



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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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



Alaska Department of Fish and Game
Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.adfg.alaska.gov

Resolution of the Alaska Board of Fisheries 2015-277-FB

Standing Delegation of Authority to the Commissioner Regarding Petitions for Emergency Regulations

The Board of Fisheries (“board”) finds as follows:

1. The board will normally hold three to five regulatory meetings each year scheduled well in advance at which it will consider regulatory proposals on topics according to its three-year cycle.
2. The board supports, values, and encourages public input in the board’s adoption of regulations during these regularly scheduled meetings.
3. From time to time, the board receives a petition for adoption of an emergency regulation submitted by a member of the public that, according to the proposal, needs to be addressed on an emergency basis under AS 44.62.250.
4. When such emergency petitions are received within 30 days before a regularly scheduled board meeting, the Board addresses the petition at the upcoming board meeting. When a petition is received more than 30 days before a regular meeting, the Board is required to address the petition outside of a meeting or hold a special meeting under AS 16.05.310 at the call of the commissioner or at least two board members.
5. To avoid the expense and inconvenience of holding a special board meeting every time a petition alleging an emergency is received outside the regular meeting schedule, the board wishes to delegate its authority to the Commissioner, as authorized by AS 16.05.270, to address such petitions to determine whether an emergency exists for purposes of convening a meeting of the board, as further described below.
6. As set forth in 5 AAC 96.625(f), it is an established board policy to recognize that in rare instances circumstances may require regulatory changes outside a regularly scheduled meeting. A petition will be denied and not scheduled for a hearing unless the commissioner finds the alleged problem outlined in the petition justifies a finding of emergency. Emergencies will be held to a minimum and are rarely found to exist.




7. An emergency, for purposes of 5 AAC 96.625(f), "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."

THEREFORE THE BOARD RESOLVES and makes the following delegation of its authority to the Commissioner of the Department of Fish and Game pursuant to AS 16.05.270:

1. Each petition received by the board for an emergency regulation submitted more than 30 days before a regularly scheduled meeting of the board, shall be forwarded by the executive director to the commissioner. The commissioner is delegated the authority under AS 16.05.270 to determine whether the facts presented by the petition constitute an emergency pursuant to the standards set forth in 5 AAC 96.625(f).
2. The Commissioner may rely on relevant information, including information provided from the petitioner and from the Department of Fish and Game.
3. If the Commissioner does not find that an emergency exists, the commissioner shall deny the petition in writing as required by AS 44.62.230.
4. If the Commissioner finds that the problem outlined in the petition justifies a finding of emergency, the Commissioner will call a special meeting of the board under the Commissioner's authority under AS 16.05.310.
5. At a special meeting called by the commissioner, the board retains the authority to review the petition and make an independent determination as to whether an emergency exists, and what, if any, regulatory action may be desired.
6. This delegation does not preclude two or more members from calling a special meeting of the board at any time for any purpose pursuant to AS 16.05.310.
7. This delegation shall remain in effect until revoked by the board.

Adopted: March 20, 2015.
Vote: 6/0


Tom Kluberton, Chair
Alaska Board of Fisheries

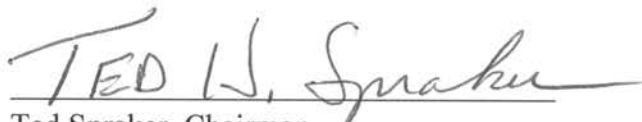
ALASKA JOINT BOARDS OF FISHERIES AND GAME

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards 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, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife 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)?

Findings adopted this 16th day of October 2013.



Ted Spraker, Chairman
Alaska Board of Game
Vote: 6-0



Karl Johnstone, Chairman
Alaska Board of Fisheries
Vote: 7-0

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


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

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

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

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

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

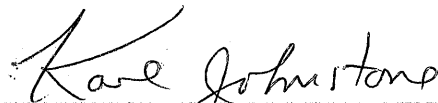

Karl Johnstone, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES

OPERATING PROCEDURES
MOTION TO RECONSIDER

1. Only a board member who voted on the prevailing side of the original issue can move to reconsider a vote.
2. A motion to reconsider must be supported by a presentation of new evidence that was not before the board at the time the original vote was taken.
3. A board member who wishes to reconsider any vote must provide written notice to the chairman or notice on the record of his or her intent to move for reconsideration no later than 24 hours after the vote on the issue that reconsideration is requested. Failure to provide timely notice, either in writing or on the record, will preclude any member from moving to reconsider an earlier vote.
4. After receiving timely notice from a board member of his or her desire to reconsider a previous vote, the chair shall set a time and date to hear the motion to reconsider.

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



Karl Johnstone, Chairman
Alaska Board of Fisheries

PROCEDURES FOR BOARD OF FISHERIES MEETING COMMITTEES

#2000-200-FB

INTRODUCTION

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

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

DESCRIPTION OF THE COMMITTEE PROCESS

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

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

COMMITTEE PROCEDURES DURING REGULATORY MEETINGS

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

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

during the course of the meeting.

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

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

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

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

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

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

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

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

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

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

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

committee report.

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

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

Vote: 6-0-1
(Miller absent)


Dan K. Coffey, Chairman

ALASKA BOARD OF FISHERIES
POLICY STATEMENT

Policy for Formation and Role of Committees at Board Meetings

#2000-199-FB

INTRODUCTION

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

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

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

DISCUSSION

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

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

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

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

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

The Board now finds as follows:

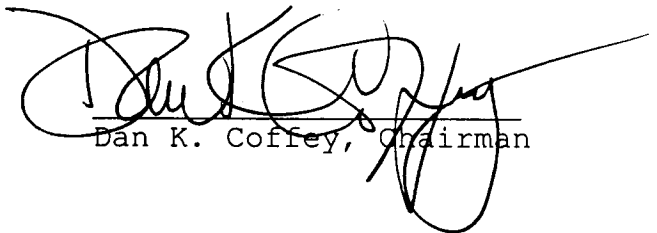
1. The goals and objectives are appropriate;
2. The statements of fact accurately reflect the beliefs and opinions of the Board as to the matters stated;
3. The committee process has, over a full three-year cycle of the Board, resulted in the goals and objectives having consistently been met.

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

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

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

Vote
(Miller Absent)



Dan K. Coffey, Chairman

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

Generally, written findings explaining the reasons for the Board of Fisheries' regulatory actions governing Alaska's fisheries are not required by law. The Alaska Supreme Court has specifically held that decisional documents are not required where an agency exercises its rulemaking authority. *Tongass Sport Fishing Association v. State*, 866 P.2d 1314, 1319 (Alaska 1994). "Adoption of a decisional document requirement is unnecessary and would impose significant burdens upon the Board." *Id.* The Board recognizes, however, its responsibility to "clearly voice the grounds" upon which its regulations are based in discussions on the record during meetings so that its regulatory decisions reflect reasoned decision-making. *Id.* The Board also recognizes that there may be times when findings are appropriate to explain regulatory actions that do no result in adoption of a regulation.

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

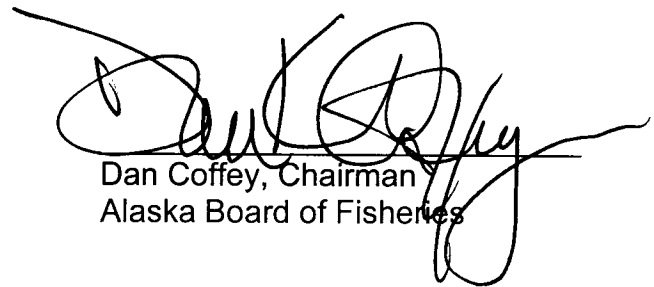
1. The Board will provide written explanations of the reasons for its decisions concerning management of crab fisheries that are governed by the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs as required by that plan.
2. The Board will, in its discretion and in consultation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

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

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

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

ADOPTED: 10/27, 1999
Fairbanks, Alaska



Dan Coffey, Chairman
Alaska Board of Fisheries

VOTE: 7/0

ALASKA BOARD OF FISHERIES

ALLOCATION CRITERIA

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

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

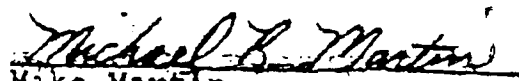
- 1) the history of each personal use, sport, and commercial fishery;
- 2) the characteristics and number of participants in the fisheries;
- 3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- 4) the availability of alternative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

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

Adopted: November 23, 1991

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

Location: Anchorage International Airport Inn


Mike Martin
Chair
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES**ALLOCATION CRITERIA**

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- 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, Chairman
Alaska Board of Fisheries

91-128-FB

(Previously Finding #: 91-2-FB)
Page 1 of 2

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

DELEGATION OF AUTHORITY TO CORRECT TECHNICAL ERRORS
BEFORE FILING REGULATIONS

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

1. The board at its regular meetings, considers numerous proposals for regulatory change.
2. The board adopts, amends, or repeals a large number of the proposed changes.
3. The volume and complexity of the regulatory changes makes it impossible for the board to foresee and correct all ambiguities, inconsistencies, or other technical errors of omission or commission in the regulations adopted by the board.
4. Technical deficiencies in the regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented, or other consequences not desired by the board.
5. It is impractical, unnecessary, and contrary to the public interest to convene the board to make technical corrections in the regulations.
6. The Commissioner and staff of the Department of Fish and Game and the personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies in the regulations as a result of daily administration of the regulations of the board.

THEREFORE THE BOARD RESOLVES that under AS 16.05.270 it hereby delegates to the Commissioner of the Alaska Department of Fish and Game the authority to correct any ambiguities, inconsistencies, or other technical errors of omission or commission in regulations adopted by the board prior to the filing of those regulations by the Lieutenant Governor as required under AS 44.62.080. The corrections must not be contrary to the intent of the board.

This resolution replaces #79-52-FB.

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

Dated: March 13th 1988

Gary Slaven
Gary Slaven, Chairman
Alaska Board of Fisheries

At: Anchorage, Alaska

Vote: Consensus

5 AAC 39.222. Policy for the management of sustainable salmon fisheries

(a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that

(1) while, in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices, there is a need for a comprehensive policy for the regulation and management of sustainable salmon fisheries;

(2) in formulating fishery management plans designed to achieve maximum or optimum salmon production, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new fisheries or expanding fisheries;

(3) to effectively assure sustained yield and habitat protection for wild salmon stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy.

(b) The goal of the policy under this section is to ensure conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska's fishing communities.

(c) Management of salmon fisheries by the state should be based on the following principles and criteria:

(1) wild salmon stocks and the salmon's habitats should be maintained at levels of resource productivity that assure sustained yields as follows:

(A) salmon spawning, rearing, and migratory habitats should be protected as follows:

(i) salmon habitats should not be perturbed beyond natural boundaries of variation;

(ii) scientific assessments of possible adverse ecological effects of proposed habitat alterations and the impacts of the alterations on salmon populations should be conducted before approval of a proposal;

(iii) adverse environmental impacts on wild salmon stocks and the salmon's habitats should be assessed;

(iv) all essential salmon habitat in marine, estuarine, and freshwater ecosystems and access of salmon to these habitats should be protected; essential habitats include spawning and incubation areas, freshwater rearing areas, estuarine and nearshore rearing areas, offshore rearing areas, and migratory pathways;

(v) salmon habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity;

(B) salmon stocks should be protected within spawning, incubating, rearing, and migratory habitats;

(C) degraded salmon productivity resulting from habitat loss should be assessed, considered, and controlled by affected user groups, regulatory agencies, and boards when making conservation and allocation decisions;

(D) effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts;

(E) degraded salmon spawning, incubating, rearing, and migratory habitats should be restored to natural levels of productivity where known and desirable;

(F) ongoing monitoring should be conducted to determine the current status of habitat and the effectiveness of restoration activities;

(G) depleted salmon stocks should be allowed to recover or, where appropriate, should be actively restored; diversity should be maintained to the maximum extent possible, at the genetic, population, species, and ecosystem levels;

(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows:

(A) salmon spawning escapements should be assessed both temporally and geographically; escapement monitoring programs should be appropriate to the scale, intensity, and importance of each salmon stock's use;

(B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or inriver run goals, should be established in a manner consistent with sustained yield; unless otherwise directed, the department will manage Alaska's salmon fisheries, to the extent possible, for maximum sustained yield;

(C) salmon escapement goal ranges should allow for uncertainty associated with measurement techniques, observed variability in the salmon stock measured, changes in climatic and oceanographic conditions, and varying abundance within related populations of the salmon stock measured;

(D) salmon escapement should be managed in a manner to maintain genetic and phenotypic characteristics of the stock by assuring appropriate geographic and temporal distribution of spawners as well as consideration of size range, sex ratio, and other population attributes;

(E) impacts of fishing, including incidental mortality and other human-induced mortality, should be assessed and considered in harvest management decisions;

(F) salmon escapement and harvest management decisions should be made in a manner that protects non-target salmon stocks or species;

(G) the role of salmon in ecosystem functioning should be evaluated and considered in harvest management decisions and setting of salmon escapement goals;

(H) salmon abundance trends should be monitored and considered in harvest management decisions;

(3) effective management systems should be established and applied to regulate human activities that affect salmon as follows:

(A) salmon management objectives should be appropriate to the scale and intensity of various uses and the biological capacities of target salmon stocks;

(B) management objectives should be established in harvest management plans, strategies, guiding principles, and policies, such as for mixed stock fishery harvests, fish disease, genetics, and hatchery production, that are subject to periodic review;

(C) when wild salmon stocks are fully allocated, new fisheries or expanding fisheries should be restricted, unless provided for by management plans or by application of the board's allocation criteria;

(D) management agencies should have clear authority in statute and regulation to

(i) control all sources of fishing mortality on salmon;

(ii) protect salmon habitats and control non-fishing sources of mortality;

(E) management programs should be effective in

(i) controlling human-induced sources of fishing mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(ii) protecting salmon habitats and controlling collateral mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(F) fisheries management implementation and outcomes should be consistent with regulations, regulations should be consistent with statutes, and effectively carry out the purpose of this section;

(G) the board will recommend to the commissioner the development of effective joint research, assessment, and management arrangements with appropriate management agencies and bodies for salmon stocks that cross state, federal, or international jurisdictional boundaries; the board will recommend the coordination of appropriate procedures for effective monitoring, compliance, control, and enforcement with those of other agencies, states, or nations;

(H) the board will work, within the limits of its authority, to assure that

(i) management activities are accomplished in a timely and responsive manner to implement objectives, based on the best available scientific information;

(ii) effective mechanisms for the collection and dissemination of information and data necessary to carry out management activities are developed, maintained, and utilized;

(iii) management programs and decision-making procedures are able to clearly distinguish, and effectively deal with, biological and allocation issues;

(I) the board will recommend to the commissioner and legislature that adequate staff and budget for research, management, and enforcement activities be available to fully implement sustainable salmon fisheries principles;

(J) proposals for salmon fisheries development or expansion and artificial propagation and enhancement should include assessments required for sustainable management of existing salmon fisheries and wild salmon stocks;

(K) plans and proposals for development or expansion of salmon fisheries and enhancement programs should effectively document resource assessments, potential impacts, and other information needed to assure sustainable management of wild salmon stocks;

(L) the board will work with the commissioner and other agencies to develop effective processes for controlling excess fishing capacity;

(M) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions in sustaining salmon populations, fisheries, and habitat, and to resolve associated problems or deficiencies;

(N) conservation and management decisions for salmon fisheries should take into account the best available information on biological, environmental, economic, social, and resource use factors;

(O) research and data collection should be undertaken to improve scientific and technical knowledge of salmon fisheries, including ecosystem interactions, status of salmon populations, and the condition of salmon habitats;

(P) the best available scientific information on the status of salmon populations and the condition of the salmon's habitats should be routinely updated and subject to peer review;

(4) public support and involvement for sustained use and protection of salmon resources should be sought and encouraged as follows:

(A) effective mechanisms for dispute resolution should be developed and used;

(B) pertinent information and decisions should be effectively disseminated to all interested parties in a timely manner;

(C) the board's regulatory management and allocation decisions will be made in an open process with public involvement;

(D) an understanding of the proportion of mortality inflicted on each salmon stock by each user group, should be promoted, and the burden of conservation should be allocated across user groups in a manner consistent with applicable state and federal statutes, including [AS 16.05.251](#) (e) and [AS 16.05.258](#) ; in the absence of a regulatory management plan that otherwise allocates or restricts harvests, and when it is necessary to restrict fisheries on salmon stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to each fisheries' respective use, consistent with state and federal law;

(E) the board will work with the commissioner and other agencies as necessary to assure that adequately funded public information and education programs provide timely materials on salmon conservation, including habitat requirements, threats to

salmon habitat, the value of salmon and habitat to the public and ecosystem (fish and wildlife), natural variability and population dynamics, the status of salmon stocks and fisheries, and the regulatory process;

(5) in the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats shall be managed conservatively as follows:

(A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality; a precautionary approach requires

(i) consideration of the needs of future generations and avoidance of potentially irreversible changes;

(ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly;

(iii) initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species;

(iv) that where the impact of resource use is uncertain, but likely presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource;

(v) appropriate placement of the burden of proof, of adherence to the requirements of this subparagraph, on those plans or ongoing activities that pose a risk or hazard to salmon habitat or production;

(B) a precautionary approach should be applied to the regulation of activities that affect essential salmon habitat.

(d) The principles and criteria for sustainable salmon fisheries shall be applied, by the department and the board using the best available information, as follows:

(1) at regular meetings of the board, the department will, to the extent practicable, provide the board with reports on the status of salmon stocks and salmon fisheries under consideration for regulatory changes, which should include

(A) a stock-by-stock assessment of the extent to which the management of salmon stocks and fisheries is consistent with the principles and criteria contained in the policy under this section;

(B) descriptions of habitat status and any habitat concerns;

(C) identification of healthy salmon stocks and sustainable salmon fisheries;

(D) identification of any existing salmon escapement goals, or management actions needed to achieve these goals, that may have allocative consequences such as the

(i) identification of a new fishery or expanding fishery;

(ii) identification of any salmon stocks, or populations within stocks, that present a concern related to yield, management, or conservation; and

(iii) description of management and research options to address salmon stock or habitat concerns;

(2) in response to the department's salmon stock status reports, reports from other resource agencies, and public input, the board will review the management plan, or consider developing a management plan, for each affected salmon fishery or stock; management plans will be based on the principles and criteria contained in this policy and will

(A) contain goals and measurable and implementable objectives that are reviewed on a regular basis and utilize the best available scientific information;

(B) minimize the adverse effects on salmon habitat caused by fishing;

(C) protect, restore, and promote the long-term health and sustainability of the salmon fishery and habitat;

(D) prevent overfishing; and

(E) provide conservation and management measures that are necessary and appropriate to promote maximum or optimum sustained yield of the fishery resource;

(3) in the course of review of the salmon stock status reports and management plans described in (1) and (2) of this subsection, the board, in consultation with the department, will determine if any new fisheries or expanding fisheries, stock yield concerns, stock management concerns, or stock conservation concerns exist; if so, the board will, as appropriate, amend or develop salmon fishery management plans to

address these concerns; the extent of regulatory action, if any, should be commensurate with the level of concerns and range from milder to stronger as concerns range from new and expanding salmon fisheries through yield concerns, management concerns, and conservation concerns;

(4) in association with the appropriate management plan, the department and the board will, as appropriate, collaborate in the development and periodic review of an action plan for any new or expanding salmon fisheries, or stocks of concern; action plans should contain goals, measurable and implementable objectives, and provisions, including

(A) measures required to restore and protect salmon habitat, including necessary coordination with other agencies and organizations;

(B) identification of salmon stock or population rebuilding goals and objectives;

(C) fishery management actions needed to achieve rebuilding goals and objectives, in proportion to each fishery's use of, and hazards posed to, a salmon stock;

(D) descriptions of new or expanding salmon fisheries, management concern, yield concern, or conservation concern; and

(E) performance measures appropriate for monitoring and gauging the effectiveness of the action plan that are derived from the principles and criteria contained in this policy;

(5) each action plan will include a research plan as necessary to provide information to address concerns; research needs and priorities will be evaluated periodically, based on the effectiveness of the monitoring described in (4) of this subsection;

(6) where actions needed to regulate human activities that affect salmon and salmon's habitat that are outside the authority of the department or the board, the department or board shall correspond with the relevant authority, including the governor, relevant boards and commissions, commissioners, and chairs of appropriate legislative committees, to describe the issue and recommend appropriate action.

(e) Nothing in the policy under this section is intended to expand, reduce, or be inconsistent with, the statutory regulatory authority of the board, the department, or other state agencies with regulatory authority that impacts the fishery resources of the state.

(f) In this section, and in implementing this policy,

(1) "allocation" means the granting of specific harvest privileges, usually by regulation, among or between various user groups; "allocation" includes quotas, time periods, area restrictions, percentage sharing of stocks, and other management measures providing or limiting harvest opportunity;

(2) "allocation criteria" means the factors set out in [AS 16.05.251](#) (e) considered by the board as appropriate to particular allocation decisions under 5 AAC [39.205](#), 5 AAC [75.017](#), and 5 AAC [77.007](#);

(3) "biological escapement goal" or "(BEG)" means the escapement that provides the greatest potential for maximum sustained yield; BEG will be the primary management objective for the escapement unless an optimal escapement or inriver run goal has been adopted; BEG will be developed from the best available biological information, and should be scientifically defensible on the basis of available biological information; BEG will be determined by the department and will be expressed as a range based on factors such as salmon stock productivity and data uncertainty; the department will seek to maintain evenly distributed salmon escapements within the bounds of a BEG;

(4) "burden of conservation" means the restrictions imposed by the board or department upon various users in order to achieve escapement, rebuild, or in some other way conserve a specific salmon stock or group of stocks; this burden, in the absence of a salmon fishery management plan, will be generally applied to users in close proportion to the users' respective harvest of the salmon stock;

(5) "chronic inability" means the continuing or anticipated inability to meet escapement thresholds over a four to five year period, which is approximately the generation time of most salmon species;

(6) "conservation concern" means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a stock above a sustained escapement threshold (SET); a conservation concern is more severe than a management concern;

(7) "depleted salmon stock" means a salmon stock for which there is a conservation concern;

(8) "diversity", in a biological context, means the range of variation exhibited within any level of organization, such as among genotypes within a salmon population, among populations within a salmon stock, among salmon stocks within a species, among salmon species within a community, or among communities within an ecosystem;

(9) "enhanced salmon stock" means a stock of salmon that is undergoing specific manipulation, such as hatchery augmentation or lake fertilization, to enhance its productivity above the level that would naturally occur; "enhanced salmon stock" includes an introduced stock, where no wild salmon stock had occurred before, or a wild salmon stock undergoing manipulation, but does not include a salmon stock undergoing rehabilitation, which is intended to restore a salmon stock's productivity to a higher natural level;

(10) "escapement" means the annual estimated size of the spawning salmon stock; quality of the escapement may be determined not only by numbers of spawners, but also by factors such as sex ratio, age composition, temporal entry into the system, and spatial distribution within the salmon spawning habitat;

(11) "expanding fishery" means a salmon fishery in which effective harvesting effort has recently increased significantly beyond historical levels and where the increase has not resulted from natural fluctuations in salmon abundance;

(12) "expected yields" mean levels at or near the lower range of recent historic harvests if they are deemed sustainable;

(13) "genetic" means those characteristics (genotypic) of an individual or group of salmon that are expressed genetically, such as allele frequencies or other genetic markers;

(14) "habitat concern" means the degradation of salmon habitat that results in, or can be anticipated to result in, impacts leading to yield, management, or conservation concerns;

(15) "harvestable surplus" means the number of salmon from a stock's annual run that is surplus to escapement needs and can reasonably be made available for harvest;

(16) "healthy salmon stock" means a stock of salmon that has annual runs typically of a size to meet escapement goals and a potential harvestable surplus to support optimum or maximum sustained yield;

(17) "incidental harvest" means the harvest of fish, or other species, that is captured in addition to the target species of a fishery;

(18) "incidental mortality" means the mortality imposed on a salmon stock outside of directed fishing, and mortality caused by incidental harvests, interaction with fishing gear, habitat degradation, and other human-related activities;

(19) "inriver run goal" means a specific management objective for salmon stocks that are subject to harvest upstream of the point where escapement is estimated; the inriver run goal will be set in regulation by the board and is comprised of the SEG, BEG, or OEG, plus specific allocations to inriver fisheries;

(20) "introduced stock" means a stock of salmon that has been introduced to an area, or portion of an area, where that stock had not previously occurred; an "introduced salmon stock" includes a salmon stock undergoing continued enhancement, or a salmon stock that is left to sustain itself with no additional manipulation;

(21) "management concern" means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specified management objectives for the fishery; a management concern is not as severe as a conservation concern;

(22) "maximum sustained yield" or "(MSY)" means the greatest average annual yield from a salmon stock; in practice, MSY is achieved when a level of escapement is maintained within a specific range on an annual basis, regardless of annual run strength; the achievement of MSY requires a high degree of management precision and scientific information regarding the relationship between salmon escapement and subsequent return; the concept of MSY should be interpreted in a broad ecosystem context to take into account species interactions, environmental changes, an array of ecosystem goods and services, and scientific uncertainty;

(23) "mixed stock fishery" means a fishery that harvests fish from a mixture of stocks;

(24) "new fishery" means a fishery that new units of effort or expansion of existing effort toward new species, areas, or time periods, results in harvest patterns substantially different from those in previous years, and the difference is not exclusively the result of natural fluctuations in fish abundance;

(25) "optimal escapement goal" or "(OEG)" means a specific management objective for salmon escapement that considers biological and allocative factors and may differ from the SEG or BEG; an OEG will be sustainable and may be expressed as a range with the lower bound above the level of SET, and will be adopted as a regulation by the board; the department will seek to maintain evenly distributed escapements within the bounds of the OEG;

(26) "optimum sustained yield" or "(OSY)" means an average annual yield from a salmon stock considered to be optimal in achieving a specific management objective other than maximum yield, such as achievement of a consistent level of sustained

yield, protection of a less abundant or less productive salmon stock or species, enhancement of catch per unit effort in sport fishery, facilitation of a non-consumptive use, facilitation of a subsistence use, or achievement of a specific allocation;

(27) "overfishing" means a level of fishing on a salmon stock that results in a conservation or management concern;

(28) "phenotypic characteristics" means those characteristics of an individual or group of salmon that are expressed physically, such as body size and length at age;

(29) "rehabilitation" means efforts applied to a salmon stock to restore it to an otherwise natural level of productivity; "rehabilitation" does not include an enhancement, which is intended to augment production above otherwise natural levels;

(30) "return" means the total number of salmon in a stock from a single brood (spawning) year surviving to adulthood; because the ages of adult salmon (except pink salmon) returning to spawn varies, the total return from a brood year will occur over several calendar years; the total return generally includes those mature salmon from a single brood year that are harvested in fisheries plus those that compose the salmon stock's spawning escapement; "return" does not include a run, which is the number of mature salmon in a stock during a single calendar year;

(31) "run" means the total number of salmon in a stock surviving to adulthood and returning to the vicinity of the natal stream in any calendar year, composed of both the harvest of adult salmon plus the escapement; the annual run in any calendar year, except for pink salmon, is composed of several age classes of mature fish from the stock, derived from the spawning of a number of previous brood years;

(32) "salmon" means the five wild anadromous semelparous Pacific salmon species *Oncorhynchus sp.*, except steelhead and cutthroat trout, native to Alaska as follows:

(A) chinook or king salmon (*O. tshawytscha*);

(B) sockeye or red salmon (*O. nerka*);

(C) coho or silver salmon (*O. kisutch*);

(D) pink or humpback salmon (*O. gorbuscha*); and

(E) chum or dog salmon (*O. keta*);

(33) "salmon population" means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics, comprised of an entire stock or a component portion of a stock; the smallest uniquely identifiable spawning aggregation of genetically similar salmon used for monitoring purposes;

(34) "salmon stock" means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics or an aggregation of two or more interbreeding groups which occur within the same geographic area and is managed as a unit;

(35) "stock of concern" means a stock of salmon for which there is a yield, management, or conservation concern;

(36) "sustainable escapement goal" or "(SEG)" means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated or managed for; the SEG is the primary management objective for the escapement, unless an optimal escapement or inriver run goal has been adopted by the board; the SEG will be developed from the best available biological information; and should be scientifically defensible on the basis of that information; the SEG will be determined by the department and will take into account data uncertainty and be stated as either a "SEG range" or "lower bound SEG"; the department will seek to maintain escapements within the bounds of the SEG range or above the level of a lower bound SEG;

(37) "sustainable salmon fishery" means a salmon fishery that persists and obtains yields on a continuing basis; characterized by fishing activities and habitat alteration, if any, that do not cause or lead to undesirable changes in biological productivity, biological diversity, or ecosystem structure and function, from one human generation to the next;

(38) "sustained yield" means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields;

(39) "sustained escapement threshold" or "(SET)" means a threshold level of escapement, below which the ability of the salmon stock to sustain itself is jeopardized; in practice, SET can be estimated based on lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself; the SET is lower than the lower bound of the BEG and lower

than the lower bound of the SEG; the SET is established by the department in consultation with the board, as needed, for salmon stocks of management or conservation concern;

(40) "target species" or "target salmon stocks" means the main, or several major, salmon species of interest toward which a fishery directs its harvest;

(41) "yield" means the number or weight of salmon harvested in a particular year or season from a stock;

(42) "yield concern" means a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock's escapement needs; a yield concern is less severe than a management concern, which is less severe than a conservation concern;

(43) "wild salmon stock" means a stock of salmon that originates in a specific location under natural conditions; "wild salmon stock" may include an enhanced or rehabilitated stock if its productivity is augmented by supplemental means, such as lake fertilization or rehabilitative stocking; "wild salmon stock" does not include an introduced stock, except that some introduced salmon stocks may come to be considered "wild" if the stock is self-sustaining for a long period of time;

(44) "action point" means a threshold value for some quantitative indicator of stock run strength at which an explicit management action will be taken to achieve an optimal escapement goal.

History: Eff. 9/30/2000, Register 155; am 11/16/2000, Register 156; am 6/22/2001, Register 158; am 6/10/2010, Register 194

Authority: [AS 16.05.251](#)

5 AAC 39.223. Policy for statewide salmon escapement goals

(a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska's salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals.

(b) The board recognizes the department's responsibility to

(1) document existing salmon escapement goals for all salmon stocks that are currently managed for an escapement goal;

(2) establish biological escapement goals (BEG) for salmon stocks for which the department can reliably enumerate salmon escapement levels, as well as total annual returns;

(3) establish sustainable escapement goals (SEG) for salmon stocks for which the department can reliably estimate escapement levels when there is not sufficient information to enumerate total annual returns and the range of escapements that are used to develop a BEG;

(4) establish sustained escapement thresholds (SET) as provided in 5 AAC [39.222](#) (Policy for the Management of Sustainable Salmon Fisheries);

(5) establish escapement goals for aggregates of individual spawning populations with similar productivity and vulnerability to fisheries and for salmon stocks managed as units;

(6) review an existing, or propose a new, BEG, SEG and SET on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals;

(7) prepare a scientific analysis with supporting data whenever a new BEG, SEG, or SET, or a modification to an existing BEG, SEG, or SET is proposed and, in its discretion, to conduct independent peer reviews of its BEG, SEG, and SET analyses;

(8) notify the public whenever a new BEG, SEG, or SET is established or an existing BEG, SEG, or SET is modified;

(9) whenever allocative impacts arise from any management actions necessary to achieve a new or modified BEG, SEG or SET, report to the board on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals so that it can address allocation issues.

(c) In recognition of its joint responsibilities, and in consultation with the department, the board will

(1) take regulatory actions as may be necessary to address allocation issues arising from implementation of a new or modified BEG, SEG, and SET;

(2) during its regulatory process, review a BEG, SEG, or SET determined by the department and, with the assistance of the department, determine the appropriateness of establishing an optimal escapement goal (OEG); the board will provide an explanation of the reasons for establishing an OEG and provide, to the extent practicable, and with the assistance of the department, an estimate of expected differences in yield of any salmon stock, relative to maximum sustained yield, resulting from implementation of an OEG.

(d) Unless the context requires otherwise, the terms used in this section have the same meaning given those terms in 5 AAC [39.222\(f\)](#) .

History: Eff. 6/22/2001, Register 158

Authority: [AS 16.05.251](#)

Selected Definitions

39.222(f) In this section, and in implementing this policy,

(3) "biological escapement goal" or "(BEG)" means the escapement that provides the greatest potential for maximum sustained yield; BEG will be the primary management objective for the escapement unless an optimal escapement or inriver run goal has been adopted; BEG will be developed from the best available biological information, and should be scientifically defensible on the basis of available biological information; BEG will be determined by the department and will be expressed as a range based on factors such as salmon stock productivity and data uncertainty; the department will seek to maintain evenly distributed salmon escapements within the bounds of a BEG;

(22) "maximum sustained yield" or "(MSY)" means the greatest average annual yield from a salmon stock; in practice, MSY is achieved when a level of escapement is

maintained within a specific range on an annual basis, regardless of annual run strength; the achievement of MSY requires a high degree of management precision and scientific information regarding the relationship between salmon escapement and subsequent return; the concept of MSY should be interpreted in a broad ecosystem context to take into account species interactions, environmental changes, an array of ecosystem goods and services, and scientific uncertainty;

(25) "optimal escapement goal" or "(OEG)" means a specific management objective for salmon escapement that considers biological and allocative factors and may differ from the SEG or BEG; an OEG will be sustainable and may be expressed as a range with the lower bound above the level of SET, and will be adopted as a regulation by the board; the department will seek to maintain evenly distributed escapements within the bounds of the OEG;

(26) "optimum sustained yield" or "(OSY)" means an average annual yield from a salmon stock considered to be optimal in achieving a specific management objective other than maximum yield, such as achievement of a consistent level of sustained yield, protection of a less abundant or less productive salmon stock or species, enhancement of catch per unit effort in sport fishery, facilitation of a non-consumptive use, facilitation of a subsistence use, or achievement of a specific allocation;

(36) "sustainable escapement goal" or "(SEG)" means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated or managed for; the SEG is the primary management objective for the escapement, unless an optimal escapement or inriver run goal has been adopted by the board; the SEG will be developed from the best available biological information; and should be scientifically defensible on the basis of that information; the SEG will be determined by the department and will take into account data uncertainty and be stated as either a "SEG range" or "lower bound SEG"; the department will seek to maintain escapements within the bounds of the SEG range or above the level of a lower bound SEG;

(39) "sustained escapement threshold" or "(SET)" means a threshold level of escapement, below which the ability of the salmon stock to sustain itself is jeopardized; in practice, SET can be estimated based on lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself; the SET is lower than the lower bound of the BEG and lower than the lower bound of the SEG; the SET is established by the department in consultation with the board, as needed, for salmon stocks of management or conservation concern;

(previous 98-02-FB)
98-177-FB

RESOLUTION
BOARD OF FISHERIES

WHEREAS, in December, 1997, during the course of its "in cycle" consideration of fisheries issues related to the Arctic-Yukon-Kuskokwim area, the Board was presented with information which led the Board to consider the need for an thorough and complete examination of the subsistence fishery in Norton Sound, including consideration of a possible Tier II subsistence fishery, and conservation issues, particularly in the Nome Subdistrict; and

WHEREAS, the communities of Norton Sound were advised of the Board's concerns and the need for a special meeting as set forth in the special notice by which the Board informed the public of the meeting in Nome in March, 1998; and

WHEREAS, the Board conducted a public hearing in Nome on March 3rd, 4th and 5th, 1998, which included extensive staff reports on the subsistence issue as well as public testimony from over fifty (50) members of the public and advisory committees; and

WHEREAS, as a result of this public process, the Board was made aware that there is a lack of understanding and uncertainty among the subsistence users of Nome and other communities in Norton Sound, as well as considerable uncertainty by the staff of ADF & G as to how the fishery would be managed under a Tier II system; and

WHEREAS, it is the practice of the Board of Fisheries to give the stakeholders in a fishery the widest possible opportunity to address and to solve problems in their own fisheries with the assistance of staff of the Department of Fish and Game and the Board of Fisheries; and

WHEREAS, only a short period of time has passed between the Board's concerns arising in Fairbanks in December, 1997 and the public meeting in Nome in March, 1998, which time period has not allowed a full and complete exploration and discussion of the issues surrounding the subsistence and conservation concerns of the Board by the stakeholders in the fishery;

NOW, THEREFORE, after full consideration of all of the options and possibilities before the Board and after additional presentations by the Staff of ADF&G and the Department of Law,

THE BOARD OF FISHERIES RESOLVES as follows:

1) The Board hereby authorizes its Chairman, with the assistance of local Department staff and the public in attendance at this Board meeting, and subject to the approval of the full Board, to appoint a Workgroup of interested and qualified subsistence, sport and commercial users and residents of the Nome Subdistrict to consider all of the issues and options surrounding the conservation and subsistence issues in the Nome Subdistrict; and

2) The Workgroup is directed to work with ADF&G staff and the Department of Law, both of whom have expressed their commitments to this process, to develop a local Salmon Management Plan. The Management Plan shall be localized, shall have a broad range of management tools and practices for the Nome Subdistrict and shall address the following matters:

A) Conservation issues in the Nome Subdistrict; and

B) Issues of Tier I and Tier II subsistence fisheries in the Nome Subdistrict; and

C) Establishment of a criteria to differentiate among subsistence users in the event a Tier II fishery is required in the Nome Subdistrict; and

D) Consider restoration and enhancement options and possibilities in the Nome Subdistrict; and

E) Recommendations for research and funding for the Nome Subdistrict.

3) The Workgroup is to work with ADF&G Nome/Norton Sound staff before, during and after the 1998 season. If, in the determination of the Workgroup and with the concurrence of ADF&G staff, a closure of any river(s) or other area(s) is deemed appropriate, the Workgroup shall make a recommendation to the local Advisory Committee(s) to close such river(s) or area(s). In this regard, the Board authorizes the Chairman to work with the Commissioner to insure that the Advisory Committee(s) are given the appropriate authority under AS 16.05.260 and 5 AAC 97.010. Nothing set forth herein is intended, in any manner, to limit the Department's emergency order authority.

4) The Workgroup is directed to make an interim report at the Board of Fisheries work session in Juneau, Alaska in October, 1998. Further, the Workgroup is to complete its work and report to the full Board at its meeting in Nome, Alaska in March, 1999 at which time it will submit its localized Salmon Management Plan for the Nome Subdistrict.

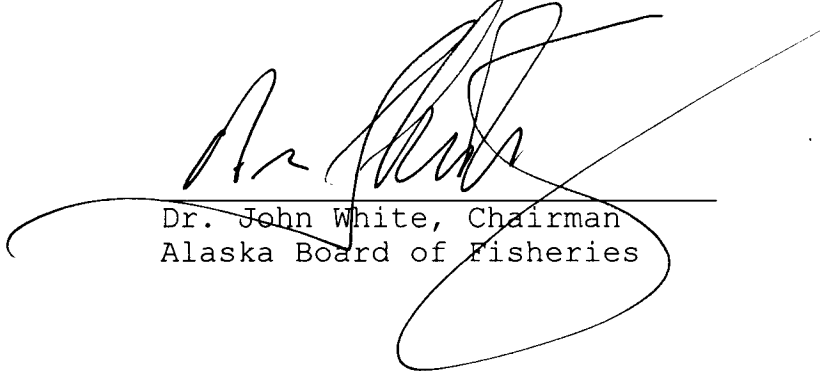
Previously
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5) If, for any reason, the Workgroup fails to report as required in a timely fashion, the Staff of the Department is instructed to make the report to the full Board.

6) The Workgroup has selected and the full Board approves Caleb Pungowiyi as its interim chairman. He is instructed to work with Board Chairman White. The initial members of the working group have been selected and the full Board has approved these selections. The initial working group will hold a public meeting and expand its membership as it deems appropriate thereafter.

7) The Board expects that this Workgroup will confine its efforts to the development of a localized Management Plan.

DATED at Nome, Alaska this 5th day March, 1998.



Dr. John White, Chairman
Alaska Board of Fisheries

ALASKA BOARD OF FISHERIES**YUKON RIVER DRAINAGE FALL CHUM SALMON
MANAGEMENT PLAN FINDING**

The Board of Fisheries (board) held a meeting in Anchorage, Alaska, on March 10 through 19, 1996. During this meeting, the board addressed Agenda Change Request 2, the review of 5 AAC 01.249. *THE 1995 YUKON RIVER DRAINAGE FALL CHUM SALMON MANAGEMENT PLAN*. The board received public and advisory committee comments concerning the 1995 management plan. Public comments included proposed amendments from the Yukon River Drainage Fisheries Association (association).

The association's plan was different from the 1995 management plan by recommending that total closure of the subsistence chum salmon directed fishery in a given year would not occur unless the drainagewide escapement level was less than or equal to 350,000 fall chum salmon. The association proposed that at a run size greater than 350,000 fish, but less than or equal to 550,000 fall chum salmon, that the drainagewide escapement level be lowered from the 1995 management plan's 400,000 fall chum salmon level to 350,000 or 375,000 fall chum salmon, depending on the run strength. Additionally, the association proposed that during the most restrictive subsistence chum salmon directed fishing periods, that a human-food-only chum salmon directed fishery be allowed.

Similar to the 1995 management plan, the association's management plan continued to recommend that, with run size greater than 550,000 fall chum salmon, the subsistence directed chum salmon fisheries would be managed for a 400,000 drainagewide fall chum salmon escapement level. In managing the commercial, personal use, and sport-directed chum salmon fisheries, the association's plan would also continue to target for a 400,000 fall chum salmon drainagewide escapement level. The association argued that its management plan would provide for a modest level of fall chum salmon subsistence use during below average returns while ensuring sustained yield.

The board recognizes and appreciates the helpful role the association has had in fostering cooperative management by developing consensus among the different user groups and the Department of Fish and Game (department). The association's recommended Toklat River Fall Chum Salmon Rebuilding Plan is an excellent example of the association's performance in developing comprehensive recommendations for conservation and management.

The board heard from the department that five Biological Escapement Goals (BEGs) have been established for fall chum salmon throughout the drainage. The department, and in the case of two of the five goals, the United States and Canada Yukon River Joint Technical Committee, develops biological escapement goals based on the best biological information available. Most of the current BEGs are, in part, based on historical averages,

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and are in the form of a minimum number of desired spawners. The current BEG minimum numbers are thought to be less than that which produces Maximum Sustainable Yield (MSY). The board also heard from the department that, since 1993, a targeted drainagewide escapement level of 400,000 fall chum salmon was used in the management of the fisheries to increase the likelihood of achieving the individual BEGs throughout the drainage.

The department reported that a total run size of 600,000 fall chum salmon was needed to meet a 400,000 fall chum salmon drainagewide escapement level and 200,000 fall chum salmon to meet 1996 anticipated subsistence and Canadian fisheries needs.

The board heard from the department that drainagewide escapement levels of 350,000 and 375,000 fall chum salmon, given normal distribution, was sustainable but would be expected to produce a lower yield than a drainagewide escapement of 400,000 fall chum salmon, given normal distribution. The board also heard from the department that, based on the current Ricker spawner-recruit model for Yukon River fall chum salmon, a drainagewide escapement of 350,000 fish, given normal distribution, would be expected to produce a return of approximately 800,000 fall chum salmon. The board also heard that the estimated drainagewide median escapement for the years 1974 to 1995 is approximately 327,000 fall chum salmon. The board also heard from the department that the current Ricker recruit curve model suggests that a drainagewide fall chum salmon escapement level of approximately 550,000 fall chum salmon may be necessary to produce MSY.

The Alaska Constitution mandates that fishery resources be managed on the sustained yield principle. A wide range of sustainable yields are possible for salmon fisheries. The board also heard from the department that, in October 1992, each of the department's division directors signed an Escapement Goal Policy. Page 1, paragraph 4, first sentence of the policy states that:

"Unless otherwise directed by regulation, the department will manage Alaska's salmon fisheries, to the extent possible, for maximum sustained yield."

However, the board does have the authority to direct the department to manage the fishery at a level that produces a sustained yield, but which is less than MSY, such as by establishing Optimal Escapement Goals. As defined by the escapement goal policy:

"Optimal Escapement Goal (OEG): is a specific management objective for escapement that considers biological and allocative factors. The optimal escapement goal is determined by the Alaska Board of Fisheries. The optimal escapement goal may or may not be equal to the BEG but is always sustainable."

Lowering the drainagewide escapement level to provide for a limited subsistence fishery in those years of below average returns has both allocative and biological aspects. The allocation issue is between the needs of subsistence fishermen in any given year and those

of the commercial fishermen. If adopted, in those years this provision is applied, it would likely decrease the allowable commercial harvest in future years, primarily four years later, when age-4 fish return. Additionally, in those years when this provision is applied, it would likely increase the possibility that subsistence restrictions may be necessary in the event of poor production. Again, the effects of the possible reduction in future returns would be felt primarily four years later. On the other hand, it would allow for some continuing level of subsistence use; a very important use for Yukon River subsistence users.

The biological aspects of this proposal, in those years enacted, would reduce the level of the drainagewide escapement. This could have several effects, including: decreasing the likelihood that year of meeting the individual BEGs established throughout the drainage; decreasing the likelihood that year of meeting the border passage objective to Canada; it could affect the Toklat River fall chum salmon stock rebuilding efforts for that year.

To provide the board some idea on how the association's proposed management plan would affect management recommendations when compared to the 1995 management plan, the department applied the association's management plan of a lower drainagewide escapement level prior to a closure of the subsistence directed chum salmon fisheries to historical run sizes estimates. The association's management plan would alter the management recommendations contained in the 1995 management plan in years when run size estimates are greater than 350,000 fall chum salmon but less than or equal to 550,000 fall chum salmon. The median run size estimate for the years 1974 through 1995 is approximately 730,000 fall chum salmon. The association's plan would have altered management actions, from those proposed in the 1995 management plan, in only 3 of the past 22 years.

The Department of Law also informed the board that, under the subsistence law, the board did not have the authority to establish a "human-food-only" fishery.

After further board discussion, with additional input from the department and the association, the board adopted a Yukon River Drainage Fall Chum Salmon Management Plan. The management plan reflects the intent that, in those years of a low return, the directed subsistence chum salmon fishery would be allowed at drainagewide fall chum salmon escapement levels of 350,000 or 375,000 prior to a total closure of the directed fall chum salmon subsistence fishery. The management plan was also amended to include a "sunset clause" of December 31, 1997. This clause would put the management plan up for review during the next regular scheduled A-Y-K board meeting during the winter of 1997/1998.

In adopting the Yukon River Drainage Fall Chum Salmon Management Plan regulation, it was the finding of the board that:

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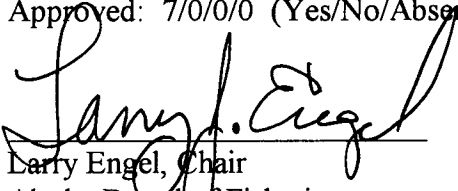
1. The "targeted drainagewide escapement goal" is defined as that level of drainagewide escapement for which the department manages in order to increase the likelihood of achieving individual biological escapement goals throughout the drainage.
2. The Yukon River targeted drainagewide escapement goal is 400,000 fall chum salmon.
3. Yukon River drainagewide escapement levels of 350,000 and 375,000 fall chum salmon, given normal distribution, provide for sustained yield.
4. In those years that a 350,000 or 375,000 drainagewide fall chum salmon escapement level is targeted, instead of a 400,000 drainagewide fall chum salmon escapement level, the allowable fall chum salmon harvest would be expected to be less in future years, primarily four years later, when age-4 fish return.
5. Given normal production levels and distribution, a drainagewide escapement level of 350,000 or 375,000 fall chum salmon would be expected to produce sufficient fish in the return year for commercial fall chum salmon fisheries, normal subsistence harvest levels, Canadian fisheries, and a 400,000 fall chum salmon drainagewide escapement level.
6. For the historical period 1974 through 1995, only three years exist in which total fall chum salmon run size was estimated to have ranged between 350,000 and 550,000 fish.
7. The board's has to preserve and protect the subsistence fishery to a degree that has not occurred in the past.

Therefore, in managing the Yukon River fall chum salmon directed subsistence fishery, the board adopts an Optimal Escapement Goal of 350,000 fall chum salmon in years the Yukon River drainage fall chum salmon run is estimated to be greater than 350,000 fall chum salmon but less than or equal to 450,000 fall chum salmon. Additionally, in managing the Yukon River fall chum salmon directed subsistence fishery, the board adopts an Optimal Escapement Goal of 375,000 fall chum salmon in years the Yukon River drainage fall chum salmon run size is estimated to be greater than 450,000 fall chum salmon but less than or equal to 550,000 fall chum salmon.

At Wasilla, Alaska

Date: October 26, 1996

Approved: 7/0/0/0 (Yes/No/Absent/Abstain)


Larry Engel, Chair
Alaska Board of Fisheries

**Alaska Board of Fisheries
Findings
Chum Salmon Conservation Measures For The
Arctic-Yukon-Kuskokwim and South Unimak/Shumagin Islands June
Fisheries**

A. Background:

By legal notice dated February 1, 1994, the Alaska Board of Fisheries (board) announced its intention to consider chum salmon conservation measures throughout the Arctic-Yukon-Kuskokwim (AYK) and in the South Unimak/Shumagin Islands June fishery at its regularly scheduled board meeting in March 1994. The board meeting drew considerable public attendance and testimony. The board heard testimony from approximately 175 members of the public and 10 advisory committees. The board also reviewed a considerable volume of written comments submitted by the public prior to and during the meeting. The Alaska Department of Fish and Game (ADF&G, department) presented a comprehensive review of the information available for the AYK chum salmon stocks and fisheries and for the South Unimak/Shumagin Islands June fishery.

The board has examined the Alaska Peninsula June fisheries and their relationship to the AYK chum salmon stocks and fisheries numerous times. See board findings FB-1-92 and FB-06-92.

During the summer of 1993, it became apparent that AYK and other Alaska chum salmon returns were well below expectations, due primarily to the lack of four year old spawners.

Consequently, when the board met in October 1993 to review agenda change requests and petitions, the board considered requests to revisit the chum salmon cap in the South Unimak/Shumagin Islands June fishery. The board found that these requests did not meet the criteria set out in 5 AAC 39.999 for taking the matter out of cycle. Additionally, ADF&G indicated there was no new information regarding chum salmon stock identification in the South Unimak/Shumagin Islands June fishery. Nor was there any indication from ADF&G that the estimated 2.5 million missing AYK chum salmon were related to the June fishery.

Immediately after the board adjourned its October 1993 meeting, the commissioner of ADF&G called a special meeting of the board for December 1993 to consider any and all actions to address the chum salmon conservation problems in the AYK fisheries.

The special informational meeting was convened on December 1 - 4, 1993 in Anchorage so that the board could consider scheduling matters for a regulatory meeting aimed at addressing the various AYK chum salmon problems. At the December meeting, the board heard three days of public comment from 80 members of the public and 9 advisory committees, and numerous staff reports

concerning chum salmon stocks from the Alaska Peninsula through nearly the northern extent of their range in the Kotzebue area. The meeting was not noticed for regulatory action, but the board agreed to review a number of department options addressing conservation concerns throughout the suspected range of AYK chum salmon stocks. The board eliminated a specific 300,000 fish reduction in South Unimak/Shumagin Islands chum cap, but did agree to re-examine that cap at the March 1994 meeting.

The department-generated proposals were initially published with the February 1, 1994 public notice, with revised set of proposals published in early March for public review and comment and scheduled for board consideration at the March 1994 meeting.

At the March board meeting, the board considered six proposals submitted by the department. The proposals provided generally for an AYK region wide rebuilding plan that would allow chum salmon saved in a fishery to pass through to the spawning grounds, provide the department with greater flexibility for inseason management to conserve chum salmon during fisheries for other salmon, and where possible, provided additional opportunities for subsistence fisheries while protecting chum salmon stocks. The actions taken by the board for the AYK fisheries and for the South Unimak/Shumagin Islands June fishery are generally as set out in Section B of these findings.

B. Summary of Regulatory Changes Adopted by the board:

The board took action to conserve AYK chum salmon stocks and to allocate the burden of conservation consistent with the "Policy for the Management of Mixed Stock Salmon Fisheries" [5 AAC 39.220]. With respect to the AYK fisheries, these measures are intended to minimize, if necessary, the taking of chum salmon while allowing subsistence fishing of other salmon species. These measures also provide for the commercial and sport harvests of other salmon species where escapement is met and subsistence is provided for and there is additional harvestable fish.

With respect to the South Unimak/Shumagin Islands June fishery, these measures provide the department with additional flexibility to further minimize the possibility of large chum salmon harvests by maximizing fishing opportunity during periods of high sockeye to chum salmon ratios.

Proposal No. 1: The board adopted an overall Arctic-Yukon-Kuskokwim Region Chum Salmon Rebuilding Management Plan with the guiding principle that the savings of chum salmon resulting from regulatory actions in a fishery to reduce chum salmon interceptions should be allowed to pass through subsequent fisheries to the spawning areas as needed to maintain sustained yield. This plan applies to all AYK chum salmon stocks and fisheries and to the South Unimak/Shumagin Islands June fishery.

Proposal No. 2: The board took action to make the harvestable surplus of chum salmon at the Sikusuiqa Springs Hatchery available to Kotzebue area

commercial fishers using set gillnets through emergency orders issued by the department. This action will maximize harvest on excess hatchery stocks returning to the Sikusuilaq hatchery, while intercepting wild chum salmon stocks as little as possible.

Proposal No. 3: In the Norton Sound-Port Clarence area, the board provided the department with authority to target commercial fishing on Chinook salmon by using larger mesh gillnet gear that would only minimally impact chum salmon, provided authority to allow only beach seine gear to be used for subsistence fishing, and to require that chum salmon taken with beach seine gear must be returned to the water alive. The board also provided authority to the department to close set gillnet gear separately from other gear by emergency order if necessary for the conservation of chum salmon.

Proposal No. 4: In the Yukon area, the board established a new coastal fishing district to allow flexibility in management actions if necessary to protect chum salmon during subsistence fisheries. The board also provided the department with authority to limit commercial fishing gear to large size Chinook salmon gillnet gear, to continue to provide for commercial fishing of Chinook salmon while minimizing interceptions of chum salmon. The regulations were amended to provide the department with authority to limit the size of gillnet gear for subsistence fishing to less than four inches or greater than eight inches to allow subsistence fishing while minimizing the impact on chum salmon and to require that fish wheels be equipped with live boxes and that chum salmon be returned to the water alive. The board provided authority for the department to conduct a test fishery in the Anvik River to determine the feasibility of harvesting surplus summer chum salmon without stressing Chinook stocks. The markers at the mouth of the Andreafsky River were moved to provide greater management flexibility. Additionally, the board created a time separation between commercial and subsistence fishing periods to lessen the opportunity for subsistence fish to be illegally sold, while still providing a reasonable opportunity for subsistence when there is a harvestable portion.

The Yukon River chum salmon stocks were also addressed through the Yukon River drainage Fall Chum Salmon Management Plan, which was adopted at this meeting. The purpose of this management plan is to assure adequate escapement of fall chum salmon into the tributaries of the Yukon River and to provide management guidelines to the department. The board applied the mixed stock policy (5 AAC 39.220) to the Yukon River fisheries and determined the policy has been met by the Yukon River Drainage Fall Chum Salmon Management Plan and the other management plans and regulations the board has in place in the Yukon River.

Proposal No. 5: In the Kuskokwim area, the board provided the department with authority to allow subsistence fishing for Chinook salmon with large mesh gillnet gear to minimize chum salmon interceptions, and limit the size of gillnet gear for subsistence fishing to less than four inches or greater than seven and one-half inches, and to require that fish wheels be equipped with live boxes and chum

salmon taken with a fish wheel or beach seine gear must be returned to the water alive.

Seven members participated in the vote on proposals 1-5 and the vote on each was 7-0.

Proposal no. 6: In the south Unimak/Shumagin Islands June fishery, the board amended the South Unimak/Shumagin Islands June Fishery Management Plan by deleting the fixed opening date, and eliminating the fixed sockeye quota periods. These actions give the department greater flexibility to harvest sockeye while the sockeye to chum salmon ratios are high.

Previously the management plan required the fisheries to be opened no earlier than June 13 and openings were conducted within specified periods with sockeye quotas, and closed when the sockeye quota of a certain period had been met. These amendments give the department the tools that they requested to reduce chum salmon catches in the June fishery by allowing fishing to continue when the sockeye to chum ratio is high. The Board adopted proposal six by a vote of 5-0. Two members did not participate or vote due to a determination by the Chair that they had a conflict of interest with regard to proposal six.

C. Findings--General:

1. The Board incorporates by reference its previous findings on the South Unimak/Shumagin Islands June fisheries, FB-1-92 and FB-06-92, and on Norton Sound chum salmon, 92-5-FB, and on Toklat fall chum salmon, 92-3-FB.

2. The Board incorporates by reference the public testimony, staff reports and Board discussion that occurred at the December 1 through 4 1993 informational meeting and at the March 1994 meeting.

D. Findings--AYK Management Measures:

The Board finds that stocks of chum salmon in Northern Norton Sound, the Aniak portion of the Kuskokwim drainage, and some of the Yukon River systems, particularly fall chums in the Toklat drainage, continue to fall below the catches and estimated escapements of the 1980's, and that the 1993 failure of a 4 year old spawners exacerbated existing problems in those systems.

The Board noted in amending Proposal 1, that managing for the high commercial catches in the AYK during the 1980's may or may not be a realistic goal. The Board believes that there is significant difference between managing for sustained yield and managing for high commercial catches and encourages state expenditures that will insure realistic management goals for these important systems.

From a conservation standpoint, it is difficult, if not impossible, to pin down a single regulatory solution to the chum salmon abundance problems being

experienced in some AYK systems. The extreme variability in stock conditions, unknown ocean survival, unknown effects of delayed maturity displayed by some west coast chum stocks, and imprecise harvest and escapement data for AYK chums all contribute to the difficulty of setting up effective regulatory and management regimes.

The problems occurring in some systems are even more baffling considering that other AYK chum stocks appear to be quite healthy. The Anvik River (a tributary to the Yukon River), generally considered to be the largest single chum salmon producing system in North America, continues to experience generally healthy runs and escapements. This is also the case for 75% of the chum stocks in Norton Sound, specifically those returning to the Southern Norton Sound Districts of Shaktoolik and Unalakleet. These districts continue to support healthy mixed stock chum salmon fisheries.

The Board also noted that in 1993 chum salmon abundance was far below average in all areas of Alaska north of Sitka. ADF&G staff reports during the December meeting indicated that the depressed chum returns may be linked to massive releases of chum salmon from Asian hatcheries. These releases may also be responsible for the delayed maturity of North American chums.

To further complicate the picture, the Board received informational reports from the staff and public that trawl bycatch of chum salmon during the 1993 Bering Sea pollock fishery was at an all time high. It remains unknown whether this bycatch indicates a high abundance of immature chum salmon rearing in the Bering Sea, or an elevated interception of already depressed stocks.

In taking the actions on Proposals 2-5, the Board sought ways to protect know chum salmon spawning stocks in troubled systems while providing maximum opportunities for subsistence, commercial, and sport fishing on healthy chum and other salmon populations. The Board established regulations which give the commissioner maximum flexibility to respond to inseason situations so that harvest opportunities can be maximized for all users.

E. Findings--South Unimak/Shumagin Islands June Fishery:

The board rejected an amendment to lower the South Unimak/Shumagin Island June Fishery Management Plan to lower the chum cap to 300,000 from 700,000 fish. (Two members found to have a conflict on interest on proposal six did not vote. Two members voted in favor of the amendment. Three voted in opposition.) The Board examined, in detail, the department's revised analysis of the 1987 tagging report which assigned stock-of-origin to the 1987 catch and extrapolated that stock identification to various chum caps for any year. The Board reviewed all information in its decision, and found the department's report to lead to the same conclusion that previous Boards came to in applying the 1987 tagging information.

In applying the department's revised analysis board members voting in opposition found that a 300,000 chum cap in the South Unimak/Shumagin Islands June fishery could be expected to provide only 4-5,000 chum salmon to Northern Norton Sound systems even assuming a zero mortality on these fish between the June fishery and Norton Sound. Only 27,000 to 43,000 chums could be delivered to the Yukon River under the department's revised analysis. These members found that these numbers of fish would be almost undetectable in areas as large as Northern Norton Sound or the Yukon River. In reaching this determination, they noted that it had arrived at exactly the same conclusion as previous Boards had using similar analyses. They also noted that the South Unimak/Shumagin Island June fishery catch of AYK bound chum salmon was relatively minor in comparison to the totality of AYK chum salmon abundance. These members also found that the conservation problems in the AYK fisheries could not be largely accounted for by the South Unimak/Shumagin Islands June fishery, nor would even a total closure of the June fishery be expected to bring about significant restoration of troubled AYK systems.

The Board applied the Mixed Stock Policy to the South Unimak/Shumagin Islands June fishery and found that the existing regulatory framework, and the new flexible additions to the regulations meets the policy. The management plan and the restrictive regulations adopted for this fishery over the past several years constitute appropriate assignment of conservation burden required by the policy even though the prevailing member of this Board and previous Boards have not found a significant cause and effect link between the South Unimak/Shumagin Islands June fishery and AYK fisheries.

Management actions in reducing fishing time and moving fleet pressure from waters where high concentrations of chums exist have kept the chum salmon harvest relatively stable over the last eight years. Chum caps established by previous Boards since 1986 have been exceeded only once; in 1991. Chum catches seem to be dependent upon the relative abundance of both chum and sockeye salmon. In other words, in years like 1993 when sockeye abundance is high and chum salmon abundance is low, the South Unimak/Shumagin Islands fishery is able to harvest its sockeye allocation without approaching the cap. Since the 1994 forecasts for Bristol Bay sockeye is at a record high, it is reasonable to expect that if sockeye abundance is high and chum abundance is low that the 700,000 chum salmon cap will not be reached unless chum abundance is also high, in which case that need to take severe measures in the June fishery are not required.


This fact, the new flexibility the department has, the fleet's commitment to work with the department to identify inseason areas that should be closed, and the voluntary "chum pool," provide protection to traveling chum salmon stocks that is consistent with the mixed stock policy and with sustained yield management.

Department calculations using a mathematical model based on past years' fishery performances indicated that a chum cap of 300,000 would mean a potential loss of 2,269,000 sockeye salmon to Area M fishers. This model projects average conditions and does not specifically account for either low or high chum abundance.

With a record sockeye run projected for Bristol Bay in 1994, this reduction of the cap could, however, according to the model, create a significant burden on Area M fishers and their families with the actual contribution of such a reduction insignificant in the conservation of AYK chum stocks.

F. Summary:

The actions taken at this meeting go far toward developing regulations to address the conservation concerns, foster sustained yield management, and rebuild Arctic-Yukon-Kuskokwim Region chum salmon stocks. Conservation concerns for several Arctic-Yukon-Kuskokwim Region chum salmon stocks that have been depressed in recent years have been identified and action taken to ensure sustained yield for these stocks. The Board also noted that the majority of this frustration in addressing the issue of resurrecting depleted AYK chum systems has less to do enacting more regulations than it has to do with acquiring more information. The Board discussed that the status of fisheries data in most of the AYK is extremely deficient, and continuing to deliberate regulatory solutions in the absence of basic biological data on AYK systems is counterproductive and a misdirection of time and resources. In addition, the Board of Fisheries and the Department of Fish and Game will work toward reducing the bycatch of western Alaskan origin chum salmon in ocean trawl fisheries.


Larry Engel, Chair
Alaska Board of Fisheries

APPROVED: 10/21/94 @ 8:27pm
Location: Fairbanks, AK

Action on AYK Portion of Findings:

(6/0/1: Yes/No/Abstain) Abstain: Virgil Umphenour

Action on South Unimak/Shumagin Islands June Fishery Portion of Findings:

(3/1/3: Yes/No/Abstain) Abstain: Virgil Umphenour;
Trefon Angasan, Jr.; and
Dick Jacobsen

(Previously: Finding #: 93-07-FB)
Mixed Stock Policy Finding

ALASKA BOARD OF FISHERIES
FINDINGS ON POLICY FOR MIXED STOCK SALMON FISHERIES

The Board of Fisheries, at a meeting from March 16 through 20, 1993, adopted 5 AAC 39.220, POLICY FOR THE MANAGEMENT OF MIXED STOCK SALMON FISHERIES.

The Alaska Board of Fisheries originally adopted an informal policy for mixed stock salmon fisheries in 1976 and revised it in 1980. It was applied only occasionally by the Board or by litigants challenging Board actions. In 1990, the Alaska Supreme Court held that the policy could not be used in Board decisions because it had not been adopted as a regulation under the Administrative Procedure Act (AS 44.62). The court, however, held that several Board allocation decisions on mixed stock fisheries were valid under other authorities. In 1992, the Alaska Legislature enacted AS 16.05.251(h) requiring the Board to adopt by regulation a policy for the management of mixed stock salmon fisheries consistent with sustained yield of wild fish stocks.

At the March 1993 meeting the Board considered information contained in Alaska Department of Fish and Game oral and written staff reports, oral public testimony from 91 individuals and 11 advisory committees, as well as a multitude of written public comments submitted prior to and during deliberations. Additionally, during deliberations, the Board established a committee made up of various interests in order to focus discussion on key issues.

The Alaska Board of Fisheries finds that:

Alaska's salmon industry and communities dependent upon that industry have developed and rely upon stable fisheries, many of which harvest a variety of mixed stocks. This development represents the successful application of principles of management to achieve sustained yield which have produced increasing harvestable surpluses of salmon statewide. Creation of the Limited Entry System stabilized participation in the fisheries and managers developed successful rebuilding programs which suited the unique characteristics of the fish stocks, geography and gear types of the regions.

For example, in the Bristol Bay region harvest effort was confined to the terminal areas of the five major sockeye producing systems. Escapement goals which suited the carrying capacity of the lake systems were established and managed for. Consistent harvests of tens of millions of sockeye have been achieved.

Conversely, in Southeast Alaska where pink salmon runs were depressed, a different management style arose. Rather than a few huge systems, a myriad of medium to tiny streams produce the Southeast stocks. Commercial fisheries effort occurs away from the terminal areas and through the application of time, area and gear

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Mixed Stock Policy Finding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section by Section Findings:

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

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

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

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

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


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

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

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

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

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



Tom Elias, Chair
Alaska Board of Fisheries

(Previously Finding #: 92-5-FB)
(Page 1 of 6)

ALASKA BOARD OF FISHERIES

NORTON SOUND CHUM SALMON FINDINGS

APRIL 17, 1992

At the Alaska Board of Fisheries regularly scheduled meeting in Bethel, February 4 - 11, 1992, the Board took action on Proposal 291, concerning subsistence fisheries for pink and chum salmon stocks in Norton Sound.

The meeting was publicly noticed as required by AS 44.64.190 - .210, including notice of the opportunity for members of the public to testify during the meeting. At the meeting the Board heard oral testimony from the public, reviewed a considerable volume of written comment received from the public, and received Advisory Committee and Regional Council reports.

The Alaska Department of Fish and Game, Divisions of Commercial Fisheries and Subsistence ("Department") staff presented written and oral reports that provided the Board with a comprehensive review of the fish stocks and fisheries in Norton Sound.

Based upon this information and Board deliberations the Board finds that there is a serious conservation problem regarding chum salmon stocks in several northern Norton Sound river systems in Subdistrict 1 (the Nome subdistrict). Another northern Norton Sound subdistrict, Moses Point (Subdistrict 3), is experiencing depressed runs and difficulty meeting escapement goals despite limited commercial fishing in recent years.

I. NOME SUBDISTRICT

A. CONSERVATION CONCERNS

Key chum salmon streams in the Nome subdistrict have experienced spawning escapements significantly below established escapement goals in recent years. This has resulted in increasingly restrictive management of commercial, sport and subsistence fisheries since the mid-1980's. The success of fisheries management options to meet escapement goals to assure sustained yield has been to some degree dependent on factors beyond the control of the local managers. Those factors include: decreased fresh water survival due to

high water during spawning and/or freeze down during harsh winters, unanticipated harvests, and local and non-local and salt water survival, i.e. various stocks competing for limited resources. In addition, in the early 1980s high commercial harvests combined with heavy subsistence use in the Nome subdistrict apparently caused the Nome chum stocks to decline.

By 1990 escapement in the subdistrict had declined to one-fourth of established goals. During the 1991 season it was necessary to close commercial and sport fisheries totally, and to maintain an extensive subsistence closure during the early part of the season. The subsistence closure was relaxed only after the majority of the chum salmon run had passed and it was clear that adequate spawning would occur. As a result of these measures escapement objectives for most Nome subdistrict streams were able to be met in 1991. This was the first year the Nome River escapement objective had been met since 1984.

In summary, the Board found that escapements in the Nome subdistrict have been chronically below escapement goals established to maintain sustained yields despite significant management actions such as complete closure of the commercial and sport fisheries and a necessary restriction of the subsistence fishery. For the 1992 fishing season the Department of Fish and Game reported that it would probably be necessary to close commercial and sport fishing in the subdistrict and restrict subsistence fishing until the pink salmon run arrives in mid-July in order to maximize escapement of chums. Even with these measures the chum salmon escapement goals may not be met.

B. HISTORY OF BOARD OF FISHERIES AND DEPARTMENT OF FISH AND GAME ACTIONS TO PROTECT NOME SUBDISTRICT CHUM SALMON

The Board also considered reports from the Department regarding the fishing since 1963 and management actions taken since the early 1980's to conserve and rebuild depressed Nome subdistrict chum salmon stocks.

These actions for the Nome subdistrict were initiated in 1982 when management staff reduced fishing time to limit commercial harvests. During following years the length of commercial seasons was reduced, weekly fishing periods were reduced, and half the commercial district was closed to fishing.

By 1984, commercial fisheries in the Nome subdistrict had been reduced to very low levels and sport fishery harvest limits were reduced. Commercial fishing west of Cape Nome including

the Nome River area was closed at that time and has remained closed. By 1988, the commercial harvest declined dramatically due to poor runs and lack of market. Sport fisheries harvest limits were further reduced in specified rivers. In addition, subsistence catch limits for depressed stocks were established. Subsistence gear restrictions set a maximum length of 50 feet for gill nets and disallowed subsistence beach seining in the Nome River. These restrictions served to decrease the impact of the subsistence fishery on any one spawning segment of the stock.

Since 1987, the Department has attempted to meet escapement objectives and still allow subsistence harvests by reducing commercial and sport fishery harvests by emergency order. As sport and subsistence restrictions became more severe in highly accessible streams in the Nome area, fishing effort shifted to more remote rivers in the subdistrict as well as adjacent subdistricts. By 1989 the Department was required to close sport fishing and subsistence fishing in the Nome River (the commercial fishery had already been closed). In 1991, the commercial and sport fisheries in the Nome subdistrict were closed by emergency order, and the subsistence fishery was severely restricted early in the season and was opened in-season for certain areas once escapements for stocks targeted in these areas were achieved.

C. POSSIBLE BOARD ACTIONS CONSIDERED TO REBUILD DEPRESSED NOME SUBDISTRICT CHUM SALMON STOCKS.

Consistent with past Board and ADF&G management actions the Board considered the chum salmon stocks in the Nome subdistrict (from Topkok Head to Cape Douglas) as a manageable unit. It reviewed actions that might be necessary to achieve adequate escapement of the Nome subdistrict chum salmon stocks. Since past Board and Department action had closed the commercial fishery in the Nome subdistrict there were not additional restrictions the Board could impose on the commercial fishery which would enhance escapement.

The Board considered regulatory changes to the chum salmon sport fisheries in the Nome subdistrict. Department staff reported that chum salmon sport harvests in the Nome subdistrict had historically been much larger than present levels and that chum salmon was a favored sport fishery species in this subdistrict. The Department had used its E.O. authority to close the Nome subdistrict in 1991 to chum salmon sport fishing and had submitted a staff proposal to the Board to close adjacent Norton Sound marine waters and freshwaters

draining the Nome subdistrict to chum salmon sport fishing for 1992.

Because the subsistence fishery was the only fishery that would still be open in the Nome subdistrict, the Board focused much of its attention on alternative actions it might take to conserve the chum stocks without further restricting the subsistence fishery.

The Board heard testimony from subsistence users from these areas who stressed how important the chum salmon resource was to their subsistence way of life and that given the depressed status of the chum stocks they were concerned that their subsistence needs would not be met. The Norton Sound Advisory Committee representative testified that if reductions were necessary to the subsistence opportunity in the Norton Sound area that the local subsistence users felt strongly that the Board should not implement the Tier II system because it was essential that everybody got at least some fish, rather than that fewer people had a greater opportunity to fish. The Advisory Committee representative also testified that it is possible for some local subsistence users to get enough salmon from the marine waters. The Advisory Committee representative reported that the Advisory Committee supported Proposal 291, but that the proposed limitation of gear to set nets of a maximum of 50 feet posed some difficulty because people could not afford to get new nets. Overall the Advisory Committee wanted the regulations left as they are.

The Subsistence Division provided historical information to the Board that the historic level of subsistence use in the Nome subdistrict was 124 salmon per household and that the subsistence permits were on a household basis. The Subsistence Division also provided information that Nome area as a whole consumed an historical average of 14,000 salmon for subsistence purposes. While chum salmon make up the largest single component of the catch substantial numbers of pink and coho salmon are also taken. The Subsistence Division also reported that the subsistence gear type was predominantly gill nets, and that beach seines were not in use mainly due to regulatory restrictions.

The Board considered four possible courses of action to determine what might be done with subsistence fisheries in the Nome subdistrict that would assist with conserving and rebuilding the depressed chum salmon stocks, yet cause the least restrictions on, and disruption to, the traditional subsistence fishery patterns. These included:

1. Adopt staff proposal 291 to modify subsistence fishing seasons and gear specifications to conserve chum salmon stocks in the Nome subdistrict.
2. Establish a Tier II fishery which would allow only certain qualified subsistence users to harvest chum salmon under subsistence permits.
3. Further reduce subsistence harvest limits for chum salmon where they currently exist and establish limits for stocks where there currently are none.
4. Retain the status quo by allowing the Department to use its emergency order authority to open and close the subsistence fishery to protect spawning escapements.

II. MOSES POINT SUBDISTRICT

The Board also heard reports from the Department of Fish and Game regarding the depressed nature of Moses Point chum salmon stocks. Total returns have been low for the last five years and escapement goals have not been met despite reduced commercial fishing due to management restrictions and lack of markets for the fish.

During 1991, the commercial harvest was 803 chum salmon; subsistence harvests in the subdistrict are estimated at 3,000 fish per year. Escapement for the Kwiniuk River was 18,000 compared to the goal of 25,000, while escapement for the Tubutulik River was about 7,000 fish compared to the goal of 12,000.

Sport fishing harvests in the subdistrict are very low and catches are included in the subsistence harvest estimates. Options for the Moses Point subdistrict were more limited. No proposal had been submitted by the public or the staff concerning this subdistrict. Unlike the Nome subdistrict which has had a subsistence permit system in place for many years, the staff reported to the Board that implementing a Tier II fishery in the Moses Point subdistrict would be difficult because the subsistence users there were similarly situated to each other and would very likely all receive the same score.

III. BOARD ACTIONS TO PROTECT NOME CHUM SALMON AND PROVIDE SUBSISTENCE FISHING OPPORTUNITY DURING 1992.

Given the complexity of the subsistence use patterns, and not wanting to disrupt subsistence users any more than necessary in order to conserve the Nome subdistrict chum salmon stocks, the Board amended proposal 291 to: (1) allow use of beach seines in the Nome subdistrict only during period established by Emergency Order; (2) retain the fixed weekly fishing periods; and (3) expand the area where the 50 foot length restriction for set gill nets applied to the entire Nome subdistrict. The purpose of these changes was to limit the impact of the subsistence fishery on individual segments of the spawning stock by restricting the use of gear capable of harvesting large numbers of fish from a single school. These changes will still allow subsistence fishing if there is a harvestable surplus available over the level necessary to meet spawning escapement objectives. The Board directed the Department to continue to use time and area closures as necessary to ensure spawning escapements are met.

While the Board found it necessary to continue some restriction on subsistence fishing for chum salmon in the Nome subdistrict to assure adequate spawning escapements, as a result of the Board's action, all streams in the Nome subdistrict will continue to remain open to subsistence fishing. The subsistence users will be able to maintain their traditional fish camps and will not have to relocate to more distant streams. The Board considered that the traditional way of subsistence fishing in the Nome area is that everyone should have an opportunity to fish, rather than the limitations of Tier II which would allow only certain qualified individuals to engage in subsistence fishing. As a result of the Board's action all subsistence users will have an opportunity to engage in subsistence openings, which would not have been possible if a Tier II system had been implemented. For those subsistence users who need more fish than allowed from the streams, the marine waters will remain open with no limit on subsistence harvest. The use of beach seine gear may still be allowed by Emergency Order if there is sufficient harvestable surplus over the spawning escapement objectives, so subsistence users will not necessarily have to shift to set net gear. The Board made no regulatory changes in the subsistence bag limits for chum salmon.

In the Moses Point subdistrict the Board directed the staff to continue to use time and area closures as necessary to ensure adequate spawning escapements and provide for subsistence.

3:bh/norton.brd

Alaska Board of Fisheries
TOKLAT FALL CHUM SALMON
Finding

At the Alaska Board of Fisheries scheduled meeting held in Bethel, Alaska to consider proposals for the Arctic-Yukon-Kuskokwim (A-Y-K Area) Areas at the KVNA Building from February 4 - 11, 1992, the board, among other actions, addressed conservation concerns of the Toklat Fall Chums. Actions taken at this meeting had built on the actions taken at the previous meeting where the A-Y-K Area finfish issues were addressed (1989/90) in Anchorage, AK.

I. CONSERVATION CONCERNS

The Board of Fisheries finds that there is a serious conservation problem regarding Toklat fall chums. The 1991 escapement of 13,200 was 60 percent below the goal of 33,000. Since 1986, escapement has averaged only 67 percent of the goal and has reached the goal only once.

The escapement objective of 33,000 is the minimum number of fall chums needed to maintain the stock at its historical level during the 1970's and early 1980's. The board considered department staff reports, including the "Fall Chum Salmon Stock Status and 1992 Return Projection," which described the conservation concerns associated with this salmon stock.

II. HISTORY OF THE BOARD OF FISHERIES AND DEPARTMENT OF FISH AND GAME ACTIONS TO PROTECT TOKLAT FALL CHUM SALMON

The board considered reports from the Alaska Department of Fish and Game regarding management actions taken since 1982 to conserve and rebuild Yukon River fall chum salmon stocks. These actions have included time/area closures and reductions in harvest rates. A summary of these actions is attached.

1. As a result of these actions, fall chum salmon returns to the Sheenjek, Delta, and mainstem upper Tanana Rivers are healthy.
2. Fall chum salmon returns to the Toklat River and the Yukon River drainage in Canada have not responded to these management actions to the extent that escapement goals can be consistently achieved. Rebuilding plans for the Canadian stocks are included in the Yukon River treaty negotiations. Rebuilding plans for the Toklat stocks must be developed and implemented within the state of Alaska.

The actions have included time and area closures and reductions in harvest rates in the commercial fisheries. The board has not restricted opportunities for subsistence in any part of the Yukon River in the past except for actions in the Kantishna River which were taken for the purpose of addressing a serious conservation concern.

III. POSSIBLE MANAGEMENT ACTIONS NEEDED TO REBUILD TOKLAT RIVER FALL CHUM.

The Board of Fisheries discussed the extreme actions which may be necessary to conserve Toklat fall chum stocks. The board also discussed the difficulty of attempting to protect the Toklat River stock in fisheries in the lower and middle Yukon districts where the Toklat stock comprises only a small portion of the total harvest. Because of the impossibility of targeting of the Toklat River Fall Chum in the mixed stock fisheries, and the disruption of those fisheries that would result, the board focused its attention on those fishing districts and

subdistricts where the Toklat stock would be segregated from other fall chum stocks. The best information available to the department on stock identification does not separate the Toklat stock from other Tanana River fall chum stocks. Department staff reports indicated that the Tanana River fall chum stocks are thought to be largely segregated from other fall chum stocks in subdistricts 4C and 5A in the mainstem Yukon. In the lower Tanana River, Toklat and upper Tanana stocks are not segregated until the fish reach subdistrict 6B; the Kantishna River mouth is located near the upper end of subdistrict 6A.

The board recognized that in addition to commercial fishing restrictions, some subsistence fishermen might have to move their fishing camps to areas where stocks other than the Toklat could be harvested to provide for their subsistence requirements. In some cases this would mean that subsistence fishermen would have to shift their effort to the opposite shore and in other cases that the subsistence fishermen would need to move upriver. Possible actions for fishing districts where the Toklat stock group could be segregated from main river Yukon stocks included:

1. Kantishna subsistence fishermen would have to move to subdistrict 6B to fish Delta and mainstem upper Tanana stocks which are currently healthy.
2. In addition to commercial closures in District 6A, move lower Tanana River subdistrict 6A subsistence fisheries to subdistrict 6B where they would also fish on Delta and upper Tanana mainstem stocks which are currently healthy.
3. In addition to commercial closures in subdistricts 4C and 5A, move subdistrict 5A subsistence fishermen to subdistrict 5B and subdistrict 4C subsistence fishermen to subdistrict 4B, on the north side of the Yukon River, where they would harvest stocks bound for the Canadian mainstem, Fishing Branch River, Sheenjek River and Chandalar River spawning areas. Department tagging studies suggest that fish caught in subdistricts 4C and 5A are primarily bound for Tanana River spawning areas. Chandalar and Sheenjek stocks are considered healthy at this time. Canadian mainstem stocks are being rebuilt through cooperative efforts by Canada and Alaska as part of a twelve year stock rebuilding effort.
4. Continue Yukon River drainage fall chum stock rebuilding efforts. Districts 1, 2, and 3 and Subdistrict 4A fall chum fisheries operate on all fall chum stocks of the Yukon River drainage. In these areas the Toklat stock makes up a very small percentage of fall chum and is mixed with other stocks such that it is not manageable as a unit. The department has no ability with current information to segregate Toklat stocks from other stocks in these areas.

Department staff explained that continued use of lowered commercial fishing exploitation rates during the fall chum fishery in these lower Yukon fishing districts would continue in order to rebuild fall chum stocks throughout the drainage. These actions should benefit Toklat stock rebuilding efforts.

The Board of Fisheries was given the preliminary results of a four year stock identification study of Yukon River fall chum stocks by staff. This study indicates that the Toklat stock is indistinguishable from other Tanana River stocks with current technology. The timing of movement of Tanana River bound fish is variable from year to year in the lower river districts.

The board finds that it is not appropriate to take the above actions at this time for the following reasons:

1. Possible conservation concerns for other stocks if all subsistence fishing effort moved to remaining stocks.
2. Disruptive effect on subsistence users and uses in subdistricts 4B, 4C, 5A, 5B, 6A, and 6B due to changes in historical use patterns and areas. These actions would increase crowding and competition in areas where fishing sites are limited. Subsistence fishermen would incur the increased cost and inconvenience of having to build new fishing camps with provision for living as well as processing fish in addition to having to move gear.
3. The close relationship between subsistence and commercial fishing. The board heard testimony that the same individuals participate in both subsistence and commercial fisheries and that subsistence and commercial fishing is closely related in the Yukon River drainage. Small commercial fisheries on the Yukon River enable subsistence users to diversify their subsistence living opportunities. The small amount of cash earned in the commercial fishery allows subsistence users to buy gasoline and commercial fishing gear such as nets, boats and motors which are necessary in order to participate in subsistence fisheries. Disrupting commercial fishing activities also disrupts users ability to participate in the subsistence fishery.
4. Commercial fisheries will likely be closed during 1992 season. The board heard from the Alaska Department of Fish and Game that the fall chum returns for 1992 are expected to be poor throughout the Yukon River drainage, with the exception of the Upper Tanana. Therefore it is unlikely that commercial fisheries will open in districts 1 through 5 and 6A where fish from depleted stocks would be harvested.

IV. BOARD OF FISHERIES ACTIONS TO PROTECT TOKLAT FALL CHUM SALMON AND TO PROVIDE SUBSISTENCE FISHING OPPORTUNITY ON THE KANTISHNA RIVER DURING 1992.

1. The board continued the subsistence closure for fall chum salmon on the lower Kantishna and Toklat Rivers. This requires subsistence fishermen to move downstream to the mainstem of the Tanana River in order to harvest fall chums.

Fishermen in this area harvest largely Toklat River fall chum salmon. This closure protects a number of salmon which could only be saved in other downstream portions of the river by disrupting many users and impacting the harvest of other stocks. The board found that the small number of users in this area could move to the Tanana River and above the Kantishna River mouth to harvest fall chum salmon.

2. The board rejected a proposal which would have closed fishing for coho on the lower Kantishna and Toklat Rivers. In order to provide subsistence opportunities in the area the board allowed coho to be taken with fishwheels equipped with live boxes only, requiring that chum salmon be released alive within 24 hours.
3. The board charged the newly formed Yukon River Drainage Fisheries Association (YRDFA) to work within its membership, with Yukon River Advisory Committees and the department to develop management options

for rebuilding the depressed Toklat River fall chum stock while conserving and rebuilding other major fall chum stocks and minimizing the impact of management actions on subsistence and commercial fisheries.

The board also charged the association to assist the department to more specifically define subsistence requirements for fall chum and to provide more detailed subsistence harvest information in particular for subdistricts 4C and 5A.

In addition, the association is encouraged to reach consensus among its members with respect to modifications in their fisheries which will have as their objectives the rebuilding of depressed stocks and maintenance of healthy stocks. The long term goal of this rebuilding plan will be to provide for subsistence needs and also to rebuild stocks to a level at which the commercial fisheries may once again occur. One option might include adding subdistricts 4C and 5A to the Tanana River Management Plan.

Although the board agreed to defer any action on most allocative proposals for the Yukon River until the 1994 - 1995 board cycle in response to advisory committees and the association's request, fishermen are encouraged to petition the board for consideration of regulatory changes which would assist the board and the department rebuild the Toklat River stock prior to the 1993 season.

The board recognizes that the department has the regulatory authority under AS 16.05.060 to adjust, restrict or close commercial and subsistence fisheries as described in Section III of this finding to conserve and rebuild the Toklat River stock without additional board action. However, the department will report to the board during its 1992 - 1993 meeting cycle concerning management actions planned for the 1993 fishing season.

Attachment

Michael R. Martin
Mike Martin, Chair
Alaska Board of Fisheries

Approved in Anchorage: (yes/no/absent/abstain) (7/0/0/0/0)
Date: March 2, 1992

**Findings of the Alaska Board of Game
2011-184-BOG**

**Game Management Unit 13
Caribou and Moose Subsistence Uses**

These findings supplement 2006-170-BOG as to uses of Nelchina caribou and Unit 13 moose. In the 2006 finding, the Board indentified the specific pattern of subsistence uses upon which the positive customary and traditional use finding for Nelchina caribou and Unit 13 moose, set forth in 5 AAC 99.025, were based. This pattern of uses originated within the communities of the indigenous Ahtna Athabascan inhabitants of the Copper River Basin. Among other things, the findings emphasized the “community-based” nature of this traditional pattern of use. As described in those findings, this community-based subsistence pattern:

- Links families in widespread networks of sharing that are shaped by traditional norms of behavior;
- Provides a context in which skills, knowledge, and values are passed across generations; is accomplished efficiently with thorough, non-wasteful use of the harvested game and often by hunters who specialize in harvesting meat for the community; and
- Occurs within a broader pattern of use of and dependence upon a variety of locally-harvested wild foods that is a key element of the way of life of the local area.

The board has also noted that this community-based pattern as established by the Ahtna has been adopted and modified by other local settlers and, to a more limited degree, by other Alaska residents. This community-based, local use pattern was contrasted to a largely nonlocal, Rail belt based pattern that was probably most properly characterized as a non-subsistence use pattern. Thus, the 2006 findings addressed and discussed two basic use patterns for Nelchina caribou and Unit 13 moose.

The Board finds that there is need to recognize the range of uses within the previously-described subsistence use pattern that have developed as individuals, families, and other social groups, both within and outside the local area, have adapted to changing economic, demographic, and cultural conditions. Differences have developed concerning the level of organization of subsistence uses of Nelchina caribou and Unit 13 moose, such that the traditional uses are practiced among households and families in addition to the community-based pattern established by the Ahtna. The Ahtna community-based pattern persists within close-knit communities that are also widespread both within and outside the basin. Other basin residents and some nonlocal residents who are not part of the traditional Ahtna community engage in subsistence uses at a more individual, household, or extended family level. Both sub-patterns exhibit, with some variation, most of the criteria listed in 5 AAC 99.010(b), but different regulatory options may be necessary to provide reasonable opportunities for each. The range of uses that characterize these sub-patterns are as follows.

Since the beginning of the towns and settlement areas within the range, or with easy access to, the Nelchina Caribou Herd and Unit 13 moose, individuals, households, and families from

those towns and settlements have hunted the herd to provide for their basic necessities of life, especially food, and not just for recreational or trophy purposes. This relatively small use is not community based in nature, in that these individuals, households, and families are not linked to extensive networks of cooperation and sharing or are not part of larger social groups that organize and promote traditional knowledge and behavior, but is focused primarily on procuring food and has, as of the date of these findings, existed now for at least three generations in some of these areas. As set forth in greater detail below, this use has at least a few identifiable characteristics which separate it from the larger Rail belt based, non-subsistence use patterns.

Since at least the early 1930's, hunting of the Nelchina Caribou Herd and Unit 13 moose have been regulated by season and bag limits. Nonlocal hunters interviewed in the 1980's by the Subsistence Division of ADF&G confirmed that most hunt in the fall, with fewer participating in winter hunts. All hunters currently tend to focus their harvest efforts during the late summer and early fall, when caribou and moose are in their best physical condition and relatively accessible from the road system. Winter hunts have been an important back-up opportunity for the community based subsistence use pattern described in the 2006 findings, and may also be relied on by other subsistence users, to a somewhat lesser extent. The winter hunts do not appear to be important to non-subsistence users.

Regarding efficiency of hunting effort, the Board has not been presented with any information that would distinguish non-local subsistence users from other users based primarily from the Rail belt. Compared to community-based and other local users who hunt close to home, non-local users tend to travel greater distances (typically 200-300 miles), thereby incurring greater costs, to harvest Nelchina caribou and Unit 13 moose, making their use less efficient. However, data from the 1980's illustrates that even non-local subsistence users tend to hunt in the areas most accessible to their communities. Thus, Fairbanks-area hunters tended to hunt near the Denali Highway, and Anchorage-area hunters tended to hunt near the Glenn Highway. Also, efficiency by non-community based subsistence users may be fostered to some extent by limiting hunting to a few well-known areas year after year, within relatively easy, and predictably economical, reach of participants.

Non-local subsistence users of the Nelchina Caribou Herd and Unit 13 moose and others who are not organized at the community-level have testified, and Board members know from experience, that they prefer to return year-by-year to one or more well-known and long-established camping/hunting sites. These are traditional "caribou," "moose," or "caribou and moose" camps for these individuals and their families. If caribou or moose are not obtained during these forays, chances are they will not be obtained at all because subsistence users, unlike non-subsistence users, tend not to travel around the state to experience a wide variety of hunting opportunities. Unlike subsistence users who are organized at the community level, many other users tend to travel further into the backcountry, away from major roads and rivers, often using off-road vehicles to get to the remotest locations possible.

The Board has not been presented with any information that would distinguish the handling, preparing, preserving, and storing techniques used by individuals, households, families outside the traditional community-based context to distinguish them from their neighbors who hunt for recreation. Most users of Nelchina caribou and Unit 13 moose based along the Rail belt

freeze their harvested meat and use modern methods of handling, preparing, preservation, and storage. Compared to those who follow traditions established by the Ahtna and adopted by some other users, there is less use of organ meats, and almost no use of the hide and bones; and the roles in handling and preparing harvested animals are less formal and not based on longstanding, widely-understood rules of proper behavior towards the animals taken, as is the case for those who follow the Ahtna, community-based traditions.

Because households and families engaged in subsistence uses tend to hunt from long-established, multi-generational camps, lore about how and where to hunt is handed down from generation to generation. This intergenerational transmission of knowledge is less formalized than the way knowledge is passed on within the Ahtna community based use pattern, but it is more apparent and traditional than is the case for non-subsistence uses, in which knowledge is clearly passed from one generation to the next but very little in the way of a formal and traditional transmission system exists, and knowledge is not necessarily tied to any particular location.

All subsistence users tend to share their harvests within their families and with close friends and, to some extent, this sharing is expected from year to year, and plays parts in traditional meals and celebrations. Non-local hunters interviewed by the Division of Subsistence in the 1980's confirmed that they shared mostly within their own households, while approximately 1/3 also said they shared with friends. Sharing among nonlocal hunters, as well as among some hunters who live in the local area, is less formal than is true under the community based use pattern as practiced by the Ahtna and some other local residents, and community and peer pressure to share is far less pronounced, but it is greater than is generally the case for the non-subsistence uses of Nelchina caribou and Unit 13 moose. Some long-established families living in close proximity to, and with a well-established history of hunting the Nelchina Caribou Herd and Unit 13 moose, do expect that, if a family member successfully harvests a Nelchina caribou, the meat will be shared.

Some nonlocal hunters have testified that, as is generally the case in a subsistence use pattern, they prefer to consume wild foods over purchased foods, and often obtain the majority of their protein needs from Alaska's fish and game resources, as well as pick berries and harvest other wild foods. These preferences are sometimes expressed by non-subsistence hunters as well. Such users often travel to different, favored locations to harvest fish and game and other wild foods, but many of these locations are outside of the range of the Nelchina Caribou Herd and/or Unit 13 moose. Most non-local residents interviewed by the Division of Subsistence in the 1980's reported that moose was more important than caribou in their harvesting priorities, and often travelled to other locations to obtain moose. Locally-based users, on the other hand, tend to concentrate all of their wild food harvests in close proximity to the herd's range, and often try to harvest more than one resource per trip. Non-subsistence users tend to rely on wild foods to a much lesser degree, or not at all, compared to both groups of subsistence users.

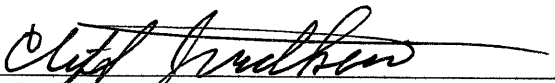
Based on public testimony provided during the Board's last several meetings addressing the Nelchina Caribou Herd, on the Board's own experience, and on the above finding and 2006-170-BOG, the Board, applying its expertise and judgment, concludes that, at most, a few thousand people use the Nelchina Caribou Herd and Unit 13 moose in accordance with the identified subsistence use patterns, and that, therefore, a range of 600-1000 caribou and 300-600

moose are necessary to provide a reasonable opportunity for both identified subsistence uses of this herd. This finding may be updated as appropriate and as additional data on the uses is gathered.

Vote: 6-1

March 7, 2011

Wasilla, Alaska



Cliff Judkins, Chairman
Alaska Board of Game

**Findings for the Alaska Board of Game
#2006 – 170 - BOG**

**Game Management Unit 13
Caribou and Moose Subsistence Uses**

Background

Virtually since its inception, the Tier II subsistence permit system has been plagued with public complaints about inequities, unfairness, and false applications. Over the years, the Alaska Board of Game (Board) has amended its regulations numerous times to try to address management and legal problems, but the controversy continues and the system remains rife with problems. Public complaints have been primarily directed at the Tier II permitting system—particularly those near urban areas like the Minto moose hunt and the Nelchina Tier II caribou hunt.

The Board has primarily focused on the Nelchina basin caribou and moose hunts because these have generated the vast majority of the interest and complaints from the general public. In addition, Board members are concerned the hunting patterns no longer meet the Board's intent when these subsistence hunts were originally established in regulation. A review of these hunts question whether the current hunts are consistent with the Board's customary and traditional use findings based on the eight criteria the Joint Boards of Fish and Game established (5 AAC 99.010) for implementing the state subsistence law (AS 16.05.258(a)).

Statistics associated with the Nelchina caribou hunt illustrate some troubling trends. Permits have been slowly shifting away from local Alaskan residents the Board identified as the most dependent on the wildlife resources in the region and towards less subsistence dependent urban residents. Testimony from some local residents of Unit 13 indicated they no longer participated in the state subsistence program. The present Tier II scoring and permit allocation system has made it more difficult for long-time, resource-dependent residents of the area to compete for permits, forcing them to rely more heavily on the federal system to provide for subsistence opportunities. The system also makes it almost impossible for area newcomers and younger Alaskans to ever qualify for the limited permits despite their subsistence dependence on wildlife resources for food. In addition, many of the traditions associated with a subsistence way of life are being sidestepped and avoided, such as the traditional teaching of the art of hunting, fishing and trapping to younger generations; and the processing, utilization, and other long-term social and cultural relationships to the resources being harvested and to the land that produces those resources.

The Board's long-term goal is to design a system to accommodate subsistence-dependent users in such a manner that permits can be virtually guaranteed from year to year. The reliability of available hunting opportunities is critical to the maintenance of the subsistence way of life. This could be similar and complementary to the federal subsistence permit system. The federal program allows any Alaska resident living in the Copper Basin and several communities outside

of GMU 13 to harvest two caribou and one moose per year, there is no limit per household except in Unit 13(E) for moose, harvest of caribou by gender is also generally unrestricted in units 13(A) and 13(B), and moose hunters may only take any antlered bull under the federal system.

Bag limits may not be accumulated across both state and federal systems, so hunters can take a total of only one moose and two caribou for the year. State regulations allow all Alaskan residents to harvest a bull moose with spike-fork or 50-inch antlers or antlers with 4 brow tines on at least one side from September 1 – 20. In addition, up to 150 Tier II permits are issued for any bull moose, August 15 – 31, with only one permit being allowed per household. The moose seasons for federally qualified users on federally-managed lands are much longer from August 1 – September 20.

Under the state system, all caribou permits are issued under Tier II regulations and were limited to 3 per household. The Board recently changed the limit to 2 per household. The bag limit is one caribou, although in recent years, harvest under state regulation has been limited to bulls only. The caribou season for federally qualified users on federal land is 10 days longer in the fall, ending September 30 rather than September 20.

State regulations do not jeopardize a qualified federal subsistence hunter from hunting under a federal permit. However, if there are too many state applicants, controlling statutes mandate that permits be issued under the Tier II criteria, with all of its attendant problems.

The Board intends to explore subsistence hunt provisions that reflect and accommodate the customary and traditional use patterns of Nelchina caribou and moose in Game Management Unit (GMU) 13, while distinguishing those uses from other uses.

In accordance with the Joint Boards of Fisheries and Game eight criteria for implementing the state subsistence law, the following findings are made:

Findings

When the Board originally determined there were customary and traditional uses of the Nelchina Caribou Herd and moose in GMU 13, it recognized these subsistence uses were established by Ahtna Athabascan communities within the Copper River basin, and were later adopted by other Alaska residents. Due to the importance of, and high level of competition for subsistence permits in this area, the Board has undertaken, as precisely as possible, the task to identify the particular characteristics of these customary and traditional use patterns. Although they have changed over time due to limited access associated with demographic, economic, and technological factors, the patterns are characterized by traditional fall and winter hunting seasons, efficient methods and means, thorough use of most of the harvested animal, harvest areas traditionally associated with local communities, traditions about harvesting and uses that are passed between generations orally and through practice, and reliance on other subsistence resources from within these same traditional harvest areas

Criterion 1. A long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns.

This criterion presupposes that an identifiable, consistent “pattern” of noncommercial taking, use, and reliance is characteristic of subsistence use. The Board finds, even though there are many similarities among all users of the moose and caribou resources in the area, there continue to be identifiable distinctions, constituting a unique pattern of subsistence use, that is traceable in direct line back to the original Ahtna Athabascan and later non-native customary and traditional use.

The Board has concluded that the pattern of moose and caribou subsistence use for this region was originally defined by the Ahtna Athabascan residents and then adopted and modified by other local settlers in the early 20th century. This pattern of use was established over many generations and focused on the total aggregate of fish, wildlife, and plant resources locally available to the area residents.

The greatest dependency on subsistence resources occurred prior to the completion of the existing road system in the 1940s. After about 1950, historical use patterns changed rapidly, especially with the introduction of more mechanized access methods. The mobility of the subsistence and non-subsistence users, the availability of seasonal and part-time employment, increased human populations, increasing competition for wildlife resources, and fluctuating game populations (particularly moose and caribou) caused major shifts in subsistence dependency of people within and adjacent to the region. Nevertheless, aspects of the traditional Ahtna Athabascan use pattern are present today, but subsistence-dependent families engaged in that pattern now account for a smaller percentage of all users than a half-century ago.

Most of the long-term subsistence patterns in this area are community-based. The area's communities tend to be long-established, by Alaskan standards, and the residents of these communities tend to be long-term residents, descending from multi-generational families with long ties to the area. These communities tend to exhibit a use of local resources that stretches back to well before Euroamerican contact. In contrast, the use pattern based out of nearby urban areas tends to involve much more recently established communities, a high degree of turnover among residents, short-term residency and, generally, a relatively brief history of use.

Criterion 2. A pattern of taking or use recurring in specific seasons of each year.

Local communities established a tradition of hunting caribou, moose, and other big game species in the late summer and early fall following subsistence fishing, and again hunting in the winter as fresh meat was needed and game was available. Winter hunts have always been critical to subsistence users, as very few other subsistence resources are available during this time. This need for, and use of, winter hunting opportunities is different from use patterns developed by residents of Alaska's more developed and urban areas, where almost all big game hunting takes place exclusively in the fall and is controlled largely by regulations. Thus, as late as 1984, over 60% of the caribou harvest taken by local residents was taken during the winter. Recent changes in that pattern can be largely attributed to regulatory changes, competition from non-local

hunters and shifting migratory patterns of the caribou herd. The seasonal use pattern was based on the traditional Ahtna seasonal movements and the general availability of game. For example, the fall hunt traditionally followed the salmon harvest, whereas the winter hunt took place whenever meat was needed and game was available.

Criterion 3. A pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost.

Before the mid-20th century, Ahtna Athabascan hunters tended to rely on boat access along the area's major waterways in fall, on foot along established trails, and by dog team along winter trails after freeze-up. With the opening up of the Nelchina basin to highway access, and the introduction of off-road vehicles, snowmachines, four-wheelers, and other transportation innovations, a shift in the use pattern occurred. Now, local residents tend to utilize roads as hunting corridors in place of rivers in the fall, and use snowmachines to access the backcountry in winter. Recently, expensive off-road vehicles have been purchased and used by many non-local users and a few more affluent local residents in an attempt to compete with non-local hunters and to increase their opportunity for success. The use of all terrain vehicles may create their own hunting efficiencies as hunting effort and transportation take advantage of labor-saving devices. Hunting methods have changed over the last 75 years. Automobiles, snowmachines, and less expensive all terrain vehicles may make hunting more effective because local and non-local residents can now cover larger areas when hunting caribou or moose. Local hunters can, when animals are available, make relatively short trips that fit into a contemporary work schedule. On the other hand, the use of highway, off-road, and similar vehicles has promoted more frequent short trips with considerable transportation costs for depreciation, fuel, and maintenance. What are being lost are the multi-resource harvest efficiencies associated with long subsistence-oriented summer and fall camping trips traditionally engaged in by Ahtna communities. Thus, recent transportation improvements and fuel prices may have changed traditional subsistence activities to the point where it is unlikely that there is a positive cost/benefit (from an economic standpoint) associated with some of the hunting techniques, especially in cases involving the use of expensive recreational motor vehicles. Overall, the use of some motorized vehicles such as ATVs has blurred the distinction between true customary and traditional patterns and recreational activities.

Residents of local communities—those with the longest histories of use of moose and caribou in the region—have traditionally traveled shorter distances to hunt than do non-local participants; and generally utilize less technology in doing so. Most Ahtna elders testified they still prefer to walk in to hunting areas and maintain permanent camps, whenever possible, in accordance with longstanding means and methods. On the other hand, most non-local users must travel at least 125 miles just to get to the area and have tended to be reliant on all-terrain vehicles (ATVs), aircraft and other expensive off-road and recreational vehicles.

As late as 1984, Copper Basin residents utilized only highway vehicles for hunting access over 65% of the time. It is the Board's conclusion that many of these newer technologies have been adopted based on a perceived need to compete with technologically-oriented recreational hunters from Alaska's urban areas. This may be a direct effect of the 1984 regulations.

Historically, much of the taking of caribou, moose, and small game was done as part of a seasonal round of subsistence activities throughout defined areas used by the community. Family dependence on these resources required a commitment of considerable time and effort to accumulate adequate subsistence resources to meet annual protein requirements and other customary and traditional uses.

Another example of subsistence efficiency in the customary and traditional use pattern has been that specialized hunters tend to provide for the community at large, sometimes or often taking more than necessary for their own family's use in their capacities as community providers, and to fulfill social and cultural obligations. Community subsistence activities are then divided among members and further introduced into traditional patterns of barter and exchange. Thus, some harvest and others process, distribute, receive and utilize the results of the harvest. Each member of the community has a defined role and specialty.

A third example of subsistence efficiency, historically, has been the effort to keep hunting as close to home as reasonably possible, minimizing cost and effort necessary to obtain the wild food resources needed by families and communities. The Board believes that, if competition among users can be reduced, this efficiency is likely to be easier for subsistence users to realize.

In these community efforts, special emphasis has been placed on allowing the maximum opportunity to harvest as many animals and the widest variety of useable species as efficiently as possible. Emphasis was also placed on food gathering activities and other traditions associated with Ahtna Athabascan communities.

Criterion 4. The area in which the noncommercial long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established.

The Board is examining the area where the subsistence hunting of big and small game occurred prior to the significant change in uses and activities that occurred after approximately 1950 in Game Management Unit 13.

Subsistence uses involve an intimate and exclusive relationship between the user and a very particular set of places generally in close proximity to the hunter's residence. The user is tied to the land. Other types of uses do not exhibit these close, long-term, multi-generational ties to a particularly locality. Even as late as 1981, hunters from Copper Basin communities did not report traveling out of the basin to hunt, while urban-based hunters named alternative areas if they could not hunt Nelchina caribou and moose. Testimony from Ahtna elders emphasized their reliance on local fish and game, and their reluctance, for practical and cultural reasons, to travel outside of their traditional areas for subsistence purposes. Likewise, they described the longstanding family and community use histories and patterns for such areas. Consistently, lifelong residents of the local areas did not share the attitude of utilizing other areas. When Nelchina caribou were not available to them they either added emphasis on moose, and/or use of the Mentasta caribou herd. Resident lake fish species and small game were other alternatives commonly mentioned as alternative and supplemental wild food resources. Families in the range of the Nelchina caribou who harvested little or no wild game mentioned receiving donated meat as an alternative. This differs markedly from the use patterns found in Alaska's urban areas,

where traveling to, and exploring, new game country is deemed a virtue and an essential part of many outdoor experiences.

The Ahtna pattern exhibits a familiarity with terrain and landscape including the associated history of the region transmitted through oral traditions and Ahtna geographic placenames.

Criterion 5. A means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate.

The traditional pattern has been to salvage and use all parts of the harvested animal, in conformance with traditions prohibiting waste. Lifelong residents of the Copper Basin testified they still practice their traditional methods of harvest by retrieving the entire carcass and all bones, hide, head, heart, liver, kidneys, stomach, and fat. Only the antlers were often left behind. This also differs from patterns based out of urban areas, where hunters tend to focus on the meat and antlers, usually leaving most organs, bones, and the hide in the field.

Ahtna elders also emphasized that preparation and storage are viewed as essential components of their overall use. Women traditionally look forward to practicing their roles as preparers and preservers of harvested game every bit as much as men looking forward to harvesting and providing the game. These traditions and roles are passed on by older relatives to younger family members through in-the-field training and a system of *engii* (rules of appropriate behavior or taboos) that teach traditional means of harvest, handling, and preparation. These “engiis” emphasize traditional Ahtna views of the human place within the natural world and a respectful treatment of animals.

Criterion 6. A pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation.

The Board has concluded that the subsistence traditions of handing down the hunting and fishing knowledge, values and skills through family oriented experiences are an important aspect of the subsistence way of life in this region. Providing the opportunities for the young and old to participate in subsistence activities is critical to the perpetuation of traditional knowledge about hunting locations, hunting methods, methods of handling harvests, and respectful treatment of wildlife. To increase hunting opportunities for youth, a recent provision adopted by the Board allows a resident hunter between the ages of 10 and 17 to hunt on behalf of a resident permit holder. The youth hunter must have completed a certified Basic Hunter Education course and be in direct supervision of the permit holder, who is responsible for ensuring all legal requirements are met.

Ahtna elders have passed this knowledge on to the next generation in the context of community-based traditions that included relatively long summer and fall camping trips described above. As mentioned previously, teaching roles and lessons tend to be more formalized through the system of “engiis” than is the case for uses based out of the urban areas. Skills emphasized included not only those needed to harvest each species, but also the art of field preparation and care for a wide

variety of species and the utilization, preparation, and distribution of game. Most local users learned how to hunt in the local area from other family members in the local area. Most older, local users have also taught other family members. On the other hand, most non-local users learn about hunting in the area by personal experience or from fellow non-local, unrelated hunters. Also, non-local users tend to be controlled primarily by applicable statutes and regulations rather than long-term oral traditions and community-based values.

The Board considers it extremely important to stress the need to pass on skills and knowledge associated with utilization of all parts of the animal taken, as well as preservation of the traditional, cultural rules and family values associated with these subsistence users in this area. Field skills need to be perpetuated for handling not only the meat but the hides, internal organs, stomach, and intestines. This is consistent with the customary practice of maximizing the use of animals taken characteristic of subsistence uses.

Criterion 7. A pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving.

Widespread community-wide sharing is customary in local communities, involving all family members, elders, others in need, and taking place in formal settings such as during ceremonial potlaches. As such, sharing has associated social, cultural, and economic roles in the community. Sharing is expected and follows well-understood community standards that are structured on kinship relations and obligations. As an example, young hunters are required by Athabaskan tradition to give all or most of their first harvested animal to elders and others in need. Also, traditional barter and exchange follow these standards. Successful Ahtna harvesters traditionally share some of their moose and caribou meat with other families and communities to meet their social obligations and for ceremonial purposes. This, again, is in contrast to the uses arising out of the urban areas where hunters are completely free to share, or not share, as they see fit and there is not a system of sharing, barter, and exchange. In addition to the key social and cultural roles of sharing in the local rural community, sharing of subsistence resources plays a key economic role in distributing essential food supplies throughout the community. The Board has concluded it is imperative to accommodate the customary and traditional family and community harvest sharing practices as part of the subsistence way of life to the maximum extent possible.

Use of the state authorized proxy system has provided a limited opportunity for individuals to harvest for permittees who are personally incapable of participating in the field but who have a personal history of subsistence use. Proxy hunters are not required to fully accommodate the customary and traditional practices. Non-local users, on the other hand, tend to have few established rules or traditions requiring sharing, and seldom share outside of their own households. External sharing, when it occurs, is usually with friends and co-workers, and extensive kinship networks are absent. There are no non-local traditions of community-wide meat distribution.

Criterion 8. A pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of the fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

The Board has concluded it is critical to emphasize the values associated with the reliance and dependence on a wide variety of fish and wildlife resources as an important element of the subsistence way of life for this region. Subsistence use patterns historically required a significant dedication of time and effort towards the harvesting of adequate fish and game resources to meet the protein and nutritional requirements of the subsistence harvesters, their families, and their communities.

This differs markedly from the more recreational type of uses arising out of the Alaska's more urban areas, where a single, focused effort to harvest only one resource in any given location, and then salvage only what is legally required from that resource, tends to be a predominant characteristic. To the extent that other foodstuffs are harvested, they are often harvested in completely separate areas, far removed from the fall hunting area. Also, different hunting areas are explored in different years. This separation of the interconnected diversity of resource uses also seriously undermines the principles reflected in Criterion 3. As more and more emphasis is placed on single species harvesting patterns, cost is increased, and efficiency is reduced. Such practices do not reflect the customary and traditional use pattern.

Reliance on most, or all, locally available sources of wild food is characteristic of a traditional subsistence way of life where maximum economic and nutritional benefits typically must be derived from the hunt and harvests. The local harvest of salmon has historically been the most important wildlife resource in terms of useable pounds per subsistence-dependent family in Unit 13. Alaska residents are allowed to use a fish wheel in the Copper River between Slana and the Copper River bridge at Chitina to harvest salmon—permits are issued free of charge. The limit is 500 total salmon for a household with two or more members and 200 for a household with one member, with no limit on the number of Chinook salmon in the total harvest by fish wheel. The salmon run in the Copper River is primarily comprised of sockeye and Chinook salmon.

Use of moose and caribou by local communities is embedded in a wide range of other fish and wildlife uses. It is also embedded in a mixed, subsistence-cash economy characterized by seasonal employment and relatively low cash incomes. A wide variety of subsistence foods are still critically important in these local economies. Almost all hunting, fishing, and gathering takes place locally and the majority of meat and fish consumed tends to come from local sources.

Big game species are taken for food and not for their trophy value by families engaged in subsistence uses. The Board may undertake efforts to reduce or eliminate the trophy values of the resources taken to focus entirely on the inherent subsistence values.

Vote: 6/0
November 12, 2006
Anchorage, Alaska

Ron Somerville, Chairman
Alaska Board of Game