

Chapter 3

Guidelines for Written Comments and Testimony

- Tips for Providing Written Comments to the Board of Fisheries and Board of Game 27
- Limits on Written Comments..... 28
- Guidelines for Public Testimony and Advisory Committee Testimony 29
- Examples of Effective Minutes..... 30
- Examples of Ineffective Comments 33

Tips for Providing Written Comments to the Boards

The Board of Fisheries accepts written comments on proposals. The following tips are provided to help board members and the public more fully understand the recommendations in your written comments. Public comments, in combination with Advisory Committee comments and ADF&G staff presentations, provide the board with useful information to form decisions. **Written comments become public documents.**

Timely Submission: Submit written comments by fax or mail at least two weeks prior to the meeting. Written comments received at least two weeks prior to the meeting are printed and cross-referenced in the board members' workbooks. Written comments received after the two-week period will be included in the workbooks as "late comments" and are not cross-referenced. Materials received during the meeting also are not cross-referenced. If you provide written comments during a board meeting, the Board of Fisheries requires you to submit **25 copies** to Board Support Section staff, who will distribute your written comments to board members. The Board of Game requires **20 copies**. If including graphs or charts, please indicate the source.

List the Proposal Number: Written comments should indicate the proposal number(s) to which the comments apply. Written comments should specifically state "support" or "opposition" to the proposal(s). This will help ensure written comments are correctly noted for the board members. If the comments support a modification in the proposal, please indicate "support as amended" and provide a preferred amendment in writing.

Do not Use Separate Pages When Commenting on Separate Proposals: If making comments on more than one proposal, please do not use separate pieces of paper. Simply begin the next set of written comments by listing the next proposal number.

Provide an Explanation: Please briefly explain why you are in support or opposition of the proposal. Board actions are based on a complete review of the facts involved in each proposal, not a mere calculation of comments for or against a proposal. Advisory committees and other groups also need to explain the rationale behind recommendations. Minority viewpoints from an advisory committee should be noted in advisory committee minutes along with the majority recommendation. The board benefits greatly from understanding the pro and cons of each issue. A brief description consisting of a couple of sentences is sufficient.

Write Clearly: Comments will be photocopied so please use 8 1/2" x 11" paper and leave reasonable margins on all sides, allowing for hole punches. Whether typed or handwritten, use dark ink and write legibly.

Use the Correct Address or Fax Number: Mail written comments to Board Support-Comments, ADF&G, P.O. Box 115526, Juneau, AK 99811; or fax them to 907-465-6094; or deliver them to a Regional Boards Support Office.

Pertinent policies and findings, proposals, written comment deadlines, meeting calendars and notices for the Board of Fisheries and Board of Game meetings are posted on the Board Support website at <http://www.boards.adfg.state.ak.us/>

Limits on Written Comment

Board of Fisheries

The Board of Fish implanted a policy which specifies a 100 page limit. It also specifies a 10-page limit for comments submitted within two weeks of a meeting. Proposals that are submitted after deliberation has begun are limited to 5 pages single-sided.

This policy was adopted to insure that any public comments could be properly reviewed by board members prior to taking action during regulatory meetings. In years past, an organization submitted a comment over 28,000 pages to the Board of Game. This prompted both boards to review their policy for accepting written public comment. The Board of Fisheries determined that this new policy will not diminish the reverence it has for the public input that it relies upon before the considering regulatory changes; however, it will prevent individuals or groups from obstructing the system by taking advantage of the written comment procedure.

The new limitation specifies that the board will not accept written comment over 100 single-sided or 50 double-sided pages in length from any one individual or group relating to proposals at the meeting. Within two weeks of a meeting, the board will not accept written comment over 10 single-sided or five double-sided pages in length from any one individual or group. Once deliberation of proposals begin at a board meeting, the board will only accept written public comments that are not more than five single-sided pages or the equivalent double-sided pages, unless specific information is requested by the board that requires more pages than allowed under this standard.

Board of Game

The Board of Game implemented a change in its policy on accepting written public comment. The new policy specifies a 100-page limit. It also specifies a 10-page limit for comments submitted within two weeks of a meeting.

This new policy was adopted to insure that any public comments could be properly reviewed by board members prior to taking action during regulatory meetings. The Administrative Procedures Act for the State of Alaska requires the consideration of factual, substantive, and other relevant matter presented before adopting regulations. On occasion, the boards have received thousands of comments, usually form letters, on controversial topics which have been solicited, compiled and submitted by various organizations. This prompted both the Board of Game and the Board of Fisheries to review their policy for accepting written public comment.

The Board of Game determined that this new policy will not diminish the reverence it has for the public input that it relies upon before considering regulatory changes, however, it will prevent individuals or groups from obstructing the system by taking advantage of the written comment procedure.

The new limitation specifies that the board will not accept written comment over 100 single-sided or 50 double-sided pages in length from any one individual or group relating to proposals at the meeting. Within two weeks of a meeting, the board will not accept written comment over 10 single-sided or five double-sided pages in length from any on individual or group.

For additional information about this policy, please contact Boards Support Section at 465-4110.

Guidelines for Public Testimony & Advisory Committee Testimony

Persons planning to testify before Board of Fisheries or Board of Game hearings must fill out a blue PUBLIC TESTIMONY SIGN-UP CARD and turn it in to the board's staff. Persons providing written material for the Board of Game members must provide at least **20 copies** to the staff; and **submit with your blue testimony card**. Persons providing written material for the Board of Fisheries members must provide at least **25 copies** to the staff; and **submit with your blue testimony card**. Do not wait until it is your turn to testify to submit written material, as it may not be distributed to the board in time for your testimony. **Provide a name and date on the first page of written material and identify the source of graphs or tables, if included in materials.**

When the chairman calls your name, please go to the microphone; state your name and whom you represent. At the front table, a green light will come on when you begin speaking. A yellow light will come on when you have one minute remaining. A red light will indicate that your time is up. When you are finished speaking, please stay seated and wait for any questions board members may have regarding your comments.

If you wish to give testimony for more than one group (i.e., yourself plus an organization, or advisory committee), you only need to turn in one sign-up card, listing who you will be representing. When you begin your testimony, state for the record the group you are representing. Keep your comments separate for each group. For example: give comments for the first group you are representing, then after stating clearly that you are now testifying for the second group, give comments for that group.

Please be aware that when you testify you may not ask questions of board members or of department staff. This is your chance to make comments on proposals before the board. If board members and/or department staff need clarification, they will ask you questions. **A person using derogatory or threatening language to the board will not be allowed to continue speaking.**

Generally, the board allows three or five minutes for oral testimony, whether you testify for yourself or on behalf of an organization. The board chairman will announce the length of time for testimony at the beginning of the meeting.

Advisory Committee representatives are usually allowed 10 or 15 minutes to testify, and should restrict testimony to relating what occurred at the advisory committee meeting(s). Testimony should be a brief summary of the minutes of the meeting, and copies of the minutes should be available for the board members. An Advisory Committee representative's personal opinions should not be addressed during Advisory Committee testimony.

PLEASE NOTE: The time limit on testimony does NOT include questions the board members may have for you.

Effective Minutes Example #2

#375- BSAI IFQ, CDQ, and Adak Community, Crab Fisheries Management Plan, this proposal seeks to clarify the gear storage regulations for the rationalized crab fisheries. Motion by Roger Rowland, second by Don Graves, this proposal would allow only 14 days for the gear to left on the grounds after fishing operations have stopped. Kelty stated that the gear is actively being fished than why move it. Off the grounds you would remove the gear when the vessel IFQ is harvested. This penalizes them, when the original intent was to be more streamlined and lower the amount gear in the water. Dead loss is that and issue? Don Graves said we should look at proposing a happy medium? We can't we should just make a recommendation. Kelty states he doesn't have a problem with 30 days. We should also consider the size of the quotas. Typically Board of Fisheries will group together like proposals and deal with them. Things move quickly with this body. Reid Brewer stated that, if we support 30 days, will they push for 45 days? What are the disadvantages of unlimited? Forrest Bowers stated that numerous vessels with lots of gear, you will have lost gear, who is responsible for the gear? What about adding your own tag to the other vessels gear you are using. Don Graves asked what about dead loss issue for the shoreside processors? Amendment was made by Alyssa MacDonald; she proposed that we change the proposal to thirty days for gear removal after fishing operations have ceased. Second by Don Graves, Motion fails. Do we then support it as written? Forrest Bowers stated that if the gear is unattended, and the vessels are done fishing, he can leave the gear unattended for 14 days. This proposal was too contentious for the committee; **they decided not comment on it.**

#376- Lawful gear for Registration Area J tanner crab pot marking requirements this proposal will repeal tanner crab and snow crab pot limits and buoy tags. Roger Rowland motion /Don Graves second, Sinclair Wilt, how many pots can effectively be handled by a vessel? Forrest Bowers, pots are losing tags and harvest want to do away with the program they feel the program isn't needed ant longer de to rationalization of the crab fisheries. Untagged gear would signify that they were fishing more pots than they were allowed. FB the way the regulations are written, the collective amount of gear used must be below the pot limit for the fishery which is 450 pots. Since rationalization not many vessels use up to 450 pots only 1 or 2 boats at most. **Motion to adopt failed 0/8 Motion**

#377- Lawful gear for Registration Area T King Crab pot marking requirements this proposal will repeal King Crab pot limits and buoy tags same proposal as #376 except for King Crab, motion to adopt failed 3/8

#378, #379 Lawful Gear for Registration Area T allows 20 pots for configured for groundfish to capture cod bait in the Bristol Bay red king crab fishery. -motion Roger Rowland /Don Graves second, discussion was given to the loss of the income for small boat fishers who try and sell bait o the crab fleet at the start of the season. It was also mention that crabbers want to store bait fish with the shore side processors for free after the season is over. This provision is allowed in the Tanner crab fisheries in he Bering Sea already. Pete Hendrickson does not support the motion, motion to adopted passes 5-3

#380- Fishing Seasons for Registration Area Q Develop Pribilof red king crab management plan, Pete Hendrickson motion, Roger Rowland second, lengthy discussion no action taken y the committee.

#381- Saint Matthew Island Section, blue king crab harvest strategy, reduces or repeals minimum total allowable catch for the fishery to open. Pete Hendrickson motion, Roger Rowland second, proposal if approved would take effect on 10-15-08 Sinclair Wilt moved to amend #381 by reducing the minimum TAC from 2.5 to 2 million amendment passes 7-1 main motion as amended passes 8/0

Effective Minutes Example #3

2006 Board of Fisheries Proposals: VOTER RECORD/COMMENTS

NOTE: All vote results were unanimous unless otherwise noted.

Advisory Committee: Icy Strait Date: 01/05/06 Page 1 of 3

<u>Proposal #</u>	<u>Icy Strait AC Position</u>	<u>Reasoning/Discussion</u>
118	OPPOSE	Do not accept numbers
128	SUPPORT	Same bag limit everywhere in SE.
133	OPPOSE	
134	SUPPORT	Spreads fishing fleet out.
135	N/A	Does not apply to IS A/C
136	OPPOSE	
137	SUPPORT	Reasonable
138-151	OPPOSE (STRONGLY)	These proposals are not in the best interest of Southeast Alaska's Commercial Troll Fleet nor long term resource management goals.
152	SUPPORT	Companion to # 201 (Also supported) This proposal is reasonable and fair to resident anglers.
153-158	OPPOSE	These proposals are not in the best interest of Southeast Alaska's Commercial Troll Fleet nor long term resource management goals.
159	SUPPORT	
160-162	N/A	Does not apply to IS A/C
163	SUPPORT	
168	N/A	Does not apply to IS A/C
171	<u>SUPPORT AS AMENDED</u>	

NOTE: The Icy Strait Advisory Committee supports the Floyd Peterson proposal to allow downriggers on HTs as amended; meaning: Allow only hand-crank type downriggers and not allow mechanical type electric or hydraulic downriggers.

172-177	OPPOSE	Unreasonable proposals
---------	--------	------------------------

Advisory Committee: Icy Strait

Ineffective Comments Example #1

This is not clear as to what the intent of the AC was. Do they support or oppose in the final vote?

Alexander Creek king salmon fisher has not met escapement goals for several years. Not anticipating goals will be met this year, either. Flood conditions in the previous two years have also damaged stocks. This will either be totally closed, or leave a little bit of area open so people can fish. Looking at the numbers there is very limited fishery at the mouth. The pike are so high in Alexander Creek, the rest of the spawners limited. ADF&G could still close this down, if needed. Commercial industry reports daily, particularly in critical areas. Information has changed since this was written.

Tabled time certain entire proposal.

10-5-0

Motion to support 335-336

Increasing the opportunity to harvest fish further down on the Susitna could compound the problem of low king salmon escapements on the East side of Susitna needed.

Motion to accept 337 as amended

15-0-0

Amendment:

“Continue adjusting Deska River king salmon bag limit by emergency order, however ADF&G shall issue Deska River emergency orders by February 1 (date suggested by Palmer office ADF&G staff) when based on Deshka River weir data from previous year. Emergency orders based on in season data may continue to occur during the summer fishery.”

When ADF&G intends to use pre-season data to set limits, public will be notified by February 1. Delete the portion of the proposal that allows a two fish limit and set limits by EO.

Last four years the king salmon limit on the Deskha has been changed. Public notice has been inadequate (three days prior to season). This seeks to put the two fish limit into regulation, but populations aren't sufficient for a two king limit. In season data is available approx. June 1st. February 1 will allow sufficient time for department and public notice. Opposed did not want to put this restriction on ADF&G.

Public has had no notice of increased limits until three days before when decisions were made pre-season.

Ineffective Comments Example #2

Proposal 64		
Thomas moved to support, Jim seconded		vote 0-8 failed
Proposal 65		
Harvey moved to support, Jim seconded		vote 0-8 failed
Proposal 66		
Thomas moved to support, Jim seconded		vote 5-3 passed
Proposal 68		
Harvey moved to support, Lyle seconded		vote 0-8 failed
Proposal 71		
Ray moved to support, Harvey seconded		vote 0-8 failed
Proposal 73		
Raymond moved to support, Harvey seconded		vote 0-8 failed
Proposal 74		
Jim moved to support, Thomas seconded		vote 0-8 failed
Proposal 75		
Jim moved to support, Thomas seconded		vote 0-8 failed
Proposal 76		
Harvey moved to support, Lyle seconded		vote 0-8 failed
Proposal 77		
Raymond moved to support, Jim seconded		vote 1-7 failed
Proposal 81		
Raymond moved to support, Harvey seconded		vote 0-8 failed
Proposal 82		
Harvey moved to support, Jim seconded		vote 0-8 failed
Proposal 84		
Thomas moved to support, Jim seconded		vote 0-8 failed
Proposal 87		
Harvey moved to support, Jim seconded		vote 0-8 failed

It is important for the Board members to know why these motions carried or failed. These comments do not give the Board enough information.

Ineffective Comments Example #3

Proposal	31,32		Unanimous to opposed	21
Proposal	33		Unanimous to opposed	21
Proposal	34		Unanimous to opposed	21
Proposal	35		Unanimous to opposed	21
Proposal	37, 38		Unanimous to opposed	21
Proposal	39	(Roll Call)	2 Support 8 opposed	24, 26
Proposal	41		Unanimous to opposed	21
Proposal	42		Unanimous to opposed	21
Proposal	43		12 for 1 opposed	21
Proposal	44		Unanimous to opposed	31, 32
Proposal	46		No action	21
Proposal	47, 48		Unanimous to opposed	21
Proposal	49		Unanimous to opposed	21
Proposal	70		Consensus—No Action	5
Proposal	71		Unanimous to oppose	25
Proposal	72		Unanimous to oppose	5,6
Proposal	80 as amended		Unanimous to oppose	21
Proposal	31,32		Consensus—No Action	21

Another example of no information given as to why the AC voted the way they did.