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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 and Game

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

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

**DATE:** June 23, 2017

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

Board of Fisheries Regulations re: March 20 - 24, 2017 Anchorage Meeting: Statewide  
King and Tanner Crab, and Supplemental Issues (5 AAC 01.280 - 5 AAC 73.010)

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Attorney General File:	JU2016200587
Regulation Filed:	6/22/2017
Effective Date:	7/22/2017
Print:	223, October 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 30 pages of regulations, dealing with subsistence, personal use, sport, and commercial king and Tanner crab fisheries in the state, and other miscellaneous issues, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its March 20–24, 2017 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

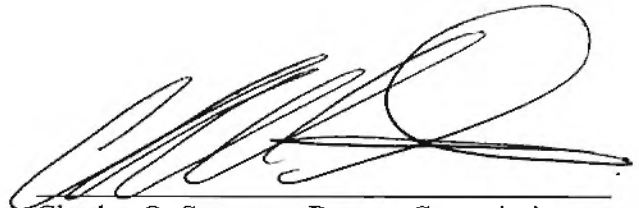
This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Fisheries paid special attention to the cost to private persons of the regulatory action being taken.

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

DATE:

6/19/17  
Juneau, Alaska

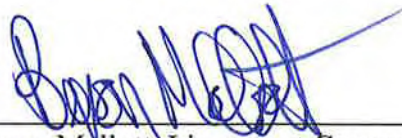


Charles O. Swanton, Deputy Commissioner  
Department of Fish and Game

**FILING CERTIFICATION**

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

June 22, 2017 at 335 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor  
State of Alaska

Effective:

July 22, 2017

Register:

223, October 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

STATE OF ALASKA  
OFFICIAL SEAL  
Abby Smith  
NOTARY PUBLIC  
My Commission Expires with office



**Chapter 01. Subsistence Finfish Fishery.**

**Article 5. Kuskokwim Area.**

The introductory language of 5 AAC 01.280 is amended to read:

**5 AAC 01.280. Subsistence fishing permits.** Fish may be taken for subsistence purposes without a subsistence fishing permit, except as otherwise provided in this section.

5 AAC 01.280 is amended by adding paragraphs to read:

(1) Starting in the 2018 fishing season, during times when the commissioner determines it is necessary for the conservation of king salmon, the commissioner may, by emergency order, require that in the Kuskokwim River drainage, upstream of a line between ADF&G regulatory markers at the Yukon Delta National Wildlife Refuge Boundary near Aniak, king salmon may be taken only under the authority of a subsistence fishing permit with the following conditions:

- (A) annual limit of 10 king salmon;
- (B) fishing under the permit may not commence until the subsistence king salmon fishery opens after June 11 as described in 5 AAC 07.365;
- (C) the commissioner may, by emergency order, implement one or more of the gear limitations specified in 5 AAC 01.270(n)(1) for fishing under the permit;
- (D) permit holders must complete and return permits, including daily records of king salmon harvested, each year by October 31;
- (E) once the annual limit is reached, additional king salmon may not be taken except in compliance with all applicable regulations and emergency orders;



(F) only one permit may be issued to a household each year;

(2) the provisions of (1) of this section do not apply after December 31, 2021. (In effect before 1988; readopt 5/15/93, Register 126; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251 AS 16.05.258

#### **Article 7. Aleutian Islands Area.**

5 AAC 01.380(b)(1) is amended to read:

(1) the holder of a subsistence salmon fishing permit may take no more than 25 salmon, **of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay,** plus an additional 25 salmon for each member of the same household whose name is listed on the permit, **of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay; in this section, "Front Beach" means all Unalaska Bay waters south of a line from a point near the Bishop's House at 53° 52.64' N. lat., 166° 32.30' W. long., to a point on the Unalaska Bay shore at 53° 52.68' N. lat., 166° 30.91' W. long;** and

5 AAC 01.380(b)(2) is amended to read:

(2) a permit holder may obtain an additional permit from the department to harvest more salmon **other than sockeye salmon from Front Beach in Unalaska Bay.**

(In effect before 1988; am 5/28/92, Register 122; readopt 5/15/93, Register 126; am 5/31/98, Register 146; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251 AS 16.05.258

**Chapter 02. Subsistence Shellfish Fishery.**

**Article 3. Prince William Sound Area.**

5 AAC 02.220(2) is amended to read:

(2) only male Tanner crab five [AND ONE-HALF] inches or greater in width of shell may be taken or possessed;

5 AAC 02.220(3) is amended to read:

(3) the daily bag and possession limit is 12 [FIVE] male Tanner crab. (Eff. 6/30/83, Register 86; am 7/23/88, Register 107; readopt 5/15/93, Register 126; am 8/8/99, Register 151; am 9/12/2008, Register 187; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251 AS 16.05.258

**Article 4. Cook Inlet Area.**

The introductory language of 5 AAC 02.325 is amended to read:

**5 AAC 02.325. Subsistence Tanner crab fishery.** (a) In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3), in the subsistence taking of Tanner crab,

5 AAC 02.325(a)(4) is amended to read:

(4) only male Tanner crab **four and one-half** inches [FIVE AND ONE-HALF] or greater in width of shell may be taken **or possessed**.

5 AAC 02.325 is amended by adding a new subsection to read:

(b) Notwithstanding the provisions of 5 AAC 02.307 and (a) of this section, if the provisions of 5 AAC 35.408(d) apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male Tanner crab; no more than one pot per person with a maximum of one pot per vessel may be used to take Tanner crab.

(Eff. 3/15/2008, Register 185; am 9/12/2008, Register 187; am 6/27/2014, Register 21; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251 AS 16.05.258

#### **Article 7. Bering Sea Area.**

5 AAC 02.607 is amended to read:

**5 AAC 02.607. Subsistence fishing gear.** In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots, **crab hook**, and ring net; **in this section, a “crab hook” is a handheld pole with one or more projections used**

to lift a crab to the water surface without piercing the crab. (In effect before 1988; readopt 5/15/93, Register 126; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251 AS 16.05.258

## **Chapter 28. Groundfish Fishery.**

### **Article 2. General Specifications.**

5 AAC 28.087(b) is amended by adding a new paragraph to read:

(4) in the Chignik Area, the state waters within 20 nautical miles of the Steller sea lion haul out at Sutwik Island (56° 31.05' N. lat., 157° 20.47' W. long.) shall be open to pot gear, except for waters within three nautical miles of the Steller sea lion haul out at Sutwik Island (56° 31.05' N. lat., 157° 20.47' W. long.).

(Eff. 1/3/2002, Register 161; am 8/18/2002, Register 163; am 12/29/2002, Register 164; am 4/24/2009, Register 190; am 5/31/2009, Register 190; am 1/20/2011, Register 197; am 6/17/2011, Register 198, Register 126; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

## **Chapter 34. King Crab Fishery.**

### **Article 11. Registration O (Aleutian Islands Area).**

5 AAC 34.625(f) is repealed:

(f) Repealed 7 / 22/2017;

(In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/12/86, Register 99; am 9/1/96, Register 139; am 8/8/99, Register 151; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2011, Register 199; am 6/1/2013, Register 206; am 6/27/2014, Register 210; am 7 / 22/2017, Register 223)

**Authority:** AS 16.05.251

#### **Article 14. Registration Area Q (Bering Sea).**

5 AAC 34.917(a) is amended to read:

(a) In the Saint Matthew Island Section, the commissioner may, by emergency order, open the blue king crab fishery only if the department's preseason survey estimate of mature male [ANALYSIS OF PRESEASON SURVEY DATA INDICATES THAT THE POPULATION OF] blue king crab equals [CONTAINS] at least 50 percent of the 1978–2012 average survey estimate of [1.609 MILLION] mature males.

5 AAC 34.917(b) is amended to read:

(b) If the commercial blue king crab fishery is open under (a) of this section, and the preseason survey estimate [ESTIMATED POPULATION NUMBER] of mature males [(“M”)] is

(1) at least 50 percent but less than 100 percent of the 1978–2012 average survey estimate of [1.609 MILLION] mature males, the number of legal males available for harvest will be no more than  $0.1 \times M \times (M/M_{1978-2012})$ , where M = the current year preseason survey estimate of mature males, and  $M_{1978-2012}$  = the 1978–2012 average survey estimate of mature males, [A PERCENTAGE OF THE ESTIMATED POPULATION NUMBER OF MATURE MALES EQUAL TO A NUMBER DERIVED FROM THE EQUATION  $[(M/3.217) \times 100 \text{ PERCENT}]$ ] or 25 percent of the preseason survey estimate [ESTIMATED POPULATION NUMBER] of legal males, whichever is less;

(2) equal to or greater than the 1978–2012 average survey estimate of [3.217 MILLION OR MORE] mature males, the number of legal males available for harvest will be no more than 10 percent of the preseason survey estimate [ESTIMATED POPULATION NUMBER] of mature males or 25 percent of the preseason survey estimate [ESTIMATED POPULATION NUMBER] of legal males, whichever is less.

The introductory language of 5 AAC 34.917(d)(1) is amended to read:

(1) “preseason survey estimate” [“ESTIMATED POPULATION NUMBER”]

means the

...

(Eff. 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; em am 10/5/2009 – 2/1/2010, Register 192; am 6/10/2010, Register 194; am 6/27/2014, Register 210; am 7/22 /2017, Register 223)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 34.925(b)(2) is amended to read:

(2) in the Saint Matthew Island Section, each king crab pot must have eight escape rings with an inside diameter measure of 5.8 inches placed on a vertical plane within one mesh measurement from the bottom of the pot, with four escape rings on two sides of a four-sided pot, or if the pot has no escape rings as specified in this paragraph, then one-half of one vertical side of a four-sided pot must have a side panel composed of not less than eight-inch stretched mesh webbing;

(In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/23/88, Register 107; am 6/19/92, Register 122; em am 8/21/92 – 12/18/92, Register 123; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 5/18/2014, Register 210; am 6/27/2014, Register 210; am 5/22/2016, Register 218; am 7 / 22 /2017, Register 223 )

Authority: AS 16.05.251

### **Chapter 35. Tanner Crab Fishery.**

#### **Article 7. Registration Area E (Prince William Sound).**

5 AAC 35.306(b) is amended to read:

(b) A Tanner crab vessel must be registered under 5 AAC 35.020 no later than 30 days [FOR REGISTRATION AREA E] before the scheduled opening date of the commercial Tanner crab season. (Eff. 9/29/96, Register 139; am 7/22/2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35 is amended by adding a new section to read:

**5 AAC 35.308. Registration Area E Tanner crab harvest strategy.** (a) If adequate data are available, the department shall estimate the abundance of male Tanner crab in the Prince William Sound Area, and shall establish a guideline harvest level for legal male Tanner crab if the current estimated abundance of  $T_H$  is above the minimum stock threshold for opening a fishery.

(b) The commercial fishery may open only if the current estimated abundance of  $T_H$  is greater than or equal to 200,000 crab (50 percent of  $A_H$ ). If the commercial fishery has been closed for three or more consecutive years, then the estimated abundance of  $T_H$  must be greater than or equal to 200,000 crab for two or more years before the commercial fishery may open.

The commercial guideline harvest level will be determined as follows:

(1) the guideline harvest level for  $T_L$  may not exceed 15 percent of  $A_C(T_H)$  if  $A_C(T_H)$  is greater than or equal to 200,000 crab, but less than 300,000 crab;

(2) the guideline harvest level for  $T_L$  may not exceed 20 percent of  $A_C(T_H)$  if  $A_C(T_H)$  is greater than or equal to 300,000 crab, but less than 400,000 crab;

(3) the guideline harvest level for  $T_L$  may not exceed 25 percent of  $A_C(T_H)$ , if  $A_C(T_H)$  is greater than or equal to 400,000 crab; and



(4) the guideline harvest level for legal male Tanner crab may be reduced or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of  $T_H$  to fall below the minimum stock threshold.

(c) In this section,

(1) " $T_L$ " means male Tanner crab that are 127 mm (5.0 inches) or greater in carapace width, which is the legal size of Tanner crab allowed to be retained for harvest;

(2) " $T_H$ " means male Tanner crab that are 135 mm (5.3 inches) or greater in carapace width, which was the historical legal size of Tanner crab in the Prince William Sound Area;

(3) " $A_H$ " means the average historical abundance of  $T_H$ ;  $A_H$  is an estimate of the biomass that will produce maximum sustained yield;

(4) " $A_C(T_H)$ " means the current estimated abundance of  $T_H$ .

(5) if the commercial fishery opens under this section, the sport fishery will open as provided in 5 AAC 55.022(b)(3). (Eff. 7 /22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35.310 is amended to read:

**5 AAC 35.310. Fishing seasons for Registration Area E. In the Northern and Hinchinbrook Districts, male Tanner crab may be taken only from January 15 until March 31, during periods established by emergency order** [THE COMMERCIAL HARVEST OF TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA IS CLOSED UNTIL THE BOARD OF FISHERIES HAS ADOPTED A HARVEST STRATEGY IN THIS CHAPTER].

(In effect before 1981; am 6/28/81, Register 78; am 6/30/83, Register 86; am 7/23/88, Register 107; am 9/29/96, Register 139; am 8/8/99, Register 151; am 7/22/2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35 is amended by adding a new section to read:

**5 AAC 35.311. Commissioner's permits for Tanner crab in Registration Area E.** (a)

In the Eastern and Western Districts, male Tanner crab, five inches or greater in carapace width, may be taken only under the conditions of a permit issued by the commissioner.

(b) Only pot gear may be used and no more than 50 Tanner crab pots may be operated from a vessel.

(c) The permit required in this section

- (1) may specify season dates;
- (2) may specify areas of fishing operations by district or by geographic location;
- (3) may require an onboard observer during all operations;
- (4) shall require mandatory completion of log sheets provided by the department;

log sheets described in this section must

(A) include the date, the specific location of harvest by latitude and longitude, the number of pots fished, the average depth of each pot fished, and the time gear is deployed and removed from the water of each set;

(B) include for the target and each bycatch species the number of fish retained and discarded;

(C) be updated within 24 hours after midnight local time on the day of operation;

(D) be made available to a local representative of the department upon request;

(E) be submitted with the corresponding fish ticket at the time of landing;

(5) may set other conditions the commissioner determines are necessary for conservation and management purposes.

(d) A person may not make a false entry in the log sheets described in this section.

(e) Registration Area E is a superexclusive registration area for Tanner crab; an operator of a Tanner crab vessel validly registered for a superexclusive registration area may not operate any other Tanner crab vessel registered for any other superexclusive registration area in the same registration year as established under 5 AAC 35.020(h). (Eff. 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35.320 is amended to read:

**5 AAC 35.320. Size limits for Registration Area E.** Only male Tanner crab five [5.3] inches or greater in width of shell may be taken or possessed. (In effect before 1981; am 6/28/81, Register 78; am 9/29/96, Register 139; am 7/1/2006, Register 178; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35.325(a) is amended to read:

(a) Tanner crab may be taken only with Tanner crab pots **as specified in 5 AAC 35.050** [AND RING NETS]. Tanner crab taken by other means must be returned to the water without further harm.

5 AAC 35.325(b) is repealed:

(b) Repealed 7 / 22 / 2017.

5 AAC 35.325(d) is amended to read:

(d) **The number of Tanner crab pots that may be operated from a vessel will be established by emergency order before the opening of each commercial Tanner crab season, not to exceed 30 Tanner crab pots per vessel. In determining the annual pot limit, the department will consider the** [DURING THE COMMERCIAL TANNER CRAB SEASON IN THE PRINCE WILLIAM SOUND MANAGEMENT AREA, AN AGGREGATE OF NO MORE THAN 75 KING AND TANNER CRAB POTS MAY BE OPERATED FROM A VESSEL REGISTERED TO FISH FOR TANNER CRAB]

**(1) total number of registered vessels;**

**(2) estimated catch per unit effort; and**

**(3) the guideline harvest level.**

5 AAC 35.325 is amended by adding a new subsection to read:

(g) Tanner crab pots may ~~only~~ be deployed or removed from the water only from 8:00 a.m. to 6:00 p.m. The commissioner may, by emergency order, increase the time that pots may be deployed or removed from the water. (In effect before 1981; am 6/28/81, Register 78; am 7/12/86, Register 99; am 7/23/88, Register 107; am 2/24/96, Register 137; am 9/29/96, Register 139; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35.327(a) is amended to read:

(a) Cone or pyramid Tanner crab pots with all bait and bait containers removed and all doors not secured closed, and rectangular Tanner crab pots with all bait and bait containers removed and all doors secured fully open, may be stored in the water only from 30 days before the scheduled opening date of the commercial Tanner crab season in Registration Area E until 30 days after the closure of that season.

(Eff. 9/29/96, Register 139; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35 is amended by adding a new section to read:

**5 AAC 35.328. Operation of other gear in Registration Area E.** A person or vessel that operates subsistence, sport, or personal use pots during the 30 days immediately before the

scheduled opening date of the commercial Tanner crab season in Registration Area E may not participate in that commercial Tanner crab fishery. (Eff. 7/22/2017, Register 223)

5 AAC 35.340 is repealed:

**5 AAC 35.340. Registration Area E inspection points.** Repealed. (In effect before 1981; am 6/28/81, Register 78; am 9/29/96, Register 139; repealed 7/22/2017, Register 223)

5 AAC 35.345 is amended to read:

**5 AAC 35.345. Inspection requirements for Registration Area E.** The commissioner may, by emergency order, require that vessels fishing for Tanner crab in Registration Area E be inspected within [WITHIN] 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area E or at any time during the open season [, A TANNER CRAB VESSEL REGISTERED FOR REGISTRATION AREA E MUST HAVE ALL HOLDS, LIVE TANKS, AND FREEZERS INSPECTED] by a local representative of the department at an inspection point specified by the department [IN 5 AAC 35.340. TANNER CRAB MAY NOT BE ON BOARD THE VESSEL AT THE TIME OF INSPECTION. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A, REGISTERED TANNER CRAB VESSEL THAT DOES NOT HAVE A SALTWATER CIRCULATION SYSTEM IN ITS HOLDS OR LIVE TANKS]. (Eff. 6/28/81, Register 78; am 9/29/96, Register 139; am 7/22/2017, Register 223)

· **Authority:** AS 16.05.251

5 AAC 35 is amended by adding new sections to Article to read:

**5 AAC 35.350. Log sheet requirements for Registration Area E.** (a) An operator of a vessel registered for the commercial Tanner crab fishery shall complete log sheets provided by the department.

(b) Log sheets described in this section shall be

(1) updated daily; and

(2) submitted to the primary processor or buyer after each trip with the corresponding fish ticket; the processor or buyer shall submit the fish ticket and corresponding log sheets to the department in accordance with 5 AAC 39.130.

(c) A catcher-seller described in 5 AAC 39.130 shall submit log sheets described in this section to the department with the corresponding fish ticket.

(d) A person may not make a false entry in log sheets required in this section. (Eff.

7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

**5 AAC 35.358. Reporting requirements for Registration Area E.** An owner or operator of a vessel registered to fish in the commercial Tanner crab fishery must report each day to the department as specified on registration:

(1) the number of pot lifts;

(2) the number of crab retained for the 24-hour fishing period preceding the report; and

(3) any other information that the commissioner determines is necessary for the conservation and management of the fishery. (Eff. 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

**Article 8. Registration Area H (Cook Inlet).**

The introductory language of 5 AAC 35.408(d) is amended to read:

(d) The noncommercial Tanner crab fisheries guideline harvest level may not exceed 10 percent of the recent three-year average of legal male stock abundance when legal male stock abundance is below the minimum stock threshold for a commercial fishery. The noncommercial Tanner crab fisheries will be managed as provided in 5 AAC 58.022(11)(B) and 5 AAC 02.325(b) in the absence of a trawl survey or if [CLOSED]

(Eff. 8/24/2002, Register 163; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 35 is amended by adding a new section to read:



**5 AAC 35.420. Size limits for Registration Area H.** Only male Tanner crab four and one-half inches or greater in width of shell may be taken or possessed. (Eff. 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

**Article 10. Registration Area J (Westward).**

5 AAC 35.506(i)(1) is amended to read:

(1) [WEST OF 166° W. LONG.] in a directed *C. bairdi* Tanner crab fishery or as incidental harvest while the vessel operator is registered for the *C. opilio* Tanner crab fishery; a vessel operator that is registered to fish for *C. opilio* Tanner crab in the Bering Sea District may retain *C. bairdi* Tanner crab in an amount not to exceed five percent of the weight of the *C. opilio* Tanner crab on board the vessel and reported on an ADF&G fish ticket;

5 AAC 35.506(i)(3) is repealed:

(3) repealed 7 / 22 /2017;

5 AAC 35.506(j) is amended to read:

(j) In the Bering Sea District, a vessel operator that is registered to fish for *C. bairdi* Tanner crab [WEST OF 166° W. LONG.] may also retain *C. opilio* Tanner crab in an amount not to exceed **thirty-five** [FIVE] percent of the weight of *C. bairdi* Tanner crab on board the vessel and reported on an ADF&G fish ticket.

(Eff. 9/29/96, Register 139; am 7/21/99, Register 151; am 8/8/99, Register 151; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 7 / 22/2017, Register 223)

**Authority:** AS 16.05.251

The introductory language of 5 AAC 35.510(f)(2) is amended to read:

(2) in waters west of 165° W. long. [166° W. LONG.], male *C. opilio* Tanner crab may be taken from

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 9/19/90, Register 115; em am 2/12/91 – 6/11/91, Register 117; am 4/30/91, Register 118; em am 1/9/92 – 5/7/92, Register 121; am 1/24/92, Register 121; am 6/19/92, Register 122; am 6/24/93, Register 126; am 10/1/93, Register 127; am 9/29/96, Register 139; am 11/6/96, Register 140; am 8/5/99, Register 151; am 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2011, Register 199; am 6/1/2013, Register 206; am 6/27/2014, Register 210; am 7 / 22/2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 35.521(c) is amended to read:

(c) For the purpose of 5 AAC 35.510(f)(3) and 5 AAC 35.520(b), a hybrid Tanner crab that conforms to the description in (a) of this section is considered to be a *C. bairdi* Tanner crab, and a hybrid Tanner crab that does not conform to that description is considered to be a *C. opilio* Tanner crab, as illustrated in the Alaska Department of Fish and Game *Chionoecetes* Crab Quick Reference Guide, revised as of September 2016, and adopted by reference.

(Eff. 1/24/92, Register 121; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7 / 22/2017, Register 223)

**Authority:** AS 16.05.251

An editor's note is added following 5 AAC 35.521 to read:

**Editor's note:** A copy of the Alaska Department of Fish and Game *Chionoecetes* Crab Quick Reference Guide adopted by reference in 5 AAC 35.521(c) can be found on the department's website at

<http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareaaleutianislands.shellfish#management>.

*In addition, a copy may be obtained from the Department of Fish and Game, Division of Commercial Fisheries, 1255 W. 8th Street, P.O. Box 115526, Juneau, AK, 99811-5526, (907) 465-4210.*

5 AAC 35.525(c)(3)(A) is amended to read:

(A) guideline harvest level is less than 2,000,000 pounds [OR LESS], an aggregate of no more than 20 [30] pots may be operated from a validly registered Tanner crab vessel;

5 AAC 35.525(c)(3)(B) is amended to read:

(B) guideline harvest level is at least [MORE THAN] 2,000,000 but less than 3,000,000 pounds, an aggregate of no more than 30 [50] pots may be operated from a validly registered Tanner crab vessel;

5 AAC 35.525(c)(3) is amended by adding a new subparagraph to read:

(C) guideline harvest level is 3,000,000 or more pounds, an aggregate of no more than 50 pots may be operated from a validly registered Tanner crab vessel;

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 12/29/84, Register 92; am 7/14/85, Register 95; am 4/18/86, Register 98; am 7/12/86, Register 99; em am 3/16/88 – 7/13/88, Register 106; em am 6/23/88 – 10/20/88, Register 107; am 7/23/88, Register 107; am 9/19/90, Register 115; am 6/19/92, Register 122; em am 11/13/92 – 3/12/93, Register 124; em am 12/17/92 – 4/16/93, Register 125; em am 3/26/93 – 7/23/93, Register 126; am 6/24/93, Register 126; am 9/29/96, Register 139; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 9/30/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/20/2010, Register 194; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 11/13/2014, Register 212; am 7/22/2017, Register 223)

**Authority:** AS 16.05.251

**Chapter 39. General Provisions.**

**Article 6. Shellfish Fishery.**

5 AAC 39.645(d)(4)(D)(i) is amended to read:

(i) during harvest of 30 percent of the total *C. opilio* (snow crab) weight harvested by each catcher vessel while operating fishing gear, during each registration year, or during a period when the department randomly selects between 30 percent and 100 percent [THE DEPARTMENT MAY RANDOMLY SELECT 30 PERCENT] of the catcher vessels harvesting Bering Sea *C. opilio* (snow crab) to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel; and

5 AAC 39.645(e) is amended to read:

(e) In addition to the permit requirements in 5 AAC 34.055 and 5 AAC 35.055, the permit for a vessel that participates in a [PROCESSES] Tanner crab, red king crab, blue king crab, or golden king crab fishery must require that an observer, approved by the department [AND PROVIDED BY THE PERMITTEE,] be briefed by the department for the fishery in which the vessel participates and that the observer be on board the vessel before the vessel obtains a tank inspection, before the vessel takes crab, and before the start of and during all processing operations, except for when a vessel has checked out of a fishery under 5 AAC 39.670(c)(3)(G) and has notified the department of its intent to deploy gear consistent with 5 AAC 39.670(c)(3)(E). For the purposes of 5 AAC 34.055, 5 AAC 35.055, and 5 AAC 39.140, the observer is a representative of the department. All information collected by the observer is

confidential property of the department. The department shall develop guidelines for approval of observers, including training requirements, conflict-of-interests standards, data collection schedules and standards, record keeping and reporting requirements, and other criteria needed to ensure accurate and objective reporting.

(Eff. 7/12/86, Register 99; am 7/23/88, Register 107; em am 9/20/88 – 1/17/89, Register 108; am 7/30/89, Register 111; am 9/19/90, Register 115; em am 3/19/91 – 7/16/91, Register 118; am 5/2/92, Register 122; am 6/24/93, Register 126; am 11/3/95, Register 136; am 9/1/96, Register 139; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/31/2000, Register 155; am 7/31/2003, Register 167; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 7/22/2017, Register 223)

**Authority:** AS 16.05.251

5 AAC 39.670(c)(3)(D) is amended to read:

(D) a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area, **except for when a vessel has checked out of a fishery under 5 AAC 39.670(c)(3)(G) and has notified the department of its intent to deploy gear consistent with 5 AAC 39.670(c)(3)(E);**

The introductory language of 5 AAC 39.670(c)(5) is amended to read:

(5) a vessel operator may harvest EBT and BBR, or WBT and BSS, or EBT and BSS, concurrently; as follows:

5 AAC 39.670(c)(5) is amended by adding a new subparagraph to read:

(D) a vessel operator participating in the BSS fishery may retain EBT as incidental harvest as specified in 5 AAC 35.506(i)(1);

(Eff. 8/14/2005, Register 175; am 8/28/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 8/27/2016, Register 219; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.251

#### **Chapter 55. Prince William Sound Area.**

The introductory language of 5 AAC 55.022(a) is amended to read:

(a) Unless otherwise specified in 5 AAC 55.023, or by an emergency order issued under AS 16.05.060, the following are the seasons, bag, possession, and size limits, and methods and means that apply to sport fishing for finfish and shellfish in the Prince William Sound Area:

5 AAC 55.022(b)(3) is amended to read:

(3) Tanner crab [: NO OPEN SEASON;] may [NOT] be taken as follows:

(A) may be taken only under the authority of a permit issued by the department; a harvest recording form under 5 AAC 75.016 is required;

(B) may be taken from October 1 – March 31; only male Tanner crab five inches or greater in width of shell may be taken or possessed; the bag and possession limit is twelve male Tanner crab;

(C) may only be taken with pots; no more than two pots per person with a maximum of two pots per vessel; each pot must have no less than two escape rings of no less than four and three-eighths inch inside diameter; a pot may not have any portion of the line attaching the pot to a buoy floating on the surface of the water at any time, except that portion of the line connecting the main buoy to any auxiliary buoy or buoys;

(D) may not be taken in those areas described in 5 AAC 02.236;

(E) the Tanner crab sport fishery will only occur as provided in 5 AAC 35.308(c)(5);

(Eff. 5/4/94, Register 130; am 9/5/97, Register 143; am 3/16/2000, Register 153; am 7/5/2000, Register 155; am 9/30/2000, Register 155; am 5/11/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 3/30/2006, Register 177; am 7/1/2006, Register 178; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/24/2012, Register 201; am 6/1/2013, Register 206; am 3/29/2015, Register 213; am 7/22/2017, Register 223)

Authority: AS 16.05.060 AS 16.05.251



**Chapter 58. Cook Inlet – Resurrection Bay Saltwater Area.**

5 AAC 58.022(a)(11) is to read:

(11) Tanner crab: may be taken as follows:

(A) only from July 15 – March 15, except [THAT THE WATERS EAST OF CAPE FAIRFIELD ARE CLOSED AND WHEN THE SPORT FISHERY IN THE KAMISHAK DISTRICT OR BARREN ISLANDS DISTRICT IS CLOSED TO THE TAKING OF TANNER CRAB, THE SPORT FISHERY IN THE EASTERN, OUTER, AND CENTRAL DISTRICTS SHALL REMAIN CLOSED] as specified under 5 AAC 35.410(c); bag and possession limit of five male crab; minimum size is four [FIVE] and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

**(B) notwithstanding the provisions of (a)(11)(A) of this section, if the provisions of 5 AAC 35.408(d) apply then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male crab; minimum size is four and one-half inches across the widest part of the shell, including spines; no more than one pot per person with a maximum of one pot per vessel; a shellfish harvest recording form is required as specified in 5 AAC 58.026;**

(Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am

12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 6/27/2014, Register 210; am 9/24/2014, Register 211; am 3/15/2017, Register 221; am 7/22/2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

#### **Chapter 64. Kodiak Area.**

5 AAC 64.022(a)(12) is amended to read:

(12) Tanner crab: may be taken from January 1 – December 31, except that **in a section of the Kodiak District specified in 5 AAC 35.505(a), the taking of Tanner crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the scheduled opening of a commercial Tanner crab fishing season in that section** [FROM JULY 15 – FEBRUARY 10, A PERSON MAY NOT TAKE TANNER CRAB IN WATERS 25 FATHOMS OR GREATER IN DEPTH DURING THE PERIODS 14 DAYS BEFORE AND 14 DAYS AFTER THE COMMERCIAL RED KING CRAB, BLUE KING CRAB, OR TANNER CRAB SEASON]; bag and possession limit of six male crab; minimum size is five and one-half inches carapace width;

(Eff. 3/13/96, Register 137; am 8/14/96, Register 139; am 4/2/99, Register 149; am 4/20/2002, Register 162; am 12/29/2002, Register 164; am 3/13/2004, Register 169; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 5/1/2011, Register 198; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

### **Chapter 65. Alaska Peninsula and Aleutian Islands Area.**

5 AAC 65.020(11) is amended to read:

(11) Tanner crab: may be taken from January 1 through December 31 [, EXCEPT THAT FROM JULY 15 THROUGH FEBRUARY 10, A PERSON MAY NOT TAKE TANNER CRAB IN WATERS 25 FATHOMS OR MORE IN DEPTH FROM 14 DAYS BEFORE AND 14 DAYS AFTER A COMMERCIAL RED KING CRAB OR TANNER CRAB FISHERY]; bag and possession limit of six male crab; [MALE CRAB ONLY;] minimum size is five and one-half inches carapace width, except that in the waters of the Bering Sea north of 54° 36' N. lat., the minimum size is 4.8 inches carapace width [INCLUDING SPINES];

(In effect before 1983; am 4/3/83, Register 85; am 5/22/88, Register 106; am 6/2/88, Register 106; am 9/2/90, Register 115; am 5/2/92, Register 122; am 4/9/95, Register 134; am 4/2/99, Register 149; am 8/8/99, Register 151; am 6/14/2001, Register 158; am 6/4/2004, Register 170; am 12/1/2004, Register 172; am 5/30/2007, Register 182; am 7/1/2007, Register 182; am 6/2/2010, Register 194; am 6/1/2013, Register 206; add'l am 6/1/2013, Register 206; am

Register 223, October 2017 FISH AND GAME

2/23/2014, Register 209; am 6/5/2016, Register 218; am 8/27/2016, Register 219; am  
7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

#### **Chapter 69. North Slope Area.**

5 AAC 69.110(b)(10) is repealed:

(10) repealed 7 / 22 /2017;

5 AAC 69.110(b)(11) is repealed:

(11) repealed 7 / 22 /2017;

(Eff. 3/14/2009, Register 189; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 69.135 is repealed:

**5 AAC 69.135. Methods, means, and general provisions – Shellfish.** Repealed. (Eff.

3/14/2009, Register 189; repealed 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

**Chapter 71. Kuskokwim – Goodnews Area.**

5 AAC 71.035(b) is repealed:

(b) Repealed 7 / 22 /2017.

(Eff. 3/14/2009, Register 189; am 7 / 22 /2017, Register 223)

**Authority:** AS 16.05.060 AS 16.05.251

**Chapter 73. Yukon River Area.**

5 AAC 73.010(b)(10) is amended to read:

(10) finfish and shellfish species that are not specified in this section: there are no bag, possession, or size limits;

5 AAC 73.010(b)(11) is repealed:

(11) repealed 7 / 22 /2017;

(Eff. 3/14/2009, Register 189; am 5/22/2016, Register 218; am 7 / 22 /2017, Register 223)

**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:** June 21, 2017

**File No.:** JU2016200587

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

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

**Re:** Board of Fisheries Regulations re:  
March 20 - 24, 2017 Anchorage  
Meeting: Statewide King and Tanner  
Crab, and Supplemental Issues  
(5 AAC 01.280 – 5 AAC 73.010)

We have reviewed the attached regulations changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations are regarding subsistence, personal use, sport, and commercial king and Tanner crab fisheries in the state, and other miscellaneous issues.

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 June 19, 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

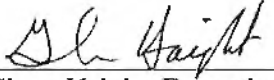
on these subjects without further notice. In addition, the board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR ADF&G.** 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**

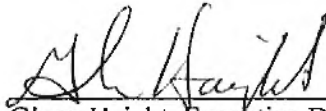
I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

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 king and Tanner crab fisheries in the state, and other miscellaneous issues, has been given by being

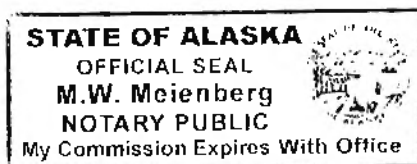
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;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

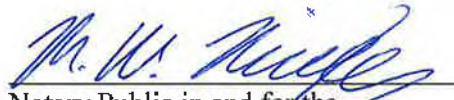
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

DATE: 5/31/17  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 31 day of May, 2017.



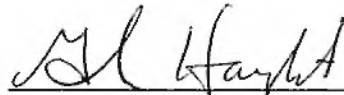
  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

**AFFIDAVIT OF ORAL HEARING**

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

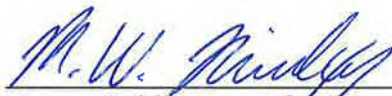
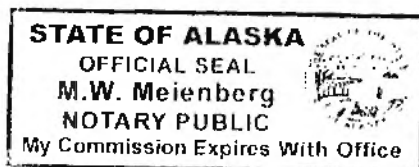
On March 20-24, 2017, at the Coast International Hotel, 3450 Aviation Avenue, Anchorage, Alaska, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with the subsistence, personal use, sport, and commercial king and Tanner crab fisheries in the state, and other miscellaneous issues.

DATE: 5/31/17  
Juneau, Alaska



Glenn Haight, Executive Director  
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 31 day of May, 2017.



Notary Public in and for the  
State of Alaska

My commission expires: with office

270233  
0001395058  
\$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

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



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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](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





## ***Chionoecetes* Crab Quick Reference Guide**

The legal definitions of Tanner (*C. bairdi*) and snow (*C. opilio*) crab are in regulation 5 AAC 35.521.

A *Chionoecetes* crab with both eyes completely red in color AND with the margin of the upper mouth (also referred to as the upper teeth or epistomal margin) notched at two points with angular V-shaped cuts forming an “M” shape is, by legal definition, a Tanner crab; all others are legally snow crab.

### **TANNER CRAB - *C. bairdi***

#### **Upper Mouth or Epistomal Margin**



AND

#### **Eye Color**



These are M-shaped.

These eyes are completely red.

### **SNOW CRAB - *C. opilio***

#### **Upper Mouth or Epistomal Margin**



#### **Eye Color**



These are NOT M-shaped.

These eyes are NOT completely red.

This guide is not intended to provide definitive biological identification, but instead allow for consistent application of the regulations.