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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, appearing to read "April Simpson", is placed next to the "FROM:" line.

DATE: May 1, 2019

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: Feb. 21-26, 2019 Anchorage Meeting: Alaska
Peninsula and Aleutian Islands Area Finfish (5 AAC 01.466 - 5 AAC 28.640)

Attorney General File:	2018200694
Regulation Filed:	5/1/2019
Effective Date:	5/31/2019
Print:	230, July 2019

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 ten pages of regulations, dealing with subsistence and commercial fishing regulations in the Alaska Peninsula and Aleutian Islands Areas are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its February 21st – 26th, 2019 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: 4-15-19
Juneau, Alaska



Douglas Vincent-Lang, Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on MAY 1, 2019, at 10:00 Am., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Kevin Meyer, Lieutenant Governor
State of Alaska

Effective: May 31, 2019.

Register: 230, July 2019

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 9. Chignik Area.

5 AAC 01.466(b)(2)(A) is amended to read:

(A) 2,900 – 5,400 [5,200 - 9,600] early-run sockeye salmon;

5 AAC 01.466(b)(2)(B) is amended to read:

(B) 3,200 – 6,000 [2,000 - 3,800] late-run sockeye salmon;

(Eff. 5/13/93, Register 126; am 5/4/2002, Register 162; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.251 AS 16.05.258

Chapter 09. Alaska Peninsula Area.

Article 3. Salmon Fishery.

5 AAC 09.330(g) is amended to read:

(g) Notwithstanding 5 AAC 39.240(a),

(1) a CFEC set gillnet permit holder may use a registered salmon fishing vessel, when it has set gillnet gear on board, to tow another registered salmon fishing vessel with set gillnet gear on board if the permit holder for the vessel being towed is on board one of the vessels;

(2) a registered salmon fishing vessel may transport no more than two legal limits of set gillnet fishing gear in the aggregate in an area that is open or closed to salmon fishing if two permit holders are on board the vessel, provided that, ^{before} ~~prior to~~ transporting gear in an area that is open to salmon fishing under this subsection, the permit holders must receive authorization from the department and comply with any conditions specified.

(In effect before 1988; am 6/2/88, Register 106; am 6/9/90, Register 114; am 5/28/92, Register 122; am 10/11/95, Register 136; am 6/11/2005, Register 174; am 5/30/2007, Register 182; am 6/1/2013, Register 206; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.331(b)(3) is repealed:

(3) repealed 5 / 31 / 2019;

(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 6/9/90, Register 114; am 5/28/92, Register 122; am 5/17/95, Register 134; am 5/31/98, Register 146; am 6/22/2001, Register 158; am 6/2/2010, Register 194; am 6/5/2016, Register 218; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.251

5 AAC 09.365(d) is amended to read:

(d) In the South Unimak and Shumagin Islands fisheries, the commissioner may establish, by emergency order, commercial fishing periods as follows:

(1) for set gillnet gear,

(A) beginning June 6 [7], commercial fishing periods will begin at 6:00

a.m. and run 64 [88] hours until 10:00 p.m. two [THREE] days later; beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 88 hours until 10:00 p.m. three days later; commercial fishing will then close for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 28 [29];

(2) for seine and drift gillnet gear,

(A) beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 88 hours until 10:00 p.m. three days later; commercial fishing will then close for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 28.

5 AAC 09.365 is amended by adding a new subsection to read:

(g) Notwithstanding (d) of this section, commercial salmon fishing is closed to purse seine gear in the waters of the Volcano Bay Section of the Southwestern District, the Belkofski Bay Section of the Southwestern District, excluding those waters inside of a line between Vodapoini Point at 55° 01.88' N. lat., 162° 24.80' W. long., and Bold Cape at 55° 01.24' N. lat., 162° 16.40' W. long., and the South Central District. (In effect before 1983; am 4/16/83, Register 86; am 4/28/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 6/9/90, Register 114; am 6/13/92, Register 122; am 6/1/94, Register 130; am 5/17/95, Register 134; am 6/9/96, Register 138; am 5/31/98, Register 146; am 6/3/2001, Register 158; am 6/4/2004,

Register 230, July 2019 FISH AND GAME

Register 170; am 6/1/2013, Register 206; am 6/5/2016, Register 218; am 5 / 31 / 2019,
Register 230)

Authority: AS 16.05.060 AS 16.05.251

Chapter 15. Chignik Area.

Article 3. Salmon Fishery.

5 AAC 15.357(b)(3)(B) is amended to read:

(B) the department shall manage the commercial fishery to allow for the passage of at least **20,000** [75,000] sockeye salmon above the Chignik River weir, in addition to late-run sockeye salmon escapement needs, to provide an inriver harvestable surplus above the Chignik River weir in August and September of at least **10,000** [25,000] fish in August and **10,000** [50,000] fish from September 1 through September 30;

5 AAC 15.357(c)(3) is amended to read:

(3) from the end of the transition period, described in (b)(2) of this section, until **July 31** [THE END OF THE FISHING SEASON], the department shall manage the commercial salmon fishery based on its evaluation of local pink[, **and** chum [, AND COHO] salmon runs, and the **strength** [ESCAPEMENT OBJECTIVES] of the Chignik Lakes' system sockeye salmon;[.]

5 AAC 15.357(c) is amended by adding a new paragraph to read:

(4) after July 31, the department shall manage the commercial salmon fishery based on its evaluation of local pink, chum, and coho salmon runs or the strength of the Chignik Lake sockeye salmon run.

5 AAC 15.357(d) is amended to read:

(d) **From June 1 through July 5, in** [IN] the Western District, excluding the Inner Castle Cape Subsection, and **in** the Perryville District, the department may open the commercial salmon fishery **concurrently with the Chignik Bay and Central Districts and the Inner Castle Cape Subsection of the Western District; during this time period the Perryville District may open for no more than three 48 hour fishing periods with a minimum closure of 48 hours between each period;** [AND] beginning July 6, **the department may open the commercial salmon fishery in the Western District, excluding the Inner Castle Cape Subsection, and in the Perryville District,** except that,

(1) from approximately late June to mid-July (transition period),

(A) the department shall evaluate the strength of the sockeye salmon late run; and

(B) in order to allow the department to assess the Chignik Lake run strength, the department may keep closed or severely restrict commercial salmon fishing in the Western District, except the Inner Castle Cape Subsection, and in the Perryville District;

(2) from the end of the transition period, described in (b)(2) of this section, until [APPROXIMATELY AUGUST 20,] **July 31,** fishing periods shall be based on the department's

evaluation of local pink and chum salmon runs, and its evaluation of the Chignik Lake sockeye salmon run; from July 22 through July 31,

(A) repealed 3/29/2008;

(B) the commissioner may, by emergency order, open fishing in the following terminal harvest areas:

(i) those portions of the Western and Perryville Districts north of a line from Cape Ikti at 56° 00.32' N. lat., 158° 32.02' W. long., to Coal Cape at 55° 53.42' N. lat., 159° 00.45' W. long., to Cape Alexander at 55° 47.22' N. lat., 159° 24.57' W. long.;

(ii) waters in the Ivanof Bay Section of the Perryville District that are north of the latitude from Alexander Point at 55° 47.37' W. long., to Kupreanof Peninsula; and

(iii) those portions of the Chignik Bay and Central Districts known locally as Jack's Box, which consists of those waters east of 158° 15.36' W. long., south of 56° 20' N. lat., and west of 158° 10' W. long.;

(3) after July 31, the fishing periods shall be managed based on the department's evaluation of local pink, chum, and coho salmon runs or the strength of the Chignik Lake sockeye salmon run [FROM APPROXIMATELY AUGUST 20 UNTIL THE END OF THE FISHING SEASON, FISHING PERIODS SHALL BE BASED ON THE DEPARTMENT'S EVALUATION OF LOCAL PINK, CHUM, AND COHO SALMON RUNS, AND ITS EVALUATION OF THE CHIGNIK LAKE SOCKEYE SALMON RUN].

5 AAC 15.357(e) is repealed:

(e) Repealed 5 / 31 / 2019. (Eff. 5/29/99, Register 150; am 5/4/2002, Register 162; am 3/6/2003, Register 165; am 3/13/2005, Register 173; am 4/9/2005, Register 174; am 3/29/2008, Register 185; am 5/1/2011, Register 198; am 3/19/2014, Register 209; am 2/22/2015, Register 213; am 6/5/2016, Register 218; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.060 AS 16.05.251

Chapter 27. Herring Fishery.

Article 10. Alaska Peninsula-Aleutian Islands Area (Registration Area M).

5 AAC 27.610(~~e~~)(2)(A) is amended to read:

(A) by gillnets and purse seines, from 12:00 noon June 24 through February 28; [AND]

5 AAC 27.610(e)(2)(B) is repealed:

(B) repealed 5 / 31 / 2019.

(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 4/28/84, Register 90; am 5/11/85, Register 94; am 4/2/88, Register 105; am 4/7/90, Register 114; am 4/9/92, Register 122; am 5/2/92, Register 122; am 5/31/98, Register 146; am 4/5/2001, Register 158; am 8/10/2018, Register 227; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.060 AS 16.05.251

The section heading for 5 AAC 27.655 is changed to read:

**5 AAC 27.655. Dutch Harbor Food and Bait Herring Fishery Management
[Allocation] Plan.**

The introductory language of 5 AAC 27.655(a) is amended to read:

(a) The herring available for harvest in the Dutch Harbor food and bait herring fishery is provided under 5 AAC 27.865(b)(4). [SHALL BE ALLOCATED AS FOLLOWS:]

...

5 AAC 27.655(a)(1) is repealed:

(1) repealed 5 / 31 / 2019;

5 AAC 27.655(a)(2) is repealed:

(2) repealed 5 / 31 / 2019.

5 AAC 27.655(b) is amended to read:

(b) [EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE ALLOCATIONS OF HERRING TO THE HERRING SEINE FISHERY AND TO THE HERRING GILLNET FISHERY UNDER (a) OF THIS SECTION ARE INDEPENDENT OF EACH OTHER.] If the harvest by [A] the food and bait herring fishery in a given year is greater than the amount allocated to that fishery under (a) of this section, the excess tonnage is subtracted from the following year's allocation to that fishery. If the harvest by [A] the food and bait herring fishery in a given year is less than the amount allocated to that fishery under (a) of this section, no effect on future allocations to that fishery will occur. [AFTER JULY 5, IF THE

HERRING GILLNET FISHERY HAS NOT HARVESTED THE HERRING GILLNET FISHERY ALLOCATION, THE REMAINING HERRING GILLNET FISHERY ALLOCATION MAY BE HARVESTED IN EITHER THE HERRING GILLNET FISHERY OR THE HERRING SEINE FISHERY, EXCEPT THAT IF THE HARVEST BY THE HERRING SEINE FISHERY EXCEEDS THE HERRING SEINE FISHERY ALLOCATION ON OR BEFORE JULY 5, THE EXCESS AMOUNT HARVESTED BY THE HERRING SEINE FISHERY WILL BE SUBTRACTED FROM THE REMAINING HERRING GILLNET FISHERY ALLOCATION FOR THAT YEAR AFTER JULY 5 TO ESTABLISH THE REMAINING ALLOCATION THAT MAY BE HARVESTED BY EITHER OF THE FISHERIES. IF THE HARVEST BY THE HERRING SEINE FISHERY EXCEEDS THE REMAINING ALLOCATION ESTABLISHED UNDER THIS SUBSECTION AFTER JULY 5, THE EXCESS AMOUNT HARVESTED BY THE HERRING SEINE FISHERY WILL BE SUBTRACTED FROM THE FOLLOWING YEAR'S HERRING SEINE FISHERY ALLOCATION SPECIFIED IN (A) OF THIS SECTION.]

5 AAC 27.655(c) is amended to read:

(c) In the Dutch Harbor food and bait fishery, the department may reserve up to 100 tons from the [HERRING SEINE FISHERY] allocation specified in (a) of this section for the purposes of an experimental herring seine and pound fishery conducted in compliance with the terms of a permit issued by the commissioner or commissioner's designee.

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(Eff. 4/5/2001, Register 158; em am 5/15/2003 - 9/11/2003, Register 166; am 6/4/2004, Register 170; am 5/16/2010, Register 194; am 6/5/2016, Register 218; am 8/10/2018, Register 227; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.050 AS 16.05.251

Chapter 28. Groundfish Fishery.

Article 10. Bering Sea - Aleutian Islands Area (Registration Area O).

5 AAC 28.640(c) is amended to read:

(c) Sablefish may be taken only with pots, longlines, mechanical jigging machines, and hand troll gear. Pot gear may be longlined in the Aleutian Islands and Western Districts

[District,

BUT MAY NOT BE LONGLINED IN THE WESTERN DISTRICT].

(Eff. 5/31/2001, Register 158; am 5/15/2004, Register 170; am 5/16/2010, Register 194; am 5/1/2011, Register 198; am 6/1/2013, Register 206; am 6/5/2016, Register 218; am 5 / 31 / 2019, Register 230)

Authority: AS 16.05.060 AS 16.05.251

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor
(hand delivery)

Date: April 24, 2019

File No.: 2018200694

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulations re:
Feb. 21-26, 2019 Anchorage
Meeting: Alaska Peninsula and
Aleutian Islands Area Finfish
(5 AAC 01.466 – 5 AAC 28.640)

We have reviewed the attached regulations changes from the Board of Fisheries against the statutory standards of the Administrative Procedure Act. The regulations concern finfish fisheries in the Alaska Peninsula and Aleutian Islands Area. The board requests that these regulations be filed by May 2, 2019 in order to be effective by June 1, 2019.

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

The original October 28, 2018 affidavit of newspaper publication for these regulations was filed with the Department of Law project file 2018200692 Part 1, Register 229, (April 2019); we have included a photocopy of that affidavit of publication.

The October 28, 2018 public notice and the April 15, 2019 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SRP/ljm
cc w/enc: (via email)

Honorable Douglas Vincent-Lang, Commissioner, Dept. of Fish and Game
Glenn Haight, Executive Director, Board of Fisheries, Dept. of Fish and Game
Sam Rabung, Director, Division of Commercial Fisheries, Dept. of Fish and Game
Forrest Bowers, Deputy Director, Division of Commercial Fisheries, Dept. of Fish and Game
Dave Rutz, Director, Division of Sport Fisheries, Dept. of Fish and Game
Tom Taube, Deputy Director, Division of Sport Fisheries, Dept. of Fish and Game
Lisa Olson, 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, Dept. of Law
Seth Beausang, Chief 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 BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH :

- 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 topics are added to the Bristol Bay Finfish meeting in Dillingham, November 28-December 3, 2018:

- A. IN THE BRISTOL BAY AREA SALMON COMMERCIAL FISHERY: Clarify fishing areas, districts, sections, and gear specifications and operations for Sockeye Salmon Special Harvest Areas in Bristol Bay (*newly assigned Proposal 174, which was accepted as a board generated proposal at the 2018 Work Session*).
- B. IN THE STATEWIDE SPORT FISHERY: Align regulations for sport fishing services and sport fishing guide services in fresh and salt water and update guide registration and reporting regulations (*newly assigned Proposal 175, formerly ACR #11*).

3. The following topics are added to the Arctic, Yukon, and Kuskokwim Finfish meeting in Anchorage, January 15-19, 2019:

- A. IN THE SOUTHEASTERN ALASKA AREA SALMON COMMERCIAL AND SPORT FISHERY: Align regulations within the Southeast Alaska King salmon Management Plan and other regulations as applicable with provisions of the Pacific Salmon Treaty annex (*newly assigned Proposal 176, formerly ACR #9*).
- B. IN THE SOUTHEASTERN ALASKA AREA SALMON COMMERCIAL FISHERY: Add purse seine and drift gillnet gear to the Crawfish Inlet Terminal Harvest Area Salmon Management Plan (*newly assigned Proposal 177, which was accepted as a board generated proposal at the 2018 Alaska Peninsula, Chignik, Bering Sea, and Aleutian Islands Pacific cod meeting*).
- C. IN THE YUKON AREA SUBSISTENCE FINFISH FISHERY: Allow chum salmon to be taken by drift gillnets after August 2 in Yukon River Subdistrict 4-A downstream from the mouth of Stink Creek (*newly assigned Proposal 178, which was accepted as a board generated proposal at the 2018 Work Session*).

4. The following topics are added to the Statewide Finfish and Supplemental Issues meeting in Anchorage, March 9-12, 2019:

- A. IN THE ALEUTIAN ISLANDS KING AND TANNER CRAB COMMERCIAL FISHERY:
 - i. Adopt a new harvest strategy for golden king crab (*newly assigned Proposal 179, formerly ACR #3*).
 - ii. Create a king and Tanner crab fishery west of 170 degrees longitude for vessels under 60 feet (*newly assigned Proposal 180 which was accepted as*

a board generated proposal at the 2018 Alaska Peninsula, Chignik, Bering Sea, and Aleutian Islands Pacific cod meeting).

- B. IN THE COOK INLET AREA SALMON COMMERCIAL FISHERY: Open and close the commercial set gillnet fishery within 600 feet of the North Kalifornsky Beach area independent of fishing time restrictions described in various management plans *(newly assigned Proposal 181, formerly ACR #7)*.

At its 2018 Work Session, the board directed a number of changes and additions to its meeting schedule. The board changed dates for three of its four upcoming regulatory meetings, including the Bristol Bay Finfish meeting (changed to November 28-December 3, 2018), the Alaska Peninsula, Chignik, and Aleutian Islands Finfish meeting (changed to February 21-26), and the Statewide Finfish and Supplemental Issues meeting (changed to March 9-12).

Additionally, the board set a meeting date for its newly formed Hatchery Committee for March 8, 2019, in Anchorage Alaska at the Anchorage Sheraton Hotel. The board is seeking public comment for the committee meeting related specifically to agenda items for the meeting. This public comment is due January 2, 2019 since the board intends to set the committee meeting agenda at its January 15-19, 2019, Arctic, Yukon, and Kuskokwim Finfish meeting in Anchorage.

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. Unless otherwise noted, place of public oral testimony is at the locations below.

TENTATIVE MEETING SCHEDULE

Bristol Bay Finfish

November 28-December 3, 2018 (*revised dates*)

Dillingham Middle School Gym, Dillingham

Comment deadline: November 14, 2018

Arctic, Yukon, Kuskokwim Finfish

January 15-19, 2019

Sheraton Hotel, Howard Rock Ballroom, Anchorage

Comment deadline: January 2, 2019

Alaska Peninsula, Chignik, Aleutian Islands Finfish

February 21-26, 2019 (*revised dates*)

Sheraton Hotel, Howard Rock Ballroom, Anchorage

Comment deadline: February 7, 2019

Statewide Finfish and Supplemental Issues

March 9-12, 2019 (*revised dates*)

Sheraton Hotel, Howard Rock Ballroom, Anchorage

Comment deadline: February 20, 2019

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. 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

10/26/2018

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS; IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH .
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Department of Law file number (if any):
 - JU2018200692 – Bristol Bay Finfish
 - JU2018200693 – Arctic-Yukon-Kuskokwim Finfish
 - JU2018200694 - Alaska Peninsula, Chignik, Aleutian Islands Finfish
 - JU2018200695 – Statewide Finfish 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 26, 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 finfish fisheries in the Alaska Peninsula and Aleutian Island Areas has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

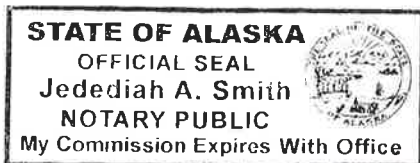
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

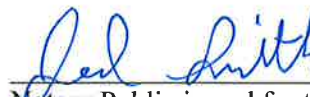
DATE: April 2, 2019
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 2019.






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:

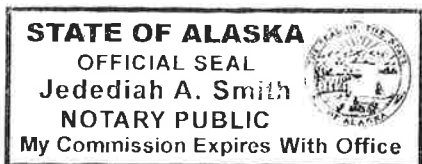
From February 21st – 25th at Sheraton Hotel, Anchorage, Alaska the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with the Alaska Peninsula and Aleutian Islands Areas.


DATE: April 2, 2019
Juneau, Alaska



Glenn Haight, Executive Director
Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 2019.





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#

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Cost

\$2,091.60

Product

ADN-Anchorage Daily News

Placement

0300

Position

0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Sarah Jennett

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

October 28, 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

Sarah Jennett

Subscribed and sworn to before me
this 7th day of December, 2018

Bruce Thompson

Notary Public in and for
The State of Alaska.

Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

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 BRISTOL BAY AREA, INCLUDING THE BRISTOL BAY COMMERCIAL HERRING AREA; IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, AND KUSKOKWIM AREAS (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), INCLUDING THE KUSKOKWIM AND BERING SEA-KOTZEBUE COMMERCIAL HERRING AREAS, AND IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, AND KUSKOKWIM-GOODNEWS SPORT FISH AREAS, IN THE ALASKA PENINSULA, ALEUTIAN ISLANDS, CHIGNIK, AND ATKA-AMLIA AREAS, INCLUDING THE ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING AREA AND THE ALASKA PENINSULA AND ALEUTIAN ISLANDS SPORT FISH AREA; IN THE SOUTH ALASKA PENINSULA, CHIGNIK, BERING SEA-ALEUTIAN ISLANDS, AND CHUKCHI-BEAUFORT COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH:

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 topics are added to the Bristol Bay Finfish meeting in Dillingham, November 23-December 3, 2018:

A. IN THE BRISTOL BAY AREA SALMON COMMERCIAL FISHERY: Clarify fishing areas, districts, sections, and gear specifications and operations for Sockeye Salmon Special Harvest Areas in Bristol Bay (newly assigned Proposal 174, which was accepted as a board generated proposal at the 2018 Work Session).

B. IN THE STATEWIDE SPORT FISHERY: Align regulations for sport fishing services and sport fishing guide services in fresh and salt water and update guide registration and reporting regulations (newly assigned Proposal 175, formerly ACR #11).

3. The following topics are added to the Arctic, Yukon, and Kuskokwim Finfish meeting in Anchorage, January 15-19, 2019:

A. IN THE SOUTHEASTERN ALASKA AREA SALMON COMMERCIAL AND SPORT FISHERY: Align regulations within the Southeast Alaska King salmon Management Plan and other regulations as applicable with provisions of the Pacific Salmon Treaty annex (newly assigned Proposal 176, formerly ACR #9).

B. IN THE SOUTHEASTERN ALASKA AREA SALMON COMMERCIAL FISHERY: Add purse seine and drift gillnet gear to the Crawford Inlet Terminal Harvest Area Salmon Management Plan (newly assigned Proposal 177, which was accepted as a board generated proposal at the 2018 Alaska Peninsula, Chignik, Bering Sea, and Aleutian Islands Pacific cod meeting).

C. IN THE YUKON AREA SUBSISTENCE FINFISH FISHERY: Allow chum salmon to be taken by drift gillnets after August 2 in Yukon River Subdistrict 4-A downstream from the mouth of Stink Creek (newly assigned Proposal 178, which was accepted as a board generated proposal at the 2018 Work Session).

4. The following topics are added to the Statewide Finfish and Supplemental Issues meeting in Anchorage, March 9-12, 2019:

A. IN THE ALEUTIAN ISLANDS KING AND TANNER CRAB COMMERCIAL FISHERY:

i. Adopt a new harvest strategy for golden king crab (newly assigned Proposal 179, formerly ACR #3).

ii. Create a king and Tanner crab fishery west of 170 degrees longitude for vessels under 60 feet (newly assigned Proposal 180 which was accepted as a board generated proposal at the 2018 Alaska Peninsula, Chignik, Bering Sea, and Aleutian Islands Pacific cod meeting).

B. IN THE COOK INLET AREA SALMON COMMERCIAL FISHERY: Open and close the commercial set gillnet fishery within 500 feet of the North Kalifornsky Beach area independent of fishing time restrictions described in various management plans (newly assigned Proposal 181, formerly ACR #7).

At its 2018 Work Session, the board directed a number of changes and additions to its meeting schedule. The board changed dates for three of its four upcoming regulatory meetings, including the Bristol Bay Finfish meeting (changed to November 23-December 3, 2018), the Alaska Peninsula, Chignik, and Aleutian Islands Finfish meeting (changed to February 21-26), and the Statewide Finfish and Supplemental Issues meeting (changed to March 9-12).

Additionally, the board set a meeting date for its newly formed Hatchery Committee for March 8, 2019, in Anchorage Alaska at the Anchorage Sheraton Hotel. The board is seeking public comment for the committee meeting related specifically to agenda items for the meeting. This public comment is due January 2, 2019 since the board intends to set the committee meeting agenda at its January 15-19, 2019, Arctic, Yukon, and Kuskokwim Finfish meeting in Anchorage.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards Support Section, P.O. Box 115326, Juneau, AK 99811-5526, (907) 465-4110, or Email: Hyperlink reference not valid. www.boardoffisheries.adfg.alaska.gov.

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 dfig.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. Unless otherwise noted, place of public oral testimony is at the locations below.

TENTATIVE MEETING SCHEDULE

Bristol Bay Finfish
November 28-December 3, 2018 (revised dates)
Dillingham Middle School Gym, Dillingham
Comment deadline: November 14, 2018

Arctic, Yukon, Kuskokwim Finfish
January 15-19, 2019
Sheraton Hotel, Howard Rock Ballroom, Anchorage
Comment deadline: January 2, 2019

Alaska Peninsula, Chignik, Aleutian Islands Finfish
February 21-26, 2019 (revised dates)
Sheraton Hotel, Howard Rock Ballroom, Anchorage
Comment deadline: February 7, 2019

Statewide Finfish and Supplemental Issues
March 9-12, 2019 (revised dates)
Sheraton Hotel, Howard Rock Ballroom, Anchorage
Comment deadline: February 20, 2019

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. 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.

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

Date 10/26/2018