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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Frances Leach
Department of Fish & Game

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: March 17, 2017

RE: Filed Permanent Regulations: Department of Fish & Game
Board of Fisheries Regulation re: Jan. 10 - 13, 2017 Kodiak Meeting: Kodiak Finfish
Fisheries (5 AAC 01.525 - 5 AAC 64.022)

Attorney General File:	JU2016200585
Regulation Filed:	3/16/2017
Effective Date:	4/15/2017
Print:	222, July 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

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

The attached 13 pages of regulations, dealing with subsistence, personal use, sport, and commercial finfish fisheries in the Kodiak Area, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its January 10–13, 2017 meeting in Kodiak, 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: 3-10-17
Juneau, Alaska



Sam Cotten, Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 16, 2017 at 335p.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: April 15, 2017.

Register: 222, July 2017.

Chapter 01. Subsistence Finfish Fishery.

Article 10. Kodiak Area.

5 AAC 01.525(10) is amended to read:

(10) from June 1 through October 31, all waters seaward of the terminus of Big Kitoi Creek to a line extending northwesterly from 58° 11.55' N. lat., 152° 22.13' W. long., to 58° 11.34' N. lat., 152° 22.00' W. long. [58° 11.42' N. LAT., 152° 21.95' W. LONG., TO 58° 11.59' N. LAT., 152° 22.03' W. LONG.];

5 AAC 01.525(11) is amended to read:

(11) from August 15 through September 30, all waters seaward of the terminus of Big Kitoi Creek (stream No. 252-324) west of a line from 58° 11.53' N. lat., 152° 21.77' W. long., to 58° 11.25' N. lat., 152° 21.69' W. long., and all waters near the terminus of Little Kitoi Creek (stream No. 252-323) west of a line from 58° 11.69' N. lat., 152° 21.59' W. long., to 58° 11.55' N. lat., 152° 21.59' W. long. [OF BIG KITOI BAY WEST OF THE LONGITUDE OF 152° 21.55' W. LONG.];

(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; readopt 5/13/93, Register 126; am 6/15/96, Register 138; am 5/29/99, Register 150; am 5/4/2002, Register 162; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.251 AS 16.05.258

Chapter 18. Kodiak Area.

Article 3. Salmon Fishery.

5 AAC 18.330(d) is amended by adding a new paragraph to read:

(3) notwithstanding subsection (d)(1) of this section, in the Humpy-Deadman

and Cape Alitak Sections north of a line from Cape Trinity at 56° 44.80' N. lat., 154°

08.90' W. long, to Cape Alitak at 56° 50.58' N. lat., 154° 18.50' W. long, after September 4,

salmon may also be taken by set gillnet gear. The provisions of this paragraph do not

apply after December 31, 2019.

5 AAC 18.331(b)(1) is amended to read:

(1) [ALITAK BAY, MOSER BAY, OLGA BAY, DOG SALMON FLATS, INNER AKALURA, OUTER AKALURA, OUTER UPPER STATION, AND INNER UPPER STATION SECTIONS], seine webbing may be used only from the high tide mark seaward, and no portion of the seine web may be in water deeper than five feet at the lowest tide of the current day;

5 AAC 18.331(f)(1) is amended to read:

(1) closed waters areas of Upper Olga Bay described in

5 AAC 18.350(a)(1)(B)(i); [AND]

5 AAC 18.331(f)(2) is amended to read:

(2) Dog Salmon Flats Section; **and** [THE PROVISIONS OF THIS PARAGRAPH DO NOT APPLY AFTER DECEMBER 31, 2016.]

5 AAC 18.331(f) is amended by adding a new paragraph to read:

(3) the portions of the Humpy-Deadman and Cape Alitak Sections described in 5 AAC 18.330(d)(3).

5 AAC 18.331 is amended by adding a new subsection to read:

(k) Except for nets which may not be in the water after the closure, set gillnet gear, including running lines, shore leads, anchors, and buoys must be removed from the water, and signs required by 5 AAC 18 or 5 AAC 39 must be removed from the beach, no more than 24 hours after the closure of the

(1) closed waters areas of Upper Olga Bay described in 5 AAC 18.350(a)(1)(B)(i);

(2) Dog Salmon Flats Section; and

(3) the portions of the Humpy-Deadman and Cape Alitak Sections described in 5 AAC 18.330(d)(3). (In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 5/31/85, Register 94; am 6/2/88, Register 106; am 4/19/90, Register 114; am 7/23/94, Register 131; am 10/18/96, Register 140; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 5/1/2014, Register 210; am 4 / 15 /2017, Register 222.)

Authority: AS 16.05.251

5 AAC 18.350(a)(3)(M) is amended to read:

(M) Ouzinkie Harbor: north of a line from Ouzinkie Point at 57° 54.80' N. lat., 152° 31.27' W. long., to a point on Prokoda Island at 57° 54.64' N. lat., 152° 30.39' W. long., and north of a line from Black Point at 57° 54.79' N. lat., 152° 29.24' W. long., to a point on Prokoda Island at 57° 54.66' N. lat., 152° 30.18' W. long. [57° 55.15' N. LAT.];

5 AAC 18.350(a)(6)(B) is amended to read:

(B) Kitoi Bay: all waters near the terminus of Big Kitoi Creek (stream No. 252-324) west of a line from 58° 11.53' N. lat., 152° 21.77' W. long., to 58° 11.25' N. lat., 152° 21.69' W. long. [58° 11.45' N. LAT., 152° 21.84' W. LONG., TO 58° 11.34' N. LAT., 152° 21.66' W. LONG.], and all waters near the terminus of Little Kitoi Creek (stream No. 252-323) west of a line from 58° 11.69' N. lat., 152° 21.59' W. long., to 58° 11.55' N. lat., 152° 21.59' W. long. [58° 11.59' N. LAT., 152° 21.65' W. LONG., TO 58° 11.50' N. LAT., 152° 21.61' W. LONG.];

(In effect before 1983; am 4/16/83, Register 86; am 5/3/85, Register 94; am 5/11/85, Register 94; am 6/2/88, Register 106; am 4/14/93, Register 126; am 3/16/96, Register 137; am 6/15/96, Register 138; am 5/29/99, Register 150; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 5/1/2014, Register 210; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.251

The introductory language of 5 AAC 18.361(a) is amended to read:

(a) The department shall manage the commercial salmon fishery in the Alitak District in accordance with the management plan set out in this section. The goal of the management plan is to achieve escapement and harvest objectives of salmon stocks returning to the Humpy-Deadman Section systems, and the Horse Marine, Frazer, Akalura, and Upper Station systems. [IT IS THE INTENT OF THE BOARD THAT]

5 AAC 18.361(a)(1) is repealed:

(1) repealed 4 / 15 /2017;

5 AAC 18.361(a)(2) is repealed:

(2) repealed 4 / 15 /2017;

5 AAC 18.361(a)(3) is repealed:

(3) repealed 4 / 15 /2017;

5 AAC 18.361(b) is amended to read:

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from June 1 through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12:00 noon. From the conclusion of the commercial test fishing period through September 15, there shall be a minimum closure of 63 [69] consecutive hours in every 10-day period, to apply to each section individually as each

section closes, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and Upper Station sockeye salmon runs.

The introductory language of 5 AAC 18.361(c) is amended to read:

(c) **All fishing periods in the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay**

Sections will open and close at the same time. [EXCEPT FOR THE 2014 – 2016

COMMERCIAL FISHING SEASONS AND DURING THE COMMERCIAL TEST FISHING PERIOD UNDER (b) OF THIS SECTION, FROM JUNE 1 THROUGH SEPTEMBER 15, THE COMMISSIONER SHALL OPEN AND CLOSE, BY EMERGENCY ORDER, FISHING PERIODS FOR THE CAPE ALITAK, ALITAK BAY, MOSER BAY, AND OLGA BAY SECTIONS AT DIFFERENT TIMES, AS FOLLOWS:]

5 AAC 18.361(c)(1) is repealed:

(1) repealed 4 / 15 /2017;

5 AAC 18.361(c)(2) is repealed:

(2) repealed 4 / 15 /2017;

5 AAC 18.361(c)(3) is repealed:

(3) repealed 4 / 15 /2017;

5 AAC 18.361(c)(4) is repealed:

(4) repealed 4 / 15 /2017;

5 AAC 18.361(d) is repealed:

(d) Repealed 4 / 15 /2017;

5 AAC 18.361(g) is amended to read:

(g) The Cape Alitak Section shall be managed **as follows:** [,] from June 1 through **June 30** [JULY 15], based on the Frazer and early Upper Station systems sockeye salmon returns. **From July 1 through July 15, based on either the Frazer or early Upper Station systems sockeye salmon returns.** From July 16 through August 9, in odd-numbered years, the Cape Alitak Section shall be managed based on either the sockeye salmon or pink salmon return to the Frazer system, and in even-numbered years it shall be managed based on the sockeye salmon return to either the Frazer system or to **the** Upper Station **system**. From August 10 through August 25, in odd-numbered years, the Cape Alitak Section shall be managed based on the sockeye salmon return to ^{the} ^{system} Upper Station, and in even-numbered years it shall be managed based on either the pink salmon return to the Frazer system or on the sockeye salmon return to the Upper Station system. From August 26 through the end of the fishing season, the Cape Alitak Section shall be managed based on the coho and sockeye salmon returns to the entire Alitak District.

5 AAC 18.361(h) is amended to read:

(h) The Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed **as follows:** [,] from June 1 through **June 30** [JULY 15], based on the Frazer and early Upper Station systems sockeye salmon returns. **From July 1 through July 15, based on either the Frazer or early**

Upper Station systems sockeye salmon returns. From July 16 through August 9, in odd-numbered years, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on either the sockeye salmon or pink salmon return to the Frazer system, and in even-numbered years it shall be managed based on the sockeye salmon return to either the Frazer system or **the Upper Station system.** From August 10 through August 25, in odd-numbered years, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on the sockeye salmon return to **the Upper Station system,** and in even-numbered years it shall be managed based on either the pink salmon return to the Frazer system or on the sockeye salmon return to the Upper Station system. From August 26 through the end of the fishing season, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on the coho and late sockeye salmon returns to all Olga Bay systems.

5 AAC 18.361(j) is amended to read:

(j) The Dog Salmon Flats Section shall be managed, from June 1 through August 20, based on sockeye and pink salmon returns to the Frazer system. From August 21 through the end of the fishing season, the Dog Salmon Flats Section shall be managed based on coho salmon returns to the Dog Salmon River and Horse Marine systems. [EXCEPT FOR THE 2014 – 2016 COMMERCIAL FISHING SEASONS, THE DOG SALMON FLATS SECTION MAY BE OPENED TO FISHING ONLY WHEN THE DEPARTMENT DETERMINES THAT ESCAPEMENT GOALS WILL BE EXCEEDED.] These openings may not jeopardize achievement of minimum escapement goals for other salmon species. The department shall give at least 24-hours' advance notice before opening the Dog Salmon Flats Section.

(Eff. 6/2/88, Register 106; am 5/29/99, Register 150; am 5/4/2002, Register 162; am 6/5/2003, Register 166; am 4/9/2005, Register 174; am 4/21/2011, Register 198; am 5/1/2014, Register 210; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 18.362(e)(1) is amended to read:

(1) from June 1 through July 15, based on early-run sockeye salmon returning to the Karluk system; the commissioner may open, by emergency order, fishing periods in the Inner Karluk Section only if the department determines that the midpoint of the early-run escapement goal range will be achieved [DESIRED EARLY-RUN ESCAPEMENT GOAL WILL BE EXCEEDED]; in the Outer Karluk Section, from June 16 through approximately July 15, the commissioner shall open fishing periods to occur at the same time as open fishing periods in the Central Section;

(Eff. 4/19/90, Register 114; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 18.366(b) is amended to read:

(b) The purpose of the Spiridon Bay harvest strategy is to allow the orderly harvest of sockeye salmon returning to Telrod Cove from the Spiridon Lake enhancement project while

providing adequate protection for local natural salmon stocks returning to other streams of the bay. The intent of the enhancement project is for the harvest of returning enhanced salmon to occur in traditional commercial fishing areas of the Northwest Kodiak District during openings directed at harvesting Karluk sockeye and westside pink and chum salmon stocks. **Throughout the season, fishing time in the Spiridon Bay Special Harvest Area may be restricted in order to meet cost recovery goals for enhanced sockeye salmon.**

(Eff. 4/14/93, Register 126; am 3/16/96, Register 137; am 6/15/96, Register 138; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 18.395(c) is amended to read:

(c) In addition to the other provisions in this section, in the Kodiak Area, from June 1 through July 5, king salmon 28 inches or greater in length taken during the commercial salmon seine fishery may not be retained and must be immediately returned to the water. [THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 2016.]

(Eff. 4/9/2005, Register 174; am 4/21/2011, Register 198; am 5/1/2014, Register 210; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

Chapter 28. Groundfish Fishery.

Article 7. Kodiak Area (Registration Area K).

5 AAC 28.467(j) is amended to read:

(j) If at any time after the dates set forth below [SEPTEMBER 1] the commissioner determines that the guideline harvest level for Pacific cod will not be achieved by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) after September 1, the commissioner may remove [REMOVAL OF] the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) after October 30, the commissioner may designate [IF NEEDED, DESIGNATION OF] the Kodiak Area as a nonexclusive registration area for vessels validly registered to take Pacific cod with groundfish pot gear;

(3) after June 10, the commissioner may designate the Kodiak Area as a nonexclusive registration area for vessels validly registered to take Pacific cod with mechanical jigging machine and hand troll gear.

(Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 7/21/99, Register 151; em am 11/24/99 – 2/29/2000, Register 152; am 7/5/2000, Register 155; am 5/31/2001, Register 158; am 3/31/2002, Register 161; am 4/20/2012, Register 202; am 2/23/2014, Register 209; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

Chapter 64. Kodiak Area.

5 AAC 64.022(b)(1)(A) is repealed:

(A) repealed 4 / 15 /2017;

5 AAC 64.022(b) is amended by adding new paragraphs to read:

(8) in the Kodiak Road Zone, from September 16 – December 31, the bag and possession limit for coho salmon, 20 inches or greater in length, is one fish, except that in the following stocked waters the bag and possession limit for coho salmon, 20 inches or greater in length, is two fish:

(A) Monashka Creek and Pillar Creek;

(B) Mission Beach: all waters between ADF&G regulatory markers at Shahafka Cove;

(C) Mill Bay: all waters between ADF&G regulatory markers;

(D) Monashka Bay: all waters west of a line from Termination Point to Miller Point.

(9) in the waters of Chiniak Bay and Marmot Bay, west of a line from Cape Chiniak to Pillar Cape, and east of a line from Head Point (57° 59.67' N. lat., 152° 46.75' W. long.) on Afognak Island to Dolphin Point (57° 59.15' N. lat., 152° 43.40' W. long.) on Whale

Island, to Bird Point (57° 55.30' N. lat., 152° 47.50' W. long.) on Whale Island, to Inner Point (57° 54.05' N. lat., 152° 47.75' W. long.) on Kodiak Island,

(A) the bag limit for rockfish is three fish per day and six in possession, of which only two fish per day and four in possession may be nonpelagic rockfish, and only one fish per day and two in possession may be yelloweye rockfish; no size limit;

(B) charter vessel operators and crewmembers may not retain rockfish while clients are on board the vessel.

(Eff. 3/13/96, Register 137; am 8/14/96, Register 139; am 4/2/99, Register 149; am 4/20/2002, Register 162; am 12/29/2002, Register 164; am 3/13/2004, Register 169; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 5/1/2011, Register 198; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 4 / 15 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

MEMORANDUM

State of Alaska Department of Law

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

Date: March 16, 2017

File No.: JU2016200585

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulation re:
Jan. 10-13, 2017 Kodiak Meeting:
Kodiak Finfish Fisheries
(5 AAC 01.525 – 5 AAC 64.022)

We have reviewed the attached regulations changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations concern subsistence, personal use, sport, and commercial finfish fisheries in the Kodiak 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 28, 2016 affidavit of newspaper publication for these regulations was filed with Department of Law project file JU2016200584, Register 221 (April 2017); we have included a photocopy of that affidavit of publication.

The October 28, 2016 public notice and the March 10, 2017 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
Dept. of Fish and Game

Glenn Haight, Executive Director
Board of Fisheries
Dept. of Fish and Game

Scott Kelley, Director
Division of Commercial Fisheries
Dept. of Fish and Game

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

Tom Brookover, Director
Division of Sport Fisheries
Dept. of Fish and Game

Tom Taube, Deputy Director
Division of Sport Fish
Dept. of Fish and Game

Lisa Olson, Deputy Director
Division of Subsistence
Dept. of Fish and Game

Frances Leach, Fishery Regulations
Program Coordinator
AAC Contact
Dept. of Fish and Game

Enforcement Commander
Division of Wildlife Troopers
Dept. of Public Safety

Seth Beausang, Assistant Attorney
General
Natural Resources Section

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

The Alaska Board of Fisheries proposes to adopt, amend, or repeal 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 COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS):
 - A. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries:** fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; harvest levels, thresholds, goals, and quotas; definitions; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; registration areas (including nonexclusive, exclusive and superexclusive registration areas); recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; landing requirements; provisions for development and allocation among beneficial uses; guiding principles; provisions to regulate, require, restrict or prohibit the retention, tendering, transportation, dispatch, possession, sale, release, or purchase of fish; methods of release; registration, licensing, reporting, and other requirements for sport fishing guides and operators, guided anglers, catchers, processors, buyers, and transporters; onboard observer requirements; fish storage and inspection requirements.
 - B. In the **subsistence fisheries:** identification of subsistence uses; fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; definitions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; landing requirements; provisions for development and allocation among beneficial uses and users, including creating and regulating tier II fisheries; guiding principles; identify customary and traditional uses of fish stocks; determine amounts reasonably necessary for subsistence uses; establish, regulate, change, or adjust subsistence and personal use fisheries; amend legal gear for all shellfish in the Bering Sea Area north of Cape Newenham.
2. The following topic is added to the Lower Cook Inlet Finfish Meeting in Homer, November 30-December 3, 2016:

- A. IN THE STATEWIDE PROVISIONS FOR SPORT FISHING SERVICES AND SPORT FISHING GUIDE SERVICES: Consider amending regulations for sport fishing services and sport fishing guide services in salt water to implement and interpret requirements in statute, amending regulations for sport fishing services and sport fishing guide services in fresh water, and amending fresh and salt water sport fishing guide and operator reporting regulations and correcting certain inconsistencies, ambiguities, errors, and omissions (*newly assigned Proposal 277 which was accepted at the 2016 Work Session, October 2016*).
3. The following topic is added to the Kodiak Finfish meeting in Kodiak, January 10-13, 2017:
 - A. IN THE WESTWARD COMMERCIAL TANNER CRAB FISHERY: Consider amending the Bering Sea District Tanner crab harvest strategy (*newly assigned Proposal 278 which was a board generated proposal at the 2016 Work Session, October 2016*).
4. The following topic is added to the Upper Cook Inlet Finfish meeting in Anchorage, February 23-March 8, 2017:
 - A. IN THE KUSKOKWIM RIVER SUBSISTENCE SALMON FISHERY: Consider amending regulations for when 4-inch mesh set gillnets may be used during the early season king salmon subsistence fishery closure (*newly assigned Proposal 279 which was a board generated proposal at the 2016 Work Session, October 2016*).
5. The following topics are added to the Statewide King and Tanner Crab and Supplemental Issues meeting in Anchorage, March 20-24, 2017:
 - A. IN THE GROUND FISH FISHERY GENERAL SPECIFICATIONS: Consider reducing waters closed for the protection of Steller sea lions during the parallel Pacific cod fishery in the Chignik Area (*Proposal 274, previously postponed at the 2015 Alaska Peninsula/Chignik/Aleutian Islands-Bering Sea Pacific Cod meeting as Proposal 9*).
 - B. IN THE KUSKOKWIM AREA SUBSISTENCE SALMON FISHERY: Consider
 - i. Creating a Tier II subsistence king salmon fishery in the Kuskokwim Area (*Proposal 275, previously postponed at the 2016 Arctic / Yukon / Kuskokwim Finfish meeting as Proposal 95*).
 - ii. Establishing a permit system in the Kuskokwim Area for regulating the king salmon subsistence fishery (*Proposal 276, previously postponed at the 2016 Arctic / Yukon / Kuskokwim Finfish meeting as Proposal 222*).

- C. IN THE ALEUTIAN ISLANDS SUBSISTENCE SALMON FISHERY: Consider decreasing the number of sockeye salmon that may be retained in the subsistence salmon fishery in the Unalaska Bay District (*newly assigned Proposal 280 which was accepted at the 2016 Work Session, October 2016*).

At its 2016 Work Session, the board decided to convene a joint meeting of its Habitat and Legislation committees to review a request of the board to recommend to the Legislature that it consider placing elements of the Sustainable Salmon Fisheries Policy into Alaska Statute Title 16 habitat permitting laws. These committees will convene November 29, at 7pm in Homer at the Alaska Islands and Oceans Visitor Center.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or www.boardoffisheries.adfg.alaska.gov.

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. 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 www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above do not have assurance their comments will be received and entered as public comment.

Comments are generally 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 are also accepted during the meeting and until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

Once a meeting begins and during a meeting written comments from any one individual or group may be submitted by hand delivery at any time if the required number of copies are provided (typically in excess of 25 copies). 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 begin, 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.

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Lower Cook Inlet Finfish

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Comment deadline: November 15, 2016

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January 10-13, 2017

Best Western Kodiak Inn, Kodiak

Comment deadline: December 27, 2016

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Statewide King and Tanner Crab and Supplemental Issues (Except Southeast and Yakutat)

March 20-24, 2017

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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. The board may also include accepted agenda change requests as new proposals following its October 18-20, 2016 work session. Any additional proposals will be noticed and made available online and upon request.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, or aquatic plant regulations are 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 subsistence, personal use, sport, guided sport or commercial fishing regulations as may be required to ensure the subsistence priority in AS 16.05.258. On its own motion, after the 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 ADF&G.** 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

10/27/2016
Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS).
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Department of Law file number (if any):
 - JU2016200584 – Lower Cook Inlet Finfish
 - JU2016200585 – Kodiak Finfish
 - JU2016200586 – Upper Cook Inlet Finfish
 - JU2016200587 – Statewide King and Tanner Crab 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 27, 2016
Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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

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

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC dealing with finfish fisheries in the Kodiak Area has been given by being

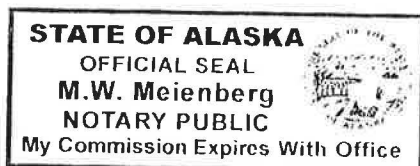
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (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: January 19, 2017
Juneau, Alaska


Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 19 day of January, 2017.





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

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF ORAL HEARING

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

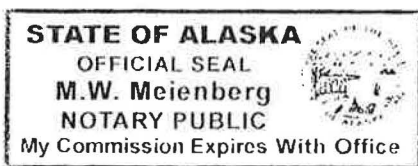
On January 10-13, 2017, at the Kodiak Harbor Convention Center, 211 W. Rezanof Drive, Kodiak, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with finfish fisheries in the Kodiak Area.


DATE: January 19, 2017
 Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 19 day of January, 2017.





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

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\$1,252.49

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

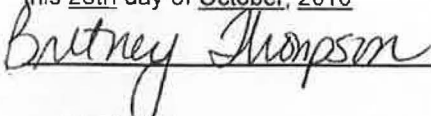
October 28, 2016

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



Subscribed and sworn to before me
this 28th day of October, 2016



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 proposes to adopt, amend, or repeal 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:

6. IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS):

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

B. In the **subsistence fisheries**: identification of subsistence uses; fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; definitions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; landing requirements; provisions for development and allocation among beneficial uses and users, including creating and regulating tier II fisheries; guiding principles; identify customary and traditional uses of fish stocks; determine amounts reasonably necessary for subsistence uses; establish, regulate, change, or adjust subsistence and personal use fisheries; amend legal gear for all shellfish in the Bering Sea Area north of Cape Newenham.

7. The following topic is added to the Lower Cook Inlet Finfish Meeting in Homer, November 30-December 3, 2016:

A. IN THE STATEWIDE PROVISIONS FOR SPORT FISHING SERVICES AND SPORT FISHING GUIDE SERVICES: Consider amending regulations for sport fishing services and sport fishing guide services in salt water to implement and interpret requirements in statute, amending regulations for sport fishing services and sport fishing guide services in fresh water, and amending fresh and salt water sport fishing guide and operator reporting regulations and correcting certain inconsistencies, ambiguities, errors, and omissions (newly assigned Proposal 277 which was accepted at the 2016 Work Session, October 2016).

8. The following topic is added to the Kodiak Finfish meeting in Kodiak, January 10-13, 2017:

A. IN THE WESTWARD COMMERCIAL TANNER CRAB FISHERY: Consider amending the Bering Sea District Tanner crab harvest strategy (newly assigned Proposal 278 which was a board generated proposal at the 2016 Work Session, October 2016).

9. The following topic is added to the Upper Cook Inlet Finfish meeting in Anchorage, February 23-March 8, 2017:

A. IN THE KUSKOKWIM RIVER SUBSISTENCE SALMON FISHERY: Consider amending regulations for when 4-inch mesh set gillnets may be used during the early season king salmon subsistence fishery closure (newly assigned Proposal 279 which was a board generated proposal at the 2016 Work Session, October 2016).

10. The following topics are added to the Statewide King and Tanner Crab and Supplemental issues meeting in Anchorage, March 20-24, 2017:

A. IN THE GROUND FISH FISHERY GENERAL SPECIFICATIONS: Consider reducing waters closed for the protection of Steller sea lions during the parallel Pacific cod fishery in the Chignik Area (Proposal 274, previously postponed at the 2015 Alaska Peninsula/Chignik/Aleutian Islands-Bering Sea Pacific Cod meeting as Proposal 9).

B. IN THE KUSKOKWIM AREA SUBSISTENCE SALMON FISHERY: Consider

i. Creating a Tier II subsistence king salmon fishery in the Kuskokwim Area (Proposal 275, previously postponed at the 2016 Arctic / Yukon / Kuskokwim Finfish meeting as Proposal 95).

ii. Establishing a permit system in the Kuskokwim Area for regulating the king salmon subsistence fishery (Proposal 276, previously postponed at the 2016 Arctic / Yukon / Kuskokwim Finfish meeting as Proposal 222).

C. IN THE ALEUTIAN ISLANDS SUBSISTENCE SALMON FISHERY: Consider decreasing the number of sockeye salmon that may be retained in the subsistence salmon fishery in the Unalaska Bay District (newly assigned Proposal 280 which was accepted at the 2016 Work Session, October 2016).

At its 2016 Work Session, the board decided to convene a joint meeting of its Habitat and Legislation committees to review a request of the board to recommend to the Legislature that it consider placing elements of the Sustainable Salmon Fisheries Policy into Alaska Statute Title 16 habitat permitting laws. These committees will convene November 29, at 7pm in Homer at the Alaska Islands and Oceans Visitor Center.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or www.boardoffisheries.adfg.alaska.gov.

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. You may comment on the proposed regulation

BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

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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. 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 www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above do not have assurance their comments will be received and entered as public comment.

Comments are generally 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 are also accepted during the meeting and until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

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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

10/27/2016
Date

Published: October 28, 2016