

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: March 24, 2021

RE: Filed Permanent Regulations: Board of Fisheries
Board of Fisheries Regulation re: Southeastern Salmon Fishery (5 AAC 33)

Attorney General File:	2020200463
Regulation Filed:	3/24/2021
Effective Date:	4/23/2021
Print:	238, July 2021

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

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

The attached 2 pages of regulations, extending sunset clauses in southeast Alaska commercial salmon fisheries are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its March 8th, 2021 web conference meeting 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.

3/15/2021

DATE:

Anchorage, Alaska

DocuSigned by:

Doug Vincent-Lang

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Douglas S. Vincent-Lang, Commissioner
Department of Fish and Game

April Simpson for
↑

FILING CERTIFICATION

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

March 24, 2021 at 1:44 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: April 23, 2021.

Register: 238, July 2021

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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Title 5. Fish and Game.

Chapter 33. Southeastern Alaska Area.

Article 3. Salmon Fishery.

5 AAC 33.366(a)(2) is amended to read:

through (2) ^{CAPS} [Through] the 2021 [2020] season, the department shall close the seine fishery in District 12 north of Point Marsden after 15,000 wild sockeye salmon are harvested by seine vessels that the department identifies as taken north of Point Marsden when other areas are open concurrently through July 22; hatchery-produced sockeye salmon will not count against the 15,000 wild sockeye salmon harvest limit; during the openings, the department will use aerial flyovers, on-the-ground sampling, interviews, and fish tickets to estimate the sockeye salmon harvest north of Point Marsden.

(Eff. 6/25/89, Register 110; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/9/2015, Register 214; am 7/1/2015, Register 214; am 6/17/2018, Register 226; am 4/23/ 2021, Register 238)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.376(b)(1)(D) is amended to read:

(D) for the 2019, 2020 and 2021 [AND 2020] seasons, the time ratio for gillnet openings to seine openings is one to one;

(Eff. 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 5/26/2006, Register 178; am 5/31/2009, Register

Register 238, July 2021 FISH AND GAME

190; am 7/13/2012, Register 203; am 5/9/2015, Register 214; am 6/17/2018, Register 226; am 4 / 23 / 2021, Register 238)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.383(d)(4) is amended to read:

(4) for the 2018 through 2021 [2020] fishing seasons, the time ratio for gillnet openings to seine openings is one to one.

(Eff. 6/28/97, Register 142; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5/9/2015, Register 214; am 6/17/2018, Register 226; am 9/19/2019, Register 231; am 4 / 23 / 2021, Register 238)

Authority: AS 16.05.060 AS 16.05.251

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 18, 2021

File No.: 2020200463

Tel. No.: 465-3600

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

Re: Board of Fisheries Regulation re:
5 AAC 33 – Southeastern Salmon
Fishery

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 extend sunset clauses for the fishing season in the southeastern salmon fishery.

The January 31, 2021 public notice and the March 15, 2021 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

cc w/enc:

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

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

Forrest Bowers, Division Operations Manager
Division of Commercial Fisheries
Department of Fish and Game

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

Shellene Hutter, Fishery Regulations Program Coordinator
Department of Fish and Game

Troy Thynes, Fish and Game Coordinator
Department of Fish and Game

Aaron Peterson, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES ON SOUTHEASTERN ALASKA COMMERCIAL
SALMON FISHING REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries proposes to adopt regulation changes in 5 AAC Chapter 33 of the Alaska Administrative Code, dealing with sunset provisions in Southeastern Alaska commercial salmon fishing regulations, including the following:

- (1) The following regulations are proposed to be changed by amending the sunset date from the 2020 fishing season to the 2021 season, as follows for:
 - a. 5 AAC 33.366(a)(2) in the Northern Southeast seine salmon fishery management plans.
 - b. 5 AAC 33.376(b)(1)(D) in the District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan.
 - c. 5 AAC 33.383(d)(4) in the District 7: Anita Bay Terminal Harvest Area Salmon Management Plan.

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.

At its Special Meeting on the Board of Fisheries Meeting Cycle for 2020/2021 re: COVID-19, the board took a number of other actions. In consideration of the current status of the COVID-19 pandemic, the board approved postponing its 2020/2021 meetings to 2021/2022 with dates to be determined at a special board meeting on March 8, 2021. In doing so, the board approved keeping its current 2021/2022 meeting schedule as planned. The board also extended the current call for proposals (for Bristol Bay, Arctic, Yukon, Kuskokwim, Alaska Peninsula, Chignik, Aleutian Islands, Bering Sea finfish, and statewide finfish), to May 10, 2021, and determined emerging issues for Southeast, Yakutat, Prince William Sound, and shellfish statewide may be submitted as agenda change requests by August 23, 2021.

The board will hold its special meeting on March 8, 2021 through web conference to review the proposed regulation, and review and approve a revised schedule for the 2021/2022 meeting cycle. Meetings for rescheduling from 2020/2021 include the Prince William Sound Finfish and Shellfish (except shrimp), the Southeast and Yakutat Finfish and Shellfish meeting, and the Statewide All Shellfish (except Southeast, Yakutat, and Prince William Sound), including Prince William Sound Shrimp.

This meeting is open to the public. A live audio stream is intended to be available on the board's website at www.boardoffisheries.adfg.alaska.gov where the interested public may also view the meeting in a live format. The agenda and any other meeting documents, will be available prior to the meeting on the board's meeting information webpage at: <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, and meeting scheduling decisions, 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, 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. The comments on the proposed regulation and other actions must be received not later than Tuesday, March 2, 2021.

If you are a person with a disability who needs special accommodation in order to participate in the proposed regulation process or the March 8, 2021 meeting, please contact Glenn Haight at (907) 465-4110 by March 2, 2021 to ensure necessary accommodations can be provided.

After the public comment period ends, the Alaska Board of Fisheries 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 regulation may be different from that of the proposed regulation. 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 - 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

January 29, 2021

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: IN THE SOUTHEASTERN FISHERIES.
3. Citation of regulations: 5 AAC 33.
4. Department of Law file number (if any):
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: January 29, 2021
Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION



Account #: 392622
P O Box 115526, JUNEAU, AK 99811

Order #: W0020337

Cost: \$493.06

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

01/31/2021

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.

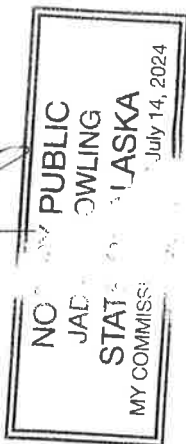
Signed

Subscribed and sworn to before me
this 2nd day of February 2021.

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

MY COMMISSION EXPIRES

7/14/2024



NOTICE OF PROPOSED CHANGES ON SOUTHEASTERN ALASKA COMMERCIAL SALMON FISHING REGULATIONS OF THE ALASKA BOARD OF FISHERIES

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This meeting is open to the public. A live audio stream is intended to be available on the board's website at www.boardoffisheries.adfg.alaska.gov where the interested public may also view the meeting in a live format. The agenda and any other meeting documents, will be available prior to the meeting on the board's meeting information webpage at: <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>.

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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 January 29, 2021
/s/ Glenn Haight, Executive Director
Alaska Board of Fisheries

Pub: January 31, 2021

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC dealing with the extension of sunset dates in commercial salmon fisheries 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).

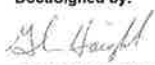
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on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

3/12/2021

Date: _____

DocuSigned by:

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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, under penalty of perjury, state the following:


On March 8th, at 1:00 p.m., via web conference and without in-person attendance because of the public health and safety concerns related to the COVID-19 pandemic, I presided over a public hearing of the Alaska Board of Fisheries held under AS 44.62.210, for the purpose of deliberation and adoption of changes to 5 AAC dealing with extending sunset clauses in southeast Alaska commercial salmon fisheries.

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.

3/12/2021

Date: _____

DocuSigned by:

D8539D35329D4DD...

Glenn Haight, Executive Director
Alaska Board of Fisheries

State of Alaska
Juneau, AK