



To: Märit Carlson-Van Dort, Chair
Alaska Board of Fish

Date: December 30, 2025

From: Glenn Haight, Chair 
Rick Green, Commissioner

Subject: Proposals 53, 71–78 Permit
Stacking, Illegal Fishing, and
Demerit Points

Overview

Several proposals before the Board during this cycle address permit stacking in the Bristol Bay commercial salmon fisheries (Proposals 75–78), as well as broader efforts to deter illegal fishing and strengthen enforcement tools (Proposals 53 and 71–74). This memo is intended to provide context on CFEC's statutory role, explain how the demerit point system is currently administered, and clarify how CFEC would proceed should the Board adopt permit stacking provisions.

Proposals Addressing Illegal Fishing (53 and 71–74)

CFEC supports efforts to reduce illegal fishing and improve compliance with Alaska's commercial fishing laws. At the same time, CFEC emphasizes the importance of maintaining a legally defensible, proportionate, and administratively workable enforcement framework.

CFEC recognizes that Proposals 53 and 71–74 reflect legitimate concerns about illegal fishing and enforcement challenges faced by Alaska Wildlife Troopers and fishery managers. CFEC generally supports initiatives that:

- Improve deterrence for serious violations,
- Encourage compliance with conservation and management measures, and
- Reduce opportunities for repeat illegal behavior.

CFEC views these proposals as aligned with the broader goal of maintaining fair and orderly fisheries, provided that enforcement tools remain legally sound and proportionate.

Permit Stacking Proposals (75–78)

CFEC takes no position on whether permit stacking should be allowed in Bristol Bay. If the Board authorizes permit stacking, CFEC would administer permits and related enforcement consequences in a manner consistent with existing statutes and regulations, as is currently done in other fisheries where dual-permit or stacked operations are allowed.

Proposal 77 – Permanent Consolidation Into a New “E” Permit

Proposal 77 would create a new Bristol Bay “E” permit category by permanently consolidating two existing drift gillnet permits into a single permit, under one name, in perpetuity. The proposal contemplates limiting the number of “E” permits to 300, permanently reducing potential vessel participation and available gear in the fishery, and allowing the market to determine the value of these consolidated permits.

CFEC recognizes that Proposal 77 is intended to address concerns about fishing capacity, economic stability, and long-term fleet reduction. However, under the Alaska Limited Entry Act (Act) limited entry permits are issued, transferred, and modified pursuant to statute administered by CFEC. The creation of a new permit class formed through permanent consolidation of two existing permits, particularly one that cannot be undone, implicates statutory provisions governing permit issuance, transferability, and permit value.

If CFEC were to consider permanent consolidation of permits, it would need to occur through a regulatory process. Accordingly, while the Board can take action on Proposal 77, CFEC would then be required to review the merits of a new permit class.

In 2005, CFEC developed an optimum number range for the Bristol Bay drift gillnet permit of 900 to 1,400. Should a new class of permits develop, that optimum number would need to be revisited.

In the past CFEC created different classes of permits in the same fishery. In the Southeast Dungeness crab fishery, CFEC created three classes of permits based on crab pot limits of 75, 150, and 300. This was done for conservation purposes. While this has not been done in any salmon fisheries, it is not an entirely novel concept.

CFEC notes that, should the Board authorize permit stacking without permanent consolidation, CFEC can continue to administer stacked operations under existing law without creating a new permit category.

Proposal 78 - Demerit Points

Proposal 78 addresses CFEC’s demerit point system in the context of permit stacking; however, Alaska’s salmon demerit point system already operates in a way that is similar to what is proposed. CFEC operates the demerit point system under authority pursuant to AS 16.43.850 and 20 AAC 05.1971; demerit points are administered on a per-person basis, not to individual permits. As a result, violations are assessed once per individual violation, regardless of the number of permits held. Permit stacking does not result in doubling the point assessments. Any changes to how demerit points are calculated or applied would require separate regulatory action by CFEC.

If permit stacking is allowed in the Bristol Bay drift gillnet fishery, CFEC would apply its existing practices. If a permit holder accumulated sufficient points to trigger a suspension in the fishery, the suspension would apply to all permits held by that individual. This approach reflects long-standing CFEC practice and ensures proportional penalties while still ensuring meaningful consequences for repeat violations.

Legal and Practical Considerations

CFEC notes several considerations that counsel against altering the demerit point structure to work on a per permit basis:

Comments on Permit Stacking, Illegal Fishing, and Demerit Points

- **Proportionality:** Assessing multiple point penalties for a single physical act based solely on permit ownership raises legal concerns and risks disproportionate punishment.
- **Consistency:** Under current law, two permit holders operating a D-boat each receive points individually, while a single individual holding two stacked permits is treated as one violator, consistent with how demerit points attach to people, not permits.
- **Administrative Feasibility:** CFEC's demerit system is person-based. Reconfiguring it to selectively attach points to specific permits in stacked operations would present significant technical and administrative challenges.

These concerns do not diminish the importance of deterring illegal fishing but highlight the need for solutions that are legally durable and workable in practice.

Future Work and Interagency Coordination

CFEC acknowledges concerns about permit holders attempting to transfer permits when approaching suspension thresholds. While existing law limits the ability to fish a permit subject to suspension, CFEC agrees that repeat-violation behavior and transfer timing warrant further review.

CFEC intends to convene a workgroup—including Alaska Wildlife Troopers, the Department of Law, and other relevant entities—to evaluate potential improvements to the demerit point system and related enforcement mechanisms. This review will focus on identifying legally defensible options to better address repeat illegal behavior and enforcement challenges, with potential recommendations to the Legislature if appropriate.

Conclusion

- CFEC takes no position on permit stacking under Proposals 75–78.
- CFEC generally supports proposals aimed at reducing illegal fishing and improving compliance (Proposals 53 and 71–74).
- The demerit point provisions of Proposal 78 and the permit consolidation provisions of Proposal 77 would both require action to be taken by CFEC.
- Unless petitioned, CFEC will continue to administer demerit points consistent with existing law and regulation.
- CFEC plans further interagency review to explore potential long-term improvements to the enforcement framework.

CFEC appreciates the Board's consideration and will be available at the Board meeting to provide additional clarification as needed.