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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 
DATE: July 29, 2016
RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: Changes to and Repeal of Obsolete Personal Use
Fisheries Regulations; Errors and Omissions (5 AAC 01.549 - 5 AAC 77.671)

Attorney General File:	JU2015200932
Regulation Filed:	July 28, 2016
Effective Date:	August 27, 2016
Print:	219, October 2016

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

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

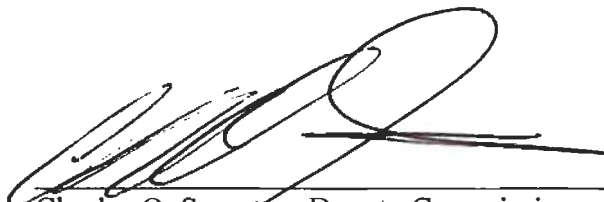
The attached 46 pages of regulations, dealing with certain subsistence, personal use, sport, and commercial finfish and shellfish fisheries, are adopted and certified to be a correct copy of the regulation changes that the commissioner of the Department of Fish and Game adopts under the authority of AS 16.05.050, AS 16.05.251, AS 16.05.258, and AS 16.10.125 under delegations of authority issued by the Board of Fisheries under AS 16.05.270, 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.

Although no public comments were received, the commissioner of the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

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

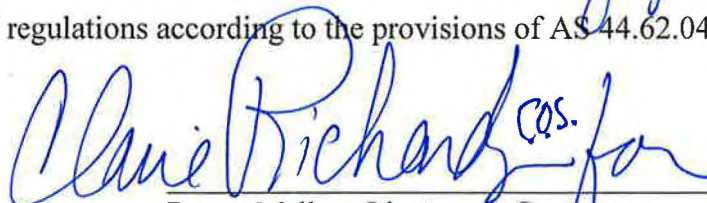
DATE: 6/27/16
Juneau, Alaska


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

Claire Richardson for

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 28, 2016, at 4:45 pm., 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: August 27, 2016.

Register: 219, October 2016.

STATE OF ALASKA
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:

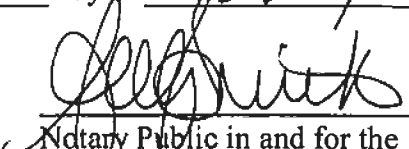


SAM COTTEN

(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



FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



A handwritten signature in dark ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

**ALASKA BOARD OF FISHERIES
DELEGATION OF AUTHORITY TO REPEAL AND AMEND
CERTAIN PERSONAL USE FISHERIES REGULATIONS FOR AREAS AND
FISHERIES ALREADY ADDRESSED BY SUBSISTENCE REGULATIONS**

2015-276-FB

The Board of Fisheries ("board") makes the following findings:

1. In response to the 1978 subsistence statute, the board adopted regulations in 1982 to establish "personal use fishing" in part, to address the needs of Alaska residents to participate in a fishery that would allow for the efficient harvesting of fish for the residents' personal use that is not classified as a subsistence fishery because the use is not a customary and traditional subsistence use of the fishery resource or because residents outside of rural areas could not participate in subsistence fishing.

2. During the years following 1982, personal use regulations were adopted to address certain areas and finfish and shellfish fisheries, which in many cases mirrored existing subsistence regulations, with the intent to allow an opportunity for personal use fishing by non-rural Alaska residents that otherwise could not be taken under subsistence regulations. While developing personal use regulations the board considered its intent that the taking of fish under the personal use regulations must not jeopardize the sustained yield of the resource and either did not negatively impact an existing resource use or was in the broad public interest.

3. After the McDowell decision and enactment of the 1992 subsistence statutes, all Alaska residents potentially qualified to participate in all subsistence uses. It has become apparent that many personal use regulations overlap with current subsistence regulations and are no longer needed in the codified regulations in the Alaska Administrative Code. Other personal use regulations should be modified to clarify their applicability.

4. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety have the capacity to analyze which regulations need to be repealed or amended as a result of daily administration of Title 16 of the Alaska Statutes and Title 5 of the Alaska Administrative Code regulations adopted by the board. In addition, under a delegation of authority all personal use regulations can be addressed in one project and not piecemeal over the course of the board's three-year cycle.

THEREFORE IT IS RESOVED THAT THE BOARD make the following delegation of its rulemaking authority under AS 16.05.251 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:

A. The commissioner may adopt, in accordance with the Administrative Procedure Act (AS 44.62) and under the criteria in this delegation, permanent regulations designated to eliminate redundancies, inconsistencies, ambiguities, or other technical deficiencies in existing personal use regulations which are already addressed in subsistence regulations.

B. In determining which personal use regulations are subject to repeal or amendment, the commissioner shall consider the following criteria:

1. Whether the personal use regulations are identical to subsistence fishery regulations for that species and area.
2. Whether area personal use shellfish regulations are identical to statewide personal use regulations. Under statewide personal use regulations, if not restricted in regulation, the shellfish personal use fisheries are open with no closed season and no bag and possession limit.
3. Whether personal use regulations are identical to sport fishing regulations. Personal use regulations that are identical to the sport fishing regulations, but more liberal than subsistence regulations should be retained, due to the residency issue.
4. Only personal use regulations regarding areas outside of nonsubsistence areas should be repealed or amended, since subsistence regulations are not implemented in nonsubsistence areas.

C. All regulatory changes adopted by the commissioner under this delegation should be consistent with the above expressions of the board's intent and criteria. The commissioner may also make corresponding corrections in other regulations that are consistent with the board's intent.

D. This delegation of authority shall remain in effect unless revoked by the board.

Date Adopted: March 20, 2015
Anchorage, AK

VOTE: 6-0



Tom Kluberton, Chairman
Alaska Board of Fisheries

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 10. Kodiak Area.

The introductory language of 5 AAC 01.549(a) is amended to read:

(a) In the Kodiak Area, an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995 [AS 16.40.299], may not furnish to a client or guest of that enterprise, finfish that have been taken under this chapter, unless the

...

5 AAC 01.549(b) is amended to read:

(b) A sport **fishing** [FISH] guide or charter vessel operator may not deploy, operate, have deployed or retrieve subsistence finfish gear or possess **subsistence-taken** [SUBSISTENCE TAKEN] finfish while paying clients are **on board** [ABOARD] the charter vessel or present at a fishing site. (Eff. 4/21/2011, Register 198; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251 AS 16.05.258

Chapter 02. Subsistence Shellfish Fishery.

Article 1. Statewide Provisions.

5 AAC 02.025 is amended to read:

5 AAC 02.025. Use of commercially licensed or registered vessels. (a) Limitations
[EXCEPT AS PROVIDED FOR BY 5 AAC 02.021, (1) LIMITATIONS] on the use of
subsistence shrimp pots by vessels and participants in commercial shrimp pot fisheries **and the**
use of subsistence trawls by vessels and participants in commercial shrimp trawl fisheries
are contained in 5 AAC 31.

(b) Limitations [; (2) LIMITATIONS] on the use of subsistence Dungeness crab gear by
vessels and participants in commercial Dungeness crab fisheries are contained in 5 AAC 32.

(c) Limitations [; (3) LIMITATIONS] on the use of subsistence king crab gear by
vessels and participants in commercial king crab fisheries are contained in 5 AAC 34.

(d) Limitations [; (4) LIMITATIONS] on the use of subsistence Tanner crab gear by
vessels and participants in commercial Tanner crab fisheries are contained in 5 AAC 35 [;

(5) LIMITATIONS ON THE USE OF SUBSISTENCE TRAWLS BY
VESSELS AND PARTICIPANTS IN COMMERCIAL SHRIMP TRAWL FISHERIES ARE
CONTAINED IN 5 AAC 31]. (In effect before 1982; am 7/25/82, Register 83; am 5/15/93,
Register 126; am 7/3/94, Register 130; am 8/27/2016, Register 219)

Authority: AS 16.05.251 AS 16.05.258

Chapter 06. Bristol Bay Area.

Article 3. Salmon Fishery.

5 AAC 06.361(d)(3)(A)(ii) is amended to read:

(ii) if necessary, from one fish to nonretention of king salmon; if a nonretention fishery for king salmon is established under this paragraph, the use of bait for fishing for all species of fish will be prohibited until the end of the king salmon season specified in **5 AAC 67.020** [5 AAC 67.010(b)] and 5 AAC 67.022(g);

5 AAC 06.361(d)(3)(E) is amended to read:

(E) a closure of the king salmon sport fishery during which the use of bait for fishing for all species of fish will be prohibited until the end of the king salmon season specified in **5 AAC 67.020** [5 AAC 67.010(b)] and 5 AAC 67.022(g).

5 AAC 06.361(e)(2) is amended to read:

(2) shall close, by emergency order, the sport fishery in the Nushagak River to the taking of salmon and prohibit the use of bait for fishing for all species of fish until the end of

the king salmon season specified in 5 AAC 67.020 [5 AAC 67.010(b)] and 5 AAC 67.022(g);
and

(Eff. 6/19/92, Register 122; am 4/9/95, Register 134; am 5/14/98, Register 146; am 6/3/2001,
Register 158; am 7/8/2001, Register 159; am 4/9/2004, Register 170; am 3/30/2007, Register
181; am 4/4/2013, Register 206; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

Chapter 24. Prince William Sound Area.

Article 2. Fishing Districts and Subdistricts.

The introductory language of 5 AAC 24.200(h) is amended to read:

(h) Eshamy District: waters east of a line from the entrance to Port Nellie Juan at 60° 35.87' N. lat., 148° 06.13' W. long. to a point approximately one mile offshore at 60° 36.87' N. lat., 148° 06.13' W. long. to 60° 36.52' N. lat., 148° 03.68' W. long. to **60° 30.68' N. lat., 147° 55.93' W. long.** [60° 36.68' N. LAT., 147° 55.93' W. LONG.] to 60° 26.12' N. lat., 147° 54.12' W. long. to **60° 24.00' N. lat., 147° 56.63' W. long.** [60° 24.00' N. LAT., 147° 53.63' W. LONG.] to 60° 24.00' N. lat., 147° 58.90' W. long. to Granite Point at 60° 24.94' N. lat., 147° 57.97' W. long.

...

5 AAC 24.200(h)(1) is amended to read:

(1) Main Bay Subdistrict: waters of Main Bay west of a line from 60° 33.36' N. lat., 148° 02.35' W. long. to 60° 32.78' N. lat., 148° 01.86' W. long. [60° 33.33' N. LAT., 148° 02.32' W. LONG. TO 60° 32.86' N. LAT., 148° 01.92' W. LONG.];

(In effect before 1985; am 5/11/85, Register 94; am 3/29/87, Register 101; am 4/9/89, Register 110; am 4/30/91, Register 118; am 5/24/97, Register 142; am 5/31/97, Register 142; am 3/11/2001, Register 157; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 3/24/2012, Register 201; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Article 3. Salmon Fishery.

5 AAC 24.350(6)(A) is amended to read:

(A) Esther Passage: east of a line from 60° 51.49' N. lat., 147° 54.65' W. long. to 60° 52.36' N. lat., 147° 54.85' W. long. [60° 52.36' N. LAT., 147° 54.58' W. LONG.];

(In effect before 1985; am 5/11/85, Register 94; am 4/18/86, Register 98; am 4/9/89, Register 110; am 5/22/94, Register 130; am 5/24/97, Register 142; am 3/11/2001, Register 157; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 6/7/2009,

Register 190; am 3/24/2012, Register 201; am 2/22/2015, Register 213; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Chapter 27. Herring Fishery.

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

The introductory language of 5 AAC 27.162(a) is amended to read:

(a) In addition to the requirements of **5 AAC 39.130(n)** [5 AAC 39.130(g)], a tender operator, buyer, or buyer's agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. **The** [EACH] buyer or **the** buyer's agent shall

...

(Eff. 4/16/2000, Register 154; am 4/24/2003, Register 166; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251 [AS 16.05.690]

Article 6. Prince William Sound Area (Registration Area E).

The introductory language of 5 AAC 27.390(a) is amended to read:

(a) In addition to the requirements of **5 AAC 39.130(n), a** [5 AAC 39.130(g), EACH] buyer, buyer's agent, or fisherman who has arranged for tendering of that fisherman's own catch shall report in person, by telephone, or by radio to, and register with, a local representative of the department upon arrival on the fishing grounds and before starting operations. **The** [EACH] buyer, buyer's agent, or fisherman who has arranged for the tendering of that fisherman's own catch shall

...

(Eff. 3/29/87, Register 101; am 3/30/2000, Register 153; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Article 7. Cook Inlet Area (Registration Area H).

5 AAC 27.434 is amended to read:

5 AAC 27.434. Identification of set gillnet gear for Cook Inlet Area. A set gillnet [SET GILLNETS] used to take herring must have a keg or buoy at one end and must be plainly and legibly marked with the fisherman's **five-digit** [FIVE DIGIT] CFEC permit serial number and [HIS] initials. (In effect before 1982; am 4/14/82, Register 82; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251 [AS 16.05.251(a)]

The introductory language of 5 AAC 27.462(a) is amended to read:

(a) In addition to the requirements of 5 AAC 39.130(n), a [5 AAC 39.130(g), EACH] buyer, buyer's agent, or fisherman who has arranged for the tendering of the fisherman's own catch, operating in the Southern, Kamishak Bay, Barren Island, Outer, and Eastern Districts, shall report in person to 3 and register with 3 a local representative of the department before commencing operations. **The** [EACH] buyer, buyer's agent, or fisherman who has arranged for the tendering of the fisherman's own catch shall

...

(Eff. 5/11/85, Register 94; am 6/10/89, Register 110; am 4/22/89, Register 150; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Article 8. Kodiak Area (Registration Area K).

5 AAC 27.505(h)(7) is amended to read:

(7) East Sitkalidak Section: all waters of East Sitkalidak Strait and associated bays enclosed by a line from Left Cape (57° 15.40' N. lat., 152° 56.52' W. long.) to Cape

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Barnabas (57° 09.07' N. lat., 152° 52.20' W. long.) [(59° 09.07' N. LAT., 152° 52.20' W. LONG.)) and east of 153° 16.55' W. long., excluding the Tanginak Anchorage Section;

(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 7/23/88, Register 107; am 4/7/90, Register 114; am 4/14/93, Register 126; am 3/22/96, Register 137; am 6/15/96, Register 138; am 5/29/99, Register 150; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 8/27/2016, Register 219)

Authority: AS 16.05.251

The introductory language of 5 AAC 27.540(a) is amended to read:

(a) In addition to the requirements of 5 AAC 39.130(n), a [5 AAC 39.130(g), EACH] tender operator, [AND EACH] buyer, or the tender operator or buyer's agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. The [EACH] buyer or the buyer's agent shall

...

(In effect before 1988; am 5/31/98, Register 146; am 5/29/99, Register 150; am 8/27/2016, Register 219)

Authority: AS 16.05.251 [AS 16.05.690]

Chapter 28. Groundfish Fishery.

Article 10. Bering Sea–Aleutian Islands Area.

(Registration Area O).

5 AAC 28.606(c) is amended to read:

(c) Before a person uses a vessel to operate gear to take deacon [BLUE] and black rockfish in the Bering Sea–Aleutian Islands Area, the vessel owner, the owner's authorized agent, or the vessel operator shall validly register the vessel with the department office in Dutch Harbor.

(Eff. 4/4/97, Register 142; am 5/19/2001, Register 158; am 5/31/2001, Register 158; am 4/20/2012, Register 202; am 2/23/2014, Register 209; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 28.629(f) is amended to read:

(f) Notwithstanding (d) of this section, in the Bering Sea–Aleutian Islands Area, deacon [BLUE] and black rockfish may be taken in a directed fishery only with mechanical jigging machines and handlines.

(Eff. 4/4/97, Register 142; am 7/5/2000, Register 155; am 5/19/2001, Register 158; am 5/31/2001, Register 158; am 1/16/2005, Register 173; am 2/13/2005, Register 173; am 10/16/2011, Register 200; am 6/1/2013, Register 206; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Chapter 30. Yakutat Area.

Article 4. Bottomfish Fishery.

5 AAC 30.460 is repealed:

5 AAC 30.460. Harvest of bait by commercial permit holders. Repealed. (Eff. 6/25/89, Register 110; repealed 8 / 27 /2016, Register 219)

Chapter 32. Dungeness Crab Fishery.

Article 5. Registration Area A (Southeastern Alaska).

5 AAC 32.128 is amended by adding a new subsection to read:

(c) Notwithstanding 5 AAC 32.053(d), 5 AAC 34.053(2), and 5 AAC 35.053(2), a person or vessel may operate commercial king crab or Tanner crab pots during an open Dungeness crab season in Registration Area A if a commercial king crab or Tanner crab season

is open in Registration Area A at the same time as the commercial Dungeness crab season. (Eff. 7/18/2003, Register 167; am 5/11/2012, Register 202; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Chapter 38. Miscellaneous Shellfish Fishery.

Article 5. Registration Area A (Southeastern Alaska).

5 AAC 38.140(k)(2) is amended to read:

(2) District 2: those waters north and west of a line from Grindall Point at 55° 27.10' N. lat., 132° 09.34' W. long., south to 55° 26.47' N. lat., 132° 10.03' W. long., northwest to 55° 27.48' N. lat., 132° 12.46' W. long., northwest to 55° 31.48' N. lat., 132° 21.96' W. long., west to 55° 31.49' N. lat., 132° 33.28' W. long., south to 55° 28.94' N. lat., 132° 35.99' W. long., and south to 55° 27.22' N. lat., 132° 40.02' W. long. at the southern entrance to Harris Bay [LESS THAN 20 FATHOMS DEEP ALONG THE NORTH SHORE OF KASAAN BAY FROM GRINDALL POINT TO THE SOUTHERN POINT OF HARRIS BAY IN TWELVE-MILE ARM];

5 AAC 38.140(k)(10) is repealed and readopted to read:

(10) District 12: the waters of District 12 in Chatham Strait along the shore of Admiralty Island south of the latitude of Danger Point Light at 57° 30.93' N. lat. and north of the latitude of Distant Point at 57° 24.04' N. lat., including all waters of Kootznahoo Inlet and Hood Bay;

5 AAC 38.140(k)(11) is repealed and readopted to read:

(11) District 13:

(A) the waters of Section 13-A along the Chichagof Island shore south of 57° 47' N. lat., and north of 57° 37.17' N. lat., excluding Klag Bay, Lake Anna, and Sister Lake;

(B) the waters of Section 13-B in Whale Bay east of a line from North Cape to Point Launder and a portion of Sitka Sound in Subdistrict 113-40 and 113-41 east of a line from the northern entrance to Deep Inlet at 56° 59.62' N. lat., 135° 18.67' W. long., to the westernmost tip of Long Island to Bieli Rock to Dog Point;

5 AAC 38.140(k)(12) is repealed and readopted to read:

(12) District 14: the waters of Section 14-B in Port Frederick west and south of a line from Crist Point to Point Sophia;

5 AAC 38.140(k)(13) is repealed and readopted to read:

(13) District 15: the waters of Section 15-C along the western shore of Lynn Canal south of the latitude of Point Sherman;

5 AAC 38.140(k) is amended by adding a new paragraph to read:

(14) District 16: the waters of Torch Bay north of the latitude of the southernmost point of Venisa Point.

(Eff. 2/27/91, Register 117; am 4/15/94, Register 130; am 9/28/97, Register 143; am 12/26/97, Register 144; am 5/8/98, Register 146; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 7/18/2003, Register 167; am 12/1/2004, Register 172; am 5/26/2006, Register 178; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5/9/2015, Register 214; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

Chapter 39. General Provisions.

Article 1. General.

5 AAC 39.145 is amended to read:

5 AAC 39.145. Escape mechanism for shellfish and groundfish [BOTTOMFISH]

pots. Pot gear must include an escape mechanism in accordance with the following provisions:

(1) a sidewall, which may include the tunnel, of all shellfish and groundfish [BOTTOMFISH] pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length; the [. THE] opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread; the [. THE] cotton twine may be knotted at each end only; the [. THE] opening must be within six inches of the bottom of the pot and must be parallel with it; the [. THE] cotton twine may not be tied or looped around the web bars; [.] Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(2) all king crab, Tanner crab, shrimp, miscellaneous shellfish and groundfish [BOTTOMFISH] pots may, instead of complying with (1) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length; the [. THE] opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread; a [. A] galvanic timed release (GTR) device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot; the [. THE] twine

may be knotted only at each end and at the attachment points on the galvanic timed release device; the [. THE] opening must be within six inches of the bottom of the pot and must be parallel with it; the [. THE] twine may not be tied or looped around the web bars;

(3) in an area open to commercial, personal use, sport, or subsistence fishing with pot gear, including a pot storage area, a registered commercial fishing vessel or a vessel used for personal use, sport, or subsistence fishing may not have on board the vessel or in the water, in fishing or stored condition, any groundfish [BOTTOMFISH] or shellfish pot gear that does not have an opening or rigging as specified in (1) or (2) of this section;

(4) all commercial, subsistence, personal use, and sport shellfish pots constructed with rigid mesh must have at least one opening in a sidewall of the pot which may include the tunnel, except Dungeness crab pots that have a pot lid tie-down that complies with (1) of this section; the opening in a king crab or Tanner crab pot must be equal to or exceed a 12-inch by 8-inch rectangle; the opening in a Dungeness crab pot must be equal to or exceed a 10-inch by 6-inch rectangle; the lower long edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening in a shrimp pot must be equal to or exceed a four-inch square; the lower edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine² no larger than 30 thread; each single loop of cotton twine may contain only one knot and may not be laced along the opening; the panel must be attached to the pot in a manner that when the cotton twine degrades the panel will drop away from the pot exposing the opening completely. (In effect before 1984; am 6/30/84, Register 90; am 9/19/90, Register 115; am 4/30/91, Register 118; am 6/24/93, Register 126; am 7/15/93,

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Register 127; am 7/23/94, Register 131; am 5/19/2001, Register 158; am 8/24/2002, Register 163; am 7/31/2003, Register 167; am 7/1/2006, Register 178; am 7/13/2012, Register 203; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251 AS 16.10.125

5 AAC 39.164(b)(8) is amended to read:

(8) the St. Lawrence Island Habitat Conservation Area as described in 50 C.F.R. Part 679, Table 45, as revised as of August 25, 2008 [OCTOBER 25, 2008];

5 AAC 39.164(b)(9) is amended to read:

(9) the Northern Bering Sea Research Area as described in 50 C.F.R. Part 679, Table 43, as revised as of August 25, 2008 [OCTOBER 25, 2008];

(Eff. 7/12/86, Register 99; am 4/14/93, Register 126; am 5/17/95, Register 134; am 9/4/97, Register 143; am 9/12/97, Register 143; am 7/21/99, Register 151; am 3/11/2001, Register 157; am 4/24/2009, Register 190; am 5/31/2009, Register 190; am 5/1/2014, Register 210; am 2/22/2015, Register 213; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

Article 6. Shellfish Fishery.

5 AAC 39.670(a) is amended to read:

(a) This management plan applies to the management of the **nine** [SEVEN] crab fisheries rationalized by the National Marine Fisheries Service (NMFS), including the Community Development Quota and the Adak community allocation, with management authority **deferred** [DELEGATED] to the Department of Fish and Game as referenced in the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs.

(Eff. 8/14/2005, Register 175; am 8/28/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 8/27/2016, Register 219)

Authority: AS 16.05.251

Article 9. Definitions; Miscellaneous.

5 AAC 39.975(a)(37)(E) is amended to read:

(E) **S. diaconus (Deacon)** [*S. MYSTINUS* (BLUE)];

(In effect before 1983; am 4/16/83, Register 86; am 6/30/83, Register 86; am 5/31/85, Register 94; am 4/18/86, Register 98; am 7/12/86, Register 99; am 6/2/88, Register 106; am 7/30/89, Register 111; am 4/30/91, Register 118; am 6/27/93, Register 126; am 6/2/95, Register 134; am

4/4/97, Register 142; am 9/12/97, Register 143; am 3/11/2001, Register 157; am 8/8/2003, Register 167; am 3/14/2004, Register 169; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 9/12/2008, Register 187; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 5/18/2014, Register 210; am 7/1/2015, Register 214; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251 AS 16.05.835

Chapter 65. Alaska Peninsula and Aleutian Islands Area.

5 AAC 65.010 is repealed:

5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area.

Repealed. (In effect before 1985; am 5/31/85, Register 94; am 9/2/90, Register 115; am 4/9/95, Register 134; am 6/14/2001, Register 158; am 6/4/2004, Register 170; repealed 8 / 27 /2016, Register 219)

Editor's note: In Register 219, October 2016, the substance of 5 AAC 65.010 was moved to 5 AAC 65.020.

5 AAC 65.020 is repealed and readopted to read:

5 AAC 65.020. General provisions for seasons and bag, possession, annual, and size limits for the Alaska Peninsula and Aleutian Islands Area. Except as otherwise provided in

5 AAC 65.022, 5 AAC 65.051, or by an emergency order issued under AS 16.05.060, the seasons and bag, possession, annual, and size limits for finfish and shellfish in the Alaska Peninsula and Aleutian Islands Area are as follows:

(1) king salmon:

(A) in fresh waters: may be taken only from January 1 through July 25, except that king salmon may be taken in the Chignik River only from January 1 through August 9, and as follows:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five fish; a harvest record is required as specified in 5 AAC 75.006;

(ii) less than 20 inches in length; bag and possession limit of 10 fish; no annual limit;

(B) in salt waters: may be taken from January 1 through December 31; bag and possession limit of two fish; no size limit; no annual limit;

(2) salmon, other than king salmon: may be taken from January 1 through December 31, as follows:

(A) 20 inches or greater in length; bag limit of five fish and a possession limit of 10 fish;

(B) less than 20 inches in length; bag and possession limit of 10 fish;

(3) rainbow/steelhead trout: may be taken from January 1 through December 31; bag and possession limit of two fish, of which only one fish may be 20 inches or greater in length; annual limit of two fish 20 inches or greater in length, except in Anchorage Bay Runway Lake; a harvest record is required as specified in 5 AAC 75.006;

(4) Arctic char/Dolly Varden: may be taken from January 1 through December 31; bag and possession limit of 10 fish; no size limit;

(5) Arctic grayling: may be taken from January 1 through December 31; bag and possession limit of five fish; no size limit;

(6) halibut: may be taken only from February 1 through December 31; bag limit of two fish and possession limit of four fish; no size limit;

(7) lingcod: may be taken only from July 1 through December 31; bag limit of two fish and possession limit of four fish; no size limit;

(8) rockfish: may be taken from January 1 through December 31; bag limit of 10 fish and possession limit of 20 fish; no size limit;

(9) sharks: may be taken only as specified in 5 AAC 75.012;

(10) king crab: no open season; may not be retained or possessed; all king crab caught must be released immediately;

(11) Tanner crab: may be taken from January 1 through December 31, except that from July 15 through February 10, a person may not take Tanner crab in waters 25 fathoms or more in depth from 14 days before and 14 days after a commercial red king crab or Tanner crab

fishery; bag and possession limit of six crab; male crab only; minimum size is five and one-half inches carapace width, including spines;

(12) Dungeness crab: may be taken from January 1 through December 31; bag and possession limit of 12 crab; male crab only; minimum size is six and one-half inches carapace width, not including spines;

(13) other finfish and shellfish not specified in this section; may be taken from January 1 through December 31; no bag, possession, or size limits. (In effect before 1983; am 4/3/83, Register 85; am 5/22/88, Register 106; am 6/2/88, Register 106; am 9/2/90, Register 115; am 5/2/92, Register 122; am 4/9/95, Register 134; am 4/2/99, Register 149; am 8/8/99, Register 151; am 6/14/2001, Register 158; am 6/4/2004, Register 170; am 12/1/2004, Register 172; am 5/30/2007, Register 182; am 7/1/2007, Register 182; am 6/2/2010, Register 194; am 6/1/2013, Register 206; add'l am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 6/5/2016, Register 218; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

Chapter 67. Bristol Bay Area.

5 AAC 67.010 is repealed:

5 AAC 67.010. Fishing seasons for Bristol Bay Area. Repealed. (In effect before 1985; am 5/31/85, Register 94; am 9/2/90, Register 115; am 6/19/92, Register 122; am 3/24/95,

Register 133; am 4/23/98, Register 146; am 6/14/2001, Register 158; repealed 8 / 27 /2016,
Register 219)

Editor's note: In Register 219, October 2016, the substance of 5 AAC 67.010 was moved to 5 AAC 67.020.

5 AAC 67.020 is repealed and readopted to read:

5 AAC 67.020. General provisions for seasons and bag, possession, annual, and size limits for the Bristol Bay Area. Except as otherwise provided in 5 AAC 67.022, 5 AAC 67.025, or by an emergency order issued under AS 16.05.060, ^{the} seasons and bag limits, possession limits, annual limits, and size limits for finfish and shellfish in the Bristol Bay Area are as follows:

(1) king salmon:

(A) in fresh waters, as follows:

(i) 20 inches or greater in length; may be taken only from May 1 through July 31; bag and possession limit of three fish, of which only one fish may be 28 inches or greater in length; annual limit of five fish 20 inches or greater in length taken in combination from fresh waters and salt waters; a harvest record is required as specified in 5 AAC 75.006;

(ii) less than 20 inches in length; may be taken from January 1 through December 31; bag and possession limit of 10 fish;

(B) in salt waters: may be taken only from May 1 through July 31; bag and possession limit of three fish, of which only two fish may be 28 inches or greater in length; annual limit of five fish 20 inches or greater in length taken in combination from fresh waters and salt waters; a harvest record is required as specified in 5 AAC 75.006;

(C) a king salmon removed from the water shall be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

(2) salmon, other than king salmon: may be taken from January 1 through December 31; bag and possession limit of five fish; no size limit;

(3) rainbow/steelhead trout: may be taken

(A) from June 8 through October 31; bag and possession limit of two fish, of which only one fish may be over 20 inches in length;

(B) from November 1 through June 7; bag and possession limit of five fish, of which only one fish may be over 20 inches in length;

(4) Arctic char/Dolly Varden, may be taken

(A) from June 8 through October 31; bag and possession of three fish; no size limit;

(B) from November 1 through June 7; bag and possession limit of 10 fish; no size limit;

(5) Arctic grayling: may be taken from January 1 through December 31; bag and possession limit of two fish; no size limit;

(6) lake trout: may be taken from January 1 through December 31; bag and possession limit of four fish; no size limit;

(7) northern pike: may be taken from January 1 through December 31; bag and possession limit of five fish, of which only one fish may be over 30 inches in length;

(8) burbot: may be taken from January 1 through December 31; bag and possession limit of 15 fish; no size limit;

(9) halibut: may be taken only from February 1 through December 31; bag limit of two fish and possession limit of four fish; no size limit;

(10) sharks: may be taken only as specified in 5 AAC 75.012;

(11) king crab: may be taken only from June 1 through January 31; bag and possession limit of six crab; male crab only; minimum size limit is six and one-half inches carapace width; a shellfish harvest recording form is required as specified in 5 AAC 75.016;

(12) Tanner crab: may be taken from January 1 through December 31; bag and possession limit of 12 crab; male crab only; minimum size limit is five and one-half inches carapace width; a shellfish harvest recording form is required as specified in 5 AAC 75.016;

(13) Dungeness crab: may be taken from January 1 through December 31; bag and possession limit of 12 crab; male crab only; minimum size limit is six and one-half inches carapace width; a shellfish harvest recording form is required as specified in 5 AAC 75.016;

(14) other finfish and shellfish not specified in this section: no bag, possession, or size limits. (In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 5/11/85, Register 94; am 5/22/88, Register 106; am 5/29/88, Register 106; am 7/26/90, Register 115; am 9/2/90, Register 115; am 6/19/92, Register 122; am 3/24/95, Register 133; am 4/23/98, Register

146; am 6/14/2001, Register 158; am 4/9/2004, Register 170; am 2/28/2010, Register 193; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 67.022(d)(8) is amended to read:

(8) in the American Creek drainage,

(A) from **April 10 through June 7, all sport fishing in closed;**

(B) from June 8 through October 31, rainbow trout may not be possessed or retained; all rainbow trout caught must be immediately released;

(C) [(B)] from November 1 through **April 9** [JUNE 7], the bag and possession limit for rainbow trout is five fish, of which only one fish may be over 20 inches in length;

(Eff. 3/24/95, Register 133; am 5/24/96, Register 138; am 4/23/98, Register 146; am 6/14/2001, Register 158; am 4/9/2004, Register 170; am 3/30/2007, Register 181; am 11/28/2009, Register 192; am 2/28/2010, Register 193; am 4/4/2013, Register 206; am 5/8/2013, Register 206; am 5/18/2014, Register 210; am 4/16/2016, Register 218; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.060 AS 16.05.251

Chapter 75. Statewide Provisions.

Article 9. Definitions.

5 AAC 75.995(a)(47) is amended to read:

(47) "pelagic rockfish" includes **the following *Sebastes* species:**

(A) dark (*S. ciliatus*);

(B) [,] dusky (*S. variabilis*);

(C) [,] widow (*S. entomelas*);

(D) [,] yellowtail (*S. flavidus*);

(E) [,] black (*S. melanops*);

(F) deacon (*S. diaconus*) [, AND BLUE (*S. MYSTINUS*) ROCKFISH];

(In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 6/30/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 7/30/89, Register 111; am 6/5/94, Register 130; am 5/13/95, Register 134; am 2/25/98, Register 145; am 4/23/98, Register 146; am 5/19/2001, Register 158; am 3/13/2004, Register 169; am 2/10/2005, Register 173; am 5/26/2006, Register 178; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 6/10/2010, Register 194; am 6/1/2013, Register 206; am 3/4/2015, Register 213; am 6/26/2016, Register 218; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Chapter 77. Personal Use Fishery.

Article 1. Statewide Provisions.

The introductory language of 5 AAC 77.010(I) is amended to read:

(I) In the personal use taking of **miscellaneous** shellfish, **except for clams, scallops, abalone, and sea cucumbers,** [NOT OTHERWISE SPECIFIED IN THIS CHAPTER]

...

(Eff. 6/20/82, Register 82; am 7/1/86, Register 99; am 7/12/86, Register 99; am 10/26/86, Register 100; am 4/2/88, Register 105; am 6/25/89, Register 110; am 9/19/90, Register 115; am 2/27/91, Register 117; am 7/16/92, Register 123; am 4/1/94, Register 129; am 6/5/94, Register 130; am 9/5/97, Register 143; am 5/31/98, Register 146; am 12/1/2004, Register 172; am 7/13/2012, Register 203; add'l am 7/13/2012, Register 203; am 5/9/2015, Register 214; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

Article 2. Arctic-Kotzebue Area.

Register 219, October 2016 FISH AND GAME

5 AAC 77.050 is repealed:

5 AAC 77.050. Description of area. Repealed. (Eff. 7/1/86, Register 99; am 7/16/92, Register 123; am 7/13/2012, Register 203; repealed 8 / 27 /2016, Register 219)

5 AAC 77.055 is repealed:

5 AAC 77.055. Fishing districts. Repealed. (Eff. 7/1/86, Register ⁹⁹~~86~~; repealed 8 / 27 /2016, Register 219)

5 AAC 77.058 is repealed:

5 AAC 77.058. Gear for shellfish. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.060 is repealed:

5 AAC 77.060. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.062 is repealed:

5 AAC 77.062. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.064 is repealed:

5 AAC 77.064. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.066 is repealed:

5 AAC 77.066. Personal use Tanner crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.080 is repealed:

5 AAC 77.080. Personal use herring fishery. Repealed. (Eff. 4/2/88, Register 105; am 4/7/90, Register 114; repealed 8 / 27 /2016, Register 219)

Article 3. Norton Sound–Port Clarence Area.

5 AAC 77.100 is repealed:

5 AAC 77.100. Description of Norton Sound–Port Clarence Area. Repealed. (Eff. 7/1/86, Register 99; am 3/11/2001, Register 157; repealed 8 / 27 /2016, Register 219)

Register 219, October 2016 FISH AND GAME

5 AAC 77.105 is repealed:

5 AAC 77.105. Fishing districts. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.108 is repealed:

5 AAC 77.108. Gear for shellfish. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.110 is repealed:

5 AAC 77.110. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.130 is repealed:

5 AAC 77.130. Personal use herring fishery. Repealed. (Eff. 4/2/88, Register 105; am 4/7/90, Register 114; repealed 8 / 27 /2016, Register 219)

Article 4. Yukon Area.

5 AAC 77.150 is repealed:

5 AAC 77.150. Description of Yukon Area. Repealed. (Eff. 7/1/86, Register 99; am 7/16/92, Register 123; am 3/11/2001, Register 157; am 7/13/2012, Register 203; repealed 8 / 27 /2016, Register 219)

5 AAC 77.155 is amended to read:

5 AAC 77.155. Description of Subdistrict 6-C [FISHING DISTRICTS]. **Subdistrict 6-C is as described in 5 AAC 05.200(f)** [DISTRICTS ARE DESCRIBED IN 5 AAC 05.200]. (Eff. 7/1/86, Register 99; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.158 is repealed:

5 AAC 77.158. Gear for shellfish. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.160 is repealed:

5 AAC 77.160. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.162 is repealed:

5 AAC 77.162. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.164 is repealed:

5 AAC 77.164. Personal use king crab fishery. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.166 is repealed:

5 AAC 77.166. Personal use Tanner crab^{fishery}. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.180 is repealed:

5 AAC 77.180. Personal use herring fishery. Repealed. (Eff. 4/2/88, Register 105; am 4/7/90, Register 114; repealed 8 / 27 /2016, Register 219)

Article 5. Kuskokwim Area.

5 AAC 77.200 is repealed:

5 AAC 77.200. Description of area. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.205 is repealed:

5 AAC 77.205. Fishing districts. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.207 is repealed:

5 AAC 77.207. Personal use fishing permits. Repealed. (Eff. 7/1/86, Register 99, repealed 8 / 27 /2016, Register 219)

5 AAC 77.208 is repealed:

5 AAC 77.208. Gear for shellfish. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.210 is repealed:

5 AAC 77.210. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.212 is repealed:

5 AAC 77.212. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8/27/2016, Register 219)

5 AAC 77.214 is repealed:

5 AAC 77.214. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8/27/2016, Register 219)

5 AAC 77.216 is repealed:

5 AAC 77.216. Personal use Tanner crab fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8/27/2016, Register 219)

5 AAC 77.230 is repealed:

5 AAC 77.230. Personal use herring fishery. Repealed. (Eff. 4/2/88, Register 105; am 4/7/90, Register 114; repealed 8/27/2016, Register 219)

5 AAC 77.240 is repealed:

5 AAC 77.240. Personal use Pacific cod fishery. Repealed. (Eff. 4/2/88, Register 105; am 7/26/90, Register 115; repealed 8/27/2016, Register 219)

Article 6. Bristol Bay Area.

5 AAC 77.255 is repealed:

5 AAC 77.255. Description of districts. Repealed. (Eff. 6/20/82, Register 82; repealed 8 / 27 /2016, Register 219)

5 AAC 77.257 is repealed:

5 AAC 77.257. Personal use shellfish permit. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.260 is repealed:

5 AAC 77.260. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.262 is repealed:

5 AAC 77.262. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

5 AAC 77.264 is repealed:

5 AAC 77.264. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

5 AAC 77.266 is repealed:

5 AAC 77.266. Personal use Tanner crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

5 AAC 77.270 is repealed:

5 AAC 77.270. Personal use herring fishery. Repealed. (Eff. 4/2/88, Register 105; repealed 8 / 27 /2016, Register 219)

5 AAC 77.280 is repealed:

5 AAC 77.280. Nushagak District personal use gillnet salmon fishery. Repealed. (Eff. 4/2/88, Register 105; am 12/1/2004, Register 172; repealed 8 / 27 /2016, Register 219)

Article 7. Aleutian Islands Area.

5 AAC 77.300 is repealed:

5 AAC 77.300. Description of area. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.305 is repealed:

5 AAC 77.305. Fishing districts. Repealed. (Eff. 7/1/86, Register 99; am 5/31/98, Register 146; repealed 8 / 27 /2016, Register 219)

5 AAC 77.307 is repealed:

5 AAC 77.307. Personal use fishing permits. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.310 is repealed:

5 AAC 77.310. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.312 is repealed:

5 AAC 77.312. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

Article 8. Alaska Peninsula Area.

5 AAC 77.350 is repealed:

5 AAC 77.350. Description of area. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.355 is repealed:

5 AAC 77.355. Fishing districts. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.357 is repealed:

5 AAC 77.357. Personal use fishing permits. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.360 is repealed:

5 AAC 77.360. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; repealed 8 / 27 /2016, Register 219)

5 AAC 77.362 is repealed:

5 AAC 77.362. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

5 AAC 77.364 is repealed:

5 AAC 77.364. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

5 AAC 77.366 is repealed:

5 AAC 77.366. Personal use Tanner crab fishery. (Eff. 7/1/86, Register 99; am 9/19/90, Register 115; repealed 8 / 27 /2016, Register 219)

Article 11. Cook Inlet Area.

5 AAC 77.509(a) is amended to read:

(a) Notwithstanding 5 AAC 77.010(i), and except as provided in 5 AAC 77.511, no more than two pots per person, regardless of type, with a maximum of two pots per vessel, regardless of type, may be used to take shellfish at any time [, EXCEPT THAT IN THE WATERS OF THE OUTER AND EASTERN DISTRICTS BETWEEN THE LONGITUDE OF

GORE POINT (150° 57.85' W. LONG.) AND THE LONGITUDE OF CAPE FAIRFIELD (148° 50.25' W. LONG.), NO MORE THAN TWO POTS PER PERSON WITH A MAXIMUM OF SIX POTS PER VESSEL MAY BE USED TO TAKE TANNER CRAB].

5 AAC 77.509(c) is repealed:

(c) Repealed 8 / 27 /2016.

(Eff. 6/1/96, Register 138; am 8/24/2002, Register 163; am 7/16/2011, Register 199; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.511(4) is amended to read:

(4) [IN ADDITION TO THE REQUIREMENTS OF 5 AAC 77.509(c),] all shrimp pots must have **tunnel eye openings that individually are not larger than 15 inches in perimeter and** at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered net webbing or rigid mesh; pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface area of the pot; the net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the

selvage. (Eff. 7/1/86, Register 99; am 9/12/97, Register 143; am 7/1/2006, Register 178; am 7/13/2012, Register 203; am 8/27/2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.512 is repealed:

5 AAC 77.512. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 6/1/90, Register 114; am 6/5/94, Register 130; am 2/24/96, Register 137; am 7/5/2000, Register 155; repealed 8/27/2016, Register 219)

5 AAC 77.514 is repealed:

5 AAC 77.514. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 10/26/86, Register 100; am 7/23/88, Register 107; am 6/24/93, Register 126; am 2/24/96, Register 137; am 8/8/99, Register 151; repealed 8/27/2016, Register 219)

5 AAC 77.516 is repealed:

5 AAC 77.516. Personal use Tanner crab fishery. Repealed. (Eff. 6/20/82, Register 82; am 6/30/83, Register 86; am 5/11/85, Register 94; am 7/1/86, Register 99; am 7/23/88, Register 107; am 6/1/90, Register 114; am 6/24/93, Register 126; am 2/24/96, Register 137; am

8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; repealed 8 / 27 /2016, Register 219)

Article 12. Prince William Sound Area.

5 AAC 77.553 is repealed:

5 AAC 77.553. Personal use shrimp fishery. Repealed. (Eff. 7/1/86, Register 99; am 6/5/94, Register 130; am 2/16/96, Register 137; am 7/5/2000, Register 155; am 7/1/2006, Register 178; am 8/23/2009, Register 191; am 7/13/2012, Register 203; am 8 / 27 /2016, Register 219)

5 AAC 77.556 is repealed:

5 AAC 77.556. Personal use Dungeness crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 9/5/97, Register 143; am 7/5/2000, Register 155; repealed 8 / 27 /2016, Register 219)

5 AAC 77.557 is repealed:

5 AAC 77.557. Personal use king crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 8/8/99, Register 151; repealed 8 / 27 /2016, Register 219)

5 AAC 77.558 is repealed:

5 AAC 77.558. Personal use Tanner crab fishery. Repealed. (Eff. 7/1/86, Register 99; am 7/23/88, Register 107; am 8/8/99, Register 151; repealed 8/27/2016, Register 219)

5 AAC 77.559 is repealed:

5 AAC 77.559. Personal use clam fishery. Repealed. (Eff. 7/1/86, Register 99; am 12/1/2004, Register 172; repealed 8/27/2016, Register 219)

Article 13. Yakutat Area.

5 AAC 77.617 is amended by adding a new paragraph to read:

(4) scallops may be taken by gear specified in 5 AAC 77.010(k)(3). (Eff. 4/1/94, Register 129; am 6/3/2000, Register 154; am 8/27/2016, Register 219)

Authority: AS 16.05.251

Article 14. Southeastern Alaska Area.

5 AAC 77.662(6) is amended to read:

(6) [EXCEPT IN SECTION 11-A AS SPECIFIED IN 5 AAC 77.664(c),] no more than five pots per person, with a maximum of 10 pots per vessel, or 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Dungeness crab, except that in Section 11-A, as described in 5 AAC 33.200, if the pot and ring net limits for red and blue king crab are reduced under 5 AAC 77.664(c)(3)(C), the pot and ring net limits for Dungeness crab will also be reduced to the same pot and ring net limits established for red and blue king crab under 5 AAC 77.664(c)(3)(C). (Eff. 7/1/86, Register 99; am 6/3/2000, Register 154; am 7/18/2003, Register 167; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.666(b) is amended to read:

(b) In Section 11-A, as described in 5 AAC 33.200, in the personal use taking of Tanner crab, if the pot and ring net limits for red and blue king crab are reduced under 5 AAC 77.664(c)(3)(C), the pot and ring net limits for Tanner crab will also be reduced to the same pot and ring net limits established for red and blue king crab under 5 AAC 77.664(c)(3)(C) [REDUCED POT AND RING NET LIMITS ARE THE SAME AS AUTHORIZED UNDER 5 AAC 77.664(c)(3)(C) FOR RED AND BLUE KING CRAB]. (Eff. 7/1/86, Register 99; am 8/8/99, Register 151; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.667 is amended by adding a new paragraph to read:

(4) scallops may be taken by gear specified in 5 AAC 77.010(k)(3). (Eff. 4/1/94, Register 129; am 6/3/2000, Register 154; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

5 AAC 77.671 is amended to read:

5 AAC 77.671. Personal use sea cucumber fishery. In the personal use taking of sea cucumbers,

(1) there is no closed season;

(2) there are no daily bag or possession limits; and

(3) sea cucumbers may be taken by gear specified in 5 AAC 77.010(k)(3), except that sea cucumbers may not be taken with the use of diving gear in the waters described in 5 AAC 38.140(k) that are closed to commercial sea cucumber fishing. (Eff. 5/9/2015, Register 214; am 8 / 27 /2016, Register 219)

Authority: AS 16.05.251

MEMORANDUM

State of Alaska Department of Law

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

Date: July 27, 2016

File No.: JU2015200932

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulations re:
Changes to and Repeal of Obsolete
Personal Use Fisheries Regulations;
Errors and Omissions
(5 AAC 01.549 – 5 AAC 77.671)

We have reviewed the attached regulations from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. These regulations changes were adopted by the commissioner of fish and game under a delegation of authority issued by the Board of Fisheries under AS 16.05.270. The regulations concern changes to and repeal of obsolete personal use fisheries regulations and the correction of errors and omissions in certain finfish and shellfish fisheries regulations.

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 May 21, 2016 public notice and the June 27, 2016 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: July 27, 2016

File No.: JU2015200932

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:
Changes to and Repeal of Obsolete
Personal Use Fisheries Regulations;
Errors and Omissions
(5 AAC 01.549 – 5 AAC 77.671)

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. These regulations changes were adopted by the commissioner of fish and game under a delegation of authority issued by the Board of Fisheries under AS 16.05.270.

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

The May 21, 2016 public notice and the June 27, 2016 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 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

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

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

Enforcement Commander
Division of Wildlife Troopers
Department of Public Safety

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

Seth Beausang, Assistant Attorney General
Natural Resources Section

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

**ALASKA BOARD OF FISHERIES
DELEGATION OF AUTHORITY TO
CORRECT ERRORS OR OMISSIONS IN REGULATIONS AND TO
REFORMAT AND RENAME CHAPTERS WITHIN ALASKA ADMINISTRATIVE
CODE**

2006-250-FB
(Replaces Finding 99-192-FB)

The Board of Fisheries ("board") makes the following findings:

1. The board characteristically adopts numerous regulations during the course of any year.
2. Many of the regulations adopted by the board are highly complex and interrelated with other regulations already in effect.
3. In view of the volume of regulatory proposals considered by the board at each meeting, it is impossible to prevent occasional ambiguities, inconsistencies, errors or omissions, or other technical shortcomings in regulations adopted by the board. Such deficiencies in regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented or result in other consequences not desired by the board. Technical deficiencies may include some or all of the following items; formatting problems; typographical errors or inadvertent errors made during publication; conflicting regulations; lack of definition of terms and modification of terminology to reflect changes in technology.
4. As a result of the volume of regulations considered by the Board and the compressed timeline for getting regulations into place, errors or omissions, such as incorrect phrasing of Board conceptual regulatory language and failure to fully capture all amendments to a proposal in final regulatory language, do happen in the course of regulatory writing during a board cycle, and the board recognizes the need to correct such problems to make the regulations consistent with board's original intent.
5. It is impractical, unnecessary, and contrary to the public interest to initiate action by the full board to correct such errors or omissions, or address reformatting and renaming chapters within the Alaska Administrative code.
6. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies and errors and omissions in the regulations as a result of daily administration of Title 16 of the Alaska Statutes and Title 5 AAC regulations adopted by the board.

THEREFORE THE BOARD RESOLVES that in hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.258 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:

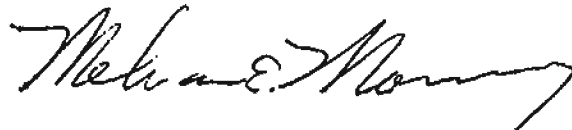
A. The commissioner may adopt, in accordance with the Administrative procedure Act (AS 44.62), permanent or emergency regulations, designated to eliminate inconsistencies, ambiguities, errors or omissions, or other technical deficiencies in existing regulations of the board.

B. The commissioner may reopen board regulatory projects after filing of the original regulations, and may sign a new adoption order reflecting the board's adoption of the regulations, within the current or previous board cycle, when through administrative error, the regulations are not correctly reflected in the administrative code. The commissioner may make such corrections in the regulations so long as they continue to be consistent with the board's original intent, as explained in the record of the board's proceedings.

C. All regulatory changes adopted by the commissioner under this delegation must be consistent with the expressions of the board's intent at the time it adopted the regulation to be corrected. Regulatory amendments that would result in a significant, substantive amendment or addition to existing board regulations that are not clearly manifest in the board's record, may not be adopted by the commissioner under the authority of this delegation and will require a separate delegation or direct board action.

D. This resolution replaces Finding 99-192-FB.

E. This delegation of authority shall remain in effect until revoked by the board.

A handwritten signature in black ink, appearing to read "Mel Morris", is written over a horizontal line.

Adopted: 12/13/2006
Dillingham, AK

Mel Morris, Chairman
Alaska Board of Fisheries

VOTE: 6-0-1 (Andrews absent)

**NOTICE OF PROPOSED CHANGES IN THE PERSONAL USE FISHERY REGULATIONS
AND CORRECTING ERRORS AND OMISSIONS IN THE REGULATIONS
OF THE ALASKA BOARD OF FISHERIES**

BRIEF DESCRIPTION

The commissioner of the Department of Fish and Game, under delegations of authority issued by the Alaska Board of Fisheries proposes to change regulations regarding personal use fisheries and to correct errors and omissions in certain finfish and shellfish fisheries regulations.

The commissioner of the Department of Fish and Game, under delegations of authority issued by the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC), related to changes and repeal of certain obsolete personal use finfish and shellfish fishery regulations and correcting errors and omissions in Title 5 dealing with certain finfish and shellfish fisheries, including the following:

- (1) **5 AAC 01.549. Prohibitions** is proposed to be changed to correct a cross referenced definition and make some minor technical changes.
- (2) **5 AAC 02.025. Use of commercially licensed or registered vessels** is proposed to be changed to eliminate a cross referenced regulation that is no longer applicable and reorganize the section.
- (3) **5 AAC 24.200. Fishing districts and subdistricts** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the Eshamy District and Main Bay Subdistrict in the Prince William Sound Area which are incorrectly described due to a printing error by the publisher of the AAC.
- (4) **5 AAC 24.350. Closed waters** is proposed to be changed to correct an error in the description of closed waters in a portion of Esther Passage in the Coghill District of the Prince William Sound Area which is incorrectly described due to a printing error by the publisher of the AAC.
- (5) **5 AAC 27.162. Buyer and tender reporting requirements for the sac roe herring fishery in Southeastern Alaska Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (6) **5 AAC 27.390. Buyer reporting requirements for Prince William Sound Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (7) **5 AAC 27.434. Identification of gear for Cook Inlet Area** is proposed to be changed to eliminate gender-based language and make some minor technical changes.
- (8) **5 AAC 27.462. Reporting requirements for Cook Inlet Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (9) **5 AAC 27.505. Description of Kodiak Area districts and sections** is proposed to be changed to correct an error in the description of the East Sitkalidak Section in the Eastside District which is incorrectly described due to a printing error by the publisher of the AAC.

- (10) **5 AAC 27.540. Buyer and tender reporting requirements for Kodiak Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (11) **5 AAC 30.460. Harvest of bait by commercial permit holders** is proposed to be repealed as the harvest of bottomfish (groundfish) for bait in the Yakutat Area is already addressed in the commercial groundfish regulations under 5 AAC 28.190.
- (12) **5 AAC 32.128. Operation of other gear in Registration Area A** is proposed to be changed to clarify that during an open Dungeness crab season in the Southeastern Alaska Area a person or vessel may also operate king or Tanner crab pots if those season are open at the same time. This corresponding change was not included when the ability to operate Dungeness crab pots during the king or Tanner crab seasons was included in 5 AAC 34.128 and 5 AAC 35.128.
- (13) **5 AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan** is proposed to be changed to more clearly describe waters in District 2 that are closed to commercial sea cucumber fishing and reestablish some closed waters in District 12 that were repealed inadvertently and without board intent.
- (14) **5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots** is proposed to be changed to change references to "bottomfish" to read "groundfish", including the section title, as groundfish is the conventional term used in commercial fisheries.
- (15) **5 AAC 39.164. Nonpelagic trawl gear restrictions** is proposed to be changed to correct references to the revision date of two federal regulations referenced in the section.
- (16) **5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan** is proposed to be changed to correct the reference to the number of rationalized crab fisheries and clarify that management authority is "deferred" to the Department of Fish and Game rather than "delegated."
- (17) **5 AAC 39.975. Definitions** is proposed to be changed to reflect a redescription of the blue rockfish to a deacon rockfish for the purposes of commercial fisheries.
- (18) **5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area** is proposed to be repealed and the substance of that section moved to the general provisions sections to include seasons, bag, possession, annual, and size limits all in one section consistent with other area regulations.
- (19) **5 AAC 65.020. General provisions for seasons and bag, possession, annual, and size limits for the Alaska Peninsula and Aleutian Islands Area** is proposed to be changed to include the season provisions previously contained under the section listed in (18) of this notice and reorganize the section to be consistent with the format of other area regulations.
- (20) **5 AAC 67.010. Fishing seasons for Bristol Bay Area** is proposed to be repealed and the substance of that section moved to the general provisions sections to include seasons, bag, possession, annual, and size limits all in one section consistent with other area regulations.
- (21) **5 AAC 67.020. General provisions for seasons and bag, possession, annual, and size limits for the Bristol Bay Area** is proposed to be changed to include the season provisions previously

contained under the section listed in (20) of this notice and reorganize the section to be consistent with the format of other area regulations.

- (22) **5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area** is proposed to be changed to correct an omission in the season for rainbow trout in the American Creek drainage of the Naknek River drainage to clarify when sport fishing is closed.
- (23) **5 AAC 75.995. Definitions** is proposed to be changed to reflect a redescription of the blue rockfish to a deacon rockfish for the purposes of sport fisheries.
- (24) **5 AAC 77.010. Methods, means, and general restrictions** is proposed to be changed to clarify that the no closed season, no bag and possession limits, and gear limits only applies to certain miscellaneous shellfish species that are not otherwise specified in the personal use fishery regulations in 5 AAC 77.
- (25) **5 AAC 77.050 – 5 AAC 77.559** are proposed to be changed or repealed to eliminate certain provisions and personal use fishery regulations that have become obsolete. In determining the changes needed, the Department of Fish and Game considered the factors and used the criteria established by the Board of Fisheries under its finding and delegation of authority *2015-276-FB*, dated March 20, 2015, and which can be found on the board's website at http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/findings/2015_276_fb.pdf.
- (26) **5 AAC 77.662. Personal use Dungeness crab fishery** is proposed to be changed to clarify the provisions that if the king crab pot and ring net limits are reduced in Section 11-A in the Southeastern Alaska Area that the Dungeness crab pot and ring net limits in Section 11-A will be reduced to the same limits as for king crab.
- (27) **5 AAC 77.666. Personal use Tanner crab fishery** is proposed to be changed to clarify the provisions that if the king crab pot and ring net limits are reduced in Section 11-A in the Southeastern Alaska Area that the Tanner crab pot and ring net limits in Section 11-A will be reduced to the same limits as for king crab.
- (28) **5 AAC 77.671. Personal use sea cucumber fishery** is proposed to be changed to clarify that there is no closed season or bag and possession limits for personal sea cucumbers in the Southeastern Alaska Area.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Kevin J. Messing, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at kevin.messing@alaska.gov. The comments must be received no later than 5:00 p.m. on June 20, 2016.

You may submit written questions relevant to the proposed action to Kevin J. Messing at the mailing address or email address above. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Online Public Notice System. The Department of Fish and Game may, but is not required to,

answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kevin J. Messing at (907) 465-6124 no later than June 13, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kevin J. Messing, Regulations Program Coordinator at the mailing address, telephone number, or email address above or online on the board's website at <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>.

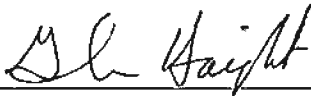
After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 16.05.050; AS 16.05.251; AS 16.05.258; AS 16.05.270; AS 16.10.125

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.251; AS 16.05.258; AS 16.10.125

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 5/20/16



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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d) and (g))

1. Adopting agency: Alaska Board of Fisheries / Department of Fish and Game
2. General subject of regulation: Changes and repeal of obsolete personal use fishery regulations and correction of errors and omissions in certain fishery regulations.
3. Citation of regulation: 5 AAC 01 – 5 AAC 77
4. Department of Law file number, if any: JU2015200932
5. Reason for the proposed action: Eliminate obsolete personal use fishery regulations and correct errors and omissions in certain fishery regulations in Title 5 of the Alaska Administrative Code.
6. Appropriation/Allocation: Natural Resources/Commercial Fisheries
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars): No costs are expected in TY 2016 or in subsequent years
9. The name of the contact person for the regulation:

Name: Kevin J. Messing
Title: Regulations Program Coordinator
Address: P.O. Box 115526
Juneau, AK 99811-5526
Telephone: (907) 465-6124

E-mail address: kevin.messing@alaska.gov

10. The origin of the proposed action: Staff of state agency

11. Date: 5/20/16

Prepared by: _____

Name: Kevin J. Messing
Title: Regulations Program Coordinator
Telephone: (907) 465-6124

**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 changes and repeal of certain obsolete personal use finfish and shellfish fishery regulations and correcting errors and omissions dealing with certain finfish and shellfish fisheries 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, Division of 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);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

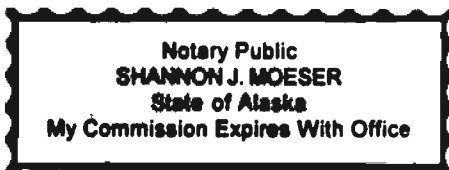
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

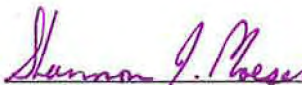
DATE: June 22, 2016
Juneau, Alaska



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

SUBSCRIBED AND SWORN TO before me this 22nd day of June, 2016.





Notary Public in and for the
State of Alaska


My commission expires: with office.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Kevin J. Messing, Regulations Program Coordinator for the Department of Fish and Game, being duly sworn, state the following:

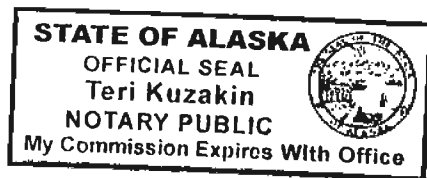
The Department of Fish and Game did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Board of Fisheries regulations on changes and repeal of certain obsolete personal use finfish and shellfish fishery regulations and correcting errors and omissions dealing with certain finfish and shellfish fisheries.

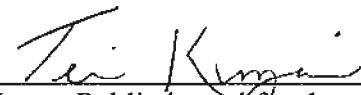
Date: June 22, 2016
Juneau, Alaska



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

SUBSCRIBED AND SWORN TO before me this 22 day of June, 2016.





Notary Public in and for the
State of Alaska

My commission expires: w/office

AFFIDAVIT OF PUBLICATION

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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

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 _____
this 23rd day of May, 2016
Subscribed and sworn to before me
Britney Thompson
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

My Commission Expires Feb 23, 2019
State of Alaska
BRITNEY L. THOMPSON
Notary Public
00973007

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