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Description of document:	Communications to or from Governor Palin or the Office of the Governor in the paper files of State of Alaska Department of Fish and Game Commissioner Denby S. Lloyd, Deputy Commissioner David Bedford, Director Tom Lawson, Director Doug Larson, and Director Jim Marcotte, 2007-2008
Requested date:	04-October-2008
Released date:	03-November-2008
Posted date:	08-November-2008
Source of document:	ADF&G Headquarters 1255 West 8th Street P.O. Box 115526 Juneau, Alaska 99811-5526

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME ADMINISTRATIVE SERVICES

SARAH PALIN, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-6085
FAX: (907) 465-6078

November 3, 2008

Re: Response to Public Records Requests of October 3-6, 2008.

Enclosed is the Department's response to your public records request of October 4, 2008 modifying your September 13, 2008, request, to Commissioner Lloyd, as well as your modified public records request dated October 6, 2008 to Doug Larson, Director of Wildlife Conservation, and your modified request dated October 3, 2008 to Jim Marcotte.

You indicated in your modified requests that you were interested only in hard copies of communications to or from Governor Palin or the Office of the Governor in the paper files of Commissioner Denby S. Lloyd, Deputy Commissioner David Bedford, Director Tom Lawson, Director Doug Larson, and Director Jim Marcotte. You also indicated that you were interested only in a reasonable, nonexhaustive search such that search and copying fees would be below \$35.00.

As stated in our letter of October 20, 2008, which extended the time for the search and notified you of the limitations of the search, we proceeded with your requested search starting with files of the Commissioner, capping the search time at 5 hours to avoid imposition of search fees which would put you above your \$35.00 limit. Within that five hours, we were only been able to do a fairly thorough (but not complete) search for responsive files of the Commissioner, and a brief search for responsive files of Deputy Commissioner David Bedford and Director Tom Lawson. Because any combined search of five hours or more would have made you liable for all search costs, we were unable to get to the files of Director Doug Larson or Director Jim Marcotte and were able to search a few of the files of Deputy Commissioner David Bedford and Director Tom Lawson.

The search identified 76 unique documents (considering attachments as part of the document to which they were attached) totaling 258 pages. However, after consulting with the Attorney General's Office, we have determined that a number of documents, or portions thereof, are subject to statutory confidentiality provision for personnel records, (AS 39.25.080) privileged either under attorney client privilege, executive privilege (internal or solicited communications involving deliberative and mental processes of decision makers), deliberative process privilege

November 3, 2008

(internal predecisional deliberative documents), and thus not subject to a disclosure requirement under AS 40.25.120(a)(4) and 2 AAC 96.335(a)(4). We identified 29 documents, totaling 96 pages, subject to disclosure requirements in whole or in part. Enclosed is a privilege/production log identifying both the documents produced and the documents withheld and identifying the specific privileges asserted with regard to each document withheld in whole or in part. Under a delegation of authority from the Commissioner of the Department of Fish and Game I am providing these 96 pages of documents.

To the extent this response constitutes a denial of a public records request you may appeal pursuant to 2 AAC 96.335 and 2 AAC 96.340 (copies enclosed), you may also obtain immediate judicial review by seeking an injunction from the superior court under AS 40.25.125. An election not to pursue injunctive remedies in the superior court shall not have adverse effects on your rights before the department of Fish and Game. An administrative appeal from a denial of a request for public records requires no appeal bond.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Lawson", is written over a horizontal line.

Tom Lawson, Director
Administrative Services Division
Alaska Department of Fish and Game

Enclosures: Responsive documents (96 pages); privilege/production log; 2 AAC 96.335 – 2 AAC 96.350; copy of delegation of authority.

cc: Denby Lloyd, Commissioner
David Bedford, Deputy Commissioner
Jim Marcotte, Executive Director Boards Support Section
Doug Larsen, Director, Division of Wildlife Conservation

2 AAC 96.335. Denial of request

- (a) A request for a public record that complies with this chapter may be denied only if
- (1) the record is not known to exist after the public agency makes a diligent search for it;
 - (2) the record is not in the public agency's possession, and after a diligent search the public agency does not know where the record is to be found;
 - (3) the record has been destroyed in accordance with an applicable record-retention schedule;
 - (4) nondisclosure of the record is authorized by a federal law or regulation, or by state law; or
 - (5) the record is believed to be in the agency's possession but has not yet been located, in which case the public agency shall proceed under (f) of this section.
- (b) A request may be denied by the public agency head or by an agency employee to whom denial authority has been delegated by the public agency head.
- (c) An initial denial of a written request must be in writing; must state the reasons for the denial, including any specific legal grounds for the denial; and must be dated and signed by the person issuing the denial. If a request is denied by a public agency employee to whom denial authority has been delegated, the notice of denial must reflect this delegation. A copy of 2 AAC 96.335 - 2 AAC 96.350 must be enclosed with the denial.
- (d) A denial of a written request, in whole or in part, must state that
- (1) the requestor may administratively appeal the denial by complying with the procedures in 2 AAC 96.340;
 - (2) the requestor may obtain immediate judicial review of the denial by seeking an injunction from the superior court under AS 40.25.125 ;
 - (3) an election not to pursue injunctive remedies in superior court shall have no adverse effects on the rights of the requestor before the public agency; and
 - (4) an administrative appeal from a denial of a request for public records requires no appeal bond.
- (e) A denial of a written request is considered to be issued at the time the denial is either delivered to the United States Postal Service for mailing, or hand-delivered to the requestor by an employee or agent of the public agency.

(f) If a written request is denied because a record has not yet been located and the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record is believed to exist in the agency's possession, the office in the public agency responsible for maintaining the record shall continue to search until the record is located or until it appears that the record does not exist or is not in the public agency's possession. The public agency shall periodically inform the requestor of its progress in searching for the requested record.

(g) A record that is the subject of a public records request that has been denied shall not be destroyed or transferred from the public agency's custody, except that records may be transferred to state archives and records management services as provided by AS 40.21 and regulations adopted under AS 40.21. A public agency may not destroy or transfer custody of a record to which access has been denied or restricted until at least 60 working days after the requestor is notified in writing that the request has been denied, or if there is an administrative or judicial appeal or other legal action pending at the end of the 60-working-day period, until the requestor has exhausted those actions.

History: Eff. 11/6/94, Register 132

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.125

☞ 2 AAC 96.340. Appeal from denial; manner of making

☞ (a) A requestor whose written request for a public record has been denied, in whole or in part, may ask for reconsideration of the denial by submitting a written appeal to the agency head.

(b) An appeal under (a) of this section must be mailed or hand-delivered to the agency head within 60 working days after the denial is issued and must include the date of the denial and the name and address of the person issuing the denial. The appeal must also identify the records to which access was denied and which are the subject of the appeal. If an appeal is from the failure of the agency to respond to the records request within the appropriate time limit under 2 AAC 96.325, the appeal must so state, must identify the records sought, and must identify the public agency to which the request was directed and the date of the request.

(c) The 60 working days within which an appeal must be filed begins to run upon the issuance of the denial or, if no denial is issued, upon the expiration of the time period within which the public agency should have responded.

✚ **History:** Eff. 11/6/94, Register 132

✚ **Authority:** AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.125

2 AAC 96.345. Appeal determinations; time allowed; by whom made

(a) As soon as practicable, but not later than the 10th working day after the close of the record on appeal, the agency head shall issue a written determination stating which of the records that are the subject of the appeal will be disclosed and which records will not be disclosed. The written determination must comply with 2 AAC 96.350.

(b) The agency head may extend the 10-working-day period for a period not to exceed 30 working days upon written request from the requestor, or by sending a written notice to the requestor within the basic 10-working-day period.

(c) The agency head may delegate authority and duties under (a) and (b) of this section to a full-time employee of the public agency not involved in the denial and not subordinate to the employee responsible for the denial. The employee delegated this authority may not subdelegate to another employee.

History: Eff. 11/6/94, Register 132

Authority: AS 40.25.110


AS 40.25.120

AS 40.25.123

AS 40.25.124

2 AAC 96.350. Contents of determination denying appeal

A determination under 2 AAC 96.345 responding to an appeal must be in writing, must specify the specific statute, regulation, or court decision that is the basis for the denial, and must state briefly the reason for the denial. A denial under this section is the final agency decision. A denial must further state that, as provided by AS 40.25.124, the requestor may obtain judicial review of the denial by appealing the denial to the superior court.



History: Eff. 11/6/94, Register 132

Authority: AS 40.25.110

AS 40.25.120

AS 40.25.123

AS 40.25.124

AS 40.25.125

**Modified Public Records Requests of October 3-6
To ADF&G (Lloyd, Bedford, Lawson)
Privilege/Production Log**

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
1/15/07	001-012	D. Lloyd	M. Morris R. Somerville c/o Jim Marcotte	Copy submitted to Governor's office.	Letter w/attached resume and 2 articles	None
1/19/07	013-016	K. Rehfeld	Commissioners, Administrative Services, Directors		Letter s/attached list & chart	Executive/Deliberative Process
1/24/07	017	T. Lawson Thru: D. Lloyd	K. Rehfeld	G. Winegar S. Thomas P. Nelson	Memo re: Commercial Fishing Revolving Loan Fund	Deliberative Process
1/29/07	018-019	K. Spencer	A. Kreitzer J. Schmidt R. Sampson L. Hartig D. Lloyd K. Jackson T. Colberg C. Campbell M. Rutherford W. Monegan P. Galvin K. Rehfeld L. Scheben S. Parnell	K. Clifton R. Michalsky C. Holbert E. Haida D. Knuth C. Fishwick- Leonard M. Schlosser L. Taylor B. Weimer N. Korting S. Galanopoulos C. Byrne L. Wilcox	12:17 pm Email re: message from governor (1/28/07 message attached)	None

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			J. Katz J. Bitney M. Tibbles M. Nizich M. Stapleton S. Leighow C. Fedullo, A. Kim R. Kelly L. Smith C. Clark,	T. Veasey T. Bosela P. Spreter L. Castle J. Mason S. Devon S. Busch K. Mally K. Provost E. Fagerstrom A. Mills		
2/12/07	020	S. Palin	M. Stapleton M. Tibbles J. Bitney D. Lloyd		7:08 p.m. Email Re: Blogs	None
3/15/07	021-022	M. Stapleton	S. Palin D. Lloyd M. Nizich M. Tibbles	S. Leighow M. Stapleton	11:27 a.m. Email Re: Fish Interviews	Executive/ Deliberative process
3/29/07	023-025	String email; M. Nizich D. Lloyd	D. Lloyd J. Hilsinger	P. Nelson D. Bedford T. Barry S. Kelley M. Nizich	5:04 p.m. Email re: Campbell visit 7:37 p.m. Email re: Campbell visit	Deliberative Process
3/30/08		S. Kelley	J. Hilsinger		8:59 a.m. Email re: Campbell visit	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			P. Nelson D. Bedford T. Barry			
4/4/07	026-027	String email: S. Palin M. Stapleton S. Palin M.. Stapleton S. Palin	M. Tibbles M. Nizich M. Stapleton S. Leighow D. Lloyd J. Bitney S. Palin M. Stapleton S. Palin M. Stapleton		4:39 p.m. Email re: predator control Time not indicated -Email re: predator control 5:11 p.m. Email re: predator control Time not indicate – Email re: predator control 7:03 a.m. re: predator control	Executive/ Deliberative Process
4/4/07	028-030	String email: M. Stapleton D. Lloyd	M Nizich D. Lloyd K. Saxby	M. Tibbles	5:44 p.m. Email re: airborne hunting language 5:53 email re past initiatives	Attorney Client/ Deliberative Process
4/5/07		K. Saxby	D. Lloyd		10:45 a.m. Email re: airborne hunting language	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
4/5/07	031	K. Saxby D. Lloyd	D. Lloyd S. Palin	 M. Nizich M. Tibbles M. Stapleton	11:41 a.m. Email re: airborne hunting language 12:23 a.m. Email re: airborne hunting language	Attorney Client/ Executive/ Deliberative Process
4/16/07	032-037	D. Lloyd	M. Nizich M. Tibbles	K. Taylor M. Robus J. Bitney K. Saxby K. Titus	1:09 p.m. Email re: predator control. Attachment: Wolf Reduction Programs-Evaluation of Program Status dated 4/16/07	Email 032-033: Attorney Client/Executive/D eliberative Process Attachment: 034-037: None
4/20/07	038	M Tibbles	D. Lloyd	T. Lawson	Memo re: Approval for appointment	Deliberative Process
4/23/07	039-048	T. Cunning Thru: D. Lloyd	M Nizich		Memo re: Staffing & funding Attachment: 2 draft charts	Deliberative Process
4/25/07	049	String email C. McCarty H Brandon	 H. Brandon D. Lloyd		 9:03 a.m. Email re governor's attendance 9:14 a.m. Email re: governor's attendance	None
4/25/07	050	C. McCarty H. Brandon	H. Brandon D. Lloyd K. Spencer	 M. Nizich	10:19 a.m. Governor attendance 10:26 a.m. Governor attendance	None
4/25/07	051	D. Lloyd	K. Spencer	M. Nizich	11:38 a.m. Governor attendance	Deliberative

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
				H. Brandon D. Demaster		Process
Undated	052	W. Hogarth	S. Palin		Draft Letter re: meeting of International Whaling Comm'n	None
5/8/07	053-055	M. Nizich	D. Lloyd		Fax: attaching 5/3/07 letter from M. Baffrey to M. Nitzch re: approval to recruit. Approval signed	Partial/Redact Deliberative Process/Personnel
5/9/07	056-060	D. Lloyd	M. Nizich	K. Taylor H. Brandon, D. Bedford J. Katz	12:25 p.m Email re: talking points. 057 Attachment: Talking points. 059-60 Attachment Background Information	056-057 Deliberative Process 059-060 None
5/23/07	061-063	C. Crome	B. Weimer B. Allen C. Holbert C. Bishop D. Bedford D.. Maas D. Lloyd E. Oydna E. Noti J. Katz L. Hartig M. Nizich P. Scavera S. Bishop S. Aspelund		4:58 Email re: meeting agenda. Agenda attached.	Deliberative Process
5/24/07		D. Bedford	C. Crome B. Weimer B. Allen		5:22 p.m. Email. re: meeting agenda	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			C. Holbert C. Bishop D. Maas D. Lloyd E. Oydna E. Notti J. Katz L. Hartig M. Nizich P. Scavera S. Bishop S. Aspelund			
5/25/07	064	D. Lloyd	L. Hartig R. LeFebvre	L. Von Scheber C. Campbell M. Nizich C. Crome T. Irvin M. Tibbles	3:36 p.m. Email re: Alaska Ocean Observing system	Deliberative Process
6/13/07	065-069	String Email: G. Olson	M Nizich		5:11 p.m. Email re: orphan calves Attached: Oregon Live article	None
6/14/07		D. Lloyd	M. Robus	K. Titus R. Clarke	8:22 a.m. Email re: orphan calves	None
		R. Clark	D. Lloyd M. Robus	K. Titus	1:00 p.m. Email re: orphan calves	Redact: Deliberative Process
6/14/07	070	L. Perez	D. Lloyd		Ethics Disclosure Form (signed)	None
6/18/07	071-072	D. Lloyd	K. Reinfeld	T. Lawson	3:23 p.m. Email re: Capital Recommendations. Attached: Chart	Executive/ Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
6/28/07	073-074	D. Lloyd	M. Nizich	K. Taylor T. Lawson	Memo re: permission to recruit	Deliberative Process
6/28/07	075-076	D. Lloyd	M. Nizich	K. Taylor T. Lawson	Memo re: permission to recruit. Approval signed 7/2/07	Partial Redact Deliberative Process
7/19/07	077	L. Perez	D. Lloyd		Ethic Disclosure Form (signed)	None
7/19/07	078-079	D. Lloyd	K. Rehfeld	K. Hepler T. Lawson	Memo re: Revised Program Request	Deliberative Process
7/20/07	080-082	String email: M. Robus D. Lloyd D. Lloyd	D. Lloyd S. Palin S. Palin	K. Saxby K. Titus M. Tibbles M. Nizich T. Colberg M. Tibbles M. Nizich T. Colberg	5:42 p.m. Email re: Unit 13 Tier II scoring 6:20 p.m. Email re: Unit 13 Tier II scoring 6:30 p.m. Email re: Unit 13 Tier II scoring	Attorney Client/ Executive/ Deliberative Process
7/20/07	083-084	String email: D. Lloyd S. Palin	S. Palin D. Lloyd T. Colberg	M. Tibbles M. Nizich T. Colberg M Tibbles M. Nizich T. Colberg K. Perry	18:30:23 Unit 13 Tier II scoring 6:35 a.m. Email Re: Unit 13 Tier II scoring	Attorney Client/ Executive/ Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
7/21/07		S. Palin	D. Lloyd T. Colberg	M. Tibbles M. Nizich T. Colberg K. Perry	6:35 a.m. Email Re: Unit 13 Tier II scoring	
		D. Lloyd	S. Palin	M. Tibbles M Nizich T. Colberg K. Perry	10:08 a.m. Email Re: Unit 13 Tier II scoring	
7/20/07	085-088	String email:				Attorney Client/ Executive/ Deliberative Process
		M. Robus	D. Lloyd	K. Saxby K. Titus	5:42 p.m. Email Re: Unit 13 Tier II scoring	
		D. Lloyd	S. Palin	M. Tibbles M. Nizich T. Colberg	6:20 p.m. Email Re: Unit 13 Tier II Scoring	
		D. Lloyd	S. Palin	M. Tibbles M. Nizich T. Colberg	18:30:23 Email Re: Unit 13 Tier II Scoring	
7/21/07		S. Palin	D. Lloyd	M. Tibbles M. Nizich T. Colberg K. Perry	6:35:46 Email Re: Unit 13 Tier II Scoring	
		M. Nizich	S. Palin		7:46:45 Email Re: Unit 13 Tier II Scoring	
		S. Palin	M. Nizich		7:50:56 Email Re: Unit 13 Tier II Scoring	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
		M. Nizich	S. Palin		13:44:07 Email Re: Unit 13 Tier II Scoring	
		S. Palin	D. Lloyd		13:46:07 Email re: Unit 13 Tier II Scoring	
		D. Lloyd	S. Palin		14:41:44 Email re: Unit 13 Tier II Scoring	
7/26/07	089-093	D. Lloyd	M. Tibbles	K Taylor T. Lawson	Memo re: Permission to hire. Attached: Resume	Deliberative Process/ Personnel
7/26/07	93a	D. Lloyd	M. Tibbles	K. Taylor T. Lawson	Memo re: Permission to hire	Deliberative Process/ Personnel
7/26/07	094-098	D. Lloyd	M. Tibbles	K. Taylor T. Lawson	Memo re: Permission to hire (approval signed): Attached: Resume	Redact Memo: Deliberative Process/ Personnel Resume: Personnel
7/31/07	99	D. Lloyd	M. Tibbles M. Nizich	T. Colberg	8:36 p.m. Email Re: Nelchina Tier II actions	Attorney Client/ Deliberative Process
7/31/07	100-101	String Email: D. Lloyd	S. Palin C Campbell T. Colberg K. Perry A. Mills J. Mason		20:14:04 Email re: Veteran hunt extension	Attorney Client/ Executive/ Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
8/2/07		S. Palin	M. Tibbles M. Nizich S. Leighow D. Lloyd C. Campbell T. Colberg	K. Perry A. Mills J. Mason M. Tibbles M. Nizich S. Leighow	9:11 p.m. Email re: Veteran hunt extension	
		C. Campbell	S. Palin D. Lloyd T. Colberg K. Perry A. Mills J. Mason M. Tibbles M. Nizich S. Leighow		12:36 p.m. Email re: Veteran hunt extension	
8/6/07	102	D. Lloyd			Press Release re: appointment	None
8/6/07	103-104	K. Rehfeld	Commissioners Administrative Service Directors		Re: Budget meeting	Executive/ Deliberative Process
8/7/07	105	D. Lloyd	M. Nizich	T. Lawson	Re: approval for appointment (approval signed)	Redacted: Personnel/ Deliberative Process
8/15/07	106-107	C. Crome	D. Lloyd		11:57:19 Email re: Fishery issues	Deliberative Process
		D. Lloyd	C. Crome	M. Schlosser	12:48 p.m. Email re: Fishery	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
		C. Crome	D. Lloyd		issues 5:15 p.m. Email re: Fishery issues	
8/17/07	108	K. Rehfeld	Commissioners, Legislative Liaisons, Administrative Services Directors	M. Tibbles C. Clark	Memo re: 09 Budget	Executive/ Deliberative Process
8/28/07	109-110	J. Marcotte D. Lloyd	D. Lloyd F. Bailey	 C. Crome M Nizich J. Marcotte	11:30 a.m. Email re: Bd. of Fisheries 12:57 p.m. Email re: Bd. of Fisheries	Executive/ Deliberative Process
08/28/07	111-115	String email: J. Marcotte D. Lloyd J. Marcotte	D. Lloyd F. Bailey C. Crome	 C. Crome M. Nizich J. Marcotte M. Nizich D. Lloyd F. Bailey	11:30 a.m. Email re: Board of Fisheries. Attached: 6/20/07 letter From J. Campbell to J. Marcotte & copy of Alaska statute 12:57 p.m. Email re: Board of Fisheries 2:37 p.m. Email re: Board of Fisheries	Email: Executive/ Deliberative Process Attachments 113- 114: None
9/07	116				Fax copy of OMB calendar	None

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
					printed 9/20/07 10:23 a.m.	
9/7/07	117-118	Sam Bishop	J. Katz D. Lloyd M. Nizich		11:04 a.m. Email re: forward of USGS news release	None
9/13/07	119-123	C. Crome	D. Lloyd	M. Savland	10:11 a.m. Email re: Gov's briefing w handwritten notes Attached: Briefing documents w handwritten notes	Executive/ Deliberative Process
9/25/07	124-125	S. Bishop	B. Sharpton Claire Fishwick C. Adler D. Lloyd F. Richards K. Taylor T. Leonard T. Irwin J. Katz	J. Benson C. Holbert E. Notti J. Murphy L. Von Scheben M. Schlosser S. Joy T. Veasey T. Bosela T. Chapple	1:02 p.m. congressional briefing	Executive
9/26/07	126	String email: J. Tracy S. Leighow	 S. Leighow D. Lloyd	 A. Mills J. Bluhm	 11:40 a.m. Email re: Questions 11:41 a.m. Email re: KTUU	None
9/26/07	127-128	String email: J. Tracy S. Leighow	 S. Leighow D. Lloyd	 A. Mills J. Bluhm	 12:11 p.m. Email re: more questions 12:14:19 Email re: more questions	None

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
		A. Mills	T. Barry		12:15 p.m. email re: more questions	
10/10/07	129-134	T. Colberg D. Lloyd L. Hartig	M. Tibbles		Draft Memo re: Exxon Valdez Oil Spill Trustee Council w handwritten notes	Deliberative Process Privilege
10/10/07	135-161	C. Tillery R. Lovett	T. Colberg D. Lloyd L. Hartig		Draft Memo re: Use of Settlement funds	Attorney Client/ Deliberative Process
10/19/07	162-177	J. Katz	T. Colberg D. Lloyd M. Nizich C. Tillery	S. Parnell L. Persily C. Crome	7:28 a.m. Email re: Annette Island Reserve; Attachments Metlakatla documents (proposal, justification, map)	Email 162: Executive/ Deliberative Process Attachments 163-177: None
12/03/07	178-186	T. Lawson	K. Rehfeld J. Brown K. Mauseth	D. Lloyd D. Bedford J. Hoover	2:51 p.m. Email and attachment re: Federal funding	Executive/ Deliberative Process
1/4/08	187	String email: B. Leschper	A. Kreitzer E. Notti J. Schmidt B. Thompson L. Hartig D. Lloyd K. Jackson C. Bishop T. Colberg C. Campbell T. Irwin W. Monegan P. Galvin		3:23 p.m. Email re: Dept. information	Executive/ Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
		D. Lloyd	L. Von Scheben B. Leschper	M. Nizich C. Crome	9:35 a.m. Email re: ADF&G	
1/11/08	188-200	String email: T. Barry D. Lloyd	 D. Lloyd M. Tibbles M. Nizich	 M. Schlosser T. Barry R. Kelly K. Taylor D. Larsen T. Lawson M. Schlosser	 11:32 a.m. Email with no subject line 12:07 p.m. Email re: ADF&G license fees. Attachments: (1)1/11/08 Draft Memo to D. Lloyd re: Military Licenses; (2) 4/2/07 Fiscal note; (3) CY206 Military License & Tag Comparison, (4) Legislative Bill,	None
1/12/07	201-202	String email: K. Wright	 T. Barry	 M. Schlosser D. Larsen R. Clarke L. Nelson	 11:18 a.m. email re Military hunting and fishing licenses, Attachment Draft cy2006 Military License and Tag Comparison w handwritten notations 2:55 p.m. email	Attorney Client Privilege/ Deliberative Process Privilege
1/10/07		T. Barry	D. Larsen R. Clarke K. Wright L. Nelson	M. Schlosser		
1/10/07		C. Huggins	D. Lloyd		11:10 a.m. email partial header	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			M. Schlosser			
2/22/008	203-205	D. Lloyd	S. Palin	M. Tibbles M. Nizich K. Saxby J. Katz	3:42 p.m. Email Re: wolves/caribou. Attached F&G draft proposal	Attorney Client/ Executive/ Deliberative Process
2/22/08	206-210	D. Lloyd	S. Palin	M. Tibbles M. Nizich K. Saxby J. Katz	3:42p.m. Email re: wolves/caribou. Attach F& G draft proposal	Attorney Client/ Executive/ Deliberative Process
		D. Lloyd	S. Palin	M. Tibbles M. Nizich K. Saxby J. Katz	3:46 p.m. Email re: wolves/caribou. Attach F& G draft proposal	
3/4/08	211-217	L. Hartig	M. Tibbles	D. Lloyd T. Colberg T. Irwin R. Lefebvre	5:15 p.m. Email re: EVOS briefing. Attached: 3/6/08 Memo from M. Tibbles to T. Colberg, D. Lloyd, L. Hartig; & 10/12/07 Memo from R. LeFebvre, C. Fries to T. Colberg; D. Lloyd, L. Hartig	Executive/ Deliberative Process
3/17/08	218-222	String email: John Sodrel	K Tibbles Wolf comments K. Taylor D. Lloyd J. Soukup D. Larsen R. Clark K Titus G. Hilderbrand G Delfrate	aoc aocpac hunterheritagefou ndationak info@protectmoos e.com Office@alaska prohunter.org J. Kutsch Kelly	1:55 p.m. Email re: predator control.	None

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			Pubinfor3 D. James R. Nowlin E. Becker M. McNay B. Bell C. Fleener C. Judkins T. Spraker J. Cliff B Grussendorf R. Burley C. Fleener B. Bell B. Lewis Governor S. Palin	R. Fithian N. Webster akpen N. Webster Alaskanate T. Heperrins M. Litzen Hunting Wildsue Info L. Lewis M Burdick Fishart Creditcardmike Admin President Akhunter Vicepresident Mtnman Treasurer B. Wanamike		
		B. Bell	J. Sodrel		Time not indicated. Email re: predator control	
		J. Sodrel	K Tibbles Wolf comments K. Taylor D. Lloyd J. Soukup D. Larsen R. Clark	aoc aocpac hunterheritagefou ndationak info@protectmoos e.com Office@alaska	9:56 a.m. Email re: predator control	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
			K Titus G. Hilderbrand G Delfrate Pubinfor3 D. James R. Nowlin E. Becker M. McNay B. Bell C. Fleener C. Judkins T. Spraker J. Cliff B Grussendorf R. Burley C. Fleener B. Bell B. Lewis Governor S. Palin	prohunter.org J. Kutsch Kelly R. Fithian N. Webster akpen N. Webster Alaskanate T. Heperrins M. Litzen Hunting Wildsue Info L. Lewis M Burdick Fishart Creditcardmike Admin President Akhunter Vicepresident Mtnman Treasurer B. Wanamike		
		Eddie <mtnman	B. Bell	Not indicated	Time not indicated. Email to B. Bell re: predator control	
		J. Sodrel	Same list as above	Same list as above	9:56 a.m. Email re: predator control	
3/18/08		B. Bell	J. Sodrel	K. Tibbles	10:49 a.m. Email re: predator	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
				DFG, DWC Wolf Comments K. Taylor DFG, Comm'r D. Lloyd J. Soukup D. Larsen R. Clarke K. Titus G. Hilderbrand G. Delfrate, DFG, DWC Public Information Region 3 D. James R. Nowlin E. Becker M. McNay C. Fleener C. Judkins T. Spraker C. Judkins B. Grussendorf R. Burley C. Fleener B. Bell B. Lewis S. Palin Aoc Aocpac Hunterheritagefou Nditionak	control	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
				info@protectmoose.com office J. Klutsch Kelly R. Fithian Akpen N. Webster Alaskanate T. Heperrins M. Litzen Hunting Wildsue Info L. Lewis M. Burdick Fishart Creditcardmike Admin President Akhunter Vicepresident Treasurer B. Wanamike S. Parnell		
		S. Palin	S. Cayce		10:59 a.m. Email re: predator control	
		S. Cayce	M. Nizich		11:09 a.m. Email re: predator control	
		M. Nizich	D. Lloyd		1:24 p.m. Email re: predator control	

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
3/22/07	223-225	M. Tibbles	D. Lloyd		Requests to Recruit. Attached signed approval	223 Deliberative Process 224-225 Redacted Deliberative Process
3/30/07	226-227				1996 Election Pamphlet	None
4/2/08	228-229	M. Baffrey Thru: T. Larsen	K. Rehfeld		Memo re: Request for Reorganization of positions. Attached: organizational chart	Deliberative Process
5/6/08	230	M. Schlosser Thru: C. O'Sullivan	K. Mauseth		AJE	None
5/23/08	231	L. Perez	D. Lloyd		Ethics Disclosure Form (signed)	None
5/27/08	232-233	String email:				None
5/28/08		M Zencey	S. Leighow		18:15:41 Email re: Polar Bear	
		S. Leighow	M. Zencey		6:23 p.m. Email re: Polar Bear	
		M. Zencey	S. Leighow		6:29 p.m. Email re: Polar Bear	
		S. Leighow	M. Zencey		11:21 a.m. Email re: Polar Bear	
		M. Zencey	S. Leighow		11:28 a.m. Email re: Polar Bear	
		S. Leighow	M. Zencey		11:32 a.m. Email re: Polar Bear	
7/30/08	234	Unknown	Unknown	Unknown	Handwritten notes of Cabinet Briefing	Executive/ Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
7/30/08	235				Meeting Agenda	Executive
7/30/08	236-237	D. Lloyd	S. Palin	M. Nizich	4:00 p.m. Email re: Fisheries presentation summary	Executive/ Deliberative Process
8/4/08	238-243	String email M. Schlosser D. Lloyd	D. Lloyd M. Nizich	C. Crome D. Larsen T. Barry K. Saxby	11:16 a.m. Email re: Ballot measure. Attached Ballot info 3:13 p.m. Email re: Ballot Measure	None
8/5/08		R. or M. Bishop	D. Lloyd D. Larson		11:52 p.m. Email re: radio spots	
8/6/08		D. Lloyd	S. Palin	C. Crome M. Nizich S. Leighow	12:56 p.m. Email re: radio spots	
8/29/08	244-245	J. Hilsinger Thru: T. Larsen	K. Rehfeld		Memo re: Request for Reclassification of position	Deliberative Process
9/5/08	246-247	C. Swanton Thru T. Lawson	K. Rehfeld		Memo re: request for new long-term nonpermanent position	Deliberative Process
9/6/07	248-251	D. Lloyd	M. Tibbles	T. Lawson	Memo re: Approval to appoint. Attached: Resume	Deliberative Process/ Personnel
9/8/08	252-253	M. Baffrey Thru: T. Lawson	K. Rehfeld		Memo re: Reclassification Request. Attached: Chart	Deliberative Process

Date	Doc. #	Author	Recipient	Cross Copy	Document Description	Privilege
9/9/08	254	D. Lloyd	D. Saddler		Memo re: Wood Tikchik State Park Delegation	None
9/26/08	255-256	String Email: J. Tracy S. Leighow D. Lloyd K. Saxby	S. Leighow D. Lloyd R. Clarke T. Barry K. Saxby D. Lloyd, R. R. Clarke T. Barry	A. Mills J. Bluhm	11:40 a.m. Email re: Questions 11:41 a.m. Email re: Questions 11:44 a.m. Email re: Questions 11:53 a.m. Email re: Questions	Attorney Client/ Deliberative Process
9/30/08	257	M. See Thru: T. Lawson	K. Rehfeld	A. Lewis	Memo re: Request for New long-term non-perm position	Deliberative Process
10/7/08	258	M. See Thru: T. Lawson	K. Rehfeld	A. Lewis	Memo re: Request for New long-term non-perm position	Deliberative Process

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Tom Lawson
Director of Administrative Services

FROM: Denby S. Lloyd 
Commissioner

DATE: July 2, 2007

SUBJECT: Denial Authority

Effective immediately, you are delegated denial and appeal denial authority to persons pursuant to 2 Alaska Administrative Code 96.335(b) and 96.345(c), respectively, with regard to requests for the State of Alaska agency records under Alaska Statute 40.25.100 - 40.25.220 (Alaska Public Records Act).

January 15, 2007

Mr. Mel Morris, Chair
Alaska Board of Fisheries

Mr. Ron Somerville, Chair
Alaska Board of Game

c/o Jim Marcotte, Executive Director
Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526

COPY

Dear Mr. Morris, Mr. Somerville, and Joint Board Members:

Please accept this letter and attachment as my letter of interest, list of references, statement of resource management philosophy, statement of personnel management philosophy, and resume in response to your solicitation for the position of Commissioner of the Alaska Department of Fish and Game.

I am very interested in the position of leading and administering the management, protection, and development of the fish and game resources for the State of Alaska. My entire career has been devoted to various aspects of resource management in Alaska, and I view the possibility of performing the role of Commissioner with ADF&G as an exciting culmination of my efforts.

The job requires and challenges a variety of skills including leadership, administration, policy development, scientific analysis, legal interpretation, planning and, getting down to basics, public relations. Combining these challenges with the breadth of fish and game resource conservation (development and protection) issues in Alaska results in a truly invigorating opportunity. I would like very much to work with you, the Governor's Office, the Alaska Legislature, local authorities, non-governmental organizations and individuals, even the federal government, to best manage and promote wise use of our fish and wildlife legacy.

Resource Management Philosophy

Oftentimes resource philosophies are reduced to sound bites, such as: "the resource comes first", "best available science", or "optimum yield." While I believe in essence with each of these sentiments, I also realize that their interpretation and importance relies upon context.

The meaning of "the resource comes first" actually depends upon what the overarching use and expectations are. For example, in national parks, wilderness areas or some strict marine

protected areas, humans are intended to be visitors and generally our harvests of fish or wildlife are intentionally severely limited. Placing the resource first in this instance would mean assuring that populations are left in as natural a state as possible without the effects of human disturbance. On many other lands and in many waters, putting the resource first means assuring that human harvests and land use are promoted rather than prohibited, but they are also controlled so that ongoing levels of sustainable yield can be assured. And, in those areas slated for intensive management of game animals, or those waters from which maximum sustainable yield is intended from fish stocks, putting the resource first means promoting very high harvest levels, but still within bounds that will not result in diminished yields over time.

Similar consideration could be brought to the application of the "best available science." It is laudable to pursue and apply the best research that money and expertise can buy, but there are also instances where decisions will need to be made that can't wait for, or the system cannot provide the funds for, extensive or intensive research programs. We constantly have to balance the need for good, solid information against the hazards of a "paralysis by analysis" and an unending quest for research for its own sake. The decisions that we make should indeed be based upon a strong analysis of the best information that can be obtained, but we must realize that there will always be more that we can learn; this should not keep us from making decisions when those decisions need to be made.

As for the term "optimum yield", this on its face requires interpretation; what is meant by optimum? Various social and economic values contribute to our definition of "optimum" in any particular situation. Public resource management policy needs constantly to come to grips with this concept. In some cases, the optimum use will be derived from maximum sustainable yields, which is a common reference in commercial fisheries management. In other cases, maximum yield would be foregone in the interest of providing for a high density of, say, salmon in a drainage in order to promote a vigorous sport fishery. In some cases, optimum will be considered to be zero yield to humans and the least disturbance to wildlife while, in others, intensive management including predator control will be brought to bear in order to maximize harvest opportunities. Optimum yield will depend upon public policy choices of what use will be made of which resources in any particular place or time.

In this regard I am encouraged that we have the wise words of our state constitution to guide us. In Article VIII, reference is made to fish and wildlife, sustained yield, maximum benefit, people, and the State of Alaska. There is explicit acknowledgment that our fish and wildlife are intended to benefit the people of Alaska, that there are a number of ways that these resources can provide those benefits and economic well-being, and that the resources must be safeguarded within the bounds of sustained yield while providing those benefits.

In sum, I believe that we manage our resources for people. And, people have a wide variety of purposes, ideals, and expectations for the use of our fish and wildlife. Within the paradigm provided by our constitution, we can assure continued existence and production of fish and wildlife while providing for a wide variety of benefits to the people of Alaska. It is up to the people of Alaska, through various institutions like the Alaska Boards of Fisheries and Game, to determine what those uses should be and where. It is up to the Alaska Department of Fish and

Game, with the assistance of knowledgeable public involvement, to provide the information from which those policy choices can be prudently made and then to effect their implementation.

Personnel Management Philosophy

Management of our fish and wildlife, as public resources, is a public responsibility. The research, administration, harvest control, and public education associated with such management require the best efforts of a dedicated group of professionals. We must be able to attract, motivate, support, promote, and reward these public servants in order to fulfill Alaskans' expectation that our resources will be well managed.

I don't have a singular personnel management philosophy. At various stages in my career I have been responsible for greater or lesser numbers of staff at different levels of authority. At the project level, I focused on motivating subordinates to perform immediate tasks in a safe, efficient manner to provide reliable results. At the mid-supervisory level, I had a personal mantra of "buffer, promote, and defend" that guided me in providing my subordinates the tools, support, and motivation necessary for them to fully carry out their responsibilities. At the senior level, it becomes increasingly important to provide leadership and policy direction, to provide solid administrative and budgetary planning, and to provide for training, publication, and presentation opportunities that help motivate staff to perform independently at their best. At all levels there is, at times, the need for discipline or corrective action. When needed, however, these actions must be clear, fair, and designed to lead toward improved performance rather than simply to punish bad behavior.

No supervisor can perform all the work of their subordinates nor possess all the expertise encompassed by their staff. The challenge becomes one of providing a productive, comfortable, challenging, and rewarding environment, and then to provide the leadership and direction necessary so that staff carry on the good work expected of the organization. I personally have very high expectations of professional staff and high standards for their performance. While not severe in my corrections, I do find that consistently applied expectations result in greater pride and higher expectations by staff for themselves.

In the end, of course, the work should be fun. Leading by example, loving the work, and sharing the enthusiasm go a long way toward promoting the best performance from an organization, and that is a style that I particularly enjoy.

Summary

There is not likely to be a candidate for your consideration that has extensive background in all of the various aspects of fish and wildlife management in Alaska: commercial fisheries, sport fisheries, wildlife management, non-consumptive uses, personal use, subsistence, and habitat protection. I do offer for your consideration, however, a background that is intensive within commercial fisheries management and research, as well as one with broad exposure elsewhere: with seabird, marine mammal, and oceanographic research; with federal fishery management; with state and federal resource policy, regulatory, and legislative development; and with habitat

protection and land-use permitting experience. I have worked directly for and with federal, state, and local governments in Alaska and have had to deal effectively with resource management issues at all those levels plus in the interests of individual users and NGOs.

I feel blessed with the opportunities that I have been offered in Alaska, and I would hope to bring the benefits of my experience, plus a energetic level of enthusiasm, to the administration of the Alaska Department of Fish and Game. In that vein, I would hope also to establish and continue strong working relationships with the Alaska Board of Game and the Alaska Board of Fisheries, the various constituent groups with interests in our management of fish and wildlife, and the numerous local, state and federal authorities involved. For those issues with which I have not had broad exposure, I will specifically be looking for the assistance and guidance of staff, members of the boards, and knowledgeable constituents statewide.

Attached is a resume of my education, work experience, associated activities, and publications. Below is a list of references with phone numbers and email addresses, as requested. Finally, I have included copies of two magazine articles that I have written, both coincidentally while serving as Director of the Division of Commercial Fisheries. The first is from the department's Alaska's Wildlife magazine in 1992, the second is from the current issue of National Fisherman. Much has remained the same over the intervening fifteen years, while many things have changed (not the least of which is my hair color).

Thank you for your consideration, and best of luck.

Sincerely,



Denby S. Lloyd

Attachments: resume, articles

References:

Doug Baily, previous Attorney General, State of Alaska
Landa Baily, previous Executive Director, Alaska Board of Game
907-586-2266; bailylaw@pci.net

Jim Branson, previous Executive Director, North Pacific Fishery Management Council
907-235-2114; jhb73@alaska.net

Jim Balsiger, current Alaska Regional Administrator, National Marine Fisheries Service
907-301-7777; jim.balsiger@noaa.gov

EDUCATION AND CERTIFICATES

- B.S. 1977. University of Alaska-Fairbanks. Magna cum laude; major in Biological Sciences. Emphasis in fisheries; secondary focus in economics.
- M.S. 1985. University of Alaska-Fairbanks. Biological Oceanography from the Institute of Marine Science; additional work in management.

Certified Fisheries Scientist – American Fisheries Society, 1988.
Associate – American Institute of Fishery Research Biologists, 1987.

PROFESSIONAL EXPERIENCE

Sept 2005 Director – Division of Commercial Fisheries
to Alaska Department of Fish and Game
Present Juneau, Alaska

Direct the operations of the largest division in the Alaska Department of Fish and Game, with 300 permanent full-time employees and another 300 seasonal workers, annual budget of approximately \$60 million, 24 area and regional offices, some 80 field camps, five major research vessels and a number of aircraft. Responsible for the management of all commercial fisheries, as well as subsistence and personal use fisheries, within state waters, plus several in adjacent federal waters. Oversee applied research programs to assess abundance and distribution of salmon, herring, groundfish, and shellfish. Direct policy development and interaction with the Alaska Board of Fisheries, the North Pacific Fishery Management Council, the Alaska Legislature, federal resource and land management agencies, as well as with public interest and industry groups.

Oct 2000 Regional Supervisor – Div. of Commercial Fisheries
to Alaska Department of Fish and Game
Sept 2005 Kodiak, Alaska

Administered all fishery management and research functions for the Division of Commercial Fisheries in the Westward Region, including areas around Kodiak Island, Chignik, the Alaska Peninsula, the Aleutians Islands and the Bering Sea. Supervised 55 permanent full-time employees, administered an annual budget of approximately \$ 11.5 million, oversaw one regional and six area offices, and supported two research vessels and four aircraft. Implemented management and research programs for salmon, herring, groundfish, and shellfish within state waters, plus in federal waters for specific species under delegation or direction. Duties involved significant interaction with local government and industry interests, the Alaska Board of Fisheries, and the North Pacific Fishery Management Council process.

June 1998 Regional Finfish Research Supervisor
to
Oct 2000 Alaska Department of Fish and Game
Kodiak, Alaska

Administered the salmon and herring research programs for the Westward Region of the Division of Commercial Fisheries, involving projects in the Kodiak, Chignik, Alaska Peninsula, and Aleutian Islands areas. Supervised ten permanent employees, administered budgets of approximately \$2.5 million, and established goals and objectives for projects to estimate the distribution and abundance of juvenile and adult salmon and spawning herring. Research included not only estimating abundance, but also establishing spawner-recruit relationships, escapement goals, and forecasting future run strength. Worked under a variety of funding sources, which required close coordination with state, federal, and local governments as well as regional non-profit aquaculture associations, native corporations, and industry groups.

May 1992 Chief Resource Analyst
to
June 1998 Aleutians East Borough
Anchorage/Juneau, Alaska

Compiled and analyzed biological and socioeconomic information on natural resources, and regulatory issues, important to residents and fishermen in the eastern Aleutian Islands/lower Alaska Peninsula. Promoted and defended regional commercial fishing, subsistence hunting and fishing, and recreational activities. Represented local interests to the Alaska Board of Fisheries, the North Pacific Fishery Management Council, the state administration and legislature, and the federal government. Assisted with local land use and coastal zone issues, including planning and approval of port, harbor, and airport construction and seafood processing.

Nov 1990 Director - Division of Commercial Fisheries
to
May 1992 Alaska Department of Fish and Game
Juneau, Alaska

Responsible for administration and supervision of a division with a permanent staff of 200 employees and a budget of \$29 million per year, operating 50 specific programs to manage the commercial and subsistence salmon, herring, crab, groundfish and other fisheries of the State of Alaska, with a commercial exvessel value of over \$1 billion per year. Set policy and direction, and provided budgetary oversight, for management and research activities; oversaw personnel and administrative functions. Represented the division and the department to the Alaska Legislature, the Alaska Board of Fisheries, the North Pacific Fishery Management Council, and the public.

Jan 1989 Special Assistant for Natural Resources
to Office of the Governor
Nov 1992 Juneau, Alaska

As Special Assistant for Natural Resources, was the Governor's direct liaison with the departments of Fish and Game, Natural Resources, Environmental Conservation, and Revenue. Chaired the Governor's Resource Cabinet: led negotiation of policy positions among, resolved disputes between, and related Governor's directions to agency commissioners. Represented the Governor on resource issues to the public, industry, legislature, and federal agencies. Acted as the Governor's personal advisor on natural resource issues, including fishery management and development, the Exxon Valdez oil spill, subsistence fish and game management, oil and gas leasing, and land use and coastal zone planning.

Dec 1986 Plan Coordinator/Management Analyst
to North Pacific Fishery Management Council
Jan 1989 Anchorage, Alaska

As Plan Coordinator/Management Analyst, coordinated multi-agency teams of biologists, economists, statisticians, and regulatory specialists to support regional council management of groundfish fisheries in the Bering Sea/Aleutian Islands under provisions of the Magnuson Fishery Conservation and Management Act (MFCMA). Duties required derivation, analysis, and presentation of regulatory measures and estimates of acceptable harvest levels for 13 species groups in the two-million ton per year fishery. Also, coordinated development of management plans for king and Tanner crabs, high seas salmon fisheries, and the allocative aspects of Alaskan halibut fisheries.

Mar 1983 Habitat Biologist III - Habitat Division
to Alaska Department of Fish and Game
July 1986 Anchorage, Alaska

As Projects Review Coordinator for Habitat Division, Region IV, was responsible for the department's review and permitting of private and public development projects in western and southwestern Alaska. Decisions required evaluation of construction and industrial projects (such as ports and harbors, mining, roads, timber harvests, seafood processing) in relation to state and federal environmental requirements, research of natural resources at risk, and negotiation of terms with industry and agency personnel to mitigate impacts to fish and wildlife. Also reviewed and analyzed state and federal land use plans and prepared departmental position papers on water quality issues.

Jan 1982 Habitat Biologist II
to Alaska Department of Fish and Game
Mar 1983 Anchorage, Alaska -

Evaluated potential impacts of development projects, most specifically coal mine proposals, on fish, wildlife, and their habitat. Recommended mitigation measures to industry planners and agency permittees. Also prepared departmental comments on surface mining regulations, coastal zone consistency determinations, and oil spill contingency plans. Routinely negotiated with consultants on design and execution of aquatic habitat and fisheries baseline studies.

Jan 1979 Research Assistant - Institute of Marine Science
to University of Alaska - Fairbanks
Dec 1981 Fairbanks, Alaska

As a graduate research assistant, participated in projects investigating the oceanography and ecology of the Bering Sea and Prince William Sound. Primarily responsible for a project relating seabirds to their ocean environment. Conducted miscellaneous field work at Pt. Barrow, Chukchi Sea, Bering Sea, Pribilof Islands, Bristol Bay, Izembek Lagoon, Aleutian Islands, and Prince William Sound.

April 1978 Fishery Biologist
to National Marine Fisheries Service
Dec 1978 Juneau, Alaska

Within the Environmental Assessment Division, reviewed permit applications and proposals for development projects and prescribed mitigation for marine and wetland organisms and their habitats. Coordinated permitting decisions with state and federal agencies and justified policy positions of the NMFS. Conducted field assessments of habitat quality and species distribution at several locations in southeast Alaska.

1973 to 1978 Fishery Technician/Biologist (seasonal)
ADF&G/University of Alaska

Held several positions involving field work in fisheries and oceanography, and laboratory work in environmental chemistry. Assisted in projects throughout much of the coastal zone and waters of Alaska.

COMMITTEE APPOINTMENTS/ASSIGNMENTS

NMFS Steller Sea Lion Recovery Team
 NPFMC Steller Sea Lion Mitigation Committee
 ADF&G Marine Protected Area (MPA) Task Force
 Alaska Steller Sea Lion Restoration Team
 ADF&G Technical Panel for the Sustainable Salmon Fisheries Policy
 Alaska Board of Fisheries Public Panel for the Sustainable Salmon Fisheries Policy
 NPFMC IR/IU (Improved retention/improved utilization of groundfish) Committee
 Alaska Scientific Review Group (ASRG) for marine mammals—advisory to NMFS
 and USFWS under provisions of the MMPA
 SWAMC (Southwest Alaska Municipal Conference) Fisheries Committee
 Scientific Advisory/Management Committees—North Pacific Universities Marine
 Mammal Research Consortium
 NPFMC Halibut Bycatch Cap Committee
 Chair, Governor's Resource Cabinet
 Coordinator, NPFMC Bering Sea/Aleutian Islands Groundfish Plan Team
 Coordinator, NPFMC Halibut Regulatory Amendment Advisory Group
 Resource Development Council (RDC) Fisheries Committee

SCIENTIFIC CRUISE/COMMERCIAL FISHERY PARTICIPATION

UA-F and UW oceanographic cruises (*R/V Acona*, *Alpha-Helix*, *T.G. Thompson*) in
 the Bering Sea, Aleutian Islands, PWS, SE Alaska
 USCG icebreaker cruise (*USCGC Polar Star*) to Bering/Chukchi Seas
 Univ. Hokkaido (*R/V Oshoro Maru*) high seas salmon/squid gillnetting, Kodiak to
 Seattle
 NOAA (*R/V Miller Freeman*) pelagic/demersal fishery survey, Gulf of Alaska
 NMFS/USFWS (*R/V Tiglax*) sea lion/prey assessment, western GOA
 ADF&G (*R/V Resolution*) shellfish/groundfish surveys, GOA/Aleutian Islands
 ADF&G/OCSEAP (*R/V Yankee Clipper* and others) nearshore fish surveys, lower
 Cook Inlet/Kodiak Island
 NMFS Delta submarine surveys, SE Alaska

 Bristol Bay salmon drift and set gillnet
 North Peninsula salmon drift and set gillnet
 Dutch Harbor herring purse seine
 South Peninsula salmon purse seine
 Eastern Bering Sea pollock trawl
 Western GOA pollock and cod trawl
 Chignik salmon purse seine
 Kodiak salmon set gillnet
 Prince William Sound herring purse seine

SELECTED PUBLICATIONS

- Nelson, P.A. and D.S. Lloyd. 2001. Escapement goals for Pacific salmon in the Kodiak, Chignik, and Alaska Peninsula/Aleutian Islands areas of Alaska. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 4K01-66, Kodiak.
- Kruse, G.H., M. Crow, E.E. Krygier, D.S. Lloyd, K.W. Pitcher, L.D. Rea, M. Ridgway, R.J. Small, J. Stinson, and K.M. Wynne. 2001. A review of proposed fishery management actions and the decline of Steller sea lions *Eumetopias jubatus* in Alaska: a report by the Alaska Steller Sea Lion Restoration Team. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 5J01-04, Juneau.
- Lloyd, D.S. 1996. Relative effects of mixed stock fisheries on specific stocks of concern: a simplified model and brief case study. Alaska Fishery Research Bulletin 3: 21-31.
- Lloyd, D.S. 1996. Relative effects of mixed stock fisheries on specific stocks of concern: application to fixed escapements and Norton Sound chum salmon. Alaska Fishery Research Bulletin 3: 32-44.
- Martin, P.C. and D.S. Lloyd. 1996. Aspects of sockeye salmon smolt production in the Egegik River system of Bristol Bay, Alaska. Alaska Fishery Research Bulletin 3: 59-63.
- Lloyd, D.S. and S.K. Davis. 1989. Biological information required for improved management of walleye pollock off Alaska. In: Proceedings of the International Symposium on the Biology and Management of Walleye Pollock. Alaska Sea Grant Report No. 89-1. Pp. 9-31.
- Smith, T.P. and D.S. Lloyd. 1989. Effects of bycatch allocations to trawl fisheries for groundfish in the Bering Sea. Presented to annual meeting of the American Fisheries Society, Anchorage, AK.
- Lloyd, D.S., J.P. Koenings, and J.D. LaPerriere. 1987. Effects of turbidity in fresh waters of Alaska. North American Journal of Fisheries Management 7: 18-33.
- Lloyd, D.S. 1987. Turbidity as a water quality standard for salmonid habitats in Alaska. North American Journal of Fisheries Management 7: 34-45.
- Lloyd, D.S., R.B. Smith, and K.A. Sundberg. 1987. Introduction of European wild boar to Marmot Island, Alaska. The Murrelet 68: 57-58.
- Springer, A.M., D.G. Roseneau, D.S. Lloyd, C.P. McRoy, and E.C. Murphy. 1986. Seabird responses to fluctuating prey availability in the eastern Bering Sea. Marine Ecology Progress Series 32: 1-12.
- Lloyd, D.S. 1985. Relation of breeding performance in kittiwakes to oceanographic and meteorologic conditions in the southeastern Bering Sea. Presented to annual meeting of the Pacific Seabird Group/Colonial Waterbird Group, San Francisco, CA.
- McRoy, C.P. and D.S. Lloyd. 1981. Comparative function and stability of macrophyte-based ecosystems. In: Analysis of Marine Ecosystems (A.R. Longhurst, ed.). Academic Press, London. Pp. 473-489.
- Lloyd, D.S., C.P. McRoy, and R.H. Day. 1981. Discovery of northern fur seals (*Callorhinus ursinus*) breeding on Bogoslof Island, southeastern Bering Sea. Arctic 34: 318-320.

What is the character of commercial fishing in Alaska? Is the danger of slipping off the deck of an aging crab boat in a Bering Sea gale? Is the high stakes game of setting bottom trawls on a good run that never shows? It certainly is mainly fishing, together, on the Yukon River in the heat and haze of late-summer and, continuously, involves the cannery manager juggling tenders and processing times in relation to fish catches and market prices. It's all the extremes and more.

In sum, commercial fishing embodies a large, multi-faceted industry which is of major importance to the state of Alaska, the seafood industry, Alaska's largest private sector employer, and besides oil and gas, provides the greatest contribution of any natural resource to the state treasury. Our fisheries support the highest level of production in the United States, over five times that of the next ranked states, and about half of the country's total. If we were an independent nation, Alaska would consistently rank in the top ten seafood producers in the world.

The issue which faces the Department of Fish and Game, and especially the Division of Commercial Fisheries, is how best to conserve and develop the fishery resources that include such vital and varied components of the state's and the nation's economy.

In this issue of *Alaska Wildlife*, we hope to give you a flavor, because that is all that's possible, of the breadth and complexity, and the opportunities encompassed by what is loosely termed commercial fishery management in Alaska. A robust assumption is that these resources must be managed in the first place, drastic decline earlier this century shows clearly that good stewardship is essential. And, because our fish are public resources, it is a public responsibility to assure their continued vigor.

To provide those assurances, we run the gamut from sophisticated sonar technology to observers peering out of super-cubs at monitoring the numbers of salmon returning to spawn. Our estimates of

crab abundance and distribution are variably derived by trawl and pot surveys, or most simply by watching trends in commercial catch. On occasion, we've even sailed submarines, but more are assessed by divers looking at deposits of eggs, by aircraft surveying deep-sea hells of fish, and even by spectrophotometers measuring color density and converting to volume of metric tons.

Our analyses of data mined from these observations span a wide range, as with the use of intricate computer models to sort out the many evaluations by experienced area managers. Such a range is not unexpected. If you consider the several hundred different fisheries, we manage each year throughout Alaska on a basis of salmon, eight species of crab, four varieties of Pacific herring, some eighteen species of groundfish, and associated clams, scallops, urchins, as well as a few exciting new species of interest.

The division's management and research programs are conducted from some 22 area and regional offices and 30 field camps, spanning the state from Prudhoe Bay to Kotzebue and Belm to Dutch Harbor. We also operate five major research vessels, a number of smaller boats, and several aircraft. These programs are supported by a budget of roughly \$22 million in state general funds and another \$3 million in contracts from the federal government and elsewhere.

As an annual management cost for a billion-dollar industry, our two percent expenditure compares favorably to other investments available to Alaska. It certainly is effective compared to our sister state on the west coast, who spend some fifty percent or more of the value of their fisheries just to manage them. And there is potential for even greater production with only marginal increases in management cost.

Decisions on where and how we implement various projects depend upon the applicability of any technique to a particular situation and a complex set of judgments on the value and importance of each fishery in relation to available funding. Of course, the department receives a lot of



Denby Llovi

assistance from the public and the legislature in setting any project priorities. Decisions on what rules to apply to harvest levels and catch characteristics depend upon an equally complex set of judgments forced by the department, the Alaska Board of Fisheries, and a host of other regulatory bodies like the North Pacific Fisheries Management Council, the International Pacific Halibut Commission, and the Pacific Salmon Commission to name a few.

So, if you think you have a view on what commercial fishing is, or on what is defining commercial fisheries management, is it run by a host of semi-trained bureaucrats, or assisted by a cadre of dedicated professionals? As to the day day of sitting before the North Pacific Council or other that the Board of Fisheries may say are that in our view it is an eminently democratic process, wherein everyone has their say, it is not their way, which is fueled by some of the finest fishery scientists in the world. There is always room for improvement, but our pride shows through. I hope you enjoy this glimpse into some of the details of Alaska fishery management program, and I invite your comments at any time.

Denby Llovi serves as Director of the Division of Commercial Fisheries, ADP&G, Juneau.

January 2007 This month's highlights

Senior Editor Linc Bedrosian doesn't get his photograph in the magazine every month, but he's a crucial part of the picture at *National Fisherman*.

He's our longest serving editor, having signed on in 1994, when we were still in Rockland, Maine, and he directs much of our coverage.

As if that weren't enough to keep him busy, Linc went to Boston to cover the symposium on fishing in the 21st century, hosted by the International Council for the Exploration of the Sea (p. 26).

National Fisherman was a proud sponsor of the five-day conference, which focused on integrating fishing and ecosystem conservation.



Linc Bedrosian

"Where do we go from here?"

I wouldn't say we're positively giddy around here, but we do enjoy and take pride in what we do.

And never has that been more true for me than this month, as we assembled our first-ever crew shots album.

Linc zeroes in on the final day of the conference — stakeholder day — which brought fishermen and scientists together to mull over the question,

We put the word out, and you responded. We tried to use something from everyone who took the time to submit photos (p. 20).

It's easy to focus on management, but these crew shots remind us how much U.S. fishermen cherish the life they lead.

Thanks to all you shutterbugs, and to the rest of you, it's not too early to start shooting for next January's issue.

Like Linc, Hoyt Childers, our Gulf/South Atlantic bureau chief, has been on the beat a long time, and he has a network of fishermen he keeps in touch with. So it's no surprise he got word early on the discontent of



Hoyt Childers

Florida reef fish fishermen at a mandate to equip their boats with vessel monitoring systems, and he delivers a timely report on the controversy (p. 24).

My apologies to Rob Morris, who wrote and photographed last month's story on rebuilding the Saint Janet. In December's Hail, I attributed authorship to Boats & Gear Editor Michael Crowley. Mike edited the story.

— Jerry Fraser

Northern Lights

Several shades of sustainability

For Alaskans, it begins right in our constitution. "Fish... belonging to the State... shall be utilized, developed, and maintained on the sustained yield principle" and, like all other natural resources, "for the maximum benefit of its people." The fight for Alaska's statehood was centered on the need to rebuild Pacific



By Denby Lloyd

salmon runs and to protect fishermen and communities along our lengthy coastline. Fifty years later, we enjoy record-setting harvests and, for the most part, continued social and economic vitality supported by these wonderful fish.

Fishermen, processors, managers, researchers, even politicians in Alaska tend to share a common view that puts the health of our fishery resources first. We rarely argue over the need to allow annual salmon escapements to pass unmolested to their spawning grounds, or to maintain sufficient biomass of groundfish and shellfish to produce future recruitment.

We've also taken difficult steps to protect the health of the seafood industry, through various forms of effort control, and we've implemented innovative programs to protect the interests of coastal communities in the resources surrounding them. We have a strong record of designing these programs with broad public participation, through the Alaska Board of Fisheries and the North Pacific Fishery Management Council.

Indeed, much has been made, locally and nationally, of Alaska's fishery management. Along with a reasonable

measure of pride, however, sometimes creeps an uncomfortable degree of self-congratulation. Often we give insufficient credit, for example, to the favorable environmental conditions that have promoted decades of strong salmon returns, or to the fact that our groundfish fisheries are relatively new and uncomplicated compared to others around the country.

Perhaps the most important advantage we enjoy in Alaska is a short modern history. Much of our habitat is still pristine and productive. And as our fisheries have developed, there has been an abundance of history from more exploited parts of the world against which we have been able to evaluate our management proposals. We have been able to learn from other people's mistakes.

But that advantage can be all too quickly lost.

There are readily apparent difficulties in deriving maximum sustainable yields, or MSY, from more than one neighboring stock of fish at a time. There is growing concern that we are eliminating older, and more fecund, fish in our pursuit of large harvests. And there is no assurance that heavily fished populations provide sufficient prey for their natural predators. Almost 30 years ago, a notable fishery scientist wrote an "epitaph for the concept of maximum sustained yield." Recently, another scientist of note revisited the topic in a view on "the sustainability myth." Yet, MSY stands as a pillar of our state and national fishery policies. This poses an interesting conundrum for the emerging pursuit of ecosystem-based fishery management.

In establishing large-scale individual fishing quotas and other types of rationalized fisheries, we've reaped the benefits of longer seasons, more precise quota management, and the ability of fishermen to better choose their most effective means of harvest. On the other

hand, we've helped give away the value of those public resources, altered important subtleties in leverage between harvesters and processors, and not fully recognized that communities have legitimate interests in the disposition of fish in their areas.

Policymakers will need to grapple with evermore sophisticated mechanisms for the distribution of social and economic benefits. Managers and scientists will need to continually assess the comfortable fiction of MSY in the context of ecosystem function. We all will need to keep in mind the public's rights of ownership while limiting access to the resource among various users.

But just what is it that we are trying to sustain? It is certainly not just yield. It is not just the fish themselves. We are promoting possibilities for human endeavor: the opportunity to catch fish, to eat fish, to be financially and culturally enriched by these resources, to enjoy the benefits of healthy ecosystems. In this regard, Alaska's constitutional framers had it right, using seemingly simple and innocuous language: fish, sustained yield, maximum benefit, people. So long as we learn our lessons well, restrain ourselves from the temptations of overharvest, and wisely share the benefits of these resources, fisheries can sustain many of our livings and our ways of life far into the future.

In the end, perhaps all we need do is sustain an appropriate attitude: to avoid complacency, to challenge our assumptions, to evaluate the consequences of our actions.

NP

Denby Lloyd is serving a second stint as director of Commercial Fisheries for the Alaska Department of Fish and Game. He has worked for the Alaska governor's office, the Aleutians East Borough, and the North Pacific Fishery Management Council. Soon he will return home to Kodiak to manage a fishery research laboratory.



COPY

Denby Lloyd

From: Kari Spencer [kari_spencer@gov.state.ak.us]
Sent: Monday, January 29, 2007 12:17 PM
To: Kreitzer, Annette E (DOA); 'Emil Notti'; Schmidt, Joseph D (DOC); roger_sampson@eed.state.ak.us; larry@hartig.com; Lloyd, Denby S (DFG); 'Jackson, Karleen'; talis.colberg@law.state.ak.us; 'Campbell, Craig AK TAG NGAK'; Rutherford, Martha K (DNR); Monegan, Walt C (DPS); Galvin, Patrick S (DOR); 'Karen Rehfeld'; lvscheben@uskh.com; sr_parnell@gov.state.ak.us; 'John Katz'; 'John Bitney'; 'Michael Tibbles'; 'Mike Nizich'; 'Meghan Stapleton'; Leighow, Sharon W (GOV); 'Charles Fedullo'; 'Anna Klm'; russ_kelly@gov.state.ak.us; 'Lynne Smith'; 'Christopher Clark'
Cc: 'Kelly Clifton'; Michalsky, Rosezella L (DOA); 'Carolyn L Holbert'; 'Erin H. Haida'; Knuth, Dorothy K (EED); Fishwick-Leonard, Claire L (DEC); 'Mary A Schlosser'; Taylor, Lisa M (HSS); 'Becky Weimer'; Korting, Nancy A (LAW); Galanopoulos, Sharon (MVA); 'cassandra byrne'; lacy_wilcox@revenue.state.ak.us; teri_veasey@dot.state.ak.us; Bosela, Tina M (DNR); Spreter, Paula G (GOV); 'Lynn Castle'; 'Janice Mason'; 'Shannon Devon'; 'Sharon Busch'; 'Kathy Mally'; 'Katie Provost'; 'Erika Fagerstrom'; 'Andy Mills'
Subject: Message from Governor attached AND Notice of Cabinet Meeting AND Notice of Lunch!!
Importance: High

Dear Cabinet: Governor Palin sent the attached email on Sunday, January 28, and wanted to be sure all Cabinet members were sent a copy. (Executive Secretaries: please print this for your boss if you think they didn't see it by email!)

The next Cabinet meeting has been scheduled for Wednesday, February 7 from 10:00am to Noon, and the Chief of Staff requests all Commissioners attend in person. To start off the agenda for this Cabinet meeting, all new Commissioners will administer their Oath of Office. If those Commissioners care to bring family members for a photo, or just to have them there when being sworn in, they are more than welcome to join the swearing in ceremony and then exit when the actual Cabinet meeting begins.

Following the Cabinet meeting, the Governor is inviting Commissioners to lunch at the Mansion. The following people are also invited to lunch: Lt. Governor Sean Parnell, Mike Tibbles, Karen Rehfeld, Mike Nizich, John Bitney, and Meg Stapleton.

Kari Spencer
 Governor's Scheduler
 907-465-3986 phone; 907-465-3889 fax

From: Sarah Palin
Sent: Sunday, January 28, 2007 9:23 AM
Subject: Speaking from Departments

Good morning all:

There was a quip in this morning's ADN re: a "ban" from me on anyone voicing their opinions on matters before us. The 'Ear wrote of my supposed instruction to not allow cabinet members/staff to take positions on some issues.

Since this is totally false, and leaves me at a loss as to how a reporter would have ever received word of something that is the opposite of what I've expressed to all of you, I'll clarify again what has already been expressed by me as my desire to see you all have the freedom to communicate with the public and press in any and all manner you deem appropriate. The goal is for the public to be able to trust that our administration is transparent and trustworthy, so you all personally communicating views and opinions is very important and would NEVER be banned.

018

2/6/2007

I have NEVER banned any of our team members from voicing opinions on anything. In fact, I've stated that the more information and communication efforts put forth on behalf of your departments and divisions, the better. I've asked that you all share your opinions, speak freely to press, public, legislators, one another, etc. (In other words, don't do what past administrations have done. I have faith that we're on the right path going a new direction here with freedom in information sharing... Alaskans deserve better than the tried and failed efforts of past administrations' withholding information and expressed opinions by decisions makers.)

I will write to the 'Bar reporter and clarify for her also.

Kari - would you please send to all Commissioners? I don't have some new addresses here.

Thank you!

Also, last night's Valley ball was lots of fun. At the event we got to wish Happy 25th Anniversary to Talis Colberg!!!

The Lt. Governor and I are off to Kodiak today. Then Hooper Bay tomorrow.

Thanks for everything, everyone! I appreciate you all very much and look forward to more cabinet meetings where we're all together in one room. It will be great to have Leo on board at DOT next week. Let's make the next swearing-in ceremony of our new Commissioners a great event and let's try for a cabinet lunch/dinner afterwards.

Bitney - remember to invite the different groups of Legislators for lunches/dinners this week and next. The more the merrier. Thanks for working with Kari and Brika on this.

Have a great Sunday, I'll see most of you on Tuesday.
Sarah

Don't be flakey. Get Yahoo! Mail for Mobile and always stay connected to friends.

COPY

Denby Lloyd

From: Sarah Palin [gov.sarah@yahoo.com]
Sent: Monday, February 12, 2007 7:06 PM
To: megan_stapleton@gov.state.ak.us; mike_tibbles@gov.state.ak.us; john_bitney@gov.state.ak.us; denby_lloyd@fishgame.state.ak.us
Subject: blogs

Meg -

Shoot. I made the mistake of looking at the ADN blog to find out about today's "Sarah Palin the Blogger" issue... I knew I shouldn't have looked through it!

The first entry I looked at was a slam of you or your answer to the blog issue. The rant sounded familiar - like someone we may know. It was ridiculous and offensive.

The other entry I looked at was a question about my ethics... it said I was trying to get my "Dad's best friend the deputy job at F & G". (Obviously referring to the Mat-Su guy, Corey Rossi, whom a lot of game guys were lobbying for - my dad passed on a few comments from guys he was hearing from that were favorable to Corey.) I just called my dad, he confirmed that 1.) Corey Rossi is not his best friend 2.) he's not lobbying for anything for Corey, he was passing on comments from Alaskans who wanted to make sure I heard their input 3.) he would never try to sway me to hire anyone 4.) he knows I'm not micromanaging Denby and the choice of Denby's teammembers is in Denby's hands.

It was another offensive blog entry.

And it sure leaves me puzzled as to the rumors that are able to spread like wildfire. Kind of makes my stomach turn over.

Looking at that blog was also my reminder to NOT waste my time and energy peeking at it to find out what's on readers' minds.

Tibbles - where is Denby on putting together his F & G team? Until he gets his deputy(ies) in there, we'll keep hearing controversy re: who's doing what.

Looking for earth-friendly autos?
Browse Top Cars by "Green Rating" at Yahoo! Autos' Green Center.

**Wolf Reduction Programs
Evaluation of Program Status
April 16, 2007**

Wolf Control Program Summary- Despite a difficult winter, the SDA permit program combined with regular trapping and hunting harvest have managed to achieve the wolf management objective in three of the five areas where active wolf control is currently authorized. Poor snow conditions and flying weather prevented the program from being more effective in the remaining two areas by interrupting attempts to locate wolf packs by following their tracks. Under such circumstances no change in either personnel (i.e., ADF&G staff) or equipment (e.g., helicopters) will make an appreciable difference in the result.

- ✓ **Unit 13-** Spring wolf population objective **achieved** – *Program suspended*
- ✓ **Unit 16-** Upper limb of spring wolf population objective **achieved** – *Program continues on a day-by-day basis to move closer to lower end of management objective range*
- Unit 19A-** Permittee effort limited by snow conditions, which will not allow successful wolf tracking by any method – *Program continues; snow conditions preclude effective operations; SDA permits expire on April 30.*
- ✓ **Unit 19D East-** Spring wolf population objective in EMMA essentially **achieved** – current conditions preclude effective tracking by any method – *Program continues; snow conditions preclude effective operations; SDA permits expire on April 30.*
- Upper Yukon/Tanana-** Low snow accumulations and windblown terrain prevented effective effort throughout the winter; currently snow conditions deteriorating rapidly; ADF&G chartered spotting flights to little effect – *Program continues; snow conditions preclude effective operations; SDA permits expire on April 30.*

The following is a brief review of wolf reduction programs conducted by the Alaska Department of Fish and Game during the winter of 2006-2007. Division of Wildlife Conservation staff have been closely monitoring each area and networking with trappers, wolf control permittees, big game guides, and other outdoor users to estimate remaining wolf numbers with as much accuracy as possible. Wolf control programs will be shut down if necessary to prevent wolf numbers from dropping below the regulatory management objectives, and will close in any case when same day airborne wolf control permits expire on April 30.

Unit 13 (Nelchina Basin)

• Current SDA take:	33
• Estimated trapping/hunting take:	<u>61</u>
• Estimated total take:	94
• Post-Control Wolf Population Objective:	135 – 165 ACHIEVED

Status: SDA wolf control program suspended at the end of March (trapping season remains open through end of April).

Through a combination of wolves taken by Same Day Airborne (SDA) wolf control permittees and under normal trapping regulations the wolf population within this control area has been reduced to within the management objective range established in regulation. Accordingly, SDA efforts were suspended as of the end of March, while we intend to allow the trapping season to terminate normally at the end of April.

The moose population is responding well in Unit 13, as judged from observations made in our standard count areas. Based on standard moose survey routes, counts between 2000 and 2006 reveals 14% more total moose, 110% more calves, and 176% yearling bulls (a measure of how well young moose are surviving to recruit into the herd). While older aged cows are still dying faster than they are being replaced, the new flush of young animals joining the herd should soon more than make up for this artifact of poor calf survival for so many years.

Unit 16 (West Side of Cook Inlet)

• Current SDA take:	30
• Estimated trapping/hunting take:	<u>6</u>
• Estimated total take:	36
• Post-Control Wolf Population Objective:	22 – 45 (Unit 16B) <i>ACHIEVED</i>

Status: SDA program continues on day-to-day basis to work carefully towards the lower end of the management objective.

Poor snow and bad weather affected tracking conditions and hampered wolf control efforts in this area for much of the winter. However, SDA permittees worked the area as opportunity offered and we have seen high participation since fresh snowfalls and better weather in March. Between SDA take and estimated take by trappers, we believe the wolf population has been reduced to the level called for in the predation control plan. On April 10 we estimated 32-64 wolves using Unit 16(B), compared to the management objective range of 22-45. Staff is comparing observations with SDA pilots, bear guides, and others to develop accurate current intelligence regarding wolf numbers and locations, and we will allow the SDA and normal trapping seasons to remain open on a day-to-day basis to carefully remove a few additional wolves while staying within the required management objective range.

Moose research studies indicate that after three winters of wolf reductions in Unit 16 the moose population has slowed its decline and appears to be stabilizing.

Unit 19A (Middle Kuskokwim)

• Current SDA take:	3
• Estimated trapping/hunting take:	<u>1</u>
• Estimated total take:	4
• Post-Control Wolf Population Objective:	30 – 36

Status: SDA program remains in effect, although lack of snow prevents effective tracking and pursuit of wolves in this area.

Poor snow cover prevented effective predator control in this area all winter. Without good tracking conditions there is no feasible method to find and remove wolves. This demonstrates why such programs must be sustained over multiple winters, so that if natural conditions interfere (e.g., deep snow kills most of the moose calves one year, or lack of snow prevents tracking of wolves in another) the effects will be “evened out” by the effects of wolf reductions in years before and after the problem winter. We expect that wolf predation rates were lower in this area than in previous winters because we were able to reduce the Unit 19(A) wolves to the predator control plan objective level the previous winter, so wolf densities should have remained lower than normal this winter.

Unit 19D (McGrath)

• Current SDA take:	3
• Estimated trapping/hunting take:	<u>5</u>
• Estimated total take:	7
• EMMA Objective (reduce wolf numbers to minimum)	<i>ACHIEVED</i>
• Post-Control Wolf Population Objective:	40

Status: SDA program remains in effect, although lack of snow prevents effective tracking and pursuit of wolves in this area.

The management objective here ever since this was the first new predator control program implemented in 2003 has been to reduce wolf predation within a small 528 square mile “Experimental Micro Management Area” to as low a level as possible. It was hoped that by removing wolf predation from this small but important piece of habitat, and by also reducing bear predation, moose calf survival would be improved and would contribute to moose herd growth and higher harvestable surpluses. Although conditions have been difficult this winter, persistent effort by trappers and SDA pilots have succeeded in essentially removing wolf predation within the EMMA. In addition, the department expanded the SDA control zone this year in order to try to increase the take of wolves in Unit 19(D) East, but outside the EMMA. The reason for this is that local hunters have been required to travel outside the EMMA, where they usually hunt, in order to help allow the moose herd to begin growing. As a result the hunters are in direct competition with wolves for the moose living in low densities outside the EMMA. By taking additional wolves outside the EMMA we are in effect trying to reallocate a few moose outside the EMMA from predators to people, while the moose within the EMMA build up in numbers to support future use. .

The moose population in and around the EMMA is responding very well to predator reductions, even though we have experienced one winter with very deep snow during the duration of the program. Our studies show that between 2001 and 2006 the moose population increased by about one-third, with moose density climbing from about 1.0 to 1.3 moose per square mile. Moose calf survival in the treated area to the beginning of April was an extraordinary 65%, with yearling survival at about 90% and adult cow survival at 97%. If sustained, such input to the moose herd will support further growth and an increased harvestable surplus which can begin to be utilized immediately.

Upper Yukon/Tanana

- | | |
|-------------------------------------------|----------|
| • Current SDA take: | 14 |
| • Estimated trapping/hunting take: | <u>3</u> |
| • Estimated total take: | 17 |
| • Post-Control Wolf Population Objective: | 88 – 103 |

Status: SDA program remains in effect. A recent snow is melting quickly but presents marginal tracking conditions in a portion of the area.

This area suffered from windblown, snow-free conditions that prevented efficient wolf tracking for the entire winter. This predation control plan was expanded in May 2006 to include improving the Fortymile Caribou Herd as one of the plan's main goals. As a result, the area involved and number of wolves to be removed increased greatly at a time when very little effective work was possible due to natural conditions. After a spring snowfall ADF&G made additional efforts, including chartering skilled wolf tracker pilots and using staff as spotters to locate wolf packs, but few additional wolves could be taken. With conditions currently badly deteriorated there is no feasible way to take large numbers of wolves as the winter comes to an end. It will be important to devote substantial effort to reducing wolf numbers in this plan area in future winters if conditions allow.

Denby Lloyd

From: Heather Brandon [heather_brandon@fishgame.state.ak.us]
Sent: Wednesday, April 25, 2007 9:14 AM
To: 'Denby Lloyd'
Subject: FW: Governor attendance

Denby - Below is the IWC information you were asking for.
I just sent an email to the Gov's office asking for confirmation on her attendance at the IWC opening ceremony, b/c NMFS is asking for confirmation AND I heard that she brought it up at yesterday's cabinet meeting. hb

-----Original Message-----

From: Cheri Mccarty [mailto:Cheri.Mccarty@noaa.gov]
Sent: Wednesday, April 25, 2007 9:03 AM
To: Heather Brandon
Subject: Re: Governor attendance

Thanks Heather. The opening ceremony will be at 10:00 on Monday, May 28th.
The reception that evening begins at 7:00 and will be held at the Native Cultural Heritage Center. Thanks so much for following up on this.
Cheri.

Denby Lloyd

From: Heather Brandon [heather_brandon@fishgame.state.ak.us]
Sent: Wednesday, April 25, 2007 10:26 AM
To: 'Lloyd, Denby S (DFG)'; Spencer, Kari L (GOV)
Cc: 'Mike Nizich'
Subject: FW: FW: Governor attendance

Attachments: dignitary invite letters.doc



dignitary invite
letters.doc(...

Here is more info from NMFS on IWC.

-----Original Message-----

From: Cheri McCarty [mailto:Cheri.McCarty@noaa.gov]
Sent: Wednesday, April 25, 2007 10:19 AM
To: Heather Brandon
Cc: Douglas Demaster
Subject: Re: FW: Governor attendance

Heather:

The speakers at opening plenary are:

Opening prayer - Anchorage elder
Secretary Gutierrez (not yet confirmed)
Senator Stevens
Governor Palin
Mayor Begich
Native dance troupe

We only have about 40 minutes for the opening ceremony, so we need to limit the speakers to about 5-7 minutes. I think the Governor's general message should be one of welcoming the member countries to Alaska and reiterating the importance of the IWC as an organization. We don't have an agenda for the meeting that is broken out by day. Hope this helps.

Cheri

The Honorable Sarah Palin
Office of the Governor
Box 110001
Juneau, Alaska 99811

Dear Governor Palin:

The United States Government will be hosting the 59th annual meeting of the International Whaling Commission (IWC) in Anchorage, Alaska in May. The IWC was formed in 1946 to provide for the proper conservation of whale stocks to make possible the orderly development of the whaling industry.

This will be a very exciting time for Anchorage as there will be delegates and other participants from more than 70 different countries attending the IWC meeting, including many foreign dignitaries and media. This meeting is also very important to the Alaskan Eskimo Whaling Commission. The United States' 5-year catch limits for bowhead whales will be voted on at this meeting.

The meeting will occur May 28th -31st, 2007, at the Captain Cook Hotel. I would be honored if you would attend the meeting and also provide opening remarks to the plenary on Monday, May 28th.

If you are interested in attending, I would be grateful if you could contact Dr. Doug DeMaster, Research and Science Director, Alaska Region, NOAA Fisheries, at 907-789-6617.

Sincerely,

William T. Hogarth, Ph.D
U.S. IWC Commissioner

FAX TRANSMITTAL

COPY

STATE OF ALASKA
OFFICE OF THE GOVERNORSARAH PALIN
GOVERNORSEAN PARNELL
LIEUTENANT GOVERNOROFFICE OF THE GOVERNOR
P.O. BOX 110001
JUNEAU, AK 99811-0001Telephone: (907) 465-3500
Fax: (907) 465-3532TO: Comm. LloydDATE: 05-08-07PAGES: 3

Including Transmittal Sheet

FAX #: 2332

FROM:

Mike Nizich, Deputy Chief of Staff

REMARKS:

Phone: (907) 465-3985 Fax: (907) 465-2182

Please find approval to recruit - per 11-7703Chances
Janice

If you received this FAX in error, please immediately notify the sender by telephone, and return this FAX to the sender at the above address. Thank you.

May. 3. 2007 12:24PM

No. 0651 P. 1

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 600 • Anchorage, AK 99501-2340 • 907.276.8012 • fax 907.276.7175



May 3, 2007

Mike Nizich

Deputy Chief of Staff

Office of the Governor

P.O. Box 110001

Juneau, Alaska 99811-0001

Sent via fax (907) 465-3532

Dear Mr. Nizich:

The Exxon Valdez Oil Spill Trustee Council (EVOS), through the Department of Fish and Game, requests permission to recruit for the position of Science Director, PCN 11-7703, XE, at Range 26 with full benefits. The position is funded with EVOS Investment Trust funds and is authorized through the EVOS Annual Program Development & Implementation Budget. The Science Director's duty station is located within the EVOS administrative office in Anchorage, Alaska.

Federal Trustee:
U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

Fax Received

MAY 03 2007

Office of the Governor

State Trustee:
Alaska Department of Fish and Game
Alaska Department of Environmental Conservation
Alaska Department of Law

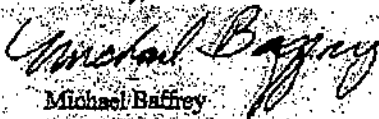
May. 3. 2007 12:24PM

No. 0651 P. 2

Request to Recruit - PCN 11-7703

I would like to thank you for your consideration of this special request. If you have any questions or require additional information, please feel free to contact me.

Sincerely,



Michael Baffrey
Executive Director

cc: Tom Lawson ADF&G

Approved by:



Background Information on Bowhead Whales off Alaska

Zeh and Punt (2005) report the 2001 population was 10,545. Between 1978 and 2001, the estimated population growth rate was 3.4% per year. According to the 2006 Western Arctic Stock Assessment Report the current minimum population estimate is 9,472 (Angliss and Outlaw, 2006, http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_whbh-arw.pdf).

Scientists estimate the population number between 14,000 and 27,000 whales prior to extensive commercial whaling between 1848 and 1915. It may have dropped as low as 1,500 whales following the commercial whaling era. (NMFS NMML website: http://www.afsc.noaa.gov/NMML/bowhead_jwc.php)

10 whaling villages belong to the Alaska Eskimo Whaling Commission (AEWC). Not all villages catch whales each year.

- Kaktovik,
- Nuitsut,
- Barrow,
- Wainright,
- Point Hope,
- Kivalina,
- Diomede,
- Wales,
- Gambell, and
- Savoonga.

There is no annual catch limit, but rather an annual strike limit and a 5 year cumulative catch limit. The bowhead harvest is managed by quota in a 5 yr block which expires in 2007. The new quota will be decided upon at this meeting in Anchorage.

The current catch limit was for a total of 255 bowheads landed between 2002 and 2007 with a total strike quota of 280. This quota includes an allowance of 5 animals to be taken annually by Chukotka Natives in Russia. (Western Arctic Stock Assessment Report, Angliss and Outlaw (2006) http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_whbh-arw.pdf)

Annually, 67 strikes are allowed, plus 15 strikes may be carried over from the previous year. The Alaska Eskimo Whaling Commission divides up the strikes among the Alaska whaling villages and a few are shared with Russia. If a village does not use its strikes it can pass them to another village in the same year. (Western Arctic Stock Assessment Report, Angliss and Outlaw (2006) http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006_whbh-arw.pdf)

$$\frac{50}{10,000} = 0.5\% \text{ annual harvest}$$

For example in:

2002; 50 strikes, 39 landed

2004; 44 strikes, 37 landed

2005; 68 strikes, 55 landed

2006; 39 strikes, 31 landed

The average number of whales landed between 1995 and 2004 was 41 per year.

Eskimo whalers are prohibited from taking either bowhead calves or whales accompanied by a calf. Only licensed whaling captains or crew under the control of those captains may engage in whaling. They may not receive money for participating in the hunt. (NMFS NMML website: http://www.afsc.noaa.gov/NMML/bowhead_iwc.php)

Contact:

Lori Quakenbush
Arctic Marine Mammal Program Leader
Alaska Dept. of Fish and Game
1300 College Road
Fairbanks, AK 99701
Ph# (907)-459-7214; Fax# (907) 452-6410
Lori_Quakenbush@fishgame.state.ak.us

Denby Lloyd

From: Clarke, Ronald G (DFG) [ron.clarke@alaska.gov]
Sent: Thursday, June 14, 2007 1:00 PM
To: Denby Lloyd; Matthew H Robus
Cc: Kimberly Titus
Subject: RE: AMF - Other states and countries at work helping their orphaned calves

COPY

From: Denby Lloyd [mailto:denby_lloyd@fishgame.state.ak.us]
Sent: Thursday, June 14, 2007 8:22 AM
To: Matthew H Robus
Cc: Kimberly Titus; Clarke, Ronald G (DFG)
Subject: FW: AMF - Other states and countries at work helping their orphaned calves
Importance: High

Comments? DL.

*Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
907-465-4719*

From: Nizich, Michael A (GOV) [mailto:mike.nizich@alaska.gov]
Sent: Thursday, June 14, 2007 8:06 AM
To: Lloyd, Denby S (DFG)

066

6/14/2007

Subject: FW: AMF - Other states and countries at work helping their orphaned calves
Importance: High

FYI

From: Gary Olson [mailto:golson@growmoremoose.org] -
Sent: Wednesday, June 13, 2007 5:11 PM
To: Nizich, Michael A (GOV)
Cc: Nizich, Michael A (GOV)
Subject: AMF - Other states and countries at work helping their orphaned calves
Importance: High

Hello Mike,

Here are some of the examples that are going to be used regarding orphaned calves and why they keep saying, "it can't be done". The first link is of a calf rescue in Canada just a couple of days ago. Another is a rescue of a 7 month old calf in Washington. Today (June 13th) on Animal Planet at 3pm is 'Growing Up - Moose' which details a zoo in Canada that takes in orphans and returns them to a wildlife reserve (that even has black bears). There also was a show on Animal Planet called 'Growing Up - Sitka Deer' which detailed a orphaned sitka deer that was rescued from a beach in Prince William Sound in 2006 after a bear had killed its mother down the beach. The deer was 2 days old and the boaters took it to Big Game Alaska in Portage. The show depicted the rescue, rehabilitation and RELEASE TO THE WILD OF THE DEER as stated on the Discovery Channell

It is also being discussed that the 'secret calf disposal site', as quoted from Rick Sinnot, ADF&G in June 9, 2005 Daily News article City wildlife a blend of beauty, danger, is now known for its location here in Anchorage. All the calves that are killed after the car collisions that take their mothers are dropped off at this location. Plus, retired state troopers and others that dispatched calves at ADF&G's direction are coming forward as well. Tyonek legal is working every day and, as this continues to be drug out, folks are getting angrier now because the urgent request because of the spring time window regarding the orphan calf plan from the AMF continues to go unanswered.

The primary reason behind this passion is because of the tactic that ADF&G took last year with Tyonek. Last spring, a couple of weeks of dialogue went back and forth via email between Commissioner Campbell and Tyonek CEO Tom Harris stating that ADF&G does not kill calves. A number of folks have come forward about this one. Read this article from a 12 year old child in Homer
http://www.homemews.com/stories/061406/letters_20060614016.shtml.

I, since the beginning, have wanted a decision on the orphan calf plan based on biology and science alone. I hope ADF&G does not say again that our orphaned calf plan appears to be written by a high school drop out as per the Anchorage Press from 2006, paragraph #5 <http://208.109.242.142/archives/archives-2006/flashlightvol15ed28.html>. Make sure you read this one. The same folks that are in charge today are the ones who have overseen the decline in moose for the past 20+ years that are now counseling Governor Palin on what to do. Heck, if they were consistent, they would say since they transplanted bears out of McGrath to help moose calves there, you would think they would be all over approving the pilot project to take orphaned calves out to Northern 16B to begin helping the local moose to outnumber the bears there. I know that everything is political but it is being viewed that the 'ignore them for 1 more month then the calves don't need help anymore' is not a very wise tactic if that is the tactic being used.

Imagine if our Troopers and wildlife enforcement would do this again (call Cliff Judkins, head of the Board of Game who used to help these kinds of calves as well as in favor of the plan):

<http://www.goodnewsblog.com/2007/05/23/police-rescue-moose-calf>

Or how about the below story from Oregon?

Gary



Agents rescue moose on the Palouse

The 7-month-old calf is found by his dead mother's side in a treeless area 60 miles south of Spokane

Thursday, February 8, 2001

By Nicholas K. Geranios of The Associated Press

SPOKANE -- The moose found loose on the Palouse is recovering.

The 7-month-old moose was found last week alongside his dead mother in a wheat field near the town of Dusty, about 60 miles south of Spokane. A Spokane veterinarian will care for the moose, dubbed Dusty, until he can be returned to the wild.

"The Palouse is the weirdest place in the world for a moose," said Madonna Luers, spokeswoman for the state Department of Fish and Wildlife in Spokane.

Moose do not eat the wheat stubble that covers the rolling, treeless hills between Spokane and Pullman. There are few of the broadleaf plants the animals need to survive, she said.

"He was in the middle of a moose desert," Luers said. "He would have to have traveled a long ways to get to forage."

The moose calf was captured Feb. 1 by wildlife agents after a farmer reported the animal.

The body of the moose's mother was found nearby and taken to Washington State University for a necropsy to determine the cause of death. Luers said there was no gunshot wound or obvious trauma.

Dusty was refusing to leave his mother's side, and he was trying to suckle, Luers said.

"It was pretty pathetic," she said.

Dusty stands about 4 feet tall and weighs about 200 pounds.

Moose in the wild live with their mothers until they are about a year old, then are left to fend for themselves.

Veterinarian Luther McConnell is caring for the moose on his property near the town of Colbert, just north of Spokane.

His goal is to keep the moose alive for a month or so and then release him back into the wild near Mount Spokane when spring arrives, Luers said.

McConnell previously raised an orphaned female moose from the age of about 1 week and released her successfully into the wild, Luers said. That female has produced six calves.

The trick is to prevent Dusty from becoming too familiar with humans, she said. McConnell is keeping the

moose in a pen surrounded by tarps, so Dusty cannot see humans or farm animals. The tarp also prevents the moose from trying to escape, she said.

Wildlife officials asked for donations of food for the moose, and truckloads of leaves from willow, aspen and fruit trees poured in, along with donated apples and woody stems and buds. Food or money donations can be sent to the Inland Northwest Wildlife Council office, 6116 N. Market Street, Spokane, WA 99207, with checks written to "INWC for Dusty."

Chopped apples are being mixed with Purina moose chow, a special mixture of food intended for moose in zoos, Luers said.

"They make a chow for anything," she said.

Wildlife experts think the moose wandered onto the Palouse from Moscow Mountain in Idaho, about 25 mile east.

After Dusty is released, wildlife agents will continue to provide him some food until he gets used to finding his own. They don't expect that to take too long.

"Dusty is a boy. When his hormones start stirring, he's going to want to go," Luers said.

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ETHICS DISCLOSURE FORM

Outside Employment or Services Notification

COPY

To: LINDA PEREZ, Designated Ethics Supervisor
(Department or Agency)

In accordance with AS 39.52.170(b), I am providing notice of my employment or provision of services for compensation outside the ALASKA DEPT. OF FISH & GAME (agency).

Note: You are not required to disclose volunteer work unless it is a potential conflict with your state duties or you receive any type of compensation, including travel or meals.

This employment or service consists of the following (describe in detail, attach separate sheet as needed):

VOLUNTARY ASSISTANCE AS DECKHAND ON PARTNER'S SAILING CHARTER VESSEL, ON AN INFREQUENT CASUAL BASIS.

Hours and days of the week 0-36

If you work as an independent contractor or a consultant, please attach a list of your clients.

Note: If your outside job duties are the same or similar to your State service, or if you will be dealing with people or entities with whom you deal or may deal as part of your official duties, you must explain why no potential conflict exists between your outside employment and your official duties. If a potential conflict exists, you must refrain from taking any action until it is approved by your designated ethics supervisor. See AS 39.52.210.

I certify that I will not use or allow the use of any State owned/operated facilities, supplies, equipment, vehicles, or personnel time and effort for any employment outside State service, and that my outside duties will not affect my usual State duties or duty hours in this Department. I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

DENRY S. LLOYD
(Signature)

DENRY S. LLOYD
(Printed Name)

COMMISSIONER
(Position Title)

14 June 07
(Date)

ADF&G
(Division, Agency)

JUNEAU
(Location)

Recommendation: ☐ Approve ☐ Disapprove

(Work Supervisor's Signature)

(Date)

☐ Approved ☐ Disapproved

(Designated Ethics Supervisor's Signature)

(Date)

Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If the employment is disapproved or other action is necessary under AS 39.52.210 please attach a determination. A copy of the determination must be sent to the attorney general at the following address: State Ethics Attorney, Office of the Attorney General, Department of Law, 1031 West 4th Avenue, Suite 200 Anchorage, Alaska 99501-1994

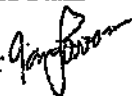
STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Mike Nizich, Deputy Chief of Staff
FROM: *for* Denby Lloyd, Commissioner 
DATE: June 28, 2007
SUBJECT: Permission to Recruit PCN 11T010 Request

The purpose of this memo is to request permission to recruit for PCN 11T010 as a fully benefited position. This fully exempt position under the authority of AS 39.25.110(9) was established effective July 1, 2007, as the Endangered Species Act (ESA) Response Coordinator, Range 23.

As described in the attached position establishment memo, the ESA Response Coordinator will lead the ESA response team comprised of a full-time attorney in the Department of Law and a Wildlife Biologist. The team will be responsible for:

- drafting and responding to pre-listing decisions, proposed federal rules, revisions or amendments of State Wildlife Action Plans, and handling oversight of department involvement in listed species' recovery plans;
- seeking grants or funding opportunities to conduct research on candidate and listed Threatened and Endangered species;
- monitoring court cases, preparing legal actions; assuring state correspondence is legally defensible, and legal consultation with federal agencies and affected parties;
- monitoring congressional actions, including participating in possible re-writes of the ESA;
- coordination with other states, e.g., involvement in committees of the Association of Fish and Wildlife Agencies (AFWA) and the Western Association of Fish and Wildlife Agencies (WAFWA) responsible for Threatened and Endangered species, climate change, and international relations; and
- coordination with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international agreement between governments whose purpose is to ensure that international trade in specimens of wild animals and plants does not threaten their survival, and other international organizations/activities.

Mike Nizich

2

June 28, 2007

This is a policy level position, with the authority to formulate and represent the state's positions in various high-level settings.

I request your approval to recruit for this fully benefited position.

Thank you for your consideration.


Governor's Office Approval

7-2-07
Date

Attachment

cc: Ken Taylor, Deputy Commissioner, ADF&G
Tom Lawson, Director, Division of Administrative Services, ADF&G

ETHICS DISCLOSURE FORM

Notification of Receipt of Gift

COPY

To: LINDA PEREZ, Designated Ethics Supervisor

In accordance with AS 39.52.130(b), I am providing notice of my receipt of a gift given to me or a member of my family with a value in excess of \$150.00.

1. Was the gift given to you because you are a state employee or a member of a state board or commission? ☒ Yes ☐ No

2. I can take official action that may affect the person who gave me the gift?

☒ Yes ☐ No

If the answer to both of these questions is no, you do not need to report this gift. If the answer to either question is yes, or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.

The gift is BAG OF ASSORTED ITEMS FROM VARIETY OF CONTRIBUTORS, GIVEN TO ALL PARTICIPANTS IN KENAI RIVER CLASSIC, PLUS MEALS.

My estimate of its value is \$ 447.00 (SEE ATTACHED LIST)

I received it from KENAI RIVER SPORTFISHING ASSOC. (KRSA)

The date of receipt was JULY 5-6, 2007

I can take or withhold the following official action that affects the giver:

I CAN TAKE EMERGENCY ORDER ACTION IN FISHERIES OF INTEREST TO KRSA.

The gift was received by a member of my family ☐ Yes ☒ No - SELF.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

DENBY S. LLOYD
(Signature)

DENBY S. LLOYD

(Printed Name)

COMMISSIONER

(Position Title)

ALASKA DEPT. FISH AND GAME

(Division/Agency/Corporation/Board/Commission)

Linda Perez
(Designated Ethics Supervisor)

Approved: [Signature] (initials)

7-23-07

(Date)

If action is necessary under AS 39.52.210 or AS 39.52.220 please attach explanation.

RECEIVED

(7/07)

JUL 24 2007

077

DEPT. OF FISH & GAME
COMMISSIONER'S OFFICE

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Mike Tibbles, Chief of Staff

FROM: Denby S. Lloyd, Commissioner *DL*

DATE: July 26, 2007

SUBJECT: Permission to hire PCN 11-2001, Director, Division of Wildlife Conservation.

The Department of Fish and Game requests approval to hire Doug Larsen for the position of Director, Division of Wildlife Conservation.

The Director manages a statewide division with over 250 positions located in 23 offices. The position is partially-exempt at Range 27. It is currently located in Juneau.

- Under general administrative direction of the commissioner, the position plans, coordinates, and administers the state's management and research programs on wildlife resources in conformance with state and federal laws and state and department policy.
- The position plans, prepares, and defends the division budget request to the commissioner, governor, and Legislature. The incumbent ensures state compliance with the requirements of federal wildlife restoration funding and ensures compliance with state laws regarding the expenditure of state hunting licensing revenue.
- Represents the Division of Wildlife Conservation in matters before the Board of Game.
- Delegates to subordinates responsibility and authority sufficient to ensure effective accomplishment of division programs.

This is a policy level position, with the authority to formulate and represent the state's positions in various high-level settings. }

Thank you for your consideration of this request. If you have any questions or require additional information, please contact me.

Attachment

[Signature]
Governor's Office Approval

8/6/07
Date

cc: Ken Taylor, Deputy Commissioner, ADF&G
Tom Lawson, Director, Division of Administrative Services, ADF&G

Denby Lloyd
Commissioner

P.O. Box 115526
Juneau, AK 99011-5526
www.adfg.state.ak.us

STATE OF ALASKA
DEPARTMENT OF
FISH & GAME

Tim Barry
Communications Director
907.465.6137
cell: 907.321.5212
tim.barry@alaska.gov

Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE
August 6, 2007

No. 07-18

Contact: Tim Barry, Communications Director, (907) 465-6137

Doug Larsen Appointed Director of Wildlife Conservation for the Alaska Department of Fish and Game

(Juneau) - Commissioner Denby Lloyd today announced the appointment of Doug Larsen as Director of the Division of Wildlife Conservation for the Alaska Department of Fish and Game (ADF&G). Currently, Larsen is the Southeast Regional Supervisor for the Division, working out of the Douglas office.

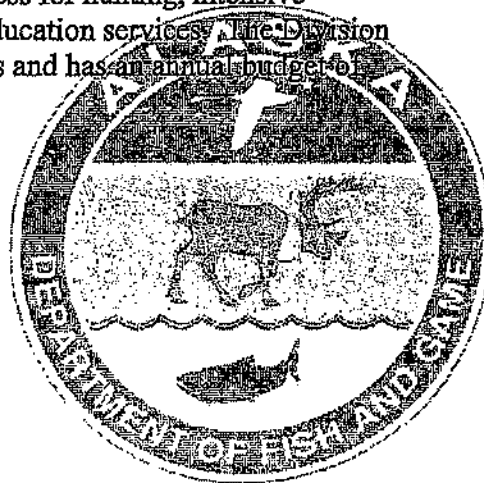
"I am extremely pleased that Doug has chosen to step up and lead the Wildlife Division," said Commissioner Lloyd in announcing the appointment. "His broad experience, his expertise and his enthusiasm for game management in Alaska will serve the Division well."

Larsen holds degrees from the University of Idaho and the University of Alaska-Fairbanks. He served with the Cooperative Wildlife Research Unit at the University of Alaska Fairbanks and, since 1984, in various positions around the state with the Division of Wildlife Conservation. Most recently, Doug served five years as the Division's Assistant Director and four years as the Southeast Regional Supervisor.

Larsen replaces outgoing Wildlife Conservation Director Matt Robus, who served in that role for four and a half years. Robus leaves the Department after a distinguished 26-year career at ADF&G. "Matt will certainly be missed," Lloyd said. "But I'm confident that Doug will ably carry on our state's legacy of world-class wildlife management, providing some of the best opportunities for hunting and wildlife viewing anywhere." Larsen's first day as Division Director will be August 17th.

The Division of Wildlife Conservation is responsible for Alaska's wildlife stock assessment and management, development of public access for hunting, intensive management programs, and planning, information and education services. The Division employs more than 160 full-time and seasonal employees and has an annual budget of more than \$20 million.

###



STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Mike Nizich, Deputy Chief of Staff
Office of the Governor

FROM: Denby Lloyd, Commissioner *DL*

DATE: August 7, 2007

SUBJECT: Approval to Appoint Kelly Hepler

COPY

The Department of Fish and Game (ADF&G) requests approval to appoint Mr. Kelly Hepler to the Special Projects Coordinator Position (PCN 11-T011.), effective August 11, 2007. The Anchorage based, part-time, non-benefited, range 23 position is established under the authority of AS 39.25.110(9).

The position is necessary to support the Department's participation on the Joint Federal/State Task Force (JTF) on Federal Aid Policy, the Association of Fish and Wildlife Agencies (AFWA) National Fish Habitat Initiative, and serve as the Department's Planning Committee Chair for Western Association of Fish and Wildlife Agencies (WAFWA) meeting held in Alaska July, 2010. In addition, this position will work on developing the Alaska Fish and Game Foundation and coordinating the division's efforts with the Hunter Heritage Foundation.

Thank you for your consideration of this request. Please contact me if you have any questions or require additional information.

Michael Nizich
Governor's Office Approval

8/9/07
Date

Attachment

cc: Tom Lawson, Director, Administrative Services Division

Jeremiah D. Campbell
P.O. Box 1586
Seward, AK 99664
907-491-2665

6/20/07

Jim,

This letter is a follow up to our phone conversation in regards to a ticket I received on 6/10/07 for violating 12AAC75.400(c)(4), Unlawful act by Transporter. The complaint states that I signed a transporter report when I did not actually provide the transportation services, but that my brother did actually provide the transportation services.

I explained to the judge that this was an oversight on my part and certainly not intentional. I explained that the forms had changed since 2003, when they used to say "Operator" under the signature line instead of what the new form says which is "person providing transportation services". I was under the assumption that as an owner of the business I could sign the report. Needless to say after reading the exact wording in the statute it was pretty clear to me that I was in violation. I plead no contest and received a 500.00 dollar fine with 250.00 suspended.

This incident was brought to light after one of our clients had come to Alaska and harvested a black bear in the fall of 2005, and then came back again in the spring of 2006 with her family at which time she harvested another bear. My brother was also cited in this case for failing to report a crime. He has plead not guilty as he did not know a crime had been committed.

In light of receiving these tickets and after thoroughly reviewing the regulations and statutes a few things have come to light which were also explained to the judge and the trooper involved.

The first issue that I pointed out was that I believe the form for transporters to sign is inconsistent with the regulation requirements of 12AAC75.400(c)(4). It states that the signature and printed name of the person who transported the client to and from the field must be filled out immediately after transporting the client out of the field. When you look at the form there is only one signature block and it says "Signature of individual transporting the Big Game Hunter(s)." There is nowhere to state who transported what portion of the trip. With companies like ours there are often times when the same captain does not transport both legs of the trip for a drop-off hunt. Sometimes as much as 10 days can go by between the drop-off and the pick-up. This is definitely an oversight, and I believe the form needs to be fixed immediately as there are a lot of potential tickets to be written for both the past and the future, as I believe you will most likely only find one signature on the form even if there are multiple operators.

The second issue, of which my brother and myself plan to submit a proposal to the Board of Game. It is absolutely absurd to me that a person can go out and harvest a Black Bear in 6D in May and then harvest another bear in September (63 days later), yet you can not harvest a Black Bear in September and then come back the next year, almost 9 months later (265 days) and harvest a Black Bear, especially when the state will gladly sell you another hunting license and another tag, both for different years. We were just as confused as our clients were over this issue. I cannot think of one reason for this regulation not to say one bear per annual year, just like every other animal we hunt. Certainly there can not be any conservation reason for this regulation the way that it is worded now pertaining to bag limits. I personally believe this is a bad regulation and is responsible for making honest hunters think twice about coming back to hunt in Alaska after receiving a ticket for something like this.

I would appreciate a copy of this being forwarded to someone in the department to review my viewpoint on the first issue. The second issue will have to be handled through the board regulatory process, although I would be curious to find out the thought process on the bag limit issue.

In closing ignorance of the law is no excuse, like most of us we get busy and it's easy to become complacent when it comes to paperwork. I apologize for the infraction and certainly meant no disservice to the state of Alaska or the Board on which I serve. Certainly up until this point my record has been perfectly clean with no infractions of any kind. My family and I are law abiding citizens, and strive to follow the law in our every day lives.

If this needs to be forwarded to the Governor's office please feel free to forward this letter. If someone in Dept. of Law or the Governor's office needs to speak to me the best number to be reached at is my cell phone, 907-491-2665.

Sincerely,

Jeremiah D. Campbell

ties were regulations which should have been adopted pursuant to the provisions of the Administrative Procedure Act, AS 44.62.010 — 44.62.650. *Kenai Peninsula Fisherman's Coop. v. State*, 628 P.2d 897 (Alaska 1981).

Cited in *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Sec. 16.05.261. [Renumbered as AS 16.05.259.]

Sec. 16.05.270. Delegation of authority to commissioner. For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final. (§ 6 art I ch 94 SLA 1959; am § 5 ch 206 SLA 1975)

NOTES TO DECISIONS

This section only applies where the Board of Fisheries has delegated its rule-making authority to the Commissioner of the Department of Fish and Game and later disagrees with the use the commissioner makes of this delegated authority. *Peninsula Mktg. Ass'n v. Rosier*, 890 P.2d 567 (Alaska 1995).

Sec. 16.05.280. Removal of board members. The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member. (§ 7 art I ch 94 SLA 1959; am § 3 ch 121 SLA 1992)

Sec. 16.05.290. Compensation of board members. Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized

for boards and commissions under AS 39.20.180. (§ 8 art I ch 94 SLA 1959; am § 6 ch 206 SLA 1975; am § 1 ch 81 SLA 1980; am § 4 ch 121 SLA 1992)

Sec. 16.05.300. Board meetings. (a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon — Kuskokwim — Arctic
 - (2) Western Alaska (including Kodiak)
 - (3) Southcentral
 - (4) Prince William Sound (including Yakutat).
- (§ 9 art I ch 94 SLA 1959; am § 1 ch 82 SLA 1968; am § 7 ch 206 SLA 1975)

Sec. 16.05.305. Clerical assistance for boards. The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board. (§ 8 ch 206 SLA 1975)

Sec. 16.05.310. Special board meetings. A board may meet at any time upon the call of the commissioner or upon the request of two board members. (§ 6 art I ch 94 SLA 1959; am § 9 ch 206 SLA 1975)

Sec. 16.05.315. Joint board meetings. The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, that require the consideration of both boards. (§ 10 ch 206 SLA 1975)

Sec. 16.05.320. Quorum. A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards. (§ 10 art I ch 94 SLA 1959; am § 3 ch 71 SLA 1973; am § 11 ch 206 SLA 1975)

NOTES TO DECISIONS

Valid board decision. — Although the Board of Fisheries may have voted three to two to deny chum cap reduction, it voted five to zero to approve the management plan for the 1994 False Pass fishery without a chum cap reduction; thus, there was a decision by

September 2007

September 2007

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	8:30am DOTF Budget Meeting (Gov Conf Rm)	10:00am DCGED Budget Meeting (Gov Conf Rm)	8:30am DOG Budget Meeting (Gov Conf Rm)	10:00am Labor Budget Meeting (Gov Conf Rm)	5
	10:30am Law Budget Meeting (Gov Conf Rm)	11:30am ASML Budget Meeting (Gov Conf Rm)	10:30am DMVA Budget Meeting (Gov Conf Rm)		6
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8:30am GSC Budget Meeting (Gov Conf Rm)	8:30am DOA Budget Meeting (Gov Conf Rm)	10:00am AHFC Budget Meeting (Gov Conf Rm)	8:30am DNR Budget Meeting (Gov Conf Rm)	10:00am DPS Budget Meeting (Gov Conf Rm)	11
10:30am University of Alaska Budget Meeting (Gov Conf Rm)	10:30am DEC Budget Meeting (Gov Conf Rm)	11:00am Governor's Office Budget Meeting	10:30am DOR Budget Meeting (Gov Conf Rm)		12
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10:15am AIDEA Budget Meeting (Gov Conf Rm)	9:00am DOE Budget Meeting (Gov Conf Rm)	10:00am Mental Health Trust Authority Budget Meeting (Gov Conf Rm)	9:00am DHSS Budget Meeting (Gov Conf Rm)		18
11:30am ACPE Budget Meeting (Gov Conf Rm)	11:15am AFPC Budget Meeting (Gov Conf Rm)				19
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Lloyd, Denby S (DFG)

From: Sam Bishop [sbishop@ALASKADC.org]
Sent: Friday, September 07, 2007 11:04 AM
To: Katz, John W (GOV); Lloyd, Denby S (DFG); Nizich, Michael (GOV)
Subject: Here's the USGS news release

COPY

Future Retreat of Arctic Sea Ice Will Lower Polar Bear Populations and Limit Their Distribution
Released: 9/7/2007 2:48:28 PM

Contact Information:
U.S. Department of the Interior, U.S. Geological Survey Office of Communication
119 National Center
Reston, VA 20192 Mike Gauldin
Phone: 703-648-4460

Karen Wood
Phone: 703-648-4447

Future reduction of sea ice in the Arctic could result in a loss of 2/3 of the world's polar bear population within 50 years according to a series of studies released today by the U.S. Geological Survey.

Last December, Secretary of the Interior Dirk Kempthorne announced that the U.S. Fish and Wildlife Service (Service) was proposing to list the polar bear as a threatened species under the Endangered Species Act. In January 2008, following a one-year review period, the Service is expected to make a recommendation to Secretary Kempthorne on whether or not to list the polar bear as threatened. To assist the Service in making that recommendation, Secretary Kempthorne requested USGS leadership in studies to inform the Service's deliberations on polar bear status. This information summarizes and integrates the results from a series of studies on polar bear populations, range-wide habitats and changing sea ice conditions in the Arctic.

In making the announcement last December, Secretary Kempthorne said: "I am directing the U.S. Fish and Wildlife Service and the U.S. Geological Survey to aggressively work with the public and the scientific community over the next year to broaden our understanding of what is happening with the species. This information will be vital to the ultimate decision on whether the species should be listed."

Specifically the USGS has improved knowledge on the status of three polar bear sub-populations, projected numbers of polar bears into the future in relation to sea ice and integrated the information into a range-wide assessment of polar bear status under scenarios of future climate change.

The newly-released USGS information, presented to the Service in the form of nine administrative reports to be open for public comment, will now be considered within the context of the Fish and Wildlife Service's one-year review. The Service will analyze it and other information provided by scientists, government agencies and the public in order to arrive at an informed and scientifically justifiable decision. That decision is due in January.

The team investigating the future of polar bears and their habitat included scientists from the USGS, other American and Canadian government agencies, academia and the private sector.

"This team has done a tremendous job in furthering polar bear science through the use of long-term observational measurements on polar bears, their habitats, and many other

factors integrated into a range of new and traditional models," said Mark Myers, Director of the U.S. Geological Survey.

During a six-month period of intensive analysis of both existing and new data, the team documented the direct relationship between the presence of Arctic sea ice and the survival and health of polar bears. Polar bears depend on sea ice as a platform to hunt seals, their primary food. But sea ice is decreasing throughout their Arctic range due to climate change. Models used by the USGS team project a 42 percent loss of optimal polar bear habitat from the Polar Basin during summer, a vital hunting and breeding period, by mid-century.

In addition to forecasts, declines in habitat have been recorded throughout the Polar Basin over the past 20 years of observations. To project future sea ice conditions, USGS scientists used 10 general circulation models that best approximated observed trends in sea-ice loss and could be expected to do the best job of simulating future conditions. Scientists characterize their conclusions as conservative because even the best available models are believed to underestimate the actual decline in Arctic sea ice.

The reports are available to the public at Polar Bear Finding Web page.

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Links and contacts within this release are valid at the time of publication.

Lloyd, Denby S (DFG)

COPY

From: Leighow, Sharon W (GOV)
Sent: Wednesday, September 26, 2007 11:41 AM
To: Lloyd, Denby S (DFG)
Cc: Mills, Andy J (GOV); Bluhm, Jason R (GOV)
Subject: FW: Questions for Commissioner Lloyd

Folks the interview is scheduled for 12:30 at Commissioner Lloyd's office
 John Tracy's number is 762 9223

From: John Tracy [mailto:jtracy@ktuu.com]
Sent: Wednesday, September 26, 2007 11:40 AM
To: Leighow, Sharon W (GOV)
Subject: Questions for Commissioner Lloyd

Questions from John Tracy- KTUU for Commissioner Lloyd

- 1- Congressman Miller referred to Alaska's predator Control Program as "illegal and inhumane". Your response.
- 2- The Act says that you, as Commissioner, must determine, based upon the best scientific data available, that a biological emergency exists, in order to legally conduct predator control. How would such a requirement impact the State's current wolf control program?
- 3- Is the State's Predator Control Program working as intended?

Thank you,

John Tracy

Barry, Timothy M (DFG)

From: Mills, Andy J (GOV)
Sent: Wednesday, September 26, 2007 12:15 PM
To: Barry, Timothy M (DFG)
Subject: Fw: 2 more wolf questions

----- Original Message -----

From: Leighow, Sharon W (GOV)
To: Lloyd, Denby S (DFG)
Cc: Mills, Andy J (GOV); Bluhm, Jason R (GOV)
Sent: Wed Sep 26 12:14:19 2007
Subject: FW: 2 more wolf questions

From: John Tracy [mailto:jtracy@ktuu.com]
Sent: Wednesday, September 26, 2007 12:11 PM
To: Leighow, Sharon W (GOV)
Subject: 2 more wolf questions

Sharon,

I don't want to blindside Denby. (Though I loath sending questions in advance) I am adding two more.

Questions from John Tracy- KTUU for Commissioner Lloyd

- 1- Congressman Miller referred to Alaska's predator Control Program as "illegal and inhumane". Your response.
- 2- The Act says that you, as Commissioner, must determine, based upon the best scientific data available, that a biological emergency exists, in order to legally conduct predator control. How would such a requirement impact the State's current wolf control program?

3- Is the State's Predator Control Program working as intended?

4- Vic Van Ballenberghe sent a letter encouraging the State to manage wildlife based on what he called science-based programs rather than focusing on restoring moose and caribou populations. It was signed by more than 200 biologists and scientists. Your reaction to the letter.

5- Is there any discussion at Fish and Game to re-consider aerial wolf control at this time?

Thank you,

John Tracy

**A PROPOSAL
TO EXPAND THE MARITIME BOUNDARY OF
THE ANNETTE ISLANDS RESERVE FOR FISHERIES PURPOSES**

INTRODUCTION

The Metlakatla Indian Community proposes to have the Secretary of the Interior expand the maritime boundary of the Annette Islands Reserve to increase its opportunity to achieve economic self-sufficiency. As set forth below, circumstances make the goal of self-sufficiency impossible to achieve. The expansion is within the Secretary's existing authority and would be consistent with the intent of Congress as recognized in *Alaska Pacific Fisheries v. United States*, 248 U.S. 78 (1918). ("The purpose of the Metlakatlians in going to the islands was to establish an Indian colony which would be self-sustaining") *Id.* at 89. In creating the reservation, Congress intended "to encourage, assist and protect the Indians in their effort to ... become self-sustaining." *Id.* The expansion also is consistent with the modern goal of Congress to foster self-sufficiency in Indian Country. See e.g. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 216 (1987). ("[C]ongress has a goal of Indian self-government, including its overriding goal of encouraging tribal self-sufficiency and economic development.") A more detailed legal justification for the Secretary's authority to expand the boundary is included in a separate document. In sum, the expansion is legal and would provide great benefit to Metlakatla, while having little, if any, negative impacts on other users of the resources.

HISTORY

In 1891, the Annette Islands were "set apart as a reservation" by Congress for the Metlakatlians, "to be held and used by them in common[.]" 25 U.S.C. §495. In 1916, under a plan to establish a fish cannery at Metlakatla and in recognition of the Community's use of the fishery resources around the islands, President Wilson arbitrarily declared the waters within 3,000 feet to be part of the Annette Islands Reserve. In 1918, without mention of President Wilson's proclamation, the Supreme Court of the United States noted that the purpose of establishing the reservation "was to encourage, assist, and protect the Indians in their effort to train themselves in habits of industry, [and] become self-sustaining ..." and held that the waters surrounding the Annette Islands were intended by Congress to be part of the Annette Islands Reserve. *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 89 (1918). Based on the foregoing, the exclusive use of the waters and fisheries surrounding the Annette Islands Reserve has been the undisputed right of Metlakatla and is essential to its economic wellbeing.

For well over 100 years, the Metlakatla Indian Community governed itself and worked hard to remain socially and economically self-sustaining. At its peak, the Annette Islands fishing fleet numbered over 100 vessels. The Annette Island Packing Company, Metlakatla's fish cannery and cold storage operation, is the

oldest continuously operated Indian owned business in the Country. In addition to its fisheries enterprise, Metlakatla capitalized on developing a timber enterprise. Local timber operations supported two sawmills on the Reserve, both of which contributed substantially to the Community's economic health and social well-being.

Metlakatla's history of political and economic success caused it to refuse benefits from the Alaska Native Claims Settlement Act (ANCSA) in 1971. 43 U.S.C. §§1601-1624. Participation would have ended Metlakatla's reservation status, its economic independence and terminated its cherished sovereignty. The decision to maintain the *status quo*, however, was not taken lightly by the Community's leaders. They knew that they would give up substantial benefits by their choice. Ultimately, section 1618(a) of the Act was made to state that "no person enrolled in the Metlakatla Indian community of the Annette Island Reserve shall be eligible for benefits under this chapter." If it had chosen to participate in ANCSA, Metlakatla and its members would have been eligible to take part in a competitive land selection process involving approximately a million acres of resource rich land and would have received a share of nearly a billion dollars. But, at the time the issue was before the Community's leadership, economic prosperity prevailed.

The decision to maintain sovereign independence is not regretted today but hindsight shows that things may have been substantially different economically if, when it had the chance, Metlakatla had turned its back on its proud history of sovereign rule and had chosen the riches distributed to other Natives under ANCSA. In the last two decades, the federal government and environmentalists have terminated virtually all logging in the Tongass National Forest, which is adjacent to the Reserve and had become the principal source of timber for the Tribe's two sawmills. This logging prohibition forced both sawmills on the Reserve to cease operations, a result that cost the Community substantial sums in lease revenues and municipal fees, not to mention the 250 full time, high paying jobs for Community members. It also forced all other milling operations in southeastern Alaska to close, eliminating any market for Metlakatla's own timber, which was never sufficient in itself to support a milling operation on the Reserve.

Adding to this problem was the collapse of the pink salmon market, which cost Metlakatla jobs and revenue from the sales of canned pink salmon. World-wide fish farming severely restricted the markets for Metlakatla's fish and made it almost impossible for small operations in Alaska, such as AIPC, to stay profitable. As a result, the canning lines at AIPC have been closed permanently. AIPC now operates only a limited cold storage. Pink salmon have little value as a fresh or frozen product and cost more to process than their market price. If a profit is to be made it must be by harvest of other salmon species. Since 90% of the salmon harvested by Metlakatla are pinks, however, the fisherman's harvest of "money fish" seldom makes up for the losses. Metlakatla's fleet is now less than half the size it reached during better times.

A third and, perhaps, most devastating blow to Metlakatla's commercial fisheries program is the state of Alaska's limited entry program. A couple of decades ago, the state, to conserve the fisheries resources, decided to implement a program that allows only selected fishermen to engage in Alaska's fisheries. The program employs two basic licensing methods to limit access to fishing sites – namely, the limited entry program and the individual fishermen's quota (IFQ). To qualify for either license, a fisherman was required to provide evidence of a history of harvest of each particular species pursuant to criteria established by the state's Limited Entry Commission. Metlakatla's fishermen, with few exceptions, did not qualify for either limited entry permits or IFQs. Most confined their fishing to grounds within the boundary of the Annette Island Reserve. They purchased state licenses to fish only when circumstances made that more profitable than fishing within the Reserve. As a result, the harvest levels of Metlakatla fishermen from outside the Reserve were almost always insufficient to meet the qualifications for a state license under the new programs. Despite Metlakatla's efforts to convince the state that it is being treated unfairly, the Limited Entry Commission has refused to consider any basis for increasing the eligibility of Metlakatla's fishermen to fish outside the Annette Islands Reserve.

The impacts of these economic misfortunes, which are due to circumstances beyond the control of Metlakatla, have taken a devastating toll on Metlakatla in the last decade. The number of fishermen that can support their families has declined. The Annette Island Packing Company has now suffered two decades of losses. The population of Metlakatla is dwindling, while domestic strife is growing. The unemployment rate is at an all time high of over 80%. Alcohol and substance abuse are on the rise. Public aid is running out. People are giving up hope. This weakening of community resolve adds to the Community's decreasing ability to sustain itself through its own economic efforts.

In making this request, Metlakatla is asking for aid to its survival. It needs an opportunity to regain lost economic status and to restore pride as a self-sufficient community. The transfer is in keeping with the original intent of Congress to create a self-sufficient society. It would not restrict or limit preexisting interests. In short, the proposed expansion is a realistic proposal and, importantly, Metlakatla's best chance of restoring itself to a strong and vibrant society.

SCOPE OF THE PROPOSAL The transfer would include southerly extensions of the east and west boundaries of the Annette Islands Reserve to include waters south of Annette Island. The most critical aspect of the expansion would be the inclusion of waters that contain seafood harvesting potential. In general, however, the expansion would begin at western most extremity of existing boundary and extend south or southwest to a point well south of the southern most extremity of Duke Island. The boundary then would extend eastward to the midpoint of Duke Island then north to the shore then follow the shoreline of Duke Island generally west then north then east along the island's northern shore. It would continue eastward along the north shores of the islands east of Duke until

it was directly below the eastern most point of the existing boundary. It would then extend north to join the existing boundary.

NEW OPPORTUNITIES FOR METLAKATLA. The Metlakatla Indian Community stands to benefit in a number of ways from the expansion outlined here. What is important to remember, however, is that the proposed expansion does not, in itself, confer riches or windfalls upon the Community or its members. The expansion would create opportunity, nothing more. With it, the hardworking members of Metlakatla will have a chance to recapture the self-sufficiency that was the purpose for which the Reserve was established and that bad times have taken away. Below are some of the benefits to be realized.

Expanded Commercial Fishing Opportunities. In today's world, southeast Alaska fisherman cannot survive economically unless they can fish in a variety of fisheries, almost on a year round basis. The restricted size of Metlakatla's existing maritime water severely limits fishing opportunities. Although most of the area included in the expansion does not contain highly significant commercial fisheries, the area will vastly increase the opportunities for Metlakatla's small fleet. It would restore to future generations the ability to participate in the long-line, bottom fishery denied the existing generation by the state's move to limited entry and individual fisherman quota (IFQ) policies. Prior to implementation of those more restrictive management policies, Metlakatla's fisherman could fish in state waters in the years of poor fish returns within the confining limits of the Annette Island Reserve. Moreover, after the summer salmon season was complete, ambitious Metlakatla fishermen could re-equip their vessels for long-lining for halibut, black cod and other bottom fish. Today, the vast majority of Metlakatla's fleet is ineligible to fish in state waters. Without permits and IFQ's, under the harvest and market conditions that exist, Metlakatla's fisherman cannot make a living within the existing boundary.

Year Round Cold Storage Operations. The expanded area would provide sufficient new fishing areas for Metlakatla's limited numbers of vessels to take advantage of a much more diverse fishing industry. This would provide a much more sustained operation of the Community's fish processing operation. The Community is currently implementing plans to greatly expand its processing capabilities. With Metlakatla's limited fishing opportunities, cold storage operations currently are sporadic and not profitable.

Expanded Subsistence Opportunities. The area to be transferred would greatly expand the marine subsistence area available to Metlakatla's citizens. In the hard times that have befallen them in recent years, this benefit would be a terrific enhancement to the quality of life of the people of Metlakatla.

Tourism Possibilities. With an upturn in Metlakatla's economy, other opportunities could arise. A permanent fishing lodge and other tourist amenities could be developed once a large commercial fleet operated out of Tanigass.

Harbor. The possibility of reopening the Annette Island Airport to private air traffic could be considered. A fresh fish fly-out program could be developed.

OTHER BENEFITS. Existing laws and regulations will make the expansion beneficial in a much broader sense than just the benefits to Metlakatla. In general, conflicts could be reduced and better management coordination and enforcement could result.

Curtailing Existing Disputes. The boundary expansion could allow Metlakatla to take a larger share of the harvest of Coho production from its Temigass Hatchery. The commercial targeting of Metlakatla hatchery production long has been a source of irritation, if not outright hostility. The off-reserve harvest of Metlakatla's hatchery stocks curtails the benefits realized by the Community from its hatchery enterprise and dampens incentive to maximize production. With an increased opportunity to harvest the hatchery's runs, the Community would have good reason to expand production, to everyone's benefit.

Better Management and Enforcement. The expansion could enhance fisheries management and enforcement. It would combine resources rather than deplete them. Under the Lacey Act, federal management and enforcement authority could be brought to bear within the new area of the Reserve. Moreover, the Secretary of the Interior's existing regulations governing fishing within the Reserve require consideration of the interests of all the citizens of Alaska in fisheries management. Specifically, in 25 C.F.R. Part 241, Sections 241.2-241.4, the Secretary has provided that the regulation of fishing within Reserve waters must consider escapement for conservation and requires "fair and equitable sharing of the resource with other user groups fishing in State waters under State law and within the State fisheries management system." Thus, the transfer could result in enhanced fishery management for all concerned.

INTERESTS TO BE PROTECTED. Some interests in the area of transfer are significant enough to be considered for specific mention in the Secretary's expansion justification. Reference should be made to the Secretary's existing regulations regarding fishing on the Annette Islands Reserve. These principles, of course would apply to the expanded boundary area. The sum of the considerations necessary to protect prior existing interests utilizing the waters within the expanded area, however, does not justify the denial of the expansion. Indeed, in some respects, an argument can be made that the expansion will enhance opportunities for holders of existing rights.

Commercial Fishing Fleets. The waters surrounding the islands contain some, but not hugely significant fishing interests. The commercial salmon gillnet and seine fleets make little use of the waters, simply because better places to fish are available to non-Metlakatla fishermen. Some good bottom fishing grounds will be included but management alternatives would ensure Metlakatla's harvest protected the resources. The proposal includes some areas utilized by diving

operations that would have to be protected. The state herring fishery had some isolated openings around Cat Island over ten years ago but none in recent years. All of the interests represented by those fleets could be protected by management regimes. Thus, with the exception of the commercial charter fleet, discussed below, objection from the fishing fleets would have little validity.¹

Commercial Charter Fleet. The waters in the southwest part of the expansion have interests for tourist charters operating out of Ketchikan. This use would continue subject to state management with no anticipated change in operations. What could happen with the expansion, however, could be a significant boon to this aspect of the southeast Alaska economy.

Tamgass Harbor, within the existing Annette Islands Reserve, is an ideal moorage for the charter fleet that operates within the area in question. With appropriate docking, maintenance and refueling stations, the fleet could cut its running time to the best fishing grounds by at least an hour. Among other benefits, this would significantly reduce fuel costs for the fleet.

The development of Tamgass Harbor as a small boat moorage has not been feasible due to difficult access to Annette Island from Ketchikan and a lack of funding. With the completion of the Walden Point Road, anticipated in 2008, land transportation to the harbor will be available, making its proximity to fishing grounds a useful reality. Also, the poor economy of Metlakatla has contributed to the inability to take advantage of the harbor location. With the boost to Metlakatla's economy anticipated with the expansion, funds to make the harbor an asset for the charter fleet could become available.

CONCLUSION

In sum, the proposed expansion has only an upside with little, if any, sustainable objections to be put forth. The opportunities afforded to Metlakatla for economic recovery far outweigh the potential harm to any legitimate interests in the territory. Further, by ensuring compliance with the Secretary's existing regulations, no compensable claims will be created. Other benefits include enhancing tourist access to the area, subjecting the fisheries to conservative management and improving the local economy in general.

¹ The potential herring fishery could benefit from Metlakatla's management of the resource. Within the Annette Islands Reserve, Metlakatla's more conservative management approach has enhanced the size of its herring catch in an almost unbroken string of harvest years. The state's approach, on the other hand, has seen the virtual elimination of many herring stocks, presumably from over-fishing. Perhaps, in the process of the transfer, Metlakatla's better management approach would be implemented over a larger area.

The Legal Justification
For the Secretary of the Interior
To Expand the Maritime Boundary of the Annette Island Reserve

Introduction

The Annette Islands Reserve was created by Congress in 1891¹ to allow the Tsimshian Indians (Metlakatians) who emigrated there from Canada in 1887, achieve economic self-sufficiency. See *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 88 (1918) ("The purpose of the Metlakatians in going to the islands, was to establish an Indian colony which would be self-sustaining[.]") The principal means for achieving self-sufficiency was the establishment of a fish cannery and the means to supply it with fish. Thus, the Supreme Court in *Alaska Pacific Fisheries* held that, to accomplish the purpose intended by Congress, the territory of the Annette Islands Reserve must include the "adjacent fishing grounds." *Id.* at 89. Over the next hundred plus years, Metlakatians successfully achieved the goal of Congress and remained self-sufficient within the waters and lands of their island home. Today, the continued successful achievement of the intent of Congress is in jeopardy.

The Secretary of the Interior has the power to rectify the situation. The Secretary was delegated broad authority and responsibility by Congress to fulfill its objectives for the Annette Islands Reserve. Congress made the Reserve subject to "such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary[.]" 25 USC §495. In *Metlakatle Indian Community v. Egan*, 369 U.S. 45, 54 (1962), the Supreme Court recognized that the Secretary's authority was extremely broad and "extended to the waters surrounding the islands."

¹ 25 USC §495, provides as follows:

Until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in southeastern Alaska on the north side of Dixon's entrance is set apart as a reservation for the use of the Metlakatle Indians, and those people known as Metlakatians who, on March 3, 1891, had recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

The crisis that exists today is primarily the unfortunate consequence of a presidential act intended to further, rather than hinder, achievement of the intent of Congress for the Annette Islands Reserve. In 1916, under dubious authority, President Wilson issued a proclamation establishing an arbitrary boundary of 3,000 feet offshore of the islands, rocks and islets of the Annette Islands Reserve. The proclamation, however, was not intended to limit the powers of the Secretary or ability of the Metlakatians to achieve self-sufficiency but rather was meant to provide a mark that could be used to prevent non-Metlakatians from infringing on the Reserve's exclusive fishery. ("Apparently the Proclamation was prompted by the threatened encroachment of non-Indian fishermen into Metlakatla waters and the fear that the reservation of the islands might not protect the Indians against such intrusions.") See *Id.* at 55.

A boundary expansion for the Annette Islands Reserve is made necessary by the economic crisis the Metlakatla Indian Community is facing. The crisis has been brought about in part by the inability of Metlakatla's fishing fleet to catch enough fish within the existing, arbitrary boundary of the Reserve to allow its seafood processing plant, the Annette Island Packing Company, to be profitable. Only plants capable of processing high volumes of all variety of seafood can survive under today's market conditions.

Despite stringent cost cutting and severe budget restraints, Metlakatla's packing company has suffered through years of losses. Its ability to continue to provide a market for the labors of Metlakatla's fishermen and jobs for its people is in jeopardy. As the center of Metlakatla's economic life, the profitable operation of the Packing Company will continue to be essential to Metlakatla's economic health. Metlakatla is upgrading the plant, which is the oldest continuously operated enterprise in Indian Country, to handle high volumes of raw materials. But, upgrading is not enough.

Unfortunately, the arbitrary boundary severely limits the volume of seafood raw materials available for harvest. Metlakatla needs an expanded fishing area to continue to achieve the original purpose of its Annette Islands Reserve.² As shown below, the

² One is justified in asking why the fishermen from Metlakatla don't acquire state permits to fish in Alaska waters rather than ask for a boundary expansion. The state of Alaska has instituted a limited entry program that is highly restrictive. Essentially, only those fishermen who could document a history of harvest within Alaska waters were eligible for permits. For many years, Metlakatla has lobbied to have its catch within Reserve waters count toward eligibility for state permits to no avail. The state has steadfastly adhered to a policy of refusing to count Metlakatla's on-reservation harvest, essentially because the state

Secretary was delegated by Congress ample authority and responsibility to expand the boundary administratively without further authorization. 25 USC § 495.

The Secretary's Authority to Administratively Expand the Maritime Boundary

The fundamental basis for the Secretary's power to administratively expand the maritime boundary of the Annette Islands Reserve is the authority delegated to him under § 495. The key to understanding the scope of the Secretary's authority under that statute is to carefully review the Supreme Court's two determinations regarding the intent of Congress in establishing the Reserve.

Alaska Pacific Fisheries v. United States, 248 U.S. 84 (1918)

In the first case, the Supreme Court established beyond question the purpose for which the reservation was established and the scope of the grant to the Metlakatians. In *Alaska Pacific Fisheries*, the Court addressed whether the reservation created by the Act of 1891 (25 USC § 495) "embraces only the upland or includes as well the adjacent waters and submerged land," *Id.* at 87. The Court made light of the question whether Congress had the authority to include the adjacent waters and submerged lands stating that the answer needed "little more than statement." *Id.* at 88. It went on that, "[t]he reservation was not in the nature of a private grant, but simply a setting apart, 'until otherwise provided by law,' of designated public property for a recognized public purpose – that of safe-guarding and advancing a dependent Indian people dwelling within the United States." *Id.* at 89.

The Court emphasized that the purpose for which the Annette Islands Reserve was established was to "encourage, assist and protect the Indians in their effort to train themselves to habits of industry, become self-sustaining and advance to the ways of civilized life." *Id.* The Court noted that the Metlakatians were, "largely fishermen and hunters, accustomed to live from the returns of those vocations, and looked upon the islands as a suitable location for their colony, because the fishery adjacent to the shore would afford a primary means of subsistence and a promising opportunity for industrial and commercial development." *Id.* The Court pointed out that the "Indians could not

has no regulatory authority over it. Thus, because Metlakatla's fleet historically has fished exclusively within Metlakatla waters, the state's limited entry program serves to effectively prevent Metlakatla's fishermen from fishing in state waters. The cost of acquisition of these permits now is prohibitive. A purse seine permit now sells at more than \$70,000 and a drift gillnet permit at over \$40,000.

sustain themselves from the use of the uplands alone. The use of the adjacent fishing grounds was equally essential." *Id.*

The Court attributed to Congress, in enacting § 495, the intent to aid the Indians further in their efforts to be self-sustaining. ("Evidently Congress intended to conform its actions to [the Indians'] situation and needs.") See *Id.* at 89. The Court, therefore, held that Congress "did not reserve merely the site of their village, or the island on which they were dwelling, but the whole of what is known as the Annette Islands, and referred to it as a single body of lands." *Id.* Particularly noteworthy in the Court's 1918 opinion is that, the Court made no mention of the 1916 Presidential proclamation or to any limitation on the extent of the waters that were part of the fishing grounds of the Annette Islands Reserve. The significance of this intentional omission is made clear by the Court in its next opinion.

Metlakatla Indian Community v. Egan, 369 U.S. 45 (1962)

The second Supreme Court opinion dealt directly with the authority of the Secretary of the Interior delegated under 25 USC § 495. The Court recognized the considerable power of the Secretary in the provision in § 495 that subjects the Annette Islands Reserve "to such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior." *Metlakatla Indian Community v. Egan*, 369 U.S. at 38. That language, the Court held, granted broad and powerful authority to the Secretary to fulfill the intent of Congress. *Id.*

The case before the Court was a challenge by the new state of Alaska to regulations promulgated by the Secretary that allowed Metlakatla to operate fish traps, which were then, and remain, emphatically illegal under Alaska law. The Court noted that the Secretary's regulatory authority over Metlakatla was "unusual" in Indian Country. *Id.* at 53. Indeed, the Court acknowledged that "[t]he regulations issued by the Secretary for the government of the Annette Islands January 28, 1915, appear to be without parallel." 369 U.S. at 53. Significantly, the Court did not find any limitations to the Secretary's authority but rather recognized and confirmed the broad authority granted by § 495. It noted that, "in the exercise of the authority delegated him by Congress" the Secretary had created a form of self-government for the Reserve and had subjected the Metlakatians to a variety of laws and regulations of his choosing. *Id.*

at 54. The Court ultimately held that the authority granted the Secretary under § 495 remained an unfettered right to promulgate the challenged regulations without need of any other authorization. *Id.* at 59.

The state's opposition to the Secretary's regulations centered first on President Wilson's 1916 Proclamation, 39 Stat 1777, and then on three acts of Congress, the Alaska Statehood Act, 72 Stat 339, as amended by 73 Stat 141, Public Law 280, 18 USC § 1162, 28 USC § 1360 and the White Act, 43 Stat 464, as amended, 48 USC §§ 221-228. The Court found none of the arguments of the state to be persuasive, *Id.* at 57-58.

The state argued that the Proclamation, which purported to subject the Annette Islands Reserve to the "general fisheries laws and regulations of the United States as administered by the Secretary of Commerce" was intended to subject the Annette Islands Reserve to all general fisheries laws, which after Alaska statehood, included the ban on fish traps. *Id.* at 54. The Court refuted that reasoning, holding that the authority of the Secretary of the Interior under § 495 remained the paramount and unfettered regulatory power over the Annette Islands Reserve. *Id.* at 55. Indeed, the Court cast considerable doubt on the authority of the President to issue the proclamation noting that "[n]o statutory authority for the Proclamation was cited." *Id.* The Court also pointed out that its 1918 opinion in the *Alaska Pacific Fisheries* case recognized the waters surrounding the Annette Islands were part of the Reserve without any reference to the Proclamation. *Id.* at 49. The Court stated the only practical purpose of the Proclamation was to prevent "encroachment of non-Indian fishermen into Metlakatla waters." *Id.* at 55. The Court said "[I]t is clear that President Wilson was attempting to assist and promote the plans of the Secretary of the Interior to develop the reserve under his statutory authority, not to limit or destroy that authority." *Id.*

The Court concluded, therefore, that the Proclamation's reference to the general fisheries laws and regulations of the Secretary of Commerce "did not make those laws and regulations superior to regulations of the Secretary of the Interior." *Id.* Indeed, the Court held that the laws and regulations of Commerce would apply to Metlakatla only so far as they were "not in conflict with other rules adopted by the Secretary of the Interior

and subject to his further modification under the power given him in 1891 [under § 495].”
Id.

Alaska also argued that §4 of its Statehood Act, Public Law 280 and the White Act were subsequent acts of Congress that deprived the Secretary of authority to allow Metlakatla to use traps. The Court emphatically disagreed. Essentially, the Court said the state was relying on acts of Congress that were irrelevant to the dispute. *Id.* at 59.

The Court acknowledged that the White Act, which gave authority to the Secretary to limit salmon harvest in waters subject to his jurisdiction, specifically prohibited the Secretary from granting exclusive rights to Indians. *Id.* at 58. The Court held, however, that the Secretary's authorization for deployment of fish traps on the Annette Island Reserve did not create an exclusive right for the Metlakatians; “that [the right] was part of the reservation as created [by § 495] in 1891[.]” *Id.* at 56.

The Court dismissed a technical argument by the state that, although Public Law 280 expressly “protects against state invasion” of Indian rights, the statute only protects fishing rights granted by “federal treaty, agreement, or statute.” *Id.* The state insisted, by inference, that the statute did not protect fishing rights granted by regulations. *Id.* The Court refused to split hairs regarding the issue, noting that determining congressional intent in this type of situation is “too imprecise to permit such an inference.” *Id.* at 57. It further noted that “in any event” the 1891 statute [§ 495] was the federal grant of the right of the Metlakatians to fish, not the Secretary's regulations. *Id.*

The Court was equally harsh regarding the state's argument that the Statehood Act deprived the Secretary of authority to issue the trap regulations. The Court agreed with the state that authority to regulate fishing on federal lands and waters was conveyed by the Act but noted that § 4 preserved federal authority over recognized Indian fishing rights in Alaska, which included the Annette Islands Reserve. The Court said, “[f]ederal authority was lodged in the Secretary in 1891, and it was not dislodged by the Statehood Act.” *Id.* at 59.³

³ The question might be asked whether the Secretary has authority to reduce the size of the Annette Islands Reserve maritime boundary. Until 1995 the answer would have been yes, provided the reduction did not diminish the ability of the Metlakatians to be self-sustaining. In 1995, however, the Secretary exercised his authority to establish a firm boundary for the Annette Islands Reserve, including after a long administrative dispute, a small island known as Warburton Island. The official action of the Secretary in establishing a recognized boundary probably would mean that any subsequent reduction in the waters

The Applicable Canon of Construction

The foregoing, although establishing the unambiguous authority of the Secretary to expand the boundary, is bolstered by a long-standing canon of construction that applies to interpreting statutes passed to benefit Indians. That canon requires § 495 to be liberally interpreted in favor of Metlakatla and that ambiguities, if any, are to be resolved in its favor. *Antoine v. Washington*, 420 U.S. 194, 199-200 (1975). Indeed, this principle was recognized by the Court in the *Alaska Pacific Fisheries* case, 248 U.S. at 89.

Conclusions to be Drawn

Six conclusions may be drawn from the foregoing Supreme Court pronouncements regarding the Annette Islands Reserve. They are as follows:

1. In establishing the Annette Islands Reserve, Congress intended to create a reservation for use by the Metlakatla Indians that would ensure their ability, through industry, to achieve economic self-sufficiency;
2. Congress intended to include within the Reserve sufficient adjacent waters to fulfill the purposes for which the Reserve was established;
3. The Secretary was given broad authority to issue rules and regulations for the Reserve, including the waters adjacent thereto, to ensure that the intent of Congress was met;
4. No subsequent federal law, proclamation or other federal act has deprived the Secretary of any of the authority delegated by Congress to fulfill its intent;
5. The applicable canon of judicial construction requires that 25 U.S.C. § 495 be interpreted in favor of Metlakatla and, to the extent it is argued that the statute is ambiguous, any ambiguity must be resolved in Metlakatla's favor; and
6. The broad authority of the Secretary over the Annette Islands Reserve strongly implies that the Secretary, to carry out his responsibility to achieve the original intent of Congress, has authority to expand the area in which Metlakatla's may take fish, so long as such expansion reasonably is intended to fulfill Congress's intent.

surrounding the Reserve would be a Fifth Amendment taking. The fact that the Secretary exercised his discretion to fix a boundary, however, does not suggest that he is without power to further expand the boundary if necessary to meet Congress's original intent for the Annette Island Reserve.

The Extent of the Expansion

Under the foregoing, the Secretary has authority to expand the boundary to include enough offshore water to allow the Metlakatians to remain self-sufficient.⁴ The legal principle to be applied is akin to that established in *Winters v. United States*, 207 U.S. 564 (1906). In *Winters*, the Court held that the tribes involved were entitled to a prior and paramount right to enough water to fulfill the federal government's purpose in establishing the reservation involved. *Id.* at 575. Here the purpose for establishing the Annette Islands Reserve is indisputable. See *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 89 (1918). ("The purpose of creating the reservation was to encourage, assist and protect the Indians in their effort to train themselves to habits of industry, become self-sustaining and advance to the ways of civilized life.")

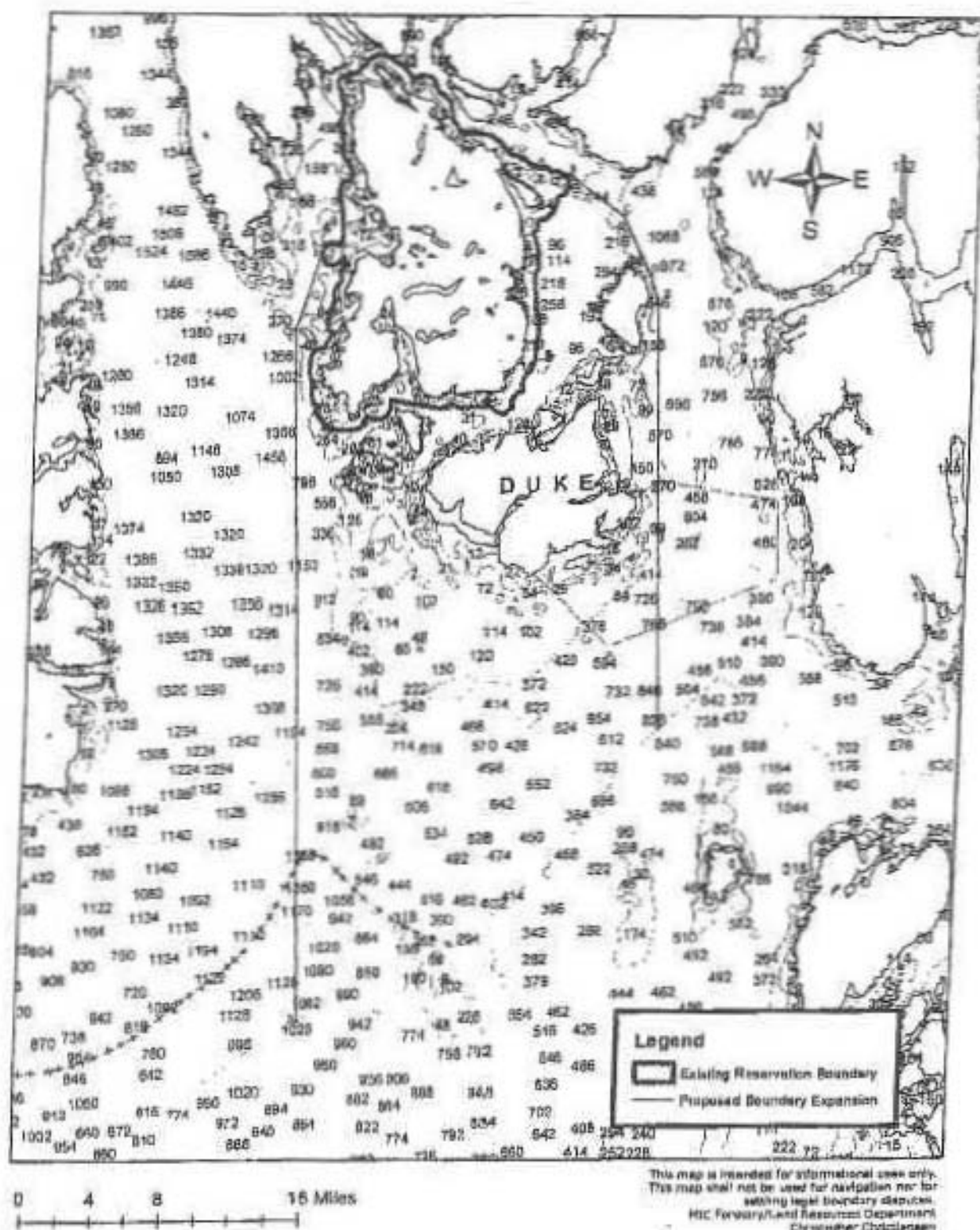
The issue remaining is how much additional water will be necessary to achieve the original intent of Congress. It would be ineffective and inappropriate to simply expand the whole of the existing boundary by a stated number of additional feet. The only effective way to accomplish the purpose of the expansion would be to study carefully which waters would best increase the opportunity of Metlakatians to take fish. This considered approach will limit the number of square miles of water necessary while maximizing the beneficial impacts for Metlakatia.⁵

⁴ The existing regulations are set out in 25 CFR Part 241. Noteworthy is Section 241.3(e)(3), which provides that the "Secretary or his duly authorized representative may, upon request by the Metlakatia Indian Community authorize such other commercial fishing at such times as he may prescribe, which authorization shall be based upon ... [t]he Federal purpose in the establishment and maintenance of the Metlakatia Indian Reservation."

⁵ The expansion would be set forth as an amendment to the existing regulations, specifically 25 CFR § 241.2. It would be issued such that it would be in compliance with other existing regulations, principally 25 CFR § 241.3(e), which requires Metlakatia's fisheries be conducted with deference to a "fair and equitable sharing of the fishery resource with other user groups fishing in State waters under State law and within the State fisheries management system."

Annette Islands Reserve

Proposed Boundary Expansion



Lloyd, Denby S (DFG)

COPY

From: Lloyd, Denby S (DFG)
Sent: Friday, January 11, 2008 12:07 PM
To: Tibbles, Michael A (GOV); Nizich, Michael A (GOV)
Cc: Barry, Timothy M (DFG); Kelly, Russell T (GOV); Taylor, Kenton P (DFG); Larsen, Douglas N (DFG); Lawson, Thomas W (DFG); Schlosser, Mary A (DFG)
Subject: National Guard and Hunting/Fishing License Fees
Attachments: Memo to DL reMilitary Licenses 011108.doc; CY08 Military License Comparison 011107.XLS; Fiscal Note HB137CS(FIN)-DFG-DAS-12-19-07.pdf

Mike(s):

You have asked for some background on ideas to exempt or relieve National Guardsmen of hunting and fishing license fees. In the attachments are some details of existing bills that are already being considered by the legislature.

Portions of HB 137 (with language originally from Rep Bill Thomas specifically for the Alaska National Guard) would allow active ANG members to get free hunting and sport fishing licenses. This would result in an estimated loss of \$78.5 K in revenues to the Fish and Game Fund, based upon proportions of the 4,300 active Alaska National Guard members who generally purchase sport fishing (50%) and hunting (25%) licenses.

SB 214, sponsored by Sen Charlie Huggins, would allow for military personnel stationed in Alaska to qualify for resident hunting licenses immediately, rather than awaiting a 12-month residency period. There are some arcane details involved in analyzing the effects of such a provision (such as military personnel already immediately qualify for resident sport fishing licenses, pay half-price for non-resident hunting tags, and can get special small game hunting licenses). But, we estimate a loss of about \$31.9 K if this provision is implemented, given recent year license/tag purchases of non-resident military.

So, some of these ideas are already on the table. Creating special provisions and exemptions always is associated with issues of fairness, and then detailed implementation. And, in this case, potentially over \$110 K of lost revenue will result annually.

Please let me know if you need more information, or have specific direction for us. Also, I am not sure what concerns the Department of Military and Veterans Affairs may have.

Thanks, DL

Denby S. Lloyd
 Commissioner
 Alaska Department of Fish and Game
 P.O. Box 115528
 Juneau, AK 99811-5528
 907-463-4719

From: Barry, Timothy M (DFG)
Sent: Friday, January 11, 2008 11:32 AM
To: Lloyd, Denby S (DFG)
Cc: Schlosser, Mary A (DFG)
Subject:

Hi,

1/11/2008

188

Attached is the memo to you regarding military licenses, along with the spreadsheet and fiscal note referred to in it.

Tim

Tim Barry
Special Assistant to the Commissioner for Communications and Legislative Affairs
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811
(907) 465-6137 office
(907) 321-5212 cell

MEMORANDUM

FROM: Tim Barry, Legislative Liaison
TO: Denby Lloyd, Commissioner
DATE: January 11, 2008
RE: Military Licenses

COPY

At the beginning of the 2007 legislative session, Representative Bill Thomas introduced House Bill 62, which, among other things, would allow active duty members of the Alaska National Guard to receive free hunting and sport fishing licenses. We submitted a fiscal note estimating that this would mean a net loss to the department would be \$78,500 per year. In late March, the House Finance Committee amended a different bill, House Bill 137, sponsored by the House Special Committee on Fisheries, to include the language from HB62. Our estimate of the fiscal impact did not change, although our current fiscal note (attached) includes a more thorough narrative of how this estimate was arrived at. HB137 is now in the House Rules Committee, awaiting scheduling for a floor vote.

Last week, Senator Charlie Huggins pre-filed Senate Bill 214, which would allow military personnel stationed in Alaska to be eligible for resident hunting licenses as soon as they are posted here, rather than paying non-resident rates until they establish residency after 12 months (Currently, military personnel are eligible for resident *sport fishing* licenses upon arrival, but not resident *hunting* licenses). We have not done a formal fiscal note for this bill yet, but estimate that it will mean a loss to the department (Fish and Game Fund) of \$31,902 per year. In certain situations, we receive a federal match to these license fees that amounts to three dollars for every one we raise, so there is a possibility that the fiscal impact of both these bills could be substantially larger.

A brief explanation of our licensing structure is in order. We have a special class of hunting licenses for the military called a "military small game" license, that costs \$25.00 per person, the same price a resident pays for a "hunting" license, which allows hunters access to

both "small" and "big" game. Big game are those species for which hunters need to buy a special tag in addition to a hunting license. Military personnel who want to hunt big game in their first twelve months in Alaska currently have to pay \$85.00 each for a non-resident license and buy a tag for whatever species they want to hunt. Members of the military get these tags at half the price paid by non-residents, while residents pay nothing for the tags. As the spreadsheet shows, in 2006 (the most recent year we have numbers for), 179 people in the military bought tags and the non-resident license. Of course, we have no way of knowing how many additional servicepeople might hunt big game in their first twelve months if it were less expensive to do so.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 137(FIN)
(H) Publish Date: 4/2/07

Revision Date/Time (Note if correction):

Dept. Affected: Fish and Game

Title: Senior Fishing/Hunting/Trapping Licenses

RDU: Administration and Support

Component: Administrative Services

Sponsor: House Special Committee on Fisheries

Requester: House Finance Committee

Component No.: 470

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include initiation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	5.5	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	20.1	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	26.6	2.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	(78.5)	(78.5)	(78.5)			
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (1024 - Fish and Game Fund)	26.6	2.0	2.0	2.0	2.0	2.0
TOTAL	26.6	2.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Fiscal note reflects estimated change in revenues to the Fish and Game Fund for complimentary sport fishing and hunting licenses to Alaska National Guard (ANG) active members. There are currently 4,300 ANG members. Based on resident sales, 50% of the ANG would purchase a sport fishing license and 25% would purchase a hunting license. Total revenue loss to Fish and Game Fund and Facility Surcharge Fund is estimated to be \$78,475.00. Fiscal note reflects intent of legislature to compare ADF&G's PID file to PFD's file and send individuals on both lists a new 3 year TID card. Costs include personnel time, postage and printing of forms to mail the new TID card in FY08. Also includes costs for renewal of 3 year cards instead of the annual card program for future FYs. For the past 20 years, there are 63,000 PID holders. In 2008, 63,941 residents 60 years of age or older received a PFD. Estimate 30,000 will qualify for new TID card.

Prepared by: Tom Lawson
Division: Administrative Services
Approved by: Derby Lloyd
Agency: Department of Fish and Game

Phone: 465-5999
Date/Time: 03/30/07 12:00 p.m.
Date: 3/30/2007

CY2006 Military License and Tags Comparison

Class Description		CY06 Actuals		Proposed Resident Rate Comparison				Difference	% Diff.
Hunting		# sold		Cost	Gross	Class	Description		
13	NH Spcl Military Small Game	169		\$25.00	\$4,225.00	02	Res Hunt	\$25.00	\$4,225.00
14	NH Spcl Military SF/Small Game	237		\$48.00	\$11,376.00	04	Res SF/Hunt	\$48.00	\$11,376.00
08	NH Hunt	179		\$85.00	\$15,215.00	02	Res Hunt	\$25.00	\$4,475.00
BF	Military Bison	1		\$225.00	\$225.00	0F	Res Bison	\$0.00	\$0.00
BG	Military Brown/Grizzly Bear	3		\$250.00	\$750.00	0G	Res Brown/Grizzly	\$25.00	\$75.00
BL	Military Black Bear	54		\$112.50	\$6,075.00	0L	Res Black Bear	\$0.00	\$0.00
CC	Military Caribou	33		\$162.50	\$5,362.50	0C	Res Caribou	\$0.00	\$0.00
DD	Military Deer	55		\$75.00	\$4,125.00	0D	Res Deer	\$0.00	\$0.00
EE	Military Elk	1		\$150.00	\$150.00	1E	Res Elk	\$0.00	\$0.00
MM	Military Moose	22		\$200.00	\$4,400.00	MM	Res Moose	\$0.00	\$0.00
WF	Military Wolf	10		\$15.00	\$150.00	WF	Res Wolf	\$0.00	\$0.00
					\$52,053.50			\$0.00	\$20,151.00
								(\$31,902.50)	-61%

CS FOR HOUSE BILL NO. 137(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/2/07

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for free hunting and sport fishing licenses for active members of the
 2 Alaska National Guard; and amending the requirements for the identification card
 3 needed for sport fishing, hunting, and trapping without a license by residents who are 60
 4 years of age or more; and providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 16.05.340(a)(17) is amended to read:

7 (17) Waterfowl conservation tag 5

8 (A) A person may not engage in waterfowl hunting without
 9 having the current year's waterfowl tag in the person's actual possession, unless
 10 that person

11 (i) qualifies for a \$5 license fee under (6) of this
 12 subsection;

13 (ii) is a resident under the age of 16;

14 (iii) is 60 years of age or older and is a resident;

(iv) is [A DISABLED VETERAN] eligible for a free license under AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

* Sec. 2. AS 16.05.340(a)(23) is amended to read:

(23) Resident anadromous king salmon tag 10

A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

(A) qualifies for a 25 cent license fee under (1) of this subsection;

(B) is under the age of 16;

(C) is 60 years of age or older and has been a resident of the state for at least one year;

(D) is [A DISABLED VETERAN] eligible for a free license under AS 16.05.341; or

(E) qualifies for a \$5 license fee under (6) of this subsection.

* Sec. 3. AS 16.05.341 is amended to read:

Sec. 16.05.341. Free license for disabled veterans and active members of the Alaska National Guard. A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the person

(1) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service; [OR]

(2) served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard; or

(3) is an active member of the Alaska National Guard.

* Sec. 4. AS 16.05.400(b) is repealed and reenacted to read:

(b) A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or more. A resident who is 60 years of age or more is required to possess a valid identification card to engage in sport fishing, hunting, or trapping without a license. The commissioner shall issue an identification card without charge to a person who qualifies by age and residence and who completes the forms required by the commissioner. To obtain or renew a valid identification card, the person must have lawfully received a permanent fund dividend during the most recent dividend disbursement or must present evidence satisfactory to the department that the person was in the state for at least 185 days during the previous calendar year. A person who is issued an identification card under this subsection shall have it in possession while sport fishing, hunting, or trapping. The identification card must be renewed every three years.

* Sec. 5. AS 16.05.405(b) is amended to read:

(b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting license may take game on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the game is taken, stating that the resident possesses the person's hunting license or valid [PERMANENT] identification card in order to take game on behalf of that person; and

(2) the person's

(A) resident hunting license issued under AS 16.05.403 or valid [PERMANENT] identification card issued under AS 16.05.400(b); and

(B) harvest ticket, tag, stamp, or other document required by law as a condition of taking the game being hunted.

* Sec. 6. AS 16.05.405(c) is amended to read:

(c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing license may take fish on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the fish is taken, stating that the resident possesses the person's sport fishing license, subsistence fishing permit, personal use fishing permit, or valid [PERMANENT] identification card in order to take fish on behalf of that person;

(2) the person's

(A) resident sport fishing license issued under AS 16.05.403 or valid [PERMANENT] identification card issued under AS 16.05.400(b);

(B) resident subsistence fishing permit issued under AS 16.05.403; or

(C) resident personal use fishing permit issued under AS 16.05.403; and

(3) all other documents issued to the person that are required by law as a condition of taking the fish being pursued.

* Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. The commissioner of fish and game shall notify in an appropriate form all current permanent identification card holders of the requirements of AS 16.05.400(b), as repealed and reenacted by sec. 4 of this Act, and provide instructions for obtaining a valid identification card to replace the permanent identification card previously authorized by that subsection.

* Sec. 8. AS 16.05.341(3) is repealed June 30, 2010.

* Sec. 9. Section 4 of this Act takes effect January 1, 2008.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 137(FH)
(H) Publish Date: 4/2/07

Revision Date/Time (Note if correction):

Title: Senior Fishing/Hunting/Trapping Licenses

Dept. Affected: Fish and Game

RDU: Administration and Support

Component: Administrative Services

Sponsor: House Special Committee on Fisheries

Requester: House Finance Committee

Component No.: 470

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	5.5	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	20.1	2.0	2.0	2.0	2.0	2.0
Supplies	1.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	26.6	2.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	(78.5)	(78.5)	(78.5)			
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (1024 - Fish and Game Fund)	26.6	2.0	2.0	2.0	2.0	2.0
TOTAL	26.6	2.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Fiscal note reflects estimated change in revenues to the Fish and Game Fund for complimentary sport fishing and hunting licenses to Alaska National Guard (ANG) active members. There are currently 4,300 ANG members. Based on resident sales, 50% of the ANG would purchase a sport fishing license and 25% would purchase a hunting license. Total revenue loss to Fish and Game Fund and Facility Surcharge Fund is estimated to be \$78,475.00. Fiscal note reflects intent of legislature to compare ADF&G's PID file to PFD's file and send individuals on both lists a new 3 year TID card. Costs include personnel time, postage and printing of forms to mail the new TID card in FY08. Also includes costs for renewal of 3 year cards instead of the annual card program for future FYs. For the past 20 years, there are 63,000 PID holders. In 2006, 63,941 residents 60 years of age or older received a PFD. Estimate 30,000 will qualify for new TID card.

Prepared by: Tom Lawson
Division: Administrative Services
Approved by: Denby Lloyd
Agency: Department of Fish and Game

Phone: 465-8899
Date/Time: 03/30/07 12:00 p.m.
Date: 3/30/2007

SENATE BILL NO. 214
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR HUGGINS

Introduced: 1/4/08
Referred: Prefiled

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to big game hunting by nonresident members of the military service
2 and their dependants; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05.340(d) is amended to read:

5 (d) Members of the military service on active duty who are permanently
6 stationed in the state, and their dependents, who do not qualify as residents under
7 AS 16.05.415, may obtain special nonresident military hunting [SMALL GAME] and
8 sport fishing licenses at the rates for resident hunting and sport fishing licenses. A
9 person who obtains a special nonresident military hunting license under this
10 subsection [, BUT] may not take a big game animal for which a tag is required
11 under (a)(16) of this section without previously purchasing a [REGULAR
12 NONRESIDENT HUNTING LICENSE AND A] numbered, nontransferable
13 appropriate tag, issued at the resident [ONE-HALF OF THE NONRESIDENT] rate,
14 under (a)(16) [(a)(15)] of this section.

* Sec. 2. AS 16.05.407(a) is amended to read:

(a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly bear, mountain goat, or sheep in this state [,] unless the nonresident is

(1) a member of the military service on active duty who is permanently stationed in the state or a dependent of a member of the military service on active duty who is permanently stationed in the state; or

(2) personally accompanied by

(A) [(1)] a person who is licensed as

(i) [(A)] a registered guide-outfitter or a master guide-outfitter under AS 08.54 and who is providing big game hunting services to the nonresident under a contract with the nonresident; or

(ii) [(B)] a class-A assistant guide or an assistant guide under AS 08.54 and who is employed by a registered guide-outfitter or a master guide-outfitter who has a contract to provide big game hunting services to the nonresident; or

(B) [(2)] a resident over 19 years of age who is

(i) [(A)] the spouse of the nonresident; or

(ii) [(B)] related to the nonresident, within and including the second degree of kindred, by marriage or blood.

* Sec. 3. AS 16.05.407(b) is amended to read:

(b) Except for an applicant described in (a)(1) of this section, an [AN] applicant for a nonresident big game tag for the taking of an animal specified in (a) of this section shall first furnish to the state, on a form provided by the state, an affidavit showing that the applicant will be personally accompanied while hunting by a person who is qualified under the terms of (a)(2) [(a)] of this section. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200.

* Sec. 4. This Act takes effect January 1, 2009.

Lloyd, Denby S (DFG)

From: Nizich, Michael A (GOV)
Sent: Tuesday, March 18, 2008 1:24 PM
To: Lloyd, Denby S (DFG)
Subject: FW: Thank you!

COPY

Bob felt a need to respond to this guy and now it's gotten a little out of control..... Thought you should see this.

From: Cayce, Sunny C (GOV)
Sent: Tuesday, March 18, 2008 11:09 AM
To: Nizich, Michael A (GOV)
Subject: FW: Thank you!

Mike, this appears to be getting out of hand...

From: Governor Sarah Palin (GOV sponsored)
Sent: Tuesday, March 18, 2008 10:59 AM
To: Cayce, Sunny C (GOV)
Subject: FW: Thank you!

From: Bob Bell [mailto:bbell@frcmh.com]
Sent: Tuesday, March 18, 2008 10:49 AM
To: 'John Sodrel'; 'Eddie'
Cc: Tibbles, Kristy R (DFG); DFG, DWC Wolf Comments (DFG sponsored); Taylor, Kenton P (DFG); DFG, Commissioner (DFG sponsored); Lloyd, Denby S (DFG); Soukup, Jerry L (DFG); Larsen, Douglas N (DFG); Clarke, Ronald G (DFG); Titus, Kimberly (DFG); Hilderbrand, Grant (DFG); DeFrate, Gino (DFG); DFG, DWC Public Information Region 3 (DFG sponsored); James, David D (DFG); Nowlin, Roy A (DFG); Becker, Earl F (DFG); mark.mcnay@alaska.gov; cfleener@catg.org; cjudkins@mtaonline.net; tspraker@fishgame.state.ak.us; ted.spraker@alaska.gov; cliff.judkins@alaska.gov; ben.grussendorf@alaska.gov; richard.burley@alaska.gov; craig.fleener@alaska.gov; bob.bell@alaska.gov; lewis.bradley@alaska.gov; Governor Sarah Palin (GOV sponsored); Palin, Sarah H (GOV); aoc@alaska.net; aocpac@msn.com; hunterheritagefoundationak@msn.com; info@protectmoose.com; office@alaskaprohunter.org; jklutsch@bristolbay.com; kelly@vrem.com; rfithian@alaskaprohunter.org; akpen@aol.com; nwebster@gci.net; alaskanate@excite.com; theperrins@rainypasslodge.net; mlitzen@kenai.net; hunting@akmountainsafaris.com; wildsue@aptalaska.net; info@kenaisci.org; Lewis, Larry L (DFG); markburdick@hotmail.com; fishart@alaska.com; creditcardmike@yahoo.com; admin@aksafariclub.org; president@aksafariclub.org; akhunter@hot-shot.com; vicepresident@aksafariclub.org; treasurer@aksafariclub.org; bwanamike@ak.net; Pamell, Sean R (GOV)
Subject: RE: Thank you!

John: Once again thank you for your kind and well thought out comments on our game management practices. I am sure they will be discussed at our next meeting. I would never use the descriptive titles you assign yourself in this email, but hey, if the shoe fits! I do disagree with you that those descriptions fit most Americans. Just a select few who claim them for themselves such as you have. By the way, John, I have heard that the federal government has a predator control program in your state where they shoot coyotes from airplanes and also have a poison program for coyotes. I hope you are not too busy helping us to look into what is happening in your back yard. If you need any advice let us know. Yours truly, Bob

From: John Sodrel [mailto:jesodrel@yahoo.com]

Sent: Tuesday, March 18, 2008 9:56 AM

To: Eddie

Cc: kristy_tibbles@fishgame.state.ak.us; dfg.dwc.wolfcomments@alaska.gov; kenton.taylor@alaska.gov; dfg.commissioner@alaska.gov; denby.loyd@alaska.gov; jerry.soukup@alaska.gov; doug.larsen@alaska.gov; ron.clarke@alaska.gov; kim.titus@alaska.gov; grant.hilderbrand@alaska.gov; gino.delfrate@alaska.gov; dfg.dwc.pubinfor3@alaska.gov; david.james@alaska.gov; roy.nowlin@alaska.gov; earl.becker@alaska.gov; mark.mcneay@alaska.gov; tbell@ftrcmh.com; cfeener@catg.org; judkins@mtaonline.net; tspraker@fishgame.state.ak.us; ted.spraker@alaska.gov; cliff.judkins@alaska.gov; ben.grussendorf@alaska.gov; richard.burley@alaska.gov; craig.fleener@alaska.gov; bob.bell@alaska.gov; lewis.bradley@alaska.gov; governor@gov.state.ak.us; sarah.palin@alaska.gov; aoc@alaska.net; aocpac@msn.com; hunterheritagefoundationak@msn.com; info@protectmoose.com; office@alaskaprohunter.org; jdutsch@bristolbay.com; kelly@vrem.com; rftilian@alaskaprohunter.org; akpen@aol.com; nwebster@gci.net; alaskanate@excite.com; theperrins@rainypasslodge.net; miltzen@kenai.net; hunting@akmountainsafaris.com; wildsue@aptalaska.net; info@kenaisci.org; larry.lewis@fishgame.state.ak.us; markburdick@hotmail.com; fishart@alaska.com; creditcardmike@yahoo.com; admin@aksafariclub.org; president@aksafariclub.org; akhunter@hot-shot.com; vicepresident@aksafariclub.org; treasurer@aksafariclub.org; bwanamike@ak.net; sean.parnell@alaska.gov

Subject: RE: Thank you!

--> If not wanting other sentient beings such as wolves and bears to be slaughtered barbarically from the air makes me a "zealot" or "lunatic" or "tyrant," then I'm proud to be one, as are the vast majority of other people in this great country!

--> Allowing the massacring of wolves and bears from planes because a handful of people get their jollies from it but against the wishes of a majority of Alaskans, who have voted twice to ban the practice, is the "real world" or "logical" or "reasonable"?!

--> You call gunning down helpless animals from planes part of the "natural world," a "predatory skill," "managing and competing," something that has gone on "since time immemorial," and, most ludicrously, "hunting"?! Even most true hunters don't believe any of that bullshit! You're an even more despicable excuse for a human being than I thought.

--> Inhumanely slaughtering wolves and bears from the air, or from anywhere, is part of the "natural world and God's plan" and opposing/denouncing it makes me a "hedonist non-believer"?! What fucking "church" do you go to or phony Bible do you read? Any doubt that you'll someday be rotting in Hell is now gone!

--> Sanctioning and/or participating in the barbaric, uncivilized, inhumane, cruel, evil, needless massacring of other sentient beings, especially from planes, is "good work"?! Fuck you!

My sincere dream is that every plane involved in this abominable endeavor crashes and burns, except for one that would be predatorily "managing" and "hunting" you! :)

Your "idiot antagonist",
John Sodrel

Eddie <mtman@mtaonline.net> wrote:
Bob,

You should know by now that the zealots from America (Remember that place? Used to be known as the home of the brave and the land of the free) have become completely dis-connected from the real world. There isn't any logic a reasonable person can effect to debate such lunacy. Bottom line, John and his type are tyrants

engulfed in their own self-righteousness.

As a native born Alaskan, and more importantly a native born predator from planet earth (I have no idea where aliens such as Sodrel come from) I completely support the 100,000 plus years of hunting traditions inherited by me from my ancestors. That includes embracing the reality that my predatory skills derive from cognitive ability, not fangs and claws, and the concept that managing and competing for prey species is something that has gone on in the natural world (something Sodrel obviously knows nothing about) since time immemorial.

If anyone in this discussion is going to hell, it is your antagonists who continue to hold close to the belief that they are somehow apart from the natural world and God's plan. Their's is the way of the hedonist non-believers who in their arrogance believe they can erect heaven here on earth. As for me, I will continue being the natural born predator God created me to be, so keep up the good work.

Eddie

P.S. as in your case I am sure this idiot will respond to my comments. My advice to you and everyone else is don't waste your time paying any further attention to this kind of nonsense.

From: John Sodrel [mailto:jesodrel@yahoo.com]

Sent: Monday, March 17, 2008 8:05 PM

To: Bob Bell; kristy_tibbles@fishgame.state.ak.us; dfg.dwc.wolfcomments@alaska.gov; kenton.taylor@alaska.gov; dfg.commissioner@alaska.gov; denby.lloyd@alaska.gov; jerry.soukup@alaska.gov; doug.larsen@alaska.gov; ron.clarke@alaska.gov; kim.titus@alaska.gov; grant.hilderbrand@alaska.gov; gino.delfrate@alaska.gov; dfg.dwc.pubinfor3@alaska.gov; david.james@alaska.gov; roy.nowlin@alaska.gov; earl.becker@alaska.gov; mark.mcnay@alaska.gov; cfleener@catg.org; cjudkins@mtaonline.net; bspraker@fishgame.state.ak.us; ted.spraker@alaska.gov; cliff.judkins@alaska.gov; ben.grussendorf@alaska.gov; richard.burley@alaska.gov; craig.fleener@alaska.gov; bob.bell@alaska.gov; lewis.bradley@alaska.gov; governor@gov.state.ak.us; sarah.palin@alaska.gov

Cc: aoc@alaska.net; aocpac@msn.com; hunterheritagefoundationak@msn.com; info@prctectmoose.com; office@alaskaprohunter.org; jklutsch@bristolbay.com; kelly@yrem.com; rfithian@alaskaprohunter.org; akpen@aol.com; mwebster@gci.net; alaskanate@excite.com; theperrins@rainypasslodge.net; mlitzen@kenal.net; hunting@akmountainsafaris.com; wildsue@aptalaska.net; info@kenalsci.org; larry_lewis@fishgame.state.ak.us; markburdick@hotmail.com; fishart@alaska.com; creditcardmike@yehoo.com; admin@aksefariclub.org; president@aksafariclub.org; akhunter@hot-shot.com; vicepresident@aksafariclub.org; mtnman@mtaonline.net; treasurer@aksafariclub.org; bwanamike@ak.net

Subject: RE: Thank you!

Bob (et al.),

- a) You have no right to "manage" (i.e., massacre) wildlife, nor does anyone else.
- b) Chasing down animals with planes and shooting them with shotguns is *humane*?!
- c) Wolves and bears killing moose and caribou is called nature, you dumbass.
- d) "Helpless" and "innocent" refers to you slaughtering them, not to their natural survival and hunting skills.
- e) I have no problem with people eating moose and caribou, so your whole infantile "Safeway" comparison is irrelevant and a crock of shit.
- f) The issue isn't people killing moose and caribou for food. The issue is some Alaskans barbarically slaughtering wolves (and bears) and lying about the reason why!
- g) You and your immoral, asshole buddies are doing all this in direct violation of federal law and against the wishes of a majority of principled citizens in your state.

So, go fuck yourself and have fun rotting in Hell!!

Warmly,
John Sodrel

New Albany, IN

Bob Bell <bbell@frbcmh.com> wrote:

John: Thank you for your pleasant and insightful email in regard to our management of wildlife in Alaska. With informed citizens such as yourself I am sure all of the wild critters in your state are carefully and humanely managed. In case you are not aware 80% of the prey species in Alaska that die each year are killed by the helpless and innocent bears and wolves you refer to in your email. I suspect our moose and caribou don't see them in the same light as you do, but then I am sure you are much more informed than they. As far as you visiting our state, I would have to discourage you from doing that as there are a number of vile, despicable and loathsome people here who do eat moose and caribou because they don't have a Safeway to buy meat from or have a slaughterhouse to do their killing for them. I am sure you have both so you can be a person of conscience and be nobler than these poor wretches. By the way, these vile people harvest about 5% of the animals each year. In regard to your wish for the disposition of our souls I hope you are mistaken, but if not I am sure I will see you there. Sincerely Bob

From: John Sodrel [<mailto:jesodrel@yahoo.com>]

Sent: Monday, March 17, 2008 1:55 PM

To: kristy_tibbles@fishgame.state.ak.us; dfg.dwc.wolfcomments@alaska.gov; kenton.taylor@alaska.gov; dfg.commissioner@alaska.gov; denby.lloyd@alaska.gov; jerry.soukup@alaska.gov; doug.larsen@alaska.gov; ron.clarke@alaska.gov; kim.titus@alaska.gov; grant.hilderbrand@alaska.gov; gino.delfrate@alaska.gov; dfg.dwc.pubinfor3@alaska.gov; david.james@alaska.gov; roy.nowlin@alaska.gov; earl.becker@alaska.gov; mark.mcnay@alaska.gov; bbell@frbcmh.com; cfleener@catg.org; cjudkins@mtaonline.net; tspraker@fishgame.state.ak.us; ted.spraker@alaska.gov; cliff.judkins@alaska.gov; ben.grussendorf@alaska.gov; richard.burley@alaska.gov; craig.fleener@alaska.gov; bob.bell@alaska.gov; lewis.bradley@alaska.gov; governor@gov.state.ak.us; sarah.palin@alaska.gov

Cc: aoc@alaska.net; aocpac@msn.com; hunterheritagefoundationak@msn.com; info@protectmoose.com; office@alaskaprohunter.org; jklutsch@bristolbay.com; kelly@vrem.com; rfithian@alaskaprohunter.org; akpen@aol.com; nwebster@gci.net; alaskaniate@excite.com; theperrins@rainypasslodge.net; miltzen@kenai.net; hunting@akmountainsafaris.com; wildsue@aptalaska.net; info@kenalsci.org; larry_lewis@fishgame.state.ak.us; markburdick@hotmail.com; fishart@alaska.com; creditcardmike@yahoo.com; admin@aksafariclub.org; president@aksafariclub.org; akhunter@hot-shot.com; vicepresident@aksafariclub.org; mtnman@mtaonline.net; treasurer@aksafariclub.org; bwanamike@ak.net

Subject: Thank you!

Dear Alaskan wildlife officials,

Just wanted to thank you for making my decision, and that of everyone I know, an easy one to never set foot in your state or knowingly support anything that has to do with Alaska. Your continued slaughtering of wolves from the air and otherwise, and decision to do the same to bears, is reprehensible in the extreme and will not be tolerated by people of conscience!

I don't give a damn about your bogus, unfounded rationale of increasing ungulate populations for subsistence--read trophy and sport--hunting, only a vile, despicable, loathsome human being could approve of and/or participate in such a barbaric, inhumane endeavor. What the hell gives you the right to arbitrarily massacre other sentient beings to euphemistically "manage" them?!

Unfortunately we don't live in a perfect world, but if we did anyone involved in and/or supportive of these decisions would suffer the same fate as what is being cruelly inflicted on helpless, innocent wolves and bears. Although I'm not a religious person, I take great comfort in knowing that all of you will one day be burning in Hell for your evil actions!

Scornfully,
John Sodrel
New Albany, IN

8/15/2008

221

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF SPORTFISH

FRANK MURKOWSKI, GOVERNOR

P.O. Box 25528
Juneau, Alaska 99802-0528
PHONE: (907) 435-4190
FAX: (907) 486-1772OFFICE OF
MANAGEMENT & BUDGET

MAY 10 2006

MEMORANDUM

TO: Cheryl Frasca
Director
Office of Management and Budget

DATE: May 9, 2006

THRU: Tom Lawson
Director
Division of Administration

PHONE: 455-6187

FROM: Kelly Hepler
Director
Division of Sport FishSUBJECT: Reclassify Exempt Position
Revised Program
ADN # 1160747

Sarah Gilbertson

Approval is requested to reclassify exempt PCN 11-7009 from a Program Coordinator, Range 20 to a Subsistence and Federal Issues Coordinator, Range 23. The former duties of this PCN will be assigned to other PCNs.

This position will be responsible for:

- Oversight and coordination of Federal Subsistence Board (FSB) issues and representative of the department at FSB related meetings.
- Chairperson of the ADF&G subsistence liaison team.
- Transition into the Department expert on ANILCA policy and interpretation.
- Track and advise the commissioner on federal legislation affecting ADFG.

Under federal laws the federal government is responsible to assure rural Alaskans are guaranteed subsistence uses of fish and wildlife on federal lands. Given the state is the primary manager of fish and wildlife, the state entered into a MOU with several federal land management agencies to assure that regulation of subsistence hunting and fishing is closely coordinated. This coordination is required to assure that stock conservation is not jeopardized and that other beneficial uses of fish and wildlife are not unnecessarily restricted. Past FSB decisions unnecessarily restricted hunting and fishing, resulting in loss of hunting and fishing opportunities by non-rural Alaskans. This position is the lead policy position of the department on federal subsistence issues and provides oversight and coordination of all FSB issues. It chairs the department subsistence liaison team and coordinates the review of fish and wildlife proposals.

between staff from the Sport Fish, Commercial Fisheries, Subsistence, and Wildlife Conservation Divisions. It also represents the department at FSB related meetings.

Sufficient funding for this position reclassification exists and will be from the following funding sources. Funding for the subsistence duties is available from an existing federal grant to the Department. Funding for the ANILCA and federal legislation tasks is available from the Fish and Game Fund.

The statute that authorizes this position is AS 39.25.110 (9). The effective date of this reclassification is June 1, 2006.

Thank you for your consideration and prompt attention to this matter.

☒ APPROVED

☐ DENIED

Cheryl Frasca
Cheryl Frasca

18 May 06
Date

OMB APPROVED

cc: Jeff Hoover, Administrative Manager

Alaska Official Elections Pamphlet



Alaska Division of Elections

1996

Alaska Official Election Pamphlet**BALLOT MEASURE NO. 3: Bill Prohibiting Same Day
Airborne Hunting****BALLOT LANGUAGE:**

This bill would bar hunting wild wolf, wolverine, fox, or lynx the same day a person was airborne. However, the board of game could allow serial wolf control if the Commissioner of Fish and Game declared a biological emergency, where wolves in a specific area were causing irreversible loss of a prey population. The law wouldn't apply to people airborne the same day on regular, scheduled commercial flights. Breaking the law would be a misdemeanor. The penalty could be jail time up to one year, a fine up to \$5,000, and forfeiture of aircraft or gear used in the offense.

Should this initiative become law?

Yes ☐No ☐**LEGISLATIVE AFFAIRS AGENCY SUMMARY:**

This measure prohibits persons from shooting wolf, wolverine, fox, or lynx on the same day that the persons were airborne. This measure would not apply to persons who were airborne only on certain commercial flights. This measure allows the board of game to permit shooting of wolves from the air under certain conditions. A violation of this measure would be a misdemeanor.

FULL TEXT OF PROPOSED LAW:

Be it enacted by the people of the State of Alaska

Sec. 16.05.783. PROHIBITION OF SAME-DAY AIRBORNE HUNTING. (a) A person may not shoot or assist in shooting a free-ranging wolf, wolverine, fox, or lynx the same day that a person has been airborne. However, the board of game may authorize a wolf control program involving the shooting of wolves from the air if

- (1) the Commissioner of Fish and Game makes written findings based on adequate data demonstrating that a biological emergency exists and that there is no feasible solution other than airborne control to eliminate the biological emergency, and
- (2) the program is conducted only by Department of Fish and Game personnel
- (3) the program is limited to the specific geographical area where the biological

100 General Ballot Measures

enforcement of federal marijuana laws governing marijuana-related acts. This would cripple federal investigations of money laundering, racketeering, drug smuggling and drug dealing, making Alaska a major gateway for the U.S. drug trade.

- o Require the Legislature, Governor, and Attorney General to challenge federal marijuana law in conflict with the initiative. This will put Alaska in opposition with the federal government at a substantial cost to the State.
- o Endanger the economic, social, moral well-being and safety for all Alaskans, and send the wrong message to our young people.

This initiative is "ill-conceived and devastating" for Alaska.

Please Vote "NO" on Ballot Measure 5.

Lynda Adams
Wevley William Shea
Anchorage
907-274-0020

2000

Ballot Measure 6 - Referendum

An Act Relating to Management of Game

BALLOT LANGUAGE

Voters are asked to either approve or reject a law allowing hunters to use airplanes to land and shoot wolves on the same day they fly. The law allows any person with a hunting or trapping license to land and shoot in areas established by the Board of Game. No additional permit may be required. The law also allows the Alaska Department of Fish and Game to use agents, as well as employees, to engage in same-day airborne shooting of wolves. A yes vote rejects the law. A no vote approves the law.

SHOULD THIS LAW BE REJECTED? Yes or No

LEGISLATIVE AFFAIRS AGENCY SUMMARY

This measure refers chapter 20 of the Session Laws of Alaska for the year 2000 to Alaska voters for approval or rejection. The referred Act allows a person in certain areas identified by the state Board of Game to take a wolf on the same day that the person was airborne. Only a valid state license to hunt or trap is needed to take a wolf in those areas on the same day that the person was airborne. No other permit may be required as a prerequisite for a person to take a wolf on the same day that the person was airborne. The referred Act additionally allows agents of the state Department of Fish and Game to shoot or assist in shooting a wolf, wolverine, fox, or lynx

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 115626
 JUNEAU, AK 99811-5626
 PHONE: (907) 485-4100
 FAX: (907) 485-2332

CR
☐ Commissioner
☐ Deputy Fish
☐ Deputy Game
☐ State Asst Fish
☐ State Asst Game
☐ Legal Liaison
☐ Ocean Policy
☐ Info Officer
☐ Admin
☐ Boards
☐ CF
☐ SF
☐ Sub
☐ WC
☐ CPEC
☐ EVOS
☒ *AW*

MEMORANDUM

TO: Kym Mauseth, Program Budget Analyst
 Office of the Governor

THRU: Cristine O'Sullivan, Finance Officer *CLO*
 Division of Administrative Services

FROM: Mary Schlosser, Executive Secretary *MS*
 Office of the Commissioner

OFFICE OF
 MANAGEMENT & BUDGET

MAY 06 2008

DATE: May 6, 2008

SUBJECT: A/E from Operating to Capital

In accordance with OMB's policy effective August 22, 2003 regarding the transfer of expenditures between capital and operating appropriations, ADP&G requests approval to transfer \$30,015.89 in Commissioner's Office personal services operating expenditures to a capital project RSA appropriation funded by the Pacific Coastal Salmon Recovery Initiative / Southeast Sustainable Salmon Fund (SSSF). *11*

The Commercial Fisheries employee incorrectly charged the Commissioner's Office collocation code, and the error was found when reviewing the Commissioner's Office payroll account route charge report. The mistake in coding occurred due to a miscommunication between the employee and Commissioner's Office staff. *2*

The SSSF project appropriation has funding allocated to pay personal services costs for this project employee. If the A/E is not approved, the Commissioner's Office appropriation may be overspent and the federally-funded CIP project RSA appropriation will be understated and will not reflect the true costs of project work performed. Please see the attached SSSF Statement of Work that shows where the employee's personal services charges were intended to go. *0560*

If you have any questions, please feel free to contact me. Thank you for your consideration.

Approved:

Kym Mauseth
 Kym Mauseth, Program Budget Analyst

5-13-08
 Date

Attachment: OMB APPROVED

cc: Jeff Hoover, DAS Deputy Director
 Debbie Maas, SSSF Grant Administrator

ETHICS DISCLOSURE FORM

Notification of Receipt of Gift

COPY

To: Linda Perez, Designated Ethics Supervisor

In accordance with AS 39.52.130(b), I am providing notice of my receipt of a gift given to me or a member of my family with a value in excess of \$150.00.

Was the gift given to you because you are a state employee or a member of a state board or commission? Yes ☒ No ☐

I can take official action that may affect the person who gave me the gift.
Yes ☒ No ☐

If the answer to both of these questions is no, you do not need to report this gift. If the answer to either question is yes, or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.

The gift is TWO DAYS ACCOMMODATION ABOARD COMMERCIAL FISHING VESSEL (INCLUDING FOOD) PLUS APPROX. 30 POUNDS OF SALMON, BLACK COD HOMEPACK.
My estimate of its value is \$ 150 - 200

I received it from GEORGE COVEL CORDOVA, ALASKA

The date of receipt was MAY 18-20, 2008

I can take or withhold the following official action that affects the giver:

YES, EITHER THROUGH COMMERCIAL FISHERY MANAGEMENT ACTION, OR WITH PERMITTING OF PRINCE WILLIAM SOUND AQUACULTURE ASSOC. WHICH GEORGE COVEL IS PRESIDENT OF.
The gift was received by a member of my family ☐ Yes ☒ No

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.
May 23, 2008

Denby S. Lloyd
(Signature)

(Date)

Denby S. Lloyd

(Printed Name)

Commissioner

(Position Title)

Alaska Department of Fish and Game

(Division/Agency/Corporation/Board/Commission)

Juneau

(Location)

(Designated Ethics Supervisor)

Approved: _____ (initials)

(Date)

If action is necessary under AS 39.52.210 or AS 39.52.220 please attach explanation.

Schlosser, Mary A (DFG)

From: Leighow, Sharon W (GOV) — 269-7443
Sent: Wednesday, May 28, 2008 11:32 AM
To: Schlosser, Mary A (DFG)
Subject: polar bear science Q

COPY

Matt Zencey
257-4346

From: Zencey, Matt [mailto:MZencey@adn.com]
Sent: Wednesday, May 28, 2008 11:28 AM
To: Leighow, Sharon W (GOV)
Subject: RE: polar bear science Q

Yes, have him call. My understanding is that the state is in fact declining to disclose the scientific judgment expressed by state scientists before their judgment was passed along to policy-makers. Correct me if I'm wrong - which is most easily done by releasing the scientists unfiltered review/critique of the federal science.

Matt — 257-4346

—Original Message—

From: Leighow, Sharon W (GOV) [mailto:sharon.leighow@alaska.gov]
Sent: Wednesday, May 28, 2008 11:21 AM
To: Zencey, Matt
Subject: RE: polar bear science Q

Matt-

May I have Commissioner Lloyd call you on this? There is no science being withheld - he would be best at explaining this.

From: Zencey, Matt [mailto:MZencey@adn.com]
Sent: Tuesday, May 27, 2008 6:29 PM
To: Leighow, Sharon W (GOV)
Subject: RE: polar bear science Q

Sure - not on deadline. Not trying to spoil your evening - just trying to get a jump start on tomorrow's project. Thanks

Matt

—Original Message—

From: Leighow, Sharon W (GOV) [mailto:sharon.leighow@alaska.gov]
Sent: Tuesday, May 27, 2008 6:23 PM
To: Zencey, Matt
Subject: Re: polar bear science Q

Matt-

May I get back to you tomorrow?

—Original Message—

From: Zencey, Matt <MZencey@adn.com>

To: Leighow, Sharon W (GOV)
Sent: Tue May 27 18:15:41 2008
Subject: RE: polar bear science Q

Sharon,

Appropos of the story about Rick Steiner and his request for info about the state's analysis of the federal science behind the polar bear listing - I would like to see what the state's scientists said about it. If the governor is chosing not to release what the scientists said, I'd like to know why. Science is best done out in the open, where the work can be critiqued, no? This seems like a case where any "deliberative process" exemption should be waived in the public interest, so the public can see the science provided by the state's scientists, before the science arrived in the hands of politicians.

An open and transparent administration would release the scientists' analysis unfiltered, wouldn't it? (yes, that was an editorial statement - in case you're wondering where this is likely headed...)

Matt Zencey
257-4346

Lloyd, Denby S (DFG)

From: Lloyd, Denby S (DFG)
Sent: Wednesday, August 06, 2008 12:56 PM
To: gov.sarah@yahoo.com
Cc: Crome, Cora J (GOV); Nizich, Michael A (GOV); Leighow, Sharon W (GOV)
Subject: FW: APRN radio news sponsor spots

COPY

Governor:

We are getting some positive feedback on the department's and the Board of Game's efforts to educate the public on predator management (see email from Dick Bishop below). Pamphlet inserts appeared in the Sunday papers, and will again over the next week or so. Also, we are broadcasting a number of public service announcements on various radio stations that alert people to view our website for information on wolf control. We are not, however, staking out a position against the upcoming ballot initiative itself, although if pressed we will say that we do not support it because of its adverse impacts to our programs.

FYI, DL

*Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game
P.O. Box 115528
Juneau, AK 99811-5528
907-485-4719*

From: richard or mary bishop [mailto:rmbishop@ptialaska.net]
Sent: Tuesday, August 05, 2008 11:52 PM
To: Lloyd, Denby S (DFG); Larsen, Douglas N (DFG)
Subject: APRN radio news sponsor spots

WOW! A bullseye, I'd say. Those spots expressing ADFG commitment to hunting for food and tradition are GREAT!

Congratulations!

Dick

COPY

Lloyd, Denby S (DFG)

From: Lloyd, Denby S (DFG)
Sent: Tuesday, August 05, 2008 3:13 PM
To: Nizich, Michael A (GOV)
Cc: Crome, Cora J (GOV); Larsen, Douglas N (DFG); Barry, Timothy M (DFG); Saxby, Kevin M (LAW)
Subject: FW: Ballot Measure 2

Mike:

We became aware yesterday that the pro/con statements on Ballot Measure 2 (Initiative 05HUNT; "An Act prohibiting the shooting of wolves and grizzly bears with the use of aircraft"), that will appear in the voter information pamphlets for the upcoming primary election on August 26, are available on the Lt. Governor's Division of Elections website. See links below. Apparently the pamphlets are in the mail, for delivery this week.

The "pro" statement is attributed to Joel Bennett, one of the sponsors of 05HUNT.

The "con" statement is attributed to Wayne Regelin, Samantha Castle, and Mary Nelson. We have since found out that the text was actually prepared and submitted by PAC/West (presumably with attribution approved by the three named individuals).

The language in the con statement is unfortunate; attribution to Wayne in his previous association with the Department of Fish and Game is doubly so.

This is simply an FYI, since there apparently is no prophylactic action to take.

DL

Denby S. Lloyd
 Commissioner
 Alaska Department of Fish and Game
 P.O. Box 115520
 Juneau, AK 99811-5520
 907-465-4719

From: Schlosser, Mary A (DFG)
Sent: Monday, August 04, 2008 11:16 AM
To: Lloyd, Denby S (DFG)
Subject: RE: Ballot Measure 2

Ballot Measure 2 Pro:
http://www.elections.alaska.gov/Documents/05hunt_pro.pdf

Con:
http://www.elections.alaska.gov/Documents/05hunt_con.pdf

Best regards,
 Mary Schlosser
 Alaska Department of Fish and Game
 Office of the Commissioner

8/5/2008

239

1255 W. 8th Street / P.O. Box 115526
Juneau, AK 99811
(907) 465-6141 Fax: (907) 465-2332

A YES vote on Ballot Measure 2 would prohibit the shooting of wolves and grizzly bears from the air or by using a plane to land and shoot, as part of a predator control program, unless the Commissioner of Fish and Game determines, based on adequate data, that a biological emergency exists.

A biological emergency is defined as a condition where wolves or bears are depleting a prey population to a point that if not corrected, will cause an irreversible decline in a prey population unless control measures using aircraft are implemented.

This would restore a prohibition that an overwhelming majority of Alaskans passed by initiative in 1996, but was subsequently overturned by the legislature. We believe a majority of Alaskans still support this measure, as evidenced by the fact that 57,000 residents signed our petition, in 37 of the 40 state election districts, with strong support in both urban and rural areas.

Ballot Measure 2 is seen as a reasonable and moderate management policy that actually allows predator control using aircraft in serious cases where predators are directly responsible, but not on an ongoing basis just to inflate game populations for ever increasing numbers of hunters, when predators are not causing a biological problem. By allowing limited aircraft control measures in emergencies, rural subsistence hunting will be protected and declining game populations can be enhanced.

If Ballot Measure 2 passes, it will still remain legal to trap and hunt wolves on foot or by snow-machine. A large majority of wolves are taken by these methods at present.

The organization promoting a YES vote on Ballot Measure 2, Alaskans for Wildlife, is composed of long-term state residents who actively hunt but believe that limits on the use of aircraft for bear and wolf control are necessary because of past abuses involved with this type of shooting, enforcement difficulties and the damage done to the image of responsible game management in Alaska.

Past experience has indicated that predator control programs using aircraft can only be successful if they are scientifically justified, cost-effective and grounded in broad public acceptance. Alaska's present program is not.

Please vote YES on Ballot Measure 2. It gets rid of a bad wildlife law while sending a message to the Alaska legislature that voters meant it when they passed the measure placing serious limits on aircraft-assisted predator shooting the first time.

Joel Bennett
Author and Initiative Committee Member

Vote NO on Measure 2

Measure 2 would effectively place a permanent ban the state's aerial predator management programs and is driven by out-of-state animal rights extremists and a few misguided Alaskans. This measure is bad for Alaska for a number of reasons:

- After a winter of **aggressive wolf attacks**, now is not the time to limit the options of professional game managers
- Removing a critical wildlife management tool may force game managers to turn to **other predator management options**
- Allowing moose and caribou populations to be decimated, **punishes the subsistence hunters** who depend on them

Vote NO on Measure 2:

Let's be clear, **predator management is not hunting** and fair chase ethics do not apply. It is a **game management tool, period**. Predator management programs are only used on limited basis to restore moose and caribou populations and ensure Alaskans have adequate access to food sources. Predator management is not about eliminating all predators, when a **program's goals are reached the program is stopped**.

Vote NO on Measure 2:

Alaskans all across the state have seen or read about the killing power of wolves. Countless **dogs were stalked and killed** and even **people were threatened by wolves**. These wolf attacks were vicious and often deadly. They drive home the necessity of managing predator populations.

Vote NO on Measure 2:

The state tries to increase game populations by improving habitat, reducing hunting quotas and other means before using predator control programs. Only when these options fail does the state turn to the last resort of aerial predator management, which is conducted by private individuals with specially-issued, strictly monitored permits. By limiting predator management efforts to state employees only, this measure will force **taxpayers to pay for the extensive and increasing costs** of the programs.

Vote NO on Measure 2:

While the ballot title makes Measure 2 seem reasonable, the measure's definition of an "emergency" is so restrictive that by the time the State would be allowed to attempt to manage predator populations, it would be too late. It is a classic bait-and-switch tactic used by out-of-state extremists.

Vote NO on Measure 2:

The campaign run by the animal rights extremists supporting this measure is designed to tug at your heartstrings. Before you make your final decision, please consider these facts about Measure 2:

- **Predator management is not hunting** and is only used on a limited basis to reduce excessive predator populations
- Predator management is only used to ensure Alaskans have enough wild game to feed their families
- Without aerial predator management, game managers may turn to more extreme options

Please vote NO on Measure 2

Dr. Wayne Regelin

Former Director of Wildlife Conservation and Former Deputy Commissioner of Alaska
Department Fish & Game

Samantha Castle Kirstein

Former Alaska Board of Game Member

Mary Nelson

State Representative, Bethel

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

MEMORANDUM

TO: Daniel Saddler, Deputy Director
Boards and Commissions
Office of the Governor

FROM: Deaby S. Lloyd 
Commissioner

DATE: September 9, 2008

SUBJECT: Wood Tikchik State Park Management Council

I delegate Jason Dye to be the Alaska Department of Fish and Game (ADF&G) representative on the Wood Tikchik State Park Management Council (Council). It is important for ADFG to be on the Council because there are significant fish and wildlife resources and users within the park and they may be impacted by the park management plan which the council develops.

The Council develops the management plan for the park with assistance from the ADNR and monitors implementation of the plan. The Council consists of 7 members appointed by the Governor - 4 local village members, 1 Bristol Bay Native Association member, 1 ADNR member, and 1 ADF&G member. They meet approximately 3 times per year.

The seat was most recently vacated by Charlotte Westing (former Division of Commercial Fisheries Bristol Bay Assistant Area Management Biologist) and Mr. Dye has volunteered to be seated as the next ADF&G representative - being the Division of Sport Fish Area Management Biologist Mr. Dye would provide valuable input into the development and implementation of the management plan.

Thank you for your time.

cc: Charlie Swanton, Director, Division of Sport Fish, ADF&G
Jim Hasbrouck, Regional Supervisor, Division of Sport Fish, ADF&G
Jason Dye, Fishery Biologist III, Division of Sport Fish, ADF&G
William Berkahn, Parks Ranger II, Alaska Department of Natural Resources