

SB

137



Alaska State Legislature

Senator Con Bunde

Senate District P

Member: Senate Labor & Commerce Committee

Sponsor Statement
Senate Bill 137

I introduce this bill in response to the many concerns verbalized to me from those in the fishing community and from the Department of Fish and Game questioning whether the time intervals between the Board of Fish meetings should be expanded. (Currently, the time span is three years between meetings.)

One hurdle seems to be the fact that it often can take department biologists up to a year to gather and prepare data to make recommendations to the BOF; and then once the policies are put in place, some feel that there is not enough time between Board meetings for empirical data to be collected and reviewed that can prove or disprove the efficacy of the policy. Perhaps citizens would be better served by lengthening the time between Board of Fish meetings so that the implemented policies have sufficient time to play themselves out and allow for more accurate evaluation.

Another concern expressed to me is the amount of staff time consumed in responding to and revisiting repetitive proposals. It is my hope that the Board can come up with a plan that does not disenfranchise the public process, but can also assist department staff in handling repetitive proposals in a more efficient manner.

I ask for your support of this bill and look forward to the findings resulting from this evaluation.

**Preliminary Background Information on the
Alaska Board of Fisheries Meeting Cycle Review
Regarding Consideration of SB 137**

**Prepared for the
Alaska Legislature, Senate Community and Regional Affairs Committee**

April 2, 2009



**Jim Marcotte
Board of Fisheries Executive Director
Boards Support Section
Alaska Department of Fish and Game
465-4110**

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Includes:

**Long-term meeting cycle
Procedures of out-of-cycle actions
List of meeting (October 2003-March 2009)
2009/2010 meeting schedule
Source of fishery proposals**

ALASKA BOARD OF FISHERIES

LONG-TERM MEETING CYCLE (Three-year cycle)

The board meeting cycle generally occurs from October through March. The board considers changes to regulations on a region-based schedule. All fisheries are considered when the regional area, shellfish species, or statewide regulations are before the board. The fisheries include subsistence, sport, guided sport, personal use, and commercial. Special petition and agenda change request procedures are available for the board to consider out-of-cycle requests.

NOTES:

- 1) Statewide shellfish regulations will not be considered every meeting cycle. When setting the future meeting schedule annually, the board will determine whether to consider statewide finfish or shellfish regulations for that meeting cycle.
- 2) The proposal deadline is April 10 every year. *If April 10 falls on a weekend, the proposal deadline is the Friday preceding that weekend.*

Meeting Cycle:	2008/2009	2011/2012	2014/2015	2017/2018
<u>Area:</u>				
Prince William Sound Area (All Finfish)				
Southeast/Yakutat Areas (All Finfish)				
Southeast/Yakutat Areas (King Crab, Tanner Crab, Dungeness Crab, Shrimp; and Miscellaneous Shellfish)				

Meeting Cycle:	2009/2010	2012/2013	2015/2016	2018/2019
<u>Area:</u>				
Alaska Peninsula/Aleutian Island Areas (All Finfish)				
Arctic-Yukon-Kuskokwim Areas (All Finfish)				
Bristol Bay Area (All Finfish)				
Statewide Provisions for Finfish				

Meeting Cycle:	2010/2011	2013/2014	2016/2017	2019/2020
<u>Area:</u>				
Cook Inlet Area (All Finfish)				
Kodiak and Chignik Areas (All Finfish)				
King and Tanner Crab, Miscellaneous Shellfish (Statewide, except Southeast/Yakutat)				

THE MEETING CYCLE REPEATS ITSELF EVERY THREE YEARS. This schedule was adopted November 9, 1990, updated October 13, 2006.

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

BOARD OF FISHERIES MEETINGS (October 2003 through March 2009)

Meeting dates	Location	Topics	Number of proposals
2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE			
Oct. 1-3, 2003	Anchorage	Worksession (24 ACRs)	0
Oct. 4, 2003	Anchorage	Pribilof Islands blue king crab	1
Nov. 12-17, 2003	Anchorage	Statewide finfish	31
Nov. 18-19, 2003	Anchorage	Chignik purse seine coop fishery	6
Dec. 9-17, 2003	Anchorage	Bristol Bay finfish	75
Jan. 12-19, 2004	Fairbanks	Arctic-Yukon-Kuskokwim finfish	32
Feb. 15-26, 2004	Anchorage	Alaska Peninsula/Aleutian Islands finfish	84
Apr. 4-5, 2004	Anchorage	Prince William Sound allocation plan	2
		total for cycle:	231
2004/2005 COOK INLET/KODIAK CYCLE			
Jul. 1, 2004	Teleconference	Teleconference re Kaslof sockeye	1
Jul. 5, 2004	Teleconference	Teleconference re Kaslof sockeye	1
Jul. 19, 2004	Teleconference	Teleconference re Kaslof and Kenai late-run sockeye	1
Aug. 4, 2004	Teleconference	Teleconference re Cook Inlet eastside commercial and Kenai PU	1
Sep. 28, 2004	Teleconference	Teleconference re Kenai River coho	1
Oct. 5-7, 2004	Anchorage	Worksession (24 ACRs)	0
Nov. 11-13, 2004	Anchorage	Lower Cook Inlet finfish	34
Nov. 14-17, 2004	Anchorage	Chignik finfish	33
Jan. 7-10, 2005	Anchorage	Kodiak finfish	134
Jan. 17-29, 2005	Anchorage	Upper Cook Inlet finfish	258
Mar. 7-13, 2005	Anchorage	Statewide king and Tanner crab, supplemental issues	68
		total for cycle:	532
2005/2006 PWS AND SOUTHEAST CYCLE			
Oct. 13-14, 2005	Girdwood	Worksession (45 ACRs)	0
Oct. 15-18, 2005	Girdwood	State-waters trawl	3
Nov. 15-18, 2005	Anchorage	Chignik salmon	1
Dec. 1-6, 2005	Valdez	Prince William Sound and Copper River finfish	84
Dec. 29, 2005	Teleconference	Teleconference re Adak P-cod	1
Jan. 22-Feb. 1, 2006	Ketchikan	Southeast and Yakutat finfish	142
Feb. 20-26, 2006	Ketchikan	Southeast groundfish, dungeness, shimp, misc. shellfish; Aleutian Island P-cod	82
Mar. 17-23, 2006	Anchorage	Statewide dungeness, shrimp, misc. shellfish, supplemental issues	107
May 3, 2006	Teleconference	Bering Sea crab	1
		total for cycle:	421
2006/2007 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE			
Oct. 12-13, 2006	Anchorage	Worksession (29 ACRs)	0
Oct. 14-16, 2006	Anchorage	State-waters trawl	6
Oct. 31, 2006	Teleconference	Teleconference re Adak pollock	1
Dec. 4-12, 2006	Dillingham	Bristol Bay finfish	120
Jan. 31-Feb. 5, 2007	Anchorage	Arctic-Yukon-Kuskokwim finfish	56
Feb. 6-11, 2007	Anchorage	Alaska Peninsula/Aleutian Islands finfish	48
Mar. 9-13, 2007	Anchorage	Statewide finfish	29
Apr. 18, 2007	Teleconference	Petition on Upper Cook Inlet	1
		total for cycle:	261
2007/2008 COOK INLET/KODIAK CYCLE			
Oct. 9-11, 2007	Anchorage	Worksession (24 ACRs)	0
Nov. 11-15, 2007	Homer	Lower Cook Inlet finfish	31
Jan. 9-12, 2008	Anchorage	Chignik finfish	12
Jan. 14-18, 2008	Kodiak	Kodiak finfish	38
Feb. 1-12, 2008	Anchorage	Upper Cook Inlet finfish	288
Mar. 3-9, 2008	Anchorage	Statewide king and Tanner crab, supplemental issues	38
April 28, 2008	Teleconference	Southeast Chinook sport	1
May 9, 2008	Teleconference	Egegik and Ugashik seasons	1
Jun. 26, 2008	Teleconference	Cook Inlet dual permit net use	1
		total for cycle:	408
2008/2009 PWS AND SOUTHEAST CYCLE			
Oct. 9-10, 2008	Fairbanks	Worksession (12 ACRs)	0
Dec. 1-7, 2008	Corova	Prince William Sound and Copper River finfish	139
Dec. 31, 2008	Teleconference	Statewaters P-cod	6
Jan. 21-27, 2009	Petersburg	Southeast Shellfish	66
Feb. 17-27, 2009	Sitka	Southeast Finfish	160
Mar. 18-20, 2009	Anchorage	Statewide Shellfish	19
		total for cycle:	390

ALASKA BOARD OF FISHERIES
2009/2010
TENTATIVE MEETING SCHEDULE

**Bristol Bay, Arctic-Yukon-Kuskokwim, and
Alaska Peninsula/Aleutian Islands Finfish;
Statewide General Finfish Provisions;
and Supplemental Issues**

PROPOSAL DEADLINE: 5:00 p.m. Friday, April 10, 2009

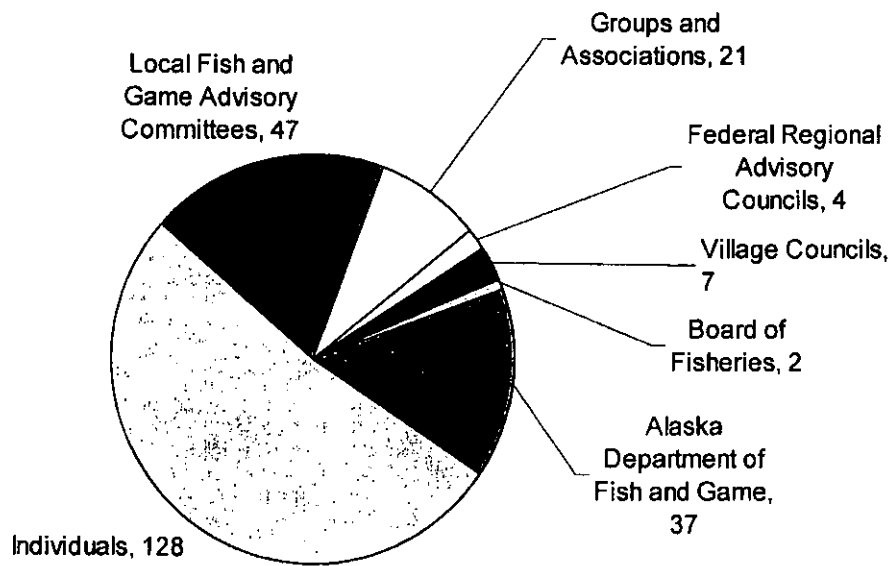
<u>Dates</u>	<u>Topics</u>	<u>Location</u>	<u>Comment deadline</u>
October 13-14, 2009 [2 days]	Work Session ACRs, cycle organization, Stocks of Concern	Anchorage Hilton Hotel	Sept. 29, 2009
December 1-8, 2009 [8 days]	Bristol Bay Finfish	Anchorage Hilton Hotel	Nov. 17, 2009
January 26-31, 2010 [6 days]	Arctic-Yukon-Kuskokwim Finfish	Fairbanks Princess Lodge	Jan. 12, 2010
February 2-6, 2010 [5 days]	AK Peninsula/Aleutian Islands	Anchorage Egan Center	Jan. 12, 2010
March 16-20, 2010 [5 days]	Statewide Finfish and Supplemental Issues	Anchorage Hilton Hotel	Mar. 2, 2010

Total Meeting Days: 26

ACR Deadline: August 28, 2009 (45 days prior to worksession)

Adopted 10/9/08; subject to meeting space availability

Source of Fishery Proposals (2006/2007)





Dear Senator Bunde

4-02-09

We cannot express our gratitude appropriately for your courage and fortitude for taking on this complex issue at this time. The Board of Fisheries and its attendant process has been a great example of public involvement and commitment to the residents of this great state and in general, we have always applauded and approved of this process.

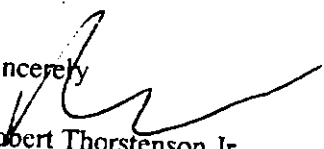
However, there needs to be a solid evaluation of the way we've been doing business on the Board of Fisheries. SB137 provides a mechanism for the ADFG Board of Fisheries to internally evaluate the effectiveness of the current lengths and durations of the Board of Fish cycle as well as the proposal process.

While we may have more definitive ideas as to how this process can be improved, certainly a cursory glance from within is the place to start. In recognizing this, you have put the interests of the fisheries resources as well as the process ahead of the squabbles between user groups.

Our interest in the Board of Fisheries process is in helping to improve a viable and working process, not in amending a broken process. While we have not and will not at this time lay out specific recommendations, we are very concerned about the future of this process and believe that your bill, SB137, provides the right vehicle to address these issues at this time.

If SB137 somehow runs off the track, we will be back in January with a more definitive approach. Your wisdom can be seen in this legislation in allowing the Board to proffer their own ideas and solutions prior to embarking on solutions of our own.

Sincerely


Robert Thorstenson Jr.
Executive Director, SEAS

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UNITED FISHERMEN OF ALASKA

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April 1, 2009

Senator Donny Olson, Chair
 Senate Committee on Labor and Commerce
 Alaska State Legislature
 State Capitol (Mail Stop 3100)
 Juneau AK 99801

RE: Support for SB 137 regarding meetings of the Board of Fisheries.

Dear Chairman Olson and Committee members,

United Fishermen of Alaska (UFA) board members and member groups have long term experience with the Board of Fisheries process. There is growing concern with the workload and huge number of issues that the Board addresses, often with multiple proposals on the same topics. The current three year cycle is shorter than the reproductive cycle of our salmon species, except for pink salmon, and is often not enough time to adequately judge the results of past actions. The workload that is placed on the Board is also seen as an impediment to volunteer service, with three to five regular regional meetings that span multiple weeks each year, plus additional special meetings.

There are many opinions on specific changes that might help the Board in its work – and we support giving the Board of Fisheries members the opportunity to assess this and report with their own recommendations. We support SB 137 to respectfully ask the Board their opinion.

Sincerely,

Mark Vinsel
 Executive Director

-----Original Message-----

From: CDFU . [mailto:cdfu@ak.net]
Sent: Thursday, March 26, 2009 11:58 AM
To: Senator_Con_Bunde@legis.state.ak.us
Cc: ufa2@ufa-fish.org; cdfu@ak.net
Subject: Support for SB137

Dear Senator Bunde,

I am writing on behalf of the Cordova District Fishermen United Board of Directors, and our membership to support SB137.

CDFU supports efforts that lead to the submission of a report to legislature recommending the expansion of time between meetings, and processes for dealing with repetitive proposals. Recently, during our Prince William Sound Board of Fisheries meeting, there was a proposal to reclassify the Chitina personal use fishery to a subsistence fishery. This was the seventh time this proposal had been discussed during a board cycle. Whilst it is important to allow for an appeal if a group or individual feels their proposal was not given due consideration, allowing the same issue to be debated year after year is wasteful of valuable staff time and resources, and energy consuming for members of the public.

In addition to the reasonings provided in your sponsor statement supporting a greater interval between meetings, it is important to note that the huge expenses associated from hosting, attending and providing data for Board of Fisheries meetings would be significantly reduced. This will free up funding which could be utilized to provide competitive salaries to aid in recruiting and maintaining department employees - an issue ADF&G is repeatedly reporting.

We appreciate you bringing this bill to the table, and look forward to streamlined future processes if the report results in recommendations that address the above issues.

Sincerely,
Rochelle van den Broek

Rochelle van den Broek
Executive Director
Cordova District Fishermen United
P.O. Box 939 :: 509 First Street :: Cordova, Alaska 99574
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Email: cdfu@ak.net
Web: <http://www.cdfu.org>

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Preserving our commercial fishery in Prince William Sound Since 1935

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 137
() Publish Date: _____

Identifier (file name): SB137-DFG-BDS-4-2-09
Title Report on Meetings of Board of Fisheries
Sponsor Senator Bunde
Requester Senate Community & Regional Affairs Committee
Dept. Affected: Fish and Game
RDU Admin & Support
Component F&G Bds & Advisory Comm
Component Number 2825

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact to department.

Prepared by: Jim Marcotte, Director
Division: Boards Support Section
Approved by: Tom Lawson, Director of Administrative Services
Department of Fish and Game

Phone 907-465-6095
Date/Time 4/2/2009 2:54:00 p.m
Date 4/2/2009

Estimated cost for Commercial Fisheries Division Participation in a Board of Fisheries Meeting
 Prepared by Commercial Fisheries Division: John Hilsinger, Director
 April 2, 2009

Below are the estimated costs for the Commercial Fisheries Division to participate in a typical 10 – 12 day Board of Fisheries meeting such as might occur for Bristol Bay, Cook Inlet, or Southeast Alaska.

These figures will vary depending on meeting length, location, and proportion of staff that have to travel. A 12 day meeting with all staff traveling probably represents the highest cost that a single meeting would incur. Most such meetings would probably range from \$275,000 to 300,000 depending on location.

HEADQUARTERS PERSONNEL

Director	.5 mm	6,700
Deputy Director	1.5 mm	15,750
Fishery Scientist II	.5 mm	6,250
Regulations Specialist	1.5 mm	13,500
	Total	42,200

REGIONAL PERSONNEL

1 Regional Supervisor	1mm	10,000
2 FBIV @ 3 mm each	6mm	52,500
4 FBIII @ 2 mm each	8mm	76,000
3 FBII @ 2mm each	6mm	40,000
3 FBI @1mm each	3mm	16,500
	Total	195,000

TRAVEL

17 people airfare @\$500 each	8,500	
17 persons (\$200/day) x12 day meeting (hotel, food, vehicles)	40,800	
	Total	49,300

OTHER COSTS

Copying (notebooks/public copies)	8,500	
Misc. costs	1,500	
	Total	10,000

GRAND TOTAL **296,500**