



Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska

January 19, 2018

Alaska Board of Fisheries
PO Box 115526
Juneau, AK 99811

Dear Commissioners of the Board of Fisheries:

I write to express Sitka Tribe of Alaska's grave concerns about proceedings at the Board of Fisheries meeting in Sitka. In particular, Sitka Tribe was dismayed to learn about a private meeting between officials and industry representatives in violation of Alaska's Administrative Procedure Act that have influenced the public statements of officials.

Alaska's Administrative Procedure Act requires all meetings of a governmental body of a public entity of the state to be open to the public. *AS 44.62.310(a)*. A "meeting" includes a gathering of more than three members when the gathering is prearranged to consider a matter upon which the body is empowered to act and the governmental body has authority to advise or make recommendations for a public entity. *AS 44.62.310(h)(2)*. Reasonable public notice must be given for any meeting. *AS 44.62.310(e)*. Advisory Committees to the Board of Fisheries are considered governmental bodies for the purposes of the Administrative Procedures Act. *AS 44.62.310 (h)(1)*.

At its most recent meeting, the Sitka Advisory Committee voted to support an amended version of Proposal 99 regarding herring management. When the Advisory Committee chair presented the recommendation to the Board of Fisheries, however, he stated opinions that had not been endorsed by the Committee with a reference to new information raised by some Committee members. It has come to light that at least three Committee members, and possibly more, met with commercial fishing industry representatives on Sunday, January 14, in order to discuss herring proposals. The fact that several members of the Committee held a private meeting with industry representatives is in itself a violation of the Administrative Procedure Act, but even more disturbing is the influence this meeting had on the stance of the Sitka Advisory Committee as it was represented to the Board of Fisheries.

Sitka Tribe of Alaska urges the Board to investigate this violation of the Administrative Procedure Act, and to act to ensure that the Committee's recommendation is presented accurately after all interested parties receive fair notice of meetings in the future and a full opportunity to participate. This is a right held by all citizens of the state of Alaska.

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The Board of Fisheries, as a subsidiary of the State of Alaska Department of Fish and Game, has the additional obligation under international, federal, and state law to consult with Sitka Tribe of Alaska as a sovereign federally-recognized tribe within the state of Alaska. And ADF&G's own policy states that the Department will make a good faith effort to notify a tribe, at the earliest practicable time, of any proposed department actions that will significantly or uniquely affect the tribe's access to or use of fish, wildlife, or habitat. *Policy on Government-to-Government Relations with the Federally Recognized Tribes of Alaska No. 2002-130-BOG*. Sitka Tribe has made it clear on the record that actions related to herring management are of unique importance to the Tribe and any actions taken by the Board of Fish in Sitka will significantly affect the tribe's access to fish.

Sitka Tribe of Alaska encourages the Board of Fisheries to honor its responsibilities to the Tribe and tribal citizens who are also citizens of the state of Alaska by full and frank disclosure of discussions, meetings, and opportunities to be heard on this issue.

In addition, we want to inform the Board of Fisheries if there is a need to talk with the Tribe regarding any of our proposals submitted, please contact Jeff Feldpausch, Resource Protection Director at 907-752-0775. He will bring in appropriate Tribal Representatives to discuss anything related to our proposals. If you cannot reach him, our General Manager Lisa Gassman, is an alternate contact and can be reached at 907-738-3722. Thank you.

Sincerely,



KathyHope Erickson
Tribal Council Chairperson
Sitka Tribe of Alaska

CC: Sam Cotton, Alaska Department of Fish & Game Commissioner
Byron Mallott, State of Alaska Lieutenant Governor