

SOUTH K BEACH INDEPENDENT

FISHERMEN'S ASSOCIATION

P.O. Box 1632 Kenai, Alaska 99611-1632 (907) 283-5098
Protecting and Preserving the Kaslof River Aquarian System

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Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Chairman Kluberton,

SOKI is a community organization that aspires to represent the common interests of accessibility to the Alaska Board of Fisheries (BOF). We are concerned that the policies adopted by the board may hinder the general petition process. The subjective nature of filtering proposals without public input or transparency violates the intent of many State and Federal administrative procedural laws and regulations.

The makeup of the Committee on Committee (CoC) is also a non-transparent review from the Chair of the Board and from the Commissioner of the Alaska Department of Fish and Game (ADF&G).

Clearly the authorities extended to the Commissioner by the Alaska legislature and the BOF could disallow a particular proposal under the discretion of the Department as a way to supersede the public process of review. Much the same as the Commissioner's current practice of refusing to accept an emergency petition for the full BOF process and instead applying modifications to management plans pre-season while unilaterally implementing some portions of a given petition.

The Chairman of the BOF has also some control of how proposals will be addressed. If it is in the opinion of the chair that a proposal is confusing in their perspective they can avoid the discussion by refusing to list that proposal.

Board Support staff have also an overview of the intent language in a given proposal but can also apparently make recommendations that will leave a proposal classified in a road map grouping that will not address the proposers reason or intent.

In the worst case scenario these is that these entities could exclude a proposal in its entirety. This has happened to SOKI proposals in several instances.

The public's opportunity to comment and offer solutions to a perceived inequity may be diminished by the actions of the CoC. We have commented on several occasions and submitted a joint board proposal to review the petition process for consistency with other state department petition guidelines. The BOF declined to address this pro-active discussion even when it was listed on their agenda as a topic of discussion.

The BOF of fish now apparently feels comfortable in making a policy change without public testimony or committee discussion open to the public. I have brought this issue up with our local Kenai-Soldotna Fish and Game Advisory Committee and they were unaware but concerned that they would not have an

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active role in insuring an open and transparent attempt to modify the open meeting process which proposers specifically rely upon to further explain a particular issue or idea.

Even the Department of Public Safety (DPS) or ADF&G suggested changes may be controversial to the individual stakeholders who are active participants in a given fishery. ADF&G and DPS do not always seek compromise or feel that they are compelled to consider the view of the citizenry prior to a proposal submission. Clearly, the overall regulatory meeting offer the views of many to assure a democratic process is adhered to.

We would ask the board to first consider policies already in place; such as 80-81-FB and 2000-199-FB and others. SOKI does not have a clear knowledge of what policies or rules that govern the role of the CoC nor do we see any reference to the adoption of the committee. In the spirit of transparency we would suggest the full board discuss exactly how this committee was formed and to place into a written document a guidance of the extent to which this sub-committee can change or delete the language in a given proposal.

We have suggested and continue to suggest that the BOF take this policy change up at their next fall worksession and allow the public and AC members to offer testimony at the special public testimony session immediately following the worksession. Whether to adopt a policy could then be accomplished with full public view at the next scheduled regulatory meeting.

We ask the question; *What is the hurry?*

Thank you,

Paul A. Shadura II

Spokesperson for SOKI