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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**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 "S. Meriwether".

**DATE:** May 9, 2017

**RE:** Filed Permanent Regulations: Department of Fish & Game

Board of Fisheries Regulation re: Feb. 23 - March 8, 2017 Anchorage Meeting: Upper  
Cook Inlet Finfish (5 AAC 21.200 - 5 AAC 57.120)

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Attorney General File: JU2016200586 (Part 1)

Regulation Filed: 5/9/2017

Effective Date: 6/8/2017

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**

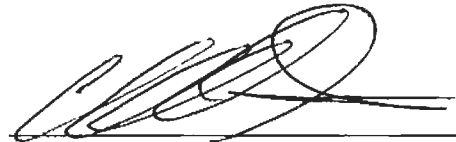
The attached 19 pages of regulations, dealing with subsistence, personal use, sport, and commercial finfish fisheries in the Cook Inlet Area (including the Kenai Peninsula, Kenai River Drainage, Cook Inlet-Resurrection Bay Saltwater, Anchorage Bowl Drainages, Knik Arm Drainages, Susitna River Drainage, and West Cook Inlet Sport Fish Management Areas), are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its February 23 – March 8, 2017 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 and 16.05.258 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: 4/28/17  
Juneau, Alaska


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

*v Scott Meriwether for*

**FILING CERTIFICATION**

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

May 9, 2017 at 10:00 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
*for* Byron Mallott, Lieutenant Governor  
State of Alaska

Effective: June 8, 2017

Register: 222, July 2017

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



**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:**

**Scott Meriwether, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 2nd, 2014.**



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

**BYRON MALLOTT  
LIEUTENANT GOVERNOR**

**Chapter 21. Cook Inlet Area.**

**Article 2. Fishing Districts, Subdistricts, and Sections.**

5 AAC 21.200(b)(2)(E) is amended to read:

(E) Expanded Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long., west to a point at the Blanchard Line located at 60° 27.10' N. lat., 151° 33.76' W. long., south to a point located at 60° 04.02' N. lat., **151° 49.00'** [151° 46.60'] W. long., and east to an ADF&G regulatory marker located at 60° 04.02' N. lat., 151° 38.90' W. long.;

(In effect before 1985; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/29/87, Register 101; am 6/10/89, Register 110; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/7/93, Register 126; am 5/31/96, Register 138; am 6/13/99, Register 150; am 8/8/99, Register 151; am 3/11/2001, Register 157; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 6/11/2005, Register 174; am 3/2/2011, Register 197; am 5/21/2011, Register 198; am 6/12/2011, Register 198; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.251

**Article 3. Salmon Fishery.**

5 AAC 21.310(b)(2)(C)(ii) is amended to read:

(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only; **on or after July 8, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed to commercial fishing with set gillnets, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;**

5 AAC 21.310(b)(2)(C)(iii) is amended to read:

(iii) Kenai, Kasilof, and East Forelands Sections: in the combined Kenai and East Forelands Sections, and separately in the Kasilof Section, the season will close August 15, unless closed earlier by emergency order after **August 7** [JULY 31], if the department determines that less than one percent of the season's total sockeye harvest has been taken per fishing period for two consecutive fishing periods in the combined Kenai and East Forelands Sections, or separately in the Kasilof Section; from August 11 through August 15, the fishery is open for regular fishing periods only; for purposes of this sub-

subparagraph, "fishing period" means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.;

(In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 7/21/91, Register 119; am 4/7/93, Register 126; am 6/7/95, Register 135; am 5/31/96, Register 138; am 5/14/97, Register 142; am 5/18/2000, Register 154; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 2/13/2005, Register 173; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 6/12/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222 )

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 21.330(b)(3)(C)(i) is amended to read:

(i) within one mile of the mean high tide mark from the northern boundary of the district to **a line from** the northern ADF&G regulatory marker at the mouth of the Kenai River at 60° 34.24' N. lat., 151° 18.99' W. long., then offshore on a bearing of 235° to a point one mile from the mean high tide mark **at 60° 33.66' N. lat., 151° 20.66' W. long.;**

5 AAC 21.330(b)(3)(C)(ii) is amended to read:

(ii) from **a line from** [THE LATITUDE OF] the southern ADF&G regulatory marker at the mouth of the Kenai River at 60° 30.49' N. lat., 151° 16.80' W. long., **offshore approximately one and one-half miles to a point at 60°**

**30.49' N. lat., 151° 19.86' W. long., to a line from** [THE LATITUDE OF] the northern ADF&G regulatory marker at the mouth of the Kasilof River at 60° 24.23' N. lat., 151° 17.66' W. long., **offshore approximately one and one-half miles to a point at 60° 24.23' N. lat., 151° 20.68' W. long.,** and only within one and one-half miles of the mean high tide mark;

5 AAC 21.330(b)(3)(C)(iii) is amended to read:

(iii) from **a line from** the southern ADF&G regulatory marker at the mouth of the Kasilof River at 60° 22.56' N. lat., 151° 20.98' W. long., **offshore approximately one and one-half miles to a point at 60° 23.97' N. lat., 151° 22.02' W. long., to a line from** [THE LATITUDE OF] the ADF&G regulatory marker at the northern limit of the closed area at the mouth of the Ninilchik River at 60° 04.02' N. lat., 151° 38.90' W. long., **offshore approximately one and one-half miles to a point at 60° 04.02' N. lat., 151° 42.00' W. long.,** and only within one and one-half miles of the mean high tide mark;

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/29/87, Register 101; am 6/10/89, Register 110; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/7/93, Register 126; am 7/23/94, Register 131; am 5/31/96, Register 138; am 8/8/99, Register 151; am 3/11/2001, Register 157; am 3/2/2011, Register 197; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6 / 8 /2017, Register 222)



**Authority:** AS 16.05.251

5 AAC 21.331(c) is amended to read:

(c) **Except as allowed under 5 AAC 21.333, a** [A] drift gillnet may not be more than 150 fathoms in length and 45 meshes in depth. No person may operate more than one drift gillnet.

(In effect before 1987; am 3/29/87, Register 101; am 4/2/88, Register 105; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/22/99, Register 150; am 5/18/2000, Register 154; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 6/12/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.251

5 AAC 21.333(a) is amended to read:

(a) Except as specified in (e) – (g) of this section, two Cook Inlet drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear, **and a person holding two Cook Inlet drift gillnet CFEC permits may operate up to 200 fathoms of drift gillnet gear,** under this section.

The introductory language of 5 AAC 21.333(c) is amended to read:

(c) When two Cook Inlet drift gillnet CFEC permit holders fish from the same vessel and jointly operate additional drift gillnet gear, **and when a person holding two Cook Inlet drift gillnet CFEC permits operates additional drift gillnet gear** [UNDER THIS SECTION], the vessel must display its ADF&G permanent license plate number followed by the letter "D" to identify the vessel as a dual permit vessel. The letter "D" must be removed or covered when the vessel is operating with only one [REGISTERED] drift gillnet CFEC permit [HOLDER] on board the vessel. The permanent license plate number and letters must be displayed

...

The introductory language of 5 AAC 21.333(e) is amended to read:

(e) The [JOINT] operation of additional drift gillnet gear [UNDER THIS SECTION] is not allowed when drift gillnet gear is restricted to any of the following areas:

...

5 AAC 21.333(f) is amended to read:

(f) A vessel with two [REGISTERED] **Cook Inlet drift gillnet** CFEC **permits** [PERMIT HOLDERS] on board, when transiting through any area where the legal limit of gillnet gear is less than 200 fathoms, may have on board up to 200 fathoms of gillnet gear if no portion of the gear is deployed into the water.

(Eff. 6/4/2008, Register 186; am 6/30/2008, Register 187; am 5/21/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.251

5 AAC 21.350(b)(3) is amended to read:

(3) Kenai River: waters enclosed by a line from the southern ADF&G regulatory marker at the mouth of the Kenai River at 60° 30.49' N. lat., 151° 16.80' W. long., to **a point approximately one and one-half miles offshore at 60° 30.49' N. lat., 151° 19.86' W. long., to a point at 60° 31.07' N. lat., 151° 19.81' W. long.,** to the Coast Guard channel marker 1 KE located **approximately at 60° 31.27' N. lat., 151° 20.84' W. long.,** [60° 31.30' N. LAT., 151° 20.50' W. LONG.] **to a point at 60° 33.07' N. lat., 151° 19.72' W. long., to a point approximately one mile offshore at 60° 33.66' N. lat., 151° 20.66' W. long.,** to the northern ADF&G regulatory marker at the mouth of the Kenai River at 60° 34.24' N. lat., 151° 18.99' W. long.; [AND, IN THE AREA BETWEEN A LINE BEARING 235° FROM THE NORTHERN ADF&G REGULATORY MARKER AND THE KENAI RIVER MOUTH, THOSE WATERS WITHIN ONE MILE OF THE MEAN HIGH TIDE MARK AND, IN THE AREA BETWEEN THE SOUTHERN ADF&G REGULATORY MARKER AND THE KENAI RIVER MOUTH, THOSE WATERS WITHIN ONE AND ONE-HALF MILES OF THE MEAN HIGH TIDE MARK;]

5 AAC 21.350(b)(4) is amended to read:

(4) Kasilof River: **waters enclosed by a line** from the southern ADF&G regulatory marker [LOCATED] at 60° 22.56' N. lat., 151° 20.98' W. long., to **a point approximately one and one-half miles offshore at 60° 23.97' N. lat., 151° 22.02' W. long., to a point approximately one and one-half miles offshore at 60° 24.23' N. lat., 151° 20.68' W. long., to**

[THE LATITUDE OF] the northern ADF&G regulatory marker [LOCATED] at 60° 24.23' N. lat., 151° 17.66' W. long. [AND WITHIN ONE STATUTE MILE OF THE RIVER TERMINUS];

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/20/87, Register 101; am 6/10/89, Register 110; am 4/7/93, Register 126; am 7/23/94, Register 131; am 5/31/96, Register 138; am 6/13/99, Register 150; am 8/8/99, Register 151; am 6/11/2005, Register 174; am 5/26/2006, Register 178; am 3/2/2011, Register 197; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.251

5 AAC 21.353(d)(2)(A)(iv) is amended to read:

(iv) Drift Gillnet Area 1; **notwithstanding the provisions of subparagraph (d)(2)(A) of this section, one regular 12-hour fishing period from July 16 through July 31 may occur in the Central District instead of in Drift Gillnet Area 1;**

(Eff. 6/11/2005, Register 174; am 6/4/2008, Register 186; am 9/12/2008, Register 187; am 5/21/2011, Register 198; am 6/12/2011, Register 198; em am 6/30/2011 - 7/13/2011, Register 199; am 11/25/2011, Register 200; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 21.354(b) is amended to read:

(b) The first pink salmon commercial fishing period will occur only if, during the regular fishing periods from August 6 through August 10, the daily harvest of pink salmon in the Upper Subdistrict set gillnet fishery exceeds 25,000 [50,000] fish or the cumulative harvest is 50,000 [100,000] or more pink salmon. The second pink salmon commercial fishing period will occur only if 25,000 [50,000] or more pink salmon and no more than 2,500 coho salmon are harvested in the Upper Subdistrict set gillnet fishery during the first pink salmon commercial fishing period.

(Eff. 5/21/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 21.359(b) is amended to read:

(b) The department shall manage the late run of Kenai River king salmon to achieve a sustainable escapement goal of 13,500 – 27,000 [15,000 – 30,000] king salmon 75 cm mid eye to tail fork and longer as described in this section.

The introductory language of 5 AAC 21.359(d) is amended to read:

(d) If the projected late-run king salmon escapement is less than **13,500** [15,000] king salmon **75 cm mid eye to tail fork and longer**, the department shall

The introductory language of 5 AAC 21.359(e) is amended to read:

(e) [FROM JULY 1 THROUGH JULY 31, IF THE PROJECTED INRIVER RUN OF LATE-RUN KING SALMON IS LESS THAN 22,500 FISH,] **In** [IN] order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

...

5 AAC 21.359(e)(1)(B) is amended to read:

(B) the use of bait and retention of king salmon are prohibited<sup>2</sup>, AND ONLY ONE UNBAITED, BARBLESS, SINGLE-HOOK, ARTIFICIAL LURE, AS DESCRIBED IN 5 AAC 57.121(1)(J), MAY BE USED WHEN SPORT FISHING FOR KING SALMON;<sup>1</sup>

The introductory language of 5 AAC 21.359(e)(3) is amended to read:

(3) in the Upper Subdistrict set gillnet commercial fishery, **excluding the East Foreland Section**, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

The introductory language of 5 AAC 21.359(e)(3)(A) is amended to read:

(A) if the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than **48** [36] hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either

5 AAC 21.359(e)(3)(A)(i) is amended to read:

(i) [THREE SET GILLNETS THAT ARE EACH NOT MORE THAN 35 FATHOMS IN LENGTH] **four set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length,** and 29 meshes in depth, or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

5 AAC 21.359(e)(3)(B) is amended to read:

(B) if the use of bait and the retention of king salmon are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than **24** [12] hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.

5 AAC 21.359(f) is repealed:

(f) Repealed 6 / 8 /2017;

5 AAC 21.359(g) is repealed:

(g) Repealed 6 / 8 /2017;

(Eff. 6/10/89, Register 110; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 5/31/96, Register 138; am 5/14/97, Register 142; am 2/25/98, Register 145; am 6/13/99, Register 150; am 6/22/2002, Register 162; am 6/30/2002, Register 162; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 6/1/2013, Register 206; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222 )

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 21.360(b)(1) is amended to read:

(1) meet **the sustainable** [AN OPTIMUM] escapement goal **(SEG)** [(OEG)]  
range of **700,000 – 1,200,000** [700,000 – 1,400,000] late-run sockeye salmon;

5 AAC 21.360(b)(3) is amended to read:

(3) distribute the escapement of sockeye salmon evenly within the **(SEG)** [OEG]  
range, in proportion to the size of the run.

5 AAC 21.360(c)(2)(A) is amended to read:



(A) the department shall manage for an inriver goal range of 1,000,000 – 1,300,000 [1,000,000 – 1,200,000] sockeye salmon past the sonar counter at river mile 19;

5 AAC 21.360(c)(3)(A) is amended to read:

(A) the department shall manage for an inriver goal range of 1,100,000 – 1,500,000 [1,100,000 – 1,350,000] sockeye salmon past the sonar counter at river mile 19;

5 AAC 21.360(g) is amended to read:

(g) Subject to the requirement of achieving the lower end of the sustainable [OPTIMAL] escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River as specified in 5 AAC 77.540.

The introductory language of 5 AAC 21.360(h) is amended to read:

(h) Subject to the requirement of achieving the lower end of the sustainable [OPTIMAL] escapement goal, the department shall manage the sport fishery on the Kenai River, except that portion of the Kenai River from its confluence with the Russian River to an ADF&G regulatory marker located 1,800 yards downstream, as follows:

5 AAC 21.360(h)(3) is amended to read:

(3) if the projected inriver run of sockeye salmon above the Kenai River sonar counter located at river mile 19 is less than 900,000 fish and the inriver sport fishery harvest is

projected to result in an escapement below the lower end of the **sustainable** [OPTIMAL] escapement goal, the commissioner may, by emergency order, decrease the bag and possession limit, as the commissioner determines to be appropriate, for sockeye salmon in the sport fishery above the Kenai River sonar counter located at river mile 19.

(In effect before 1984; am 5/3/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 6/15/95, Register 134; am 5/31/96, Register 138; am 5/8/98, Register 146; am 6/13/99, Register 150; am 6/22/2002, Register 162; em am 7/20/2004 - 11/16/2004, Register 171; am 6/11/2005, Register 174; am 7/9/2005, Register 175; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 21.365(c)(3) is amended to read:

(3) beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c); in addition to the provisions of 5 AAC 21.360(c), the commissioner may, by emergency order, limit fishing during the regular weekly periods and any extra fishing periods to those waters within one-half mile of shore, if the set gillnet fishery in the Kenai and East Forelands Sections are not open for the fishing period; if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River **late run sockeye and king salmon** escapement **goals** [GOAL], the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 feet of the **mean**

high tide mark in the Kasilof Section **and is not subject to the time limitations in 5 AAC 21.359(e)(3) and 5 AAC 21.360;**

The introductory language of 5 AAC 21.365(f) is amended to read:

(f) The commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 fish. It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board's intent that additional fishing time be allowed in the remainder of the Kasilof Section first, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary to meet the escapement goals contained within this and other management plans. The Kasilof River Special Harvest Area is defined as those **offshore** waters **bounded by a line from 60° 22.59' N. lat., 151° 20.79' W. long., to 60° 23.83' N. lat., 151° 21.70' W. long., to 60° 24.13' N. lat., 151° 21.34' W. long., to 60° 24.13' N. lat., 151° 17.72' W. long.** [WITHIN ONE AND ONE-HALF MILES OF THE NAVIGATIONAL LIGHT LOCATED ON THE SOUTH BANK OF THE KASILOF RIVER], excluding waters of the Kasilof River upstream of ADF&G regulatory markers located near the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The following apply within the special harvest area when it is open:

5 AAC 21.365(f)(1) is amended to read:

(1) **the boundary between waters open to set gillnet gear and waters open to drift gillnet gear is a line from 60° 22.77' N. lat., 151° 20.93' W. long., to 60° 23.23' N. lat.,**

151° 19.31' W. long., to 60° 23.56' N. lat., 151° 18.17' W. long., to 60° 24.13' N. lat., 151° 18.12' W. long. [SET GILLNETS MAY BE OPERATED ONLY WITHIN 1,200 FEET OF THE MEAN HIGH TIDE MARK];

5 AAC 21.365(f)(3) is repealed:

(3) repealed 6 / 8 /2017;

5 AAC 21.365(f)(5) is amended to read:

(5) a permit holder may not use more than one set gillnet per permit to take salmon at any time;

5 AAC 21.365(f)(8) is repealed:

(8) repealed 6 / 8 /2017;

5 AAC 21.365(f) is amended and a new subparagraph to read:

(9) 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 the beach prior to the opening of the KRSHA and no more than 4 hours after any closure of the KRSHA, and may not be placed back in the water or on the beach prior to the next opening of the KRSHA.

(Eff. 4/18/86, Register 98; am 6/22/2002, Register 162; am 7/3/2002, Register 163; am 9/28/2002, Register 163; em am 7/20/2004 - 11/16/2004, Register 171; am 2/13/2005, Register

Register 222, July 2017 FISH AND GAME

173; am 6/11/2005, Register 174; am 10/1/2006, Register 179; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

#### **Article 5. Smelt Fishery.**

5 AAC 21.505(c) is amended to read:

(c) No more than 200 [100] tons of smelt may be taken annually under this section. (Eff. 6/11/2005, Register 174; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.251

#### **Chapter 56. Kenai Peninsula Area.**

5 AAC 56.120(7) is repealed:

(7) repealed 6 / 8 /2017;

(Eff. 10/1/2006, Register 179; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 56.122(a)(8)(A)(iii) is amended to read:

(iii) a person may not possess a king salmon that has been filleted, mutilated, or otherwise disfigured in a manner that prevents the determination that the fish is a hatchery king salmon, until the fish is permanently offloaded from the vessel, if the fish was taken from a vessel, or permanently transported away from the fishing site, if the fish was taken from the riverbank, **and in all cases moved more than 100 yards away from waters open to sport fishing for king salmon in the Kasilof River drainage;**

5 AAC 56.122(a)(8)(B)(vii) is repealed:

(vii) repealed 6 / 8 /2017;

5 AAC 56.122(a)(8) is amended by adding a new subparagraph to read:

(D) rainbow/steelhead trout may not be possessed or retained;  
rainbow/steelhead trout caught must be released immediately; a person may not remove a rainbow/steelhead trout from the water before releasing the fish;

5 AAC 56.122(a)(11)(B) is amended to read:

(B) flowing waters, from **June 11 – April 30** [JUNE 15 – APRIL 14], are  
open to sport fishing, except for king salmon;

5 AAC 56.122(a)(12)(B) is amended to read:

(B) except as specified in (A) of this paragraph, the tributaries of Tustumena Lake are open to sport fishing only from **June 11 – April 30** [JUNE 11 – May 1];

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 3/15/2008, Register 185; am 6/4/2008, Register 186; am 3/2/2011, Register 197; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6 / 8 /2017, Register 222)

**Authority:** AS 16.05.060 AS 16.05.251

#### **Chapter 57. Kenai River Drainage Area.**

5 AAC 57.120(a)(9) is repealed:

(9) repealed 6 / 8 /2017;

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 6/4/2008, Register 186; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 5/18/2014, Register 210; am 6 / 8 /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:** May 8, 2017

**File No.:** JU2016200586 Part 1

**Tel. No.:** 465-3600

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

**Re:** Board of Fisheries Regulation re:  
Feb. 23 - March 8, 2017 Anchorage  
Meeting: Upper Cook Inlet Finfish  
(5 AAC 21.200 – 5 AAC 57.120)

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 Cook Inlet 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 April 28, 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](http://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](mailto:dfg.bof.comments@alaska.gov) (PDF format only), or online at [www.boardoffisheries.adfg.alaska.gov](http://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.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up on a timely basis and is present at the meeting has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less. Additional public hearings with board committees may be held during the meeting.

## **TENTATIVE MEETING SCHEDULE**

### **Lower Cook Inlet Finfish**

November 30-December 3, 2016

Alaska Islands and Oceans Visitor Center, Homer

Comment deadline: November 15, 2016

### **Kodiak Finfish**

January 10-13, 2017

Best Western Kodiak Inn, Kodiak

Comment deadline: December 27, 2016

### **Upper Cook Inlet Finfish**

February 23-March 8, 2017

Sheraton Hotel, Anchorage

Comment deadline: February 9, 2017

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

March 20-24, 2017

Coast International Inn, Anchorage

Comment deadline: February 27, 2017

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

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

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

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

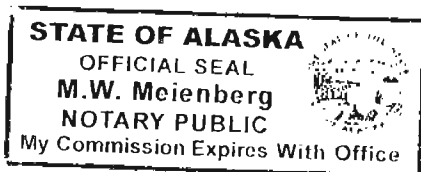
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;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

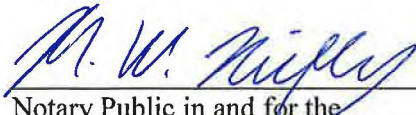
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

DATE: 4-18-17  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 18 day of April, 2017.



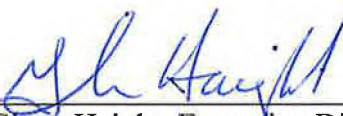
  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

**AFFIDAVIT OF ORAL HEARING**

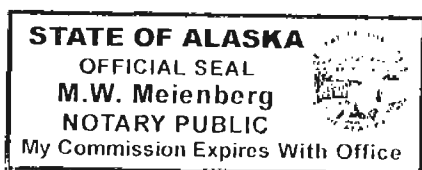
I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:


On February 23 – March 8, 2017, at the Sheraton Hotel, in the Howard Rock Room, 401 East 6<sup>th</sup> Avenue, Anchorage, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with subsistence, personal use, sport, and commercial finfish fisheries in the Cook Inlet Area (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).

DATE: 4-18-17  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 18 day of April, 2017.



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



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# AFFIDAVIT OF PUBLICATION

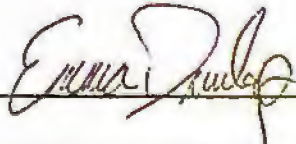
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

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

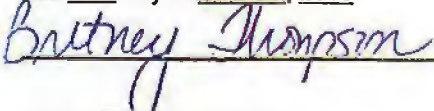
October 28, 2016

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

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](http://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

At its October 20, 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](http://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](mailto:dfg.bof.comments@alaska.gov) (PDF format only), or online at [www.boardoffisheries.adfg.alaska.gov](http://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.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up on a timely basis and is present at the meeting has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less. Additional public hearings with board committees may be held during the meeting.

#### TENTATIVE MEETING SCHEDULE

##### Lower Cook Inlet Finfish

November 30-December 3, 2016

Alaska Islands and Oceans Visitor Center, Homer

Comment deadline: November 15, 2016

##### Kodiak Finfish

January 10-13, 2017

Best Western Kodiak Inn, Kodiak

Comment deadline: December 27, 2016

##### Upper Cook Inlet Finfish

February 23-March 8, 2017

Sheraton Hotel, Anchorage

Comment deadline: February 9, 2017

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

March 20-24, 2017

Coast International Inn, Anchorage

Comment deadline: February 27, 2017

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

Published: October 28, 2016