


# MEMORANDUM

STATE OF ALASKA

*Department of Law*

To: Glenn Haight  
Executive Director  
Alaska Board of Fisheries

From: Mike Mitchell   
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Date: January 2, 2014

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Subject: **Comments on Proposals for  
2014 Board of Fisheries  
Meeting on Kodiak Finfish**

The Department of Law has the following comments on the proposals to be considered by the Board of Fisheries at its January 7-10, 2013 meeting on regulations for Kodiak finfish fisheries.

**Proposals 43-45:** An element of each of these three proposals is to require 100% onboard observer coverage in state-waters groundfish trawl fisheries in the Chignik, Kodiak, and Cook Inlet Area. Before adopting such provisions, the Board would need to make the written findings listed in AS 16.05.251(a)(13), which states:

(a) The Board of Fisheries may adopt regulations it considers advisable....

...

(13) requiring, in a fishery, observers on board fishing vessels... after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission....

Past findings for shellfish onboard observer programs are found in 5 AAC 39.645, which provides a good template for new observer findings.