

ALASKA JOINT BOARD OF FISHERIES AND GAME  
LETTER  
#85-15-JB

April 22, 1985

All Regional Council Chairmen  
Appropriate addresses

Dear Mr. Xxxxx:

At the spring 1985 meeting of the Joint Board there was considerable discussion about Joint Board proposals 10 and 18, concerning regional council reports and recommendations. This letter is intended to explain the board's understanding of the relationship between them.

The state regulation which sets out the procedure for developing fish and game regulations provides that if a recommendation or proposal from a regional council concerns the subsistence use of fish or wildlife, the board may choose not to follow the recommendation only if the board determines that it is not supported by substantial evidence presented during the course of the board's administrative proceedings, violates recognized principals of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs [5 AAC 96.610(e)].

Both state regulations [5 AAC 96.250(a)(5)], and federal law [ANILCA 805(a)] give the regional councils the authority to prepare an annual report which shall contain several listed topics. The boards view this provision as a valuable summary of the regional council's views, as well as an appropriate vehicle for sending recommendations to the Secretary of the Interior. However, any proposed changes in the regulations or recommendations on proposals must be presented by the regional councils in accordance with the normal regulatory procedures, as spelled out in 5 AAC 96.610 and ANILCA 805(d). This allows for adequate public notice and meets the requirements of the Administrative Procedures Act.

~~Thus, although the boards have asked the regional councils to provide them with a copy of their annual reports, such reports are only for the board's information. Additionally, any~~

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recommendations which the boards have said will receive special deference must concern subsistence uses and must relate to fish and game regulations. Again, such recommendations must be submitted as part of the normal regulatory process under 5 AAC 96.610.

In order to promote orderly and adequate public consideration of a regional council's subsistence recommendation, the councils are encourage to submit regulatory proposals reflecting the recommendation rather than using the petition process set out in AS 44.62.220 and .230. Petitions will be discouraged, except in emergency situations, under the Alaska Joint Board of Fisheries and Game's policy on petitions, a copy of which is enclosed for your information.

Sincerely,



Ron Jolin  
Chairman  
Alaska Board of Fisheries and Game

Distribution List  
6 Regional Council Chairmen  
Standard Distribution List