# **MEMORANDUM**

## STATE OF ALASKA

### DEPARTMENT OF FISH AND GAME

**Boards Support Section** 

TO: Alaska Boards of Fisheries DATE: February 24, 2021

THRU: PHONE: 907-465-6095

FROM: Glenn Haight, Executive Director SUBJECT: Rescheduling

Alaska Board of Fisheries recommendations and options

At its January 25, 2021 special meeting, the Board of Fisheries (board) determined it would postpone its 2020/2021 regulatory meetings to its next meeting cycle in 2021/2022, and maintain the 2021/2022 meeting schedule as planned. It then set March 8, 2021 for a follow-up special meeting to confirm a set schedule.

### Budget update

The Governor's Proposed FY22 budget (December 11, 2020) for the Boards of Fisheries and Game, and Advisory Committee appropriations is inadequate to accommodate additional board meetings. The Alaska Department of Fish and Game (ADF&G) proposed a budget increment for FY22 through the Governor's Amended FY22 budget (February 17, 2021) to accommodate the board decision to double up on meetings next fiscal year. This was done despite concerns ADF&G voiced over this approach. A decision was made to not include this request as part of the Governor's amended budget proposals for FY22.

There remains the opportunity to have the additional increment added to the budget through the Legislature's budgeting process. This would be done by the Finance Committees in both the House and Senate and would require that it not be vetoed. ADF&G estimates it would cost about \$442.5K to accommodate the decision to double up on Board meetings next year. This includes funding for advisory committees and other divisions that, if added, would be transferred through interdepartmental contracts. The breakdown is:

#### **Incremental Budget for Additional Board meetings**

Component	Personal Services	Travel	Services	Commodities	Total
Total	\$24.5K	\$352.8K	\$52.7K	\$12.5K	\$442.5K

To repeat, ADF&G does not have sufficient fiscal resources without additional funding to double up on meetings next cycle. In addition to budget concerns, the Department has other reservations on this approach addressed at the January 25 meeting, including the misaligned schedules with the Board of Game and workload impacts.

The budget situation potentially changes how the board may wish to proceed. If the board determines it will attempt to seek additional funding from the Legislature and keep its May 10 call for proposal in place, Boards Support recommends the board approve the meeting schedule provided in Table 1 for its 2021/2022 meeting season. Meetings with a double border indicate rescheduled meetings from 2020/2021. Meetings with a dotted border indicate changes in current dates for meetings in 2021/2022.

Meeting Dates	Topics	Locations	Comment Deadline
<b>October 20-21, 2021</b> [2 days]	Work Session	<b>Anchorage</b> Egan Center	Oct. 6, 202
<b>October 22-23, 2021</b> [2 days]	Alaska Peninsula, Aleutian Islands, Bering Sea, and Chignik Pacific Cod Meeting	<b>Anchorage</b> Egan Center	Oct. 6, 2022
<b>November 13-17, 2021</b> [5 days]	Bristol Bay Finfish	Anchorage	Oct 29, 202
<b>Nov. 30-Dec. 6, 2021</b> [7 days]	Prince William Sound/Upper Copper and Upper Susitna Rivers Finfish and Shellfish (Except shrimp)	Cordova The Cordova Center	Nov. 15, 202
<b>January 4-15, 2022</b> [12 days]	Southeast and Yakutat Finfish and Shellfish	<b>Ketchikan</b> Ted Ferry Civic Center	Dec. 22, 202
<b>February 12-16, 2022</b> [5 days]	Arctic / Yukon / Kuskokwim Finfish	<b>Anchorage</b> Egan Center	Jan. 27, 202
<b>February 18-23, 2022</b> [6 days]	Alaska Peninsula / Aleutian Island / Chignik Finfish	<b>Anchorage</b> Egan Center	Feb. 4, 2022
<b>March 10, 2022</b> [1 day]	Hatchery Committee	Anchorage TBD	Feb 23, 202
<b>March 11-14, 2022</b> [4 days]	Statewide Finfish and Supplemental Issues	Anchorage TBD	Feb. 24, 202
<b>March 15-20, 2022</b> [6 days]	Statewide All Shellfish (Except Prince William Sound, Southeast and Yakutat) and Prince William Sound Shrimp only	Anchorage TBD	Mar. 1, 2022

This recommended schedule incorporates a myriad of considerations including advisory committee lead time, staffing, data availability, freight logistics, facility availability, and conflicts with other meetings and fisheries. These factors, their impact on the recommendations, and other potential options for the board to consider are reviewed further in this memo.

If the board limits its meeting schedule based on the current FY22 budget before the Legislature, Boards Support recommends the board schedules the 2020/2021 meeting and postpone the May 10 Call for Proposals to Monday, April 11, 2022.

#### A Review

In arriving at this schedule recommendation, Boards Support considered a number of factors. These recommendations were reviewed by department divisions and the board chair. This is a general description of the factors and impacts on the meetings.

<u>Flexibility in the current 2021/2022 schedule</u>. At its January 25, 2021 meeting the board discussed maintaining the current 2021/2022 meetings as planned. It is assumed that discussion was centered on completing both the 2020/2021 and 2021/2022 meetings next year. The board is under no legal obligation to maintain the specific dates for 2021/2022 schedule as currently planned and with a doubling of meeting days, flexibility is needed.

<u>Facility availability</u>. The most difficult facility to secure is Ketchikan's Ted Ferry Civic Center. The facility is needed for over two weeks and is the only reasonable venue to hold the meeting in the community. There is availability in November and January. For a host of reasons to be covered, conducting the Southeast & Yakutat Finfish and Shellfish (Southeast) meeting in November is not advisable. January is the optimal time for the Southeast meeting.

The other location that is problematic is Anchorage in December. Weekend holiday parties fill hotels and convention centers. The current scheduling for the Bristol Bay Finfish meeting, November 28-December 2 at the Egan Center, is under the condition that Board equipment is completely packed and gone by noon on Friday, December 3. This eliminates any buffer the board might enjoy if the meeting extended beyond 5 days and requires Boards Support to start packing up equipment well before 6am on the 3<sup>rd</sup>. The recommended schedule change avoids that condition.

Advisory committee's ability to meet. Holding fall meetings is difficult for advisory committees. Boards Support's regional coordinators rejoin us generally by mid-September and start facilitating committee meetings by early- to mid-October. Regardless of the region, a November meeting is difficult for committees who are finishing fall fisheries and engaging in September and October hunts. For a November meeting, the board may expect to receive some committee recommendations which exceed the 10-page limit after the two-week comment deadline.

Aside from engaging in hunts and fisheries and other important activities, advisory committees have a variety of timelines that impact their ability to provide timely recommendations. As mentioned, our facilitating staff does not start until mid-September. Most committees conduct elections at their first fall meetings and those elections require 14-day public notice per regulations. For non-election committee meetings, we recommend 7-days public notice if possible. Finally, there is the two-week comment deadline before the board meeting which committees prefer to meet.

The number of meetings an advisory committee needs to hold for a board meeting varies. Table 2 provides a glimpse at the number of meeting minutes submitted by advisory committees for each of the last board meetings slated for the 2021/2022 meeting cycle. The number of meetings required has much to do with the number of proposals under consideration. Most committees participating in the Bristol Bay meeting require one lengthy meeting. Prince William Sound (PWS) advisory committees need between one and three meetings to prepare. With a significantly larger number of proposals, the Southeast meeting generally requires more than one meeting. Most of the advisory committees participating in the Arctic, Yukon & Kuskokwim (AYK) meeting travel to meet and generally just have one multi-day meeting which covers all their subjects for that year.

<u>Freight logistics</u>. Boards Support moves 3 pallets and other assorted gear to meeting locations. Moving gear from the ADF&G warehouse in Anchorage to local meeting venues is simple and handled by Boards Support staff in about 3 hours. Moving gear to out-of-Anchorage locations requires the service of freighters. Cost, timing between meetings, and the risk of equipment damage from multiple shipments are all considerations. This impacted the recommendation to move Bristol Bay Finfish to November and have PWS in December. With the recommended schedule, the equipment now needs only to go from Anchorage to Cordova to Ketchikan and back to Anchorage with adequate time between meetings to effect the transfer. If the PWS meeting was in November, there would be an additional leg for transfer and a tighter timeframe to move the freight around the otherwise busy Thanksgiving holiday.

Ongoing fisheries and hunts. Most fisheries are concluded by the fall. The one exception for Southeast is the dive fishery which starts in October and continues throughout the winter. Having the Southeast meeting in January is preferred for this fishery group. Pacific cod is harvested in the westward regions throughout the winter and a fall meeting time is more conducive to the fishery.

Staff reports and comments: Staff reports and comments for the 2020/2021 proposals should be reasonably complete except for the inclusion of 2021 season data. All work flows through the division deputies. To the extent they are working at board meetings and on reports/comments at the same time, it puts a crunch on output. The Subsistence Section is also obligated to attend Board of Game meetings at the end of January and beginning of March. To the extent some of the 2021/2022 meetings may occur later than currently listed it may help. Staging the AYK meeting a month later should help staff and advisory committees alike.

Table 2: Advisory Committee Minutes Submitted for 2021/2022 Board Meetings in The Last Cycle										
Advisory Committee	3/1/8/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/	2008 Files Pariso 1.10	160 Mid 1.102	Pulling Sund	2019-178-C-311-4 Fahrar	On stage	- Par Sanker	200 Safer	2018 Salce.	Signal Burgary
Anchorage		1	2		/ <u>*</u>	<i>,</i> , ,	1	0	1	
Bethel		1			1		1	1	1	
					1		1	1		
Central Bering Sea					~~~~~~~		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
Central Kuskokwim	•••••••••••				1		1	1	4	
Central Peninsula	2					^	1	4	1	
Chignik	2					2		1	1	
Coastal Lower Yukon					11		1		1	
Cooper Landing							1			
Copper Basin			2				1			
Copper River/PWS			2	-			1	1		
Craig				2	1		2			
Delta			1		1					
East Prince of Wales							11			
Edna Bay	••••••••••••••••••••••••••••••			1						
Fairbanks			1		2	1	2		1	
False Pass						2				
GASH					1		1			
Homer			1			1	1	1	1	
Juneau-Douglas				2			1	1		
Kenai/Soldotna			1				1		1	
Ketchikan					2		2			
King Cove	1					1				
Kodiak						1	2	1	1	
Koyukuk River					1		1			
Lake Iliamna		1				1				
Lower Bristol Bay		1				2	1			
Lower Kuskokwim					1		1	1		
Matanuska Valley		1					1		1	
McGrath					1			1		
Middle Yukon					1				1	
Mid-Lower Yukon					1		1		1	
Minto Nenana					1		1		1	
Naknek/Kvichak		1						1	1	
Northern Norton Sound					1			1		
Nushagak		2				1	1	1	1	
Paxson			1							
Petersburg				2	1		1		1	
Port Alexander				2						
Ruby		······			2			·····	·····	
Sand Point						2	1		1	
Seward			1				1		1	
Sitka				8	2		1	1	1	
Southern Norton Sound	*************							2		
Stony/Holitna					1		1	1		
Tanana Rampart Manley	***************************************				1		1		1	
Togiak		1				1			1	
Unalaska/Dutch Harbor	1					1	2	1	1	
Upper Lynn Canal	-			1	2	-	2	-	-	
Valdez				1			1		1	
Whittier	***************************************		1				1		1	
Wrangell			1	3	1		1	1	1	
Yakutat				1	1		1	1		
Yukon Flats				1	1		1		1	
Total AC Minutes per Meeting	4	8	13	22	29	1/	43	10	24	
Total AC Minutes per Meeting	4	0	13	44	29	16	43	18	24	

The data in Table 2 indicate the number of meeting minutes submitted by the AC for the board meeting. Certain ACs manage proposals for several meetings at a single meeting.

<u>Regulation writing.</u> Once a board meeting is over, the regulation specialist works with staff and the Department of Law to draft carried proposals into regulation. Once complete this product goes to

the Regulations Section at Law where it is finalized and sent to the Lt. Governor's Office. All regulations sent to the Lt. Governor's Office are required in statute to hold for 30-days before they become official. While this process can be expedited for one-off issues, it generally takes 60-90 days for a board action to become a regulation. With the increase in meetings that timeline will get stretched. That becomes important for spring fisheries like Copper River (mid-May). Depending on the subjects at hand for this busy meeting season, it is doubtful regulations established from the statewide meetings in March will be finalized and effective until late summer.

Agenda change request (ACR) impacts. When the board schedules accepted ACRs at its work session, it typically tries to schedule those at meetings that may attract the most relevant audience or accommodate quick timelines. Given PWS and Southeast proposals are over a year old, it is anticipated the board will see a number of ACRs for these regions. Assuming ACRs from PWS and Southeast are accepted, when scheduling accepted ACRs, the board will likely schedule those for the applicable regional meeting. In order to take action on a regulation, an agency must provide a 30-day legal notice. In the event the work session remains as scheduled for October 20-21, and assuming a PWS ACR is accepted and scheduled for the PWS meeting, that meeting needs to occur at least 30-days after the work session. This is a key reason to shift the PWS meeting to December.

<u>Legal notice for the Pacific cod and November meeting</u>. When the board has early fall meetings, such as the planned Pacific cod meeting (October 22-23) and an assumed November meeting, it will issue an advanced legal notice covering the subject matters for those two meetings. No other regulatory action could be taken up at those meetings.

### **Other Options**

In arriving at the recommended schedule, Boards Support considered a number of other options. Input from the divisions and board chair impacted these options.

Shift some of the late season statewide work to October. As meeting burnout sets in and spring weather starts to emerge, Boards Support is concerned that the board, staff, and participating public will have more difficulty managing complex subjects at the statewide meetings. Moving some of the statewide work to October would help alleviate that concern. This would necessitate shifting the work session a week earlier, shifting the Pacific cod meeting to occur October 20-21, and scheduling a few additional days for a portion of the regulatory proposals currently within the Statewide Shellfish meeting (namely PWS shrimp and Cook Inlet shellfish).

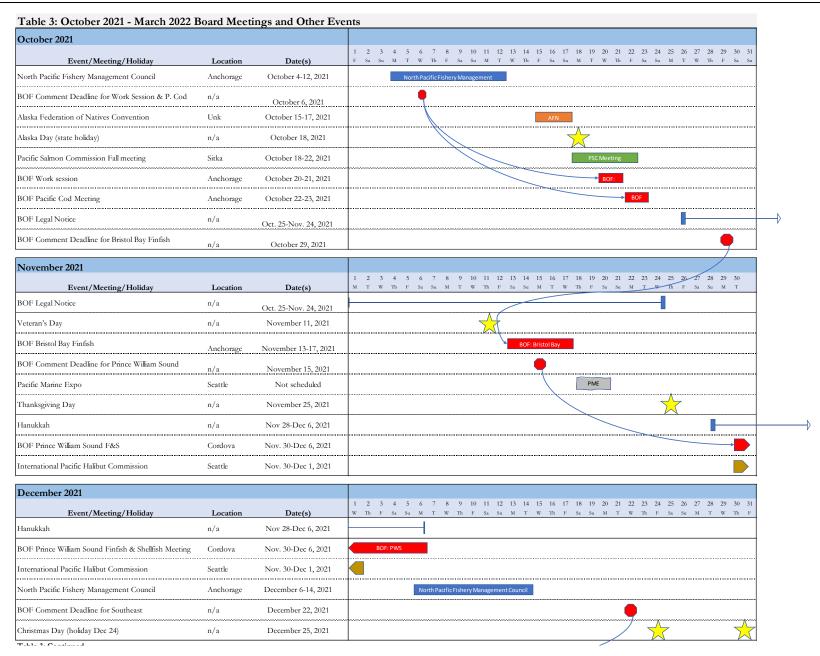
Shifting the work session to October 13-14 forces a tight fit between the North Pacific Fishery Management Council (council) and the annual Alaska Federation of Natives convention, usually held in mid-October. It also fractures the Statewide Shellfish meeting which may cause some redundancy in travel requirements for staff and advisory committees. It would require a few more advisory committees to meet in September to provide comments for October.

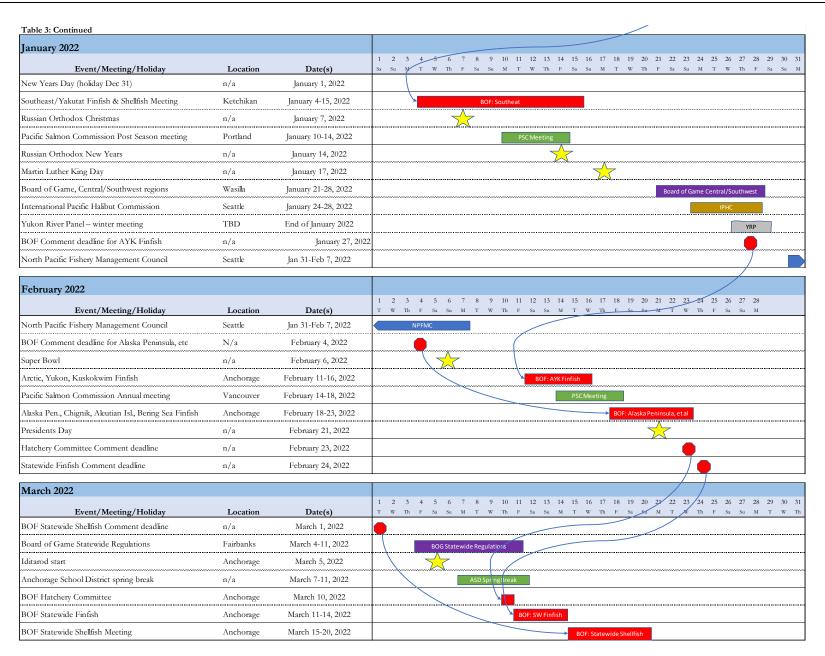
<u>Conduct PWS in November and Bristol Bay in December</u>. It is possible to conduct the PWS meeting in November and leave the Bristol Bay Finfish meeting as planned for December. For a number of reasons elucidated earlier (legal notice timeline, freight, facility conflicts) this is not the preferred option. Another consideration is timing related to the November holidays. The shorter 5-day Bristol Bay meeting is easier to fit between the Veterans and Thanksgiving days window than the 7-day PWS meeting. Flights in and out of Anchorage are more certain than Cordova as well.

<u>Conduct PWS in mid-December</u>. If avoiding the council's December meeting is a priority for the board, it ends December 14. This would allow a board meeting to occur December 16-22. This is close to the Christmas holiday when board, staff, and participants alike could use a break and prepare for the Southeast meeting.

Conduct Southeast in November and maintain AYK in January. For a number of reasons discussed earlier (ongoing fishery, AC time needed to meet, legal notice timing), conducting Southeast in November is ill-advised. Previously not mentioned is the question of when to have the PWS meeting if not November or December. Also the Southeast meeting in November would cut into Veteran's Day and very close to the Thanksgiving holiday – leaving little room for flight delays due to inclement weather. The AYK meeting is relatively short (5-days) and moving the meeting to February does not appear to present large conflicts. Moving AYK back a month allows more time for staff and advisory committees to prepare and will occur after the late-January Yukon River Panel winter meeting which should help inform the board on king salmon issues.

Table 3 provides a graphic look at board meetings between October 2021-March 2022 with other meetings, events, and deadlines





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