

February 2, 2018

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

Re. Alaska Boards of Game and Fisheries/Joint Board Committee

Article 5, Section 625

HQ-F15-100

Chairman,

I received notice dated July 21, 2015 on the proposal that I submitted on 04.10.2015. Mr. Haight informed me that the Joint Boards would specifically elect to hear the petition at a time when they would address the particular concerns addressed in this proposal and as it seeks to resolve a discrepancy between how each of the boards deal with petitioners and how arguments are presented in the 'emergency' petition process.

The letter also indicated; "However, the Board would like to present your concept to the general public and place it as a public comment for the October work session. It is anticipated the Board will have some discussion on board process and your proposal will stand in support of that discussion."

I do not recall this specific proposal, or the concepts of the proposal being discussed at this worksession. I do not believe that any subsequent findings, resolutions or statements were generated from this meeting or a letter explaining to me, the proposer (petitioner), stating to me the final disposition on my request.

I received a verbal notice and viewed online that this proposal was still active from April of 2015 for the December 21, 2107 teleconference of members of the Joint Board.

Today I am urging the Joint Board to meet to discuss this proposal and other important policies such as the Board Generated Proposal requirements and procedures in a timely fashion. Waiting for three years does not allow the public an adequate and expedient hearing for a given proposal/petition.

I would suggest that the boards convene at a spring meeting to discuss Joint Board proposals. The spring meeting in Anchorage is preferable as it allows access to the board from all parts of the State. I would also suggest that the Joint Boards meet every two years, adding additional time to a Board of Fisheries Statewide meeting one time. Adding additional time on the Board of Game meeting in late spring the next.

Thank you,

Paul A. Shadura II

P.O. Box 1632

Kenai, AK 99611-1632



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

BOARDS SUPPORT SECTION
Headquarters Office

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July 21, 2015

Mr. Paul Shadura II
PO Box 1632
Kenai, Alaska 99611-1632

Subject: 2015/2016 Board of Fisheries Proposal Review

Dear Mr. ^{Paul}Shadura II:

On behalf of the Board of Fisheries (Board) and Department of Fish and Game (ADF&G), thank you for submitting proposals for consideration by the Board in the 2015/2016 meeting cycle. Proposals accepted for the meeting cycle are in response to the Call for Proposal (call) issued by the Board in the fall of 2014. The call sought proposals for regulatory change to Title 5 of the Alaska Administrative Code specifically for the regions and species of Bristol Bay finfish, Alaska Peninsula/Chignik/Bering Sea-Aleutian Islands finfish, Arctic/Yukon/Kuskokwim finfish, and Statewide finfish and pollock.

As part of the proposal review, ADF&G looks to see if proposals are related to the regulations cited in the call. There are occasions when proposals are not seeking change consistent with the call, and may not be accepted in the current meeting cycle. The proposals you submitted would revise the Joint Board's emergency petition policy to resolve inconsistencies between the Boards of Game and Fisheries processes, and allow petitioners to present arguments before the board. (HQ-F15-100).

The action requested would be deliberated on at a Joint Board meeting of the Boards of Game and Fisheries. This call is specific to the Board (of Fisheries) and select regions, and therefore not one that can accept a Joint Board proposal. However, the Board would like to present your concept to the general public and place it as public comment for the October work session. It is anticipated the Board will have some discussion on board process and your proposal will stand in support of that discussion.

Thank you for engaging in this publically driven process. We sincerely appreciate your interest in improving Alaska's fish and game management system. If I can be of any assistance or answer questions, please do not hesitate to let me know glenn.haight@alaska.gov, 907-465-6095.

Sincerely,


Glenn Haight
Executive Director

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**ALASKA BOARD OF FISHERIES
REGULATION PROPOSAL FORM 2015-2016
PO BOX 115526, JUNEAU, ALASKA 99811-5526**

**Indicates a required field*

BOARD OF FISHERIES REGULATIONS	
<input type="checkbox"/> Subsistence	<input type="checkbox"/> Personal Use
<input type="checkbox"/> Sport	<input type="checkbox"/> Commercial
Other policies and procedures under the local fish and game advisory committees chapter in regulation.	
*Which meeting would you like to submit your proposal to?	
<input type="checkbox"/> Alaska Peninsula/Aleutian Island/Chignik Finfish	<input type="checkbox"/> Arctic-Yukon-Kuskokwim Areas Finfish
<input type="checkbox"/> Bristol Bay Area Finfish	<input type="checkbox"/> XXXX Statewide Provisions for Finfish
Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.	
1. Alaska Administrative Code Number 5 AAC	96.625 Joint board petition policy
*2. What is the issue you would like the board to address and why?	
Inconsistency with BOF/BOG policies and resolutions #2000-203-BOF, #80-81-FB. Non compliance to the Administrative Procedures Act AS 44.62.XXX, AS 44.62.220, AS 44.62.210, AS 44.62.180 - 44.62.290. Administrative code lacks definitions for "unforeseen or unexpected" and who makes that decision based on what criteria. 5 AAC 96.625 (a) (f)	
The petitioners do not have the opportunity to present their support information or address questions and inequities in other information submitted by the Department of Fish and Game or other responders. Petitioners should have their right to present and defend their petitions in an open and transparent manner and all testifiers should be under oath to be accountable for their information and actions.	
*3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)	
5 AAC 96.625 Joint board petition policy	
(a) Under <u>AS 44.62.220</u> , an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under <u>AS 44.62.190-44.62.210</u> , which require that <u>the agency shall give each interested person or the person's authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with</u>	

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describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

5 AAC 96.910 Definitions

The Board of Fisheries will define what an unforeseen or unexpected event means or an unforeseen or unexpected situation means in clear and concise terms that the public may understand.

It is not clear if it is the BOF/BOG who makes this decision as individual board members or it is solely under the authority of the Commissioner of Fish and Game.

*Submitted By: Paul A. Shadma II
Individual As an Individual

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