

HB

522

3/14/78

CS

Introduced: 1/9/78
Referred: Resources and Finance

IN THE HOUSE

~~adapted~~

BY OSTERBACK AND SNIDER

HOUSE BILL NO. 572

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Fish and Game for travel and per diem for the Board of Fisheries to meet with advisory committees; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. The sum of ~~\$200,000~~ ^{\$100,000} is appropriated from the general fund to the Department of Fish and Game for the purpose of providing funds for travel and per diem to the ~~Commissioner and some members of the Board of Fisheries~~ ^{Commissioner and Board of Game} for joint meetings with local advisory committees ~~at Kodiak, Sand Point, Unalaska, Naknek, and other rural communities~~ ^{in the Aleutian and} of the state.

* Sec. 2. The unexpended and unobligated portion of this appropriation lapses into the general fund on June 30, 1979.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

Amend Board of Game
Board of Fisheries
Board of Game

W. G. ...
...

Nunam Kitlutsisti
Box 267
Bethel, Ak 99559
April 4, 1978

Commissioner Ron Skoog
Department of Fish and Game
Support Building
Juneau, Alaska 99811

HB 572
Copy
K/6/78

hello Ron,

Thank you very much for your prompt response to my March 14 letter on advisory board travel. We were quite surprised that the travel of the chairman was approved for the spring round of Fish and Game boards hearings. As a matter of fact, two of the Chairmen did not receive their State TR's in time, so we had to buy their ticket. Please ask your staff to send us a complimentary copy in the future to facilitate travel.

First, we feel that the Fiscal 79' budget request for Advisory Board travel within the Boards of Fish and Game is inadequate. Your staff is well aware that a majority of the 27 rural boards that require travel have not met or used the funds this year. We all hope that the revitalization of the entire regulatory process through Hammond Administration and d-2 for fish and game will soon have these boards functioning like the three boards in the Delta. If this occurs, the travel funds allocated will be inadequate to handle the basic costs of 4 meetings a year. The travel cost of our three boards, representing 45 villages, $\frac{1}{4}$ of all the subsistence villages in the State, will equal \$8-10,000 for their four regulatory meetings, not including travel to the master board meetings. You know that AVCP through Nunam Kitlutsisti is handling the the additional costs in order to make the system work. Our Board is committed to this effort, but its funding has a time limit. We would suggest that the Department approach the Governor with a supplemental request of \$90,000 for basic travel.

Second, we would like to be alerted of when the Legislature would discuss this issue so that an AVCP representative could inform the legislators of the complete costs from a rural perspective of this worthwhile system.

In peace,

Harold Sparck, director

cc: Senators Hohman, Sackett, Ferguson
Representatives Anderson, Osterback, Guy, Akers, Nakak, Schaeffer
Keith Specking, Office of the Governor
George Allan, RuralCap

HB
572

Subject: Proposals to improve public input to the existing fish and game regulatory process.

Sorry for the delay in getting this information on the results of the recent workshop to you earlier, but we had some problems in assembling some of the information. The enclosed material represents a summary of the many excellent thoughts which were expressed and will be given every consideration in determining how best to improve the public participation process. As identified at the workshop, basically there are three options which were examined by the three working groups: 1) The "Regional Council" concept; 2) The present system modified; and 3) The Regional Regulatory Authority concept.

In addition to the three proposals and working group comments, we have included a copy of the proposed criteria for issuance of subsistence permits which was discussed at the Anchorage meeting. Included also in the material are the comments relative to the Administration proposal raised at the Governor's meeting on December 13 in Juneau. You may recall there was a request made at the meeting in Anchorage for opinions on constitutional and legal constraints that may be applicable to the proposals under consideration. Due to previous travel commitments, Assistant Attorney General Jeff Haynes, our Advisor in the Department of Law, has not been able to comply with this request; however, these will be available by the time of the Fairbanks meeting.

These proposals will be examined more thoroughly at future public meetings. The next meeting will be at Fairbanks on February 9-10, at Bethel on February 27 through March 2, and at Petersburg, tentatively on February 16.

Thank you for your participation in the workshop. In the Department's view, the workshop was constructive and worthwhile and your views were much appreciated. We are looking forward to additional comments in the forthcoming public meetings.

Sincerely,

Ronald O. Skoog
Commissioner

REGISTER

<u>Name</u>	<u>Address</u>	<u>Organization</u>	<u>Phone No.</u>
Farmer	Box 29, Galena, AK 99741	Koyukon Dev. Corp.	656-1238
Kissinger	Anchorage	Fish & Game	344-0541
ter Charley	Glennallen	C.R.N.A.	
Riffe	813 D St., Anchorage	U.S.F.W.S.	265-4864
Bergstrand	733 W. 4th Ave, Anchorage	F/SLUPC	
k Jensen	Box 2220, Juneau, AK	Guide Board	789-7853
man C. Emberg	Dillingham	Bristol Bay Fishery	842-5592
mas N. Scarborough	Box 80858, College, AK		479-3412
e Bondurant	St Rt Box 846, Chugiak, AK		688-2692 & 863-4291
DeLeonardis	555 Cordova, Anch.	BLM	277-1561
k Eaton	Box 1423, Kodiak	Koniag, Inc.	486-4147
old Stephan	St. Rt. A, Box 182, Palmer, AK		745-3974
k Bishop	1300 College Rd, Fairbanks	ADF&G	
ald Long	Box 496	Arctic Slope Regional	852-3000
g Hickok	707 A St	AEIDC	279-4523
n Malone	Bethel	AVCP Fish Dev. Corp.	272-8104
ter Newman	Fairbanks	Tanana Chiefs	452-8251
k Conner	21-352B Orange, Elmendorf	Ak Bowhunters Assoc.	753-5363
inis Wilt	Box 1957, Anchorage	Action Agency	265-5324
ith Mortensen	Box 1957, Anchorage	Anch. F&G Advisory Com.	265-5324
bert Belous	540 W. 5th, Anchorage	Nat'l Park Serv.	276-8166
nie Leask	550 W. 8th Ave., Anch.	AFN	274-3611
ve Cline	2 Marine Way, Rm.#11, JMO	Nat'l. Audubon Soc.	586-1167
ck Gregory	Egegik, AK	Bristol Bay Native Assoc.	
Samuelson	Box 18, Dillingham	BBNC	842-5625
ohn Shively	Box 4-U, Anchorage	NANA	276 6030
arold C. Ostrosky	2808 W. 30th, Anch.	Self	274-2414
.C. Hawly	Box 78-D, SRA	CMAL	344-6114

REGISTER (cont'd)

<u>Name</u>	<u>Address</u>	<u>Organization</u>	<u>Phone #</u>
m McDowell	3685 Arctic Blvd., Anchorage	Izaak Walton League	279-1923
g Jaeger	C-3 Bldg., Fish Terminal, Seattle, Wa 98119		(206)285-3383
ck Gunlogson	Box 4-1062	APHA	344-5674
ncy Harvey	515 D. St., Anch.	Alaska Native Found.	274-5638
ve Case	2101 Forest Park Dr., Anch.	Self	279-0090
n Wetzel	Box 80224, College	IWA	479-4383
naid O. Skoog	Juneau	ADF&G	465-4100
ck Szabo	Kodiak	Bd. of Fisheries	486-3853
ll Arvey	Anch.	ADF&G	344-0541
n Fanning	Box 80929, College	Interior AK Trap. Assoc.	479-4383
ris R. Branham	Box 6184, Anch.	Safari Club APHA	277-9403
li Fredrickson	P.O. Box 4-1932, Anch.	APHA	279-7837
y McNutt	Box 10, Sterling	APHA	279-7837
llas Cross	4706 Harding Dr., Anch.		276-6030
b Paulus	Box 196 Eagle River	ADF&G	344-0341
len E. Wilson	P.O. Box 732, Eagle River	Izaak Walton Sport Game Press Asso.	333-7401
lie Mohr	Box 10-113, Anch.	ADF&G	344-5191
ul Gaskin	P.O. Box 1315, Anch.	Nunam Kitlutsisti	543-2956
as Ricci	3010 Lois Dr., Anch.	Izaak Walton Sport Game press Assoc.	279-1269
y Massey	Star Rte. Box 209, Eagle River	ADF&G	694-9101
ke Holloway	Rainbow Valley, Indian, AK	Sierra Club	None
ed Forsi	107 W. 6th, Suite #25, Anch.	Anch. Adv. Comm. Chair.	274-9517
ari Gross	Box 1352, Juneau	UFA	586-2820
arl L. Rosier	Subport Bldg. Juneau	ADF&G	465-4210
Jeff David	Box 174, Haines	Sealaska Corp.	766-2364
Whitehead	Juneau	Governor's Office	

REGISTER (cont'd)

<u>Name</u>	<u>Address</u>	<u>Organization</u>	<u>Phone #</u>
S. Haanpaa	333 Raspberry Rd., Anch	ADF&G	344-0541
ry Jablonski	Subport Bldg. Juneau	ADF&G	465-4100
pe Andrews	Subport Bldg., Juneau	"	465-4180
lores Moulton	" " "	"	465-4113
nora Dunazan	Comm Fish, Anch.	"	
hn Burns	Fairbanks	"	452-1531
lt Parker	733 W. 4th, ANch.	F/S LUPC	279-9565
orge Allen	Box 3-3908, Anch.	RURALCAP	279-2441
arrell Farmen	Anch.	Game Bd.	344-3202
enn Collius	1233-11th Ave., Anch.	Kvichak Club	279-7988
ohn Moore	3840 Robin St., Anch.	Bristol Bay Native Corp.	278-3602
ick Lauber	120 W. 1st St., Juneau	Assoc. Pacific Fisheries	586-6366
hny Harris	3945 Balchew Dr., Anch.	Sierra Club	
erry Gilliland	Box 120, Anch.	Dept. of Interior	

Meeting with Governor Hammond concerning Regional Councils Proposal- 12/13/77

December 13, 1977 - Governor's Conference Room (Continuing later that day in the auditorium of the Alaska Department of Fish and Game).

The following people were in attendance: Messrs, Anderson, Cross, Ohlsen, Allen, Smith, Eaton, Jones, Jensen, Keilutt, Fanning, Holloway, Bergstrand, Whitehead, Palmer, Specking, Boddy, Jensen, Frost, Newman Kall, Haynes, Huizer, Lane, Paddock, Dinnerline, Belous, Skoog, Demientieff, Reumann, See; Ms. Lease, Lobaugh, Moulton, Jablonski, and others.

Introduction by Governor Hammond

GENERAL COMMENTS WITH REFERENCE TO DRAFT PROPOSAL OF 11/18/77

Statewide Boards should be comprised of Regional Council Chairmen.

10-year residency is unrealistic.

Regional Council membership is not clear to individuals.

Many problems are foreseen trying to get area people together to solve problems.

Burden of proof must rest with the Master Boards.

We should convince the public how serious threat is from Federal level. Keep in mind what Congress is doing.

Only a particular issue brings people to advisory committee meetings. This proposal will not do it.

Proposal avoids issue of subsistence. We should come up with a definition of subsistence. Broad guidelines on subsistence should be set to apply to all Alaskans.

We should take into consideration other boundaries rather than Game Management Units.

Consider more thoroughly the makeup of regional and local groups. They will be vulnerable to Federal Advisory Procedures Act. The members must actively participate--if not, the statute applies.

Chairman and Vice Chairman of Advisory Committees should sit on regional Council. May be desirable to go one step further and have someone from local community sit on the Master Boards.

Provide forum for groups that are concerned with Title 7 to come together within context of State proposed plan.

Contact D2 Associated agencies - get input on establishment of new statewide schemes.

Straw vote taken on going with our proposal:

Board System as it stands now: 4

Regional Council Proposal with changes: 19

Proposal as it now stands: 2

QUESTIONS

Should the power now given to the advisory committees re emergency closures be given to Regional Councils?

Will there be any accompanying changes within the Department?

To what extent is this approach an effort to really decentralize authority and to really get grass roots input and to what extent is it to derail action Congress takes?

Are 52 committees representative of all people?

How much is the State willing to spend? Legislature has been reluctant to give what is needed as far as funding. Could this money be used better on management and research within the Department?

What is the definition of subsistence user?

How well does the proposed Department of Fish and Game reorganization mesh with the proposal?

Should we have different boundaries for regions?

How membership of Boards, Advisory Committees and Regional Councils is established?

Selection of members when term expires?

Should we give more authority to Regional Councils?

SUGGESTED AGENDA
ITEMS FOR FORTHCOMING WORKSHOP

1. Level of Authority
 - a. Centralized i.e. Governor, Commissioner, Boards.
 - b. Regional or local.
2. Expansion of Present System
 - a. Expansion of advisory system.
 - b. How to get broad representation.
3. Composition of Statewide Boards
 - a. How chosen
 - b. Adequate distribution throughout State.
 - c. Change in statutes.
4. Composition of Regional Councils
 - a. How chosen.
 - b. Adequate distribution throughout State.
 - c. Residency requirements.
 - d. Representation from advisory committees.
5. Regional Boundaries
 - a. Game management units
 - b. Resource distribution
 - c. Election districts
 - d. Population Centers (1 man/1 vote concept)
 - e. Choosing areas which force people to review other people's problems and consider resource conflicts
6. Implementation
 - a. Legislative authority (change in statute) or by existing authority (regulatory)
 - b. Funding
 - c. Staffing

Working Group Comments

Proposal: 3
Regional APA Authority

This working group felt that since this would be a totally new system they were at a disadvantage due to time constraints. They were primarily concerned with local use of the resources. Consensus was not reached on some points.

Pros

- 1. Decentralized authority would maximize participation.
- 2. The need for regions to better recognize regional differences.
- 3. Regional authority provides adequate representation to better satisfy local resource needs.
- 4. Regions are better able to implement the State's policies on priority of resource use.
- 5. Regional authority would promote the development of wildlife management plans for each region.
- 6. Regional rulemaking groups have a better opportunity to get close to their constituents.

Cons

- 1. There are potential problems in completely delegating responsibility to the region.
- 2. Additional cost in splitting up staff of the Department.
- 3. Need for overriding view of responsibility for wildlife conservation and management within the state.
- 4. Possible need for changes in the Administrative Procedures Act.

Conclusion

The group suggested statutory establishment of a two-tier system of authority.

They suggested that the number of regions be based on a study and public hearing process.

The group felt that rather than subsistence management plans being developed, the aim should be for regional wildlife management plans.

Board members should be selected from Regions.

Every region should have its own staff which would be separate from the centralized State staff.

Advisory Committees and Regional
Councils with A.P.A. Authority

A. Elements

1. Retain present Advisory Committees.
 - a. Committees advisory to one Regional Board only.
 - b. Committees advisory on all species: Big and small game, finfish, shellfish, furbearers, etc.
 - (1) Option: The Regional Board to specify which Advisory Committee(s) have authority for which species groups.
 - c. Appropriate Regional Board administers Advisory Committee system in its Region: appointments, organization and rules, correspondence with Board, notification of deadlines, etc.
 - (1) Regional Board to determine where a specific number of Advisory Committees will be located.
 - (2) Option: Office of the Commissioner take over (retain) the coordination/administration function regarding Advisory Committees.
2. Create Regional Boards with specifically assigned geographical areas of jurisdiction.
 - a. Membership.
 - (1) Appointed by the Governor, staggered terms.
 - (2) Five (5) to seven (7) members.
 - (3) To represent all major user groups.
 - (4) Not members of Advisory Committees.
 - b. Authority:
 - (1) In compliance with APA, has rule-making authority.
 - (a) on all sections of the regulation
 - (b) Option: on season and bag limits only, with general provisions, methods and means, etc., promulgated by the Commissioner, acting on recommendations from the Boards.
3. Proposals for regulatory change submitted by public, Advisory Committees and staff to Regional Boards, who compile, publish, hold hearings and promulgate.

continued ...

4. Regulations adopted by Regional Boards sent to Commissioner, who reviews for uniformity.
 - a. Commissioner may veto regulatory changes in the broad public interest.
 - (1) Would require changes in Titles 44 and 16.
 - b. Appeals Board to review and approve all proposed Commissioner vetoes.
 - (1) Action of the Appeals must be exempted from APA with regard to 30 day notice.
 - c. Regulations revert to existing form in case of veto.
 - d. Commissioner retains authority for promulgation of emergency regulations.
5. Each Regional Board provided legal counsel by Department of Law.
6. Each Regional Board provided with administrative assistance, e.g., a permanent secretary, with office and support.
7. Appeals Board appointed by Governor, with one member from each of the five (5) Regional Boards.

PROPOSED ELIGIBILITY CRITERIA - SUBSISTENCE PERMITS

Although subsistence fishing permits for salmon have been distributed for many years, no general set of eligibility standards have been established. This is desirable if the Board determines that subsistence fishing should be permitted on the basis of need or hardship or other criteria.

A number of options were developed which could be imposed as regulations within the General Provisions framework of the regulations. Then on an area by area, regional, subarea, district or other geographical unit basis the various criteria deemed applicable within each area could be imposed.

The proposed eligibility criteria include:

1. Age
 - a) 60 years - same as free sport fishing and hunting license (but without 30-year longevity)
2. Residency
 - a) Twelve (12) months - same as sport fishing and hunting licensing
3. Physical Disability
 - a) Add a proxy to permit if necessary
 - b) Need affidavit of disability or proof of injury
4. Past participation in subsistence fishery
 - a) Number of years can vary by area
5. Demonstrable abnormal difficulty in obtaining protein food supply
6. Income
 - a) Scaled by region or area
 - b) Minimum set at welfare eligibility standard
 - c) Sliding scale based on family or household size
7. Longevity within the area
 - a) Fifteen (15) years - suggested
8. Severe Hardship
 - a) Natural disaster temporarily and unavoidably affecting the applicant's ability to provide essential food supplies

continued....

9. Availability of food resource that could be kept for personal use from a commercial taking
10. Availability of alternate subsistence permits or resources
11. Willingness of applicant to combine with another family unit to share one household limit
12. Opportunity to take an equivalent amount by recreational use
13. Past history of fish and game violations
14. Lottery
15. Allocation based on aboriginal title

ANCHORAGE WORKSHOP
December 28-29, 1977

Working Group Comments

Proposal: 2
Retention of Present
Board System

The working group examined the question of retaining the present regulatory system of advisory committees and two Boards - Fisheries and Game, who have the final authority to promulgate regulatory proposals. It was the consensus of this study group that the present system should be retained but should be improved in a number of ways to expand the effectiveness of the local advisory committees and provide for a different way to select the members of the local advisory committees and of the Boards of Fisheries and Game.

Pros

1. Provides for consistent statewide management policies,
2. Minimizes regional resource ownership concept.
3. Provides opportunity for consideration of resource needs of game and fish by specialized boards.
4. Provides for continuation of present Board system as regulatory and management entity for interface with North Pacific Fisheries Management Council.
5. Cost of administration is moderate.

Cons

1. At present, local committees are self-perpetuating within the membership restricting new members and/or user group representation.
2. Does not allow equal participation by all user groups.
3. Does not allow for accurate representation of user groups in a particular area.
4. Political method of selection is undesirable.
5. Boards do not reflect a geographically representative cross-section of significant user groups.

Conclusion

A strong recommendation was made to provide financial support to local advisory committees and to provide an annual salary for Board of Fisheries and Game members.

The group felt that members should be elected by popular election at a meeting of the local advisory committee called for that purpose with nominations from the public and a nominating committee. To accomplish selection of Board members, the State should establish a mechanism for popular elections within each of not more than 7 regions; the total number of members on each board.

Proposal: 2
Present System - Boards of
Fisheries and Game

I. Elements

A. Fifty two advisory committees statewide representing varied resource user groups within all geographic areas

B. Statewide Boards of Fisheries and Game

1. Fisheries Board

a. Seven members appointed by Governor

b. Required by statute to hold 5 meetings or hearings per year in designated areas of the state

(1) Upper Yukon-Kuskokwim-Arctic

(2) Western Alaska (including Kodiak)

(3) Southcentral

(4) Prince William Sound (including Yakutat)

(5) Southeast

c. Statewide rule making authority for all resident species of fish

2. Game Board

a. Seven members appointed by Governor

b. Required by statute to hold 1 meeting per year and others as necessary

c. Statewide rule making authority for all resident game species

C. Proposals emanate from advisory committees, public, agencies, Board members and department staff

D. Both Boards required to adopt regulations in conformance with A.P.A.

alaska department of fish & game

Subport Bldg., Juneau, Alaska 99801 Phone: 465-4113



Jay S. Hammond
Governor

Ronald O. Skoog
Commissioner

NEWS

IMMEDIATE RELEASE

JANUARY 9, 1975

STATE EXAMINES FISH AND GAME OPTIONS

JUNEAU---Alaska's fish and game regulatory system may be in for some major changes. The State is studying a number of proposals which could substantially alter the present system.

In a workshop session in Anchorage Dec. 28-29, the Department of Fish and Game presented a proposal which would add five regional councils to the present system of local advisory committees and the Boards of Fisheries and Game. Representatives of a broad cross-section of user groups were invited to the workshop to critique the proposal.

During the workshop members of the public developed the State's proposal further, and began work on two more. One of the latter would consist simply of modifications to the present system, while the other would place all regulation-making authority in local hands.

The State plans to hold another public participation meeting in Fairbanks Feb. 9-10, starting at 10:00 a.m. at the Fairbanks Traveler's Inn, during which all three proposals will be examined in greater detail. That will be followed by a third session scheduled for Feb. 27 - March 2 in Bethel. The joint Boards of Fisheries and Game will be present in Bethel to meet with interested members of the public.

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ANCHORAGE WORKSHOP
December 28-29, 1977

Working Group Comments

Proposal: 1
Advisory Committees/
Regional Council/
Master Boards

Discussion on the proposal centered around:

1. Regional Boundaries
2. Number of regions
3. Authorities of Regional councils
4. Authority mechanisms for establishing Regional councils
5. Protection of subsistence user under HR-39. Identification of subsistence
6. Concerns over specific individual sections of the proposal as drafted
7. Qualifications for serving on councils

Consensus was not reached within the group on most points. While the committee could not reach consensus there was general support for the regional concept with modifications.

Pros

1. Most committee members supported a minimal number of regions.
2. General agreement that Councils should not have regulatory authority.
3. Committee members supported establishment of Regional Councils by existing authority rather than legislation.

Cons

1. Proposed regional boundaries were generally unacceptable.
2. Committee identified need for definition of subsistence.
3. Guiding industry does not seem protected or considered.
4. Ten (10) year residency requirement is excessive.

Conclusion

In general, the goals of the Regional Council concept seem desirable; public input and dialogue is certainly to be sought.



STATE OF ALASKA
DEPARTMENT OF FISHERIES AND GAME
JUNEAU

November 18, 1977
DRAFT PROPOSAL

A REVISED SYSTEM FOR

- 1) THE ADOPTION OF FISH AND GAME REGULATIONS BY THE ALASKA BOARDS OF FISHERIES AND GAME, AND
- 2) THE DEVELOPMENT OF SUBSISTENCE AND MANAGEMENT PLANS

BY MEANS OF INCREASED LOCAL AND REGIONAL PUBLIC PARTICIPATION

BACKGROUND

In recent years, the inadequacy of public participation in the present system of fish and game regulatory procedures has become increasingly apparent. Although the system in use by the Boards of Fisheries and Game since statehood has provided more public participation than exists in most states, the size of Alaska, widely dispersed communities, changing land use and ownership patterns, and the increasing complexity and competition of consumptive and nonconsumptive uses makes it necessary to modernize substantially the system. With these factors in mind, the Governor and the Department of Fish and Game have developed the attached proposal.

IMPLEMENTATION OF PROPOSAL

The proposal is now being reviewed with Congressional and Legislative leaders, Boards of Fisheries and Game members, appropriate user-group representatives and individuals. The proposal will be modified in accord with the recommendations developed during this review phase. The modified draft proposal will be presented to the Boards of Fisheries and Game for their consideration and final action in accordance with public notice and hearing provisions of the Administrative Procedure Act. The timetable calls for the implementation of the plan by July 1, 1978, so that the new system will be operational for the Board meetings in the Fall of 1978.

POLICY CONSIDERATIONS OF PROPOSAL

- A. THERE IS AN OVERRIDING NEED TO HAVE GREATER LOCAL AND REGIONAL PARTICIPATION IN THE DEVELOPMENT OF FISH AND GAME REGULATIONS.

The proposal addresses this need by retaining the existing local advisory committee system and establishing a new system of "Regional Councils."

Five Regional Councils are proposed representing logical geographic and resource areas of the State. Each Regional Council will have seven members, consisting of the chairmen of Local Committees within the region. Provisions are made for those situations where either more or less than seven Local Committees exist in a region. All regulatory proposals affecting the regions and all proposals of a Statewide nature will be processed by the Boards and sent to the appropriate Local Committees and Regional Councils for their review. Regional Councils will consider Local Committee recommendations together with public and agency comments in the development of the recommendations they submit to the Boards. These recommendations and all other regulatory proposals will be considered by the Boards prior to final action and adoption of regulations. It is the stated intent that the Boards will follow the recommendations of the Regional Councils except for specific reasons listed in the proposal. The proposal also requires reconsideration by the Boards if a majority of the five Regional Council members in attendance at a Board meeting oppose any decision of the Boards.

- B. THERE IS A NEED TO SUPPORT LOCAL, REGIONAL AND STATEWIDE BOARD MEETING ATTENDANCE BY MEANS OF A FINANCIAL COMMITMENT ON THE PART OF THE STATE TO REIMBURSE TRAVEL EXPENSES FOR LOCAL COMMITTEE AND REGIONAL COUNCIL MEMBERS.

In recognition of this need, the proposal specifies that travel expenses for the following activities will be reimbursed by the State: (1) participation of Local Committee members at Local Committee meetings; (2) participation of Local Committee chairmen (and vice chairmen in some cases) at Regional Council meetings; and (3) participation of Regional Council chairmen at meetings of the Boards of Fisheries and Game.

- C. THERE IS A NEED FOR LOCAL AND REGIONAL LEADERSHIP IN THE PREPARATION OF PROPOSED SUBSISTENCE MANAGEMENT PLANS FOR CONSIDERATION AND IMPLEMENTATION BY THE BOARDS OF FISHERIES AND GAME.

In recognition of this need, the proposal specifies that Local Committees will cooperate with Regional Councils in the preparation of a proposed Subsistence Management Plan, together with implementing regulations, for the region. The elements of the plan and the framework for the adoption of the Subsistence Management Plans and implementing regulations by the Boards are described in the proposal. Subsistence use will continue to be the top priority use of our fish and wildlife resources.

- D. THERE IS A NEED FOR INCREASED STATE AGENCY STAFF SUPPORT FOR LOCAL COMMITTEE AND REGIONAL COUNCIL ACTIVITIES.

In recognition of this need, the Administration supports the appropriation of funding for five regional staff coordinators in the Department of Fish and Game. The coordinators will work closely with Local Committees and Regional Councils regarding; (1) the preparation and review of regulatory proposals and the transmittal of recommendations to the Boards; (2) the preparation of subsistence plan proposals for the Boards; and (3) the review of fish and game management plans in conjunction with appropriate Department of Fish and Game biologists. The Departments of Fish and Game and Public Safety will provide technical and scientific

expertise as requested. The Department of law will provide legal assistance to Local Committees and Regional Councils regarding the regulatory process. In addition, the increased staff support now being provided to the Boards of Fisheries and Game will enable them to work more closely with and provide better support to the Local Committees and Regional Councils.

ALASKA ADMINISTRATIVE CODE

TITLE 5.

FISH AND GAME

PART 7.

FISH AND GAME COMMITTEES AND COUNCILS
BOARDS OF FISHERIES AND GAME

CHAPTER 96.

LOCAL FISH AND GAME COMMITTEES AND
REGIONAL FISH AND GAME COUNCILS

ARTICLE 1.

LOCAL FISH AND GAME COMMITTEES

5 AAC 96.001. ESTABLISHMENT OF LOCAL FISH AND GAME COMMITTEE SYSTEM. Under authority of AS 16.05.260, there is established a system of local fish and game committees (hereafter local committees) to provide a forum for the collection and expression of opinions and recommendations on matters relating to fish and game resources.

5 AAC 96.002. CREATION OF LOCAL COMMITTEES. Three or more interested persons in the State may petition the Boards of Fisheries and Game for creation of a local committee. A local committee must be approved by the boards before commencing its operations. The boards will designate the locus of the committee.

5 AAC 96.003. COMPOSITION OF COMMITTEES. Each local committee shall be comprised of a membership which, to the extent possible, is representative of the full range of user groups of the general area. The number of committee members shall be not less than five nor more than fifteen, with the exact number to be determined in accordance with procedures set forth in sec. 006 of this chapter.

5 AAC 96.004. QUALIFICATIONS FOR MEMBERS. To qualify for membership on a local committee, a candidate must be a resident of the state and the area served by the committee, informed and experienced with regard to the fish and game resources of the area, and be of a reputation within the community consistent with the responsibility of committee membership.

5 AAC 96.005. FUNCTIONS OF LOCAL COMMITTEES. Local committees shall be responsible for:

- (1) developing regulatory proposals for submission to the boards;
- (2) advising the appropriate regional fish and game council on needed measures for the conservation and utilization of fish and game resources;
- (3) evaluating regulatory proposals submitted to it and making recommendations to the appropriate regional council;
- (4) providing a forum for the expression of opinions and recommendations by persons interested in any phase of fish and game conservation and utilization;
- (5) cooperating with the appropriate regional council in the development of subsistence management plans; and
- (6) cooperating and consulting with interested persons and organizations (including government agencies) in order to accomplish the foregoing.

5 AAC 96.006. UNIFORM RULES OF OPERATION. All actions undertaken in conjunction with the formation or operation of a local committee shall comply with the uniform rules of operation, which are as follows:

- (1) Organization. The committee shall be organized under authority of AS 16.05.280 and shall be administered by the Boards of Fisheries and Game.
- (2) Responsibilities. The committee shall be responsible for performing the functions described in sec. 005 of this chapter in accordance with the provisions of Chapters 96 and 97 of this title.
- (3) Title. The committee shall have a title.
- (4) Membership. The committee is composed of not less than five nor more than fifteen persons who have been appointed by or confirmed by the boards. The boards shall approve the first five members of the committee. Thereafter, nominations for additional members may be submitted by committee members or by local citizens. The committee shall vote on all nominations at regular public meetings. A majority of the members of the committee is necessary to elect a new member. Newly elected members have full voting and office holding rights until confirming action is taken by the boards. Any proposed member refused confirmation by the boards loses membership status when his nomination is refused. The committee may commence its operations as soon as the first five members are appointed by the boards.

(5) Terms of Members. Terms shall be set by the boards so that not more than one third of the committee members terms expire in one calendar year. Terms shall commence on January 1 and expire on December 31 of the year designated, or until a successor has been duly elected at the next meeting scheduled.

(6) Vacancies. Vacancies shall be filled through nomination and election by the committee as set forth in (4) above. However, if a vacancy causes the number of committee members to fall below five, the boards shall fill the vacancy, or dissolve the committee. Terms for members filling vacancies shall be set in accordance with (5) above. A vacancy in the committee shall be declared by the chairman on the happening of any of the following events:

(A) the death of, the resignation, of or the refusal to accept election by, any member;

(B) the recurring absence of a member from regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; or

(C) removal of a member by the boards for cause.

(7) Nominations. A nomination for committee membership may be submitted to the committee by a member or by a local citizen at any regular meeting or in writing to the chairman. The committee shall vote on all nominations at the next regular meeting.

(8) Officers. The officers of the committee shall consist of a chairman, a vice-chairman, and a secretary.

(9) Terms of Officers. The term of office for officers is two years commencing January 1 and ending December 31 of the following year, or until the next meeting that new officers can be elected, or ending at the end of the term of the member, when such term is for less than two years.

(10) Chairman. The chairman shall be elected by a majority vote of the committee and shall be the presiding officer; the chairman may call meetings of the committee.

(11) Vice Chairman. The vice chairman shall be elected by a majority vote of the committee and shall assist the chairman and assume his duties when the chairman is absent.

(12) Secretary. The secretary shall be elected by a majority vote of the committee and may, but need not, be a member of the committee. The secretary shall carry out the usual duties associated with this office. If the secretary is not a committee member, he shall have no vote in committee business.

(13) Resignation of Officers. If an officer withdraws before his term expires a special election shall be held to fill the office for the unexpired term.

(14) Meetings. The committee shall meet at such times as are necessary to participate in the process described in 5 AAC 97.081, and at such other times as considered desirable to formulate regulatory proposals and consider other appropriate matters including subsistence management policies.

(15) Public Meetings. Public meetings at which any interested persons may submit statements to the committee may be held from time to time on any matter relating to the purposes for which the committee is formed.

(16) Public Proceedings. Meetings and hearings of the committee shall be open to the public and advertised in the locality where the committee is organized.

(17) Quorum. A majority of the members serving on the committee constitutes a quorum for the transaction of business. Every act or decision done or made by a majority of the members present at a meeting of the committee duly held, at which a quorum is present, is the act of the committee.

(18) Rules of Meetings. The meetings of the committee shall be conducted according to the latest edition of Robert's Rules of Order.

5 AAC 96.007. REPORT OF ACTIVITIES. The chairman of each local committee shall annually, no later than December 31, furnish the boards with a current list of the names and addresses of those members of the committee and the expiration date of term for each member of the committee. Written reports of committee activities for the calendar year shall be made to the Boards during the ensuing January. This provision shall be satisfied if minutes of each meeting and all changes in membership status are submitted to the boards on a regular basis after each meeting throughout the year.

5 AAC 96.008. INTERACTION WITH REGIONAL FISH AND GAME COUNCIL. Local committees shall, to the fullest extent possible, coordinate their activities with those of the applicable regional council so that their respective functions and actions are complimentary. In selecting a chairman, local committees shall insure that the individual elected meets the qualifications of sec. 054 of this chapter.

5 AAC 96.009. ATTENDANCE AT MEETINGS. If funding is approved in conformance with 5 AAC 97.033 (b), the chairman (or his designee) of each local committee not selected under sec. 053 (c) of this chapter shall attend meetings of the applicable regional council. Each local committee shall cooperate with other local committees on matters of mutual interest and concern, and may hold joint meetings to effectuate this purpose.

ARTICLE 2.

REGIONAL FISH AND GAME COUNCILS

5 AAC 96.050. ESTABLISHMENT OF REGIONAL FISH AND GAME COUNCIL SYSTEM. Under authority of AS 16.05.260, there is established a system of regional fish and game councils (hereafter regional councils) to provide a regional forum for the collection and expression of opinions and recommendations on matters relating to fish and game resources.

5 AAC 96.051. CREATION OF REGIONAL COUNCILS. (a) There are created five regional councils, each of which shall operate in and be responsible for the following areas:

- (1) Region I - Game Management Units 1 - 5 and that portion of Unit 6A from Cape Suckling to the boundary of Unit 6 with Unit 5;
- (2) Region II - Game Management Units 6 (exclusive of the area described above as part of Region I), 7, 9A, 13, 14, 15, and 16;
- (3) Region III - Game Management Units 8, 9B, 9C, 9E, 17, and 19;
- (4) Region IV - Game Management Units 12, 18, 19, 20, 21, 24, and 25;
- (5) Region V - Game Management Units 22, 23, and 26.

(b) Each of the above regions include any adjacent marine waters subject to the jurisdiction of the state.

5 AAC 96.053. COMPOSITION. (a) Each regional council shall be composed of seven members.

(b) In regions containing seven local committees, the membership of the regional council shall be comprised of the chairmen of the local committees in the region.

(c) In regions containing more than seven local committees, the members of the regional council shall be selected by lottery from among the chairmen of the local committees of the region, except that the lottery shall be conducted so that the members of the regional council are distributed to represent all game management units or subunits of the region.

(d) In regions containing fewer than seven local committees, the members in addition to the local chairmen shall be selected by lottery from a list of local committee vice chairmen.

(e) All lotteries shall be conducted in accordance with procedures promulgated by the Boards of Fisheries and Game.

5 AAC 96.054. QUALIFICATIONS FOR MEMBERSHIP To qualify for membership on a regional council, a candidate must meet the following qualifications:

- (1) resident of the region for at least ten years;
- (2) informed and experienced with regard to fish and game resources of the region; and
- (3) free of fish and game violations (including disciplinary action) for the previous five years.

5 AAC 96.055. NONVOTING MEMBERS. In addition to the seven voting members on each regional council, a regional council at its discretion may appoint up to a total of three nonvoting members from among the federal and state natural resource management and enforcement agencies active in the region.

5 AAC 98.056. FUNCTIONS OF REGIONAL COUNCILS. (a) Each regional council shall be responsible for:

- (1) reviewing, developing, and making recommendations to the Boards of Fisheries and Game on proposals for regulations, policies, management plans, and other matters relating to the conservation and utilization of fish and game resources in accordance with the procedure set forth in 5 AAC 97.061 (see page 11);
- (2) providing a forum for the expression of opinions and recommendations by persons interested in any phase of fish and game conservation and utilization;
- (3) maximizing local and regional participation in the fish and game decision-making process; and
- (4) cooperating and consulting with local committees and with other interested persons and organizations (including government agencies) in order to accomplish the foregoing.

(b) In addition, each regional council shall prepare a proposed "Subsistence Management Plan" for the region. The plan shall contain the following elements:

- (1) identification of current and anticipated subsistence uses;
- (2) evaluation and definition of subsistence needs;
- (3) identification of users, zones, and other elements and concepts which must be recognized in any plan;
- (4) proposed subsistence management strategy for the region; and

(5) proposals for policies, standards, guidelines, and regulations necessary to implement the subsistence management plan.

(c) The Subsistence Management Plan described in (b) shall be prepared in consultation with the local committees, affected users, interested individuals and organizations, and state and federal fish and wildlife management agencies. The plans shall be submitted so as to be considered and approved by the boards at a meeting designated by the boards, and shall be updated annually by the regional council.

5 AAC 96.057. INTERACTION WITH LOCAL COMMITTEES. (a) Regional councils shall provide direction to and assist local committees in obtaining the opinions and recommendations of interested persons on fish and game matters in a manner which maximizes local participation in the fish and game decision-making process. Where differences of opinion exist between local committees, the regional council shall attempt to explore areas of compromise before taking its own position on the matter.

(b) Regional councils may make recommendations to the boards on the creation, consolidation, distribution, or other matters pertaining to the operation of the local committee system.

5 AAC 96.058. UNIFORM RULES OF OPERATION. All actions undertaken by a regional council shall comply with the uniform rules of operation contained in sec. 006, of this chapter, except that the rules set forth in the remainder of this section shall supplant the corresponding rule in sec. 006.

(2) Responsibilities. The council shall be responsible for performing the functions described in sec. 056 of this chapter in accordance with the provisions of chapters 96 and 97 of this title.

(4) Membership. Membership is governed by sec. 053 of this chapter.

(6) Vacancies. Vacancies are declared by the chairman as described in local committee rule (6), sec. 006 of this chapter. Vacancies are filled in the same manner as the original appointment.

(7) Nominations. Nominations are made in accordance with sec. 053 of this chapter.

5 AAC 96.059. REPORT OF ACTIVITIES. The requirements of sec. 006 of this chapter apply to regional councils.

5 AAC 96.060. ATTENDANCE AT MEETINGS. The chairman (or his designee) of each regional council shall attend meetings of the Boards of Fisheries and Game. Each regional council shall cooperate with other regional councils on matters of mutual interest and concern, and may hold joint meetings to effectuate this purpose.

Chapter 97.

OPERATING PROCEDURES OF THE
BOARDS OF FISHERIES AND GAME

Article 1.

ADMINISTRATION OF LOCAL FISH
AND GAME COMMITTEES

5 AAC 97.001. OPERATION OF LOCAL FISH AND GAME COMMITTEE SYSTEM. The boards will endeavor to provide the necessary assistance to local committees and to maintain the local committee system in a manner which will obtain maximum public input on local fish and game resources in the decision making process and which will permit the boards to be fully aware of local opinions and conditions in conjunction with their proceedings.

5 AAC 97.002. DISTRIBUTION OF LOCAL COMMITTEES. The boards will, to the extent possible, provide for a local committee system and a distribution of local committees which allows a reasonable opportunity for all citizens to take advantage of the system.

5 AAC 97.003. REVIEW OF PETITIONS FOR LOCAL COMMITTEES. The boards will review petitions for the creation of local committees at the meeting following receipt of the petition. Factors which will be evaluated by the boards include, but are not limited to,

- (1) existing committees in the area;
- (2) representation of user groups in the area on existing committees;
- (3) the likelihood of active participation on the proposed committee by residents of the area;
- (4) the likelihood of a sufficient number of qualified persons being interested in serving on the proposed committee;
- (5) logistical problems in providing assistance to the proposed committee;
- (6) the probability that the committee will enhance participation in the decision-making process by persons dependent on fish and game resources; and
- (7) recommendations of the appropriate regional council.

5 AAC 97.004. REVIEW OF NOMINATIONS FOR MEMBERSHIP ON LOCAL COMMITTEES. (a) The boards will review nominations for membership on local committees at the meeting following receipt of such nominations. Factors which will be evaluated by the Boards include, but are not limited to:

(1) whether the candidate meets the qualifications of 5 AAC 96.004;

(2) whether confirmation of the candidate will enhance the purposes of the local committee as described in 5 AAC 96.001 and 5 AAC 96.005; and

(3) whether confirmation of the candidate would result in broader or more balanced representation of user groups in the area.

(b) The commissioner of public safety will provide the boards with information concerning violations of the fish and game laws (including pending charges) and disciplinary proceedings involving any candidate for committee membership prior to consideration of the candidacy by the boards. The determination of the boards on any candidacy is final.

5 AAC 97.005. REGULAR AND SPECIAL MEETINGS. The boards will provide direction to local committees so that their meetings may be timed in a manner which will maximize their participation in fish and game deliberations. In addition, the boards may request any local committee to meet and to formulate recommendations on a subject or issue identified by the boards.

5 AAC 97.006. DISSOLUTION OF LOCAL COMMITTEES. A local committee may be dissolved by the boards if the committee becomes inactive, or if membership falls below the minimum number required, or for failure to act in accordance with the provisions of chapters 96 and 97 of this title.

Article 2.

ADMINISTRATION OF REGIONAL
FISH AND GAME COUNCILS

5 AAC 97.030. OPERATION OF REGIONAL FISH AND GAME COUNCIL SYSTEM. The boards will endeavor to provide the necessary assistance to regional councils and to maintain the regional council system in a manner which will enable the councils to realize their purposes and functions as described in 5 AAC 96.050 and 056. Special emphasis will be placed on the preparation of proposed Subsistence Management Plans for each region.

5 AAC 97.031. STAFF ASSISTANCE. Provided that adequate funding exists and that such action is in compliance with applicable law, the boards will assign the necessary staff to each regional council so that their interaction with local committees and with the boards is maximized. Staff persons assigned to regional councils will be under the supervision of the executive director to the boards.

5 AAC 97.032. REGULAR AND SPECIAL MEETINGS. The boards will provide direction to regional councils so that their meetings may be timed in a manner which will maximize their participation in fish and game deliberations. In addition, the boards may request any regional council to meet and to formulate recommendations on a subject or issue identified by the boards. The boards may remand any recommendation received from a regional council for further action, or may require that a regional council act in concert with another regional council on matters of mutual concern.

5 AAC 97.033. ATTENDANCE AT MEETINGS. (a) Provided that adequate funding exists and that such action is in compliance with applicable law, the boards will reimburse regional council members for travel and expenses incurred in attending regional council meetings required or requested by the boards, and will reimburse each regional council chairman or his designee for travel and expenses incurred in attending meetings of the Boards of Fisheries and Game where approved by the boards.

(b) Provided that adequate funding exists and that such action is in compliance with applicable law, the boards will provide funds to regional councils to be used by the council to reimburse local committee members for travel and expenses incurred in attending local committee meetings and to reimburse each local committee chairman or his designee for travel and expenses incurred in attending regional council meetings. Distribution of funds shall be at the discretion of the regional council except to the extent limitations are imposed by the boards.

(c) At least one member of the Board of Fisheries or the Board of Game shall attend each meeting of a regional council to the extent practicable.

5 AAC 97.034. DIRECTION FROM THE BOARDS. The boards may give direction to the regional councils on the nature and format of their actions to enhance the usefulness of the work of the regional councils in conjunction with the deliberations of the boards.

Article 3.

ADOPTION OF FISH AND GAME REGULATIONS

5 AAC 97.060. MEETINGS. The Board of Fisheries will hold at least two regular meetings annually. The Board of Game will hold at least one regular meeting annually. The joint boards will hold at least one meeting annually to consider matters of mutual concern including matters relating to the local committee and regional council system.

5 AAC 97.081. PROCEDURE FOR DEVELOPING, CONSIDERING, AND IMPLEMENTING FISH AND GAME REGULATIONS. (a) For the purpose of developing, considering, and implementing fish and game regulations, the boards will observe the procedure set forth in this section. The dates constituting deadlines for each phase will be set by the boards for each meeting and will be announced to the local committees and regional councils and to the public.

(b) The procedure governing the regulatory process is as follows:

(1) Phase 1. The boards will solicit proposed regulations. The boards may limit, after receiving concurrence from the regional councils, those sections or portions of the existing regulations which will be open for change in conjunction with each meeting to facilitate their deliberations. The boards may provide forms to be used in preparing proposals. Notices soliciting proposals will be distributed statewide. In order to be considered the proposals must be received by the boards before the designated deadline.

(2) Phase 2. After the deadline for receiving proposals, those proposals received (including all proposals from the Alaska Department of Fish and Game staff and other government agencies) will be compiled by the board staff and distributed to the public through departmental offices. Proposals also will be sent to local committees for review, except that local committees will review only those proposals affecting their region together with proposals regarding general provisions. However proposals affecting more than one region will be reviewed by the local committees of all regions affected.

(3) Phase 3. Local committees will review at a public meeting all proposals received, and shall forward their recommendations to their appropriate regional council.

(4) Phase 4. Regional councils shall review at a public meeting all of the proposals sent to the local committees for that region in the context of recommendations made by the local committees and the public. The regional councils may accept written and oral testimony as they desire. After consideration, regional councils shall forward their recommendations to the boards together with all of the proposals.

(A) regional councils shall, to the extent possible within time limitations, consult with user groups, local committees, and other interested organizations and individuals.

(B) regional councils can request technical and scientific support data and/or prepared testimony from the department's staff as desired.

(C) regional councils shall explore areas of compromise where there are conflicting points of view and shall attempt to reach a consensus before making a recommendation to the boards.

(D) in forwarding their recommendations to the boards, regional councils shall provide a justification or explanation for their action.

(E) regional councils, in addition to recommending for or against particular proposals, may recommend a package of proposals for implementation, a management plan, policy for implementation, administration, or enforcement of any proposal.

(5) Phase 5. The boards will legally notice all the proposals, or the subject matter to be considered, after the recommendations have been received from the regional councils. In accordance with procedures required by the Administrative Procedure Act (AS 44.82), the boards will hold a public hearing and will consider and vote on each proposal, or develop alternatives on the subject matter legally noticed, after reviewing the recommendations of regional councils and local committees. While the final determination on all proposals is the province of the boards, it is the general intent of the boards that the recommendation of a regional council will be followed unless one of the following circumstances is present:

(A) the regional council recommendation is not supported by the evidence;

(B) there are conflicting recommendations from regional councils on the same matter;

(C) there is a need for statewide uniformity on a particular matter, which would not be achieved if the regional council recommendation was followed;

(D) the action recommended by the regional council would be inconsistent with the Constitution or the laws of the State of Alaska or the United States;

(E) the action recommended by the regional council, if followed by the boards, would be contrary to the public interest, conservation of the resources, or would be inconsistent with the duties and obligations of the boards as trustees for the fish and wildlife resources of Alaska.

(F) A majority vote of the five chairmen (or their designees) of the regional councils in attendance at a board meeting that opposes any decision of the boards will serve to have that decision reconsidered by the boards in conference with the regional council representatives. The second decision by the boards after reconsideration will be final.

(6) Phase 6. After completion of procedures required by the Administrative Procedure Act, the boards will notify the regional councils and local committees of the actions taken and the reasons therefore.

5 AAC 97.062. SUPPLEMENTAL REGULATIONS AND ACTIONS. The boards may adopt other regulations take other action necessary to implement, administer, or enforce the regulations adopted in conjunction with the procedure set forth in sec. 061 of this chapter.

5 AAC 97.063. SPECIAL MEETINGS. In conjunction with any special meeting, the boards will follow the procedure set forth in sec. 061 of this chapter to the extent time permits. However, the boards may use a modified or different procedure if it would be more suitable for any particular special meeting.

5 AAC 97.064. MODIFICATION. The boards may modify or make exceptions to the procedure set forth in sec. 061 of this chapter in conjunction with any regular meeting if to do so would enhance public, committee, or council participation in the deliberations of the boards.

5 AAC 97.065. STAFF ASSISTANCE. The boards, through their executive director and the staff assigned to the executive director, will provide assistance to regional councils and local committees and to the public in conjunction with the procedures and proceedings of the boards.

Article 4.

GENERAL PROVISIONS

5 AAC 97.081. REMOVAL FOR CAUSE. The boards may remove any member of a local committee or a regional council for cause. As used in this section, "cause" includes:

- (1) repeated unjustifiable absence from meetings;
- (2) malfeasance or misfeasance in office;
- (3) conviction of a crime or administrative disciplinary action for behavior inconsistent with the responsibility of committee or council membership;
- (4) disregard for or disobedience of the provisions of chapters 96 and 97 of this title governing the committee and council system and the intent behind such provisions; or
- (5) failure, at any time, to meet the qualifications for committee or council membership.

5 AAC 97.082. CONSTRUCTION OF TERMS. As used in chapters 96 and 97 of this title, the term "boards" means:

- (1) the Boards of Fisheries and Game, acting jointly, on matters relating to the administration of the local committee and regional council system and on procedures for board meetings; or
- (2) the Boards of Fisheries and Game, acting individually, on substantive matters relating to fish or game.

5 AAC 97.083. SUPPLEMENTAL ACTION. The boards may take any action necessary and proper for the administration, enforcement, or implementation of chapters 96 and 97 of this title regardless of whether it is expressly mentioned herein.

Article 5.

EMERGENCY CLOSURES BY LOCAL COMMITTEES

[Incorporate existing regulations on emergency closures by advisory committees and change "advisory committees" to "local committees". Jurisdictional changes may be in order to correspond to the newly created regions.]

[REPEAL EXISTING REGULATIONS ON ADVISORY COMMITTEES]

AMENDMENT

OFFERED IN THE HOUSE:

By: Inider

To: _____ HOUSE BILL No. 572

SENATE BILL No. _____

PAGE: 1

LINE: ~~13~~ 14 & 15

To read:

And per diem to the Commissioner
and members of the Board
of Fisheries for joint
meetings with local Advisory
Committees in rural
communities of the State

Motion passed