

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




530 West 7th 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

DATE: May 8, 2020

RE: Filed Permanent Regulations: Department of Fish and Game
Department of Fish and Game Regulation re: Pilgrim River EO Allowance (5 AAC
01.180(g)(1))

Attorney General File:	2019200810
Regulation Filed:	5/8/2020
Effective Date:	6/7/2020
Print:	234, July 2020

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

**ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF FISH AND GAME**

The attached 1 page of regulations, dealing with sockeye salmon subsistence fishing in the Pilgrim River in Title 5 of the Alaska Administrative Code, are adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.270, AS 16.05.050 and 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.

In considering public comments, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

4/21/2020

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 8th, 2020, at 11:59 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 7, 2020

Register: 234, July 2020

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

DELEGATION OF AUTHORITY

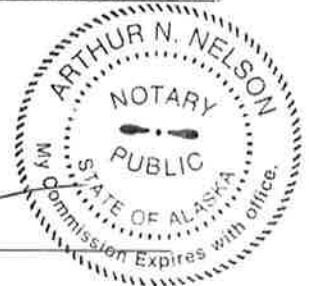
UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO BENJAMIN MULLIGAN, DEPUTY COMMISSIONER.

SIGNED:

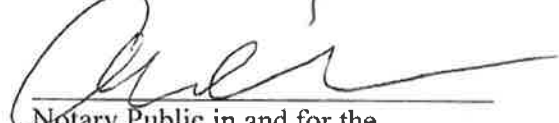


DOUGLAS VINCENT-LANG

(Please print name)



SIGNED AND SWORN TO before me this 3rd day of January, 2019.



Notary Public in and for the
State of Alaska

My commission expires: with office

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

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

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



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 3. Norton Sound-Port Clarence Area.

5 AAC 01.180(g)(1)(B) is amended to read:

~~(g) In the Port Clarence District, in the following waters, the annual limits for salmon are as follows:~~

~~(1) in the Pilgrim River, the annual limit for~~

~~(A) king salmon is three fish;~~

(B) sockeye salmon is 25 fish, **unless modified by the commissioner by emergency order;**

(In effect before 1988; readopt 5/15/93, Register 126; am 6/23/99, Register 150; am 5/19/2004, Register 170; am 6/7/2007 Register 182; am 6/5/2016, Register 218; am 6 / 7 / 2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: May 7, 2020

File No.: 2019200810

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: Department of Fish and Game
Regulation re: 5 AAC 01.180(g)(1):
Pilgrim River EO Allowance

The Department of Law has reviewed the attached regulations of the Department of Fish and Game 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 Department of Fish and Game after the close of the public comment period. The regulations concern sockeye salmon subsistence fishing in the Pilgrim River and the commissioner's emergency order power.

The March 18, 2020, public notice and the April 21, 2020, 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

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

Chuck Brazil, AYK Regional Manager
Division of Commercial Fisheries
Department of Fish and Game

Tom Taube, Deputy Director
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 TO MODIFY THE ANNUAL LIMIT BY
EMERGENCY ORDER IN THE SUBSISTENCE SOCKEYE SALMON FISHERY IN
THE PILGRIM RIVER IN THE NORTON SOUND-PORT CLARENCE
MANAGEMENT AREA IN THE REGULATIONS OF THE ALASKA DEPARTMENT
OF FISH & GAME**

The Alaska Department of Fish and Game is proposing to grant the authority to the commissioner to modify the annual limit for sockeye salmon in the Pilgrim River subsistence fishery located in the Norton Sound-Port Clarence Management Area by emergency order authority.

The commissioner of the Department of Fish and Game, under a delegation of authority issued by the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) related to modifying the annual limit for sockeye salmon in the Pilgrim River subsistence fishery by emergency order authority, specifically:

5 AAC 01.180(g)(1)(b) is proposed to be changed to grant the authority to the commissioner to establish the number of sockeye salmon subsistence fishery annual limit by emergency order authority, where previously the annual limit was established at 25 salmon.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Shellene L. Hutter, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at shellene.hutter@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=197498>

The comments must be received no later than 5:00 p.m. on April 20, 2020.

You may submit written questions relevant to the proposed action to Shellene L. Hutter, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept questions by facsimile at (907) 465-2604 and by electronic mail at shellene.hutter@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shellene L. Hutter at (907) 465-6124 no later than April 20, 2020 to ensure that any necessary accommodations can be provided.

A copy of this notice of proposed regulation changes and the regulations proposed to be changed are available on the Alaska Online Public Notice System. A copy of material proposed for adoption by reference is also available on the Alaska Online Public Notice System. For a physical copy of the proposed regulation changes contact Shellene L. Hutter, Regulations Program Coordinator at the mailing address, telephone number, or email address above.

After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. 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.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 16.05.060; AS 16.05.251; AS 16.05.270

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.060; AS 16.05.251

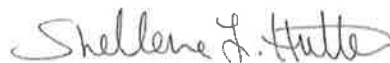
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Fish and Game keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the department's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Fish and Game Boards Support Section at P O Box 115526 Juneau, AK 99811, by phone at (907) 465-4110, or via our website at:

<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>

giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: 3/18/2020



Shellene L. Hutter
Regulations Program Coordinator
Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Fish & Game
2. General subject of regulation: grant the authority to the commissioner to modify the annual limit for sockeye salmon in the Pilgrim River subsistence fishery located in the Norton Sound-Port Clarence Management Area by emergency order authority.
3. Citation of regulation: 5 AAC 01.0180
4. Department of Law file number, if any: 2019200810
5. Reason for the proposed action: Select one and type just that one here
 - Compliance with federal law or action (identify): _____
 - Compliance with new or changed state statute
 - Compliance with federal or state court decision (identify): _____
 - Development of program standards
 - Other (identify): _____

6. Appropriation/Allocation: Fish and Game Funds
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0
 Another state agency: \$0
 A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2020	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulations:

Name: Shellene L. Hutter

Title: Regulations Program Coordinator

Address: P.O. Box 115526

Juneau, AK 99811-5526

Telephone: (907) 465-6124

E-mail address: shellene.hutter@alaska.gov

10. The origin of the proposed action: Select One and type here

- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other (identify):



11. Date: March 17, 2020

Prepared by: _____

Name: Shellene L. Hutter

Title: Regulations Program Coordinator

Telephone: (907) 465-6124

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Shellene Louise Hutter, Regulations Program Coordinator for the Alaska Department of Fish & Game, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to modify the annual limit for sockeye salmon in the Pilgrim River subsistence fishery located in the Norton Sound-Port Clarence Management Area by emergency order authority 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).

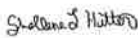
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on 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.

4/23/2020

Date: _____

DocuSigned by:

5C0684476839446...

Shellene L. Hutter, Regulations Program Coordinator
State of Alaska
Juneau

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270233 ST OF AK/DEPT OF FISH AND GAME
P O Box 115526, JUNEAU, AK 99811-5526

Order #: W0014127

Cost: \$478.12

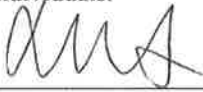
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi 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 afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

03/18/2020

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 18th day of March 2020.

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

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

MY COMMISSION EXPIRES

7/14/2020

NOTICE OF PROPOSED CHANGES TO MODIFY THE ANNUAL LIMIT BY EMERGENCY ORDER IN THE SUBSISTENCE SOCKEYE SALMON FISHERY IN THE PILGRIM RIVER IN THE NORTON SOUND-PORT CLARENCE MANAGEMENT AREA IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF FISH & GAME

The Alaska Department of Fish and Game is proposing to grant the authority to the commissioner to modify the annual limit for sockeye salmon in the Pilgrim River subsistence fishery located in the Norton Sound-Port Clarence Management Area by emergency order authority.

The commissioner of the Department of Fish and Game, under a delegation of authority issued by the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) related to modifying the annual limit for sockeye salmon in the Pilgrim River subsistence fishery by emergency order authority, specifically:

5 AAC 01.180(g)(1)(b) is proposed to be changed to grant the authority to the commissioner to establish the number of sockeye salmon subsistence fishery annual limit by emergency order authority, where previously the annual limit was established at 25 salmon.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Shellene L. Hutter, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at shellene.hutter@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link:

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The comments must be received no later than 5:00 p.m. on April 20, 2020.

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After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. 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. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 16.05.060; AS 16.05.251; AS 16.05.270

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.060; AS 16.05.251

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Fish and Game keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the department's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Fish and Game Boards Support Section at P O Box 115526 Juneau, AK 99811, by phone at (907) 465-4110, or via our website at: <http://www.adfg.alaska.gov/index.cfm?adfg=flsheriesboard.main> giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: 3/18/2020
By: /s/Shellene L. Hutter
Regulations Program Coordinator
Department of Fish and Game

Published: March 18, 2020

MAR 23 2020

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Shellene Louise Hutter, Regulations Program Coordinator for the Alaska Department of Fish & Game, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Alaska Department of Fish & Game has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Fish & Game regulation on modifying the annual limit for sockeye salmon in the Pilgrim River subsistence fishery located in the Norton Sound-Port Clarence Management Area by emergency order authority.

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.

4/23/2020

Date: _____

DocuSigned by:
Shellene L. Hutter
5C06B4476839446...

Shellene L. Hutter, Regulations Program Coordinator
State of Alaska
Juneau



Alaska Department of Fish and Game
Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.adfg.alaska.gov

ALASKA BOARD OF FISHERIES

FINDINGS AND DELEGATION OF AUTHORITY TO ADOPT AND AMEND REGULATIONS ESTABLISHING BAG, POSSESSION, AND ANNUAL HARVEST LIMITS FOR CERTAIN FISH STOCKS IN THE SUBSISTENCE AND PERSONAL USE FISHERIES IN THE SOUTHEASTERN ALASKA AREA, THE PERSONAL USE FISHERIES IN THE YUKON AREA, AND THE SUBSISTENCE FISHERIES IN THE NORTON SOUND-PORT CLARENCE AREA AND THE PRINCE WILLIAM SOUND AREA

2016-281-FB

The Board of Fisheries (“board”) makes the following findings:

1. The board has adopted regulations at 5 AAC 01.001-.040 (statewide subsistence finfish), 5 AAC 01.150-.190 (Norton Sound-Port Clarence Area subsistence finfish), 5 AAC 01.600-.648 (Prince William Sound Area subsistence finfish), and 5 AAC 01.700-.760 (Southeastern Alaska Area subsistence finfish), providing a reasonable opportunity for subsistence uses of finfish, including salmon in the Norton Sound-Port Clarence Area (including chum salmon in Subdistrict 1 of the Norton Sound District) and Southeastern Alaska Area, and of freshwater finfish in the Prince William Sound Area.
2. The board has adopted regulations at 5 AAC 77.001-.035 (statewide personal use fishery), 5 AAC 77.650-.699 (Southeastern Alaska Area personal use fishery), and 5 AAC 77.150-.190 (Yukon Area personal use fishery), that, among other things, allocate salmon and shrimp resources to personal use fisheries in the Southeastern Alaska Area, and whitefish resources to personal use fisheries in the Yukon Area.
3. For certain fish stocks in the subsistence fisheries in the Norton Sound-Port Clarence Area (including Subdistrict 1 of the Norton Sound District) and Prince William Sound Area, in the subsistence and personal use fisheries in the Southeastern Alaska Area, and in the personal use fisheries in the Yukon Area, bag, possession, and annual harvest limits are necessary to ensure sustained yield of those stocks.
4. Pursuant to 5 AAC 01.015(b) and 5 AAC 01.180(b) for certain subsistence salmon fisheries in the Norton Sound-Port Clarence Area (including Subdistrict 1 of the Norton Sound District), 5 AAC 01.015(b) and 5 AAC 01.730(e) for certain subsistence salmon fisheries in the Southeastern Alaska Area, and 5 AAC 01.015(b) and 5 AAC 01.630(b) for certain subsistence freshwater finfish fisheries in the Prince William Sound Area, and consistent with 5 AAC 39.222(c)(2)(B), which states in part that “unless otherwise directed, the department will manage Alaska’s salmon fisheries, to the extent possible, for maximum sustained yield,” the Department of Fish and Game (ADF&G) establishes and amends bag, possession, and annual harvest limits by permit for certain fish stocks in these subsistence fisheries and manages these fisheries, to the extent possible, to ensure maximum sustained yield of these fish stocks.
5. Pursuant to 5 AAC 77.015(c)(4) and 5 AAC 77.660(6) for personal use shrimp fisheries in

the Southeastern Alaska Area, 5 AAC 77.015(c)(4) and 5 AAC 77.682(b) for personal use salmon fisheries in the Southeastern Alaska Area, and 5 AAC 77.015(c)(4) and 5 AAC 77.190(a) for personal use whitefish fisheries in the Yukon Area, and consistent with 5 AAC 39.222(c)(2)(B), ADF&G establishes and amends, bag, possession, and annual harvest limits by permit for certain fish stocks in these personal use fisheries and manages these fisheries, to the extent possible, to ensure maximum sustained yield of these fish stocks.

6. On November 20, 2015, the Alaska Supreme Court issued an opinion in the matter of *Estrada v. State of Alaska*, Supreme Court No. S-15434, in which the court held that harvest limits established by ADF&G by permit pursuant to 5 AAC 01.015(b) and 5 AAC 01.730(e) for the sockeye salmon stock in Kanalku Bay in the Southeastern Alaska Area, had to be adopted in regulation in compliance with the Administrative Procedure Act (AS 44.62).

7. The Supreme Court's decision in *Estrada* casts doubt on the enforceability of certain bag, possession, and annual harvest limits established by ADF&G by permit and not in regulation, as is the case for certain fish stocks in the subsistence fisheries in the Norton Sound-Port Clarence Area (including Subdistrict 1 of the Norton Sound District) and Prince William Sound Area, in the subsistence and personal use fisheries in the Southeastern Alaska Area, and in the personal use fisheries in the Yukon Area.

THEREFORE IT IS RESOLVED THAT THE BOARD, pursuant to AS 16.05.270, makes the following delegation of the board's rulemaking authority under AS 16.05.251 to the commissioner of the Department of Fish and Game:

A. The commissioner may adopt and amend, in accordance with the Administrative Procedure Act, and consistent with the criteria in this delegation, permanent regulations establishing or amending bag, possession, and annual harvest limits for:

1. Salmon stocks in the subsistence salmon fisheries in the Norton Sound-Port Clarence Area (including Subdistrict 1 of the Norton Sound District).
2. Salmon stocks in the subsistence and personal use salmon fisheries in the Southeastern Alaska Area.
3. Freshwater finfish stocks in the subsistence freshwater finfish fisheries in the Prince William Sound Area.
4. Shrimp stocks in the personal use shrimp fisheries in the Southeastern Alaska Area.
5. Whitefish stocks in the personal use whitefish fisheries in the Yukon Area.

B. In adopting or amending regulations that establish or amend bag, possession, and annual harvest limits pursuant to this delegation of authority, the commissioner shall comply with the following criteria:

1. The commissioner may only establish a bag, possession, or annual harvest limit for a fish stock if the limit is necessary to ensure maximum sustained yield of the fish stock; however, if the commissioner determines that it is not possible, because of

insufficient information and data or otherwise, to manage a fish stock for maximum sustained yield, the commissioner may establish a bag, possession, or annual harvest limit necessary to ensure sustained yield of the fish stock.

2. For all fish stocks for which ADF&G has established a bag, possession, or annual harvest limit by permit for the most recent fishing season, the commissioner shall adopt regulations maintaining those limits unless the commissioner determines that a different limit is necessary to ensure maximum sustained yield or sustained yield of the fish stock.
3. The commissioner may only establish a bag, possession, or annual harvest limit for a fish stock in a subsistence fishery if the limit is consistent with the statutory preference for subsistence uses of fishery resources.
4. The commissioner shall use what the commissioner considers to be the best available data and information concerning a fish stock when establishing a bag, possession, or annual harvest limit for a fish stock.

C. All regulatory changes adopted by the commissioner under this delegation of authority shall be consistent with the above expressions of the board's intent and criteria. The commissioner may also make corresponding corrections in other regulations that are consistent with the board's intent and criteria.

D. Nothing in this delegation shall be construed as authorizing the commissioner to allocate fishery resources among fisheries.

E. Nothing in this delegation of authority shall be construed as delegating any of the board's powers and responsibilities under AS 16.05.258, and the board shall review its regulations, as appropriate, to ensure that the regulations continue to provide a reasonable opportunity and the appropriate preference for subsistence uses of salmon in the Norton Sound-Port Clarence Area (including chum salmon in Subdistrict 1 of the Norton Sound District) and Southeastern Alaska Area, and freshwater finfish in the Prince William Sound Area.

This delegation of authority shall remain in effect unless revoked by the board.

Date Adopted: January 16, 2016
Fairbanks, AK

VOTE: 7-0


Tom Kluberton, Chairman

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 3. Norton Sound-Port Clarence Area.

5 AAC 01.180(g)(1)(B) is amended to read:

(g) In the Port Clarence District, in the following waters, the annual limits for salmon are as follows:

(1) in the Pilgrim River, the annual limit for

(A) king salmon is three fish;

(B) sockeye salmon is 25 fish, **unless modified by the commissioner by emergency order;**

(In effect before 1988; readopt 5/15/93, Register 126; am 6/23/99, Register 150; am 5/19/2004, Register 170; am 6/7/2007 Register 182; am 6/5/2016, Register 218; am ___/___/2020, Register ___)

Authority: AS 16.05.251 AS 16.05.258