

HB

304

# COMMITTEE REPORT HOUSE

FURTHER: FINANCE

February 27, 1979

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on RESOURCES has had HB 304

"An Act establishing Fish and Game Resource Regions, Local Fish and Game Committees, and Regional Fish and Game Councils; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

HB 304

March 9, 1979

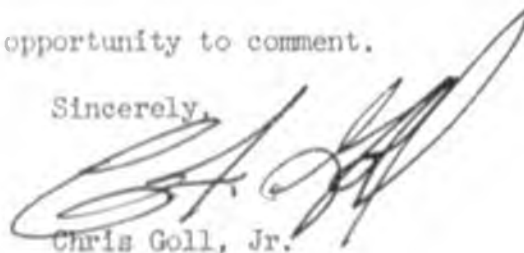
The Honorable Alvin Osterback  
Chairman  
House Resources Committee  
Alaska Legislature, Pouch V  
Juneau, Alaska 99811

Dear Mr. Osterback:

Please be advised that I support HB 304 and the development of regional councils without regulatory authority over HB 193. Increased involvement of Advisory Committees through the regional councils and through funding of travel and per diem for the Advisory Committee Chairmen, will be most beneficial to making good decisions on the fish and wildlife resources of Alaska.

I appreciate the opportunity to comment.

Sincerely,



Chris Goll, Jr.  
Anchorage

March 9, 1979

The Honorable Alvin Osterback  
Chairman, House Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Osterback:

This is to advise you that I support HB 304 and the development of regional councils without regulatory authority over HB 193 establishing regional boards. The strengthening of the Advisory Committee system through the regional councils and through funding of travel and per diem for Advisory Committee Chairmen will be highly beneficial to the management of Alaska fish and wildlife.

Thank you for the opportunity to comment.

Sincerely,



Herman Schroeder  
Dillingham, Alaska

HOUSE BILL NO. 304  
SUGGESTED REVISIONS  
REAL ALASKA COALITION

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For an Act entitled: "An Act establishing Fish and Game Resource Regions, Local Fish and Game Committees, and Regional Fish and Game Council; and providing for an effective date."

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

\* Sec. 1. INTENT. The legislature finds that the proper regulation, protection, and conservation of fish and wildlife and the continuation of the unique lifestyle of Alaska residents require that an administrative structure be established for the purpose of enabling people with personal knowledge of local conditions and requirements to have a more meaningful advisory role in the management of fish and wildlife in Alaska.

\* (1)

\* (2)

\* Sec. 2. AS 16.05 is amended by adding new sections to read:  
Sec. 16.05.222. FISH AND GAME RESOURCE REGIONS.

\* (3)

\* (4)

For the purpose of the conservation and management of the fish and wildlife resources of the state, there are created five fish and game resource regions, the exact boundaries of which must be established by the Board of Fisheries and the Board of Game, acting jointly.

\* (5)

\* (6)

(Sec. 16.05.223. LOCAL FISH AND GAME COMMITTEES has been deleted totally.)

Sec. 16.05.224. REGIONAL FISH AND GAME COUNCILS. (a) The Board of Fisheries and the Board of Game, acting jointly, shall establish a regional fish and game council within each fish and

Att: \* is where a revision was made; some revisions were 1 word whereas others were (1) sentences or sections

1 game resource region, composed of the chairpersons of the  
2 local fish and game committees within its region.

3 (b) The Boards of Fish and Game shall assign a coordinator  
4 to each region to distribute all relevant support data and  
5 coordinate activities of Regional Council and Land Advisory  
6 Committees and attend all Fish and Game Board hearings on  
7 behalf of their respective regions.

8 (c) Each regional fish and game council may upon agreement  
9 of the majority of the members and approval of the Boards of  
10 Fisheries and Game:

- 11 (1) hold public meeting on fish and wildlife matters;
- 12 (2) review, make recommendations, and assist the  
13 department, in consultation with its local fish and game com-  
14 mittees and appropriate federal agencies, in developing plans  
15 for the conservations, regulation, management, and use of the  
16 fish and wildlife resources within its region.

17 (3) perform other duties which may be specified by  
18 the boards by regulation.

19 (d) The regional fish and game councils may present recom-  
20 mendations concerning the conservation, regulation, management,  
21 and use of fish and wildlife resources within their respective  
22 regions, and the evidence upon which the recommendations are  
23 based, to the local advisory committees during the course of  
24 their administrative proceedings. The committee, individually  
25 or jointly, may choose not to follow any such recommendation  
which it is determined during the administrative proceedings  
is not supported by substantial evidence, violates recognized  
principles of fish and wildlife conservation, or would be

1 inconsistent with the constitution or the laws of the State  
of Alaska or the United States.

\* (11) (12) (13)

2 → \* Sec. 4. IMPLEMENTATION. (a) In view of present state  
3 fiscal constraints, the Board of Fisheries, Board of Game,  
4 and the department shall implement AS 16.05.223 and 16.05.224,  
5 enacted in sec. 2 of this Act, within the fish and game re-  
6 source regions established by AS 16.05.222, also enacted in  
7 sec. 2 of this Act, in accordance with the following schedule,  
8 measured from the effective date of the Act:

9 (1) no less than one region within one year;

10 (2) no less than three additional regions within  
two years; and

11 (3) all regions within three years.

12 (b) During the implementation period stated in (a) of  
13 this section, all existing local advisory committees in other  
14 regions shall continue to function under the present regulations.

15 \* Sec. 5. CONSTRUCTION. If any provision of this Act is  
16 incompatible with AS 16.05.260, the provision of this Act  
governs.

\* (12) (13) (14)

17 → \* ~~Sec. 7. Sec. 6 of this Act takes effect three years after~~  
18 ~~the effective date of the remaining sections of this Act.~~  
19 ~~The remaining sections of this Act take effect immediately~~  
20 ~~in accordance with AS 01/10.070(c).~~

EXPLANATION OF THE REVISIONS TO HOUSE BILL 304

(Note: All references to lines are from original HB-304.)

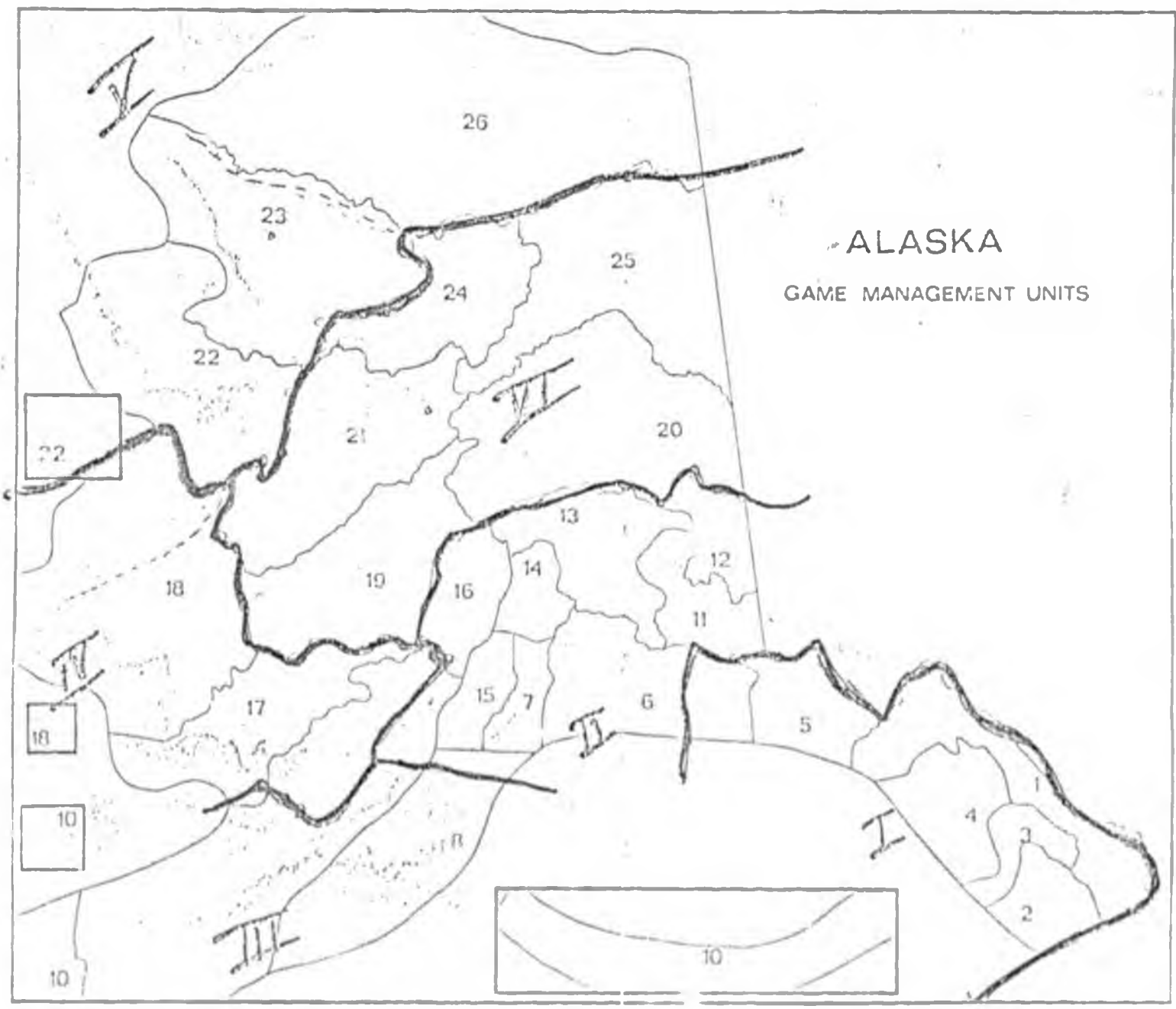
1. Line 12, There is no reason to distinguish between rural and other Alaska residents.
2. Line 15, The word advisory was added to better reflect the role of the public.
3. Line 18, "and development" was deleted because it was not considered appropriate to develop fish and game.
4. Line 19 and 20, The number of regions was revised to conform to the existing five game management regions. Actually the number of regions should be left up to the Boards so the best boundaries can be drawn to allow management of the resources of game, sport, and commercial fish. These boundaries may not be the same for basic management reasons. In fact, at present, there are three separate systems drawn by ADF&G for management.
5. Line 21 of page 1 and Line 1 - 28 of page 2, Since the boundaries are to be established by the Boards all area definition has been omitted.
6. Line 29 of page 2, Lines 1 - 29 of page 3, and Line 1 - 2 of page 4, The existing advisory committee system should remain as detailed in AS 16.05.260. The Boards have authority to deal with advisory committees now and will be making changes in their joint meeting of March 1979.
7. Line 8 - 11 of page 4, Paragraph (b) was deleted and new wording was added to allow for a coordinator in each region as determined by the Boards. We feel this may be the single most important factor to permit better local input to the fish and game regulatory system.
8. Line 12 of page 4, To better control what and when the Regional Councils meet, etc., we believe the Boards shall be given an oversight authority.
9. Line 18 - 25 of page 4, Since the regulatory powers of the councils are deleted, this wording is not needed. These councils are advisory only and should serve to advise and educate the local advisory committees.
10. Line 2 - 3 of page 5, As the councils are to serve the advisory committees, it was necessary to revise this wording.

11. Line 10 - 16 of page 5, Paragraph (e) is no longer required since the Councils are to serve the advisory committees.

12. Line 3 - 3 of page 6, This language concerns local advisory committees. Since no change is recommended in the existing system, Sec. 6 and Sec. 7 are not required.

GOVERNOR'S PROPOSAL

HR 304



ALASKA  
GAME MANAGEMENT UNITS

...ita River downstream  
...anika River; bounded  
...a River from its con-  
...er upstream to Dexter  
...of Dexter Creek to its  
...divide between the  
...ainages to the head of  
...along the west bank of  
...of the Yanert River,  
...th bank of the Yanert  
...up the east bank of  
...k of Moose Creek to

...portion of Unit 20  
...of the Tanana River  
...er and the Tolovana  
...includes the north

Feb 304

February 26, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill which provides for the establishment of Regional Fish and Game Councils and Fish and Game Resource Regions. It also provides for the improvement of the local fish and game committee system.

This bill draws from the best elements of other proposed legislation, and from my own administrative proposal which was prepared by the Department of Fish and Game after considerable public review. It is nearly identical to a draft produced recently by the Alaska Federation of Natives, Inc.

The bill establishes six Fish and Game Resource Regions with Regional Fish and Game Councils and provides for establishment of local fish and game committees with mutually exclusive geographic areas of interest.

Each local committee area would be a local, contiguous, and relatively uniform area in terms of habitat and life-style. Committee members would be knowledgeable local residents, appointed by the joint boards. The chairpersons of local committees would comprise the regional councils.

The regional councils and the local committees would be responsible for expressing to the joint boards local views regarding management plans, regulations, and other fish and wildlife concerns, and for presenting recommendations to the boards to which the boards must respond.

To ensure that this proposed system will work, one section provides for funding to cover travel and per diem costs of council and committee members, a crucial lack in

the past. In view of current state fiscal problems, however, I am proposing that only one region be implemented during FY 80, with the others following later.

Sincerely,

*S/JSH*

Jay S. Hammond  
Governor



REGIONAL RESOURCE COUNCILS

ASSUME

-	1 position to assist Advisory Committees and Region Council - Range 14 with benefits	=	\$33,100
-	travel and per diem for region * this amount above amount budgeted for Advisory Committee travel	=	18,000
-	contractual support of Council	=	7,000
-	commodities and supplies	=	900
-	equipment	=	<u>1,000</u>
		TOTAL	\$60,000

IMPLEMENTATION

ASSUME

-	1 Council in FY '80 include 1 in FY '80 request	=	-0-
-	4 Councils in FY '81 - 60.0 x 4	=	240.0
-	6 Councils in FY '82 - 60.0 x 6	=	360.0
-	no inflation added until FY '83 after FY '83, inflation at 6%		

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 304

By THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

"An Act establishing Fish and Game Resource Regions, Local Fish and Game Committees, and Regional Fish and Game Councils; and providing for an effective date."

Fish and Game

Introduced in the House 2-27, 1979

HISTORY IN THE HOUSE

19 79  
Feb. 27 Read first time and referred to Committee on Resources and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration  
PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused  
Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration  
PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused  
Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Received from Senate

Concurred in Senate amendment thus adopting:  
VOTE

Failed to concur in Senate amendment; asked Senate to recede  
VOTE

Senate receded from amendment  
VOTE

Senate failed to recede from amendment  
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House  
VOTE

CC adopted by Senate  
VOTE

To enrolling  
Reported correctly enrolled  
Sent to Governor

by Governor

Filed with Lt. Governor

Chapter No.



HB 304

MEMO

Date: March 9, 1979  
To: Representative Bill Miles, Co-chairman;  
✓ Representative Alvin Osterback, Co-chairman;  
and members, House Resources Committee  
From: Frank Flavin, Ombudsman  
Subject: House Bill 304

77

Attached is a report of our findings concerning an investigation of the Anchorage Fish and Game Advisory Committee. The problems revealed here are reflective of the types of problems experienced by any advisory group that lacks the full support of the agency concerned.

If Fish and Game advisory committees are to be expanded or strengthened I would recommend that the administrative support required by the Department of Fish and Game be clearly spelled out.

The language in Section 2, AS 16.05.224 (b), page 4, lines 8-11 of HB 304, is a good start but the inclusion of a training program for the committees and councils and an annual reporting requirement on the types of assistance provided would be helpful.

I also feel that the Department should be directed to assist local boards in determining user groups who must be represented on the local boards. [Sec. 2, AS 16.05.223 (c), page 3, lines 15-22 of HB 304].

Finally, the advisory committee concept as set out in this bill reduces the objectivity of the advisory committee by their dependence on the Department for both data and administrative assistance. As an alternative to our first two suggestions, it may be advisable to establish an independent advisory committee coordinator's office attached to the Department of Fish and Game but independent, or through another vehicle such as the Public Forum.

rj  
Attachments



# Ombudsman

Frank Flavin

State of Alaska  
360 "K" Street, Room 246  
Anchorage, Alaska 99501

(907) 276-4011

August 22, 1978

Commissioner Ronald Skoog  
Department of Fish and Game  
Subport Building  
Juneau, Alaska 99811

Re: Ombudsman Complaints A78-0305,  
A78-0328, A78-0329 and A78-0332  
(Pending)

Dear Commissioner Skoog:

In March, 1978, this office received the above-captioned complaints from individuals in the Anchorage area alleging that some of the activities of the Anchorage Area Fish and Game Advisory Committee are conducted in violation of the Alaska Administrative Code or in a manner that is not consistent with good principles of public administration.

During the course of our review of the activities of the Anchorage Area Fish and Game Advisory Committee, representatives of the Ombudsman's Office observed one of the Committee's public hearings, interviewed individual committee members, interviewed members of the public interested in the Committee's activities, and met with officials of the Department of Fish and Game, including Commissioner Ronald Skoog. One formal hearing was held by this office in connection with this investigation, and a thorough review was made of the Committee's records. Near the end of our inquiry, a private meeting was held with members of the Anchorage Committee for the purpose of exchanging views, reviewing our preliminary findings, and obtaining further input from the Committee members regarding recommendations to improve the process for public input and access to the Committee.

Pursuant to AS 16.05.260, some 50 area advisory committees have been established in various communities throughout Alaska to provide public input to the Boards of Fisheries and Game on fish and game matters. The area advisory committees hold public hearings and meetings, make recommendations to the Boards of Fisheries and Game on proposed regulations, and provide a valuable public forum on the management of fish and game resources. Due to geographical distances and demographic differences between Alaskan communities throughout the State, there have been considerable variations in the manner in which the area advisory committees function and the amount of community involvement in each committee. During our investigation, we have endeavored to keep these factors in mind. We also recognize that committee members are unpaid volunteers who donate their time and have very limited resources at their disposal. As far as we have been able to ascertain, our investigation of the Anchorage area committee is the first in depth and critical evaluation by an independent agency of a Fish and Game advisory committee anywhere in the State. Even though each Fish and Game advisory committee functions autonomously, we believe that some of our findings regarding the Anchorage Committee may have relevance to Fish and Game advisory committees in other parts of the State.

The following are the specific allegations that were made regarding the Anchorage Area Advisory Committee, and our findings. At the end of this report, we will set forth recommendations which we believe will help to resolve some of the problems we found during the course of our investigation.

ALLEGATION 1: The composition of the Anchorage Area Advisory Committee is not representative of the resource user groups in the Anchorage area.

Finding: Indeterminate.

According to the Alaska Administrative Code, "Each advisory committee shall be composed of persons well informed on the fish and game resources of the locality . . . and shall be representative, in so far as possible, of the resource user groups of the general area." (5 AAC 96.020). In attempting to evaluate the facts concerning this allegation, we found that there is no clear definition of what constitutes a user group, no generally accepted criteria for delineating the constituency of each user group, and no clear figures on how many people in the Anchorage area are in each resource user group. While the number of residents with fishing and hunting licenses in the Anchorage area are available, there are no figures available on the number of non-consumptive users there are. Indeed, there is no generally accepted definition of non-consumptive user groups. In addition, there is a significant

overlap between residents who both hunt and fish, between people who hold commercial and sport fishing licenses, and even between people who have both consumptive and non-consumptive interests. Without more precise definitions of terms, more information on the nature of constituencies in various groups and more data on the numbers of each group, it is not possible to make a completely accurate determination of this allegation.

To date, the Anchorage Area Advisory Committee has made no systematic attempt to identify what resource user groups there are in the Anchorage area or how many people there are in each group. In other words, it is difficult to determine just who the Committee actually represents other than the members themselves. Many of the committee members contend that the Anchorage Committee represents all interests while several other members and a number of people in the community claim the Committee only represents a narrow cross section of user groups in the Anchorage area.

It is possible to make some tentative observations on the current make-up of the Committee's membership, based on how Committee members themselves defined their own interests in interviews with an Ombudsman investigator and on the basis of letters of nomination which many of the Committee members wrote when they were seeking election to the Committee. Based on this criteria, the present Committee membership appears to be disproportionately represented by individuals who identify themselves as sports hunters and/or sports fishermen. Thirteen of a total of fifteen members identify themselves in this category as consumptive users. The remaining two members of the Committee identify themselves as primarily non-consumptive users. Among the majority of consumptive users, however, there is some overlapping of interests. Two are engaged in commercial fishing at least part of the year, and one of these is closely related to a professional guide. A third individual earns a small part of his living as a wildlife photographer, as well as being an avid hunter. Two other consumptive sports users have strong ties to environmental groups or frequently vote with the two non-consumptive users, depending on the issues raised in the proposal. Thus the Anchorage Committee appears to be dominated by consumptive sports users, while commercial users and non-consumptive users constitute small minorities. There is no representative of subsistence users on the Committee, nor is there any representation of Native groups or associations, even though these groups are significant economic and cultural factors in the Anchorage area.

Several committee members take the position that user groups should only be represented to the extent that such users attend the Committee's meetings. Under such a criteria, these members claim, the Anchorage Committee is fully representative of the area user groups. However, this criteria appears inaccurate if

one makes a comparison between the number of people testifying on several controversial regulation proposals last winter and the votes of the Committee members on those same proposed regulations. At the Committee's hearing on March 15, 1978, approximately half of the people who testified on the proposal to close the Eagle River drainage area to hunting and trapping supported the proposal. The Committee, however, voted by a 9-3 margin to keep the area open to hunting. At the telecommunications hook-up several weeks later, which allowed Anchorage residents to testify before the Game Board Hearing in Fairbanks, the vast majority of people who testified favored closing the Eagle River area to hunting and trapping.

The views expressed on this one issue alone, as well as the Committee's vote, does not necessarily indicate that the Anchorage Committee is unrepresentative of local user groups. There has been, however, a considerable increase in the number of non-consumptive users who have been attending committee meetings in the last two years, while there has been little or no change in the proportional representation of non-consumptive users on the Anchorage Committee. As Alaska's principal urban center, Anchorage probably has the largest proportion of non-consumptive users of any community in the State. However, without clear criteria for identifying resource user groups and the numbers of their constituents in the community, it is difficult to make more than tentative observations as to whether or not the Anchorage Area Advisory Committee is representative of the resource user groups in the area.

In the immediate future, the continued growth of Anchorage as an urban center will continue to place increasing pressure on fish and wildlife resources in this area. As the pressure on the resources continues to mount, it is likely that a greater number and variety of resource user groups will attempt to obtain representation on the Committee. It seems likely that the debate over how the resources should be managed will become more intense. Since the Anchorage Area Committee, like other area fish and game advisory committees, selects its own new members, this office believes that the Committee should give greater consideration to defining which resource users there are in the community and making a more sustained effort to see that the Committee's membership is as representative of the resource users as possible (See Recommendations at the end of this report).

ALLEGATION 2: During the past two years, some of the meetings of the Anchorage Area Advisory Committee have been held in private homes rather than in public places.

Finding: Partially Justified/Rectified.

The Alaska Administrative Code does not prohibit fish and game advisory committee meetings from being held in private homes. In many Alaskan communities, such meetings are routinely held in private residences with no adverse consequences. However, in a large metropolitan community such as Anchorage, holding public meetings in private homes can have adverse consequences. First of all, a private residence may not have the facilities to accommodate the number of people who might want to attend the meeting. Access might also be a factor discouraging attendance. Another factor of concern stems from the polarity of views and feelings engendered by different philosophies on how resources should be managed. Conducting public meetings in private homes could discourage the expression of diverse views if a participant does not feel comfortable in the home of someone who holds strong contrary views. For these reasons, public meetings and hearings should be held, as a matter of good public administration, in public places where there are sufficient facilities, good access, and a setting which encourages the widest possible expression of viewpoints and opinions.

Such facilities are not available in many Alaskan communities, but they are available in Anchorage. In the last two years, there have only been two meetings of the Anchorage Committee that were held in private homes. One was a continuation of a meeting held at a local junior high school when the building had to be vacated after 11 p.m. The other meeting in a private home took place on short notice when there was not time to arrange for a public meeting place and to get out sufficient advance publicity. Both of these meetings were held in 1977, and since that time, all of the Committee's meetings have been held in public places. As a result, we find that this is no longer a serious concern, and that the problem has been fully rectified by the Committee.

ALLEGATION 3: During the past two years, meetings of the Anchorage Area Advisory Committee have not been adequately publicized in advance.

Finding: Justified/Partially Rectified.

The Alaska Administrative Code (5 AAC 96.050 Bylaw Number 16) requires that all meetings and hearings of the advisory committees shall be advertised in the locality where the committee is organized. The Anchorage Area Advisory Committee holds essentially two different kinds of meetings: 1.) public meetings, usually in the evenings, to which it tries to give public notice, and 2.) breakfast or executive meetings in which there is no public notice. The latter meetings are usually held in the early morning hours on an irregular basis and are used primarily as planning sessions.

The most serious problem with providing adequate notice for the first category of meetings was a lack of funds to pay for the advertising. Committee members frequently used public service announcements or submitted stories to the local newspapers, but in a community the size of Anchorage, mass advertising is also necessary to inform the public of upcoming meetings. In the past, some Committee members have paid for advertising out of their own pockets, and it has only been in the last year that funds became available from Juneau. The amount and exact source of those funds, however, was never made clear to the Committee. As of July 1, 1978, the Committee has been allocated \$500.00 for expenses, which include advertising. While there has been some improvement in giving public notice of meetings during the last six months, there still have been lapses of coordination within the committee in arranging for adequate public notice of their regular meetings.

The executive or so-called "breakfast" meetings have never been advertised. There has been a diversity of opinion among Committee members as to whether these meetings are "public" in nature, but the Alaska Administrative Code clearly states that "Meetings and hearings of this advisory committee shall be open to the public." These meetings have not been given public notice as required in the regulations, and the public does not have the opportunity to observe or participate if it is not given adequate prior notice of when and where the meetings will be held. The Regulations require that the meetings be open to the public, but this does not necessarily mean that the public can participate. The Anchorage Committee may hold sessions where the public is not able to participate, but the public must be able to observe. The amount of publicity required for executive meetings would be considerably less than for the Committee's regular meetings. [Note: AS 44.62.310 provides that agency meetings (including committees) be open to the public and that reasonable public notice be afforded. See specifically AS 4462. 10(b) in regard to executive sessions.]

ALLEGATION 4: There are no minutes for many of the Anchorage Advisory Committee's meetings which were held during the last two years.

Finding: Partially Justified.

The Alaska Administrative Code (5 AAC 96.050 Bylaw Number 14) requires that "Minutes shall be kept of all meetings of the committee." In our investigation of this allegation, we found that during 1977, minutes were kept for many, if not all of the executive or "breakfast" meetings, but there were no minutes kept for many of the publicly held meetings. For the first one-third of 1978, there are minutes of the publicly held meetings, but no

minutes were taken at the executive meetings held during that period of time. When the Committee held a meeting for the purpose of showing a film or sponsoring a speaker, there has generally been no minutes taken for that meeting. As a result, there is no record of when many of the Committee's meetings were held, which Committee members were present, how many members of the public attended and what transpired at the meeting. In addition, we found that the minutes were scattered among more than two members of the Committee, and the minutes of several meetings were "lost" or "misplaced."

Minutes of the meetings serve a variety of functions. These include providing information on the scope of the Committee's activities, public interest and participation in the Committee's activities, and information about the attendance and participation of Committee members. The minutes also provide new committee members with a valuable resource about past Committee activities as well as ideas for programs and educational activities that the Committee might wish to sponsor in the future. And finally, the minutes of the meetings provide the Advisory Committee Coordinator's office with information about new members and as well as data on which to base decisions about providing funds to advisory committees. We find that the Committee has not kept a satisfactory record of their activities as required by the Administrative Code.

ALLEGATION 5: Nomination of new members to the Anchorage Advisory Committee have, on occasion, been held in private homes rather than in public places.

Finding: Unsupported.

We have found no evidence that nominations for new members were made in meetings not held in public places.

ALLEGATION 6: Election of new members to the Anchorage Area Advisory Committee have, on occasion, been held in private homes rather than in public places.

Findings: Partially Justified/Rectified.

In our investigation of this allegation, we found that the Anchorage Area Advisory Committee held a meeting on February 2, 1977 for the purpose of voting on nominations for new members which had been received at a publicly held meeting two weeks earlier. At the meeting on February 2, there were seven or more vacant positions available on the Committee, and the Committee voted to elect all seven persons who had been nominated.

For the same reasons listed in our findings on Allegation 2, we find that meetings of the Anchorage Committee should be held in public places rather than in private homes. While all of those nominated were elected to the Committee, meeting in a

private home for this purpose may have stifled the opportunity for anyone present at the meeting to question the qualifications of any of the nominees. In any case, we found no evidence of such a situation and this incident does not appear to be a serious one. Nomination and election of new members in 1978 were held at public meetings, and the Committee has made clear its intention to hold nominations and election of new members in public places in the future.

ALLEGATION 7: Members of the public have been unable, despite repeated requests to obtain copies of minutes of meetings of the Anchorage Committee.

Finding: Justified.

During the last year and a half, several complainants made a number of requests to examine the minutes of the Anchorage Committee's meetings. Several of these requests were in writing, although most of these requests were made verbally to the Committee's chairman, Ted Forsi. Mr. Forsi promised to bring the minutes to the Committee's meetings for public inspection, but when he repeatedly failed to do so, the complainants concluded that either no minutes were being kept or they were being withheld for some unspecified purpose.

As a part of our investigation, this office made a formal written request to Mr. Forsi on March 31, 1978 to examine the Committee's minutes. Six weeks later, and after several verbal reminders, the minutes were still not made available. Mr. Forsi stated that the minutes were scattered between his home and office, and he had not had time to get them together. When asked for a specific date when the minutes would be available, Mr. Forsi, refused to give a date and indicated that our request was a low priority. At that time, pursuant to AS 24.55.170(2), it was necessary to issue a subpoena for the minutes. They were finally made available to this office on May 22.

While Mr. Forsi told the complainants that the minutes had been available in his office for their inspection, this apparently was not the case. In any event, we find that the records of the Committee's meetings should be available for public inspection at the Committee's regular meetings. Copies of the minutes of the Committee's meetings should also be available for public inspection at the local Fish and Game Department office.

ALLEGATION 8: Members of the public have been unable, despite repeated requests to the Chairman, to obtain copies of or inspect letters of nomination for new members of the Anchorage Committee.

Finding: Justified.

As in Allegation 7, several members of the public asked to inspect letters of nomination that had been submitted to the Committee by individuals who sought to be elected to the Committee. The request to inspect the minutes was made for the purpose of attempting to evaluate the criteria used by the Committee for selecting new members. The Chairman, Mr Forsi, denied the request, but when the matter was discussed by the whole Committee, it was decided that the letters should be available for inspection. Mr. Forsi promised the complainants that he would bring the letters of nomination to subsequent meetings of the Committee, but he did not do so. When this office made a written request to the Chairman of the Committee to inspect the letters of nomination, we encountered the same problems in securing access to these documents as in examining the Committee's minutes. Access to the letters was obtained by this office only after the issuance of a subpoena.

ALLEGATION 9: The Anchorage Advisory Committee had no vice chairman for an unusual length of time.

Finding: Unsupported.

The term of the former vice chairman of the Anchorage Committee, George Elledge, expired in December 1977. The Committee postponed election of a new vice chairman until after the election of new members to the Committee in early 1978. This was not completed until February, and a new vice chairman, Bruce Griggs, was elected in April. We find that the Committee's decision to wait until new members had been elected before selecting a new vice chairman was reasonable and based on practical considerations.

ALLEGATION 10: The Anchorage Area Advisory Committee has not submitted annual reports or copies of its minutes of meetings to the Game Board as required by State regulations.

Finding: Justified.

In our investigation of this allegation, we found that the Anchorage Committee does not send the Coordinator either a year-end annual report or complete copies of the minutes of its meetings. According to the Committee's Chairman, a year-end report or regular submission of Committee minutes to the Coordinator's office is unnecessary. The only official business which the Committee conducts, according to Mr. Forsi, is the Committee's votes on proposed fish and game regulations. Copies of the Committee's recommendations, he added, are sent to the Fish and Game Boards and constitute "in essence our annual report" of the Committee's activities.

The Alaska Administrative Code (5 AAC 96.050) requires that each area advisory committee submit an annual written report of

its activities for the year to the Advisory Committee Coordinator. This requirement may also be met, according to the Regulations, if minutes of each meeting and all changes in membership status are submitted to the Coordinator on a regular basis after each meeting throughout the year. We find that the Anchorage Committee has not met the requirements of the Administrative Code. Failure to meet the reporting requirements not only prevents the Coordinator's office from knowing about the scope of the Committee's activities and the extent of public interest in fish and game management, it also prevents the Coordinator from receiving information on which to base funding of Committee activities.

ALLEGATION 11: Meetings of the Anchorage Area Advisory Committee are not conducted in accordance with Roberts Rules of Order.

Finding: Justified.

Section 5 AAC 96.050 Bylaw Number 18 states that advisory committee "meetings shall be conducted according to the latest edition of Roberts Rules of Order." Chairman Ted Forsi claims that he follows Roberts Rules in conducting most of the Committee's formal meetings. When he was asked by an investigator from this office whether he had a copy of Roberts Rules, Mr. Forsi said he did not. Under subsequent questioning, he demonstrated a lack of knowledge of and familiarity with Roberts Rules. There are several procedural matters in the Committee's meetings which could be improved upon if the guidelines set down in Roberts Rules were utilized. One improvement, for example, would be for the Committee to formally adopt the minutes of the previous meeting at each new meeting.

ALLEGATION 12: Public testimony of the Anchorage Area Advisory Committee hearing on March 15, 1978 at Romig Junior High School was not recorded.

Finding: Unsupported.

There is no requirement in the Alaska Statutes and Administrative Code that public hearings have to be recorded. It is however, common practice among State agencies to record public meetings and hearings. The Anchorage Area Committee does not have the resources or equipment to record testimony made at its public hearings. It also does not have the resources to transcribe tape recordings of testimony. If the Committee does obtain additional resources in the future, or if recording equipment along with clerical staff to transcribe the recordings is made available through the local Fish and Game Department office, then the Committee might wish to consider whether it would be desirable to record testimony at its hearings. It is certainly useful to have a complete record before making decisions, but the Committee would no doubt wish to weigh the advantages against the disadvantages of possibly discouraging citizens from testifying.

ALLEGATION 13: Deliberations and voting on proposed game regulations by the Anchorage Area Advisory Committee at its March 15, 1978 hearing were held at such a late hour that it made it difficult or impossible for members of the public to attend that portion of the hearing.

Finding: Justified/Rectified.

At the Committee's March 15 hearing, testimony was heard from 7 p.m. to 11 p.m. on 265 proposals that had been submitted to the Game Board. At approximately 11 p.m. the Committee began its deliberations and voting on the various proposals, starting with the two proposals on which there had been the most public testimony. At approximately 11:25 p.m. the meeting was adjourned to a nearby restaurant because the auditorium that had been used up to that point was supposed to be vacated by 11 p.m. Deliberations and voting continued at the restaurant until approximately 3 a.m.

Several Committee members and a number of people in the audience opposed adjourning the meeting to another location because of the late hour. They requested that the deliberations and voting be continued on the following evening or at another suitable time. The Committee Chairman and a majority of the members of the Committee opposed meeting on another night because of schedule conflicts. As a result, approximately twenty people, who had stayed until 11:30 p.m. to listen to the deliberations and voting, did not attend the rest of the meeting held at the restaurant because of the late hour.

We find that the Committee did not allot sufficient time for testimony, deliberations and voting on the 265 proposals. We find that after 11:30 p.m. or midnight is an unreasonable hour to hold a public meeting. The holding of deliberations and voting at such a late hour serves to discourage public attendance at that part of the meeting. We believe that this problem could have been avoided by better planning and scheduling on the part of the Committee. The Committee has indicated to this effect that they intend to schedule their hearings in the future on Saturdays or over two evenings when there are a large number of proposals for consideration. We believe that such a solution will afford a reasonable opportunity for public testimony as well as an opportunity for the public to observe the voting.

ALLEGATION 14: The Anchorage Advisory Committee extends special privileges at its hearings to Dave Harkness, the Area Biologist for the Department of Fish and Game; privileges that are not accorded to members of the public or to other agencies concerned with wildlife resources. Through this special status, Mr. Harkness is able to exercise considerable influence with the Anchorage Committee in opposing public proposals which run counter to the philosophies or policies of the Department of Fish and Game.

Finding: Partially Justified.

In our investigation of this allegation, we did not find any evidence of inappropriate conduct or wrongdoing on the part of Mr. Harkness. We did find a serious problem, however, with the procedure established by the Committee for receiving testimony at its hearings. We find that the procedure utilized by the Committee at its March 15, 1978 hearing on game regulation proposals was unfair, and it is on the basis of this particular problem that we find the complaint to be partially justified.

The area advisory committee system was set up to provide public input into the formulation of fish and game regulations. The advisory committees are supposed to be autonomous, and it was for this reason that the Alaska Administrative Code specifically prohibits Fish and Game Department personnel from being members of the advisory committees. However, the Fish and Game Department, as the agency responsible for collecting data and managing the resources, provides a significant amount of input into advisory committee hearings through the comments and presentations of local employees who attend advisory committee meetings.

At the hearing on March 15, 1978, the Anchorage Area Committee set down guidelines to limit the amount of time that each individual could testify due to the large number of people at the meeting. People in the audience were not allowed to make comments or ask questions of the person testifying. At the end of a person's allotted time, Committee members could ask the person questions, but people in the audience were not allowed to ask questions or make comments. This ground rule would have been reasonable had it been universally enforced. On a number of occasions, Dave Harkness, who was seated in the audience, was allowed to make comments on the testimony of individuals who were testifying. On two occasions, Mr. Harkness's comments were solicited by individual members of the Committee, while on several other occasions, his comments were unsolicited. In at least three of these cases, his comments directly contradicted the testimony of persons who had the floor. Mr. Harkness was the only individual allowed to make comments from the audience on another person's testimony. The Chairman of the Committee did not identify Mr. Harkness, and it was not clear whether Mr. Harkness was speaking as a private citizen or an employee of the Fish and Game Department. At no time during the hearing did Mr. Harkness or any other Fish and Game employee appear in front of the room to give testimony in the manner prescribed for other individuals. Mr. Harkness was also allowed to participate in the deliberations of the Committee prior to voting, a privilege that was not extended to other people in the audience.

We find that to afford Fish and Game Department employees the opportunity to interrupt and refute another person's testimony is unfair and improper. The Committee did not adhere to its own guidelines set forth at the outset of the meeting in which members of the audience were prohibited from making comments on the testimony of the individual who holds the floor. By soliciting Mr. Harkness' comments from the audience or allowing him to refute comments of the person testifying, the Committee places the Fish and Game Department Representative in an adversarial role against individuals giving testimony that conflicts with data provided by the Department or policies advocated by the Department. Such a procedure serves to intimidate the public and to discourage people from actively participating in the Committee hearing process. Since the opportunity to refute testimony of individuals or participate in the committee's deliberations was not granted to other individuals or representatives of other agencies, we find that the procedure utilized at the March 15 hearing provided Mr. Harkness with a special status inconsistent with the purpose of the advisory committee system.

The principal issue here is not one of limiting the input of Fish and Game Department personnel at advisory committee meetings, but rather the procedures and timing utilized to facilitate participation by the Fish and Game Department representatives. Fish and Game Department employees had the opportunity to make their own presentation before the Committee in the same manner as other individuals. Given the fact that the Fish and Game Department has much of the available data on the resources, it is not unreasonable for the Committee to provide a longer interval of time for Fish and Game people to make their presentation. Fish and Game employees should not have the right to interrupt and refute a person's testimony whenever they feel that person's testimony is erroneous or misleading. Committee members had the opportunity, under the guidelines set up at the beginning of the meeting, to ask questions of the person testifying to clarify any facts or points that might be unclear. We find that this provided a sufficient safeguard against misleading or erroneous data being given at the hearing. Fish and Game officials are not afforded the opportunity to interrupt and comment upon each person's testimony at the hearings of the Fisheries and Game Boards, and they should not be afforded such a privilege by area advisory committees.

#### OBSERVATIONS:

While this investigation has revealed some serious problems with the manner in which the Anchorage Area Advisory Committee conducts some of its activities, in some ways, it is surprising the Committee has done as well as it has in view of the complexity

of its tasks and the lack of procedural guidance and support from the Advisory Board Coordinator's office in Juneau. Committee members are not paid for their time, have limited resources, and can hardly be expected to bring with them to the Committee a background in public administration. We find that the Anchorage Committee, and by inference, other area advisory committees could benefit by greatly increased support and guidance from the Department. Following our recommendations to the Anchorage Committee, we are including a separate list of recommendations to the Advisory Committee Coordinator. We believe that these recommendations if adopted, will provide greater support and more information to the various advisory committees, and enable them to be more effective in carrying out their tasks.

RECOMMENDATIONS to the ANCHORAGE AREA ADVISORY COMMITTEE:

1. We recommend that the Anchorage Committee in cooperation with the Coordinator's office make a study to define and identify the resource users groups in the Anchorage area, as well as the constituencies and numbers of individuals in each user group. The purpose of this recommendation is to clarify what groups of resource users in the area the Committee does and should represent. It would seem likely that the Committee would make such an assessment periodically to assess changing patterns in resource user groups in the local area.

2. We recommend that the Anchorage Area Committee make a sustained effort to recruit and select new members to the Committee that represent resource users who are not currently represented or who are currently underrepresented.

3. We recommend that all meetings of the Anchorage Area Committee be given adequate public notice pursuant to 5 AAC 96.05.050 Bylaw Number 16.

4. We recommend that the Anchorage Area Committee make greater use of the resources available at the local Fish and Game Department office for the purpose of giving advance notice for their meetings. These resources would include access to mailing lists, posting notices at the Fish and Game Office and use of the office's telephone recorded message to the public.

5. We recommend that the Anchorage Committee make greater utilization of resources in the community for giving public notice of their meetings, such as posting notices in sporting goods stores and sending notices to local sportsmen's organizations, environmental groups, etc.

6. We recommend that the Anchorage Committee keep minutes of all of its meetings, including information on members present at each meeting, an estimate of the number of other people attending and a brief sketch of major issues discussed and any significant decisions made by the Committee.

7. We recommend that the Anchorage Committee have a copy of all the minutes of its meetings available for public inspection at all regular committee meetings.

8. We recommend that the Anchorage Committee make arrangements with the local Fish and Game Department office to post notices and to maintain copies of the Committee's minutes for public inspection.

9. We recommend that upon request, letters of nomination be made available for public inspection at regular Committee meetings. To avoid any misunderstanding, we also recommend that the Committee advise prospective nominees that the letters of nomination will be public documents and will be available to the public for inspection upon request.

10. We recommend that the Anchorage Committee submit either an annual report of its activities or copies of its meetings to the Advisory Committee Coordinator as required by State Regulations.

11. We recommend that the chairman or vice chairman of the Anchorage Committee obtain a copy of Roberts Rules of Order and utilize them as the basis for conducting Committee meetings.

12. We recommend that the Anchorage Committee restructure the guidelines for public testimony at its hearings in such a manner as to give both members of the public and employees of the Fish and Game Department ample opportunity to testify without being placed in unnecessarily adversarial roles.

#### RECOMMENDATIONS for the ADVISORY COMMITTEE COORDINATOR'S OFFICE:

1. We recommend that the Advisory Board Coordinator make a comprehensive survey of resource user groups throughout the State before setting guidelines for user group representation for advisory committees Statewide. Such a survey should include a polling of members of each committee as to the resource user groups in their local area, as well as to what extent those groups are represented by the Committee. Any guidelines established should give recognition to the vast differences between communities as well as regional differences.

2. We recommend that the Advisory Board Coordinators provide assistance to the local area committees in identifying resources that are available to the committees from local Fish and Game offices. These resources might include postage and mailing,

clerical assistance, posting of notices in Department Offices, utilization of telephone message recorders, and access to audio equipment for hearings and meetings when necessary.

3. We recommend that the Advisory Board Coordinator provide each advisory committee member with a resource handbook which explains the function of advisory committees and includes the relevant statutes and regulations. Other useful information which could be provided in the handbook would be an explanation of requirements for notifying the public of all meetings, requirements for making committee minutes and other documents available to the public on request, outline the basic concepts of Roberts Rules of Order, and basic statutory requirements concerning public meetings and records, etc.

4. We recommend that the Advisory Committee Coordinator's Office solicit budget requests from each committee annually in time for the committees to make their requests before the final budget requests are made by the Coordinator's office.

RECOMMENDATIONS for the LOCAL FISH AND GAME DEPARTMENT OFFICE  
IN ANCHORAGE:

1. We recommend that the Anchorage Office of the Fish and Game Department consult with the local advisory committee as to the possibility to making the following resources available to the local advisory committee:
  - a. facilities for posting notices and maintaining copies of committee minutes for public inspection;
  - b. use of the Office's recorded telephone message for giving public notice of committee meetings and activities;
  - c. use of Office clerical staff and mailing for committee business;
  - d. availability of audio and recording equipment for the committee's public hearings.

Since this report of the findings of our investigation includes formal recommendations by this office, may we please have a response from the Department and Committee within a reasonable length of time. Normally, a period of 30 days is provided, but given the time of year and the fact that the Anchorage Committee does not meet frequently during this time of year, we are willing to extend that length of time for the Advisory Committee, if you require more time to respond to our recommendations. Should you wish to discuss any part of this report, please feel free to call me at 276-4011. I am willing to undertake further discussions and negotiations, if necessary to reach reasonable and workable solutions to the Committee's problems.

Sincerely,



Frank Flavin  
Ombudsman

RB/FF:gpw

cc: Marion Williams, F&G Advisory Committee Coordinator  
John Vania, F&G Anchorage Office