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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

DATE:

March 25, 2020

RE:

Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulation re: Dec. 10-13, 2019 Seward Meeting: Lower Cook Inlet

Finfish (Part 2) (5 AAC)

Attorney General File:

2019200567.002

Regulation Filed:

3/25/2020

Effective Date:

4/24/2020

Print:

234, July 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 16 pages of regulations, dealing with subsistence, sport, commercial and personal use fisheries in the Cook Inlet area are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its December 10th – 13th 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: 13 March 2000

Juneau, Alaska

Douglas Vincent-Lang, Commissioner

Department of Fish and Game

FILING CERTIFICATION

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

March 25, 2020 at 9:48 A.m., I filed the attached regulations according to the

provisions of AS 44.62.040 - 44.62.120.

PR Kevin Meyer, Lieutenant Governor

State of Alaska

Effective:

Register:

124. July 1020.

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.

OF PROS

KEVIN MEYER LIEUTENANT GOVERNOR



Alaska Department of Fish and Game
Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
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ALASKA BOARD OF FISHERIES

DELEGATION OF AUTHORITY UNDER AS 16.05.270 TO THE COMMISIONER TO ADOPT REGULATIONS FOR THE COMMERCIAL HARVEST OF AQUATIC PLANTS IN COOK INLET 2019–297–FB

Under the authority of AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of the Department of Fish and Game authority under AS 16.05.251 to consider and, at the commissioner's discretion, adopt regulatory changes related to the issuance of commissioner permits for the commercial harvest of aquatic plants in Cook Inlet in accordance with the Administrative Procedure Act (AS 44.62). The board heard public testimony and staff information on Proposal 21 at the December 2019 Lower Cook Inlet Finfish meeting which sought to establish a commissioner permit process for the commercial take of aquatic plants. The regulations to be considered by the Commissioner will include seasons, areas, quantities, reporting requirements, and habitat, species, and other considerations.

VOTE: 7-0

Date Adopted: December 12, 2019

Anchorage, AK

Reed Morisky, Chairman Alaska Board of Fisheries

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 11. Cook Inlet Area.

The introductory language of 5 AAC 01.560(b)(8) is amended to read:

(8) in the waters of Seldovia Bay described in <u>5 AAC 01.566(a)(1)</u> [5 AAC 01.566(1)], except the waters from [AN ADF&G REGULATORY MARKER ON] Watch Point at [APPROXIMATELY] 59° 26.55' N. lat., 151° 43.28' W. long., to <u>a point located</u> [AN ADF&G REGULATORY MARKER] approximately 300 yards south of the entrance to the Seldovia small boat harbor at [APPROXIMATELY] 59° 25.97' N. lat., 151° 43.17' W. long., as follows:

(((Publisher: change period at end of SAA(01.560(b)(B)(C) into semicion)))

5 AAC 01.560(b)(8) is amended by adding a new subparagraph to read:

(D) from June 1 through June 30, from 6:00 a.m. Saturday through 6:00 a.m. Monday and from 6:00 a.m. Wednesday through 6:00 a.m. Thursday.

(In effect before 1981; am 5/6/81, Register 78; am 5/17/81, Register 78; am 6/30/83, Register 86; am 5/11/85, Register 94; am 6/10/89, Register 110; em am 5/22/91 - 5/30/91, Register 118; am 7/21/91, Register 119; am/readopt 5/14/93, Register 126; am 5/15/93, 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 4/23/98, 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 3/22/2014, Register 209; am 4 /24 / 2020, Register 234)

Authority:

AS 16.05.060

AS 16.05.251

AS 16.05.258

5 AAC 01.566(a)(1)(B) is amended to read;

(B) salmon, except enhanced salmon, in the <u>following locations:</u>

[WATERS]

(i) along the eastern shoreline <u>from a point at 59° 28.78' N. lat.,</u>

151° 39.49' W. long., to Watch Point located at 59° 26.55 N. lat., 151° 43.28'

W. long.,

(ii) along the eastern shoreline from a point at 59° 25.97' N.

lat., 151° 43.17' W. long., to a point at 59° 24.90' N. lat., 151° 41.94' W. long.;

and

(iii) from a point at 59° 27.10' N. lat., 151° 44.70' W. long., to a point at 59° 26.47' N. lat., 151° 47.47' W. long [OF SELDOVIA BAY FROM SELDOVIA POINT AT 59° 28.22' N. LAT., 151° 42.37' W. LONG., TO AN ADF&G REGULATORY MARKER LOCATED AT 59° 24.90' N. LAT., AND ALONG THE SHORELINE FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 1,000 FEET SOUTHWEST OF NASKOWHAK POINT AT 59° 27.10' N. LAT., 151° 44.70' W. LONG., TO AN ADF&G REGULATORY MARKER LOCATED ON AN UNNAMED POINT AT 59° 26.87' N. LAT., 151° 46.42' W. LONG].;

5 AAC 01.566 is amended by adding a new subsection to read:

(g) The board finds that 100-350 salmon are reasonably necessary for subsistence uses in the waters described in (a)(1)(B) of this section. (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; am 4/24/2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.570(b)(3) is amended to read:

(3) no part of a set gillnet may be set or operated within 600 feet of any part of another set gillnet, except in the waters described in 5 AAC 01.566(a)(1)(B), where no part of a set gillnet may be set or operated within 300 feet of any part of another set gillnet; (In effect before 1981; am 5/6/81, Register 78; am 5/17/81, Register 78; am 5/11/85, Register 94; am 6/10/89, Register 110; em am 5/22/91 - 5/30/91, Register 118; am 7/21/91, Register 119; am/readopt 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 4/22/99, Register 150; am 3/11/2001, Register 157; am 3/8/2002, Register 161; am 3/15/2008, Register 185; am 3/14/2009, Register 189; am 4/24/2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

Chapter 21. Cook Inlet Area.

Article 3. Salmon Fishery.

5 AAC 21.310(b)(5) is amended to read:

(5) Kamishak Bay District: **open and** [FROM JUNE 1 UNTIL] closed by emergency order;

(In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 7/21/91, Register 119; am 4/7/93, Register 126; am 6/7/95, Register 135; am 5/31/96, Register 138; am 5/14/97, Register 142; am 5/18/2000, Register 154; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 2/13/2005, Register 173; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 6/12/2011, Register 198; am 5/18/2014, Register 210; am 6/8/2017, Register 222; am 6/28/2019, Register 230; am 4/24/2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.332(a) is amended to read:

(a) Purse seines, hand purse seines, and beach seines may not be less than 90 fathoms in length and 100 meshes in depth, nor more than 250 fathoms in length and 335 [325] meshes in depth. Detachable or loose leads are not permitted.

(In effect before 1985; am 5/11/85, Register 94; am 6/10/89, Register 110; am 6/28/2019, Register 230; am 4/24/2020, Register 234)

Authority: AS 16.05.251

5 AAC 21.373(b)(2) is amended to read:

(2) China Poot [AND HAZEL LAKE] Special Harvest Area: the marine waters of China Poot Bay Subdistrict in the Southern District inshore of, and enclosed by, a line from a point at the base of China Poot Spit at 59° 33.42' N. lat., 151° 21.70' W. long., to a point offshore at 59° 34.11' N. lat., 151° 22.45' W. long. to a point at 59° 35.08' N. lat., 151° 19.77' W. long., to Moosehead Point at 59° 34.66' N. lat., 151° 19.27' W. long [CONNECTING 59° 34.66' N. LAT., 151° 19.27' W. LONG., THEN TO 59° 35.08' N. LAT., 151° 19.77' W. LONG., THEN TO 59° 33.09' N. LAT., 151° 25.22' W. LONG., AND THEN TO 59° 32.84' N. LAT., 151° 24.90' W. LONG].;

(((Publisher: please add a semicolon after period at end of SAAC 21.373 (b) (4))))

5 AAC 21.373(b) is amended by adding a new paragraph to read:

(5) Hazel Lake Special Harvest Area: the marine waters of the China Poot Bay Subdistrict in the Southern District inshore of, and enclosed by, a line connecting 59° 32.84' N. lat., 151° 24.90' W. long., to a point offshore at 59° 33.09' N. lat., 151° 25.22' W. long., to a point at 59° 34.11' N. lat., 151° 22.45' W. long., to a point at the base of China Poot Spit at 59° 33.42' N. lat., 151° 21.70' W. long.

(Eff. 8/23/2009, Register 191; am 3/22/2014, Register 209; am 3/15/2017, Register 221; am 4 /24 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.730 AS 16.05.440

AS 16.10.251

Chapter 28. Groundfish.

Article 6. Cook Inlet Area (Registration Area H).

5 AAC 28.306 is amended by adding a new subsection to read:

(b) In the Cook Inlet Area, before operating a vessel in a directed fishery for lingcod, pelagic shelf rockfish, sablefish, Pacific cod during a parallel season, or Pacific cod during a state-waters season, the vessel operator or authorized agent must obtain a fishery-specific registration for that vessel. (Eff. 4/4/97, Register 142; am 4/20/2012, Register 202; am 4/24/2020, Register 234)

Authority: AS 16.05.251

5 AAC 28.360 is amended by adding a new subsection to read:

(e) A vessel retaining sablefish in federal waters may not operate gear in state waters of the Cook Inlet Area during the same trip. (Eff. 4/9/2005, Register 174; am 3/2/2011, Register 197; am 3/15/2017, Register 221; am 4/24/2020, Register 234)

Authority: AS 16.05.251

5 AAC 28.367 is amended by adding a new subsection to read:

(j) A vessel participating in a parallel Pacific cod season in the Cook Inlet Area may not operate gear in any other registration area during the same trip. (Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 7/21/99, Register 151; am 5/31/2001, Register 158; am 2/13/2005, Register 173; am 4/9/2005, Register 174; am 3/2/2011, Register 197; am 4/20/2012, Register 202; am 4/24/2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 28.371 is amended by adding a new subsection to read:

(b) At least six hours before landing lingcod, an operator of a vessel participating in the Cook Inlet Area lingcod fishery must notify the department by telephone, at a telephone number specified in writing by the department on the registration forms at the time of registration, of the following information:

- (1) vessel name and ADF&G number;
- (2) date and location of landing, and estimated time of arrival;
- (3) name of fish buyer or processor;
- (4) estimated number of pounds of lingcod on board the vessel. (Eff. 4/4/97,

Register 142; am 3/22/2014, Register 209; am 4/24/2020, Register 234)

Authority: AS 16.05.251

Chapter 37. Aquatic Plants.

5 AAC 37 is amended by adding new sections to read:

Article 4. Cook Inlet Area.

Section

400. Description of area

420. Permits

5 AAC 37.400. Description of Area. The Cook Inlet Area includes all marine waters as described in 5 AAC 21.100. (Eff. 4 /24 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 37.420. Permits. (a) Unless otherwise specified in this chapter, aquatic plants may be commercially harvested only under the authority of a permit issued by the commissioner or the commissioner's authorized designee. The permit may

- (1) specify season dates;
- (2) specify areas of collection by district or by geographic location;
- (3) specify the harvest methods;
- (4) require completion of a report by the permit holder as described in (b) of this section;
- (5) require other conditions that the commissioner determines are necessary for conservation management purposes.

(b) If a report is required by the permit holder under (a)(4) of this section, the report must be submitted to the department not later than 30 days after harvest. The report must include

- (1) dates of harvest;
- (2) clear photographs of harvested aquatic plants;
- (3) estimates of wet weight of harvested aquatic plants;
- (4) all information specified in the permit issued by the commissioner.
- (c) The commissioner may revoke a permit if the commissioner determines that the terms of the permit have been violated or that the harvest operations jeopardize the sustained yield of the stock. (Eff. 4 / 24/ 2020, Register 234)

Authority: AS 16.05.251

Chapter 56. Kenai Peninsula Area.

5 AAC 56.122(a)(2)(A) is amended to read:

(A) [IN FLOWING WATERS, FROM JULY 1 – JULY 15 AND FROM SEPTEMBER 1 – OCTOBER 31,] only one unbaited, single-hook, artificial lure may be used

(i) from July 1 – July 15 and from September 1 – October 31

from its mouth upstream to an ADF&G regulatory marker located

approximately 200 yards upstream of the Old Sterling Highway Bridge;

(ii) from August 1 – October 31 upstream from an ADF&G

regulatory marker located approximately 200 yards upstream of the Old

Sterling Highway Bridge;

The introductory language of 5 AAC 56.122(a)(2)(C) is amended to read:

(C) from its mouth upstream to an ADF&G regulatory marker located

approximately 200 yards upstream of the Old Sterling Highway Bridge [THE

JUNCTION OF THE NORTH AND SOUTH FORKS] sport fishing is open

5 AAC 56.122(a)(2)(D) is amended to read:

(D) upstream to an ADF&G regulatory marker located approximately

200 yards upstream of the Old Sterling Highway Bridge [FROM THE JUNCTION

OF THE NORTH AND SOUTH FORKS] sport fishing is open from August 1 -October

31, except for salmon;

5 AAC 56.122(a)(2)(E) is amended to read:

(E) sport fishing is open for king salmon from its mouth upstream to an ADF&G regulatory marker located approximately 200 yards upstream of the Old Sterling Highway Bridge [THE JUNCTION OF THE NORTH AND SOUTH FORKS] only on the weekend, and the Monday and Wednesday following that weekend, before Memorial Day weekend and the following four weekends and the Monday and Wednesday following each of those weekends; for king salmon 20 inches or greater in length, the bag and possession limit is one fish; as part of the Cook Inlet region annual limit specified for king salmon in (b) of this section, a person may not retain more than two king salmon 20 inches or greater in length each year from the Anchor River and Deep Creek combined; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains a king salmon 20 inches or greater in length from the Anchor River, Deep Creek, or the Ninilchik River may not sport fish in any of those drainages for the rest of that day; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

5 AAC 56.122(a)(5)(A) is amended to read:

(A) [FROM JULY 1 – JULY 15 AND FROM SEPTEMBER 1 – OCTOBER 31, IN FLOWING WATERS,] only one unbaited, single-hook, artificial lure may be used

(i) from July 1 – July 15 and from September 1 – October 31

from its mouth to ADF&G regulatory markers located approximately two
miles upstream;

(ii) from August 1 – October 31 upstream of ADF&G
regulatory markers located approximately two miles upstream from its
mouth;

5 AAC 56.122(a)(6)(A) is amended to read:

(A) [FROM SEPTEMBER 1 – OCTOBER 31, IN FLOWING WATERS,] only one unbaited, single-hook, artificial lure may be used

(i) from September 1 – October 31 from its mouth to ADF&G regulatory markers located approximately two miles upstream;

(ii) from August 1 – October 31 upstream of ADF&G
regulatory markers located approximately two miles upstream from its
mouth;

The introductory language of 5 AAC 56.122(a)(9)(C) is amended to read:

(C) Seward Lagoon and the waters <u>draining out of</u> [LEADING INTO]

Seward Lagoon are closed to sport fishing, except that a person under 16 years of age

may sport fish during a designated youth sport fishery, as follows:

•••

- 5 AAC 56.122(a)(9)(C)(i) is amended to read:
 - (i) <u>unless modified by emergency order</u>, the designated youth sport fishery occurs for king salmon <u>from June 17 June 30</u> [, THE THIRD FRIDAY AND WEEKEND IN JUNE, AND THE SECOND FRIDAY AND WEEKEND IN JULY];
- 5 AAC 56.122(a)(9)(C)(ii) is amended to read:
 - (ii) <u>unless modified by emergency order</u>, the designated youth sport fishery occurs for coho salmon <u>from August 25 September 7</u> [, THE LAST FRIDAY AND WEEKEND IN AUGUST, AND THE FIRST FRIDAY AND WEEKEND IN SEPTEMBER];
- 5 AAC 56.122(a)(9)(C) is amended by adding a new sub-subparagraph to read:
 - (vi) after taking a bag limit, a person may not sport fish in the Seward Lagoon or waters draining out of Seward Lagoon that day;
- 5 AAC 56.122(a)(10)(A) is amended to read:

(A) [IN FLOWING WATERS, FROM JULY 1 – JULY 15 AND FROM SEPTEMBER 1 – OCTOBER 31,] only one unbaited, single-hook, artificial lure may be used

(i) from July 1 – July 15 and from September 1 – October 31 from its mouth upstream to the Sterling Highway Bridge;

(ii) from August 1 – October 31 upstream of the Sterling

Highway Bridge;

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 3/15/2008, Register 185; am 6/4/2008, Register 186; am 3/2/2011, Register 197; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6/8/2017, Register 222; am 4/24/2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Chapter 58. Cook Inlet — Resurrection Bay Saltwater Area.

5 AAC 58.022(b)(2) is amended by adding a new subparagraph to read:

(F) in the waters near the entrance of the Homer Spit Marine Terminal barge basin from ADF&G regulatory markers located at approximately 59° 36.90' N. lat., 151° 26.80' W. long., north to 59° 36.95' N. lat., 151° 26.85' W. long., and including the entire Homer Spit Marine Terminal barge basin, are closed to all sport fishing; (Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am

12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 6/27/2014, Register 210; am 9/24/2014, Register 211; am 3/15/2017, Register 221; am 7/22/2017, Register 223; am 8/10/2018, Register 227; am 4/24/2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 58.030(c) is amended to read:

(c) A person may not intentionally snag or attempt to snag any species of fish in the waters of Cook Inlet north of the latitude of Bluff

Point at 59" 40.00'N. lat. from [EAST OF A LINE FROM ANCHOR POINT TO POINT POGIBSHI FROM JUNE 24] January 1 through December 31.

5 AAC 58.030(d) is amended to read:

(d) From <u>January 1</u> [JUNE 24] through December 31, except during periods established by emergency order, a person may not intentionally snag or attempt to snag any species of fish from the Homer city dock near the entrance of the Homer Boat Harbor, including the entire

Homer Boat Harbor, northwest along the east side of the Homer Spit to an ADF&G regulatory marker located approximately 200 yards northwest of the entrance to the fishery enhancement lagoon on Homer Spit, to a distance 300 feet from the shore.

(Eff. 2/25/98, Register 145; am 3/8/2002, Register 161; am 3/15/2008, Register 185; am 4 /24/2020, Register 234)

Authority: AS 16.05.060

AS 16.05.251

5 AAC 58.055(b) is amended to read:

(b) The Upper Cook Inlet Summer Salt Water King Salmon Management Area consists of all salt waters[, FROM APPROXIMATELY 1 MILE] north of the [NINILCHIK RIVER MOUTH (60° 03.99' N. LAT.) EXTENDING SOUTH TO THE] latitude of Bluff Point at 59° 40.00' N. lat. [(59° 40.00' N. LAT.).]

(Eff. 5/22/96, Register 138; am 6/13/99, Register 150; am 3/8/2002, Register 161; am 12/29/2002, Register 164; am 12/1/2004, Register 172; am 2/10/2005, Register 173; am 3/15/2008, Register 185; am 3/2/2011, Register 197; am 3/22/2014, Register 209; am 3/15/2017, Register 221; am 4 / 24 / 2020, Register 234)

Authority:

AS 16.05.251

Chapter 77. Personal Use Fishery.

Article 11. Cook Inlet Area.

5 AAC 77.549 is amended by adding a new subsection to read:

(f) The permit holder shall be physically present at the set gillnet at all times when it is being used to take fish. (Eff. 4/7/93, Register 126; am 5/6/94, Register 130; am 2/24/96, Register 137; am 4/22/99, Register 150; am 3/11/2001, Register 157; am 3/2/2011, Register 197; am 3/15/2017, Register 221; am 4/24/2020, Register 234

Authority: AS 16.05.060 AS 16.05.251

MEMORANDUM

State of Alaska

Department of Law

To: The Honorable Kevin Meyer Lieutenant Governor

Date: March 16, 2020

File No.: 2019200567.002

Tel. No.: 465-3600

From: Susan R. Pollard SRP

Chief Assistant Attorney General and Regulations Attorney

Legislation and Regulations Section

Re: Board of Fisheries Regulation re: 5

AAC: Board of Fisheries: Dec. 10-13, 2019 Seward Meeting: Lower

(Part 2)

The Department of Law has reviewed the attached regulations of the Board of Fisheries against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 were adopted by the Board of Fisheries after the close of the public comment period. The regulations concern amendments to Title 5 in the Alaska Administrative Code, making changes adopted at the Board of Fisheries Lower Cook Inlet Finfish meeting.

The public notice and 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.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

Department of Fish and Game

Sam Rabung, Director Division of Commercial Fisheries Department of Fish and Game

Forrest Bowers, Deputy Director Division of Commercial Fisheries Department of Fish and Game

Dave Rutz, Director Division of Sport Fisheries Department of Fish and Game

Tom Taube, Deputy Director Division of Sport Fisheries Department of Fish and Game

Lisa Olson, Director Division of Subsistence Department of Fish and Game

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

Shellene Hutter, Program Coordinator Department of Fish and Game

Aaron Peterson, Assistant Attorney General Department 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 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 GROUNDFISH 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.

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 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 <u>ONLY</u> 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, 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

& Haight

11/4/19 Pata

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).
- Citation of regulations: 5 AAC 01 5 AAC 77.
- 4. Department of Law file number (if any):
 - o JU2019-20-0567 Lower Cook Inlet Finfish
 - o JU2019-20-0568 Kodiak Finfish
 - o JU2019-20-0569 Upper Cook Inlet Finfish
 - JU2019-20-0571 Statewide King and Tanner Crab and Supplemental Issues
- 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
- 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:
 - [X] staff or state agency
 - [X] general public
- 10. Date: November 4, 2019

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 subsistence, sport, commercial and personal use fisheries in the Cook Inlet area and statewide sport fishing provisions has been given by being

- published in a newspaper or trade publication; (1)
- furnished to every person who has filed a request for notice of proposed action with (2) the state agency:
- furnished to appropriate state officials; (3)
- furnished to interested persons; (4)
- furnished to the Department of Law, along with a copy of the proposed regulations; (5)
- furnished electronically to incumbent State of Alaska legislators; (6)
- (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, additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 2/4/2020

Juneau, Alaska

Glenn Haight, Executive Director

Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 4th day of February

STATE OF ALASKA OFFICIAL SEAL Jedediah A. Smith NOTARY PUBLIC

My Commission Expires With Office

Notary Public in and for the

State of Alaska

My commission expires: office.

AFFIDAVIT OF ORAL HEARING

I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

From December 10-13th, 2019, at AVTEC Student Services Center, Seward, 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 subsistence, sport, commercial and personal use fisheries in the Cook Inlet area and statewide sport fishing provisions.

DATE: 2/4/2020
Juneau Alaska

Alaska Board of Fisheries

SUBSCRIBED AND SWORN TO before me this 4th day of February

STATE OF ALASKA OFFICIAL SEAL **NOTARY PUBLIC**

My Commission Expires With Office

Notary Public in and for the

State of Alaska

My commission expires: A office.

NCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

BOARDS

Cost: \$1347.13 Account #: 270233 Order #: W0012264

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 NV.
20 19

Anchorage, Alaska
MY COMMISSION EXPIRES

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

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

1. IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVE DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFIS FISHERIES REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERIES REGULATIONS (EXCEPSION FISHERIES REGULATIONS) (EXCEPSION FISHERIES REGULATIONS) (EXCEPSION FISHERIES) 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 season periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; harves levels, thresholds, goals, and quotas; definitions; bycatch provisions; districts, subdistricts, section subsections, areas, and other management boundaries; locations open and closed to fishing; methoc and means; gear and vessel restrictions, including marking and operational requirements; registration areas (including nonexclusive, exclusive and superexclusive registration areas); recordkeeping and marking requirements; management plans for conservationand development, including escapement, inriver, and other management goals; landing requirement provisions for development and allocation among beneficial uses; guiding principles; provisions to regulate, require, restrict or prohibit the retention, tendering, transportation, dispatch, possession, sali release, or purchase of fish; methods of release; registration, licensing, reporting, and other requirement for sport fishing guides and operators, guided anglers, catchers, processors, buyers, and transportent onboard observer requirements; fish storage and inspection requirements.

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The following topics are added to the Lower Cook Inlet Finfish meeting in Seward, December 10-13

A. IN THE Alaska Peninsula-Chignik-Aleutian Islands Area GROUNDFISH COMMERCIAL FISHERY: Designation and Islands Subdistrict an exclusive registration area for Pacific cod (newly assigned Proposa 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 i stocked waters become contaminated (newly assigned Proposal 282, formerly ACR #12).

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 Harves Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishen (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

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

reference not valid. www.boardomisheries.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 dig.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 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

Kodlak 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 proposats 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

Date: 11/4/19 By: /s/ Glenn Haight, Executive Director Alaska Board of Fisheries

Published: November 5, 2019