



Alaska Department of Fish and Game

Board of Fisheries

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ALASKA BOARD OF FISHERIES

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5 AAC 96.625. Joint Board Petition Policy

- (a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190 - 44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.
- (b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees and to other interested individuals.
- (c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.
- (d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.
- (e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.
- (f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or subsistence fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

History Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

~DRAFT~

ALASKA BOARD OF FISHERIES

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide Alaska Board of Fisheries (board) members when deliberating on whether or not to develop a board-generated proposal. The board will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, allocation concerns, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for escapement objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Approved: January 20, 2013
Vote: 6-0
Anchorage, Alaska

Karl Johnstone, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES**OPERATING PROCEDURES
POLICY FOR WRITTEN PUBLIC COMMENT**


Any person may comment on the regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written public comments limited to no more than 100 single sided or 50 double sided pages to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094, so that the comments are received as a public comment (PC) no later than two weeks prior to the meeting during which the topic will be considered. Prior to the public comment deadline or unless otherwise specified for a particular meeting in a published notice, written public comments over 100 single sided or 50 double sided pages in length from any one individual or group relating to proposals at any one meeting will not be accepted.

Written public comments limited to 10 single sided or 5 double sided pages in length from any one individual or group will be accepted after the two-week deadline as a record copy (RC), but will not be inserted in board member workbooks until the beginning of the meeting, and will only be accepted until the Board begins deliberation of proposals.

NEW PUBLIC COMMENT STANDARD: Once deliberation of proposals begin at a board meeting, the board will **ONLY** accept written public comments that are not more than five single-sided pages, or the equivalent double-sided pages, unless specific information is requested by the Board that requires more pages than allowed under this standard.

During the meeting written public comments from any one individual or group may be submitted by hand delivery at any time if 25 copies are provided; but, as a practical matter comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Adopted: October 10, 2012
Vote: 4-3
Anchorage, Alaska

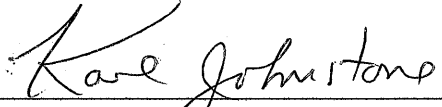

Karl Johnstone, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES

OPERATING PROCEDURES
MOTION TO RECONSIDER

1. Only a board member who voted on the prevailing side of the original issue can move to reconsider a vote.
2. A motion to reconsider must be supported by a presentation of new evidence that was not before the board at the time the original vote was taken.
3. A board member who wishes to reconsider any vote must provide written notice to the chairman or notice on the record of his or her intent to move for reconsideration no later than 24 hours after the vote on the issue that reconsideration is requested. Failure to provide timely notice, either in writing or on the record, will preclude any member from moving to reconsider an earlier vote.
4. After receiving timely notice from a board member of his or her desire to reconsider a previous vote, the chair shall set a time and date to hear the motion to reconsider.

Adopted: October 10, 2012
Vote: 5-2
Anchorage, Alaska


Karl Johnstone, Chairman
Alaska Board of Fisheries

**ALASKA BOARD OF FISHERIES
DELEGATION OF AUTHORITY TO
CORRECT ERRORS OR OMISSIONS IN REGULATIONS AND TO
REFORMAT AND RENAME CHAPTERS WITHIN ALASKA ADMINISTRATIVE
CODE**

2006-250-FB
(Replaces Finding 99-192-FB)

The Board of Fisheries ("board") makes the following findings:

1. The board characteristically adopts numerous regulations during the course of any year.
2. Many of the regulations adopted by the board are highly complex and interrelated with other regulations already in effect.
3. In view of the volume of regulatory proposals considered by the board at each meeting, it is impossible to prevent occasional ambiguities, inconsistencies, errors or omissions, or other technical shortcomings in regulations adopted by the board. Such deficiencies in regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented or result in other consequences not desired by the board. Technical deficiencies may include some or all of the following items; formatting problems; typographical errors or inadvertent errors made during publication; conflicting regulations; lack of definition of terms and modification of terminology to reflect changes in technology.
4. As a result of the volume of regulations considered by the Board and the compressed timeline for getting regulations into place, errors or omissions, such as incorrect phrasing of Board conceptual regulatory language and failure to fully capture all amendments to a proposal in final regulatory language, do happen in the course of regulatory writing during a board cycle, and the board recognizes the need to correct such problems to make the regulations consistent with board's original intent.
5. It is impractical, unnecessary, and contrary to the public interest to initiate action by the full board to correct such errors or omissions, or address reformatting and renaming chapters within the Alaska Administrative code.
6. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies and errors and omissions in the regulations as a result of daily administration of Title 16 of the Alaska Statutes and Title 5 AAC regulations adopted by the board.

THEREFORE THE BOARD RESOLVES that in hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.258 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:

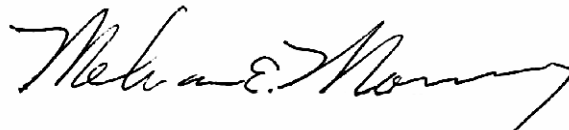
A. The commissioner may adopt, in accordance with the Administrative procedure Act (AS 44.62), permanent or emergency regulations, designated to eliminate inconsistencies, ambiguities, errors or omissions, or other technical deficiencies in existing regulations of the board.

B. The commissioner may reopen board regulatory projects after filing of the original regulations, and may sign a new adoption order reflecting the board's adoption of the regulations, within the current or previous board cycle, when through administrative error, the regulations are not correctly reflected in the administrative code. The commissioner may make such corrections in the regulations so long as they continue to be consistent with the board's original intent, as explained in the record of the board's proceedings.

C. All regulatory changes adopted by the commissioner under this delegation must be consistent with the expressions of the board's intent at the time it adopted the regulation to be corrected. Regulatory amendments that would result in a significant, substantive amendment or addition to existing board regulations that are not clearly manifest in the board's record, may not be adopted by the commissioner under the authority of this delegation and will require a separate delegation or direct board action.

D. This resolution replaces Finding 99-192-FB.

E. This delegation of authority shall remain in effect until revoked by the board.



Mel Morris, Chairman
Alaska Board of Fisheries

Adopted: 12/13/2006
Dillingham, AK

VOTE: 6-0-1 (Andrews absent)

**ALASKA BOARD OF FISHERIES
POLICY ON EMERGENCY PETITION PROCESS
#2000-203- BOF**

The Board of Fisheries often receives petitions for emergency changes to its regulations during times of the year when it is not meeting and no meeting is scheduled within the next 30 days. The Alaska Administrative Procedures Act (APA) requires that the Board shall, within 30 days of receipt of a petition, deny the petition in writing or schedule the matter for public hearing. AS 44.62.230. 5 AAC 96.625(f) establishes criteria for acceptance or denial of an emergency petition, but it does not establish the procedure the Board will go through to address the petition. This policy lays out the procedure that the Board will follow upon receipt of a petition for an emergency change to its regulations.

If the Board is in session or scheduled to meet within 30 days of receipt of an emergency petition, the executive director will schedule the petition for consideration by the Board on the agenda of the current or upcoming meeting.

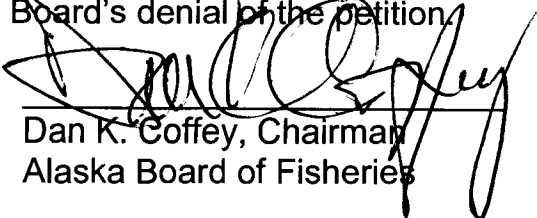
If the Board is not in session and is not scheduled to meet within 30 days of receipt of an emergency petition, the executive director will transmit to each Board member a copy of the petition, a cover memo in the form attached to this policy, and any information furnished by the Alaska Department of Fish and Game in response to the petition. After reviewing this information, each Board member will, on the cover memo, indicate his or her vote to deny the petition or schedule a special meeting for Board consideration and possible adoption of the petition, date and sign the document, and return it to the executive director as soon as practicable.

Pursuant to AS 16.05.310, if two or more Board members vote in favor of a special meeting to consider the emergency petition, then the executive director will, after consultation with the Board chair and members, schedule a public meeting of the Board at which it will consider acceptance or denial of the petition.

If two or more Board members do not vote in favor of a special meeting, the petition will be considered denied, and the executive director will write a letter to the petitioner indicating the Board's denial of the petition.

ADOPTED: November 5, 2000
Anchorage, Alaska

VOTE: 7 - 0



Dan K. Coffey, Chairman
Alaska Board of Fisheries

PROCEDURES FOR BOARD OF FISHERIES MEETING COMMITTEES

#2000-200-FB

INTRODUCTION

The description of the processes in this Memorandum are applicable to Board committees that meet during a regulatory Board meeting. They are not applicable to the Board's standing committees and task forces that conduct business throughout the year on number matters. Examples of standing committees are the Joint Protocol Committee that works with the North Pacific Fishery Management Council and the Legislative Committee that is responsible for all matters before the Alaska State Legislature.

The meeting committees consist of Board members only. Members of the public who participate in the committee process are advisers to the committee, but are not committee members themselves. Advisory committee representatives are ex-officio members of any advisory panel to any committee with which they wish to serve.

DESCRIPTION OF THE COMMITTEE PROCESS

The committee formation process for each regulatory year will commence shortly after proposals for that regulatory year are received and compiled. Appropriate department staff, working with Board members assigned by the Chair, will group and preliminarily assign proposals, grouped by appropriate topic, to committees for each scheduled regulatory meeting during the year. Proposal roadmaps will likewise be developed that mesh with committee proposal groupings. Preliminary staff assignments for committees will also be considered during the initial proposal review.

At its work session each fall, the Board will evaluate and provide further refinement to the draft roadmaps and preliminary committee organization and assignments. Board member responsibilities for and assignments to committees will be determined at the fall work session. The goal is to have all committee structures, including Board member and staff assignments, completed before the respective regulatory meeting occurs. Committee roadmaps with Board member assignments will be distributed to the public after the fall work session. The roadmaps and the committee assignments are subject to change in the face of unforeseen circumstances or changed conditions.

COMMITTEE PROCEDURES DURING REGULATORY MEETINGS

The practices and procedures to which committees will attempt to adhere during Board regulatory meetings are as follows:

1. Early during each regulatory meeting the Board Chair will provide a brief description of how the committee system works and will further direct the public's attention to the location of a posted committee roadmap and committee assignments. The Chair will also announce that a copy of the Board's Policy Statement and this procedural description on the role of committees is available from the Board's Executive Director upon request.
2. Board committees consist solely of Board members appointed by the Board Chair. Advisory committee representatives and public panel participants are not committee members, but rather are advisors to the committee. Department staff as well as other state and federal agencies staff will provide technical assistance to committees.
 - A) Public panel participants are generally stakeholders in the fisheries under consideration. They may be CFEC permit holders, crewmen, processors, executive directors of associations, and private citizens.
 - B) A Board member will serve as a chairperson for each committee.
 - C) The Board Chair will announce the location and time of all committee meetings.
 - D) All committee meetings are open to anyone that desires to attend, although participation is limited to the advisory committee representatives, the public panel participants, the technical advisors, the department staff and the committee members.
3. Individuals that desire to serve as public panel participants to any committee should make their availability known to the chair of the respective committee. Willingness to serve can be expressed by personal contact with a committee chair or during presentation of formal oral testimony. Committee chairs are to keep a list of prospective public panel participants

during the course of the meeting.

A) Attendance at the Board meeting during the presentation of staff reports and presentation of oral testimony is generally a prerequisite to serving as a public panel participant to a committee at most meetings. This requirement will be most prevalent at meetings having high levels of attendance.

B) Advisory Committee representatives are ex-officio members of all public panels to all committees and may move between committees as they choose.

4. At the conclusion of public testimony, the chair of the respective committees will develop a preliminary list of public panel participants. The goal of the selection process will be to insure, as far as practicable, that there is appropriate and balanced representation of fishery interests on all committees. Tentative assignments will be reviewed by the Board as a whole and then posted for public review. After public review the Board Chair, in session on the record, will ask the public for concurrence or objections to the panel membership. Reasonable adjustments to membership on public panels will be accommodated.

5. Parliamentary procedures for committee work will follow the "New England Town Meeting" style. Public panel participants, upon being recognized by the committee chair, may provide comments, ask questions of other public panel members, ADF&G staff or the committee members or may otherwise discuss the issues assigned to a committee. Committee chairs will attempt to manage meetings in a manner that encourages exchange of ideas, solutions to complex issues and resolution of misunderstandings. Participants are required to engage in reasonable and courteous dialogue between themselves, Board committee members and with ADF&G staff. Committee meetings are intended to provide opportunities for additional information gathering and sometimes for dispute resolution. Committees are not a forum for emotional debate nor a platform for repeating information already received through public testimony and the written record. Department staff will be assigned to each committee to keep notes of discussions and consensuses reached, if any.

A) Formal votes will not normally be taken by the committees, but proposals or management plans that

receive public panel consensus, either negative or positive, will be noted in the committee report.

B) The committee process, in the absence of consensus will attempt to bring greater clarity to individual proposals and to complex conservation or allocation concerns.

6. Advisory Committee representatives serving on public panels are not constrained to merely presenting the official positions of their Advisory Committee (as is required while providing public testimony). When participating in the committee process, Advisory Committee representatives may express both the official positions of their committee as well as their personal views on issues not acted upon or discussed by their Advisory Committee. They must, however, identify which of the two positions they are stating. The Board recognizes Advisory Committee representatives as knowledgeable fisheries leaders who have a sense of their community's position on issues that come before the Board. Therefore, the Board believes that Advisory Committee representatives must be able to function freely during committee meetings.

7. After a committee has completed its work with its public panel, the committee chair will prepare a report with assistance from other members of the committee and department staff. The format of this report, which becomes part of the public record, is attached to this policy. The primary purpose of a committee report is to inform the full Board of the committee work in synopsis form. The report will additionally serve as a compilation index to Advisory Committee, public and staff written materials (record copies, public comments and staff reports) relative to the proposals assigned to the respective committees. Committee reports will be clear, concise, and in all cases, will attempt to emphasize "new information" that became available during the committee process, i.e., information that had not previously been presented to the full Board in oral or written form.

A) In order to provide focus, committee reports should include recommendations relative to most proposals.

B) If a committee has developed a proposal to replace or modify an existing proposal, the substitute proposal should be prepared and attached the to

committee report.

- C) Committee reports will not include recommendations for proposals when such recommendations will predetermine the ultimate fate of the proposal. For example, when the full Board consists of six or few voting members (because of absence, abstention or conflict of interest) a committee of three should not provide a negative recommendation on a proposal.
8. Committee reports will be made available to the public in attendance at the meeting prior to the Board beginning deliberations on proposals. The Board Chair will publicly announce when reports are expected to be available for review by members of the public. The public will be encouraged to provide written comments to the Board (submittal of record copies) regarding the content of the committee reports and/or to personally contact Board members to discuss the reports.
- A) The Board Chair will provide sufficient time between release of committee reports and deliberations for the preparation of written comments or for verbal communications with individual Board members to occur.
9. Board deliberations will begin after the full Board has had time to review committee reports, after the public in attendance has had an opportunity to respond to the reports, and after the full Board has had an opportunity to review the public's comments made in response to the committee reports. During the course of deliberations, committee chairs will present their committee's report and initially will lead the discussion relative to proposals assigned to their committee.
10. The full Board shall be involved in the debate or discussion of all proposals and will make regulatory decisions based on all information received to the record, including information from committees.

Adopted by the Board in Anchorage on March 23, 2000.

Vote: 6-0-1
(Miller absent)


Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES
POLICY STATEMENT

Policy for Formation and Role of Committees at Board Meetings

#2000-199-FB

INTRODUCTION

During the past three (3) years, in response to its workload and in a desire to increase public participation, the Board has employed a committee process during the course of its meetings throughout the state of Alaska. This committee process has changed and developed over these three years in response public and department comments and the experiences of the Board in using the committee process.

It is expected that this process will continue to evolve as the needs of the public, the Board and the Department continue to evolve. As such, the committee process is meant to be dynamic and flexible. However, despite the expected future refinements, now that the committee process has been through a three-year Board cycle, it is appropriate for the Board to consider formal adoption of a Policy Statement on the Board committee process.

The Board recognizes that the public relies on the predictability of the regulatory process. The purpose of adopting this Policy Statement and the attached description of the committee process is to place the committee process in the records of the Board. Thus, the adoption of this Policy Statement will define the purpose, the formation and the role of Board committees. Over time, all participants in the Board process can be knowledgeable and effective participants before the Board of Fisheries.

DISCUSSION

A major strength of the Board committee process lies in its broad-based public participation format. To accommodate greater levels of public involvement, to enable the Board to receive and utilize the volume of information presented to it and to effectively handle the increased number of proposals seeking regulatory changes, the Board has found it desirable to create internal Board committees. The Board has found that these committees allow the Board to complete its work timely and effectively, with full consideration of the content and purpose of the many proposals before it each year.

The Board considers the use of committees as an expansion of its traditional processes; not as a replacement for such long-standing information gathering activities as staff and advisory committee reports, public testimony, written comments or informal contacts between Board members and the public. The Board committees are intended to enhance the process, not become a substitute for existing process.

While the committee process, of necessity, involves less than the full Board, nothing about the committee process is intended to, or has the consequence of, replacing the judgment of the full Board on all proposals before it at any regulatory meeting. The Board has taken steps to insure that its committees do not dictate/direct the outcome of any vote on any proposal. These steps include limiting participation by Board members to less than the number of Board members necessary to determine the outcome of the vote on any proposal. In addition, Board committees avoid predetermining the outcome by organizing the written materials presented to the Board so that they are readily available for review by the full Board, by presenting detailed reports on the committee's work and by fostering and encouraging debate during the deliberative process.

The goals and purposes of the Board committee process include but are not limited to the following:

1. Acquisition of additional detailed information from both the public and staff.
2. Providing a consensus-building forum that assists in the understanding and resolution of complex and controversial conservation, allocation, fishery resource, habitat and management issues.
3. Enhancing the interaction among the Board, the public and department staff which results in broader public understanding of the regulatory decisions of the Board and the Department's management of the fisheries.
4. Promoting efficient use of time by organizing and grouping similar proposals, reducing redundancy and organizing the huge volume of written materials provided before and during meetings by the department and the public.
5. Insuring completion of the Board's work within fiscal and temporal constraints.

The Board now finds as follows:

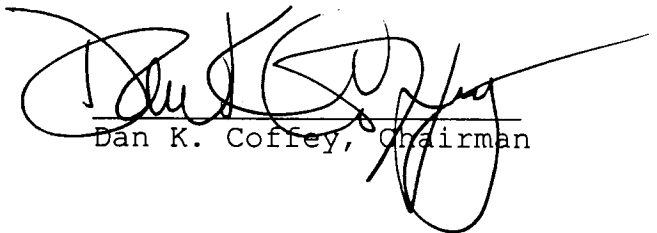
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

Based on the findings, the Board of Fisheries resolves as follows:

1. The Policy Statement is hereby adopted as the policy of the Board of Fisheries.
2. The description of the committee process attached to this Policy Statement will be followed, in most circumstances, by the Board during the course of its regulatory meetings, subject always to the exceptional circumstance as determined by the Board.
3. The committee process is intended to be dynamic and flexible to meet the needs of the public, the Board and the Department. Thus, this Policy Statement and the attached description of the committee process are subject to ongoing review and amendment by the Board.

DATED at Anchorage, Alaska this 23rd day of March, 2000.

Vote
(Miller Absent)



Dan K. Coffey, Chairman

**ALASKA BOARD OF FISHERIES
POLICY ON WRITTEN FINDINGS FOR ADOPTION OF REGULATIONS
99 - 184 - BOF**

Generally, written findings explaining the reasons for the Board of Fisheries' regulatory actions governing Alaska's fisheries are not required by law. The Alaska Supreme Court has specifically held that decisional documents are not required where an agency exercises its rulemaking authority. *Tongass Sport Fishing Association v. State*, 866 P.2d 1314, 1319 (Alaska 1994). "Adoption of a decisional document requirement is unnecessary and would impose significant burdens upon the Board." *Id.* The Board recognizes, however, its responsibility to "clearly voice the grounds" upon which its regulations are based in discussions on the record during meetings so that its regulatory decisions reflect reasoned decision-making. *Id.* The Board also recognizes that there may be times when findings are appropriate to explain regulatory actions that do not result in adoption of a regulation.

Even though written findings are generally not a legal requirement, the Board recognizes that there are certain situations where findings are, in fact, legally required or advisable or where findings would be useful to the public, the Department of Fish and Game, or even the Board itself. The Board will, therefore, issue written findings explaining its reasons for regulatory actions in the following circumstances:

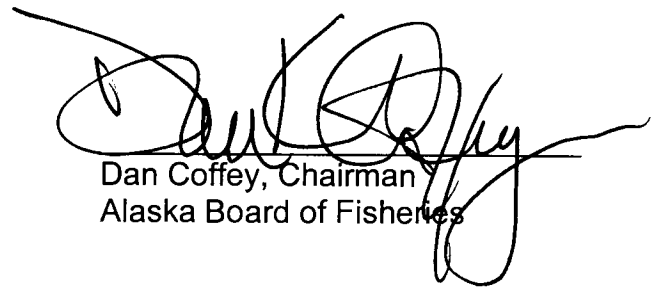
1. The Board will provide written explanations of the reasons for its decisions concerning management of crab fisheries that are governed by the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs as required by that plan.
2. The Board will, in its discretion and in consultation with the Department of Law, provide written findings for regulatory decisions regarding issues that are either already the subject of litigation or are controversial enough that litigation is likely.
3. The Board will, in its discretion, provide written findings for regulatory actions where the issues are complex enough that findings may be useful to the public in understanding the regulation, to the department in interpreting and implementing the regulation, or to the Board in reviewing the regulation in the future.
4. The Board will, in its discretion, provide written findings for regulatory actions where its reasons for acting are otherwise likely to be misconstrued by the public, the legislature, or other state or federal agencies.

The chair will assign responsibility for drafting written findings to board committees, individual board members, department staff (with division director approval), or others, as appropriate for the circumstances.

Written findings must be approved by a majority of the full Board membership. Approval may be by a vote on the record at a Board meeting or by individual signatures of Board members upon circulation of a written finding. Only those Board members that participated in the regulatory decision will be eligible to vote on the findings for that regulatory decision. Board members are not required to vote for or against adoption of findings based on their individual vote on the underlying regulatory decision. A Board member who votes in favor of the regulatory decision may vote against adoption of the findings; a Board member who votes in opposition to a regulatory action may, nevertheless, vote for adoption of the written findings.

Written findings adopted by the Board will be numbered according to year and sequence of adoption. The executive director will maintain copies of all Board findings and make them available for review by the Board, department, and the public.

ADOPTED: 10/27, 1999
Fairbanks, Alaska



Dan Coffey, Chairman
Alaska Board of Fisheries

VOTE: 7/0

ALASKA BOARD OF FISHERIES

ALLOCATION CRITERIA

The Alaska Supreme Court recently issued a decision, Peninsula Marketing Association vs. State (Opinion No. 3754; dated September 20, 1991), regarding the application of the allocation criteria found in AS 16.05.251(e). The Court interpreted the statute to require the criteria to be considered when allocating between commercial fisheries as well as among the three user groups, commercial, personal use, and sport.

Consistent with the decision of the Court, the board finds that it will utilize the following specific allocation criteria when allocating between fisheries. Note that these criteria are essentially the same as the allocative criteria specified in AS 16.05.251(e), which the board has historically used as set out in 5AAC 39.205, 5AAC 77.007, and 5AAC 75.017.

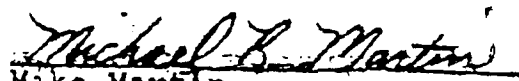
- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative fisheries resources;
- 5) the importance of each fishery to the economy of the state;
- 6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- 7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

Note that all seven (7) criteria do not necessarily apply in all allocation situations, and any particular criterion will be applied only where the board determines it is applicable.

Adopted: November 23, 1991

Vote: (Yes/No/Abstain/Absent) (5 / 0 / 0 / 2) [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn


Mike Martin
Chair
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES**ALLOCATION CRITERIA**

The Alaska Supreme Court recently issued a decision, Peninsula Marketing Association vs. State (Opinion No. 3754; dated September 20, 1991), regarding the application of the allocation criteria found in AS 16.05.251(e). The Court interpreted the statute to require the criteria to be considered when allocating between commercial fisheries as well as among the three user groups, commercial, personal use, and sport.

Consistent with the decision of the Court, the board finds that it will utilize the following specific allocation criteria when allocating between fisheries. Note that these criteria are essentially the same as the allocative criteria specified in AS 16.05.251(e), which the board has historically used as set out in 5AAC 39.205, 5AAC 77.007, and 5AAC 75.017.

- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative fisheries resources;
- 5) the importance of each fishery to the economy of the state;
- 6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- 7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

Note that all seven (7) criteria do not necessarily apply in all allocation situations, and any particular criterion will be applied only where the board determines it is applicable.

Adopted: November 23, 1991

Vote: (Yes/No/Abstain/Absent) (5/0/0/2) [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn



Mike Martin, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES STANDING RULES

As a guide, the Alaska Board of Fisheries follows the most current version of Robert's Rules of Order in the conduct of the meetings [Note that the Alaska Statutes do not require the board to use any specific parliamentary procedure]. The board has by traditional agreement varied from the written Robert's Rules of Order. Below is a partial list of these variations (known as "Standing Rules") that the board follows:

- Take No Action. Has the effect of killing a proposal or issue upon adjournment. There are two reasons for taking no action: 1) It is found that the proposal is beyond the board's authority; or 2) due to board action on a previous proposal(s).
- Tabling has the effect of postponing indefinitely (Robert's Rules of Order). One of the primary reasons the board tables a proposal/issue is to gather more information during that meeting since a tabled proposal/issue dies when that meeting session adjourns.
- One amendment at a time. As a practice, the board discourages an amendment to an amendment. This is a proper motion by Robert's Rules of Order, however the board tries to avoid the practice because of the complexities of issues.
- Do not change or reverse the intent of a proposal/issue. For example, if a proposal's intent is to restrict a particular fishery and the board wishes to close or expand the fishery, the board will not amend the original proposal. The board will defeat, table or take no action on that proposal and then develop a board generated proposal to accomplish the action they feel is needed.
- "Ruling of the Chair" or "Chair's Ruling". When the chair makes a ruling, the board members have two options; 1) accept the ruling and move on; or 2) appeal/challenge the chair's ruling. By Robert's Rules of Order, the process is as follows (When a chair's decision is appealed/challenged):

By Robert's Rules of Order, the process is as follows (when a chair's decision is appeal/challenged):

- 1) The chair makes a ruling;
- 2) A member appeals (challenges) the chair's ruling (i.e. "I appeal the decision of the chair") and it is seconded (Note: All board members present can or could appeal/challenge the ruling);
- 3) Any board member can debate the ruling and appeal/challenge (Note: By Robert's Rules the chair and the person appealing/challenging the ruling are the only two who are to debate the issue);
- 4) The question before the board is: "Shall the decision of the chair be sustained?"
- 5) After the result of the vote is announced, business resumes.

- The public depends on or expects the board members to keep an open mind on the issues before the board. To accomplish this the board will listen to and ask questions: 1) staff reports, advisory committee and regional council reports, and 2) during deliberations on the issues, listen to fellow board members points and issues. It is not conducive to soliciting public involvement if the board members express that they already have an opinion and it is up to the public or staff to "change their mind."

- Note another "Standing Rule" contained in Board of Fisheries Finding Number: 80-78-FB. This finding is regarding the Reconsideration Policy of the board.

Adopted: November 23, 1991

Vote: (Yes/No/Absent/Abstain) 5/0/2/0/ [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn

Mike Martin, Chairman
Alaska Board of Fisheries

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ALASKA BOARD OF FISHERIES

PROCEDURES FOR DELEGATIONS OF AUTHORITY

The Board of Fisheries ("board") makes the following findings:

1. AS 16.05.270 authorizes the board to delegate its authority to adopt regulations under AS 16.05.251 and AS 16.05.258 in accordance with the Administrative Procedure Act (AS 44.62), so that the Commissioner of Fish and Game may adopt regulations on behalf of the board.
2. The need for a delegation of authority most often arises where regulatory action is necessary but it is impossible or impractical to simultaneously convene the entire board, or a quorum of the board, either in person or by telephone.
3. Where regulatory action is necessary but it is impossible to convene the board, the state government may be unable to undertake any regulatory action unless a delegation of authority can be executed.
4. Neither AS 16.05 nor AS 44.62 require a formal meeting of the board in one geographical location to accomplish a delegation of authority.
5. Requiring the board to meet in one physical location or by telephone simultaneously to make a delegation of authority would largely defeat the purpose of AS 16.05.270, since a meeting of the board could eliminate the necessity for a delegation.
6. Delegations of authority have been carried out in the past using a telephone poll of board members or in the alternative, a vote by mail.
7. The type of procedure described in paragraph 6 has been utilized (in the form of notation voting) by federal agencies with the full knowledge of Congress and the approval of federal courts.


THEREFORE, THE BOARD RESOLVES that it hereby interprets AS 16.05 and AS 44.62 to permit telephone polls or mail votes for purposes of executing a delegation of authority; Provided, that in any instance where the commissioner solicits a delegation from the board, he or she shall (1) make a good faith effort to contact all board members so as to enable each of them to vote, and (2) permit board members the opportunity

to discuss the proposed delegation with other board members before voting, if they express a desire to do so; and Provided further, that nothing in this Resolution shall be construed to waive the right of any two board members to call a board meeting under AS 16.05.310.

This resolution replaces #75-2-FB.

This delegation shall remain in effect until revoked by the board.

Dated: March 13th - 1980



Gary Slaven, Chairman
Alaska Board of Fisheries

At: Anchorage, Alaska

Vote: Consensus

ALASKA BOARD OF FISHERIES
Charge to Taku King Salmon Fishery Workgroup
2005-242-FB

Purpose: The objective of the Taku King Salmon Fishery Workgroup is to develop an abundance based management plan to guide management of commercial and sport fisheries that target Taku River Chinook salmon in District 11.

Membership: The Taku King Salmon Fishery Workgroup will consist of at least two gillnetters, two trollers, two sport charter, two unguided sport, and one member of the Juneau-Douglas Advisory Committee. Board member Rupe Andrews will be the board liaison to the Taku workgroup. The Taku workgroup will be formed through the Juneau-Douglas Advisory Committee chaired by Kathy Hansen. Final membership will be submitted to the board prior to the first workgroup meeting.

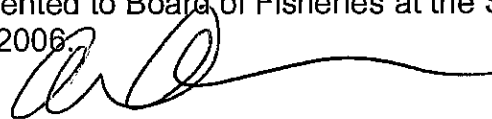
Workgroup members will attend meetings at their own expense. The Department of Fish and Game will assist the group by providing a meeting space and any requested information about the fisheries or effects of proposed regulations.

Specific issues to be considered in the management plan include:

1. Develop guidelines for the commercial gillnet and troll fisheries to harvest Taku king salmon surplus to escapement goals, at various abundance levels. Guidelines should include season opening dates and opening time for the commercial fisheries,.
2. Determine sport fishing regulations to be implemented at various abundance levels to utilize harvestable surplus of Taku king salmon. Options include bag limits, size limits, annual limits, methods and means, time and area closures, and differential regulations between charter and unguided anglers as well as residents and nonresidents.
3. Reduce conflicts between commercial and sport fisheries utilizing time and area restrictions. Guidelines for commercial fisheries should include specific days of the week openings could occur, maximum number of fishing days allowed any week, if and when a 'derby closure' should occur the week before Memorial Day, areas that should be closed and the times and dates of these closures.
4. Reduce incidental mortality of steelhead in the commercial fishery utilizing time and area restrictions, and gear modifications. Guidelines for commercial fisheries should include minimum gillnet mesh sizes allowed, and increasing closed waters around key steelhead systems.

The workgroups recommendations will be presented to Board of Fisheries at the Southeast Finfish meeting in Ketchikan, January 22-February 1, 2006.

Dated: October 13, 2005
Anchorage Alaska



Art Nelson, Chair

Vote: 6 - 0 - 1
(Andrews absent)

ALASKA BOARD OF FISHERIES
Charge to Stikine King Salmon Fishery Workgroup
2005-241-FB

Purpose: The objective of the Stikine King Salmon Fishery Workgroup is to develop an abundance based management plan to guide management of commercial and sport fisheries that target Stikine River Chinook salmon in District 8.

Membership: The Stikine King Salmon fishery Workgroup will consist of two gillnetters, two trollers, two sport charter, two unguided sport, one member from the Wrangell Advisory Committee and one member from the Petersburg Advisory Committee. The workgroup will consist of similar numbers of people from the communities of Petersburg and Wrangell selected by the board from nominations submitted through the Department of Fish and Game by each group or organization. Board member John Jensen will be the board liaison to the Stikine workgroup. Final membership will be submitted to the board prior to the first workgroup meeting.

Workgroup members will attend meetings at their own expense. The Department of Fish and Game will assist the group by providing a meeting space and any requested information about the fisheries or effects of proposed regulations.

Specific issues to be considered in the management plan include:

1. Develop guidelines for the commercial gillnet and troll fisheries to harvest Stikine king salmon surplus to escapement goals, at various abundance levels. Guidelines should include season opening dates and opening time for the commercial fisheries.
2. Determine sport fishing regulations to be implemented at various abundance levels to utilize harvestable surplus of Stikine king salmon. Options include bag limits, size limits, annual limits, methods and means, time and area closures, and differential regulations between charter and unguided anglers as well as residents and nonresidents.
3. Reduce conflicts between commercial and sport fisheries utilizing time and area restrictions. Guidelines for commercial fisheries should include specific days of the week openings could occur, maximum number of fishing days allowed any week, if and when a "derby closure" should occur the week before Memorial Day, areas that should be closed and the times and dates of these closures.
4. Reduce incidental mortality of steelhead in the commercial fishery utilizing time and area restrictions, and gear modifications. Guidelines for commercial fisheries should include minimum gillnet mesh sizes allowed, and increasing closed waters around key steelhead systems.

The workgroups recommendations will be presented to Board of Fisheries at the Southeast Finfish meeting in Ketchikan, January 22-February 1, 2006.

Dated: October 13, 2005
Girdwood, Alaska



Art Nelson, Chair

Vote: 6 - 0 - 1
(Andrews absent)

**Alaska Board of Fisheries
Charge to Sitka Spawn-on-Kelp
Open Platform Fishery Workgroup
2003-224-FB**

The objective of the Sitka Spawn-on-Kelp Open Platform Fishery Workgroup is to develop solutions to problems identified by the Board of Fisheries related to implementation of a new open platform spawn-on-kelp fishery in Sitka Sound.

Workgroup members will include two sac roe purse seine, two open platform, two closed pound, two subsistence stakeholders, and one Sitka Advisory Committee member. Workgroup members will be selected from nominations submitted to the board by each group or organization. Workgroup members will attend meetings at their own expense. Board member John Jensen will work with the group.

Specific issues identified by the board include:

- How to allocate herring and kelp at both low and high guideline harvest levels.
- Minimum threshold GHs for competitive sac roe seine and open platform fisheries.
- Number of open platforms.
- Configuration of pounds.
- Product limits versus kelp frond limits and related economic considerations.
- What stipulations should be in permit versus regulation. Refine permit requirements including fish ticket reporting requirements, when and where product is weighed, transfer of overages between pound operators, etc.
- How to deal with overages under a bag limit scenario.
- Application of kelp product to conversion rates.
- Funding issues related to fishery.
- Identify enforcement problems and develop regulatory or permit requirements to address them.
- Potential subsistence/commercial conflict.

The workgroup should report back in writing at the completion of their work, or by the October 2005 board work session.

Dated: October 3, 2003
Anchorage Alaska



Ed Dersham, Chair

Vote: 7 - 0

**MEMORANDUM OF AGREEMENT
BETWEEN THE SITKA TRIBE OF ALASKA
AND STATE OF ALASKA DEPARTMENT OF FISH AND GAME**

2003-220-FB

This MEMORANDUM OF AGREEMENT is entered into between the Sitka Tribe of Alaska, hereinafter referred to as the "Tribe", and the State of Alaska Department of Fisheries and Game, hereinafter referred to as "ADF&G". This MEMORANDUM OF AGREEMENT is further witnessed by the State of Alaska, Board of Fisheries as requested by formal motion of the Board. This Agreement serves in addition to but does not supercede existing laws, regulations, policies and agreements that recognize and enforce a subsistence priority and the unique relationship between Tribal Governments and the State of Alaska.

This Memorandum of Agreement provides the structure for collaboration between the Tribe and ADF&G to "distribute commercial harvest if necessary so that subsistence users have a reasonable opportunity to harvest" while recognizing that the "quality and quantity of herring roe on branches and herring sac roe is an important consideration in the management of subsistence and commercial fisheries." Hereinafter, "subsistence" will be referred to in this Agreement as the "customary and traditional" harvest and/or uses of herring and herring eggs.

The parties to this Agreement recognize that the Tribe, in managing Tribal affairs within the Sheet'ka Kwaan [please see attached map], has information, resources, and responsibilities beneficial to ADF&G. ADF&G, in managing natural resources within the State, has information and resources beneficial to the Tribe. Thus, the Tribe and ADF&G will consult and cooperate in the management of all commercial fisheries, hereinafter referred to as "commercial herring fisheries", occurring within the greater Sitka Sound area, understood to be the waters of Section 13-B, north of the latitude of Aspid Cape, excluding the waters of Whale and Necker Bays.

These commercial fisheries include all commercial herring fisheries existing when this document is signed and any/all commercial herring fisheries developed in the future. Additionally, the Tribe and ADF&G will collaborate on the management of the customary and traditional herring and herring egg fisheries through this document, which establishes an annual herring-monitoring program.

SECTION I: COMMUNICATION AND COLLABORATION AGREEMENT

In Section I of this Agreement, a framework is established for consultation between the Tribe and ADF&G that recognizes the unique responsibilities the Tribe has for protecting its tribal citizens and the obligations the State of Alaska has with federally recognized Tribal Governments.

A. TRIBAL CONSULTATION PROCESS

The Tribe Shall:

1. Enter into specific agreements or contracts with ADF&G and/or other parties to accomplish the agreed upon programs and projects arising from this Memorandum of Agreement.

2. Consult and collaborate with ADF&G on commercial herring fisheries management activities in the greater Sitka Sound area.
3. Forward names of tribal citizens who will participate in the annual pre-season planning meeting(s) [Section II, part A].
4. Appoint a Tribal Liaison to coordinate in-season collaborative management and data gathering [Section II, parts B and C].
5. Encourage its Council, citizens and harvesters to attend tribal meetings, local ADF&G Advisory Committee meetings, public ADF&G meetings and other forums where there is an opportunity for open communication regarding the traditional and commercial herring fisheries within the greater Sitka Sound area.
6. Prepare and provide an annual collaborative management and customary and traditional herring harvest monitoring report to ADF&G and the Board of Fisheries.

B. ADF&G CONSULTATIVE PROCESS

ADF&G Shall:

1. Make ADF&G resources and professional expertise available for the furtherance of this Agreement, subject to the applicable State laws, regulations, and ADF&G directives, for the affected area and subject to the approval by the Commissioner or designated representatives.
2. Consult with the Tribe when developing regulatory proposals for the greater Sitka Sound area herring fisheries.
3. Cooperate in the planning, implementation, and monitoring of project work undertaken pursuant to agreements or contracts arising from this Agreement.
4. Assign an ADF&G Liaison who shall be responsible for routine consultative activities between the Tribe and ADF&G.
5. Inform and invite the Sitka Tribe's appointed tribal citizens and Tribal Liaison to attend all pre-season and in-season stakeholder planning meetings [Section II, Section A].
6. Contact the Tribe prior to release of commercial guideline harvest level information to the media [Section II, part D].
7. Participate, to the extent possible, in Sitka Tribe of Alaska Council and other appropriate tribal and public meetings regarding the management of the commercial herring fisheries in the greater Sitka Sound area.
8. To the extent possible, provide technical assistance to the Tribe as it conducts the annual customary and traditional harvest-monitoring program [Section III].

SECTION II: COLLABORATIVE MANAGEMENT OF THE GREATER SITKA SOUND COMMERCIAL FISHERIES

A. PRE-SEASON MANAGEMENT

The Tribe will participate in the Sitka Herring Fisheries Pre-Season Meeting(s).

1. Each year, the Tribe will forward the names of three tribal citizens to participate in ADF&G's pre-season meetings to coordinate the annual management of the greater Sitka Sound commercial herring fisheries.

2. Tribal citizens participating in the annual meeting(s) will be empowered by the Tribe to speak on its behalf regarding pre-season planning for management of the commercial herring fisheries.
3. Tribal citizens participating in the meeting(s) will report to the Tribal Council and its citizens and will report to the Tribal Liaison prior to and during the fisheries regarding pre-season plans and in-season activities.

B. IN-SEASON MANAGEMENT

The Sitka Tribe will participate in collaborative management of the greater Sitka Sound commercial herring fisheries.

1. Prior to commercial fisheries, the Tribe shall forward the names and contact information for the Tribal Liaison, empowered by the Tribe to speak on behalf of the Tribal Council and to be the sole point of contact during greater Sitka Sound commercial fisheries.
2. Contact between the Tribal Liaison and ADF&G will occur daily or as often as needed and at minimum will occur prior to a public announcement of a commercial opening.
3. ADF&G will provide estimations of the times and locations of the day's test fishing activities to the Tribal Liaison. Observations of the previous day's test fishing will be recorded by the Tribal Liaison and will be reported to ADF&G during in-season meetings and the Tribe's annual activities report.
4. When commercial fisheries are placed on two-hour notice, ADF&G will make regular announcements on the VHF radio (Ch. 10) and the Tribal Liaison will monitor this channel.
5. During in-season meetings to determine fishery openings, the Tribal Liaison and ADF&G will consult regarding whether the proposed opening will affect customary and traditional harvesters.
6. If the Tribe concludes there is the potential for customary and traditional harvesters to be negatively impacted by the proposed opening, the Tribal Liaison will provide this conclusion and reasoning to the ADF&G Liaison verbally and in writing.
7. Following the Sitka Sound commercial herring fisheries, ADF&G will provide a written summary of the fisheries and provide this report to the Sitka Tribe.

C. DATA GATHERING

The Tribe will be involved to the extent possible with data gathering activities conducted by ADF&G to estimate the quantity, quality and distribution of herring and herring eggs in the greater Sitka Sound area used to plan and implement commercial harvest activities.

1. ADF&G will consult the Tribe during pre-season, in-season and post-season data gathering activities.
2. The Tribal Liaison, tribal biologist or other Tribal representatives may accompany ADF&G to assist in gathering data as opportunities arise. The ADF&G Liaison will contact the Tribe's in-season Liaison with dates and details concerning these opportunities.
3. Copies of ADF&G's management and stock assessment data will be made available to the Tribe. This includes, but is not limited to, cast net surveys, spawn deposition transects, and aerial maps identifying length and locations of spawning areas.

4. After ADF&G has compiled the majority of their commercial fishery management data, ADF&G and the Tribe will meet to discuss this information.

D. CONSULTATION PRIOR TO MEDIA NOTIFICATION

ADF&G's Liaison will contact the Tribe's General Manager to set a meeting with the Tribal Council prior to the release of the season's estimated and guideline commercial harvest quota information to the media.

1. A consultation meeting between the Tribe and ADF&G will be initiated by ADF&G at least one week prior to the release of the year's estimated commercial guideline harvest level to the media.
2. If agreed to by both the Tribe and ADF&G, the consultation meeting prior to the release of the guideline harvest level to the media may be accomplished through ADF&G's pre-season management planning meetings. Agreement must be requested by ADF&G and be provided by the Tribe in writing.

SECTION III: ANNUAL CUSTOMARY AND TRADITIONAL HARVEST MONITORING PROGRAM

A. IMPLEMENTATION OF A TRADITIONAL HARVEST MONITORING PROGRAM


Beginning in 2002, the Tribe and ADF&G will establish and maintain, contingent on tribal funding, an annual customary and traditional herring egg harvest-monitoring program.

1. The Tribe will collaborate with ADF&G in 2002 to create and conduct an annual customary and traditional harvest-monitoring program based on post-season surveys and interviews with local harvesters.
2. The annual harvest-monitoring program will follow standard survey sampling methodology.
3. The Tribe and ADF&G will collaboratively conduct the harvest interviews. The Tribe and ADF&G will collaboratively maintain the survey data, including a confidential list of participants and their contact information.
4. The Tribe will provide ADF&G with harvest data each year and this raw data will be analyzed by ADF&G using standard statistical techniques. ADF&G may post the survey results on their Statewide Subsistence Harvest Database but there will be no way for a user of this database to view any personal information regarding survey participant.
5. Participation in the survey is voluntary and confidential and will not serve to limit a participant's future harvest activities.
6. The Tribe and ADF&G will collaborate to improve the survey interview reporting system and survey methodology, with ADF&G providing technical consultative work and, when possible, field interview project support.
7. The Tribe and ADF&G will work to identify and pursue funding opportunities to support this important customary and traditional harvest monitoring activity. Funding pursuits include but are not limited to, project support for staff at the Tribe and ADF&G, historical and present day expanded interview projects and site-use mapping.

IV. EFFECTIVE DATE AND REVISIONS


1. The effective date of this agreement shall be from the date of the final signature.
2. This agreement is entered in good faith by the signatories and its success depends on continued mutual communication and good will. Either signatory may request a review for the purpose of modifying this agreement at any time. No revision shall be binding without the written consent of both parties.
3. A signatory may terminate its participation in this agreement by providing notice in writing 30 days in advance of the date on which its termination becomes effective.

V. SIGNATURES



For the Alaska Department of Fish and Game
Frank Rue, Commissioner


11.04.02
Date



For the Sitka Tribe of Alaska
Gilbert Truitt, Vice Chairman

NOV 4 - 2002
Date

This Memorandum of Agreement is consistent with the collaborative management and research approach regarding commercial herring fisheries and customary and traditional harvest monitoring in the greater Sitka Sound area discussed and agreed to by the Board of Fisheries in actions taken January 14, 2002.



For the State of Alaska, Board of Fish
Edward Dersham, Chairman

12/17/02
Date

**Alaska Board of Fisheries
and
Alaska Department of Fish and Game**

Joint Protocol on Salmon Enhancement
#2002-FB-215

Background: In actions taken in January 2001 and June 2002 the Alaska Board of Fisheries stated its intent to institutionalize a public forum to bring a statewide perspective to issues associated with hatchery production of salmon. Accordingly, the department and board agreed to enter into this joint protocol to coordinate department and board interaction on certain aspects of salmon hatchery policy and regulation.

Authorities: The commissioner of the Department of Fish and Game has exclusive authority to issue permits for the construction and operation of salmon hatcheries. The Board of Fisheries has clear authority to regulate access to returning hatchery salmon and to amend, by regulation, the terms of the hatchery permit relating to the source and number of salmon eggs. The Board of Fisheries' authorities also include the harvest of fish by hatchery operators and the specific locations designated by the department for harvest (see AS 16.10.440(b) and Department of Law memorandum to the board dated November 6, 1997).

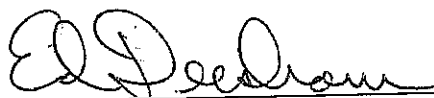
Statement of Intent: It is the intention of the commissioner of the Department of Fish and Game and the chairman of the Board of Fisheries that meetings be held on a regular basis wherein the department will update the board and the public on management, production, and research relating to Alaska's salmon enhancement program

Protocol: The joint department-board meeting on hatchery described here will take place at a mutually agreeable time and place during regularly scheduled meetings of the board. The meetings will provide a forum for open discussion on a mutually agreed upon agenda of hatchery topics. The agenda may include site-specific as well as regional or statewide hatchery issues. These salmon enhancement meetings will not be open for regulatory actions and no hatchery-related petitions or agenda change requests (ACRs) will be considered as action items. These meetings are open to the public. At its discretion and upon appropriate notice, the board may open the meeting to public comment.

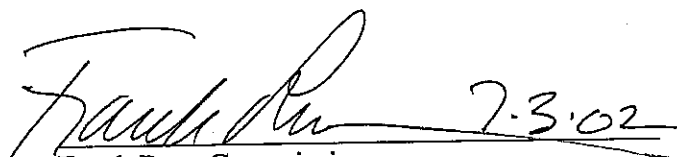
The hatchery meetings will provide an opportunity for the board and the public to receive reports from the department on hatchery issues including: production trends, management issues, updates on hatchery planning efforts, wild and hatchery stock interactions, biological considerations, and research. Requests for report from the department may be made during the board's work session during meeting years when there is a hatchery forum scheduled.

As appropriate, the board and department may agree to invite other state and federal agencies, professional societies, scientists, or industry spokespersons to attend and to contribute information on particular topics, or sponsor other discussions, such as marketing or intrastate effects.

Dated: June 28, 2002



Ed Dersham, Chairman
Alaska Board of Fisheries

 7-3-02

Frank Rue, Commissioner
Alaska Department of Fish and Game

ALASKA BOARD OF FISHERIES
CHARGE TO THE SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN TASK
FORCE
#2002 -210 - FB

PROBLEM STATEMENT: The sport fishery exceeded its 20 percent allocation in each of the two years that the Southeast Alaska King Salmon Management Plan (5AAC 47.055) has been in effect. Overages by the sport fishery were anticipated at abundance index levels of 1.1 – 1.2, and the management plan calls for these overages to be paid back in years of higher abundance. However, the magnitude of the sport overages was greater than expected and have contributed to Alaska exceeding its all-gear harvest quota established by the Pacific Salmon Treaty, as well as causing greater than anticipated reductions in the level of harvest by the commercial troll fishery.

TASK FORCE PURPOSE: The Southeast Alaska King Salmon Management Plan Task Force is established to recommend changes to the Southeast Alaska King Salmon Management Plan to accomplish the following objectives:

1. Minimize regulatory impacts on resident anglers.
2. Develop management options to reduce harvest by nonresidents and guided anglers in years of low abundance to stay within the sport allocation.

TASK FORCE MEMBERSHIP: The task force will be composed of Board Member Larry Engel and approximately ten sport fish charter operators, lodge owners, and resident anglers representing all major geographic areas of Southeast Alaska. The Alaska Department of Fish and Game will assist the task force by providing a meeting space and any requested information about the fishery or projected effects of proposed regulations. Task force members are responsible for their own travel and per diem costs.

TIMELINE:

January – March 2002

Task force meets in Juneau.

Task force (or ADF&G) submits a proposal for modification of the King Salmon Management Plan.

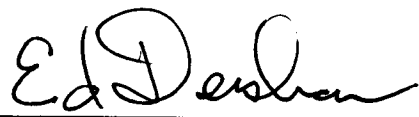
April 2002 – January 2003

Task force continues to meet via teleconference and email to finalize recommendations.

February 2003

Task force recommendations are presented to the Board of Fisheries at the Southeast Finfish meeting in Ketchikan.

Adopted: Jan 14, 2002
Anchorage, AK


Ed Dersham, Chair

VOTE: 6-0-1 absent

**Alaska Board of Fisheries
Charge to the Sitka Spawn on Kelp
Open Platform Fishery Workgroup**

The objective of the work group is to develop solutions to problems identified by the Board of Fisheries related to implementation of a new open platform spawn-on-kelp fishery in Sitka Sound.

Task Force members will include two purse seine sac roe, two open platform and two subsistence stakeholders and one Sitka advisory committee member..

Specific issues identified by the Board include:

How to allocate herring and kelp at both low (e.g., 2,000 ton) and high (greater than 5,000 tons) guideline harvest levels.

Minimum threshold/GHL's for competitive sac roe seine and open platform fisheries.

Number of open platforms.

Configuration of pounds (2,400 ft² versus 40 x 60); no larger pounds.

Bag limits versus kelp frond limits and related economic and marketing considerations.

What stipulations should be in permit versus regulation. Refine permit requirements including: fish ticket and other reporting requirements, when and where product is weighed, transfer of overages between pound operators, etc.

How to deal with overages under a bag limit scenario.

Address need to be more conservative in application of kelp product to herring conversion rates.

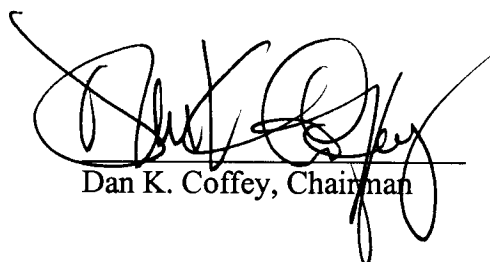
Consider a future workgroup, its participants, a suggested charge to identify and resolve conflicts among themselves.

Funding issues related to fishery.

Identify enforcement problems and develop regulatory or permit requirements to address them.

The workgroup will report back in writing to the board by February 16, 2000.

DATED: January 23, 2000.
Juneau, Alaska



Dan K. Coffey, Chairman

94-148-FB

FINDING OF THE ALASKA BOARD OF FISHERIES
SOUTHEASTERN ALASKA AREA ENHANCED SALMON
ALLOCATION MANAGEMENT PLAN [5 AAC 33.364]

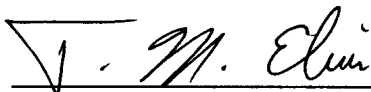
(Previously Finding #94-02-FB)

The attached report was developed by the Southeast Alaska Allocation Task Force (SATF) for Proposal #239 for the 1993/94 board meeting cycle. The board deliberated the proposal at its board meeting in Ketchikan, Alaska on January 17, 1994.

The Board incorporates by reference the attached SAFT report as its findings for 5 AAC 33.364 adopted on January 17, 1994.

Adopted: January 19, 1994 @ 11:21 am
Ketchikan, Alaska

Vote: (6:0:1) Yes: No: Absent, Angasan)



Tom Elias, Chairman
Alaska Board of Fisheries

BACKGROUND: In March 1991 Mike Martin, Chairman of the Board of Fisheries, asked the Northern Southeast Regional Aquaculture Association (NSRAA) and the Southern Southeast Regional Aquaculture Association (SSRAA) to coordinate the development of a southeast wide allocation plan for all enhanced salmon.

The issue concerned the benefits commercial fishermen received from the enhancement activities, especially in relation to the amount of the 3% Salmon Enhancement Tax (SET) paid. The issue was different between the Regional Associations and could not be resolved. Numerous proposals have been submitted to the Board of Fisheries to resolve the issue but none were acted upon. Chairman Martin requested that the two Regional Associations consider an all Southeast Alaska Allocation Plan to include all enhancement activities: Fish and Game FRED division, Independent Non-profit Aquaculture corporations; and Regional Aquaculture Associations.

The Boards of Directors of NSRAA and SSRAA agreed to accept the challenge. They formed a group that first met on March 29, 1991 in Ketchikan. The group called itself the Southeast Allocation Task Force (SATF). The SATF is composed of six voting members, three each from NSRAA and SSRAA, and each association provided one seiner, one troller, and one gillnetter for a total of two people from each gear type on SATF. All decisions were by consensus. No meeting was held without six voting members present.

There were two non-voting members on the SATF, one each from the FRED Division and a representative from the independent non-profit aquaculture corporations. DIPAC represented the independent seat. Also, each Regional Association provided one staff member, Pete Esquiro represented NSRAA and Don Amend represented SSRAA. The staff and non-voting members are resource people who provided technical input and comments when appropriate. The SATF also has had technical input from the NMFS at Auke Bay, the limited entry commission, and other people as needed.

All meetings were publicly held. Announcements were made southeast wide in newspapers and radios. Public attendance was minimal, but a few showed up at each meeting. These people were allowed to address the SATF as recognized by the chair. There was no appointed sport representative, but these interests were present at a few meetings. There was a total of five meetings.

The SATF developed the number of fish caught and this was reviewed by scientists at the Auke Bay Laboratory. The value of the fish was provided by the Limited Entry Commission. The data does not include enhancement activities by the National Marine Fisheries Service (NMFS), Metlakatla Indian Community (MIC) on Annette Island, or the U.S. Forest Service (USFS). The production at NMFS is small and experimental. Although the production by the MIC is significant and they also harvest Alaska enhanced fish, this was not included because their harvest and production cannot be controlled by the State.

The USFS conducts many habitat enhancement activities, but the numbers cannot be verified or evaluated. All of S.E. Alaska was included (Districts 1-15), but the Yakutat area was excluded.

The base period for data analysis was 1985. Production prior to 1985 was not significant and most projects were just coming on line. The data was evaluated through 1990 and will be updated annually as it becomes available. Averages were based on this period when production was still increasing and changing. Estimates were made based upon all currently permitted capacity when at full production. Future production was based on planned increases in capacity, but not yet permitted or operational.

The development of the agreement was based on catches by power and hand trollers, purse seiners, and drift gillnetters. Set nets were not included and are not used in the areas analyzed. Sport, sport charter, subsistence, and personal use were not included. The agreement was based only upon those who pay the 3% SET. No allocation was suggested for these other groups. The belief was that they are restricted by bag limits and an allocation of enhanced fish is inappropriate.

The guidelines will be submitted to the Board of Fisheries and may be set in regulation, or developed into policy. The guidelines will be used by the Regional Planning Teams (RPTs) as one element in the evaluation of permit requests and proposed production changes. The Commissioner of Fish and Game will consider the guidelines when evaluating permits or establishing special harvest areas. The Commissioner of Commerce of Economic Development will consider them in determining salmon enhancement loans for changes in production. The Board of Fisheries will use it to make decisions concerning gear group disagreements that involve enhanced fish production. The guidelines are viewed as goals to achieve and remain flexible for changing conditions, such as management changes, treaty changes, gear changes, legislative changes, etc. It was not intended for Fish and Game management to use in managing the common property fishery, except in a very few special instances.

REPORT OF THE SOUTHEAST ALASKA ALLOCATION TASK FORCE (SATF) FOR ENHANCED SALMON

Following are the fourteen (14) guiding principles which were developed along with rationale statements for each:

1. The primary goal of the Southeast Alaska salmon enhancement program is to provide additional fishing opportunities and revenue to traditional common property fisheries.

- (A) Performance Goals: Hatchery program plans and performance, over time, should provide a 70% contribution (after broodstock) to common property fisheries. Out of recognition for those hatcheries not receiving any salmon enhancement tax (SET) revenues, a 60% contribution (after broodstock) to common property fisheries is an acceptable goal. This goal should be expanded to 70% when these non-association hatcheries retire their existing debt obligation to the State of Alaska.

- (B) Operators of hatcheries and other enhancement projects will use these performance goals in designing the annual management plans they submit to the joint Regional Planning Team (RPT) for review prior to approval by the Commissioner.
- (C) It is recommended that enhancement programs that achieve these performance goals be given priority from the Dept. of Commerce and Economic Development on the requests for funding from the Fisheries Enhancement Revolving Loan Fund.
- (D) Common property fisheries means those fisheries available to the people for common use.

Rationale: The enhancement programs are primarily for the benefit of the common property fishery and not for the benefit of private or state ownership. To assure the emphasis is on the common property fisheries, the 70% and 60% performance goals specified in 1A shall be used in evaluating projects. Although contributions to the common property fisheries will vary from year to year depending on run strength, survival rates and management, the long term benefit must be to the common property fisheries. No penalty for failure is suggested. However, hatchery proformas should include these production goals and, if not achieved over time, it is intended that management changes be made to assure these goals.

Broodstock are not included because they were viewed the same as escapement goals. Broodstock do not financially benefit anyone directly and are essential for continued production (see number 3).

2. Management of traditional "wildstock" fisheries are not to be restricted by cost recovery needs (economic escapement) of hatcheries.

Rationale: This concept is embodied in Alaska Statutes (AS 16.05.730). The SATF could not envision any circumstance where a wildstock fishery should be interrupted to assure a cost recovery harvest.

3. Restrictions on conduct of traditional "wildstock" fisheries to meet broodstock needs should be absolutely minimal and should be clearly documented by adequate production and harvest data. Protection of broodstock should only occur in close proximity to terminal areas. (Consistent with AS 16.05.730, and regulations 5 AAC 40.005 and 5AAC 40.220).

Rationale: The SATF recognizes the importance of broodstock. However, broodstock alone should not drive a common property fishery. Protection of broodstock should only occur in close proximity to terminal areas and only when the wildstocks can be adequately harvested in another area. The need for protection of broodstock in any area must be documented by showing that broodstock goals are adversely affected and the area contains significant broodstock. However, it is not intended that an operator manipulate activities just to ask for

broodstock protection. For example, by conducting cost recovery harvest without taking proper steps to assure broodstock collection.

4. Enhancement projects should include tagging or marking that will allow determination of the amount of production harvested in the various fisheries.

Rationale: It is recommended that adequate tagging programs be required under the Commissioner's authority (AS 16.10.400). Operator estimates are not adequate for estimating contribution to common property fisheries. Tagging or marking programs are essential; however, because the technology for marking fish is still evolving, no method is recommended. It is assumed that the most reliable and cost effective method will be used.

5. The State of Alaska should commit to an adequate mark recovery program for all enhanced salmon to provide harvest and production data.

Rationale: It is recommended that those responsible for enhancing fish should pay for the marking, but only the state has the resources to conduct the tag recovery program. The allocation agreement will not work unless the state commits to a mark recovery program. Also, there was evidence that the tag recovery program was not being conducted equally among the gear types or species harvested. For example, troll chinook fisheries have been more intensively sampled, while the seine harvest has been sampled the least of the gear groups. The tag recovery program should be designed to provide an equal level of confidence in the contribution of enhanced salmon to each gear type.

6. Habitat enhancement and restoration projects where marking is not feasible will not be counted. Other field projects where marking is feasible and economically acceptable will be counted.

Rationale: Lake fry plants, stream bioenhancement, stream rehabilitation, and other enhancement strategies are frequently conducted with small numbers of fish in remote areas. It may not be practical or economically feasible to mark the fish. These enhancement and restoration projects are encouraged and it is recognized that they contribute to the common property fisheries, but they will not be counted in the allocation percentages. However, where feasible, marking should be conducted.

7. The allocation percentage goals will be used to provide a fixed target for production.

Rationale: Enhancement projects and production goals have frequently been established based on political expediency or the economic viability of the operator. However, whenever fish are released and the returning adults harvested, an allocation is made. The allocation can become disproportionate based on the number of fish and where they are released.

It is desirable that new production, or revised existing production contribute to achieving the

allocation percentage goals established. This however, should not be the only criteria used to judge the desirability of new or revised production. If such new or revised production is "projected" to unbalance the distribution of enhanced salmon, and the change in production is otherwise considered desirable, the RPT will evaluate the overall enhancement program to determine what adjustments may be necessary to bring distribution of the harvest into compliance with the allocation percentage goals and make recommendations to the Commissioner.

8. Allocation percentage goals will be long term.

Rationale: It is recognized that survival rates can vary considerably within and among enhancement projects throughout S.E. Alaska. Also, variations in the management of the common property fisheries influence the harvest rates. The allocation percentage goals are not expected to be attained each year, but should be attained over the long term. Any change in production takes two to five years to impact a fishery. Therefore, allocation percentage goals should be based on a minimum of five year increments (see number 9).

9. Overall contribution of revenue from salmon enhancement projects should be evaluated using the most recent five year average. Adjustments should be implemented only after discrepancies are determined to exist in the five year average for three consecutive years.

Rationale: See number 8 above. The distribution of enhanced fish is expected to vary widely from year to year. A five year rolling average was used because it constitutes a production cycle and levels year to year variation. It is recognized that a single abnormal year can change the five year average outside the range of the allocation percentage goals; therefore, the guidelines establish a three year period of consistent discrepancy before any change is made.

10. The joint RPT will evaluate current enhanced salmon production and the distribution of harvest revenues and update this on an annual basis.

- (A) Each facility should be evaluated after a minimum five years of operation to determine whether the 70% or 60% common property contribution, referred to in guiding principle 1A, is being achieved or to determine the realistic production and common property contribution for the facility.
- (B) The joint RPT will conduct an evaluation to determine when the allocation percentages are not being achieved and adjustments are necessary.
- (C) The joint RPT will recommend to the Commissioner adjustments to facilities' annual operating plans as necessary to accomplish the desired allocation goal.

Rationale: The SATF believes the joint RPT is the appropriate body to review the contribution data. The joint RPT is responsible for establishing and maintaining the comprehensive salmon plan, under the Commissioner's authority, and is responsible for recommending permit changes for production to the Commissioner.

11. Achieving these allocation percentage goals should not result in any modifications, in time or area, to the traditional "wildstock" fisheries. Minor modification may be considered to allow experimental or test fisheries that would not adversely impact wildstocks.

Rationale: The SATF strongly believed that the common property fisheries for wildstocks should not be manipulated in order to achieve the allocation percentage goals. However, this is not intended to preclude experimental or test fisheries, special hatchery access fisheries, or the establishment of new special harvest areas in order to access enhanced fish. For example, this could include the June troll fisheries for chinook, or late season openings, or other special openings used to target enhanced fish as long as wildstocks are not adversely impacted. It is recommended that the department allow targeted fisheries on enhanced stocks when they will not adversely impact sustained yield of wildstocks. The department should work closely with hatchery operators in establishing these fisheries, keeping in mind the 70% and 60% contribution goals. The harvest of enhanced salmon in a targeted wildstock fishery is considered incidental to the harvest of wild stocks.

12. There should be no inseason changes in management of enhanced salmon in or out of the special harvest areas to achieve the allocation percentage goals.

Rationale: These guidelines are established to reach long term allocation percentages. Inseason common property fisheries adjustments should not be considered to meet allocation goals. No adjustment of wildstock fisheries should be allowed in order to meet the allocation percentage goals.

13. When adjustments are deemed necessary to the distribution of the harvest to meet allocation percentage goals, the following tools should be used: (1) special harvest area management adjustments; (2) new enhanced salmon production; and (3) modification of enhancement projects production, including remote releases. Hidden Falls shall remain a seine/troll terminal harvest area (Consistent with 5 AAC 33.374).

- (A) The joint RPT will make appropriate recommendations through the Commissioner to facility(s) annual operating plan(s) to attain allocation goals.
- (B) Facilities may request changes in operating plans to meet allocation requirements.

Rationale: New production and facility modifications to meet the allocation percentage goals are long term changes and will take five to ten years to have an impact. Changes in special harvest areas can be used in the short term to help modify any imbalances that occur.

For example, special harvest areas can be designated to only one gear group or the fishing time allowed to different gear groups could be adjusted. The effectiveness of this will also be contingent on the gear type and the targeted species. The SATF expects these adjustments will be reviewed by the joint RPT, and the joint RPT will make recommendations to the Commissioner as to the most appropriate action needed to achieve the allocation percentage

goals. It is anticipated that short term solutions such as special harvest area management adjustments will only be used until decisions concerning long term adjustments can take effect. The allocation percentage goals will also be considered when reviewing permit alteration requests. If new production is not feasible or desirable, changes in remote releases can include new sites, change in species composition, change in the numbers of salmon released, or a combination of these.

14. The allocative percentages will be:

Note: The following percentages refer to the total value (nominal dollars) of enhanced salmon. These percentages are not intended to apply to wildstock allocations.

Seine - 44% to 49%
Troll - 27% to 32%
Gillnet - 24% to 29%

SUMMARY OF ALL SPECIES - VALUE
ADFG, SSRAA, MSRAA, PNPS
ACTUAL DOLLARS

SPECIES	1985	1986	1987	1988	1989	1990	1991	VALUE	TOTAL PERCENT							
COHO																
TROLL	\$1,120,260	\$2,112,686	\$856,309	\$632,589	\$575,520	\$2,615,031	\$2,863,240	\$10,775,635	71.7%							
SEINE	\$242,393	\$343,375	\$253,299	\$165,428	\$111,567	\$227,665	\$282,951	\$1,626,678	10.8%							
GILLNET	\$141,413	\$372,281	\$191,580	\$253,141	\$63,014	\$433,439	\$1,161,273	\$2,616,161	17.4%							
CHINOOK																
TROLL	\$277,615	\$287,758	\$602,578	\$1,006,808	\$858,148	\$969,520	\$1,577,138	\$4,559,573	86.6%							
SEINE	\$19,863	\$27,627	\$8,421	\$26,095	\$62,598	\$50,626	\$65,441	\$260,671	4.9%							
GILLNET	\$8,192	\$17,641	\$20,803	\$126,444	\$84,369	\$124,042	\$54,549	\$446,040	8.5%							
CHUM																
TROLL	\$18,352	\$0	\$0	\$228,299	\$150,186	\$122,652	\$1,695	\$521,184	2.0%							
SEINE	\$2,434,775	\$1,914,279	\$3,415,435	\$4,800,895	\$1,608,162	\$1,457,908	\$1,634,402	\$17,265,856	66.3%							
GILLNET	\$495,683	\$466,695	\$979,408	\$3,659,772	\$1,392,331	\$580,084	\$687,235	\$8,261,208	31.7%							
PINKS																
TROLL	\$4,559	\$0	\$1,909	\$12,166	\$3,854	\$67,318	\$35,051	\$124,857	3.4%							
SEINE	\$460,262	\$233,509	\$432,197	\$73,214	\$475,615	\$342,602	\$359,697	\$2,377,096	64.7%							
GILLNET	\$313,174	\$164,939	\$64,125	\$64,125	\$307,825	\$150,760	\$108,524	\$1,173,472	31.9%							
SOCKEYE																
TROLL	\$0	\$0	\$0	\$107,554	\$11,733	\$0	\$0	\$119,287	2.8%							
SEINE	\$271,551	\$252,000	\$189,296	\$410,095	\$460,868	\$239,216	\$23,877	\$1,856,903	44.2%							
GILLNET	\$241,614	\$224,306	\$170,328	\$444,065	\$475,552	\$492,529	\$172,220	\$2,220,614	52.9%							
ALL SPECIES																
TROLL	\$1,420,786	23.5% \$2,400,444	37.4%	\$1,460,796	20.3%	\$1,987,416	16.5%	\$1,599,441	24.1%	\$3,774,529	47.9%	\$3,457,124	43.1%	\$16,100,536	29.7%	
SEINE	\$3,428,844	56.7%	\$2,770,790	43.2%	\$4,298,648	59.8%	\$5,475,727	45.6%	\$2,718,810	40.9%	\$2,318,017	29.4%	\$2,376,368	29.6%	\$23,387,204	43.1%
GILLNET	\$1,200,076	19.8%	\$1,245,862	19.4%	\$1,426,244	19.8%	\$4,547,547	37.9%	\$2,323,091	35.0%	\$1,780,874	22.6%	\$2,193,801	27.3%	\$14,717,495	27.2%
TOTAL	\$6,049,706	\$6,417,096	\$7,185,688	\$12,010,690	\$6,641,342	\$7,873,420	\$3,027,293	\$54,205,235								
5 YEAR AVERAGE																
	1985 - 1989	1986 - 1990	1987 - 1991													
TROLL	\$8,868,883	23.2%	\$11,222,626	28.0%	\$12,279,306	29.4%										
SEINE	\$18,692,819	48.8%	\$17,581,992	43.8%	\$17,187,570	41.2%										
GILLNET	\$10,742,820	28.0%	\$11,323,618	28.2%	\$12,271,557	29.4%										
TOTAL	\$38,304,522	\$40,128,236	\$41,738,433													

SUMMARY OF ALL SPECIES - VALUE
ADFG, SSRAA, MSRAA, PMPS
ACTUAL DOLLARS

SPECIES	VALUE	1985-1991		ANNUAL AVERAGE		1985 - 1991		ANNUAL FULL PRODUCTION			FUTURE POTENTIAL		
		PERCENT	TOTAL	VALUE	PERCENT	VALUE	PERCENT	VALUE	PERCENT	TOTAL	VALUE	PERCENT	TOTAL
COHO			\$15,018,471					\$2,145,496			\$4,201,271		\$4,201,271
TROLL	\$10,775,635	71.7%		\$1,539,376	71.7%			\$3,021,781	71.9%		\$3,021,781	71.9%	
SEINE	\$1,626,677	10.8%		\$232,382	10.8%			\$540,786	12.9%		\$540,786	12.9%	
GILLNET	\$2,616,159	17.4%		\$373,737	17.4%			\$638,703	15.2%		\$638,703	15.2%	
CHINOOK			\$5,266,281					\$752,326			\$5,473,258		\$9,433,951
TROLL	\$4,559,573	86.6%		\$651,368	86.6%			\$4,773,109	87.2%		\$7,400,573	78.4%	
SEINE	\$260,670	4.9%		\$37,239	4.9%			\$359,042	6.6%		\$944,601	10.0%	
GILLNET	\$446,038	8.5%		\$63,720	8.5%			\$341,108	6.2%		\$1,088,777	11.5%	
CHUM			\$26,048,248					\$3,721,178			\$24,632,796		\$24,632,796
TROLL	\$521,183	2.0%		\$74,455	2.0%			\$293,658	1.2%		\$293,658	1.2%	
SEINE	\$17,265,856	66.3%		\$2,466,551	66.3%			\$16,010,792	65.0%		\$16,010,792	65.0%	
GILLNET	\$8,261,209	31.7%		\$1,180,173	31.7%			\$8,328,346	33.8%		\$8,328,346	33.8%	
PINKS			\$3,675,421					\$525,060			\$2,197,760		\$2,197,760
TROLL	\$124,856	3.4%		\$17,837	3.4%			\$57,882	2.6%		\$57,882	2.6%	
SEINE	\$2,377,094	64.7%		\$339,585	64.7%			\$1,370,607	62.4%		\$1,370,607	62.4%	
GILLNET	\$1,173,471	31.9%		\$167,639	31.9%			\$769,272	35.0%		\$769,272	35.0%	
SOCKEYE			\$4,196,805					\$599,544			\$2,150,891		\$7,557,008
TROLL	\$119,287	2.8%		\$17,041	2.8%			\$51,810	2.4%		\$112,610	1.5%	
SEINE	\$1,856,903	44.2%		\$265,272	44.2%			\$933,598	44.3%		\$1,283,040	17.0%	
GILLNET	\$2,220,615	52.9%		\$317,231	52.9%			\$1,145,484	53.3%		\$6,161,358	81.5%	
ALL SPECIES			\$54,205,226					\$7,743,604			\$38,655,976		\$48,022,786
TROLL	\$16,100,534	29.7%		\$2,300,076	29.7%			\$8,198,240	21.2%		\$10,886,504	22.7%	
SEINE	\$23,387,200	43.1%		\$3,341,029	43.1%			\$19,234,824	49.8%		\$20,149,826	42.0%	
GILLNET	\$14,717,492	27.2%		\$2,102,499	27.2%			\$11,222,912	29.0%		\$16,986,455	35.4%	

- NOTES:
1. CURRENT ANNUAL PRODUCTION INCLUDES PERMITTED CAPACITY OF EXISTING ONGOING PROJECTS USING ASSUMED SURVIVAL RATES AND AVERAGE PRICES, WEIGHTS
 2. FUTURE PRODUCTION INCLUDES DEEP COVE CHINOOK, SNETTISHAM SOCKEYE, AND CHILKAT LAKE SOCKEYE ENHANCEMENT
CHILKAT WILL PRODUCE 264,000 SOCKEYE: 250,800 TO GILLNETTERS, 13,200 TO SEINERS
SNETTISHAM WILL PRODUCE 320,000 SOCKEYE: 288,000 GILLNET, 32,000 SEINE
BEAVER FALLS AND KLAUOCK WILL PRODUCE 259,000 SOCKEYE: 123,000 GILLNET, 130,800 SEINE, 5,000 TROLL (CURRENT PRODUCTION)
DEEP COVE WILL PRODUCE 75,000 HARVESTABLE CHINOOK: 55,250 TROLL, 14,400 SEINE, 5,250 GILLNET
 3. AAT ADDED NOVEMBER 1992: 300,000; GILLNET, 239,000, SEINE, 61,000 CHUM
 4. FUTURE POTENTIAL IS A BEST GUESS OF WHAT MIGHT HAPPEN. IT IS NOT AN ALLOCATION.

Finding of the Alaska Board of Fisheries
Southeast Alaska Chinook Salmon Allocations
(Previously Finding #93-04-FB)

March 1992

The Alaska Board of Fisheries approved regulations allocating a fixed percentage of the chinook salmon harvest ceiling to the commercial troll and recreational fisheries during its March 7-15, 1992 meeting in Juneau, Alaska.

During the 1980s, many chinook salmon stocks along the Northwest Pacific coast and Southeast Alaska were depressed. To address this problem, the United States and Canada signed the Pacific Salmon Treaty in 1985, and a 15-year rebuilding program for these stocks was initiated. Under terms of the treaty, an annual catch ceiling is placed on the number of chinook salmon that can be landed by all gear groups in Southeast Alaska. Except for a 5,000 fish, pre-treaty production level and an annually calculated risk factor that accounts for the uncertainty in the estimate, chinook salmon produced in Alaskan hatcheries do not count against the harvest ceiling.

A base harvest of 263,000 chinook salmon was established under the Treaty. The gillnet and seine fisheries were provided separate allocations which allowed them to continue chinook harvests at slightly below their historic average. The recreational harvest which had fluctuated between 20,000 - 25,000 remained unrestricted. The troll fishery annual average harvest was reduced by approximately 23%. The reduction represented the Alaska contribution to the rebuilding program established under the Treaty.

In addition to harvest reductions, the Treaty provided funding to establish enhancement programs to rebuild chinook and other salmon stocks.

In recent years, the number of chinook salmon caught in the recreational fishery that count against the treaty catch ceiling has risen due to increasing abundance of some chinook salmon stocks and an increase in recreational fishing effort. The increase in the recreational harvest has reduced the number of chinook salmon available for harvest by the commercial troll fleet.

In meetings held from March 7-15, 1992, in Juneau, the Board of Fisheries considered a request from the Alaska Trollers Association to set aside a fixed allocation of the annual US/Canada Pacific Salmon Treaty chinook salmon ceiling for the commercial troll fishery. Staff from the Department of Fish and Game, the Department of Law, and the Commercial Fisheries Entry Commission

presented a total of eleven oral reports designed to provide the board with a comprehensive understanding of the Southeast Alaska chinook salmon allocation issue. In three days of public testimony, the board heard from approximately 130 individuals and ten Southeast Alaska fish and game advisory committees. Additionally, a large volume of written public testimony was received.

After a lengthy debate on the issue, a majority of the board found that a fixed allocation was necessary to stabilize the chinook salmon catch allocation between the commercial troll and recreational fisheries. The board approved a regulation mandating the department to manage the Southeast Alaska and Yakutat commercial troll and recreational fisheries so that, after deducting 20,000 fish previously allocated to the commercial net fisheries, the commercial troll fleet would get 83 percent and the recreational fishery 17 percent of the allowable catch under the treaty. All fisheries are allowed to take additional chinook salmon that are of Alaska hatchery origin; this is in accordance with the hatchery add-on principle of the treaty.

In support of the allocation the Board found the following:

1. Personal use, sport and commercial fisheries have existed in Southeast Alaska since Territorial days. The guided recreational fishery is the most recently developed. It has experienced significant growth since 1984.
2. Commercial fisheries participation is subject to limited entry. Recreational fisheries participation is increasing. In 1985, 16,664 chinook were harvested by Alaska residents, or 67% of the total sport harvest. In 1990, 28,297 chinook were harvested by Alaska residents, or 55% of the total harvest.

The Board found different characteristics among recreational users. Unguided recreational resident anglers have harvested chinook for many years. Guides, lodge owners, outfitters and charter boat operators were recognized as participants with an economic interest in the fishery. Non-residents make up the majority of clients to these businesses although they also serve resident anglers. The Board identified characteristics of the troll fishery. Eighty-five percent (85%) of permits are fished by residents, many are residents of rural Southeast communities. The fishery has a significant number of second and third generation participants. Of Southeast commercial fisheries, trolling may involve an entire family in fishing activity.

3. The Board unanimously recognized the importance of the resident recreational sport fishery in providing opportunity to take fish for personal and family consumption. Commercial fishermen were found to supply household needs from the commercial catch. It is the desire of the Board that residents harvesting for personal use suffer the least restriction to meet chinook allocations.
4. Both commercial and sport fisheries have other stocks of salmon, groundfish and rockfish available for harvest. Each group attaches the highest value to chinook salmon. The Board recognized the importance of providing opportunity to harvest in the sport fisheries which may not be directly dependent on the number harvested. Public testimony expressed concern that the establishment of vessel moratorium and an IFQ system will limit commercial fisheries opportunity.
5. Both sport and commercial fisheries provide revenue to the state. Sport fisheries generate revenue through license sales and federal funds. Commercial fisheries generate revenue through license sales, federal funds, enhancement and raw fish taxes.
6. The larger communities of Ketchikan, Sitka and Juneau derive the greatest economic benefit from the tourism-oriented recreational fishery. These towns also benefit economically from their commercial fisheries. Sport fishing derbies also provide revenue to communities. Many Southeast rural communities are almost entirely dependent on income from the troll fishery. The degree of dependence on trolling by these rural communities was especially significant to the Board.
7. The Board recognized that while many commercial fishermen enjoy their occupation, it is the role of sport fisheries to provide recreational fishing opportunity in the state.

Besides providing stability to participants referenced in the allocation criteria, the Board found that management to achieve a specific number of chinook harvested inseason will be less disruptive to US Canada Treaty negotiations. This new management will assure that projected recreational harvests match actual harvest and will prevent overages in total gear catch which move the state out of compliance with the Treaty.

The allocation of 83% troll and 17% recreation fixes both fisheries at current levels. This type of allocation is not consistent with

past Board actions which recognize historic harvest levels and attempt to preserve them. In justification of departure from historic allocations the Board found the following:

1. Given current data available and present management capability, fixing the allocation at the current level of harvest is least disruptive to resident recreational angler fishing for personal and family use.
2. Fixing the allocation at current levels is least disruptive to present management. This allows ADF&G to exercise management options to maintain status quo rather than move back to prior harvest levels. Managing to achieve a specific harvest inseason is a new exercise for the Sport Fish Division and requires changes in budgeting and data collection. The Board specifically requested data collection on recreational effort and harvest by residents, non-residents, outfitted charter, guide and lodge participants.

It is the expressed intent of the Board of Fisheries that in establishing these fixed allocations to troll and recreational fisheries that all gear types (net, troll and sport) be managed to achieve their allocation separate from one another within the 7.5 percent range.

The board discussed establishing a separate allocation for guided sport anglers, but did not do so because of a lack of data on what portion of the historical catch came from this group as well as other legal questions.

In order to provide the necessary means to achieve the recreational allocation, the board established a management plan. The objectives of this plan are to allow uninterrupted sport fishing opportunity for chinook salmon in marine waters and to minimize regulatory restriction on unguided sport anglers. If the total seasonal harvest is projected to be within ± 7.5 percent of the allocation, no regulatory changes will occur to the fishery. If the total seasonal harvest is expected to exceed the allocation by more than 7.5 percent, the department may implement any of the following restrictions as appropriate:

- Prohibit charter guides and crew members from retaining chinook salmon while clients are on board.
- Reduce the bag limit and possession limit to one fish per day for guided sport anglers.
- Increase the chinooks salmon size limit from 28 to 30 inches.

- Ban the use of downriggers on charter boats.
- Ban the use of downriggers by all anglers.
- Close areas where the percentage of Alaska hatchery chinook salmon is low.
- Reduce the bag limit and possession limit to one chinook salmon per day for unguided recreational anglers.
- Reduce the sport fish chinook salmon bag limit to zero.
- Allow a trophy fish only fishery (greater than 40 inches).

However, if the fishery is projected to be more than 7.5 percent less than the allocation, the department may liberalize recreational fishing regulations as follows:

- Increase the bag and possession limit for unguided anglers.
- Increase the legal number of rods to two for unguided anglers.
- Decrease the minimum size limit.
- Increase the bag and possession limit for all anglers.
- Increase the legal number of rods to two for all anglers.

In order to improve catch reporting and assist in management of the recreational fishery, the department may:

- Establish a mandatory log book program to monitor the harvest and effort of guided sport anglers (charter boats and fishing lodges), outfitters and dry skiff rentals.
- Require an annual nontransferable harvest record.
- Require heads of all adipose fin-clipped chinook salmon, along with the date and location of their catch, be turned in to the department.
- Establish other reporting requirements necessary to obtain information required to implement the provisions of this management plan.

In addition to the above, the board also required that the department manage the 1992 summer troll fishery so that the

cumulative overage is reduced from the estimated overage of 38,000 chinook to about 10,000 chinook. In 1993, the department will deduct 1,700 fish from the sport fish ceiling, with the remainder of the existing overage to be made up by the commercial troll fishery. Further, beginning in 1992, each group will independently deal with the risk factor and be responsible for any accrued underage or overage.

For the commercial troll fishery, the board made the following changes:

June Fisheries

- Restrict the June hatchery access fishery in District 13 only to that area that is also open during the experimental fishery.
- Restricted the June hatchery access fishery in district 103 to that portion south of Tlevak Narrows and north of a line from Cape Chacon to Cape Muzon.
- Required trollers to keep fish caught in the hatchery access fishery separate from those harvested in the experimental troll fisheries and to report these fish separately on fish tickets.
- Reduced the number of chinook salmon that count towards the treaty ceiling that can be harvested from 40,000 to 35,000 during the June hatchery access and experimental fisheries.
- Made the starting dates for the June hatchery access and experimental troll fisheries more flexible.

Winter Fishery

- Changed the starting date for the 1993 and 1994 winter troll fishery from October 1 to October 11.

Summer Fishery

- The board made no specific changes to the summer troll fishery except to note that the savings from the June and winter troll fisheries should increase the number of chinook salmon available for the summer troll fishery.

Finally, the board charged a task force to develop recommendations, in the form of board proposals, concerning the summer fishery by

April 9, 1993. The main objectives of the task force are to ensure that the summer troll fishery for chinook be of at least a 10 day minimum duration with a goal of 20 days and to minimize the incidental mortalities to the greatest extent practicable. The task force will be comprised of trollers representing nine geographical areas including at least one hand troller, one lower 48 troller, one Native troller, one Alaska Troller Association board member, a chairperson, and two non-voting seats held by an Alaska Department of Fish and Game representative and a processor.

Michael B. Martin
Mike Martin
Chair
Alaska Board of Fisheries

Approved: Kodiak, Alaska - January 11, 1993

Vote: 7-0

CHARGES TO THE
SOUTHEAST ALASKA CHINOOK SALMON TROLL
TASK FORCE

From the
Alaska Board of Fisheries

March 13, 1992

The task force will make recommendations to the legislature, governor, U.S. Northern Panel of the Pacific Salmon Commission, and the Alaska Board of Fisheries.

(A) The Pacific Salmon Commission is developing a Chinook Salmon Management Plan. The task force will advise the U.S. Northern Panel as to the Alaska perspective to aid the panel in the development of this plan.

(B) Recommendations (to the Alaska Board of Fisheries in the form of proposals) in time, area and gear changes or modifications to provide for the following are due to the Division of Boards by April 9, 1993:

- The board notes that a general summer season of 20 days in duration is desirable, but 10 days is a minimum goal.
- Minimize incidental mortalities to the greatest extent practicable.
- Maximize the value of the troll product.
- Recognize the historic composition of the fisheries.

The board will be considering the recommendations at the next meeting where southeast Alaska (including the Yakutat area) chinook issues will be before the board.

(C) The task force will provide an update to the board on all recommendations by February 28, 1993 and at the beginning (i.e. following staff reports) of the board meeting referenced above.

(D) The task force will involve the public and generally be composed of the following interests on the enclosure.

Michael R. Martin
Mike Martin, Chair
Alaska Board of Fisheries

At: Juneau, Alaska
Westmark Baranof Hotel

Vote: Consensus

Enclosure

Proposed Task Force Composition:

Yakutat	1 member	Geoff Windows
Fairweather Grounds	1 member	Tony Guggenbickler
Cross Sound	1 member	Joe Craig
Upper inside	1 member	James Erickson JR AK Native
Sitka	1 member	Pat Wood
Port Alexander	1 member	Mim Robinson
Lower inside	1 member	Chris Sharpsteen
Noyes Island	1 member	Dennis Watson
Ketchikan	1 member	Brian Warmuth
Chairman		Gary Slavin

* Included are to be at least 1 hand troller, 1 lower '48 representative, 1 native individual, and 1 ATA board member.

* Two non-voting seats will be held by 1 ADF&G representative, and 1 processing representative.*

Expanded from 10 to 12 members to be able to make up composition as stated.

Hand Troll (Dave) McFadden

Lower 48 (Russ) Wyatt

* (5/1/92) Paul Johnson } sharing
 my Harold Thompson } position

ALASKA BOARD OF FISHERIES
90-05-FB
DELEGATION OF AUTHORITY

In accordance with AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of Fish and Game the authority to adopt and make permanent changes to 5 AAC 39.160 MAXIMUM LENGTH OF SALMON SEINE VESSELS. This delegation is restricted to satisfy the changes the U.S. Coast Guard has made in measuring the "50 feet, official Coast Guard Register Length." The intent is not to eliminate or change the overall 58 feet limit on the salmon seine vessels.

The attached Committee Substitute for House Bill 569 (Resources) is an acceptable change to the current regulation that maintains the overall 58 feet limit on salmon seiners. The board is delegating this authority because this legislation most likely will become law after the board has adjourned. The board would like the delegated regulations in effect for the 1990 salmon season. Therefore, the board requests the department to expedite review of the regulation consistent with the legislature's final language.

Date Adopted: 3.24.90

Final VOTE:

For: 7
Against: 0
Abstain: 0
Absent: 0

Bud Hodson, Chair
Alaska Board of Fisheries