

MEMORANDUM

STATE OF ALASKA

Department of Law

To: Glenn Haight
Executive Director
Alaska Board of Fisheries

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Subject: **Comments on Proposals for
2014 Board of Fisheries
Meeting on Prince William
Sound Finfish Fisheries**

The Department of Law has the following comments on the proposals to be considered by the Board of Fisheries at its December 3 – 8 meeting on regulations for Prince William Sound finfish fisheries.

Proposal 5: This would close waters to sport fishing inside regulatory markers placed approximately 100 feet seaward of the Main Bay Hatchery broodstock barrier seine. It is not clear whether such regulatory markers exist. If not, we comment that the Board has no administrative, budgeting, or fiscal powers over the Department and lacks authority to direct the Department to install and maintain markers.

Proposal 33: This proposes to establish a biological escapement goal (BEG) of 28,000 king salmon for the Copper River. The Board's policies for sustainable management of salmon fisheries and for statewide salmon escapement goals, 5 AAC 39.222 and 39.223, define several types of escapement goals and explain how those goals are established. These include "biological escapement goal (BEG)," "inriver run goal," "optimal escapement goal (OEG)," "sustainable escapement goal (SEG)," and "sustained escapement threshold (SET)." The policy regulations state that all these goals and measurements, with the exception of OEGs and inriver run goals, are established or determined by the Department, and state that the Board will in its discretion adopt OEGs and inriver run goals. We recommend that the Board act consistently with its policy regulations when it considers escapement goal proposals. If it chooses to specify a BEG or SEG in regulation, it should indicate its reasoning for doing so.

Proposal 37: This would require establishment of two department-operated check stations in and near Chitina to provide 24-hour reporting of subsistence and personal use salmon harvest and permit compliance in the Chitina and Glennallen subdistricts. The Board has no administrative, budgeting, or fiscal powers over the Department and lacks authority to direct the Department to install and staff check stations.

Proposal 48: This would require that markers defining the closed water boundaries for the Copper River District commercial fishery be installed and maintained during the fishing season. The Board has no administrative, budgeting, or fiscal powers over the Department and lacks authority to direct the Department to install and maintain markers.