

Regional Planning Team Overview

Regional Planning Teams (RPTs) are a valuable part of the State of Alaska’s salmon fishery enhancement planning. RPTs are advisory to the commissioner of Alaska Department of Fish and Game (ADF&G). RPTs are composed of six members, 3 are ADF&G staff appointed by the commissioner and 3 are fishery representatives appointed by the regional aquaculture association. RPT meetings are public and public participation is encouraged.

RPTs have 3 main functions: 1) developing regional comprehensive salmon plans for salmon enhancement; 2) reviewing and advising the commissioner on private nonprofit (PNP) salmon hatchery applications; 3) and reviewing and advising the commissioner if the commissioner is considering revocation of a PNP hatchery permit. In Southeast Alaska, the RPT has the added responsibility to annually review the status of the enhanced salmon allocation plan and make recommendations to the commissioner on production changes to comply with the regional plan.

RPTs may provide written recommendations to the commissioner on annual management plans; PNP hatchery permit alteration requests; and may review inspection and additional conditions for aquatic resource permits (ARPs) relating to salmon enhancement.

Regulatory and statutory authority for RPT general structure, main functions, and areas that RPT may provide support or recommendations are below.

- Regional Comprehensive Planning.....2
 - In general.....2
 - Main function: Develop regional comprehensive salmon management plans3
 - Main function (Southeast): Make annual recommendations to the commissioner on production changes.....3
 - Main function: Review salmon private nonprofit (PNP) hatchery permit applications.....3
 - Main function: Comment on proposed PNP permit revocation following no substantial ongoing work.....5
- RPT support or review at the commissioner’s discretion5
 - May review annual management plans as organized by the PNP Hatchery Coordinator5
 - May review PNP hatchery permit alteration requests.....6
 - May recommend PNP permit alteration, suspension, or revocation following performance review6
 - May be consulted by commissioner¹ for loans to hatcheries7
 - May review inspection requirements and additional conditions for fisheries management and conservation needs for aquatic resource permits.....7

¹ “Commissioner” means the commissioner of commerce, community, and economic development (AS 16.10.560(1)).

Regional Comprehensive Planning

In general

Regulations

5 AAC 40.300 Regional planning teams in general.

The commissioner will establish regions and regional planning teams for the primary purpose of developing comprehensive salmon plans for various regions of the state. The provisions of 5 AAC 40.300 - 5 AAC 40.370 govern the structure and functions of each regional planning team and the development of a comprehensive salmon plan for each region.

5 AAC 40.310. Regional planning team composition.

(a) Each regional planning team consists of six members. Three are department personnel appointed by the commissioner, and three are appointed by the board of directors of the appropriate regional aquaculture association, qualified under AS 16.10.380.

(b) The commissioner will, in his or her discretion, request the involvement of representatives of federal and state agencies to assist a regional planning team if their contribution will aid in the development of the regional comprehensive plan.

5 AAC 40.320. Chairman of regional planning team.

(a) Each regional planning team shall elect a chairman to serve at the pleasure of the team.

(b) The chairman or his delegate shall

(1) conduct regional planning team meetings, including recording of proceedings, and employing agreed-upon rules of order;

(2) set the agenda and meeting time and place for regional planning team meetings; and

(3) coordinate regional planning team staff in the accomplishment of tasks assigned to the chairman by the team, including

(A) providing the commissioner with team communications requiring commissioner review or approval;

(B) contacting members to determine who will be attending the next scheduled meeting; and

(C) preparing minutes of the previous meeting.

5 AAC 40.330. Quorum and voting.

A regional planning team may not transact business without a simple majority of four members. Voting procedures may be established at the discretion of the membership.

5 AAC 40.350. Public notice.

The chair of the regional planning team, or the chair's designee, shall give two weeks' notice, on the Alaska Online Public Notice System (AS 44.62.175), of a planning team meeting. Additionally the chair may use alternative methods to provide notice to the public that are specific to regional circumstances. The alternative methods may include department advisory announcements, publications in a newspaper of general circulation, website postings, electronic mail distribution lists, and radio or television advertisements.

Main function: Develop regional comprehensive salmon management plans

Statute

AS 16.10.375 Regional salmon plans.

The commissioner shall designate regions of the state for the purpose of salmon production and have developed and amend as necessary a comprehensive salmon plan for each region, including provisions for both public and private nonprofit hatchery systems. Subject to plan approval by the commissioner, comprehensive salmon plans shall be developed by regional planning teams consisting of department personnel and representatives of the appropriate qualified regional associations formed under AS 16.10.380.

Regulations

5 AAC 40.340. Regional planning team responsibility.

Each regional planning team shall prepare a regional comprehensive salmon plan, for the appropriate region, to rehabilitate natural stocks and supplement natural production, with provisions for both public and private nonprofit hatcheries. Each region planning team shall consider the needs of all user groups and ensure that the public has opportunity to participate in the development of the comprehensive salmon plan. Each regional comprehensive plan must define regional production goals by species, area, and time.

5 AAC 40.360. Public involvement.

Each regional planning team shall encourage public participation during all stages of the development and review of regional comprehensive salmon plans.

5 AAC 40.370 Plan approval.

(a) A draft regional comprehensive salmon plan must be submitted to the PNP coordinator for department review and comment.

(b) The draft regional comprehensive salmon plan must be distributed for public review.

(c) The regional planning team shall respond to comments received as a result of these reviews, and may incorporate them in the final draft of the regional comprehensive salmon plan.

(d) The regional planning team shall submit a final draft of the regional comprehensive salmon plan to the commissioner for review and approval.

Main function (Southeast): Make annual recommendations to the commissioner on production changes

5 AAC 40.345. Southeast Alaska.

In accordance with the Southeastern Alaska Area Enhanced Salmon Allocation Management Plan in 5 AAC 33.364, the joint Northern and Southern Southeast Regional Planning Team shall make annual recommendations to the commissioner on production changes to salmon enhancement projects to comply with allocation plans.

Main function: Review salmon private nonprofit (PNP) hatchery permit applications

Statute

AS 16.10.400. Permits for salmon hatcheries.

(a) The commissioner or a designee may issue a permit, subject to the restrictions imposed by statute or regulation under AS 16.10.400 — 16.10.470, to a nonprofit corporation organized under

AS 10.20, after the permit application has been reviewed by the regional planning team, for

- (1) the construction and operation of a salmon hatchery;
- (2) the operation of a hatchery under AS 16.10.480.

(c) A qualified regional association formed under AS 16.10.380, if it has become a nonprofit corporation under AS 10.20, has a preference right to a permit under (a)(1) of this section if its proposed hatchery is provided for in the comprehensive plan for that region developed under AS 16.10.375 and the fresh water source exceeds one cubic foot per second minimum flow. Another local nonprofit hatchery corporation approved by a qualified regional association has an identical preference right.

(f) Except for permits issued before June 16, 1976, a permit may not be issued for construction or operation of a hatchery on an anadromous fish stream unless the stream has been classified as suitable for enhancement purposes by the commissioner. The commissioner shall undertake to make such classifications in conjunction with the development of the comprehensive plan under AS 16.10.375.

(g) During the development of a comprehensive plan for a region a permit may not be issued for a hatchery unless the commissioner determines that the action would result in substantial public benefits and would not jeopardize natural stocks.

Note: AS 16.10.400(b) and (c) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Regulations

5 AAC 40.170. PNP Permit application Regional planning team review.

(a) The appropriate regional planning team, as established under 5 AAC 40.300, shall review each application to determine if the proposed hatchery is compatible with the appropriate regional comprehensive salmon plan. The regional planning team shall use the following application review criteria:

- (1) the contribution the proposed hatchery would make to the common property fishery;
- (2) the provisions for protection of the naturally occurring stocks from any adverse effects which may originate from the proposed hatchery;
- (3) the compatibility of the proposed hatchery with the goals and objectives of the comprehensive salmon plan for the region; and
- (4) whether the proposed hatchery would make the best use of the site's potential to benefit the common property fishery.

(b) An applicant may review the regional planning team determination and comment on it by letter to the commissioner.

5 AAC 40.220. Review and determination.

(a) The commissioner will review the following information, compiled by the PNP coordinator, before rendering a decision on an application:

- (1) recommendations from the regional planning team;
- (2) recommendations resulting from the department's review of the application; and
- (3) the results of the public hearing regarding the proposed facility.

Note: 5 AAC 40.220(b) and (c) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Main function: Comment on proposed PNP permit revocation following no substantial ongoing work

Statute

AS 16.10.430. Alteration, suspension, or revocation of permit.

(a) If a permit holder fails to comply with the conditions and terms of the permit issued under AS 16.10.400 — 16.10.470 within a reasonable period after notification of noncompliance by the department, the permit may be suspended or revoked, in the discretion of the commissioner after the regional planning team for the area in which the hatchery is located is notified and granted an opportunity to comment upon the proposed suspension or revocation.

(b) If the commissioner finds that the operation of the hatchery is not in the best interests of the public, the commissioner may alter the conditions of the permit to mitigate the adverse effects of the operation, or, if the adverse effects are irreversible and cannot be mitigated sufficiently, initiate a termination of the operation under the permit over a reasonable period of time under the circumstances, not to exceed four years. During the period of time that the operation is being terminated, the permit holder may harvest salmon under the terms of the permit but may not release additional fish.

Regulation

5 AAC 40.240. Review and comment on PNP permit revocations.

(a) The commissioner will revoke a hatchery permit if the commissioner determines that at the end of five years from the date the permit was issued, the permit holder has not undertaken substantial ongoing work to construct and operate a hatchery facility in compliance with the terms and conditions specified in the permit and the facility development schedule specified in the basic management plan required by 5 AAC 40.820.

(b) To initiate revocation of a permit under this section, the PNP coordinator shall notify the permit holder, in writing, of the proposed revocation. The permit holder may have 30 days from the date of the notice of the proposed revocation to submit information to the commissioner to show that the permit holder has undertaken substantial ongoing work to construct and operate a hatchery facility in compliance with the terms and conditions specified in the permit and the facility development schedule specified in the basic management plan required by 5 AAC 40.820.

(c) The PNP coordinator shall provide written notice of the proposed revocation of the hatchery permit to the regional planning team for the area in which the proposed hatchery is permitted. The regional planning team may have 90 days from the date of the notice to review the proposed revocation and submit comments on it to the commissioner.

RPT support or review at the commissioner's discretion

May review annual management plans as organized by the PNP Hatchery Coordinator

Regulation

5 AAC 40.840. Annual management plans.

(a) Beginning with the first year of operation of the hatchery, and on an annual basis after that, the department will prepare, in conjunction with the permit holder, an annual management plan to guide and condition hatchery operations.

(b) An annual management plan must organize and guide the hatchery's operations regarding production goals, broodstock management, and harvest management of hatchery returns. The plan must be developed with consideration of the hatchery's production cycle. The production cycle begins

with adult returns, that lead to egg takes and end with fish releases. Action may be taken outside of the management plan if allowed under the hatchery permit or modified by emergency order.

(c) The PNP coordinator shall organize the appropriate department staff and the permit holder in preparing a draft annual management plan. The appropriate regional planning team and the Department of Commerce, Community, and Economic Development may also review the plan. The operator shall submit a draft plan to the department not later than April 1 of each year.

May review PNP hatchery permit alteration requests

Regulation

5 AAC 40.850. Notice of permit alteration.

(a) A hatchery permit holder may propose alteration of the permit, based on accumulated experience and changing conditions. The permit holder shall request, on a form provided by the PNP coordinator, a permit alteration for a proposed modification to the permit or change in the basic management plan for the hatchery.

(b) Requests for permit alterations must be received by the PNP coordinator, on the prescribed form, no later than February 15 of the calendar year that the proposed alteration is to occur. The commissioner will, in his or her discretion, extend the deadline for submittal of a permit alteration request, on a case-by-case basis, if the request is justified by extraordinary circumstances or emergency.

(c) The regional planning team may, if the commissioner so requests, review and make a recommendation to the commissioner on the permit alteration request.

(d) In reviewing the request, the commissioner will, in his or her discretion, consider past management practices and fish culture procedures associated with the request, the past performance of the hatchery, the recommendation of the regional planning team, and any additional information deemed necessary.

(e) Issuance of a notice of permit alteration by the department modifies the hatchery permit.

May recommend PNP permit alteration, suspension, or revocation following performance review

Regulation

5 AAC 40.860. Performance review.

(a) Based upon a department internal review, the PNP coordinator will notify the commissioner if a hatchery operator's performance is inadequate, according to the conditions under which the permit was granted.

(b) The commissioner will, in his or her discretion, consider a permit alteration, suspension, or revocation in accordance with AS 16.10.430. If the commissioner decides to consider a permit alteration, suspension, or revocation, the coordinator will notify the appropriate regional planning team. The regional planning team may make a written recommendation to the commissioner on the proposed alteration, suspension, or revocation. The regional planning team shall use the following performance standards in their review, evaluation, and recommendation to the commissioner, including whether:

(1) survivals in the hatchery are more than the minimum standards described in (c) of this section for a period of greater than four years;

(2) the transport of broodstock from wild sources does not continue for longer than one cycle of the particular species without reevaluation of hatchery operations;

(3) the hatchery contributes to the common property fishery;

- (4) the hatchery does not significantly impact wild stocks in a negative manner;
- (5) the hatchery fulfills the production objectives described in the terms of the hatchery permit; and
- (6) there are any mitigating circumstances which were beyond the control of the hatchery operator.

(c) Minimum hatchery survival standards are as follows:

| | Survival for this stage | Cumulative Survival |
|------------------------------------|-------------------------|---------------------|
| Captured broodstock to egg take | 70% | |
| Green egg to eyed egg | 80% | 80% |
| Eyed egg to emergent fry | 85% | 68% |
| Emergent to fed fry ¹ | 90% | 61% |
| Fed fry to fingerling ² | 90% | 55% |
| Fingerling to smolt | 75% | 41% |

¹ Fry achieving up to 25% weight gain from swim-up.

² Fry achieving substantially more than 25% weight gain from swim-up.

(Eff. 3/31/85, Register 93)

May be consulted by commissioner² for loans to hatcheries

Statute

AS 16.10.520. Limitation on loans.

(f) The commissioner may not make a loan under AS 16.10.500 — 16.10.550 from funds available under AS 16.10.340(c), unless the commissioner determines, in consultation with the appropriate regional planning team established under AS 16.10.375, that the hatchery or other enhancement or rehabilitation activity for which the loan is requested will provide a significant contribution to common property fisheries, be operated in a manner beneficial to the public interest, and be managed in a financially viable manner that is reasonably expected to result in repayment of the loan.

Note: AS 16.10.520(a)–(e) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Note: There are no regulations for The Fisheries Enhancement Loan Fund because the fund is administered by the Department of Commerce, Community, and Economic Development (AS 16.10.505). The Fisheries Enhancement Loan Program is for hatchery planning, construction, and operation for planning and implementation of enhancement and rehabilitation activities including, but not limited to, lake fertilization and habitat improvement (AS 16.10.500). If the commissioner is considering not making a loan, they would consult the RPT to satisfy AS 16.10520(f).

May review inspection requirements and additional conditions for fisheries management and conservation needs for aquatic resource permits

Regulation

5 AAC 41.610. Permit Classifications.

(a) The commissioner may issue an aquatic resource permit for scientific and educational activities:

- (1) to authorize collection, transport, or possession of aquatic organisms; to qualify, an applicant must be involved in scientific or educational activities;

² “Commissioner” means the commissioner of commerce, community, and economic development (AS 16.10.560(1)).

(2) to authorize propagation of aquatic organisms; to qualify, an applicant must be involved in scientific or educational research activities; a permit issued under this paragraph may include specifications as follows:

(A) for classroom incubation projects, to authorize the permit holder to collect up to 500 eggs or one spawning pair, transport, hold alive, and release aquatic organisms.

(B) for vocational, technical, and post-secondary school programs, to authorize the permit holder to collect eggs, transport, hold alive, and release aquatic organisms as follows:

(i) salmonids: may collect up to 50,000 eggs or equivalent in spawning pairs;

(ii) invertebrates and aquatic plants: may collect the number necessary to achieve educational objectives;

(C) for propagative research, to authorize accredited institutions of higher learning, or federal, state, local, tribal entities, and persons or entities cooperating therewith to collect, propagate, transport, and release aquatic organisms for purposes of propagative research as follows:

(i) finfish: may collect the number necessary to achieve the objectives of the research, not to exceed the number of eggs expected to result in 5,000 or fewer adults;

(ii) invertebrates and aquatic plants: may collect the number necessary to achieve the objectives of the research.

(b) The department may require inspection and approval of activities in subsection (a) by the appropriate fish pathology section of the department's division of commercial fisheries, or by a person designated by the fish pathology section, genetic sampling, and additional conditions for fisheries management and conservation needs, including review by a regional planning team.

(c) any resultant aquatic organisms from a project are considered common property and may not be claimed for cost recovery or any other reason.