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ALASKA BOARD OF FISHERIES
Resolution in Opposition to Placing Sustainable Salmon Policy in Statute

2008-258-FB

WHEREAS, the Legislature of the State of Alaska is considering legislation (House Bill 189/Senate Bill 237) to codify the Policy for the Management of Sustainable Salmon Fisheries contained in Fish and Game regulations (5 AAC 39.222), and

WHEREAS, the legislature previously codified policies of the Board of Game into state statutes, and

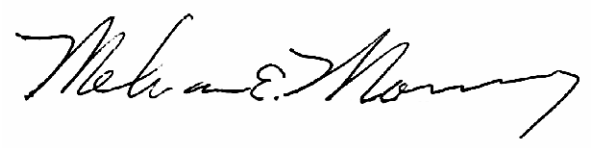
WHEREAS, such codification of Board of Game policies has resulted in an exponential increase in filed lawsuits, and

WHEREAS, the Department of Law anticipates that the direct consequence of entering into statutes the Policy for the Management of Sustainable Salmon Fisheries will have an identical result, and

WHEREAS, there is no identified problem, indicating that the Board of Fisheries is ignoring in any manner or fashion the policies which it struggled for four years to craft with the aid, assistance, and participation of all concerned user groups,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is opposed to House Bill 189/Senate Bill 237 and strongly urges the Alaska State Legislature and the Governor of Alaska to oppose this legislation.

ADOPTED this 12th day of February, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 6 in favor, 0 opposed, 1 absent

ALASKA BOARD OF FISHERIES
Charge to Taku King Salmon Fishery Workgroup
 # 2005-242-FB

Purpose: The objective of the Taku King Salmon Fishery Workgroup is to develop an abundance based management plan to guide management of commercial and sport fisheries that target Taku River Chinook salmon in District 11.

Membership: The Taku King Salmon Fishery Workgroup will consist of at least two gillnetters, two trollers, two sport charter, two unguided sport, and one member of the Juneau-Douglas Advisory Committee. Board member Rupe Andrews will be the board liaison to the Taku workgroup. The Taku workgroup will be formed through the Juneau-Douglas Advisory Committee chaired by Kathy Hansen. Final membership will be submitted to the board prior to the first workgroup meeting.

Workgroup members will attend meetings at their own expense. The Department of Fish and Game will assist the group by providing a meeting space and any requested information about the fisheries or effects of proposed regulations.

Specific issues to be considered in the management plan include:

1. Develop guidelines for the commercial gillnet and troll fisheries to harvest Taku king salmon surplus to escapement goals, at various abundance levels. Guidelines should include season opening dates and opening time for the commercial fisheries,.
2. Determine sport fishing regulations to be implemented at various abundance levels to utilize harvestable surplus of Taku king salmon. Options include bag limits, size limits, annual limits, methods and means, time and area closures, and differential regulations between charter and unguided anglers as well as residents and nonresidents.
3. Reduce conflicts between commercial and sport fisheries utilizing time and area restrictions. Guidelines for commercial fisheries should include specific days of the week openings could occur, maximum number of fishing days allowed any week, if and when a 'derby closure' should occur the week before Memorial Day, areas that should be closed and the times and dates of these closures.
4. Reduce incidental mortality of steelhead in the commercial fishery utilizing time and area restrictions, and gear modifications. Guidelines for commercial fisheries should include minimum gillnet mesh sizes allowed, and increasing closed waters around key steelhead systems.

The workgroups recommendations will be presented to Board of Fisheries at the Southeast Finfish meeting in Ketchikan, January 22-February 1, 2006.

Dated: October 13, 2005
Anchorage Alaska

Art Nelson, Chair

Vote: 6 – 0 - 1
(Andrews absent)

ALASKA BOARD OF FISHERIES
Charge to Stikine King Salmon Fishery Workgroup
 # 2005-241-FB

Purpose: The objective of the Stikine King Salmon Fishery Workgroup is to develop an abundance based management plan to guide management of commercial and sport fisheries that target Stikine River Chinook salmon in District 8.

Membership: The Stikine King Salmon fishery Workgroup will consist of two gillnetters, two trollers, two sport charter, two unguided sport, one member from the Wrangell Advisory Committee and one member from the Petersburg Advisory Committee. The workgroup will consist of similar numbers of people from the communities of Petersburg and Wrangell selected by the board from nominations submitted through the Department of Fish and Game by each group or organization. Board member John Jensen will be the board liaison to the Stikine workgroup. Final membership will be submitted to the board prior to the first workgroup meeting.

Workgroup members will attend meetings at their own expense. The Department of Fish and Game will assist the group by providing a meeting space and any requested information about the fisheries or effects of proposed regulations.

Specific issues to be considered in the management plan include:

1. Develop guidelines for the commercial gillnet and troll fisheries to harvest Stikine king salmon surplus to escapement goals, at various abundance levels. Guidelines should include season opening dates and opening time for the commercial fisheries.
2. Determine sport fishing regulations to be implemented at various abundance levels to utilize harvestable surplus of Stikine king salmon. Options include bag limits, size limits, annual limits, methods and means, time and area closures, and differential regulations between charter and unguided anglers as well as residents and nonresidents.
3. Reduce conflicts between commercial and sport fisheries utilizing time and area restrictions. Guidelines for commercial fisheries should include specific days of the week openings could occur, maximum number of fishing days allowed any week, if and when a "derby closure" should occur the week before Memorial Day, areas that should be closed and the times and dates of these closures.
4. Reduce incidental mortality of steelhead in the commercial fishery utilizing time and area restrictions, and gear modifications. Guidelines for commercial fisheries should include minimum gillnet mesh sizes allowed, and increasing closed waters around key steelhead systems.

The workgroups recommendations will be presented to Board of Fisheries at the Southeast Finfish meeting in Ketchikan, January 22-February 1, 2006.

Dated: October 13, 2005
Girdwood, Alaska

Art Nelson, Chair

Vote: 6 – 0 - 1
(Andrews absent)

ALASKA BOARD OF FISHERIES
DELEGATION OF AUTHORITY TO THE COMMISSIONER
RE: BRISTOL BAY RED KING CRAB EXPLOITATION RATE
#2003-224-FB

Under the authority of AS 16.05.270, the Alaska Board of Fisheries delegates authority to the commissioner of the Department of Fish and Game to amend 5 AAC 34.816, Bristol Bay red king crab harvest strategy, to adjust the setting of guideline harvest levels for legal male crab utilizing a:

- 10% mature male harvest rate when the effective spawning biomass (ESB) is between 14.5 and 34.75 million pounds;
- 12.5% mature male harvest rate when the ESB is between 34.75 and 55 million pounds;
- 15% mature male harvest rate when the ESB is at or above 55 million pounds

The commissioner should review the federal Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan and give full consideration to the criteria within for setting guideline harvest levels in this fishery.

The board expects that this regulatory change will go into effect for the 2003 season.

DATED: June 24, 2003
Anchor Point, Alaska

Ed Dersham, Chairman

VOTE: 6 – 0 – 1
(one absent)

(original)

Alaska Board of Fisheries
Charge to Sitka Spawn-on-Kelp
Open Platform Fishery Workgroup
2003-224-FB

The objective of the Sitka Spawn-on-Kelp Open Platform Fishery Workgroup is to develop solutions to problems identified by the Board of Fisheries related to implementation of a new open platform spawn-on-kelp fishery in Sitka Sound.

Workgroup members will include two sac roe purse seine, two open platform, two closed pound, two subsistence stakeholders, and one Sitka Advisory Committee member. Workgroup members will be selected from nominations submitted to the board by each group or organization. Workgroup members will attend meetings at their own expense. Board member John Jensen will work with the group.

Specific issues identified by the board include:

- How to allocate herring and kelp at both low and high guideline harvest levels.
- Minimum threshold GHLs for competitive sac roe seine and open platform fisheries.
- Number of open platforms.
- Configuration of pounds.
- Product limits versus kelp frond limits and related economic considerations.
- What stipulations should be in permit versus regulation. Refine permit requirements including fish ticket reporting requirements, when and where product is weighed, transfer of overages between pound operators, etc.
- How to deal with overages under a bag limit scenario.
- Application of kelp product to conversion rates.
- Funding issues related to fishery.
- Identify enforcement problems and develop regulatory or permit requirements to address them.
- Potential subsistence/commercial conflict.

The workgroup should report back in writing at the completion of their work, or by the October 2005 board work session.

Dated: October 3, 2003
Anchorage Alaska

Ed Dersham, Chair

Vote: 7 - 0

MEMORANDUM OF AGREEMENT
BETWEEN THE SITKA TRIBE OF ALASKA
AND STATE OF ALASKA DEPARTMENT OF FISH AND GAME

2002 - 220 - FB

This MEMORANDUM OF AGREEMENT is entered into between the Sitka Tribe of Alaska, hereinafter referred to as the "Tribe", and the State of Alaska Department of Fisheries and Game, hereinafter referred to as "ADF&G". This MEMORANDUM OF AGREEMENT is further witnessed by the State of Alaska, Board of Fisheries as requested by formal motion of the Board. This Agreement serves in addition to but does not superceded existing laws, regulations, policies and agreements that recognize and enforce a subsistence priority and the unique relationship between Tribal Governments and the State of Alaska.

This Memorandum of Agreement provides the structure for collaboration between the Tribe and ADF&G to "distribute commercial harvest if necessary so that subsistence users have a reasonable opportunity to harvest" while recognizing that the "quality and quantity of herring roe on branches and herring sac roe is an important consideration in the management of subsistence and commercial fisheries." Hereinafter, "subsistence" will be referred to in this Agreement as the "customary and traditional" harvest and/or uses of herring and herring eggs.

The parties to this Agreement recognize that the Tribe, in managing Tribal affairs within the Sheet'ka Kwaan [please see attached map], has information, resources, and responsibilities beneficial to ADF&G. ADF&G, in managing natural resources within the State, has information and resources beneficial to the Tribe. Thus, the Tribe and ADF&G will consult and cooperate in the management of all commercial fisheries, hereinafter referred to as "commercial herring fisheries", occurring within the greater Sitka Sound area, understood to be the waters of Section 13-B, north of the latitude of Aspid Cape, excluding the waters of Whale and Necker Bays.

These commercial fisheries include all commercial herring fisheries existing when this document is signed and any/all commercial herring fisheries developed in the future. Additionally, the Tribe and ADF&G will collaborate on the management of the customary and traditional herring and herring egg fisheries through this document, which establishes an annual herring-monitoring program.

SECTION I: COMMUNICATION AND COLLABORATION AGREEMENT

In Section I of this Agreement, a framework is established for consultation between the Tribe and ADF&G that recognizes the unique responsibilities the Tribe has for protecting its tribal citizens and the obligations the State of Alaska has with federally recognized Tribal Governments.

A. TRIBAL CONSULTATION PROCESS

The Tribe Shall:

1. Enter into specific agreements or contracts with ADF&G and/or other parties to accomplish the agreed upon programs and projects arising from this Memorandum of Agreement.

2. Consult and collaborate with ADF&G on commercial herring fisheries management activities in the greater Sitka Sound area.
3. Forward names of tribal citizens who will participate in the annual pre-season planning meeting(s) [Section II, part A].
4. Appoint a Tribal Liaison to coordinate in-season collaborative management and data gathering [Section II, parts B and C].
5. Encourage its Council, citizens and harvesters to attend tribal meetings, local ADF&G Advisory Committee meetings, public ADF&G meetings and other forums where there is an opportunity for open communication regarding the traditional and commercial herring fisheries within the greater Sitka Sound area.
6. Prepare and provide an annual collaborative management and customary and traditional herring harvest monitoring report to ADF&G and the Board of Fisheries.

B. ADF&G CONSULTATIVE PROCESS

ADF&G Shall:

1. Make ADF&G resources and professional expertise available for the furtherance of this Agreement, subject to the applicable State laws, regulations, and ADF&G directives, for the affected area and subject to the approval by the Commissioner or designated representatives.
2. Consult with the Tribe when developing regulatory proposals for the greater Sitka Sound area herring fisheries.
3. Cooperate in the planning, implementation, and monitoring of project work undertaken pursuant to agreements or contracts arising from this Agreement.
4. Assign an ADF&G Liaison who shall be responsible for routine consultative activities between the Tribe and ADF&G.
5. Inform and invite the Sitka Tribe's appointed tribal citizens and Tribal Liaison to attend all pre-season and in-season stakeholder planning meetings [Section II, Section A].
6. Contact the Tribe prior to release of commercial guideline harvest level information to the media [Section II, part D].
7. Participate, to the extent possible, in Sitka Tribe of Alaska Council and other appropriate tribal and public meetings regarding the management of the commercial herring fisheries in the greater Sitka Sound area.
8. To the extent possible, provide technical assistance to the Tribe as it conducts the annual customary and traditional harvest-monitoring program [Section III].

SECTION II: COLLABORATIVE MANAGMEENT OF THE GREATER SITKA SOUND COMMERICAL FISHERIES

A. PRE-SEASON MANAGEMENT

The Tribe will participate in the Sitka Herring Fisheries Pre-Season Meeting(s).

1. Each year, the Tribe will forward the names of three tribal citizens to participate in ADF&G's pre-season meetings to coordinate the annual management of the greater Sitka Sound commercial herring fisheries.

2. Tribal citizens participating in the annual meeting(s) will be empowered by the Tribe to speak on its behalf regarding pre-season planning for management of the commercial herring fisheries.
3. Tribal citizens participating in the meeting(s) will report to the Tribal Council and its citizens and will report to the Tribal Liaison prior to and during the fisheries regarding pre-season plans and in-season activities.

B. IN-SEASON MANAGEMENT

The Sitka Tribe will participate in collaborative management of the greater Sitka Sound commercial herring fisheries.

1. Prior to commercial fisheries, the Tribe shall forward the names and contact information for the Tribal Liaison, empowered by the Tribe to speak on behalf of the Tribal Council and to be the sole point of contact during greater Sitka Sound commercial fisheries.
2. Contact between the Tribal Liaison and ADF&G will occur daily or as often as needed and at minimum will occur prior to a public announcement of a commercial opening.
3. ADF&G will provide estimations of the times and locations of the day's test fishing activities to the Tribal Liaison. Observations of the previous day's test fishing will be recorded by the Tribal Liaison and will be reported to ADF&G during in-season meetings and the Tribe's annual activities report.
4. When commercial fisheries are placed on two-hour notice, ADF&G will make regular announcements on the VHF radio (Ch. 10) and the Tribal Liaison will monitor this channel.
5. During in-season meetings to determine fishery openings, the Tribal Liaison and ADF&G will consult regarding whether the proposed opening will affect customary and traditional harvesters.
6. If the Tribe concludes there is the potential for customary and traditional harvesters to be negatively impacted by the proposed opening, the Tribal Liaison will provide this conclusion and reasoning to the ADF&G Liaison verbally and in writing.
7. Following the Sitka Sound commercial herring fisheries, ADF&G will provide a written summary of the fisheries and provide this report to the Sitka Tribe.

C. DATA GATHERING

The Tribe will be involved to the extent possible with data gathering activities conducted by ADF&G to estimate the quantity, quality and distribution of herring and herring eggs in the greater Sitka Sound area used to plan and implement commercial harvest activities.

1. ADF&G will consult the Tribe during pre-season, in-season and post-season data gathering activities.
2. The Tribal Liaison, tribal biologist or other Tribal representatives may accompany ADF&G to assist in gathering data as opportunities arise. The ADF&G Liaison will contact the Tribe's in-season Liaison with dates and details concerning these opportunities.
3. Copies of ADF&G's management and stock assessment data will be made available to the Tribe. This includes, but is not limited to, cast net surveys, spawn deposition transects, and aerial maps identifying length and locations of spawning areas.

4. After ADF&G has compiled the majority of their commercial fishery management data, ADF&G and the Tribe will meet to discuss this information.

D. CONSULTATION PRIOR TO MEDIA NOTIFICATION

ADF&G's Liaison will contact the Tribe's General Manager to set a meeting with the Tribal Council prior to the release of the season's estimated and guideline commercial harvest quota information to the media.

1. A consultation meeting between the Tribe and ADF&G will be initiated by ADF&G at least one week prior to the release of the year's estimated commercial guideline harvest level to the media.
2. If agreed to by both the Tribe and ADF&G, the consultation meeting prior to the release of the guideline harvest level to the media may be accomplished through ADF&G's pre-season management planning meetings. Agreement must be requested by ADF&G and be provided by the Tribe in writing.

SECTION III: ANNUAL CUSTOMARY AND TRADITIONAL HAVEST MONITORING PROGRAM

A. IMPLEMENTATION OF A TRADITIONAL HARVEST MONITORING PROGRAM

Beginning in 2002, the Tribe and ADF&G will establish and maintain, contingent on tribal funding, an annual customary and traditional herring egg harvest-monitoring program.

1. The Tribe will collaborate with ADF&G in 2002 to create and conduct an annual customary and traditional harvest-monitoring program based on post-season surveys and interviews with local harvesters.
2. The annual harvest-monitoring program will follow standard survey sampling methodology.
3. The Tribe and ADF&G will collaboratively conduct the harvest interviews. The Tribe and ADF&G will collaboratively maintain the survey data, including a confidential list of participants and their contact information.
4. The Tribe will provide ADF&G with harvest data each year and this raw data will be analyzed by ADF&G using standard statistical techniques. ADF&G may post the survey results on their Statewide Subsistence Harvest Database but there will be no way for a user of this database to view any personal information regarding survey participant.
5. Participation in the survey is voluntary and confidential and will not serve to limit a participant's future harvest activities.
6. The Tribe and ADF&G will collaborate to improve the survey interview reporting system and survey methodology, with ADF&G providing technical consultative work and, when possible, field interview project support.
7. The Tribe and ADF&G will work to identify and pursue funding opportunities to support this important customary and traditional harvest monitoring activity. Funding pursuits include but are not limited to, project support for staff at the Tribe and ADF&G, historical and present day expanded interview projects and site-use mapping.

IV. EFFECTIVE DATE AND REVISIONS

1. The effective date of this agreement shall be from the date of the final signature.
2. This agreement is entered in good faith by the signatories and its success depends on continued mutual communication and good will. Either signatory may request a review for the purpose of modifying this agreement at any time. No revision shall be binding without the written consent of both parties.
3. A signatory may terminate its participation in this agreement by providing notice in writing 30 days in advance of the date on which its termination becomes effective.

V. SIGNATURES

For the Alaska Department of Fish and Game
Frank Rue, Commissioner

11.04.02
Date

For the Sitka Tribe of Alaska
Gilbert Truitt, Vice Chairman

NOV 4 2002
Date

This Memorandum of Agreement is consistent with the collaborative management and research approach regarding commercial herring fisheries and customary and traditional harvest monitoring in the greater Sitka Sound area discussed and agreed to by the Board of Fisheries in actions taken January 14, 2002.

For the State of Alaska, Board of Fish
Edward Dersham, Chairman

12/17/02
Date

Alaska Board of Fisheries
and
Alaska Department of Fish and Game

Joint Protocol on Salmon Enhancement
#2002-FB-215

Background: In actions taken in January 2001 and June 2002 the Alaska Board of Fisheries stated its intent to institutionalize a public forum to bring a statewide perspective to issues associated with hatchery production of salmon. Accordingly, the department and board agreed to enter into this joint protocol to coordinate department and board interaction on certain aspects of salmon hatchery policy and regulation.

Authorities: The commissioner of the Department of Fish and Game has exclusive authority to issue permits for the construction and operation of salmon hatcheries. The Board of Fisheries has clear authority to regulate access to returning hatchery salmon and to amend, by regulation, the terms of the hatchery permit relating to the source and number of salmon eggs. The Board of Fisheries' authorities also include the harvest of fish by hatchery operators and the specific locations designated by the department for harvest (see AS 16.10.440(b) and Department of Law memorandum to the board dated November 6, 1997).

Statement of Intent: It is the intention of the commissioner of the Department of Fish and Game and the chairman of the Board of Fisheries that meetings be held on a regular basis wherein the department will update the board and the public on management, production, and research relating to Alaska's salmon enhancement program

Protocol: The joint department-board meeting on hatchery described here will take place at a mutually agreeable time and place during regularly scheduled meetings of the board. The meetings will provide forum for open discussion on a mutually agreed upon agenda of hatchery topics. The agenda may include site-specific as well as regional or statewide hatchery issues. These salmon enhancement meetings will not be open for regulatory actions and no hatchery-related petitions or agenda change requests (ACRs) will be considered as action items. These meetings are open to the public. At its discretion and upon appropriate notice, the board may open the meeting to public comment.

The hatchery meetings will provide an opportunity for the board and the public to receive reports from the department on hatchery issues including: production trends, management issues, updates on hatchery planning efforts, wild and hatchery stock interactions, biological considerations, and research. Requests for report from the department may be made during the board's work session during meeting years when there is a hatchery forum scheduled.

As appropriate, the board and department may agree to invite other state and federal agencies, professional societies, scientists, or industry spokespersons to attend and to contribute information on particular topics, or sponsor other discussions, such as marketing or intrastate effects.

Dated: June 28, 2002

Ed Dersham, Chairman
Alaska Board of Fisheries

7-3-02
Frank Rue, Commissioner
Alaska Department of Fish and Game

ALASKA BOARD OF FISHERIES
CHARGE TO THE SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN TASK FORCE
#2002 –210 – FB

PROBLEM STATEMENT: The sport fishery exceeded its 20 percent allocation in each of the two years that the Southeast Alaska King Salmon Management Plan (5AAC 47.055) has been in effect. Overages by the sport fishery were anticipated at abundance index levels of 1.1 – 1.2, and the management plan calls for these overages to be paid back in years of higher abundance. However, the magnitude of the sport overages was greater than expected and have contributed to Alaska exceeding its all-gear harvest quota established by the Pacific Salmon Treaty, as well as causing greater than anticipated reductions in the level of harvest by the commercial troll fishery.

TASK FORCE PURPOSE: The Southeast Alaska King Salmon Management Plan Task Force is established to recommend changes to the Southeast Alaska King Salmon Management Plan to accomplish the following objectives:

1. Minimize regulatory impacts on resident anglers.
2. Develop management options to reduce harvest by nonresidents and guided anglers in years of low abundance to stay within the sport allocation.

TASK FORCE MEMBERSHIP: The task force will be composed of Board Member Larry Engel and approximately ten sport fish charter operators, lodge owners, and resident anglers representing all major geographic areas of Southeast Alaska. The Alaska Department of Fish and Game will assist the task force by providing a meeting space and any requested information about the fishery or projected effects of proposed regulations. Task force members are responsible for their own travel and per diem costs.

TIMELINE:
January – March 2002
Task force meets in Juneau.
Task force (or ADF&G) submits a proposal for modification of the King Salmon Management Plan.

April 2002 – January 2003
Task force continues to meet via teleconference and email to finalize recommendations.

February 2003
Task force recommendations are presented to the Board of Fisheries at the Southeast Finfish meeting in Ketchikan.

Adopted: Jan 14, 2002
Anchorage, AK

Ed Dersham
Ed Dersham, Chair

VOTE: 6-0-1 absent

ALASKA BOARD OF FISHERIES
POLICY ON EMERGENCY PETITION PROCESS
#2000-203- BOF

The Board of Fisheries often receives petitions for emergency changes to its regulations during times of the year when it is not meeting and no meeting is scheduled within the next 30 days. The Alaska Administrative Procedures Act (APA) requires that the Board shall, within 30 days of receipt of a petition, deny the petition in writing or schedule the matter for public hearing. AS 44.62.230. 5 AAC 96.625(f) establishes criteria for acceptance or denial of an emergency petition, but it does not establish the procedure the Board will go through to address the petition. This policy lays out the procedure that the Board will follow upon receipt of a petition for an emergency change to its regulations.

If the Board is in session or scheduled to meet within 30 days of receipt of an emergency petition, the executive director will schedule the petition for consideration by the Board on the agenda of the current or upcoming meeting.

If the Board is not in session and is not scheduled to meet within 30 days of receipt of an emergency petition, the executive director will transmit to each Board member a copy of the petition, a cover memo in the form attached to this policy, and any information furnished by the Alaska Department of Fish and Game in response to the petition. After reviewing this information, each Board member will, on the cover memo, indicate his or her vote to deny the petition or schedule a special meeting for Board consideration and possible adoption of the petition, date and sign the document, and return it to the executive director as soon as practicable.

Pursuant to AS 16.05.310, if two or more Board members vote in favor of a special meeting to consider the emergency petition, then the executive director will, after consultation with the Board chair and members, schedule a public meeting of the Board at which it will consider acceptance or denial of the petition.

If two or more Board members do not vote in favor of a special meeting, the petition will be considered denied, and the executive director will write a letter to the petitioner indicating the Board's denial of the petition.

ADOPTED: November 5, 2000
Anchorage, Alaska

Dan K. Coffey, Chairman
Alaska Board of Fisheries

VOTE: 7 - 0

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

2000-194-FB

Alaska Board of Fisheries
Charge to the Sitka Spawn on Kelp
Open Platform Fishery Workgroup

The objective of the work group is to develop solutions to problems identified by the Board of Fisheries related to implementation of a new open platform spawn-on-kelp fishery in Sitka Sound.

Task Force members will include two purse seine sac roe, two open platform and two subsistence stakeholders and one Sitka advisory committee member..

Specific issues identified by the Board include:

How to allocate herring and kelp at both low (e.g., 2,000 ton) and high (greater than 5,000 tons) guideline harvest levels.

Minimum threshold/GHL's for competitive sac roe seine and open platform fisheries.

Number of open platforms.

Configuration of pounds (2,400 ft^2 versus 40 x 60); no larger pounds.

Bag limits versus kelp frond limits and related economic and marketing considerations.

What stipulations should be in permit versus regulation. Refine permit requirements including: fish ticket and other reporting requirements, when and where product is weighed, transfer of overages between pound operators, etc.

How to deal with overages under a bag limit scenario.

Address need to be more conservative in application of kelp product to herring conversion rates.

Consider a future workgroup, its participants, a suggested charge to identify and resolve conflicts among themselves.

Funding issues related to fishery.

Identify enforcement problems and develop regulatory or permit requirements to address them.

The workgroup will report back in writing to the board by February 16, 2000.

DATED: January 23, 2000.
Juneau, Alaska

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 no 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

(previously 99-02-FB)
99-180-FB

Kodiak Herring Task Force

Alaska Board of Fisheries

1. Appointed by AC Chairmen - Subject to Board Chairman approval.

2. Task Force members representative of all stakeholders.
   - gear type
   - interest

3. Discuss all aspects of management plan.
   - method and means
   - time and area
   - quality
   - roe content
   - stock assessment
   - exploitation rates
   - guideline harvest levels

4. Discuss, and if possible, reach consensus on allocations between gear types by district/section. If consensus cannot be reached, obtain a majority vote on these allocations. Minority reports around this vote are encouraged by the board.

5. Discuss, and if possible, reach consensus on exclusive areas for different gear types

6. Present a herring allocation management plan @ 10/99 Alaska Board of Fisheries worksession for scheduling consideration at that meeting.

Dated at Kodiak, Alaska this 22nd day of January, 1999.

Dr. John White, Chairman

96-159-FB

ALASKA BOARD OF FISHERIES
FINDINGS

KODIAK SAC-ROE HERRING MANAGEMENT PLAN

(Finding #96-03-FB)

The Alaska Board of Fisheries (board), at a regularly scheduled meeting which began November 29, 1995, took action on the Kodiak Management Area (KMA) herring sac-roe fisheries and adopted a management strategy which will be found at 5 AAC 27.535(e).

Prior to taking action, the Board considered information contained in oral and written reports by the Alaska Department of Fish and Game (ADF&G). The board also accepted public testimony from 78 individuals and from interested advisory committees. In addition, the board accepted testimony from a sub-committee of the Kodiak Fish and Game Advisory committee that was developed to address the topic of management of the KMA herring sac-roe fishery.

This document does not attempt to explain the board's reasoning or to summarize the information presented to and considered by the board; that information can be found in the administrative record. The purpose of this document is to express the general underlying intent behind the board's action and provide general guidelines to facilitate further consideration of this issue if the board's action does not achieve its intended purposes.

FINDINGS:

1. The overriding underlying intent behind the board's adoption of the KMA herring sac-roe management strategy was to address conservation concerns. These concerns were caused, in part, by recent growth in the KMA herring seine fleet, increased processing capacity, commercial harvest of herring with low roe percentages, increased harvests, frequent and extreme exceeding of guideline harvest levels (GHLs) in individual management units, and indications that localized stock depletion has occurred. The board was also concerned that ADF&G did not have sufficient management tools to satisfactorily monitor catches and manage the fishery under existing regulations and management strategies.

2. The secondary intent in adopting the KMA management strategy was to preserve the historical harvest balance between seine and gillnet fishers without setting specific allocations by gear type. The board finds the historic gillnet harvest to range, in round numbers, between 20 and 30 percent.

Since 1982, KMA has been managed under a liberal harvest strategy. The season opened on April 15 and closed on June 30. Fishing periods were the same for both seine and gillnet gear groups, and ran for 24 hours every other day, starting on odd numbered days at 12:00 noon. In 1995, in order to reduce the risk of exceeding GHL's, ADF&G was forced to depart from this harvest strategy. During 1995, fishing periods were reduced to ten hours during daylight hours; although ADF&G's concerns centered primarily on the harvesting power of the seine fleet, this reduction in fishing time applied to both seine and gillnet fisheries.

3. It is the intent of the board that the KMA management strategy will allow ADF&G to manage individual harvest units for harvest at or near their respective GHL's.

4. It is the intent of the board that the KMA management strategy will allow ADF&G to prevent overexploitation of herring stocks, including stocks which migrate through several management units. However, it is recognized that if more than one management unit is closed when a GHL is reached, it will be a significant departure from historical management actions and will adversely affect the historical harvest balance between gear types.

5. It is the intent of the board that, under the KMA management strategy, catch percentages by seine and gillnet fishers will remain within historical normal ranges.

6. If the intent of the board, as described above, is not achieved through the KMA herring sac-roe harvest strategy, the board expects ADF&G or interested parties to bring this issue back before the Board through an agenda change request.

7. Future board consideration of whether the KMA management strategy has had an unforeseen effect should be made in light of the board's intent in adopting the plan.

8. The board may consider significant deviations from the historical average harvest percentages between the seine and drift fleets to be compelling new information. However, there has been significant variation in harvest percentages in the past, and consideration of any agenda change request based on changes in the balance between the drift and seine gear types will require consideration of these historical ranges. Table three from ADF&G's presentation to the board in Kodiak is attached, and is incorporated by reference to assist in any future consideration of agenda change requests dealing with this management plan.

Adopted: January 29, 1996
Anchorage, Alaska

Vote: 7-0

Larry J. Engel, Chairman
Alaska Board of Fisheries

94-148-FB

FINDING OF THE ALASKA BOARD OF FISHERIES

SOUTHEASTERN ALASKA AREA ENHANCED SALMON ALLOCATION MANAGEMENT PLAN [5 AAC 33.364]

(Previously Finding #94-02-FB)

The attached report was developed by the Southeast Alaska Allocation Task Force (SATF) for Proposal #239 for the 1993/94 board meeting cycle. The board deliberated the proposal at its board meeting in Ketchikan, Alaska on January 17, 1994.

The Board incorporates by reference the attached SAFT report as its findings for 5 AAC 33.364 adopted on January 17, 1994.

Adopted: January 19, 1994 @ 11:21 am
Ketchikan, Alaska

Vote: (6:0:1) Yes: No: Absent, Augasan)

T. M. Elias

Tom Elias, Chairman
Alaska Board of Fisheries

BACKGROUND: In March 1991 Mike Martin, Chairman of the Board of Fisheries, asked the Northern Southeast Regional Aquaculture Association (NSRAA) and the Southern Southeast Regional Aquaculture Association (SSRAA) to coordinate the development of a southeast wide allocation plan for all enhanced salmon.

The issue concerned the benefits commercial fishermen received from the enhancement activities, especially in relation to the amount of the 3% Salmon Enhancement Tax (SET) paid. The issue was different between the Regional Associations and could not be resolved. Numerous proposals have been submitted to the Board of Fisheries to resolve the issue but none were acted upon. Chairman Martin requested that the two Regional Associations consider an all Southeast Alaska Allocation Plan to include all enhancement activities: Fish and Game FRED division, Independent Non-profit Aquaculture corporations; and Regional Aquaculture Associations.

The Boards of Directors of NSRAA and SSRAA agreed to accept the challenge. They formed a group that first met on March 29, 1991 in Ketchikan. The group called itself the Southeast Allocation Task Force (SATF). The SATF is composed of six voting members, three each from NSRAA and SSRAA, and each association provided one seiner, one troller, and one gillnetter for a total of two people from each gear type on SATF. All decisions were by consensus. No meeting was held without six voting members present.

There were two non-voting members on the SATF, one each from the FRED Division and a representative from the independent non-profit aquaculture corporations. DIPAC represented the independent seat. Also, each Regional Association provided one staff member, Pete Esquiro represented NSRAA and Don Amend represented SSRAA. The staff and non-voting members are resource people who provided technical input and comments when appropriate. The SATF also has had technical input from the NMFS at Auke Bay, the limited entry commission, and other people as needed.

All meetings were publicly held. Announcements were made southeast wide in newspapers and radios. Public attendance was minimal, but a few showed up at each meeting. These people were allowed to address the SATF as recognized by the chair. There was no appointed sport representative, but these interests were present at a few meetings. There was a total of five meetings.

The SATF developed the number of fish caught and this was reviewed by scientists at the Auke Bay Laboratory. The value of the fish was provided by the Limited Entry Commission. The data does not include enhancement activities by the National Marine Fisheries Service (NMFS), Metlakatla Indian Community (MIC) on Annette Island, or the U.S. Forest Service (USFS). The production at NMFS is small and experimental. Although the production by the MIC is significant and they also harvest Alaska enhanced fish, this was not included because their harvest and production cannot be controlled by the State.

The USFS conducts many habitat enhancement activities, but the numbers cannot be verified or evaluated. All of S.E. Alaska was included (Districts 1-15), but the Yakutat area was excluded.

The base period for data analysis was 1985. Production prior to 1985 was not significant and most projects were just coming on line. The data was evaluated through 1990 and will be updated annually as it becomes available. Averages were based on this period when production was still increasing and changing. Estimates were made based upon all currently permitted capacity when at full production. Future production was based on planned increases in capacity, but not yet permitted or operational.

The development of the agreement was based on catches by power and hand trollers, purse seiners, and drift gillnetters. Set nets were not included and are not used in the areas analyzed. Sport, sport charter, subsistence, and personal use were not included. The agreement was based only upon those who pay the 3% SET. No allocation was suggested for these other groups. The belief was that they are restricted by bag limits and an allocation of enhanced fish is inappropriate.

The guidelines will be submitted to the Board of Fisheries and may be set in regulation, or developed into policy. The guidelines will be used by the Regional Planning Teams (RPTs) as one element in the evaluation of permit requests and proposed production changes. The Commissioner of Fish and Game will consider the guidelines when evaluating permits or establishing special harvest areas. The Commissioner of Commerce of Economic Development will consider them in determining salmon enhancement loans for changes in production. The Board of Fisheries will use it to make decisions concerning gear group disagreements that involve enhanced fish production. The guidelines are viewed as goals to achieve and remain flexible for changing conditions, such as management changes, treaty changes, gear changes, legislative changes, etc. It was not intended for Fish and Game management to use in managing the common property fishery, except in a very few special instances.

REPORT OF THE SOUTHEAST ALASKA ALLOCATION TASK FORCE (SATF) FOR ENHANCED SALMON

Following are the fourteen (14) guiding principles which were developed along with rationale statements for each:

1. The primary goal of the Southeast Alaska salmon enhancement program is to provide additional fishing opportunities and revenue to traditional common property fisheries.

   (A) Performance Goals: Hatchery program plans and performance, over time, should provide a 70% contribution (after broodstock) to common property fisheries. Out of recognition for those hatcheries not receiving any salmon enhancement tax (SET) revenues, a 60% contribution (after broodstock) to common property fisheries is an acceptable goal. This goal should be expanded to 70% when these non-association hatcheries retire their existing debt obligation to the State of Alaska.

(B) Operators of hatcheries and other enhancement projects will use these performance goals in designing the annual management plans they submit to the joint Regional Planning Team (RPT) for review prior to approval by the Commissioner.

(C) It is recommended that enhancement programs that achieve these performance goals be given priority from the Dept. of Commerce and Economic Development on the requests for funding from the Fisheries Enhancement Revolving Loan Fund.

(D) Common property fisheries means those fisheries available to the people for common use.

Rationale: The enhancement programs are primarily for the benefit of the common property fishery and not for the benefit of private or state ownership. To assure the emphasis is on the common property fisheries, the 70% and 60% performance goals specified in 1A shall be used in evaluating projects. Although contributions to the common property fisheries will vary from year to year depending on run strength, survival rates and management, the long term benefit must be to the common property fisheries. No penalty for failure is suggested. However, hatchery proformas should include these production goals and, if not achieved over time, it is intended that management changes be made to assure these goals.

Broodstock are not included because they were viewed the same as escapement goals. Broodstock do not financially benefit anyone directly and are essential for continued production (see number 3).

2. Management of traditional "wildstock" fisheries are not to be restricted by cost recovery needs (economic escapement) of hatcheries.

Rationale: This concept is embodied in Alaska Statutes (AS 16.05.730). The SATF could not envision any circumstance where a wildstock fishery should be interrupted to assure a cost recovery harvest.

3. Restrictions on conduct of traditional "wildstock" fisheries to meet broodstock needs should be absolutely minimal and should be clearly documented by adequate production and harvest data. Protection of broodstock should only occur in close proximity to terminal areas. (Consistent with AS 16.05.730, and regulations 5 AAC 40.005 and 5AAC 40.220).

Rationale: The SATF recognizes the importance of broodstock. However, broodstock alone should not drive a common property fishery. Protection of broodstock should only occur in close proximity to terminal areas and only when the wildstocks can be adequately harvested in another area. The need for protection of broodstock in any area must be documented by showing that broodstock goals are adversely affected and the area contains significant broodstock. However, it is not intended that an operator manipulate activities just to ask for

broodstock protection. For example, by conducting cost recovery harvest without taking proper steps to assure broodstock collection.

4. Enhancement projects should include tagging or marking that will allow determination of the amount of production harvested in the various fisheries.

Rationale: It is recommended that adequate tagging programs be required under the Commissioner's authority (AS 16.10.400). Operator estimates are not adequate for estimating contribution to common property fisheries. Tagging or marking programs are essential; however, because the technology for marking fish is still evolving, no method is recommended. It is assumed that the most reliable and cost effective method will be used.

5. The State of Alaska should commit to an adequate mark recovery program for all enhanced salmon to provide harvest and production data.

Rationale: It is recommended that those responsible for enhancing fish should pay for the marking, but only the state has the resources to conduct the tag recovery program. The allocation agreement will not work unless the state commits to a mark recovery program. Also, there was evidence that the tag recovery program was not being conducted equally among the gear types or species harvested. For example, troll chinook fisheries have been more intensively sampled, while the seine harvest has been sampled the least of the gear groups. The tag recovery program should be designed to provide an equal level of confidence in the contribution of enhanced salmon to each gear type.

6. Habitat enhancement and restoration projects where marking is not feasible will not be counted. Other field projects where marking is feasible and economically acceptable will be counted.

Rationale: Lake fry plants, stream bioenhancement, stream rehabilitation, and other enhancement strategies are frequently conducted with small numbers of fish in remote areas. It may not be practical or economically feasible to mark the fish. These enhancement and restoration projects are encouraged and it is recognized that they contribute to the common property fisheries, but they will not be counted in the allocation percentages. However, where feasible, marking should be conducted.

7. The allocation percentage goals will be used to provide a fixed target for production.

Rationale: Enhancement projects and production goals have frequently been established based on political expediency or the economic viability of the operator. However, whenever fish are released and the returning adults harvested, an allocation is made. The allocation can become disproportionate based on the number of fish and where they are released.

It is desirable that new production, or revised existing production contribute to achieving the

allocation percentage goals established. This however, should not be the only criteria used to judge the desirability of new or revised production. If such new or revised production is "projected" to unbalance the distribution of enhanced salmon, and the change in production is otherwise considered desirable, the RPT will evaluate the overall enhancement program to determine what adjustments may be necessary to bring distribution of the harvest into compliance with the allocation percentage goals and make recommendations to the Commissioner:

8. Allocation percentage goals will be long term.

Rationale: It is recognized that survival rates can vary considerably within and among enhancement projects throughout S.E. Alaska. Also, variations in the management of the common property fisheries influence the harvest rates. The allocation percentage goals are not expected to be attained each year, but should be attained over the long term. Any change in production takes two to five years to impact a fishery. Therefore, allocation percentage goals should be based on a minimum of five year increments (see number 9).

9. Overall contribution of revenue from salmon enhancement projects should be evaluated using the most recent five year average. Adjustments should be implemented only after discrepancies are determined to exist in the five year average for three consecutive years.

Rationale: See number 8 above. The distribution of enhanced fish is expected to vary widely from year to year. A five year rolling average was used because it constitutes a production cycle and levels year to year variation. It is recognized that a single abnormal year can change the five year average outside the range of the allocation percentage goals; therefore, the guidelines establish a three year period of consistent discrepancy before any change is made.

10. The joint RPT will evaluate current enhanced salmon production and the distribution of harvest revenues and update this on an annual basis.

(A) Each facility should be evaluated after a minimum five years of operation to determine whether the 70% or 60% common property contribution, referred to in guiding principle 1A, is being achieved or to determine the realistic production and common property contribution for the facility.

(B) The joint RPT will conduct an evaluation to determine when the allocation percentages are not being achieved and adjustments are necessary.

(C) The joint RPT will recommend to the Commissioner adjustments to facilities' annual operating plans as necessary to accomplish the desired allocation goal.

Rationale: The SATF believes the joint RPT is the appropriate body to review the contribution data. The joint RPT is responsible for establishing and maintaining the comprehensive salmon plan, under the Commissioner's authority, and is responsible for recommending permit changes for production to the Commissioner.

11. Achieving these allocation percentage goals should not result in any modifications, in time or area, to the traditional "wildstock" fisheries. Minor modification may be considered to allow experimental or test fisheries that would not adversely impact wildstocks.

Rationale: The SATF strongly believed that the common property fisheries for wildstocks should not be manipulated in order to achieve the allocation percentage goals. However, this is not intended to preclude experimental or test fisheries, special hatchery access fisheries, or the establishment of new special harvest areas in order to access enhanced fish. For example, this could include the June troll fisheries for chinook, or late season openings, or other special openings used to target enhanced fish as long as wildstocks are not adversely impacted. It is recommended that the department allow targeted fisheries on enhanced stocks when they will not adversely impact sustained yield of wildstocks. The department should work closely with hatchery operators in establishing these fisheries, keeping in mind the 70% and 60% contribution goals. The harvest of enhanced salmon in a targeted wildstock fishery is considered incidental to the harvest of wild stocks.

12. There should be no inseason changes in management of enhanced salmon in or out of the special harvest areas to achieve the allocation percentage goals.

Rationale: These guidelines are established to reach long term allocation percentages. Inseason common property fisheries adjustments should not be considered to meet allocation goals. No adjustment of wildstock fisheries should be allowed in order to meet the allocation percentage goals.

13. When adjustments are deemed necessary to the distribution of the harvest to meet allocation percentage goals, the following tools should be used: (1) special harvest area management adjustments; (2) new enhanced salmon production; and (3) modification of enhancement projects production, including remote releases. Hidden Falls shall remain a seine/troll terminal harvest area (Consistent with 5 AAC 33.374).

(A) The joint RPT will make appropriate recommendations through the Commissioner to facility(s) annual operating plan(s) to attain allocation goals.

(B) Facilities may request changes in operating plans to meet allocation requirements.

Rationale: New production and facility modifications to meet the allocation percentage goals are long term changes and will take five to ten years to have an impact. Changes in special harvest areas can be used in the short term to help modify any imbalances that occur.

For example, special harvest areas can be designated to only one gear group or the fishing time allowed to different gear groups could be adjusted. The effectiveness of this will also be contingent on the gear type and the targeted species. The SATF expects these adjustments will be reviewed by the joint RPT, and the joint RPT will make recommendations to the Commissioner as to the most appropriate action needed to achieve the allocation percentage

goals. It is anticipated that short term solutions such as special harvest area management adjustments will only be used until decisions concerning long term adjustments can take effect. The allocation percentage goals will also be considered when reviewing permit alteration requests. If new production is not feasible or desirable, changes in remote releases can include new sites, change in species composition, change in the numbers of salmon released, or a combination of these.

14. The allocative percentages will be:

Note: The following percentages refer to the total value (nominal dollars) of enhanced salmon. These percentages are not intended to apply to wildstock allocations.

Seine - 44% to 49%
Troll - 27% to 32%
Gillnet - 24% to 29%

SUMMARY OF ALL SPECIES - VALUE
ADFG,SSRAA,NSRAA,PNPS
ACTUAL DOLLARS

SPECIES		1985	1986	1987	1988	1989	1990	1991	VALUE	TOTAL PERCENT
COHO										
	TROLL	$1,120,260	$2,112,686	$856,309	$632,589	$575,520	$2,615,031	$2,863,240	$10,775,635	71.7%
	SEINE	$242,393	$343,375	$253,299	$165,428	$111,567	$227,665	$282,951	$1,626,678	10.8%
	GILLNET	$141,413	$372,281	$191,580	$253,141	$63,014	$433,439	$1,161,273	$2,616,161	17.4%
CHINOOK										
	TROLL	$277,615	$287,758	$602,578	$1,006,808	$858,148	$969,528	$557,138	$4,559,573	86.6%
	SEINE	$19,863	$27,627	$8,421	$26,095	$62,598	$50,626	$65,441	$260,671	4.9%
	GILLNET	$8,192	$17,641	$20,803	$126,444	$84,369	$124,042	$64,549	$446,040	8.5%
CHUM										
	TROLL	$18,352	$0	$0	$228,299	$150,186	$122,652	$1,695	$521,184	2.0%
	SEINE	$2,434,775	$1,914,279	$3,415,435	$4,800,895	$1,608,162	$1,457,908	$1,634,402	$17,265,856	66.3%
	GILLNET	$495,683	$466,695	$979,408	$3,659,772	$1,392,331	$580,084	$687,235	$8,261,208	31.7%
PINKS										
	TROLL	$4,559	$0	$1,909	$12,166	$3,854	$67,318	$35,051	$124,857	3.4%
	SEINE	$460,262	$233,509	$432,197	$73,214	$475,615	$342,602	$359,697	$2,377,096	64.7%
	GILLNET	$313,174	$164,939	$64,125	$64,125	$307,825	$150,760	$108,524	$1,173,472	31.9%
SOCKEYE										
	TROLL	$0	$0	$0	$107,554	$11,733	$0	$0	$119,287	2.8%
	SEINE	$271,551	$252,000	$189,296	$410,095	$460,868	$239,216	$23,877	$1,856,903	44.2%
	GILLNET	$241,614	$224,306	$170,328	$444,065	$475,552	$492,529	$172,220	$2,220,614	52.9%

ALL SPECIES																			
	TROLL	$1,420,786	23.5%	$2,400,444	37.4%	$1,460,796	20.3%	$1,987,416	16.5%	$1,599,441	24.1%	$3,774,529	47.9%	$3,457,124	43.1%	$16,100,536	29.7%
	SEINE	$3,428,844	56.7%	$2,770,790	43.2%	$4,298,648	59.8%	$5,475,727	45.6%	$2,718,810	40.9%	$2,318,017	29.4%	$2,376,368	29.6%	$23,387,204	43.1%
	GILLNET	$1,200,076	19.8%	$1,245,862	19.4%	$1,426,244	19.8%	$4,547,547	37.9%	$2,323,091	35.0%	$1,780,874	22.6%	$2,193,801	27.3%	$14,717,495	27.2%
	TOTAL	$6,049,706		$6,417,096		$7,185,688		$12,010,690		$6,641,342		$7,873,420		$8,027,293		$54,205,235	

5 YEAR AVERAGE		1985 - 1989		1986 - 1990		1987 - 1991	
	TROLL	$8,868,883	23.2%	$11,222,626	28.0%	$12,279,306	29.4%
	SEINE	$18,692,819	48.8%	$17,581,992	43.8%	$17,187,570	41.2%
	GILLNET	$10,742,820	28.0%	$11,323,618	28.2%	$12,271,557	29.4%
	TOTAL	$38,304,522		$40,128,236		$41,738,433	

SUMMARY OF ALL SPECIES - VALUE
ADFG, SSRAA, NSRAA, PNPS
ACTUAL DOLLARS

SPECIES	1985-1991 VALUE	1985-1991 PERCENT	1985-1991 TOTAL	ANNUAL AVERAGE 1985 - 1991 VALUE	ANNUAL AVERAGE 1985 - 1991 PERCENT	ANNUAL AVERAGE 1985 - 1991 TOTAL	ANNUAL FULL PRODUCTION VALUE	ANNUAL FULL PRODUCTION PERCENT	ANNUAL FULL PRODUCTION TOTAL	FUTURE POTENTIAL VALUE	FUTURE POTENTIAL PERCENT	FUTURE POTENTIAL TOTAL
COHO			$15,018,471			$2,145,496			$4,201,271			$4,201,271
TROLL	$10,775,635	71.7%		$1,539,376	71.7%		$3,021,781	71.9%		$3,021,781	71.9%	
SEINE	$1,626,677	10.8%		$232,382	10.8%		$540,786	12.9%		$540,786	12.9%	
GILLNET	$2,616,159	17.4%		$373,737	17.4%		$638,703	15.2%		$638,703	15.2%	
CHINOOK			$5,266,281			$752,326			$5,473,258			$9,433,951
TROLL	$4,559,573	86.6%		$651,368	86.6%		$4,773,109	87.2%		$7,400,573	78.4%	
SEINE	$260,670	4.9%		$37,239	4.9%		$359,042	6.6%		$944,601	10.0%	
GILLNET	$446,038	8.5%		$63,720	8.5%		$341,108	6.2%		$1,088,777	11.5%	
CHUM			$26,048,248			$3,721,178			$24,632,796			$24,632,796
TROLL	$521,183	2.0%		$74,455	2.0%		$293,658	1.2%		$293,658	1.2%	
SEINE	$17,265,856	66.3%		$2,466,551	66.3%		$16,010,792	65.0%		$16,010,792	65.0%	
GILLNET	$8,261,209	31.7%		$1,180,173	31.7%		$8,328,346	33.8%		$8,328,346	33.8%	
PINKS			$3,675,421			$525,060			$2,197,760			$2,197,760
TROLL	$124,856	3.4%		$17,837	3.4%		$57,882	2.6%		$57,882	2.6%	
SEINE	$2,377,094	64.7%		$339,585	64.7%		$1,370,607	62.4%		$1,370,607	62.4%	
GILLNET	$1,173,471	31.9%		$167,639	31.9%		$769,272	35.0%		$769,272	35.0%	
SOCKEYE			$4,196,805			$599,544			$2,150,891			$7,557,008
TROLL	$119,287	2.8%		$17,041	2.8%		$51,810	2.4%		$112,610	1.5%	
SEINE	$1,856,903	44.2%		$265,272	44.2%		$953,598	44.3%		$1,283,040	17.0%	
GILLNET	$2,220,615	52.9%		$317,231	52.9%		$1,145,484	53.3%		$6,161,358	81.5%	
ALL SPECIES			$54,205,226			$7,743,604			$38,655,976			$48,022,786
TROLL	$16,100,534	29.7%		$2,300,076	29.7%		$8,198,240	21.2%		$10,886,504	22.7%	
SEINE	$23,387,200	43.1%		$3,341,029	43.1%		$19,234,824	49.8%		$20,149,826	42.0%	
GILLNET	$14,717,492	27.2%		$2,102,499	27.2%		$11,222,912	29.0%		$16,986,455	35.4%	

NOTES:
1. CURRENT ANNUAL PRODUCTION INCLUDES PERMITED CAPACITY OF EXISTING ONGOING PROJECTS USING ASSUMED SURVIVAL RATES AND AVERAGE PRICES, WEIGHTS
2. FUTURE PRODUCTION INCLUDES DEEP COVE CHINOOK, SNETTISHAM SOCKEYE, AND CHILKAT LAKE SOCKEYE ENHANCEMENT
   CHILKAT WILL PRODUCE 264,000 SOCKEYE: 250,800 TO GILLNETTERS, 13,200 TO SEINERS
   SNETTISHAM WILL PRODUCE 320,000 SOCKEYE: 288,000 GILLNET, 32,000 SEINE
   BEAVER FALLS AND KLAWOCK WILL PRODUCE 259,000 SOCKEYE: 123,000 GILLNET, 130,800 SEINE, 5,000 TROLL (CURRENT PRODUCTION)
   DEEP COVE WILL PRODUCE 75,000 HARVESTABLE CHINOOK: 55,250 TROLL, 14,400 SEINE, 5,250 GILLNET
3. AAI ADDED NOVERRER 1992: 300,000; GILLNET, 239,000, SEINE, 61,000 CHUM
4. FUTURE POTENTIAL IS A BEST GUESS OF WHAT MIGHT HAPPEN. IT IS NOT AN ALLOCATION.

93-146-FB

Finding of the Alaska Board of Fisheries
Deferred Southeast Alaska/Yakutat Subsistence Proposals
(Previously Finding #: 93-08-FB)

Background:

At its regularly scheduled meeting in Sitka, Alaska on November 9, 1993 the Board of Fisheries convened to take action on Southeast Alaska/Yakutat fisheries proposals concerning subsistence and other uses. Because of the invalidation of portions of the 1992 subsistence law on October 16, 1993, by the Alaska superior court in Kenaitze v. State, Case No. 3AN-91-4569 civil, and the resulting uncertainty of the subsistence law, the board found it necessary to defer the subsistence proposals to its January 1994 meeting in Ketchikan, when some of the uncertainties in the subsistence law may have been resolved by the courts.

Certain of the subsistence proposals had been submitted under the call for proposals for the Sitka meeting, while others had been deferred from the Board's previous meeting in Southeast Alaska in February of 1992. At the February 1992 meeting because of court decisions partially invalidating the 1986 subsistence law, conflicting superior court orders concerning application of the law, and pending appeals of those court decisions to the Alaska Supreme Court, the board lacked clear direction under the subsistence law and found it necessary to defer subsistence proposals. The board found that action on subsistence proposals at that time would have had a negative and disruptive impact on established subsistence fisheries, and that it was impossible to address subsistence uses until the legal uncertainties in the law were resolved and the board had clear direction.

In 1992 the Alaska legislature adopted a new subsistence law. The board convened special meetings in the winter of 1992-93, during which it reconsidered and readopted hundreds of subsistence regulations throughout the state, including Southeast Alaska/Yakutat. On October 16, 1993, the superior court issued a decision in Kenaitze v. State invalidating the nonsubsistence area provisions of the 1992 subsistence law. The Judge did not specifically invalidate the entire subsistence law, but asked for briefing on whether the nonsubsistence area provisions could be severed, and the rest of the law remain in effect, or if the entire law must be invalidated because of the invalid provisions. The superior court has not yet decided whether the nonsubsistence area provisions will be severed leaving the subsistence portions of the 1992 law intact. The Department of Law anticipates a decision on the severability of the law and whether the superior court's decision will be stayed pending appeal by the date of the January board meeting. The state will appeal the superior court's invalidation of the nonsubsistence area provisions to the Alaska Supreme Court, but does not expect a final decision before the board completes its meeting cycle in March 1994.

Findings:

1) Until the superior court decides whether the nonsubsistence areas can be severed from the 1992 law, the board does not have clear direction on what subsistence law, if any, governs its subsistence determinations. Under the superior court decision, the subsistence provisions of the

1992 law may or may not be valid, depending on whether they are severable. If they are found to be unseverable, and the entire law is invalidated, the board is advised that the 1986 subsistence law may reemerge to govern the board's subsistence determinations. If they are found to be severable, then the subsistence provisions of the 1992 law will remain in effect.

2) In order to deal fairly with subsistence proposals, and to avoid disruption to established subsistence fisheries, the board finds it essential to have clear statutory standards for addressing subsistence uses. Due to the uncertainty in the subsistence law as a result of the Kenaitze decision, the board finds it impossible to act on subsistence proposals at its meeting in Sitka. In order to fairly and reasonably address subsistence proposals, the board finds it necessary to defer them at least until the superior court decides on the severability of the invalid nonsubsistence area provisions, and whether to grant a stay.

3) The board has deferred the Southeast Alaska subsistence proposals to the board meeting in Ketchikan in January of 1994. At the meeting in Ketchikan, the board will be advised of the status of the state's subsistence law and determine a course of action on the subsistence proposals.

4) Southeast Alaska subsistence proposals will be deferred until the board meets in January unless the department advises the board that a proposal presents: 1) a conservation concern that must be addressed, 2) a subsistence nutritional need that is not being met, or 3) a court order requires consideration. These are the same criteria used by the Joint Board's in February of 1993 to determine whether to consider or defer subsistence proposals.

T. M. Elias
Tom Elias, Chair
Alaska Board of Fisheries

11-13-93
Date

Approved: Sitka, AK
Vote: (5/0) (Yes/No) (Absent: Jacobsen, Angasan)

93-145-FB

(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

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

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)

T. M. Elias

Tom Elias, Chair
Alaska Board of Fisheries

93-142-FB

Finding of the Alaska Board of Fisheries

Southeast Alaska Chinook Salmon Allocations
(Previously Finding #93-04-FB)

March 1992

The Alaska Board of Fisheries approved regulations allocating a fixed percentage of the chinook salmon harvest ceiling to the commercial troll and recreational fisheries during its March 7-15, 1992 meeting in Juneau, Alaska.

During the 1980s, many chinook salmon stocks along the Northwest Pacific coast and Southeast Alaska were depressed. To address this problem, the United States and Canada signed the Pacific Salmon Treaty in 1985, and a 15-year rebuilding program for these stocks was initiated. Under terms of the treaty, an annual catch ceiling is placed on the number of chinook salmon that can be landed by all gear groups in Southeast Alaska. Except for a 5,000 fish, pre-treaty production level and an annually calculated risk factor that accounts for the uncertainty in the estimate, chinook salmon produced in Alaskan hatcheries do not count against the harvest ceiling.

A base harvest or 263,000 chinook salmon was established under the Treaty. The gillnet and seine fisheries were provided separate allocations which allowed them to continue chinook harvests at slightly below their historic average. The recreational harvest which had fluctuated between 20,000 - 25,000 remained unrestricted. The troll fishery annual average harvest was reduced by approximately 23%. The reduction represented the Alaska contribution to the rebuilding program established under the Treaty.

In addition to harvest reductions, the Treaty provided funding to establish enhancement programs to rebuild chinook and other salmon stocks.

In recent years, the number of chinook salmon caught in the recreational fishery that count against the treaty catch ceiling has risen due to increasing abundance of some chinook salmon stocks and an increase in recreational fishing effort. The increase in the recreational harvest has reduced the number of chinook salmon available for harvest by the commercial troll fleet.

In meetings held from March 7-15, 1992, in Juneau, the Board of Fisheries considered a request from the Alaska Trollers Association to set aside a fixed allocation of the annual US/Canada Pacific Salmon Treaty chinook salmon ceiling for the commercial troll fishery. Staff from the Department of Fish and Game, the Department of Law, and the Commercial Fisheries Entry Commission

presented a total of eleven oral reports designed to provide the board with a comprehensive understanding of the Southeast Alaska chinook salmon allocation issue. In three days of public testimony, the board heard from approximately 130 individuals and ten Southeast Alaska fish and game advisory committees. Additionally, a large volume of written public testimony was received.

After a lengthy debate on the issue, a majority of the board found that a fixed allocation was necessary to stabilize the chinook salmon catch allocation between the commercial troll and recreational fisheries. The board approved a regulation mandating the department to manage the Southeast Alaska and Yakutat commercial troll and recreational fisheries so that, after deducting 20,000 fish previously allocated to the commercial net fisheries, the commercial troll fleet would get 83 percent and the recreational fishery 17 percent of the allowable catch under the treaty. All fisheries are allowed to take additional chinook salmon that are of Alaska hatchery origin; this is in accordance with the hatchery add-on principle of the treaty.

In support of the allocation the Board found the following:

1. Personal use, sport and commercial fisheries have existed in Southeast Alaska since Territorial days. The guided recreational fishery is the most recently developed. It has experienced significant growth since 1984.

2. Commercial fisheries participation is subject to limited entry. Recreational fisheries participation is increasing. In 1985, 16,664 chinook were harvested by Alaska residents, or 67% of the total sport harvest. In 1990, 28,297 chinook were harvested by Alaska residents, or 55% of the total harvest.

   The Board found different characteristics among recreational users. Unguided recreational resident anglers have harvested chinook for many years. Guides, lodge owners, outfitters and charter boat operators were recognized as participants with an economic interest in the fishery. Non-residents make up the majority of clients to these businesses although they also serve resident anglers. The Board identified characteristics of the troll fishery. Eighty-five percent (85%) of permits are fished by residents, many are residents of rural Southeast communities. The fishery has a significant number of second and third generation participants. Of Southeast commercial fisheries, trolling may involve an entire family in fishing activity.

3. The Board unanimously recognized the importance of the resident recreational sport fishery in providing opportunity to take fish for personal and family consumption. Commercial fishermen were found to supply household needs from the commercial catch. It is the desire of the Board that residents harvesting for personal use suffer the least restriction to meet chinook allocations.

4. Both commercial and sport fisheries have other stocks of salmon, groundfish and rockfish available for harvest. Each group attaches the highest value to chinook salmon. The Board recognized the importance of providing opportunity to harvest in the sport fisheries which may not be directly dependent on the number harvested. Public testimony expressed concern that the establishment of vessel moratorium and an IFQ system will limit commercial fisheries opportunity.

5. Both sport and commercial fisheries provide revenue to the state. Sport fisheries generate revenue through license sales and federal funds. Commercial fisheries generate revenue through license sales, federal funds, enhancement and raw fish taxes.

6. The larger communities of Ketchikan, Sitka and Juneau derive the greatest economic benefit from the tourism-oriented recreational fishery. These towns also benefit economically from their commercial fisheries. Sport fishing derbies also provide revenue to communities. Many Southeast rural communities are almost entirely dependent on income from the troll fishery. The degree of dependence on trolling by these rural communities was especially significant to the Board.

7. The Board recognized that while many commercial fishermen enjoy their occupation, it is the role of sport fisheries to provide recreational fishing opportunity in the state.

Besides providing stability to participants referenced in the allocation criteria, the Board found that management to achieve a specific number of chinook harvested inseason will be less disruptive to US Canada Treaty negotiations. This new management will assure that projected recreational harvests match actual harvest and will prevent overages in total gear catch which move the state out of compliance with the Treaty.

The allocation of 83% troll and 17% recreation fixes both fisheries at current levels. This type of allocation is not consistent with

past Board actions which recognize historic harvest levels and attempt to preserve them. In justification of departure from historic allocations the Board found the following:

1. Given current data available and present management capability, fixing the allocation at the current level of harvest is least disruptive to resident recreational angler fishing for personal and family use.

2. Fixing the allocation at current levels is least disruptive to present management. This allows ADF&G to exercise management options to maintain status quo rather than move back to prior harvest levels. Managing to achieve a specific harvest inseason is a new exercise for the Sport Fish Division and requires changes in budgeting and data collection. The Board specifically requested data collection on recreational effort and harvest by residents, non-residents, outfitted charter, guide and lodge participants.

It is the expressed intent of the Board of Fisheries that in establishing these fixed allocations to troll and recreational fisheries that all gear types (net, troll and sport) be managed to achieve their allocation separate from one another within the 7.5 percent range.

The board discussed establishing a separate allocation for guided sport anglers, but did not do so because of a lack of data on what portion of the historical catch came from this group as well as other legal questions.

In order to provide the necessary means to achieve the recreational allocation, the board established a management plan. The objectives of this plan are to allow uninterrupted sport fishing opportunity for chinook salmon in marine waters and to minimize regulatory restriction on unguided sport anglers. If the total seasonal harvest is projected to be within ± 7.5 percent of the allocation, no regulatory changes will occur to the fishery. If the total seasonal harvest is expected to exceed the allocation by more than 7.5 percent, the department may implement any of the following restrictions as appropriate:

- Prohibit charter guides and crew members from retaining chinook salmon while clients are on board.

- Reduce the bag limit and possession limit to one fish per day for guided sport anglers.

- Increase the chinooks salmon size limit from 28 to 30 inches.

- Ban the use of downriggers on charter boats.
- Ban the use of downriggers by all anglers.
- Close areas where the percentage of Alaska hatchery chinook salmon is low.
- Reduce the bag limit and possession limit to one chinook salmon per day for unguided recreational anglers.
- Reduce the sport fish chinook salmon bag limit to zero.
- Allow a trophy fish only fishery (greater than 40 inches).

However, if the fishery is projected to be more than 7.5 percent less than the allocation, the department may liberalize recreational fishing regulations as follows:

- Increase the bag and possession limit for unguided anglers.
- Increase the legal number of rods to two for unguided anglers.
- Decrease the minimum size limit.
- Increase the bag and possession limit for all anglers.
- Increase the legal number of rods to two for all anglers.

In order to improve catch reporting and assist in management of the recreational fishery, the department may:

- Establish a mandatory log book program to monitor the harvest and effort of guided sport anglers (charter boats and fishing lodges), outfitters and dry skiff rentals.
- Require an annual nontransferable harvest record.
- Require heads of all adipose fin-clipped chinook salmon, along with the date and location of their catch, be turned in to the department.
- Establish other reporting requirements necessary to obtain information required to implement the provisions of this management plan.

In addition to the above, the board also required that the department manage the 1992 summer troll fishery so that the

cumulative overage is reduced from the estimated overage of 38,000 chinook to about 10,000 chinook. In 1993, the department will deduct 1,700 fish from the sport fish ceiling, with the remainder of the existing overage to be made up by the commercial troll fishery. Further, beginning in 1992, each group will independently deal with the risk factor and be responsible for any accrued underage or overage.

For the commercial troll fishery, the board made the following changes:

June Fisheries

- Restrict the June hatchery access fishery in District 13 only to that area that is also open during the experimental fishery.

- Restricted the June hatchery access fishery in district 103 to that portion south of Tlevak Narrows and north of a line from Cape Chacon to Cape Muzon.

- Required trollers to keep fish caught in the hatchery access fishery separate from those harvested in the experimental troll fisheries and to report these fish separately on fish tickets.

- Reduced the number of chinook salmon that count towards the treaty ceiling that can be harvested from 40,000 to 35,000 during the June hatchery access and experimental fisheries.

- Made the starting dates for the June hatchery access and experimental troll fisheries more flexible.

Winter Fishery

- Changed the starting date for the 1993 and 1994 winter troll fishery from October 1 to October 11.

Summer Fishery

- The board made no specific changes to the summer troll fishery except to note that the savings from the June and winter troll fisheries should increase the number of chinook salmon available for the summer troll fishery.

Finally, the board charged a task force to develop recommendations, in the form of board proposals, concerning the summer fishery by

April 9, 1993. The main objectives of the task force are to ensure that the summer troll fishery for chinook be of at least a 10 day minimum duration with a goal of 20 days and to minimize the incidental mortalities to the greatest extent practicable. The task force will be comprised of trollers representing nine geographical areas including at least one hand troller, one lower 48 troller, one Native troller, one Alaska Troller Association board member, a chairperson, and two non-voting seats held by an Alaska Department of Fish and Game representative and a processor.

Michael B. Martin

Mike Martin
Chair
Alaska Board of Fisheries

Approved: Kodiak, Alaska - January 11, 1993
Vote: 7-0

(Previously FB-2-92)

92-133-FB

CHARGES TO THE
SOUTHEAST ALASKA CHINOOK SALMON TROLL
TASK FORCE

From the
Alaska Board of Fisheries

March 13, 1992

The task force will make recommendations to the legislature, governor, U.S. Northern Panel of the Pacific Salmon Commission, and the Alaska Board of Fisheries.

(A) The Pacific Salmon Commission is developing a Chinook Salmon Management Plan. The task force will advise the U.S. Northern Panel as to the Alaska perspective to aide the panel in the development of this plan.

(B) Recommendations (to the Alaska Board of Fisheries in the form of proposals) in time, area and gear changes or modifications to provide for the following are due to the Division of Boards by April 9, 1993:

- The board notes that a general summer season of 20 days in duration is desirable, but 10 days is a minimum goal.
- Minimize incidental mortalities to the greatest extent practicable.
- Maximize the value of the troll product.
- Recognize the historic composition of the fisheries.

The board will be considering the recommendations at the next meeting where southeast Alaska (including the Yakutat area) chinook issues will be before the board.

(C) The task force will provide an update to the board on all recommendations by February 28, 1993 and at the beginning (i.e. following staff reports) of the board meeting referenced above.

(D) The task force will involve the public and generally be composed of the following interests on the enclosure.

Michael R. Martin

Mike Martin, Chair
Alaska Board of Fisheries

At: Juneau, Alaska
Westmark Baranof Hotel

Vote: Consensus

Enclosure

C:\WP50\CHARGE [03/19/92 @ 1:03pm]

(FB-2-92)
92-133-FB

Proposed Task Force Composition:

Yakutat	1 member	Geoff Widdows
Fairweather Grounds	1 member	Tony Guggenbickler
Cross Sound	1 member	Joe Craig
Upper inside	1 member	James Erickson JR AK Nat'l
Sitka	1 member	Pat Wood
Port Alexander	1 member	Mim Robinson
Lower inside	1 member	Chris Sharpsteen
Noyes Island	1 member	Dennis Watson
Ketchikan	1 member	Brian Warmuth
Chairman		Gary Slavin

* Included are to be at least 1 hand troller, 1 lower '48 representative, 1 native individual, and 1 ATA board member.
* Two non-voting seats will be held by 1 ADF&G representative, and 1 processing representative.*

Expanded from 10 to 12 members to be able to make up composition as stated.

Hand Troll — Dave McFaden
Lower 48 — Russ Wyatt

*(5/1/92 ltr) Paul Johnson, Harold Thompson } sharing position

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

Michael B. Martin

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

Michael K. Martin

Mike Martin, Chairman
Alaska Board of Fisheries

91-128-FB

(Previously Finding #: 91-2-FB)

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 chairs 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.

- 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

U:\BREG\91-2-FB.FND

ALASKA BOARD OF FISHERIES
90- 05 -FB
DELEGATION OF AUTHORITY

In accordance with AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of Fish and Game the authority to adopt and make permanent changes to 5 AAC 39.160 MAXIMUM LENGTH OF SALMON SEINE VESSELS. This delegation is restricted to satisfy the changes the U.S. Coast Guard has made in measuring the "50 feet, official Coast Guard Register Length." The intent is not to eliminate or change the overall 58 feet limit on the salmon seine vessels.

The attached Committee Substitute for House Bill 569 (Resources) is an acceptable change to the current regulation that maintains the overall 58 feet limit on salmon seiners. The board is delegating this authority because this legislation most likely will become law after the board has adjourned. The board would like the delegated regulations in effect for the 1990 salmon season. Therefore, the board requests the department to expedite review of the regulation consistent with the legislature's final language.

Date Adopted: 3.24.90
Final VOTE:
For: 7
Against: 0
Abstain: 0
Absent: 0

Bud Hodson, Chair
Alaska Board of Fisheries

C:\WP50\DELEGATE [12/21/92 @ 2:27pm]

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARD OF FISHERIES

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4110

BOARD OF FISHERIES FINDINGS REGARDING COMMERCIAL COHO SALMON ALLOCATION IN SOUTHEAST ALASKA

During its Spring 1989 meeting in Juneau, the Board of Fisheries made findings regarding coho salmon allocations in Southeast Alaska. The board felt compelled to make these findings for the following reasons:

1) After relatively good adult coho returns in 1985-87, 1988 returns declined significantly and escapements fell short in many Southeast Alaska systems.

2) The economic future of the Southeast Alaska troll fishery appeared to be in serious jeopardy due to increasingly shorter chinook troll seasons (as a result of conservation and Pacific Salmon Treaty concerns), and possible faltering Southeast Alaska coho stocks.

3) Alaska Department of Fish and Game fisheries managers were concerned about their ability to adequately manage coho stocks being harvested in increasing numbers in outside-off-shore mixed-stock fisheries. Their apprehension was manifested in a coho management measures which should change harvest allocation patterns if coho stocks continued to decline. Potential effects of this plan were unacceptable to user groups.

4) Apprehension was voiced by various user groups, particularly commercial trollers, looking for direction and stability in their fisheries.

5) Multi-user group committees were unable to resolve the Southeast coho conservation and allocation issue.

The board therefore established historical commercial harvest guideline allocations for coho salmon to the seine, drift gill net, set gill net, and troll fisheries as follows:

Purse Seine----------19%
Drift Gill Net----------13%
Set Gill Net----------7%
Troll----------61%

The board intended these percentages to be guidelines only, and understood that actual percentages will vary from season to season given natural fluctuations in salmon abundance and distribution. The board expects that these allocation guidelines be met as closely as possible over the long term. Fluctuation due to direct management action was unacceptable. The board further explained that these guidelines should no cause major disruption to any of the traditional commercial fisheries upon which this historical allocation is founded. In-season adjustments by the Alaska Department of Fish and Game managers to attempt to achieve these long term allocations are not appropriate. The board specifically stated that subsistence, affected by the allocations between commercial gear types.

The board of Fisheries justified its actions in the following ways:

1) A commercial coho management plan for southeast Alaska is necessary to conserve stocks under optimum sustained yield principles for all commercial user groups.

2) A plan is necessary to lend stability to current fisheries. This stability is provided by guideline allocations set by the board and based on historical coho harvest data (by commercial group) collected by the Alaska Department of Fish and Game. The boards arrived at the above percentages by looking at the last 20 years of harvest data and taking the approximate averages.

3) Lastly, the board felt it was not only justified, but prudent to formulate management guidelines which could assist future boards in coho allocation issues and prevent a vast duplication of human time and effort in reviewing the fishery for every future board decision. Thus, the allocation guidelines mark an assessment, or summary, of past activities and provide a baseline for the fishery from which future boards can proceed.

_____ _____

Date

Gary Slaven, Chairman
Alaska Board of Fisheries

40-01-FB

BOARD OF FISHERIES FINDINGS ON HIDDEN FALLS MANAGEMENT PLAN

On march 17, 1989 the Alaska Board of Fisheries adopted proposals under 5 AAC 33.XXX "The Hidden FAlls Hatchery Terminal Harvest Management Plan". This management plan was based upon the following findings made by the Board, after hearing staff reports, advisory committee reports and public testimony in regard to the issue.

The Board found after review of the terminal harvest of hatchery fish on a region wide basis, that allocation of the chum salmon in the Hidden Falls Hatchery terminal harvest area to the purse seine fishery is consistent with the following facts and findings:

1. That the continued harvest of Hidden Falls terminal area chum salmon by purse seiners is consistent with the management guidelines for allocating pink sockeyes and chum salmon between commercial net fisheries as outlined in 5 AAC 33.363 MANAGEMENT GUIDELINES FOR ALLOCATING SOUTHEAST ALASKA PINK, CHUM AND SOCKEYE SALMON BETWEEN COMMERCIAL NET FISHERIES.

2. Harvest of hatchery fish in the terminal fishery must be considered on a region wide basis for purposes of allocation to the various available gear types.

3. Harvest opportunity at Hidden Falls may be severely reduced in the future to provide cost recovery fish for N.S.R.A.A.

4. Opportunity for purse seine gear are severely restricted during the early season, due to the closure of the traditional Icy Strait purse seine fishery and the restrictions placed upon the Noyes Island purse seine fishery by the Pacific Salmon Treaty provisions.

5. Increased harvest opportunity to gillnet fisheries in other terminal harvest areas, where management plans provide double fishing time for gillnets and the opportunity to "go first", and the increased areas provided for gillnet harvest.

6. The board opinion is that there should be a through review of the historical purpose of individual hatcheries, and the comprehensive plans developed by the Regional Planning Team involved, when deliberating on re-allocation or changes in Terminal Harvest Area Management Plans for hatchery fish.

In consideration of the above stated facts the Board of Fisheries feels that at this time it is necessary to allocate the terminal harvest fishery at the Hidden Falls Hatchery to the purse seine fleet to provide equitable long term harvest sharing between commercial net fishermen in Southeast Alaska.

ALASKA BOARD OF FISHERIES
#85-110-FB

Alaska Board of Fisheries Policy On Chinook Salmon Allocation In Commercial Salmon Fisheries In Southeastern Alaska

The Board of Fisheries recognizes that with a catch ceiling for chinook salmon provided for in the U.S./Canada Salmon Treaty, deviations from recent chinook catches by any one gear type will affect catch levels available to other users. Proportional sharing, based on recent years' harvests, of the approximately 243,000 base level catch of chinook that will be available to Southeast Alaska commercial fishermen during the three cycle rebuilding period provided for in the Treaty, should result in the following annual chinook harvest distributions the the commercial gear types:

1. A Gillnet harvest of 8,000 chinook;
2. A seine harvest of 12,000 chinook; and
3. A troll harvest 0f 223,000 chinook.

These harvest distributions do not include the add-on of new production from Southeast Alaska hatcheries. The board recognizes that the pattern of Alaskan hatchery chinook contribution to Southeast Alaska fishermen in normally conducted fisheries and in terminal areas is not well understood. As this pattern becomes clear the board will consider the allocation of these fish.

It is the board's intent to prevent increased net fishery chinook catches over recent years harvest distributions from reducing the number of chinook salmon available to troll fishermen. The board recognizes that the majority of net caught chinook are taken during fisheries targeted primarily on other species. However, the board strongly encourages net fishermen not to target on chinook salmon and to avoid fishing in areas or fishing in a manner which results in above average numbers of chinook being taken.

The board will review this policy on an annual basis to determine if chinook harvest objectives are being met. If they are not, the board may take regulatory action to insure that reallocations away from the recent years distributions do not occur.

Ron Jolin

Ron Jolin, Chairman
Alaska Board of Fisheries

Date: _____
Juneau, Alaska

#85-108-FB

ALASKA BOARD OF FISHERIES
FINDINGS
Proposal #632 - February 1985

The Board of Fisheries received testimony from the public and advisory committees on February 10 and 11, 1985 regarding the repeal of the six line limit on charter vessels in Southeast and Yakutat. The following findings were made:

1. The U.S.- Canada treaty places Alaska in an extremely conservative mode of fisheries management. The treaty particularly identifies the need to rebuild Chinook salmon runs and transboundary river stock catch restrictions.

2. For various reasons several charter operators who testified supported the continuance of the line limitations on charter vessels. Based upon testimony most operators who offer their clients an experience of hooking a salmon or bottomfish, keep detailed records and/or logbooks. Such records offer evidence that guided fishermen are more likely to catch fish and are used to attract clients.

   Mr. "Doc" Bailey told us of a record size fish. Mr. Jay Meyers indicated tourists prefer to seek his charter services rather than rent a boat, motor, and gear that tourists would run themselves to increase their catch chances. He also indicated that his catch per unit effort (CPUE) is probably above the average sport statistics of ADF&G. Other charter boat operators suggested and said the same thing.

3. While ADF&G sport fishery staff have not done a study in southeastern Alaska, studies have been conducted in other areas of the state, e.g. Cook Inlet and Bristol Bay, which indicate that guided fishermen have a higher CPUE than unguided fishermen. These studies were done because these CPUE differences were thought to be occurring and concerns were brought forward by the other fishermen that this is occurring throughout the state.

   One ADF&G study revealed that 60 active guides on the Kenai River were responsible for 88% of the sport harvest. This study also shows that in 1981 it took a guided fisherman 15.1 hours to catch a salmon of any kind compared to 45.4 hours for a non-guided angler. By 1983 it took a guided fisherman 11.6 hours to catch a salmon compared to 52.6 hours for a non-guided fisherman. In 1981 there were 4,778 kings taken by guided fishermen, representing 48.7% of the sport harvest. By 1983 this had

increased to 9,195 kings which represented 59.2% of the sport harvest. In 1981 guided fishermen were 23.9% of the total effort of sport harvest. By 1983 this effort had increased to only 24.1% It is reasonable to assume that the same or similar circumstances exist in the Southeast/Yakutat area.

4. Testimony also indicates that there are probably more charter operators conducting business within Southeast/Yakutat areas than are registered with ADF&G. These were concerns expressed by the public and testifying operators that the charter business is expanding very rapidly and without control.

5. Because of the above information and because the board finds it necessary to manage Southeastern/Yakutat fisheries in a much more restrictive manner, the decision was made not to repeal the six line limitation for charter vessels. Repealing this regulation would not be in the best interest of conservation and the users of the resource.

Date: 3/11/85

Ron Jolin, Chairman
Alaska Board of Fisheries

Alaska Board of Fisheries Statement of Findings on Proposal No. 127 to Remove the Ban on Treble Hooks in the Southeast Alaska Troll Fishery January 1982

See also #81-88C-FB

In January 1981 the Alaska Board of Fisheries passed a regulation prohibiting the use of treble hooks in the Southeast Alaska Troll Fishery. This decision was reaffirmed at the January 1982 meeting when a proposal to include treble hooks as legal gear was rejected by a 4 to 3 vote of the Board.

The Alaska Board of Fisheries' January 1981 statement of findings included the following:

> 'The depressed status of the stocks and need to enhance survival and growth of chinook and coho salmon requires adoption of efforts to reduce mortalities to younger age class salmon that would either spawn as jack males or continue saltwater feeding and growth before commencing their spawning migrations.
>
> 'Board members expressed concern that the treble hook could promote harvests of shaker size salmon, particularly in areas where a shaker-sizeed age class is congregated. Consequently, increased mortalities could result because more fish are being subjected to additional handling time to free the hooks prior to release.'

At the January 1982 Board meeting much of the testimony given both favoring and opposing the use of treble hooks was similar to that given in January 1981. In addition, new information obtained by ADF&G during a research troll fishery in April and May of 1981 and presented to the Board indicated that sublegal chinook salmon captured on treble hooks (to be tagged and released) included a smaller percentage of seriously injured fish than those captured by single hooks. However, statistical tests of the significance of the differences observed were inconclusive and only indicated that some evidence existed in the ADF&G study to suggest that a smaller percentage of sublegal chinook salmon were injured with treble hooks than with single hooks.

Other information obtained in the ADF&G study indicated that a significantly lower percentage of legal-size chinook salmon captured on treble hooks suffered serious injury than those captured on single hooks. Also treble hooks caught 18% more of the fish biting than did single hooks. Preliminary analysis of this study suggests that fewer sublegal salmon were caught by single hooks while greater numbers of legal were harvested by the single hook. (A larger percentage of the fish caught by single hook were legal than those caught by treble hook.)

With respect to data obtained during the 1981 ADF&G study it was emphasized that

> "the results apply to fish captured and handled under 'research' conditions with the objective of minimizing injuries to allow tagging and release of the fish."

Hooks were removed by hand after the fish was immobilized by electric shock as compared to the standard commercial fishing technique of 'shaking' sublegal fish loose and/or removing the hook with the aid of a gaff.

Board members voting in favor of continuing the ban on treble hooks generally reiterated the findings of the 1981 decision and voiced the opinion that under actual fishing conditions higher injury rates occurred while shaking or releasing sublegal chinook salmon hooked with treble hooks as a result of more ripping and tearing action being required when disengaging two or three of the hooks embedded simultaneously in the fish's mouth. They also stated that the greater time required to unhook a sublegal fish from a treble hook could cause additional shock and trauma and thus additional mortalities. The Board also determined that all of the afore described effects of treble hooks on salmon are also caused by the use of any other types of multiple pointed hooks. In reaffirming their prior action that banned the use of treble hooks in conjunction with commercial trolling operations, the Board amended the current regulation to clarify that their intent is to ban the use of all multiple pointed hooks.

1/24/81

#81-88B-FB

Board of Fisheries
Finding
Hand Troll/Power Troll Coho Salmon Harvest Ratio
1981

The Board of Fisheries recognizes that increased fishing effort in the troll fishery must be compensated for by additional regulatory restrictions as all chinook and coho stocks in Southeastern Alaska are fully utilized and/or depressed. However, due to the mixing of chinook and coho stocks in harvest areas and the incompleteness of the data base on which the troll fishery must be managed, time and area restrictions developed to compensate for increases in fishing effort may not be fully effective because the probability that management errors will occur is high. This means that the risk to the resource will increase as the units of gear and potential fleet efficiency increases. In recent years the major increases in troll effort have been within the hand troll segment of the fleet. The number of power trollers engaged in fishing has been stabilized by the application of the limited entry. The numbers of hand trollers and their efficiency, however, has increased with widespread conversion from the use of sport rods to the use of gurdy gear and the development of a full time "professional" fleet after limited entry was placed on other gear types. The development of this improved hand troll fleet resulted in major upward shifts in the proportion of the coho salmon catch taken by the hand troll fleet. The increasing hand troll catches during the 1975-1978 period were taken from the historical catches of other gear types and reduced their overall catches until the Board of Fisheries initiated regulations to limit hand troll gear effectiveness in order to maintain historical allocation balances and prevent further increases in overall effort on chinook and coho salmon in Southeastern Alaska.

(79-59-FB)

In order to stabilize fishing effort on coho salmon the Board established a policy for a 80% power troll and 20% hand troll harvest ratio for troll caught coho salmon. This balance not only satisfies conservation of the resource but also assures the continued economic viability of the power troll fleet and its access to the salmon resource of Southeastern Alaska. The harvest ratio approximately reflects the harvest levels by the power and hand troll fleets at the time limited entry became effective on power trollers and when a segment of the hand troll fleet began to rely on hand gurdies and participate in the fishery on a full time basis. The reservation of an equitable harvest ratio for the two fleets will also take into account the historical fishing opportunities to hand trollers with permanent and part-time commitments to the hand troll fishery. Historical catch distributions within the hand troll fleet will be maintained because fishermen with permanent commitments will continue a relatively more intense harvest during all fishing periods while part-time participants will not be able to take maximum advantage of all fishing times and areas and will not be able to operate daily on the fishing grounds due to more limited vessel capacity and a lower level of desire to participate in a full time fishery.

Because chinook salmon are not as available to hand troll harvest as coho salmon due to the inability of hand trollers to fish as effectively in deeper water and in more distant fishing grounds, the historical allocation of chinook salmon between troll gear types will be maintained by stabilizing the effectiveness of the hand troll fleet through the gear restrictions adopted for 1981.

Staff clean up wording w/ad change in intent.
Adopted 1/24/81

#81-88A-FB

ALASKA BOARD OF FISHERIES FINDINGS, 1981 TROLL FISHERY

The Alaska Board of Fisheries, in developing the troll fishery regulations and policies for the 1981 season, considered information presented at Board meetings by the public, the staff of the Alaska Department of Fish and Game, and other fishery agencies such as Washington Department of Fisheries and the National Marine Fisheries Service. The information includes numerous written reports, materials, and testimony presented at meetings in January 1981 in Juneau or well relevant material from past meetings. The findings of the Board are:

I. RESOURCE CONSIDERATIONS

A. Coho and chinook stocks experience significant harvest pressure when in outside waters before those stocks, many of which are depressed and depleted, have separated into more discrete runs whose strength or weakness can be ascertained in inside waters.

B. Mixed stock fisheries that target on healthy stocks are dangerous to the maintenance of intermingled small or weak runs. Such fisheries should not be encouraged unless it is not feasible for participating fishermen to relocate in more inshore fisheries for the purpose of operating on stronger stocks after they are separated from the weak runs and ~~it is~~ they are not harmful from a conservation perspective.

C. Further expansion of fishing effort in outside waters, should be prevented to promote conservation of stocks involved, and to comply with the Board's management policy on mixed stock fisheries. (appear.)

D. The behavior of salmon in the outside waters is inconsistent and unpredictable. Harvest data can be misleading as to actual strength of runs and effects of fishing on these runs of mixed origin, since large catches may occur from relatively weak stocks when intermingled with stronger stocks.

E. A significant time lag is involved in receiving adequate catch data from the troll fishery ~~occurring in waters outside of the surfline~~ which prevents the timely ~~availability of catch data on which to make~~ inseason management decisions. re-word

F. Stabilization of fishing effort on chinook and coho in Southeastern Alaska is necessary because conservation of those stocks requires a minimum level of harvest which will allow escapement of sufficient fish into rivers and lakes to ensure maintenance of runs on a sustained yield basis.

G. Further time and area restrictions would not diminish actual fishing effort, but would concentrate existing effort in specific times and areas made available to fishermen. However, gear restrictions do protect stocks by reductions of total effort without concentrating effort in specific times or areas.

#81-88A-FB 2/2

II. HARVEST DISTRIBUTION

A. More than adequate capability to take the available harvest of salmon currently exists. Further increases in fishing effort on limited stocks are biologically unsound and compound the difficult management decisions that must be made.

B. The relative distribution of salmon harvests among gear types that existed in 1975 when limited entry was imposed on power troll, gillnet, and purse seine fishermen is desirable because it would allow stocks to rebuild while not disrupting harvest opportunities in existing fleets.

C. The number of hand troll fishing vessels has increased significantly since 1975. The absolute number of coho and chinook harvested by hand trollers has increased significantly since 1975. The relative proportion of the total catch of coho and chinook taken by hand trollers has increased significantly since 1975 as compared to the catch by other gear types.

D. Traditionally, hand trollers utilized relatively inefficient rod and reel gear operated from small vessels close to home in the inside waters, and, except for a few villagers, fishermen rarely depended on hand trolling for their economic livelihood. In the last three to eight years, however, a significant percentage of hand trollers ~~has~~ have converted to the vastly more efficient "gurdy" gear and has placed that gear on bigger, more mobile vessels capable of making longer trips and fishing in rougher weather. These more efficient hand troll vessels have shifted their effort towards outside waters where stocks are more mixed, a greater level of income from fishing is necessary to amortize their investment, and consequently take a greater number of fish from stocks that are already overharvested or fully utilized.

E. The economic dependence upon fishing varies widely among hand trollers. However, most hand trollers use hand trolling to supplement other sources of income.

F. The majority of all hand troll caught salmon are harvested by a minority of the fleet in recent years. These full time professional participants in the hand troll fleet can be expected to continue to harvest a major portion of the hand troll catch.

III. FISHERY DEVELOPMENT

Unless adequate numbers of coho salmon are allowed to reach inside waters where ~~the inside troll, sport, and gillnet~~ fisheries occur, these fisheries would not be allowed to occur. ~~The State would have to forego the benefits of the gillnet chum fishery because coho are caught incidentally with chum salmon.~~

ALASKA BOARD OF FISHERIES
RESOLUTION #81-86-FB

REGARDING THE HAINES-KLUKWAN RESOURCE STUDY

WHEREAS, the Haines-Klukwan Resource Study is an interdisciplinary, multiple resource study now being conducted, and

WHEREAS, the study includes attention to fishery resources that are of critical importance to the fishing industry, the people of the State of Alaska, and the renewable resources development strategy of the State, and

WHEREAS, both public participation and governmental decisions regarding natural resources will be enhanced as a result of the information this study may provide;

NOW THEREFORE BE IT RESOLVED that the Board of Fisheries respectfully urges the Alaska Legislature to provide continued funding for the Haines-Klukwan Resource Study, and continued administration of these funds by the Department of Natural Resources.

ADOPTED: Juneau, Alaska
January 23, 1981

VOTE:

Nicholas G. Szabo
Chairman

ALASKA BOARD OF FISHERIES
RESOLUTION #81-85-FB

RELATING TO A STREAMSIDE MANAGEMENT POLICY FOR THE STREAMS OF THE GREATER JUNEAU BOROUGH

WHEREAS, Damage to fish habitat has occurred during urban development in some Juneau area streams, and

WHEREAS, this damage is expected to continue because there is no firm policy covering activities adjacent to streams within the Greater Juneau Borough, and

WHEREAS, urban development along streams will increase as the Juneau area population increases, and

WHEREAS, sport fishing is so popular in the Juneau area that over 54,000 angler days are spent fishing by boating anglers and over 15,000 angler days are spent fishing by roadside anglers, and

WHEREAS, many of the fish being caught in the Juneau area originate from local streams and lakes, and

WHEREAS, the number of sport fishermen in Juneau is expected to double by 1990, and

WHEREAS, the Juneau Borough has received recommendations for developing a streamside management policy from Daniel Bishop (see attached), the Alaska Department of Fish and Game and under Coastal Management Planning, and

WHEREAS, the Territorial Sportsmen, Inc., of Juneau and the Gastineau Channel Fish and Game Advisory Committee have requested the Board of Fisheries to address streamside management.

NOW THEREFORE BE IT RESOLVED, that:

1. The Greater Juneau Borough develop a streamside management policy that will (a) prevent further degradation of fish habitat (b) rehabilitate those streams already damaged and (c) provide for fishermen access along important sport fishing streams.

2. The Greater Juneau Borough develop a policy similar to that recommended by Daniel Bishop (attached) and in close cooperation with the Alaska Department of Fish and Game.

3. For Public Lands, the policy contain, at least, provisions for fifty foot green belts on each side of streams deemed important for fish and public easement along waters to provide fishermen access.

4. For private lands, the policy consider the creation of fish habitat management zones. Any activities within this zone should be coordinated between the land owner, the City and Borough of Juneau, and the Alaska Department of Fish and Game.

ADOPTED: Juneau, Alaska
January 21, 1981

VOTE: Adopted, 6 to 0

Nicholas G. Szabo
Chairman

ALASKA BOARD OF FISHERIES
#81-82-FB

POLICY STATEMENT ON HAND TROLLING

see also #79-55A-FB, #79-57-FB

Population growth in Southeastern Alaska is intensifying competition among subsistence, commercial and recreational fishermen for king and coho salmon stocks. These stocks are in a depressed condition, and adequate spawning escapements have not been achieved in recent years. The salmon handtroll fishery has historically been a primary user of these salmon stocks. As a result, the Board of Fisheries is adopting a long-term policy for handtroll management. This policy rests on the following considerations:

1) The handtroll fishery has historically been a part-time, noncompetitive commercial fishery. Its participants used gear homemade from readily available local materials. Locally constructed boats were either hand-propelled or powered by very small engines. The fishery was conducted in inshore areas adjacent to the participants' home communities. The returns from handtrolling generally supplemented a subsistence lifestyle or the fixed income of elderly people. Handtrolling also provided a wholesome way for young people to contribute to the family income.

2) In 1973 the Alaska Legislature enacted legislation limiting entry into Alaska's commercial fisheries. The Legislature recognized the unique lifestyle that characterized handtrolling and specifically excluded it from those fisheries designated as requiring limited entry.

3) Major purposes of Alaska's limited entry legislation were to promote efficiency of harvest and to generate a sufficient rate of economic return to increase investments in vessels and gear. In practice the system has created a high cash value in entry permits, requiring a large investment to enter a limited fishery and encouraging increased capitalization of vessels and gear for efficient competition and adequate return on investment.

4) Conservation of Southeastern Alaska king and coho salmon stocks has become increasingly more difficult in recent years. The utilization of these stocks by subsistence and recreational fishermen, powertrollers, gillnetters, and seiners as well as by handtrollers has required very restrictive regulation. Despite restrictive measures the stocks are depressed, and adequate spawning escapements have not been achieved in any systems for kings and many systems for cohos.

5) Management of Alaska's fishery resources requires that preferences among beneficial uses be considered while maintaining a sustained yield. A fair and equitable allocation system must avoid unjustified displacement of users. If handtrolling were to be

placed under the limited entry system, a maximum limit of 600 permits would be necessary to maintain the existing balance among various users. However, limiting the handtroll fishery to 600 permits would eliminate the lifestyle opportunity many people have enjoyed. The high investment required to enter the fishery would prohibit many people previously dependent on its supplemental returns from participating in the fishery.

Therefore, in order to insure the conservation and sustained yield of Alaska's fishery resources, to promote the development of its beneficial fishery uses and to maximize the benefits to the public, it is the policy of the Alaska Board of Fisheries that:

1) The handtroll fishery should be managed to preserve its unique historical character and to allow the large numbers of people dependent on handtrolling's supplemental returns to continue to participate in the fishery.

2) The limitation of entry into the handtroll fishery would not offer any significant conservation benefits and would be inconsistent with the current social and economic needs of the people of Southeastern Alaska.

ADOPTED: Juneau, Alaska
January 16, 1981

VOTE: 7/0

Nick Szabo
Chairman

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

#80-69-FB
(Revised #76-14-FB)

BOARD OF FISHERIES

POLICY STATEMENT ON MANAGEMENT OF MIXED STOCK SALMON FISHERIES

A basic principle of salmon fishery management is that fishing of any salmon stock should not occur until the spawning escapement for that stock is insured. Run strength and resultant optimum harvest and escapement levels can not be estimated until discrete stocks have separated themselves from mixed stocks and have arrived in areas near their natal streams. This type of single stock management allows optimum harvest rates on all stocks based on the productivity of individual stocks.

When developing fisheries management policies, factors other than biological data must be considered. Alaska has historically allowed fishing on certain mixed salmon stocks with the result that fishing fleets and related support activities have developed to harvest those stocks. Thus management policies should also address social and economic factors and weight them accordingly.

In view of the above stated principles, it is the policy of the Board of Fisheries that:

1. In the case of long standing fisheries which fish mixed stocks and for which it may not be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, such fisheries may continue provided that fishing effort on the mixed stocks does not increase and that the harvest rate is not detrimental to the individual stocks.

2. In the case of long standing fisheries which fish mixed stocks and for which it may be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, preference should be given to the fishery that best serves the state's interests.

3. The development or expansion of mixed stock fisheries should be discouraged when the fish that comprise those stocks can be harvested after they have separated into more discrete stocks.

4. This policy does not prevent the board or the department from allowing mixed stock fisheries, particularly when large returns are expected and the allowance of such fisheries would result in a fuller utilization of the harvestable surplus.

In all decisions relating to the regulation and management of mixed stock fisheries, it is the express intent of the board that the conservation of affected salmon stocks be given first priority over economic and social considerations.

DATE: January 12, 1980
Anchorage, Alaska

Nick Szabo, Chairman
Alaska Board of Fisheries

VOTE: 7/0

See also #79-55A-FB, #81-82-FB

ALASKA BOARD OF FISHERIES
Resolution No. 79-57-FB

PROVISIONAL HAND TROLL/POWER TROLL ALLOCATION POLICY

WHEREAS, the Alaska Board of Fisheries believes it desirable to avoid economic and social disruption of existing fisheries; and

WHEREAS, reallocation of harvests between user groups in an unplanned fashion may cause such disruptions; and

WHEREAS, the unlimited hand troll fishery in Southeastern Alaska has been taking an increasing proportion of the total coho harvest at the expense of subsistence fisheries, recreational fisheries, and other commercial fisheries already limited; and

WHEREAS, the Board in the public hearing process has determined that the hand troll fleet should not continue to increase its proportion of the power troll/hand troll coho catch; and

WHEREAS, the catch proportion in recent years between the hand troll gear and power troll gear has been determined to be approximately 80 percent for power troll gear and 20 percent for hand troll gear; and

WHEREAS, this relative catch has in the past allowed fisheries to occur without socially and economically disruptive reallocation; and

WHEREAS, this relative catch in past years has been demonstrated to promote biological protection of the resource;

NOW, THEREFORE, BE IT RESOLVED that it shall be the Board's provisional policy to design a regulatory coho harvest allocation in Southeastern Alaska which will result in approximately 80 percent of the coho troll catch for power troll gear and 20 percent of the coho troll catch for hand troll gear.

Nick Szabo, Chairman
Alaska Board of Fisheries

ADOPTED: December 11, 1979
Anchorage, Alaska
VOTE: 5/2

ALASKA BOARD OF FISHERIES
Resolution No. 79-56-FB

TROLL FISHERY GEAR LIMITATION

WHEREAS, the Alaska Board of Fisheries limits to four lines in all State waters the number of troll lines that may be fished from a salmon power troll vessel; and

WHEREAS, the Board desires consistent regulatory regimes for salmon with regulations that apply in the waters of Alaska and that also apply in the Fishery Conservation Zone; and

WHEREAS, the Board wishes to stabilize the overall fishing effort currently exerted by the salmon troll fleet; and

WHEREAS, in the portion of the Seaward Biological Influence Zone north of the latitude of Cape Spencer and east of the longitude of Cape Suckling salmon power troll vessels may need to operate with greater efficiency than those vessels fishing south of the latitude of Cape Spencer because of the greater costs incurred and inability to fish for longer periods of time due to distances from harbors and often adverse weather conditions;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Board of Fisheries requests the North Pacific Fishery Management Council to recommend that the U. S. Secretary of Commerce adopt regulations that prohibit the use of more than six troll lines in that portion of the Fishery Conservation Zone north of the latitude of Cape Spencer and east of the longitude of Cape Suckling and the operation of more than four troll lines in the remainder of the Fishery Conservation Zone south of the latitude of Capt Spencer.

Nick Szabo, Chairman
Alaska Board of Fisheries

ADOPTED: December 11, 1979
Anchorage Alaska
VOTE: 6/1

PROPOSED REGULATIONS OF THE
ALASKA BOARD OF FISHERIES

See also #81-82-FB, #79-57-FB

The following are proposed regulations regarding the Southeastern Alaska-Yakutat salmon troll fishery that will be considered for adoption after a written comment period which will end on February 1, 1980. Proposed new wording is underlined and deleted wording is capitalized and bracketed.

1. MANAGEMENT PLAN FOR THE YAKUTAT AND SOUTHEASTERN ALASKA CHINOOK AND COHO TROLL FISHERIES. The management of Yakutat and Southeastern Alaska troll fisheries is complex due to the existence of mixed stocks and fishing pressure from multiple user groups. The Board is concerned that certain user groups, particularly those involved in inshore-terminal fisheries, may be receiving reduced opportunities to harvest coho due to the increased fishing effort on mixed stocks in coastal and offshore waters by the power troll fishery. There is also concern that increases in fishing pressure on mixed stocks may result in overharvest of individual stocks or aggregations of stocks.

Due to those concerns, the Board has:

1. established a hand troll-power troll provisional allocation policy;

2. adopted regulations designed to limit the efficiency of both hand and power troll vessels; and

3. adopted fishing seasons and areas for various gear types.

Within this framework of regulations, it is recognized that changes in run size, run timing, or fleet effort distribution may require inseason adjustment of time and area closures to achieve escapements and distribution of harvest to inshore-terminal areas of Southeastern Alaska.

The Board approves the following management plan for the Southeastern-Yakutat troll fisheries. Seasonal adjustments to fishing seasons and areas will be carried out by the Department of Fish and Game in the following manner:

1. Maintain the regulatory status quo in the inshore, coastal and offshore areas during the early chinook season.

2. Maintain the regulatory status quo in the inshore, coastal and offshore areas during the coho season prior to the July 10-15 time period.

3. On or about July 10 the Department will evaluate the general magnitude and distribution of the coho salmon run and will institute a 10 day closure of the entire Southeastern Alaska troll fishery UNLESS the run appears to be well above average in magnitude and movement of coho to inshore waters appears to be good.

   This closure will assist in stabilizing or reducing coastal and offshore effort on coho salmon unless strong runs justify increased harvest. The closure will also assist in obtaining catch and escapement in inshore waters from stocks with earlier run timing instead of obtaining the majority of these requirements from late runs only. The closure will apply to all trolling, since early in the season the mortality on small coho shakers would be quite high.

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4. Following any July closure, coastal and offshore trolling will reopen to hand and power trolling in areas normally opened to each respective gear type for 7-day-per-week fishing unless later closed by emergency order.

5. For inshore waters following any July closure the normal regulations, including the 8-day-on 6-day-off fishing period for certain inshore waters will remain in effect except as the specific area regulations have been modified by the Board during its December 1979 meeting.

It must be understood that additional later season closures may be required for inshore, coastal and offshore troll fisheries if inshore run strength indicators are inadquate.

ADOPTED: 12/10/79

VOTE: 7/0

ALASKA BOARD OF FISHERIES

Policy No. 79-54-FB

SUBSISTENCE FISHING POLICY FOR THE JUNEAU ROAD SYSTEM

Salmon streams flowing across or adjacent to the road system within the confines of the City and Borough of Juneau support only limited runs of salmon. Harvestable numbers of salmon in excess to the spawning escapement needs for those streams are normally of such a small magnitude that these numbers alone are not sufficient to support the potential subsistence demands of the Juneau area population. Therefore, subsistence salmon fishing permits should not be issued for streams along the Juneau road system.

It is assumed that traditional subsistence requirements may be met through existing commercial and sport fishing regulations and through public use of surplus salmon returning to public operated salmon enhancement projects. If traditional subsistence use and dependency levels are shown by investigation to be unmet through these methods within the road system area, the Department will inform the public in what locations and by what methods current subsistence needs may be met in the larger streams in the Stevens Passage area.

Nick Szabo, Chairman
Alaska Board of Fisheries

December 9, 1979
Anchorage, Alaska
VOTE: 6/0

#79-48-FB

ALASKA BOARD OF FISHERIES

MANAGEMENT DIRECTIVE

see also #81-83-FB

The Alaska Board of Fisheries hereby directs the Department of Fish and Game to standardize fishing time between drift gillnet fisheries and purse seine fisheries in districts 1 and 6 of Southeastern Alaska, where both gear types are harvesting the same pink salmon stocks, according to the following policy:

> Where a purse seine fishery is harvesting pink salmon stocks subject to concurrent fishing by drift gillnets, for each day or portion of a day the purse seine fishery is open, the corresponding gillnet fishery shall be open a full 24 hours.

Adopted January 15, 1979

VOTE: 6/0

Nick Szabo
Chairman

ALASKA BOARD OF FISHERIES

Provisional Policy #78-39-FB

Management of Public and Private Hatchery Returns

It is the policy of ADF&G to base the management of hatchery returns of salmon on a harvest plan approved by the Commissioner, ADF&G. A basic harvest management plan will be developed, to the extent that existing knowledge allows, before a private nonprofit hatchery permit is issued or a potential F.R.E.D. site is approved by the Commissioner. The basic plan will be developed between the area management biologists, the applicant or F.R.E.D. project leader, and the regional planning team as a part of the application review process requested by the Commissioner and to determine the proposed hatchery's compatibility with the finalized or preliminary "comprehensive regional plan" required under AS 16.10.375. As such, the basic management plan will ultimately be part of the "regional comprehensive plan" subject to the Commissioner's approval as well as part of the conditions appended to a hatchery permit.

Beginning with the first expected returns and on an annual basis thereafter, the basic harvest plan will be added to, modified, and refined into an annual harvest management plan as may be required to allow for annual run variables and/or refined management information enabling more precise management practices. The annual harvest management plan will include regulations adopted by the Board of Fisheries, emergency order po-sibilities that may be enacted by the Commissioner, annual harvest needs of the hatchery operators to recover operating expenses, and other considerations relating to harvest as follows:

1. Probable management strategy for common property fisheries through which hatchery returns may pass.

2. Special hatchery harvest area boundaries which will take into account the following considerations, contingent upon separation of hatchery stocks from indigenous or migrating wild stocks:

   a. Space for a natural schooling/milling area

   b. Space and water depth for operating commercial gear

   c. Space to harvest incoming salmon while they are of comparable quality to salmon harvested by commercial fisheries in the area.

3. Justifications and recommendations for a special closed-water area for a hatchery to protect its milling brood stock.

4. Consideration of the time span when harvest of hatchery returns within the special harvest area may be allowed by emergency order as influinced by times when present hatchery returns are expected and wild stocks would be absent.

5. Strategy for harvesting salmon within the special harvest area while they are of comparable quality to salmon harvested by commercial fisheries in the area, and special strategies that will be used to avoid the interception of wild stocks or the taking of non-target species present in the special harvest hatchery area.

6. How any harvest of salmon (whether by the common property fishery or by hatchery operator) within the special hatchery harvest area will be managed so that the hatchery will obtain necessary brood stock.

7. Details describing how the harvest of fish needed to pay hatchery costs will be carried out including description of the gear to be used and arrangement of sale of fish.

8. An explanation of how the proposed management plan of the hatchery production will benefit the common property fisheries including sport, subsistence, and commercial fishermen while reasonably providing for financial and brood stock requirements of the hatchery.

9. A proposed hatchery financial plan for reasonable operating cost and salmon enhancement activities permitted by AS 16.10.400-450.

10. An explanation of how the production and harvest management plan complements comprehensive salmon enhancement and rehabilitation planning for the region.

This plan will be drafted by the Sport and Commercial Fisheries area management biologists in close consultation with the permit holder or F.R.E.D. project leader and the regional planning team.

The first step in the development of the annual harvest plan will be a report prepared by the permit holder or F.R.E.D. project leader and submitted to all regional planning team members by September 1 of the year preceding the harvest. This report will summarize the hatchery manager's input on points 2 through 10. Other information needed in development of the annual harvest plan (i.e., regulations adopted by the Board, area forecasts for wild stocks, etc.) will be distributed to planning team members as it becomes available. As such the plan will be developed in increments over the year preceding the harvest. An initial draft of the annual harvest plan will be made available to all planning team members on or before April 30 of each year. The Commissioner, ADF&G, will ultimately approve or modify the plan as in the best public interest.

Regulatory proposals pertaining to the special harvest area will be initially developed in conjunction with the basic management plan and will be submitted for Board of Fisheries adoption the year before the first returns to the hatchery are expected. Subsequent changes in the hatchery regulations initially adopted by the Board will be open to modifications at each fall Board meeting. If the proposed regulatory changes are controversial, regional planning team members will attempt to resolve the controversy(s) to whatever extent possible prior to the proposal deadline. Any regulatory proposals not prepared through the planning team but prepared individually by ADF&G staff, regional associations, or independent private nonprofit permit holders that modify the existing hatchery regulations will be submitted to all regional planning team members and the permit holders at least two weeks prior to the proposal deadline for the fall Board of Fisheries meeting.

The gear types allowed to fish in a special harvest area for either common property or the hatchery's harvest will be established by the Board of Fisheries

under the chapter sections dealing with individual hatcheries. The Department will base its proposals for gear type on whether or not the gear would negatively impact any wild fish species present in the special harvest area at the time of hatchery return harvesting. The Department will not endorse gear types for hatchery harvesting that would be inefficient or waste hatchery returns that would otherwise have been harvested.

A numerical range of salmon returns needed by a private nonprofit hatchery to cover the year's financial requirements and brood stock may be set annually by the Board of Fisheries for each private hatchery, contingent upon the Board's receiving a thorough explanation of and justification for the financial requirements and brood stock substantiated and supported by the Departments of Commerce and Fish and Game. Such limits will refer to harvest of hatchery surpluses in the special harvest area by hatchery operator if such surpluses are available. The operator will be given preference for harvest of its returns in this area, up to limits described, provided the harvest does not infringe on the best public interest as determined by the Commissioner. The Department will attempt to insure that sport or subsistence fisheries on fish other than the hatchery returns will not be interfered with during the hatchery's harvest.

Management of hatchery returns in mixed stock fisheries will be based on exploitability of the wild stocks. Harvestable surpluses of hatchery stocks will not be harvested by the common property fisheries if such harvest would impact satisfactory escapements of wild stocks.