

From: **Haight, Glenn E (DFG)**
 Subject: RE: BOF mission statement
 Date: December 24, 2013 at 9:24 AM
 To: Rich & Feryll Blanc

Hi Rich,

I don't know that I would call it a mission statement, but I would first look at the authorizing statute for the Board of Fisheries and its duties as assigned by the Alaska Legislature.

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. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

.....

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

- (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;
- (2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for
 - (A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or
 - (B) persons under 16 years of age to participate in sport fishing;
- (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;
- (4) establishing the means and methods employed in the pursuit, capture, and transport of fish;
- (5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;
- (6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;
- (7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;
- (8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;
- (9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;
- (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- (11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;
- (12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;
- (13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an on-board observer program
 - (A) is the only practical data-gathering or enforcement mechanism for that fishery;
 - (B) will not unduly disrupt the fishery;
 - (C) can be conducted at a reasonable cost; and
 - (D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;
- (14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;
- (15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;
- (16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;
- (17) promoting fishing and preserving the heritage of fishing in the state.

Rich Blanc

BACKGROUND & LEGISLATIVE HISTORY
ON AS 16.05.251(i), HB 251 (2006)
Lance Nelson, Sr. AAG, Dep't of Law, January 11, 2011

The Board's authority to allow permit-stacking is set out in AS 16.05.251(i), which was enacted in 2006 as House Bill 251 (HB 251):

Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meet at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional opportunity appropriate for that particular fishery.

Earlier, CFEC statutes had in 2002 provided that a person could own two salmon permits, but could not fish under the second permit:

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

...

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

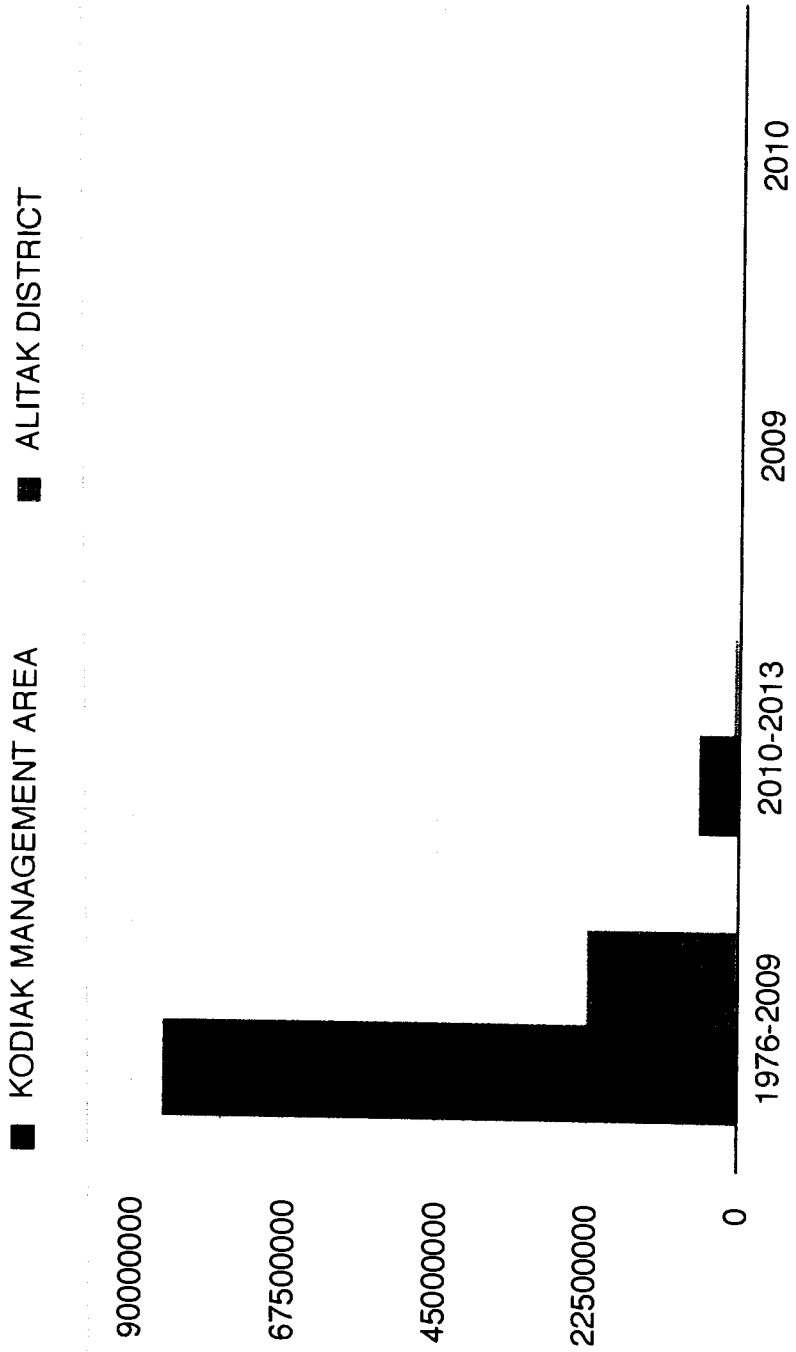
AS 16.05.140(c)(5). The gist of HB 251 was that the Board, on a fishery-by-fishery basis, could authorize a holder of two salmon permits to operate both permits with an opportunity to harvest greater than the holder of a single permit.

The board has used this authority to allow dual set gillnet permit holders to fish with double the amount of gear available to single permit holders in the Bristol Bay and Kodiak set gillnet fisheries. 5 AAC 06.331(u); 5 AAC 18.332(j)

As stated in legislative committee meetings below by the bill's sponsor and others, it gives the Board an extra tool to

- reduce the amount of gear in the water and therefore reduce competition,
- consolidate the fishery,
- reduce the large number of latent permits caused by low prices,
- make fisheries more efficient,
- make the fisheries more economically viable,
- avoid permit buybacks, which would make it harder for new entrants to come into the fishery,
- avoid surges of latent permits coming back into the fishery when things look better,

% OF SOCKEYE HARVEST IN THE ALITAK DISTRICT COMPARED TO THE KODIAK MANAGEMENT AREA (KMA) 1976-2013***



***1989 THE EXXON SEASON AND 2002 WHEN THE GILLNETS DID NOT FISH IN ALITAK DISTRICT WERE NOT INCLUDED.

1976-2009 ALITAK DISTRICT CAUGHT 26.27% OF THE KODIAK MANAGEMENT AREA HARVEST

2010-2013 ALITAK DISTRICT CAUGHT 13.38% OF THE KODIAK MANAGEMENT HARVEST

Table 3.—Estimated commercial salmon harvest and value, by gear type, in the Kodiak Management Area, 2002 - 2012.

Year	Total Catch ^a	Total Value	Average Exvessel Value		
			Purse Seine	Set Gillnet	Beach Seine
2002	21,314,421	\$12,651,332			
2003	18,030,034	\$16,307,461	\$68,552	\$26,206	\$0
2004	25,359,691	\$19,260,231	\$79,869	\$30,349	\$0
2005	31,434,179	\$24,067,755	\$93,942	\$37,246	\$0
2006	32,595,862	\$23,788,440	\$129,181	\$40,172	\$0
2007	26,238,930	\$27,224,796	\$150,318	\$27,740	Confidential
2008	10,127,638	\$25,415,333	\$148,355	\$41,058	\$3,484
2009	28,338,462	\$33,713,563	\$174,661	\$43,202	\$0
2010	10,291,449	\$24,267,934	\$130,009	\$47,593	Confidential
2011	18,228,922	\$44,247,431	\$224,349	\$25,720	Confidential
2012	19,030,756	\$44,975,796	\$219,164	\$31,155	\$13,572
2002-2011					\$16,367
Avg.	22,195,959	\$25,094,427	\$134,784	\$35,044	\$2,437

^a Number of fish: Does not include test fisheries and Kitoi Bay Hatchery and Telrod Cove cost recovery or personal use harvests.

2012 Commercial Harvest Summary

Chinook Salmon

There are no directed Chinook salmon commercial fisheries in the KMA but incidental commercial harvest occurs during targeted sockeye salmon fisheries. The Ayakulik and Karluk river systems support the largest Chinook salmon populations in the KMA. Non-retention of Chinook salmon was implemented from June 9 to July 13 along the Westside of Kodiak from the latitude of Cape Kuliuk to the latitude of Low Cape. Both Karluk and Ayakulik Chinook salmon achieved their escapement goals and non-retention of Chinook salmon was suspended on July 13. The 2012 commercial harvest of Chinook salmon in the KMA totaled 14,785 fish which was below the previous 10-year average (17,601 fish) and below the 2012 forecast (20,000 fish; Table 2).

Sockeye Salmon

The 2012 commercial harvest of sockeye salmon in the KMA totaled 2,231,044 fish. The harvest was below the recent 10-year average (2,392,557 fish) and below the forecast (2,721,637 fish; Table 2).

Early season management for much of the Westside and north end of Kodiak Island is driven by Karluk early-run sockeye salmon (through July 15). For the first time since 2007, the Karluk early-run sockeye salmon escapement goal (110,000-250,000) was achieved. Extended fishing was allowed along the Westside of Kodiak in the Central, North Cape, Southwest Afognak, and Outer Karluk sections until the management focus turned to pink salmon (July 6). A total of 335,731 sockeye salmon were harvested in early-season (through July 15) Westside fisheries, which was above the Karluk early-run projected harvest of 85,682. A total of 440,730 sockeye salmon were harvested in the late-season Westside fishery, which was above the Karluk late-run sockeye salmon projected forecast of 366,535 fish. These harvest numbers include a contribution from the enhanced Spiridon Lake sockeye salmon run (yet to be estimated).