

HB

103

<TARGET><BILL>HB 103</BILL><SUBJECT>HB
103</SUBJECT><COMM>HFSH29</COMM></TARGET>

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
301 Santa Claus Lane 3B
North Pole, Alaska 99705
Phone - (907) 451-2723

Session
State Capitol Rm 412
Juneau, AK 99801
Phone - (907) 465-4797



Rep.Tammie.Wilson@akleg.gov

MEMORANDUM

To: The Honorable Louise Stutes, Chair

Fr: Representative Tammie Wilson

Re: Hearing Request for HB 103

Date: February 16, 2015

Dear Chair Stutes,

I respectfully request a hearing for HB 103 in the House Fisheries Committee. My staff on this piece of legislation is Theresa Woldstad. She can be reached at (907) 465-4797.

Sincerely,

Tammie

Representative Tammie Wilson

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 103
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB103-DFG-BDS-02-13-15
Title: BOARDS OF FISH/GAME REGULATION
AUTHORITY
Sponsor: WILSON
Requester: House Special Committee on Fisheries

Department: Department of Fish and Game
Appropriation: Administration and Support
Allocation: Fish and Game Boards and Advisory Committees
OMB Component Number: 2825

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial fiscal note

Prepared By: <u>Glenn Haight, Executive Director</u>	Phone: <u>(907)465-6095</u>
Division: <u>Boards Support Section</u>	Date: <u>02/13/2015 12:00 PM</u>
Approved By: <u>Sunny Haight, Administrative Services Director</u>	Date: <u>02/13/15</u>
Agency: <u>Fish & Game</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 103

Analysis

House Bill 103 would prohibit the Board of Fisheries (BOF) and the Board of Game (BOG) from adopting, amending, or repealing regulations unless it was recommended by an advisory committee, a state agency, or a person petitioning the board.

The BOF and BOG create "board generated proposals" to address emerging issues that are otherwise unaddressed by proposals within the normal cycles, by emergency petitions, or other approved means by the public. These proposals will often address immediate issues of importance and are required to adhere to the same regulatory timelines as other proposals in accordance with the Administrative Procedures Act AS 44.62.310.

Costs may be fairly assessed in the board process based on the number of proposals it receives. From FY2011-FY2014, the average number of proposals received between both boards in a year is 579 (337 for BOF and 242 for BOG). This generates a set number of meeting days in a year, which from FY11-FY14 is an average of 52 by both boards - 33 for BOF and 19 for BOG. Based on total proposals and number of meeting days, the average number of proposals per meeting day handled by the boards is approximately 11 proposals per day. The average for BOF is approximately 10, while the BOG is approximately 12.

Taking away the ability for the board to generate proposals in essence reduces their workload. It would not add cost. Rather, it may have the effect of reducing costs. However, the boards generate proposals on an infrequent basis. The BOF created less than 10 in the last four fiscal years. The BOG creates an estimate of no more than 5 annually. Board generated proposals are too infrequent to impact cost.

This analysis is predicated on the bill impacting only board generated proposals. If it impacts the ability of the boards to amend proposals before them at board meetings, it is uncertain what that would do to the workload of the boards.

Alaska State Legislature House of Representatives

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HB 103 Sponsor Statement

"An Act relating to the authority of the Board of Fisheries and the Board of Game to adopt, amend, or repeal regulations."

The clear intent of our constitutional framers and early legislators was to include the public in the process of managing and allocating our fish and game resources. Alaska is unique, for example, among all states for operating a system of fish and game advisory committees (ACs).

Unfortunately, this intent toward public participation has in recent years been frustrated by a commingling of the functions of the *boards* of fish and game with the *Department* of Fish and Game, the result of which has been public exclusion.

The legislature is empowered in Art. 8, Sec. 2 of the Alaska Constitution with managing and allocating all resources, including fish and game. The legislature has in turn statutorily delegated that *management* authority by creating the Department of Fish and Game in the executive branch to manage fish and game resources. The legislature also delegated the *allocation* authority by creating the Board of Fisheries and Game, but they did not put these boards in the executive branch.

Current statute and regulation require proposals for the allocation of fish and game resources to be submitted by a published deadline before the board meeting. Members of the public, advisory committees, the department, and the board can submit such proposals. Typically, these proposals are published well ahead of the meeting for the interested public to scrutinize, and if they deem necessary, offer input.

The problem that has developed is that board factions, using department staff for support, are developing proposals outside of the public purview. While individual members of the public and ACs must submit their proposals in advance of board meetings, the board factions and department staff can work on proposal language with no notice to the public. This language is often adopted as board regulation without the public having opportunity to engage in its development.

HB 103 will solve this problem and again put the public on equal footing with the government; as well as, introduce transparency to our public process.

History of Alaska's Fish and Game Board Process

The State of Alaska constitution is unique, in that it contains an article that exclusively addresses the management of natural resources within state lands and waters. Article VIII of the Alaska Constitution is the result of historic achievement in which the State of Alaska established the chief principle that all resources should be managed under a public trust doctrine for the citizens of Alaska. Under section two of Article VIII, the Alaska "Legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of the people." From the humble beginnings of statehood, the Alaskan people desired a transparent regulation process for natural resources management in the State of Alaska.

Under the Alaska Constitution, the Board of Fish and Game was founded in 1959 to provide for public discussion on the state's fish and wildlife management. The mission of the Fish and Game Board was for the conservation and development of the fisheries and game resources of the State. This was accomplished through the promulgation of regulations affecting utilization and development of Alaska's fish and game resources. Under the Alaska Department of Fish and Game, the board conducts one public meeting annually. Board members are appointed by the Governor and confirmed by the legislature to four-year terms. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The Commissioner of the Alaska Department of Fish and Game serves as an ex-officio secretary of the board and to cast tie breaking votes during deadlock. The boards possess regulatory powers as set forth by their respective statutes, but the boards do not have administrative, budgeting or fiscal powers, which were reserved to the Governor and Alaska State Legislature.

The Board of Fish and Game established a system of local Fish and Game Advisory Committees around the state to provide a local forum for the collection and expression of regional opinions on fish and game issues. The advisory committees provide the Board of Fish and Game with recommendations for regulatory changes and resource allocations while allowing a public platform for transparent discussions. The board reviews the proposals submitted by the advisory committees and can adopt or reject the proposal. The board must provide the advisory committees reason for the rejection of a proposal.

In 1975, the Alaska State Legislature split the Board of Fish and Game into two separate boards: the Board of Game and the Board of Fisheries to reduce the regulatory load while providing for more effective public meetings and discussions. The Board of Fisheries and the Board of Game currently consists of seven member appointed by the Governor and confirmed by the Alaska Legislature to three-year terms.

Today, the Board of Game and the Board of Fisheries utilizes a three-year meeting cycle in which proposed regulations are considered on a five region-based schedule. The boards review technical information provided by Alaska Department of Fish and Game, comments from the general public, and testimony from resource user groups and the 84 local advisory committees. The Alaska Department of Law reviews adopted regulations from the boards. The Alaska Attorney General then submits the new regulations to the Lieutenant Governor who files the regulations which are implemented by the Alaska Department of Fish and Game and managed according to state regulations.



Understanding the Advisory Committee Process



Want to know more?
To find out more about advisory committees, contact your regional coordinator.

Arctic Region
442-1717

Interior Region
459-7263

Southwest Region
842-5142

Southcentral Region
267-2354

Southeast Region
465-4110

Western Region
543-2433

It comes as a surprise to many Alaskans to learn that the state's hunting, trapping, and fishing regulations are NOT made by the Alaska Department of Fish and Game (ADF&G).

This job falls to the Board of Game and the Board of Fisheries. Each board is a group of seven people appointed by the governor and approved by the legislature.

Advisory committees play a key role in the regulatory process. While the Boards of Game and Fisheries make the final decisions on proposed regulations, they rely on advisory committees to offer their local perspective on fish and wildlife issues that are of interest to the committee by submitting proposals and providing comments on proposals.

What are Advisory Committees?

Advisory committees are local groups authorized by Alaska Statute 16.05.260. This statute gives the Joint Board of Fisheries and Game direction to establish advisory committees for the purpose of providing a local forum for the collection and expression of opinions and recommendations on matters related to the management of fish and wildlife resources. Currently there are 84 advisory committees that represent communities across the state. Each advisory committee is comprised of up to 15 locally elected members with expertise in local fish and game issues.

Advisory Committee Meetings & Roles

Advisory committee meetings are open to the public and provide a local forum for the public, advisory committee members, ADF&G and other agency staff to discuss fish and wildlife issues. Meetings focus on developing and evaluating regulatory proposals and consulting with individuals, organizations, and agencies on fish, wildlife, and habitat issues. Advisory committee membership, uniform rules and responsibilities are defined in regulation in 5 AAC Chapter 96, and their functions are supported by ADF&G Boards Support Section through local regional coordinators.

How to Get Involved

For more information about advisory committee meetings and membership, please visit www.boards.adfg.state.ak.us or contact an ADF&G regional coordinator (see list at left).

The Value of Working Together

Advisory committees serve as a forum to bring individuals, agencies, and interested organizations together to review important fish and game resource matters. These forums not only provide an opportunity for collaboration and communication, keystones to forging regulatory change with the boards, but serve to strengthen relationships among each of these parties in their work to improve Alaska's fish and game resource.

How Regulations are Made

The Public



People bring concerns to their local advisory committee, submit their own proposals directly to the boards, and provide written comments and oral testimony to the boards.

Local Advisory Committees



Advisory committees discuss local wildlife observations and issues, seek information from ADF&G, submit proposals to the boards, review submitted proposals, and provide written comments and oral testimony to the boards.

ADF&G



ADF&G submits proposals to the boards and provides biological information to the boards and advisory committees.

Board of Game



Board of Fisheries

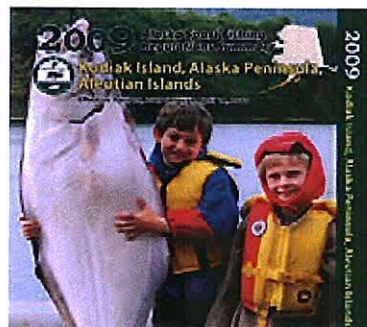


The Boards consider advisory committee and public comments, and information from ADF&G regarding proposals. Decisions on proposals are reached by a majority vote of the Board and written as regulations.

The regulations are given legal review and made official by the Lt. Governor.

Want to know more?

www.boards.adfg.state.ak.us



After regulations are approved, the **Hunting, Trapping, and Fishing Regulations** books are produced by ADF&G. Regulations are enforced by the Alaska Wildlife Troopers.



Local Fish and Game Advisory Committees (84)

Arctic Region (9)

Kotzebue
Lower Kobuk
Noatak/Kivalina
North Slope
Northern Norton Sound
Northern Seward Peninsula
St Lawrence Island
Southern Norton Sound
Upper Kobuk

Interior Region (15)

Central
Delta
Eagle
Fairbanks
Grayling/Anvik,/Shageluk/
Holy Cross (G.A.S.H.)
Koyukuk River
Lake Minchumina
McGrath
Middle Nenana River
Middle Yukon River
Minto/Nenana
Ruby
Tanana/Rampart/Manley
Upper Tanana/Forty Mile
Yukon Flats

Southeast Region (23)

N. Frederick Sound

Angoon
Elfin Cove
Icy Straits
Juneau-Douglas
Kake
Klukwan
Pelican
Sitka
Tenakee Springs
Upper Lynn Canal
Yakutat

S. Frederick Sound

Craig
East Prince of Wales Island
Edna Bay
Hydaburg
Hyder
Ketchikan
Klawock
Petersburg
Port Alexander
Saxman
Sumner Strait
Wrangell

Southcentral Region (18)

Anchorage
Central Peninsula
Cooper Landing
Copper Basin
Copper River/PWS
Denali
Homer
Kenai/Soldotna
Matanuska Valley
Mt. Yenlo
Paxson
PWS/Valdez
Seldovia
Seward
Susitna Valley
Tok Cutoff/Nabesna Road
Tyonek
Whittier

Southwest Region (12)

Chignik
False Pass
King Cove
Kodiak
Lake Iliamna
Lower Bristol Bay
Naknek/Kvichak
Nelson Lagoon
Nushagak
Sand Point
Togiak
Unalaska/Dutch Harbor

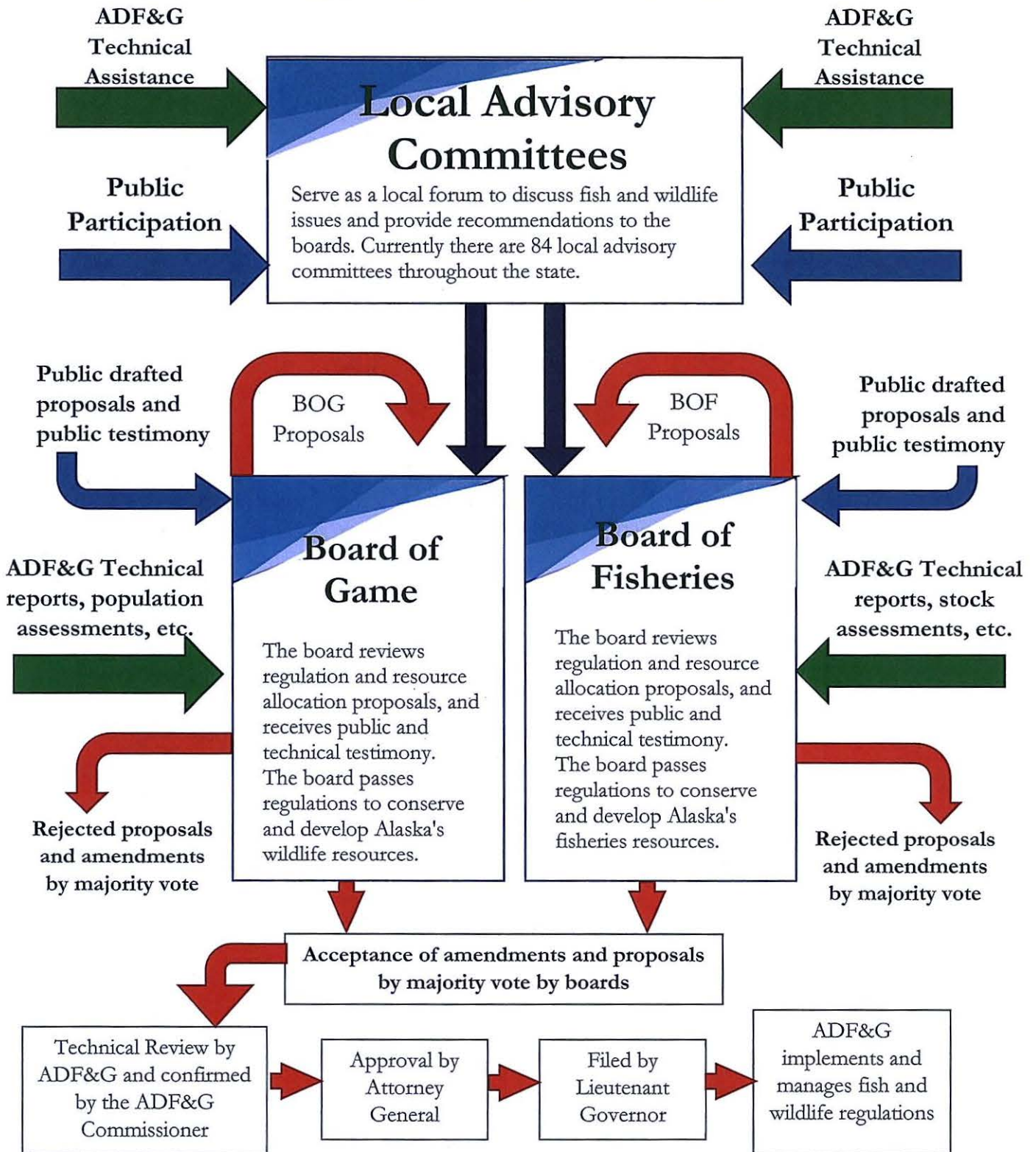
Western Region (7)

Bethel
Central Bering Sea
Coastal Lower Yukon
Lower Kuskokwim
Mid-Lower Yukon
Central Kuskokwim
Stony-Holitna

1. Southeast
2. Southcentral
3. Southwest
4. Western
5. Arctic
6. Interior



Public Participation and the Board Process



Performance Details

Department of Fish and Game - Boards and Advisory Committees

- [Return to Departments](#)
- [Department of Fish and Game website](#)

Mission

The Boards Support Section facilitates an effective board and public process for the state's fish and wildlife regulatory system.

Core Services

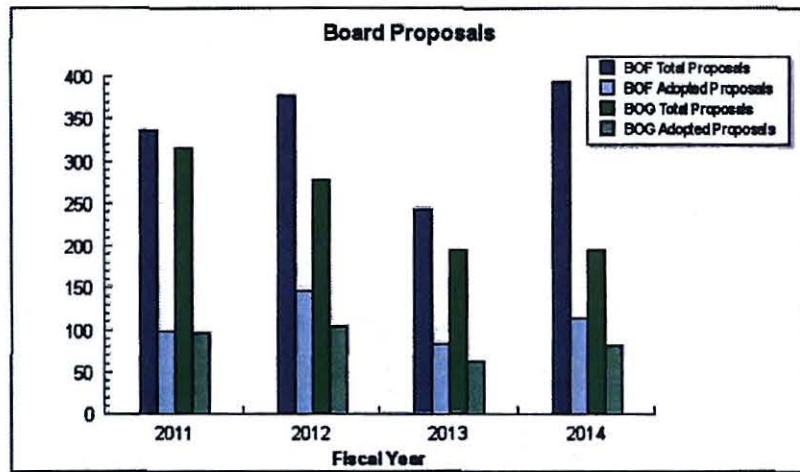
- Ensure citizens participating in the fish and game regulatory process have clear and helpful information in advance to engage effectively.
- Provide and support an environment for board members to make effective decisions.

Mission Results >>>	Core Services
<p>A: The state's fishing, hunting, and trapping regulations are developed through a high level of effective citizen participation. Details ></p> <ul style="list-style-type: none"> • TARGET #1: Increase the percent of adopted proposals by the boards. 	<p>A1: Ensure citizens participating in the fish and game regulatory process have clear and helpful information in advance to engage effectively. Details ></p> <ul style="list-style-type: none"> • TARGET #1: Increase the number of public comments submitted during the regulatory meeting cycle. <p>A2: Provide and support an environment for board members to make effective decisions. Details ></p> <ul style="list-style-type: none"> • TARGET #1: Provide a sufficient amount of time for board members to address proposals.

Performance Detail

A: Result - The state's fishing, hunting, and trapping regulations are developed through a high level of effective citizen participation.

Target #1: Increase the percent of adopted proposals by the boards.



Board Proposals

Fiscal Year	BOF Total Proposals	BOF Adopted Proposals	BOG Total Proposals	BOG Adopted Proposals
FY 2014	394	113	196	82
FY 2013	244	84	196	62
FY 2012	377	145	278	104
FY 2011	336	97	315	96

Analysis of results and challenges: Boards Support Section sets a goal of increasing the rate of proposal adoption by both boards. Over the past four fiscal years, the Board of Fisheries adopted an average 32.6 percent of its proposals, while the Board of Game averaged 37 percent. This includes proposals submitted by state and federal agencies, board generated proposals, and annual reauthorization proposals for the Board of Game.

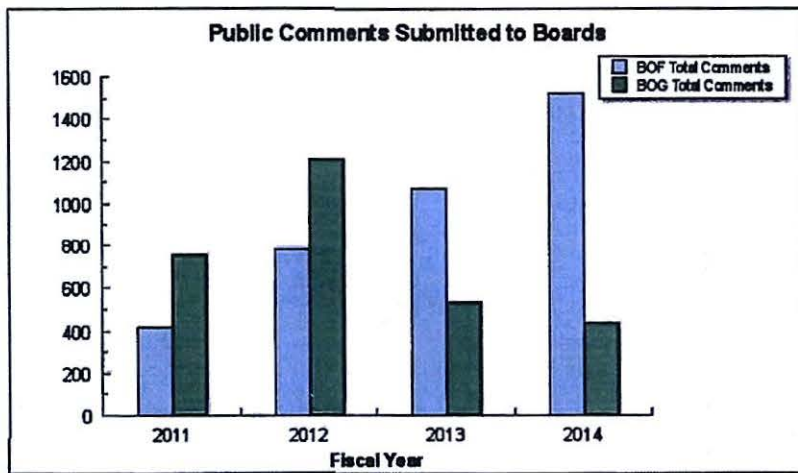
The Board of Game is on a two year cycle, which means it reviews the same region, species, and uses every other year. In comparing proposal adoption percentages for the Board of Game for like years, there is an overall decline in the number of proposals and an increase in the adoption percentage. In 2012 and 2014 there was a reduction in the total number of proposals by nearly 100 in 2014, a decline from 37.4 percent, while the rate of proposal adoption increased 10, from 37.4 to 47.1 percent. For the 2011 and 2013 meeting cycles, the number of proposals decreased by 119, while the proposal adoption rate increased almost 2% from 30.5 to 31.6 percent. Overall, between 2011-2014, the BOG adopted 36.6 percent of its proposals.

In contrast to the Board of Game, the Board of Fisheries takes up the same region, species, and uses on a 3-year cycle. The Board of Fisheries meeting cycles in 2011 and 2014 were generally the same. The number of proposals increased by 58 in 2014, with no change in the proposal adoption rate, which held at 28 percent. Overall, between 2011-2014, the Board of Fisheries adopted 32.6 percent of its proposals.

While it is a goal to increase the rate of proposal adoption, there are other important factors lending some uncertainty to an ideal "target" adoption rate. Agency proposals tend to be perfunctory in nature, ranging from clarifying management or enforcement language to improving the ability to manage within the plans. These proposals sustain a high adoption rate. Public proposals do not achieve nearly as high an adoption rate. Many proposals are duplicative or very similar. In these instances, board action on one proposal will lead to "no action" on other similar proposals. There are many other public proposals which express an opinion the board ultimately finds not in the best interest of the state. In these instances, although the proposal is not adopted, the individual or group had an important venue to further an idea and have it vetted in a public setting.

A1: Core Service - Ensure citizens participating in the fish and game regulatory process have clear and helpful information in advance to engage effectively.

Target #1: Increase the number of public comments submitted during the regulatory meeting cycle.



Public Comments Submitted to Boards

Fiscal Year	BOF Total Comments	BOG Total Comments
FY 2014	1525	437
FY 2013	1066	532
FY 2012	784	1209
FY 2011	418	755

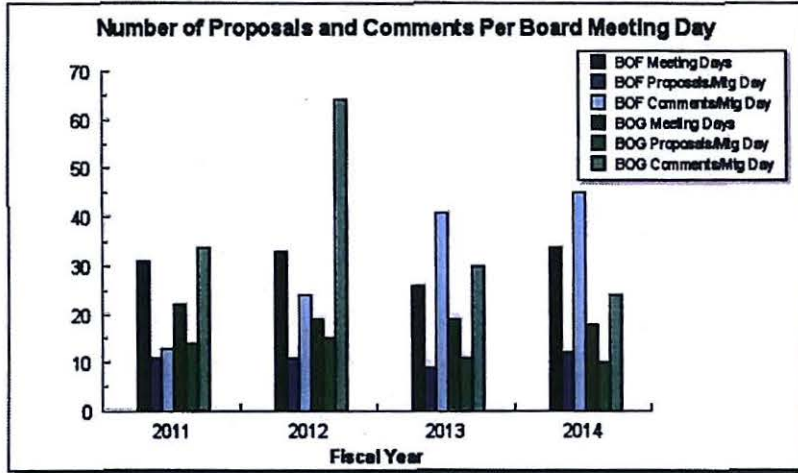
Analysis of results and challenges: A goal of Boards Support Section is to continue to improve the channels of communication by the public to the boards. This has been achieved to some degree by improvements in an on-line comment system that has seen rapid growth in usage in the last year. With each meeting cycle, the number of public comments is dependent on the status of the resources and its value to users, and the more contentious issues that occur with certain subjects.

The total number of comments submitted to the Board of Game for the past three years shows a decline in total numbers, but a consistent comment to proposal ratio between 2 to 3 comments per proposal annually, with the exception of 2012. In FY2012, the Board of Game had several intensive management proposals which generated an unusually large number of comments. The Board of Fisheries is sustaining a much higher rate of comments to proposals of 2.1 comments per proposal in 2012 to 3.9 in 2014. FY2011 is excluded due to

incomplete information. In FY2014, the BOF addressed fisheries for the Cook Inlet area which normally generates a high number of comments given the competing uses and status of stocks.

A2: Core Service - Provide and support an environment for board members to make effective decisions.

Target #1: Provide a sufficient amount of time for board members to address proposals.



Number of Proposals and Comments Per Board Meeting Day

Fiscal Year	BOF Meeting Days	BOF Proposals/Mtg Day	BOF Comments/Mtg Day	BOG Meeting Days	BOG Proposals/Mtg Day	BOG Comments/Mtg Day
FY 2014	34	12	45	18	10	24
FY 2013	26	9	41	19	11	30
FY 2012	33	11	24	19	15	64
FY 2011	31	11	13	22	14	34

Analysis of results and challenges: A final goal is to create an environment where board members have adequate time to review proposals, public input, and staff reports, and make decisions. The trend over the past four meeting cycles shows the Board of Fisheries addressed 9 to 12 proposals per meeting day and the Board of Game addressed 10-15 proposals per meeting day. In regards to public comments, the Board of Fisheries considered a range of 13-45 comments per meeting day, while the Board of Game considered a range of 24-64 comments per meeting day. The range of proposals is somewhat consistent while the range of comments can vary significantly which is attributed to the types of issues considered by the boards.

The amount of days provided for the boards to complete their work is sufficient, yet intense. Both boards have large workloads during meetings. Meeting days last as long as 8 to 10 hours. The boards set their schedules prior to knowing the number of proposals before them. If the number of proposals increases over time, more meeting days will be needed in order for the boards to be able to make effective decisions. Continued budget reductions lead to a more demanding workload for board members, impacting their ability to carefully review comments and proposals prior to decisions.

Current as of September 11, 2014

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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 9, 2015

SUBJECT: Bill prohibiting the Board of Fish and the Board of Game from proposing regulations (Work Order No. 29-LS0475)

TO: Representative Tammie Wilson

FROM: T.L. Alpheus Bullard *TAB*
Legislative Counsel

You requested a bill that would prohibit the Board of Fish and the Board of Game (boards) from proposing regulations. The language of the accompanying bill differs from what you requested because the word "propose" is a statutory term of art that is both broader and different than the word's usual sense of "form[ing] or put[ing] forward a plan or intention."¹ However, the accompanying bill is drafted to reach the same result.

This result is problematic. AS 16 provides the boards with regulation making powers. AS 16.05.241. The boards are directed to adopt regulations relating to all aspects of the state's fish and game resources. See AS 16.05.251, AS 16.05.255, AS 16.05.258, AS 16.05.260, etc. Under the bill, the boards would only be permitted to adopt regulations that have been recommended to them. Perhaps in a theoretical world, every possible regulatory response to a given situation might be recommended to the boards, but in reality -- this seems unlikely. The statutory power to adopt regulations usually involves the ability to craft those regulations. This bill limits the boards' regulatory authority, and it may be difficult for the boards to accomplish their assigned statutory duties.

If you have questions, please do not hesitate to contact me.

ALB:lnd
15-063.lnd

¹ Merriam-Webster's Collegiate Dictionary, 997 (Eleventh Ed, 2003).

Rep. Tammie Wilson

From: mike70north <operations@SEVENTYNORTH.COM>
Sent: Thursday, February 12, 2015 8:59 PM
To: Rep. Tammie Wilson
Subject: HB103-THANK YOU.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Email Read

Dear Representative Wilson.

I'm primarily writing to thank you for introducing this bill. Although I am not sure why you introduced this bill I assume it's a result of recent BOG's introduction of board generated proposals.

Also, and I'd bet your aware of this but in case not....there is line item funding in the budget to be used by the BOG to "sponsor" a sheep working group.

It is my view that working groups established by the BOG are another example of intent to bypass A/C and Public process.

Is there a chance this bill will be amend to prohibit these Boards from sponsoring working groups such as the sheep working group the BOG is threatening to institute?

We've seen these working groups before and they get formed up simply by appointment from the BOG.

I don't believe working 'groups' can (authorized by statute)) be formed for the specific purpose of shaping future Board decisions.

If working groups are legitimately authorized then the A/C and public process may as well be abandoned all together.

Again thank you for your service and all the best!

~mike

Mike McCrary
907-209-0119

Rep. Tammie Wilson

From: Tom Kluberton <tomk@mtaonline.net>
Sent: Monday, February 16, 2015 10:50 AM
To: Rep. Tammie Wilson
Subject: Board Generated Proposals
Attachments: 1334jb Joint Board BGP Policy.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Email Read

Representative Wilson,

As Vice Chairman of the Board of Fisheries, and with the resignation of Chairman Johnstone, I am writing to offer my help as you consider the effort you are making to eliminate "Board Generated Proposals". There has indeed been some controversy in recent years regarding these vehicles to bring ideas to the board(s) for consideration and I am happy to discuss how these opinions have been formed and perhaps what the realities of the situations that occurred with the Board of Fisheries entailed.

I am including a list of comments made by the Board's longest-standing attorney general's office representative, Lance Nelson regarding the subject and I will attach the Joint Board's Policy regarding the use of Board-Generated Proposals that was put in place at the last Joint Boards meeting a year and a half ago.

If you would like to discuss any of this please free to call me.

Regards,

Tom Kluberton
H: 907-733-1457
Cell: 907-841-9874

Assistant Attorney General Nelson's Comments:

Here are some of my initial concerns with the bill:

1. The language may not actually limit board-generated proposals because the Boards are "state agencies" for purpose of the Administrative Procedure Act, AS 44.62.640(a)(4).
2. If the language effectively prevents board-generated proposals, the Boards would be the only rule-making state agencies precluded from generating their own regulatory proposals.

3. In fact, most state rule-making agencies generate almost all of their own proposals without issuing any "call for proposals" from the public at all.
 4. The Boards are made up of persons appointed and confirmed "on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board," AS 16.05.221, and yet they would be prevented from initiating regulatory proposals while any other person in the world, qualified in any way or not, could.
 5. Board-generated proposals most often arise to fill a gap in the proposals that becomes apparent during the board process, and are, more often than not, no more controversial than any other proposal.
 6. This statute might be construed to even prevent substantive amendments to public proposals, tying the hands of the board, because an amendment could be considered to come from the board rather than the public. The Boards' current practice is to not amend a proposal completely beyond the intent of the proposer, which creates resentment in the public. Board-generated proposals are a more direct, up-front gesture than twisting a public proposal.
 7. The Boards are quasi-legislatures. Would the Alaska legislature operated efficiently and effectively if all legislation had to be introduced by someone else.
 8. The inevitable result would be for increased inefficiency, delays, and additional meetings that would be necessary to address obvious issues that would have to wait on a petition from someone else, undoubtedly disrupting the three-year board cycles.
 9. A few recent board-generated proposals have caused some opposition. During the same period of meetings other board-generated proposals have not created any controversy.
-
-

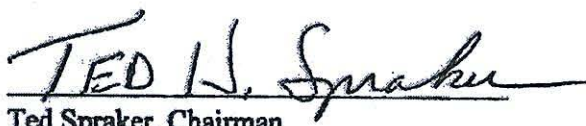
ALASKA JOINT BOARDS OF FISHERIES AND GAME

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

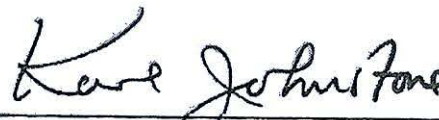
1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16th day of October 2013.



Ted Spraker, Chairman
Alaska Board of Game

Vote: 6-0



Karl Johnstone, Chairman
Alaska Board of Fisheries

Vote: 7-0

10:16 Heron - info on past title that do 4/28/03

"Hornikel" ?

Sunshine law violation?

3 members of board meeting behind closed doors
- Alpheus

Eddie Grasser - opinion?

Expect CS

Alaska Chapter SCI
PO Box 770511
Eagle River, AK 99577
(907) 980-9018



March 3, 2015

The Honorable Louise Stutes
Alaska State House
Alaska State Capitol Rm. 416
Juneau, AK 99801

Dear Representative Stutes:

This letter is in regard to House Bill 103 related to the Board of Fish and the Board of Game. It is our opinion that this legislation should either not move forward or be amended so as to allow for reasonable actions within the Board's deliberative process. The proposed work draft as currently written may closely resemble existing regulations; however, it seems to us that those regulations address the initial promulgation of regulations, and do not currently affect Board actions once they are taken up and deliberated upon.

It seems to us that the best way to illustrate the concerns we have would be to compare this with a similar requirement on the Legislature itself. If a bill made it through the public process that is the committee system and onto the floor, under the wishes of those supporting HB 103 if that bill was amended in anyway on the floor it would have to go back to committee for more public review. That would severely hamper the process as I am sure you can appreciate.

I would also like to address some of the reasons given for forwarding this legislation. It has come to our attention that part of the reason related to a "secret meeting" in Anchorage related to proposals before the Board of Game on sheep hunting. Most major groups with a clear interest in sheep hunting were invited to the meeting which as you can see by my invite attached was also billed as an informal meeting. Denying such meetings and discussions would in our opinion violate people's constitutional right to assemble and discuss issues. Here was the list of invitees: Gary Stevens V.P. of the Alaska Outdoor Council. Sam Rohrer, President of the Alaska Professional Hunters Assoc. Spencie Netschert, President of SCI Alaska Chapter, Kevin Kehoe, *President of the Alaska Chapter of the Wild Sheep Foundation*, Mark Richards, *Backcountry Hunters and Anglers* and Joe Want. Joe is a recognized expert on sheep and brown bear hunting.

There also seems to be some confusion over two "Board generated proposals" at the January 8, 2015 Board of Game meeting. Our interpretation of those two proposals is that they were a compilation and consolidation of proposals coming from the public over the past three years dealing with sheep management and hunting. Both the Board of Game and Board of Fish have exercised this prerogative for years and to us it makes sense that they do so. Please remember these positions are essentially voluntary often dealing with controversial and emotional issues.

SCI's Top Gun Chapter

Consolidation of similar proposals lessens the Board's workload and helps streamline meetings and therefore costs.

We don't necessarily disagree with the premise of the bill's author and fully support a robust and open public process; however, we don't believe HB 103 significantly contributes to those goals. We believe a better approach would be a letter or resolution admonishing the Joint Boards to revisit their guidelines for proposals and the public process so as to make clear what the parameters are for dealing with proposals and the ways in which the public can express their concerns on those proposals.

Thank you for your time and consideration of our concerns.

Sincerely,



Brett Barringer
President

Cc: Rep. Tammy Wilson
Members of the House Fisheries Committee
Members of the Legislative Outdoor Heritage Caucus