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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Bristol Bay Finfish 2015 Meeting

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5 AAC 96.625. Joint Board Petition Policy

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

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

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

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

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

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

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

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

Alaska Department of Fish and Game
Board of Fisheries
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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

2013-34-JB

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

2012-267-FB
(Replaces Finding 80-78-FB)

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.

Dan K. Coffey, Chairman

Vote
(Miller Absent)

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

91-129-FB

(Previously Finding #91-3-FB)

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

Michael B. Martin

Mike Martin
Chair
Alaska Board of Fisheries

91-129-FB

(Finding #91-3-FB)

ALASKA BOARD OF FISHERIES

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Adopted: November 23, 1991

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

Location: Anchorage International Airport Inn

Michael R. Martin

Mike Martin, Chairman
Alaska Board of Fisheries

91-128-FB

(Previously Finding #: 91-2-FB)

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 chairs 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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#88-120-FB
(Replacing #79-52-FB)

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, 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. tschawytscha*);

(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;

ALASKA BOARD OF FISHERIES

Findings on Creation of the General District Management Plan for Bristol Bay # 2004 – 230 - FB

Introduction

In response to requests by members of the public at the Alaska Board of Fisheries' (board) December 2003 Bristol Bay finfish meeting, the board asked the Alaska Department of Fish and Game (department) to draft a proposal to create a "General District" in response to a large forecasted run to Bristol Bay. Board proposal C was generated and circulated for further public and advisory committee comment before final board action. The board took final action to create the General District Management Plan for Bristol Bay during its February 15-26, 2004 meeting. The board took testimony from the public and advisory committees at both the December 2003 and February 2004 meetings.

At the December 2003 meeting, the department notified the board that the forecasted catch of sockeye salmon for the summer 2004 season is 34.7 million. There is a potential substantial underharvest due to limited processing capacity. Proposal C gives the department guidelines for conducting a fishery in an additional area of Bristol Bay. Proposal C also expires at the end of the 2004 salmon season (officially, December 31, 2004) since it is designed to respond to one season's forecast only.

The General District Management Plan

The General District fishing area is described in Proposal C. The commissioner may open and close fishing periods by emergency order, on or about June 7 through June 25, to drift gillnet fishing based on inseason run information. A harvest cap of 10 percent of the preseason sockeye salmon forecast (3.47 million) is specified for the General District, and 150 fathoms of gillnet with mesh size no larger than 5 ½ inches will be allowed. A CFEC permit holder must be registered in one of the five districts of Bristol Bay to fish in the General District. The 48-hour waiting period to transfer between the regular districts remains in effect, however, the waiting period does not apply to moving between the General District and the district in which the permit holder is registered. Allocation in the General District will be calculated based on the proportion of drift gillnet registrations in the five regular districts of Bristol Bay. The proportion of catch taken from the General District equal to the proportion of drift registrations by district will be attributed to the drift gear group in each district and be counted in the allocation plan for that district upon closure of the General District.

This type of management has been used in the past; in 1970 and in 1980 in response to large forecasted runs to Bristol Bay. The concept behind Proposal C is to harvest fish (10 percent of the forecasted harvest) sooner to prevent overwhelming the capacity of the processors. By allowing harvesting at the beginning of the season there will likely be enough processor capacity before the peak of the run. Fish harvested early would be of higher quality and would add value to the total salmon industry. The board reviewed information to show that the expected Kvichak River harvest is 6 to 6 ½ million sockeye salmon out of the total run, therefore there was little concern of harming the designated Kvichak sockeye salmon stock of concern. The department stated that the chances of impacting any one stock are minimal. The board directed the department to close the General District inseason if any indications of conservation problems are present.

Much of the board's discussion on proposal C centered around the department's ability to close the General District inseason if there are indicators that the sockeye returns will fall significantly below expectations. The strong forecast for 2004 was based largely on a strong showing of "jacks" (1-ocean fish) in the 2003 return, which is a good indicator of favorable returns for the following year. The department stated that the test fishery at Port Moller was expected to operate for the 2004 season, and would be able to monitor the age classes of fish taken in the test fishery. Should there be significant differences in the proportions of age classes in the test fishery from what is expected, or other indicators that the 2004 return is significantly weaker than expected, the department has the emergency order authority to close the General District and move the fishery back into the traditional districts.

The minority of the board was concerned that benefits of the expanded area would not stay within the region, and that subcomponents of stocks may be selectively overharvested. The minority believes that the department could deal with the issue by allowing earlier openings in each district as needed. The concept of opening each district early was discussed. The minority also expressed concerns about tax implications for the boroughs as the result of a potential change in district registration among fishermen.

The majority of the board determined that the General District plan will allow for the orderly harvest of surplus fish and improved product quality, under a management plan that is capable of being implemented and poses minimal risk to existing fisheries and conservation. The General District plan will have only minor allocative impacts because catches will be applied to the allocation plans that already exist for the regular districts. Potential tax consequences to boroughs, while not known for certain, are likely to be positive.

Summary

The board finds that the 2004 Bristol Bay General District salmon management plan is based upon the best available information, and will give the department additional tools for managing an unusually high forecasted return of sockeye salmon to Bristol Bay in 2004. The board notes that this regulation will be in effect for one salmon season in order to provide additional opportunity for fishermen to harvest salmon, adding value to the industry overall.

Approved: May 17, 2004
Vote: 4 – 2 – 1

Ed Dersham, Chair

Members voted as follows:
Andrews: Yes
Bouse: No
Dersham: Yes
Jensen: (Absent)
Morris: Yes
A. Nelson: Yes
R. Nelson: No

97-174-FB
(Previously 97-09-FB)

RC 212

DEVELOPMENT OF A RAINBOW TROUT MANAGEMENT PLAN
FOR THE NAKNEK RIVER

ALASKA BOARD OF FISHERIES
BRISTOL BAY MEETING
NOVEMBER 13, 1997

The Board of Fisheries tabled consideration of proposals 124, 125, and 127 concerning the recreational fishery for rainbow trout in the Naknek River until the 1998-99 regulatory cycle. These proposals speak to development of a management plan for this fishery and the Board wants to ensure a comprehensive approach to this issue. To this end, and in conjunction with the department, a joint workgroup is charged with the following assignment.

Develop a plan that addresses management objectives intended to ensure conservation of resources and a diversity of angling opportunities, consistent with the policies found in the Southwest Alaska Rainbow Trout Management Plan. It is the intent of the Board that this planning effort be comprehensive with respect to Naknek River rainbow trout stocks and fishery and may require:

a review stock status of the rainbow trout resource and principles of management;

a review of the present regulatory structure; and

development of a regulatory package that provides for sustained yield.

The goal of this plan should be to develop clear management objectives that address biological and social concerns related to the management of this fishery.

John White, Chairman

93-145-FB

(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

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

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

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)

T. E. Elias.

Tom Elias, Chair
Alaska Board of Fisheries

91-131-FB

(Previously Finding #91-5-FB) ~~(DRAFT #2)~~

ALASKA BOARD OF FISHERIES

NUSHAGAK CHINOOK SALMON MANAGEMENT PLAN

The Board of Fisheries created a management plan for Nushagak-Mulchatna River chinook salmon stocks at the request of the Nushagak Advisory Committee. At the Bristol Bay Area meeting, conducted during January 1992 at Dillingham, the board, in close coordination with the Nushagak Advisory Committee, conducted extensive deliberations prior developing the plan. Department staff from the commercial, sport, and subsistence divisions presented comprehensive reports on the chinook salmon stocks of Nushagak-Mulchatna Rivers and the subsistence, commercial, and sport fisheries that utilize these returns.

The board finds that a management plan is necessary for the following reasons:

1. Nushagak-Mulchatna chinook salmon stocks are an important component to the lifestyle and economy of Dillingham and surrounding communities and these runs support important and established local subsistence, directed commercial, and sports fisheries.

2. The Nushagak-Mulchatna chinook salmon returns are experiencing conservation problems and harvest opportunities are being restricted from the harvest levels experienced in earlier years.

3. Competition amongst the users of the Nushagak-Mulchatna chinook salmon resources are increasing and user conflicts are becoming apparent.

4. The board was presented the attached table showing the utilization of Nushagak-Mulchatna chinook salmon stocks since 1966.

Based on these factors, the board concluded that a management plan is needed to:

1. Ensure an adequate spawning escapement into the Nushagak-Mulchatna River systems.

2. Maintain a subsistence priority usage for the Nushagak-Mulchatna chinook salmon stocks.

3. Ensure that the Nushagak-Mulchatna chinook salmon stocks are managed in a conservative manner consistent with sustained yield principles.

4. Continue to harvest Nushagak-Mulchatna chinook salmon runs in the fisheries that have historically harvested them in Nushagak Bay and the Nushagak-Mulchatna drainage.

5. Provide management guidelines to the department in an effort to preclude allocation conflicts between the various users of the resource.

Elements of the management plan include:

1. A biological escapement requirement (BER) is established, by department staff, for the Nushagak-Mulchatna chinook salmon stocks of 65,000 fish. This number of spawners is believed to produce the maximum sustainable number of returning chinook salmon and was based on the best available information available to the department.

2. An inriver goal is est to manage the commercial fishery in such a manner to obtain an annual count of chinook salmon, past the department's Portage Creek sonar site, of 75,000 chinook salmon. The inriver goal was found to provide sufficient fish to provide a reasonable opportunity for subsistence harvest and to maintain a sport harvest of no greater than 5,000 fish.

3. The plan allows the sport harvest to increase to 6,000 fish when the inriver return exceeds 75,000 fish up to a level of 95,000 fish. The board found this restriction was necessary to ensure that the sport fishery allocation would not benefit over time due to management imprecision. However, the board recognized that once the spawning escapement exceeded 95,000 fish, the subsequent return per spawner is significantly decreased, and finds that it is not necessary to limit the take in the sport fishery under these conditions.

4. The board finds it is desirable to allow a targeted commercial fishery for chinook salmon when the inriver goal is projected to be met or exceeded. This meets the board's intent to maintain the historic nature of the Nushagak District fisheries

5. The board finds that when the projected inriver return is projected to be between 40,000 and 75,000 chinook salmon, it was not necessary to restrict the normal prosecution of the sockeye salmon commercial fishery. The board believed that this could be accomplished with plan provisions to limit gill net gear to less than 5 and 1/2 inches mesh and to not permit a directed chinook salmon fishery under the above conditions. The board finds that when the inriver run was projected to be less than 40,000 fish, it is necessary to limit the normal commercial sockeye salmon fishery and established provisions directing the department not to open the sockeye salmon season until at least 10% of the of the Wood river escapement goal is projected to be achieved.

6 As the board finds that the sport fishery represents a directed harvest, the plan restricts the sport fishery when the inriver return is projected to be less than the BER of 65,000 fish. When the inriver return is projected to be below 40,000 fish, the board finds that it is necessary to close the directed sport fishery; further the board does not believe that hook and release

sport fisheries are proper at this time.

7. The board recognized that the department does not have the necessary management tools to regulate the sport fishery to maintain the sport harvest limits within any one year. However, the board expects the department to make yearly adjustments to ensure the sport harvest, over time, does not permanently increase above the specified limits.

8. The board finds that it is not necessary to restrict the subsistence fishery unless the inriver return is projected to be less than 40,000 fish.

Adopted: January 9, 1992

Vote: (Yes/No/Abstain/Absent) (__/__/__/__)

Location: Dillingham

a:nushplan

Table 1. Chinook salmon commercial, subsistence, and sport harvest plus escapement for the Nushagak drainage, 1966 to 1991.

	Harvest							
			Sport[c]					
Year	Commercial[a]	Subsistence[b]	Nush	Mul	Total	Total	Escapement	Total Run
1966	58,184	3,700				61,884	40,000	101,884
1967	96,240	3,700				99,940	65,000	164,940
1968	78,201	6,600				84,801	70,000	154,801
1969	80,803	7,100				87,903	35,000	122,903
1970	87,547	6,300				93,847	50,000	143,847
1971	82,769	4,400				87,169	40,000	127,169
1972	46,045	4,000				50,045	25,000	75,045
1973	30,470	6,600				37,070	35,000	72,070
1974	32,053	7,900				39,953	70,000	109,953
1975	21,454	7,100				28,554	70,000	98,554
1976	60,684	6,900				67,584	100,000	167,584
1977	85,074	5,200	402	521	923	91,197	65,000	156,197
1978	118,548	6,600	151	291	442	125,590	130,000	255,590
1979	157,321	8,900	312	342	654	166,875	95,000	261,875
1980	64,958	11,800	611	146	757	77,515	141,000	218,515
1981	193,461	11,500	929	291	1,220	206,181	150,000	356,181
1982	195,287	12,100	1,436	367	1,803	209,190	147,000	356,190
1983	137,123	11,800	1,615	388	2,003	150,926	161,730	312,656
1984	61,378	9,800	1,534	786	2,320	73,498	80,940	154,438
1985	67,783	7,900	1,517	292	1,809	77,492	115,720	193,212
1986	65,783	12,600	1,780	3,534	5,314	83,697	43,434	127,131
1987	45,983	12,200	1,371	1,860	3,231	61,414	84,309	145,723
1988	16,648	10,079	2,383	403	2,786	29,513	56,905	86,418
1989	17,637	8,097	2,807	754	3,561	29,295	78,302	107,597
1990	14,092	11,932	1,594	1,409	3,003	29,027	63,955	92,982
All Years								
Average	76,621	8,192	1,317	813	2,130	86,944	80,532	167,476
Percent	88%	9%			2%			
1986 to 1990								
5 Year Avg	32,029	10,982	1,987	1,592	3,579	46,589	65,381	111,970
Percent	69%	24%			8%			
1991	22,898	12,884			2,600	38,382	135,054	173,436
Percent	63%	33%			7%			

[a] Commercial catches from 1988-1991 are preliminary.
[b] Subsistence harvest estimate for 1991 is preliminary.
[c] Sport harvest estimate for 1991 is preliminary.

(Page 4 of 4)

Findings of the Alaska Board of Fisheries Regarding the 48-Hour Waiting Period in Bristol Bay Commercial Salmon Fisheries

A. In January 1986, the Alaska Board of Fisheries amended 5 AAC 06.370 to reimpose the 48-hour waiting period in Bristol Bay commercial salmon fisheries. The regulation as amended requires that fishermen must register with the Alaska Department of Fish and Game 48-hours before each transfer to a Bristol Bay district, and that fishermen cease fishing during that 48-hour period. Before adopting the amendment, the board received extensive public comment, both written and oral.

B. In March 1986, the board further amended 5 AAC 06.370, following the recommendations of the Alaska Department of Law. The amendments were technical in nature, and were designed to make the 48-hour waiting period more enforceable. Because the legal notice for the March meeting left open the possibility that the 48-hour waiting period could be repealed, there was public testimony and presentations by the Nushagak, Lower Bristol Bay, Naknek-Kvichak, and Lake Illiamna advisory committees reiterating support of the reinstating of the 48-hour transfer requirement with no fishing.

C. Between the January and March board meeting, a lawsuit was filed challenging the 48-hour waiting period. Meier v. State, 1JU-86-415 civil. It may, the board believes, be desirable to articulate the conservation and development purposes served by the 48-hour waiting period.

D. Based upon the information presented to the board before it amended 5 AAC 06.370 in January and again before it further amended 5 AAC 06.370 in March, the board finds:

1. There are two commercial salmon fisheries in Bristol Bay, the set net and the drift gillnet fisheries. Participants in these fisheries must register for whichever Bristol Bay district they fish, and must reregister before transferring to a new district. For at least 24 years before 1985, fishermen had to cease fishing for a period of 48-hours after reregistering and before transferring to the new district. For the 1985 season, the 48-hour period was repealed and a 24-hour notice adopted. Fishermen were allowed to continue fishing before transferring.

2. The 48-hour had an impact on fishing patterns, although it was not easy to enforce as written at that time. Before 1985, the set net fishery harvest annually had an average of 12 percent of the commercial salmon

harvest of Bristol Bay. When the 48-hour waiting period was repealed, the set net harvest dropped to 9 percent. Of concern was the 6 percent set net harvest in the Egegik District, and the drop to 3 percent in the Ugashik District which experienced an historic high return in 1985. Reallocation of salmon from the set net fishery to the drift gillnet fishery was becoming evident.

3. Because of the historic high return, the Ugashik District was fished during the peak harvest period by more than 600 drift gillnetters, when normally that District has been fished by approximately 200 drift gillnetters.

4. Reimposing and improving the enforceability of the 48-hour waiting period will assist in maintaining the historic harvest percentages between the set net and drift gillnet fisheries. The drift gillnet fishery in Bristol Bay is composed of mobile vessels with highly refined fishing skills and efficient gear. The set net fishery, although skilled, is less mobile because of limited set net sites and is hampered by fishing time because of tides.

5. Public testimony and ADF&G staff reports did indicate that among the drift gillnet fleet itself there seemed to be more success by one component than another. While this was a concern of some board members, it was not as important to the board as a whole, as was the reallocation stated above.

6. Reimposing and improving the enforceability of the 48-hour waiting period will assist in slowing down the movement of the more mobile component of the drift gillnet fishery which will spread out the harvest more evenly among all participants promoting a more orderly fishery and enhancing economic stability as a whole.

7. Additionally, reimposing and improving the enforceability of the 48-hour waiting period will have some conservation benefits in that it will prevent an unpredictable influx of fishing gear into a district experiencing a marginal run of salmon. Several Bristol Bay districts open during large portions of the season by emergency order issued by ADF&G rather than a schedule set out in regulations. One factor considered by the department before opening a district is the amount of effort and gear. Although normally a 100 percent exploitation rate is expected when a Bristol Bay district is open, in some more unusual situations (minimal stock run), the department could determine that one gear type could fish without jeopardizing escapement goals, but allowing both types could jeopardize conservation. 5 AAC 06.320(f) gives the

department authority to allow only one type to operate. Similarly, it set and drift gillnet present at a particular time could be allowed to fish without jeopardizing the escapement, the 48-hour waiting period will prevent a sudden influx of effort and gear which could raise the total amount of gear to a level to jeopardize a stock.

Ron Jolin, Chairman
Alaska Board of Fisheries

Date 4/9/86

ALASKA BOARD OF FISHERIES
FINDINGS OF FACT

Bristol Bay 32 Foot Vessel Length
5 AAC 06.341
#81-92-FB

After hearing a report on the Findings of the Governor's Bristol Bay Task Force, conducting a public hearing on 5 AAC 06.341 in accordance with the Administrative Procdure Act, and discussing the subject, the Board of Fisheries on April 4, 1981 by unanimous action, adopted a regulation to continue the 32 foot vessel length for the Bristol Bay salmon fishery. The Board considered this action to be consistent with its responsibilities to conserve and develop the salmon resources of Bristol Bay, promote the orderly harvesting and marketing of quality fishery products and to maximize the public interest.

The action of the Board in 1979 to repeal the 32 foot length limit by 1982 had been based in part on the premise that larger vessels would permit the use of ice to improve quality. However, Bristol Bay processors who imposed 12 hour delivery requirements on fishermen in 1980 showed that more frequent deliveries by existing vessels can adequately improve quality. An increased vessel length that allows the use of ice, chilled brine or special insulation is not necessary to achieve the desired quality improvements at this time.

The Board also reviewed testimony indicating that until recent years the average costs of the Bristol Bay gillnet vessels were in the $5,000 to $20,000 range. In recent years 32 foot vessels costing as much as $150,000 are being constructed to participate in the fishery. The use of these larger capacity, more expensive boats has, in some cases, resulted in over capitalization by fishermen and is believed to have contributed to lengthy price disputes and threats of violence prior to the 1980 price settlement as fishermen felt obligated to achieve continued high prices to meet boat payments.

Repeal of the 32 foot limit will interfere with production economies of scale associated with construction of standard size vessel. Unlimited size will therefore exacerbate the problem of overcapitalization in the Bay area.

During the public hearing, Representative Joe Chuckwuk testified that repealing the 32 foot limit in 1982 would work a hardship on the Bristol Bay fishermen who had already invested in newer, larger-capacity 32 foot boats. In addition the Board also received the results of a January 1981 mail survey of all setnet and drift gillnet limited entry card holder and interim use permittees in the Bristol Bay salmon fishery. Of the 2,668 ballots mailed out, 81% of the 2,003 ballots returned favored reestablishment of the 32 foot length.

The conduct of the Bristol Bay fishery has been based upon the 32 foot length vessel for more than 30 years. Continuation of the length restriction will promote stability and predictability in the fishery.

ADOPTED: Anchorage, Alaska
April 7, 1981

VOTE: 5-0

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Nick Szabo, Chairman

#79-49-FB,
#79-59-FB,
#79-60-FB,
#80-68-FB
see also

ALASKA BOARD OF FISHERIES
RESOLUTION #80-80-FB

1981 BRISTOL BAY HERRING
MANAGEMENT DIRECTIVE

The 1981 Bristol Bay herring and herring roe-on-kelp fishery will be managed within the following guidelines:

1. a minimum threshold level of biomass for conservaion of the stocks will be maintained;

2. differing harvest rates for older and younger age class herring will be used;

3. the commercial harvest will not start until the start of spawning, thus insuring the opportunity for the highest roe rocovery; and

4. the harvest management should minimize wastage of the resource.

The Board of Fisheries therefore directs the staff of the Department to take the following actions given the specified circumstances:

1. when the total observed biomass of early season older age class herring exceeds 20,000 metric tons, the season will open and the harvest rate will be 10% of the observed biomass; the harvest rate may be allowed to increase to 20% if the observed biomass exceeds 40,000 metric tons and sufficient spawning has occurred;

2. when the total observed biomass of later season younger age class herring exceeds 20,000 metric tons, a harvest rate of no more than 10% will be allowed; and

3. the number of openings allowed in the herring roe-on-kelp fishery will be based on the fishing time in the herring fishery.

ADOPTED: Anchorage, Alaska
December 13, 1980

VOTE:

Nicholas G. Szabo
Chairman

Approved 3/30/80
#80-73-FB

ALASKA DEPARTMENT OF FISH AND GAME
DIVISION OF COMMERCIAL FISHERIES

Special Report to the Alaska Board of Fisheries

BRISTOL BAY SALMON MANAGEMENT PLAN FOR 1980

Anchorage, Alaska
March, 1980

BRISTOL BAY SALMON MANAGEMENT PLAN FOR 1980

The Department's forecast of returning sockeye salmon to Bristol Bay in 1980 totals 54.5 million fish (see Table 1 for detailed information). An inshore return of this magnitude has not been equalled since accurate total run estimates were first available in the mid-1950's, although the 1965 total return of 53.1 million fish closely equals the forecast for 1980.

After subtracting peak year cycle escapement requirements of 17.5 million, a harvestable surplus of 37.1 million sockeye remains. The projected catch of 37.1 million, if realized, would be the largest catch since commercial operations began in Bristol Bay in 1893, and would exceed the previous highest catch by over 12 million fish.

Over 75% (or 28 million fish) of the expected sockeye harvest would occur in the Naknek-Kvichak district, with significant harvests also forecast for Nushagak and Egegik districts. The district sockeye forecast, escapement goals and projected harvest is summarized and shown below for comparison purposes (in 1,000's):

District	Forecast		Escapement Goals	Projected Harvest	
	Number	Percent		Number	Percent
Naknek-Kvichak	49.922	79%	15.000	27.967	75%
Egegik	3.445	6%	.600	2.845	8%
Ugashik	1.488	3%	.500	.988	3%
Nushagak	6.156	11%	1.300	4.895	13%
Togiak	.531	1%	.100	.431	1%
Total Bay	54.542		17.500	37.126	

Significant harvest of other species are also anticipated for 1980. Pink salmon are expected to return in record numbers, particularly to the Nushagak district where the total forecast of 15.7 million fish will allow a harvest of 14.7 million fish after escapement requirements are met. Total pink returns in 1980 to all districts of Bristol Bay will allow a harvest many times in excess of the long-term average harvest of 1.8 million. King salmon returns are expected to allow a harvest in excess of 200,000, while chum salmon returns are expected to be strong, particularly in Nushagak and Togiak districts where over 1.0 million fish are expected to enter the harvest.

In total, Bristol Bay may have as many as 55 million fish of all species in excess of escapement requirements. This potentially large catch requires special management considerations to provide for an orderly and maximum harvest.

With the foregoing in mind, the following management options will be implemented by emergency order in Bristol Bay for the 1980 season to provide fishermen and processors the greatest opportunity to maximize the harvest:

I. Fishing Boundaries: Effective 9:00 a.m., June 9, seaward extensions of fishing boundaries will be established by emergency order in the Naknek-Kvichak, Egegik and Ugashik districts. Boundary extensions will generally follow the same design established in 1970. A General fishing district will be established seaward of the present Naknek-Kvichak, Egegik and Ugashik districts (Figure 1). The General fishing district boundary will commence at 58° 38' 36" N. Lat., 158° W. long., near Etolin Point and proceed in a southerly direction, conforming to the State's 3-mile jurisdictional limit, to Cape Menshikof. The extended

fishing area will be separated into three geographically distinct areas for purposes of reporting the catch. The General fishing district will remain in effect throughout the season, or until run strength dictates a pull-back to afford additional protection to sockeye stocks not showing forecast strength.

In addition, the strong sockeye run forecast into Nushagak district will hopefully be blunted by allowing a seaward boundary extension to the established "king salmon boundary line" (Figure 1). The Nushagak boundary extension will be announced by emergency order after the district's king salmon escapement requirements have been met; however, for the outer boundary extension in this district to be effective in cropping off early sockeye, the boundary should be operational no later than June 24-25.

Upriver, or inner fishing boundary relocations, will not be made unless extreme circumstances so dictate. As directed by the Board of Fisheries, the inner boundary on Kvichak River will be relocated if circumstances are such that it will be in the best interests of the resource and resource users.

With the fishing boundary extensions, the staff reached a decision to not deploy the marker can buoys normally in use. If district boundary restrictions or adjustments are needed in-season to protect sockeye stocks, the industry will be asked to cooperate by placing tenders to help mark boundaries, for it is unlikely that buoys can be deployed on such short notice.

II. Fishing Season: Effective 9:00 a.m., June 9, unrestricted fishing time will be announced by emergency order for the Naknek-Kvichak,

Egegik and Ugashik districts until further notice. Unrestricted fishing time will be announced for Nushagak district once king salmon escapement requirements have been met. We anticipate that by June 24-25, king salmon escapement requirements will be adequate and the Nushagak district can be opened until further notice.

III. Fishing Gear: Additional gill net gear allowed in 1970 was not effective in increasing the harvest. Therefore, the staff has no plans to increase the allowable gear. Depending on the South Unimak commercial harvest and Port Moller test boat catches of pink salmon, the effective date when smaller mesh pink gear can be used may be allowed earlier in the season, especially in Nushagak district where a large return has been forecast.

IV. District Re-registration: Effective 9:00 a.m., June 9, an emergency order announcement will waive all re-registration processes and allow unrestricted movement between all districts of Bristol Bay without the usual 48 hour waiting period. The Department will continue to require prior notice of intent to relocate fishing operations, but the 48 hour waiting period will not be in effect.

In conclusion, the Department fully realizes the risks involved in proposing this management plan. However, it is the opinion of the staff that the possibility of adversely affecting any run or species is minimal considering the technology and effort that is applied to the management of the Bristol Bay fishery. It is also the opinion of the staff that in this case the advantages of establishing a General district to permit earlier fishing on the Kvichak run outweigh the risks involved.

Early season offshore fishing may help reduce the size of the catches required during the peak of the run to meet the desired season

harvest, thereby reducing the possibility of "plugging" the processing facilities.

The major risk is over-fishing stocks other than those returning to the Kvichak River. Tagging studies indicate (1) Egegik fish might be expected to constitute a major proportion of fish which mill in the Middle Bluff-Cape Chichagof areas, whereas (2) Kvichak and Naknek fish become more dominant proportionately in the milling area near Low Point, between Middle Bluff and Johnson Hill, and (3) that Ugashik fish constitute the larger proportion of fish that mill in the area between the Egegik and Ugashik districts.

The fact that eight out of ten fish forecast to return to Bristol Bay's east side systems in 1980 are Kvichak River fish means a reduction will probably occur in the proportionate number of Egegik fish milling in the Middle Bluff-Cape Chichagof area. A similar reduction should occur in the proportionate number of Naknek fish milling in the Low Point area. The same is true for the Ugashik fish in the area between the Egegik and Ugashik districts. The risk of over-fishing the Ugashik run becomes less when one considers that, historically, this run has peaked several days later than the Kvichak run, and again, the concept of the General district is to enable fishing on the run early in the season. Furthermore, just because additional fishing areas and unrestricted fishing time are being established for the 1980 season, doesn't mean that these areas and season will necessarily remain open to fishing. On the contrary, if the personnel responsible for the management of this fishery deem it necessary to close these extended areas or seasons, they will be closed in-season by emergency order.

The Shumagin/South Unimak fishery will provide a check approximately two weeks before the fish reach the Bristol Bay fishing districts, and a final run magnitude verification will be provided approximately one week before the run arrives by the A.D.F.& G. test fishing boat operating off Port Moller. Operational funds permitting, the Department's Port Moller test fishing operation will continue fishing operations well into July with smaller mesh pink gear to provide run magnitude estimates for the expected large pink salmon return.

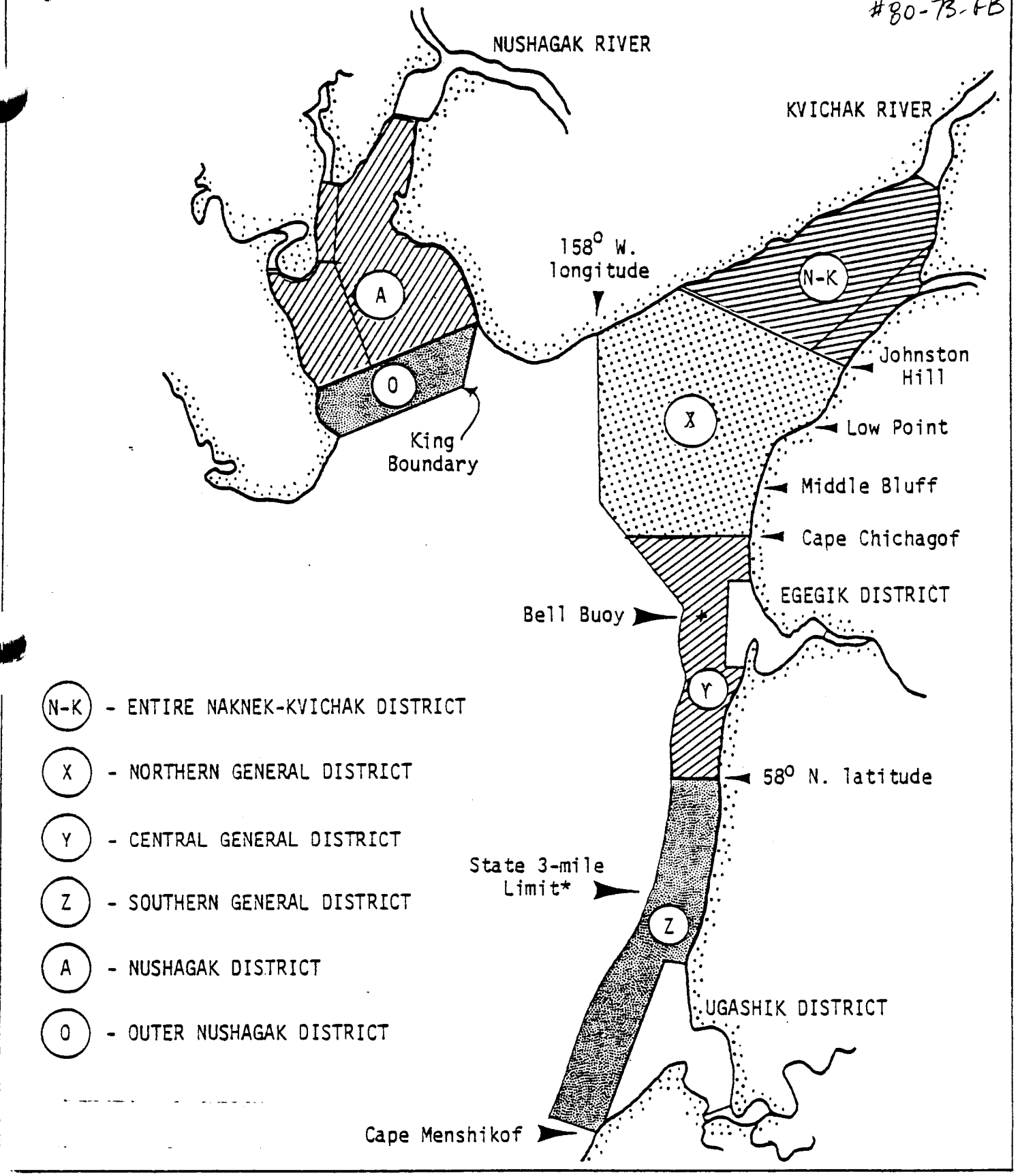

FIGURE 1. SALMON CATCH REPORTING ZONES, BRISTOL BAY, 1979.

*Western boundary of General District is limited by the State three-mile territorial zone.

79-60-FB

See also #79-49-FB, #80-80-FB, #80-68-FB, #79-59-FB

ALASKA BOARD OF FISHERIES

BRISTOL BAY HERRING MANAGEMENT PLAN

The Bristol Bay herring fishery is still rapidly developing. Harvest trends by gear type are not well established between seine and gillnet gear. Run timing, distribution, and magnitude cannot be predicated upon past data for this new fishery and most forms of in-season or pre-season regulation to achieve any predetermined catch allocation between the gear types are not feasible.

It is the Board's feeling that resource size, relative gear numbers, and the efficiency of the two gear types will insure that all users will have ample opportunity to satisfy their economic requirements. Nevertheless, it is desirable to try to insure that neither gear group is totally disadvantaged. The Board therefore directs the staff to take the following actions given the specified circumstances.

When the total reported harvest reaches 20,000 metric tons, the Department will determine the reported tonnage for gillnet and seine (purse and hand purse) gear. If the harvest for either gear type has not reached 6,000 metric tons, the fishery on the gear with the higher reported catch shall be closed for 24 hours.

It is the intent of the Board that no guaranteed minimum quota for any gear type is implied in this policy.

ADOPTED: Anchorage, Alaska
December 14, 1979

VOTE: 5/0 (Gordon Jensen, Herman Schroeder absent)