

Additional comments opposing RC009

These comments are submitted for the record in addition to my oral testimony.

It has been well-established that the Alaska Superior Court has found that Proposal 21, adopted as 5 AAC 92.111 (c) on January 24, 2022 was unlawfully adopted, void and without legal effect on the grounds of due process and brown bear population sustainability data. Now, the Board of Game is likely to do it all over again with RC009.

RC009 states “By submitting this petition at the beginning of the March board meeting all interested parties are afforded an opportunity to comment.” This is laughable for several reasons. Just as in January, 2022 there was no legally required public notice or opportunity to comment. Furthermore, just as in January, 2022, there is nothing to comment on. RC009 states “The department will provide the board with data and information” that “should provide the board with the necessary information to assess the sustainability of the areas brown bear population”. Why was that information not available months ago? It was still not available for public review and comment at least 30 days ago.

Any so-called “emergency” could have been avoided if ADFG/BOG had done its job and complied in advance with due process and the sustainability requirements now ordered by the court. But they chose to ignore their failings and do nothing. It should be clear that if RC009 is adopted, it will again be struck down. As it should be.

Wayne Hall

Anchorage