

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter
Department of Fish and Game

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: June 11, 2018

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: April 24, 2018 Anchorage Meeting: Yakutat Area
Tsiu/Tsivat River Closed Waters (5 AAC 30.350(a)(12))

Attorney General File:	JU2017200512 (Part 3)
Regulation Filed:	6/11/2018
Effective Date:	7/11/2018
Print:	227, October 2018

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

**ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE ALASKA BOARD OF FISHERIES**

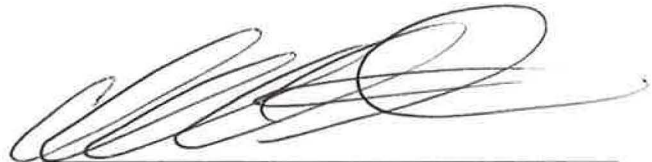
The attached 1 page of regulation providing gps coordinates defining closed waters in the Yakutat area salmon fishery, is certified to be a correct copy of the regulation change that the Alaska Board of Fisheries adopted at its April 24th meeting in Anchorage, Alaska, under the authority of AS 16.05.251 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: 4/27/18
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 June 11, 2018 at 1125 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: July 11, 2018.

Register: 227, October 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



Title 5. Fish and Game.

Chapter 30. Yakutat Area.

Article 3. Salmon Fishery.

5 AAC 30.350(a)(12) is amended to read:

Tsiu / Tsivat (12) ^{CAPS} Tsiu / Tsivat River: ^{05.34} north of 60° 5.34' N. lat., and west of 143° 3.66' W. ^{03.66}

long. [UPSTREAM OF ADF&G REGULATORY MARKERS LOCATED

APPROXIMATELY ONE-HALF MILE DOWNSTREAM FROM DUCK CAMP ISLAND.] (In

effect before 1986; 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 3/11/2001, Register 157; am 7/13/2012, Register 203; am

5/9/2015, Register 214; am 7/11/2018, Register 227)

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 8, 2018

File No.: JU2017200512 PART 3

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:
April 24, 2018 Anchorage Meeting:
Yakutat Area Tsiu/Tsivat River
Closed Waters
(5 AAC 30.350(a)(12))

We have reviewed the attached regulation changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations are regarding the closed waters of the Tsiu River and the Tsivat River in the Yakutat Area.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The original October 29, 2017 affidavit of newspaper publication for these regulations was filed with the Department of Law project file JU2017200511 Part 1, Register 225, (April 2018); we have included a photocopy of that affidavit of publication.

The October 29, 2017 public notice and the March 22, 2018 second supplemental notice, and the April 27, 2018 certification of adoption order all 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.

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
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
Brad Meyen, Assistant Attorney General, Natural Resources Section, Dept. of Law

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 PRINCE WILLIAM SOUND AREA (INCLUDING THE UPPER COPPER RIVER AND UPPER SUSITNA RIVER AREA) FINFISH FISHERIES; SOUTHEASTERN ALASKA AND YAKUTAT AREAS FINFISH AND SHELLFISH FISHERIES, INCLUDING ALL SOUTHEASTERN ALASKA AND YAKUTAT AREAS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS) FISHERIES:
 - 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 or modification of customary and traditional subsistence uses and amounts reasonably necessary for subsistence; 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; regulations for the subsistence priority; landing requirements; provisions for development and allocation among beneficial uses and users, including creating and regulating tier II fisheries; guiding principles; otherwise establish, regulate, change, or adjust subsistence fisheries.
2. The following topic is added to the Prince William Sound Finfish meeting in Valdez, December 1-5, 2017:

- A. IN THE YUKON AREA SUBSISTENCE FINFISH FISHERY: Decrease the size of the area closed to subsistence fishing through the ice for northern pike on the Chatanika River (*newly assigned Proposal 228, formerly ACR #1*).
3. The following topics are added to the Southeast and Yakutat Finfish and Shellfish meeting in Sitka, January 11-23, 2018:
- A. IN THE SOUTHEASTERN ALASKA AREA PERSONAL USE FISHERY: Require a permit for the taking of king crab for personal use and amend the bag and possession limits (*newly assigned Proposal 234 which was accepted as a board generated proposal at the 2017 Work Session*).
 - B. IN THE SOUTHEASTERN ALASKA AREA DUNGENESS CRAB COMMERCIAL FISHERY: Repeal the Southeastern Alaska Area Dungeness Crab Fisheries Management Plan and amend the fishing seasons (*newly assigned Proposal 235 which was accepted as a board generated proposal at the 2017 Work Session*).
4. The following topics are added to the Statewide Dungeness, Shrimp and Other Miscellaneous Shellfish meeting in Anchorage, March 6-9, 2018:
- A. IN THE ALEUTIAN ISLANDS AREA KING CRAB COMMERCIAL FISHERY: Repeal fixed total allowable catch (TAC) and adopt an Aleutian Islands Area golden king crab harvest strategy that uses biomass estimates generated from the Alaska Department of Fish and Game stock assessment model to establish TAC (*newly assigned Proposal 229, formerly ACR #2*).
 - B. IN THE YUKON AREA SUBSISTENCE AND COMMERCIAL FINFISH FISHERIES:
 - i. Allow use of drift gillnets to harvest salmon for subsistence uses in Yukon Area Subdistricts 4-B and 4-C (*newly assigned Proposal 230, formerly ACR #13*).
 - ii. Repeal the prohibition on subsistence fishing in Yukon Area Districts 1 and 2 during the first pulse of king salmon (*newly assigned Proposal 231, formerly ACR #14*).
 - iii. Consider criteria to allow sale of Yukon River king salmon caught incidentally during open commercial fishery periods for other salmon species (*newly assigned Proposal 232, formerly ACR #15*).
 - iv. Clarify Yukon Area District 1 boundary, allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1, and reduce waters closed to commercial fishing for salmon in District 1 (*newly assigned Proposal 233, formerly ACR #18*).

- C. IN THE ALASKA PENINSULA-ALEUTIAN ISLANDS AREA COMMERCIAL HERRING FISHERY: Increase the Dutch Harbor food and bait herring fishery allocation, eliminate the Dutch Harbor food and bait herring fishery allocations between gear types, and change the season for the Dutch Harbor food and bait herring fishery (*newly assigned Proposal 236 which was accepted as a board generated proposal at the 2017 Work Session*).

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or www.boardoffisheries.adfg.alaska.gov.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above are advised that such comments will not 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

Prince William Sound Finfish

December 1-5, 2017

Valdez Convention & Civic Center, Valdez

Comment deadline: November 17, 2017

Southeast and Yakutat Finfish & Shellfish

January 11-23, 2018

Harrigan Centennial Hall, Sitka

Comment deadline: December 28, 2017

Statewide (Except Southeast and Yakutat) Dungeness Crab, Shrimp, Other Miscellaneous Shellfish and Supplemental Issues

March 6-9, 2018

Egan Civic and Convention Center

Comment deadline: February 23, 2018

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 www.boardoffisheries.adfg.alaska.gov, and at the relevant meeting. The board may also include accepted agenda change requests as new proposals following its October 17-19, 2017 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

10/27/2017

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
 2. General subject of regulations: IN THE PRINCE WILLIAM SOUND AREA (INCLUDING THE UPPER COPPER RIVER AND UPPER SUSITNA RIVER AREA) FINFISH FISHERIES; SOUTHEASTERN ALASKA AND YAKUTAT AREAS FINFISH AND SHELLFISH FISHERIES, INCLUDING ALL SOUTHEASTERN ALASKA AND YAKUTAT AREAS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS) FISHERIES.
 3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
 4. Department of Law file number (if any):
 - JU2017200511 – Prince William Sound Finfish
 - JU2017200512 – Southeast and Yakutat Finfish and Shellfish
 - JU2017200513 – Statewide Dungeness Crab, Shrimp, Miscellaneous Shellfish 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, 2017
- Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

SECOND SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries (board) proposes to adopt, amend, or repeal regulation changes in Title 5 of the Alaska Administrative Code, dealing with the Yakutat Area Closed Waters at 5 AAC 30.350.

This is a **SECOND SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued on October 27, 2017 and **SUPPLEMENTAL NOTICE** that was issued on February 2, 2018, hereby incorporated by reference, concerning proposed regulation changes in Title 5 of the Alaska Administrative Code. This **SECOND SUPPLEMENTAL NOTICE** is being issued to notify the public of the following topic being added to the board schedule to be considered at the meeting noted:

- The following additional topic will be addressed at the board's Tsiu/Tsivat River Closed Waters special meeting scheduled for April 24, 2018 at the Egan Civic and Convention Center, Anchorage, Alaska:

IN THE YAKUTAT AREA: Board generated proposal to review the closed waters for the Tsiu/Tsivat rivers. (*Newly assigned Proposal 242.*)

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above do not have assurance their comments will be received and entered as public comment. Written comments must be received no later than April 10, 2018. Written comments exceeding the page limit 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 above 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. The Additional Public Comment Standard explained in the October 27, 2017 **NOTICE OF PROPOSED CHANGES** also applies to this meeting.

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 meeting to ensure necessary accommodations can be provided.

For a copy of the proposed regulation changes, or for a copy of the October 27, 2017 **NOTICE OF PROPOSED CHANGES** or the February 2, 2018 **SUPPLEMENTAL NOTICE OF PROPOSED CHANGES**, contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, phone 907-465-4110, or access the Internet at:
<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>

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.

Statutory Authority: AS 16.05 – AS 16.20; AS 16.40

Statutes being implemented, interpreted, or made specific: AS 16.05

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.

Date: March 20, 2018

Glenn Haight, Executive Director
Alaska Board of Fisheries

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: YAKUTAT AREA FISHERY REGULATIONS.
3. Citation of regulations: 5 AAC 30.
4. Department of Law file number (if any):
 - JU2017500512
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: March 20, 2018

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 Yakutat area salmon 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, 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).

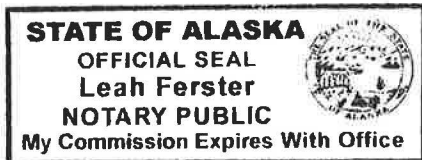
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

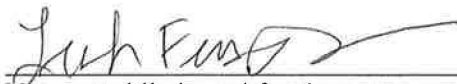
DATE: May 1, 2018
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 1st day of May, 2018.





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:

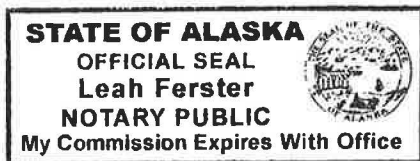
On April 24, 2018, at Egan Center, Anchorage, Alaska the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with Yakutat area salmon fisheries.

DATE: May 1, 2018
Juneau, Alaska

Glenn Haight

Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 1st day of May, 2018.



Leah Ferster

Notary Public in and for the
State of Alaska

My commission expires: with office

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270233

ST OF AK/DEPT OF FISH AND GAME
PO BOX 115526
JUNEAU, AK 998115526

Order#
Cost

0001418410
\$413.36

Product ANC-Anchorage Daily News
Placement 0300
Position 0301

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 Anchorage Daily 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

March 22, 2018

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 22nd day of March, 2018

Britney Thompson
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

SECOND SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries (board) proposes to adopt, amend, or repeal regulation changes in Title 5 of the Alaska Administrative Code, dealing with the Yakutat Area Closed Waters at 5 AAC 30.350.

This is a **SECOND SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued on October 27, 2017 and **SUPPLEMENTAL NOTICE** that was issued on February 2, 2018, hereby incorporated by reference, concerning proposed regulation changes in Title 5 of the Alaska Administrative Code. This **SECOND SUPPLEMENTAL NOTICE** is being issued to notify the public of the following topic being added to the board schedule to be considered at the meeting noted:

- The following additional topic will be addressed at the board's Tsiu/Tsivat River Closed Waters special meeting scheduled for April 24, 2018 at the Egan Civic and Convention Center, Anchorage, Alaska:

IN THE YAKUTAT AREA: Board generated proposal to review the closed waters for the Tsiu/Tsivat rivers. (Newly assigned Proposal 242.)

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above do not have assurance their comments will be received and entered as public comment. Written comments must be received no later than April 10, 2018. Written comments exceeding the page limit 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 above 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. The Additional Public Comment Standard explained in the October 27, 2017 **NOTICE OF PROPOSED CHANGES** also applies to this meeting.

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 meeting to ensure necessary accommodations can be provided.

For a copy of the proposed regulation changes, or for a copy of the October 27, 2017 **NOTICE OF PROPOSED CHANGES** or the February 2, 2018 **SUPPLEMENTAL NOTICE OF PROPOSED CHANGES**, contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, phone 907-465-4110, or access the Internet at: <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>

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 to the parties on the appropriate list each time there is a change to the regulations. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a change to the regulations. The Division keeps a list of individuals or organizations who are interested in the regulations of Business and Professional Licensing, the Division of Corporations, Jun Maquis, Regulations Specialist and Division of Corporations, Business and Professional Licensing.

DATE: 3/21/18

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AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisa Hartlieb
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

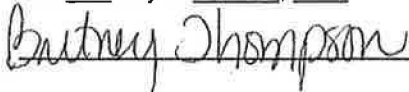
October 29, 2017

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

Signed



Subscribed and sworn to before me
this 31st day of October, 2017



Notary Public in and for
The State of Alaska.

Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
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:

1. IN THE PRINCE WILLIAM SOUND AREA (INCLUDING THE UPPER COPPER RIVER AND UPPER SUSITNA RIVER AREA) FINFISH FISHERIES; SOUTHEASTERN ALASKA AND YAKUTAT AREAS FINFISH AND SHELLFISH FISHERIES, INCLUDING ALL SOUTHEASTERN ALASKA AND YAKUTAT AREAS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES; AND STATEWIDE DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS) FISHERIES:

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; 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; 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 or modification of customary and traditional subsistence uses and amounts reasonably necessary for subsistence; 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; regulations for the subsistence priority; landing requirements; provisions for development and allocation among beneficial uses and users; including creating and regulating tier II fisheries; guiding principles; otherwise establish, regulate, change, or adjust subsistence fisheries.

2. The following topic is added to the Prince William Sound Finfish meeting in Valdez, December 1-5, 2017:

A. IN THE YUKON AREA SUBSISTENCE FINFISH FISHERY: Decrease the size of the area closed to subsistence fishing through the ice for northern pike on the Chatanika River (newly assigned Proposal 228, formerly ACR #1).

3. The following topics are added to the Southeast and Yakutat Finfish and Shellfish meeting in Sitka, January 11-23, 2018:

A. IN THE SOUTHEASTERN ALASKA AREA PERSONAL USE FISHERY: Require a permit for the taking of king crab for personal use and amend the bag and possession limits (newly assigned Proposal 234 which was accepted as a board generated proposal at the 2017 Work Session).

B. IN THE SOUTHEASTERN ALASKA AREA DUNGENESS CRAB COMMERCIAL FISHERY: Repeal the Southeastern Alaska Area Dungeness Crab Fisheries Management Plan and amend the fishing seasons (newly assigned Proposal 235 which was accepted as a board generated proposal at the 2017 Work Session).

4. The following topics are added to the Statewide Dungeness, Shrimp and Other Miscellaneous Shellfish meeting in Anchorage, March 6-9, 2018:

A. IN THE ALEUTIAN ISLANDS AREA KING CRAB COMMERCIAL FISHERY: Repeal fixed total allowable catch (TAC) and adopt an Aleutian Islands Area golden king crab harvest strategy that uses biomass estimates generated from the Alaska Department of Fish and Game stock assessment model to establish TAC (newly assigned Proposal 229, formerly ACR #2).

B. IN THE YUKON AREA SUBSISTENCE AND COMMERCIAL FINFISH FISHERIES:

i. Allow use of drift gillnets to harvest salmon for subsistence uses in Yukon Area Subdistricts 4-B and 4-C (newly assigned Proposal 230, formerly ACR #13).

ii. Repeal the prohibition on subsistence fishing in Yukon Area Districts 1 and 2 during the first pulse of king salmon (newly assigned Proposal 231, formerly ACR #14).

iii. Consider criteria to allow sale of Yukon River king salmon caught incidentally during open commercial fishery periods for other salmon species (newly assigned Proposal 232, formerly ACR #15).

iv. Clarify Yukon Area District 1 boundary, allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1, and reduce waters closed to commercial fishing for salmon in District 1 (newly assigned Proposal 233, formerly ACR #18).

C. IN THE ALASKA PENINSULA-ALEUTIAN ISLANDS AREA COMMERCIAL HERRING FISHERY: Increase the Dutch Harbor food and bait herring fishery allocation, eliminate the Dutch Harbor food and bait herring fishery allocations between gear types, and change the season for the Dutch Harbor food and bait herring fishery (newly assigned Proposal 236 which was accepted as a board generated proposal at the 2017 Work Session).

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards' Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or www.boardoffisheries.adfg.alaska.gov.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-4094, by email to dfg.bol.comments@alaska.gov, or by mail to dfg.bol.comments@alaska.gov.

comment only), or online at www.adfg.alaska.gov. Individuals other than as prescribed above are advised that such comments will not 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

Prince William Sound Finfish

December 1-5, 2017
Valdez Convention & Civic Center, Valdez
Comment deadline: November 17, 2017

Southeast and Yakutat Finfish & Shellfish

January 11-23, 2018
Harrigan Centennial Hall, Sitka
Comment deadline: December 28, 2017

Statewide (Except Southeast and Yakutat) Dungeness Crab, Shrimp, Other Miscellaneous Shellfish and Supplemental Issues

March 6-9, 2018
Egan Civic and Convention Center
Comment deadline: February 23, 2018

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 www.boardoffisheries.adfg.alaska.gov, and at the relevant meeting. The board may also include accepted agenda change requests as new proposals following its October 17-19, 2017 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.

Date 10/27/2017

/s/
Glenn Haight, Executive Director
Alaska Board of Fisheries

Published: October 29, 2017