

## **Alaska Board of Fisheries Findings and Policies Pertinent to March 2013 Meeting**

- 2013-270-FB Draft Criteria for Development of Board-Generated Proposal
- 2012-268-FB Operating Procedures Policy for Written Public Comment
- 2012-267-FB Operating Procedures for the Board of Fisheries Motion to Reconsider
- 2008-258-FB Resolution in Opposition of Placing Sustainable Salmon Fisheries Policy in Statute
- 2008-254-FB Resolution in Opposition of Placing Sustainable Salmon Fisheries Policy in Statute
- 2006-250-FB Delegation of Authority to Correct Errors or Omissions in Regulations [Replaces 99-192-FB]
- 2003-227-FB Recommendations Panel for Sustainable Salmon Fisheries Policy and Escapement Goal Policy
- 2003-222-FB Use of Test Fish Funds for New Herring Fisheries
- 2002-220-FB MOA with ADF&G and Sitka Tribe re: Herring
- 2000-203-FB Policy on Emergency Petition Process
- 2000-200-FB Procedures for Board of Fisheries Meeting Committees
- 2000-199-FB Alaska Board of Fisheries Committee Policy Statement
- 99-184-FB Policy on Development of Findings
- 93-145-FB Findings on Policy for Mixed Stock Salmon Fisheries
- 91-129-FB Allocation Criteria [Previously 91-03-FB]
- 91-128-FB Alaska Board of Fisheries Standing Rule [Previously 91-02-FB]

### **COOK INLET KING SALMON FINDINGS**

- 2011-266-FB Findings regarding regulatory action taken to address salmon stocks of concern in the Upper Cook Inlet
- 2008-259-FB Finding on Upper Cook Inlet Salmon Management Plan
- 99-191-FB Upper Cook Inlet
- 93-141-FB Findings Regarding Upper Cook Inlet District Set Gillnet Registration
- 85-113-FB Cook Inlet Northern District June Chinook Fishery
- 84-106-FB Letter of Intent – July 1 Opening for Cook Inlet East Side Set Net Fishery
- 81-88-FB Late Kenai River King Salmon Management Plan (see also 81-95-FB, 81-91-FB, 81-90-FB, 79-50-FB, 78-42-FB, 77-27-FB)
- 77-27-FB Upper Cook Inlet Management Policy (see also 81-95-FB, 81-91-FB, 81-88-FB, 79-50-FB, 78-42-FB)
- 75-6-FB Management Policy for Sport King Salmon Fishery in the Kenai River

*~DRAFT~*

**ALASKA BOARD OF FISHERIES**

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide Alaska Board of Fisheries (board) members when deliberating on whether or not to develop a board-generated proposal. The board will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, allocation concerns, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for escapement objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Approved: January 20, 2013  
Vote: 6-0  
Anchorage, Alaska

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Karl Johnstone, Chairman  
Alaska Board of Fisheries

**ALASKA BOARD OF FISHERIES****OPERATING PROCEDURES  
POLICY FOR WRITTEN PUBLIC COMMENT**

Any person may comment on the regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written public comments limited to no more than 100 single sided or 50 double sided pages to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094, so that the comments are received as a public comment (PC) no later than two weeks prior to the meeting during which the topic will be considered. Prior to the public comment deadline or unless otherwise specified for a particular meeting in a published notice, written public comments over 100 single sided or 50 double sided pages in length from any one individual or group relating to proposals at any one meeting will not be accepted.

Written public comments limited to 10 single sided or 5 double sided pages in length from any one individual or group will be accepted after the two-week deadline as a record copy (RC), but will not be inserted in board member workbooks until the beginning of the meeting, and will only be accepted until the Board begins deliberation of proposals.

**NEW PUBLIC COMMENT STANDARD:** Once deliberation of proposals begin at a board meeting, the board will **ONLY** accept written public comments that are not more than five single-sided pages, or the equivalent double-sided pages, unless specific information is requested by the Board that requires more pages than allowed under this standard.

During the meeting written public comments from any one individual or group may be submitted by hand delivery at any time if 25 copies are provided; but, as a practical matter comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Adopted: October 10, 2012  
Vote: 4-3  
Anchorage, Alaska

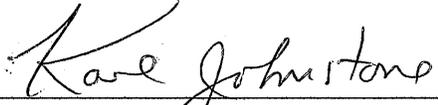
  
Karl Johnstone, Chairman  
Alaska Board of Fisheries

**ALASKA BOARD OF FISHERIES**

OPERATING PROCEDURES  
MOTION TO RECONSIDER

1. Only a board member who voted on the prevailing side of the original issue can move to reconsider a vote.
2. 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.
3. A board member who wishes to reconsider any vote must provide written notice to the chairman or notice on the record of his or her intent to move for reconsideration no later than 24 hours after the vote on the issue that reconsideration is requested. Failure to provide timely notice, either in writing or on the record, will preclude any member from moving to reconsider an earlier vote.
4. After receiving timely notice from a board member of his or her desire to reconsider a previous vote, the chair shall set a time and date to hear the motion to reconsider.

Adopted: October 10, 2012  
Vote: 5-2  
Anchorage, Alaska

  
Karl Johnstone, Chairman  
Alaska Board of Fisheries

**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

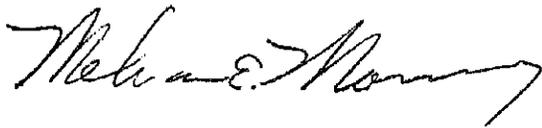
WHEREAS, such codification of Board of Game policies has resulted in an exponential increase in filed lawsuits, and

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



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Mel Morris, Chair  
Alaska Board of Fisheries

Vote: 6 in favor, 0 opposed, 1 absent

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

**2008-254-FB**

WHEREAS, House Bill 189 (Management of Sustainable Salmon Fisheries) would place in statute a policy of the Alaska Board of Fisheries (5 AAC 39.222) placed in regulation, and

WHEREAS, this policy took over four years to properly and fully develop, and

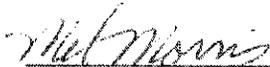
WHEREAS, all interested and affected stakeholders actively participated in formulating the final wording, and

WHEREAS, since its passage, the Policy for the Management of Sustainable Salmon Fisheries has been actively and successfully used in helping to guide decisions of the Board of Fisheries, and

WHEREAS, as changes in usage may identify minor improvements to the language,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is adamantly opposed to House Bill 189 and to any effort to reduce, constrain or otherwise handcuff the ability of the Alaska Board of Fisheries and the Department of Fish and Game to make free, intelligent and wise decisions based on the best available current information.

ADOPTED this 12<sup>th</sup> day of January, 2008



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Mel Morris, Chair  
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

**ALASKA BOARD OF FISHERIES  
DELEGATION OF AUTHORITY TO  
CORRECT ERRORS OR OMISSIONS IN REGULATIONS AND TO  
REFORMAT AND RENAME CHAPTERS WITHIN ALASKA ADMINISTRATIVE  
CODE**

**2006-250-FB**  
(Replaces Finding 99-192-FB)

The Board of Fisheries ("board") makes the following findings:

1. The board characteristically adopts numerous regulations during the course of any year.
2. Many of the regulations adopted by the board are highly complex and interrelated with other regulations already in effect.
3. In view of the volume of regulatory proposals considered by the board at each meeting, it is impossible to prevent occasional ambiguities, inconsistencies, errors or omissions, or other technical shortcomings in regulations adopted by the board. Such deficiencies in regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented or result in other consequences not desired by the board. Technical deficiencies may include some or all of the following items; formatting problems; typographical errors or inadvertent errors made during publication; conflicting regulations; lack of definition of terms and modification of terminology to reflect changes in technology.
4. As a result of the volume of regulations considered by the Board and the compressed timeline for getting regulations into place, errors or omissions, such as incorrect phrasing of Board conceptual regulatory language and failure to fully capture all amendments to a proposal in final regulatory language, do happen in the course of regulatory writing during a board cycle, and the board recognizes the need to correct such problems to make the regulations consistent with board's original intent.
5. It is impractical, unnecessary, and contrary to the public interest to initiate action by the full board to correct such errors or omissions, or address reformatting and renaming chapters within the Alaska Administrative code.
6. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies and errors and omissions in the regulations as a result of daily administration of Title 16 of the Alaska Statutes and Title 5 AAC regulations adopted by the board.

THEREFORE THE BOARD RESOLVES that in hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.258 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:

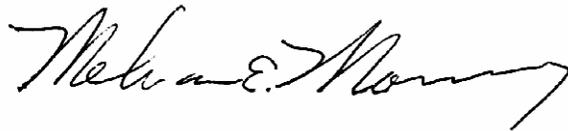
A. The commissioner may adopt, in accordance with the Administrative procedure Act (AS 44.62), permanent or emergency regulations, designated to eliminate inconsistencies, ambiguities, errors or omissions, or other technical deficiencies in existing regulations of the board.

B. The commissioner may reopen board regulatory projects after filing of the original regulations, and may sign a new adoption order reflecting the board's adoption of the regulations, within the current or previous board cycle, when through administrative error, the regulations are not correctly reflected in the administrative code. The commissioner may make such corrections in the regulations so long as they continue to be consistent with the board's original intent, as explained in the record of the board's proceedings.

C. All regulatory changes adopted by the commissioner under this delegation must be consistent with the expressions of the board's intent at the time it adopted the regulation to be corrected. Regulatory amendments that would result in a significant, substantive amendment or addition to existing board regulations that are not clearly manifest in the board's record, may not be adopted by the commissioner under the authority of this delegation and will require a separate delegation or direct board action.

D. This resolution replaces Finding 99-192-FB.

E. This delegation of authority shall remain in effect until revoked by the board.



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Mel Morris, Chairman  
Alaska Board of Fisheries

Adopted: 12/13/2006  
Dillingham, AK

VOTE: 6-0-1 (Andrews absent)

**ALASKA BOARD OF FISHERIES**  
**Charge to Recommendations Panel**  
**and**  
**Sustainable Salmon Fisheries Committee**

November 16, 2003  
#2003 – 227 - FB

**APPOINTMENT OF RECOMMENDATIONS PANEL**

The chairman hereby appoints a Recommendations Panel that will be composed of Mr. John Jensen (chair), Dr. Fred Bouse, Mr. Art Nelson, Dr. John White, Mr. Larry Engel, Mr. Dan Coffey, Director Kelly Hepler, and Director Doug Mecum. Directors Hepler and Mecum will be supported by any staff they deem necessary and appropriate to the work of the panel.

**PURPOSE OF RECOMMENDATIONS PANEL**

This panel will review and organize information relative to concerns expressed by public panel members of Committee A during committee discussion of proposals 2 and 3 at the November 12-16, 2003 meeting of the board. Subsequent discussions of other proposals (4, 5, and B) are not germane to the panel's work.

This panel will use the assembled information as a basis to redraft proposed changes and to recommend amendments to the sustainable salmon fisheries policy as per issues identified relative to proposals 2 and 3 by committee A. The chair of the board hopes that a consensus product will result from this panel's efforts. In the absence of consensus, the minority shall file its own report on any nonconsensus issue.

**USE OF PANEL'S WORK PRODUCT**

The panel's work product shall be made available for release to the public by January 31, 2004. The members of the original public panel of Committee A will then meet during the board's February 2004 meeting in Anchorage to consider changes recommended by the panel and to make final recommendations to the full board by the end of that meeting.

**FISCAL CONSIDERATIONS**

Efforts by the recommendations panel and by public panel members of Committee A in this matter will be self-supporting.

Adopted: November 16, 2003  
Anchorage, Alaska

Vote: 7 - 0

  
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Ed Dersham, Chair

**ALASKA BOARD OF FISHERIES**  
**FINDING ON USE OF REVENUE FROM TEST FISHERIES TO FUND NEW HERRING**  
**FISHERIES**  
**#2003—222—FB**

**BACKGROUND:** During its January 2003 meeting in Sitka on Southeast/Yakutat finfish regulatory proposals, the Board of Fisheries adopted several proposals that established new commercial herring fishing opportunities. In adopting these new fisheries, the board recognized that managing new fisheries placed new responsibilities on the Department of Fish and Game that requires additional funding and staff effort.

The board expected that no additional state general funds will be appropriated by the state legislature to pay the costs of managing these new fisheries. In light of this probability, the board expected the department to utilize its test fish authority to generate sufficient funds to cover the costs for managing these new fisheries. The board considers sound management a prerequisite to opening new fisheries and supports generating revenue from the harvestable surplus, consistent with the Division of Commercial Fisheries' test fish policy, to pay the costs of fisheries management.

The board understands this will reduce the amount of herring available for the commercial fishery. Representatives of the commercial herring fishing industry in attendance at the Sitka meeting unanimously supported the use of test fish revenues to pay for this new fishery.

**TEST FISH POLICY:** The Division of Commercial Fisheries Test Fish Policy states that "if it is necessary to harvest and sell fish specifically for the purpose of generating revenue necessary to pay for all, or part of, the projects costs, the director of commercial fisheries will review the project to determine if it 1) is important to the sustained yield management of the resource, 2) has substantial public support, and 3) there is no other practical means of funding the project."

The need for and objectives of the project must be explained to the public and their support measured using existing structures such as local fish and game advisory committees and industry organizations through public meetings, surveys, or other similar means. Results of the public meetings and surveys will be presented to the director who will approve or disapprove the program.

The department will operate the projects and manage the revenue generated in the most efficient manner possible. The department will also attempt to receive the highest possible value for the fish or shellfish sold. The policy also stipulates that if there is substantial industry opposition to a test fish fund expenditure, the department will bring the issue before the Board of Fisheries for discussion.

**FINDING:** The Board of Fisheries finds that the use of test fish revenues to develop the new commercial herring fisheries authorized in January of 2003 is consistent with the Department of Fish and Game, Division of Commercial Fisheries Test Fish Policy and is necessary for sound management of these new fisheries.

Adopted: February 28, 2003  
Ketchikan, AK

  
Ed Dersham, Chair

Vote: 6 - 0 - 1  
(Jensen absent)

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

# 2003-220-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 supercede 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 MANAGEMENT OF THE GREATER SITKA SOUND COMMERCIAL 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 HARVEST 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.

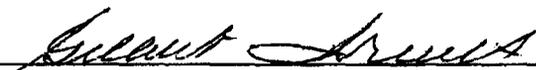
**IV. EFFECTIVE DATE AND REVISIONS**

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  
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.

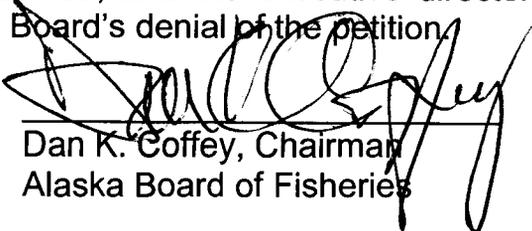
If the Board is not in session and is not scheduled to meet within 30 days of receipt of an emergency petition, the executive director will transmit to each Board member a copy of the petition, a cover memo in the form attached to this policy, and any information furnished by the Alaska Department of 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

VOTE: 7 - 0

  
\_\_\_\_\_  
Dan K. Coffey, Chairman  
Alaska Board of Fisheries

## PROCEDURES FOR BOARD OF FISHERIES MEETING COMMITTEES

#2000-200-FB

### INTRODUCTION

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

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

### DESCRIPTION OF THE COMMITTEE PROCESS

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

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

## COMMITTEE PROCEDURES DURING REGULATORY MEETINGS

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

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

during the course of the meeting.

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

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

4. At the conclusion of public testimony, the chair of the respective committees will develop a preliminary list of public panel participants. The goal of the selection process will be to insure, as far as practicable, that there is appropriate and balanced representation of fishery interests on all committees. Tentative assignments will be reviewed by the Board as a whole and then posted for public review. After public review the Board Chair, in session on the record, will ask the public for concurrence or objections to the panel membership. Reasonable adjustments to membership on public panels will be accommodated.

5. Parliamentary procedures for committee work will follow the "New England Town Meeting" style. Public panel participants, upon being recognized by the committee chair, may provide comments, ask questions of other public panel members, ADF&G staff or the committee members or may otherwise discuss the issues assigned to a committee. Committee chairs will attempt to manage meetings in a manner that encourages exchange of ideas, solutions to complex issues and resolution of misunderstandings. Participants are required to engage in reasonable and courteous dialogue between themselves, Board committee members and with ADF&G staff. Committee meetings are intended to provide opportunities for additional information gathering and sometimes for dispute resolution. Committees are not a forum for emotional debate nor a platform for repeating information already received through public testimony and the written record. Department staff will be assigned to each committee to keep notes of discussions and consensuses reached, if any.

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

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

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

6. Advisory Committee representatives serving on public panels are not constrained to merely presenting the official positions of their Advisory Committee (as is required while providing public testimony). When participating in the committee process, Advisory Committee representatives may express both the official positions of their committee as well as their personal views on issues not acted upon or discussed by their Advisory Committee. They must, however, identify which of the two positions they are stating. The Board recognizes Advisory Committee representatives as knowledgeable fisheries leaders who have a sense of their community's position on issues that come before the Board. Therefore, the Board believes that Advisory Committee representatives must be able to function freely during committee meetings.

7. After a committee has completed its work with its public panel, the committee chair will prepare a report with assistance from other members of the committee and department staff. The format of this report, which becomes part of the public record, is attached to this policy. The primary purpose of a committee report is to inform the full Board of the committee work in synopsis form. The report will additionally serve as a compilation index to Advisory Committee, public and staff written materials (record copies, public comments and staff reports) relative to the proposals assigned to the respective committees. Committee reports will be clear, concise, and in all cases, will attempt to emphasize "new information" that became available during the committee process, i.e., information that had not previously been presented to the full Board in oral or written form.

A) In order to provide focus, committee reports should include recommendations relative to most proposals.

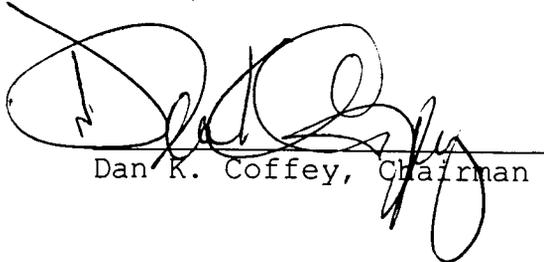
B) If a committee has developed a proposal to replace or modify an existing proposal, the substitute proposal should be prepared and attached the to

committee report.

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

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

Vote: 6-0-1  
(Miller absent)

  
Dan K. Coffey, Chairman

**ALASKA BOARD OF FISHERIES**  
**POLICY STATEMENT**

**Policy for Formation and Role of Committees at Board Meetings**

#2000-199-FB

**INTRODUCTION**

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

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

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

**DISCUSSION**

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

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

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

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

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

The Board now finds as follows:

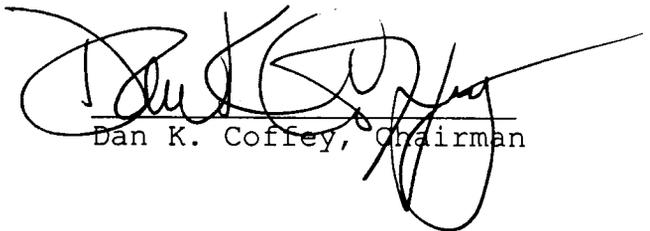
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

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

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

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

\_\_\_\_\_  
Vote  
(Miller Absent)

  
\_\_\_\_\_  
Dan K. Coffey, Chairman

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

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

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

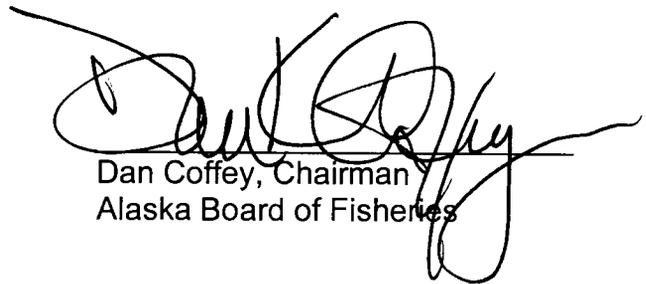
1. The Board will provide written explanations of the reasons for its decisions concerning management of crab fisheries that are governed by the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs as required by that plan.
2. The Board will, in its discretion and in consultation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

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

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

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

ADOPTED: 10/27, 1999  
Fairbanks, Alaska



Dan Coffey, Chairman  
Alaska Board of Fisheries

VOTE: 7/0

(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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section by Section Findings:

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

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

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

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

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

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

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

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

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

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

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

  
\_\_\_\_\_  
Tom Elias, Chair  
Alaska Board of Fisheries

## ALASKA BOARD OF FISHERIES

## ALLOCATION CRITERIA

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

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

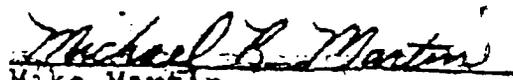
- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative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

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

Adopted: November 23, 1991

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

Location: Anchorage International Airport Inn

  
Mike Martin  
Chair  
Alaska Board of Fisheries

**ALASKA BOARD OF FISHERIES****ALLOCATION CRITERIA**

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Adopted: November 23, 1991

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

Location: Anchorage International Airport Inn



Mike Martin, Chairman  
Alaska Board of Fisheries

## ALASKA BOARD OF FISHERIES STANDING RULES

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

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

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

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

- 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

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Mike Martin, Chairman  
Alaska Board of Fisheries

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**ALASKA BOARD OF FISHERIES**  
**Findings regarding regulatory action taken to address salmon**  
**stocks of concern in the Upper Cook Inlet Area**

**2011-266-FB**  
**March 26, 2011**

During its October 13–14, 2010 Alaska Board of Fisheries (board) work session, the board heard reports from the Alaska Department of Fish and Game (department) on escapement goals set by the department for Cook Inlet salmon fisheries. The board also heard department recommendations on Stock of Concern status and concurred with them.

Susitna River Sockeye Salmon: Yield Concern (established 2008)  
Chuitna River King Salmon: Management Concern (established 2011)  
Theodore River King Salmon: Management Concern (established 2011)  
Lewis River King Salmon: Management Concern (established 2011)  
Willow and Goose Creeks King Salmon: Yield Concern (established 2011)  
Alexander Creek King Salmon: Management Concern (established 2011)

The department developed action plans for each of these stocks for public and board review for the February 22–March 5, 2011 Upper Cook Inlet Finfish meeting held in Anchorage, consistent with the board's *Policy for Management of Sustainable Salmon Fisheries* (5 AAC 39.222).

The department developed action plans, identifying management and research activities that could be implemented in response to the various stocks of concern that had been identified. Also included were a number of regulatory options for the board's consideration for conservation purposes. Following a review of these options, and after taking public comment, the board took four specific measures to address the management and yield concerns identified by the department. The purpose of this board finding is to identify those specific regulatory actions taken to address the stock of concern issues raised with the understanding that future board action(s) could be taken when the stock of concern levels abated. The following regulatory actions were taken during the February 22–March 5, 2011 meeting.

**Susitna River Sockeye Salmon (Yield Concern)**

The board specified in the *Central District Gillnet Fishery Management Plan* (5 AAC 21.353) that from July 9–15, fishing during the first regular period is restricted to the expanded Kenai and expanded Kasilof sections. Previously, fishing during this time frame was restricted to the regular Kenai and Kasilof sections and Drift Gillnet Area 1. The board specified that additional fishing time between the first restricted period and the second regular period during this time frame may be allowed in the expanded and/or the current Kenai and expanded Kasilof sections. The board also added a limitation that fishing during the second regular fishing period is restricted to the Kenai and Kasilof sections and Drift Gillnet Area 1. The board adopted these measures to allow the passage of more sockeye salmon to the northern portions of Cook Inlet.

**Chuitna River King (Management Concern)**

**Theodore River King (Management Concern)**

**Lewis River King (Management Concern)**

The board increased closed specific commercial fishing areas described in the *Northern District King Salmon Management Plan* (5 AAC 21.366) to fishing for king salmon if sport fishing for king salmon in the Chuitna River is closed. The increased areas closed from the Wood Chip Dock (61° 2.559' N, 151° 14.356' W) north to the Susitna River. The board also prescribed sport fishing closures for the taking of king salmon in the Chuitna, Lewis, Beluga, and Theodore River drainages, including closures to catch and release. The board adopted these measures to allow the passage of more king salmon to spawning locations.

**Willow and Goose Creeks King Salmon (Yield Concern)**

The board removed from 5 AAC 61.114 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 2 of the Susitna River Drainage Area*) the final weekend from streams in Unit 2 of the Susitna River drainage area for fishing. The board also specified that in waters open to sport fishing for king salmon in Unit 2, that from May 15 to July 13 sport fishing for any finfish species is closed from 11:00 p.m. to 6:00 a.m. Additionally, in the Goose Creek drainage, sport fishing was closed for king salmon, and upstream of the Parks Highway only one unbaited, single-hook artificial lure may be used. (Note: this was already in regulation and the board just acknowledged it. The regulatory language written regarding gear above the highway was necessary because Goose Creek had to get pulled out of a combined section and inserted as a stand-alone.) The board adopted these measures to allow the passage of more king salmon to spawning locations.

**Alexander Creek King Salmon (Management Concern)**

The board removed size and bag limits on northern pike taken from Alexander Lake as specified in 5 AAC 61.112 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area*) and allowed the use of spear and bow and arrow for northern pike on Alexander Lake as specified in 5 AAC 61.110 (*General provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Susitna River Drainage Area*). The board also removed restrictions on the disposal of pike caught in the Susitna River drainage (Chapter 61) and the West Cook Inlet Area (Chapter 62), except that it did specify that pike caught may not be released alive back into the water. The board adopted these measures in hope of reducing overall number of pike feeding on king salmon smolt.

ADOPTED this 26th day of March, 2011



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Vince Webster, Chair  
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

**ALASKA BOARD OF FISHERIES**  
Finding on Upper Cook Inlet Salmon Management Plan

**2008-259-FB**

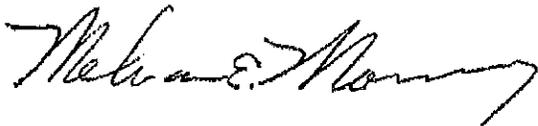
At its 12 day February 2008 Upper Cook Inlet Finfish meeting the Board of Fisheries considered numerous changes to the Upper Cook Inlet Salmon Management Plan. The Board heard public testimony, considered written public comments submitted before and during the meeting, considered reports of committee meetings where public panels presented additional information to the committees, and considered the application of the Board's Sustainable Salmon Management Policy, 5 AAC 39.222, to current and proposed regulations for Upper Cook Inlet Salmon fisheries. The Board adopted a number of revisions to subplans but determined that only minor adjustments were needed in the umbrella Upper Cook Inlet Management Plan which applies to all plans.

In the "umbrella plan" the Board determined that some additional guidance to the department was needed regarding the prioritization of conflicting plan goals and objectives, and that achievement of established escapement goals should be the primary management objective. The Board felt that it was important to avoid undue restrictions on the Department's discretion in order to allow the Department to attempt to meet management objectives. The Board recognizes the importance that management windows have to sport and personal use fisheries, and that the Department will adhere to its management plans, including the use of windows in most circumstances, however it realizes that the management plans contain conflicting objectives and prescriptions, and that flexibility is needed to allow the Department to balance these factors as well as to respond to in season variables that cannot be fully anticipated by the Board. Therefore the Board renewed its prior determination that nothing in the plans is intended to limit the Commissioner's emergency order authority under AS 16.05.060.

It is the Board's understanding that in attempting to meet its primary management objectives, the Department will manage for the appropriate inriver escapement goals first and attempt to distribute the escapements over time as appropriate.

Where departures from commercial fishing plans are necessary to attempt stay within escapement goal ranges, it is the Board's understanding that the Department will generally try to stay as close as practicable to plan guidelines, first attempting to use additional emergency order hours; second using reductions or elimination of discretionary closures, and finally, if appropriate and other measures are inadequate, reducing or eliminating prescriptive closures. However, nothing in the umbrella or individual plans or this finding is intended to limit the department to these options, to require the use of these options, or to limit the order of application of options.

ADOPTED this 8th day of March, 2008

A handwritten signature in black ink, appearing to read "Mel Morris", written over a horizontal line.

Mel Morris, Chair  
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

**ALASKA BOARD OF FISHERIES**  
**FINDINGS ON UPPER COOK INLET**  
**99 - 191 - FB**

After meeting for two (2) days in Wasilla and for eighteen (18) days in Soldotna on Upper Cook Inlet Salmon fisheries, hearing staff reports, taking public testimony, working with the public and the advisory committee representatives in the committee process and deliberating extensively, the Board of Fisheries makes the following findings:

1) The Upper Cook Inlet salmon fisheries are complex, mixed stock, mixed species, salmon fisheries involving many divergent users. While the department has some detailed information about the abundance of some salmon stocks and species (e.g. late run Kenai River sockeye, early and late run Kenai River kings), there are many species and stocks about which the Department and, as a result, the Board, are totally lacking good, reliable, long term information upon which to base management decisions except in the grossest of terms (e.g. Northern District sockeye, all chum, all pink and most coho salmon). This lack of information and the overlapping spacial and temporal locations of the various mixed stocks and mixed species of salmon, as well as substantial differences in salmon stock abundance and salmon species abundance and in the productivity of these stocks and species, create substantial and significant management difficulties for both the

Board and the Staff of the Alaska Department of Fish and Game.

2) The fisheries in Upper Cook Inlet have been managed under various plans. The Upper Cook Inlet Salmon Management Plan (hereinafter "Plan") is the oldest. This Plan is frequently referred to by the Board and the staff of the Department as the "Umbrella Plan." Various other managements plans have been adopted by the Board for specific stocks and species and specific drainages. These various plans are frequently referred to by the Board and the staff, collectively, as the "Step Down Plans."

3) Over the past 20 years, since the adoption of the first Upper Cook Inlet Salmon Management Plan, there has been a substantial and significant change in the composition of the Cook Inlet stakeholders and their demands on the salmon resources. There have also been substantial and significant changes in the salmon abundance in Upper Cook Inlet. There is currently a wide diversity of stakeholders (subsistence, commercial, sport, guided sport and personal use fishers) whose interests in and demands on the salmon resources regularly bring them into allocation conflicts. These often contentious allocation disputes between Upper Cook Inlet stakeholders further complicate management of the salmon resources.

4) It is impossible to manage mixed stock, mixed species, salmon fisheries for Maximum Sustained Yield (MSY) on all salmon stocks and all salmon species in circumstances where the composition, abundance and productivity of the salmon stocks and

species in those fisheries is both unknown and varies substantially from salmon stock to salmon stock and salmon species to salmon species. A corollary of this fact is that managing a strong/dominant salmon stock on the basis of maximum sustained yield in a mixed stock, mixed species salmon fishery, can result in the overharvest of the weak/non-dominant salmon stocks and salmon species. The Board finds that this potential exists given the previous management practices of the past 20 years.

### **DISCUSSION**

The primary constitutional and statutory responsibility of the Board of Fisheries is to conserve the salmon resources of the state for the maximum benefit of the people of Alaska. Secondly, the Board is charged with the responsibility to develop the fisheries of the state for the same purpose. In order to balance these conflicting responsibilities in the context of Cook Inlet, the Board of Fisheries has developed an Upper Cook Inlet Salmon Management Plan and several (16) drainage and/or stock specific management plans.

The Upper Cook Inlet Salmon Management Plan (hereinafter "Plan") was first adopted in 1978. Its predecessor was contained in a management policy, but this practice failed to meet the requirement that long established management practices should be adopted as regulations. The Plan has been amended several times over the past 20 years.

The precautionary principle is defined simply as "[I]f you don't know, act cautiously." This is consistent with other Board actions in other fisheries where those who seek to benefit from the public resources of the State of Alaska are required to demonstrate that they will do no long-term harm to those resources. This concept is intended to prevent harvest of a fishery resource absent a determination by the Department or the Board that a harm would result to the resource from such harvest. It is the intent of the Board that the burden of showing the absence of harm to the fisheries resources be clearly and unequivocally on the shoulders of the person seeking to obtain private benefits from a public resource.

Once the Board completed its work on the Upper Cook Inlet Salmon Management Plan, it then addressed various "Step Down" plans for specific fisheries. Its decisions with regard to those plans are documented in the specific regulatory actions taken by the Board. Generally, however, the Board attempted to first insure the conservation of the resources and subsequently allocate the harvest of the resources in a manner consistent with the goal of maximizing the benefit to all Alaskans.

DATED: 10/29/99  
Fairbanks, Alaska

  
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Dan Coffey, Chairman  
Alaska Board of Fisheries

VOTE: 7-0

## FINDINGS OF THE ALASKA BOARD OF FISHERIES

Regarding Upper Cook Inlet

District Set Gillnet Registration

(Previously Finding #93-03-FB)

During the Alaska Board of Fisheries public meeting held in Anchorage on November 8-20, 1992, the board considered department reports, oral and written public testimony, advisory committee reports, and deliberated and took action on a number of proposals to address conservation, development and allocation concerns of Upper Cook Inlet salmon stocks. Action on proposal 363 specifically dealt with conservation and development (allocation) concerns of salmon stocks in the Northern District of Cook Inlet. The action taken on proposal 363 incorporates the information provided by department staff, public comment, advisory board comment, and board deliberations on previous proposals dealing with similar issues in Cook Inlet.

To address the conservation and allocation concerns, the board adopted regulations that divide Cook Inlet into three registration areas; Northern District, Eastern Subdistrict of the Central District, and the remainder of Cook Inlet. Cook Inlet set gillnetters are required to choose only one of the three areas in which to fish in any one year. The board believes that these yearly exclusive registration regulations are necessary to serve the orderly conservation and development goals and stabilize the fisheries. In support of the regulations the board finds:

(Page 1 of 7)

## I. CONSERVATION CONCERNS

The Board of Fisheries finds that there are conservation concerns regarding:

- 1) Yetna River sockeye salmon, which in five of the last seven years have not reached their escapement goal range of 100,000 to 150,000 fish.
- 2) Knik Arm coho salmon, which the Department post-season stream surveys indicate escapement levels to be far below observed levels of previous years which were considered normal.
- 3) Theodore, Lewis and Chuit River chinook salmon, which the Department stream surveys both in-season and post-season indicate escapement levels below average and far below observed levels of prior years.

These conservation concerns were repeatedly addressed throughout the Upper Cook Inlet portion of the meeting by Department staff, Advisory Committees, and oral and written public testimony.

The board has concerns that the projected poor sockeye returns to the Kenai River system in 1994 and 1995 will result in increased movement of setnetters and further impact these stressed stocks.

## II. ACTIONS TAKEN TO PROTECT COOK INLET SALMON STOCKS

Some of the actions taken at this meeting to further protect salmon stocks in Cook Inlet are summarized as follows:

The Upper Cook Inlet Management Plan was modified to minimize Northern District king salmon harvest and coho salmon harvest after August 15. The Big River Sockeye Salmon Management Plan was reviewed by a committee comprised of Department staff and members of the public and the board further restricted harvest as recommended by the committee. Fishing time was reduced for Kalgin Island Subdistrict sockeye fishery. Restrictions were placed on the drift gillnet fishery after August 15 to protect Kenai River coho salmon. The board reduced salmon bag and possession limits and created a yearly limit of five king salmon in Northern District streams as well as restricting the use of bait in the sport fishery.

## III. MANAGEMENT ACTIONS ADDRESSED FOR PROTECTING NORTHERN DISTRICT STOCKS.

1) During the meeting the Department staff reported the current management actions that it takes to minimize the catch of Northern District salmon stocks as they move through Cook Inlet. Time and area closures primarily to the drift gillnet fleet were utilized to the extent possible to minimize effort at the time and in the areas when and where Northern District salmon stocks are known to exist.

2) The difficulty of managing Cook Inlet salmon stocks as a whole while attempting to manage individual systems within Cook Inlet was explained. While certain Northern District stocks are being managed to reach minimum escapement goals, other Cook Inlet stocks are being managed to prevent overescapement. The staff explained the decision process and the effects of management decisions as they apply individually to each respective system, and to Cook Inlet as a whole.

3) It was further explained that the projected poor returns of sockeye salmon to the Kenai River for 1994 and 1995 based on weak smolt outmigration will likely result in increased mobile setnetting by Cook Inlet setnetters to target salmon stocks at peak fishing periods in areas of Cook Inlet.

4) In order to address the conservation concerns of the specific salmon stocks in the Northern District and to provide for a more orderly fishery to occur and to prevent movement of setnetters from the Eastside and Westside fisheries to move to the Northern District after they have already fished other districts, the board created three registration areas and restricted setnetters to fishing only one of the areas in any one year. Setnetters may choose the area they wish to fish each year. Once they land fish in one Cook Inlet registration area, they may not setnet in either of the other two Cook Inlet registration areas in the same year. The regulation does not prevent movement within the registration area chosen.

5) Without exclusive registration areas in Cook Inlet, the amount of effort on stocks in the

Northern District will increase during years of poor returns to other areas of Cook Inlet. The board considered that because of projected poor sockeye returns to the Kenai River during 1994 and 1995, more setnetters might choose to fish in the Northern District than would when returns to other Cook Inlet systems are at recent higher than normal levels. The registration areas will eliminate setnetter from fishing the lower beaches and then moving to fish the Northern District beaches during the same year. This will stabilize the setnet fishery in Cook Inlet.

6) The board considered the allocation criteria and found as follows:

#1. The set gillnet fisheries in all areas of Cook Inlet historically did not move from site to site. Movement of setnetters in-season is a relatively recent occurrence. The movement tends to follow fish migration and timing from Lower Cook Inlet to the Northern District. The area registration regulations will stabilize the fishery, minimize gear conflict at certain historical fishing sites and will allow management decisions to be made based on more stable participation and reflect the historic prosecution of the fishery.

#2. The setnet fisheries in all areas of Cook Inlet are beneficial to the setnetters who use them and to the economy of the area. The board did not find the characteristics of the setnetters in any area of Cook Inlet to be significantly different from any others. The exclusive registration area regulation will not effect the economic value of the fisheries or the character of users.

#3. None of the setnet areas is more important than others to providing residents opportunity for personal consumption. The registration areas will not affect this opportunity, especially with personal use and sport fishing opportunities available in Cook Inlet.

#4. Alternative fisheries have been available to all setnetters equally in that they all have had the choice to stay in one district or to move to others. Those setnetters who have recently moved from site to site have availed themselves of more alternative resources than those who have used only one area during a season. The registration area regulation will not prevent setnetters from accessing alternative resources within the registration area they choose in any particular year. It will also have no affect on any other commercial gear type.

#5. All setnet fisheries in Cook Inlet have equal importance to the economy of the state. The board's action is not expected to have any negative affect on the economic value of the fisheries.

#6. The ability to fish more than one area in a season gives a competitive advantage to those setnetter who move, and against those who historically do not move in-season. The board's action should stabilize the fishery and equalize the advantage throughout the fishery.

#7. The board's action will have no affect on recreational opportunities.

V. BOUNDARIES OF EXCLUSIVE REGISTRATION DISTRICTS (attached)

VI. REGULATION (attached)



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Tom Elias, Chairman  
Alaska Board of Fisheries

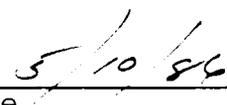
Approved: Anchorage, Alaska - February 9, 1993  
Vote: 6-0-1 absent

Alaska Board of Fisheries  
Policy Regarding  
Cook Inlet Northern District  
June Chinook Fishery

Because there appear to be available chinook surpluses for harvest, it is the Board of Fisheries intention to open the Cook Inlet Northern District commercial set net fishery. This is considered to be a very limited June chinook fishery, and strict time and gear limitations have been imposed.

It is not the Board's intention to circumvent the Upper Cook Inlet Salmon Plan. That management plan provides priority to sport fishing during the month of June. If there is no harvestable chinook population identified beyond the sport fishery requirements, the Northern District commercial set net fishery will be closed.

  
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Ron Jolin, Chairman  
Alaska Board of Fisheries

  
\_\_\_\_\_  
Date

LETTER OF INTENT --  
JULY 1 OPENING FOR COOK INLET EAST SIDE SET NET FISHERY

The Board of Fisheries has established the opening date for the Central District east side set net fishery based on the following considerations:

1. The present status of stocks bound for the Kenai and Kasilof systems.
2. The requirements of the Upper Cook Inlet Salmon Management Plan, including the primary commercial utilization of sockeye salmon stocks bound for Upper Cook Inlet systems from July 1 to August 15.

The opening date recognizes the importance of the late Kenai king salmon to the sport and commercial guide fisheries by allowing a certain degree of escapement to the Kenai River prior to commercial harvest by the east side set net fishery. The board also recognizes that a certain unknown portion of the kings taken in July are not late Kenai king salmon.

The opening date established allows a modest sacrifice of commercially harvested sockeye to provide for a modest escapement of late Kenai kings under the present stock conditions. The board will consider changes in the opening date when stock conditions warrant it, including specifically:

1. a significant increase or reduction in the high seas interception of Upper Cook Inlet king salmon; or
2. a significant increase or reduction in sockeye salmon available for harvest by the east side set net fishery.

Increases in chinook salmon stocks available in Cook Inlet during the period from July 1 to August 15 shall be shared by all user groups.

Date: 2/1/85

Ron Jolin  
Ron Jolin, Chairman  
Alaska Board of Fisheries

Enclosure

ALASKA BOARD OF FISHERIES

#81-88-FB

Late Kenai River King Salmon  
Management Plan

Page 1 of 2  
#77-27-FB,  
#78-42-FB,  
#79-50-FB,  
#81-90-FB,  
#81-91-FB,  
#81-95-FB  
See also

Goal:

The goal of this plan is to insure a sustained yield by achieving an adequate spawning escapement of late run king salmon through the subsistence, commercial and sport fisheries and into spawning areas of the Kenai River Drainage.

Findings of Fact:

The guidelines in this plan for managing the sport fishery on late run Kenai River king salmon are based on the following findings of fact:

- (a) The numerical size of the late Kenai River run has not been accurately defined because of the glacial characteristics of the Kenai River and the unreliability of sonar estimates for king salmon. Consequently, the necessary spawning escapement goal is not known. However, historical commercial catch data indicates a run of limited size that could be damaged by increased harvests.
- (b) Since the mid 1970's commercial catches and catch rates have increased as follows: Prior to the mid 1970's the eastside set net fishery caught an average of 4,300 late run kings at an average rate of 12.9 kings per fishing hour. Since the mid 1970's catches have increased to an average of 7,100 late run kings at a catch rate of 31.5 kings per fishing hour.
- (c) In addition to the ongoing commercial set net fishery, an intense sport fishery exists. This fishery, with 60,000 man-days of effort, now harvests an average of 4,200 late run king salmon. The intensity of this fishery is expected to continue to increase because of the special attraction of king salmon to sports fishermen.
- (d) The combined harvest of late run Kenai king salmon by all user groups should not be allowed to dramatically increase as the viability of the stock may be damaged. However, any reduction in commercial fishing time in the eastside set net districts to significantly reduce the incidental harvest of king salmon could result in sockeye returns to the Kenai River system above optimum escapement levels.
- (e) Increased sockeye runs in the Kenai and Russian River are anticipated for the next five years based on the achievement of desired escapement goals for the 1976-1980 parent years. Increased Kenai River sockeye runs will result in increased fishing time for the commercial fishery. This increased fishing time will further increase the incidental commercial harvest of late run Kenai king salmon.

Management Directives:

Based on the facts stated above, the sport fishery on late run Kenai River king salmon will be regulated according to the following criteria:

- (1) Sport harvest of late run king salmon in the Kenai River shall be on an equitable 1:1 basis with the commercial set net fishery in statistical areas 244-20,30,40 (Upper Subdistrict of the Central District) that occurs during regularly scheduled 12 hour commercial fishing periods each week after July 1.
- (2) To determine the allowable sport harvest of late run king salmon in the Kenai River, the commercial set net harvest of late run king salmon from the Upper Subdistrict will be statistically projected after July 20th to estimate the remaining commercial catch likely to be harvested from July 20th until the end of the run or about the end of July. This will be added to the commercial harvest between July 1 and July 20 as determined from fish tickets.
- (3) The king salmon harvested from the commercial set net fishery in the Upper Subdistrict during extra fishing periods in addition to the two regularly scheduled 12 hour weekly fishing periods and during any subsistence fishing periods will be subtracted from the allowable 1:1 sport harvest of late run king salmon from the Kenai River.
- (4) The sport fishery for late run king salmon in the Kenai River is to be closed by emergency order when the sport catch exceeds the eastside set net commercial harvest levels by more than ten percent to allow for a reasonable opportunity to implement the necessary management measures.
- (5) This policy will be modified during those years when the late run king salmon return is either substantially greater or less than historic levels as determined by appropriate biological indicators, i.e., sport and/or commercial catch rates. The hydrological and oceanographic, etc. conditions will also be considered in the analysis of the biological indices. During years when these conditions preclude management by the basic policy, the Commissioner shall determine the appropriateness of an in season emergency order.

ADOPTED: Juneau, Alaska  
January 23, 1981

VOTE: 6-0 (Beaton absent)

  
\_\_\_\_\_  
Nick Szabo  
Chairman

ALASKA BOARD OF FISHERIES

#77-27-FB  
Page 1 of 2

Policy #77-27-FB

COMPREHENSIVE MANAGEMENT POLICY  
FOR THE UPPER COOK INLET

See also #78-42-FB, #79-30-FB,  
#81-88-FB, #81-90-FB, #81-91-FB,  
#81-95-FB

The dramatically increasing population of the Cook Inlet area has resulted in increasing competition between recreational and commercial fishermen for the Cook Inlet salmon stocks. Concurrently, urbanization and associated road construction has increased recreational angler effort and may adversely affect fisheries habitat. As a result the Board of Fisheries has determined that a policy must now be determined for the long-term management of the Cook Inlet salmon stocks. This policy should rest upon the following considerations:

1. The ultimate management goal for the Cook Inlet stocks must be their protection and, where feasible, rehabilitation and enhancement. To achieve this biological goal, priorities must be set among beneficial uses of the resource.
2. The commercial fishing industry in Cook Inlet is a valuable long-term asset of this state and must be protected, while recognizing the legitimate claims of the non-commercial user.
3. Of the salmon stocks in Cook Inlet, the king and silver salmon are the target species for recreational anglers while the chum, pink, and red salmon are the predominant commercial fishery.
4. User groups should know what the management plan for salmon stocks will be in order that they can plan their use consistent with that plan. Thus, commercial fishermen must know if they are harvesting stocks which in the long-term will be managed primarily for recreational consumption so that they may plan appropriately. Conversely, as recreational demands increase the recreational user must be aware of what stocks will be managed primarily for commercial harvest in order that he not become overly dependent on these fish for recreational purposes.
5. Various agencies should be aware of the long-term management plan so that salmon management needs will be considered when making decisions in areas such as land use planning and highway construction.
6. It is imperative that the Department of Fish and Game receive long-range direction in management of these stocks rather than being called upon to respond to annually changing Board directives. Within the Department, divisions such as F.R.E.D., must receive such long-term direction.

Therefore, the Board establishes priorities on the following Cook Inlet stocks north of Anchor Point. In so doing it is not the Board's intent to establish exclusive uses of salmon stocks; rather its purpose is to define the primary beneficial use of the stock while permitting secondary uses of the stock to the extent it is consistent with the requirements of the primary user group.

1. Stocks which normally move in Cook Inlet to spawning areas prior to June 30, shall be managed primarily as a non-commercial resource.
2. Stocks which normally move in Cook Inlet after June 30, shall be managed primarily as a non-recreational resource until August 15; however existing recreational target fish shall only be harvested incidental to the non-recreational use; thereafter stocks moving to spawning areas on the Kenai Peninsula shall be managed primarily as a non-commercial resource. Other stocks shall continue to be managed primarily as a non-recreational resource.
3. The Susitna coho, the Kenai king, and the Kenai coho runs cannot be separated from other stocks which are being managed primarily as non-recreational resources; however, efforts shall be made, consistent with the primary management goal, to minimize the non-recreational catch of these stocks.

  
Nicholas G. Szabo, Chairman  
Alaska Board of Fisheries

ADOPTED: December 13, 1977

VOTED: 5-0

## Resolution 2

## BOARD OF FISHERIES

Management Policy for Sport King Salmon Fishery  
in the Kenai River

Sport catches of late run king salmon in the Kenai River and the Deep Creek salt water fishery (to be determined by in-season sport fish catch rates) shall be on 1:1 basis with commercial catches on set net beaches 244-20-30-40 during the (2) regularly scheduled 12-hour periods each week after July 1. For purposes of late July Sport Fish management, commercial set net catches of king salmon after July 20th will be extrapolated.

The sport fishery to close by emergency field order if sport catches of king salmon exceed commercial catches of king salmon by more than 10%.

Gordon Jensen  
Gordon Jensen, Chairman  
Alaska Board of Fisheries

3/17/76  
Date