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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

**TO:** Shellene Hutter  
Department of Fish and Game

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

A handwritten signature in blue ink, appearing to be "SM", located next to the "FROM:" field.

**DATE:** May 18, 2018

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

Board of Fisheries Regulations re: Errors and Omissions for Various Fisheries  
Regulations (5 AAC 01.645 - 5 AAC 93.235)

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Attorney General File: JU2017200619

Regulation Filed: 5/18/2018

Effective Date: 6/17/2018

Print: 226, July 2018

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

**ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF FISH AND GAME**

The attached 10 pages of regulations, dealing with the errors and omissions corrections to subsistence bag and possession limits, corrections and edits of commercial fishing districts, subdistricts and closed waters as well as shellfish sport fishing corrections, are adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.270, AS 16.05.050 and 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.

In considering public comments, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under 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: 4/23/18  
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 May 18, 2017, at 10:57 a.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: June 17, 2018.

Register: 226, July 2018.

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



**ALASKA BOARD OF FISHERIES  
DELEGATION OF AUTHORITY TO  
CORRECT ERRORS OR OMISSIONS IN REGULATIONS AND TO  
REFORMAT AND RENAME CHAPTERS WITHIN ALASKA ADMINISTRATIVE  
CODE**

**2006-250-FB**

(Replaces Finding 99-192-FB)

The Board of Fisheries ("board") makes the following findings:

1. The board characteristically adopts numerous regulations during the course of any year.

2. Many of the regulations adopted by the board are highly complex and interrelated with other regulations already in effect.

3. In view of the volume of regulatory proposals considered by the board at each meeting, it is impossible to prevent occasional ambiguities, inconsistencies, errors or omissions, or other technical shortcomings in regulations adopted by the board. Such deficiencies in regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented or result in other consequences not desired by the board. Technical deficiencies may include some or all of the following items; formatting problems; typographical errors or inadvertent errors made during publication; conflicting regulations; lack of definition of terms and modification of terminology to reflect changes in technology.

4. As a result of the volume of regulations considered by the Board and the compressed timeline for getting regulations into place, errors or omissions, such as incorrect phrasing of Board conceptual regulatory language and failure to fully capture all amendments to a proposal in final regulatory language, do happen in the course of regulatory writing during a board cycle, and the board recognizes the need to correct such problems to make the regulations consistent with board's original intent.

5. It is impractical, unnecessary, and contrary to the public interest to initiate action by the full board to correct such errors or omissions, or address reformatting and renaming chapters within the Alaska Administrative code.

6. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies and or errors and omissions in the regulations as a result of daily administration of Title 16 of the Alaska Statutes and Title 5 AAC regulations adopted by the board.

THEREFORE THE BOARD RESOLVES that in hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.258 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:



A. The commissioner may adopt, in accordance with the Administrative procedure Act (AS 44.62), permanent or emergency regulations, designated to eliminate inconsistencies, ambiguities, errors or omissions, or other technical deficiencies in existing regulations of the board.

B. The commissioner may reopen board regulatory projects after filing of the original regulations, and may sign a new adoption order reflecting the board's adoption of the regulations, within the current or previous board cycle, when through administrative error, the regulations are not correctly reflected in the administrative code. The commissioner may make such corrections in the regulations so long as they continue to be consistent with the board's original intent, as explained in the record of the board's proceedings.

C. All regulatory changes adopted by the commissioner under this delegation must be consistent with the expressions of the board's intent at the time it adopted the regulation to be corrected. Regulatory amendments that would result in a significant, substantive amendment or addition to existing board regulations that are not clearly manifest in the board's record, may not be adopted by the commissioner under the authority of this delegation and will require a separate delegation or direct board action.

D. This resolution replaces Finding 99-192-FB.

E. This delegation of authority shall remain in effect until revoked by the board.



Adopted: 12/13/2006  
Dillingham, AK

Mel Morris, Chairman  
Alaska Board of Fisheries

VOTE: 6-0-1 (Andrews absent)

**Title 5. Fish and Game.**

**Chapter 01. Subsistence Finfish Fishery.**

**Article 12. Prince William Sound Area.**

5 AAC 01.645(k) is repealed:

(k) Repealed 6 / 17 2018. (In effect before 1984; am 4/28/84, Register 90; am 5/23/88, Register 106; readopt 5/15/93, Register 126; am 5/24/97, Register 142; am 3/30/2000, Register 153; am 6/12/2003, Register 166; am 3/14/2009, Register 189; am 6/5/2016, Register 218; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.251 AS 16.05.258

**Chapter 03. Arctic-Kotzebue Area.**

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

5 AAC 03.200(b)(1) is amended to read:

(1) Subdistrict 1: all waters east of a line from the terminus of the Tukrok River to an ADF&G regulatory marker located approximately one mile offshore to a point approximately one mile off Cape Blossom to an ADF&G regulatory marker located approximately two miles off Riley Wreck to an ADF&G regulatory marker located on the west bank of Riley Creek at 66° 43' N. lat., 162° 19' W. long., and west of a line from a point one mile offshore from an ADF&G regulatory marker located on the north shore of Hotham Inlet at 67° 02' N. lat., 161° 59' W. long. to a point one mile offshore from an ADF&G regulatory marker located on the northern shore of the Baldwin Peninsula near the terminus of Singigrachak Creek at 66° 50.50' N. lat. [66° 09' N. LAT.], 162° 11' W. long.;

5 AAC 03.200(b)(2) is amended to read:

(2) Subdistrict 2: waters at the mouth of the Noatak River inside a triangle defined by three points: the first point is located at the outlet of a small slough on the east side of the Noatak River at 66° 59.68' N. lat., 162° 20.75' W. long.; the second point is located at 66° 58.30' N. lat., 162° 30.50' W. long. on the mud bar forming the western bank of the Noatak River; the third and southern point of the triangle is located on that same mud bar at 66° 57.20' N. lat., 162° 30.80 W. long. (approximately in line with the tip of Pipe Spit and Lockhart Point) [, IN LINE WITH THE TIP OF PIPE SPIT AND LOCKHART POINT AT 66° 57.20' N. LAT., 162° 30.80' W. LONG.];

(In effect before 1985; am 5/11/85, Register 94; am 4/2/88, Register 105; am 7/26/90, Register 115; am 7/16/92, Register 123; am 3/30/95, Register 133; am 6/10/98, Register 146; am 7/13/2012, Register 203; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.251

## **Chapter 21. Cook Inlet Area.**

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

5 AAC 21.200(b)(1) is amended to read:

(1) Kustatan Subdistrict: all waters within a line from the Drift River terminal to the South Kalgin Island Light at 60° 20.80' N. lat., 152° 05.09' W. long., northerly along the west side of Kalgin Island to Northwest Point at 60° 31.25' N. lat., 151° 55.75' W. long. [155° 55.75' W. LONG.], bearing 43° to Shell Platform C, to a point on the west shore at 60° 46.39' N. lat., excluding the waters of the Kalgin Island Subdistrict;

5 AAC 21.200(b)(3) is amended to read:

(3) Kalgin Island Subdistrict: all waters within a line encompassing Kalgin Island within one mile of mean lower low water as delineated by the most recent NOAA Chart #16660 (31st Edition, April 2012) [UNITED STATES COAST AND GEODETIC SURVEY CHART NUMBER 8553];

(In effect before 1985; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/29/87, Register 101; am 6/10/89, Register 110; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/7/93, Register 126; am 5/31/96, Register 138; am 6/13/99, Register 150; am 8/8/99, Register 151; am 3/11/2001, Register 157; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 6/11/2005, Register 174; am 3/2/2011, Register 197; am 5/21/2011, Register 198; am 6/12/2011, Register 198; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6/8/2017, Register 222; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.251

## **Chapter 27. Herring Fishery.**

### **Article 8. Kodiak Area (Registration Area K).**

The introductory language of 5 AAC 27.505(c) is amended to read:

(c) South Afognak District: all waters north of a line from Pillar Cape (58° 08.90' N. lat., 152° 06.80' W. long.) to Cape Izhut (58° 06.03' N. lat., 152° 20.40' W. long.) to Dolphin Point (57° 59.17' N. lat., 152° 43.42' W. long.) and to Head Point (57° 59.67' N. lat., 152° 46.75' W. long.) [(57° 59.67' N. LAT., 152° 46.17' W. LONG.)].

...

Publisher: The remainder of 5 AC 27.505(c) is unchanged.



The introductory language of 5 AAC 27.505(d) is amended to read:

(d) Uganik Bay District: all waters north of the latitude of Cape Kuliuk (57° 48.25' N. lat.) to midstream Shelikof Strait, and south of the latitude of Raspberry Cape to midstream Shelikof Strait, east of midstream Shelikof Strait, and including the waters of Kupreanof Straits west of a line from Inner Point **(57° 54.05' N. lat., 152° 47.75' W. long.)** [(57° 54.10' N. LAT., 152° 47.80' W. LONG.)] to Bird Point (57° 55.33' N. lat., 152° 47.50' W. long.), and south of a line from Occident Point (57° 57.42' N. lat., 152° 51.75' W. long.) to Last Timber Point (57° 58.60' N. lat., 152° 59.05' W. long.).

...

Publisher: The remainder of 5 AC 27.505(d) is unchanged.

5 AAC 27.505(e)(2) is amended to read:

(2) Harvester Island Section: all waters north of the latitude of Carlsen Point **(57° 34.70' N. lat.)**, [(57° 34.55' N. LAT.) AND] west of **the longitude of Carlsen Point (153° 50.15' W. long.)** [153° 50.00' W. LONG.], and south of a line from Cape Kuliuk to Rocky Point (57° 39.78' N. lat., 154° 13.90' W. long.);

The introductory language of 5 AAC 27.505(m) is amended to read:

(m) South Mainland District: all waters enclosed by a line north of the latitude of 55° 30.00' N. lat., west of the longitude of Cape Ikolik, south of a line from Cape Ikolik to Cape Igvak, and east of a line extending south from the southern entrance of Imuya Bay near Kilokak Rocks at **57° 10.34' N. lat., 156° 20.22' W. long.** [156° 20.07' W. LONG.]

...

Publisher: The remainder of 5 AAC 27.505(m) is unchanged.



(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 7/23/88, Register 107; am 4/7/90, Register 114; am 4/14/93, Register 126; am 3/22/96, Register 137; am 6/15/96, Register 138; am 5/29/99, Register 150; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 8/27/2016, Register 219; am 6 / 17 /2018, Register 226 )

**Authority:** AS 16.05.251

### **Chapter 33. Southeastern Alaska Area.**

#### **Article 2. Fishing Districts and Sections.**

5 AAC 33.200(e) is amended to read:

(e) District 5: waters of Sumner Strait, north and east of a line from Cape Decision to [OF] Helm Point to Cape Lynch to the southwest entrance point of Halibut Harbor, and north of the latitude of Aneskett Point, west of a line from Point Baker to Point Barrie, and south of a line from Point Camden to Salt Point Light in Keku Strait.

(In effect before 1985; am 5/31/85, Register 94; am 7/14/85, Register 95; am 4/18/86, Register 98; am 6/25/89, Register 110; am 6/28/97, Register 142; am 10/1/98, Register 147; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 2/22/2015, Register 213; am 7/1/2015, Register 214; am 6 / 17 /2018, Register 226 )

**Authority:** AS 16.05.251

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

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

5 AAC 34.610(b)(1) is repealed:

(1) repealed 6 / 17 2018;

Register 226, July 2018 FISH AND GAME

(In effect before 1983; 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 9/1/96, Register 139; am 9/19/99, Register 151; am 8/24/2002, Register 163; am 9/11/2002, Register 163; am 8/14/2005, Register 175; am 6/1/2013, Register 206; am 6/27/2014, Register 210; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.060 AS 16.05.251

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

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

The introductory language of 5 AAC 35.506(e) is amended to read:

(e) For the Chignik, Eastern Aleutian [ALEUTIANS], Western Aleutian [ALEUTIANS], and Bering Sea Districts, the registration deadlines for the registration year are as follows:

...

5 AAC 35.506(e)(6) is amended to read:

(6) for the Chignik District C. *bairdi* Tanner crab fishery, if the guideline harvest level exceeds 2,000,000 [600,000] pounds, the registration deadline is 5:00 p.m. December 24. (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; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.251

**Chapter 38. Miscellaneous Shellfish Fishery.**

**Article 5. Registration Area A (Southeastern Alaska).**

5 AAC 38.140(h) is amended to read:

(h) The department shall establish a guideline harvest level for each area open to the harvest of sea cucumbers. The guideline harvest level shall be based on population estimates from the department's biomass assessment, and shall be calculated as a product: Guideline Harvest Level =  $3 \times CF \times GF \times M \times P$ , where:

CF = 0.4      scaling factor relating maximum sustainable fishing mortality to unexploited population size;

GF = 0.5      correction factor to allow for errors in assumptions upon which the surplus production model is based;

M = 0.32      estimated instantaneous mortality rate for sea cucumbers;

P =      most recent biomass estimate [VIRGIN POPULATION SIZE], taken as the lower bound of the one-sided 90 percent confidence interval.

The guideline harvest level includes a factor of three to account for a two-year closure under (c) of this section.

(Eff. 2/27/91, Register 117; am 4/15/94, Register 130; am 9/28/97, Register 143; am 12/26/97, Register 144; am 5/8/98, Register 146; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 7/18/2003, Register 167; am 12/1/2004, Register 172; am 5/26/2006, Register 178; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5/9/2015, Register 214; am 8/27/2016, Register 219; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.060 AS 16.05.251

**Chapter 39. General Provisions.**

**Article 6. Shellfish Fishery.**

5 AAC 39.645(d)(4)(A)(ii) is repealed:

(ii) repealed 6/17 2018;

5 AAC 39.645(d)(4)(A)(iii) is repealed:

(iii) repealed 6/17 2018;

(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; am 6/17 /2018, Register 226)

**Authority:** AS 16.05.251

**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, 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 **less than** 36 inches [OR LESS] in length as measured from tip of snout to tip of tail may be retained;

(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; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.060 AS 16.05.251

#### **Chapter 60. Knik Arm Drainages Area.**

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 of 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. on the first **consecutive** Saturday and Sunday in August;

(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; am 6 / 17 /2018, Register 226)

**Authority:** AS 16.05.060 AS 16.05.251



**Chapter 93. Department Programs.**

**Article 2. Educational Fishery Program.**

5 AAC 93.230 is repealed:

**5 AAC 93.230. Transitional provisions for certain educational fishery permit procedures.** Repealed. (Eff. 4/28/95, Register 134; repealed 6 / 17 2018, Register 226)

**Authority:** AS 16.05.020 [AS 16.05.340(b)]

**AS 16.05.340**

5 AAC 93.235 is amended to read:

**5 AAC 93.235. Definitions.** In **5 AAC 93.200-5 AAC 93.225** [5 AAC 93.200-5 AAC 93.230], "educational fishery program" means a systematic program for educating persons concerning historic, contemporary, or experimental methods for locating, harvesting, handling, or processing fishery resources. (Eff. 4/28/95, Register 134; am 6 / 17 2018, Register 226)

**Authority:** AS 16.05.020 [AS 16.05.340(b)]

**AS 16.05.340**

# MEMORANDUM

## State of Alaska Department of Law

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

**Date:** May 14, 2018

**File No.:** JU2017200619

**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:  
Errors and Omissions for Various  
Fisheries Regulations  
(5 AAC 01.645 - 5 AAC 93.235)

We have reviewed the attached regulations changes from the Department of Fish and Game under a delegation of authority issued by the Board of Fisheries under AS 16.05.270 against the statutory standards of the Administrative Procedure Act. The regulations concern the correction of errors and omissions dealing with certain finfish and shellfish fisheries.

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 November 23, 2017 public notice and the April 23, 2018 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 one technical correction to conform the regulations in accordance with AS 44.62.125. The correction is 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 Fish, 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  
Shellene Hutter, Fishery Regulations Program Coordinator, AAC Contact, Dept. of Fish and Game  
Enforcement Commander, Division of Wildlife Troopers, Dept. of Public Safety  
Aaron Peterson, Assistant Attorney General, Office of Special Prosecution  
Seth Beausang, Chief Assistant Attorney General, Natural Resources Section, Dept. of Law  
Vanessa Lamantia, Assistant Attorney General, Natural Resources Section, Dept. of Law  
Brad Meyen, Assistant Attorney General, Natural Resources Section, Dept. of Law

**NOTICE OF PROPOSED CHANGES CORRECTING ERRORS AND OMISSIONS IN THE  
REGULATIONS OF THE ALASKA BOARD OF FISHERIES**

Brief Description
<p style="text-align:center">BRIEF DESCRIPTION</p> <p>The Department of Fish and Game proposes to change regulations under a delegation of authority from the Alaska Board of Fisheries to correct certain errors and omission in Title 5 of the Alaska Administrative Code.</p>

The commissioner of the Department of Fish and Game, under a delegation of authority from the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) correcting errors and omissions dealing with certain finfish and shellfish fisheries, including the following:

- (1) **5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits** is proposed to be changed to correct an error and repeal section (k) which details bag and possession limit for rainbow/steelhead trout.
- (2) **5 AAC 03.200. Fishing districts and subdistricts** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of fishing districts and subdistricts in the Arctic-Kotzebue Area.
- (3) **5 AAC 05.200. Fishing districts and subdistricts** is proposed to be changed to correct an error in the description of District 1.
- (4) **5 AAC 05.350. Closed waters** is proposed to be changed to correct an error in the description of closed waters and remove a reference to an obsolete ADF&G regulatory marker.
- (5) **5 AAC 21.200. Fishing districts, subdistricts, and sections** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the Kustatan Subdistrict and correct references to an obsolete chart.
- (6) **5 AAC 27.505. Description of Kodiak Area districts and sections** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the South Afognak, Uganik Bay, and South Mainland Districts and Harvester Island Section.
- (7) **5 AAC 33.200. Fishing districts and sections** is proposed to be changed by changing language of "Cape Decision of Helm Point" to "Cape Decision to Helm Point."



- (8) **5 AAC 34.610. Fishing seasons for Registration Area O** is proposed to be changed to repeal a regulation relating to the taking of male golden king crab as the regulation is no longer relevant.
- (9) **5 AAC 35.506. Area J registration** is proposed to be changed to correct an error in verbiage changing “Aleutians” to “Aleutian”. The regulation is also proposed to be changed to correct an error relating to the guideline harvest level and registration deadline for the Chignik District C. bairdi Tanner crab fishery.
- (10) **5 AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan** is proposed to be changed to correct language changing “virgin population size” to “most recent biomass estimate”.
- (11) **5 AAC 39.645. Shellfish onboard observer program** is proposed to be changed to remove obsolete relating to the catcher vessel observer coverage requirements in Registration Area O.
- (12) **5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area** is proposed to be changed to correct an error and add the language “less than 36 inches” and remove “36 inches or less” relating to the maximum size of king salmon that may be retained.
- (13) **5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area** is proposed to be changed to correct an omission and add the word “consecutive” when referencing the first Saturday and Sunday in August for youth sport fishing at the mouth of Fish Creek.
- (14) **5 AAC 93.230. Transitional provisions for certain educational fishery permit procedures** is proposed to be repealed to remove an obsolete regulation relating to educational fishery permits.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Frances H. Leach, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at [frances.leach@alaska.gov](mailto:frances.leach@alaska.gov). The comments must be received no later than 5:00 p.m. on December 23, 2017.

You may submit written questions relevant to the proposed action to Frances H. Leach at the mailing address or email address above. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Online Public Notice System. The Department of Fish and Game may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Frances H. Leach at (907) 465-6124 no later than December 18, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Frances H. Leach, Regulations Program Coordinator at the mailing address, telephone number, or email address above.

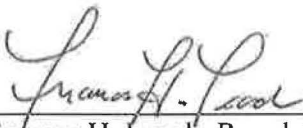
After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 16.05.050; AS 16.05.251; AS 16.05.258; AS 16.05.270

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.020, AS 16.05.060; AS 16.05.251; AS 16.05.258

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 11/23/17

  
\_\_\_\_\_  
Frances H. Leach, Regulations Specialist  
Division of Commercial Fisheries  
Department of Fish and Game



ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: Changes and repeal of obsolete personal use fishery regulations and correction of errors and omissions in certain fishery regulations.
3. Citation of regulation (may be grouped): 5 AAC 01 – 5 AAC 93
4. Department of Law file number, if any: JU2017200619
5. Reason for the proposed action:  
  
☐ Compliance with federal law or action (identify): \_\_\_\_\_  
☐ Compliance with new or changed state statute  
☐ Compliance with federal or state court decision (identify): \_\_\_\_\_  
☐ Development of program standards  
☒ Other (identify): Correct errors and omissions in certain fishery regulations in Title 5 of the Alaska Administrative Code.
6. Appropriation/Allocation: Fish and Game Funds
7. Estimated annual cost to comply with the proposed action to:  
  
A private person: \$0  
Another state agency: \$0  
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Frances H. Leach  
Title: Regulations Program Coordinator  
Address: P.O. Box 115526  
Juneau, AK 99811-5526  
Telephone: (907) 465-6124  
E-mail address: frances.leach@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: 11/24/17

Prepared by: \_\_\_\_\_



Name: Frances H. Leach  
Title: Regulations Program Coordinator  
Telephone: (907) 465-6124

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


I, Frances H Leach, Regulations Program Coordinator for the Department of Fish and Game, being duly sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Title 5 of the Alaska Administrative Code (AAC) correcting errors and omissions dealing with certain finfish and shellfish fisheries has been given by being

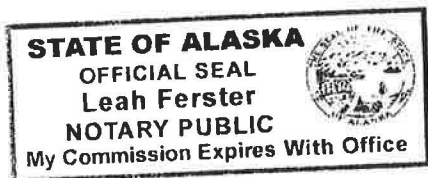
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of 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);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

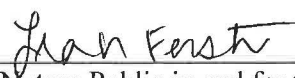
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

DATE: 1/5/18  
Juneau, Alaska

  
\_\_\_\_\_  
Frances H Leach, Regulations Program Coordinator  
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 5 day of January, 2018.



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

**AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT**

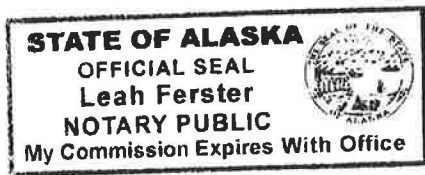
I, Frances H Leach, Regulations Program Coordinator for the Department of Fish and Game, being duly sworn, state the following:

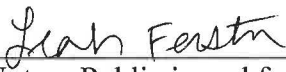
The Department of Fish and Game did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Board of Fisheries regulations in Title 5 of the Alaska Administrative Code (AAC) correcting errors and omissions dealing with certain finfish and shellfish fisheries.

DATE: 1/5/18  
Juneau, Alaska

  
\_\_\_\_\_  
Frances H. Leach, Regulations Program Coordinator  
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 5 day of January, 2018.



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



270233  
0001413456  
\$627.50

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

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

November 23, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

*Joleesa Stepetin*

Subscribed and sworn to before me  
this 27th day of November, 2017

*Britney Thompson*

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



## NOTICE OF PROPOSED CHANGES CORRECTING ERRORS AND OMISSIONS IN THE REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The commissioner of the Department of Fish and Game, under a delegation of authority from the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) correcting errors and omissions dealing with certain finfish and shellfish fisheries, including the following:

- (1) **5 AAC 01.645. Subsistence bag, possession, and size limits;** annual limits is proposed to be changed to correct an error and repeal section (k) which details bag and possession limit for rainbow/steelhead trout.
- (2) **5 AAC 03.200. Fishing districts and subdistricts** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of fishing districts and subdistricts in the Arctic-Kotzebue Area.
- (3) **5 AAC 05.200. Fishing districts and subdistricts** is proposed to be changed to correct an error in the description of District 1.
- (4) **5 AAC 05.350. Closed waters** is proposed to be changed to correct an error in the description of closed waters and remove a reference to an obsolete ADF&G regulatory marker.
- (5) **5 AAC 21.200. Fishing districts, subdistricts, and sections** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the Kustatan Subdistrict and correct references to an obsolete chart.
- (6) **5 AAC 27.505. Description of Kodiak Area districts and sections** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the South Afognak, Uganik Bay, and South Mainland Districts and Harvester Island Section.
- (7) **5 AAC 33.200. Fishing districts and sections** is proposed to be changed by changing language of "Cape Decision of Helm Point" to "Cape Decision to Helm Point."
- (8) **5 AAC 34.610. Fishing seasons for Registration Area O** is proposed to be changed to repeal a regulation relating to the taking of male golden king crab as the regulation is no longer relevant.
- (9) **5 AAC 35.506. Area J registration** is proposed to be changed to correct an error in verbiage changing "Aleutians" to "Aleutian". The regulation is also proposed to be changed and maps provided by

adn.com/weather  
Visit our web site for the  
latest conditions and forecasts  
for Alaska.  
ALASKA COMMUNITIES

Today's forecast

For me in Alaska, I revel in spending Thanksgiving morning on Spencer Loop on cross-country skis, trekking up the front range of the Chugach or rolling around on my fat bike. While the rest of the country is jolling about watching the Macy's spectacle on TV, Alaska is just up here being incredible. Many times on Thanksgiving morning the trails are eerily quiet. But the people you run into share the same thing: giddiness at being outdoors on a holiday that focuses so much inward. It's a stellar contrast: being cold and pushing hard in the snow while knowing that ahead are warmth, food and great people.

I don't need to tell Alaskans that a Thanksgiving dinner is great fuel for a day out in the mountains. If you need some inspiration, scroll through #OptOutside hashtags to see what others across the country are doing. It's always fun to show up some Floridian or Hawaiian's tropical post with frosty eyelashes and snow. Make time to be outdoors this Thanksgiving, no matter where you are or who you're with. Your friends, family and sanity will thank you.

Alli Harvey lives in Palmer and plays in Southcentral Alaska.