

An Overview of the Alaska Board of Fisheries Process

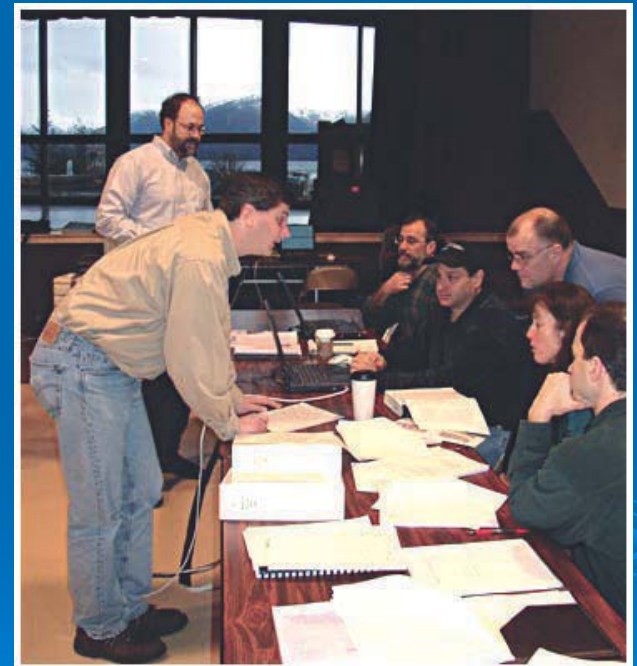
for House Fisheries, February 1, 2018



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Presentation Outline

- Function and composition of Board
- Steps in board process
- Input on board decisions
 - Public
 - Agency
- Legal and policy factors
 - Statutes and regulations
 - Policies and findings
- Getting involved



Main function of the Board: Allocation

“The third element of Alaska’s fisheries management model is the Alaska Board of Fisheries...The Board members...appointed by the Governor and confirmed by the legislature, represent a broad array of fishing groups and other interests. By taking on the task of resolving fishery disputes, the Board takes the politically-charged issue of allocation away from the fishery managers and politicians.....The separation of allocation and conservation decisions is critical for achieving sustainable fisheries in the state and elsewhere ...”

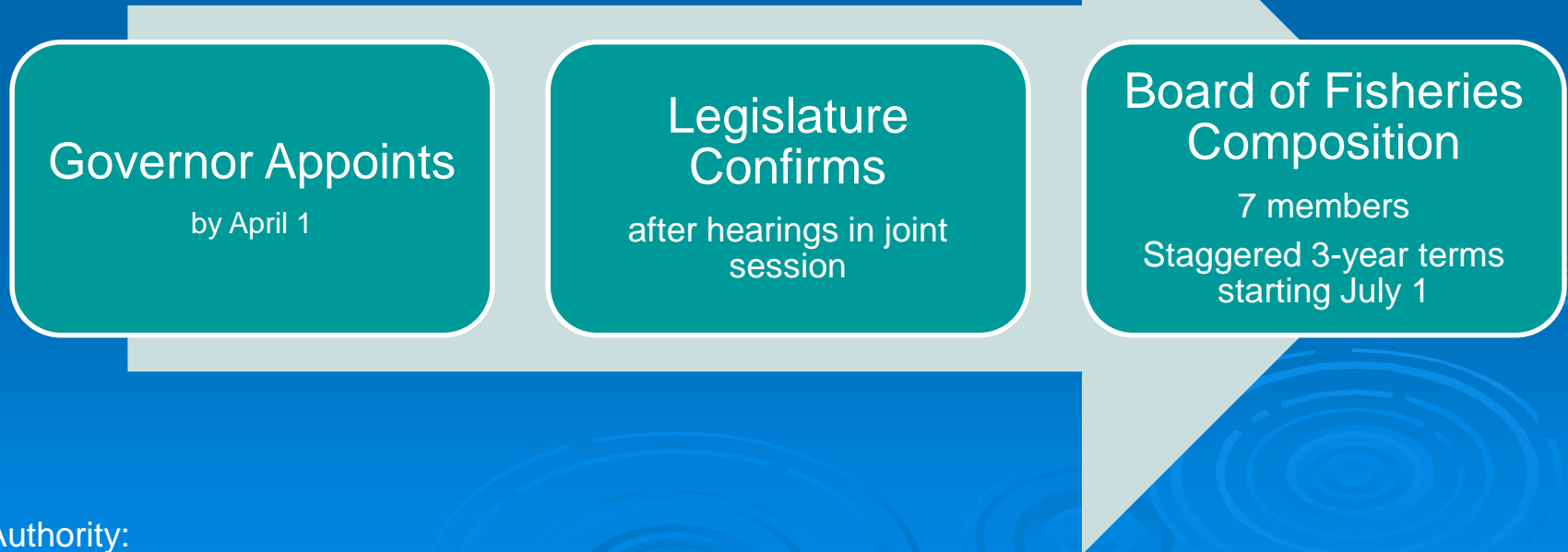
(excerpt from: *The Elements of Alaska’s Sustainable Fisheries*, by Fran Ulmer in Sustainable Fisheries Management: Pacific Salmon, E. Knudsen et al Editors, Lewis Publishers, 2000, p. 65)

Board Composition

The Board of Fisheries composed of **seven** members appointed by the Governor, subject to confirmation by a majority of the members of the legislature in joint session.

The Governor shall appoint each member on the ***basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership.***

The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.



Authority:

AS 16.05.221, AS 39.05.060, AS 39.05.080, AS 39.05.100

Major Steps in Proposal Process

- 1- Call for Proposals
- 2- Distribution of Proposals
- 3- Public Review and Comment
- 4- Board Regulatory Meeting
- 5- Implementation

See 5 AAC 96.610



Board of Fisheries 3-Year Meeting Cycle

Meeting Cycle: 2017/2018, 2020/2021, etc.

Area (Species):

- Southeast/Yakutat Areas (All Finfish, Shellfish)
- Prince William Sound Area (All Finfish)
- Dungeness Crab, Shrimp, and Miscellaneous Shellfish (Statewide)

Meeting Cycle: 2018/2019, 2021/2022, etc.

Area (Species):

- Alaska Peninsula/Aleutian Island/Chignik/Bering Sea Areas (All Finfish)
- Arctic/Yukon/Kuskokwim Areas (All Finfish)
- Bristol Bay Area (All Finfish)
- Statewide Provisions (Finfish)

Meeting Cycle: 2019/2020, 2022/2023, etc.

Area (Species):

- Cook Inlet Area (All Finfish)
- Kodiak Areas (All Finfish)
- King and Tanner Crab (Statewide)

Proposal Form

ALASKA BOARD OF FISHERIES
REGULATION PROPOSAL FORM 2018-2019
PO BOX 115526, JUNEAU, ALASKA 99811-5526

 *Indicates a required field

BOARD OF FISHERIES REGULATIONS			
<input type="checkbox"/> Subsistence	<input type="checkbox"/> Personal Use	<input type="checkbox"/> Sport	<input type="checkbox"/> Commercial
<p>*Which meeting would you like to submit your proposal to?</p> <p><input type="checkbox"/> Alaska Peninsula-Aleutian Island-Chignik Finfish <input type="checkbox"/> Statewide Provisions for Finfish</p> <p><input type="checkbox"/> Arctic-Yukon-Kuskokwim Areas Finfish <input type="checkbox"/> Bristol Bay Area Finfish</p>			
<p>Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.</p>			
<p>1. Alaska Administrative Code Number: 5 AAC</p>			
<p>*2. What is the issue you would like the board to address and why?</p>			
<p>*3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)</p>			

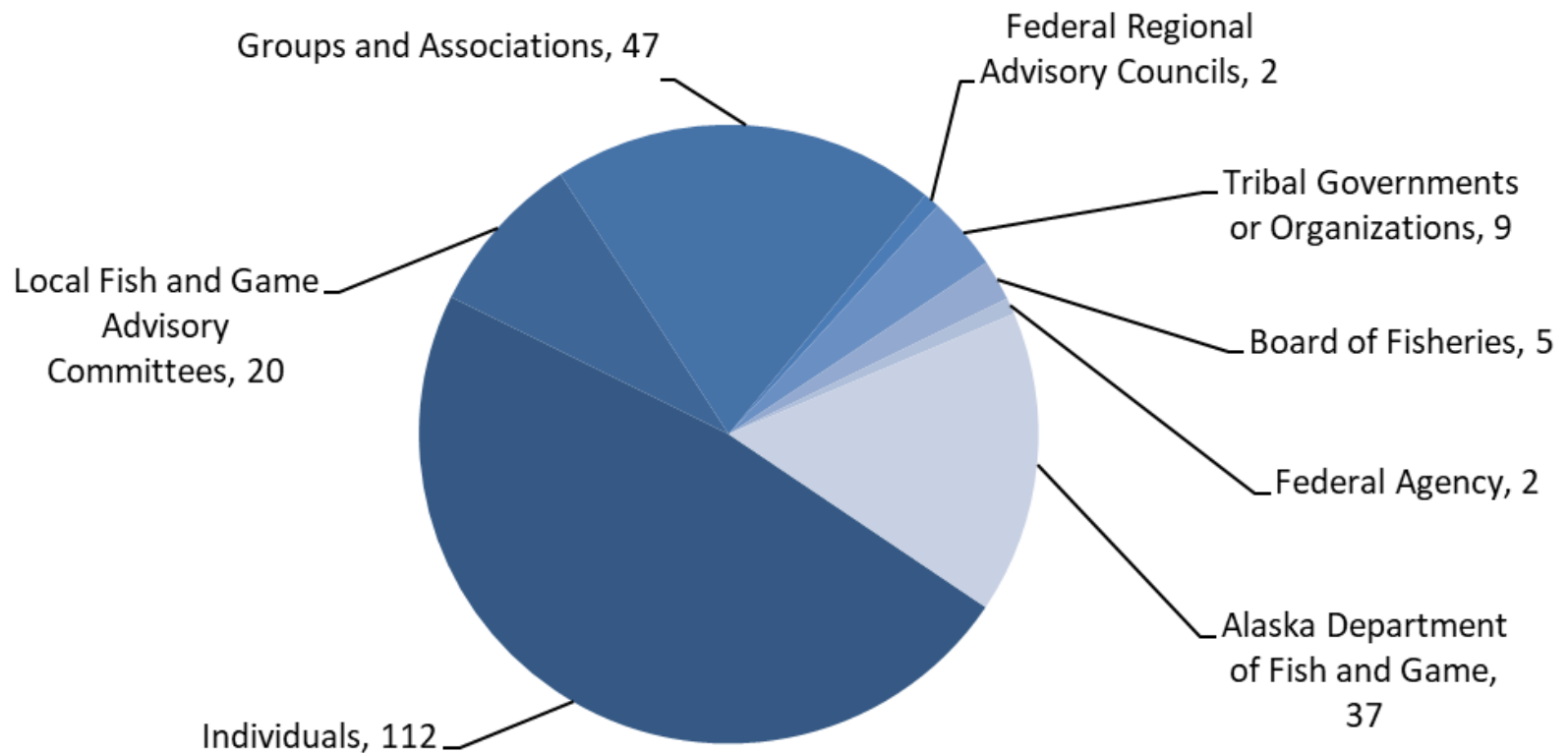
*Submitted By: _____
Individual or Group

*Address	*City, State	*ZIP Code
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Home Phone	*Work Phone	*Email
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Draft Rev. Aug 2017

Source of Proposal for the 2017/2018 Meeting Cycle



Board Regulatory Meeting

Typical agenda for board meetings

- Introductions
- Ethics disclosures
- ADF&G staff reports
- Oral public testimony (up to two days)
- Committee of the Whole or committees
- Deliberation on proposals
- Miscellaneous Business

All elements of building a clear record



Photo credit: Robert Woosley/KCAW

Proposal Outcomes

For example... outcomes from the 2016/2017 meeting cycle

Board of Fisheries Proposal Outcome 2016/2017 Meeting Cycle

Board Meeting	Carried	Carried as Amended	Failed	Failed as Amended	No Action	Grand Total
Kodiak Finfish	7	4	13	2		26
Lower Cook Inlet Finfish	10	9	16		10	45
Statewide King and Tanner Crab	6	16	6		10	38
Upper Cook Inlet Finfish	32	17	66		57	172
Bering Sea Harvest Management Strategy		1				1
Grand Total	55	47	101	2	77	282
% of Total	19.5%	16.7%	35.8%	0.7%	27.3%	100.0%

Approximately a third of all proposals are carried.

Sources of Public Input

- General public
- Local governments
- Tribal groups, village councils
- Fishery groups and associations
- Industry groups
- Local fish and game advisory committees
 - *(84 statewide)*



Local Fish and Game Advisory Committees

Southeast (23 advisory committees)

Angeon•Craig•East Prince of Wales Island•Edna Bay•Elfin Cove•Hydaburg•Hyder•Icy Straits•Juneau-Douglas•Kake
•Ketchikan•Klawock•Klukwan•Pelican•Petersburg•Port Alexander•Saxman•Sitka•Sumner Strait•Tenakee Springs•Upper Lynn
Canal•Wrangell•Yakutat

Southcentral (19 advisory committees)

Anchorage•Central Peninsula•Cooper Landing•Copper Basin•Copper River/Prince William
Sound•Denali•Homer•Kenai•Soldotna•Matanuska Valley•Mt. Yenlo•Paxson•Prince William Sound/Valdez•Seldovia•Seward•Susitna
Valley•Tok Cutoff/Nabesna Road•Tyonek•Whittier

Southwest (12 advisory committees)

•Chignik•False Pass•King Cove•Kodiak•Lake Iliamna•Lower Bristol Bay
Naknek/Kvichak•Nelson Lagoon•Nushagak•Sand Point•Togiak•Unalaska/Dutch Harbor

Interior (15 advisory committees)

Central•Delta•Eagle•Fairbanks•Grayling, Anvik, Shageluk and Holy Cross
(G.A.S.H.)•Koyukuk•Lake Minchumina•McGrath•Middle Nenana River•Middle Yukon
River•Minto/Nenana•Ruby•Tanana/Rampart/Manly•Upper Tanana/Forty Mile•Yukon
Flats

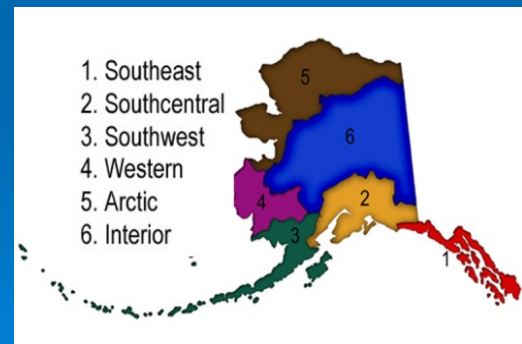
Arctic (9 advisory committees)

•Kotzebue•Lower Kobuk•Noatak/Kivalina•Northern Norton Sound•Northern Seward
Peninsula•North Slope•St Lawrence Island•Southern Norton Sound•Upper Kobuk

Western (7 advisory committees)

Bethel•Central Bering Sea•Central Kuskokwim•Coastal Lower Yukon•Lower
Kuskokwim•Mid-Lower Yukon•Stony-Holitsna

Alaska's 84 Advisory Committees

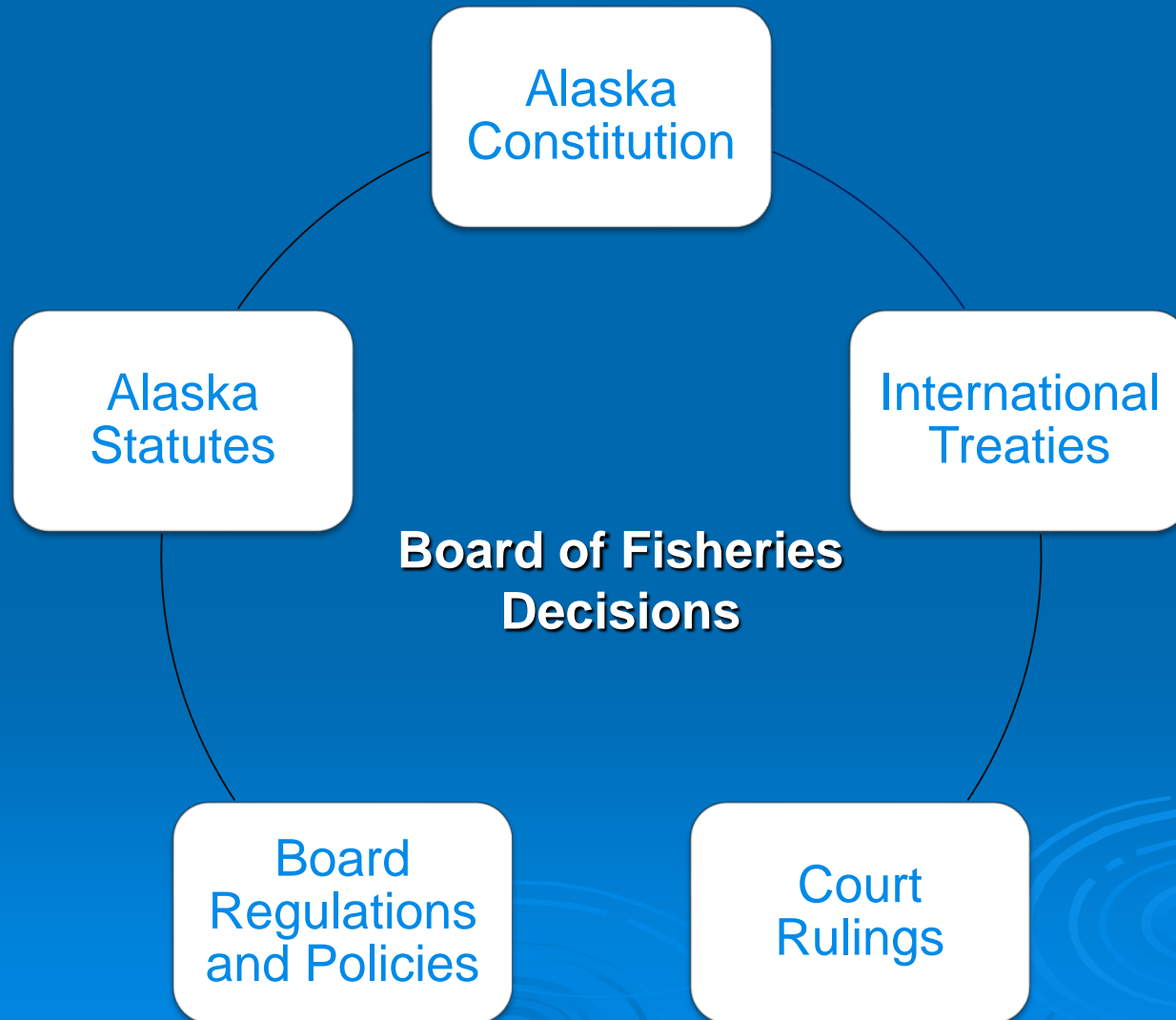


Sources of Agency Input

- **Alaska Dept. of Fish & Game**
 - *Commercial Fisheries Division*
 - *Sport Fish Division*
 - *Subsistence Division*
- **Dept. of Law**
- **Dept. Public Safety/Division of Alaska Wildlife Troopers**
- **Commercial Fisheries Entry Commission**
- **North Pacific Fishery Management Council (*federal*)**
- **Office of Subsistence Management (*federal*)**



Legal and Policy Considerations (for Board decisions)



Alaska Constitution

*“Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the **sustained yield principle**, subject to preferences among beneficial uses”*

(Article 8, Section 4)



Alaska Statutes

- Board of Fisheries Authority (AS 16.05.221; AS 16.05.251)
 - “Conservation and Development”
- Powers and Duties of the Commissioner (AS 16.05.050)
- Alaska Administrative Procedures Act (AS 44.62)
- Open Meetings Act (AS 44.62.310)
- Executive Branch Ethics Act (AS 39.52)

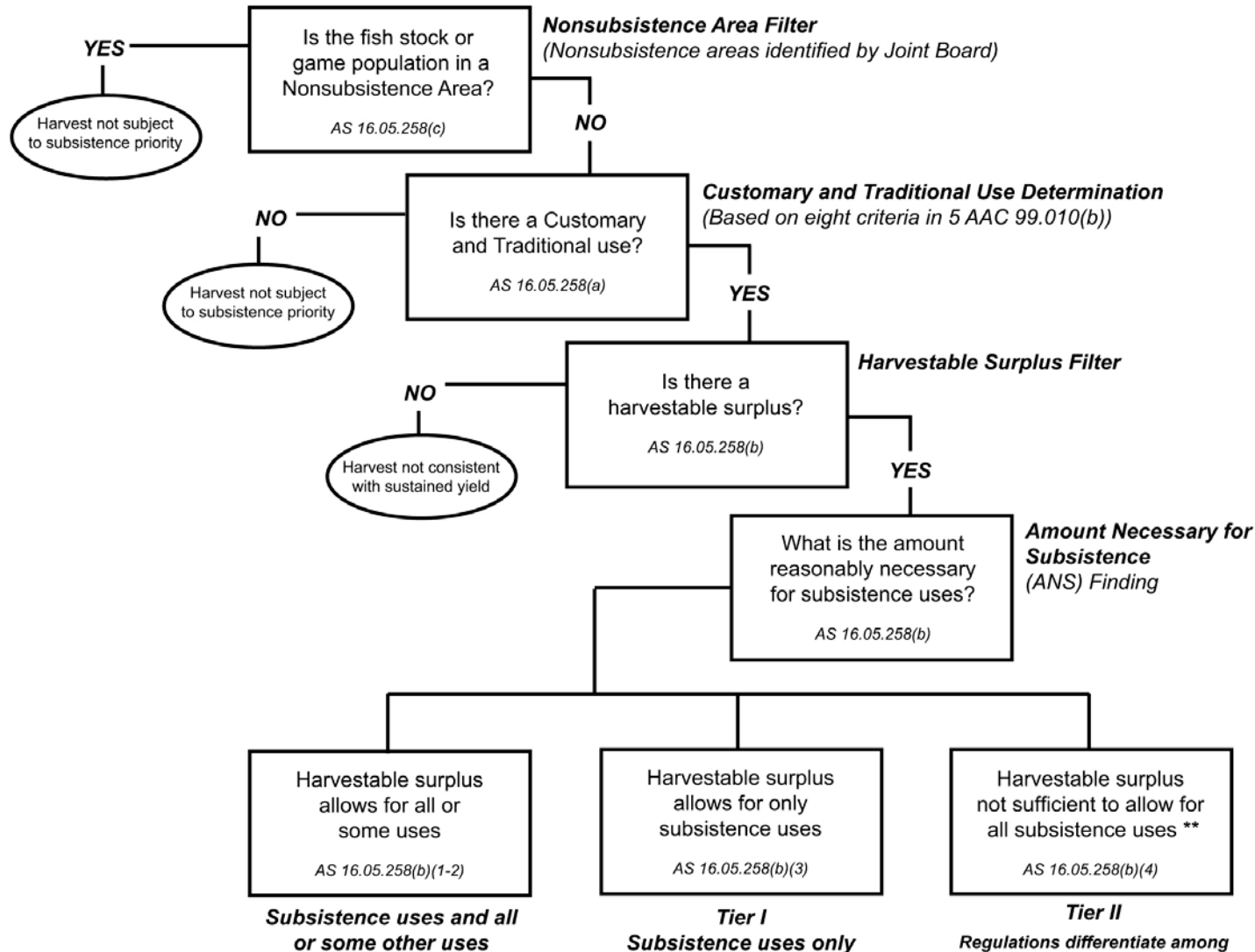


Alaska Statutes (cont.)

- Allocation Criteria (AS 16.05.251(e) and #91-129-FB), including -
 - history of each fishery
 - number of participants
 - importance for personal and family consumption
 - availability of alternative resources
 - importance in local, regional, and state economy
 - importance for providing recreational opportunity
- Management of Wild and Enhanced Stocks (AS 16.05.730)
- State Subsistence Law (AS 16.05.258)



Determining Subsistence Uses



* Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game

** Harvestable surplus below lower end of ANS range

Board Regulations and Policies

- **Sustainable Salmon Fisheries Policy (5 AAC 39.222)**
- **Escapement Goal Policy (5 AAC 39.223)**
- **Mixed Stock Salmon Fisheries (5 AAC 39.220 and #93-145-FB)**
- **Emerging Fisheries (5 AAC 39.210)**



see list of all board findings at

<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.findings>

Procedures for out-of-cycle actions

Board of Fisheries Agenda Change Request Policy (5 AAC 39.999)

Allows for out of cycle action for:

1. Conservation purpose
2. Correct errors
3. Unforeseen effect
4. Not mostly allocative

(form available)

And for coordination with federal agencies, programs, and laws

Joint Board Emergency Petition Policy (5 AAC 96.625(f))

Allows for out of cycle action for:

1. Unforeseen event that threatens resource
2. Unforeseen situation that would preclude biologically allowable resource harvest

Subsistence Proposal Policy (5 AAC 96.615(a))

Allows for out of cycle action:

1. For fish and game populations not previously considered
2. If expedited review required

Category 2 measures in BS/AI King/Tanner crab fishery (5 AAC 39.998)

Allows for out of cycle action:

1. For achieving consistency with federal Fishery Management Plan

Getting Involved

1) Get on Board's mailing list

<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>

2) Submit your written comments on proposals

3) Submit your own proposal

4) Attend Board meetings and present testimony

5) Join or attend your local fish and game advisory committee

6) Join an industry or stakeholder group

Things to Remember

- Be respectful of the people and process
- Facts to support opinions and new information
- Be objective
- Avoid adversarial debate



Summary

- Structured process
- Credibility critical
- High level of public participation



Conclusion



Additional Contact Info

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