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

Index to Select Findings and Policies Tab
Statewide (except SE/Yak) Dungeness, Shrimp, Misc. Shellfish and Other Issues
2018 Meeting

Finding / Policy	Reference #
GENERAL POLICIES	
Joint Board Petition Policy	5 AAC 96.625
Joint Board Criteria for Board Generated Proposals	2013-34-JB
Findings regarding Operating Procedures Policy for Written Public Comment	2012-268-FB
Findings regarding Operating Procedures for the Motion to Reconsider	2012-267-FB
Delegation of Authority to Correct Technical Errors before Filing Regulations	2006-250-FB
Policy on Development of Findings	1999-184-FB
Allocation Criteria	1991-129-FB
Alaska Board of Fisheries Standing Rule	1991-128-FB
Procedure for Delegation of Authority	1988-118-FB
STATEWIDE DUNGENESS, SHRIMP, MISC. SHELLFISH / OTHER	
Operating Procedures Policy to Not Use Motion to Rescind	2013-271-FB
Joint Protocol between North Pacific Fishery Management Council and the Alaska Board of Fisheries	2009-264-FB
Charge to the Sitka Spawn on Kelp Open Platform Fishery Workgroup	2003-224-FB
Joint Protocol on Salmon Enhancement	2002-216-FB
Charge to the Sitka Spawn on Kelp Open Platform Fishery Workgroup	2000-194-FB

ALASKA BOARD OF FISHERIES

OPERATING PROCEDURES
POLICY TO NOT USE MOTION TO RESCIND

Under its *Standing Rules* (91-128-FB), the Alaska Board of Fisheries (Board) uses the most current version of *Robert's Rules of Order* as a guide in conducting meetings. However, under the Standing Rules and because the Board is not required under Alaska Statutes to use any particular parliamentary procedure, these rules are not mandatory. *Robert's Rules of Order* allows for a *motion to rescind* as a procedural tool to void an action taken by the Board when a *motion to reconsider* is no longer an option.

The Board employs several procedural tools for bringing a subject or proposal forward during or outside of the regular meeting cycle, including several methods to take action to repeal or change regulations. These procedural tools include Agenda Change Requests, Motions to Reconsider, Board Generated Proposals, and Emergency Petitions.

The Board is concerned that a *motion to rescind* may occur not only during the same Board meeting in which the action was taken and after which time a *motion to reconsider* is no longer an option, but also during a subsequent regular or special meeting. This may not allow the public that was engaged in the process that has left a Board meeting after an action has been taken to be aware of the potential action for a motion to rescind and available to provide comments.

Since the Board has adequate means of addressing regulatory changes during or outside of its regular meeting cycle, the Board will not utilize a motion to rescind which would otherwise be allowed in Robert's Rules of Order.

Adopted: December 11, 2013
Vote: 7-0
Anchorage, Alaska

Karl Johnstone, Chairman
Alaska Board of Fisheries

2009-264-FB

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
Charge to Sitka Spawn-on-Kelp
Open Platform Fishery Workgroup
2003-224-FB

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

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

Specific issues identified by the board include:

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

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

Dated: October 3, 2003
Anchorage Alaska

Ed Dersham, Chair

Vote: 7 - 0

Alaska Board of Fisheries
and
Alaska Department of Fish and Game

Joint Protocol on Salmon Enhancement
#2002-FB-215

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

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

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

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

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

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

Dated: June 28, 2002

Ed Dersham, Chairman
Alaska Board of Fisheries

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

2000-194-FB

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

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

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

Specific issues identified by the Board include:

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

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

Number of open platforms.

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

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

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

How to deal with overages under a bag limit scenario.

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

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

Funding issues related to fishery.

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

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

DATED: January 23, 2000.
Juneau, Alaska

Dan K. Coffey, Chairman