

From: **N J Hillstrand** bear@alaska.net
Subject: Draft ADFG delegation of releasing fish authority
Date: January 30, 2025 at 11:33 AM
To: undisclosed-recipients;

NH

The BOF must hold onto all its critical authority and not delegate this critical balance of power to the commissioner on the release of live fish. The commissioner can still, within this BOF authority, do all the work needed to "consider the best available information to ensure the permitting process contains the necessary safeguards".

The BOF is the required shepherd of checks and balances and must remain this added assurance and oversight as was the original intent of the legislature if and when needed.

ADFG bypassing of BOF authority and oversight is manifesting today in the stocks of concern in the Northern SE Outer quadrant of SEAK. This conservation problem is documented ADFGs RC 5 at today's SE BOF meeting.

<https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2024-2025/se/2024-xxx-fb.pdf>



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ALASKA BOARD OF FISHERIES

**DELEGATION OF AUTHORITY TO CHANGE REGULATIONS
WITHIN 5 AAC 41 TO CREATE A NEW DISCRETIONARY EXEMPTION ON THE
IMPORTATION AND RELEASE OF LIVE FISH TO STOCK LAKES**

2024-XXX-FB

Under the authority of AS 16.05.270, the Alaska Board of Fisheries (board) delegates to the Commissioner of the Department of Fish and Game (commissioner) authority under AS 16.05.251 to adopt and amend regulations related to the issuance of Fish Transport Permits. Specifically, this delegation authorizes the commissioner to consider, and at the commissioner's discretion, adopt and amend regulations to incorporate an additional exemption to the prohibition on the importation and release of live fish to stock lakes under 5 AAC 41.070. The Alaska State Legislature in passing HB295 (Chapter 32 SLA 24) showed clear intent to allow the public to purchase hatchery-produced salmonids for the purpose of stocking lakes in Alaska. Therefore, the board delegates its authority to the commissioner to make conforming regulation changes as necessary to adhere to the legislative intent, in accordance with the Administrative Procedures Act (AS 44.62).

In amending the regulation, the commissioner shall require the hatchery-produced salmonid product and proposed stocking location(s) meet all existing policies, including the Department of Fish and Game's lake stocking, genetics, and fish health policies. The commissioner must also consider the best available information related to past permitting processes and maintain sustained yield practices to ensure the permitting process provides the necessary safeguards to prevent adverse effects on Alaska's wild fish populations. This delegation includes authority to amend other regulations to acknowledge or otherwise conform to these regulatory permitting requirements.

Vote: **X-X** _____

December X, 2024
Anchorage, Alaska

Mārit Carlson-Van Dort, Chair
Alaska Board of Fisheries