



Alaska Department of Fish and Game

Board of Fisheries

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ALASKA BOARD OF FISHERIES

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Work Session 2017 Meeting

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Policy on Development of Findings	1999-184-FB
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BOARD OF FISHERIES AGENDA CHANGE REQUEST REGULATIONS

5 AAC 39.999. Policy for changing board agenda

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

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

(A) for a fishery conservation purpose or reason;

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

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

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

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

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

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

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

Authority: AS 16.05.251



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5 AAC 96.615. Subsistence proposal policy

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

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

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

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

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

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

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

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

and

ALASKA BOARD OF FISHERIES (BOF)
JUNEAU, ALASKA

ON

MANAGEMENT OF FISHERIES
OFF ALASKA

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

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

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

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

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

I. Applicable Fisheries

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

II. Duration of the Agreement

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

III. NPFMC and BOF shall undertake the following activities:

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

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

Approved:

For the North Pacific Fishery
Management Council



Council Chairman – Eric A. Olson

12/28/2009
Date

For the Alaska Board Fisheries



Board of Fisheries Chairman – Vince Webster

12/28/2009
Date

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

GENERAL ORDER OF BOARD AGENDA

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

GENERAL ADMINISTRATIVE ITEMS

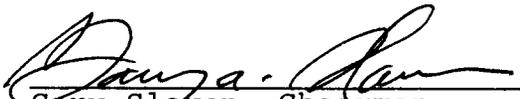
The objective is to provide adequate notice to the potentially affected public of the proposed regulation changes. These tasks are suggested:

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

JOINT STATEMENT ON THE MANAGEMENT OF THE
KUSKOKWIM RIVER SALMON FISHERY

The Board of Fisheries, the Department of Fish and Game, the local Fish and Game Advisory Committees, and local subsistence and commercial fishermen agree to work together towards the goal of increasing the sustained yield of Kuskokwim River salmon stocks to provide for subsistence needs and an economically viable commercial fishery. To achieve that goal, the parties agree to the following:

1. Kuskokwim River salmon users will form a working group.
2. The local department staff will meet with the working group to discuss pre-season and in-season management of the fishery and evaluate items such as, but not limited to:
 - (a) test fishery data;
 - (b) CPUE data from historic and in-season commercial fisheries; and
 - (c) in-season subsistence catch data.
3. It is understood that the purpose of these meetings shall be to arrive at a consensus regarding the openings and closures of the Kuskokwim River fishery. If a consensus cannot be reached emergency order authority will continue to be at the area management biologist's discretion.
4. The department will announce the opening of the first commercial fishing period by June 10.
5. The fishing periods may be separated by six days to assist king salmon passage.
6. The department and the working group will work towards the development of a comprehensive management plan for all of the Kuskokwim River salmon stocks, and report to the board on their progress.
7. Working group/staff meetings will be at the discretion of the chair of the working group.


 Gary Slaven, Chairman
 Board of Fisheries

Date: March 14th 1988


 Don W. Collinsworth
 Commissioner, ADF&G

Date: 4.20.88