

Memorandum for Record

At the end of my testimony to the BOG on March 14, 2015 the Chairman of the BOG made a statement designed to get his point of view out without asking a question giving myself a member of the public and Anchorage Advisory Committee the opportunity to respond. This is a response to a Statement which by Roberts Rules of Order should have been held till deliberations had begun, since it was not it should have been ask a question giving rise to the opportunity to request the Department of Law to review the issue, since it was not we now ask the Department of Law to consider these opposing positions:

The chairman wished to make it know that the matter of regulation I was referring to could be changed by a proposal and he felt that was the way to address it. If such an opportunity had come to the advisory committee before he may have been correct however the first opportunity to address the issue is in the Statewide Cycle which will be held the first time since the change next year. Up until 2013 BOG meeting when this change in regulation took place by a BOG generated proposal of which the AC's did not have an opportunity to argue a different course of action the Anchorage Advisory Committee had sole jurisdiction on Antlerless Moose Hunts in 14C. This change was brought on by a Memo authored by Kevin Saxby(Addendum A) outlining the Regulation in question where he gave the opinion that only Advisory committee's with the Majority of its members residing within the subunit may have jurisdiction. The question here was weather to look at the whole of 20 or just to 20a. Mr. Saxby goes on to say "Likewise it should be understood the Legislature intended the words "unit or subunit" to be meaningful". After this the regulation was changed to expand the jurisdiction to advisory committees in the whole unit. While this may be correct for unit 20 the same does not hold true to Subunit 14C,

Unit 14C is managed completely different then 14A and 14B where the two other ACs being used by the Department and The BOG has ACs of Jurisdiction are located. 14C rest in Game Management Region #2 while 14A and 14B are in Game Management Region #4 these regions have different supervisor and managers. 14C is treated as a whole unit by the department by providing an Area Biologist and assistant AB as well has support staff in keeping with Unit rather than a subunit. The fact that region #2 and #4 were split apart just prior to this change in regulation should underscore the fact that the Department looked at this subunit has its own entity. Since this appeared to be the case when the two regions were split apart it would be a contradiction for the Department of Law to advise the BOG that these other two ACs would be of Jurisdiction, in fact the BOG asserted this without comment.

So in keeping with the authorization granted to me by the Anchorage Fish and Game Advisory Committee and the constituency it represents we seek the current opinion of the Department of Law in this question also noting that the Department of Law now has 2 different clients with opposing view we believe it to be in the best interest of the State to find a neutral part to give an opinion possibly asking the court to weigh in on this matter of Law.

Steven L Flory Sr.

AC Designate for this narrow matter of Law