

Byron Mallott
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Kevin Messing, Department of Fish and Game
FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 *SM*
DATE: May 27, 2016
RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: December 2-8, 2015 Anchorage Meeting: Bristol Bay
Area: Wood River Special Harvest Area (5 AAC 06.358)

Attorney General File:	JU2015200514 (Part 3)
Regulation Filed:	May 27, 2016
Effective Date:	June 26, 2016
Print:	218, July 2016

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

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


The attached two pages of regulations, dealing with commercial salmon fisheries in the Bristol Bay Area, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its December 2-8, 2015 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 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: 5/23/16
Juneau, Alaska




Charles O. Swanton, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

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

May 27, 2016 at 8:05 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: June 26, 2016

Register: 218, July 2016

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 CHARLES O. SWANTON,
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

STATE OF ALASKA
OFFICIAL SEAL

Abby Smith

NOTARY PUBLIC

My Commission Expires with office



Title 5. Fish and Game.

Chapter 06. Bristol Bay Area.

Article 3. Salmon Fishery.

5 AAC 06.358(b) is repealed and readopted to read:

(b) The Wood River Special Harvest Area consists of the waters of the Wood River ^{between} ~~upstream of~~ a line from Hansen Point at 59° 06.05' N. lat., 158° 29.30' W. long. to a point across ^{upstream to} from Hansen Point at 59° 06.29' N. lat., 158° 28.84' W. long. and a line from a point on the west shore of the Wood River downstream of the Muklung River at 59° 09.71' N. lat., 158° 32.61' W. long. to a point on the east shore of the Wood River downstream of the Muklung River at 59° 09.78' N. lat., 158° 31.99' W. long., and the waters ^{between} ~~upstream of~~ a line from a point on the west shore of the Wood River ^{the} upstream of Muklung River at 59° 11.03' N. lat., 158° 32.82' W. long. to a point on the east shore of the Wood River upstream of the Muklung River at 59° 11.08' N. lat., 158° 32.48' W. long. ^{upstream to} and a line from a point on the west shore of the Wood River downstream of Silver Salmon Creek at 59° 12.26' N. lat., 158° 33.34' W. long. to a point on the east shore of the Wood River downstream of Silver Salmon Creek at 59° 12.20' N. lat., 158° 33.12' W. long.

5 AAC 06.358(c) is amended by adding a new paragraph to read:

(4) when the Nushagak District is open and restricted to a maximum gillnet mesh size of four and three-quarters inches for the conservation of Nushagak River sockeye salmon under 5 AAC 06.367(e), and to control escapement of sockeye salmon into the Wood River.

(Eff. 5/24/96, Register 138; am 5/14/98, Register 146; am 6/23/99, Register 150; am 6/22/2001, Register 158; am 12/29/2002, Register 164; am 4/9/2010, Register 194; am 4/4/2013, Register 206; am 6 / 26 /2016, Register 218)


Authority: AS 16.05.060 AS 16.05.251

Publisher note: Please change the period at the end of 5 AAC 06.358(c)(3) to a semicolon.

MEMORANDUM

State of Alaska Department of Law

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

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

Date: May 26, 2016

File No.: JU2015200514 Part 3

Tel. No.: 465-3600

Re: Board of Fisheries Regulations re:
December 2-8, 2015 Anchorage
Meeting: Bristol Bay Area: Wood
River Special Harvest Area
(5 AAC 06.358)

We have reviewed the attached regulations from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations concern commercial salmon fishing in the Wood River Special Harvest Area in the Bristol Bay 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 October 31, 2015 affidavit of newspaper publication for these regulations was filed with Department of Law project file JU2015200514 Part 1, Register 217 (April 2016); we have included a copy of that affidavit of publication. The October 31, 2015 public notice and the May 23, 2016 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 some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:ljm

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 26, 2016

File No.: JU2015200514 Part 3

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulations re:
December 2-8, 2015 Anchorage
Meeting: Bristol Bay Area: Wood
River Special Harvest Area
(5 AAC 06.358)

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 October 31, 2015 public notice and the May 23, 2016 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 some technical corrections to conform the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SRP:ljm
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, Deputy 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 (board) 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 BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH REGULATIONS:

- 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 nonexclusive, 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 topics are added to the Bristol Bay Finfish Meeting (December 2-8, 2015):

A. IN THE BRISTOL BAY COMMERCIAL SALMON FISHERY:

- i. Consider addressing allocation impacts that may come from potential changes in escapement goals and trigger points in the Nushagak River Coho salmon Management Plan (*newly assigned Proposal 219*).
- ii. Consider prohibiting net barges, floating processors, tenders, and hard fixed buoys in waters of the Egegik District during open drift gillnet fishing periods (*newly assigned Proposal 220*).
- iii. Consider prohibiting tenders, fish buyers, and fish transport vessels from anchoring within 1,500 feet of set gillnet sites (*newly assigned Proposals 221*).

3. The following topics are added to the Arctic Yukon Kuskokwim Finfish Meeting (January 12-16, 2016):

A. IN THE KUSKOKWIM RIVER SUBSISTENCE SALMON FISHERY: Consider establishing a permit system for regulating the king salmon subsistence fishery (*newly assigned Proposal 222 which was a board generated proposal created at the 2015 Work Session, October 2015*).

B. IN THE NORTON SOUND COMMERCIAL KING CRAB FISHERY: Consider establishing pot limits for the Norton Sound Section winter through the ice commercial fishery (*newly assigned Proposal 223 which was accepted at the 2015 Work Session, October 2015*).

4. The following topics are added to the Statewide Finfish and Supplemental Issues Meeting (March 8-11, 2016):

A. IN THE SOUTHEASTERN ALASKA AREA HERRING COMMERCIAL FISHERY: Consider establishing a commercial open pound herring spawn-on-kelp fishery in Sitka Sound (*Proposal 126 from the 2014/2015 Cycle, was tabled at the 2014 Southeast Finfish meeting until the Statewide Finfish meeting, March 2016*).

B. IN THE KODIAK GROUND FISH COMMERCIAL FISHERY: Consider changing the fishing season for walleye pollock (*newly assigned Proposal 217*).

C. IN THE KODIAK SUBSISTENCE SHELLFISH FISHERY: Consider establishing customary and traditional use findings, and amounts reasonably necessary for subsistence, for Dungeness crab, king crab, Tanner crab, miscellaneous shellfish, and shrimp in the Kodiak Area. (*newly assigned Proposal 224 which was accepted at the 2015 Work Session, October 2015*).

- D. IN THE EASTERN GULF OF ALASKA GROUND FISH COMMERCIAL FISHERY: Consider establishing a state-waters walleye pollock purse seine fishery (*newly assigned Proposal 216*).
- E. IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, CHIGNIK, SOUTH ALASKA PENINSULA, AND THE BERING SEA-ALEUTIAN ISLAND AREAS GROUND FISH COMMERCIAL FISHERY: Consider establishing state-waters walleye pollock jig fishery management plans with guideline harvest levels deducted from total allowable catch for the corresponding federal areas (*newly assigned Proposal 218*).

Through the 2014/2015 meeting cycle, the board continued its work through the Gulf of Alaska Pollock Work Group, which culminated in a supplemental call for pollock state-waters proposals which were received by September 4, 2015. The new proposals (216-218) are slated for consideration at the March Statewide Finfish meeting, March 2016.

There were three Bristol Bay commercial salmon fishery proposals not included in the original proposal book that were later determined as responsive to the call. Proposals 219-221 are listed above and will be considered at the Bristol Bay Finfish meeting.

The board will continue consideration of Proposal 126, tabled at the February 2015 Southeast Finfish meeting heard during the 2014/2015 meeting cycle. The board tabled Proposal 126 in anticipation of additional regulatory consideration by the Commercial Fisheries Entry Commission concerning Proposal 126. Proposal 126 (2014/2015) will be considered at the Statewide Finfish meeting in March 2016.

At the 2014 Work Session, the board created the Kuskokwim Subsistence Salmon Panel (panel) to meet with Kuskokwim communities and stakeholders to obtain feedback on Kuskokwim River subsistence related proposals, and Kuskokwim River king salmon subsistence fishing. The panel met twice in Bethel over the last year: on January 15-16, 2015, and August 24-25, 2015. The panel observations and recommendations were reported to the board at its October 2015 work session. Based on this input, the board generated Proposal 222 for consideration at the A-Y-K meeting in January 2016.

At its 2015 Work Session, the board took two administrative actions of note. It directed the Board of Fisheries/Board of Game Subcommittee to review potential budgetary savings that may come from changes in board process. Subcommittee meetings will occur throughout the meeting cycle as announced through subsequent notices. The board also agreed to consider whether to change the location of the board's 2017 Upper Cook Inlet meeting, which is currently scheduled to be held in Anchorage. The board will consider whether to change the meeting location from Anchorage to another location during miscellaneous business at the conclusion of the Bristol Bay Finfish meeting, December 2-8, 2015.

At the 2015 Work Session, the board also agreed to consider creating two delegations of authority to the Alaska Department of Fish & Game (ADF&G). One delegation would allow the ADF&G to make changes to the regulations in 5 AAC 41, including changes to streamline fish transport and

fish resource permit regulations into a single regulation. Another delegation would allow ADF&G to make changes throughout Title 5 of the Alaska Administrative Code to update regulatory fishing district coordinates and other locations with global positioning satellite coordinates. The board will consider these two delegations at its Bristol Bay Finfish meeting, December 2-8, 2015.

For a copy of the proposed regulation changes contact the ADF&G, 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 ADF&G, 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 necessary copies are provided. The number of copies may be more than 25, but will vary at the meeting. 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.

Based on a review of workload for the current meeting cycle, at the 2015 Work Session, the board agreed to reduce by one day, three of its meetings including the Bristol Bay Finfish, the A-Y-K Finfish, and the Statewide Finfish meetings. New meeting dates are as follows.

TENTATIVE MEETING SCHEDULE

Alaska Peninsula / Bering Sea – Aleutian Islands / Chignik Pacific Cod

November 30-December 1, 2015

Egan Convention Center, 555 W. 5th Avenue, Anchorage, Alaska

Comment Deadline: November 19, 2015

Bristol Bay Finfish

December 2-8, 2015 (*revised*)

Egan Convention Center, 555 W. 5th Avenue, Anchorage, Alaska

Comment Deadline: November 19, 2015

Arctic / Yukon / Kuskokwim Finfish

January 12-16, 2016 (*revised*)

Alpine Lodge, 4920 Dale Road, Fairbanks, Alaska

Comment Deadline: December 28, 2015

Alaska Peninsula / Bering Sea-Aleutian Islands / Chignik Finfish

February 23-March 1, 2016

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

Comment Deadline: February 8, 2016

Statewide Finfish General Provisions, State-waters Pollock, and Supplemental Issues

March 8-11, 2016 (*revised*)

Hilton Hotel, 500 W 3rd Avenue, Anchorage, Alaska

Comment Deadline: February 18, 2016

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 commercial, or subsistence 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

10/29/2015

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH.
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Department of Law file number (if any):
 - JU2015200514 – Bristol Bay Finfish and Pacific Cod
 - JU2015200515 – Arctic, Yukon, and Kuskokwim Finfish
 - JU2015200516 – Alaska Peninsula, Aleutian Islands, and Chignik Finfish
 - JU2015200517 – Statewide Finfish 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
9. The origin of the proposed action:
 - ☒ staff or state agency
 - ☒ general public

10. Date: October 30, 2015

Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

**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 the subsistence, personal use, sport, and commercial finfish fisheries in the Bristol Bay 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).

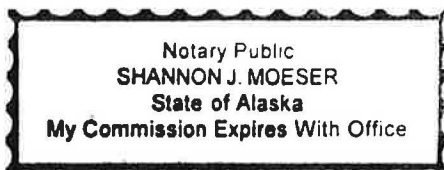
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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


DATE: 2/16/16
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 16th day of February, 2016.





Notary Public in and for the State of Alaska

My commission expires: with office.

AFFIDAVIT OF ORAL HEARING

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

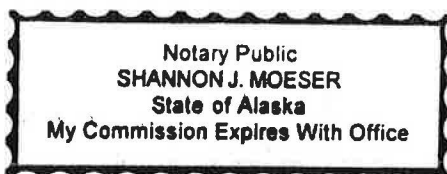
On December 2-8, 2015, at the Egan Civic and Convention Center, in Summit Hall, 555 West Fifth Avenue, Anchorage, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with dealing with the subsistence, personal use, sport, and commercial finfish fisheries in the Bristol Bay Area.


DATE: 2/16/16
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 16th day of February, 2016.





Notary Public in and for the State of Alaska

My commission expires: with Office.

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\$1,887.44

9102 6 0 AON

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
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

October 31, 2015

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

Emma Dunlap

Subscribed and sworn to before me
this 2nd day of November, 2015

Britney Thompson

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

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

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

The Alaska Board of Fisheries (board) proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (ASAC) relating to aquatic plant resources in the areas designated below, including the following regulations:

1. IN THE BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K); IN THE BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, SOUTH ALASKA PENINSULA, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS)

A. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries**: fish times; bag, possession, size, sex, and harvest limits, harvest levels, thresholds or quotas; bycatch; subsections, areas, and other management boundaries; locations open and closed to fishing; methods of marking, definitions, operational requirements and limitations, registration and permit requirements; exclusive and superexclusive registration areas; permits, harvest record, harvest marking requirements; development and allocation among beneficial uses; guiding principles; require, restrict or prohibit the use of fish; methods of release; registration and reporting requirements for fish guides, guided anglers, catfish, and onboard observer requirements; fish storage and inspection requirements.

B. In the **subsistence fisheries**: identify subsistence uses and users; fishing seasons, periods, methods and means; size, age, and sex limitations; districts, subdistricts, sections, subsections, areas, open and closed to fishing; gear and vessel restrictions and operational requirements; harvest limits; requirements for marking and possession of fish; management plans for conservation, development and use; identify customary and traditional uses of fish stocks, determine amounts reasonably necessary for subsistence and personal use fisheries.

2. The following topics are added to the Bristol Bay Finfish Meeting (December 2-8, 2015):

A. IN THE BRISTOL BAY COMMERCIAL SALMON FISHERY:

- Consider addressing allocation impacts that may come from potential changes in the Nushagak River Coho salmon Management Plan (newly assigned Proposal 219).
- Consider prohibiting net barges, floating processors, tenders, and hard fixed buoys drift gillnet fishing periods (newly assigned Proposal 220).
- Consider prohibiting tenders, fish buyers, and fish transport vessels from anchoring in the Bristol Bay commercial salmon fishery (newly assigned Proposal 221).

3. The following topics are added to the Arctic Yukon Kuskokwim Finfish Meeting (January 12-16, 2016):

A. IN THE KUSKOKWIM RIVER SUBSISTENCE SALMON FISHERY: Consider establishing a per capita subsistence fishery (newly assigned Proposal 222 which was a board generated proposal created for the 2015 Work Session).

B. IN THE NORTON SOUND COMMERCIAL KING CRAB FISHERY: Consider establishing pot limits for the ice commercial fishery (newly assigned Proposal 223 which was accepted at the 2015 Work Session).

4. The following topics are added to the Statewide Finfish and Supplemental Issues Meeting (March 2016):

A. IN THE SOUTHEASTERN ALASKA AREA HERRING COMMERCIAL FISHERY: Consider establishing an on-kelp fishery in Sitka Sound (Proposal 126 from the 2014/2015 Cycle, was tabled at the 2014 Statewide Finfish meeting, March 2016).

B. IN THE KODIAK GROUND FISH COMMERCIAL FISHERY: Consider changing the fishing season for the Kodiak groundfish fishery (newly assigned Proposal 217).

C. IN THE KODIAK SUBSISTENCE SHELLFISH FISHERY: Consider establishing customary and traditional uses necessary for subsistence, for Dungeness crab, king crab, Tanner crab, miscellaneous shellfish (newly assigned Proposal 224 which was accepted at the 2015 Work Session, October 2015).

D. IN THE EASTERN GULF OF ALASKA GROUND FISH COMMERCIAL FISHERY: Consider establishing a fishery (newly assigned Proposal 216).

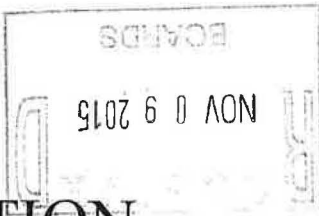
E. IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, CHIGNIK, and SEA-ALEUTIAN ISLAND AREAS GROUND FISH COMMERCIAL FISHERY: Consider establishing management plans with guideline harvest levels deducted from total allowable catch for the commercial fishery (newly assigned Proposal 218).

Through the 2014/2015 meeting cycle, the board continued its work through the Gulf of Alaska Panel supplemental call for pollock state-waters proposals which were received by September 4, 2015. The board considered the call at the March Statewide Finfish meeting, March 2016.

There were three Bristol Bay commercial salmon fishery proposals not included in the original proposal responsive to the call. Proposals 219-221 are listed above and will be considered at the Bristol Bay Finfish Meeting, December 2-8, 2015.

The board will continue consideration of Proposal 126, tabled at the February 2015 Southeast Finfish meeting. The board tabled Proposal 126 in anticipation of additional regulatory consideration by the Commercial Fisheries Commission. Proposal 126 (2014/2015) will be considered at the Statewide Finfish meeting in March 2016.

At the 2014 Work Session, the board created the Kuskokwim Subsistence Salmon Panel (panel) to solicit stakeholders to obtain feedback on Kuskokwim River subsistence related proposals, and Kuskokwim River met twice in Bethel over the last year: on January 15-16, 2015, and August 24-25, 2015. The panel observed the board at its October 2015 work session. Based on this input, the board generated Proposal 222 for the January 2016 meeting.



AFFIDAVIT OF PUBLICATION

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

The Alaska Board of Fisheries (board) 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 BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH REGULATIONS.

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 nonexclusive, 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 topics are added to the Bristol Bay Finfish Meeting (December 2-8, 2015):

A. IN THE BRISTOL BAY COMMERCIAL SALMON FISHERY:

- Consider addressing allocation impacts that may come from potential changes in escapement goals and trigger points in the Nushagak River Coho salmon Management Plan (newly assigned Proposal 219).
- Consider prohibiting net barges, floating processors, tenders, and hard fixed buoys in waters of the Egegik District during open drift gillnet fishing periods (newly assigned Proposal 220).
- Consider prohibiting tenders, fish buyers, and fish transport vessels from anchoring within 1,500 feet of set gillnet sites (newly assigned Proposals 221).

3. The following topics are added to the Arctic Yukon Kuskokwim Finfish Meeting (January 12-16, 2016):

A. IN THE KUSKOKWIM RIVER SUBSISTENCE SALMON FISHERY: Consider establishing a permit system for regulating the king salmon subsistence fishery (newly assigned Proposal 222 which was a board generated proposal created at the 2015 Work Session, October 2015).

B. IN THE NORTON SOUND COMMERCIAL KING CRAB FISHERY: Consider establishing pot limits for the Norton Sound Section winter through the ice commercial fishery (newly assigned Proposal 223 which was accepted at the 2015 Work Session, October 2015).

4. The following topics are added to the Statewide Finfish and Supplemental Issues Meeting (March 8-11, 2016):

A. IN THE SOUTHEASTERN ALASKA AREA HERRING COMMERCIAL FISHERY: Consider establishing a commercial open pound herring spawn-on-kelp fishery in Sitka Sound (Proposal 126 from the 2014/2015 Cycle, was tabled at the 2014 Southeast Finfish meeting until the Statewide Finfish meeting, March 2016).

B. IN THE KODIAK GROUND FISH COMMERCIAL FISHERY: Consider changing the fishing season for walleye pollock (newly assigned Proposal 217).

C. IN THE KODIAK SUBSISTENCE SHELLFISH FISHERY: Consider establishing customary and traditional use findings, and amounts reasonably necessary for subsistence, for Dungeness crab, king crab, Tanner crab, miscellaneous shellfish, and shrimp in the Kodiak Area. (newly assigned Proposal 224 which was accepted at the 2015 Work Session, October 2015).

D. IN THE EASTERN GULF OF ALASKA GROUND FISH COMMERCIAL FISHERY: Consider establishing a state-waters walleye pollock purse seine fishery (newly assigned Proposal 216).

E. IN THE EASTERN GULF OF ALASKA, PRINCE WILLIAM SOUND, COOK INLET, KODIAK, CHIGNIK, SOUTH ALASKA PENINSULA, AND THE BERING SEA-ALEUTIAN ISLAND AREAS GROUND FISH COMMERCIAL FISHERY: Consider establishing state-waters walleye pollock jig fishery management plans with guideline harvest levels deducted from total allowable catch for the corresponding federal areas (newly assigned Proposal 218).

Through the 2014/2015 meeting cycle, the board continued its work through the Gulf of Alaska Pollock Work Group, which culminated in a supplemental call for pollock state-waters proposals which were received by September 4, 2015. The new proposals (216-218) are slated for consideration at the March Statewide Finfish meeting, March 2016.

There were three Bristol Bay commercial salmon fishery proposals not included in the original proposal book that were later determined as responsive to the call. Proposals 219-221 are listed above and will be considered at the Bristol Bay Finfish meeting.

The board will continue consideration of Proposal 126, tabled at the February 2015 Southeast Finfish meeting heard during the 2014/2015 meeting cycle. The board tabled Proposal 126 in anticipation of additional regulatory consideration by the Commercial Fisheries Entry Commission concerning Proposal 126. Proposal 126 (2014/2015) will be considered at the Statewide Finfish meeting in March 2016.

At the 2014 Work Session, the board created the Kuskokwim Subsistence Salmon Panel (panel) to meet with Kuskokwim communities and stakeholders to obtain feedback on Kuskokwim River subsistence related proposals, and Kuskokwim River king salmon subsistence fishing. The panel met twice in Bethel over the last year: on January 15-16, 2015, and August 24-25, 2015. The panel observations and recommendations were reported to the board at its October 2015 work session. Based on this input, the board generated Proposal 222 for consideration at the A-Y-K meeting in January 2016.

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At the 2015 Work Session, the board also agreed to consider creating two delegations of authority to the Alaska Department of Fish & Game (ADF&G). One delegation would allow the ADF&G to make changes to the regulations in 5 AAC 41, including changes to streamline fish transport and fish resource permit regulations into a single regulation. Another delegation would allow ADF&G to make changes throughout Title 5 of the Alaska Administrative Code to update regulatory fishing district coordinates and other locations with global positioning satellite coordinates. The board will consider these two delegations at its Bristol Bay Finfish meeting, December 2-8, 2015.

For a copy of the proposed regulation changes contact the ADF&G, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or Email: Hyperlink reference not valid <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 ADF&G, 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 necessary copies are provided. The number of copies may be more than 25, but will vary at the meeting. 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.

Based on a review of workload for the current meeting cycle, at the 2015 Work Session, the board agreed to reduce by one day, three of its meetings including the Bristol Bay Finfish, the A-Y-K Finfish, and the Statewide Finfish meetings. New meeting dates are as follows.

TENTATIVE MEETING SCHEDULE

Alaska Peninsula / Bering Sea – Aleutian Islands / Chignik Pacific Cod

November 30-December 1, 2015

Egan Convention Center, 555 W. 5th Avenue, Anchorage, Alaska

Comment Deadline: November 19, 2015

Bristol Bay Finfish

December 2-8, 2015 (revised)

Egan Convention Center, 555 W. 5th Avenue, Anchorage, Alaska

Comment Deadline: November 19, 2015

Arctic / Yukon / Kuskokwim Finfish

January 12-16, 2016 (revised)

Alpine Lodge, 4920 Dale Road, Fairbanks, Alaska

Comment Deadline: December 28, 2015

Alaska Peninsula / Bering Sea-Aleutian Islands / Chignik Finfish

February 23-March 1, 2016

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

Comment Deadline: February 8, 2016

Statewide Finfish General Provisions, State-waters Pollock, and Supplemental Issues

March 8-11, 2016 (revised)

Hilton Hotel, 500 W 3rd Avenue, Anchorage, Alaska

Comment Deadline: February 18, 2016

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 commercial, or subsistence 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
10/29/2015

Glenn Haight, Executive Director
Alaska Board of Fisheries