

May 24, 2010

Request for Reconsideration

RE: Emergency Petition

5/13/2010

Unit 13 Nelchina Caribou, RC566, Caribou Tier I Hunt.

Administrative Procedure Act,

AS 44.62.230. Procedure On Petition

Reasons for request

1. Judicial Review –
 - a. denial of due process; substance of request was not reviewed due to Board's interpretation of 5 AAC 96.625. (f), & Attorney's comment.
2. Legal advice comment;
 - a. Kevin Saxby, attorney for Board, made comment, my subject matter, among other issues, is before the court in the Manning Case, therefore the Board should consider waiting for court to respond. Question. Am I expected to wait for up to 6 years on a fundamental untitled property issue, for the Manning case, to be finalized, before the Supreme Court of Alaska?
3. Joint Board Petition Policy;
 - a. 5AAC 96.625. Joint Board Petition Policy.
 1. (f) It appears, under this policy, an emergency petition will only be granted for "an unforeseen, unexpected event that either threatens a fish or game resource", or, 5AAC 96.615(a) subsistence hunting and fishing issue.
4. Board members `duty`.
 - a. Oath of Office.
 1. Alaska State Constitution, Article XII, General Provisions, Page 40.
 2. Alaska State Constitution, Article I, Section 1.
 - a. Inherent Rights.
 3. United States Constitution, Article XIV, Section I,

a. Citizens rights not to be abridged by states.

The Constitution of the United States and The State of Alaska Constitution take precedent over any and all regulations by the State of Alaska. A fundamental, untitled property issue was before the Board of Game for consideration for an Emergency Petition. Destruction of private property is the issue. Since no titled property or untitled property is identified in the regulation, as other `documents`, in our society, it must be assumed fundamental rights are so basic, obviously present, they must be considered for Emergency Petitions.

If reconsideration is not given, I will file in superior court, AS 44.62.305. Judicial Relief in Administrative Matters.

Consideration for this request would be appreciated.

Sincerely,



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