

2/10/11

Overview:

Alaska

Board of

Fisheries

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Board of Fisheries</SUBJECT><COMM>HFSH27</COMM></TARGET>

An Overview of the Alaska Board of Fisheries Process

February 2011



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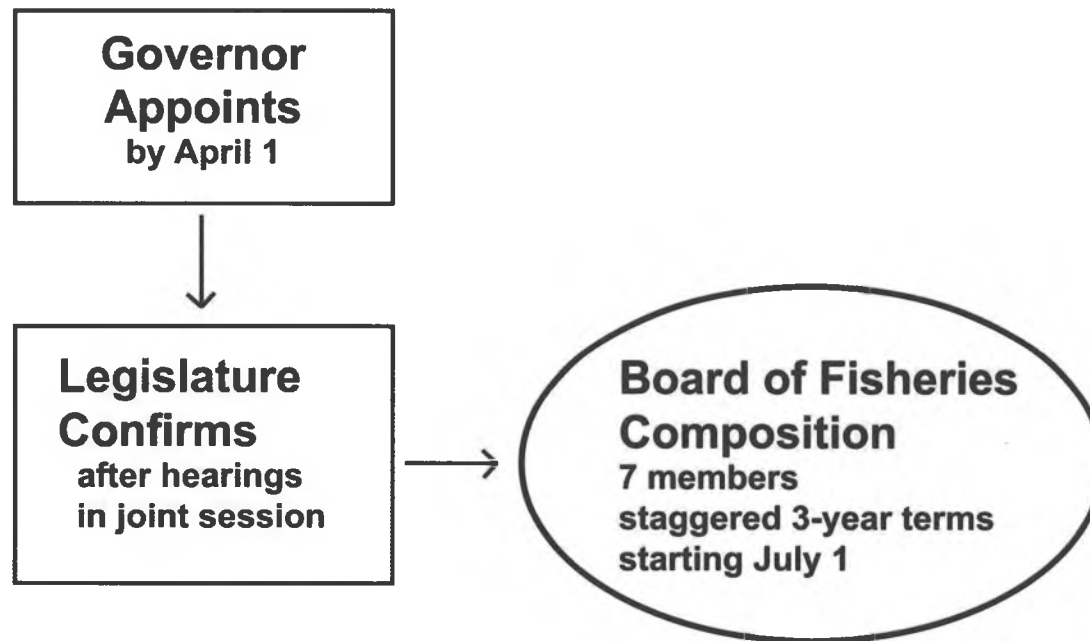
Main function of the Board: Allocation

“The third element of Alaska’s fisheries management model is the Alaska Board of Fisheries, which is a citizen-based organization that makes decisions on the allocation of fisheries resources. The Board members, who are 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. While this system is not without its flaws, it dramatically increased the credibility of the management program by effectively separating decisions regarding allocation from those related to conservation. The separation of allocation and conservation decisions is critical for achieving sustainable fisheries in the state and elsewhere in the Northwest.”

(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)

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.



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: 2010/2011, 2013/2014, etc.

Area:

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

Meeting Cycle: 2011/2012, 2014/2015, etc.

Area:

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

Meeting Cycle: 2012/2013, 2015/2018, etc.

Area:

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

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME
REGULATION PROPOSAL FORM, P.O. BOX 25526, JUNEAU, ALASKA 99802-5526

BOARD OF FISHERIES REGULATIONS

- Fishing Area _____
 Subsistence Personal Use
 Sport Commercial

JOINT BOARD REGULATIONS

- Advisory Committee Regional Council Rural

BOARD OF GAME REGULATIONS

- Game Management Unit (GMU)** _____
 Hunting Trapping
 Subsistence Other _____
 Resident
 Nonresident

Please answer all questions to the best of your ability. All answers will be printed in the proposal packets along with the proposer's name (address and phone numbers, will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC _____ Regulation Book Page No. _____

2. What is the problem you would like the Board to address?

3. What will happen if this problem is not solved?

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?

5. Does your proposal address improving the quality of the resource harvested or products produced? If so, how?

6. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

B. Who is likely to suffer if your solution is adopted?

7. List any other solutions you considered and why you rejected them.

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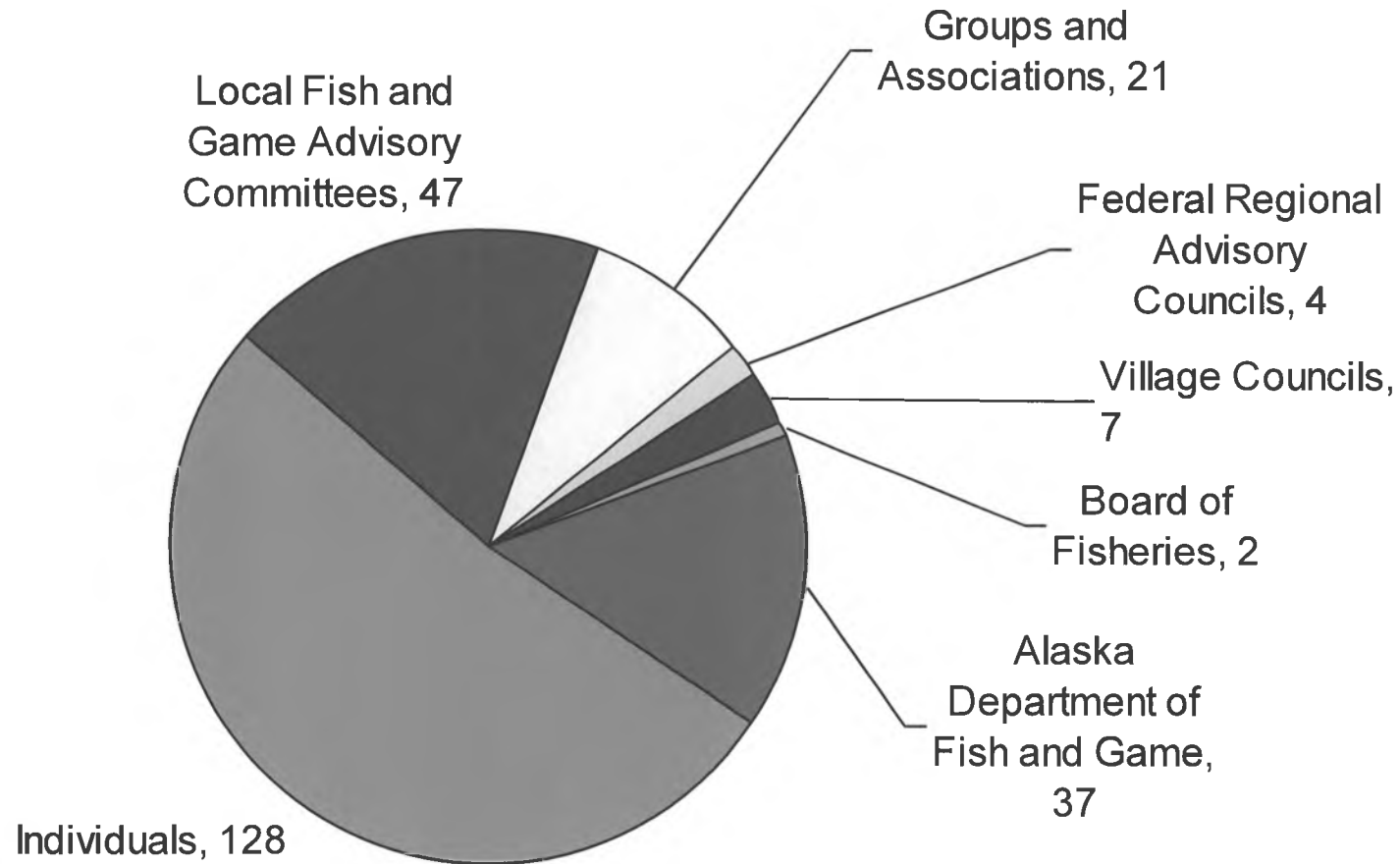
Submitted By: Name _____

Individual or Group _____

Address _____ Zip Code _____ Phone _____

Proposal Form

Source of Fishery Proposals (2006/2007)



Step 4 – Board Regulatory Meeting

Typical agenda for board meetings

- ▶ Introductions, ethics disclosures
- ▶ Department staff reports (~ half day)
- ▶ Oral public testimony (up to two days)
- ▶ Board committees* (3 board members, public panel and staff)
to develop recommendations
- ▶ Board deliberation on proposals
- ▶ Miscellaneous Business

All elements of building a clear record

* board findings #2000-200-FB and #2000-199-FB describe committee process

Actions on Board of Fisheries Proposals

Board of Fisheries Actions on Proposals, 2005-2006

| Action | Dec. 2005 | Jan. 2006 | Feb. 2006 | Mar. 2006 | All meetings | Percentage |
|--------------------|--------------|--------------|--------------|--------------|-----------------|------------|
| Carried | 11 | 27 | 23 | 14 | 75 | 21.2% |
| Carried as amended | 12 | 19 | 11 | 12 | 54 | 15.3% |
| Failed | 34 | 52 | 26 | 8 | 120 | 33.9% |
| No action | 24 | 43 | 20 | 12 | 99 | 28.0% |
| Deferred | 3 | 0 | 3 | 0 | 6 | 1.7% |
| Total | 84 | 141 | 83 | 46 | 354 | 100.0% |

Typically about one-third are adopted

Sources of Public Input:

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



LOCAL FISH AND GAME ADVISORY COMMITTEES

Arctic Region: 9

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

Interior Region: 15

Central, Delta, Eagle, Fairbanks, G.A.S.H., Koyukuk River, Lake Minchumina, McGrath, Middle Nenana River, Middle Yukon, Minto/Nenana, Ruby, Tanana/Rampart/Manley, Upper Tanana/Fortymile, Yukon Flats

Southcentral Region: 18

Anchorage, Central Peninsula, Cooper Landing, Copper Basin, Copper River/PWS, Denali, Homer, Kenai/Soldotna, Matanuska Valley, Mt. Yenlo, Paxson, Seldovia, Seward, Susitna Valley, Tok Cutoff/Nebesna Road, Tyonek, Valdez, Whittier

Southeast Region: 23

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

Southwest Region: 12

Central Bering Sea, Chignik, False Pass, King Cove, Kodiak, Lake Iliamna, Lower Bristol Bay, Lower Kuskokwim, Naknek/Kvichak, Nelson Lagoon, Nushagak, Sand Point, Togiak, Unalaska/Dutch Harbor

Western Region: 5

Central Bering Sea, Central Kuskokwim, Lower Kuskokwim, Lower Yukon, Stony/Holitna

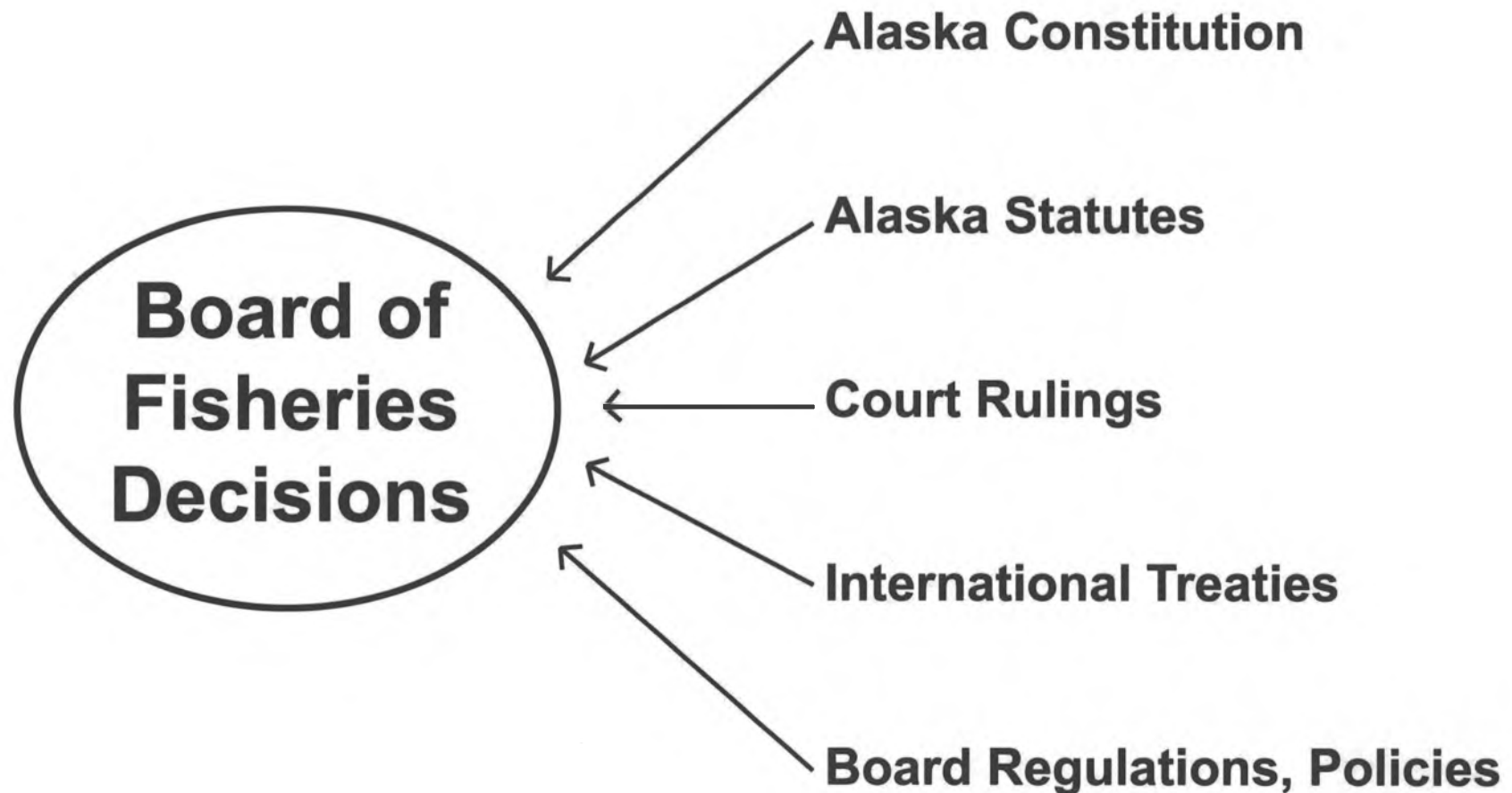
Reference: 5 AAC 96.021

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”
- Alaska Administrative Procedures Act (AS 44.62)
- Open Meetings Act (AS 44.62.310)
- Executive Branch Ethics Act (AS 39.52)

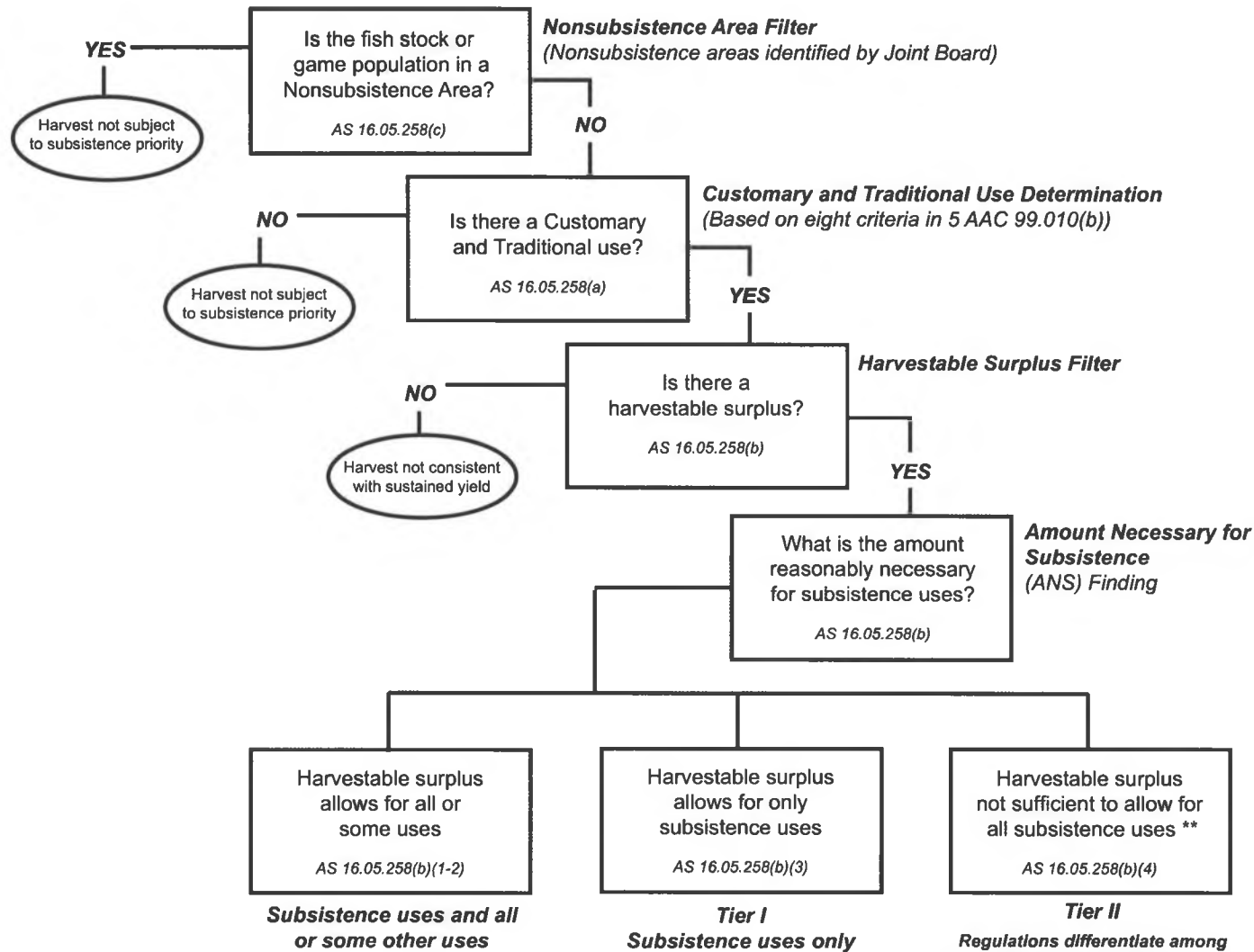


- Allocation Criteria
(AS 16.05.251(e) and #91-129-FB)
 - >history of each fishery
 - >number of participants
 - >importance for personal and family consumption
 - >availability of alternative resources
 - >importance in local, regional, and state economy
 - >importance for providing recreational opportunity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



Alaska Board of Fisheries and Game

Steps When Considering Regulations that Affect 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.boards.adfg.state.ak.us/fishinfo/regs/pfindx.php>

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

Ways to Get Involved in the Board of Fisheries

- 1) Get on Board's mailing list
<http://www.boards.adfg.state.ak.us/bbs/contact/maillist.php>
- 2) Submit your written comments on proposals
Comment should be received two weeks prior to meetings
- 3) Submit your own proposal
April 10 deadline and 3-year cycle
Consult with area management staff
- 4) Attend Board meetings and present testimony
Attend, testify, participate in committee meetings
- 5) Join or attend your local fish and game advisory committee
Contact Boards Support Section for meeting dates and locations
- 6) Join an industry or stakeholder group
Work with others with whom you share common interests



Summary

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



Alaska Board of Fish

Additional Information Packet

- Membership
- Meeting Schedules
- Process Diagram

ALASKA BOARD OF FISHERIES
Member List
(as of July 1, 2010)

| <u>NAME AND ADDRESS</u> | <u>TERM EXPIRES</u> |
|--|---------------------|
| Vince Webster (Chair) P.O. Box 121 King Salmon, AK 99613 | 6/30/2013 |
| Tom Kluberton P.O. Box 200 Talkeetna, AK 99676 | 6/30/2013 |
| Karl Johnstone (Vice Chair) 18618 Snowy Plover Circle Anchorage, AK 99516 | 6/30/2012 |
| Mike Smith P.O. Box 70474 Fairbanks, AK 99707 | 6/30/2012 |
| Mel Morris 917 Mill Bay Road Kodiak, AK 99615 | 6/30/2011 |
| John Jensen P.O. Box 681 Petersburg, AK 99833 | 6/30/2011 |
| Bill Brown 9150 Skywood Drive Juneau, AK 99801 | 6/30/2011 |

Alaska Board of Fisheries members may be reached at:

Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
Phone: (907) 465-4110
Fax: (907) 465-6094
www.boards.adfg.state.ak.us

**ALASKA BOARD OF FISHERIES
2010/2011
TENTATIVE MEETING SCHEDULE**

**Cook Inlet, Kodiak and Chignik Finfish; and
King and Tanner Crab (Statewide, except Southeast/Yakutat)**

PROPOSAL DEADLINE: 5:00 p.m. Friday, April 9, 2010

| Meeting Dates | Topics | Location | Written Comment Deadline |
|---|--|---|---------------------------------|
| October 13-14, 2010 (2 days) | Work Session (Agenda Change Requests*, cycle organization, and Stocks of Concern) | Kenai Challenger Center | September 29, 2010 |
| November 15-18, 2010 (4 days) | Lower Cook Inlet Finfish | Homer Kachemak Bay Research Reserve | November 1, 2010 |
| January 11-14, 2011 (4 days) | Kodiak Finfish | Kodiak Harbor Convention Center | December 28, 2010 |
| January 16-19, 2011 (4 days) | Chignik Finfish | Anchorage Hilton Hotel | December 28, 2010 |
| February 20-March 5, 2011 (14 days) | Upper Cook Inlet Finfish | Anchorage Egan Center | February 4, 2011 |
| March 22-26, 2011 (5 days) | King and Tanner Crab (Statewide, except Southeast/Yakutat) and Supplemental Issues | Anchorage Hilton Hotel | March 8, 2011 |

Total meeting days: 33

* Agenda Change Request Deadline: 5:00 p.m. August 27, 2010

Adopted 10/14/09; updated 6/25/10

ALASKA BOARD OF FISHERIES
2011/2012 Cycle
Tentative Meeting Schedule

**Southeast, Yakutat, Prince William Sound, and Upper Copper/Upper Susitna Finfish;
Southeast and Yakutat Crab*, Shrimp, and Shellfish; Statewide Miscellaneous Shellfish;
Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula
Pacific cod; and Supplemental Issues**

PROPOSAL DEADLINE: 5:00 p.m. Friday, April 8, 2011

| Meeting Dates | Topics | Location | Comment Deadline |
|--|--|--|-------------------------|
| October 11-12, 2011 [2 days] | Work Session ACRs, cycle organization, Stocks of Concern | Anchorage Coast International Inn | Sept. 28, 2011 |
| October 13-17, 2011 [5 days] | Pacific Cod for PWS, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula | Anchorage Coast International Inn | Sept. 28, 2011 |
| December 1-6, 2011 [6 days] | Prince William Sound and Upper Copper/Upper Susitna Finfish | Anchorage Coast International Inn | Nov. 16, 2011 |
| January 18-24, 2012 [7 days] | Southeast and Yakutat Crab, Shrimp, Misc. Shellfish (including Dungeness, King, and Tanner) | Petersburg Sons of Norway | Jan. 3, 2012 |
| Feb. 24-Mar. 4, 2012 [10 days] | Southeast and Yakutat Finfish (including salmon, herring, groundfish) | Ketchikan Ted Ferry Civic Center | Feb. 9, 2012 |
| March 20-23, 2012 [4 days] | Statewide Dungeness Crab, Shrimp, Misc. Shellfish (except Southeast and Yakutat) and Supplemental Issues | Anchorage Hilton Hotel | Mar. 5, 2012 |

Total Meeting Days: 34

Agenda Change Request Deadline: August 26, 2011 [45 days prior to fall worksession]

Adopted 10/14/10

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: | 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 (Statewide, except Southeast/Yakutat) | | | | |

| | | | | |
|---|-----------|-----------|-----------|-----------|
| Meeting Cycle: | 2011/2012 | 2014/2015 | 2017/2018 | 2020/2021 |
| <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) | | | | |
| Statewide Miscellaneous Shellfish and Provisions | | | | |

| | | | | |
|--|-----------|-----------|-----------|-----------|
| Meeting Cycle: | 2012/2013 | 2015/2016 | 2018/2019 | 2021/2022 |
| <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 | | | | |

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

Board Regulatory Process

