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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 22, 2020

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulation re: March 7-11, 2020 Anchorage Meeting: Statewide King and Tanner Crab (except for Yakutat and Southeast, and Tanner Crab for Prince William Sound), and Supplemental Issues (5 AAC)

Attorney General File: 2019200571

Regulation Filed: 5/22/2020

Effective Date: 6/21/2020

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 35 pages of regulations, dealing with subsistence shellfish fisheries, subsistence and commercial finfish fisheries in the Kuskokwim Area, commercial salmon fisheries in Bristol Bay and Southeast Alaska areas, commercial king and Tanner crab fisheries and statewide provisions concerning the observer program and other various requirements to participate in specified commercial fishing activities and sport fishing regulations in the Cook Inlet Area are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its March 8th – 10th 2020 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Fisheries paid special attention to the cost to private persons of the regulatory action being taken.

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

5/21/2020

DATE: _____
Anchorage, Alaska

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

FILING CERTIFICATION

April Simpson for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on
May 22, 2020 at 4:17 p.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 21, 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.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 5. Kuskokwim Area.

5 AAC 01.270(n)(1) is amended to read:

(1) for gillnets;

(A) a gillnet mesh size may not exceed six inches;

(B) a gillnet mesh size may not exceed four inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) gillnet mesh size may not exceed six inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(D) [(C)] a gillnet may not exceed the length specified by the commissioner in the emergency order, except that a longer gillnet may be used if no more than the specified length of the gillnet is in a fishing condition and the remainder of the gillnet is tied up or secured so that it is not in the water in a fishing condition;

(In effect before 1988; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 7/5/2000, Register 155; em am 7/8/2000 - 11/4/2000, Register 155; em am 5/29/2001, Register 158; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am 8/23/2009, Register 191; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 6/28/2019, Register 230; am 9/19/2019, Register 231; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

Chapter 02. Subsistence Shellfish Fishery.

Article 4. Cook Inlet Area.

5 AAC 02.307(3) is amended to read:

(3) no more than two pots or two ring nets or a combination of one pot and one ring net per person with a maximum of two pots or two ring nets or a combination of one pot and one ring net per vessel may be used to take Tanner crab, except that in the waters of the Outer and Eastern Districts between the longitude of Gore Point (150° 57.85' W. long.) and the longitude of Cape Fairfield (148° 50.25' W. long.), no more than two pots or two ring nets or a combination of one pot and one ring net per person with a maximum of six pots or six ring nets or a combination of pots and ring nets not to exceed a total of six units of gear per vessel may be used to take Tanner crab. (Eff. 9/12/2008, Register 187; am 9/28/2008, Register 187; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 02.311(b) is amended by adding a new paragraph to read:

(4) 275 — 1,400 Tanner crab are reasonably necessary for subsistence uses in the Cook Inlet Area.

(Eff. 5/15/93, Register 126; am 3/15/2008, Register 185; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

((Publisher: please change period at the end of 5 AAC 02.311(b)(3) to a semicolon))

5 AAC 02.325(a)(1) is amended to read:

(1) male Tanner crab may be taken only from **September 1** [JULY 15] through March 15[, EXCEPT THAT

(A) IN KACHEMAK BAY, EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, MALE TANNER CRAB MAY BE TAKEN ONLY FROM SEPTEMBER 1 THROUGH DECEMBER 31 AND FROM JANUARY 15 OR THE BEGINNING OF THE COMMERCIAL TANNER CRAB SEASON, WHICHEVER IS LATER, THROUGH MARCH 15; AND

(B) WHEN THE SUBSISTENCE TANNER CRAB FISHERY IS CLOSED IN THE KAMISHAK OR BARREN ISLANDS DISTRICTS, THE SUBSISTENCE TANNER CRAB FISHERY IS ALSO CLOSED IN THE EASTERN, OUTER, AND CENTRAL DISTRICTS AS SPECIFIED IN 5 AAC 35.410(c)];

5 AAC 02.325(a)(3) is amended to read:

(3) the daily bag and possession limit is five male Tanner crab **and the seasonal limit is 40 male Tanner crab;**

5 AAC 02.325(b) is amended to read:

(b) Notwithstanding the provisions of 5 AAC 02.307 and (a) of this section, if the provisions of **5 AAC 35.408(e)** [5 AAC 35.408(d)] apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male Tanner crab; **seasonal bag limit of 20 male Tanner crab;** no more than one pot **or ring net** per person with a maximum of one pot **or ring net** per vessel may be used to take Tanner crab. (Eff.

Register 234, July 2020 FISH AND GAME

3/15/2008, Register 185; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 9/19/2019, Register 231; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

Article 5. Kodiak Area.

5 AAC 02.466(b) is amended by adding a new paragraph to read:

(6) 175 — 325 king crab are reasonably necessary for subsistence uses in the

Kodiak Area.

(Eff. 5/15/93, Register 126; am 7/5/2000, Register 155; am 8/14/2005, Register 175; am 6/26/2016, Register 218; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251 AS 16.05.258

((Publisher: please change period at the end of 5 AAC 02.466(b)(5) to a semicolon)))

Chapter 06. Bristol Bay Area.

Article 3. Salmon Fishery.

5 AAC 06.333(a)(3) is repealed:

(3) repealed 6 / 21 / 2020.

(Eff. 4/9/2004, Register 170; am 2/13/2005, Register 173; am 4/9/2010, Register 194; am 7/16/2011, Register 199; am 4/4/2013, Register 206; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Chapter 07. Kuskokwim Area.

Article 3. Salmon Fishery.

5 AAC 07.365(c)(3)(C) is amended to read:

(C) notwithstanding (c)(3)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch [FOUR-INCH] or smaller mesh gillnets; the gillnet may only be operated as a set gillnet and no part of the set gillnet may be more than 100 feet from the ordinary high water mark;

(Eff. 6/10/87, Register 102; am 4/2/88, Register 105; am 6/14/90, Register 115; am 6/10/98, Register 146; am 6/17/2001, Register 158; am 7/8/2001, Register 159; am 5/19/2004, Register 170; am 6/7/2007, Register 182; am 5/19/2010, Register 194; am 4/13/2013, Register 206; am 4/18/2014, Register 210; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 4/22/2017, Register 222; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

Chapter 29. Salmon Troll Fishery.

Article 5. Fishery Management Plans.

5 AAC 29.112(b)(2) is amended to read:

(2) in the waters of Neets Bay east of the longitude of Chin Point to the longitude of the easternmost tip of Bug Island; [AND]

Register 234, July 2020 FISH AND GAME

5 AAC 29.112(b)(3) is amended to read:

(3) in the waters [PORTIONS] of Crawfish Inlet Terminal Harvest Area south of 56° 47.14' N. lat., in Cedar Pass, northeast of a line from 56° 43.83' N. lat., 135° 16.13' W. long., to 56° 43.49' N. lat., 135° 15.50' W. long., in Middle Channel, and north of a line from 56° 43.01' N. lat., 135° 12.93' W. long., to 56° 43.25' N. lat., 135° 12.18' W. long., in Walker Channel; and [EAST OF 135°11.05' W. LONG., AS DETERMINED BY THE DEPARTMENT FOR CONSERVATION MANAGEMENT REASONS.]

5 AAC 29.112(b) is amended by adding a new paragraph to read:

(4) in the waters of West Crawfish Inlet and Windy Passage, southeast of a line from 56° 47.11' N. lat., 135° 18.87' W. long., to 56° 46.89' N. lat., 135° 19.92' W. long., northeast of a line from 56° 45.80' N. lat., 135° 20.06' W. long., to 56° 45.30' N. lat., 135° 17.64' W. long., and northwest of a line from 56° 42.32' N. lat., 135° 16.99' W. long., to 56° 46.36' N. lat., 135° 16.89' W. long., in First Narrows.

(Eff. 6/14/2000, Register 154; am 3/11/2001, Register 157; am 7/26/2003, Register 167; am 6/17/2018, Register 226; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Chapter 34. King Crab Fishery.

Article 11. Registration Area O (Aleutian Islands Area).

5 AAC 34.640 is amended to read:

5 AAC 34.640. Registration Area O inspections and inspection points. (a) Inspection points in Registration Area O are located at Dutch Harbor [, AKUTAN, KING COVE,] and at additional locations if specified by the department.

(b) Notwithstanding 5 AAC 34.030(a), for Registration Area O a registered king crab vessel **must, when required by the department,** [MAY] have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor **or additional locations specified by the department** [, AKUTAN, OR KING COVE] within 72 hours before taking or processing king crab. (In effect before 1988; em am 8/27/91 - 12/24/91, Register 119; am 5/2/92, Register 122; am 9/1/96, Register 139; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Article 13. Registration Area T (Bristol Bay).

5 AAC 34.806(b) is amended to read:

(b) For the red king crab fishery, the **preseason** vessel registration deadline for the registration year is 5:00 p.m. September 24. Before a vessel may be **preseason** registered under this subsection, the vessel operator must file a **preseason** registration form with the department. The **preseason** registration form must identify the vessel and vessel operator, and must be received in person, [OR] by mail, **electronic mail,** or facsimile, at the department office in Dutch Harbor or Kodiak by the deadline specified in this subsection. (Eff. 11/6/96, Register 140; am 10/3/97, Register 143; am 7/21/99, Register 151; am 8/24/2002, Register 163; am 9/12/2008, Register 187; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Register 234, July 2020 FISH AND GAME

((Publisher: please change Editor's note of 5 AAC 34.806 to read)))

Editor's note: The registration form specified in 5 AAC 34.806(b) may be sent by mail or facsimile to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, Alaska 99692-0521 [99602-0587]; Fax: (907) 581-1572; **or email:** dfg.dutchharbor@alaska.gov or the department office in Kodiak at Department of Fish and Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 34.840(b) is amended to read:

(b) Notwithstanding 5 AAC 34.030, in Registration Area T within 30 hours before a season opening or at any time during the open season before taking or processing king crab, a king crab vessel registered for Registration Area T **must, when required by the department,** [MUST] have all holds or live tanks inspected by a local representative of the department at inspection points specified in this section. Unless otherwise specified in this chapter, king crab may not be on board the vessel at the time of inspection. Successful completion of the inspection validates the vessel's registration for Registration Area T. During the period 30 hours before the season opening in Registration Area T until the season closure, the inspection requirements of this section do not apply to a registered king crab vessel that does not have a saltwater circulation system in its holds or live tanks. If an inspection is not required, completion of the registration form validates the registration. (In effect before 1988; em am 8/27/91 - 12/24/91, Register 119; am 5/2/92, Register 122; am 11/6/96, Register 140; am 10/3/97, Register 143; am 8/8/99, Register 151; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Article 14. Registration Area Q (Bering Sea).

5 AAC 34.906(b)(1) is amended to read:

(1) for the red and blue king crab fishery, the vessel **preseason** registration deadline for the registration year is 5:00 p.m. August 24;

5 AAC 34.906(c) is amended to read:

(c) Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Bering Sea king crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a registration form for the Pribilof District red and blue king crab fisheries or the Saint Matthew Island Section blue king crab fishery. The registration form must identify the vessel and vessel operator and must be received in person, by mail, **electronic mail**, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (b) of this section. (Eff. 11/6/96, Register 140; am 7/21/99, Register 151; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/21 / 2020, Register 234)

Authority: AS 16.05.251

((Publisher: please change Editor's note of 5 AAC 34.906 to read)))

Editor's note: The registration form specified in 5 AAC 34.906(c) may be sent by mail, [OR] facsimile, **or email** to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, Alaska **99692-0521** [99602-0587]; Fax: (907) 581-

1572; **email: dfg.dutchharbor@alaska.gov** or the department office in Kodiak at Department of Fish and Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 34.910(d)(2) is amended to read:

(2) through the ice only, during a fishing season **to open February 1**

[ESTABLISHED BY EMERGENCY ORDER TO OPEN ON OR AFTER JANUARY 15] and close April 30, unless extended by emergency order;[.]

5 AAC 34.910(d) is amended by adding a new paragraph to read:

(3) the fishing season will be closed for the entirety of 2020 east of 167°

W. long.

5 AAC 34.910 is amended by adding a new subsection to read:

(g) Notwithstanding 5 AAC 34.053, a person or vessel that operates commercial pots during the 7 days immediately before the opening of a commercial king crab season in the Norton Sound section of Registration Area Q may not participate in the commercial king crab fishery in that Registration Area. (In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 10/1/83, Register 87; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 2/14/2010, Register 193; am 5/18/2014, Register 210; am 7/1/2015, Register 214; am 6/21 / 2020, Register 234)

Register 234, July 2020 FISH AND GAME

Authority: AS 16.05.060 AS 16.05.251

5 AAC 34.925(e)(2)(C) is amended to read:

(C) a permit holder may operate no more than 20 pots described in (d) of this section during the winter through-the-ice commercial king crab season described in 5 AAC 34.910(d)(2); **only 20 pot tags will be issued to any one permit holder for the entirety of the season;**

(In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/23/88, Register 107; am 6/19/92, Register 122; em am 8/21/92 — 12/18/92, Register 123; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 5/18/2014, Register 210; am 6/27/2014, Register 210; am 5/22 r 218; am 7/22/2017, Register 223; am 6/21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 34.940(b) is amended to read:

(b) Notwithstanding 5 AAC 34.030, for the Saint Matthew Island Section of Registration Area Q, a registered king crab vessel **must, when required by the department,** [MAY] have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor **or additional locations specified by the department** [, AKUTAN, OR KING COVE] within 72 hours before taking or processing king crab.

Register 234, July 2020 FISH AND GAME

5 AAC 34.940(c) is amended to read:

(c) Notwithstanding 5 AAC 34.030, for the Pribilof District of Registration Area Q, a registered king crab vessel **must, when required by the department,** [MAY] have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor **or additional locations specified by the department** [, AKUTAN, OR KING COVE] within 30 hours before taking or processing king crab. (In effect before 1988; em am 8/27/91 - 12/24/91, Register 119; am 5/2/92, Register 122; am 11/6/96, Register 140; am 8/24/2002, Register 163; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 34.950(a) is amended to read:

(a) Vessel and gear registered for Registration Area Q must also be registered for the Northern District before fishing in that district. Vessels and gear registered for the Northern District may not be used to fish in any other district. The registration district shall be indicated on the **registration** [INSPECTION] certificate.

(In effect before 1988; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Chapter 35. Tanner Crab Fishery.

Article 8. Registration Area H (Cook Inlet).

5 AAC 35.408 is amended to read:

5 AAC 35.408. Registration Area H Tanner crab harvest strategy. (a) The provisions of this section **establish** [ESTABLISHES THE] abundance thresholds for the Tanner crab fisheries in the Southern, Kamishak, and Barren Island Districts of Cook Inlet.

(b) In the Southern District, the minimum stock threshold for the commercial fishery is **1,000,000** [500,000] legal male Tanner crab. **If the commercial fishery has been closed for three or more consecutive years, then the estimated abundance of legal male Tanner crab from the Kachemak Bay trawl survey must be greater than or equal to 1,000,000 crab for two or more years before the commercial fishery may reopen.** The commercial Tanner crab fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is **2,000,000** [AT LEAST 1,000,000] crab **or greater**, the commercial fishery will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the estimated abundance level of legal male Tanner crab is **1,000,000** [AT LEAST 500,000], but less than **2,000,000** [1,000,000] crab, the commercial Tanner crab fishery will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below **1,000,000** [500,000] crab;

(B) attainment of the guideline harvest level would cause legal male Tanner crab abundance to fall below **1,000,000** [500,000] crab; or

(C) the estimated harvest capacity, calculated by the number of registered vessels multiplied by the legal pot limit, and the estimated catch rate exceeds the guideline harvest level during a commercial fishery of a minimum 12-hour duration;

(4) repealed 9/12/2008;

(5) repealed 9/12/2008.

(c) In the Kamishak and Barren Islands Districts, combined, the minimum stock threshold for the commercial fishery is 4,000,000 [700,000] legal male Tanner crab. **If the commercial fishery has been closed for three or more consecutive years, then the estimated abundance of legal male Tanner crab from the Kamishak Bay trawl survey must be greater than or equal to 1,000,000 crab for two or more years before the commercial fishery may reopen.**

The commercial fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is 8,000,000 [1,400,000] crab or greater, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the abundance level of legal male Tanner crab is at least 4,000,000 [LESS THAN 1,400,000], but less than 8,000,000 [GREATER THAN 700,000] crab, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below 4,000,000 [700,000] crab;

(B) the attainment of the guideline harvest level would cause the abundance of legal male Tanner crab to fall below 4,000,000 [700,000] crab; or

(C) the estimated harvest capacity, calculated as the number of registered vessels multiplied by the legal pot limit and estimated catch rates, exceeds the guideline harvest level for a fishery of a minimum 24-hour duration.

(d) The noncommercial Tanner crab fisheries in the Cook Inlet Area will be managed as provided in 5 AAC 58.022(11)(A) and 5 AAC 02.325(a) when [GUIDELINE HARVEST LEVEL MAY NOT EXCEED 10 PERCENT OF] the most recent consecutive three-year average of legal male stock abundance estimated from the Kachemak Bay trawl survey is greater than or equal to 200,000 crab and the annual estimate for the most recent year is at least 100,000 crab. The harvest rate is not expected to exceed approximately 10 percent of legal male Tanner crab abundance managed under this section. [WHEN LEGAL MALE STOCK ABUNDANCE IS BELOW THE MINIMUM STOCK THRESHOLD FOR A COMMERCIAL FISHERY. THE NONCOMMERCIAL TANNER CRAB FISHERIES WILL BE MANAGED AS PROVIDED IN 5 AAC 58.022(11)(B) AND 5 AAC 02.325(b) IN THE ABSENCE OF A TRAWL SURVEY OR IF

(1) IN THAT PORTION OF THE SOUTHERN DISTRICT EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, IF THE

(A) RECENT THREE-YEAR AVERAGE STOCK ABUNDANCE OF LEGAL MALE TANNER CRAB ESTIMATED FROM THE KACHEMAK BAY TRAWL SURVEY IS LESS THAN 100,000 TANNER CRAB; OR

(B) ESTIMATED STOCK ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS LESS THAN 50,000 TANNER CRAB IN ANY GIVEN YEAR;

(2) IN THE SOUTHERN DISTRICT WEST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT AND THE KAMISHAK AND BARREN ISLANDS DISTRICTS, IF THE

(A) RECENT THREE-YEAR AVERAGE STOCK ABUNDANCE OF LEGAL MALE TANNER CRAB ESTIMATED FROM THE KAMISHAK BAY TRAWL SURVEY IS LESS THAN 50,000 TANNER CRAB; OR

(B) ESTIMATED STOCK ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB FROM THE KAMISHAK BAY TRAWL SURVEY IS LESS THAN 40,000 IN ANY GIVEN YEAR.]

(e) The noncommercial Tanner crab fisheries in the Cook Inlet Area will be managed as provided in 5 AAC 58.022(11)(B) and 5 AAC 02.325(b) in the absence of a trawl survey or if the most recent consecutive three-year average of legal male stock abundance estimated from the Kachemak Bay trawl survey is less than 200,000 crab or the annual estimate for the most recent year is below 100,000 crab. The harvest rate is not expected to exceed approximately 10 percent of legal male Tanner crab abundance managed under this section. (Eff. 8/24/2002, Register 163; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 6/21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 35.410(c) is amended to read:

(c) Notwithstanding (b) of this section, the commercial harvest of Tanner crab in the Outer, Eastern, and Central Districts is closed until the Tanner crab stocks have recovered and a harvest strategy **for those districts** is developed by the department and adopted in a regulation

Register 234, July 2020 FISH AND GAME

by the Board of Fisheries. [WHEN THE NONCOMMERCIAL FISHERIES IN THE KAMISHAK OR BARREN ISLAND DISTRICTS ARE CLOSED TO THE TAKING OF TANNER CRAB, THE NONCOMMERCIAL FISHERIES IN THE EASTERN, OUTER, AND CENTRAL DISTRICTS SHALL ALSO REMAIN CLOSED.] (In effect before 1981; am 6/28/81, Register 78; am 6/30/83, Register 86; am 7/12/86, Register 99; am 7/23/88, Register 107; am 6/24/93, Register 126; am 9/29/96, Register 139; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Article 10. Registration Area J (Westward).

5 AAC 35.506(b) is amended to read:

(b) Notwithstanding (c) and (g) of this section, a **Chignik** Tanner crab **permit holder** **may register a** vessel [VALIDLY REGISTERED FOR THE CHIGNIK DISTRICT MAY BE USED] to take Tanner crab in the Semidi Island Overlap Section of the Kodiak District, as specified in 5 AAC 35.507.

5 AAC 35.506(e)(1) is amended to read:

(1) for the Bering Sea District *C. opilio* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. September 24;

5 AAC 35.506(e)(2) is amended to read:

(2) for the Bering Sea District, *C. bairdi* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. September 24;

5 AAC 35.506(e)(4) is amended to read:

(4) for the Eastern Aleutian District *C. bairdi* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. December 24;

5 AAC 35.506(f) is amended to read:

(f) Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Tanner crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a **preseason** registration form for the Bering Sea Tanner or snow crab fisheries. The registration form must identify the vessel and vessel operator and must be received in person, or by mail, **electronic mail**, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (e) of this section.

(Eff. 9/29/96, Register 139; am 7/21/99, Register 151; am 8/8/99, Register 151; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 6/17/2018, Register 226; am 6/21/2020,

Register 234)

Authority: AS 16.05.251

((Publisher: please change Editor's note of 5 AAC 35.506 to read))

Editor's note: The registration form specified in 5 AAC 35.506(e) and (f) may be sent by mail, [OR] facsimile, or email to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, Alaska 99692-0521 [99602-0587]; Fax: (907) 581-1572; email: dfg.dutchharbor@alaska.gov; or the department office in Kodiak at Department of Fish and Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 35.508 is repealed and readopted to read:

5 AAC 35.508 Bering Sea District *C. bairdi* Tanner crab harvest strategy. (a) In the Bering Sea District, the department shall establish a separate *C. bairdi* Tanner crab total allowable catch level for that portion of the Bering Sea District that is east of 166° W. long., and for that portion that is west of 166° W. long., as described in (b) and (c) of this section. The maximum exploitation on mature male biomass (EXP_{MMB}) in both areas will be established by an analysis of preseason survey mature female biomass (MFB) data as follows:

(1) if MFB is less than 25 percent of $MFB_{(1982-2018)}$, EXP_{MMB} will be 0.05;

(2) if MFB is at least 25 percent but not greater than 100 percent of $MFB_{(1982-2018)}$,

EXP_{MMB} will be computed as $((MFB/MFB_{(1982-2018)} - 0.25)/0.75) \times 0.15 + 0.05$, with slope m and intercept b ;

(A) the EXP_{MMB} slope " m " is computed as $(((((MFB/MFB_{(1982-2018)} - 0.25)/0.75) \times 0.15) + 0.05) - 0.05)/0.75$;

(B) the EXP_{MMB} intercept " b " is computed as $0.05 - (m \times 0.25)$;

(3) if MFB is greater than 100 percent of $MFB_{(1982-2018)}$, EXP_{MMB} will be 0.20.

(b) In that portion of the Bering Sea District that is east of 166° W. long., and under the restrictions of (d) of this section, the total allowable catch level shall be established as follows:

(1) if B_E is less than 25 percent of $B_{E,(1982-2018)}$, the fishery will not open;

(2) if B_E is at least 25 percent but not greater than 100 percent of $B_{E,(1982-2021)}$, the total allowable catch will be $((m \times B_E/B_{E,(1982-2018)}) + b) \times B_E$ or 50 percent of ELM_E , whichever is less;

(3) if B_E is greater than 100 percent of $B_{E,(1982-2018)}$, the total allowable catch will be computed as $EXP_{MMB} \times B_E$ or 50 percent of ELM_E , whichever is less.

(c) In that portion of the Bering Sea District that is west of 166° W. long., and under the restrictions of (d) of this section, the total allowable catch level shall be established as follows:

(1) if B_W is less than 25 percent of $B_{W,(1982-2018)}$, the fishery will not open;

(2) if B_W is at least 25 percent but not greater than 100 percent of $B_{W,(1982-2021)}$, the total allowable catch will be computed as $((m \times B_W/B_{W,(1982-2018)}) + b) \times B_W$ or 50 percent of ELM_W , whichever is less;

(3) if B_W is greater than 100 percent of $B_{W,(1982-2018)}$, the total allowable catch will be computed as $EXP_{MMB} \times B_W$ or 50 percent of ELM_W , whichever is less.

(d) Notwithstanding (a) — (c) of this section, in implementing this harvest strategy, the department shall consider the reliability of the estimates of *C. bairdi* Tanner crab, the manageability of the fishery, and other factors the department determines necessary to be consistent with sustained yield principles, and use the best scientific information available and consider all sources of uncertainty as necessary to avoid overfishing.

(e) In this section,

- (1) “ EXP_{MMB} ” means the maximum exploitation rate on mature male *C. bairdi* Tanner crab biomass as determined in (a) of this section;
- (2) “MFB” means the biomass of mature female *C. bairdi* Tanner crab in the entire surveyed portion of the Bering Sea estimated for the time of the preseason survey;
- (3) “ $MFB_{(1982-2018)}$ ” means the mean value of the biomass of mature female *C. bairdi* Tanner crab in the entire surveyed portion of the Bering Sea estimated at the time of the preseason survey for the period 1982-2018;
- (4) “ B_E ” means the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is east of 166° W. long. that are more than 112 mm carapace width estimated at the time of the preseason survey;
- (5) “ $B_{E,(1982-2018)}$ ” means the mean value of the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is east of 166° W. long. that are more than 112 mm carapace width estimated at the time of the preseason survey for the period 1982-2018;
- (6) “ ELM_E ” means 100 percent of the new-shell male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is east of 166° W. long. that are at least 127 mm (five inches) carapace width, including lateral spines, plus a percentage of old-shell male *C. bairdi* Tanner crab that are at least 127 mm carapace width estimated at the time of the preseason survey; the percentage of old-shell male *C. bairdi* Tanner crab will be based on the expected fishery selectivity for old-shell versus new-shell male *C. bairdi* Tanner crab;
- (7) “ B_W ” means the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is west of 166° W. long. that are more than 102 mm carapace width estimated at the time of the preseason survey;

(8) “ $B_{w,(1982-2018)}$ ” means the mean value of the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is west of 166° W. long. that are more than 102 mm carapace width estimated for the time of the preseason survey for the period 1982-2018;

(9) “ELM_w” means 100 percent of the new-shell male *C. bairdi* Tanner crab in the portion of the Bering Sea District that is west of 166° W. long. that are at least 127 mm (five inches) or greater carapace width, including lateral spines, plus a percentage of old-shell male *C. bairdi* Tanner crab that are at least 127 mm CW estimated at the time of the preseason survey; the percentage of old-shell male *C. bairdi* Tanner crab will be based on the expected fishery selectivity for old-shell versus new-shell male *C. bairdi* Tanner crab. (Eff. 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/1/2006, Register 178; am 7/16/2011, Register 199; am 7/1/2015, Register 214; am 7/29/2017, Register 223; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 35.510(a)(2) is amended to read:

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] for any section of the Kodiak District, except in the Semidi Island Overlap and Southwest Sections, contains a gale warning, in which case the season opening in all sections of the Kodiak District eligible for a season opening will be delayed 24 hours; if after the initial weather delay, the 4:00 a.m. National Weather Service forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening in all sections will be delayed an additional 24

hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of any gale warning in the National Weather Service forecasts; for the purposes of this paragraph, the corresponding National Weather Service forecast areas for the sections of the Kodiak District are as follows:

- (A) Northeast Section: **3B** [PKZ132];
- (B) Eastside Section: **3B** [PKZ132];
- (C) Southeast Section: **3B** [PKZ132];
- (D) Westside Section: **3C** [PKZ138];
- (E) North Mainland Section: **3C** [PKZ138];

5 AAC 35.510(b)(2) is amended to read:

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] contains a gale warning; if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the Chignik District is **PKZ155** [AREA 155: COASTAL WATERS SOUTH OF THE ALASKA PENINSULA CASTLE CAPE TO CAPE SARICHEF].

5 AAC 35.510(c)(2) is amended to read:

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] contains a gale warning; if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the South Peninsula District is **PKZ155** [AREA 155: COASTAL WATERS SOUTH OF THE ALASKA PENINSULA CASTLE CAPE TO CAPE SARICHEF].

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 9/19/90, Register 115; em am 2/12/91 - 6/11/91, Register 117; am 4/30/91, Register 118; em am 1/9/92 - 5/7/92, Register 121; am 1/24/92, Register 121; am 6/19/92, Register 122; am 6/24/93, Register 126; am 10/1/93, Register 127; am 9/29/96, Register 139; am 11/6/96, Register 140; am 8/5/99, Register 151; am 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2011, Register 199; am 6/1/2013, Register 206; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 9/19/2019, Register 231; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Register 234, July 2020 FISH AND GAME

5 AAC 35.527(5) is amended to read:

(5) Kodiak **and Chignik Districts, rectangular pots with all bait and bait containers removed and all doors secured fully open, and** [DISTRICT,] cone or pyramid pots with all bait and bait containers removed and all doors not secured closed may be stored in **waters more than 25 fathoms for seven days following the season closure for Tanner crab in any section of the Kodiak and Chignik Districts** [THE WATER ONLY FROM 30 DAYS BEFORE THE SCHEDULED OPENING DATE OF THE COMMERCIAL TANNER CRAB SEASON UNTIL 30 DAYS AFTER THE CLOSURE OF THAT SEASON];

(Eff. 9/29/96, Register 139; am 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2011, Register 199; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 35.555 is amended to read:

5 AAC 35.555. Inspection requirements for Registration Area J. (a) Except in the Kodiak, Chignik, and South Peninsula Districts, during the 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area J, or a portion of Registration Area J, or at any time during the open season before taking crab, a Tanner crab vessel registered for Registration Area J **must, when required by the department,** [MUST] have all holds, live tanks, and freezers inspected by a local representative of the department at an inspection point specified in 5 AAC 35.540. Tanner crab may not be on board the vessel at the time of inspection. The requirements of this section do not apply to a registered Tanner crab vessel that does not have a saltwater circulation system in its holds or live tanks. In the Bering

Sea District only, the requirements of this section do not apply to catcher-processor vessels, if the commercial *C. bairdi* Tanner crab season remains open through the opening of the commercial *C. opilio* Tanner crab season.

(b) Notwithstanding (a) of this section, for the Bering Sea District commercial *Chionoecetes opilio* fishery, a registered Tanner crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor **or additional locations specified by the department** [AKUTAN, OR KING COVE] within 48 hours before taking or processing Tanner crab. (In effect before 1981; am 6/28/81, Register 78; em am 1/14/93 - 5/13/93, Register 125; am 6/24/93, Register 126; em am 1/9/96 - 1/18/96, Register 137; am 9/29/96, Register 139; am 6/27/2014, Register 210; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

Chapter 39. General Provisions.

Article 1. General.

5 AAC 39.143(d) is amended to read:

(22)-(n) ^{department} (d) The ^{ALL CAPS} [commissioner] may revoke a trainee permit for the reasons and under the ^{listed under (j) of this section or at the department's discretion} procedures set out in (j) - (n) of this section, and at the discretion of the department. If

revocation proceedings are pending on the date the permit would expire under (c)(1) of this section, the permit expires under that paragraph, and all rights under the permit cease. If revocation proceedings are pending on the date the permit would expire under (c)(2) of this section, the permit does not expire on that date, but is suspended until conclusion of the revocation proceedings. The trainee may not act under the permit during the period of

suspension. The permit expires at the conclusion of the revocation proceedings unless the department determines that the permit should not be revoked and that the trainee should be certified as an observer under (f) of this section.

(Eff. 5/2/92, Register 122; am 11/25/92, Register 124; am 10/1/93, Register 127; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/24/2002, Register 163; am 8/25/2002, Register 163; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 6/21/2020, Register 234)

Authority: AS 16.05.055 AS 16.05.251

5 AAC 39.146 is amended by adding a new subsection to read:

(e) Trainee observers shall be fully briefed and debriefed for each individual fishery they observe prior to observing any subsequent fisheries. Observers holding a current certification with the department may be briefed and debriefed for multiple fisheries with prior authorization, at the discretion of the department. (Eff. 12/26/97, Register 144; am 6/27/2014, Register 210; am 6/21/2020, Register 234)

Authority: AS 16.05.251

Article 6. Shellfish Fishery.

5 AAC 39.645(i) is amended by adding a new paragraph to read:

(11) maintain safe conditions on the vessel for the protection of observers and adhere ^{to} all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

Register 234, July 2020 FISH AND GAME

(Eff. 7/12/86, Register 99; am 7/23/88, Register 107; em am 9/20/88 - 1/17/89, Register 108; am 7/30/89, Register 111; am 9/19/90, Register 115; em am 3/19/91 - 7/16/91, Register 118; am 5/2/92, Register 122; am 6/24/93, Register 126; am 11/3/95, Register 136; am 9/1/96, Register 139; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/31/2000, Register 155; am 7/31/2003, Register 167; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 6/17/2018, Register 226; am 9/19/2019, Register 231; am 6 /21 / 2020, Register 234)

Authority: AS 16.05.251

((Publisher: please change period at the end of 5 AAC 39.645(i)(10) to a semicolon))

((Publisher: please move "and" from end of 5 AAC 39.645(i)(9) to end of (i)(10)))

5 AAC 39.646(a)(1) is amended to read:

(1) a Bachelor degree **or higher from an accredited college or university with a major** in the sciences of biology, any branch of biology, or limnology **that includes a minimum of 30 semester hours in applicable biological sciences with use of dichotomous keys in at least one course, and the successful completion of at least one course each in mathematics and statistics with a minimum of five semester hours total for both;** or

(Eff. 12/26/97, Register 144; am 7/21/99, Register 151; am 6 /21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 39.670(c)(2)(B)(i) is amended to read:

(i) both the operator of the vessel relinquishing gear operation rights and responsibilities (relinquisher) and the vessel operator receiving those rights and responsibilities (recipient) must sign a gear operation transfer form **or notify the department by electronic mail** giving the effective date and time of the transfer and the number of pots being transferred;

5 AAC 39.670(c)(2)(B)(ii) is amended to read:

(ii) the gear operation transfer form must also be signed by a department ~~representative's~~ ^{lowercase} [REPRESENTATIVE] before the pot gear transfer is valid and a copy of the gear operation transfer form bearing the original signatures of both the relinquisher and recipient vessel operator must be received by the department within 30 days of the effective date of the department

representative's [^{CAPS} representatives] signature; for the purposes of this subparagraph, the form must be submitted in person at the department's Dutch Harbor office, or by mail, or by facsimile; **or both the relinquisher and the recipient shall notify the department by electronic mail, from the electronic mail address provided on the registration form, of the effective date and time of the transfer, and receive a reply electronic mail from the department validating the transfer within ^{seven} 7 days of the effective date;**

5 AAC 39.670(c)(2)(B) is amended by adding a new sub-subparagraph to read:

(v) except as specified in (c)(2)(C) of this section, gear operation rights and responsibilities revert to the relinquisher at the regulatory closure of the fishery in which the gear is registered to operate;

5 AAC 39.670(c)(2) is amended by adding a new subparagraph to read:

(C) gear operation rights and responsibilities may be restored to the relinquishing vessel if the relinquisher and recipient notify the department as specified in (c)(2)(B) of this section;

((Publisher: please change Editor's note of 5 AAC 39.670 to read)))

Editor's note: The contact phone number for the United States Coast Guard for Kodiak, Alaska is (907) 654-5588; Unalaska/Dutch Harbor, Alaska is (907) 581-6738; Anchorage, Alaska is (907) 229-8203; and Kenai, Alaska is (907) 398-6220.

The gear operation transfer form specified in 5 AAC 39.670(c)(2) may be sent to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, AK 99692-0587; Fax (907) 581-1579; email: dfg.dutchharbor@alaska.gov.

Part 2. Sport Fishing and Personal Use Fishery.

Chapter 57. Kenai River Drainage Area.

5 AAC 57.120(a)(2)(A)(i) is amended to read:

(i) from January 1 - June 30, from its mouth upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, and from July 1 - July 31, from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of the Slikok Creek upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only king salmon that are less than 34 [36] inches in length as measured from tip of snout to tip of tail may be retained;

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 6/4/2008, Register 186; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 5/18/2014, Register 210; am 6/8/2017, Register 222; add'l am 6/8/2017, Register 222; am 6/17/2018, Register 226; am 6/21/2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Chapter 58. Cook Inlet — Resurrection Bay Saltwater Area.

5 AAC 58.022(a)(11)(A) is amended to read:

(A) only from **September 1** [JULY 15] — March 15, except as specified under 5 AAC 35.410(c); bag and possession limit of five male crab, **annual limit of 40 male crab**; minimum size is four and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

5 AAC 58.022(a)(11)(B) is amended to read:

(B) notwithstanding the provisions of (a)(11)(A) of this section, if the provisions of 5 AAC 35.408(d) apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male crab, **annual limit of 20 male crab**; minimum size is four and one-half inches across the widest part of the shell, including spines; no more than one pot **or ring net** per person with a maximum of one pot **or ring net** per vessel; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

5 AAC 58.022(b)(1)(B) is repealed:

(B) repealed 6 / 21 / 2020;

5 AAC 58.022(b)(2)(D) is repealed:

(D) repealed 6 / 21 / 2020;

(Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 6/27/2014, Register 210; am 9/24/2014, Register 211; am 3/15/2017, Register 221; am 7/22/2017, Register 223; am 8/10/2018, Register 227; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 58.026(a) is amended to read:

(a) Before harvesting shellfish with pots, a person must obtain a sport fishing shellfish harvest recording form, described in 5 AAC 75.016 and provided by the department. Upon taking shellfish with pots, and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter the **harvest and** catch information requested in the form. A person who fails to comply with the requirements of this subsection or 5 AAC 75.016, **including any requirement to return harvest and catch information to the department**, may be ineligible to **obtain a shellfish harvest recording form** [PARTICIPATE] during the following **season** [CALENDAR YEAR] in the fishery for which the form was required, **unless the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances.**

(Eff. 2/25/98, Register 145; am 6/5/2003, Register 166; am 7/1/2006, Register 178; am 9/19/2019, Register 231; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.251

5 AAC 58.035(d) is amended to read:

(d) Notwithstanding 5 AAC 75.035(3), no more than two pots **or two ring nets or a combination of one pot and one ring net** per person, regardless of type, with a maximum of two pots **or two ring nets or a combination of one pot and one ring net** per vessel, regardless of type, may be used to take shellfish at any time, except that in the waters between the longitude of Gore Point (150° 57.85' W. long.) and the longitude of Cape Fairfield (148° 50.25' W. long.),

Register 234, July 2020 FISH AND GAME

no more than two pots or two ring nets or a combination of one pot and one ring net per person with a maximum of six pots or six ring nets or a combination of pots and ring nets not to exceed a total of six units of gear per vessel may be used to take Tanner crab.

(Eff. 5/6/81, Register 78; am 6/28/81, Register 78; am 6/20/82, Register 82; am 4/3/83, Register 85; am 5/31/84, Register 90; am 4/18/86, Register 98; am 6/10/89, Register 110; am 4/14/93, Register 126; am 6/1/96, Register 138; am 2/25/98, Register 145; am 8/24/2002, Register 163; am 7/16/2011, Register 199; am 6 / 21 / 2020, Register 234)

Authority: AS 16.05.060 AS 16.05.251

Chapter 65. Alaska Peninsula and Aleutian Islands Area.

5 AAC 65.020(10) is amended to read:

(10) king crab: the daily bag and possession limit is six golden king crab per person; red king crab may not be retained or possessed; all crab pots used for sport fishing and left in saltwater unattended longer than a two-week period must have all bait and bait containers removed and all doors secured fully open; golden king crab may be taken only from June 1 through January 31; only male golden king crab six and one-half inches or greater in width of carapace may be taken or possessed [NO OPEN SEASON; MAY NOT BE RETAINED OR POSSESSED; ALL KING CRAB MUST BE RELEASED IMMEDIATELY];

(In effect before 1983; am 4/3/83, Register 85; am 5/22/88, Register 106; am 6/2/88, Register 106; am 9/2/90, Register 115; am 5/2/92, Register 122; am 4/9/95, Register 134; am 4/2/99, Register 149; am 8/8/99, Register 151; am 6/14/2001, Register 158; am 6/4/2004, Register 170;

Register 234, July 2020 FISH AND GAME

am 12/1/2004, Register 172; am 5/30/2007, Register 182; am 7/1/2007, Register 182; am 6/2/2010, Register 194; am 6/1/2013, Register 206; add'l am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 6/5/2016, Register 218; am 8/27/2016, Register 219; am 7/22/2017, Register 223; am 6/21 / 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 21, 2020

File No.: 2019200571

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulation re: 5
AAC: March 7-11, 2020 Anchorage
Meeting: Statewide King and Tanner
Crab (except for Yakutat and
Southeast, and Tanner Crab for
Prince William Sound), and
Supplemental Issues

The Department of Law has reviewed the attached regulations of the Board of Fisheries against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Fisheries after the close of the public comment period. The regulations concern amendments to the statewide shellfish regulations as well as supplemental issues regarding salmon fishing.

The November, 2019, public notice and the May, 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

Honorable Douglas Vincent-Lang, Commissioner
Department of Fish and Game

Sam Rabung, Director
Division of Commercial Fisheries

Forrest Bowers, Deputy Director
Division of Commercial Fisheries

Lisa Olson, Director
Division of Subsistence Fisheries

Dave Rutz, Director
Division of Sport Fisheries

Tom Taube, Deputy Director
Division of Sport Fisheries

Shellene Hutter, Program Coordinator
Department of Fish and Game

Aaron Peterson, Assistant Attorney General
Department of Law

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

DELEGATION OF AUTHORITY

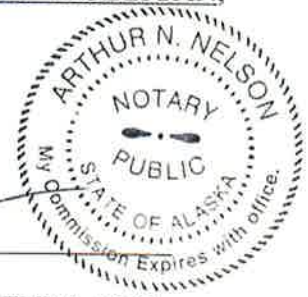
UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO BENJAMIN MULLIGAN, DEPUTY COMMISSIONER.

SIGNED:



DOUGLAS VINCENT-LANG

(Please print name)



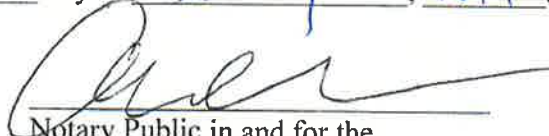
SIGNED AND SWORN TO before me this

3rd

day of

January

2019



Notary Public in and for the
State of Alaska

My commission expires: with office

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.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above are advised that such comments will not be received and entered as public comment.

Comments are generally due no later than two weeks prior to the meeting during which the topics are considered. Unless otherwise specified for a particular meeting in a published notice, written comments exceeding the page limit from any one individual or group relating to proposals at any one meeting will not be accepted. Written comments limited to 10 single-sided or 5 double-sided pages in length from any one individual or group are accepted after the two-week deadline and inserted in board member workbooks at the beginning of the meeting, and are also accepted during the meeting and until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

Once a meeting begins and during a meeting written comments from any one individual or group may be submitted by hand delivery at any time if the required number of copies are provided (typically in excess of 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, 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 *KMS*

Subscribed and sworn to before
me this 5th day of NOV.
20 19

Jada L. M...
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. M...

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

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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).

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Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments limited to no more than 100 single-sided or 50 double-sided pages to the ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above are advised that such comments will not be received and entered as public comment.

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Comment deadline: November 25, 2019

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February 7-19, 2020

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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 statewide shellfish fisheries and supplemental issues 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).

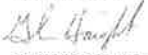
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on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

4/27/2020

Date: _____

DocuSigned by:

D8539D35329D4DD...

Glenn Haight, Executive Director
Alaska Board of Fisheries

State of Alaska
Juneau, AK

AFFIDAVIT OF ORAL HEARING

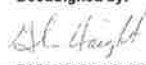
I, Glenn Haight, Executive Director of the Alaska Board of Fisheries, being sworn, state the following:

From March 8th – 10th, at the Egan Center, located at 555 W. Fifth Avenue Anchorage, Alaska 99501, the Alaska Board of Fisheries presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 5 AAC dealing with subsistence shellfish fisheries in various areas of the state, subsistence finfish in the Kuskokwim, commercial salmon fisheries in the Kuskokwim, Bristol Bay in Southeast Alaska areas, commercial king and Tanner crab fisheries and statewide provisions concerning the observer program and other statewide subjects concerning registration requirements, gear transfer requirements, tank inspections, and various requirements to participate in specified commercial fishing activities, aligning newly adopted sport fishing regulations for king salmon retention length and sport fishing shellfish regulations in the Cook Inlet 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: 4/27/2020

DocuSigned by:

D8539D35329D4DD...

Glenn Haight, Executive Director
Alaska Board of Fisheries

State of Alaska
Juneau, AK