



Alaska Department of Fish and Game

Board of Fisheries

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ALASKA BOARD OF FISHERIES

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Southeast and Yakutat Crab, Shrimp, and Miscellaneous Shellfish 2015 Meeting

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5 AAC 96.625. Joint Board Petition Policy

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190 - 44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or subsistence fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

History Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

~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

Karl Johnstone, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIESOPERATING 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

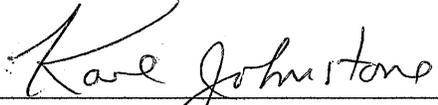

Karl Johnstone, Chairman
Alaska Board of Fisheries

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
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:

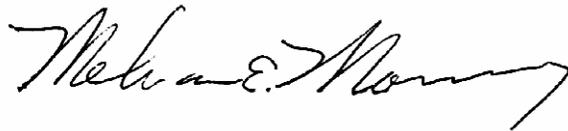
A. The commissioner may adopt, in accordance with the Administrative procedure Act (AS 44.62), permanent or emergency regulations, designated to eliminate inconsistencies, ambiguities, errors or omissions, or other technical deficiencies in existing regulations of the board.

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.



Mel Morris, Chairman
Alaska Board of Fisheries

Adopted: 12/13/2006
Dillingham, AK

VOTE: 6-0-1 (Andrews absent)

Alaska Board of Fisheries
Charge for Southeast Alaska Pot Shrimp
2003-221-FB

Purpose: An advisory industry group able to provide direction and assistance to ADF&G on commercial pot shrimp management issues, including:

1. Long-term management goals and plans
2. Research plans
3. Stock assessment and data collection
4. Management issues such as fleet capacity

The intent of this task force is to address commercial pot shrimp fishery management issues and is not to be a forum for allocation.

Task Force Structure: A committee of 12 commercial pot shrimp permit holders from the following communities:

- Petersburg - one
- Craig - one
- Sitka - two
- Wrangell - two
- Ketchikan - two
- Northern Southeast At Large - two
- Southern Southeast At Large - one
- Out of Southeast Alaska - one

Task Force Membership: Membership will be filled by interested permit holders chosen at a community meeting of permit holders from that community, with oversight by the chairman of the Board of Fisheries. Membership for the at-large seats will be solicited by a letter sent to the permit holders in the communities for each at-large seat. After interested members sign up by the date specified in the letter, a ballot will be sent to the permit holders for that at-large seat for the original election and for the seating of task force members. The task force will develop, at an organizational meeting, the length of term for task force members, whether alternates will be used for the committee, election of officers, how and why a member of the task force may be replaced, and how members will be appointed in the future.

Meeting Schedule: Post-season meeting in person and a pre-season teleconference. Meetings will be held on a rotational schedule among centrally located communities to be chosen by task force members. Other meetings and teleconferences could be scheduled as needed. Task force members are responsible for their own expenses to attend the meetings.

Date: January 26, 2003
Sitka, Alaska


Ed Dersham, Chair

Alaska Board of Fisheries
2002-214-FB

Charge to the Alaska Department of Fish and Game
and Southeast Alaska King and Tanner Crab Task Force

The Alaska Board of Fisheries requests the Alaska Department of Fish and Game and the Southeast Alaska King and Tanner Crab Task Force work together to develop a draft Southeast Alaska Tanner Crab Management Plan and an associated suite of regulations for consideration by the board during the next Statewide King and Tanner Crab Board of Fisheries meeting. We understand that the department and the task force have discussed these issues during the March 2002 board meeting and have found agreement upon the current problems and short-term goals, as well as a vision statement for the fishery. Based upon these agreements, the board believes that a management plan and regulatory framework can be developed that will best achieve the goals and visions set out here. Additional time will also allow the department, in consultation with industry, to refine the Tanner crab stock assessment program and develop a longer time series that will allow quantitative assessment of the stock. Because the department is uncertain about the effects of the measures contained in Proposals 481 and 482A, the board believes the best course of action is for the department and industry to work together under guidelines set by the Board of Fisheries. While this plan is developed, the department will continue to manage the fishery in a conservative manner.

Following is an outline of the current fishery problems and a vision for the sustainable management of the Southeast Alaska Tanner crab fishery:

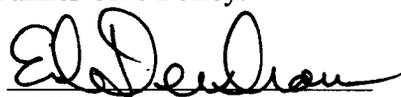
A management plan and associated regulations should address the following problems and goals:

- 1) Reduce fishing pressure in "core areas";
- 2) Reduce handling of females and sublegal males;
- 3) Develop the time and tools to allow for inseason management;
- 4) Develop an abundance based management plan with preseason guideline harvest levels (GHLs);
- 5) Continue a conservative management strategy until a new management plan is in place;
- 6) Maintain the concurrent season with golden king crab;
- 7) Continue and develop the stock assessment program in consultation with industry and communicate the goals and protocols of this program with the fleet.

The management plan and associated regulations should be compatible with a vision for the sustainable management of the Southeast Alaska Tanner crab fishery, outlined as follows:

- 1) Abundance based management by area with preseason GHLs, incorporating information about all stock segments;
- 2) Survey and stock assessment protocols in place that are understood by stakeholders;
- 3) Inseason management targeting specific area GHLs;
- 4) Follow the policies set out in the board's King and Tanner Crab Policy.

ADOPTED: March 21, 2002
Anchorage, Alaska


Ed Dersham, Chair
Alaska Board of Fisheries

VOTE: 6-0-1

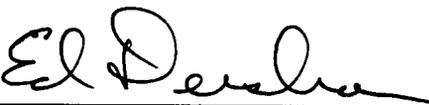
Alaska Board of Fisheries
2002-213-FB

Findings Regarding Revised Red King Crab Threshold Level for Southeastern Alaska Area
(Area A)

The Alaska Board of Fisheries discussed Proposal 475 submitted by the Southeast Alaska King and Tanner Crab Task Force to change the minimum threshold level required to open the Southeast Alaska commercial red king crab fishery from the current 300,000 pound level. The Department of Fish and Game stated that the commercial fishery could be successfully managed to target a guideline harvest level of 200,000 pounds or greater, given mandatory catch and effort reporting requirements contained in Proposal 471.

The board finds that mandatory catch reporting has not previously been in place for the Southeast Alaska red king crab fishery and the ability of the department to target lower thresholds relies heavily upon the new management tool. Based upon this finding the board believes it is prudent to set a three-year sunset clause for a new threshold. The board therefore amended the proposal to specify a new threshold level of 200,000 pounds with a three-year sunset clause. Over this three-year period, the department's ability to accurately target guideline harvest levels using mandatory reporting requirements will be evaluated. If a proposal is submitted by either the department or the Southeast Alaska King and Tanner Crab Task Force to establish a minimum threshold level, the board will reassess this threshold level at the next Statewide King and Tanner Crab board meeting. If a proposal to set a minimum threshold level for the Southeast red king crab fishery is not passed following the sunset clause, the threshold level will return to 300,000 pounds.

ADOPTED: March 19, 2002
Anchorage, Alaska


Ed Dersham, Chair
Alaska Board of Fisheries

VOTE: 6-0-1

**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.

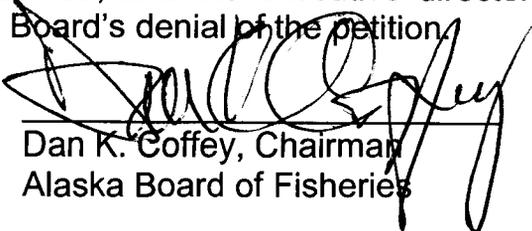
If the Board is not in session and is not scheduled to meet within 30 days of receipt of an emergency petition, the executive director will transmit to each Board member a copy of the petition, a cover memo in the form attached to this policy, and any information furnished by the Alaska Department of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

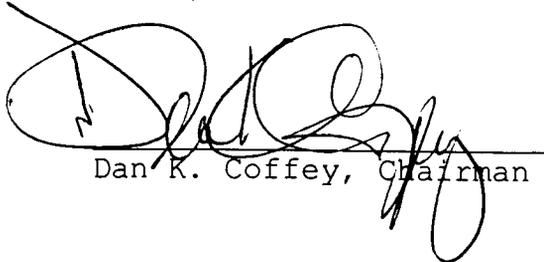
B) If a committee has developed a proposal to replace or modify an existing proposal, the substitute proposal should be prepared and attached the to

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:

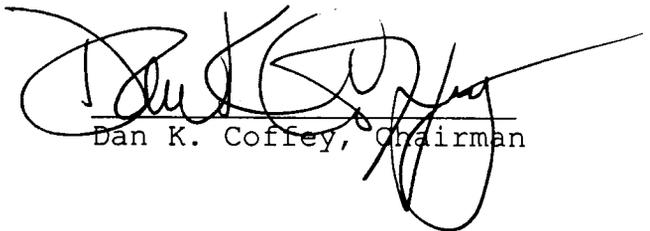
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

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
Southeast Alaska Commercial Dungeness Task Force
#2000-197-FB

Purpose: An advisory industry group to provide direction and assistance to ADF&G on commercial Dungeness management issues including:

1. Long-term management goals and plans
2. Research plans
3. Stock assessment and data collection
4. Management issues such as fleet capacity and pot reduction

The intent of this Task Force is to address commercial Dungeness fishery management issues and is not to be a forum for allocation.

Task Force Structure: A committee of ten commercial Dungeness permit holders from the following communities.

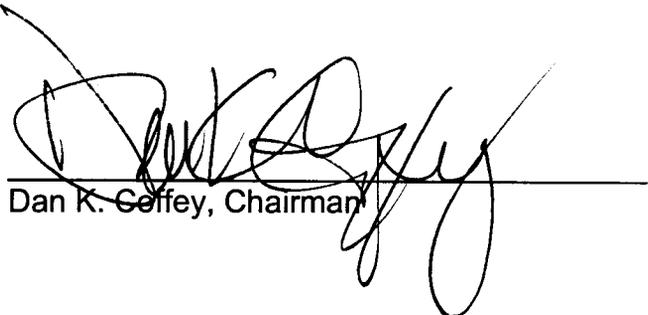
Ketchikan: one
Wrangell: two
Prince of Wales Island/Kake: one
Petersburg: two
Sitka: one
Juneau: two
Hoonah/Tenakee/Gustavus: one

Task Force Membership: Membership will be filled by interested parties, subject to approval by local fish and game Advisory Committees. Task Force members will report back to their respective communities and/or local Advisory Committees.

Meeting Schedule: Post-season teleconference and a pre-season meeting in person. Meetings will be held on a rotational schedule among centrally-located communities to be chosen by Task Force members. Other meetings and teleconferences could be scheduled as needed. Task Force members are responsible for their own expenses to attend meetings.

The Task Force will maintain contact to the Board of Fisheries by reports to Board of Fisheries member Grant Miller.

DATED: January 24, 2000
Juneau, Alaska



Dan K. Geffey, 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

ALASKA BOARD OF FISHERIES**FINDINGS REGARDING TANNER CRAB POT LIMIT
IN SOUTHEASTERN ALASKA AREA (AREA A)
(PROPOSAL #45)**

The Alaska Board of Fisheries (board) discussed Region 1 Shellfish Proposal #45 submitted by the Alaska Department of Fish and Game (department) to reduce the maximum number of pots by each Tanner crab fishing vessel in Statistical Area A from 100 pots to 50 pots. This discussion took place on October 28, 1995 during proposal deliberations, after all staff reports, public comments, and advisory committee comments had been received. All board members, with the exception of Trefon Angasan, were present. The board amended the proposal to set the maximum number of pots at 80, and passed the amended proposal by a vote of 6-0, with one absent. This action was intended to balance the immediate resource conservation concerns with needs of the industry. The board developed the following findings during their discussions:

1. The department does not have a pre-season stock assessment program to determine stock strength in the Southeastern Alaska Area (Statistical Area A) commercial Tanner crab fishery. The intensity of the commercial fishery has increased significantly during recent fishing seasons and the guideline harvest level has consistently been exceeded during the past three seasons. The catch contribution of the recruit class has increased to between 66 and 77 percent of the catch. The department estimated a season length of 11 days during the impending season. The department can not gather fishery data through fish tickets or logbooks to provide management decisions in season which would result in stock savings.
2. While a reduction in the pot limit to 50 pots would result in an estimated season length of 21 days and provide the department with the ability to manage in-season, this reduction in pot limit would also place a severe economic constrain on the participants.
3. The board discussed other possible solutions to reduce the risk of overharvest that included: a reduction in the GHR; a reduction in fishing time; a split season with the ability to gather necessary fishery data between two separate openings; and means to improve the data gathering process which could include the use of cellular phones and FAX machines.
4. The amendment to 80 pots per vessel was made with the understanding that the department and industry would form a cooperative group to improve the flow of immediate information from the fleet to the department. This group will be composed of department personnel, processor personnel, fishermen, tender operators, and representatives of fishermen organizations (i.e. from the Petersburg Vessel Owner's Association).

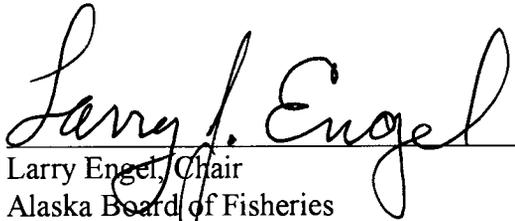
97-166-FB (previously)
(97-01-FB)

5. The desired objective is for the department to receive, on a daily basis, catch and effort information from the industry through the use of new communication technology. Industry indicated through the public hearing process that they were willing to purchase cellular telephones and faxes, and provide information to the department on a daily basis.
6. If the plan developed by the cooperative group does not solve the situation, the board has instructed the department to take actions necessary to provide for harvests within the allowable levels. These actions could include a reduction to a 50 pot per vessel limit.
7. If the plan developed by the cooperative group succeeds, the pot limit could be increased to the original 100 pots by future actions of the board.

At Sitka, Alaska

Date: January 29, 1997

Approved: 4/0/0/3 (Yes/No/Absent/Abstain)


Larry Engel, 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.

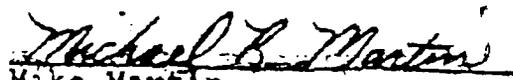
- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative 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

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Adopted: November 23, 1991

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

Location: Anchorage International Airport Inn



Michael B. Martin

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

Mike Martin, Chairman
Alaska Board of Fisheries

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ALASKA BOARD OF FISHERIES

PROCEDURES FOR DELEGATIONS OF AUTHORITY

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

1. AS 16.05.270 authorizes the board to delegate its authority to adopt regulations under AS 16.05.251 and AS 16.05.258 in accordance with the Administrative Procedure Act (AS 44.62), so that the Commissioner of Fish and Game may adopt regulations on behalf of the board.
2. The need for a delegation of authority most often arises where regulatory action is necessary but it is impossible or impractical to simultaneously convene the entire board, or a quorum of the board, either in person or by telephone.
3. Where regulatory action is necessary but it is impossible to convene the board, the state government may be unable to undertake any regulatory action unless a delegation of authority can be executed.
4. Neither AS 16.05 nor AS 44.62 require a formal meeting of the board in one geographical location to accomplish a delegation of authority.
5. Requiring the board to meet in one physical location or by telephone simultaneously to make a delegation of authority would largely defeat the purpose of AS 16.05.270, since a meeting of the board could eliminate the necessity for a delegation.
6. Delegations of authority have been carried out in the past using a telephone poll of board members or in the alternative, a vote by mail.
7. The type of procedure described in paragraph 6 has been utilized (in the form of notation voting) by federal agencies with the full knowledge of Congress and the approval of federal courts.

THEREFORE, THE BOARD RESOLVES that it hereby interprets AS 16.05 and AS 44.62 to permit telephone polls or mail votes for purposes of executing a delegation of authority; Provided, that in any instance where the commissioner solicits a delegation from the board, he or she shall (1) make a good faith effort to contact all board members so as to enable each of them to vote, and (2) permit board members the opportunity

to discuss the proposed delegation with other board members before voting, if they express a desire to do so; and Provided further, that nothing in this Resolution shall be construed to waive the right of any two board members to call a board meeting under AS 16.05.310.

This resolution replaces #75-2-FB.

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

Dated: March 13th - 1980



Gary Slaven, Chairman
Alaska Board of Fisheries

At: Anchorage, Alaska

Vote: Consensus