

[Title 5](#) . Fish and Game

[Chapter 96](#) . Areas of Jurisdiction for Antlerless Moose Seasons

Section 610. Procedure for developing fish and game regulations

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](#)