

Working with the Alaska Board of Fisheries: Guidance for Fishermen



Table of Contents

Introduction	1
The Alaska Board of Fisheries	1
Advisory Committees	2
Alaska's Constitutional Provisions	3
Format of Proposal	3
Subject Matter Guidelines of Proposal	4
Testifying on Board Proposals	5

Introduction

This Sea Gram was written to provide guidance for Alaska's residents and fishermen on how to submit a proposal for consideration before the Alaska Board of Fisheries (Board) and how to interact with the Board on proposals that come before it. The article starts with a brief overview of the Board—its history, structure, the Board meeting schedule, and its governance. Following the Board overview is a section on the Advisory Committees. Next, the article lists Alaska's Constitutional provisions for management of its fish and game natural resources. The Format of Proposal section describes what each proposal must contain in order to be considered by the Board. The last sections include some tips that may be helpful in convincing the Board to adopt your proposal.

The Alaska Board of Fisheries

The Alaska State Legislature created the eight-member Board of Fish and Game in 1975. The board was later split into two seven-member boards (the Board of Fisheries and the Board of Game).¹ The Board of Fisheries was created for the purposes of "conservation and development of fishery resources of the state."² The governor appoints the seven

¹ AS 16.05.221. Boards of Fisheries and Game.

² AS 16.05.221. Boards of Fisheries and Game.

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Purse seiner in southeast Alaska. Photo by Gary Freitag, Alaska Sea Grant Marine Advisory Program.

members of the Board of Fisheries, subject to confirmation by a majority of the members of the legislature in joint session. The members serve staggered terms of three years and are appointed based on their “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.”³ Residency is a requirement for Board membership and members are to be appointed without regard to political affiliation or geographical location of residence within the state. The commissioner of the Alaska Department of Fish and Game (ADFG) is considered the ex-officio secretary of the Board, but is not a member of the Board.

Advisory Committees

Alaska has 82 Fish and Game Advisory Committees (ACs) that serve to discuss various local issues and provide recommendations to the Board of Fisheries. The purpose of the ACs is to provide “a local forum for the collection and expression of opinions and recommendations on matters related to the management of fish and wildlife resources.”⁴ Meetings are open to the public and often include ADFG staff and members of the public who can offer additional background information on the discussion topics. ACs are made up of area residents who are locally elected. Fish and Wildlife Troopers as well as representatives from the U.S. Fish and Wildlife Service (USFWS) are also present at most meetings.

A local AC may:

1. develop regulatory proposals for submission to the appropriate board;
2. evaluate regulatory proposals submitted to it and make recommendations to the appropriate board;
3. provide a local forum for fish and wildlife conservation and use, including any matter related to fish and wildlife habitat;
4. advise the appropriate regional council⁵ regarding the conservation, development, and use of fish and wildlife resources;
5. work with the appropriate regional council to develop subsistence management plans and harvest strategy proposals; and
6. cooperate and consult with interested persons and organizations, including government agencies, to accomplish (1) – (5) of this section.⁶

³ AS 16.05.221. Boards of Fisheries and Game.

⁴ 5 AAC 96.010. Establishment of a local fish and game advisory committee system.

⁵ While provided for in regulation, regional councils in the advisory committee system are no longer utilized due to fiscal and other constraints.

⁶ 5 AAC 96.050. Functions of local fish and game advisory committees.

Alaska's Constitutional Provisions

Article 8 of the Alaska State Constitution lays out the framework for management of fish and game resources. All of the proposals accepted must adhere to Alaska's constitutional requirements for management of fish and game resources and be consistent with the annual regulatory cycle call for proposals. The sections that refer specifically to management of fish and game resources are:

§ 2. General Authority

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of its people.

§ 3. Common Use

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield

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.

§ 15. No Exclusive Right of Fishery

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the state. This section does not restrict the power of the state to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood, and to promote the efficient development of aquaculture in the state. [Amended 1972]

Format of Proposal

A proposal must adhere to certain guidelines. The first part of the proposal is to list the Alaska Administrative Code (AAC) that the proposal intends to modify. The Board cannot modify statute. However, it can modify certain regulations over which it has authority. For example, the commissioner has explicit authority for some sections of 5 AAC.⁷ If the proposal is a completely new set of regulations for a particular fishery, the AAC to reference would be listed, for example as "5 AAC XX.XXX. New Regulation." Following the title of the code that the proposal attempts to change (or create), the proposal then lists the code verbatim as currently codified.

After the code is referenced, the issue is laid out. The proposal must contain an "issue statement" that starts with "ISSUE:" and a definition of the issue that is being addressed by the proposal. See, for example, the following issue statement from Proposal 380, below:

ISSUE: During summer months of 2011, reports were received by the Alaska Department of Public Safety that commercial purse seine fishing vessels longer than the allowable overall length were being used to take salmon. The Alaska Legislature has limited the allowable length of purse seine vessels in Alaska to 58 feet in "overall length" (AS 16.05.835). The Alaska Legislature defines "overall length" as the straight line length between the extremities of the vessel, excluding anchor rollers. The term "anchor roller" is not defined on a statewide basis.

⁷ Input from Sue Aspelund, Deputy Director, Alaska Department of Fish and Game (November 8, 2012).

It was found that vessels of more than 58 feet in overall length had been modified by removing a section of the bow (in one case, several feet of vessel hull length), and then bolting the bow section back on. The owner then considered this hull section to be an “anchor roller.” A clear definition on a statewide basis is needed to clarify what is and is not an “anchor roller.”

After the issue statement, the proposal must answer the following very basic questions:

1. What will happen if nothing is done?
2. Will the quality of the resource harvested or products produced be improved?
3. Who is likely to benefit?
4. Who is likely to suffer?
5. Other solutions considered?

Finally, the proposal must indicate who submitted the proposal (e.g., an individual, a local AC, a fishing organization, ADFG, USFWS, Board, etc.). The Board of Fisheries offers a form for submitting proposals, available online at <http://www.adfg.alaska.gov/static/regulations/regprocess/PDFs/acmanforms/propform.pdf>. The proposal form contains detailed instructions on what needs to be included on the proposal form prior to submission to the Board. Proposals should be submitted no later than the deadline for the upcoming Board cycle in order to be considered. Completed proposals may be submitted by fax or by mail to:

Alaska Board of Fisheries
P.O. Box 25526
Juneau, AK 99802-5526
Fax: (907) 465-6094

You may also submit the completed proposal form to any one of the six regional Board Support Section offices in Anchorage, Dillingham, Fairbanks, Kotzebue, Juneau, or Bethel.

Subject Matter Guidelines of Proposal

The Board of Fisheries will consider proposed changes to the subsistence, commercial, personal use, sport, guided sport, and guided sport ecotourism finfish provisions regulations. Finfish include: salmon, herring, trout, groundfish, char, burbot, northern pike, whitefish, Pacific cod, sablefish, shark, pollock, etc., but do not include halibut. The Board has jurisdiction over state waters, and is not charged with implementing changes to federally managed fishery resources, except in certain circumstances where such management is delegated to the state (e.g., some crab species). Examples of regulations that may be considered can be found in Title 5 of the AAC. Subject matters that will be considered include (but are not limited to): policy for the management of sustainable salmon fisheries, policy for the management of mixed stock fisheries, policy for statewide salmon escapement goals, possession of sport-caught fish, gear type used in specific fisheries, vessel length in particular locales, location of fishing area boundaries, and allocation of fishery resources between different gear types, to name a few. The Board warns that “[l]anguage that is emotionally charged detracts from the substance of the proposal.”⁸ Additionally, the proposal review committee reserves the right to remove offensive language from proposals.

⁸ *Call for Proposals: Alaska Board of Fisheries*, available online at <http://www.adfg.alaska.gov/index.cfm?adfg=process.main>.

Testifying on Board Proposals

A proposal has a better chance at being adopted, rejected, or modified by the Board if members of the public provide input in the form of testimony. Testimony can be provided through either written letters or in person at the meetings.

Written Testimony

Written letters of support, opposition, or general comments must be submitted no later than two weeks prior to the meeting during which the

topic will be considered, to be included in Board notebooks before each meeting. If you would like to provide input to the Board of Fisheries on a proposal before them, you may provide oral testimony to a proposal at the meeting during which the proposal is being considered. If written comments are received after the two-week deadline, the comments will still be considered, but the Board will not have the same amount of advance time to review such comments. Written public comment provided after the two-week deadline is limited to 10 single-sided pages (or double-sided equivalent), and 25 copies of each document must be hand-delivered at the Board meeting in order to be considered. Once deliberations commence, written public comment is limited to five single-sided (or double-sided equivalent) pages.

Written comments should be sent to:

ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
Tel: 907-465-4110
Fax: 907-465-6094

Oral Testimony

Members of the public can also present oral testimony in person at each Board meeting for which they have an interest, as well as in the committee process developed by the Board for gaining more in-depth information in an information setting. Information on how to testify in person can be obtained through the Boards website, <http://www.adfg.alaska.gov/index.cfm?adfg=process.main>. ■



Salmon trollers at Yakutat, Alaska. Photo by Terry Johnson, Alaska Sea Grant Marine Advisory Program.

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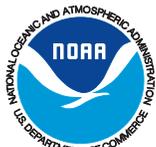
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For information on undergraduate and graduate opportunities in marine biology, fisheries, oceanography, and other marine-related fields at the University of Alaska Fairbanks School of Fisheries and Ocean Sciences, visit <http://www.sfos.uaf.edu/>.



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