

**ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME
REGULATION PROPOSAL FORM
PO BOX 115526, JUNEAU, ALASKA 99811-5526**



BOARD OF FISHERIES REGULATIONS

Fishing Area and Fishery _____ Bering Sea Area Pacific Cod Fishery

Subsistence Personal Use

Sport Commercial

JOINT BOARD REGULATIONS

Advisory Committee Regional Council

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 All answers will be printed in the proposal packets along with the proposer's name (address and phone numbers will not be published).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 28.600 Regulation Book Page No. 11,64-66

2. What is the problem you would like the Board to address?
The Board must place a moratorium on, and/or not allow or open, any new or expanded Pacific Cod fisheries by all gear groups in state waters of Area O. The Bering Sea Pacific cod fishery in Area O is now fully allocated, fully prescribed, and over capitalized. The NMFS/AM data base shows that there are more than 200 fixed gear boats 60 feet LOA and less that are presently qualified to participate in BS/AI state water fisheries and those boats could move into the Area O state water Pacific Cod fishery with devastating effects if not managed for the long term health of all participants and fisheries.

3. What will happen if this problem is not solved?
 The race for fish will continue and escalate; that will continue to put lives at risk, and expanded pressures on what are now fully allocated and over capitalized fisheries, and could significantly harm the fishery resource now and in the future, to the detriment of all Alaskans.

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?
 There shall be a moratorium on any new or expanded Pacific Cod fisheries in state waters of Area O until a long-term management plan is adopted by the Board of Fisheries, after a draft management plan for that fishery is reviewed and then approved by relevant ACs, the NPFMC, and ADF&G.

5. Does your proposal address improving the quality of the resource harvested or products produced? If so, how?
It will insure that the Pacific Cod fishery will be productive well into the future and it will insure that this fishery will be managed and harvested on a sustained yield basis for all gear groups and interests. Pacing commercial fishery harvests, openings, allocating it correctly, and managing it based on the best available data with input from all relevant state and federal management agencies and affected users will almost always improve the quality of the resource harvested, the safety of harvesters, and insure products produced from this fishery resource are sustainable and its value optimized.

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

A. Who is likely to benefit if your solution is adopted?
 Traditional harvesters in multiple gear groups that have been involved in this fishery, recent entrants, and the resource, which will benefit from sustained yield management based on the best available data and science. In addition, harvesters who have invested in boats and gear will benefit from having a long-term plan in place that has been carefully vetted through the public and scientific process.

B. Who is likely to suffer if your solution is adopted?
 New entrants who are looking for potential benefits from a new state water fishery Area O.

7. List any other solutions you considered and why you rejected them. DO NOT WRITE HERE
Volunteer or private coops; related discussions at the NPFMC. These were rejected because they all needed to be considered in the context of long-term planning and resource management by the Board of Fisheries, which is the intent of this proposal.

Submitted By: Name Jeff Steele
 Individual or Group _____

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Governor Sean Parnell STATE OF ALASKA

ADMINISTRATIVE ORDER NO. 266

I, Sean Parnell, Governor of the State of Alaska, under the authority of Article III, Sections 1 and 24 of the Alaska Constitution, and to the maximum extent allowed by law, establish the following Regulatory Efficiency Guidelines (REGS) for State agencies in the executive branch to use in the review, oversight, adoption, amendment, and repeal of regulations and in the recommendation of improvements to the Alaska Statutes.

OBJECTIVES

This Order is intended to accomplish the following objectives:

- Minimize the cost, time, and burden to the affected public of complying with State regulations and encouraging State agencies to work with all stakeholders, to meet the objectives of Alaska Statutes;
- Reduce administrative cost and burden;
- Ensure that State regulations are consistent with Alaska Statutes and limited to carrying out the statutory purpose;
- Further the State's interest in preserving our State's rights in adopting regulations to implement federal programs and to receive federal funds.

BACKGROUND AND PURPOSE

For many years, State agencies responsible for implementing State statutes and federal mandates have not consistently

- Reviewed, overseen, amended, or repealed existing regulations to streamline program operations and create efficiencies;
- Considered and communicated with the affected public regarding the cost and impacts of proposed new regulations; nor
- Modified proposed regulations in response to concerns raised by the affected public.

The public is best served when State agencies operate under direction such as REGS to ensure that regulations are up-to-date, clearly and plainly written, carry out the statutory purpose, take into account the costs imposed on individual Alaskans and those doing business in the state, particularly

small businesses, and allow State agencies to facilitate implementation of a law in the most reasonable and cost-effective manner possible.

AGENCY DIRECTIVES

1. Existing Regulations – Not later than October 15, 2013, and by September 15 in every succeeding year, each commissioner or agency head shall
 - Review, in consultation with the Department of Law, all existing regulations to ensure consistency with Alaska Statutes and the objectives of this Order and that costs of compliance to the public are minimized;
 - Identify regulations that should be repealed or amended to decrease the burden of fiscal and nonfiscal impacts on the affected public;
 - Discuss with members of the affected public, regulations that create an unnecessary burden; and
 - Advise the Governor and the Office of Management and Budget of the results of the review and recommendations for regulatory actions; any necessary State or federal statutory changes to implement the recommendations; and estimated costs and potential savings if the recommendations are implemented.
2. Proposed Regulations – Before proposed regulations are publicly noticed after the effective date of this Order, a State agency proposing the regulations shall
 - Assess the need for the regulations to avoid the adoption of unnecessary regulations;
 - Verify legal authority for the proposed regulations with the Department of Law, and verify that the regulatory language proposed is narrowly tailored to accomplish the statutory purpose;
 - Suggest to the Office of the Governor for consideration any changes to federal and State statutes to simplify and reduce costs of the newly proposed regulations;
 - Share ideas with members of the affected public to develop the proposed regulations through publicly noticed workshops or hearings, calls for written suggestions to improve the process, meetings with advisory boards to the State agency, or other similar means consistent with legal requirements;
 - Consider the use of a negotiated regulation-making process under AS 44.62.710 – 44.62.800;
 - Verify costs of implementation to the State agency and the affected public to ensure that the least costly alternatives are considered or enabled consistent with legal requirements; and

- Coordinate with other State agencies that have overlapping responsibilities to avoid duplication while facilitating compliance with law.

Each commissioner or agency head shall review the comments from the public on publicly-noticed regulations and evaluate the fiscal and nonfiscal impacts on the affected public. If the commissioner or agency head has concerns regarding the economic impact on the affected public, the commissioner or agency head shall consider regulatory alternatives to achieve the agency's statutory purpose while minimizing the impact, costs, and burden on the affected public. Consistent with legal requirements, regulations must be amended if it is possible to achieve the statutory purpose while reducing the impact, costs, and burden on the affected public.

GENERAL PROVISIONS

Consistent with law and available appropriations, each affected State agency shall use existing personnel and monetary resources to comply with this Order.

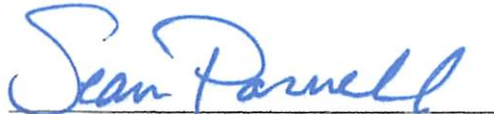
DEFINITION

In this Order, "affected public" includes

1. Small and other businesses subject to regulation or conducting regulated activity;
2. State government;
3. Local governments;
4. Nonprofit organizations; and
5. Individuals.

This Order takes effect immediately.

DATED at Juneau, Alaska, this 26th day of August, 2013.



Sean Parnell
Governor