

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL COURT AT KENAI

KENNETH MANNING)
)
 Plaintiff,)
 v.)
)
 STATE OF ALASKA, DEPARTMENT OF) 3KN-09-178CI
 FISH AND GAME)
)
 Defendant.)

STATE OF ALASKA)
)ss.
 THIRD JUDICIAL DISTRICT)

SECOND AFFIDAVIT OF KURT KAMLETZ

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

Kurt Kamletz, under oath, states as follows:

1. I am the Permit Hunt Administrator for the State of Alaska's hunt permitting system, and am employed by the Alaska Department of Fish and Game, Division of Wildlife Conservation. I have personal knowledge of all the facts set forth herein.

2. Among my duties, I monitor and am the custodian of the records and data relating to the state hunting permit application, award, and delivery process. I supervise an office of seven full-time employees who are responsible for this aspect of Alaska's game management.

3. After every spring meeting of the Alaska Board of Game, hunting permit supplements and application forms are produced by the Alaska Department of Fish & Game. Drawing, Tier I, and Tier II permit hunt information supplements and application forms must be printed and distributed statewide in time for the start of the application period on November 1st. The Tier I and II Permit Hunt Supplement contains instructions on how to apply for Tier I and Tier II hunts; how each question is scored and the number of points an applicant may receive, based on actions taken at the Board of Game meetings. This document contains descriptions of all the hunts, areas, bag limits, season dates and hunt conditions pertaining to Tier I and Tier II hunts occurring during the next regulatory year, which begins July 1st. The Tier I and Tier II Permit Hunt Supplement also informs the public of the dates for announcing successful applicants and the dates for appealing Tier II allocation decisions.

4. The Alaska Board of Game establishes the rules governing the Tier II subsistence hunting permit point system by regulation (5 AAC 92.070). The Tier I and Tier II Permit Hunt supplement and application forms already published and distributed for 2010 set forth the basis for scoring for all questions, including the Unit 13 Tier I hunt adopted by the Board of Game during its March 2009 meeting.

5. The permit application period for all hunts opened November 1st 2009, with an application deadline of December 31st 2009. Applications postmarked on or before December 15th and received before December 29th are processed and scored. In

years when Tier II Unit 13 Caribou have been involved, the Information Management Program typically received between 10,000 and 12,000 applications for subsistence permit hunts each spring and approximately 70 – 80 percent arrived at the close of the application period. Of those 10,000 to 12,000 subsistence applications received annually over 75 percent were for Unit 13 caribou and moose hunts.

6. As applications are received they are stamped with a tracking number. Applications are then batched into groups and each group imaged. Data is electronically captured from the images and initially verified. Once verified, the batch is exported to the database. This process is repeated for every batch.

7. In the next step, applications are checked in a quality assurance stage. Applications that do not pass initial data quality assurance tests are flagged for review. Applications found to contain false information are voided. Individuals are matched across applications to ensure that the number of permits issued to households and individuals does not exceed limits established by the Board of Game.

8. Applications are loaded into a computer program designed by Information Management Analyst/Programmers to score and rank Tier II applications following the regulations adopted by the Board of Game. The process from receipt of applications through application scoring takes approximately three to four weeks from the end of the application period on December 31st. The awarding of permits may take

an additional five to seven days. After the final checks are completed, a list of successful applicants is posted to the Department of Fish & Game website and released to newspapers statewide. The release of information on successful applicants occurred on or about April 9th. Permits must be printed and mailed to all successful applicants prior to the beginning of the hunting season.

9. After the list of successful applicants is made public, applicants who feel there was an error in processing their application may appeal the decision to the Permit Hunt Administrator. The applicant has 20 days to appeal the decision. The appeal period begins after the list of successful applicants is made public, or during the dates published in the Tier I and Tier II Hunt Permit Supplement. The Permit Hunt Administrator then has seven days to provide a written response to an applicant's appeal. The applicant then has seven days, after the Permit Hunt Administrator has mailed his decision to the applicant, to appeal to the Commissioner of the Department of Fish & Game.

10. Since subsistence hunting for Unit 13 caribou begins on August 10th, any delay in the systems or procedures used to allocate and distribute subsistence hunting permits will result in a loss of hunting opportunities for subsistence hunters. If a decision is applied to the current Tier I permitting process it will disrupt and undermine the allocation process already completed for 2010-11.

11. Unlike past situations involving last-minute court actions, to comply with the decision in the captioned case we would not be able to rely on applications and

permit hunt supplements that have already been printed, distributed, and processed by Information Management. Because no Tier II hunt for Unit 13 caribou was contemplated for this year, we would be required to reinitiate the application period, starting from the beginning. To accommodate this, the department would face the following circumstances and consequences :

- The modifications that have been made to accommodate the new Tier I application process would have to be removed from our databases and data entry system and would need to be modified to accept a Tier II application. This could be accomplished in about two days.
- Tier II applications would need to be printing and redistributed. Depending on how the Board of Game decides to structure the questions, this would require approximately one to three days to design and test the form and data imaging template.
- Printing the Tier II applications and supplements will require at least two to three days of time. The time to distribute the applications and supplements is approximately four to nine days. Some rural communities have infrequent mail service and may experience longer delays, which would decrease the amount of time available for residents of those communities to complete and return their Tier II applications.
- The application period would have to be a minimum of one week. Based on past experience, an additional ten days after the end of this application period is required to allow for mail-in applications to be received in our office.
- Each batch of 50 applications takes approximately 45 minutes to enter into the computer, with an additional 15 minutes to verify the data and complete the quality assurance checks. All of this must be completed before the batch can be forwarded to the scoring and permit allocation portion of our processing. If only 5,000 mail-in applications are received for Unit 13 Tier II hunts, an additional 100 hours of work would be required just to enter them into the computer database.
- Over the last two years we have implemented an imaging/data capture system that has increased the efficiency of our current staff. Unfortunately we only have two workstations licensed for this software. Even adding additional staff would not decrease the amount of time necessary to accurately process these applications.

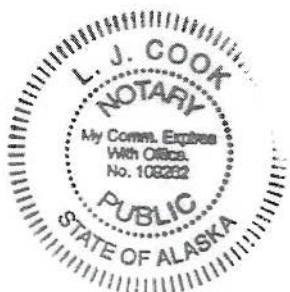
- A minimum of one day is required to load mail-in and electronic Tier II application records into the Tier II database. The person matching and final scoring of loaded Tier II applications would require an additional week of time.
- In summary, even if a Tier II application and scoring process is expedited to the maximum extent reasonably possible, leaving only one week for applications to be submitted, and assuming all events occur without problems or delays, approximately 50 days is necessary for the process to reach the point where actual scoring may be done and permittees may be identified. Any time necessary for permit distribution and appeals of permit scoring, etc., must be added to this minimum estimate.

12. According to our records, Mr. Manning qualified for a Tier I Nelchina caribou hunting permit for the 2010-2011 regulatory year.

Further, affiant sayeth naught.

Kurt Kamletz 7/20/10
Kurt Kamletz Dated

SUBSCRIBED AND SWORN TO before me this 20 day of July, 2010.



L. J. Cook
Notary Public, State of Alaska
My commission expires with office