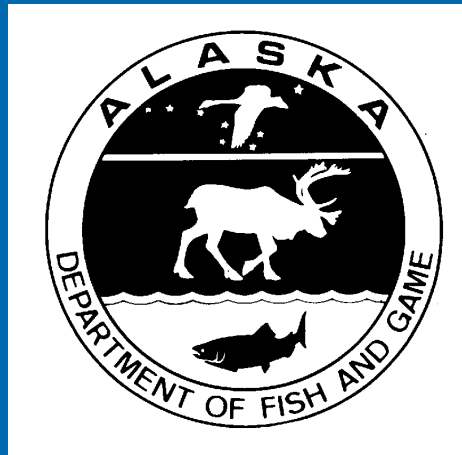


**An Overview of the
Alaska Board of Fisheries Process
Presentation to the
Cook Inlet Salmon Task Force
May 29, 2008**



Jim Marcotte

Executive Director, Alaska Board of Fisheries
Boards Support Section, Alaska Dept. Fish and Game

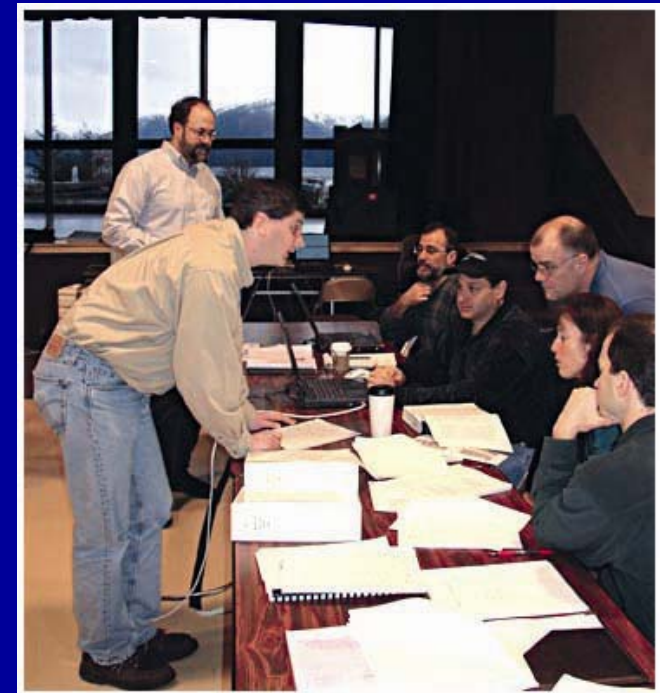
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Outline

- Board's function and composition
- Steps in board process
- Input on board decisions
 - Public
 - Agency
- Legal and policy factors in board decisions
 - Statutes and regulations
 - Policies and findings



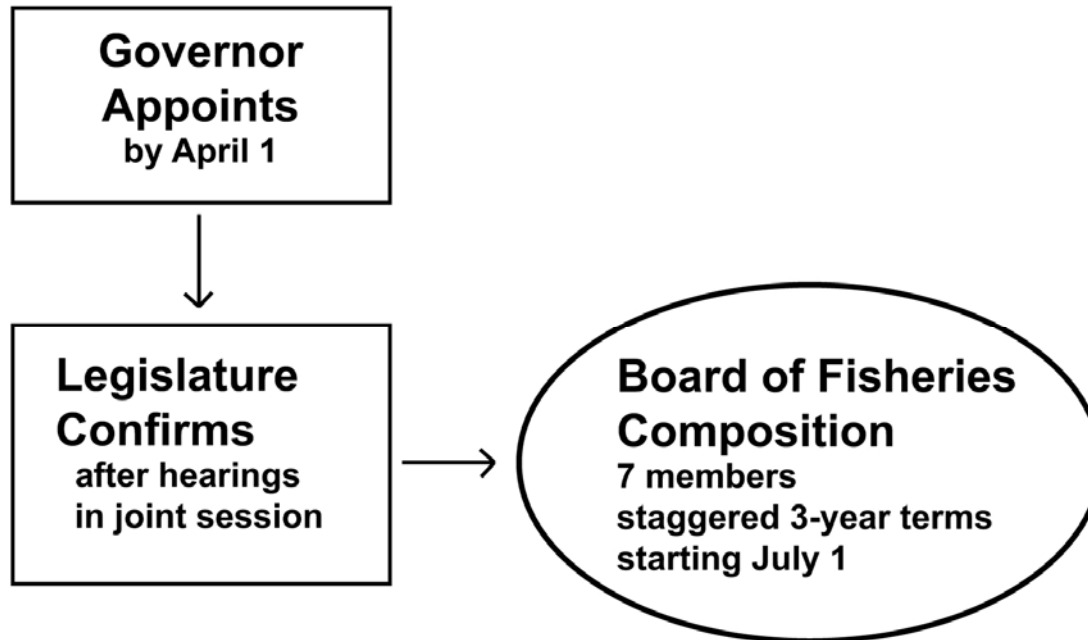
Main function of the board: Allocation

“The third element of Alaska’s fisheries management model is the Alaska Board of Fisheries, which is a citizen-based organization that makes decisions on the allocation of fisheries resources. The Board members, who are appointed by the Governor and confirmed by the legislature, represent a broad array of fishing groups and other interests. By taking on the task of resolving fishery disputes, *the Board takes the politically-charged issue of allocation away from the fishery managers and politicians.* While this system is not without its flaws, it dramatically increased the credibility of the management program by effectively separating decisions regarding allocation from those related to conservation. *The separation of allocation and conservation decisions is critical for achieving sustainable fisheries in the state* and elsewhere in the Northwest.”

(excerpt from: *The Elements of Alaska’s Sustainable Fisheries*, by Fran Ulmer in *Sustainable Fisheries Management: Pacific Salmon*, E. Knudsen et al Editors, Lewis Publishers, 2000, p. 65)

Sec. 16.05.221. Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the Governor, subject to confirmation by a majority of the members of the legislature in joint session. The Governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.



Authority:

AS 16.05.221; AS 39.05.060; AS 39.05.080; AS 39.05.100

Major Steps in Proposal Process

- 1- Call for Proposals
- 2- Distribution of Proposals
- 3- Public Review and Comment
- 4- Board Regulatory Meeting
- 5- Implementation

See 5 AAC 96.610



Board of Fisheries three-year meeting cycle

Meeting Cycle: 2007/2008, 2010/2011, etc.

Area:

Kodiak and Chignik Areas (All Finfish)

Cook Inlet Area (All Finfish)

King and Tanner Crab (Statewide, except Southeast)

Meeting Cycle: 2008/2009, 2011/2012, etc.

Area:

Prince William Sound Area (All Finfish)

Southeast/Yakutat Areas (All Finfish, Shellfish, King and Tanner crab)

Dungeness Crab, Shrimp, and Miscellaneous Shellfish (Statewide)

Statewide Provisions (Shellfish)

Meeting Cycle: 2009/2010, 2012/2013, etc.

Area:

Bristol Bay Area (All Finfish)

Arctic-Yukon-Kuskokwim Areas (All Finfish)

Alaska Peninsula/Aleutian Island Areas (All Finfish)

Statewide Provisions (Finfish)

Proposal Form

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME
REGULATION PROPOSAL FORM, P.O. BOX 25526, JUNEAU, ALASKA 99802-5526

BOARD OF FISHERIES REGULATIONS

- Fishing Area _____
 Subsistence Personal Use
 Sport Commercial

JOINT BOARD REGULATIONS

- Advisory Committee Regional Council Rural

BOARD OF GAME REGULATIONS

- Game Management Unit (GMU)** _____
 Hunting Trapping
 Subsistence Other _____
 Resident
 Nonresident

Please answer all questions to the best of your ability. All answers will be printed in the proposal packets along with the proposer's name (address and phone numbers, will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC _____ Regulation Book Page No. _____

2. What is the problem you would like the Board to address?

3. What will happen if this problem is not solved?

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?

5. Does your proposal address improving the quality of the resource harvested or products produced? If so, how?

6. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

B. Who is likely to suffer if your solution is adopted?

7. List any other solutions you considered and why you rejected them.

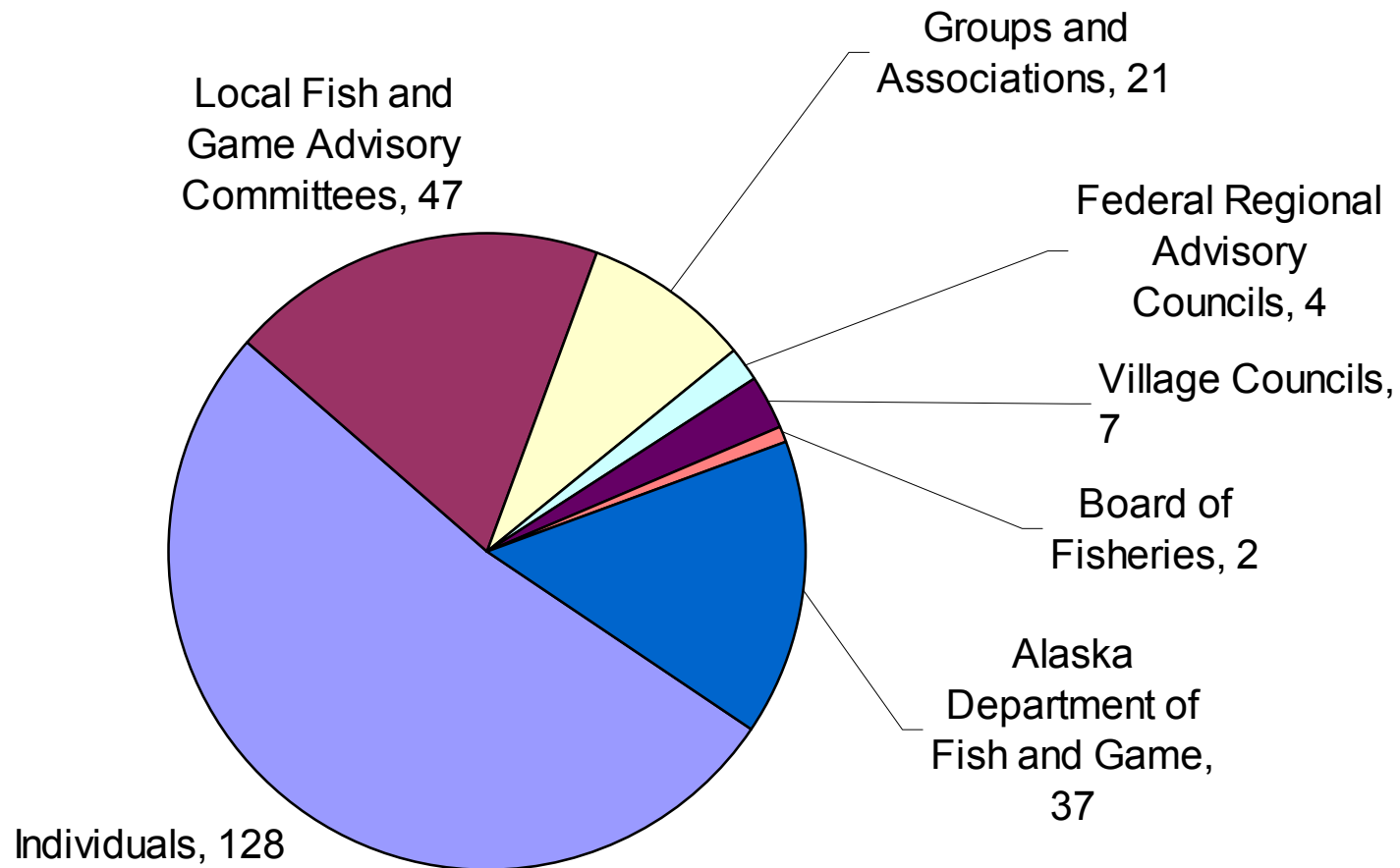
DO NOT WRITE HERE

Submitted By: Name _____

Individual or Group _____

Address _____ Zip Code _____ Phone _____

Source of Fishery Proposals (2006/2007)



Step 4 – Board Regulatory Meeting

Typical agenda for board meetings

- ▶ Introductions, ethics disclosures
- ▶ Department staff reports (~ half day)
- ▶ Oral public testimony (up to two days)
- ▶ Board committees* (3 board members, public panel and staff)
to develop recommendations
- ▶ Board deliberation on proposals
- ▶ Miscellaneous Business

All elements of building a clear record

* board findings #2000-200-FB and #2000-199-FB describe committee process

Actions on Board of Fisheries Proposals

Board of Fisheries Actions on Proposals, 2005-2006

Action	Dec. 2005	Jan. 2006	Feb. 2006	Mar. 2006	All meetings	Percentage
Carried	11	27	23	14	75	21.2%
Carried as amended	12	19	11	12	54	15.3%
Failed	34	52	26	8	120	33.9%
No action	24	43	20	12	99	28.0%
Deferred	3	0	3	0	6	1.7%
Total	84	141	83	46	354	100.0%

Typically about one-third are adopted

Sources of Public Input:

- General public
- Fishery groups and associations
- Industry groups
- Local governments
- Tribal groups, village councils
- Local fish and game advisory committees
– *(82 statewide)*



LOCAL FISH AND GAME ADVISORY COMMITTEES

Arctic Region: 9

Kotzebue, Lower Kobuk, Noatak/Kivalina, Northern Norton Sound, Northern Seward Peninsula, North Slope, St. Lawrence, Southern Norton Sound, Upper Kobuk

Interior Region: 15

Central, Delta, Eagle, Fairbanks, G.A.S.H., Koyukuk River, Lake Minchumina, McGrath, Middle Nenana River, Middle Yukon, Minto/Nenana, Ruby, Tanana/Rampart/Manley, Upper Tanana/Fortymile, Yukon Flats

Southcentral Region: 18

Anchorage, Central Peninsula, Cooper Landing, Copper Basin, Copper River/PWS, Denali, Homer, Kenai/Soldotna, Matanuska Valley, Mt. Yenlo, Paxson, Seldovia, Seward, Susitna Valley, Tok Cutoff/Nebesna Road, Tyonek, Valdez, Whittier

Southeast Region: 23

Angoon, Craig, East Prince of Wales, Edna Bay, Elfin Cove, Hydaburg, Hyder, Icy Straits, Juneau-Douglas, Kake, Ketchikan, Klawock, Klukwan, Pelican, Petersburg, Port Alexander, Saxman, Sitka, Sumner Strait, Tenakee, Upper Lynn Canal, Wrangell, Yakutat

Southwest Region: 12

Central Bering Sea, Chignik, False Pass, King Cove, Kodiak, Lake Iliamna, Lower Bristol Bay, Lower Kuskokwim, Naknek/Kvichak, Nelson Lagoon, Nushagak, Sand Point, Togiak, Unalaska/Dutch Harbor

Western Region: 5

Central Bering Sea, Central Kuskokwim, Lower Kuskokwim, Lower Yukon, Stony/Holitna

Reference: 5 AAC 96.021

Examples of Public Comment Sources

Board of Fisheries Meetings (Jan. 2006 and Feb. 2008)

January 2006 - Southeast Finfish (Ketchikan)

- 141 proposals
- 106 oral public testimony
- 10 advisory committees written comment
- 1 regional advisory council
- 97 other written public comments
- 120 record copies submitted during meeting



February 2008 – Upper Cook Inlet Finfish (Anchorage)

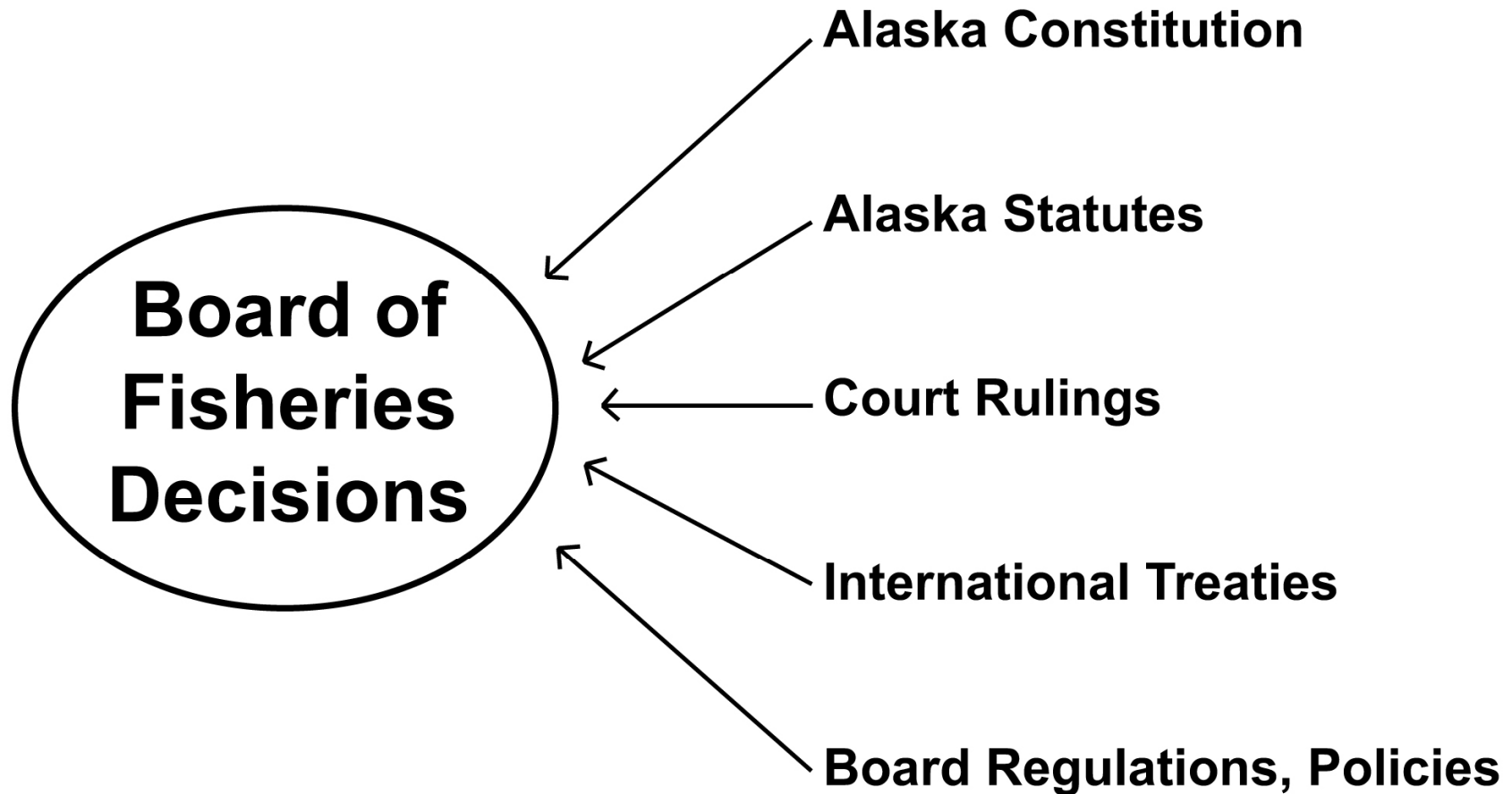
- 286 proposals
- 125 oral public testimony
- 11 advisory committees written comment
- 55 other written public comments
- 225 record copies submitted during meeting

Sources of Agency Input

- **Alaska Dept. of Fish & Game**
 - *Commercial Fisheries Division*
 - *Sport Fish Division*
 - *Subsistence Division*
- **Dept. of Law**
- **Dept. Public Safety - Division of Alaska Wildlife Troopers**
- **Commercial Fisheries Entry Commission**
- **Office of Subsistence Management** (*federal*)
- **North Pacific Fishery Management Council** (*federal*)



Legal and Regulatory Considerations



Alaska Constitution

*“Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the **sustained yield principle**, subject to preferences among beneficial uses”*

(Article 8, Section 4)



Alaska Statutes (general)

- Alaska Administrative Procedures Act (AS 44.62)
- Open Meetings Act (AS 44.62.310)
- Executive Branch Ethics Act (AS 39.52)



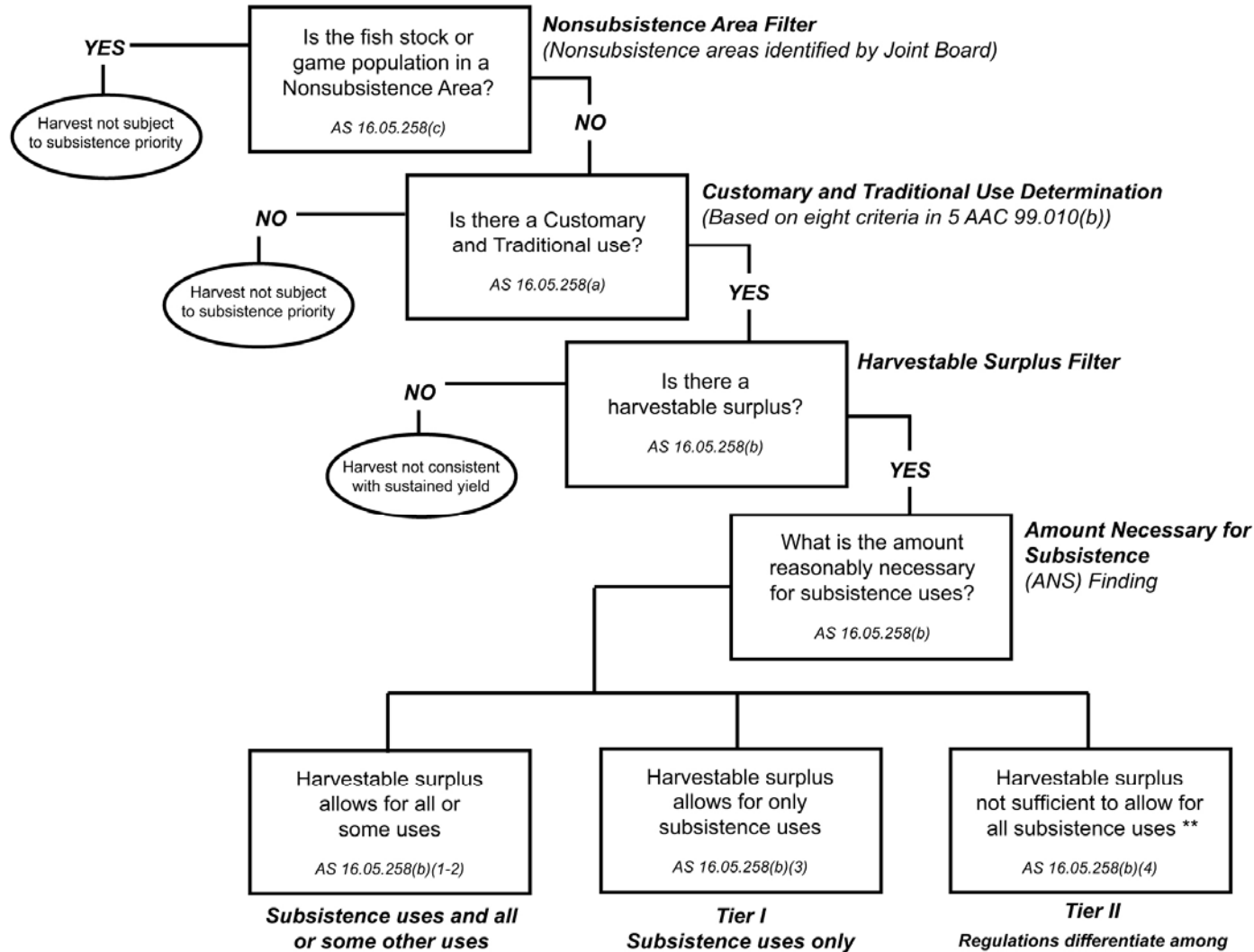
Alaska Statutes (specific)

- **Board of Fisheries Authority**
(AS 16.05.221; AS 16.05.251)
“Conservation and Development”
- **Allocation Criteria**
(AS 16.05.251(e) and #91-129-FB)
 - >history of each fishery
 - >number of participants
 - >importance for personal and family consumption
 - >availability of alternative resources
 - >importance in local, regional, and state economy
 - >importance for providing recreational opportunity
- **Management of Wild and Enhanced Stocks** (AS 16.05.730)
- **State Subsistence Law** (AS 16.05.258)



Alaska Board of Fisheries and Game

Steps When Considering Regulations that Affect Subsistence Uses*



* Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game

** Harvestable surplus below lower end of ANS range

Board Regulations and Policies

- **Sustainable Salmon Fisheries Policy** (5 AAC 39.222)
- **Escapement Goal Policy** (5 AAC 39.223)
- **Mixed Stock Salmon Fisheries** (5 AAC 39.220 and #93-145-FB)
- **Emerging Fisheries** (5 AAC 39.210)



see list of all board findings at
<http://www.boards.adfg.state.ak.us/fishinfo/regs/pfindx.php>

Summary

- Structured process
- Transparent
- High level of public participation

