

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



530 West 7<sup>th</sup> 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

A handwritten signature in blue ink, likely belonging to Scott Meriwether.

**DATE:** July 31, 2018

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

Board of Fisheries Regulations re: Upper Yentna River King Salmon Subsistence Fishery  
(5 AAC 01.566(a)(1)(C); 5 AAC 01.593; 5 AAC 01.595;)

---

Attorney General File: 2018200510

Regulation Filed: 7/31/2018

Effective Date: 5/22/2018 (Emergency regulations being made permanent.)

Print: 227, October 2018

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

### CERTIFICATION OF COMPLIANCE

I, Charles O. Swanton, Deputy Commissioner, certify that, as required by AS 44.62.260 in order to make the attached 3 pages of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

Yentna River drainage customary and traditional use findings of the Alaska Board of Fisheries, and Upper Yentna River subsistence salmon fishery regulations. Changes to 5 AAC 01.566(a)(1)(C) and 5 AAC 01.593 removed king salmon from being excluded as a traditional subsistence use species and allowed fishing opportunity to occur earlier in the season, as well as outlined specific reporting requirements. Changes to 5 AAC 01.595 established annual possession limits for king salmon.

This regulation originally was filed as an emergency regulation on May, 22, 2018.

Although no public comments were received, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

Date: 7/25/18

  
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 July 31, 2018, at 9:00 A.m., I filed the attached regulation according to the provisions of AS 44.62.

  
Byron Mallott, Lieutenant Governor  
State of Alaska

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

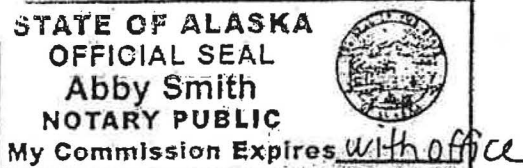
(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]

  
Notary Public in and for the  
State of Alaska

My commission expires: with office





Alaska Department of Fish and Game

Board of Fisheries

PO Box 115526

Juneau, AK 99811-5526

(907) 465-4110


[www.adfg.alaska.gov](http://www.adfg.alaska.gov)

**ALASKA BOARD OF FISHERIES  
DELEGATION OF AUTHORITY TO THE COMMISSIONER**

2018-290-FB

Under the authority of AS 16.05.270, the Alaska Board of Fisheries delegates authority to the commissioner to adopt regulations and comply with AS 44.62.040(c), 44.62.060, and AS 44.62.190 – 44.62.215 with respect to the emergency regulations the board adopted on May 14, 2018 for the Upper Yentna River subsistence salmon fishery.

DATED: May 14, 2018  
Juneau, Alaska

  
John Jensen, Chairman

Vote: 6-0 (Johnson absent)

**Title 5. Fish and Game.**

**Chapter 01. Subsistence Finfish Fishery.**

**Article 11. Cook Inlet Area.**

The emergency amendment of 5 AAC 01.566(a)(1)(C) is made permanent to read:

(C) salmon in the Yentna River drainage outside the Anchorage-Matsu-

Kenai Nonsubsistence Area described in 5 AAC 99.015(a)(3);

(Eff. 5/14/93, Register 126; am 5/6/94, Register 130; am 6/7/95, Register 135; am 9/29/95,

Register 135; am 2/24/96, Register 137; am 5/31/96, Register 138; am 5/31/98, Register 146; am

4/22/99, Register 150; am 3/11/2001, Register 157; am 3/8/2002, Register 161; am 5/21/2011,

Register 198; am 5/22/2018, Register 226)

**Authority:** AS 16.05.251 AS 16.05.258

The emergency amendment of 5 AAC 01.593 is made permanent to read:

**5 AAC 01.593. Upper Yentna River subsistence salmon fishery.** In the Yentna River drainage outside the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5 AAC 99.015(a)(3), salmon may be taken for subsistence purposes only as follows:

(1) under a subsistence permit issued under 5 AAC 01.015 and 5 AAC 01.580;

(2) in the mainstem of the Yentna River from its confluence with Martin Creek upstream to its confluence with the Skwentna River from June 1 through June 30 and July 15 through August 7 from

(A) 4:00 a.m. to 8:00 p.m. Monday;

(B) 4:00 a.m. to 8:00 p.m. Wednesday; and

(C) 4:00 a.m. to 8:00 p.m. Friday;

(3) only with a fish wheel as follows:

(A) each fish wheel must be equipped with a livebox; the livebox must be constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(B) the permit holder shall attach a wood or metal plate that is at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high to each fish wheel operated under this section so that the name and address are plainly visible;

(C) the permit holder shall be present to attend the fish wheel at all times while the fish wheel is in operation, and rainbow trout must be returned alive to the water;

(D) for purposes of (A) of this paragraph, a "livebox" is a submerged container that is attached to the fish wheel that will keep fish caught by the fish wheel alive;

(4) the annual limit for a Yentna River subsistence fishing permit holder is as specified in 5 AAC 01.595(a)(4);

(5) repealed 5/21/2011;

(6) all salmon retained shall immediately be recorded in ink on the permit and reported to the department by noon of the day following the day of harvest by telephone, email

or other means as stated in the permit. (Eff. 5/31/98, Register 146; am 5/21/2011, Register 198; am 5/18/2014, Register 210; am 5/22/2018, Register 226)

**Authority:** AS 16.05.251 AS 16.05.258

The emergency amendment of 5 AAC 01.595(a)(2) is made permanent to read:

(2) 25 salmon for the head of a household and 10 salmon for each additional member of the household;

The emergency amendment of 5 AAC 01.595(a)(4) is made permanent to read:

(4) notwithstanding (a)(2) of this section, the annual possession limit for the holder of an Upper Yentna River subsistence salmon fishing permit is:

(i) 25 salmon, other than king salmon, for the head of a household, and 10 salmon, other than king salmon, for each additional member of the household; and

(ii) 5 king salmon for the head of household and 2 king salmon for each additional member of the household.

(In effect before 1981; am 4/15/81, Register 78; am 5/7/81, Register 78; am 5/23/88, Register 106; am 6/10/89, Register 110; am 7/21/91, Register 119; am/readopt 5/14/93, Register 126; am 2/24/96, Register 137; am 4/22/99, Register 150; am 3/8/2002, Register 161; am 5/21/2011, Register 198; am 5/22/2018, Register 226.

**Authority:** AS 16.05.251 AS 16.05.258

COPY

Finding of Emergency

Under AS 44.62.250, the board may adopt an emergency regulation if it makes a written finding that the adoption of the regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. Under state policy emergencies are held to a minimum and are rarely be found to exist.


The board finds that there is an emergency because it was somewhat unexpected that harvest of king salmon would not be allowed in the sport fishery in the Yentna River drainage, that a harvestable surplus of this king salmon stock may exist, and that this harvest would be precluded by delayed regulatory action and not available in the future. Before this year, this area had not been closed to the harvest of king salmon at the outset of the sport fishing season since 1979. The board acknowledges that the department has closed the sport fishery in the Susitna River drainage in 2018 to the harvest of king salmon because of a forecast of a low run. However, that action by the department was taken in light of current regulations which do not appear to provide a way for the department to open a fishery in the Yentna River drainage and allow a small and manageable harvest of king salmon. After reviewing the customary and traditional criteria in 5 AAC 99.010(b), the board finds that the Upper Yentna River king salmon stock is customarily and traditionally taken for subsistence. The board further finds that the emergency regulations are needed to allow a harvest of king salmon and provide a reasonable opportunity for subsistence uses.

ORDER CERTIFYING ADOPTION

I certify that the Board of Fisheries, under the authority of AS 16.05.251 and 16.05.258, adopted at its May 14<sup>th</sup> 2018 meeting the attached 4 pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: May 16, 2018

  
\_\_\_\_\_  
Glenn Haight, Executive Director  
Alaska Board of Fisheries  
Department of Fish and Game

# FILING CERTIFICATION

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

May 22, 2018, at 945 A.m., I filed the attached regulation according to the provisions of AS 44.62.



Byron Mallott, Lieutenant Governor  
State of Alaska

Effective: May 22, 2018

Register: 226, July 2018

Expires September 18, 2018 unless made  
permanent by the adopting agency.

ALASKA BOARD OF FISHERIES FINDING OF EMERGENCY

The Alaska Board of Fisheries (board) finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the general welfare. These regulations will allow harvest of a limited number of king salmon in the Upper Yentna River subsistence salmon fishery. The facts constituting the emergency include the following.

**Background**

Current subsistence regulations include a negative customary and traditional use determination for king salmon, and a positive finding for other salmon in the Yentna River drainage in 5 AAC 01.566(a)(1)(C). In 5 AAC 01.593(3)(C), permit holders in the Upper Yentna River subsistence salmon fishery harvest salmon by fish wheel, shall be present to attend the fish wheel at all times while the fish wheel is in operation, and must return king salmon and rainbow trout alive to the water.

In March 2018, the department issued Emergency Order 2-KS-2-10-18 restricting the Deshka and Yentna rivers to catch-and-release and closing the remainder of the Susitna River drainage to sport fishing for king salmon. The Northern District commercial set gillnet fishery was also closed for the 2018 directed king salmon fishery; no commercial fishery will occur until June 25. This action was taken due to a forecast for a weak run of king salmon in 2018.

These emergency regulations have been adopted in response to an emergency petition submitted by the Mt. Yenlo Fish and Game Advisory Committee. The petition asked the board to revise its customary and traditional use determination for salmon in the Yentna River drainage to add king salmon to the finding, and adopt regulations allowing the harvest of king salmon in the Upper Yentna River subsistence fishery. In 1998, the board adopted into regulation a positive customary and traditional use finding for salmon in the Yentna River drainage. At the same meeting, the board adopted regulations for a subsistence fishery for salmon in a portion of the Yentna River that conformed to the existing personal use fishery and prohibited the retention of king salmon. The positive customary and traditional use finding for salmon was in regulation from 1998 until 2011, when the board modified the finding to exclude king salmon. In the Yentna River drainage king salmon are harvested under sport fishing regulations. The petition alleges that there is a small harvestable surplus of this king salmon stock. The petition further alleges that, because of the closure of king salmon harvest in the sport fishery, emergency regulations are needed or this surplus will be unharvested and unavailable in the future without regulations allowing king salmon to be harvested in the subsistence fishery. The petition further alleges that users in this fishery have come to rely on king salmon harvest in the beginning of the summer when there are no other fish and game resources available.

# MEMORANDUM

## State of Alaska Department of Law

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

Date: July 30, 2018

File No.: 2018200510

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:  
Upper Yentna River King Salmon  
Subsistence Fishery  
(5 AAC 01.566, .593, .595)

We have reviewed the attached emergency regulations changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The emergency regulations changes took effect May 22, 2018; they expire on September 18, 2018, unless the attached "permanent" regulation is filed by that date.

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 regulations are regarding Cook Inlet area subsistence fisheries.

The May 24, 2018 public notice and the May 16, 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.

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 Fisheries, Dept. of Fish and Game  
Hazel Nelson, Director, Division of Subsistence, 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, Senior Assistant Attorney General, Natural Resources Section, Dept. of Law

Alaska Board of Fisheries Meeting

May 14, 2018

Summarized and quoted as recorded from audio recording during the teleconference meeting

Summary:

Board member Al Cain made a motion to make the emergency regulations permanent , which was seconded by Board member Morisky. Chairmen Jensen asked Glenn Haight, the Executive Director for the Boards support section, if it was acceptable procedure to pass the motion with unanimous consent. Mr. Haight indicated that it was acceptable and also deferred to Mr. Seth Beausang, an attorney for the State of Alaska, if the appropriate procedure could be to make a motion that the Board can pass with unanimous consent and carry without objection and there was no objection. Mr. Beausang said that was acceptable.

Quote:

Chairman Jensen: "We can do it without objection. So is there any objection to this? Hearing none that's what we have before us then a permanent regulation, delegate the authority to the Commissioner to create a permanent regulation."

**NOTICE OF ADOPTION OF EMERGENCY REGULATIONS  
ON YENTNA RIVER DRAINAGE CUSTOMARY AND TRADITIONAL USE  
FINDINGS, AND UPPER YENTNA RIVER SUBSISTENCE SALMON FISHERY, BY  
THE ALASKA BOARD OF FISHERIES**

**and**

**NOTICE OF PROPOSED CHANGES ON YENTNA RIVER DRAINAGE CUSTOMARY  
AND TRADITIONAL USE FINDINGS, AND UPPER YENTNA RIVER SUBSISTENCE  
SALMON FISHERY, BY THE ALASKA DEPARTMENT OF FISH AND GAME**

On May 14, 2018, the Alaska Board of Fisheries adopted, as emergency regulations, changes in Title 5 of the Alaska Administrative Code dealing with customary and traditional uses of king salmon in the Yentna River drainage, and subsistence salmon fishing methods and limits in the Upper Yentna River of the Cook Inlet Area, including the following:

- (1) 5 AAC 01.566(a)(1)(C) was changed to identify king salmon as a stock customarily and traditionally used for subsistence;
- (2) 5 AAC 01.593 was changed to allow king salmon to be harvested in the subsistence salmon fishery; and
- (3) 5 AAC 01.595 was changed to add bag and possession limits for king salmon.

The emergency regulations took effect on May 22, 2018 upon filing by the Lt. Governor and will expire 120 days later, on September 18, 2018, by operation of AS 44.62.260 unless made permanent. The Alaska Board of Fisheries delegated its authority pursuant to AS 16.05.270 to the Department of Fish and Game to make the emergency regulations permanent. The Alaska Department of Fish and Game proposes to make the regulations permanent.

For a copy of the emergency and proposed permanent regulations, either contact Shellene Hutter, Regulations Specialist, Alaska Department of Fish and Game at 907-465-6124, [shellene.hutter@alaska.gov](mailto:shellene.hutter@alaska.gov), view it on the Alaska Online Public Notice System, or at <http://www.adfg.alaska.gov/index.cfm?adfg=regulations.main>.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Shellene Hutter, Regulations Specialist, Alaska Department of Fish and Game, P.O. Box 115526, Juneau, Alaska 99811 or through email at [shellene.hutter@alaska.gov](mailto:shellene.hutter@alaska.gov). The comments must be received not later than 5:00p.m. on June 25, 2018.

The language of the permanent regulation may be different from that of the original emergency regulation, and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shellene Hutter, 907-465-6124 not later than June 18, 2018, to ensure that any necessary accommodation can be provided.

**Statutory Authority:** AS 16.05.251; 16.05.258

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

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: May 23, 2018

A handwritten signature in dark ink, appearing to read "Glenn Haight", written over a horizontal line.

Glenn Haight, Executive Director  
Alaska Board of Fisheries

## ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting Agency: The Alaska Department of Fish and Game (under a delegation of authority from the Alaska Board of Fisheries).
2. General subject of regulations: Customary and traditional uses of king salmon in the Yentna River drainage and the Upper Yentna River subsistence salmon fishery.
3. Citation of regulations: 5 AAC 01.566; 5 AAC 01.593; 5 AAC 01.595
4. Department of Law file number (if any):
  - o unavailable
5. Reason for proposed actions: Other: The Board of Fisheries delegated regulatory authority to the Department of Fish and Game to consider making permanent emergency regulations adopted by the board.
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.

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ <u>\$0</u>	\$ <u></u>
Capital Cost	\$ <u></u>	\$ <u></u>
1002 Federal receipts	\$ <u></u>	\$ <u></u>
1003 General fund match	\$ <u></u>	\$ <u></u>
1004 General fund	\$ <u></u>	\$ <u></u>
1005 General fund/ program	\$ <u></u>	\$ <u></u>
Other (identify)	\$ <u></u>	\$ <u></u>

9. The name of the contact person for the regulations:  
Shellene Hutter, Regulations Program Coordinator  
Alaska Department of Fish & Game  
PO Box 115526

Juneau, AK 99811  
(907) 465-6124  
Email: [shellene.hutter@alaska.gov](mailto:shellene.hutter@alaska.gov)

10. The origin of the proposed action:

☒ delegation of authority from the Board of Fisheries

11. Date: May 23, 2018

Prepared by:



Shellene Hutter, Regulations Program Coordinator  
Alaska Department of Fish & Game  
(907) 465-6124

**AFFIDAVIT OF NOTICE OF ADOPTION OF EMERGENCY 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 44.62.250, notice of the April 24, 2018 emergency changes to 5 AAC 01.566, 5 AAC 01.593 and 5 AAC 01.595 dealing with Cook Inlet area subsistence fisheries has been given under AS 44.62.190(a) by being

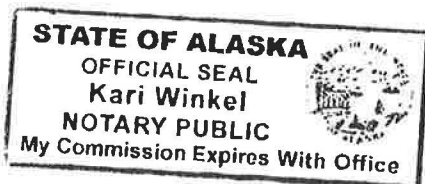
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) 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(d), additional regulations notice information regarding the April 24, 2018 emergency changes to 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: July 13, 2018  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 13 day of July, 2018.



\_\_\_\_\_  
Notary Public in and for the  
State of Alaska

My commission expires: w/office

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Shellene Louise Hutter, Regulations Program Coordinator for the Alaska Department of Fish & Game, being duly sworn, state the following:

The Alaska Department of Fish & 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 Department of Fish & Game regulation on Cook Inlet area subsistence fisheries.

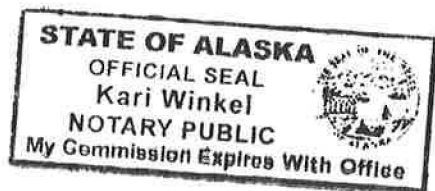
Date: 7/2/18

Shellene Hutter

Shellene Louise Hutter, Regulations Program Coordinator

Subscribed and sworn to before me at Tuneau, Alaska on

July 2, 2018



[Signature]  
Notary Public in and for the State of Alaska  
Commission expires w/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

0001421900  
\$313.76

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

May 24, 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*  
Joleesa Stepetin

Subscribed and sworn to before me  
this 24th day of May, 2018

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

MY COMMISSION EXPIRES

*2/23/2019*

### NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON YENTNA RIVER DRAINAGE CUSTOMARY AND TRADITIONAL USE FINDINGS, AND UPPER YENTNA RIVER SUBSISTENCE SALMON FISHERY, BY THE ALASKA BOARD OF FISHERIES

and

### NOTICE OF PROPOSED CHANGES ON YENTNA RIVER DRAINAGE CUSTOMARY AND TRADITIONAL USE FINDINGS, AND UPPER YENTNA RIVER SUBSISTENCE SALMON FISHERY, BY THE ALASKA DEPARTMENT OF FISH AND GAME

On May 14, 2018, the Alaska Board of Fisheries adopted, as emergency regulations, changes in Title 5 of the Alaska Administrative Code dealing with customary and traditional uses of king salmon in the Yentna River drainage, and subsistence salmon fishing methods and limits in the Upper Yentna River of the Cook Inlet Area, including the following:

- (1) 5 AAC 01.566(a)(1)(C) was changed to identify king salmon as a stock customarily and traditionally used for subsistence;
- (2) 5 AAC 01.593 was changed to allow king salmon to be harvested in the subsistence salmon fishery; and
- (3) 5 AAC 01.595 was changed to add bag and possession limits for king salmon.

The emergency regulations took effect on May 22, 2018 upon filing by the Lt. Governor and will expire 120 days later, on September 18, 2018, by operation of AS 44.62.260 unless made permanent. The Alaska Board of Fisheries delegated its authority pursuant to AS 16.05.270 to the Department of Fish and Game to make the emergency regulations permanent. The Alaska Department of Fish and Game proposes to make the regulations permanent.

For a copy of the emergency and proposed permanent regulations, either contact Shellene Hutter, Regulations Specialist, Alaska Department of Fish and Game at 907-465-6124, shellene.hutter@alaska.gov, view it on the Alaska Online Public Notice System, or at <http://www.adfg.alaska.gov/index.cfm?adfg=regulations.main>.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Shellene Hutter, Regulations Specialist, Alaska Department of Fish and Game, P.O. Box 115526, Juneau, Alaska 99811 or through email at shellene.hutter@alaska.gov. The comments must be received not later than 5:00p.m. on June 25, 2018.

The language of the permanent regulation may be different from that of the original emergency regulation, and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shellene Hutter, 907-465-6124 not later than June 18, 2018, to ensure that any necessary accommodation can be provided.

**Statutory Authority:** AS 16.05.251; 16.05.258

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

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: May 23, 2018

Glenn Haight, Executive Director  
Alaska Board of Fisheries

Published: May 24, 2018

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