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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 dark ink, likely belonging to Scott 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 Fisheries (5 AAC 57.120 - 5 AAC 77.540)

Attorney General File: JU2016200586 (Part 2)

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 27 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

FILING CERTIFICATION

✓ Scott Meriwether for

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 57. Kenai River Drainage Area.

5 AAC 57.120(a)(2)(A)(i) is amended to read:

(i) from January 1 – June 30, from its mouth upstream to an

ADF&G regulatory marker located at the outlet of Skilak Lake, and from July 1 – July 31

^[July 1 - July 14]
[14], from an ADF&G regulatory marker located approximately 300 yards downstream

from the mouth of the Slikok Creek upstream to an ADF&G regulatory marker located at

the outlet of Skilak Lake, only king salmon that are 36 inches or less in length as

measured from tip of snout to tip of tail [LESS THAN 42 INCHES IN LENGTH OR

55 INCHES OR GREATER IN LENGTH] may be retained;

5 AAC 57.120(a)(2)(A)(iii) is repealed:

(iii) repealed 6 / 8 /2017;

5 AAC 57.120(a)(4)(A)(ii) is amended to read:

(ii) coho salmon may be taken in the Lower Section only from July

1 – November 30 and in the Middle Section [AND UPPER SECTIONS] only

from July 1 – October 31; a person after taking and retaining a bag limit of coho

salmon 16 inches or greater in length from the Kenai River may continue to sport

fish only from the Soldotna Bridge upstream to the ADF&G regulatory markers at

the outlet of Skilak Lake; notwithstanding the provision of this sub-

subparagraph (a)(4)(A)(ii), coho salmon may not be taken from November 1 –

November 30 in the Lower Section from the Bings Landing boat launch

upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake;

5 AAC 57.120(a)(4)(B) is amended to read:

(B) less than 16 inches in length [MAY BE TAKEN FROM JANUARY 1 – DECEMBER 31]; bag and possession limit of 10 fish, **as follows:** [;]

5 AAC 57.120(a)(4)(B) is amended by adding new sub-subparagraphs to read:

(i) sockeye, pink, and chum salmon may be taken from January 1 – December 31;

(ii) coho salmon may be taken in the Lower Section only from July 1 – November 30, and in the Middle Section only from July 1 – October 31, except that coho salmon may be taken in lakes and ponds, excluding Skilak Lake, from January 1 – December 31;

5 AAC 57.120(a)(5)(A) is amended to read:

(A) January 1 – December 31, in all flowing waters from the mouth of the Kenai River upstream to Skilak Lake, and the waters of Skilak Lake[,], **upstream to Kenai Lake, including the flowing waters of the Kenai Lake drainage** [EXCEPT THE WATERS WITHIN A ONE-HALF MILE RADIUS OF THE KENAI RIVER INLET]; bag and possession limit of one fish less than **16** [18] inches in length; Arctic char/Dolly Varden **16** [18] inches or greater in length may not be retained; Arctic

char/Dolly Varden caught that are 16 [18] inches or greater in length must be released immediately;

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

(C) ^{ic}Repealed 6 / 8 /2017;

5 AAC 57.120(a)(6)(B) is amended to read:

(B) may be taken from January 1 – December 31, in all flowing waters from the mouth of the Kenai River upstream to Skilak Lake, and the waters of Skilak Lake upstream to Kenai Lake, including the flowing waters of the Kenai Lake drainage [AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY ONE MILE UPSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER, AND FROM JUNE 11 – MAY 1 IN THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY ONE MILE UPSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER UPSTREAM TO SKILAK LAKE AND THE WATERS OF SKILAK LAKE, EXCEPT THE WATER WITHIN A ONE-HALF MILE RADIUS OF THE KENAI RIVER INLET]; bag and possession limit of one fish less than 16 [18] inches in length; rainbow/steelhead trout 16 [18] inches or greater in length may not be retained; rainbow/steelhead trout caught that are 16 [18] inches or greater in length must be released immediately;

5 AAC 57.120(a)(6)(C) is repealed:

(C) 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)
^{add'l am 6/8/2017, Register 222}
^

Authority: AS 16.05.060 AS 16.05.251

5 AAC 57.121(1)(A) is amended to read:

(A) from January 1 – June 30, in the Kenai River, and from July 1 – July 31 ^[July 1-July 14] ¹⁴, in the Kenai River from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of Slikok Creek upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only one unbaited, single-hook, artificial lure may be used;

5 AAC 57.121(1)(C) is amended to read:

(C) from September 1 – December 31, in the Kenai River from the mouth of the Upper Killey River upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only one unbaited, single-hook, artificial lure ^[LURES] ⁸ may be used;
^

5 AAC 57.121(1)(E) is amended to read:

(E) from May 1 – July 31, in the portion of the Kenai River from ADF&G regulatory markers located approximately 100 yards downstream of the mouth of the Moose River, upstream to ADF&G regulatory markers located

approximately 100 yards upstream of the mouth of the Moose River, and the Moose River from its confluence with the Kenai River upstream to the upstream edge of the Sterling Highway Bridge, only one unbaited, single-hook, artificial fly may be used [MAY 15 – AUGUST 15, THE MOOSE RIVER FROM ITS CONFLUENCE WITH THE KENAI RIVER UPSTREAM TO THE UPSTREAM EDGE OF THE STERLING HIGHWAY BRIDGE, AND THE WATERS OF THE KENAI RIVER WITHIN A 100-YARD RADIUS OF THE MOOSE RIVER, ARE FLY-FISHING-ONLY WATERS];

The introductory language of 5 AAC 57.121(1)(F) is amended to read:

(F) from May 1 – July 31, in the following waters only one unbaited, single-hook, artificial fly may be used [JANUARY 1 – JULY 31, THE FOLLOWING WATERS ARE FLY-FISHING-ONLY WATERS];

5 AAC 57.121(1)(G) is amended to read:

(G) from May 1 – July 31 [JANUARY 1 – JULY 31], that portion of the Kenai River from an ADF&G regulatory marker located approximately three-quarters of a mile downstream from the mouth of the Lower Killey River, upstream to an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River, only one unbaited, single-hook, artificial fly may be used [IS FLY-FISHING-ONLY WATERS];

5 AAC 57.121(1)(I) is repealed:

(I) repealed 6 / 8 /2017;

5 AAC 57.121(1)(J) is repealed:

(J) repealed 6 / 8 /2017;

5 AAC 57.121(1) is amended by adding new subparagraphs to read:

(K) from November 1 – December 31 in the Kenai River from Bings

Landing upstream to the mouth of the Upper Killey River, only one unbaited, single-hook, artificial lure may be used;

(L) in all tributaries of the Lower Section, only one unbaited, single-hook, artificial lure, with a gap between ^{the} point and shank of three-eighths inch or less, may be used;

The introductory language of 5 AAC 57.121(2) is amended to read:

(2) the following waters [OF THE KENAI RIVER] are closed to sport fishing, as follows:

5 AAC 57.121(2)(A) is amended to read:

(A) from May 1 – July 31 [APRIL 15 – AUGUST 15], Slikok Creek,

Funny River, and Killey River;

5 AAC 57.121(2)(B) is amended to read:

(B) from **May 1 – June 10** [JANUARY 1 – DECEMBER 31], the flowing waters of **all tributaries of the Lower Section not specified in subparagraph (2)(A) of this section, including Beaver Creek and Soldotna Creek, except in the Moose River, only upstream of the upstream edge of the Sterling Highway Bridge** [UPSTREAM OF ADF&G MARKERS LOCATED APPROXIMATELY 100 FEET UPSTREAM FROM ITS CONFLUENCE WITH THE KENAI RIVER];

5 AAC 57.121(2)(C) is repealed:

(C) repealed 6 / 8 /2017;

5 AAC 57.121(2)(D) is amended to read:

(D) from **May 1 – July 31** [JANUARY 1 – JULY 31], that portion of the Kenai River from an ADF&G regulatory marker located approximately one mile downstream from the mouth of the Funny River, upstream to an ADF&G regulatory marker located approximately 200 yards upstream from the mouth of the Funny River, is closed to the taking of king salmon;

5 AAC 57.121(2)(E) is repealed:

(E) repealed 6 / 8 /2017;

5 AAC 57.121(2)(F) is repealed:

(F) repealed 6 / 8 /2017;

5 AAC 57.121(2)(G) is amended to read:

(G) from May 1 – July 31 [JANUARY 1 – JULY 31], that portion of the Kenai River from an ADF&G regulatory marker located approximately three-quarters of a mile downstream from the mouth of the Lower Killey River, upstream to an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River, is closed to the taking of king salmon;

5 AAC 57.121(2)(J) is amended to read:

(J) from May 1 – July 31 [JANUARY 1 – JULY 31], the waters in that portion of the Kenai River from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of Slikok Creek, upstream to an ADF&G regulatory marker located approximately 300 yards upstream from the mouth of Slikok Creek, is closed to the taking of king salmon;

5 AAC 57.121(2)(K) is amended to read:

(K) from May 1 – June 10 [MAY 2 – JUNE 10], in that portion of the Kenai River from an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake;

5 AAC 57.121(2) is amended by adding a new subparagraph to read:

(M) all tributaries of the Lower Section are closed to sport fishing for salmon, except in the Moose River from its mouth upstream to the upstream edge of the Sterling Highway Bridge;

The introductory language of 5 AAC 57.121(3)(B) is amended to read:

(B) from May 1 – July 31 [JANUARY 1 – JULY 31], in the following waters:

The introductory language of 5 AAC 57.121(3)(C) is amended to read:

(C) from May 1 [MAY 15] until the end of the king salmon season, or July 31, whichever is later, in the following waters:

5 AAC 57.121(3)(D) is amended to read:

← (D) from May 1 – July 31 [JANUARY 1 – JULY 31], in that portion of the Kenai River from an ADF&G regulatory marker located approximately three-quarters of a mile downstream from the mouth of the Lower Killey River, upstream to an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River;

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 12/30/2006, Register 180; am 6/4/2008, Register 186; 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

The introductory language of 5 AAC 57.122(1) is amended to read:

(1) the following waters of the Middle Section [OF KENAI RIVER DRAINAGE] are **closed to sport fishing**, [OPEN TO SPORT FISHING, ONLY] as follows:

5 AAC 57.122(1)(A) is amended to read:

(A) from **May 1 – June 10** [JUNE 11 – MAY 1], the Kenai River from the waters of Skilak Lake within a one-half mile radius of the Kenai River inlet, upstream to the downstream edge of the Sterling Highway Bridge at the outlet of Kenai Lake;

5 AAC 57.122(1)(B) is amended to read:

(B) from **May 1 – June 10, and from September 15 – October 31, the flowing waters of** [JUNE 11 – SEPTEMBER 14, AND FROM NOVEMBER 1 – MAY 1,] Cooper Creek;

5 AAC 57.122(1)(C) is repealed:

(C) repealed 6 / 8 /2017;

5 AAC 57.122(1)(D) is repealed:

(D) repealed 6 / 8 /2017;

5 AAC 57.122(1)(E) is repealed:

(E) repealed 6 / 8 /2017;

5 AAC 57.122(1)(F) is repealed:

(F) repealed 6 / 8 /2017;

5 AAC 57.122(1)(G) is amended to read:

(G) from May 1 – June 10 [JUNE 11 – JULY 31], and from August 1 – August 31 [SEPTEMBER 1 – MAY 1], the Upper Russian (Goat) Creek upstream from an ADF&G regulatory marker located approximately 300 yards from its confluence with Upper Russian Lake;

5 AAC 57.122(1)(H) is amended to read:

(H) from May 1 – June 10, the flowing waters of [JUNE 11 – MAY 1] Jean Lake Creek, [AND] Hidden Lake Creek, Juneau Creek, and the Russian River from its mouth upstream 100 yards to ADF&G regulatory markers, excluding Upper Russian (Goat) Creek;

5 AAC 57.122(1)(I) is repealed:

(I) repealed 6 / 8 /2017;

5 AAC 57.122(3)(D) is amended to read:

(D) in Hidden Lake, the bag and possession limit for lake trout is one fish, less than 16 inches in length [WITH NO SIZE LIMIT];

5 AAC 57.122(4)(G) is repealed:

(G) repealed 6 / 8 /2017;

5 AAC 57.122(5) is amended to read:

(5) **all tributaries of the Middle Section, except the portion of** the Russian River drainage **downstream** [UPSTREAM] of an ADF&G regulatory marker located approximately 600 yards downstream from the falls, **are** [IS] closed to sport fishing for salmon;

5 AAC 57.122 is amended by adding a new paragraph to read:

(10) the following waters of the Middle Section are open to sport fishing, only as follows:

(A) from July 15 – April 30, the Russian River sanctuary area, as defined in subparagraph (4)(D) of this section, is open to sport fishing, except sockeye salmon may be taken only from July 15 – August 20;

(B) from June 11 – August 20, the waters of the Kenai River near the confluence of the Russian River, from the powerline crossing on the Kenai River upstream to the Ferry Crossing, are open to sport fishing for sockeye salmon;

(C) from June 11 – August 20, the waters of the Russian River, from its mouth upstream to an ADF&G regulatory marker located approximately 600 yards downstream from the falls, are open to sport fishing for sockeye salmon;

(D) from July 1 – September 30, the waters of the Russian River, from its mouth upstream to an ADF&G regulatory marker located approximately 600 yards

downstream from the falls, are open to sport fishing for coho salmon. (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 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 57.123(1) is amended to read:

(1) Kenai Lake from the Sterling Highway Bridge at the outlet, upstream to ADF&G regulatory markers located approximately one-quarter mile upstream, is open to sport fishing only from **June 11 – April 30** [JUNE 11 – MAY 1];

5 AAC 57.123(3) is repealed:

← (3) repealed 6 / 8 /2017;

5 AAC 57.123(4)(C) is amended to read:

(C) in the flowing waters of the Kenai Lake drainage, including waters of Kenai Lake within a one-quarter mile radius of all inlet streams, only one unbaited, single-hook, artificial lure, ^{the} **with a gap between point and shank of three-eighths inch** [^] **or less**, may be used;

5 AAC 57.123(6) is repealed:

← (6) ^{is} Repealed 6 / 8 /2017;

5 AAC 57.123(7) is repealed:

← (7) ¹⁶Repealed 6 / 8 /2017;

5 AAC 57.123(8) is repealed:

← (8) ¹⁶Repealed 6 / 8 /2017;

5 AAC 57.123 is amended by adding a new paragraph to read:

(9) the following waters of the Upper Section are closed to sport fishing, as follows:

(A) from May 1 – June 10, all flowing waters of the Upper Section;

(B) from May 1 – June 10, and from September 15 – October 31, the

Quartz Creek drainage upstream of the Sterling Highway Bridge, including Devils Creek, Johns Creek, Jerome Creek, Summit Creek, and Slate Creek, and the South Fork of the Snow River. (Eff. 10/1/2006, Register 179; 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 57.160(b) is amended to read:

(b) The department shall manage the Kenai River early-run king salmon sport and guided sport fisheries to achieve the optimal escapement goal of 3,900 – 6,600 king salmon 75 cm mid eye to tail fork length and longer [5,300 – 9,000 FISH], to provide reasonable harvest

opportunities over the entire run, and to ensure the age and size composition of the harvest closely approximates the age and size composition of the run.

5 AAC 57.160(d)(1) is amended to read:

(1) the seasons, bag, possession, and size limits, and other special provisions for king salmon are set out in 5 AAC 57.120 – 5 AAC 57.123 [AND IN (4) OF THIS SUBSECTION];

The introductory language of 5 AAC 57.160(d)(2) is amended to read:

(2) from January 1 – June 30, from its mouth upstream to an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of Slikok Creek, [IF THE SPAWNING ESCAPEMENT IS PROJECTED TO BE LESS THAN THE LOWER END OF THE OPTIMAL ESCAPEMENT GOAL, THE COMMISSIONER SHALL, BY EMERGENCY ORDER, RESTRICT AS NECESSARY THE TAKING OF KING SALMON IN THE SPORT AND GUIDED SPORT FISHERIES IN THE KENAI RIVER TO ACHIEVE THE OPTIMAL ESCAPEMENT GOAL USING ONE OF THE FOLLOWING METHODS:]

5 AAC 57.160(d)(2)(A) is amended to read:

Tab → (A) if the preseason forecast projects the inriver run to be less than the lower

Tab { end of the sustainable escapement goal of 2,800 – 5,600 king salmon 75 cm mid eye to tail fork length and longer, the commissioner shall, by emergency order, close the sport fishery to the taking of king salmon [PROHIBIT THE RETENTION OF KING SALMON LESS

Tab
THAN 55 INCHES IN LENGTH, EXCEPT KING SALMON LESS THAN 20 INCHES IN LENGTH, DOWNSTREAM FROM AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE THROUGH JUNE 30, AND REQUIRE THAT UPSTREAM FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 300 YARDS DOWNSTREAM FROM THE MOUTH OF SLIKOK CREEK TO AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, FROM JULY 1 THROUGH JULY 14, 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 AND ONLY KING SALMON LESS THAN 20 INCHES IN LENGTH AND 55 INCHES OR GREATER IN LENGTH MAY BE RETAINED; OR];

5 AAC 57.160(d)(2)(B) is repealed:

(B) repealed 6 / 8 /2017;

5 AAC 57.160(d)(2) is amended by adding new subparagraphs to read:

(C) if the preseason forecast projects the inriver run to be above the lower end of the sustainable escapement goal, but below the lower end of the optimal escapement goal, the commissioner shall, by emergency order,

- (i) close the sport fishery to the taking of king salmon; or
- (ii) prohibit the retention of king salmon;

(D) if the preseason forecast projects the inriver run to be within or above the optimal escapement goal range, the fishery may start as described in 5 AAC 57.120 (a)(2)(A)(i);

(E) if the inseason inriver run projection is below the lower end of the optimal escapement goal, the commissioner shall, by emergency order, close the sport and fishery to the taking of king salmon;

(F) if the inseason inriver run projection is within the optimal escapement goal range, the commissioner shall, by emergency order,

(i) prohibit the retention of king salmon; or

(ii) open the sport fishery as described in 5 AAC

57.120(a)(2)(A)(i);

(G) if the inseason inriver run projection exceeds the optimal escapement goal range, the commissioner may, by emergency order, liberalize the sport fishery using one or more of the following methods:

(i) allow the use of bait;

(ii) modify the maximum size limit allowed for retention;

5 AAC 57.160(d)(3) is repealed:

← (3) repealed 6 / 8 /2017;

5 AAC 57.160(d)(4) is repealed:

← (4) repealed 6 / 8 /2017;

5 AAC 57.160(d) is amended by adding a new paragraph to read:

(5) from January 1 – July 31, from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of the Slikok Creek upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake,

(A) if the preseason forecast projects the inriver run to be less than the lower end of the sustainable escapement goal, the commissioner shall, by emergency order, close the sport fishery to the taking of king salmon;

(B) if the preseason forecast projects the inriver run to be above the lower end of the sustainable escapement goal, but below the lower end of the optimal escapement goal, the commissioner shall, by emergency order,

(i) close the sport fishery to the taking of king salmon; or

(ii) prohibit the retention of king salmon;

(C) if the preseason forecast projects the inriver run to be within or above the optimal escapement goal range, the fishery may start as described in 5 AAC 57.120

(a)(2)(A)(i);

(D) if the inseason inriver run projection is below the lower end of the optimal escapement goal, the commissioner shall, by emergency order, close the sport fishery to the taking of king salmon;

(E) if the inseason inriver run projection is within the optimal escapement goal, the commissioner shall, by emergency order,

(i) prohibit the retention of king salmon; or

(ii) open the sport fishery as described in 5 AAC

57.120(a)(2)(A)(i);

(F) if the inseason inriver run projection exceeds the optimal escapement goal range, the fishery may occur as described in 57.120(a)(2)(A)(i)³.

(Eff. 10/1/2006, Register 179; am 6/4/2008, Register 186; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 57.180(d)(6) is amended to read:

(6) on the north bank of the Kenai River, between ADF&G regulatory markers located at river mile 13.0 [13.2] and river mile 13.4 [13.5], ^{no bold v} ADF&G regulatory markers located at and between river mile 13.5 and [^] river mile 14.0; except for lot 3 within Larry's Fishing Hole Subdivision;

(Eff. 10/1/2006, Register 179; am 5/18/2014, Register 210; am 6 / 8 /2017, Register 222)

Authority: AS 16.05.060 AS 16.05.251

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Chapter 59. Anchorage Bowl Drainages Area.

5 AAC 59.120(2)(A) is amended to read:

(A) 16 inches or greater in length may not be retained or possessed; no open

Tab → season; salmon, other than king salmon, 16 inches or greater in length that are caught must be

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released immediately; notwithstanding the provisions of this subparagraph, in waters where sport fishing for salmon is allowed under 5 AAC 59.122, except as specified in 5 AAC 59.122(a)(1)(A), (a)(2)(E), and (a)(14)(B), the bag and possession limit for salmon, other than king salmon, 16 inches or greater in length, is three fish, of which only two per day and two in possession may be coho salmon;

5 AAC 59.120(2)(B)(i) is amended to read:

(i) may not be retained or possessed in flowing waters and unstocked lakes and ponds; no open season; salmon other than king salmon, less than 16 inches that are caught must be released immediately; notwithstanding the provisions of this sub-subparagraph, in waters where sport fishing for salmon is allowed under 5 AAC 59.122, the bag and possession limit for salmon, other than king salmon, less than 16 inches in length, is five fish;

5 AAC 59.120(2)(C) is amended to read:

(C) [NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH,] in areas where the retention of coho salmon is allowed under this paragraph or 5 AAC 59.122, a coho salmon 16 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing the fish;

5 AAC 59.120(3)(A) is amended to read:

(A) stocked lakes and ponds; bag and possession limit of five fish, of which only one may be 20 inches or greater in length; for the purpose of this subparagraph, “stocked lakes and ponds” include Alder Pond, Airstrip/Willow Pond, Beach Lake, Campbell Point Lake, Cheney Lake, University Lake (Behn or APU Lake), Clunie Lake, Delong Lake, Dishno Lake, Edmunds Lake, Fish Lake, Green Lake, Gwen Lake, Hillberg Lake, Jewell Lake, Lake Otis, Lower Fire Lake, Lower Sixmile Lake, Mirror Lake, Otter Lake, Rabbit Lake, Sand Lake, Spring Lake, Taku Campbell Lake, Triangle Lake, Upper Sixmile Lake, and Waldon Lake;

(Eff. 10/1/2006, Register 179; 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

5 AAC 59.122(a)(2)(A) is amended by adding a new sub-subparagraph to read:

(iv) the upstream side of the Lake Otis Parkway Bridge upstream to an ADF&G marker at the forks near Piper Street from October 1 – July 13;

5 AAC 59.122(a)(14)(F) is amended to read:

(F) the waters from the cable 100 feet downstream of the Chugach Power Plant dam upstream to ADF&G regulatory markers located 300 feet ^{upstream of} above the Elmendorf ^{to} Power Plant Dam [100 FEET UPSTREAM OF THE CHUGACH POWER PLANT DAM] are closed to sport fishing;

5 AAC 59.122(a)(14)(G) is repealed:

(G) repealed 6 / 8 /2017;

5 AAC 59.122(a)(14)(H) is repealed:

(H) repealed 6 / 8 /2017;

5 AAC 59.122(a)(14) is amended by adding a new ^{subparagraph} paragraph to read:

(J) ¹⁶ ~~A~~ person 16 years of age or older may not sport fish in the Ship Creek youth fishery zone, established in Ship Creek between the upstream side of the C Street Bridge upstream to the downstream side of the restaurant bridge, during the designated youth fishery day, which occurs from 6:00 a.m. to 6:00 p.m. on the third Saturday in June.

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 3/2/2011, Register 197; 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

^{center}
Chapter 60. Knik Arm Drainage^s Area.

5 AAC 60.122(a)(4)(A) is amended to read:

(A) from June 15 – April 14, from its mouth upstream to an ADF&G marker located one mile upstream from the Palmer Hayflat State Game Refuge access

road, sport fishing is allowed only on Saturdays and Sundays from 5:00 a.m. to 10:00 p.m. [6:00 A.M. TO 6:00 P.M.], except that sport fishing for king salmon is closed;

5 AAC 60.122(a)(5)(A)^{r*} is amended to read:

(A) the waters from ADF&G regulatory markers located at its mouth upstream to an ADF&G regulatory marker located one-quarter mile upstream from the Knik-Goose Bay Road, are open to sport fishing beginning the second Saturday in August through December 31 on Saturdays and Sundays from 5:00 a.m. to 10:00 p.m. [6:00 A.M. TO 6:00 P.M.], except that sport fishing for king salmon is closed;

5 AAC 60.122(a)(5)(H) is amended to read:

(H) the waters from an ADF&G regulatory marker located at the mouth of Fish Creek to an ADF&G regulatory marker located approximately one-quarter mile upstream from the Knik Goose Bay Road, are open to sport fishing to a person under 16 years of age, from 5:00 a.m. to 10:00 p.m. [6:00 A.M. TO 6:00 P.M.] on the first Saturday and Sunday in August;

5 AAC 60.122(a)(8)(F)(i) is amended to read:

(i) from August 1 – December 31, sport fishing is only open from 5:00 a.m. to 10:00 p.m. daily, and [THE SECOND SATURDAY IN AUGUST THROUGH DECEMBER 31, SPORT FISHING] is closed on Mondays and Tuesdays; and

5 AAC 60.122(a)(9) is amended by adding a new subparagraph to read:

(M) the waters from ADF&G regulatory markers approximately 1,500 feet downstream of the Little Susitna weir upstream to the weir are closed to sport fishing;

5 AAC 60.122(a)(11)(A) is repealed:

(A) repealed 6 / 8 /2017;

5 AAC 60.122(a)(11)(D) is amended to read:

(D) from June 15 – April 14, downstream of the Alaska Railroad Bridge is open to sport fishing for salmon, except king salmon, only on ^{Saturdays} ~~Saturdays~~ and ^{Sundays} ~~Sundays~~ from 5:00 a.m. to 10:00 p.m. [6:00 A.M. TO 6:00 P.M.]; bag and possession limit of three fish, of which only two may be coho salmon; a person who takes the bag limit of salmon from Wasilla Creek may not sport fish for any species of fish that same day in waters open to sport fishing for salmon;

(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

Center
Chapter 61. Susitna River Drainage. ^{Area}

5 AAC 61.120(4) is amended and new subparagraphs are added to read:

(4) the Larson Creek drainage and all waters:

^(A)
(i) within one-quarter mile of the [ITS] confluence of Larson Creek with the Talkeetna River are closed to sport fishing for king salmon;[,]

^(B)
(ii) [AND THE LARSON CREEK DRAINAGE] upstream of an ADF&G regulatory marker located approximately one-quarter mile upstream of the [ITS] confluence of Larson Creek with the Talkeetna River are [IS] closed to sport fishing for all salmon;

^(C)
(iii) within one-quarter mile of the confluence of Larson Creek with the Talkeetna River are closed to sport fishing from July 1 – August 15 from 11:00

p.m. ~~pm~~ to 6:00 ^{a.m.} am;

(Eff. 10/1/2006, Register 179; 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

center
Chapter 77. Personal Use Fishery.

5 AAC 77.540(c)(1)(B) is amended to read:

(B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than

20 inches in length, may be retained per household; king salmon less than 20 inches in length may be retained under this subparagraph notwithstanding 5 AAC 21.359(e)(2);

5 AAC 77.540(c)(1)(D) is amended and new sub-subparagraphs are added to read:

(D) from shore: [,]

(i) [IN THE AREA] from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream **to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and**

(ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge [, EXCEPT DIPNETTING IS CLOSED ON THE NORTH SHORE FROM AN ADF&G REGULATORY MARKER LOCATED BELOW THE END OF MAIN STREET, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED NEAR THE KENAI CITY DOCK];

5 AAC 77.540(c)(2)(C) is amended to read:

(C) from a line between ^{existing text, only ADF&G should be caps} ADF&G REGULATORY MARKERS

[LOCATED ON THE COOK INLET BEACHES] OUTSIDE THE TERMINUS OF THE
[RIVER] ADF&G regulatory markers ^{existing text} outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.

5 AAC 77.540(d)(1) is amended to read:

(1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from **July 15** [JULY 10] through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than **35,000** [50,000] fish; **fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;**

(Eff. 6/7/95, Register 135; am 9/29/95, Register 135; am 5/31/96, Register 138; am 6/21/97, Register 142; am 5/8/98, Register 146; am 6/13/99, Register 150; am 6/22/2002, Register 162; am 6/11/2005, Register 174; am 6/4/2008, Register 186; 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

MEMORANDUM

State of Alaska Department of Law

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

Date: May 8, 2017

File No.: JU2016200586 Part 2

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulations re:
Feb. 23 - March 8, 2017 Anchorage
Meeting: Upper Cook Inlet Finfish
Fisheries (5 AAC 57.120 – 5 AAC
77.540)

We have reviewed the attached regulations changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations will create a youth-only fishery on Ship Creek, repeal the barbless hook provision on the Lower Kenai River, and revise the Kenai River and Kasilof River Early-run King Salmon Management Plan, among other things.

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 the 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.

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.

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).

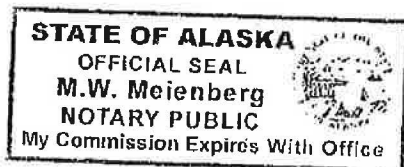
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

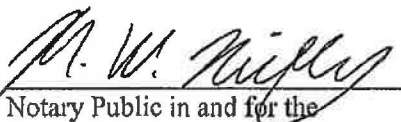
DATE: 4-18-17
Juneau, Alaska



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:

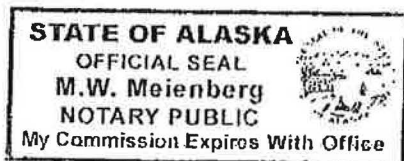
On February 23 – March 8, 2017, at the Sheraton Hotel, in the Howard Rock Room, 401 East 6th Avenue, Anchorage, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing 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

270233
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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

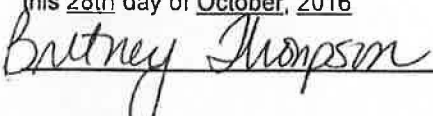
October 28, 2016

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
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:

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