

Byron Mallott  
Lieutenant Governor  
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907.269.7460 269.0263  
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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

A handwritten signature in black ink, appearing to be "M".

**DATE:** March 31, 2017

**RE:** Filed Emergency Regulations: Board of Fisheries

Emergency Regulations - Board of Fisheries - Southeastern Alaska Area (SEAK) King  
Salmon (5 AAC 33.331(d))

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Attorney General File:	Emergency Regulations
Regulation Filed:	3/31/2017
Effective Date:	5/1/2017
Expiration Date:	August 28, 2017 unless made permanent by the adopting agency
Print:	222, July 2017

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

## **FINDING OF EMERGENCY**

The Alaska Board of Fisheries finds that an emergency exists and the attached regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency are the following:

Southeastern Alaska Area (SEAK) king salmon stocks are currently experiencing a cycle of very low abundance. Over the past five years (2012–2016), the eleven king salmon index systems in SEAK did not meet escapement goals 45% of the time. 2016 SEAK king salmon runs were generally below forecast and in spite of conservation measures taken by the department, produced escapements well below expectations. In 2017, the Taku and Chilkat rivers are not expected to meet their king salmon escapement goals despite planned inseason conservation measures. The Stikine River has a 2017 terminal run size forecast near the midpoint of the escapement goal range after accounting for conservation measures.

In response to the ongoing cycle of low productivity of SEAK king salmon stocks, the department held a series of meetings in winter 2016/2017 to develop a management strategy that will maximize king salmon escapements across the region. In 2017, closures and time and area reductions will be implemented in subsistence, sport, and commercial salmon fisheries throughout SEAK. Another critical part of this management strategy is a gillnet mesh restriction in districts 6, 8, 11, and 15, implemented over the entire duration of king salmon runs to Chilkat, Taku, and Stikine Rivers. Current regulations allow implementation of mesh restrictions in Districts 8, 11, and 15 through the fourth Saturday in June, which excludes District 6 and only covers a portion of these king salmon runs. SEAK king salmon runs typically peak in late June to early July and are largely complete by late July.

Despite existing management measures and conservation tools the department is concerned about meeting SEAK king salmon escapement goals in 2017 and the SEAK king salmon fishery resource.

These emergency regulations amend 5 AAC 33.331 to include District 6 in the area gillnet mesh-size restrictions for king salmon conservation and extend the current mesh-size restriction period from its current ending on the fourth Saturday in June to ending on the fourth Saturday in July. This extension will cover the full temporal range of major SEAK king salmon runs.

Delaying this regulatory action would not allow these mesh-size conservation measures to be in place for the 2017 fishing season and could result in a conservation concern for Taku, Stikine, and Chilkat river king salmon. If the department is forced to close fishing in lieu of implementing a mesh-size restriction in order to protect king salmon, a biologically allowable harvest of other salmon species would be precluded and may be significantly burdensome to users. The board determined that these regulations must be effective by May 1, 2017 in order to

protect SEAK king salmon. It is not possible under state law to adopt these regulations on a non-emergency basis with an effective date of May 1, 2017.

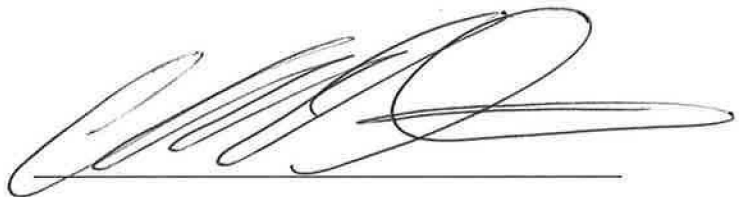
**ORDER CERTIFYING ADOPTION OF EMERGENCY REGULATIONS BY**  
**THE ALASKA BOARD OF FISHERIESB**

I certify that the attached 1 page of emergency regulations, dealing with commercial finfish fisheries in the Southeastern Alaska Area, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at a meeting on March 24, 2017, in Anchorage, Alaska, under authority of AS 16.05.251, and are to take effect on May 1, 2017, as determined by the Board of Fisheries and as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 3/30/17

Juneau, Alaska

A handwritten signature in dark ink, appearing to read 'C. Swanton', written over a horizontal line.

Charles O. Swanton, Deputy Commissioner

Department of Fish and Game

### FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 31, 2017, at 1205 PM, I filed the attached emergency regulations according to the provisions of AS 44.62. The attached emergency regulations take effect on May 1, 2017.



Byron Mallott, Lieutenant Governor

State of Alaska

Effective: May 1, 2017

Register: 222, July 2017

Expires August 28, 2017  
unless made "permanent"  
by the adopting agency.

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

SAM COTTEN

(Please print name)

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

[NOTARY SEAL]

Abby Smith  
Notary Public in and for the  
State of Alaska

My commission expires: with office

STATE OF ALASKA  
OFFICIAL SEAL  
Abby Smith  
NOTARY PUBLIC



My Commission Expires with office

**Title 5. Fish and Game.**

**Chapter 33. Southeastern Alaska Area.**

**Article 3. Salmon Fishery.**

5 AAC 33.331(d) is amended to read:

(d) In Districts 6, 8, 11, and 15, through the fourth Saturday in July [JUNE], the commissioner may, by emergency order, establish fishing periods during which the maximum gillnet mesh size is six inches.

(In effect before 1982; am 7/25/82, Register 83; am 4/28/84, Register 90; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/10/87, Register 102; am 4/2/88, Register 105; am 6/25/89, Register 110; am 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 7/26/2003, Register 167; em am 4/13/2005 - 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5/9/2015, Register 214; am 7/1/2015, Register 214; am 5 / 1 / 2017, Register 222.)

**Authority:** AS 16.05.060 AS 16.05.251

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

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

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

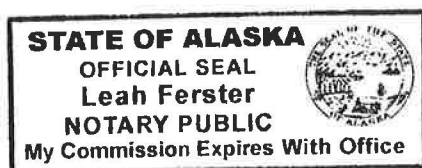
As required by AS 44.62.250, notice of the May 1, 2017 emergency changes to 5 AAC 33.331(d) dealing with commercial salmon fishing in the District 6, 8, 11 and 15 of the Southeastern Area has been given under AS 44.62.190(a) by being

- (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 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).

DATE: April 3, 2017  
Juneau, Alaska

  
Glenn Haight, Executive Director  
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 3 day of April, 2017.



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



270233  
0001402928  
\$179.30

# 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

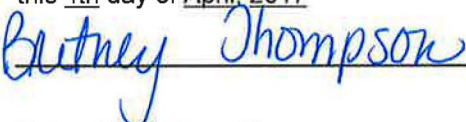
April 04, 2017

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 4th day of April, 2017



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

2/23/2019

## NOTICE OF ADOPTION OF EMERGENCY REGULATIONS OF THE ALASKA BOARD OF FISHERIES

On March 24, 2017, the Alaska Board of Fisheries adopted, as emergency regulations, changes in Title 5 of the Alaska Administrative Code dealing with commercial salmon fishing in Districts 6, 8, 11, and 15 of the Southeastern Area, including the following:

5 AAC 33.331(d) is changed to add District 6 to the provision and extend the date which the commissioner may establish maximum gillnet mesh size of six inches from the fourth Saturday in June to the fourth Saturday in July.

The emergency regulations will take effect May 1, 2017 and will expire in 120 days by operation of AS 44.62.260(a) on August 28, 2017. The Alaska Board of Fisheries does not intend to make the emergency regulations permanent.

For a copy of the emergency regulations, contact Glenn Haight, Executive Director, Alaska Board of Fisheries at the address or telephone number included in this notice or go to <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo&date=03-20-2017&meeting=anchorage>.

**Statutory Authority:** AS 16.05.251

**Statutes Being Implemented, Interpreted, or Made Specific:**  
AS 16.05.251

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: April 3, 2017  
Glenn Haight, Executive Director  
Alaska Board of Fisheries

Published: April 4, 2017

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

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OF THE ALASKA BOARD OF FISHERIES**

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**Statutory Authority:** AS 16.05.251

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.251

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: April 3, 2017

  
\_\_\_\_\_  
Glenn Haight, Executive Director  
Alaska Board of Fisheries

## ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: Emergency regulation: Southeastern Area Gillnet specifications and operations.
3. Citation of regulations: 5 AAC 33.331
4. Department of Law file number (if any):
  - N/a: emergency regulation
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 may require 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

10. Date: April 3, 2017

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