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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Kristy Tibbles, Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 19, 2024

RE: Filed Permanent Regulations: Board of Fisheries & Board of Game

Board of Fisheries & Board of Game regulations re: March 2024 Joint Meeting (5 AAC 96)

Attorney General File:	2024101748
Regulation Filed:	7/19/2024
Effective Date:	8/18/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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July 19, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *5 AAC 96: Board of Fisheries & Board of Game - March 2024 Joint Meeting*
Our file: 2024101748

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Joint Board of Fisheries and Game against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Joint Board of Fisheries and Game after the close of the public comment period.

The regulations concern local fish and game advisory committees. The amendments revise the procedures for elections, designation of seats for specific user groups, terms and duties of advisory committee members, and processes for appointing alternates, declaring vacancies, and filling vacant seats.

The February 9, 2024 public notice and the May 29, 2024 order certifying changes both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.07.19
12:52:36 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/kmd

CC w/enclosure: Kristy Tibbles, Executive Director 2
Boards of Fish and Game
Department of Fish and Game

Cheryl Brooking, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALASKA BOARD OF GAME


The attached 5 pages of regulations, dealing with Fish and Game Advisory Committees, are certified to be a correct copy of the regulation changes that the Joint Board of Fisheries and Game adopted at its March 25-26, 2024 meeting, under the authority of AS 16.05.251, 16.05.255, and 16.05.260 after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Joint Board of Fisheries and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


Date: 5/29/2024

DocuSigned by:

939866571A4D4AB
Benjamin Mulligan, Deputy Commissioner
Department of Fish and Game

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on July 19, 2024 at 3:01 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Nancy Dahlstrom, Lieutenant Governor

Effective: August 18, 2024 *for*

Register: 25, October 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

5 AAC 96.021(b) is amended to read:

(b) The joint board **may** [WILL, IN ITS DISCRETION,] identify a committee established in (a) of this section as representing more than one community, and **may** [WILL, IN ITS DISCRETION,] designate one or more seats on the committee for a specific community. Each community is entitled to elect up to the designated number of representatives for the committee, in accordance with **5 AAC 96.060(g)(2)** [5 AAC 96.060(e)(3)].

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

(F) East Prince of Wales

Thorne Bay	<u>2 representatives</u> [1 REPRESENTATIVE]
Coffman Cove	<u>2 representatives</u> [1 REPRESENTATIVE]
Whale Pass	<u>2 representatives</u> [1 REPRESENTATIVE]
Kasaan	<u>2 representatives</u> [1 REPRESENTATIVE]
<u>Hollis</u>	<u>2 representatives</u>
Undesignated	<u>5</u> [11] representatives

(In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95; am 8/2/86, Register 99; am 9/15/88, Register 107; am 3/16/89, Register 109; am 11/30/89, Register 112; am 9/26/90, Register 115; am 8/28/91, Register 119; am 6/26/93, Register 126; am 8/16/97, Register 143; am 7/12/98, Register 147; am 12/30/2007, Register 184; am 2/23/2014, Register 209; am 9/19/2019,

Register 251, October 2024 FISH AND GAME

Register 231; am 9/24/2021, Register 239; am 8 / 18 / 2024, Register 251)

Authority: AS 16.05.260

5 AAC 96.060(f) is amended to read:

(f) Terms of members. Each committee shall establish the 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. **Except** [OR, EXCEPT] as specified in (g)(1) of this section, **an expired term may continue** until a successor has been duly elected at the next committee meeting[.] **, or for community designated seats under 5 AAC 96.021(c), at an election within 12 months following the expiration of the term.** The maximum length of a term is three years.

5 AAC 96.060(g)(1) is amended to read:

(1) Vacancy. A committee shall give at least 14 days public notice of a meeting for an election to fill [A VACANCY.] **a vacant or expired seat. An election for a community designated seat under 5 AAC 96.021(c) must also have 14 days public notice.** The member elected to fill a vacant seat **will serve** [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, AND SHALL DECLARE A VACANCY] when any of the following occurs:

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

(B) a 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 has expired or its expiration is imminent;

(E) for community designated seats under 5 AAC 96.021(c), if an election has not occurred 12 months following the expiration of the term;

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

(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;

5 AAC 96.060(g)(7) is repealed and readopted to read:

(7) Alternates.

(A) Each advisory committee may appoint two undesignated alternates. An undesignated 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 undesignated alternate from the remaining nominees from an election, the alternate may 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) Alternates must meet the qualifications under this chapter. Alternates are not elected under (1) - (6) of this subsection. 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 undesignated or community-designated alternate is not to exceed a 12-month period and the term ends on June 30.

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 **or 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(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.

5 AAC 96.060(D) is amended to read:

(D) Secretary or recorder. The secretary **or recorder is essential for ensuring the actions by the advisory committee are accurately recorded in writing. The secretary or recorder** may be, but need not be, a member of the committee. The secretary **or 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 **or recorder** is not a committee member, the secretary **or recorder** has no vote on committee business other than nominations for committee membership.

(In effect before 1983; am 10/9/83, Register 88; am 9/22/85, Register 95; am 11/30/89, Register 112; am 9/26/90, Register 115; am 7/12/98, Register 147; am 2/23/2014, Register 209; am 9/19/2019, Register 231; am 8 / 18 / 2024, Register 251)

Authority: AS 16.05.260