PROPOSAL 33: 5 AAC 96.610. *Procedure for developing fish and game regulations. Amend the Joint Board's procedure for establishing fish and game regulations*. Proposed by Rep. Tammie Wilson.

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

Unfortunately, this intent toward public participation has in recent years been frustrated by a commingling of the functions of the ***Board*** of Game and the ***Board*** of Fisheries 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 Game and the Board of Fisheries, but they did not put this board in the executive branch, but in the legislative branch.

Currently statute and regulation require proposals for the allocation of game resources to be submitted by a published deadline before the board meeting. Members of the public, advisory committees (AC), 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 the board, 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 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 the opportunity to engage in its development. The problem can be solved by adopting a process, as presented in Proposal 33, and put the public back in control of the process of managing and allocating our game resources just as our framers intended.

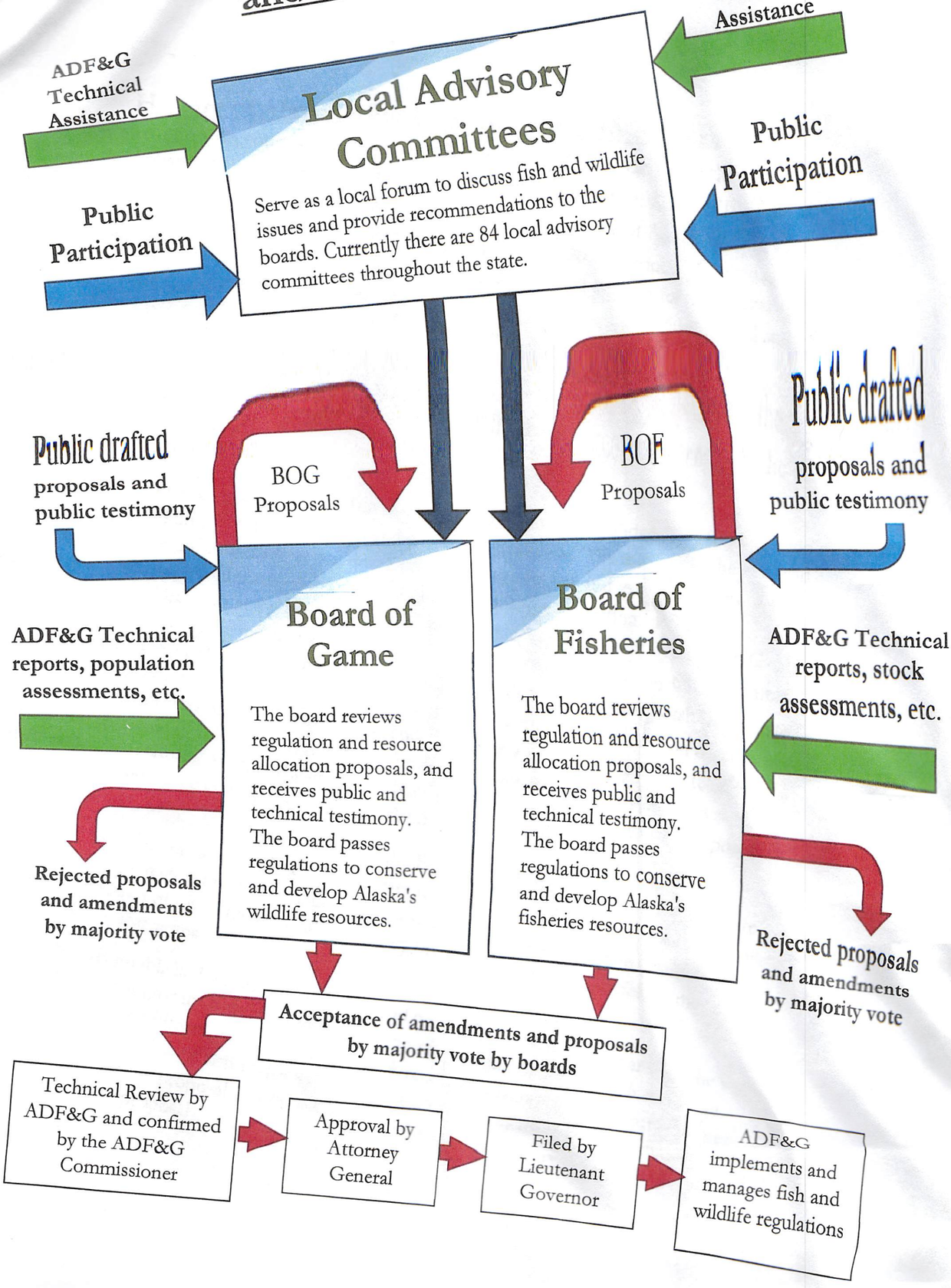
The Department acknowledges that board generated proposals have drawn considerable criticism for making significant amendments at meetings through their use of board generated proposals. For the public there are times when the lines are blurred between what is an amendment versus a board generated proposal. To prohibit the boards from "problem solving" at board meetings with advisory committees and the public in attendance constitutes a lost opportunity. I believe it is the public that loses the opportunity not the board.

The real question is does the decision made go way beyond the "*vehicle proposal*" and therefore should be vetted by the interested groups? Even the board has realized there is an issue when they developed criteria in 2013. But does anyone actually follow it?

The intent is to instill greater transparency into the board process, increase the public's ability to participate, and for the public to have greater opportunity to review and comment on significant board action.

I would appreciate your consideration. Thank you for all that you do and for letting me participate.

Public Participation and the Board Process



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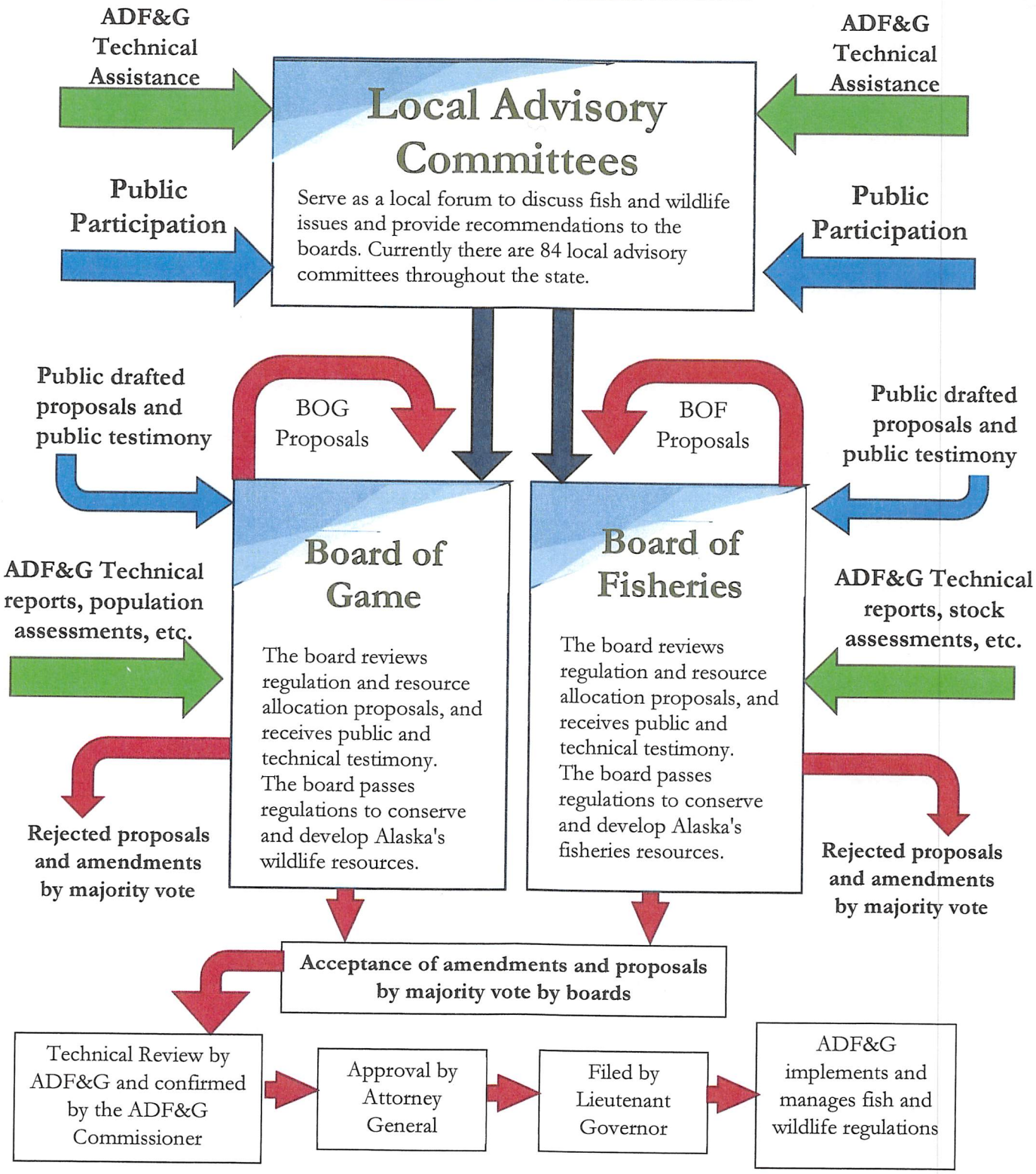

History of Alaska's Fish and Game Board Process

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 1960 to provide for public discussion on the in 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 use and development of Alaska's fish and game resources. Under the Alaska Department of Fish and Game, the board conduct one public meeting annually. Board members were appointed by the Governor and confirmed by the legislature to four-year terms. Requirements for board membership was state residency and selection was conducted without regard to political affiliation or location of residence. The commissioner of Alaska Department of Fish and Game served as an ex-officio secretary of the board to cast tie breaking votes during deadlock. The boards possess regulatory powers as set forth by their respective statutes, but the boards did not have administrative, budgeting or fiscal powers, which were reserved to the governor and state legislature.

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

The boards 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 boards with recommendations for regulatory changes and resource allocations. The boards review the proposals submitted by the advisory committees and can adopt or reject the proposal, but the board must provide the advisory committees reason for the rejection of the proposal.

Purpose of the Boards

The state of Alaska utilizes a board process to review and enact fish and wildlife regulations in the state. The purpose of the Board of Game and Board of Fisheries is to provide an open public process in which the public can voice a diverse range of values and needs while providing high public scrutiny and involvement in the state's fish and wildlife management.

It is the mission of the Board Support Section under the Alaska Department of Fish and Game is to facilitate an effective board and public process for the state's fish and wildlife regulatory system. To accomplish this mission the core services provided by the Board Support Section include ensuring citizen's participation in the fish and game regulatory process and to provide support to the board members to make effective decisions.

Public involvement is one of the most essential aspects of the board process. Local advisory committees and regional councils provide a local forum to discuss fish and wildlife issues and provide recommendations to the boards. Currently there are 84 committees throughout the state of Alaska that provide regional expertise concerning local fish and wildlife issues. The purpose of these advisory committees as established by the Joint Boards of Fisheries and Game include: the development of regulatory proposals, evaluating and developing proposals and recommendations to the boards, providing a public forum for fish and wildlife conservation.

The boards can delegate it's authority to the Commissioner of the Alaska Department of Fish and Game to act on behalf of the board. During the conflict between the boards and the commissioner on proposed regulations, public hearings are conducted to provide public involvement concerning the issue in question. If an agreement between the board and the commissioner cannot be made, the governor will decide the matter.

The Role of the Advisory Committees

The advisory committees shall discuss fish and wildlife issues concerning regulatory changes and resource allocations. The recommendations and proposals from the advisory committees are forwarded to the appropriate board for their consideration. If the board chooses not to follow the recommendations of the local advisory committee, the board must inform the local advisory committee of its action and provide the reasons for not following the local advisory committee recommendations.

The commissioner of the Alaska Department of Fish and Game shall delegate the authority to the advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees. The Board of Fish and Board of Game has the authority to adopt regulations governing emergency closures during established seasons.