

List of applicable findings and policies for November 2007 Lower Cook Inlet meeting.

2006-246-FB Finding in Support in the Finding of Emergency in the Aleutian District Pacific Cod Fishery.

2005-240-FB MOU with CFEC re: GOA Groundfish

2000-200-FB Procedures for Board of Fisheries Meeting Committees

2000-199-FB Alaska Board of Fisheries Committee Policy Statement

99-184-FB Policy on Development of Findings

99-183-FB Addendum to Joint Protocol & State/Federal Action Plan

97-170.1-FB Joint Protocol Agreement with NPFMC

97-169-FB State Waters Pacific Cod Management Plans [Previously 97-04-FB]

93-145-FB Findings on Policy for Mixed Stock Salmon Fisheries [Previously 93-07 FB]

93-140-FB Delegation of Authority: Tunnel Eye Openings and Escape mechanisms for Groundfish Pots [Previously 93-02-FB]

91-129-FB Allocation Criteria [Previously 91-03-FB]

91-128-FB Alaska Board of Fisheries Standing Rule [Previously 91-02-FB]

80-78-FB Operating Procedures: Motions to Reconsider

**Alaska Board of Game
2006-163-BOG
Alaska Board of Fisheries
2006-247-FB**

A Resolution Regarding Declining Fish & Wildlife Enforcement in Alaska

WHEREAS, the Board of Game and Board of Fisheries have received numerous public complaints in recent years concerning the decreasing level and effectiveness of fish and wildlife enforcement in Alaska; and

WHEREAS, management plans are formed by the Alaska Department of Fish & Game to support the constitutional mandate to maintain fish and game populations on sustained yield principle; and

WHEREAS, regulations are developed by the Alaska Boards of Fisheries and Game through the public process to support management plans. And, all management plans rely upon public compliance with regulations to achieve success; and

WHEREAS, enforcement is a crucial element needed to ensure long-term compliance with regulations by the public; and

WHEREAS, the Alaska Department of Public Safety is the front-line agency tasked by the legislature with enforcing regulations pertaining to fish and game; and

WHEREAS; vigorous, proactive efforts are required to positively affect compliance by the public in fish and game regulations; and

WHEREAS, fish and wildlife enforcement is a critical element in the state's fish and wildlife management programs; and

WHEREAS, every subsistence, personal use, recreational or commercial resource management program is dependent on adequate enforcement for the programs to be successful; and

WHEREAS, Alaskans have traditionally supported a strong and effective fish and wildlife enforcement program in the state; and

WHEREAS, Alaskans have been assured that the integration of the fish and wildlife enforcement programs into the Alaska State Troopers system would not result in any decreased level of effectiveness in our fish and wildlife enforcement efforts; and

WHEREAS, in 2003 the Division of Fish and Wildlife Protection was eliminated and re-established as a separate Bureau within the Alaska State Troopers; and

WHEREAS, in response to expressed concerns by the Boards of Fisheries and Game, the Department of Public Safety provided the Boards with requested enforcement data from 2000 – 2005 for the purpose of comparing the level and effectiveness of the fish and wildlife enforcement program both before and after the final merger; and

WHEREAS, the final integration of the fish and wildlife enforcement staff into the Alaska State Troopers in 2003 resulted in the following: a 122% average increase in Alaska State Trooper patrol and investigations time by fish and wildlife personnel; a 24% decrease in fish and wildlife patrol and investigation time by fish and wildlife personnel; an 88% average annual increase in Alaska State Trooper contacts; a 20% average annual decrease in fish and wildlife contacts; a 76% annual increase in Alaska State Trooper warnings by fish and wildlife personnel; an 8% annual decrease in fish and wildlife warnings by fish and wildlife personnel; and a 50% average annual increase in Alaska State Troopers citations by Bureau of Wildlife Enforcement personnel; and

WHEREAS, the level of contributions to the Fish and Game Fund from fish and wildlife convictions has been steadily decreasing from approximately \$1.1 million in 1990 to \$51,000 in 2005 which indicates that although troopers are making citizen contacts, they are issuing citations on less serious violations rather than focusing on the more onerous and destructive violations and the fish and wildlife investigation unit responsible for the larger commercial fines has become significantly less effective; and

WHEREAS, the primary emphasis and accepted principles of fish and wildlife enforcement relating to promoting voluntary compliance, preventing resource violations rather than focusing only on apprehending violators, educating the public about the conservation purposes for fish and wildlife regulations, emphasizing selective sting and special investigations directed at commercial operators and discouraging violations through a continued presence in the field have been deemphasized by the Trooper merger process; and

WHEREAS, there is not a consistent cross-training of Alaska State Troopers and Alaska Bureau of Wildlife Enforcement personnel which results in Alaska State Troopers unable to assist in fish and wildlife enforcement activities while Alaska Bureau of Wildlife Enforcement personnel are expected to assist in Alaska State Trooper public safety activities; and

NOW THEREFORE BE IT RESOLVED that the Boards of Fisheries and Game respectfully request that the Commissioner of Public Safety consider reestablishing the separate Division of Fish and Wildlife Protection with its identified separate identification and mission; and

BE IT FURTHER RESOLVED that the Alaska Department of Public Safety must maximize it's enforcement of fish and game regulations to the greatest extent possible in order to preserve and protect the fish and game resources of the State of Alaska for public use and future generations; and

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully request the Governor and the Legislature provide the Alaska State Troopers with adequate funds for their identified public safety mission rather than depending on the Division of Fish and Wildlife Protection to continually fill in for inadequate numbers of State Trooper positions; and

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests the Governor and the Legislature provide an increase of approximately \$18 million to the Fish and Wildlife Protection Division for their fish and wildlife enforcement effort; and

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests that the Commissioner of Public Safety begin a program to recruit Fish and Wildlife Enforcement officers separately from Alaska State Troopers for the purpose of adequately providing for career officers in the fish and wildlife enforcement field; and

BE IT FURTHER RESOLVED that the Alaska Boards of Fisheries and Game request that, to the greatest extent possible, the Alaska Bureau of Wildlife Enforcement within the Division of Alaska State Troopers, focus efforts on enforcing, patrolling and documenting criminal activity in the areas of fish and game regulations. Every effort is encouraged for the Alaska Bureau of Wildlife Enforcement to remove duties from enforcement personnel that do not pertain to the enforcement of fish and game regulations.

BE IT FURTHER RESOLVED that the Boards of Fisheries and Game respectfully requests that the Governor's office and the Alaska State Legislature provide a reasonable level of oversight over the fish and wildlife enforcement performance of the Department of Public Safety to assure that our fish and wildlife resources are being adequately protected and our fish and wildlife management programs receive the enforcement support needed to make our programs successful.

Copies of this resolution are being sent to Commissioner William Tandeske of the Department of Public Safety, Governor Frank Murkowski, Commissioner McKie Campbell of the Department of Fish and Game, and the House and Senate leadership.

Mike Fleagle, Chairman
Alaska Board of Game

Art Nelson, Chairman
Alaska Board of Fisheries

Date: March 19, 2006

Date: March 23, 2006

Vote: 6-0

Vote: 7-0

Memorandum of Understanding between the Alaska Board of Fisheries and the Alaska Commercial Fisheries Entry Commission with respect to the Gulf of Alaska Groundfish Fisheries

2005-240-FB

SB113 (the Act) is now pending before the Alaska State Legislature and, if passed, would authorize (but not mandate) a dedicated access privilege program (as defined in the Act) as a new, alternative form of limited access potentially applicable for limiting access to the Gulf of Alaska groundfish fisheries within State of Alaska jurisdiction.

AS 16.43.530(a) [Sec. 5, lines 4-8] provides in relevant part:

If the commission finds that entry into a Gulf of Alaska groundfish fishery should be limited on the basis of dedicated access privileges to serve the purposes of this chapter, the commission may adopt regulations, developed in conjunction with the Board of Fisheries, that are necessary to establish and implement a dedicated access privilege program for that fishery.

This Memorandum of Understanding (MOU) between the Alaska Board of Fisheries (the Board) and the Alaska Commercial Fisheries Entry Commission (the Commission or CFEC) sets forth the agreement between the Board and the Commission outlining the procedure by which the two bodies intend to develop regulations in conjunction with each other. The purpose of this MOU is to provide a working definition of the phrase "in conjunction with" as understood by the two bodies. When this agreement is finalized, the Board and the Commission will present the agreement to the legislature and propose the agreement be incorporated into the legislative history of the Act.

This agreement will take effect on passage of the Act.

In this agreement, references to the Board and to the Commission include representatives of each body delegated to ensure the outlined procedure may go forward in a timely fashion not restricted by the public meeting schedule of either full body.

In this memorandum, the term fishery refers only to Gulf of Alaska groundfish fisheries as specified in AS 16.43.530(a).

To outline the steps in the process by which the Board and the Commission will develop regulations for the Gulf of Alaska Groundfish fisheries under the Act, the Board and the Commission agree as follows. ← • ?

(1) As practicable, the Board will continue to explore options through the Gulf of Alaska Groundfish Rationalization Committee process and will continue to include the Commission or its representative in such meetings.

(2) As soon as practicable, the Board, in consultation with the Alaska Department of Fish and Game (ADF&G), will identify for the Commission the particular fisheries the Board believes to be most in need of immediate review. Similarly, the Board will identify those fisheries the Board believes do not require limited access at this time. The Board may also transmit any guidance the Board wishes to offer with respect to the fisheries.

Neither the Board nor the Commission will be proposing limited access for a fishery in the absence of an express request from participants in the fishery to do so. This practice pre-exists this agreement: in more than 20 years, the Commission has not proposed limitation of any fishery without a specific request from the public to do so, and the commission has turned down many requests it has received.

(3) In light of the information presented by the Board and ADF&G, the Commission will develop data and analyses of the fisheries and generally examine the fisheries under the standards set forth in the Act.

(4) When the Commission develops preliminary findings or a proposal for any of the fisheries, prior to making a public proposal for the adoption of regulations, the Commission will present its preliminary

findings or proposal to the Board for the Board's review and guidance under the standards set forth in the Act. The Board and the Commission will meet to discuss these matters. The Board may concur in the Commission's preliminary findings or proposal. In the event the Board takes issue with any preliminary findings or the proposal, the Board shall specify for CFEC how the particular matters fail to meet the standards set forth in the Act or other policy goals of the Board. Upon notice of such issues, CFEC will reconsider any of its preliminary findings or its proposal and report the results of its reconsideration to the Board.

(5) When CFEC proposes regulations for a fishery, during the following public comment period, the Board and CFEC will hold joint hearings to receive public comment on the proposal. In addition, the Commission will share any written public comment it receives with the Board.


(6) In addition to the Board's opportunity to comment under the procedures of paragraphs (2), (4), and the following paragraph (7), the Board is free to comment throughout the public comment period.

(7) Following the public comment period, based on public comment received, the Commission will develop and present to the Board its preliminary findings with respect to the proposed regulations including proposed modifications of the original proposal. The Board may concur in these preliminary findings. In the event the Board takes issue with any of the preliminary findings, the Board may ask the Commission to reconsider its preliminary findings specifying where they failed to serve standards set forth in the Act or other policies of the Board. In the event the Board raises such issues, the Commission will reconsider any of its preliminary findings.


(8) In making their final decision on proposed regulations for a fishery, the Commission will fully consider any comments by the Board and will specifically address those comments in writing in the Commission's rationale supporting its final decision.

(8) Future Commission regulatory proposals pursuant to the Act will be governed by the procedures outlined herein.

Alaska Board of Fisheries

by  4/6/2005
Arthur N. Nelson
Chair Date

Alaska Commercial Fisheries Entry Commission

by  4/5/2005
Bruce Twomley
Chair Date

PROCEDURES FOR BOARD OF FISHERIES MEETING COMMITTEES

#2000-200-FB

INTRODUCTION

The description of the processes in this Memorandum are applicable to Board committees that meet during a regulatory Board meeting. They are not applicable to the Board's standing committees and task forces that conduct business throughout the year on number matters. Examples of standing committees are the Joint Protocol Committee that works with the North Pacific Fishery Management Council and the Legislative Committee that is responsible for all matters before the Alaska State Legislature.

The meeting committees consist of Board members only. Members of the public who participate in the committee process are advisers to the committee, but are not committee members themselves. Advisory committee representatives are ex-officio members of any advisory panel to any committee with which they wish to serve.

DESCRIPTION OF THE COMMITTEE PROCESS

The committee formation process for each regulatory year will commence shortly after proposals for that regulatory year are received and compiled. Appropriate department staff, working with Board members assigned by the Chair, will group and preliminarily assign proposals, grouped by appropriate topic, to committees for each scheduled regulatory meeting during the year. Proposal roadmaps will likewise be developed that mesh with committee proposal groupings. Preliminary staff assignments for committees will also be considered during the initial proposal review.

At its work session each fall, the Board will evaluate and provide further refinement to the draft roadmaps and preliminary committee organization and assignments. Board member responsibilities for and assignments to committees will be determined at the fall work session. The goal is to have all committee structures, including Board member and staff assignments, completed before the respective regulatory meeting occurs. Committee roadmaps with Board member assignments will be distributed to the public after the fall work session. The roadmaps and the committee assignments are subject to change in the face of unforeseen circumstances or changed conditions.

COMMITTEE PROCEDURES DURING REGULATORY MEETINGS

The practices and procedures to which committees will attempt to adhere during Board regulatory meetings are as follows:

1. Early during each regulatory meeting the Board Chair will provide a brief description of how the committee system works and will further direct the public's attention to the location of a posted committee roadmap and committee assignments. The Chair will also announce that a copy of the Board's Policy Statement and this procedural description on the role of committees is available from the Board's Executive Director upon request.
2. Board committees consist solely of Board members appointed by the Board Chair. Advisory committee representatives and public panel participants are not committee members, but rather are advisors to the committee. Department staff as well as other state and federal agencies staff will provide technical assistance to committees.
 - A) Public panel participants are generally stakeholders in the fisheries under consideration. They may be CFEC permit holders, crewmen, processors, executive directors of associations, and private citizens.
 - B) A Board member will serve as a chairperson for each committee.
 - C) The Board Chair will announce the location and time of all committee meetings.
 - D) All committee meetings are open to anyone that desires to attend, although participation is limited to the advisory committee representatives, the public panel participants, the technical advisors, the department staff and the committee members.
3. Individuals that desire to serve as public panel participants to any committee should make their availability known to the chair of the respective committee. Willingness to serve can be expressed by personal contact with a committee chair or during presentation of formal oral testimony. Committee chairs are to keep a list of prospective public panel participants

during the course of the meeting.

A) Attendance at the Board meeting during the presentation of staff reports and presentation of oral testimony is generally a prerequisite to serving as a public panel participant to a committee at most meetings. This requirement will be most prevalent at meetings having high levels of attendance.

B) Advisory Committee representatives are ex-officio members of all public panels to all committees and may move between committees as they choose.

4. At the conclusion of public testimony, the chair of the respective committees will develop a preliminary list of public panel participants. The goal of the selection process will be to insure, as far as practicable, that there is appropriate and balanced representation of fishery interests on all committees. Tentative assignments will be reviewed by the Board as a whole and then posted for public review. After public review the Board Chair, in session on the record, will ask the public for concurrence or objections to the panel membership. Reasonable adjustments to membership on public panels will be accommodated.
5. Parliamentary procedures for committee work will follow the "New England Town Meeting" style. Public panel participants, upon being recognized by the committee chair, may provide comments, ask questions of other public panel members, ADF&G staff or the committee members or may otherwise discuss the issues assigned to a committee. Committee chairs will attempt to manage meetings in a manner that encourages exchange of ideas, solutions to complex issues and resolution of misunderstandings. Participants are required to engage in reasonable and courteous dialogue between themselves, Board committee members and with ADF&G staff. Committee meetings are intended to provide opportunities for additional information gathering and sometimes for dispute resolution. Committees are not a forum for emotional debate nor a platform for repeating information already received through public testimony and the written record. Department staff will be assigned to each committee to keep notes of discussions and consensuses reached, if any.

A) Formal votes will not normally be taken by the committees, but proposals or management plans that

receive public panel consensus, either negative or positive, will be noted in the committee report.

B) The committee process, in the absence of consensus will attempt to bring greater clarity to individual proposals and to complex conservation or allocation concerns.

6. Advisory Committee representatives serving on public panels are not constrained to merely presenting the official positions of their Advisory Committee (as is required while providing public testimony). When participating in the committee process, Advisory Committee representatives may express both the official positions of their committee as well as their personal views on issues not acted upon or discussed by their Advisory Committee. They must, however, identify which of the two positions they are stating. The Board recognizes Advisory Committee representatives as knowledgeable fisheries leaders who have a sense of their community's position on issues that come before the Board. Therefore, the Board believes that Advisory Committee representatives must be able to function freely during committee meetings.
7. After a committee has completed its work with its public panel, the committee chair will prepare a report with assistance from other members of the committee and department staff. The format of this report, which becomes part of the public record, is attached to this policy. The primary purpose of a committee report is to inform the full Board of the committee work in synopsis form. The report will additionally serve as a compilation index to Advisory Committee, public and staff written materials (record copies, public comments and staff reports) relative to the proposals assigned to the respective committees. Committee reports will be clear, concise, and in all cases, will attempt to emphasize "new information" that became available during the committee process, i.e., information that had not previously been presented to the full Board in oral or written form.
 - A) In order to provide focus, committee reports should include recommendations relative to most proposals.
 - B) If a committee has developed a proposal to replace or modify an existing proposal, the substitute proposal should be prepared and attached the to

committee report.

- C) Committee reports will not include recommendations for proposals when such recommendations will predetermine the ultimate fate of the proposal. For example, when the full Board consists of six or few voting members (because of absence, abstention or conflict of interest) a committee of three should not provide a negative recommendation on a proposal.
8. Committee reports will be made available to the public in attendance at the meeting prior to the Board beginning deliberations on proposals. The Board Chair will publicly announce when reports are expected to be available for review by members of the public. The public will be encouraged to provide written comments to the Board (submittal of record copies) regarding the content of the committee reports and/or to personally contact Board members to discuss the reports.
- A) The Board Chair will provide sufficient time between release of committee reports and deliberations for the preparation of written comments or for verbal communications with individual Board members to occur.
9. Board deliberations will begin after the full Board has had time to review committee reports, after the public in attendance has had an opportunity to respond to the reports, and after the full Board has had an opportunity to review the public's comments made in response to the committee reports. During the course of deliberations, committee chairs will present their committee's report and initially will lead the discussion relative to proposals assigned to their committee.
10. The full Board shall be involved in the debate or discussion of all proposals and will make regulatory decisions based on all information received to the record, including information from committees.

Adopted by the Board in Anchorage on March 23, 2000.

Vote: 6-0-1
(Miller absent)


Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES
POLICY STATEMENT

Policy for Formation and Role of Committees at Board Meetings

#2000-199-FB

INTRODUCTION

During the past three (3) years, in response to its workload and in a desire to increase public participation, the Board has employed a committee process during the course of its meetings throughout the state of Alaska. This committee process has changed and developed over these three years in response public and department comments and the experiences of the Board in using the committee process.

It is expected that this process will continue to evolve as the needs of the public, the Board and the Department continue to evolve. As such, the committee process is meant to be dynamic and flexible. However, despite the expected future refinements, now that the committee process has been through a three-year Board cycle, it is appropriate for the Board to consider formal adoption of a Policy Statement on the Board committee process.

The Board recognizes that the public relies on the predictability of the regulatory process. The purpose of adopting this Policy Statement and the attached description of the committee process is to place the committee process in the records of the Board. Thus, the adoption of this Policy Statement will define the purpose, the formation and the role of Board committees. Over time, all participants in the Board process can be knowledgeable and effective participants before the Board of Fisheries.

DISCUSSION

A major strength of the Board committee process lies in its broad-based public participation format. To accommodate greater levels of public involvement, to enable the Board to receive and utilize the volume of information presented to it and to effectively handle the increased number of proposals seeking regulatory changes, the Board has found it desirable to create internal Board committees. The Board has found that these committees allow the Board to complete its work timely and effectively, with full consideration of the content and purpose of the many proposals before it each year.

The Board considers the use of committees as an expansion of its traditional processes; not as a replacement for such long-standing information gathering activities as staff and advisory committee reports, public testimony, written comments or informal contacts between Board members and the public. The Board committees are intended to enhance the process, not become a substitute for existing process.

While the committee process, of necessity, involves less than the full Board, nothing about the committee process is intended to, or has the consequence of, replacing the judgment of the full Board on all proposals before it at any regulatory meeting. The Board has taken steps to insure that its committees do not dictate/direct the outcome of any vote on any proposal. These steps include limiting participation by Board members to less than the number of Board members necessary to determine the outcome of the vote on any proposal. In addition, Board committees avoid predetermining the outcome by organizing the written materials presented to the Board so that they are readily available for review by the full Board, by presenting detailed reports on the committee's work and by fostering and encouraging debate during the deliberative process.

The goals and purposes of the Board committee process include but are not limited to the following:

1. Acquisition of additional detailed information from both the public and staff.
2. Providing a consensus-building forum that assists in the understanding and resolution of complex and controversial conservation, allocation, fishery resource, habitat and management issues.
3. Enhancing the interaction among the Board, the public and department staff which results in broader public understanding of the regulatory decisions of the Board and the Department's management of the fisheries.
4. Promoting efficient use of time by organizing and grouping similar proposals, reducing redundancy and organizing the huge volume of written materials provided before and during meetings by the department and the public.
5. Insuring completion of the Board's work within fiscal and temporal constraints.

The Board now finds as follows:

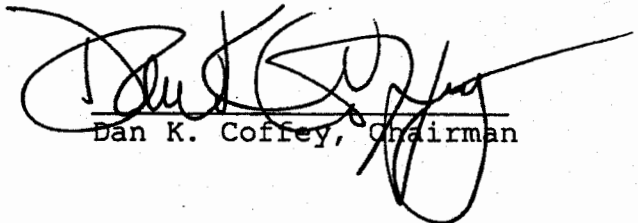
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

Based on the findings, the Board of Fisheries resolves as follows:

1. The Policy Statement is hereby adopted as the policy of the Board of Fisheries.
2. The description of the committee process attached to this Policy Statement will be followed, in most circumstances, by the Board during the course of its regulatory meetings, subject always to the exceptional circumstance as determined by the Board.
3. The committee process is intended to be dynamic and flexible to meet the needs of the public, the Board and the Department. Thus, this Policy Statement and the attached description of the committee process are subject to ongoing review and amendment by the Board.

DATED at Anchorage, Alaska this 23rd day of March, 2000.

Vote
(Miller Absent)



Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES
POLICY ON WRITTEN FINDINGS FOR ADOPTION OF REGULATIONS
99 - 184 - BOF

Generally, written findings explaining the reasons for the Board of Fisheries' regulatory actions governing Alaska's fisheries are not required by law. The Alaska Supreme Court has specifically held that decisional documents are not required where an agency exercises its rulemaking authority. *Tongass Sport Fishing Association v. State*, 866 P.2d 1314, 1319 (Alaska 1994). "Adoption of a decisional document requirement is unnecessary and would impose significant burdens upon the Board." *Id.* The Board recognizes, however, its responsibility to "clearly voice the grounds" upon which its regulations are based in discussions on the record during meetings so that its regulatory decisions reflect reasoned decision-making. *Id.* The Board also recognizes that there may be times when findings are appropriate to explain regulatory actions that do not result in adoption of a regulation.

Even though written findings are generally not a legal requirement, the Board recognizes that there are certain situations where findings are, in fact, legally required or advisable or where findings would be useful to the public, the Department of Fish and Game, or even the Board itself. The Board will, therefore, issue written findings explaining its reasons for regulatory actions in the following circumstances:

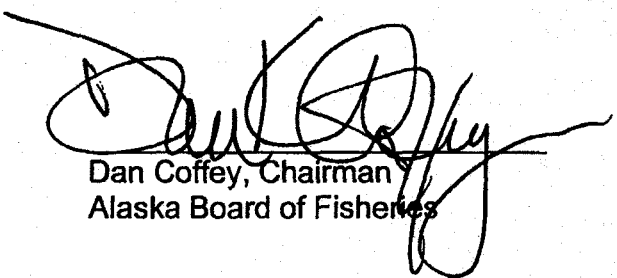
1. The Board will provide written explanations of the reasons for its decisions concerning management of crab fisheries that are governed by the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs as required by that plan.
2. The Board will, in its discretion and in consultation with the Department of Law, provide written findings for regulatory decisions regarding issues that are either already the subject of litigation or are controversial enough that litigation is likely.
3. The Board will, in its discretion, provide written findings for regulatory actions where the issues are complex enough that findings may be useful to the public in understanding the regulation, to the department in interpreting and implementing the regulation, or to the Board in reviewing the regulation in the future.
4. The Board will, in its discretion, provide written findings for regulatory actions where its reasons for acting are otherwise likely to be misconstrued by the public, the legislature, or other state or federal agencies.

The chair will assign responsibility for drafting written findings to board committees, individual board members, department staff (with division director approval), or others, as appropriate for the circumstances.

Written findings must be approved by a majority of the full Board membership. Approval may be by a vote on the record at a Board meeting or by individual signatures of Board members upon circulation of a written finding. Only those Board members that participated in the regulatory decision will be eligible to vote on the findings for that regulatory decision. Board members are not required to vote for or against adoption of findings based on their individual vote on the underlying regulatory decision. A Board member who votes in favor of the regulatory decision may vote against adoption of the findings; a Board member who votes in opposition to a regulatory action may, nevertheless, vote for adoption of the written findings.

Written findings adopted by the Board will be numbered according to year and sequence of adoption. The executive director will maintain copies of all Board findings and make them available for review by the Board, department, and the public.

ADOPTED: 10/27, 1999
Fairbanks, Alaska



Dan Coffey, Chairman
Alaska Board of Fisheries

VOTE: 7/0

(September 15, 1999)

Draft
Addendum to Joint Protocol and State/Federal Action Plan

99-183-FB

1. **State/Federal Policy Group**

Policy group purview should be expanded to consider other proposals/issues beyond crab.
Policy group should meet more often and be more pro-active on cross-jurisdictional issues.

2. **Categorizing crab proposals:**

ADF&G staff will categorize proposals in late April/May after proposal deadline
Crab Team will review categories.
State/Federal Policy Group will review categories if necessary.
Council reviews category recommendations at June meeting. (This is not a discussion of the merits of a proposal)

Category 1 Proposals:

June: Council confirms categories, particularly with regard to Category 1 proposals.
October: Council decides which category 1 proposals to further analyze.
Council reports to Board at October work session on the proposals it will analyze.

Category 2 & 3 Proposals:

Joint Board/Council Committee reviews these proposals initially in July, but also as necessary in January or at other times, and flags issues/concerns with proposals.
Flagged issues are discussed by the Council in October (or other meeting) and comments passed to the Board at their October work session. A second opportunity is at the full joint Board/Council meeting each February.
Board will schedule a Council/NMFS/NOAA staff report on their March agenda..

3. **Other "hot" issues/off-cycle issues:**

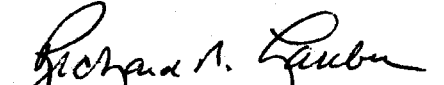
Council staff will brief the Board at their October work session on issues that will be before the Council during the next nine months. Briefing documents should be made available to Board at least one week ahead of the work session.
At each Council meeting, particularly in April during initial review of amendment packages, the Council will strive to identify issues that need to be brought to the attention of the Joint Committee and the Board.
Specific opportunity will be given to the Board or its Committee representatives to comment on issues of mutual concern at the Council meeting before a final decision is made.
Conversely, there will be a spot on Board agenda(s) for Council/NMFS/NOAA input as appropriate.

4. **NMFS and Council should make staff available during March Board meeting on crab**

5. **Other issues of mutual concern should be referred to Joint Committee per Protocol**

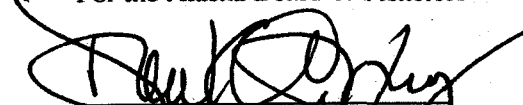
Approved:

For North Pacific Fishery Management Council



Council Chairman
Date Oct. 18, 1999

For the Alaska Board of Fisheries



Board of Fisheries Chairman
Date 10-27-99

97-170.1-FB

JOINT PROTOCOL
BETWEEN
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (NPFMC)
ANCHORAGE, ALASKA
and
ALASKA BOARD OF FISHERIES (BOF)
JUNEAU, ALASKA
ON
MANAGEMENT OF FISHERIES
OFF ALASKA

Recognizing that NPFMC has a legal responsibility for reviewing and recommending to the Secretary of Commerce measures for the conservation and management of the fisheries of the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska, with particular emphasis on the consistency of those measures with the National Standards of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); and

Recognizing that the State of Alaska has a legal responsibility for conservation and management of fisheries within State waters; and further, that the State system centers around BOF policy, regulations, and procedures which provide for extensive public input; is sufficiently structured to ensure annual revisions; is flexible enough to accommodate resource and resource utilization emergencies; and is understood and familiar to the users of North Pacific fisheries resources; and

Recognizing that many of the fish populations in the Gulf of Alaska and the Bering Sea and Aleutian Islands migrate freely between or spend some of the year in both Federal and State waters; and

Recognizing that State and Federal governmental agencies are limited in fiscal resources, and that the optimal use of these monies for North Pacific fisheries management, research, and enforcement occurs through a clear definition of agency roles and division of responsibilities.

Therefore, NPFMC and BOF enter into this Joint Protocol to achieve coordinated, compatible, and sustainable management of fisheries within each organization's jurisdiction in the Gulf of Alaska and the Bering Sea and Aleutians.

I. Applicable Fisheries

This Joint Protocol applies to all fisheries off Alaska of mutual concern.

II. Duration of the Agreement

This agreement shall be reviewed by both NPFMC and the BOF and revised as necessary.

III. NPFMC and BOF shall undertake the following activities:

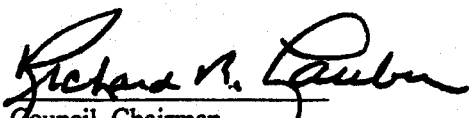
- A. NPFMC and BOF shall jointly agree upon and implement an annual management cycle that provides for coordinated, compatible, and sustainable fisheries management in State and Federal waters. Management measures shall be consistent with the national standards of the Magnuson-Stevens Act, with the laws of the State of Alaska, and with all other applicable laws.

B. With regard to groundfish, the annual management cycle shall have the following elements:

1. The NPFMC and BOF will endeavor to coordinate their proposal schedules to the greatest extent practicable.
 2. The NPFMC will provide the BOF with the latest stock assessment information shortly after the NPFMC's September meeting, noting any special management or conservation concerns with individual groundfish fisheries. The NPFMC will also review fisheries management proposals that it receives that could have impacts on State programs and forward such proposals to the BOF for consideration at an appropriate BOF meeting. The NPFMC will provide all available information concerning such proposals and will identify particular issues that should be analyzed before taking final action.
 3. The BOF at its fall meeting will review groundfish proposals. Those proposals identified as being of mutual concern to both the BOF and NPFMC, will be forwarded to the NPFMC for consideration at its December meeting. The BOF will provide any information available concerning the proposals, and will identify particular issues that should be analysed before taking final action.
 4. In December the NPFMC will review stock assessments, set acceptable biological catch and harvest limits, consider proposals and other information received from the BOF, and task staff with developing a discussion paper on potential impacts of the proposals if adopted.
 5. Final action by the BOF will occur at their next groundfish meeting following the February joint meeting with the NPFMC. After a BOF final decision, the BOF shall adopt findings explaining the basis for the regulation. This provision shall not apply to emergency regulations, however, justification should be provided to the NPFMC in a timely manner, not less than ten days after the emergency action.
- C. A joint NPFMC-BOF committee, not to exceed three members from each body, will be formed and meet in January and at other times as necessary to review available analyses, proposals, and any other matters of mutual concern, and to provide recommendations to the joint NPFMC and BOF.
- D. The NPFMC and BOF will meet jointly in Anchorage each February to consider proposals, committee recommendations, the analysis, and any other issues of mutual concern. All interested persons and agencies shall have the opportunity to submit comments to the NPFMC and BOF at these meetings on proposals identified as being of mutual concern, and other matters as appropriate.
- E. NPFMC and BOF shall encourage ADF&G and NMFS, in carrying out their responsibilities, to consult actively with each other, with NPFMC and BOF, and other agencies as appropriate, in order to prevent duplication of research, management, and enforcement effort and to make optimum use of the resources available for management of the fisheries.
- F. The intent of this protocol is to provide long term cooperative, compatible management systems that maintain the sustainability of the fisheries resources in State and Federal waters.

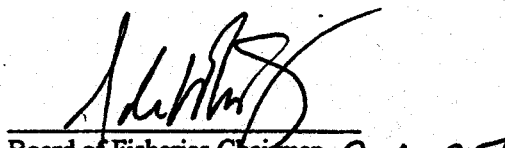
Approved:

For the North Pacific Fishery Management Council


Richard M. Leuben
Council Chairman

Mar. 7, 1997
Date

For the Alaska Board of Fisheries


Board of Fisheries Chairman
March 19, 1997
Date

**Alaska Board of Fisheries Findings
State Waters Pacific Cod Management Plans
Adopted October 29 - 31, 1996, at Wasilla**

Introduction:

The Alaska Board of Fisheries (board) met at Wasilla (October 29-31, 1996) and approved new management plans for the commercial harvesting of Pacific cod in state waters of the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula Areas. The board's action represented the culmination of a two year public process to advance state involvement in management of groundfish resources in Alaska's territorial waters.

The process included strong support from the Governor's office, a re-programming of state funding to support management activities, and extensive interactions with fishermen, processors, industry representatives and community leaders through the board's local Advisory Committee process. The board, through the Alaska Department of Fish and Game (department) staff, also kept the North Pacific Fisheries Management Council (NPFMC) and National Marine Fisheries Service (NMFS) up to date on the development of state groundfish management plans.

Background:

The board was informed of an April 1995 conference, sponsored by the Peninsula Marketing Association and the Alaska Department of Commerce and Economic Development, to discuss development of a state managed groundfish fishery. A report from this conference was supported by the Governor who in turn requested the department to re-program \$200,000 in funding for state groundfish management.

At its October 1995 work session, the board accepted a department agenda change request to consider groundfish management plans during the 1996/97 meeting cycle. In the winter of 1995/96, the board issued a call for proposals for statewide groundfish management plans to be deliberated in October 1996. The NPFMC and NMFS were informed of the board's acceptance of the agenda change request and its subsequent call for proposals early on in the process. In response to the published legal notice, 46 proposals were submitted by the public and the department before the April 10, 1996, deadline.

Prior to the October 1996 meeting, Prince William Sound, Cook Inlet, Kodiak, Chignik, and Alaska Peninsula Advisory Committees, and other groups met to formulate recommendations for state waters groundfish fisheries.

Identification of Issues and Concerns:

At its October 1996 meeting, the board heard reports from the department staff, including Bob Clasby, Director of the

Commercial Fisheries Management and Development Division, who explained that the department was fiscally limited in its ability to manage groundfish. The board was informed that insufficient funds were available to conduct independent stock assessment. The department also reported that funding was not available to monitor groundfish fisheries with inherent high bycatch rates, such as trawl or longline gear fisheries. Based on this information, the board found that state water groundfish management plans must operate within the conservation parameters established by federal managers and that allowable gear must have low bycatch rates.

Department staff also provided reviews of the various fisheries, from Prince William Sound westward to the Aleutians. The board also reviewed a letter submitted by NMFS Region Director, Steve Pennoyer, which encouraged a strong partnership between state and federal management. The Pennoyer letter urged the board to consider the need to maintain historic harvest statistics based on federal boundaries when establishing new state management areas. Staffs from NMFS and the NPFMC also made presentations to the board.

The board was advised by the Alaska Department of Law that under the Magnuson-Stevens Act, it should not take actions that would have substantial and adverse impacts on federal management or they could run the risk of preemption.

The board discovered that with the advent of federal IFQ and vessel limitation programs, in the absence of similar state waters effort limitation programs, the department was obligated to either close state waters to all fishers or let all fishers participate in state water fisheries. The board believed these considerations, mandated involvement in management of groundfish fisheries conducted in state waters.

The board heard of the impact of federal IFQs, Community Development Quotas (CDQ), and inshore/offshore allocation programs on state fisheries. The board found that current council management had not addressed the needs of small vessel groundfish fishermen. The board also found that the winter season, specified in the NPFMC management plans, made it difficult for small vessels to fully participate in the fishery.

The board received information on the history of state involvement in the management of groundfish resources. The board learned that the department tailored groundfish, and specifically Pacific cod, management actions in state waters to be consistent with the management actions implemented by federal managers in the adjoining waters of the Exclusive Economic Zone (EEZ). In general, state waters were opened and closed concurrently with the adjacent federal management areas.

The board was informed that the harvest of Pacific cod from state waters has gradually increased in recent years. From 1994-1996, the take in the state water portions of the federal Central and

Western Gulf of Alaska Areas averaged approximately 22.6% of the total harvest. The board discovered that the implementation of federal Individual Fishery Quota (IFQ) and license limitation programs were changing the structure of Alaskan groundfish fisheries and making it difficult for many local fishermen to participate in groundfish harvest.

Given this information, the board decided that it would be appropriate to first develop factors to consider when developing state water groundfish management plans. The board discussed the following factors:

1. Minimize bycatch to the maximum extent practicable.
2. Consider protection of habitat from fishing practices.
3. Slow harvest rates to ensure adequate reporting and analysis for necessary season closures.
4. Utilize such gear restrictions as necessary to create a year round harvest for maximum benefit to local communities, the region and the State.
5. Harvest the resource to maximize quality and value of product.
6. Harvest the resource with consideration of ecosystem interactions.
7. Harvest to be based on the total catch of the stock that is consistent with the principles of sustained yield.
8. Prevent localized depletion of stocks to avoid sport, subsistence and personal use conflicts.
9. Management based upon the best available information presented to the board.
10. Management consistent with conservation and sustained yield of healthy groundfish resources and of other associated fish and shellfish species.
11. State fishery management plans adopted by the Board should not substantially and adversely affect federal fishery management plans adopted by the NPFMC.

At a later meeting, the board adopted a set of guiding principles to consider when developing groundfish management plans.

Board Actions and Deliberations:

Prior to deliberating on the 46 proposals, the board reviewed comprehensive staff reports on Alaska groundfish fisheries. In addition, the board reviewed extensive written public comments and heard oral public comments from 30 individuals and eight advisory committees.

The board found it necessary to limit the scope of the new state management plans to Pacific cod to ensure management obligations were consistent with current department funding.

The board specified that state waters should continue to be open concurrent with the federal season. This represents a continuation of the state's recent management practice of tailoring state water groundfish seasons to coincide with the

seasons in the adjoining EEZ waters. The methods and means regulations for participation in the federally authorized season were not significantly modified. In addition, the board established separate state water Pacific cod fishing seasons to be open following closures of federally authorized seasons.

The board linked guideline harvest levels for the state authorized seasons to a percentage of the total catch of Pacific cod authorized by the NPFMC. The board recognized that the total catch authorized by NPFMC is based on stock assessment surveys and is consistent with principles of sustained yield management. The guideline harvest level for the Prince William Sound Area is set at 25% of the total catch authorized by the NPFMC for the Eastern Gulf of Alaska Area. The state authorized season guideline harvest level is initially set at 15% of the Central and Western Gulf of Alaska catch and apportioned between the Cook Inlet, Kodiak, Chignik, and South Peninsula Areas. Once these fisheries have shown an ability to fully utilize the area's guideline harvest level, the guideline harvest level will be increased to 20%, and similarly, when that level is reached, it will be increased again to a maximum of 25%.

The board recognized that the state authorized season would result in transfer of catch from federal waters to state waters. The board believes the graduated guideline harvest level approach allows for an incremental and gradual shift in the harvest so as to minimize the impact on existing fishing patterns. The board expected the initial 15% guideline harvest level to result in an actual modest increase in the state water take of Pacific cod of approximately 6 - 8 percent over recent year levels. At a 20% state season guideline harvest level, the board anticipated an actual 10 - 12 percent increase in harvest from state waters; at a 25% state season guideline harvest level, the board anticipated a 14 - 16 percent increase in actual harvest from state waters. The board reasoned that the federal season will tend to become shorter, corresponding to less Pacific cod being harvested. The shorter season will lead to a decrease in the proportional share of harvest being taken in state waters during the federal season, because the more efficient trawl and longline gear types generally operate in federal waters.

The board elected to utilize existing salmon management areas in order to provide functional jurisdictional areas for groundfish management plans that are familiar to the local fleets. These areas include; Prince William Sound, Cook Inlet, Kodiak, Chignik and Alaska Peninsula Areas. Public testimony supported utilizing existing salmon management area boundaries. Department comments also supported this approach, because it would be functionally consistent with current staffing and organizational structures. The board, however, recognized the need of federal managers to have the ability to apportion catch from state waters to appropriate federal catch reporting areas. The board received information from the department indicating that, even though different management areas were established, the existing

configuration of state water statistical catch reporting areas would enable catch reporting by federal reporting areas.

The board found it necessary to approve registration and gear limitations to reduce harvest rates and to ensure management consistent with available funding. The board chose to make the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula Areas exclusive registration areas. This action was also selected to provide benefits to local economies that are based largely on small boat fishing.

The board was compelled to further reduce the catch rate by limiting the gear in state managed fisheries to mechanical jigging machines, pots and hand troll gear. These gear types were also selected because of the inherent minimal bycatch and mortality of non target species associated with their use.

The board also limited the number of pots that may be fished to 60 per vessel and the number of mechanical jigging machines to 5 per vessel. To assist in the enforcement of pot limits, the board found it necessary to require each pot to be marked with an identification tag. The board did not limit the units of hand troll gear that may be fished per vessel, because hand troll gear is a very inefficient type of fishing gear.

The board also found it necessary to limit the size of participating vessels in some areas to further reduce catch rates, provide for extended seasons, and provide economic benefits to the regions in which the fishing is conducted. In the Kodiak Area, the board found it necessary to impose a 25,000 pound landing limit, per week, for catcher/processor vessels to reduce Pacific cod catch rates and to improve inseason catch reporting capabilities.

The board recognized that the approved registration and gear requirements may limit the ability of the existing fleets to fully utilize the established guideline harvest levels. To alleviate this potential problem, the board authorized inseason management authority for the department to rescind gear restrictions, vessel size limits, and exclusive registration requirements, in that order, if it became necessary to foster full utilization of established guideline harvest levels.

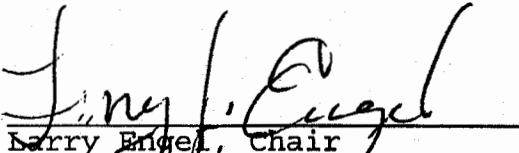
The board found that since the approved plan operated within the Total Allowable Catch (TAC) and Acceptable Biological Catch (ABC) levels established by the NPFMC, the plan was consistent with the state's, NMFS's and NPFMC's sustained yield mandate. The board's approved management plan contained provisions for a slow paced fishery, allowing the department to ensure catches do not exceed the harvest levels set by the board, as well as keeping the harvest at or below the ABC set by the NPFMC. Further the plan did not place a fiscal burden upon the department to conduct stock assessment programs outside of its fiscal means.

At the meeting in October 1996, members of the board repeatedly asked representatives from NMFS whether or not the proposed state groundfish plan would substantially and adversely affect the federal management plan. The board, in response to those direct and pointed inquiries, was consistently and repeatedly informed that the state's proposed groundfish plan would not substantially and adversely affect federal inseason management. These responses led the board to conclude that the state proposed plan would conform to the federal management plan.

At Sitka, Alaska

Date: January 29, 1996

Approved: (7/0/0/0) (Yes/No/Absent/Abstain)


Larry Engel, Chair
Alaska Board of Fisheries

(Previously: Finding #: 93-07-FB)
Mixed Stock Policy Finding

ALASKA BOARD OF FISHERIES
FINDINGS ON POLICY FOR MIXED STOCK SALMON FISHERIES

The Board of Fisheries, at a meeting from March 16 through 20, 1993, adopted 5 AAC 39.220, POLICY FOR THE MANAGEMENT OF MIXED STOCK SALMON FISHERIES.

The Alaska Board of Fisheries originally adopted an informal policy for mixed stock salmon fisheries in 1976 and revised it in 1980. It was applied only occasionally by the Board or by litigants challenging Board actions. In 1990, the Alaska Supreme Court held that the policy could not be used in Board decisions because it had not been adopted as a regulation under the Administrative Procedure Act (AS 44.62). The court, however, held that several Board allocation decisions on mixed stock fisheries were valid under other authorities. In 1992, the Alaska Legislature enacted AS 16.05.251(h) requiring the Board to adopt by regulation a policy for the management of mixed stock salmon fisheries consistent with sustained yield of wild fish stocks.

At the March 1993 meeting the Board considered information contained in Alaska Department of Fish and Game oral and written staff reports, oral public testimony from 91 individuals and 11 advisory committees, as well as a multitude of written public comments submitted prior to and during deliberations. Additionally, during deliberations, the Board established a committee made up of various interests in order to focus discussion on key issues.

The Alaska Board of Fisheries finds that:

Alaska's salmon industry and communities dependent upon that industry have developed and rely upon stable fisheries, many of which harvest a variety of mixed stocks. This development represents the successful application of principles of management to achieve sustained yield which have produced increasing harvestable surpluses of salmon statewide. Creation of the Limited Entry System stabilized participation in the fisheries and managers developed successful rebuilding programs which suited the unique characteristics of the fish stocks, geography and gear types of the regions.

For example, in the Bristol Bay region harvest effort was confined to the terminal areas of the five major sockeye producing systems. Escapement goals which suited the carrying capacity of the lake systems were established and managed for. Consistent harvests of tens of millions of sockeye have been achieved.

Conversely, in Southeast Alaska where pink salmon runs were depressed, a different management style arose. Rather than a few huge systems, a myriad of medium to tiny streams produce the Southeast stocks. Commercial fisheries effort occurs away from the terminal areas and through the application of time, area and gear

restrictions, a style of management developed on these mixed stocks which permitted harvest of a high quality product, distributed harvest pressure over larger areas, distributed harvest temporally throughout the run, and diluted impacts on weaker stocks.

As another example, the fisheries of the Yukon River encompass the entire spectrum of fisheries management from the mixed stock fishing of the lower main stem to the terminal fisheries near the contributing systems.

The Board finds that most of Alaska's fisheries harvest stocks which are mixed.

Mixed stock salmon fisheries are often the focus of intense political controversy. Fishermen need to know what standards will be used by the Board in making decisions affecting those fisheries. Equally important, fishermen need to be assured that those standards will be applied uniformly to all mixed stock salmon fisheries, not just those that engender controversy and notoriety.

In this policy, stocks are considered to be species, subspecies, geographic groupings or other categories of fish manageable as a unit. Many stocks of Alaska salmon are not manageable throughout their range. Salmon management is an art, not an exact science. Decisions should be based upon the best information available but with no expectation that such information will be always accurate or precise.

The Board framed, by unanimous consensus, the principles upon which its policy would be developed. These tenets included reasserting the statutory preference for wild stock conservation as well as the subsistence preference. Consensus principles were:

(1) The policy should provide that all users of salmon resources should share in actions taken to conserve the resource in a manner which is, ideally, fair and proportional to respective harvest of the stock in question.

(2) The policy should state that the Board prefers to develop management plans as the mechanism to express how the burden of conservation is to be distributed among users and that these management plans also state allocation objectives as determined by application of the allocation criteria. Most mixed stock fisheries are long standing and have been scrutinized many times by past Boards. Consequently, existing regulatory management plans are understood to incorporate conservation burden and allocation, although such burdens can be readjusted.

(3) The policy should recognize that salmon resources are generally fully utilized and that stability is an important aspect of the fisheries.

(4) New or expanding fisheries on mixed stocks may potentially change management schemes for conservation or may change existing allocations. Therefore new or expanding mixed

Finding #: 93-07-FB
Mixed Stock Policy Finding

stock fisheries will be discouraged unless a management plan or application of the Board's allocation criteria warrant otherwise.

(5) The policy should not be a tool to be used for allocating outside of the Board's allocation criteria.

(6) The policy should not pass the burden of allocating mixed fish stocks to the department in-season, but rather allocation decisions should be made only by Board regulation; consequently, mixed stock issues requiring redress between Board meetings should be undertaken only pursuant to existing procedure (Petition Policy, Agenda Change Policy and Subsistence Petition or Proposal Policy).

(7) The policy should reflect that new or expanding fisheries will not be gauged against single year anomalies in distribution or effort, or against natural fluctuations in the abundance of fish.

(8) This is a salmon policy and applies to all users.

Section by Section Findings:

The Board determined in section (a) of the policy that mixed stock salmon fisheries management should be fully consistent with the statutory preference for wild stock conservation, and accorded it the highest priority consistent with sustained yield. Achievement of sustained yield cannot be tied to annual attainment of each and every escapement goal each and every year. Such a standard is too limiting and not practical. The Board recognized that sustained yield was not a precisely measurable standard to be applied in a strict sense, but rather connoted a system of management intended to sustain the yield of the particular salmon resource being managed. The Board's management system, therefore, seeks the goal of sustained yield over time. The Board also determined that nothing in this policy development was intended to diminish in any way the subsistence preference.

In subsection (b) the Board addresses the burden of conservation. Burden is a subjective term but the Board wishes to state that under ideal circumstances, management actions to achieve conservation objectives will be shared fairly among users. This sharing depends on information, and the Board recognizes stock specific information will not always be available. It is expected that, over time, more and more stock specific data will evolve from scale analysis, tagging, and genetic research.

Intrinsic within the management of mixed stocks is the question of how conservation and allocation of the weaker stocks which may be present shall be achieved. In each regulatory decision, the Board must weigh how harvests of healthy stocks will be managed in order to protect the less robust components of fisheries. Where stock information is not precise or unavailable, the sharing of the conservation burden may be unavoidably disproportional.

Consistent with AS 16.05.251(e), the Board has adopted criteria for the allocation of fishery resources among competing users, and the Board uses these criteria when adopting management

Finding #: 93-07-FB
Mixed Stock Policy Finding

plans. In subsection (c), the Board determined that such regulatory management plans are the preferred mechanism to address complex fishery issues. Regulatory management plans are presumed to assign proportional burdens of conservation and to allocate harvest opportunity.

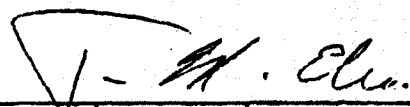
It is the intent of subsection (d) of this policy to restrict new or expanding fisheries that rely heavily upon harvests of mixed stocks of fish, particularly if those stocks are fully utilized and allocated elsewhere, unless otherwise warranted by application of the Board's allocation criteria.

Definition of new or expanding fisheries will not be based on natural fluctuations in abundances of fish. Rather, expansion of fisheries must be gauged against the behavior of fishermen, such as increases in effort, movement to new areas, or targeting on different species. It is seldom practical to declare a fishery as "new" or "expanding" based on a single year's events.

This policy is intended to guide future action by the Board of Fisheries in establishing regulatory restrictions on fisheries; this policy is not to be used directly by the department to make in-season adjustments not otherwise specified or called for in regulatory management plans. Nothing in this policy affects the Department's emergency order authority to make in-season adjustments for conservation purposes. Action by the Board to implement this policy will occur under its normal schedule of deliberations, except for those issues that warrant consideration under the various regulatory petition and agenda change policies.

The intent of subsection (e) of this policy is to embody the current practices of salmon management employed by the Board and the department. It is not the intent of this policy to create a terminal fisheries preference, nor a mixed stock preference. It is not the intent of this policy to require readjustment of existing regulatory management plans, either for conservation or for allocative purposes. Future shifts in allocation, even under this policy, must comply with the Board's allocation criteria.

Approved: October 26, 1993
Location: Alyeska Resort; Girdwood, AK
Vote: 7/0 (Yes/No)



Tom Elias, Chair
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES

DELEGATION OF AUTHORITY
REGARDING TUNNEL EYE OPENINGS AND
ESCAPE MECHANISMS FOR GROUND FISH POTS

(Previously FINDING #93-02-FB)

In accordance with AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of the Department of Fish and Game the authority to adopt and make permanent changes to the following regulations.

(1) 5 AAC 39.145 ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS. Adopt changes to provide the option to use "Galvanic Timed Release" (GTR) devices for groundfish pots consistent with the provisions for King and Tanner crab pots the board adopted at the February 2-9, 1993 meeting in Anchorage at the Anchorage Hilton Hotel.

(2) 5 AAC 28.050 GEAR FOR GROUND FISH. Adopt changes to the definition of the tunnel eye opening consistent with those changes to the King crab [5 AAC 34.050(f)] and Tanner crab [5 AAC 35.050(e)] adopted at the February 2-9, 1993 meeting in Anchorage at the Anchorage Hilton Hotel.

Groundfish proposals are not scheduled for consideration at any of the remaining meetings during the spring 1993 board cycle. The board finds it necessary to address the groundfish pots by delegation since many of the Tanner crab pots are also used in the

groundfish fishery.

Adopted February 9, 1993
Anchorage, AK

Vote: 6-0-1 absent



Tom Elias, Chairman
Alaska Board of Fisheries

91-129-FB

(Previously Finding #91-3-FB)

ALASKA BOARD OF FISHERIES

ALLOCATION CRITERIA

The Alaska Supreme Court recently issued a decision, Peninsula Marketing Association vs. State (Opinion No. 3754; dated September 20, 1991), regarding the application of the allocation criteria found in AS 16.05.251(e). The Court interpreted the statute to require the criteria to be considered when allocating between commercial fisheries as well as among the three user groups, commercial, personal use, and sport.

Consistent with the decision of the Court, the board finds that it will utilize the following specific allocation criteria when allocating between fisheries. Note that these criteria are essentially the same as the allocative criteria specified in AS 16.05.251(e), which the board has historically used as set out in 5AAC 39.205, 5AAC 77.007, and 5AAC 75.017.


- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative fisheries resources;
- 5) the importance of each fishery to the economy of the state;
- 6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- 7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

Note that all seven (7) criteria do not necessarily apply in all allocation situations, and any particular criterion will be applied only where the board determines it is applicable.

Adopted: November 23, 1991

Vote: (Yes/No/Abstain/Absent) (5 / 0 / 0 / 2) [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn


Mike Martin
Chair
Alaska Board of Fisheries

91-129-FB

(Finding #91-3-FB)

ALASKA BOARD OF FISHERIES

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Adopted: November 23, 1991

Vote: (Yes/No/Abstain/Absent) (5 / 0 / 0 / 2) [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn



Mike Martin, Chairman
Alaska Board of Fisheries

91-128-FB

(Previously Finding #: 91-2-FB)
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ALASKA BOARD OF FISHERIES STANDING RULES

As a guide, the Alaska Board of Fisheries follows the most current version of Robert's Rules of Order in the conduct of the meetings [Note that the Alaska Statutes do not require the board to use any specific parliamentary procedure]. The board has by traditional agreement varied from the written Robert's Rules of Order. Below is a partial list of these variations (known as "Standing Rules") that the board follows:

- **Take No Action.** Has the effect of killing a proposal or issue upon adjournment. There are two reasons for taking no action: 1) It is found that the proposal is beyond the board's authority; or 2) due to board action on a previous proposal(s).
- **Tabling** has the effect of postponing indefinitely (Robert's Rules of Order). One of the primary reasons the board tables a proposal/issue is to gather more information during that meeting since a tabled proposal/issue dies when that meeting session adjourns.
- **One amendment at a time.** As a practice, the board discourages an amendment to an amendment. This is a proper motion by Robert's Rules of Order, however the board tries to avoid the practice because of the complexities of issues.
- **Do not change or reverse the intent of a proposal/issue.** For example, if a proposal's intent is to restrict a particular fishery and the board wishes to close or expand the fishery, the board will not amend the original proposal. The board will defeat, table or take no action on that proposal and then develop a board generated proposal to accomplish the action they feel is needed.
- **"Ruling of the Chair" or "Chair's Ruling".** When the chair makes a ruling, the board members have two options; 1) accept the ruling and move on; or 2) appeal/challenge the chair's ruling. By Robert's Rules of Order, the process is as follows (When a chair's decision is appealed/challenged):

By Robert's Rules of Order, the process is as follows (when a chair's decision is appeal/challenged):

- 1) The chair makes a ruling;
- 2) A member appeals (challenges) the chair's ruling (i.e. "I appeal the decision of the chair") and it is seconded (Note: All board members present can or could appeal/challenge the ruling);
- 3) Any board member can debate the ruling and appeal/challenge (Note: By Robert's Rules the chair and the person appealing/challenging the ruling are the only two who are to debate the issue);
- 4) The question before the board is: "Shall the decision of the chair be sustained?"
- 5) After the result of the vote is announced, business resumes.

91-128-FB

(Finding #91-2-FB)
Page 2 of 2

- The public depends on or expects the board members to keep an open mind on the issues before the board. To accomplish this the board will listen to and ask questions: 1) staff reports, advisory committee and regional council reports, and 2) during deliberations on the issues, listen to fellow board members points and issues. It is not conducive to soliciting public involvement if the board members express that they already have an opinion and it is up to the public or staff to "change their mind."
- Note another "Standing Rule" contained in Board of Fisheries Finding Number: 80-78-FB. This finding is regarding the Reconsideration Policy of the board.

Adopted: November 23, 1991

Vote: (Yes/No/Absent/Abstain) 5/0/2/0/ [Absent: Robin Samuelson, Tom Elias]

Location: Anchorage International Airport Inn

Mike Martin, Chairman
Alaska Board of Fisheries

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ALASKA BOARD OF FISHERIES

Operating Procedures

Motion to Reconsider

1. Any member of the Board of Fisheries who voted on the original issue may move to reconsider a vote, regardless of how the member voted on the original issue.
2. A motion to reconsider may be made at any time prior to final adjournment of the Board meeting. A motion to reconsider need not be made on the day the original vote is taken.
3. A motion to reconsider must be supported by a presentation of new evidence that was not before the Board at the time the original vote was taken.
4. A Board member who intends to move for reconsideration should inform the Chairman of his intent.
5. When intent to reconsider is made known, public notice will be given as to when reconsideration will occur.

ADOPTED: April 3, 1980
VOTE: 6/0 (Goll absent)
Anchorage, Alaska