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UNITED FISHERMEN OF ALASKA

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February 27, 2013

Chairman Karl Johnstone
Alaska Board of Fisheries
Boards Support Section
PO Box 115526
Juneau, AK 99811

RE: Criteria for Board Generated proposals – RC 101 from AYK meeting

Dear Chairman Johnstone and Board of Fisheries Members,

The United Fishermen of Alaska (UFA) Board of Directors met last week and discussed the criteria for board-generated proposals developed by ADFG and adopted for use by the Board of Fisheries at its AYK meeting in January (RC-101), and offer the following comments:

We appreciate the development of criteria for board-generated proposals. This is a good starting point but we recommend that the Board use this as a working draft solicit comments at all board meetings, revising the policy as the Board receives feedback and adopt a final policy at the Statewide Board meeting in three years.

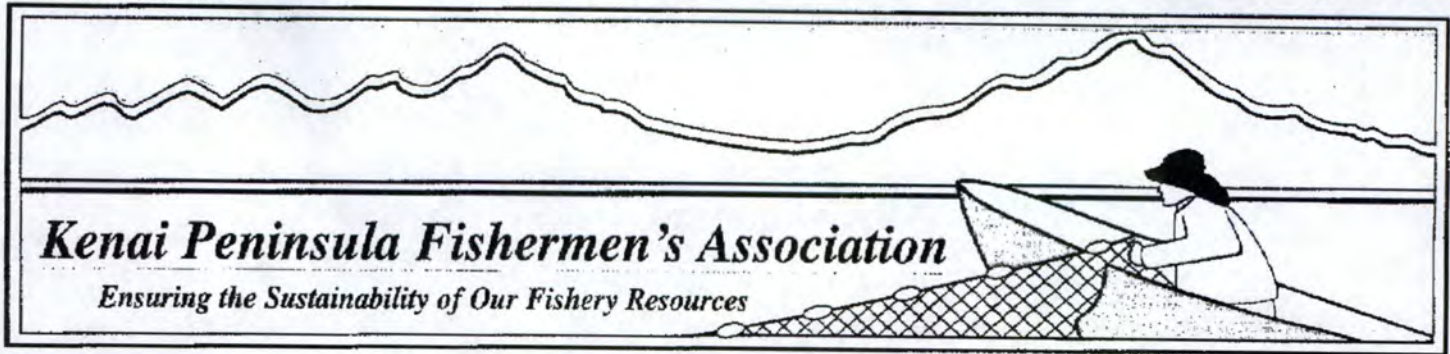
UFA recommends the following revision to the policy be implemented immediately:

1. In criteria #1, remove "allocation concerns" among the specific examples of considerations of the "public's best interest". We believe that a proposal that is mostly allocation is never appropriate for consideration out of cycle.
2. We recommend an additional criteria that a board-generated proposal cannot be generated as a substitute for an ACR proposal that was denied, or no action taken, or a late proposal identified by Dept of Law during a work session.

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. We appreciate your consideration of these recommendations, please let us know if you have any questions.

Sincerely,

Julianne Curry
Executive Director



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March 18, 2013

State of Alaska
Department of Fish & Game
Board Support Section
Karl Johnstone, Chair
P.O. Box 115526
Juneau, AK 99811-5526

Kenai Peninsula Fishermen's Association (KPFA), offers the following comments in response to Board Generated Proposals (BGP):

- Board Generated Proposals (BGP) have created concerns throughout the State in addressing the public proposal process which normally includes the guidelines written under the Administrative Procedure's Act on public notice. Concerns arise since 5 AAC 39.999 Policy for Changing Board Agenda, 5AAC 96.625 Joint Board Petition Policy and Board of Fisheries Policy #2000-203-BOF Emergency Petition Process – clearly outline the public's venue on special meetings. However, BGP 249 was presented by the Board before the new Board Generated Proposal Policy criteria were written and before the public comment period. The public relies on Regular cycle meetings to address proposals; the codified statutes referenced above have provided a public process and the means to address special events.
- Allocation issues found in the newly developed Board Generated Criteria are a major concern, as allocation encompasses a wide range of implications and standards that may be different than the already defined criteria written in the 5 AAC 39.999, 5 AAC 96.625. and BOF Policy #2000-203 Emergency Petition Process.
- Board Generated Proposal 249 included the Department's Agenda Request (ACR 17) over a newly established DIDSON escapement goal range. However, the DIDSON escapement goal range was not completed at that time. The public, stakeholders, and Task Force members were in a position to respond to a wide variety of issues before the best available information was publicly produced or available for review.

- The Department released a significant amount of new information and reports requested by Task Force members during the first meeting. Of note: Numerous reports that were time-delayed over the past several years were however released - which has a positive outcome. However, the DIDSON Sonar reports for 2010, 2011 and 2012 haven't been released to the public to-date; hopefully those reports will be available soon for full review by stakeholders and the public-at-large during this transition to DIDSON sonar escapement goals.

Respectfully,

Robert V. Williams, President

RC 76.3

Subject: Board of Fisheries Board-Generated Proposal Criteria
From: case mapes (yak2you2@yahoo.com)
To: frances.leach@alaska.gov; monica.wellard@alaska.gov;
Date: Sunday, March 17, 2013 10:41 PM

Members of the Alaska Board of Fisheries, and board support staff,

I would like to address the Board Generated Proposal Criteria. Publicly noticed on March 13th, with a deadline for comments of March 20th, there hasn't been enough time for those potentially affected to officially meet, or comment. The Yakutat Fish and Game Advisory Committee has been dealing extensively with a Board Generated Proposal for this coming Statewide meeting. There is much I feel we could input in the form of criteria. However, there was just not enough time to put an official meeting together to comment officially.

For this reason, I recommend that you move to table the draft criteria until the upcoming October 12-16 Joint Board Meeting. There will be no more action meetings of the Board of Fisheries between now and then, therefore there exists no urgency to act immediately. This will give the affected public, and associated boards time to gather their thoughts and comments.

For me personally, my biggest concern by far is that BGP's should only be used in cases of the direst emergency. Any criteria should state as much. A BGP is not something that should be used regularly, or lightly. It comes with an inherent role change in how the public views the Board when you go from what has to be viewed as a board of problem solvers, to problem presenters. Someone, or some organization will now feel like the board had a preconceived opinion about them or their actions, and they will now be in doubt as to whether or not they will be able to attain a fair hearing.

I feel that the Yakutat salmon setnet fleet in relation to BGP 247, is a perfect example of this. Despite how anybody feels about this issue overall, it most definitely should not be looked at as emergency of any kind. It is in fact, a purely allocative issue. Indeed, it was for this very reason that the original proposal maker's request ACR 9 was denied, because it didn't qualify as an emergency. Does it somehow make it an emergency by the board putting in a similar proposal? When I say dire, I mean loss of life or substantial property, endangerment of a fish stock or wildlife.

Regional board cycle meetings work, they give the regionally affected communities an adequate opportunity to be involved in the decision making process, I strongly feel that out of cycle proposals should be dealt within the same motion, and the same dire emergency format.

Had "no, not out of cycle" simply been a good enough response to the original proposal maker of ACR 9, BGP 247 would not have happened. It should not have happened, and obviously much tighter criteria is in order, let's just give enough time to see that everyone affected has had ample opportunity to weigh in.

Thank you,

Casey Mapes

referencing;

PUBLIC NOTICE ON THE ALASKA BOARD OF FISHERIES' BOARD-GENERATED PROPOSAL CRITERIA

Notice is given that the Alaska Board of Fisheries (board) established *DRAFT* criteria for development of board-generated proposals during the board meeting conducted in January 2013.

Criteria has been established to guide board members when deliberating the proposed development and scheduling of a board-generated proposal.

The *DRAFT* board-generated proposal criteria is attached and can also be found on the board website at:

<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.findings> (under the 2013 Board of Fisheries Findings/Policies). The board encourages the public to submit written comments on this criteria by the **deadline of 5:00 p.m. on Wednesday, March 20, 2013**, via fax at (907) 465-6094 or mailed to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526.

Written public comments limited to 10 single-sided or 5 double-sided pages in length from any one individual or group will be accepted as a record copy (RC), and will be provided to the board for their discussion during the miscellaneous business portion of the Statewide Finfish and Supplemental Issues board meeting schedule for March 19-24, 2013.

 Monica Wellard, Executive Director
 Alaska Board of Fisheries

3/13/13
 Date

RC 76.9 ~~102521~~

3-18-13

Alaska Board of Fisheries
Statewide Meeting
Anchorage, Alaska

Dear Alaska Board of Fisheries,

I would like to speak to your proposed policy on Board Generated Proposals (BGP).

I am glad you are developing such a policy as it is badly needed. Use of this authority should be severely limited.

The beauty and strength of Alaska's fishery regulatory system has been the extensive participation of citizens in a bottom up process. I firmly believe it excels compared to the top down system of so many states; whether they do it legislatively or by some political commission. If the BOF becomes a top down driven group forcing the ACs to fend off or swallow the personal agendas of Board members, it will destroy public confidence and the system.

Overuse and poorly timed use of BPG could create a sense among the public that Alaska has gone the way of other states.

I strongly agree the authority for BGP is needed in the "subcommittee" process that has evolved since the early 90's. It is needed in those cases to winnow through multiple similar proposals to come out with a single coherent regulation. But this should be done with vigilance and close adherence to the topics raised in the collection of proposals; a check list might be employed.

I oppose BGP use, even in the above situation if some totally, never-before mentioned element gets worked into it - even if technically there has been legal public notice. In such cases a segment of the public finds themselves badly disenfranchised, and totally unprepared or unable to respond. The closure of Big Creek sport fishery on the Naknek at the December meeting is an example. That should not happen - even if it was the right decision. It did not happen the right way. I think the year 'round single hook requirement on the Nushagak is marginally similar but falls on the borderline of my concern. Of course judgment -with guidelines will be required.

BGPs should not be allowed to revive an issue that was addressed in a previous meeting the same year. There must be dramatically different conditions to allow a BGP to get to the table, especially within weeks of a previous meeting. Example: the set net permit stacking for Egegik and Ugashik at the Area M meeting. That BGP should never have been allowed. I'm glad to see the Board made the right decision on that proposal.

I reluctantly support the use of BGP in workshops the Board holds. However I strongly support a policy of making BGP rare and unusual outside of the subcommittee process. It would be far better for the BOF to seek a supportive AC or individual to submit a proposal through the "normal" bottom up process.

Thank you,

Dan Dunaway PO Box 1490, Dillingham, AK 99576

RC 76.5



Kenai
Area
Fisherman's
Coalition

PROTECTING YOUR FISHING RIGHTS & RESOURCES

P. O. Box 375 Kenai, Ak. 99611

Alaska Department of Fish & Game
Board Support Section
P.O. Box 115526
Juneau, Ak. 99811-5526

March 14, 2013

Dear BOF Members,

We would like to comment on your Draft Criteria for Development of Board-Generated Proposals. In particular we would like to address item 4 referring to adequate opportunity for public comment.

In our opinion, this has been an area lacking acceptability in public preview because of insufficient and inconsistent direction in how the Board has addressed this area. In the past there have been times when, during the waning hours of deliberations, a couple of board members would meet with influencing special interest representatives and craft a Board-Generated proposal. Then, when they reconvened a board member would make a motion to consider the proposal and after a usually brief discussion or short break they would vote on it. The public and often AC chairs are sitting there dumbfounded by the lack of their ability to weigh in with comments before a vote is taken.

Powerful special interest groups have found that this mechanism is favorable to their agenda because they can often get a favorable outcome without the public knowing what discussions went into the drafting of the proposal or their ability to have their voices heard at this juncture. However it has been handled in the past, it has never been a transparent or consistent process from our point of view.

We would suggest that if a Board-Generated proposal is brought before the Board for consideration the chairman would call for a recess so that copies could be made available to the public. Then when the Board is brought back in session a public comment period would be allowed before further board discussion and a decision is rendered. This way everything is transparent and a truly public process has been afforded.

Respectfully Submitted,

Dwight Kramer
Chairman - Kenai Area Fisherman's Coalition

Petersburg Vessel Owners Association

RC 101
76.6

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Petersburg, AK 99833

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March 16, 2013

Alaska Dept. of Fish and Game
Boards Support Section
PO Box 115526
Juneau, AK 99811
Sent via fax: (907) 465-6094

RE: Criteria for Board-Generated Proposals—RC 101 from AYK Meeting

Dear Chairman Johnstone and Board of Fish Members:

The Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, black cod, shrimp, and dive fisheries. PVOA appreciates the opportunity to comment on **DRAFT criteria for development of board-generated proposals.**

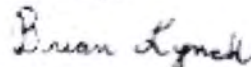
While we view this draft as a good start and we appreciate the development of criteria for board-generated proposals, it should be used as a draft proposal to solicit comments at all board meetings until the next statewide meeting in three years. Board-generated proposals should be used only in very rare circumstances and only when issue resolution cannot be reached via other means and, as such, a firm, well thought out policy must be developed to guide their use.

PVOA recommends that the following revisions be made to the policy and that they be immediately implemented:

1. Remove "allocation concerns" from criteria #1. A proposal that is mainly allocation should never be appropriate for out of cycle consideration;
2. An additional criterion should be added that stipulates that a board-generated proposal cannot be created as a substitute for an ACR that was denied, or no action taken, or a late proposal identified by Dept. of Law during a work session;

We appreciate your consideration of these recommendations. Please contact us if you have any questions.

Sincerely,



Brian Lynch
Executive Director



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

March 18, 2013

Chairman Karl Johnstone
Alaska Board of Fisheries
Board Support Section
PO Box 115526
Juneau, AK 99811

RE: Criteria for Board Generated Proposals

Dear Chairman Johnstone and Board of Fisheries Members,

Cordova District Fishermen United (CDFU) thanks the Board for soliciting public comment on the criteria for Board generated proposals. CDFU supports the development of criteria for Board generated proposals and suggests that the board consider and take input on said criteria for a full board cycle before adopting final policy.

Regarding the draft criteria, CDFU recommends striking "allocation concerns" from the list of examples of "in the public's best interest". We believe that allocative proposals are always inherently in one group's best interest at the expense of another group's best interest, and should not be generated by the board or taken up out of cycle in the absence of new information found by the board to be compelling.

Additionally, CDFU recommends the adoption of a policy that Board generated proposals shall not be generated from an Agenda Change Request proposal that has been denied or has not been acted upon. It seems logical that if a proposal fails to meet the criteria for an Agenda Change Request, it simply should not be taken up out of cycle.

CDFU, as one of the longest standing fishermen's organizations in the State, represents over 800 fishers and their families in the Prince William Sound region. As always, we appreciate the opportunity to comment and look forward participating in the further development of the criteria for Board Generated Proposals.

Sincerely,

Curt Herschleb
Vice President, Cordova District Fishermen United

**Testimony of Steve Merritt
Alaska Board of Fisheries
March 20, 2013**

My name is Steve Merritt and I live in Craig Alaska. I am a commercial salmon troller and have participated in numerous Board of Fish meetings. I am also the president of ATA, but the following comments are my own. I am opposed to proposal 247 and the Criteria for the Development of Board- Generated Proposals as written (2013-270FB).

Criteria #1 Is it in the public's best interest? (e.g. access to resource, allocation concerns, consistent intent, public process)?

The wording of this criterion is so unspecific, that it weakens the current board of fish process in a big way. There are often differences of opinion on allocation, and access to the fisheries resource. One group will swear it is in the public's interest when allocation or access issues are not solved to their liking. You and future boards will be constantly badgered to generate proposals out of cycle under this criteria. It cripples the whole Board of Fish process. I can see some allocation proposals overturned before you could finish tying the knot on your hook to fish. You must protect the fundamental process from the start to finish and the criteria above do not do that.

A better version of Criteria #1 would be:

Is it in the public's best interest in regards to public safety; consistent with the past intent of the Board; ACR compliant; and/or the result of a Board facilitated work group?

Issues like access and allocation should be dealt with in the typical Board process. That is why this process exists with a 3 year cycle.

Criteria 2. Is there urgency in considering the issue? (e.g. potential for escapement objectives not being met or sustainability in question)?

The Board could generate a proposal based on safety, escapement and sustainability issues and pass the urgency test. However, since Criteria #2 is not specific to those types of things it again becomes a matter of opinion on what is urgent, to whom. Allocation conflicts and other basic board of fish topics could all appear urgent presented by the user group unhappy with the past board's rulings. Again, this leaves the door wide open to overturn previously passed proposals by the board after new appointments arrive who are unfamiliar with the issue. It needs to be worded specifically to things that are indeed urgent.

8.27 28

I think criteria both #3 and #4 might strengthen the Board of Fish process. However, since I haven't had all much time to stare them, I am not totally sure that is true. Paint dries 5 shades darker then when it's wet.

Concerning 247

1. The videos used as evidence for the need of proposal 247 haven't been accessible for public. That is not transparent.
2. It was generated out of cycle just weeks after the Board member, whose vote overturned an identical proposal at the 2012 Southeast meeting, failed to be reappointed. That is questionable.
3. 247 is also the result of a failed ACR. That is questionable.
4. More of an enforcement presence is forecasted and the two parties are talking and attempting to work out the problem. You need to give these things a chance to solve the issue.

And in conclusion did you ever think that passing 247 may make things worse instead of better... thank you