

PROPOSAL 18

5 AAC 96.610. Procedure for developing fish and game regulations.

Adopt a regulation or a Joint Board policy to limit certain types of amendments as follows:

5 AAC 96.610(e):

Phase 4. Each board will give legal notice of timely received proposals. In accordance with the Administrative Procedures Act (AS 44.62), each board will hold a public hearing and will act on proposals or develop alternatives on the subject matter legally noticed. **Each board shall not make amendments to any proposal that change or reverse the intent of a proposal. The board will defeat, table, or take no action on that proposal and then develop a board-generated proposal to accomplish the action they feel is needed.** The final decision on all proposals remains the responsibility of a board.

What is the issue you would like the board to address and why? Amendments to proposals submitted by the public that run completely contrary to the original intent.

At the last Region III (Interior and Northeast Arctic Region) Board of Game meeting in 2020, Resident Hunters of Alaska (RHAK) submitted a proposal (#146) to limit the number of nonresident hunters being awarded the DC 827 caribou draw permit, asking that no more than ten percent of the permits be awarded to nonresidents, and a minimum of 90 percent of the permits to residents. At that time the DC 827 caribou draw permit application was open to all equally, and due to an influx of hunt booking agents flooding the draw permit application pool, nonresidents were typically receiving 25 percent of the permits, which we strongly disagreed with.

When the board deliberated our proposal, it was successfully amended and passed to guarantee nonresidents a 25 percent allocation of DC 827 permits.

This decision was the complete opposite of the intent of our proposal! The board could have just voted down our proposal, allowing hunt bookers to continue to flood the application pool for the DC 827 caribou permit, leading to the same high nonresident percentage of awarded permits. Or, created their own board-generated proposal to set such a nonresident allocation. Instead, they amended our proposal in a way that they knew was the complete opposite intent and forever guaranteed nonresidents a minimum of 25 percent of the DC 827 caribou permits.

The Alaska Board of Fisheries has Standing Rules that address this issue in their Finding #91-128-FB¹, and in that Finding it states: *“Do not change or reverse the intent of a proposal/issue. For example, if a proposal's intent is to restrict a particular fishery and the board wishes to close or expand the fishery, the board will not amend the original proposal. The board will defeat, table or take no action on that proposal and then develop a board generated proposal to accomplish the action they feel is needed.”*

We have submitted a letter to the Joint Board, along with this proposal, asking for a Joint Board policy or standing rule that both boards adhere to regarding amendments to proposals.

However, if this is best addressed under regulations, perhaps 5AAC 96.610 may be the avenue to do so, with additional language under section (e).

We understand that amendments to public proposals are often necessary for clarification, and that minor changes are often warranted. We are not asking that either board be disallowed from making amendments.

¹ <http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/findings/ff91128x.pdf>

PROPOSED BY: Resident Hunters of Alaska

(HQ-F23-003)
