

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



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

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**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:** May 6, 2020

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

Board of Fisheries Regulation re: Jan. 11-14, 2020 Kodiak Meeting: Kodiak Finfish (Part 2) (5 AAC)

---

Attorney General File: 2019200568.002

Regulation Filed: 5/6/2020

Effective Date: 6/5/2020

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 24 pages of regulations, dealing with the Kodiak Area commercial salmon, herring and groundfish fisheries and sport fishing for salmon and groundfish in the Kodiak Area are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its January 11<sup>th</sup> – 15<sup>th</sup> 2020 meeting in Kodiak, 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.

5/1/2020

DATE:

Anchorage, Alaska

DocuSigned by:  
Benjamin J Mulligan  
939B66571A4D4AB...

Benjamin J. Mulligan, Deputy Commissioner  
Department of Fish and Game

*April Simpson for*  
↑

**FILING CERTIFICATION**

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

May 6<sup>th</sup>, 2020 at 10:32 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

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

Effective: June 5, 2020

Register: 234, July 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.**



*K. Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME  
P.O. BOX 115526  
JUNEAU, ALASKA 99811

**DELEGATION OF AUTHORITY**

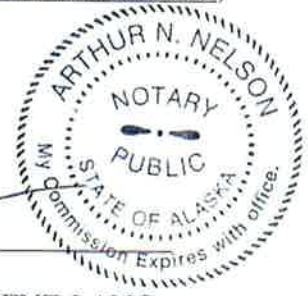
UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING  
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA  
ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO BENJAMIN MULLIGAN,  
DEPUTY COMMISSIONER.

SIGNED:

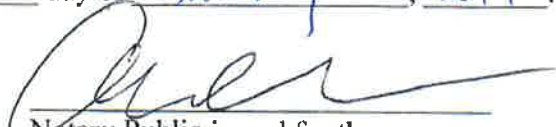


DOUGLAS VINCENT-LANG

(Please print name)



SIGNED AND SWORN TO before me this 3<sup>rd</sup> day of January, 2019.



Notary Public in and for the  
State of Alaska

My commission expires: with office

**Title 5. Fish and Game.**

**Chapter 18. Kodiak Area.**

**Article 3. Salmon Fishery.**

5 AAC 18.330(d) is amended to read:

(d) In the Alitak District, [SALMON MAY BE TAKEN]

(1) in the Humpy-Deadman and Cape Alitak Sections, salmon may be taken by purse seines and beach seines only;

(2) in the Alitak Bay, Moser Bay, Olga Bay, Dog Salmon Flats, Outer and Inner Upper Station, and Outer and Inner Akalura Sections, salmon may be taken by set gillnets only, except that after September 4, salmon may be taken also by purse seines and beach seines.

(3) notwithstanding [SUBSECTION] (d)(1) of this section, salmon may be taken in the Humpy-Deadman and Cape Alitak Sections north of a line from Cape Trinity at 56° 44.80' N. lat., 154° 08.90' W. long., to Cape Alitak at 56° 50.58' N. lat., 154° 18.50' W. long., [AFTER SEPTEMBER 4, SALMON MAY ALSO BE TAKEN] by set gillnet gear after September 4; [THE PROVISIONS OF THIS PARAGRAPH DO NOT APPLY AFTER DECEMBER 31, 2019.]

(4) if the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections are closed and the Humpy-Deadman Section is open, salmon may be taken by set gillnet gear in that portion of the Humpy-Deadman Section, from Cape Hepburn south of 56° 58.80' N. lat., north of 56° 56.83' N. lat., and east of 153° 53.30' W. long.

Register 234, July 2020 FISH AND GAME

(In effect before 1982; am 4/14/82, Register 82; am 6/2/88, Register 106; am 4/14/93, Register 126; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/5/2017, Register 222; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 18.331 is amended by adding a new subsection to read:

(I) Notwithstanding 5 AAC 39.250(c), in a set gillnet, in the Kodiak Area, the gillnet web may be single filament. (In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 5/31/85, Register 94; am 6/2/88, Register 106; am 4/19/90, Register 114; am 7/23/94, Register 131; am 10/18/96, Register 140; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 5/1/2014, Register 210; am 4/15/2017, Register 222; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 18.335 is amended to read:

**5 AAC 18.335. Minimum distance between units of gear.** No part of a set gillnet may be set or operated within 900 feet of any part of another set gillnet, or be attached to the beach within 900 feet of another net, except that in the Dog Salmon Flats, Outer Upper Station, Inner Upper Station, Outer Akalura, **Humpy-Deadman Section as described in 5 AAC 18.330(d)(4).** and Inner Akalura Sections there is no minimum distance between units of set gillnet gear. (In effect before 1985; am 5/31/85, Register 94; am 6/2/88, Register 106; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 18.360 is amended to read:

**5 AAC 18.360. Cape Igvak Salmon Management Plan.** (a) In years when a harvestable surplus beyond escapement goals for the first (Black Lake) and second (Chignik Lake) runs of Chignik River system sockeye salmon is expected to be less than 600,000, there will be no commercial salmon fishery allowed in the Cape Igvak Section, as described in 5 AAC 18.200(g)(8), until a harvest of 300,000 sockeye salmon in the Chignik Area, as described in 5 AAC 15.100, is achieved. After [JULY 8, AFTER] at least 300,000 sockeye salmon have been harvested in the Chignik Area, and if escapement goals are being met, the department shall manage the fishery so that the number of sockeye salmon harvested in the Chignik Area will be at least 600,000 through July 5 and the harvest in the Cape Igvak Section will approach as near as possible 7.5 [15] percent of the total Chignik sockeye salmon catch.

(b) In years when a harvestable surplus beyond escapement goals for the first and second runs of Chignik River system sockeye salmon is expected to be more than 600,000 through July 5, but the first run fails to develop as predicted and it is determined that a total sockeye salmon harvest in the Chignik Area of 600,000 or more through July 5 may not be achieved, the Cape Igvak Section commercial salmon fishery will be curtailed in order to allow at least a minimum harvest in the Chignik Area of 600,000 [300,000] sockeye salmon through [BY] July 5 [9] if that number of fish are determined to be surplus to the escapement goals of the Chignik River system. After [JULY 8, AFTER] at least 300,000 sockeye salmon have been harvested in the Chignik Area, and if escapement goals are being met, the department shall manage the fishery so that the number of sockeye salmon harvested in the Chignik Area will be at least 600,000 through July 5 and the harvest in the Cape Igvak Section will approach as near as possible 7.5

[15] percent of the total Chignik sockeye salmon catch.

(c) In years when a harvestable surplus beyond the escapement goals for the first and second runs of Chignik River system sockeye salmon is expected to be more than 600,000 **through July 5** and the department determines the runs are as strong as expected, the department will manage the fishery in such a manner whereby the number of sockeye salmon taken in the Cape Igvak Section will approach as near as possible **7.5** [15] percent of the total Chignik sockeye salmon catch.

(d) The total Chignik sockeye salmon catch constitutes those sockeye salmon caught within the Chignik Area plus 80 percent of the sockeye salmon caught in the East Stepovak, Southwest Stepovak, Stepovak Flats, Balboa Bay, and Beaver Bay Sections, as described in 5 AAC 09.200(f), plus 90 percent of the sockeye salmon caught in the Cape Igvak Section. The harvest in the Cape Igvak Section at any time **through July 5** [BEFORE JULY 25] may be permitted to fluctuate above or below **7.5** [15] percent of the cumulative Chignik sockeye salmon catch.

(e) This allocation method will be in effect through **July 5** [JULY 25]. The first fishing period of the commercial salmon fishing season in the Cape Igvak Section will not occur before the first fishing period of the commercial salmon fishing season in the Chignik Area.

(f) During the period from approximately June 26 through **July 5** [JULY 8], the strength of the second run of Chignik River system sockeye salmon cannot be evaluated. In order to prevent overharvest of the second run, commercial salmon fishing in the Cape Igvak Section will, in the department's discretion, be disallowed or severely restricted during this period.

Note to Publisher: The remainder of 5 AAC 18.360 remains unchanged.



Register 234, July 2020 FISH AND GAME

(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 3/16/96, Register 137; am 5/4/2002, Register 162; am 6 / 5 / 2020, Register 234 )

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 18.362(b)(3) is amended to read:

(3) from approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the Northwest Kodiak District, **or based on pink salmon returning to the Karluk system;**

5 AAC 18.362(g)(1) is amended to read:

(1) from June 1 through approximately July 15, based on early-run sockeye salmon returning to the Ayakulik **River** [SYSTEM]; **during this time, the commissioner may open, by emergency order, fishing periods in the Inner Ayakulik Section only if the department determines that the upper bound of the Ayakulik River early-run sockeye salmon escapement goal will be achieved;**

(Eff. 4/19/90, Register 114; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/15/2017, Register 222; am 6 / 5 / 2020, Register 234 )

**Authority:** AS 16.05.060 AS 16.05.251

The introductory language of 5 AAC 18.363(b) is amended to read:

(b) From July 6 through **August 1** [JULY 25] in the **Alinchak Bay, Katmai**, Dakavak Bay, Outer Kukak Bay, Inner Kukak Bay, Hallo Bay, and Big River Sections of the Mainland District, and in the Shuyak Island and Northwest Afognak Sections of the Afognak District, the

department shall manage the fishery as follows:

...

The introductory language of 5 AAC 18.363(b)(2) is amended to read:

(2) the fishery may remain open during normal fishing periods until the harvest exceeds 20,000 [15,000] sockeye salmon;

...

The introductory language of

5 AAC 18.363(b)(3) is amended to read:

(3) when the harvest exceeds 20,000 [15,000] sockeye salmon, the department shall restrict the fishery by emergency order to waters of the

...

5 AAC 18.363(b)(3)(A) is amended to read:

(A) Alinchak Bay, Katmai, Dakavak Bay, Outer Kukak Bay, Inner Kukak Bay, Hallo Bay, and Big River Sections west of a line from Cape Douglas at 58° 51.10' N. lat., 153° 15.10' W. long., to a point at 58° 42.90' N. lat., 153° 25.95' W. long., to a point east of Swikshak River at 58° 37.97' N. lat., 153° 35.55' W. long., to Cape Chiniak at 58° 30.96' N. lat., 153° 54.50' W. long., to Cape Nukshak at 58° 23.50' N. lat., 153° 58.90' W. long., to Cape Ugyak at 58° 16.55' N. lat., 154° 06.15' W. long., to Cape Gull at 58° 13.04' N. lat., 154° 08.60' W. long., to Cape Kuliak at 58° 08.10' N. lat., 154° 12.30' W. long., to Cape Atushagvik at 58° 05.00' N. lat., 154° 18.90' W. long., to Cape Ilktugitak at 58° 01.17' N. lat., 154° 35.00' W. long., to the southern entrance of Dakavak Bay at 58° 01.00' N. lat., 154° 43.60' W. long., to Cape Kubugkli at 57° 52.39'

N. lat., 155° 05.01' W. long., to Cape Kekurnoi at 57° 43.50' N. lat., 155° 18.09' W. long., to a point at 57° 39.51' N. lat., 155° 35.74' W. long.;

5 AAC 18.363 is amended by adding a new subsection to read:

(d) From July 6 through August 1 in the Cape Igvak Section of the Mainland District, the department shall manage the fishery as follows:

(1) management of the fishery must be based on local stocks consistent with 5 AAC 18.369(h);

(2) the fishery may remain open during normal fishing periods until the harvest exceeds 20,000 sockeye salmon based on fish ticket information;

(3) when the harvest exceeds 20,000 sockeye salmon based on fish ticket information, the commissioner shall restrict, by emergency order, the fishery to waters of the Cape Igvak Section west of a line from 57° 39.51' N. lat., 155° 35.74' W. long., to Cape Unalishagvak at 57° 32.64' N. lat., 155° 43.87' W. long., to Cape Igvak at 57° 26.04' N. lat., 156° 01.43' W. long., to Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (Eff. 4/19/90, Register 114; am 4/14/93, Register 126; am 6/15/96, Register 138; am 4/25/2008, Register 186; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 18.369(b) is amended to read:

(b) The Big River Section shall be managed, from June 1 through July 5, based on the sockeye salmon return to Swikshak River and there may not be more than two 33-hour fishing periods. From July 6 through August 20, the Big River Section shall be managed based on the

return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1 [JULY 25]. From July 6 through August 1 [JULY 25], the Big River Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 20, the Big River Section shall be managed based on the return of coho salmon to streams located within the Big River Section.

5 AAC 18.369(c) is amended to read:

(c) The Hallo Bay Section will remain closed to fishing until July 6. From July 6 through August 20, the Hallo Bay Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1 [JULY 25]. From July 6 through August 1 [JULY 25], the Hallo Bay Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 20, the Hallo Bay Section shall be managed based on the return of coho salmon to streams located within the Hallo Bay Section.

5 AAC 18.369(d) is amended to read:

(d) The Outer Kukak Section shall be managed, from June 1 through July 5, based on the sockeye salmon return to Kafia Lakes and there may not be more than two 33-hour fishing periods. From July 6 through August 15, the Outer Kukak Section shall be managed based on the return of local and mixed Kodiak sockeye, pink, and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1 [JULY 25]. From July 6 through August 1 [JULY 25], the Outer Kukak Section shall also be managed in accordance with the

North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 15, the Outer Kukak Section shall be managed based on the return of late-run chum and coho salmon to streams located within the Outer Kukak Section.

5 AAC 18.369(e) is amended to read:

(e) The Inner Kukak Section will remain closed to fishing until July 6. From July 6 through August 15, the Inner Kukak Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1 [JULY 25]. After August 15, the Inner Kukak Section shall be managed based on the return of late-run chum and coho salmon to streams located within the Inner Kukak Section.

5 AAC 18.369(f) is amended to read:

(f) The Dakavak Bay Section will remain closed to fishing until July 6. From July 6 through August 25, the Dakavak Bay Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1 [JULY 25]. From July 6 through August 1 [JULY 25], the Dakavak Bay Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 25, the Dakavak Bay Section shall be managed based on the return of late-run pink and coho salmon to streams located within the Dakavak Bay Section.

5 AAC 18.369(g) is amended to read:

(g) The Katmai and Alinchak Bay Sections will remain closed to fishing until July 6. From July 6 through August 25, the Katmai and Alinchak Bay Sections shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1. From July 6 through August 1, the Katmai and Alinchak Bay Sections shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363 [JULY 25]. After August 25, the Katmai and Alinchak Bay Sections shall be managed based on the return of late-run pink and coho salmon to streams located within the Katmai and Alinchak Bay Sections.

5 AAC 18.369(h) is amended to read:

(h) The Cape Igvak Section shall be managed, from June 1 through July 5 [25], in accordance with the Cape Igvak Salmon Management Plan set out in 5 AAC 18.360. From July 6 [26] through August 25, the Cape Igvak Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through August 1. From July 6 through August 1, the Cape Igvak Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 25, the Cape Igvak Section shall be managed based on the return of late-run pink and coho salmon to streams located within the Cape Igvak and Wide Bay Sections.

5 AAC 18.369(i) is amended to read:

(i) The Wide Bay Section will remain closed to fishing until July 6 [26] in order to provide for maximum protection of sockeye salmon bound to Chignik Lakes during years of

weak returns [, AND TO PROVIDE FOR INCREASED CLOSED WATER PROTECTION FOR PINK AND CHUM SALMON BOUND FOR STREAMS LOCATED IN WIDE BAY DURING YEARS WHEN FISHING TIME IS ALLOWED IN THE CAPE IGVAK SECTION TO HARVEST CHIGNIK BOUND SOCKEYE IN ACCORDANCE WITH THE CAPE IGVAK SALMON MANAGEMENT PLAN]. From July 6 [26] through August 25, the Wide Bay Section shall be managed based on the return of pink and chum salmon to streams located within Wide Bay. After August 25, the Wide Bay Section shall be managed based on the return of late-run pink and coho salmon to streams located within Wide Bay. (Eff. 5/29/99, Register 150; am 4/9/2005, Register 174; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

## **Chapter 27. Herring Fishery.**

### **Article 7. Cook Inlet Area (Registration Area H).**

5 AAC 27.465(a) is amended to read:

(a) The purpose of the Kamishak Bay District herring management plan under this section is to promote and maintain the viability of the herring stock in the Kamishak Bay District and stabilize the commercial fishery targeting the herring stock by using conservative management strategies that support a biologically sound and sustainable commercial fishery. This management plan describes the management strategies used to set and implement the guideline harvest levels for the Kamishak Bay sac roe fishery. [SINCE HERRING THAT SPAWN IN THE KAMISHAK BAY DISTRICT ARE KNOWN TO BE PRESENT IN WATERS OF NORTH SHELIKOF STRAIT DURING PART OF THE YEAR, THIS PLAN

Register 234, July 2020 FISH AND GAME

ALSO SETS GUIDELINES FOR THE ALLOCATION OF THE KAMISHAK BAY HERRING STOCK TO THE SHELIKOF STRAIT FOOD AND BAIT HERRING FISHERY, AS DESCRIBED IN 5 AAC 27.535.]

5 AAC 27.465(c) is repealed:

(c) Repealed 6 / 5 / 2020.

5 AAC 27.465(d) is amended to read:

(d) The guideline harvest level for the [FALL SHELIKOF STRAIT FOOD AND BAIT FISHERY AND THE FOLLOWING SPRING] Kamishak Bay sac roe fishery will be based on the projected biomass as determined by the most recent aerial surveys, age class composition, historical mortality, recruitment trends, and other relevant data that is collected by the department.

5 AAC 27.465(e)(4) is amended to read:

(4) if the projected spawning biomass is less than the minimum threshold of 6,000 short tons, the Kamishak Bay sac roe fishery [AND THE SHELIKOF STRAIT FOOD AND BAIT FISHERY NORTH OF THE LATITUDE OF MINERS POINT (57° 54.00' N. LAT.)] will be closed.

(Eff. 4/7/93, Register 126; am 3/8/2002, Register 161; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

#### **Article 8. Kodiak Area. (Registration Area K).**



The introductory language of 5 AAC 27.510(a) is amended to read:

(a) Unless otherwise provided for by emergency order, herring may be taken during the sac roe season from April 1 [APRIL 15] through June 30, as follows:

...

5 AAC 27.510(a)(1) is amended to read:

(1) from April 1 [APRIL 15] through May 7 fishing periods for purse seines are from 12:00 noon until 9:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available; from May 8 through June 30, fishing periods for purse seines are from 12:00 noon until 10:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available;

5 AAC 27.510(a)(2) is amended to read:

(2) from April 2 [APRIL 15] through June 30, the fishing periods for gillnets are from 12:00 noon on even-numbered [ODD-NUMBERED] days until 12:00 noon on odd-numbered [EVEN-NUMBERED] days;

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 3/30/96, Register 137; am 5/31/98, Register 146; am 5/29/99, Register 150; am 4/16/2000, Register 154; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/24/2009, Register 190; am 6/5/ 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 27.535(a) is repealed:

(a) Repealed 6 / 5 / 2020.

5 AAC 27.535(b) is amended to read:

(b) The department shall establish guideline harvest levels for the herring food and bait fisheries **for the Kodiak Area** [FOR EACH SECTION OF THE DISTRICTS SPECIFIED IN (a) OF THIS SECTION], which may not exceed 10 percent of the guideline harvest level of that section in the previous sac roe season. **The Shuyak Island, Offshore West Afognak, Outer Uganik, Offshore Uyak, Hallo Bay, Outer Kukak, and Missak Sections may not open for the food and bait fishery.**

5 AAC 27.535(c) is amended to read:

(c) The department shall manage the [REMAINING] districts of the food and bait herring fishery, so that the harvest does not exceed the combined sum of the guideline harvest levels of the individual sections of a district. The department may manage the food and bait fishery, including the Shelikof Strait fishery, by section of a district, if the harvest location, age class composition of the harvest, or biomass estimates indicate a harvest has occurred on a single herring spawning stock.

5 AAC 27.535(d) is repealed:

(d) Repealed 6 / 5 / 2020.

The introductory language of 5 AAC 27.535(e) is amended to read:

(e) The department shall manage the sac roe herring fishery [TO PROVIDE OPPORTUNITIES FOR GILLNET PERMIT HOLDERS TO HARVEST APPROXIMATELY 25 PERCENT AND PURSE SEINE PERMIT HOLDERS TO HARVEST APPROXIMATELY 75 PERCENT OF THE TOTAL PRESEASON GUIDELINE HARVEST LEVEL FOR THE MANAGEMENT AREA] as follows; the commissioner shall issue emergency orders as necessary:

...

5 AAC 27.535(e)(2) is amended to read:

(2) except as provided in (4) of this subsection, the department shall establish guideline harvest levels each year by section based on information such as historical data, current and past fishery performance, sampling of commercial catches, and aerial surveys; [AS FOLLOWS:]

5 AAC 27.535(e)(2)(A) is repealed:

(A) repealed 6 / 5 / 2020;

5 AAC 27.535(e)(2)(B) is repealed:

(B) repealed 6 / 5 / 2020;

5 AAC 27.535(e)(2)(C) is repealed:

(C) repealed 6 / 5 / 2020;

Register 234, July 2020 FISH AND GAME

5 AAC 27.535(e)(2)(D) is repealed:

(D) repealed 6 / 5 / 2020;

5 AAC 27.535(e)(4) is amended to read:

(4) a section that does not have an extensive history of sac roe **and food and bait** production may be designated as exploratory with no specified guideline harvest level; permit holders for either gear type may fish in an exploratory section; a section listed as exploratory under this paragraph may be opened or closed, based on inseason information such as observed stock abundance, harvest levels, and changes in fish behavior or harvest patterns, including such changes in adjacent sections;

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 5/31/85, Register 94; am 6/2/88, Register 106; am 4/14/93, Register 126; am 3/30/96, Register 137; am 5/29/99, Register 150; am 4/16/2000, Register 154; am 3/8/2002, Register 161; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/24/2009, Register 190; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

## **Chapter 28. Groundfish Fishery.**

### **Article 7. Kodiak Area (Registration Area K).**

5 AAC 28.430(f)(1) is amended to read:

(1) six [FIVE] lines; and

Register 234, July 2020 FISH AND GAME

5 AAC 28.430(g) is amended to read:

(g) In the Kodiak Area, a vessel using mechanical jigging machines in the directed black rockfish fishery or state-waters Pacific cod fishery may have no more than 500 hooks, in the aggregate, deployed in the water and on board the vessel, of which no more than 180 [150] hooks may be deployed in the water as described in (f) of this section.

(Eff. 7/30/89, Register 111; am 4/7/93, Register 126; am 4/14/93, Register 126; am 4/4/97, Register 142; am 7/21/99, Register 151; am 7/5/2000, Register 155; am 3/31/2002, Register 161; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 4/20/2012, Register 202; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 28.466 is amended by adding a new subsection to read:

(h) The annual Kodiak Area black rockfish guideline harvest range is 0 - 120,000 pounds.

(Eff. 4/21/2011, Register 198; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 28.467(d)(1) is repealed and readopted to read:

(1) the state-waters season shall open January 1 and shall close when the mechanical jigging machine and hand troll gear allocation is taken;

5 AAC 28.467(d)(2) is repealed and readopted to read:

(2) the parallel season that coincides with the federal Central Gulf of Alaska jig "A" season shall open 48 hours after the closure of the mechanical jigging machine and hand troll gear state-waters season;

5 AAC 28.467(f) is amended to read:

(f) If during a state-waters season

(1) the commissioner determines that the mechanical jigging machine and hand troll gear guideline harvest level allocation will not be taken by June 10, the commissioner may reopen a state-waters season at 12:00 noon on April 1 and allow 50 percent of the remaining jig gear allocation, as of March 25, to be harvested by vessels using all legal gear;

(2) the state-waters season guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is achieved, whichever occurs first.

5 AAC 28.467(h)(2)(B) is amended to read:

(B) no more than six [FIVE] mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 7/21/99, Register 151; em am 11/24/99 - 2/29/2000, Register 152; am 7/5/2000, Register 155; am 5/31/2001, Register 158; am 3/31/2002, Register 161; am 4/20/2012, Register 202; am 2/23/2014, Register 209; am 4/15/2017, Register 222; am 6 / 5 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

#### Chapter 64. Kodiak Area.

5 AAC 64.005(1) is amended to read:

(1) Kodiak Road Zone: all freshwaters of Kodiak Island [AND ALL SALT WATERS WITHIN ONE MILE OF KODIAK AND SPRUCE ISLANDS] that are east of a line extending south from Crag Point on the west side of Anton Larsen Bay to the westernmost point of Saltery Cove, including the waters of Woody and [,] Long [AND SPRUCE] islands, and including all salt waters inside or landward of the following lines:[:]

5 AAC 64.005(1) is <sup>amended</sup> by adding new subparagraphs to read:

- (A) Anton Larsen Bay south and east of a line from Crag Point at 57° 52.83' N. lat., 152° 40.42' W. long., to Kizhuyak Point at 57° 55.04' N. lat., 152° 38.13' W. long.;
- (B) from the outermost points of Shakmanof Cove at 57° 55.31' N. lat., 152° 36.96' W. long., to 57° 55.55' N. lat., 152° 35.36' W. long.;
- (C) from the easternmost point of Shakmanof Cove at 57° 55.55' N. lat., 152° 35.36' W. long., to Otmeloi Point at 57° 54.56' N. lat., 152° 30.95' W. long.;
- (D) from Course Point near Split Rock at 57° 53.53' N. lat., 152° 27.94' W. long., to Termination Point at 57° 51.37' N. lat., 152° 24.11' W. long.;
- (E) from Termination Point at 57° 51.37' N. lat., 152° 24.11' W. long., to Miller Point at 57° 50.24' N. lat., 152° 21.16' W. long.;

(F) from Miller Point at 57° 50.24' N. lat., 152° 21.16' W. long., to Spruce Cape at 57° 49.55' N lat., 152° 19.62' W. long.;

(G) from Spruce Cape at 57° 49.55' N. lat., 152° 19.62' W. long., to the northern tip of Woody Island at 57° 47.82' N. lat., 152° 19.61' W. long.;

(H) from the southern tip of Woody Island at 57° 45.63' N. lat., 152° 21.18' W. long., to Cliff Point at 57° 43.51' N. lat., 152° 26.62' W. long.;

(I) from Cliff Point at 57° 43.51' N. lat., 152° 26.62' W. long., to Broad Point at 57° 41.27' N. lat., 152° 23.77' W. long.;

(J) from Broad Point at 57° 41.27' N. lat., 152° 23.77' W. long., to the western tip of Cape Chiniak at 57° 37.47' N. lat., 152° 11.75' W. long.;

(K) from Cape Greville at 57° 35.31' N. lat., 152° 9.37' W. long., to the eastern tip of Narrow Cape at 57° 25.92' N. lat., 152° 19.11' W. long.;

(L) from the southernmost part of Narrow Cape at 57° 25.28' N. lat., 152° 20.98' W. long., to Pasagshak Point at 57° 25.27' N. lat., 152° 29.00' W. long.;

(M) north and east of a line from the outermost points of Pasagshak Bay at 57° 25.27' N. lat., 152° 29.00' W. long., to 57° 25.98' N. lat., 152° 31.13' W. long.;

(N) from the westernmost point of Pasagshak Bay at 57° 25.98' N. lat., 152° 31.13' W. long., to Shark Point at 57° 26.77' N. lat., 152° 35.18' W. long.;

(O) from Shark Point at 57° 26.77' N. lat., 152° 35.18' W. long., to the westernmost point of Portage Bay at 57° 27.98' N. lat., 152° 41.14' W. long.;



Register 234, July 2020 FISH AND GAME

(P) from the westernmost point of Portage Bay at 57° 27.98' N. lat.,  
152° 41.14' W. long., to the westernmost point of Saltery Cove at 57° 29.62' N. lat.,  
152° 48.160' W. long.;

(In effect before 1988; am 4/20/2002, Register 162; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 64.022(b)(1)(F) is amended to read:

(F) the Dog Salmon River drainage, including Frazier Lake,  
[(INCLUDING FRAZIER LAKE)] is closed to sport fishing for king salmon from July  
26 – December 31 [JANUARY 1 – DECEMBER 31];

5 AAC 64.022(b)(9) is repealed:

(9) repealed 6 / 5 / 2020;

5 AAC 64.022(b) is amended by adding a new paragraph to read:

(10) in the Dog Salmon River drainage, including Frazier Lake, king salmon may  
not be retained or possessed; all king salmon caught must be immediately released.  
(Eff. 3/13/96, Register 137; am 8/14/96, Register 139; am 4/2/99, Register 149; am 4/20/2002,  
Register 162; am 12/29/2002, Register 164; am 3/13/2004, Register 169; am 4/9/2005, Register  
174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 5/1/2011, Register 198; am  
6/1/2013, Register 206; am 2/23/2014, Register 209; am 4/15/2017, Register 222; am 7/22/2017,  
Register 223; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.060 AS 16.05.251

Register 234, July 2020 FISH AND GAME

5 AAC 64.030 is amended by adding a new subsection to read:

(e) In the Dog Salmon River drainage, including Frazer Lake, the use of bait is prohibited from January 1 - July 25. (Eff. 3/13/96, Register 137; am 4/2/99, Register 149; am 3/13/2004, Register 169; am 4/9/2005, Register 174; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 64.051(1) is amended to read:

(1) from January 1 - December 31, that portion of the [MONASHKA CREEK AND] Pillar Creek drainage [DRAINAGES] upstream from the Monashka Highway;

((Publisher: please change period at the end of 5 AAC 64.051(4) to a semicolon)))

5 AAC 64.051 is amended by adding a new paragraph to read:

(5) from January 1 – December 31, that portion of the Monashka Creek drainage upstream of the ADF&G regulatory markers approximately 50 yards upstream of the Monashka Highway. (Eff. 4/20/2002, Register 162; am 4/25/2008, Register 186; am 6 / 5 / 2020, Register 234)

**Authority:** AS 16.05.251

5 AAC 64 is amended by adding a new section to read:

**5 AAC 64.070. Kodiak Area Rockfish Management Plan.** (a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of stabilizing the

sport harvest of black rockfish in the waters of the Kodiak Area, particularly in the areas of Chiniak Bay and Marmot Bay. Black rockfish will be managed for harvest levels within the established guideline harvest range until a time when survey abundance estimates suggest an increase in harvest is appropriate. In recognition that commercial and sport users harvest the same populations of black rockfish, a management plan is also in place for commercial fisheries to maintain harvest within the guideline harvest range as specified in 5 AAC 28.466(h).

(b) In the Kodiak Area rockfish sport fishery,

(1) the guideline harvest range is 0 – 26,000 black rockfish;

(2) the sport harvest will be estimated annually by the department using saltwater guide logbooks, statewide harvest survey data, and dockside sampling data;

(3) the bag and possession limit for rockfish is five fish, only two of which may be nonpelagic and only one of which may be a yelloweye, except that, in the waters of Chiniak Bay and Marmot Bay, west of a line from Cape Chiniak at 57° 37.10' N. lat., 152° 09.28' W. long., to Pillar Cape at 58° 08.91' N. lat., 152° 06.78' W. long., and east of a line from Head Point on Afognak Island at 57° 59.67' N. lat., 152° 46.75' W. long., to Dolphin Point at 57° 59.15' N. lat., 152° 43.40' W. long., on Whale Island and from Bird Point at 57° 55.30' N. lat., 152° 47.50' W. long., on Whale Island to Inner Point on Kodiak Island at 57° 54.05' N. lat., 152° 47.75' W. long.,

(A) the bag limit for rockfish is three fish per day and six in possession, of which only two fish per day and four in possession may be nonpelagic rockfish, and only one fish per day and two in possession may be yelloweye rockfish; no size limit;

(B) charter vessel operators and crewmembers may not retain rockfish while clients are on board the vessel.

(c) If the harvest increases and it is anticipated that the upper bound of the guideline harvest range will be exceeded or has been exceeded, the commissioner may implement restrictions that may be necessary to restrict the increase of harvest in the sport fishery. When the commissioner finds that restrictions are necessary, the commissioner shall adopt one or more of the following restrictions:

- (1) implement an annual limit for nonresidents for rockfish;
- (2) reduce nonresident bag and possession limit for rockfish;
- (3) reduce the rockfish bag limit by area as specified by the department;
- (4) implement a rockfish season;
- (5) reduce the resident bag and possession limit for rockfish. (Eff. 6/5/2020,

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:** May 5, 2020

**File No.:** 2019200568.002

**Thru:** Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney

**Tel. No.:** 465-3600

**From:** Samantha Weinstein  
Assistant Attorney General  
Legislation and Regulations Section

**Re:** Board of Fisheries Regulation re: 5  
AAC (PART 2): Jan. 11-14, 2020  
Kodiak Meeting: Kodiak Finfish

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 changes adopted at the Kodiak Finfish meeting from January 11 – 15, 2020, in Kodiak, Alaska related to commercial, sport, guided sport, personal use, and subsistence fisheries.

The November 5, 2019, public notice and the May 1, 2020, 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.

SRP:sjw

cc:

Honorable Doug Vincent-Lang, Commissioner  
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

Nick Sagalkin, Regional Supervisor  
Division of Commercial Fisheries  
Department of Fish and Game

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

Jason Dye, Regional Management Coordinator  
Division of Sport Fisheries  
Department of Fish and Game

Shellene Hutter, Fishery Regulations 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 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.



---

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



## AFFIDAVIT OF PUBLICATION

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

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

7/14/2021

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. N.

### 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 designate 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 season 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, section 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 requirement for sport fishing guides and operators, guided anglers, catchers, processors, buyers, and transporter 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; regulation 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 Fisheries (Guidelines) at the 2020 work session.



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.

Date: 11/4/19

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

Published: November 5, 2019

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC dealing with the Kodiak Area commercial salmon, herring and groundfish fisheries and sport fishing for salmon and groundfish in the Kodiak Area has been given by being

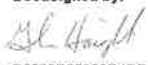
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with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

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 4/15/2020

DocuSigned by:  
  
D8538D35329D4DD

---

Glenn Haight, Executive Director  
Alaska Board of Fisheries

State of Alaska  
Juneau, AK

AFFIDAVIT OF ORAL HEARING

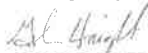
I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

From January 11<sup>th</sup> – 15<sup>th</sup> 2020, at the Kodiak Convention Center, located at 211 West Rezanof Drive Kodiak, Alaska 99615, 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 Kodiak Area commercial salmon, herring and groundfish fisheries and sport fishing for salmon and groundfish in the Kodiak Area.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 4/15/2020

DocuSigned by:  
  
D8539D35329D4DD...

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

State of Alaska  
Juneau, AK