

Regional Planning Team Overview

Regional Planning Teams (RPTs) are a valuable part of the State of Alaska’s salmon fishery enhancement planning. RPTs are advisory to the commissioner of Alaska Department of Fish and Game (ADF&G). RPTs are composed of six members, 3 are ADF&G staff appointed by the commissioner and 3 are fishery representatives appointed by the regional aquaculture association. RPT meetings are public and public participation is encouraged.

RPTs have 4 main functions: 1) develop regional comprehensive salmon plans, including provisions for both public and private nonprofit (PNP) hatchery systems; 2) review PNP salmon hatchery applications; 3) review and make a recommendation for PNP hatchery permit alteration requests; and 4) if the commissioner is considering revocation of a PNP hatchery permit, review and advise on PNP permit revocation. In Southeast Alaska, the RPT has the added responsibility to annually review the status of the enhanced salmon allocation plan and make recommendations to the commissioner on production changes to comply with the regional plan.

RPTs may provide written recommendations to the commissioner on annual management plans and may review inspection and additional conditions for aquatic resource permits (ARPs) relating to salmon enhancement.

Regulatory and statutory authority for RPT general structure, main functions, and areas that RPTs may support or review are below.

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Regional Comprehensive Planning

In general

Regulations

5 AAC 40.300 Regional planning teams in general.

The commissioner will establish regions and regional planning teams for the primary purpose of developing comprehensive salmon plans for various regions of the state. The provisions of 5 AAC 40.300 - 5 AAC 40.370 govern the structure and functions of each regional planning team and the development of a comprehensive salmon plan for each region.

5 AAC 40.310. Regional planning team composition.

- (a) Each regional planning team consists of six members. Three are department personnel appointed by the commissioner, and three are appointed by the board of directors of the appropriate regional aquaculture association, qualified under AS 16.10.380.
- (b) The commissioner will, in his or her discretion, request the involvement of representatives of federal and state agencies to assist a regional planning team if their contribution will aid in the development of the regional comprehensive plan.

5 AAC 40.320. Chairman of regional planning team.

- (a) Each regional planning team shall elect a chairman to serve at the pleasure of the team.
- (b) The chairman or his delegate shall
 - (1) conduct regional planning team meetings, including recording of proceedings, and employing agreed-upon rules of order;
 - (2) set the agenda and meeting time and place for regional planning team meetings; and
 - (3) coordinate regional planning team staff in the accomplishment of tasks assigned to the chairman by the team, including
 - (A) providing the commissioner with team communications requiring commissioner review or approval;
 - (B) contacting members to determine who will be attending the next scheduled meeting; and
 - (C) preparing minutes of the previous meeting.

5 AAC 40.330. Quorum and voting.

A regional planning team may not transact business without a simple majority of four members. Voting procedures may be established at the discretion of the membership.

5 AAC 40.350. Public notice.

The chair of the regional planning team, or the chair's designee, shall give two weeks' notice, on the Alaska Online Public Notice System (AS 44.62.175), of a planning team meeting. Additionally the chair may use alternative methods to provide notice to the public that are specific to regional circumstances. The alternative methods may include department advisory announcements, publications in a newspaper of general circulation, website postings, electronic mail distribution lists, and radio or television advertisements.

Main function: Develop regional comprehensive salmon management plans

Statute

AS 16.10.375 Regional salmon plans.

The commissioner shall designate regions of the state for the purpose of salmon production and

have developed and amend as necessary a comprehensive salmon plan for each region, including provisions for both public and private nonprofit hatchery systems. Subject to plan approval by the commissioner, comprehensive salmon plans shall be developed by regional planning teams consisting of department personnel and representatives of the appropriate qualified regional associations formed under AS 16.10.380.

Regulations

5 AAC 40.340. Regional planning team responsibility.

Each regional planning team shall prepare a regional comprehensive salmon plan, for the appropriate region, to rehabilitate natural stocks and supplement natural production, with provisions for both public and private nonprofit hatcheries. Each region planning team shall consider the needs of all user groups and ensure that the public has opportunity to participate in the development of the comprehensive salmon plan. Each regional comprehensive plan must define regional production goals by species, area, and time.

5 AAC 40.360. Public involvement.

Each regional planning team shall encourage public participation during all stages of the development and review of regional comprehensive salmon plans.

5 AAC 40.370 Plan approval.

(a) A draft regional comprehensive salmon plan must be submitted to the PNP coordinator for department review and comment.

(b) The draft regional comprehensive salmon plan must be distributed for public review.

(c) The regional planning team shall respond to comments received as a result of these reviews, and may incorporate them in the final draft of the regional comprehensive salmon plan.

(d) The regional planning team shall submit a final draft of the regional comprehensive salmon plan to the commissioner for review and approval.

Main function: Review salmon private nonprofit (PNP) hatchery permit applications

Statute

AS 16.10.400. Permits for salmon hatcheries.

(a) The commissioner or a designee may issue a permit, subject to the restrictions imposed by statute or regulation under AS 16.10.400 — 16.10.470, to a nonprofit corporation organized under AS 10.20, after the permit application has been reviewed by the regional planning team, for

(1) the construction and operation of a salmon hatchery;

(2) the operation of a hatchery under AS 16.10.480.

(c) A qualified regional association formed under AS 16.10.380, if it has become a nonprofit corporation under AS 10.20, has a preference right to a permit under (a)(1) of this section if its proposed hatchery is provided for in the comprehensive plan for that region developed under AS 16.10.375 and the fresh water source exceeds one cubic foot per second minimum flow. Another local nonprofit hatchery corporation approved by a qualified regional association has an identical preference right.

(f) Except for permits issued before June 16, 1976, a permit may not be issued for construction or operation of a hatchery on an anadromous fish stream unless the stream has been classified as suitable for enhancement purposes by the commissioner. The commissioner shall undertake to make such classifications in conjunction with the development of the comprehensive plan under AS

16.10.375.

(g) During the development of a comprehensive plan for a region a permit may not be issued for a hatchery unless the commissioner determines that the action would result in substantial public benefits and would not jeopardize natural stocks.

Note: AS 16.10.400(b) and (c) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Regulations

5 AAC 40.170. Regional planning team review of salmon hatchery operations.

(a) The appropriate regional planning team, as established under 5 AAC 40.300, shall review each application to determine if the proposed hatchery is compatible with the appropriate regional comprehensive salmon plan. The regional planning team shall use the following application review criteria:

(1) the contribution the proposed hatchery would make to the common property fishery;

(2) the provisions for protection of the naturally occurring stocks from any adverse effects which may originate from the proposed hatchery;

(3) the compatibility of the proposed hatchery with the goals and objectives of the comprehensive salmon plan for the region; and

(4) whether the proposed hatchery would make the best use of the site's potential to benefit the common property fishery.

(b) An applicant may review the regional planning team determination and comment on it by letter to the commissioner.

5 AAC 40.220. Review and determination.

(a) The commissioner will review the following information, compiled by the PNP coordinator, before rendering a decision on whether to approve or deny an application for a salmon hatchery permit:

(1) recommendations from the regional planning team;

(2) recommendations resulting from the department's review of the application;

(3) objections and recommendations received from the public during the public hearing regarding the proposed facility.

Note: 5 AAC 40.220(b) and (c) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Main function: Review PNP hatchery permit alteration requests

Regulation

5 AAC 40.245. Hatchery permit alteration.

(a) A hatchery permit holder may propose alteration of an existing hatchery permit. The permit holder shall submit the permit alteration request to the PNP coordinator on a form provided by the department.

(b) A hatchery permit holder's submission of a request for permit alteration under this section must be received by the PNP coordinator not later than February 15 of the calendar year that the proposed alteration is to occur. The commissioner may extend the submission deadline for a permit alteration request if the commissioner determines that the extension is justified by extraordinary circumstances or emergency.

(c) If a hatchery permit alteration is requested for a salmon hatchery, the appropriate regional planning

team will review and make a recommendation to the commissioner on the permit alteration request.

(d) Approval of a hatchery permit alteration by the commissioner modifies the existing hatchery permit.

Main function (Southeast): Make annual recommendations to the commissioner on production changes

Regulation

5 AAC 40.345. Southeast Alaska.

In accordance with the Southeastern Alaska Area Enhanced Salmon Allocation Management Plan in 5 AAC 33.364, the joint Northern and Southern Southeast Regional Planning Team shall make annual recommendations to the commissioner on production changes to salmon enhancement projects to comply with allocation plans.

Main function: Comment on proposed PNP permit revocation following no substantial ongoing work

Statute

AS 16.10.430. Alteration, suspension, or revocation of permit.

(a) If a permit holder fails to comply with the conditions and terms of the permit issued under AS 16.10.400 — 16.10.470 within a reasonable period after notification of noncompliance by the department, the permit may be suspended or revoked, in the discretion of the commissioner after the regional planning team for the area in which the hatchery is located is notified and granted an opportunity to comment upon the proposed suspension or revocation.

Note: AS 16.10.4360(b) is not shown because it does not pertain to RPTs or regional comprehensive salmon plans.

Regulation

5 AAC 40.240. Permit revocation.

(a) The commissioner will revoke a hatchery permit if the commissioner determines that at the end of five years from the date the permit was issued, the permit holder has not undertaken substantial ongoing work to construct and operate a hatchery facility in compliance with the terms and conditions specified in the permit and the facility development schedule specified in the basic management plan required by 5 AAC 40.185.

(b) To initiate revocation of a permit under this section, the PNP coordinator shall notify the permit holder, in writing, of the proposed revocation. The permit holder may have 30 days from the date of the notice of the proposed revocation to submit information to the commissioner to show that the permit holder has undertaken substantial ongoing work to construct and operate a hatchery facility in compliance with the terms and conditions specified in the permit and the facility development schedule specified in the basic management plan required by 5 AAC 40.185.

(c) The PNP coordinator shall provide written notice of the proposed revocation of the hatchery permit to the regional planning team for the area in which the proposed hatchery is permitted. The regional planning team may have 90 days from the date of the notice to review the proposed revocation and submit comments on it to the commissioner.

RPT support or review at the commissioner's discretion

May review annual management plans as organized by the PNP Hatchery Coordinator

Regulation

5 AAC 40.840. Annual management plans.

(a) Beginning with the first year of operation of the hatchery, and on an annual basis after that, the department shall work with a permit holder to prepare an annual management plan to guide hatchery operations in accordance with the hatchery permit. The PNP coordinator shall coordinate with the appropriate department staff and hatchery permit holder to prepare a draft annual management plan. The hatchery operator shall submit the draft annual management plan to the department not later than April 1 of each year for review by the commissioner. The annual management plan exists only as a draft annual management plan until approved by the commissioner.

(b) An annual management plan must be developed with consideration of a hatchery's production cycle and must organize and guide the hatchery's operations regarding (1) production goals, (2) broodstock management, and (3) harvest management of hatchery produced salmon or adult shellfish.

(c) For a salmon hatchery annual management plan, a production cycle is considered to begin with adult returns that lead to egg takes and end with fish releases.

(e) The Department of Commerce, Community, and Economic Development may review a draft of the annual management plan. For a salmon hatchery, the appropriate qualified regional planning team may review a draft of the annual management plan.

(f) An approved annual management plan does not limit or prohibit a permit holder from acting in accordance with the hatchery permit or an emergency order.

Note: 5 AAC 40.840(d) is not shown because it does not pertain to RPTs or regional comprehensive salmon plans.

May recommend PNP permit alteration, suspension, or revocation following performance review

Regulation

5 AAC 40.860. Performance review.

(a) Based upon a department internal review, the PNP coordinator will notify the commissioner if a hatchery operator's performance is inadequate, according to the conditions under which the permit was granted.

(b) The commissioner may consider a hatchery permit alteration, suspension, or revocation in accordance with AS 16.10.430 or AS 16.10.040 for a shellfish hatchery. If the commissioner decides to consider a hatchery permit alteration, suspension, or revocation for a salmon hatchery, the PNP coordinator will notify the appropriate regional planning team. For a salmon hatchery permit, the regional planning team may make a written recommendation to the commissioner on the alteration, suspension, or revocation that is being considered. The regional planning team shall use the following performance standards in a review and recommendation to the commissioner by identifying whether:

(1) survival rates have been inadequate for a period of greater than four years;

(2) the transport of broodstock from wild sources does not continue for longer than one cycle of the particular species without reevaluation of hatchery operations;

(3) the hatchery contributes to the common property fishery;

(4) the hatchery does not significantly impact wild stocks in a negative manner;

(5) the hatchery fulfills the production objectives described in the terms of the hatchery permit; and

(6) there are any mitigating circumstances which were beyond the control of the hatchery operator.

May be consulted by commissioner¹ for loans to hatcheries

Statute

AS 16.10.520. Limitation on loans.

(f) The commissioner may not make a loan under AS 16.10.500 — 16.10.550 from funds available under AS 16.10.340(c), unless the commissioner determines, in consultation with the appropriate regional planning team established under AS 16.10.375, that the hatchery or other enhancement or rehabilitation activity for which the loan is requested will provide a significant contribution to common property fisheries, be operated in a manner beneficial to the public interest, and be managed in a financially viable manner that is reasonably expected to result in repayment of the loan.

Note: AS 16.10.520(a)–(e) are not shown because they do not pertain to RPTs or regional comprehensive salmon plans.

Note: There are no regulations for The Fisheries Enhancement Loan Fund because the fund is administered by the Department of Commerce, Community, and Economic Development (AS 16.10.505). The Fisheries Enhancement Loan Program is for hatchery planning, construction, and operation for planning and implementation of enhancement and rehabilitation activities including, but not limited to, lake fertilization and habitat improvement (AS 16.10.500). If the commissioner is considering not making a loan, they would consult the RPT to satisfy AS 16.10.520(f).

May review inspection requirements and additional conditions for fisheries management and conservation needs for aquatic resource permits

Regulation

5 AAC 41.610. Permit Classifications.

(a) The commissioner may issue an aquatic resource permit for scientific and educational activities:

- (1) to authorize collection, transport, or possession of aquatic organisms; to qualify, an applicant must be involved in scientific or educational activities;
- (2) to authorize propagation of aquatic organisms; to qualify, an applicant must be involved in scientific or educational research activities; a permit issued under this paragraph may include specifications as follows:
 - (A) for classroom incubation projects, to authorize the permit holder to collect up to 500 eggs or one spawning pair, transport, hold alive, and release aquatic organisms.
 - (B) for vocational, technical, and post-secondary school programs, to authorize the permit holder to collect eggs, transport, hold alive, and release aquatic organisms as follows:
 - (i) salmonids: may collect up to 50,000 eggs or equivalent in spawning pairs;
 - (ii) invertebrates and aquatic plants: may collect the number necessary to achieve educational objectives;
 - (C) for propagative research, to authorize accredited institutions of higher learning, or federal, state, local, tribal entities, and persons or entities cooperating therewith to collect, propagate, transport, and release aquatic organisms for purposes of propagative research as follows:

¹ “Commissioner” means the commissioner of commerce, community, and economic development (AS 16.10.560(1)).

- (i) finfish: may collect the number necessary to achieve the objectives of the research, not to exceed the number of eggs expected to result in 5,000 or fewer adults;
 - (ii) invertebrates and aquatic plants: may collect the number necessary to achieve the objectives of the research.
- (b) The department may require inspection and approval of activities in subsection (a) by the appropriate fish pathology section of the department's division of commercial fisheries, or by a person designated by the fish pathology section, genetic sampling, and additional conditions for fisheries management and conservation needs, including review by a regional planning team.
- (c) any resultant aquatic organisms from a project are considered common property and may not be claimed for cost recovery or any other reason.