

Alaska State Legislature

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Chair House Fisheries
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REPRESENTATIVE LOUISE STUTES

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Date: July 8, 2026

To: Senator Elvi Gray-Jackson
Chair, Legislative Budget & Audit Committee

From: Representative Louise Stutes
Chair, House Fisheries Committee

Re: Audit Request, Board of Fisheries' Regulatory Process

Dear Chair Gray-Jackson and Members of the Committee,

The Alaska Board of Fisheries (Board) sets policy and develops regulations for the management and allocation of the State's fishery resources. This is a monumental task that is critical to the lives, livelihoods, and way of life for countless Alaskans. The Board's regulatory framework is, by law, a transparent process that considers input from the public, advisory committees, the Department of Fish and Game, and other stakeholders. In carrying out its responsibilities, the Board must comply with the Executive Branch Ethics Act, the Administrative Procedure Act, as well as other applicable laws, regulations, and policies.

In recent years, the Board's regulatory actions have been increasingly characterized as lacking transparency, unethical, and/or unlawful. One such concern is the inappropriate influence, including voting, by Board members with ethical impairments. This is clearly exemplified by the Attorney General recently striking down five Area M fishery regulations passed by the Board this last February due to ethical violations during the regulation setting process.

Recent stakeholder concerns with the Board's actions include, but are not limited to, ethics violations by Board members, agenda change requests being accepted that do not meet the criteria outlined in regulations, substitute language that substantially alters the impact and/or intent of a proposal being introduced and adopted without opportunity for public comment, out-of-cycle and/or allocative Board generated proposals, poor public process, and much more.

The breadth and frequency of stakeholder complaints about the Board's process make it clear the Board has lost the public's trust. As Chair of the House Fisheries Committee, I am compelled to act. To help right the proverbial ship, I am requesting an audit of the Board's regulatory process.

***Audit start date amended to October 12th by unanimous consent of the committee ***

The audit should cover ~~November 28th~~, 2023 through July 1st, 2026 and include the following objectives:

- Determine whether the Board considered regulatory proposals in accordance with fisheries statutes and regulations.
- Determine whether the Board considered regulatory proposals in accordance with the Administrative Procedure Act, including but not limited to, public notice/comment requirements for regulatory changes and substitute language that has been introduced and adopted during the meeting and after public comment has concluded.
- Determine whether agenda change requests (out-of-cycle proposals) were accepted and considered by the Board as outlined in regulation.
- Determine whether emergency petitions (out-of-cycle proposals) were accepted and considered by the Board in accordance with the Administrative Procedure Act, regulations, and formal Board policies specific to consideration of the emergency petition.
- Determine whether Board-generated proposals have been introduced and considered in accordance with formal Board policies.
- Determine whether the Board's regulatory process has operated in a transparent manner and/or provided adequate notice and opportunity for public comment on the regulatory changes that were adopted.
- Determine whether Board members have complied with the Executive Branch Ethics Act.
- Evaluate other related areas of concern the Legislative Auditor identifies during the audit.

Thank you for your consideration. Please contact me if you have any questions or need further information regarding this audit request.

Sincerely,

A handwritten signature in cursive script that reads "Louise Stutes".

Representative Louise Stutes
Chair, House Special Committee on Fisheries
House District 5 - Kodiak, Cordova & Seward