



March 23, 2016

Comments on HB 266 Board of Game Regulation Proposals

Resident Hunters of Alaska (RHAK) **supports** HB 266 to clarify how Board of Game-generated proposals can be introduced and how the public process of wildlife management should work.

In January of 2015 at a Work Session meeting the Board of Game out of the blue (BOG) generated two proposals related to sheep hunting (Proposals 207 & 208) that mystified and angered the public. Both Board-generated proposals were broad and contained proposal ideas that had never before been expressed by the public. What made these Board-generated proposals so troubling was that the Board had before it nearly 30 sheep proposals from the public at the upcoming February 2015 Region IV Meeting, that had been deferred from the 2014 Region III Meeting a year earlier.

RHAK believes firmly that these two BOG-generated proposals did not meet the Joint Boards criteria for Board-generated proposals and purposely circumvented the public process.

These are remarks made by Board member Teresa Sager-Albaugh at the January 2015 Work Session after the Chairman introduced Board-generated proposals 207 and 208 (our emphasis):

*"I do think that it's important that we do go ahead and make some decisions with regard to the sheep issues. I guess I don't see the same sense of urgency to necessarily adopt a board generated proposal and put some of these concepts out for public comment at this point. Simply because we've got a backlog of proposals and current proposals that are gonna be before us in February and March that we need to act on. **All of those proposals came to us through the regular anticipated process by the public.** And I think there is close to thirty on sheep alone if you combine the two meetings and the deferred proposals.*

*I guess I didn't ever look at the survey process or the gathering, just pulling from the Department's records to gather the data that you've provided, as something that was going to take on a life of its own and become, you know, that we were **gonna put forth new concepts** for resolution to the sheep issues and the sheep problems that the public has brought before us. If you look at the lion's share of the proposals that have been submitted, most of them suggest limitations on nonresidents, limitations on the commercial aspect of sheep hunting and sheep hunters. Whether or not that is the appropriate resolution to crowding, you know that's for us to debate when we get into the deliberations portion of the meeting. But in my view, those were the proposals we really needed more information on in order to make informed, good decisions. So I'm really not compelled **to put forth new ideas.**"*

Several of the criteria for generating Board proposals that is listed in the Joint Boards document 2013-34-JB were clearly not followed. For example:

- These Board-generated proposals were not in the public's best interest
- There was no "urgency" in considering this issue; the Board has had public proposals before it on sheep issues for nearly a decade that came in via the regular proposal process.
- The current processes were clearly sufficient to bring the issues and concerns revolving around sheep hunting to the Board's attention.

There was not reasonable opportunity for the public to comment, even though the Board met the 30-day public notice requirement. Please note that Fish & Game Advisory Committees (ACs) meet on set schedules, and these sudden Board-generated proposals caused special meetings to be held, as well as hardship on the public to have to travel to testify on these proposals that were not in the already-published proposal book.

BOG member Sager-Albaugh rightly brought these issues up to the Board but her concerns were not sufficient to prevent the Board from voting to include these Board-generated proposals along with all the other public proposals on sheep issues before the Board in February.

Furthermore, at the subsequent BOG meeting in Wasilla in February 2015 the Board held an informal Sheep Town Hall meeting where 167 members of the public were present. BOG Chairman Spraker told the public that they were all free to come up and speak publicly to the audience and express their concerns, but he wanted them to focus their opinions on the two Board-generated proposals.

In March 2015 at the Region II Meeting in Anchorage, the Board passed Board-generated proposal 207 that restricts the way aircraft can be used during sheep hunting. The Board passed this never-before-heard-of restriction even though the vast majority of ACs, the public, Airmen's Association and Alaska Wildlife Troopers opposed it. The resulting backlash from the public ended up in efforts to repeal this new regulation and a special Board meeting was held in May 2015 to decide the matter. The Board again voted to keep this new regulation in place even though the vast majority of the comments were opposed.

In a newspaper article after the meeting, Vice-chairman Turner said: "*The board had a lot of comments in opposition. But something that's tempered my view on that a little bit -- the disproportionate comments against the proposal -- is that I believe any time someone is losing something through board actions, you're going to hear mostly from the affected group.*"¹

It's telling Mr. Turner said that hunter pilots were "losing" something. Everything about the direction the current Board of Game is going is one in which the Alaskan public is being disenfranchised. Adequate oversight is not happening with Department of Law

¹ <http://www.adn.com/article/20150529/state-game-board-upholds-aerial-sheep-spotting-ban>

staff. It's one thing to technically meet the definition of the law or policy, but quite another when it's clear the actual intent was not followed.

On March 23rd, 2016, the Board again chose not to rescind Board-generated Proposal 207 at its Statewide meeting after it was reconsidered, and again voted to keep it in place. And on top of that, Board member Nate Turner, a licensed guide and pilot who claims he has guided for sheep for fifteen years as an assistant guide, and whose website currently falsely claims he holds an exclusive guide use area in the Arctic National Wildlife Refuge and lists sheep hunts and prices for 2016, did not recuse himself from voting on 207 or any of the sheep proposals before the Board, even though he has a clear conflict of interest in whether or not nonresidents sheep hunters are limited and resident pilots are limited in how they can use aircraft for sheep hunting.

The entire Board of Game process is broken. The Advisory Committees are only listened to when the Board agrees with their positions. This is affecting resident hunters and pilots in a negative way. Proposal 207 clearly went against the guidelines and the subsequent regulation spawned from it should be repealed by the legislature.

We hope the legislature will adequately scrutinize the Board of Game and dig deeper into these matters. We also hope the legislature will not confirm Nate Turner's reappointment to the BOG next month.

Thank you for your consideration of this bill and these matters.

Sincerely,
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