

Overview:

Brd. of

Fisheries



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

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COMMITTEES

CHAIR
Resources Committee
Utility Restructuring Committee

MEMBER
State Affairs Committee
Transportation Committee
Fisheries Committee

House Resources Committee

Overview: Alaska Board of Fisheries

January 14, 2000
1:00 PM to 3:00 PM
Room 126

Agenda

- I. Call to Order
- II. Roll Call
- III. Witnesses:

Dan Coffey, Chairman, Alaska Board of Fisheries
Dr. John White, Vice-Chairman, Alaska Board of Fisheries

- IV. Adjournment

Alaska Statutes: Board of Fisheries

Sec. 16.05.221. Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created 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. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state. ...

(c) Members of the Board of Game serve staggered terms of three years ...

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

Sec. 16.05.230. Term of office. [Repealed, Sec. 40 ch 206 SLA 1975].
Repealed or Renumbered

Sec. 16.05.240. Powers excluded. [Repealed, Sec. 40 ch 206 SLA 1975].
Repealed or Renumbered

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

Sec. 16.05.250. Regulations. [Repealed, Sec. 40 ch 206 SLA 1975].
Repealed or Renumbered

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

- (2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;
- (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;
- (4) establishing the means and methods employed in the pursuit, capture, and transport of fish;
- (5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;
- (6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;
- (7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;
- (8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;
- (9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;
- (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- (11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;
- (12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;
- (13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination that an on-board observer program
 - (A) is the only practical data-gathering or enforcement mechanism for that fishery;
 - (B) will not unduly disrupt the fishery;
 - (C) can be conducted at a reasonable cost; and
 - (D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;
- (14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530.

(b) [Repealed, Sec. 12 ch 52 SLA 1986].

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(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.

(f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050 . The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

Sec. 16.05.253. Operation of stationary fishing gear.

(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

(1) a sale of fish caught in the gear; or (2) other stationary gear of the permit holder.

(b) In this section, "fishing site " means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

Sec. 16.05.255. Regulations of the Board of Game.

Sec. 16.05.257. Subsistence hunting regulations. [Repealed, Sec. 12 ch 52 SLA 1986].

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly

consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

- (1) the social and economic structure;
- (2) the stability of the economy;
- (3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;
- (4) the amount and distribution of cash income among those domiciled in the area or community;
- (5) the cost and availability of goods and services to those domiciled in the area or community;
- (6) the variety of fish and game species used by those domiciled in the area or community;
- (7) the seasonal cycle of economic activity;
- (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
- (9) the harvest levels of fish and game by those domiciled in the area or community;
- (10) the cultural, social, and economic values associated with the taking and use of fish and game;
- (11) the geographic locations where those domiciled in the area or community hunt and fish;
- (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
- (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Sec. 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

Sec. 16.05.260. Advisory committees.

The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

Sec. 16.05.261. [Renumbered as AS 16.05.259]. Repealed or Renumbered

Sec. 16.05.270. Delegation of authority to commissioner.

For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

Sec. 16.05.280. Removal of board members.

The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.

Sec. 16.05.290. Compensation of board members.

Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011 (a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180 .

Sec. 16.05.300. Board meetings.

(a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat).

Sec. 16.05.305. Clerical assistance for boards.

The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board.

Sec. 16.05.310. Special board meetings.

A board may meet at any time upon the call of the commissioner or upon the request of two board members.

Sec. 16.05.315. Joint board meetings.

The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, that require the consideration of both boards.

Sec. 16.05.320. Quorum.

A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards.

SUMMARY OF ACTIONS
ALASKA BOARD OF FISHERIES
Work Session – October 27 – 30, 1999

DESIGNATED REPORTER: Jim Marcotte

This summary of actions is for information purposes only and is not intended to detail, reflect or fully interpret the reasons for the Board's actions.

FY 2000 BUDGET OVERVIEW

The department presented an overview of the Boards Support Section FY 2000 budget (RC68) and projected costs through the year, and board members discussed priorities for committee work.

BOARD OF FISHERIES MEETING PROCEDURES

Committee Process

Deputy Commissioner Rob Bosworth provided department comments on the board's committee process (see RC32), suggesting that some proposals may not need to go to committee and cautioning that committee reports could prove burdensome. Board members discussed the advisability of assigning every proposal to committee, the need for workload efficiency, and ways to best include public participation. The board approved intent to limit the number of committee members on a committee to less than a quorum of the board (i.e., less than the number of board members it would take to pass or prevent adoption of a regulation). The board also approved intent of allowing advisory committees to decide whether to direct their representatives as being free to offer comments on amended language during committee process or adhere to AC comments only. Pros and cons of audio taping committee sessions were discussed and a motion to record these sessions within fiscal constraints was withdrawn. They discussed whether written committee procedures best fit in regulation or board policy, and approved a motion to form a committee, consisting of Larry Engel and Ed Dersham, to develop draft policy bring back to board at Valdez meeting.

Agenda Change Request Form

The board accepted a new form (RC16) because non-standardized ACR result in difficulties due to ambiguity and failure to address criteria. The form uses similar wording as for proposal forms.

Proposal Form

The board adopted draft proposal form that adds a question on product quality. The proposal format next goes to the Board of Game for support before being implemented.

Policy on Findings

The board accepted a policy on development board on findings (99-184-FB) which the Department of Law was asked to draft. Guidelines are addressed in the policy. The board discussed inclusion of majority and minority opinions and the value of written findings in fishery management plans.

Oral Testimony

The board discussed, but chose not to limit public testimony to three minutes if over 200 people sign up to testify, opting instead to be mindful it is the board member's own questions that often slow the process.

COMMITTEE REPORTS

Joint BOF/NPFMC Committee Report

The board adopted an addendum to the Joint Protocol and State/Federal Action Plan (RC 31). St. Matthews blue king crab and for Bering Sea snow crab rebuilding processes were scheduled for the March 2000 meeting (RC33, RC38, RC39). American Fisheries Act sideboards were discussed and further action was scheduled for the March 2000 meeting (RC35).

Habitat Committee Report

The committee worked with Habitat Division on protection issues surrounding culverts and log transfer facilities.

Hatchery Committee Report

The board received a hatchery committee report (RC80). Committee member Coffey will compile and index the volume of attachments for the Valdez meeting. The board plans to hear testimony on the hatchery proposals (64, 358, 364, 365) at both the Valdez and Sitka meetings but will hold off on deliberation until the March 2000 meeting in Anchorage.

Federal Subsistence Fisheries Management

Commissioner Frank Rue reviewed the department goals of protecting Alaska's fish and wildlife consistent with sustained yield principals, continuing subsistence uses, providing expertise, and regaining state management. A memorandum of agreement is being drafted. Peggy Fox and Greg Bos from USFWS reported on the federal subsistence fisheries management program and stressed the need for close coordination. The board discussed extraterritorial jurisdiction procedures, customary trade, past administrative appeals, in-season management, and the final decision making role of the secretaries of Interior and Agriculture.

Rod and Reel Subsistence Committee Report

Sport Fish Director Kevin Delaney outlined the department survey (RC48). The board approved scheduling the Associated Village Council Presidents (AVCP) request and the department's evaluation and recommendations for March 2000. The board requested that only historical uses, and not new uses, be considered and expected to look at this as a model for future application and potential coordination with federal program.

Sustainable Fisheries Committee Report

The board provisionally accepted a draft policy on sustainable fisheries for further amendment and final action in March 2000. Deputy Commissioner Rob Bosworth said that national and international scrutiny from rankings for sustainability are becoming increasingly important and that Alaska cannot skate by on reputation. Members want to demonstrate a clear course of action leading up to March 2000.

TASK FORCE UPDATES AND PROPOSAL CONSIDERATION

Halibut LAMP Task Force

Ed Dersham presented a committee report on halibut local area management plans (RC11, RC55) and recommendation that a task force be constituted. The task force can come back to board in March prior to next step. The December NPFMC meeting may be best time for the task force to first meet, with shareholders paying their own travel. Boundaries for local area management plans need to be set. Halibut management closely tied to management of other fisheries. The board tabled proposals 9-11, 424-426 to the October 2000 worksession for further scheduling. The board accepted the committee charge (99-193-FB).

North Gulf of Alaska Chinook Task Force

Ed Dersham presented a committee report on North Gulf of Alaska chinook (RC10) and recommended Option 1 for October 2000 worksession. The board chose to finalize committee membership review the committee charge at their up-coming Valdez meeting. Proposals 2-8 and 423 were tabled to the October 2000 work session. The board clarified that members of the public will need to be responsible for their own travel costs.

Kodiak Trawl Task Force

Two proposals to close trawl areas were acted on in March 1999. Issues remained regarding the observer program on vessels less than 60 feet. Staff reported on recent task force teleconferences (RC56). Questions remain on the direction of the task force, data needs, relationship with federal observer program. Board members expressed interest in bycatch observer program, industry sponsorship, fleet-wide applicability, accountability, the need to exercise the precautionary principal, and the need for a more firm charge to the task force. The board asked for an ACR for March 2000 or board will generate proposal at that time. Observer program is different focus of task force than dealing with closures. The board discussed the percentage of fishing vessels to be randomly selected, the intent that costs be borne by the participants (RC86). Action on this was tabled to the Valdez meeting.

Kodiak Herring Task Force

Last year's proposal 94 was tabled to the October 1999 worksession in order to obtain an additional year of harvest data, stock assessments, and guideline harvest levels. The task force has not met and there are differences among set net and seine net gear groups. The board scheduled Proposal 94 for review at Valdez meeting while it encouraged the user groups to work together in bringing a proposal to Valdez or board will schedule Proposal 94 for January.

Kenai River Sport Fishing Guide Restrictions

Proposal 381 was deferred to 1999-2000 cycle. The department presented the results of a Kenai River sport fishing guide survey (RC43). There was near unanimous guide opposition of proposal 381 because it would restrict diverse fishing opportunity. The department recommends not adopting proposal 381. Proposal 381 died for lack of board action. Board members expressed interest in guide legislation, and the need for the development of a consensus among guides. The board voted to approach key members of the legislature regarding guide legislation. The task force is now a "committee" consisting of Nelson, Umphenour and Engel.

Perryville Subsistence Task Force

The department presented an interim progress report (see Task Force Tab) on subsistence uses of salmon in the Chignik management area by residents of Perryville which addressed coho stock and reasonable opportunity. Area fishers expressed support for the final language as presented. The board supported the work of the task force and expressed support for continued work.

Shellfish Onboard Observers (RCs 8, 15, 21, 42, 50, 52)

The board discussed the initial crab oversight committee and heard the department's support for the recommendations provided by the crab oversight committee (RC50). Linda Kozak, who served as facilitator, reviewed recommendations. The department does not support funding. The initial goal was to formalize a structure between the department and users. The board adopted policy language for permanent industry crab oversight committee with the provision that references to funding be deleted (99-186-FB). Board members clarified that task forces, as opposed to workgroups, are intended to be self sufficient.

The board also discussed the scope of the cost recovery program (RC 50, page 3), the use of common property resources to pay for department programs and voted to narrow scope of the cost recovery program to the observer program. The board set the task force size at 15 and asked that names be provided to the board prior to next meeting. Future vacancies would be referred to the board for approval.

Alitak Task Force

The board reviewed Alitak task force information and set the task force composition at two set netters from each fishing area (Olga, Moser, Alitak) and four seiners, and directed each user group to select members and one alternate. The selection of chair and meeting place was left up to the task force.

PROPOSAL NO. 1

ACTION: No Action

DESCRIPTION: Require guides to register to operate in Kenai River, Kasilof River and marine waters.

DISCUSSION: See discussion under Kenai River Sport Fishing Guide Restrictions.

PROPOSAL NO. 2

ACTION: Tabled to October 2000

DESCRIPTION: Establish a bag limit of two king salmon for the winter fishery between November 1 and March 31.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 3

ACTION: Tabled to October 2000

DESCRIPTION: Reduce the yearly bag limit for king salmon in Cook Inlet to two.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 4

ACTION: Tabled to October 2000

DESCRIPTION: Eliminate the early run king salmon guideline harvest level in central Cook Inlet marine fishery.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 5

ACTION: Tabled to October 2000

DESCRIPTION: Define the salmon corridor restrictions for sport fishing in lower Cook Inlet on June 25 each year.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 6

ACTION: Tabled to October 2000

DESCRIPTION: Establish a closed area for king salmon fishing at the mouth of the Anchor River.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 7

ACTION: Tabled to October 2000

DESCRIPTION: Move the southern boundary of the one mile restricted zone from Bluff Point to coincide with the southern closure marker of the Anchor River.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 8

ACTION: Tabled to October 2000

DESCRIPTION: Close the waters within a one-mile radius of the Anchor, Ninilchik rivers and Deep and Stariski creeks to king salmon fishing January 1 to June 30.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 423**ACTION: Tabled to October 2000**

DESCRIPTION: Establish king salmon sport limits for Kodiak Island waters as follows: Over 20 inches: three king salmon per day, three in possession, only two of which may be over 28 inches in length. Less than 20 inches: ten per day, ten in possession. Nonresident anglers will be restricted to the taking of six king salmon greater than 20 inches annually.

DISCUSSION: See North Gulf of Alaska Chinook Task Force.

PROPOSAL NO. 9**ACTION: Tabled to October 2000**

DESCRIPTION: Implement a moratorium on new entries to the halibut charter industry in Upper and Lower Cook Inlet for three years.

DISCUSSION: See Halibut LAMP Task Force.

PROPOSAL NO. 10**ACTION: Tabled to October 2000**

DESCRIPTION: Allow only 12 halibut per 24-hour day for six-pack charters whom launch and load for Ninilchik to Anchor River.

DISCUSSION: See Halibut LAMP Task Force.

PROPOSAL NO. 11**ACTION: Tabled to October 2000**

DESCRIPTION: Provide that recreational halibut angler shall not anchor their vessels in times or areas open to the salmon drift fishery when drift vessels are present and engaged in fishing.

DISCUSSION: See Halibut LAMP Task Force.

PROPOSAL NO. 424**ACTION: Tabled to October 2000**

DESCRIPTION: Implement a moratorium on new entry into the halibut charter or guide service business in the waters of Cook Inlet and Kachemak Bay for a period of three years.

DISCUSSION: See Halibut LAMP Task Force

PROPOSAL NO. 425**ACTION: Tabled to October 2000**

DESCRIPTION: Define a separate halibut management area for Kodiak similar to the Kodiak Salmon Management Area K.

DISCUSSION: See Halibut LAMP Task Force.

PROPOSAL NO. 426**ACTION: Tabled to October 2000**

DESCRIPTION: Direct the development of six sub-area plans within larger Kodiak Management Area.

DISCUSSION: See Halibut LAMP Task Force.

PROPOSAL NO. 12**ACTION: Tabled to March 2000**

DESCRIPTION: Change the opening date of the directed *C. bairdi* fishery to January 15 in specified waters of the Eastern Subdistrict.

DISCUSSION: The board heard staff comments on this carry-over proposal from last year (was Proposal 299) and tabled it to March 2000 and asked that the protocol committee review it.

PROFESSIONAL BOARD LEGISLATION (SB183)

Staff from Senator Drue Pearce's office presented the board a senate bill regarding a professional board (SB 183). Funding sources were not identified, and this bill is only a starting point for dialog. Board members discussed looking at guidelines of the North Pacific Fishery Management Council, reviewing the content of past legislative efforts, other state boards and commissions, and channeling information requests through the vice chair. The board voted to

have the legislative committee make a formal request to Pearce's office for information as described above to be distributed in a timely manner for approval in the Juneau board session in January. Board members also commented on the value of the current board process is the high level of direct contact with public.

FUTURE MEETING SCHEDULE

The board approved changing from an annual cycle for reviewing groundfish proposals to a three year cycle, with the first year 2002-2003.

The board approved the Call for Proposals for the April 10, 2000 deadline for Arctic-Yukon-Kuskokwim fisheries. The board also approved a schedule for the 2000-2001 meeting cycle (RC70). Specific dates may change subject to meeting room availability. The board also expressed its intent to not change meeting sites unless there is a very good reason.

FINDINGS

Findings for brown king crab, Area O (99-190-FB)

The board adopted the findings based on the Department of Law's review of consistency with the King and Tanner crab Fishery Management Plan.

Findings for red king crab, Bristol Bay (99-187-FB)

The board adopted the findings that provide the rationale for an earlier start date and gear stand down time.

Findings for Bering Sea Tanner Crab (99-188-FB)

The board adopted the finding after a Department of Law review and the crab Fishery Management Plan requirements were met.

Findings for CDQ crab (99-189-FB)

The board adopted the finding which address the stand-down period for CDQ crab fisheries.

Findings for Cook Inlet Salmon Management Plan (99-191-FB)

The board adopted the findings in order to clarify its action on this complex, mixed stock fishery given the substantial public testimony received last year.

Delegation of Authority to Correct Technical Errors in Regulations (99-192-FB)

This board finding, that updates a previous finding (96-163-FB), clarifies the authority of the department to correct technical errors in regulation, such as revisions characterized as housekeeping, where the board intention is clear.

AGENDA CHANGE REQUESTS

ACR#1

ACTION: Carried

DESCRIPTION: Require registration for specific salmon district in area.

DISCUSSION: The board found that the request met the criteria and scheduled it for consideration in March 2000.

ACR#2

ACTION: Carried

DESCRIPTION: Consider alternatives to deter prospecting in Bristol Bay red king crab fishery.

DISCUSSION: This request was based on an action taken March 1999 and a request from the North Pacific Fishery Management Council to consider other alternatives. This ACR will be considered in March 2000.

ACR#3

ACTION: No Action

DESCRIPTION: Consider alternatives to deter prospecting in Bristol Bay king crab fishery.

DISCUSSION: The board took no action based on the action taken on ACR 2.

ACR#4

ACTION: Carried as Amended

DESCRIPTION: Address the salmon allocation system in Nushagak District.

DISCUSSION: The board chose to separate the date (ACR 4A) from the remainder (ACR 4B). The date aspect was seen as correcting an error in regulation and not primarily allocative. The remainder was seen as predominately allocative and was not supported. ACR 4A will be considered in March 2000.

ACR#5

ACTION: Carried

DESCRIPTION: Create management plan for gillnet and purse seine herring fisheries in Nunivak Island area.

DISCUSSION: The board found the request was based on new information and that there were not allocative effects (see RC73). There is now enough experience to find that gillnets are not effective, which results in an inability to conduct the fishery. This ACR will be considered in January 2000.

ACR#6

ACTION: Carried

DESCRIPTION: Implement spawning season sportfishing closures in Aniak River.

DISCUSSION: The department indicated poor returns and favored spawning season closure. The board expressed conservation concern in dealing with the growing fishery. This ACR will be considered in March 2000.

ACR#7

ACTION: Carried

DESCRIPTION: Establish resident species management plan in Aniak River.

DISCUSSION: The board discussed the need for a management plan for stock protection. Local knowledge as expressed at a recent hearing held in Aniak indicates declines in fish stocks. This ACR will be considered in March 2000.

ACR#8

ACTION: Failed

DESCRIPTION: Re-evaluate sockeye escapement goal in Upper Susitna/Yentna River.

DISCUSSION: The board found that conservation purposes were not identified and that putting a biological escapement goal in regulation is not a correction of a regulation. Brood tables were seen as advisory and not controlling.

ACR#9

ACTION: Failed

DESCRIPTION: Reduce number of crew on scallop fishing vessels statewide.

DISCUSSION: Board members found the request more of an allocation issue than a conservation issue.

ACR#10

ACTION: Failed

DESCRIPTION: Revisit allocation of state water P-cod quota by vessel length.

DISCUSSION: The board discussed the regulatory changes made in March 1999, the use of large flat boats allowed back in for the "cleanup" fishery, and the extent of emergency order authority. The board found the scope of the request too broad.

ACR#11

ACTION: Failed

DESCRIPTION: Address replacement of lost tags for Tanner crab in Area J.

DISCUSSION: The board found that the agenda change request criteria were not met because the problem was not unforeseen.

ACR#12

ACTION: Carried

DESCRIPTION: Revisit allocation of state water P-cod quota by vessel length.

DISCUSSION: The board found that the request sought to correct an error in regulation and scheduled it for consideration in March 2000.

ACR#13

ACTION: No Action

DESCRIPTION: Amend the Little Susitna and Northern District coho management plans.

DISCUSSION: No action was taken based on the action taken on ACR 21.

ACR#14

ACTION: No Action

DESCRIPTION: Review Cook Inlet coho management strategy.

DISCUSSION: No action was taken based on the action taken on ACR 21.

ACR#15

ACTION: Failed

DESCRIPTION: Address conflict among different sportfish user groups on Kenai River.

DISCUSSION: The board took action on Proposal 381 earlier in this meeting.

ACR#16

ACTION: Failed

DESCRIPTION: Return opening of state water cod fishery to April 1.

DISCUSSION: The board noted that the issue had been dealt with before and did not find that the request addressed an error or unforeseen circumstances.

ACR#17

ACTION: Failed

DESCRIPTION: Divide P-cod quota between pot vessels over and under 50 feet.

DISCUSSION: The board found the request allocative and did not find the agenda change request criteria satisfied.

ACR#18

ACTION: Withdrawn

DESCRIPTION: Eliminate prohibition on taking sablefish for bait and personal use.

DISCUSSION: The proposer withdrew the request.

ACR#19

ACTION: Withdrawn

DESCRIPTION: Allow full retention of bycatch of high mortality species in Southeast.

DISCUSSION: The proposer withdrew the request.

ACR#20

ACTION: Carried

DESCRIPTION: Require permits for taking of miscellaneous groundfish in PWS.

DISCUSSION: The board cited conservation concerns, and scheduled this ACR for consideration in December 1999 with final deliberations in March 2000.

ACR#21

ACTION: Carried (in three parts)

DESCRIPTION: Create salmon management plans for Cook Inlet and Kuskokwim River.

DISCUSSION: ACR 21 was split into three components: 21A1 dealing with coho salmon in the Kuskokwim River, 21A2 dealing with chum salmon in the Arctic-Yukon-Kuskokwim area, and 21B dealing with coho in Cook Inlet. Commissioner Frank Rue said that the governor thought the Kuskokwim area was coming up this winter and had asked for the board to consider it as possible.

Kusko Coho (ACR 21A1) The board asked the department to bring in March a comprehensive report on past and present escapement enumeration projects, in-season evaluation tools, a discussion of escapement of enumeration capabilities, stock status, past research and future research needs, and conservation ability in the future. The board wishes to review these items in preparation for regulatory proposals to be submitted in April 2000 and the normal AYK meeting in December 2000. The board chose to limit oral public testimony on this ACR to advisory committee representatives only consistent with the action taken for ACR 21B.

AYK Chum (ACR 21A2) The board discussed general conservation concerns and stressed the need for reviewing management information given the precocity of the run failure. Members considered a review step helpful going into the regular cycle.

Board members asked the department to bring in March a report on AYK chum salmon conservation and management issues, including past and present escapement enumeration projects, in-season evaluation tools, a discussion of escapement of enumeration capabilities, stock status, past research and future research needs, and conservation ability in the future. Board members expressed concerns over progressing restrictions in the fishery. The board wishes to review these items in preparation for regulatory proposals to be submitted in April 2000 and the normal AYK meeting in December 2000. The board chose to limit oral public testimony on this ACR to advisory committee representatives only consistent with the action taken for ACR 21B. Member White was selected as a committee of one to deal with department on this specific information requests.

Cook Inlet Coho (ACR 21B) The board recalled actions taken last year at the Soldotna meeting and the current conservation concerns.

The board scheduled a special meeting in Girdwood from February 9-11 to consider a "Cook Inlet Coho Conservation Management Plan" including specific areas and options for in-season actions. The board considers the scope as conservation as opposed to allocative. An analysis of marine survival of wild vs. hatchery smelt was considered contained within general request. The board chose to limit oral public testimony to advisory committee representatives only but not limit written comments.

PETITIONS

Kenai River Early Run Chinook Management Plan Petition

The board discussed the "emergency" requirement for accepting petitions and the role of unmet harvest. Board members asked about significance of the relatively small number of fish retained. The department indicated that the harvest is so close to zero that biologically there is not a significant difference, but the harvest data is a helpful tool for run assessment. The board, citing the criteria of an unexpected situation, found that the petition criteria were met and scheduled the request for the February meeting in Girdwood, in order to take action which could be in regulation by summer (see RC79). The board will take oral public testimony only from advisory committees at that time.

Bristol Bay Red King Crab Landing Requirements Petition

Alaska Fisheries Conservation Group petitioned to board to change landing requirements. The board discussed the whether the intent better fit FMP criteria or the board emergency petition authority and voted to reject the petition. The department currently has authority to do what the petitioner requests.

ORGANIZE PROPOSALS FOR SESSIONS 1999-2000 CYCLE

Specific proposals were assigned to in-meeting committees and roadmaps were approved for the Valdez, Sitka, Juneau, and Anchorage sessions. Additionally, board members were given committee assignments.

BOF IN-MEETING COMMITTEE ASSIGNMENTS FOR 1999-2000 CYCLE

			Engel	Miller	White	Coffey	Dersham	Nelson	Umphenour
Valdez	A	Groundfish			X		Chair	X	
	B	Herring	X	Chair					X
	C	Sport/Resident Spec.	X	X					Chair
	D	Gear			X		X	Chair	
	E	PWS Salmon		Chair				X	X
	F	C. R. Salmon	Chair		X		X		
Juneau	A	Sub/P U			Chair		X	X	
	B	Herring	Chair	X					X
	C	Groundfish			X		Chair	X	
	D	Shrimp	X	Chair					X
	E	Dumg. crab	X	X				Chair	
	F	Misc. Shellfish			X		X		Chair
Sitka	A	Sport	Chair		X		X		
	B	King, Spec. Harv. A.	X	Chair					X
	C	Salmon, Spec. Harv.		X	X		Chair		
	D	Purse Seine		X				X	Chair
Anch.	A	Scal., West Dungen.			X		Chair	X	
	B	Cook Inlet	Chair	X					X
	C	Clams	X	X	Chair	X	X	X	X
	D	Groundfish		Chair			X	X	
	E	Misc.	X		X				Chair

Anchorage: Day 1 A&B; Day 2 C, D,&E; Day 3 E (cont.)
[approved 10/30/99]

CHANGE IN MEETING LOCATION REQUESTS

Board members indicated familiarity with all the request letters submitted July through September and noted that the impetus for selecting Valdez as the meeting location for Prince William Sound and Copper River finfish was in part to accommodate residents of the Copper River Basin. The board could not support relocating the meeting or adding additional days for a hearing due to budgetary concerns and because the 112 mile distance from Glennallen to Valdez already provided relatively good access.

OTHER

Legislative Audit Update

Executive Director Cote informed the board of recent audit activities and shared a copy of the audit survey (RC7) sent to random sample of people on the proposal booklet mailing list. The auditors will begin working again in December 1999.

New and Developing Fisheries Policy

Department legislative liaison Geron Bruce presented a draft new and developing fisheries policy (RC81). The board chose to move forward within the regulatory cycle and ask for the final draft for

fall 2000 worksession, with continued public review to March 2001. The board established a new "New and Developing Fisheries" committee consisting of White, Engel, and Miller.

Use of King Salmon for Dog Food

The department presented an update of recent fieldwork stemming from ACR18 taken up by the board March 1999. Members asked if the practice of feeding king salmon to dogs is still going on and asked for another update at the March 2000 meeting in Anchorage.

Recovering Shellfish Fisheries

The department presented information (RC27) on rebuilding plans for various shellfish fisheries.

Committee/Task Force Assignments

The board revised committee and task force assignments (RC87) and reviewed potential workload of committees and task forces. New assignments were made among board members for committee work.

Component Detail - FY01 Operating Budget

Agency: Department of Fish and Game

Component: **Boards of Fisheries and Game**
 BRU: **Administration and Support**

	<u>FY99 Act</u>	<u>FY00 CC</u>	<u>FY00Auth</u>	<u>00MgtPln</u>	<u>Adj Base</u>	<u>Gov Num</u>	<u>Gov Lang</u>	<u>Gov</u>	<u>00MgtPln to Gov</u>	
Personal Services	381.5	402.0	402.0	402.0	402.0	402.0		402.0	0.0	0.0%
Travel	254.2	271.9	271.9	271.9	271.9	271.9		271.9	0.0	0.0%
Contractual	212.5	198.2	198.2	198.2	198.2	198.2		198.2	0.0	0.0%
Commodities	23.2	31.5	31.5	31.5	31.5	31.5		31.5	0.0	0.0%
Equipment	26.1	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Lands/Buildings	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
** Total Expend.	897.5	903.6	903.6	903.6	903.6	903.6		903.6	0.0	0.0%
1004 Gen Fund	729.6	733.7	733.7	733.7	733.7	733.7		733.7	0.0	0.0%
1007 I/A Rcpts		169.9	169.9	169.9	169.9	169.9		169.9	0.0	0.0%
1024 Fish/Game	167.7								0.0	0.0%
1053 Invst Loss	0.2								0.0	0.0%
Perm Full Time	5.0	5.0	5.0	5.0	5.0	5.0		5.0	0.0	0.0%
Perm Part Time	2.0	2.0	2.0	2.0	2.0	2.0		2.0	0.0	0.0%
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%

Component Detail - FY01 Operating Budget

Component: **Advisory Committees**
 BRU: **Administration and Support**

Agency: **Department of Fish and Game**

	<u>FY99 Act</u>	<u>FY00 CC</u>	<u>FY00Auth</u>	<u>00MgtPln</u>	<u>Adj Base</u>	<u>Gov Num</u>	<u>Gov Lang</u>	<u>Gov</u>	<u>00MgtPln to Gov</u>	
Personal Services	251.7	271.7	271.7	271.7	271.7	271.7		271.7	0.0	0.0%
Travel	67.7	72.4	72.4	72.4	72.4	72.4		72.4	0.0	0.0%
Contractual	35.3	23.8	23.8	23.8	23.8	23.8		23.8	0.0	0.0%
Commodities	3.6	2.0	2.0	2.0	2.0	2.0		2.0	0.0	0.0%
Equipment	17.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Lands/Buildings	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
** Total Expend.	375.3	369.9	369.9	369.9	369.9	369.9		369.9	0.0	0.0%
1002 Fed Rcpts	9.4								0.0	0.0%
1004 Gen Fund	365.5	369.9	369.9	369.9	369.9	369.9		369.9	0.0	0.0%
1053 Invt Loss	0.4								0.0	0.0%
Perm Full Time	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%
Perm Part Time	5.0	5.0	5.0	5.0	5.0	5.0		5.0	0.0	0.0%
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0%