



Alaska Department of Fish and Game

Board of Fisheries

PO Box 115526

Juneau, AK 99811-5526

(907) 465-4110

www.adfg.alaska.gov

ALASKA BOARD OF FISHERIES

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Work Session 2016 Meeting

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BOARD OF FISHERIES AGENDA CHANGE REQUEST REGULATIONS

5 AAC 39.999. Policy for changing board agenda

(a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of a proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) the board will accept an agenda change request only

(A) for a fishery conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;

(2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(3) the board will consider an agenda change request only at its first meeting in the fall; a request must be sent to the executive director of the board at least 60 days before the first meeting in the fall.

(b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.

(c) If the board accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.

Eff. 7/25/82, Register 83; am 1/12/92, Register 121; am 1/1/2000, Register 152; am 8/17/2000, Register 155; am 6/22/2001, Register 158; am 3/19/2014, Register 209

Authority: AS 16.05.251



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5 AAC 96.615. Subsistence proposal policy

(a) It is the policy of the Boards of Fisheries and Game to consider subsistence proposals for topics that are not covered by the notice soliciting proposals under 5 AAC 96.610(a). To be considered by a board, a subsistence proposal must be timely submitted under 5 AAC 96.610(a), and

(1) the proposal must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or

(2) the circumstances of the proposal otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(b) A board may delegate authority to a review committee, consisting of members of the board, to review all subsistence proposals for any meeting to determine whether the conditions in (a) of this section apply.

(c) A board may decline to act on a subsistence proposal for any reason, including the following:

(1) the board has previously considered the same issue and there is no substantial new evidence warranting reconsideration; or

(2) board action on the proposal would affect other subsistence users who have not had a reasonable opportunity to address the board on the matter.



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ALASKA BOARD OF FISHERIES

POLICY ON TABLING AND POSTPONING PROPOSALS

2016-282-FB

1. When it is necessary to table or postpone consideration of a proposal, the board will be guided by the motions and procedures specified in Robert's Rules of Order.
2. Because Robert's Rules of Order does not provide an effective way to postpone consideration of a proposal beyond a meeting and to a time uncertain, the board will accomplish that consistent with this policy through a "motion to postpone to a time uncertain."
3. The board intends that a motion to postpone to a time uncertain will be rarely used, and only when the board concludes that it needs additional information not currently available to act on a proposal, and the board is not able to identify the time by which the information will be available. Examples of when such a motion may be appropriate include when another federal or state agency may soon take action that will affect the proposal, and when the board concludes it is necessary to study an issue, gather more information, or develop criteria before taking up a proposal.
4. By motion the board may take up a postponed proposal at any regular or special meeting, provided appropriate notice is given consistent with the Alaska Administrative Procedure Act, (AS 44.62.010—AS 44.62.320), and the Alaska Open Meetings Act (AS 44.62.310—AS 44.62.312).
5. A motion to postpone to a time uncertain, adopted by a majority vote, will postpone consideration of a proposal until a future meeting, not later than the last regular meeting of the next board cycle. If the board concludes that it still needs additional information not currently available to act on the proposal, the board may table or postpone the proposal consistent with the motions and procedures specified in Robert's Rules of Order and this board policy.

Date Adopted: February 29, 2016
Anchorage, Alaska

VOTE: 7-0


Tom Kluberton, Chairman



Alaska Department of Fish and Game

Board of Fisheries

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ALASKA BOARD OF FISHERIES

Continuation of the Crab Observer Oversight Task Force

2014-274-FB

March 21, 2014

Pursuant to the Board's discussion and the requests of the stakeholders and their representatives, the board determined that the continuation of the Crab Observer Oversight Task Force (task force) for the crab observer program and the program receipts system is useful.

At its March 2014 Statewide King and Tanner Crab meeting, the Board received a report from the task force. The board approved maintaining the task force for an additional three years, approved a change that membership may range from nine (9) to fifteen (15) members, quorum may be achieved through a simple majority of members, and current members appointments are renewed. The board makes the following appointments:

Lance Farr – R/V Kevleen K

Doug Wells – C/P Baranof

Mark Gleason – Alaska Bering Sea Crabbers

Jerry Bongen – FV Pacific Venture

Ann Vanderhouvern – Bristol Bay Economic Dev. Corp.

Jeff Stephan – United Fishermens' Marketing Association

Dick Powell – C/V Patricia Lee

Linda Kozak – Crab Group of Independent Harvesters

Edward Poulsen – Alaska Bering Sea Crabbers

The board will review the membership and the charge through the Board's next Statewide King and Tanner Crab meeting.

The charge to the Oversight Task Force is outlined in Board Finding 99-186-FB.

Karl Johnstone, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

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.

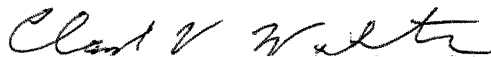
Willow and Goose Creeks King Salmon (Yield Concern)

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



Vince Webster, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

REVISED JOINT PROTOCOL (December 2009)
BETWEEN
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (NPFMC)
ANCHORAGE, ALASKA

and

ALASKA BOARD OF FISHERIES (BOF)
JUNEAU, ALASKA

ON

MANAGEMENT OF FISHERIES
OFF ALASKA

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

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

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

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

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

I. Applicable Fisheries

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

II. Duration of the Agreement

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

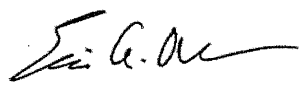
III. NPFMC and BOF shall undertake the following activities:

- A. NPFMC and BOF shall jointly agree upon and implement an annual management cycle that provides for coordinated, compatible, and sustainable fisheries management in State and Federal waters. Management measures shall be consistent with the respective legal requirements of each body.

- B. With regard to groundfish and shellfish, the annual management cycle shall have the following elements:
1. The NPFMC and BOF will endeavor to coordinate their proposal schedules to the greatest extent practicable.
 2. On an annual basis, the NPFMC will provide the BOF with a summary of management proposals or ongoing management actions of mutual interest, noting any special management or conservation concerns with individual groundfish fisheries. The NPFMC will provide such report to the BOF prior to any final action by the Council. The NPFMC will make available all pertinent information concerning such actions and will identify particular issues that should be considered before taking final action.
 3. The BOF at its fall meeting will review groundfish or shellfish proposals which are under BOF consideration. Those proposals identified as being of mutual concern to both the BOF and NPFMC, will be forwarded to the NPFMC for its consideration and potential input prior to final action by the BOF. The BOF will provide any information available concerning the proposals, and will identify particular issues that should be considered before taking final action. After a BOF final decision, the BOF shall provide written explanation of the basis for the regulation. This provision shall not apply to emergency regulations, however, justification should be provided to the NPFMC in a timely manner, not less than ten days after the emergency action.
- C. A joint NPFMC-BOF Protocol committee, not to exceed three members from each body, will be formed and will meet as necessary to review available analyses, proposals, and any other matters of mutual concern, and to provide recommendations to the joint NPFMC and BOF. The Council/BOF may determine issues for consideration by the Protocol Committee, or the Executive Directors/Chairs of the Council and BOF may jointly call for a meeting of the Protocol Committee.
- D. The NPFMC and BOF will meet jointly in Anchorage as necessary and appropriate to consider proposals, committee recommendations, and any other issues of mutual concern. All interested persons and agencies shall have the opportunity to submit comments to the NPFMC and BOF at these meetings on proposals identified as being of mutual concern, and other matters as appropriate.
- E. NPFMC and BOF shall encourage ADF&G and NMFS, in carrying out their responsibilities, to consult actively with each other, with NPFMC and BOF, and other agencies as appropriate, in order to prevent duplication of research, management, and enforcement effort and to make optimum use of the resources available for management of the fisheries.
- F. The intent of this protocol is to provide long term cooperative, compatible management systems that maintain the sustainability of the fisheries resources in State and Federal waters.

Approved:

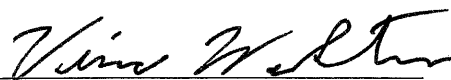
For the North Pacific Fishery
Management Council



Council Chairman – Eric A. Olson

12/28/2009
Date

For the Alaska Board Fisheries



Board of Fisheries Chairman – Vince Webster

12/28/2009
Date

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 12th day of January, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

MEMORANDUM

**STATE OF ALASKA
DEPARTMENT OF FISH AND GAME**

TO: Files

DATE: September 9, 1991

TELEPHONE: 465-4110

FAX: 463-5331

PROFS: FBDCDIR

FROM: Board of Fisheries

SUBJECT: Alaska Board of Fisheries Long Term Goal

The goal of the Alaska Board of Fisheries in implementing the Alaska Statute requirements is the long term stability of the various fisheries. The board prefers proposed regulatory changes which address the long term aspects in the specific fisheries. Fisheries are the subsistence, commercial, sport and personal use fisheries around the state. To accomplish the above goals, the following objectives and tasks are in place.

CALL FOR PROPOSAL DEADLINE

The objective is to have all the proposed regulatory changes submitted prior to the beginning of fishing season. This way the Advisory Committees, Regional Councils, public and staff have the opportunity to evaluate the proposals in light of that season and consider the long term implications of the proposal. The following tasks are established to achieve the above objective:

- 1) The call for proposal deadline is April 10.
- 2) When April 10 falls on Saturday, Sunday, Monday or a holiday, the next closest business day will be deadline for that call.
- 3) Proposals must be received by Division of Boards staff by the above deadline.
- 4) Alaska Department of Fish and Game division proposals will be submitted to the respective director's office by the proposal deadline.

BOARD MEETING ARRANGEMENTS

The objective is to establish the board meeting schedule to provide the advisory committees, regional councils, public and staff with the advance knowledge of when to propose regulatory changes, when to respond to proposed regulatory changes, plan meeting schedules, travel, etc. The following tasks are established to achieve the above objective:

- 1) Schedule meeting sessions no longer than 15 days in duration.

- 2) Schedule a reasonable length of time between sessions for board members and staff to take care of personal and business needs. A minimum of 7-10 days between sessions.
- 3) Leave as much of the month of October available for Joint Board of Fisheries and Game meetings as possible.
- 4) Leave as much of the month of March available for Joint Board of Fisheries and Game meetings as possible.
- 5) Do not schedule any board meetings past March 15, when possible.
- 6) Locate meetings in the region of the call for proposals.
- 7) Have each meeting session address one region. The current regional arrangements: Kodiak/Chignik; Alaska Peninsula/Aleutian Islands, Bristol Bay; Arctic/Yukon/Kuskokwim; Cook Inlet; Prince William Sound; and Southeast.
- 8) If one session for one region is projected to last longer than 15 days, schedule more than one session for that region (i.e. Upper Cook Inlet and Lower Cook Inlet or Southeast Commercial fisheries and Other Southeast Finfish).
- 9) Schedule one session for all herring fish proposals. Have this session early in the meeting cycle.
- 10) Schedule one session for all shellfish proposals. Have this session late in the meeting cycle.
- 11) Review each region as noted above approximately every _____ years.
- 12) Administrative items will be considered at the end of the agenda.
- 13) When funding is available, a Joint meeting of the Board of Fisheries and Board of Game will be scheduled before the meeting cycles of the two boards.
- 14) When funding is available, a meeting of the Board of Fisheries to discuss the policies and goals of the board will be scheduled prior to the meeting session's beginning.
- 15) In creating the administrative record, insure that the allocation criteria is fully discussed.

GENERAL ORDER OF BOARD AGENDA

- Call Meeting to Order
- Introduction of Board Members and Staff
- Election of Chair and Vice-Chair (where appropriate)
- Board Member Ethics Disclosures
- All Agency Reports
- All Public Testimony
- All Advisory Committee and Regional Council Reports
- Board Deliberations
- Administrative Items (i.e. Petitions, Resolutions, Findings, Letters, Policy Papers, etc.)
- Adjourn/Recess

GENERAL ADMINISTRATIVE ITEMS

The objective is to provide adequate notice to the potentially affected public of the proposed regulation changes. These tasks are suggested:

- 1) Publish the legal notice in the region where the proposals will be considered (effect).
- 2) During Public Testimony, each individual will be allocated 7 minutes to testify before the board. Each individual will be allowed to testify only once during that session. If they testified at another session on these proposals at another meeting session, they will not be allowed to re-testify on the same proposals.
- 3) During Public Testimony, each organization will be allocated 10 minutes to testify before the board. Each organization will be allowed only one 10 minute block. Other people associated with the organization will need to testify as individuals.
- 4) Official Advisory Committee and Regional Council representatives will be allocated 15 minutes to report on the actions of their organization.
- 5) The blue cards for public testimony will be shuffled, then the list posted for the order of testimony. Special requests for changes in the posted order are to be arranged with the chair and director.