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Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
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Anchorage, Alaska 99501  
907.269.7460  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

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

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081

A handwritten signature in blue ink, appearing to be "AS", is written over the "FROM:" line.

**DATE:** December 19, 2019

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

Board of Fisheries: Regulation re: December 10-13, 2019 Seward Meeting: Lower Cook Inlet Finfish (5 AAC)

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Attorney General File: 2019200567 (Part 1)

Regulation Filed: 12/19/2019

Effective Date: 1/18/2020

Print: 233, April 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

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


The attached 2 pages of regulations, dealing with groundfish fisheries in the Bering Sea - Aleutian Islands are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its December 10<sup>th</sup> – 13<sup>th</sup> 2019 meeting in Seward, 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: 12-13-2019  
Anchorage, Alaska

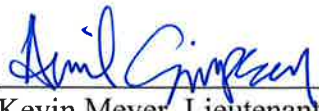
  
\_\_\_\_\_  
Douglas Vincent-Lang, Commissioner  
Department of Fish and Game

**FILING CERTIFICATION**

*April Simpson for*

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 19<sup>th</sup>, 2019 at 10:29 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for*   
\_\_\_\_\_  
Kevin Meyer, Lieutenant Governor  
State of Alaska

Effective: January 18, 2020.

Register: 233, April 2020.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.**



*Kevin Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

**Title 5. Fish and Game.**

**Chapter 28. Groundfish Fishery.**

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

5 AAC 28.606(a) is repealed:

(a) Repealed 1 / 18 / 2020.

(Eff. 4/4/97, Register 142; am 5/19/2001, Register 158; am 5/31/2001, Register 158; am 4/20/2012, Register 202; am 2/23/2014, Register 209; am 8/27/2016, Register 219; am 1 / 18 / 2020, Register 233 )

**Authority:** AS 16.05.251

5 AAC 28.647(f) is amended to read:

(f) The Aleutian Islands Subdistrict is an <sup>[A NONEXCLUSIVE]</sup> ~~[A] exclusive [NONEXCLUSIVE]~~ registration area for Pacific cod during a state-waters season. If at any time after closure of the Dutch Harbor Subdistrict state-waters Pacific cod season for pot gear as described in 5 AAC 28.648, the commissioner determines that the guideline harvest level for Pacific cod will not be achieved by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the Aleutian Islands Subdistrict is designated as a nonexclusive registration area for Pacific cod.

(Eff. 2/27/2006, Register 177; am 5/10/2006, Register 178; am 12/24/2006, Register 180; am 4/24/2009, Register 190; am 5/16/2010, Register 194; am 5/1/2011, Register 198; am 6/17/2011, Register 198; am 6/25/2011, Register 198; am 10/16/2011, Register 200; am 4/20/2012, Register

Register 233, April 2020 FISH AND GAME

202; am 2/23/2014, Register 209; am 2/28/2016, Register 217; am 2/21/2019, Register 229; am  
1 / 18 / 2020, Register 233 )

**Authority:** AS 16.05.060 AS 16.05.251





**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 groundfish fisheries in the Bering Sea and Aleutian Islands has been given by being

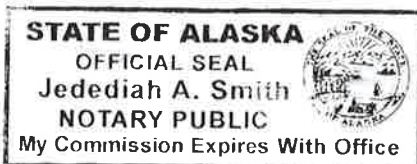
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;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

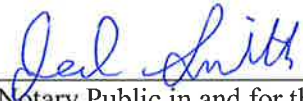
As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on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

DATE: 12/16/19  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 16<sup>th</sup> day of December, 2019.



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



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

The Alaska Board of Fisheries proposes to adopt, amend, or repeal regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following regulations:

1. IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS, AND PRINCE WILLIAM SOUND FOR TANNER CRAB ONLY):
  - 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 Lower Cook Inlet Finfish meeting in Seward, December 10-13, 2019:

- A. IN THE ALASKA PENINSULA-CHIGNIK-ALEUTIAN ISLANDS AREA GROUND FISH COMMERCIAL FISHERY: Designate the Aleutian Islands Subdistrict an exclusive registration area for Pacific cod (*newly assigned Proposal 278, formerly ACR #7*).
  - B. IN THE STATEWIDE GENERAL PROVISIONS SPORT FISHERY: Extend emergency order authority to include restriction of stocked waters to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated (*newly assigned Proposal 282, formerly ACR #12*).
3. The following topics are added to the Statewide King and Tanner Crab and Supplemental Issues meeting in Anchorage, March 8-11, 2020:
- A. IN THE SOUTHEASTERN AREA SALMON COMMERCIAL FISHERY: Add the Crawfish Inlet Terminal Harvest Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery (*newly assigned Proposal 277, formerly ACR #1*).
  - B. IN THE BRISTOL BAY AREA SALMON COMMERCIAL FISHERY: Allow two Bristol Bay drift gillnet CFEC permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when the Naknek River Special Harvest Area is open (*newly assigned Proposal 279, formerly ACR #8*).
  - C. IN THE KUSKOKWIM RIVER AREA SUBSISTENCE FISHERY: Allow use of set gillnets with 6" mesh to harvest salmon other than king salmon and other non-salmon fish species on the Kuskokwim River for subsistence purposes during times of king salmon conservation (*newly assigned Proposal 280, formerly ACR #9*).
  - D. IN THE STATEWIDE GENERAL PROVISIONS FOR SPORT FISHERY: Prohibit fishing in fresh water with live earthworms in the genus *Lumbricus* (*newly assigned Proposal 281, formerly ACR #11*).

At its 2019 Work Session, the board directed a number of changes and additions to its meeting schedule. The board changed dates for two of its four regulatory meetings, including the Upper Cook Inlet Finfish meeting (changed to February 7-19, 2020), and the Statewide Finfish and Supplemental Issues meeting (changed to March 8-11, 2020).

Additionally, the board set meeting dates for two committees. The Nushagak-Mulchatna King Salmon Fishery Management Plan committee will meet in Anchorage on January 9, 2020, with location to be determined and announced through a meeting notice. The Hatchery Committee will meet March 7, 2020, in Anchorage Alaska at the Egan Civic and Convention Center.

Other actions by the board at its work session that impact this meeting cycle include disbanding the 2018 Rod and Reel Committee (2018-292-FB), rescinding the Policy Regarding the Location of the Upper Cook Inlet Finfish Meeting (2018-289-FB), and confirming the meeting location of the 2020

Upper Cook Inlet Finfish meeting in Anchorage. Additionally, the board determined it would convene a review of the Naknek River Sport Commercial Services/Guide Fisheries at the 2020 October work session consistent with the board's charge statement under 2018-293-FB.

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

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to [dfg.bof.comments@alaska.gov](mailto:dfg.bof.comments@alaska.gov) (PDF format only), or online at [www.boardoffisheries.adfg.alaska.gov](http://www.boardoffisheries.adfg.alaska.gov). Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above 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 22 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**

### **Lower Cook Inlet Finfish**

December 10-13, 2019

Alaska Vocational Technical Center, Student Services and Recreation Building, Seward

Comment deadline: November 25, 2019

### **Kodiak Finfish**

January 11-14, 2020

Kodiak Convention Center, Kodiak

Comment deadline: December 27, 2019

### **Upper Cook Inlet Finfish**

February 7-19, 2020

Egan Convention Center, Anchorage

Comment deadline: January 23, 2020

### **Statewide King and Tanner Crab and Supplemental Issues**

March 8-11, 2020

Egan Convention Center, Anchorage

Comment deadline: February 21, 2020

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](http://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.



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Glenn Haight, Executive Director  
Alaska Board of Fisheries

11/4/19

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPT SOUTHEASTERN ALASKA AND YAKUTAT AREAS, AND PRINCE WILLIAM SOUND FOR TANNER CRAB ONLY).
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Department of Law file number (if any):
  - JU2019-20-0567 – Lower Cook Inlet Finfish
  - JU2019-20-0568 – Kodiak Finfish
  - JU2019-20-0569 - Upper Cook Inlet Finfish
  - JU2019-20-0571 – Statewide King and Tanner Crab and Supplemental Issues
5. Reason for proposed actions: Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20, AS 16.40.
6. Appropriation/Allocation: Natural Resources and all RDUs
7. Cost of implementation to the state agency and available funding: It is not possible to estimate the costs. However, these actions are not expected to require any additional costs.
8. The name of the contact person for the regulations:

Glenn Haight, Executive Director  
Alaska Board of Fisheries  
PO Box 115526  
Juneau, AK 99811-5526  
(907) 465-4110  
Email: glenn.haight@alaska.gov
9. The origin of the proposed action:
  - staff or state agency
  - general public
10. Date: November 4, 2019                      Prepared by:

Glenn Haight, Executive Director  
Alaska Board of Fisheries  
(907) 465-4110



# ANCHORAGE DAILY NEWS

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BOARDS

## AFFIDAVIT OF PUBLICATION

Account #: 270233 Order #: W0012264 Cost: \$1347.12

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Leilisi Misa  
being first duly sworn on oath  
deposes and says that 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

November 5, 2019

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 5th day of NOV.  
20 19

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES  
7/14/2020

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF FISHERIES

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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:**

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**TENTATIVE MEETING SCHEDULE**

**Lower Cook Inlet Finfish**

December 10-13, 2019

Alaska Vocational Technical Center, Student Services and Recreation Building, Seward

Comment deadline: November 25, 2019

**Kodiak Finfish**

January 11-14, 2020

Kodiak Convention Center, Kodiak

Comment deadline: December 27, 2019

**Upper Cook Inlet Finfish**

February 7-19, 2020

Egan Convention Center, Anchorage

Comment deadline: January 23, 2020

**Statewide King and Tanner Crab and Supplemental Issues**

March 8-11, 2020

Egan Convention Center, Anchorage

Comment deadline: February 21, 2020

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](http://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.

Date: 11/4/19

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

Published: November 5, 2019