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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Kevin Messing, AAC Contact
Department of Fish and Game

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: June 2, 2015

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: February 23 - March 3, 2015 Sitka Meeting:
Southeastern Alaska Area and Yakutat Area: Finfish Fisheries (5 AAC 01.670 - 5 AAC
77.684)

Attorney General File: JU2014200582 (Part 2)

Regulation Filed: June 1, 2015

Effective Date: July 1, 2015

Print: 214, July 2015

cc with enclosures:

Linda Miller, Department of Law
Genevieve Wojtusik, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2014200582 (Part 2)

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF THE ALASKA BOARD OF FISHERIES


The attached 49 pages of regulations, dealing with finfish fisheries in the Southeastern Alaska Area and the Yakutat Area, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its February 23 – March 3, 2015 meeting in Sitka, Alaska, under the authority of AS 16.05.251, AS 16.05.258, AS 16.10.440, and AS 16.10.455 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Fisheries paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: May 28, 2015
Juneau, Alaska




Kevin Brooks, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

June 1, 2015 at 10 A. m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor
State of Alaska


Effective: July 1, 2015.

Register: 214, July 2015

STATE OF ALASKA
DEPARTMENT OF DEPARTMENT OF FISH AND GAME
P.O. BOX 115526
JUNEAU, ALASKA 99811


DELEGATION OF AUTHORITY

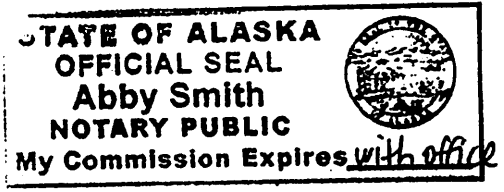
UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO KEVIN BROOKS, DEPUTY COMMISSIONER.

SIGNED: 
SAM COTTEN
(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]


Notary Public in and for the
State of Alaska
My commission expires: with office



Chapter 01. Subsistence Finfish Fishery.

Article 13. Yakutat Area.

5 AAC 01.670(c) is amended to read:

(c) In the Situk River, a [EACH] subsistence salmon fishing permit holder shall attend **the permit holder's** [HIS OR HER] gillnet at all times when it is being used to take salmon.

(In effect before 1986; am 4/18/86, Register 98; readopt 5/15/93, Register 126; am 4/15/94, Register 130; am 8/23/2009, Register 191; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.680(c) is amended to read:

(c) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. A [THE] holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on **the permit holder's** [HIS OR HER] permit calendar.

(In effect before 1988; am 6/25/89, Register 110; readopt 5/15/93, Register 126; am 4/27/97, Register 142; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Article 14. Southeastern Alaska Area.

5 AAC 01.710(a) is amended to read:

(a) Except in the nonsubsistence areas described in 5 AAC 99.010(a)(1) and **(2)** [(a)(2)] and unless restricted in this section, 5 AAC 01.725, or under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken in the Southeastern Alaska Area at any time.

5 AAC 01.710(e) is amended to read:

(e) From July 7 through August 7, sockeye salmon may be taken in the waters of Klawock **Harbor** [INLET] enclosed by a line from **the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to** Klawock **Island** Light to the Klawock Cannery Dock **at 55° 33.47' N. lat., 133° 05.96' W. long.**, the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(In effect before 1983; am 6/30/83, Register 86; am 4/18/86, Register 98; am/readopt 5/15/93, Register 126; am 4/23/94, Register 130; am 5/6/94, Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am 6/19/97, Register 142; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.714 is amended to read:

5 AAC 01.714. Limitations on participation in subsistence finfish fisheries. (a) In the Southeastern Alaska Area, finfish may not be taken for subsistence uses in the Ketchikan Nonsubsistence Area and the Juneau Nonsubsistence Area described in 5 AAC 99.015.

(b) A person on board a vessel from which a longline is used to take groundfish for subsistence uses in the Northern Southeast Inside Subdistrict or the Southern Southeast Inside Subdistrict, described in 5 AAC 28.105, may not operate commercial longline gear for groundfish from that vessel until all subsistence-taken groundfish are offloaded from the vessel.

(Eff. 7/13/2012, Register 203; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.716(a) is repealed and readopted to read:

(a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence in the following portions of the Southeastern Alaska Area outside the nonsubsistence areas described in 5 AAC 99.015(a)(1) and (2):

(1) District 1, as follows:

(A) eulachon in the waters of Section 1-C and Section 1-D;

(B) salmon and Dolly Varden char, as follows:

(i) in the waters of the Naha River;

(ii) in Boca de Quadra, in the waters of Sockeye Creek, and within 500 yards of the terminus of Sockeye Creek, and in Hugh Smith Lake;

(2) District 2, as follows:

(A) salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char in the waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(B) salmon and Dolly Varden char in the waters of District 2 in Nichols Bay north of 54° 42.12' N. lat.;

(3) District 3, as follows:

(A) Section 3-A, as follows:

(i) salmon, bottomfish, halibut, and Dolly Varden char in the waters of Section 3-A;

(ii) herring and herring spawn in the waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point;

(B) Section 3-B, as follows:

(i) bottomfish and halibut in the waters of Section 3-B;

(ii) herring and herring spawn in the waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133° 20' W. long.;

(iii) salmon, Dolly Varden char, and steelhead trout in the waters of Section 3-B east of a line from Point Ildefonso to Tranquil Point and the waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55° 44' N. lat., 133° 25' W. long. to Bay Point;

(C) Section 3-C: salmon, Dolly Varden char, and steelhead trout in the waters of Karheen Passage north of 55° 48' N. lat. and east of 133° 20' W. long. and in the waters of Sarkar Cove and Sarkar Lake;

(4) District 5: salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char in the waters of District 5 north of a line from Point St. Albans to Cape Pole;

(5) District 6: salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char, as follows:

(A) in the waters of Section 6-A west of a line from Macnamara Point to Mitchell Point;

(B) in the waters of Section 6-B west of the longitude of Macnamara Point;

(6) District 7: salmon, herring, herring spawn, bottomfish, halibut, Dolly Varden char, eulachon, and steelhead trout in the waters of District 7, excluding enhanced king, chum, and coho salmon within the waters of the Anita Bay Terminal Harvest Area;

(7) District 8: salmon, herring, herring spawn, bottomfish, halibut, Dolly Varden char, eulachon, and steelhead trout in the waters of District 8;

(8) District 9, as follows:

(A) salmon and Dolly Varden char in the waters of District 9 north of the latitude of Swain Point;

(B) herring, herring spawn, bottomfish, and halibut in the waters of Section 9-B north of the latitude of Point Ellis;

(9) District 10, as follows:

(A) salmon and Dolly Varden char in the waters of District 10 west of a line from Pinta Point to False Point Pybus;

(B) herring, herring spawn, bottomfish, and halibut in the waters of District 10 west of a line from Pinta Point to Point Pybus;

(10) District 12, as follows:

(A) salmon, smelt, and Dolly Varden char in the waters of District 12 in Basket Bay west of 134° 53.88' W. long.;

(B) herring, herring spawn, bottomfish, and halibut in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, including the waters of Whitewater Bay;

(C) salmon and Dolly Varden char in the waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution, including the waters of Whitewater Bay;

(11) District 13, as follows:

(A) salmon, other than sockeye salmon, bottomfish, and halibut in the waters of District 13;

(B) sockeye salmon, as follows:

(i) in the waters of Section 13-A south of the latitude of Cape Edward and the waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light;

(ii) in the waters of Section 13-B north of the latitude of Redfish Cape;

(iii) in the waters of Section 13-C;

(C) smelt and Dolly Varden char in the waters of District 13 along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light;

(D) herring and herring spawn, as follows:

(i) in the waters of Section 13-A;

(ii) in the waters of Section 13-B north of the latitude of Aspid
Cape;

(E) herring, herring spawn, and Dolly Varden char in the waters of Section
13-C east of the longitude of Point Elizabeth, including the waters of Rodman Bay;

(12) District 14, as follows:

(A) herring, herring spawn, bottomfish, and halibut in the waters of
District 14 east of the longitude of Point Dundas;

(B) salmon, smelt, and Dolly Varden char in the waters of Section 14-B
and Section 14-C;

(13) District 15, as follows:

(A) salmon and smelt, as follows:

(i) in all waters of the Chilkat River and Chilkat Inlet north of the
latitude of Glacier Point;

(ii) in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of
the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude
of the tip of Taiya Point;

(B) herring, herring spawn, bottomfish, and halibut in the waters of
Section 15-A.

5 AAC 01.716(c) is repealed and readopted to read:

(c) The board finds that the following numbers of salmon are reasonably necessary for subsistence uses in the Southeastern Alaska Area:

(1) Districts 1 – 4: 9,068 – 17,503 salmon;

(2) Districts 5 – 8, District 10, and Section 9-B: 4,120 – 7,345 salmon;

(3) Section 9-A and District 13: 10,487 – 20,225 salmon;

(4) District 12: 1,100 – 1,700 salmon;

(5) District 14: 600 – 1,500 salmon;

(6) District 15: 7,174 – 10,414 salmon. (Eff. 5/15/93, Register 126; am 5/6/94, Register 130; am 6/15/95, Register 134; am 6/7/95, Register 135; am 6/19/97, Register 142; am 5/31/98, Register 146; am 6/3/2000, Register 154; am 3/11/2001, Register 157; am 4/14/2002, Register 162; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 4/24/2009, Register 190; am 7/13/2012, Register 203; am 2/23/2014, Register 209; am 7/1/2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.720(2) is amended to read:

(2) **a set gillnet** [SET GILLNETS] may not be used to take salmon except in

(A) the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge; and

(B) District 5 in Shipley Bay, not more than 100 yards from the terminus of Shipley Creek;

(In effect before 1982; am 4/14/82, Register 82; am 6/25/89, Register 110; readopt 5/15/93, Register 126; am 7/18/2003, Register 167; am 7/1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.725(a) is repealed and readopted to read:

(a) Salmon may not be taken for subsistence purposes in

(1) the Klawock River drainage upstream of the Klawock River Bridge;

(2) District 15, in the salt waters of Lynn Canal, including Chilkat Inlet, Chilkoot Inlet, and Lutak Inlet, during closed periods of the commercial salmon net fishery in the district, except that salmon may be taken in salt waters of Chilkoot Inlet and Lutak Inlet north of the latitude of Battery Point at 59° 12.47' N. lat., excluding waters of Taiya Inlet north of the latitude of Taiya Point at 59° 17.27' N. lat., and in Chilkat Inlet north of the latitude of Glacier Point at 59° 06.02' N. lat. on the Saturday before and the day before any period that the commercial salmon net fishery is open in the waters of Section 15-A.

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(In effect before 1982; am 4/14/82, Register 82; am 6/25/89, Register 110; readopt 5/15/93, Register 126; am 5/31/98, Register 146; am 6/3/2000, Register 154; am 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.730(f) is amended to read:

(f) When a permit is denied under the guidelines in (e) of this section, the commissioner [OR HIS DESIGNEE] shall determine if the requested use is a subsistence use by applying the Joint Boards of Fisheries and Game criteria for the identification of subsistence uses **under 5 AAC 99.010**. The commissioner [OR HIS DESIGNEE] shall issue the permit if **the commissioner** [HE] determines that the request is for a subsistence use and the sustained yield of the stock will not be jeopardized.

5 AAC 01.730(g) is amended to read:

(g) When issuing a herring **spawn-on-kelp** [SPAWN ON KELP] subsistence fishing permit, the department may specify on the permit the times and locations for harvesting and the species of kelp that may be taken. The annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons. The department

may [WILL, IN ITS DISCRETION,] issue an additional permit for herring spawn on kelp above the annual possession limit if harvestable surpluses of herring spawn on kelp are available.

5 AAC 01.730(i) is amended to read:

(i) The department **will** [SHALL] not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. **A** [THE] holder of a subsistence salmon permit must report any steelhead trout taken in this manner on **the permit holder's** [HIS OR HER] permit calendar.

5 AAC 01.730(j) is amended to read:

(j) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. **A** [THE] holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on **the permit holder's** [HIS OR HER] permit calendar.

(In effect before 1982; am 4/14/82, Register 82; am 12/29/84, Register 92; am 6/25/89, Register 110; am/readopt 5/15/93, Register 126; am 4/14/2002, Register 162; am 7/18/2003, Register 167; am 7/13/2012, Register 203; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.750 is amended to read:

5 AAC 01.750. Vessel specifications and operations. From January 1 through August 31, in [IN] the waters of Klawock Harbor [INLET] enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., a person may subsistence salmon fish from a vessel that is powered only by hand or an outboard motor of no greater than 50 horsepower. (Eff. 6/10/87, Register 102; readopt 5/15/93, Register 126; am 7/13/2012, Register 203; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Chapter 27. Herring Fishery.

Article 4. Southeastern Alaska Area (Registration Area A).

5 AAC 27.185(c) and (d) are repealed and readopted to read:

(c) In Section 3-B and District 7, the kelp allocation per permit holder is as follows:						
Guideline Harvest Range for Herring (tons)	Single-Permit Closed Pounds	Double-Permit Closed Pounds	Triple-Permit Closed Pounds	Quadruple-Permit or More Closed Pounds	Single-Permit Open Pound	Multiple-Permit Open Pound
50-249	None	None	None	None	750 blades	2,000 blades
250-399	100 blades	200 blades	300 blades	500 blades	1,000 blades	3,000 blades
400-599	200 blades	300 blades	600 blades	700 blades	1,000 blades	3,000 blades
600-799	300 blades	400 blades	700 blades	800 blades	1,500 blades	4,500 blades
800-999	400 blades	500 blades	800 blades	1,000 blades	2,000 blades	6,000 blades
1,000-1,499	500 blades	750 blades	1,000 blades	1,000 blades	2,500 blades	7,500 blades
1,500 or more	600 blades	900 blades	1,000 blades	1,000 blades	3,000 blades	9,000 blades
(d) In Section 12-A and Section 13-C, the kelp allocation per permit holder is as follows:						
Guideline Harvest Range for Herring (tons)	Single-Permit Closed Pounds	Double-Permit Closed Pounds	Triple-Permit Closed Pounds	Quadruple-Permit or More Closed Pounds	Single-Permit Open Pound	Multiple-Permit Open Pound
0-299	None	None	None	None	300 blades	400 blades
300-499	100 blades	200 blades	300 blades	600 blades	600 blades	700 blades
500-699	200 blades	300 blades	500 blades	800 blades	900 blades	1,000 blades
700-899	300 blades	500 blades	700 blades	900 blades	1,000 blades	1,200 blades
900-1,399	400 blades	700 blades	900 blades	1,000 blades	1,200 blades	1,500 blades
1,400 or more	700 blades	900 blades	1,000 blades	1,000 blades	1,200 blades	1,500 blades

5 AAC 27.185(e) is repealed:

(e) Repealed 7 / 1 /2015.

5 AAC 27.185(r) is amended to read:

(r) Permit holders operating two separate closed pounds must **register with** [NOTIFY THE LOCAL REPRESENTATIVE OF] the department before connecting the permit **holders'**

[HOLDER'S] pounds. No more than two pounds may be connected into a combined structure. After the permit holders have connected two pounds, the permit holders may [NOT] transfer additional herring into the combined pound. **The four-day herring transfer period, as described in (q) of this section, begins on the first day herring are placed into either of the connected closed pounds.** After two pounds are connected under this **subsection** [SECTION], the permit holders may drop the wall between the pounds **no more than three feet from the surface of the water** so that herring may swim between the connected pounds.

5 AAC 27.185(s) is amended to read:

(s) A permit holder may not retain herring in a closed pound for more than **seven** [SIX] days and must release the herring by **12:00 noon** [11:59 P.M.] on the **seventh** [SIXTH] day, with the first day being the day that herring are **first** placed into the pound. When releasing herring, a permit holder must lower at least one full side of a pound's webbing at least **two** [SIX] feet below the surface of the water to allow herring to escape.

5 AAC 27.185(dd)(2)(A) is amended to read:

(2) "multiple-permit pound" includes,

(A) for a closed pound, a

(i) double-permit **closed pound;**

(ii) [AND] triple-permit closed pound; and

(iii) quadruple-permit or more closed pound; and

(Eff. 6/25/89, Register 110; am 4/30/91, Register 118; am 4/23/94, Register 130; am 1/29/98, Register 145; am 9/10/2000, Register 155; am 3/11/2001, Register 157; am 4/24/2003, Register 166; am 4/2/2006, Register 177; am 4/24/2009, Register 190; am 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 28. Groundfish Fishery.

Article 4. Eastern Gulf of Alaska Area (Registration Area A).

5 AAC 28.113(a) is amended to read:

(a) In the Eastern Gulf of Alaska Area, lingcod may be taken at any time except as otherwise provided in this **chapter** [SECTION] or when closed by emergency order.

(Eff. 4/15/94, Register 130; am 6/15/97, Register 142; am 6/14/2000, Register 154; am 7/18/2003, Register 167; am 7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 28.150(b) is amended to read:

(b) Notwithstanding (a) of this section, lingcod may be retained as bycatch in the halibut longline fishery **and for a permit holder's personal use in the commercial salmon troll fishery** in the waters described in (a) of this section, as limited by the provisions of 5 AAC 28.173(a) **and (e)**.

(Eff. 6/15/97, Register 142; am 5/31/98, Register 146; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 28.173(a) is amended by adding a new paragraph to read:

(4) salmon with troll gear in the waters of Sitka Sound described in 5 AAC 28.150(a) may retain and have on board no more than two lingcod only from May 16 through November 30, or until closed by emergency order, and only if the permit holder

(A) immediately removes the dorsal fin of the lingcod retained; the head of a lingcod retained under this paragraph must remain attached to determine if the lingcod meets the legal size requirement of (e) of this section;

(B) weighs and reports the lingcod retained for the permit holder's personal use on an ADF&G fish ticket as required in 5 AAC 39.130; a lingcod retained under this paragraph may not be sold.

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(Eff. 4/15/94, Register 130; am 6/15/97, Register 142; am 5/31/98, Register 146; am 6/14/2000, Register 154; am 12/30/2000, Register 156; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Publisher: Please change the period at the end of 5 AAC 28.150(a)(3) to a semicolon.

5 AAC 28.175(b)(2) is amended to read:

(2) for dinglebar **troll gear**, mechanical **jigging machines** [JIG], or hand troll gear must include the date, the specific location of harvest by **latitude and longitude, in degrees and decimal minutes**, [SIX DIGIT STATISTICAL AREA] and nearest headland, the number of lines and **total number of** hooks [PER LINES] used, the average depth fished, the hours fished [FOR EACH LINE], and the number of bycatch fish taken, by species, **for each unique geographic location fished**; for the target species the following is required:

- (A) the number retained;
- (B) the number discarded; and
- (C) for lingcod only, their estimated sex ratio;

(Eff. 7/30/89, Register 111; am 4/30/91, Register 118; am 4/15/94, Register 130; am 6/15/97, Register 142; am 11/20/97, Register 144; am 6/14/2000, Register 154; am 7/18/2003, Register 167; am 5/31/2009, Register 190; am 7/1/2015, Register 214)

Authority: AS 16.05.251

Chapter 29. Salmon Troll Fishery.

Article 5. Fishery Management Plans.

5 AAC 29.090(d)(1)(C) is amended to read:

(C) in order to continue the fishery each year without modification of areas previously established, the contribution rate of Alaska hatchery-produced salmon [HATCHERY] stocks to the directed fishery harvest must exceed 20 percent;

5 AAC 29.090(g) is repealed:

(g) Repealed 7/1 /2015.

5 AAC 29.090 is amended by adding new subsections to read:

(k) The operator of a salmon troll vessel shall keep the fish caught in each spring fishery separate from any other fish on board the vessel. A fish buyer shall issue a separate fish ticket for fish caught in each spring fishery. If the commissioner determines that a provision of this subsection is frequently violated, the department may require that fish from only one spring fishery be on board a vessel at any one time.

(l) A CFEC permit holder that participates in a spring salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the summer salmon troll fishery. (Eff. 10/1/98, Register 147; am 6/14/2000, Register 154; am 7/26/2003, Register 167;

em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Editor's note: Before Register 214, July 2015, the substance of 5 AAC 29.090(k) appeared in 5 AAC 29.130 and the substance of ~~former~~ 5 AAC 29.090(l) appeared in 5 AAC 29.090(g).

Before Register 147, Oct. 1998, the substance of 5 AAC 29.090 was contained in former 5 AAC 33.311(h), (p), and (s). The history note for 5 AAC 29.090 does not contain the history of the provision before Register 147, Oct. 1998.

5 AAC 29.100(c) is amended to read:

(c) The department shall manage the summer king salmon troll fishery as follows:

(1) the department shall manage the summer king salmon troll fishery

(A) to take 70 percent of the remaining **troll** king salmon harvest **allocation**, calculated as the annual troll harvest **allocation** [CEILING] minus the winter and spring troll harvests of treaty king salmon, in an initial opening beginning July 1; and

(B) to take the remaining portion of the **troll** king salmon harvest **allocation**, calculated as the annual **troll** harvest **allocation** [CEILING] minus the winter, spring, and initial July 1 opening harvest of treaty king salmon, **as follows:** [;]

(i) following the reopening of the king salmon troll fishery after any closure of a coho salmon troll fishery; or

(ii) if a closure is not necessary to achieve coho salmon harvest guidelines after the reopening of the king salmon troll fishery, no later than August 20, but only following a two-day closure to allow a fair start;

(2) in order to provide for the harvest of the remaining portion of the **troll** king salmon harvest **allocation** following a coho salmon closure, the department shall manage the king salmon harvest as follows:

(A) if approximately 70 percent or more of the remaining troll king salmon harvest **allocation** was taken during the initial opening under (1)(A) of this subsection, the commissioner shall close, by emergency order, the waters of frequent high king salmon abundance described in 5 AAC 29.025 for the remainder of the summer salmon troll season in order to slow down the harvest rate; however, if after 10 days, the department determines that the annual troll king salmon harvest **allocation may** [CEILING MIGHT] not be reached by September 20 with those waters closed, the commissioner shall reopen, by emergency order, the waters of frequent high king salmon abundance;

(B) the department shall reopen the summer king salmon troll fishery in the waters of frequent high king salmon abundance described in 5 AAC 29.025 if the department determines that less than 30 percent of the king salmon harvest goal for the initial opening under (1)(A) of this subsection was taken in that opening;

(C) in addition to (A) and (B) of this paragraph, if the department determines that the annual troll king salmon harvest **allocation** [CEILING] will not be harvested by September 20, the department may continue the summer king salmon troll fishery only in waters with no coho salmon conservation concerns, until the annual troll king salmon harvest **allocation is reached** [CEILING IS ACHIEVED] or until September 30, whichever occurs first;

(D) if the department determines that the number of king salmon remaining on the annual troll king salmon harvest allocation is not sufficient to allow a competitive fishery, the commissioner may, by emergency order, reopen the troll fishery to the taking of king salmon during a limited harvest fishery, subject to the following conditions:

(i) a limited harvest fishery may be opened for up to 10 days, but may not open before September 1;

(ii) the remaining amount of the king salmon annual harvest allocation will be distributed subject to an established harvest limit;

(iii) king salmon retained during a limited harvest fishery must be kept separate from other salmon on board the vessel;

(iv) both commercially sold king salmon and king salmon retained for personal use during a limited harvest fishery count toward the harvest limit;

(v) a copy of fish tickets documenting commercially sold king salmon or king salmon retained for personal use during a limited harvest fishery must be kept on board the vessel while operating gear in a limited harvest fishery and during transits to or from a port of landing;

(vi) fish tickets must be made available to a local representative of the department upon request;

(vii) after the closure of a limited harvest fishing period, all king salmon must be offloaded from a vessel before that vessel may be used to resume fishing for other salmon species;

(viii) any other conditions the commissioner determines necessary to conduct an orderly limited harvest fishery;

(3) following the closure of the summer salmon troll fishery to the taking of king salmon, the salmon troll fishery will remain open to the taking of other salmon species; however, the department may close the waters of frequent high king salmon abundance described in 5 AAC 29.025 to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.

(Eff. 10/1/98, Register 147; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Article 6. Gear and Vessel Specifications and Registration.

5 AAC 29.120(b)(1) is amended by adding a new subparagraph to read:

(C) from each power troll gurdy: only one line to which multiple leaders and hooks may be attached; a person may not use hand troll gurdies or fishing rods to take salmon commercially on board a registered power troll vessel;

(Eff. 10/1/98, Register 147; am 6/14/2000, Register 154; am 5/26/2006, Register 178; add'l am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Publisher: Please delete the connector "and" at the end of 5 AAC 29.120(b)(1)(A).

Article 7. Size and Landing Requirements.

5 AAC 29.130 is repealed:

5 AAC 29.130. Fish tickets requirements for spring fisheries. Repealed. (Eff. 10/1/98, Register 147; repealed 7/1 /2015, Register 214)

Editor's note: As of Register 214, July 2015, the substance of former 5 AAC 29.130 appears in 5 AAC 29.090(k).

Before Register 147, Oct. 1998, the substance of 5 AAC 29.130 was contained in former 5 AAC 33.311(p)(6) and 5 AAC 33.314. The history note for 5 AAC 29.130 does not contain the history of the provision before Register 147, Oct. 1998.

Chapter 30. Yakutat Area.

Article 1. Description of Area.

5 AAC 30.001 is amended to read:

5 AAC 30.001. Application of this chapter. Requirements set out [FORTH] in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out [FORTH] in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 and 5 AAC 75. (In effect before 1988; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

Article 3. Salmon Fishery.

5 AAC 30.310(a)(1) is amended to read:

(1) in the Yakutat District, the opening and closing dates will be **established** [MADE] by emergency order;

(In effect before 1982; am 4/12/82, Register 82; am 4/16/83, Register 86; am 4/28/84, Register 90; am 6/30/84, Register 90; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/19/88, Register 106; am 6/25/89, Register 110; em am 6/4/90 – 8/14/90, Register 114; am 4/30/91, Register 118; am 6/13/92, Register 122; am 4/23/94, Register 130; am 10/1/98, Register 147; am 5/26/2006, Register 178; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 30.331(a) is amended to read:

(a) **A set gillnet with a** [SET GILLNETS WITH] mesh size smaller than eight inches may not be **more than 45 meshes in depth and a set gillnet with a** [DEEPER THAN 45 MESHES AND SET GILLNETS WITH] mesh size eight inches or larger may not be **more than 35 meshes in depth, except that after July 1, in the waters of Yakutat Bay, a set gillnet of all mesh sizes may not be more than 60 meshes in depth** [DEEPER THAN 35 MESHES]. The individual and aggregate lengths of any and all set gillnets **on board** [ABOARD] a vessel or **operated** [IN USE] by a person may not be more than one of the following in hung measure:

(1) in the Yakutat District,

(A) in the waters of Yakutat Bay, Monti Bay, and Disenchantment Bay, east and north of a line from the southernmost point of Ocean Cape to Point Manby at 59° 41.60' N. lat., 140° 18.30' W. long., **only one set gillnet that does not** [ONE NET NOT TO] exceed 75 fathoms **in length**;

(B) **in** Situk-Ahrnklin Inlet and Lost River, **only one set gillnet that does not** [ONE NET NOT TO] exceed 20 fathoms **in length**, except that in the Situk-Ahrnklin Inlet, two **set gillnets** [NETS], neither of which may exceed 20 fathoms **in length**, may be **operated** [USED] during periods established by emergency order;

(C) **in the** Yahtze River, **the** Yana River, and **the** Malaspina Lake **drainage** [DRAINAGE], **only one set gillnet that does not** [ONE NET NOT TO] exceed 25 fathoms **in length**;

(D) in the Dangerous River, **a** [NO] single set gillnet may **not** be less than 10 fathoms or more than 25 fathoms in length; **a** [NO] salmon interim-use or entry permit holder may **not** operate more than 75 fathoms of set gillnet in [THE] aggregate **length**;

(E) **in the** Akwe River, **only one set gillnet that does not** [ONE NET NOT TO] exceed 15 fathoms **in length**;

(F) **in the** East River, **only one set gillnet that does not** [ONE NET NOT TO] exceed 20 fathoms **in length**, except that starting the first **Sunday** [MONDAY] in September, two **set gillnets that do not each** [NETS NOT TO] exceed 20 fathoms **in length** [EACH] and an aggregate length not to exceed 40 fathoms;

(G) repealed 4/8/79;

(H) **in** other waters of the district, including the surf line beyond the outermost bars at mean low tide, **only one set gillnet that does not** [ONE NET NOT TO] exceed 15 fathoms **in length**;

(I) in the Alsek River, **a single gillnet may not** [NO SET GILLNET MAY] be less than 10 fathoms or more than 25 fathoms in length, **and** [;]

(i) before the third Sunday in July, a CFEC salmon permit holder may not operate more than three set gillnets, and the aggregate length of set gillnets may not exceed 50 fathoms;

(ii) from the third Sunday in July, a CFEC salmon permit holder may not operate more than 75 fathoms of set gillnet in the aggregate;

(J) **in the** Sudden River, **only** one set gillnet **that does** not [TO] exceed 25 fathoms **in length**, except that starting the first Sunday in August, two set gillnets **that do not each** [NOT TO] exceed 25 fathoms **in length** [EACH] and an aggregate length not to exceed 50 fathoms;

(K) notwithstanding 5 AAC 39.240(a), a person may assist in the operation or transportation of additional set gillnet gear when the CFEC interim-use or entry permit card holder of the additional gear is present in compliance with 5 AAC 39.107;

(2) in the Yakataga District,

(A) **in the** Tsiu River, **only one set gillnet that does not** [ONE NET NOT TO] exceed 15 fathoms **in length**;

(B) **in the** Eight Mile River, **only one set gillnet that does not** [ONE NET NOT TO] exceed 15 fathoms **in length**;

(C) **in** the remainder of the district, **only one set gillnet that does not** [ONE NET NOT TO] exceed 25 fathoms **in length**.

5 AAC 30.331(b) is amended to read:

(b) **A set gillnet** [SET GILLNETS] may not obstruct more than two-thirds of **a** [ANY] salmon migratory waterway, except **that** in the Tsiu River, **a set gillnet** [WHERE SET GILLNETS] may not obstruct more than one-half of the waterway. **The provisions of this subsection apply in** [IN] the intertidal zone [THIS APPLIES] at all stages of the tide.

(In effect before 1982; am 4/14/82, Register 82; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/25/89, Register 110; em am 7/14/89 – 8/14/89, Register 111; em am 6/4/90 – 8/14/90, Register 114; am 4/30/91, Register 118; am 3/11/2001, Register 157; am 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: **AS 16.05.060** AS 16.05.251

5 AAC 30.340(a) is amended to read:

(a) Unless otherwise specified in **this chapter** [5 AAC 30], the provisions of **this chapter** [5 AAC 30.310, 5 AAC 30.320, 5 AAC 30.331, and 5 AAC 30.335], as applied to each river fishery, also apply to the area within a radius of one-half mile from the terminus of that river.

(In effect before 1984; am 6/30/84, Register 90; am 4/30/91, Register 118; am 7 / / /2015, Register 214.)

Authority: AS 16.05.251

Chapter 33. Southeastern Alaska Area.

Article 1. Description of Area.

5 AAC 33.001 is amended to read:

5 AAC 33.001. Application of this chapter. Requirements set **out** [FORTH] in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, **personal use, and sport** fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set **out** [FORTH] in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, **personal use fishing regulations in 5 AAC 77, and sport fishing**

regulations in 5 AAC 47 and 5 AAC 75. (In effect before 1988; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Article 2. Fishing Districts and Sections.

5 AAC 33.200(o) is amended to read:

(o) District 15: waters of Lynn Canal north of the latitude of Little Island Light at 58° 32.41' N. lat.;

(1) Section 15-A: waters of the district north of the latitude of Sherman Rock at 58° 51.00' N. lat.;

(2) Section 15-B: waters of Berners Bay east of a line from Point St. Mary at 58° 43.93' N. lat., 135° 01.43' W. long. to Point Bridget at 58° 40.73' N. lat., 134° 59.25' W. long.;

(3) Section 15-C: all waters of the district south of the latitude of Sherman Rock at 58° 51.00' N. lat. [LIGHT], except for the waters of Section 15-B.

(In effect before 1985; am 5/31/85, Register 94; am 7/14/85, Register 95; am 4/18/86, Register 98; am 6/25/89, Register 110; am 6/28/97, Register 142; am 10/1/98, Register 147; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 2/22/2015, Register 213; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Article 3. Salmon Fishery.

The introductory language of 5 AAC 33.310(c) is amended to read:

(c) Salmon may be taken by **drift** gillnets in the following locations only during fishing periods established by emergency order that start on a Sunday and close by emergency order:

...

5 AAC 33.310(c)(2)(B) is amended to read:

(B) Section 6-D west of a line from Mariposa Rock Buoy to the northernmost tip of Point Harrington to a point on Etolin Island at 56° 09.60' N. lat., 132° 42.70' W. long. [,] to the southernmost tip of Point Stanhope is open

(i) from the second Sunday in June through the first Saturday in August;

(ii) after the first Saturday in August and before the first Sunday in September as described in 5 AAC 33.359; and

(iii) from the first Sunday in September until the season is closed;

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(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 6/30/83, Register 86; am 4/28/84, Register 90; am 6/30/84, Register 90; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/25/89, Register 110; am 4/23/94, Register 130; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 7/26/2003, Register 167; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.330(a) is amended to read:

(a) Except as provided in 5 AAC 29, salmon may be taken only by drift gillnets and **purse** seines.

(In effect before 1985; am 5/31/85, Register 94; am 6/28/97, Register 142; am 10/1/98, Register 147; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 33.331(a) is amended to read:

(a) A person may not operate a **drift** gillnet vessel that has on the reel or in the water more than one legal limit of **drift** gillnet gear. Extra gillnet gear may be on board the vessel. Any gear in excess of one legal limit **of drift gillnet gear** must be sacked or bagged. The sack or bag must totally contain the net and must be secured closed. However, unassembled gillnet gear

components, including cork, webbing, or leadline may be on board a fishing vessel without being sacked or bagged. For the purposes of this section, the legal limit of **drift** gillnet gear is one gillnet no longer than the maximum length specified in (c) of this section.

5 AAC 33.331(b) is repealed and readopted to read:

(b) In the Southeastern Alaska Area, a drift gillnet may not be more than 60 meshes in depth, except that there is no maximum depth restriction for a gillnet operated for king salmon cost recovery by a private nonprofit hatchery operator or under contract to a regional aquaculture association in a special harvest area described in 5 AAC 40.030 – 5 AAC 40.081.

The introductory language of 5 AAC 33.331(c) is amended to read:

(c) **In the Southeastern Alaska Area, the** [THE] maximum length **for drift** [OF] gillnets is as follows:

...

5 AAC 33.331(e) is amended to read:

(e) In Districts 1, 6, 8, 11, and 15, the commissioner may, by emergency order, establish fishing periods during which the minimum gillnet mesh size is six inches, except that

(1) in District 8, from the first Monday in May through the second Saturday in June, during periods established by emergency order, the minimum mesh size is seven [7] inches;

(2) in District 11, from the first Monday in May through the third Saturday in June, during periods established by emergency order, the minimum mesh size is seven [7] inches.

(In effect before 1982; am 7/25/82, Register 83; am 4/28/84, Register 90; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/10/87, Register 102; am 4/2/88, Register 105; am 6/25/89, Register 110; am 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 7/26/2003, Register 167; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5/9/2015, Register 214; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.350(d)(27) is amended to read:

(27) Trocadero Bay:

(A) waters east of 133° 01' W. long.;

(B) waters within 500 yards of the unnamed stream located immediately west of Perlas Point at 55° 22.02' N. lat., 133° 04.63' W. long.;

(C) waters within 500 yards of the unnamed stream located approximately 1.1 miles west of Perlas Point at 55° 22.47' N. lat., 133° 06.07' W. long.;

5 AAC 33.350(d)(32) is repealed:

(32) repealed 7/1/2015;

5 AAC 33.350(d)(33) is amended to read:

(33) **Port Caldera:** waters within 500 yards of the unnamed stream **located immediately south of Point Lomas** at 55° 22.42' N. lat., 133° 10.57' W. long.;

5 AAC 33.350(d)(34) is repealed:

(34) repealed 7/1/2015.

5 AAC 33.350(p) is amended to read:

(p) District 15:

(1) Chilkat Inlet: waters north of the latitude of Letnikof Light **at 59° 10.31' N.**

lat.;

(2) Lutak Inlet: waters northwest of a line between Tanani Point at 59° 16.39' N. lat., 135° 26.46' W. long. and Taiya Point at 59° 17.27' N. lat., 135° 24.12' W. long.;

(3) St. James Bay: waters north of a line from [THE TIP OF] Point Whidbey at 58° 34.65' N. lat., 135° 08.69' W. long. to St. James Point at 58° 33.75' N. lat., 135° 09.75' W. long.;

(4) Taiya Inlet: waters north of the latitude [OF THE TIP] of Taiya Point at 59° 17.27' N. lat. (In effect before 1982; am 4/14/82, Register 82; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/13/92, Register 122; am 4/23/94, Register 130; am 6/28/97, Register 142; am 10/1/98, Register 147; am 3/11/2001, Register 157; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/9/2015, Register 214; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33 is amended by adding a new section to read:

5 AAC 33.359. Section 6-D Pink Salmon Management Plan. (a) The department may open those portions of Section 6-D described in 5 AAC 33.310(c)(2)(B) to drift gillnet fishing during the period of time that is after the first Saturday in August and before the first Sunday in September as described in this section.

(b) If a purse seine fishery is announced to be opened or is opened in the portion of Section 6-D described in 5 AAC 33.310(c)(2)(B) for any portion of one day, the drift gillnet fishery may open in the same portion of Section 6-D, as follows:

(1) the drift gillnet fishery will open during the weekly open drift gillnet fishing period immediately following the purse seine fishery closure;

(2) the drift gillnet fishery will close at 11:59 p.m. the day before the next scheduled purse seine fishery opening or at the conclusion of the weekly open drift gillnet fishing period, whichever occurs first.

(c) The provisions of this section do not apply after December 31, 2017. (Eff.

7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.366(a)(2) is repealed and readopted to read:

(2) the department shall close the seine fishery in District 12 north of Point Marsden during July after 15,000 wild sockeye salmon are taken, as described in this paragraph; during the openings, the department will use aerial flyovers, on-the-ground sampling, interviews, and fish tickets to estimate the sockeye salmon harvest north of Point Marsden in District 12 and in the Amalga Harbor Special Harvest Area in District 11; hatchery-produced sockeye salmon will not count against the 15,000 sockeye salmon harvest limit; the wild sockeye salmon harvest that will count against the 15,000 sockeye salmon limit under this paragraph is as follows:

(A) all wild sockeye salmon harvested by seine vessels that the department identifies as fishing north of Point Marsden in District 12 during any July fishing period when other areas are open concurrently; and

(B) through the 2017 season, up to 2,000 wild sockeye salmon harvested in common property fisheries in the Amalga Harbor Special Harvest Area in District 11 when the entire common property harvest area is open.

5 AAC 33.366(b) is amended to read:

(b) Salmon may be taken during emergency order openings for chum salmon in Excursion Inlet only in waters of Section 14-C north of the latitude of the northern tip of the Porpoise Islands. **The commissioner** [; THE DEPARTMENT] may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation. (Eff. 6/25/89, Register 110; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/9/2015, Register 214; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.374(c)(2) is amended to read:

(2) if **Sunday** [WEEKLY] seine openings or midweek openings [SCHEDULED UNDER 5 AAC 33.366] do not occur, in order to achieve broodstock and cost recovery goals, the troll fishery for the harvest of chum salmon will be closed; if more than seven days remain

before the July 1 general summer troll **fishery** [SEASON] opening, troll fisheries for king salmon may continue; however, chum salmon caught must be released immediately and may not be retained or sold;

5 AAC 33.374 is amended by adding a new subsection to read:

(g) The waters of the Hidden Falls Terminal Area that are north and west of a line from ADF&G regulatory markers located at 57° 13.17' N. lat., 134° 51.86' W. long. to 57° 13.08' N. lat., 134° 52.02' W. long. and north of a line from 57° 13.05' N. lat., 134° 52.24' W. long. to 57° 13.06' N. lat., 134° 52.20' W. long. are closed to commercial salmon fishing, other than hatchery cost recovery fishing. (Eff. 6/25/89, Register 110; am 4/23/94, Register 130; am 6/28/97, Register 142; am 3/11/2001, Register 157; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 7/13/2012, Register 203; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 [AS 16.05.455] **AS 16.10.455**

AS 16.05.251

5 AAC 33.385(c) is amended to read:

(c) The Mist Cove Special Harvest Area consisting of all waters south and west of a line from 56° 31.70' N. lat., 134° 39.97' W. long. to 56° 31.27' N. lat., 134° 39.85' W. long. is closed to commercial fishing, other than hatchery cost recovery fishing, from 12:01 a.m. July 31 until 11:59 p.m. September 30, **and the waters south of a line from ADF&G regulatory markers**

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located at 56° 31.07' N. lat., 134° 40.20' W. long. to 56° 31.07' N. lat., 134° 40.12' W. long.

are closed to commercial salmon fishing, other than hatchery cost recovery fishing. (Eff.

7/26/2003, Register 167; am 5/31/2009, Register 190; am 7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.387(c) is amended to read:

(c) From the third Sunday in June through the first Saturday in August, the commissioner, in consultation with the **hatchery operator** [KAKE NON-PROFIT FISHERIES CORPORATION] may open and close, by emergency order, fishing seasons and periods to harvest hatchery-produced salmon returning to the Southeast Cove Terminal Harvest Area in excess of broodstock and cost recovery needs.

(Eff. 7/13/2012, Register 203; am 7/1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33 is amended by adding a new section to Article 3 to read:

5 AAC 33.398. Use of unmanned aircraft unlawful. In the Southeastern Alaska Area, during an open commercial salmon fishing period, a person may not use an unmanned aircraft to locate salmon for the commercial taking of salmon or to direct commercial salmon fishing operations. (Eff. 7/1 /2015, Register 214)

Authority: AS 16.05.251

Chapter 39. General Provisions.

Article 1. General.

5 AAC 39.140(d) is amended to read:

(d) Notwithstanding the requirements of 5 AAC 30.392(a) [5 AAC 30.392(c)], 5 AAC 30.393, 5 AAC 33.392(d), and 5 AAC 33.393, upon request by a **local** representative of the **department** [DEPARTMENT OF FISH AND GAME] or a peace officer of the state, a fisherman or processor shall relinquish the tag and head of adipose-fin-clipped salmon, and shall inform the representative or peace officer of the date and location of the catch, if known. (In effect before 1985; am 7/14/85, Register 95; am 7/30/89, Register 111; am 5/2/92, Register 122; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.180 AS 16.05.251

Chapter 47. Southeast Alaska Area.

5 AAC 47.021(b) is amended by adding a new paragraph to read:

(3) in the waters of Yakutat Village Lagoon shoreward of Mallott Avenue, the bag and possession limit for coho salmon 16 inches or greater in length is two fish;

5 AAC 47.021(d)(4) is repealed:

(4) repealed 7/1/2015;

5 AAC 47.021(g)(1)(A) is repealed:

(A) repealed 7/1/2015;

5 AAC 47.021(g)(1)(B) is repealed:

(B) repealed 7/1/2015;

5 AAC 47.021(g) is amended by adding new paragraphs to read:

(6) in Mist Cove, south of a line from ADF&G regulatory markers located at 56° 31.07' N. lat., 134° 40.20' W. long. to 56° 31.07' N. lat., 134° 40.12' W. long., sport fishing for salmon is closed;

(7) in Kasnyku Bay, north and west of a line from ADF&G regulatory markers located at 57° 13.17' N. lat., 134° 51.86' W. long. to 57° 13.08' N. lat., 134° 52.02' W. long. and north of a line from 57° 13.05' N. lat., 134° 52.24' W. long. to 57° 13.06' N. lat., 134° 52.20' W. long., sport fishing for salmon is closed.

5 AAC 47.021(j)(1) is repealed:

(1) repealed 7 / 1 /2015;

(Eff. 6/1/2003, Register 166; am 7/18/2003, Register 167; am 7/26/2003, Register 167; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; add'l am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/29/2009, Register 191; am 5/12/2011, Register 198; am 7/13/2012, Register 203; am 2/23/2014, Register 209; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Publisher: Please change the period at the end of 5 AAC 47.021(b)(2) to a semicolon and add a semicolon at the end of 5 AAC 47.021(g)(5)(C).

5 AAC 47.023(i)(6)(D) is repealed:

(D) repealed 7 / 1 /2015;

5 AAC 47.023(k)(5)(A) is amended to read:

(A) only unbaited, artificial lures may be used, **except that bait may be used in the Klawock River drainage downstream from ADF&G regulatory markers located downstream of the hatchery weir from September 15 through October 15;**

(Eff. 6/1/2003, Register 166; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 12/31/2006, Register 180; am 5/31/2009, Register 190; am 5/12/2011, Register 198; am 7/13/2012, Register 203; am 2/23/2014, Register 209; am 5/9/2015, Register 214; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 77. Personal Use Fishery.

Article 13. Yakutat Area.

5 AAC 77.620(4) is amended to read:

(4) herring **spawn on kelp** [SPAWN-ON-KELP] may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of **herring spawn on kelp** [SPAWN-ON-KELP], the department **may** [WILL, IN ITS DISCRETION,] specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring **spawn on kelp** [SPAWN-ON-KELP] is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department **may** [WILL, IN ITS DISCRETION,] issue an additional permit for taking **herring spawn on kelp** [SPAWN-ON-KELP] above the annual possession limit if harvestable surpluses of herring **spawn on kelp** [SPAWN-ON-KELP] are available;

Register 214, July 2015 FISH AND GAME

(Eff. 6/25/89, Register 110; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 77.628(d) is amended to read:

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. A [THE] holder of a personal use permit shall report any salmon, trout, or char taken in this manner on the permit holder's [HIS OR HER] permit calendar.

5 AAC 77.628(i) is amended to read:

(i) Salmon may be taken by set gillnets only. A [THE] personal use fishing permit holder shall attend the permit holder's [HIS OR HER] gillnet at all times while it is in operation.

(Eff. 6/25/89, Register 110; am 4/1/94, Register 129; am 12/1/2004, Register 172; am 8/23/2009, Register 191; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Article 14. Southeastern Alaska Area.

5 AAC 77.672(4) is amended to read:

(4) herring **spawn on kelp** [SPAWN-ON-KELP] may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of **herring spawn on kelp** [SPAWN-ON-KELP], the department may specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring **spawn on kelp** [SPAWN-ON-KELP] is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department may [, IN ITS DISCRETION,] issue an additional permit for taking **herring spawn on kelp** [SPAWN-ON-KELP] above the annual possession limit if harvestable surpluses of herring **spawn on kelp** [SPAWN-ON-KELP] are available;

5 AAC 77.672(7) is amended to read:

(7) herring may not be taken in Auke Bay, east of a line from the mouth of Waydelich Creek to **an ADF&G regulatory** [A DEPARTMENT] marker located one-fourth mile south of the mouth of Auke Creek, from April 1 through May 31. (Eff. 6/25/89, Register 110; am 4/1/94, Register 129; am 4/23/94, Register 130; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 77.682(d) is amended to read:

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. A [THE] holder of a personal use permit shall report any salmon, trout, or char taken in this manner on the permit holder's [HIS OR HER] permit calendar.

5 AAC 77.682(g)(2)(C) is repealed:

(C) repealed 7/1 /2015;

5 AAC 77.682(h)(2) is amended to read:

(2) from July 7 through August 7, sockeye salmon may be taken in the waters of the waters of Klawock Harbor [INLET] enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday;

5 AAC 77.682(i) is amended by adding a new paragraph to read:

(3) the Klawock River drainage upstream of the Klawock River Bridge.

Register 214, July 2015 FISH AND GAME

(Eff. 6/25/89, Register 110; am 5/29/93, Register 126; am 4/1/94, Register 129; am 12/1/2004, Register 172; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 7/1/2015, Register 214)

Authority: AS 16.05.251

5 AAC 77.684 is amended to read:

5 AAC 77.684. Vessel specifications and operations. From January 1 through August 31, in [IN] the waters of the waters of Klawock Harbor [INLET] enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., a person may operate personal use salmon gear from a vessel that is powered only by hand or an outboard motor of no greater than 50 horsepower. (Eff. 6/25/89, Register 110; am 7/13/2012, Register 203; am 7/1/2015, Register 214)

Authority: AS 16.05.251

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor
(hand delivery)

Date: May 29, 2015

File No.: JU2014200582 Part 2

Tel. No.: 465-3600

From: Susan R. Pollard *Susan R. Pollard*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Board of Fisheries Regulations re:
February 23 - March 3, 2015 Sitka
Meeting: Southeast Alaska Area and
Yakutat Area: Finfish Fisheries
(5 AAC 01.670 – 5 AAC 77.684)

We have reviewed the attached regulations from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations concern subsistence, personal use, sport, and commercial finfish fisheries in the Southeastern Alaska Area and Yakutat Area.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The original affidavit of newspaper publication for these regulations was filed with Department of Law project file JU2014200580 Part 1, Register 213 (April 2015); we have included a copy of that affidavit of publication. The November 4, 2014 public notice and the May 28, 2015 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a minor technical correction to conform the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SRP:dar

cc w/enc: (via email)

Honorable Sam Cotten, Commissioner
Department of Fish and Game

MEMORANDUM

State of Alaska
Department of Law

To: Honorable Sam Cotten
Commissioner
Department of Fish and Game
(via email)

Date: May 29, 2015

File No.: JU2014200582 Part 2

Tel. No.: 465-3600

From: Susan R. Pollard *Susan R. Pollard*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Board of Fisheries Regulations re:
February 23 - March 3, 2015 Sitka
Meeting: Southeast Alaska Area and
Yakutat Area: Finfish Fisheries
(5 AAC 01.670 – 5 AAC 77.684)

Under AS 44.62.060, we have reviewed the attached regulations changes by the Board of Fisheries against the statutory standards of the Administrative Procedure Act and approve the changes for filing by the lieutenant governor.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The November 4, 2014 public notice and the May 28, 2015 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a minor technical correction to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SRP:dar

cc w/enc: (via email)

Kevin J. Messing, Fishery Regulations Program Coordinator
AAC Contact
Department of Fish and Game

Glenn Haight, Executive Director
Board of Fisheries
Department of Fish and Game

Forrest Bowers, Deputy Director
Division of Commercial Fisheries
Department of Fish and Game

Tom Taube, Acting Director
Division of Sport Fish
Department of Fish and Game

Lisa Olson, Deputy Director
Division of Subsistence
Department of Fish and Game

Enforcement Commander
Division of Wildlife Troopers
Department of Public Safety

Seth Beausang, Assistant Attorney General
Natural Resources Section

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following regulations:

1. IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; SOUTHEAST AND YAKUTAT CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE DUNGENESS CRAB, SHRIMP AND MISCELLANEOUS SHELLFISH FISHERIES:
 - A. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries**: fishing seasons, periods, opening and closing times; bag, possession, size, sex, and harvest limits, harvest levels, thresholds or quotas; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, marking, definitions, operational requirements and limitations, registration and permit requirements; registration areas (including exclusive and superexclusive registration areas), permits, harvest record, harvest marking requirements; management plans for conservation, development and allocation among beneficial uses; guiding principles; require, restrict or prohibit the retention, tendering, sale, release, or purchase of fish; methods of release; registration and reporting requirements for fish guides, guided anglers, catchers, processors, buyers and transporters; onboard observer requirements; fish storage and inspection requirements.
 - B. In the **subsistence fisheries**: identify subsistence uses and users; fishing seasons, periods, opening and closing times, harvest levels; methods and means; size, age, and sex limitations; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; gear and vessel restrictions and operational requirements; harvest limits, registration and permit requirements, requirements for marking and possession of fish; management plans for conservation, development and allocation among beneficial uses, and users; identify customary and traditional uses of fish stocks, determine amounts reasonably necessary for subsistence uses, and establish, change or adjust subsistence and personal use fisheries.
2. The following additional topics are added to the Statewide Dungeness Crab, Shrimp, and Miscellaneous Shellfish (except Southeast / Yakutat) Fisheries, and Supplemental Issues Meeting (March 17-20, 2015):
 - A. IN THE BERING SEA DISTRICT TANNER CRAB COMMERCIAL FISHERY: Consider amending the *C. bairdi* Tanner crab harvest strategy to change the size of exploitable legal male Tanner crab for the purpose of

calculating total allowable catch in waters east of 166° W longitude in the Bering Sea District. *(newly assigned Proposal 268 - formerly ACR #1)*

B. IN THE NORTON SOUND SECTION KING CRAB COMMERCIAL FISHERY:

- a. Consider amending the Norton Sound Section red king crab harvest strategy to develop a guideline harvest level for the winter commercial season. *(newly assigned Proposal 269 – formerly ACR #4)*
- b. Consider changing the duration of the Norton Sound winter through-the-ice commercial king crab fishing season. *(newly assigned Proposal 270 – formerly ACR #5)*

C. IN THE KUSKOKWIM RIVER SUBSISTENCE FINFISH FISHERY:

- a. Consider requiring four-inch mesh gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation. *(newly assigned Proposal 271 – formerly ACR #6)*
- b. Consider providing the commissioner of the Alaska Department of Fish and Game emergency order authority to restrict gillnet gear in the Kuskokwim River drainage. *(newly assigned Proposal 272 – formerly ACR #8)*

D. IN THE YUKON RIVER SUBSISTENCE SALMON FISHERY:

- a. Consider changing the date during which drift gillnet fishing for summer chum salmon may begin in the upper section of Yukon River Subdistrict 4A. *(newly assigned Proposal 273 – formerly ACR #9)*
- b. Consider allowing fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment. *(newly assigned Proposal 274 – formerly ACR #10)*

E. IN THE BRISTOL BAY SALMON COMMERCIAL FISHERY: Consider changing the Naknek-Kvichak District boundary line at Graveyard Point to include two historically fished set net sites. *(newly assigned Proposal 275 – formerly ACR #11)*

F. IN THE STATEWIDE COMMERCIAL FISHERY GENERAL PROVISIONS: Consider redefining the method used to determine maximum overall length of salmon purse seine vessels. *(newly assigned Proposal 276 – formerly ACR #26)*

The board will continue its work on Proposal 44, tabled at the January 2014 Kodiak finfish meeting during the 2013/2014 meeting cycle. The board tabled Proposal 44 and created the Gulf of Alaska Pollock Work Group to gain greater information on the pros and cons of creating a state

waters pollock fishery. Starting in April 2014, and later in October 2014, the Work Group met and accumulated information related to Proposal 44. It is anticipated the board will convene another work group meeting and resume work on Proposal 44 at its March 2015 Statewide meeting.

At its 2014 work session the board created the Kuskokwim Subsistence Salmon Panel to meet with Kuskokwim communities and stakeholders to obtain feedback on newly assigned Kuskokwim River Subsistence Finfish Fishery proposals 271 and 272, and Kuskokwim River king salmon subsistence fishing. The work group will travel to the region and convene meetings to gain feedback prior to hearing these proposals at the Statewide meeting in Anchorage in March 2015. The panel may also carry additional observations and recommendations to the Board's October 2015 work session.

The board will hold a special meeting of appropriate regulatory agencies and stakeholders to gain information on newly assigned Proposal 276. The board plans to hold this meeting on a date to be determined at the Southeast and Yakutat Finfish Meeting, February 23 – March 3, 2015, in Sitka, Alaska.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>.

You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the Alaska Department of Fish and Game, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>. Comments are due no later than two weeks prior to the meeting during which the topics are considered. Unless otherwise specified for a particular meeting in a published notice, written comments exceeding the page limit from any one individual or group relating to proposals at any one meeting will not be accepted. Written comments limited to 10 single-sided or 5 double-sided pages in length from any one individual or group are accepted after the two-week deadline and inserted in board member workbooks at the beginning of the meeting, and accepted until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

During a meeting written comments from any one individual or group may be submitted by hand delivery at any time if 28 copies are provided. Individuals not in attendance at a meeting may fax comments to 907-465-6094. As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Once proposal deliberations begins at meetings, the board will **ONLY** accept written comments on the topics being considered at the meeting from any one individual or group that are not more than five single-sided pages, or the equivalent number of double-sided pages, unless specific information is requested by the board that requires more pages than allowed under this standard.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up timely and is present has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less. Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. Additional public hearings with board committees may be held during the meeting before proposal deliberation.

TENTATIVE MEETING SCHEDULE

Prince William Sound Upper Copper/Upper Susitna Finfish

December 3-8, 2014

Mt. Eccles Elementary School, 201 Adams Street, Cordova, Alaska

Southeast and Yakutat Crab, Shrimp, and Miscellaneous Shellfish

January 21-27, 2015

Nolan Center, 1096 Outer Drive, Wrangell, Alaska

Southeast and Yakutat Finfish

February 23-March 3, 2015

Harrigan Centennial Hall, 330 Harbor Drive, Sitka, Alaska

Statewide Dungeness Crab, Shrimp, Miscellaneous Shellfish (except Southeast and Yakutat) and Supplemental Issues

March 17-20, 2015

Sheraton Hotel, 216, 401 E 6th Avenue, Anchorage, Alaska

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media or call (907) 465-4110. Please carefully review the *PROPOSAL INDEX* available for the meeting for specific proposals to be addressed by the board. Copies of the proposal indices are in the proposal book, available online at <http://ww.boards.adfg.state.ak.us/>, and at the relevant meeting.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, or aquatic plant regulations is hereby informed that the Board of Fisheries may consider any or all of the subject areas covered by this notice. Under AS 44.62.200(b), the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the personal use, sport, guided sport or commercial fishing regulations as may be required to ensure the subsistence priority in AS 16.05.258. On its own motion, after public hearing, the board may adopt, amend, reject, supplement, or take no action on these subjects without further notice. In addition, the board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** The language of the final regulations may

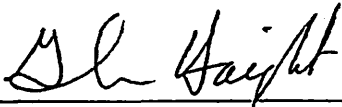
be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

If you are a person with a disability who needs special accommodation in order to participate in the proposed regulation process, please contact Glenn Haight at (907) 465-4110 no later than two weeks prior to the beginning of each meeting to ensure necessary accommodations can be provided.

Statutory Authority: AS 16.05 - AS 16.20, AS 16.40

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05 - AS 16.20, AS 16.40

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.



Glenn Haight, Executive Director
Alaska Board of Fisheries

11/03/2014

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERY; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; SOUTHEAST AND YAKUTAT CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE (except Southeast and Yakutat) DUNGENESS CRAB, SHRIMP AND MISCELLANEOUS SHELLFISH FISHERIES.
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Department of Law file number (if any):
 - o JU2014200580 – Prince William Sound and Upper Copper/Upper Susitna Rivers Finfish
 - o JU2014200581 – Southeast and Yakutat Shellfish
 - o JU2014200582 – Southeast and Yakutat Finfish
 - o JU2014200583 – Statewide Dungeness, Shrimp, and Miscellaneous Shellfish (except Southeast and Yakutat) and Supplemental Issues
5. Reason for proposed actions: Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20, AS 16.40.
6. Appropriation/Allocation: Natural Resources and all RDUs
7. Cost of implementation to the state agency and available funding: It is not possible to estimate the costs. However, these actions are not expected to require any additional costs.
8. The name of the contact person for the regulations:

Glenn Haight, Executive Director
Alaska Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
Email: glenn.haight@alaska.gov
8. The origin of the proposed action:
 - staff or state agency
 - general public
9. Date: November 3, 2014 Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**


I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC dealing with subsistence, personal use, sport, and commercial finfish fisheries in the Southeastern Alaska Area and Yakutat Area has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

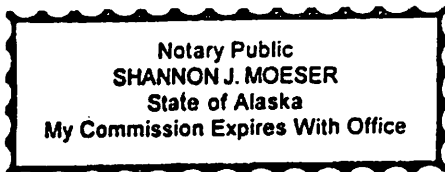
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

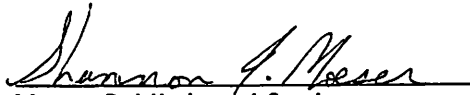
DATE: 3/11/15
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 11th day of March, 2015.





Notary Public in and for the
State of Alaska
My commission expires: with office.

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF ORAL HEARING

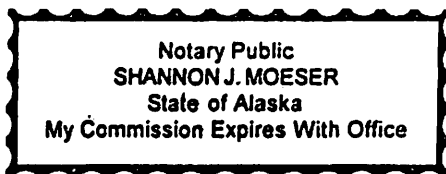
I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

On February 23 – March 3, 2015, at the Harrigan Centennial Hall, Main Hall, 330 Harbor Drive, Sitka, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with subsistence, personal use, sport, and commercial finfish fisheries in the Southeastern Alaska Area and Yakutat Area.

DATE: 3/11/15
Juneau, Alaska

Glenn Haight
Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 11th day of March, 2015.



Shannon J. Moeser
Notary Public in and for the
State of Alaska
My commission expires: with office.

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Kayla Lavea
being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

November 04, 2014

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Kayla Lavea

Subscribed and sworn to before me
this 4th day of November, 2014

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES



05/18/15

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following regulations:

3. IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AN COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; SO HEAST AND YAKUTAT CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE DUNGENESS CRAB, SHRIMP AND MISCELLANEOUS SHELLFISH FISHERIES:

A. In the commercial, sport, guided sport, personal use, and aquatic plant fisheries: fishing seasons, periods, opening and closing times; bag, possession, size, sex, and harvest limits, harvest levels, thresholds or quotas; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, marking, definitions, operational requirements and limitations, registration and permit requirements; registration areas (including exclusive and superexclusive registration areas), permits, harvest record, harvest marking requirements; management plans for conservation, development and allocation among beneficial uses; guiding principles; require, restrict or prohibit the retention, tendering, sale, release, or purchase of fish; methods of release; registration and reporting requirements for fish guides, guided anglers, catchers, processors, buyers and transporters; onboard observer requirements; fish storage and inspection requirements.

B. In the subsistence fisheries: identify subsistence uses and users; fishing seasons, periods, opening and closing times, harvest levels; methods and means; size, age, and sex limitations; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; gear and vessel restrictions and operational requirements; harvest limits, registration and permit requirements, requirements for marking and possession of fish; management plans for conservation, development and allocation among beneficial uses, and users; identify customary and traditional uses of fish stocks, determine amounts reasonably necessary for subsistence uses, and establish, change or adjust subsistence and personal use fisheries.

4. The following additional topics are added to the Statewide Dungeness Crab, Shrimp, and Miscellaneous Shellfish (except Southeast / Yakutat) Fisheries, and Supplemental Issues Meeting (March 17-20, 2015):

A. IN THE BERING SEA DISTRICT TANNER CRAB COMMERCIAL FISHERY: Consider amending the C. Baird Tanner crab harvest strategy to change the size of exploitable legal male Tanner crab for the purpose of calculating total allowable catch in waters east of 166° W longitude in the Bering Sea District. (newly assigned Proposal 268 - formerly ACR #1)

B. IN THE NORTON SOUND SECTION KING CRAB COMMERCIAL FISHERY:

c. Consider amending the Norton Sound Section red king crab harvest strategy to develop a guideline harvest level for the winter commercial season. (newly assigned Proposal 269 - formerly ACR #4)

d. Consider changing the duration of the Norton Sound winter through-the-ice commercial king crab fishing season. (newly assigned Proposal 270 - formerly ACR #5)

G. IN THE KUSKOKWIM RIVER SUBSISTENCE FINFISH FISHERY:

a. Consider requiring four-inch mesh gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation. (newly assigned Proposal 271 - formerly ACR #6)

b. Consider providing the commissioner of the Alaska Department of Fish and Game emergency order authority to restrict gillnet gear in the Kuskokwim River drainage. (newly assigned Proposal 272 - formerly ACR #8)

H. IN THE YUKON RIVER SUBSISTENCE SALMON FISHERY:

a. Consider changing the date during which drift gillnet fishing for summer chum salmon may begin in the upper section of Yukon River Subdistrict 4A. (newly assigned Proposal 273 - formerly ACR #9)

b. Consider allowing fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment. (newly assigned Proposal 274 - formerly ACR #10)

I. IN THE BRISTOL BAY SALMON COMMERCIAL FISHERY: Consider changing the Naknek-Kvichak District boundary line at Graveyard Point to include two historically fished set net sites. (newly assigned Proposal 275 - formerly ACR #11)

J. IN THE STATEWIDE COMMERCIAL FISHERY GENERAL PROVISIONS: Consider redefining the method used to determine maximum overall length of salmon purse seine vessels. (newly assigned Proposal 276 - formerly ACR #26)

The board will continue its work on Proposal 44, tabled at the January 2014 Kodiak finfish meeting during the 2013/2014 meeting cycle. The board tabled Proposal 44 and created the Gulf of Alaska Pollock Work Group to gain greater information on the pros and cons of creating a state waters pollock fishery. Starting in April 2014, and later in October 2014, the Work Group met and accumulated information related to Proposal 44. It is anticipated the board will convene another work group meeting...

At its 2014 work session the board created the Kuskokwim Subsistence Salmon Panel to meet with Kuskokwim communities and stakeholders to obtain feedback on newly assigned Kuskokwim River Subsistence Finfish Regulatory proposals 271 and 272, and Kuskokwim River King salmon subsistence fishing. The work group will travel to the region and convene meetings to gain feedback prior to hearing these proposals at the Statewide meeting in Anchorage in March 2015. The panel may also carry additional observations and recommendations to the Board's October 2015 work session.

The board will hold a special meeting of appropriate regulatory agencies and stakeholders to gain information on newly assigned Proposal 276. The board plans to hold this meeting on a date to be determined at the Southeast and Yakutat Finfish Meeting, February 23 - March 3, 2015, in Sitka, Alaska.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>.

You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the Alaska Department of Fish and Game, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bot.comments@alaska.gov (PDF format only), or online at <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>. Comments are due no later than two weeks prior to the meeting during which the topics are considered. Unless otherwise specified for a particular meeting in a published notice, written comments exceeding the page limit from any one individual or group relating to proposals at any one meeting will not be accepted. Written comments limited to 10 single-sided or 5 double-sided pages in length from any one individual or group are accepted after the two-week deadline and inserted in board member workbooks at the beginning of the meeting, and accepted until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

During a meeting written comments from any one individual or group may be submitted by hand delivery at any time if 28 copies are provided. Individuals not in attendance at a meeting may fax comments to 907-465-6094. As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Once proposal deliberations begins at meetings, the board will **ONLY** accept written comments on the topics being considered at the meeting from any one individual or group that are not more than five single-sided pages, or the equivalent number of double-sided pages, unless specific information is requested by the board that requires more pages than allowed under this standard.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up timely and is present has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less. Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. Additional public hearings with board committees may be held during the meeting before proposal deliberation.

TENTATIVE MEETING SCHEDULE

Prince William Sound Upper Copper/Upper Susitna Finfish
December 3-8, 2014
Mt. Eccles Elementary School, 201 Adams Street, Cordova, Alaska

Southeast and Yakutat Crab, Shrimp, and Miscellaneous Shellfish
January 21-27, 2015
Nolan Center, 1096 Outer Drive, Wrangell, Alaska

Southeast and Yakutat Finfish
February 23-March 3, 2015
Harrigan Centennial Hall, 330 Harbor Drive, Sitka, Alaska

Statewide Dungeness Crab, Shrimp, Miscellaneous Shellfish
(except Southeast and Yakutat) and Supplemental Issues
March 17-20, 2015
Sheraton Hotel, 216, 401 E 6th Avenue, Anchorage, Alaska

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX** available for the meeting for specific proposals to be addressed by the board. Copies of the proposal indices are in the proposal book, available online at <http://www.boards.adfg.state.ak.us/>, and at the relevant meeting.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, or aquatic plant regulations is hereby informed that the Board of Fisheries may consider any or all of the subject areas covered by this notice. Under AS 44.62.200(b), the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the personal use, sport, guided sport or commercial fishing regulations as may be required to ensure the subsistence priority in AS 16.05.258. On its own motion, after public hearing, the board may adopt, amend, reject, supplement, or take no action on these subjects without further notice. In addition, the board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who needs special accommodation in order to participate in the proposed regulation process, please contact Glenn Haight at (907) 465-4110 no later than two weeks prior to the beginning of each meeting to ensure necessary accommodations can be provided.

Statutory Authority: AS 16.05 - AS 16.20, AS 16.40

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05 - AS 16.20, AS 16.40

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.

Date: 11/03/2014

Glenn Haight, Executive Director
Alaska Board of Fisheries

Published: November 4, 2014