability of the Alaska Constitution.

PROPOSED BY: Lorraine Temple (EJ-F23-686)

PROPOSAL 10

5 AAC 96.060. Uniform rules of operation.

Designate one seat on each advisory committee for non-consumptive representation as follows:

Under Uniform Rules of Operation:

(In addition to the existing verbiage regarding **membership** representation add the following)...

“One seat be designated for a non-consumptive member of the community with residence in which the AC is located. **The AC is to be representative of community members’ input and desires.**”

What is the issue you would like the board to address and why? Having more diverse, equitable representation of all user groups on advisory committee (AC) boards.

In Article I-Declaration of Rights of the Alaska Constitution, it states, “*that all persons are equal and entitles to equal rights, opportunities, and protection under the law.*” The current AC in Cooper Landing is 100% consumptive users and the same members have been on the AC for up to 20 years. This has resulted in one-sided decision making with little regard for community input and it has not been equitable. A more diverse constituency would foster a healthier regulatory process that would more accurately reflect the land usage and wildlife management needs as they exist today.

PROPOSED BY: Lorraine Temple (EJ-F23-682)

PROPOSAL 11

5 AAC 96.060. Uniform rules of operation.

Designate non-consumptive user seats for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley advisory committees as follows:

(e) Membership.

(1) Each committee must have at least five but not more than 15 members. The joint board may limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee, **including non-consumptive users of game for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley committees**, and to the extent practicable for other committees throughout the State. In addition to ensure full representation on committees, the joint board may assign a seat on a committee to represent a specific community. **For purposes of this provision, non-consumptive users of game means persons who have not hunted or trapped in the State of Alaska for at least five years.**

What is the issue you would like the board to address and why? Seats on advisory committees should be reserved for non-consumptive users of game. The Alaska Constitution provides for the beneficial use of game by all Alaskans, but hunters and trappers have succeeded in excluding non-hunters and non-trappers from most advisory committees, including the large advisory committees of Anchorage, Matanuska Valley and Fairbanks by winner-take all, voting. The exclusion of non-consumptive users from most advisory committees most of the time is unconstitutional, and violates the statute establishing advisory committees.

PROPOSED BY: Kneeland Taylor

(HQ-F23-002)

PROPOSAL 12

5 AAC 96.060. Uniform rules of operation.

Clarify the provision that advisory committees may not reject a nomination for an undesignated seat when membership is less than the number of members authorized, as follows:

5 AAC 96.060(g)(2) is amended to read:...

(g)(2) Nomination. The committee may set a time period during which the committee will accept nominations and shall give adequate public notice of the time before accepting nominations. Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat [UNDER 5 AAC 96.021(c)] if committee membership is less than the number of members authorized by the joint board.

What is the issue you would like the board to address and why? In the AC election rules there is a provision that says a committee may not refuse nominations for specific undesignated seats when there are available seats. This prevents an interested and qualified person from being barred from service for arbitrary reasons.

This proposal supports this intent but clarifies the provision applies to all “undesigned seats” including single community ACs that are not specified under 96.021(c).

This topic was modified by the Joint Board in 2019 and was intended to exclude Joint Board community-designated seats under 96.021(c). At that time, the department comments to the Joint Board erred by recommending an amendment to the proposal to apply the provision only to undesigned seats under 5 AAC 96.021(c), which inadvertently excluded all other undesigned seats for ACs. Prior to the regulation change in 2019, the provision applied to all AC seats including undesigned and community-designated seats. This proposal makes it clear that ACs may not refuse nominations for all undesigned and single-community seats, and not community-designated seats.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-006)

PROPOSAL 13

5 AAC 96.060. Uniform rules of operation.

Clarify the process for declaring vacancies and filling expired seats as follows:

5 AAC 96.060 (f) and (g) are amended to read:

(f) **Terms of Members.** Each committee shall establish terms of the committee's members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on July 1 and expire on June 30 of the year designated or, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting[.] **, or for community designated seats under 96.021(c), at an election within 12 months following the expiration of the term.** The maximum length of a term is three years.

(g) Election Procedures.

(1) **Vacancy.** A committee shall give at least 14 days public notice of a meeting for an election to fill [A VACANCY] **vacant and expired seats. An election for a community designated seat under 96.021(c) shall also have 14 days public notice.** The member elected to fill a vacant seat serves the remainder of the vacant seat’s term. A chair **or boards support section when the chair is unable, shall** [MAY] declare a vacancy when [A MEMBER'S TERM, IS SET TO EXPIRE OR HAS EXPIRED] any of the following occurs:

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

(B) **any** member’s absence from three consecutive regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; [OR]

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

(D) a member’s term is set to expire or has expired; or

(E) for community designated seats under 96.021(c), if an election has not occurred 12 months following the expiration of the term.

What is the issue you would like the board to address and why? Current regulation allows AC members to continue serving until a successor can be duly elected at the next committee meeting. Boards Support Section has interpreted this regulation so that a member with an expired term can continue to serve until the next AC meeting at which an election can be held, or in the case of community designated seats under 96.021(c), whenever a community with an expired seat can hold an election. This practice has resulted in some AC members continuing to serve several years after a term has expired. The regulations also allow a chair to declare a vacancy for expired seats, however, some AC chairs prefer not to do so for community designated seats.

This proposal suggests a time limitation of one year after a community designated seat expires, for communities to hold elections to fill expired seats. Once that one-year time period has passed, the new regulation clarifies the chair, or the Boards Support Section shall declare the seat vacant. Adding Boards Support Section to the vacancy procedures is proposed because there are occasions when the chair is unable to declare a vacancy.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-010)

PROPOSAL 14

5 AAC 96.060. Uniform rules of operation.

Adopt an absence policy allowing advisory committees to remove members who miss more than 50% of meetings without reasonable justification as follows:

Under Uniform Rules of Operation: Membership

Add Absence Policy: “If an AC member misses more than 50% of meetings in the calendar year without reasonable justification, their position is terminated and either the alternate takes the seat for the remainder of the term or a replacement can be elected.”

What is the issue you would like the board to address and why? Lack and inconsistent attendance by some advisory committee members leave valuable seats unavailable that could be filled with individuals eager to participate and be actively involved.

PROPOSED BY: Lorraine Temple (EJ-F23-683)

Administration of Advisory Committees

PROPOSAL 15

5 AAC 96.440. Board assistance.

Allow advisory committees to provide additional recommendations as follows.

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. **[Add language: Board will allow committees to provide additional recommendations on subjects or issues identified by the board.]**

What is the issue you would like the board to address and why? 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.

PROPOSED BY: Alissa Nadine Rogers

(EJ-F23-688)

PROPOSAL 16

5 AAC 96.021. Establishment of advisory committees.

5 AAC 97.005. Areas of jurisdiction for advisory committees

Dissolve seven advisory committees in the Southeast Region due to inactive status as follows:

5 AAC 96.021(a) is amended to read:

Establishment of advisory committees. (a) The following advisory committees are established:

(1) in the Southeast Alaska Region: Angoon, Craig, East Prince of Wales, Edna Bay, [ELFIN COVE,] Juneau-Douglas, [HYDABURG, HYDER,] Icy Straits, Kake, Ketchikan, Klawock, [KLUKWAN,] Pelican, Petersburg, Port Alexander, [SAXMAN,] Sitka, [SUMNER STRAIT, TENAKEE,] Upper Lynn Canal, Wrangell, Yakutat;

5 AAC 96.021(c)(1) is amended to read:

...

(1) in the Southeast Alaska Region:

...

[(D) SAXMAN (9) MEMBERS

SAXMAN	2	REPRESENTATIVES
UNDESIGNATED	13	REPRESENTATIVES]

...

5 AAC 97.005. Areas of jurisdiction for advisory committees.

5 AAC 97.005(1)(A)(ii) is amended to read:

(1) finfish

(A) Southeastern Alaska Area

...

(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,] Port Alexander Advisory Committee, and East Prince of Wales Advisory Committee;

5 AAC 97.005(2)(A)(ii) is amended to read:

(2) shellfish

(A) Southeastern Alaska-Yakutat Area

...

(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, Port Alexander Advisory Committee, and East Prince of Wales Advisory Committee;

5 AAC 97.005(3)(A)(i) - (v)(ii) is amended to read:

(3) game

(A) Southeastern Alaska

(i) in Game Management Unit 1(A) 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 1(B) 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 1(C) 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 1(D) 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,] East Prince of Wales Advisory Committee, and Port Alexander Advisory Committee have concurrent jurisdiction;

What is the issue you would like the board to address and why? 5 AAC 96.450 states the Joint Board may dissolve a committee if the committee has been dormant for two years and fails to respond to Boards Support Section inquiries about the committee’s desire to remain in existence.

This proposal asks the Joint /board to dissolve several ACs from the Southeast Region that have been dormant since 2013 and have failed to respond to inquiries sent by Boards Support Section.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-009)

Board Process for Developing Regulations

PROPOSAL 17

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

Establish a process in regulation for developing board proposals as follows:

Under 5 AAC 96.610(c) Phase 2 ADD a paragraph:

Proposals may be submitted by the boards. After discussion a board generated proposal (BGP) cannot proceed to final action without an opportunity for public review. If the BGP was noticed as part of a regular or special meeting no new opportunity for public review is necessary. If not previously noticed the board cannot proceed to final action without an opportunity for public review. As a minimum, a board generated proposal with statewide application shall be tabled for 24 hours. At least two fish and game advisory committees in each fish and game region must be consulted for review and comment. If a board generated proposal less than statewide application, at least two fish and game advisory committees with Area of Jurisdiction (5 AAC: 97.005) must be consulted for review and comment. Final action on a board generated proposal may proceed after the review period.

What is the issue you would like the board to address and why? Board Generated Proposals: Add under Procedure for developing fish and game regulations.

This section of 5 AAC identifies and defines the process for proposals generated by individuals, fish and game local advisory committees, organizations, department staff and other government agencies. A major factor clearly expressed is the opportunity for public involvement and review. Alaska's public process is considered to be among the best natural resource regulatory processes anywhere. This opinion is expressed by nearly all participants.

This proposal would add guidelines for the Boards of Fisheries and Game to the list of participants in regulatory process. Dozens of active and former fish and game advisory committee members as well as individuals and organizations who are active participants in board meetings and processes were consulted. To a person, we believe the use of Board Generated Proposals should be discontinued. There are procedures in regulation for dealing with emergency problems. Other than emergency issues should be developed with the processes in 5 AAC 96. THE PUBLIC REVIEW AND COMMENT on regulatory changes is uniquely important to the process.

Realistically, the Joint Boards are unlikely to agree to limit themselves to use the processes set forth for all other participants submitting proposals.

This proposal seeks to add guidelines directing the boards to include some public input before final action on board generated proposals.

Under most decision making "rules" a proposal with completely new language is considered a substitute proposal. New language is usually considered as an "amendment by substitution". Our boards seem to avoid substitute language when trying to reach common purpose combining ideas. Often the problem is solved off the record by a combination of participants from board members to public participants. When boards bring up completely new issues or drastically change language not previously having the benefit

of public review and comment they are avoiding the intent of the process to involve those who will be affected by their decisions.

Unfortunately for the Alaskan public and advisory committees, the boards have increased their use of board generated proposals in recent years. The Board of Fisheries not as badly because of working out issues in their committee process. By making a proposal just prior to at a scheduled regular meeting, the public access to meaningful review is gone. (The general term "public" herein means the normal range of commenters, individuals, advisory committees, other agencies and organizations).

Under present regulations there are procedures for emergency regulations. Those procedures work well and in almost every situation they provide for a more detailed or permanent change at the next regulatory cycle. Board generated proposals are seldom emergencies, rather they make a long-term change.

The codified procedure for developing fish and game regulations should include direction for using board generated proposals. By adding to the regulation, the Joint Boards can insure some level of meaningful public review.

PROPOSED BY: Mike Tinker

(EJ-F23-668)

PROPOSAL 18

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

Adopt a regulation or a Joint Board policy to limit certain types of amendments as follows:

5 AAC 96.610(e):

Phase 4. Each board will give legal notice of timely received proposals. In accordance with the Administrative Procedures 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. **Each board shall not make amendments to any proposal that change or reverse the intent of a proposal. The board will defeat, table, or take no action on that proposal and then develop a board-generated proposal to accomplish the action they feel is needed.** The final decision on all proposals remains the responsibility of a board.

What is the issue you would like the board to address and why? Amendments to proposals submitted by the public that run completely contrary to the original intent.

At the last Region III (Interior and Northeast Arctic Region) Board of Game meeting in 2020, Resident Hunters of Alaska (RHAK) submitted a proposal (#146) to limit the number of nonresident hunters being awarded the DC 827 caribou draw permit, asking that no more than ten percent of the permits be awarded to nonresidents, and a minimum of 90 percent of the permits to residents. At that time the DC 827 caribou draw permit application was open to all equally, and due to an influx of hunt booking agents flooding the draw permit application pool, nonresidents were typically receiving 25 percent of the permits, which we strongly disagreed with.

When the board deliberated our proposal, it was successfully amended and passed to guarantee nonresidents a 25 percent allocation of DC 827 permits.

This decision was the complete opposite of the intent of our proposal! The board could have just voted down our proposal, allowing hunt bookers to continue to flood the application pool for the DC 827 caribou permit, leading to the same high nonresident percentage of awarded permits. Or, created their own board-generated proposal to set such a nonresident allocation. Instead, they amended our proposal in a way that they knew was the complete opposite intent and forever guaranteed nonresidents a minimum of 25 percent of the DC 827 caribou permits.

The Alaska Board of Fisheries has Standing Rules that address this issue in their Finding #91-128-FB¹, and in that Finding it states: *“Do not change or reverse the intent of a proposal/issue. For example, if a proposal's intent is to restrict a particular fishery and the board wishes to close or expand the fishery, the board will not amend the original proposal. The board will defeat, table or take no action on that proposal and then develop a board generated proposal to accomplish the action they feel is needed.”*

We have submitted a letter to the Joint Board, along with this proposal, asking for a Joint Board policy or standing rule that both boards adhere to regarding amendments to proposals.

However, if this is best addressed under regulations, perhaps 5AAC 96.610 may be the avenue to do so, with additional language under section (e).

We understand that amendments to public proposals are often necessary for clarification, and that minor changes are often warranted. We are not asking that either board be disallowed from making amendments.

¹ <http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/findings/ff91128x.pdf>

PROPOSED BY: Resident Hunters of Alaska (HQ-F23-003)

Subsistence Uses – Nonsubsistence Areas

PROPOSAL 19

5 AAC 99.015. Joint Board nonsubsistence areas.

Redefine the boundaries for the Fairbanks Nonsubsistence Area as follows:

Redefining the Fairbanks Nonsubsistence Area (FNSA) boundaries is not difficult and does not require the Joint Boards of Fisheries and Game to start over. I recommend that the qualifying characteristics boundary begins at the (board set) Fairbanks Management Area (FMA). (5 AAC: 92.530(10)). This boundary was developed for managing moose hunting where there are urban land use characteristics. It has a management strategy utilizing public and private lands (private lands with permission of the owner) and has only archery and primitive weapons components. Fishing is catch and release, limited harvest or stocked waters limited. The Tanana River is the southern boundary which fits with characteristics change between rural and nonsubsistence areas. Some rural traplines begin near the outer edges of the FMA but most are more remote but within the existing FNSA.

Other road accessible areas along the Richardson Highway (Salcha) or Chena Hot Springs Road or other roads leading out of the FMA could be reviewed and added to the FMA if the necessary nonsubsistence characteristics are found. The Fairbanks Fish and Game Advisory Committee would be a valuable resource to help with your review and setting new boundaries.

What is the issue you would like the board to address and why? This proposal asks the Joint Boards to review and change the boundaries of the Fairbanks Nonsubsistence Area (FNSA). The FNSA was defined over 30 years ago soon after the authority to create them. Then the characteristics of the "area" were not as important as finding an existing boundary. The Joint Boards started with the Fairbanks North Star Borough boundaries then added extra. The subsistence use characteristics were not differentiated between more urban developed areas and the rural non-developed characteristics of the borough and adjacent lands included. The developed areas within the borough still qualify under the definition (5 AAC: 99.016(a)). That is a nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. The more rural areas within the Fairbanks North Star Borough and the additions do have the characteristics that should remove them from the nonsubsistence area. The boards have consistently approved subsistence hunting and fishing in the nonsubsistence area although they are not supposed to do so.

For most other nonsubsistence areas the boundaries have been set on the change of land use characteristics. I estimate the FNSA is unnecessarily larger than it should be by 65%. In its existing configuration, rural communities like Delta Junction are close to the FNSA where the nonsubsistence "line" is 15 miles away but over 100 miles from urban Fairbanks. The land use characteristics in this southeast direction example are nonsubsistence for 20 to 25 miles from the urban center. The other 75 miles is rural, undeveloped, nearly roadless, and mostly upland fish and wildlife habitat. That area does not meet the codified characteristics for a nonsubsistence area.

South from Fairbanks NSA the urban and community characteristics completely stop at the north bank of the Tanana River. The existing nonsubsistence area extends more than 30 miles south of the river. None of that area has the characteristics of a nonsubsistence area. These examples support a review and a look at new boundaries. The original boundary was set when the boards were figuring out how to map out

nonsubsistence areas. Most of the later nonsubsistence areas very closely followed city limit or local community boundaries.

Changing the FNSA boundaries would have several benefits to fish and wildlife users and to those entities who make the regulations to guide them. An example is the codified intent to avoid nonsubsistence areas where hunts have a subsistence component. The Fortymile caribou hunt zones include a large portion of the rural FNSA. Defined only by GPS points that overlap is difficult to impossible to find in the field. The zones follow game management subunits or watershed boundaries. Rivers and streams within the FNSA allow some subsistence harvest while most of the fishing activity is directed under sport fishing regulations on stocked waters.

The proposal asks the Joint Boards to consider new boundaries for the Fairbanks Nonsubsistence Area. The following adds a discussion of the 12 characteristics in AS 16.05.258(c). A nonsubsistence area is defined where “dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life”.

1. The social and economic structure. There is a clear difference in the land use patterns between the smaller Fairbanks Management Area and the far flung existing nonsubsistence area. The FMA consists of the urban area of Fairbanks and North Pole plus the suburban subdivisions. Outside this boundary there is very little residential development except along a few roads and the main highways (pointed out in the proposal). The FMA was created to be the type of boundary now defined as nonsubsistence. That is, residents can hunt, trap, and fish without interfering with their neighbors. There is virtually no business development outside the FMA except for natural resources extraction like gold mining, commercial firewood cutting, some timber cutting and some trail-oriented recreation opportunities. A complete change in residential and business land and resource uses.

2. The stability of the economy. The urban and suburban areas of the Fairbanks Management Area plus isolated strips along the Richardson and Steese Highways and Chena Hot Springs road are characterized by stable economies. The remainder of the existing nonsubsistence area’s economy is rural mining and some lumber and firewood cutting. (Mining being less stable and most everything else based on renewable resources).

3. The extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment. I would estimate that 98% of all employment is within the Fairbanks Management Area plus the road corridors listed. Wood cutting and mining, both small scale are present outside the FMA but are seasonal only. Employment is nearly nonexistent in the area I am recommending to remove from the existing nonsubsistence area.

4. The amount and distribution of cash income among those domiciled in the area or community. As is #3, the urban and suburban areas are mainly a cash economy. The FMA population is near 100,000.

5. The cost and availability of goods and services to those domiciled in the area or community. The goods and services needed to support the Fairbanks community are all found within the areas I am requesting you define as the Fairbanks Nonsubsistence Area.

6. The variety of fish and game species used by those domiciled in the area or community. The Fairbanks community uses almost all of the big and small game resources that have habitat in the Interior. They use all of the fish resources in the Tanana and Chena Rivers and stocked waters close to the

community. Because of the transportation systems available, community members annually harvest fish and big game from all over Alaska. The few residents that would live outside the new boundaries also have access to the transportation systems.

7. The seasonal cycle of economic activity. The Fairbanks community has a stable year around population. The economy supports a large nonresident tourist influx in the summer season. The new nonsubsistence area would not be economically changed by any seasonal activity.

8. The percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game. Nearly every household participates to some degree. The number of hunting, trapping and fishing licenses sold by percentage of the community population far exceeds the percentages found in rural Alaska. Neighbors and families share resources and trappers both use and sell their furs. Taking into consideration the non-household residents (military on base, university staff and students, etc.) I would estimate 75% of the total number of those domiciled participate in some way.

9. The harvest levels of fish and game by those domiciled in the area or community. Making an estimated number is very difficult (one of the reasons the Subsistence Section of the Department of Fish and Game doesn't do it). A large number of big game animals are harvested each year because of the community's ability to reach various parts of Alaska. Small game is harvested locally. Fish, especially salmon, are harvested by the thousands for family household use and sharing. Fairbanks is home to the Chitina Dip Netters Association with thousands of members participating annually. As an example of their mobility, none of those fish are caught in the Fairbanks area or the Fairbanks non subsistence area.

10. The culture, social, and economic values associated with the taking of fish and game. Fairbanks area residents have a close relationship with fish, game and fur resources and many harvest enough to provide the fish and meat protein they eat without going to the market. The community places a high value on fish and game. Most families share with their friends and neighbors and that culture is greatly appreciated. For many families fishing season in summer and hunting season later in the year basically use all of the vacation time they have. Community residents travel long distances to participate in fishing and hunting.

11. The geographic locations where those domiciled in the area or community hunt and fish. Fairbanks and North Pole residents hunt all over the state. There are families with two or more generations who hunt caribou along the Dalton Highway corridor. Hundreds of them use Tier I and drawing tags to hunt a long way from home. Some hunt in the existing nonsubsistence area but outside the Fairbanks Management Area. There are dozens of families who have hunting and fishing cabins or camps along the rivers that are partly in and partly out of the existing nonsubsistence area. An example is Game Management Unit 20A where a significant number of any bull moose tags are available annually. Community hunters apply for those in high number. Unit 20A has no characteristics of a nonsubsistence area. No local economy, a very small number of residents, and eligibility in most hunts for even nonresidents. (Unit 20A should be removed from the FNSA).

12. The extent of sharing and exchange of fish and game by those domiciled in the area or community. Most families who harvest significant fish and or game resources share with their generational family members, not so much with neighbors and the community at large. As in many urban areas there are hunters who give away almost all of the game meat the harvest. The level of sharing and exchange is not as high a percentile as would be found in most rural areas.

Recap: There is a distinct boundary dividing the urban/suburban portions of the Fairbanks and North Pole community and the surrounding area. The nonsubsistence area should not extend for 100 miles through habitat that has no non-subsistence characteristics. That is the case with the existing non subsistence area.

PROPOSED BY: Mike Tinker

(EJ-F23-658)
