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Alaska Board of Fisheries
 Boards Support Section
 Alaska Department of Fish & Game
 P.O. Box 115526-5526

Chairman Johnstone;

KPFA would like to comment on the question of validity of a Board Generated Proposal (BGP).

Our organization is not comfortable with the present application of the utilization of a BGP. In general, the current criterion is too subjective and less objective.

Our first comment relates to the title of this proposal. Generation from the Board implies that the individual members are going outside of the public process to devise their own rule based on other than the current dictated regulatory requirements. We would suggest that the term to be changed to "Board General Proposal" or "General Board Proposal".

Our second comment is relative to a review of the;

Administrative Procedures Act - **Sec. 44.62.312.** State policy regarding meetings.

- (1) (a) exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty to the agencies that serve them;
- (4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
- (5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

Third, the BOF is considered to be a quasi- legislative board. We question the board's direction in adopting a new role in its rule making authority when it would appear the body may be moving into a quasi-judicial arm of the government. That is; *where an administrative body is bound by law to observe certain forms and possibly hold a public hearing but where he is free agent in reaching a final decision. (Blacks law, 7th edition)*

We would therefore suggest that if it is necessary and prudent to apply a new rule that a prioritization of the use of a BGP be strictly adhered to.

We would suggest these preliminary guidelines in a suggested ranking;

- 1) Are current available processes insufficient to bring the subject to the board attention for possible action?
- 2) Is there urgency in considering the issue out of a normal cycle?
- 3) Will there be reasonable and adequate opportunity for public participation by written comments or public testimony?
- 4) Is this in the best public interest or is this an issue relative to competing interests?

We believe that the Board should continue to receive comment on this concept and the structure and give the public sufficient time to comment. We would highly suggest that time be given that would directly address this subject at the fall 2013 Worksession and that public comment for this specific topic be taken.

Thank you,

Paul A. Shadura II
KPFA/Special Projects
For the Directors of KPFA