

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




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

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter, Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: February 25, 2022

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries regulations re: November 30 - December 6, 2021 meeting finfish and shellfish fisheries in Prince William Sound, Upper Copper River, and Upper Susitna River (5 AAC 01; 5 AAC 02; 5 AAC 24; 5 AAC 27; 5 AAC 28; 5 AAC 34; 5 AAC 35; 5 AAC 52; 5 AAC 55)

Attorney General File:	2021200476
Regulation Filed:	2/25/2022
Effective Date:	3/27/2022
Print:	241, April 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis

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

The attached 31 pages of regulations, changes to 5 AAC for Prince William Sound subsistence, sport and commercial fisheries as well as supplemental issues including date extensions in existing regulations elsewhere in the state are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its public hearing held from November 30th – December 6th, 2021 in Cordova, 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.

2/18/2022

DATE: _____
Anchorage, Alaska

DocuSigned by:
Doug Vincent-Lang
32E3FEFE58284DB...

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

FILING CERTIFICATION

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

February 25, 2022 at *2:39 p*.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Kady

Kevin Meyer, Lieutenant Governor
State of Alaska

Effective: *March 21, 2022*

Register: *241, April 2022*

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.

Part 1. Commercial and Subsistence Fishing and Private Nonprofit Salmon Hatcheries.

Chapter 01. Subsistence Finfish Fishery.

Article 5. Kuskokwim Area.

5 AAC 01.280(2) is amended to read:

(2) the provisions of (1) of this section do not apply after December 31, 2022 [2021]. (In effect before 1988; readopt 5/15/93, Register 126; am 7/22/2017, Register 223; am 3/21 2022, Register 241)

Authority: AS 16.05.251 AS 16.05.258

Article 12. Prince William Sound Area.

5 AAC 01.610(g) is amended by adding a new paragraph to read:

(5) from July 1 to August 1 in the waters of Orca Inlet that are closed to commercial fishing in 5 AAC 24.350(11)(H).

(In effect before 1983; am 6/30/83, Register 86; am 4/28/84, Register 90; am 4/30/91, Register 118; am/readopt 5/15/93, Register 126; em am 5/6/94, Register 130; am 5/22/94, Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am 3/30/2000, Register 153; am 5/11/2003, Register 166; am 6/12/2003, Register 166; am 12/1/2004, Register 172; am 3/14/2009, Register 189; am 3/29/2018, Register 225; am 9/19/2019, Register 231; am 3/27 2022, Register 241)

Authority: AS 16.05.251 AS 16.05.258

((Note to Publisher: please change period at the end of 5 AAC 01.610(g)(4) to a semicolon))

5 AAC 01.620(b) is amended by adding a new paragraph to read:

(5) notwithstanding other provisions of this chapter, by gillnet gear as specified in 5 AAC 01.010(c) for the area that is closed to commercial fishing as described in 5 AAC 01.645(b).

5 AAC 01.620 is amended to by adding new subsections to read:

(l) Subsistence fishing guide services are prohibited in the Glennallen Subdistrict. For the purposes of this subsection,

(1) “subsistence fishing guide services” means assistance, for compensation or with the intent to receive compensation, to a subsistence fisherman to take or to attempt to take fish from a vessel by accompanying or physically directing the subsistence fisherman in subsistence fishing activities during any part of a subsistence fishing trip;

(2) “compensation” means direct or indirect payment, remuneration, and other benefits received in return for services, regardless of the source; in this paragraph, “benefits”

(A) includes

(i) wages and other employment benefits given directly or indirectly to an individual or organization; and

(ii) dues, payments, fees, and other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides subsistence fishing guide services;

(B) does not include reimbursement for the actual daily expenses for fuel, food, or bait.

(m) Gillnets used to take freshwater finfish may not exceed 100 feet in length, eight feet in depth, and a mesh size greater than four inches stretched measure and may only be used

(1) for whitefish and suckers; all other species may not be retained and must be returned to the water unharmed; permit holders finding five or more lake trout in their net shall move their fishing location at least one 1-quarter mile to avoid further catch of nontarget species;

(2) from October 1 - March 30; and

(3) in lakes.

(n) Fyke nets must have an entrance funnel opening of no greater than four inches maximum straight 1-line distance between any two points. (In effect before 1983; am 6/30/83, Register 86; am 4/28/84, Register 90; am 4/30/91, Register 118; readopt 5/15/93, Register 126; am 5/24/97, Register 142; am 3/30/2000, Register 153; am 5/11/2003, Register 166; am 6/12/2003, Register 166; am 3/30/2006, Register 177; am 3/14/2009, Register 189; am 3/29/2018, Register 225; am 3/27/2022, Register 241)

Authority: AS 16.05.251 AS 16.05.258

((Note to Publisher: please change period at the end of 5 AAC 01.620(b)(4) to a semicolon)))

The introductory language of 5 AAC 01.645(b) is amended to read:

(b) In the Copper River District, [AND] other locations open to commercial salmon fishing **as specified in 5 AAC 24.200, and in the waters of Orca Inlet that are closed to commercial fishing in 5 AAC 24.350(11)(H)**, the annual subsistence salmon limit is as follows:

...

5 AAC 01.645(b) is amended by adding a new paragraph to read:

(5) upon request, a permit for additional salmon will be issued with the following limits:

(A) no more than a total of 15 salmon for a permit issued to a household with one person, of which only pink and chum salmon may be retained;

(B) no more than a total of 30 salmon for a household of two persons, of which only pink and chum salmon may be retained;

(C) no more than a total of 10 salmon for each additional person in a household over those specified in (B) of this paragraph, of which only pink and chum salmon may be retained.

5 AAC 01.645 is amended by adding a new subsection to read:

(I) The bag and possession limit for Dolly Varden is 10 fish, with an annual limit of 40 fish per water body. A person may not take or possess Dolly Varden under sport fishing regulations and this section on the same day. (In effect before 1984; am 4/28/84, Register 90; am 5/23/88, Register 106; readopt 5/15/93, Register 126; am 5/24/97, Register 142; am 3/30/2000, Register 153; am 6/12/2003, Register 166; am 3/14/2009, Register 189; am 6/5/2016, Register 218; am 6/17/2018, Register 226; am 3/27/2022, Register 241)

Authority: AS 16.05.251 AS 16.05.258

((Note to Publisher: please change period at the end of 5 AAC 01.645(b)(4) to a semicolon))

Chapter 02. Subsistence Shellfish Fishery.

Article 3. Prince William Sound Area.

5 AAC 02.208 is amended by adding a new subsection to read:

(d) The board finds that 550 - 2,050 Tanner crab are reasonably necessary for subsistence uses in the Prince William Sound Area. (Eff. 7/5/2000, Register 155; am 9/12/2008, Register 187; am 3/27/2022, Register 241)

Authority: AS 16.05.251 AS 16.05.258

Chapter 24. Prince William Sound Area.

Article 3. Salmon Fishery.

5 AAC 24.332(a) is amended to read:

(a) Except for the first five fathoms in length of the purse seine, a purse seine may not be less than 200 meshes or more than 335 meshes in depth, or less than 125 fathoms or more than 225 fathoms in length, hung measure, or with mesh size greater than four inches stretched measure, except that the first 25 meshes immediately above or below the lead line may be a chafing strip with a mesh size no larger than seven and one-half inches stretched measure. Leads deeper than the seine or exceeding 75 fathoms in length, or leads with mesh size between four inches and six and one-quarter [ONE QUARTER] inches may not be used, except as specified in 5 AAC 39.260(f) for a cork line border strip and lead line chafing strip. **Except as provided in 5 AAC 24.333**, the aggregate of seine and lead may not be more than 225 fathoms in length.[.]

(In effect before 1981; am 4/15/81, Register 78; am 8/6/81, Register 79; am 6/30/84, Register 90; am 4/9/89, Register 110; am 4/30/91, Register 118; am 3/30/2000, Register 153; am 3/30/2006, Register 177; am 5/17/2008, Register 186; am 4/24/2009, Register 190; am 3/24/2012, Register

Register 241, April 2022 FISH AND GAME

201; am 3/29/2018, Register 225; am 6/28/2019, Register 230; am 3/27 2022,

Register 241)

Authority: AS 16.05.251

5 AAC 24 is amended by adding a new section to read:

5 AAC 24.333. Requirements and specifications for use of 250 fathoms of purse seine gear in Area E. (a) Two Area E purse seine CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 250 fathoms in the aggregate of seine and lead under this section, except that, in times of conservation, purse seine gear may be restricted by emergency order to an aggregate length of 225 fathoms of seine and lead.

(b) When two Area E purse seine CFEC permit holders fish from the same vessel and jointly operate purse seine gear under this section, the vessel must display its ADF&G permanent license plate number followed by the letter "D" to identify the vessel as a dual permit vessel. The letter "D" must be removed or covered when the vessel is operating with only one purse seine CFEC permit holder on board the vessel. The identification number and letters must be displayed

- (1) in letters and numerals 12 inches high with lines at least one inch wide;
- (2) in a color that contrasts with the background;
- (3) on both sides of the hull; and
- (4) in a manner that is plainly visible at all times when the vessel is being

operated.

(c) When two permit holders jointly operate gear under this section, each permit holder is responsible for ensuring that the entire unit of gear is operated in a lawful manner. (Eff. 3/27/2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 24.350(3) is amended to read:

(3) Eastern District:

(A) Simpson Bay, north of 60° 38.00' N. lat., Orca Inlet and Nelson Bay south and east of a line from Salmo Point to Shepard Point, and all of Orca Inlet southeast of Hawkins Island;

(B) Sheep Bay: north of a line from 60° 41.99' N. lat., 145° 56.11' W. long., to 60° 41.17' N. lat., 145° 55.87' W. long.; **and east of a line from 60° 40.08' N. lat., 145° 58.61' W. long., to 60° 39.45' N. lat., 145° 58.88' W. long.;**

(C) **Plateau Creek: south of a line from 60° 42.60' N. lat., 146° 08.28' W. long., to 60° 42.67' N. lat., 146° 07.80' W. long.;**

(D) Comfort Cove: east of a line from 60° 42.96' N. lat., 146° 05.67' W. long., to 60° 42.70' N. lat., 146° 05.78' W. long.;

(E) [(D)] Olsen Bay: north of 60° 44.06' N. lat.;

(F) [(E)] Beartrap Bay: east of a line from 60° 44.86' N. lat., 145° 59.64' W. long., to **60° 44.60'** [60° 44.55'] N. lat., **145° 59.86'** [145° 59.62'] W. long.;

(G) **Port Gravina: north of 60° 46.30' N. lat.;**

(H) [(F)] St. Matthews Bay: east of a line at 146° 18.09' W. long., and within 500 yards of the northwestern shore, north of 60° 45.36' N. lat.;

(I) Snug Corner Cove: south of a line from 60° 43.51' N. lat., 146°

38.51' W. long., to 60° 43.82' N. lat., 146° 38.00' W. long.;

(J) [(G)] Two Moon Bay: south of a line from 60° 44.74' N. lat., 146°

30.15' W. long., to 60° 44.63' N. lat., 146° 30.93' W. long.; and south of a line from 60°

44.25' N. lat., 146° 34.42' W. long., to 60° 44.23' N. lat., 146° 35.10' W. long.;

(K) [(H)] Irish Cove: south of a line from 60° 46.13' N. lat., 146° 26.84'

W. long., to 60° 46.06' N. lat., 146° 26.62' W. long.;

(L) [(I)] Whalen Bay: east of a line from 60° 49.23' N. lat., 146° 15.17' W.

long., to 60° 48.59' N. lat., 146° 16.02' W. long.;

(M) Fidalgo River Delta: north of a line from 60° 51.79' N. lat., 146°

13.64' W. long., to 60° 51.75' N. lat., 146° 10.19' W. long.;

(N) Sunny River Delta: north of a line from 60° 51.99' N. lat., 146°

13.82' W. long., to 60° 51.85' N. lat., 146° 16.13' W. long.;

(O) Fidalgo Bay: east of a line from 60° 50.93' N. lat., 146° 08.05' W.

long., to 60° 50.20' N. lat., 146° 07.03' W. long.;

(P) Short Creek: north of a line from 60° 50.99' N. lat., 146° 16.85' W.

long., to 60° 51.12' N. lat., 146° 16.00' W. long., and west of a line from 60° 51.16' N.

lat., 146° 15.93' W. long., to 60° 51.35' N. lat., 146° 16.10' W. long.;

(Q) [(J)] Fish Bay: north of 60° 48.92' N. lat.;

(R) Banzer Creek: within the bay east of a line from 60° 48.56' N. lat.,

146° 33.53' W. long., to 60° 49.11' N. lat., 146° 33.85' W. long.;

(S) [(K)] Landlocked Bay: within the bay east of a line in the narrows

from 60° 51.13' N. lat., 146° 34.05' W. long., to 60° 51.42' N. lat., 146° 34.12' W. long.;

(T) [(L)] Galena Bay: east of a line from 60° 55.64' N. lat., 146° 38.16' W. long., to 60° 56.41' N. lat., 146° 36.22' W. long., and within 1,000 yards of the north shore between 60° 57.13' N. lat., 146° 38.83' W. long., and 60° 56.81' N. lat., 146° 36.55' W. long.;

(U) [(M)] Jack Bay: south and east of a line from 61° 01.76' N. lat., 146° 34.52' W. long., to 61° 01.01' N. lat., 146° 34.34' W. long., and within 1,000 yards of the terminus of all other salmon streams of the bay;

(V) [(N)] Mineral Creek Delta, Gold Creek, and Kadis Creek: north of a line from 61° 07.45' N. lat., 146° 23.75' W. long., to 61° 07.45' N. lat., 146° 29.80' W. long.;

(W) [(O)] Head of Port Valdez: waters east of a line from a point west of the Valdez boat harbor at 61° 07.47' N. lat., 146° 22.67' W. long., to a point on the south shore at 61° 05.13' N. lat., 146° 17.82' W. long.;

(X) [(P)] Allison Creek, Sawmill Creek, and the Alyeska Safety Zone: within 200 yards of the shore from Allison Point at 61° 05.16' N. lat., 146° 20.72' W. long., to a point west of Sawmill Creek at 61° 04.81' N. lat., 146° 27.32' W. long.;

(Y) [(Q)] Sawmill Bay, Valdez Arm: north of a line along 61° 03.14' N. lat., in the northern arm of the bay, and west of a line from 61° 03.14' N. lat., 146° 47.41' W. long., to 61° 02.74' N. lat., 146° 47.27' W. long., in the western arm of the bay;

5 AAC 24.350(4) is amended to read:

(4) Northern District:

(A) Long Bay: north of a line from 60° 59.09' N. lat., 147° 14.52' W. long.₂ to 60° 58.97' N. lat., 147° 13.17' W. long., north of a line from 60° 59.24' N. lat., 147° 16.35' W. long.₂ to 60° 59.26' N. lat., 147° 16.59' W. long., north of a line from 60° 59.14' N. lat., 147° 16.93' W. long.₂ to 60° 59.03' N. lat., 147° 17.32' W. long., and west of a line from 60° 58.46' N. lat., 147° 16.52' W. long.₂ to 60° 57.52' N. lat., 147° 16.56' W. long.;

(B) Granite Bay: east of a line from 60° 55.35' N. lat., 147° 24.24' W. long., to 60° 55.26' N. lat., 147° 24.19' W. long.;

(C) Cedar Bay: north of 60° 58.00' N. lat.;

(D) [(B)] Eaglek Bay: north of 60° 53.46' N. lat.;

(E) [(C)] Wells Bay: east of a line from 61° 00.59' N. lat., 147° 25.59' W. long.₂ to 61° 00.16' N. lat., 147° 25.48' W. long., and north of a line from 61° 00.17' N. lat., 147° 28.88' W. long.₂ to 61° 00.11' N. lat., 147° 29.31' W. long.;

(F) [(D)] Siwash Bay: west of a line from 60° 57.48' N. lat., 147° 39.73' W. long.₂ to 60° 56.97' N. lat., 147° 39.52' W. long.;

(G) [(E)] Jonah Bay: west of a line from 61° 00.82' N. lat., 147° 38.63' W. long.₂ to 60° 56.96' N. lat., 147° 38.51' W. long.;

(H) [(F)] Unakwik Inlet: within 1,000 yards of the terminus of all salmon streams north of 60° 51.97' N. lat.;

(I) Derickson Bay: west of a line from 60° 52.18' N. lat., 147° 48.43' W. long., to 60° 51.88' N. lat., 147° 48.48' W. long.;

(J) Schoppe Bay: east of 147° 39.55' W. long.;

5 AAC 24.350(5) is amended to read:

(5) Unakwik District:

(A) [IN] Unakwik Inlet; within 1,000 yards of the terminus of all salmon streams [IN THE DISTRICT] south of 61° 04.97' N. lat.;

(B) Miners Bay: east of a line from 61° 03.80' N. lat., 147° 30.27' W. long., to 61° 04.32' N. lat., 147° 29.94' W. long.;

5 AAC 24.350(6) is amended to read:

(6) Coghill District:

(A) Esther Passage: east of a line from 60° 51.49' N. lat., 147° 54.65' W. long., to 60° 52.36' N. lat., 147° 54.85' W. long.; and east of a line from 60° 54.20' N. lat., 147° 56.91' W. long., to 60° 53.83' N. lat., 147° 56.63' W. long.;

(B) Golden River: east of a line from 60° 57.76' N. lat., 148° 00.82' W. long., to 60° 58.76' N. lat., 147° 59.59' W. long.;

(C) Coghill River: north of a line from 61° 04.06' N. lat., 147° 57.01' W. long., to 61° 03.33' N. lat., 147° 55.62' W. long.;

(D) Barry Arm: north of a line from 61° 00.62' N. lat., 148° 05.61' W. long., to 61° 02.31' N. lat., 148° 07.00' W. long.;

(E) Harrison Lagoon: west of a line from 60° 59.37' N. lat., 148° 11.00' W. long., to 60° 58.14' N. lat., 148° 11.43' W. long.;

(F) Hobo Bay: north of a line from 60° 57.14' N. lat., 148° 13.13' W. long., to 60° 56.76' N. lat., 148° 14.02' W. long.;

(G) Bettles Bay: north and west of a line from 60° 56.42' N. lat., 148° 17.82' W. long., to 60° 56.76' N. lat., 148° 16.69' W. long.;

(H) Hummer Bay: north of a line from 60° 53.43' N. lat., 148° 17.42' W. long., to 60° 53.24' N. lat., 148° 18.31' W. long.;

(I) Pirate Cove: west of a line from 60° 52.54' N. lat., 148° 17.68' W. long., to 60° 52.07' N. lat., 148° 17.62' W. long.;

(J) Pigot Bay: west of a line from 60° 51.02' N. lat., 148° 20.97' W. long., to 60° 49.94' N. lat., 148° 21.92' W. long. [COLLEGE FIORD: WITHIN 500 YARDS OF THE TERMINUS OF COGHILL RIVER AND WITHIN THE COVE IMMEDIATELY NORTH OF THE COGHILL RIVER MOUTH];

5 AAC 24.350(7) is amended to read:

(7) Northwestern District:

(A) Logging Camp Bay: north of a line from 60° 49.36' N. lat., 148° 25.29' W. long., to 60° 49.79' N. lat., 148° 26.22' W. long.;

(B) [(A)] Blackstone Bay: south of a line from 60° 45.95' N. lat., 148° 29.56' W. long., to 60° 45.81' N. lat., 148° 26.61' W. long.;

(C) [(B)] Passage Canal (Shotgun Cove): south of a line from 60° 48.11' N. lat., 148° 33.08' W. long., to 60° 47.90' N. lat., 148° 32.09' W. long.;

(D) [(C)] Cochrane Bay: southwest of a line from 60° 39.61' N. lat., 148° 25.41' W. long., to 60° 38.11' N. lat., 148° 24.57' W. long., west of a line from 60° 43.76' N. lat., 148° 22.52' W. long., to 60° 41.45' N. lat., 148° 23.09' W. long., east of a line from 60° 39.96' N. lat., 148° 21.67' W. long., to 60° 39.33' N. lat., 148° 22.27' W.

long., and Surprise Cove west of a line from 60° 45.89' N. lat., 148° 22.02' W. long. to 60° 45.12' N. lat., 148° 22.31' W. long.;

(E) [(D)] Long Bay (Culross Passage): west of a line from 60° 41.87' N. lat., 148° 15.74' W. long. to 60° 41.61' N. lat., 148° 15.52' W. long.;

(F) [(E)] Port Nellie Juan (Mink Creek): northwest of a line from 60° 35.66' N. lat., 148° 13.82' W. long. to 60° 34.56' N. lat., 148° 16.47' W. long.; **and north of a line from 60° 33.61' N. lat., 148° 17.79' W. long., to 60° 33.90' N. lat., 148° 17.34' W. long.;**

(G) [(F)] East Finger Inlet: north of 60° 32.51' N. lat.;

(H) [(G)] West Finger Inlet: north of a line from 60° 34.16' N. lat., 148° 27.02' W. long. to 60° 34.11' N. lat., 148° 26.21' W. long.;

(I) Kings Bay: south of a line from 60° 28.27' N. lat., 148° 41.50' W. long., to 60° 27.81' N. lat., 148° 37.94' W. long.;

(J) Greystone Bay: south of a line from 60° 31.53' N. lat., 148° 26.16' W. long., to 60° 31.00' N. lat., 148° 25.58' W. long.;

(K) McClure Bay: south of a line from 60° 30.21' N. lat., 148° 10.95' W. long., to 60° 30.29' N. lat., 148° 09.61' W. long.;

5 AAC 24.350(9) is amended by adding new subparagraphs to read:

(G) Hogg Bay: north of a line from 60° 05.10' N. lat., 148° 12.05' W. long., to 60° 04.94' N. lat., 148° 11.75' W. long., and east of a line from 60° 04.32' N. lat., 148° 11.47' W. long., to 60° 04.01' N. lat., 148° 11.62' W. long.;

(H) Bainbridge Island: within the bay south of a line from 60° 07.58' N. lat., 148° 06.83' W. long., to 60° 07.80' N. lat., 148° 06.31' W. long.;

(I) Ikuta Bay: south of a line from 60° 06.58' N. lat., 148° 00.80' W. long., to 60° 06.60' N. lat., 148° 00.12' W. long.;

(J) Mummy Bay: north of a line from 60° 13.75' N. lat., 147° 49.12' W. long., to 60° 13.31' N. lat., 147° 48.57' W. long.;

(K) Thumb Bay: south and east of a line from 60° 12.83' N. lat., 147° 48.82' W. long., to 60° 12.61' N. lat., 147° 49.52' W. long.;

(L) Hogan Bay: north of 60° 12.00' N. lat.;

(M) Snug Harbor: west of 147° 45.55' W. long.;

5 AAC 24.350(10) is amended by adding a new subparagraph to read:

(H) Green Island: west of a line from 60° 18.19' N. lat., 147° 23.51' W. long., to 60° 18.19' N. lat., 147° 21.02' W. long., and east of a line from 60° 16.37' N. lat., 147° 26.51' W. long., to 60° 16.99' N. lat., 147° 26.07' W. long.;

5 AAC 24.350(11) is amended to read:

(11) Southeastern District:

(A) Port Etches: east of a line from 60° 21.09' N. lat., 146° 33.94' W. long., to 60° 20.06' N. lat., 146° 32.72' W. long., and south of a line from 60° 19.71' N. lat., 146° 34.11' W. long., to 60° 19.01' N. lat., 146° 35.62' W. long.;

(B) Constantine Harbor: within the harbor from 60° 21.25' N. lat., 146° 36.29' W. long., to 60° 21.04' N. lat., 146° 37.10' W. long.;

(C) Deer Cove (Hinchinbrook Island): east of a line from 60° 23.35' N.

lat., 146° 43.58' W. long., to 60° 23.81' N. lat., 146° 42.73' W. long.;

(D) Juania Cove (Hinchinbrook Island): east of a line from 60° 24.07'

N. lat., 146° 42.73' W. long., to 60° 24.70' N. lat., 146° 42.30' W. long.;

(E) Shelter Bay [,] (Hinchinbrook Island): east of a line from 60° 26.31' N.

lat., 146° 40.12' W. long., to 60° 25.66' N. lat., 146° 40.02' W. long.;

(F) [(D)] Anderson Bay: south of a line from 60° 28.24' N. lat., 146°

30.78' W. long., to 60° 28.42' N. lat., 146° 31.20' W. long.;

(G) Double Bay: south of a line from 60° 28.03' N. lat., 146° 29.11' W.

long., to 60° 28.26' N. lat., 146° 28.55' W. long., and south of a line from 60° 28.25'

N. lat., 146° 27.71' W. long., to 60° 28.02' N. lat., 146° 26.61' W. long.;

(H) [(E)] Hawkins Cutoff - Orca Inlet Area: south of a line from 60°

27.86' N. lat., 146° 19.72' W. long., to 60° 27.65' N. lat., 146° 21.39' W. long., and Orca

Inlet and Nelson Bay south and east of a line from Salmo Point to Shepard Point, and all of Orca Inlet southeast of Hawkins Island;

(I) [(F)] Canoe Passage: south of a line from 60° 31.18' N. lat., 146° 07.43'

W. long., to 60° 31.13' N. lat., 146° 07.07' W. long.;

(J) Windy Bay: south of a line from 60° 33.89' N. lat., 145° 57.69' W.

long., to 60° 33.71' N. lat., 145° 58.64' W. long.;

(In effect before 1985; am 5/11/85, Register 94; am 4/18/86, Register 98; am 4/9/89, Register 110; am 5/22/94, Register 130; am 5/24/97, Register 142; am 3/11/2001, Register 157; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 6/7/2009,

Register 241, April 2022 FISH AND GAME

Register 190; am 3/24/2012, Register 201; am 2/22/2015, Register 213; am 8/27/2016, Register 219; am 3/27/2022, Register 241)

Authority: AS 16.05.251

~~(((Publisher: Existing 5 AAC 24.350(3)(A) is unchanged, please keep as is)))~~

~~(((Publisher: Insert (bold/underline) commas where designated in 5 AAC 24.350(4)(A), otherwise the provision is unchanged)))~~

~~(((Publisher: Insert (bold/underline) commas where designated in 5 AAC 24.350(11)(A) and (B); otherwise, these provisions are unchanged)))~~

5 AAC 24.361(a) is amended to read:

(a) The department shall manage the Copper River commercial, sport, personal use, and subsistence fisheries to achieve a sustainable escapement goal of 21,000 – 31,000 [24,000 OR MORE] for king salmon. For the purposes of managing these fisheries, the department shall consider the best available information regarding harvest, age composition, and escapement, including escapement information obtained from mark-recapture studies, aerial surveys, or by other means.

((use normal dash instead of em dash))

(Eff. 5/24/97, Register 142; am 3/30/2000, Register 153; am 5/14/2000, Register 154; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 3/24/2012, Register 201; am 3/29/2015, Register 213; am 3/27/2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

5 AAC 24.366(b) is amended to read:

(b) The Solomon Gulch Hatchery Terminal Harvest Area consists of the waters of Port Valdez east of 146° 30.62' W. long., except for the closed waters described in 5 AAC 24.350(3)(V) - (X) [5 AAC 24.350(3)(N) - (P)].

(Eff. 3/29/87, Register 101; am 4/9/89, Register 110; am 5/22/94, Register 130; am 5/24/97, Register 142; am 5/11/2003, Register 166; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 24.367(b)(1) is amended to read:

(1) no portion of a drift gillnet may be operated within 30 [25] fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet;

(Eff. 4/9/89, Register 110; am 4/30/91, Register 118; am 5/22/94, Register 130; am 5/24/97, Register 142; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 3/24/2012, Register 201; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

Chapter 27. Herring Fishery.

Article 12. Bristol Bay Area (Registration Area T).

5 AAC 27.865(b)(5) is amended to read:

(5) after the herring spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the Togiak District herring fishery; the department shall manage for a removal of 30 percent of that surplus by the gillnet fleet and 70 percent by the purse seine fleet, except that the allocations in this subsection

shall be 20 percent by the gillnet fleet and 80 percent by purse seine fleet through December 31, 2022 [2021];

5 AAC 27.865(b)(8) is amended to read:

(8) through December 31, 2022 [2021], if the department's inseason projection of the Togiak District gillnet harvest is less than the guideline harvest level, the commissioner may reallocate 50 percent of the remaining gillnet guideline harvest level to the Togiak District purse seine fleet. (In effect before 1982; am 4/14/82, Register 82; am 4/28/84, Register 90; am 4/2/88, Register 105; am 4/7/90, Register 114; am 4/2/92, Register 122; am 4/5/2001, Register 158; am 6/22/2001, Register 158; am 4/9/2004, Register 170; am 4/21/2004, Register 170; am 3/30/2007, Register 181; am 4/16/2016, Register 218; am 5/31/2019, Register 230; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

Chapter 28. Groundfish Fishery.

Article 2. General Specifications.

5 AAC 28.051(a) is amended to read:

(a) Unless otherwise specified in this chapter, halibut may be taken only by hand troll gear, mechanical jigging machines, dinglebar troll gear, pots, and longlines.

5 AAC 28.051(b) is amended to read:

Register 241, April 2022 FISH AND GAME

(b) All commercial [LONGLINE OR SKATE GEAR] buoys or kegs must be marked with the permanent vessel license plate number of the vessel operating the gear.

5 AAC 28.051 is amended by adding a new subsection to read:

(c) A vessel registered for another pot fishery that has a pot limit in effect may not have on board or in the water more pots in the aggregate allowed in that fishery. (Eff. 7/30/89, Register 111; am 6/15/95, Register 134; am 5/31/98, Register 146; am 3/27/2022, Register 241)

Authority: AS 16.05.251

Article 5. Prince William Sound Area (Registration Area E).

5 AAC 28.267 is amended by adding a new subsection to read:

(k) An operator of a vessel participating in a parallel Pacific cod season in the Prince William Sound Area may not operate gear in any other registration area during the same trip. (Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 3/30/2000, Register 153; am 7/5/2000, Register 155; am 5/31/2001, Register 158; am 5/11/2003, Register 166; am 3/14/2009, Register 189; am 4/20/2012, Register 202; am 3/29/2015, Register 213; am 3/27/2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 28.271 is amended to read:

5 AAC 28.271. Landing requirements for Prince William Sound Area. (a) After 24 hours following the closure of any directed groundfish season within the Prince William Sound Area, a vessel that participated in that fishery may not have that species of groundfish on board unless

(1) that species has been designated as bycatch for another directed fishery and the amount on board is permissible under retained bycatch restrictions specified in regulation; or

(2) the vessel has been delayed due to extraordinary circumstances beyond the control of the vessel operator, and the vessel operator has contacted a local representative of the department within 24 hours following the closure of the season and the representative has granted a reasonable amount of time for the vessel to reach the port of delivery or processing location; any amount of additional time shall be determined under the assumption that the vessel departed the fishing grounds immediately after the closure and proceeded directly to the port of delivery or processing location.

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

(1) vessel name and ADF&G number;

(2) date and location of landing, and estimated time of arrival;

(3) name of fish buyer or processor;

(4) estimated number of pounds of lingcod on board the vessel. (Eff. 4/4/97,

Register 142; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.251

Register 241, April 2022 FISH AND GAME

5 AAC 28.272 is amended by adding a new subsection to read:

(g) An operator of a vessel retaining sablefish in federal waters may not operate gear in state waters of the Prince William Sound Area during the same trip. (Eff. 3/30/2003, Register 165; am 3/14/2009, Register 189; am 3/29/2018, Register 225; am 3/27/2022, Register 241)

Authority: AS 16.05.251

Chapter 34. King Crab Fishery.

Article 7. Registration Area E (Prince William Sound).

5 AAC 34.217. Guideline harvest range for Registration Area E. The guideline harvest range for golden king crab is 0 - 60,000 ^{((em dash))} [40,000^m-60,000] pounds. (Eff. 7/23/88, Register 107; am 8/14/2005, Register 175; am 3/27/2022, Register 241)

Authority: AS 16.05.251

Chapter 35. Tanner Crab Fishery.

Article 7. Registration Area E (Prince William Sound).

5 AAC 35.305 is repealed and readopted to read:

5 AAC 35.305. Description of Registration Area E districts. (a) Northeastern District: all waters north of a line at 60° 30' N. lat., from a point on Hawkins Island at 146° 19.50' W. long., west to 147° 40' W. long., and east of 147° 40' W. long., and south of 60° 48.50' N. lat., and including waters south of a line from the southeastern point of Bligh Island at 60° 48.80' N. lat.,

146° 43.30' W. long., to Bidarka Point at 60° 49.14' N. lat., 146° 38.45' W. long., and waters west of Salmo Point at 145° 45.70' W. long., north of Hawkins Island.

(b) Central District: all waters north of a line from the west side of Montague Island to the east side of Latouche Island at 60° N. lat., and east of a line from Point Grace at the northernmost tip of Latouche Island at 60° 04.80' N lat., 147° 51' W long., to Point Helen at the southernmost tip of Knight Island at 60° 09.30' N. lat., 147° 46' W. long., and including waters on the east side of Knight Island, and south of a line at 60° 30' N. lat., from Knight Island at 147° 42' W. long., to Hawkins Island at 146° 19.50' W. long., and west of a line from that point on Hawkins Island to a point on Hinchinbrook Island at 60° 28.80' N. lat., and 146° 23' W. long., and north of a line at 60° 20.60' N. lat., from Bear Cape on Hinchinbrook Island to Middle Point on Montague Island.

(c) Southwestern District: all waters east of a line from Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N. lat., then west to 149° W. long., then south along 149° W. long., and west of a line drawn south from Cape Cleare at 147° 54' W. long., and those waters southwest of a line running from Point Countess at 60° 12.90' N. lat., 148° 05.30' W. long., to Bainbridge Point at 60° 12' N. lat., 148° 03' W. long., to Evans Point at 60° 07.90' N. lat., 147° 54.80' W. long., and to Point Grace at 60° 04.80' N. lat., 147° 51' W long., and including those waters south of the Central District at 60° N. lat.

(d) Southeastern District: all waters west of the longitude of Cape Suckling at 144° W. long., south of the Northeastern and Central districts, and east of the Southwestern District.

(e) Northwestern District: all waters north and west of the Northeastern, Central, and Southwestern Districts. (In effect before 1988; am 7/23/88, Register 107; am 9/29/96, Register

Register 241, April 2022 FISH AND GAME

139; am 3/11/2001, Register 157; am 6/27/2014, Register 210; am 3 / 27 / 2022,
Register 241)

Authority: AS 16.05.251

5 AAC 35.306(a) is amended to read:

(a) Registration Area E is **an exclusive** [A SUPEREXCLUSIVE] registration area.

5 AAC 35.306(b) is amended to read:

(b) A Tanner crab vessel must be registered under 5 AAC 35.020 no later than **15** [30] days before the scheduled opening date of the commercial Tanner crab season. (Eff. 9/29/96, Register 139; am 7/22/2017, Register 223; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.251

5 AAC 35.308 is repealed and readopted to read:

5 AAC 35.308. Registration Area E Tanner crab harvest strategy. (a) In the Prince William Sound Area an estimate of the abundance of mature male Tanner crab (T_M) for each district will be used to establish a guideline harvest level (GHL) for legal size male Tanner crab (T_L), if the current estimated abundance of T_M is above the minimum stock threshold for opening a fishery, as follows:

(1) the commercial fishery may open in the Northeastern District only if T_M is greater than or equal to 217,800 crab; the GHL will be determined as follows:

(A) the GHL for T_L may not exceed 10 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 217,800 but less than 326,700 crab;

(B) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 326,700 but less than 435,700 crab;

(C) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 435,700 crab;

(D) the GHL for T_L may not exceed 20 percent of T_L abundance;

(E) the GHL for T_L may be reduced, or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_M to fall below the minimum threshold;

(2) the commercial fishery may open in the Central District only if the current estimated abundance of T_M is greater than or equal to 246,700 crab; the GHL will be determined as follows:

(A) the GHL for T_L may not exceed 10 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 246,700 but less than 370,100 crab;

(B) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 370,100 but less than 493,500 crab;

(C) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 493,500 crab;

(D) the GHL for T_L may not exceed 20 percent of T_L abundance;

(E) the GHL for T_L may be reduced, or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_M to fall below the minimum threshold;

(3) the commercial fishery may open in the Southwestern District only if the current estimated abundance of T_M is greater than or equal to 327,000 crab; the GHL will be determined as follows:

(A) the GHL for T_L may not exceed 10 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 327,000 but less than 490,400 crab;

(B) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_M if T_M abundance is greater than or equal to 490,400 but less than 653,900 crab;

(C) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_M if T_M is greater than or equal to 653,900 crab;

(D) the GHL for T_L may not exceed 20 percent of T_L abundance;

(E) the GHL for T_L may be reduced or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_M to fall below the minimum threshold;

(4) in the Northwestern and Southeastern Districts, if there is adequate data available, the department shall determine if there is a harvestable surplus of Tanner crab for the Northwestern and Southeastern Districts, and either district may open.

(b) In implementing this harvest strategy, the board directs the department to use the best scientific information available and to consider the reliability of estimates of Tanner crab C.

bairdi, the manageability of the fishery, and any other factors the department determines necessary to be consistent with the sustained yield principle.

(c) For the purposes of this section:

(1) "T_M" means male Tanner crab that are 4.4 inches (113 mm) or greater in carapace width, that is the size of mature male Tanner crab in the Prince William Sound Area;

(2) "T_L" means male Tanner crab that are 5.0 inches (127 mm) or greater in carapace width, that is the legal size of Tanner crab allowed to be retained for harvest in the Prince William Sound Area;

(3) "GHL" means guideline harvest level.

(d) If a commercial fishery opens under this section in any district, a sport fishery will open in the same district as provided in 5 AAC 55.022(b)(3). (Eff. 3/27 2022,

Register 241)

Authority: AS 16.05.251

5 AAC 35.310 is amended to read:

5 AAC 35.310. Fishing seasons for Registration Area E. (a) In Registration Area E [THE NORTHERN AND HINCHINBROOK DISTRICTS], male Tanner crab may be taken only from January 15 until April 15 [MARCH 31], during periods established by emergency order.

(b) If the opening day National Weather Service forecast for the following 48 hours for Prince William Sound, as defined by the National Weather Service as PKZ125, contains a gale warning, the season opening in all districts shall be delayed 24 hours. If after the initial weather delay, the 4:00 a.m. National Weather Service forecast for the current day

Register 241, April 2022 FISH AND GAME

and night or the following day and night again contains a gale warning, the season opening in all districts shall be delayed an additional 24 hours. The season opening delays may continue for seven days, after which time the season shall be opened regardless of any gale warning in the National Weather Service forecasts. (In effect before 1981; am 6/28/81,

Register 78; am 6/30/83, Register 86; am 7/23/88, Register 107; am 9/29/96, Register 139; am 8/8/99, Register 151; am 7/22/2017, Register 223; am 3 / 27 / 2022, Register 241)

Authority: AS 16.05.251

5 AAC 35.311 is repealed:

5 AAC 35.311. Commissioner's permits for Tanner crab in Registration Area E.

Repealed. (Eff. 7/22/2017, Register 223; repealed 3 / 27 / 2022, Register 241)

5 AAC Chapter 35 is amended by adding a new section to read:

5 AAC 35.312. Closed waters in Registration Area E. The following waters are closed

to the taking of Tanner crab:

(1) Port Valdez: north of 61° 01.00' N. lat.;

(2) Galena Bay: east of a line from 60° 57.63' N. lat., 146° 45.17' W. long., to 60°

58.41' N. lat., 146° 43.34' W. long.;

(3) Port Fidalgo: north of a line from Porcupine Point at 60° 44.62' N. lat., 146°

42.08' W. long., to Bidarka Point at 60° 49.14' N. lat., 146° 38.45' W. long.;

(4) Port Gravina: north of a line from Gravina Point at 60° 37.37' N. lat., 146° 15.22' W.

long., to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long. (Eff. 3 / 27 / 2022,

Register 241)

(additional 0.5" 1st line indent)

Authority: AS 16.05.251

Part 2. Sport Fishing and Personal Use Fishery.

Chapter 52. Upper Copper River and Upper Susitna River Area.

5 AAC 52.022(a)(4)(A) is amended to read:

(A) greater than 16 inches in length; bag and possession limit of three fish

except that the daily bag limit for sockeye salmon greater than 16 inches in length is

three fish and the possession limit is six fish;

(Eff. 5/4/94, Register 130; am 5/5/94, Register 131; am 4/11/97, Register 142; am 7/8/99, Register 151; am 3/16/2000, Register 153; am 5/11/2003, Register 166; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 3/24/2012, Register 201; am 2/23/2014, Register 209; am 2/22/2015, Register 213; am 3/29/2018, Register 225; am 6/28/2019, Register 230; am 3/27 2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 52.023(9)(A) is amended to read:

(A) from June 1 - July 31, only single hook, artificial flies, with a gap that does not exceed three quarters inch between the point and shank, may be used in that portion of the Gulkana River downstream from the upstream edge of the Richardson Highway Bridge to an ADF&G regulatory marker located approximately 500 yards downstream of the confluence with the Copper River; additional weight may only be used 18 inches or more ahead of the fly;

Register 241, April 2022 FISH AND GAME

5 AAC 52.023(9)(C)(iii) is amended to read:

(iii) the bag and possession limit for Arctic grayling is two fish,
with no size limit [OF WHICH ONLY ONE MAY BE 14 INCHES OR
GREATER IN LENGTH];

5 AAC 52.023(9)(D)(iv) is repealed:

(iv) repealed 3 / 27 / 2022;

5 AAC 52.023(9)(E)(iii) is repealed:

(iii) repealed 3 / 27 / 2022;

5 AAC 52.023(9)(F)(iii) is repealed:

(iii) repealed 3 / 27 / 2022;

5 AAC 52.023(9)(G)(ii) is repealed:

(ii) repealed 3 / 27 / 2022;

5 AAC 52.023(9)(H)(iv) is repealed:

(iv) repealed 3 / 27 / 2022;

5 AAC 52.023(18)(E) is repealed:

(E) repealed 3 / 27 / 2022;

Register 241, April 2022 FISH AND GAME

5 AAC 52.023(20)(F) is amended to read:

(F) the bag and possession limit for Arctic grayling is two fish, **with no size limit** [OF WHICH ONLY ONE MAY BE 14 INCHES OR GREATER IN LENGTH];

(Eff. 5/11/2003, Register 166; am 5/19/2004, Register 170; am 3/30/2006, Register 177; am 4/24/2009, Register 190; am 3/24/2012, Register 201; am 7/13/2012, Register 203; am 2/22/2015, Register 213; am 3/29/2015, Register 213; am 3/29/2018, Register 225; am 3 / 21 / 2022, Register 241)

Authority: AS 16.05.060 AS 16.05.251

Chapter 55. Prince William Sound Area.

5 AAC 55.022(a) is amended by adding a new paragraph to read:

(12) lake trout: may be taken from January 1 - December 31; bag and possession limit of two fish; no size limit;

5 AAC 55.022(b)(3)(E) is amended to read:

(E) the Tanner crab sport fishery will only occur as provided in **5 AAC 35.308(d)** [5 AAC 35.308(c)(5)];

(Eff. 5/4/94, Register 130; am 9/5/97, Register 143; am 3/16/2000, Register 153; am 7/5/2000, Register 155; am 9/30/2000, Register 155; am 5/11/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 3/30/2006, Register 177; am 7/1/2006, Register 178; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/24/2012, Register 201; am 6/1/2013, Register 206; am 3/29/2015, Register 213; am 7/22/2017, Register 223; am 3/29/2018, Register

Register 241, April 2022 FISH AND GAME

225; am 8/10/2018, Register 227; am 6/28/2019, Register 230; am 3/27/ 2022,

Register 241)

Authority: AS 16.05.060 AS 16.05.251

((Note to Publisher: please change period at the end of 5 AAC 55.022(a)(11) to a semicolon))

MEMORANDUM


State of Alaska
Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: February 24, 2022

File No.: 2021200476

Tel. No.: 465-3600

From: Rebecca C. Polizzotto 
Chief Assistant Attorney General
and Regulations Attorney
Legislation, Regulations, and
Legislative Research Section

Re: Board of Fisheries regulations re:
November 30 - December 6, 2021
meeting, finfish and shellfish
fisheries in Prince William Sound,
Upper Copper River, and Upper
Susitna River (5 AAC 01; 5 AAC 02;
5 AAC 24; 5 AAC 27; 5 AAC 28;
5 AAC 34; 5 AAC 35; 5 AAC 52;
5 AAC 55)

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, adopted at the Board of Fisheries meeting of November 30 - December 6, 2021 meeting in Cordova, concern finfish and shellfish fisheries in Prince William Sound, the Upper Copper River, and the Upper Susitna River.

So that the regulations can have an effective date of April 30, 2022, tied to the corresponding fishing seasons, we request that the regulations be filed not later than March 31, 2022.

The October 31, 2021 public notice and the February 18, 2022 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.

RCP:scw

Honorable Kevin Meyer, Lieutenant Governor
File No. 2021200476

February 24, 2022
Page 2 of 2

Cc w/ enclosure: Shellene Hutter, Regulations Contact
Department of Fish & Game

Aaron Peterson, Senior Assistant Attorney General
Department of Law




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

ALASKA BOARD OF FISHERIES

**DELEGATION OF AUTHORITY UNDER AS 16.05.270
TO THE COMMISSIONER TO ADOPT REGULATIONS FOR ESCAPEMENT
GOAL LANGUAGE IN 5 AAC 24.361 COPPER RIVER KING SALMON
MANAGEMENT PLAN
2021-302-FB**

Under the authority of AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of the Department of Fish and Game (department) authority under AS 16.05.251 to consider and, at the commissioner's discretion, adopt regulatory changes related to the escapement goal number in 5 AAC 24.361 *Copper River King Salmon Management Plan* in accordance with the Administrative Procedure Act (AS 44.62). The regulation contains a specific sustainable escapement goal number for king salmon of 24,000. However, the department sets sustainable escapement goals which may change over time based on new data or information since the previous escapement goal review, and in this case it has changed. Having a sustainable escapement goal in regulation which is no longer current causes confusion for the public and department.

VOTE: 6-0 (Walton absent)
Date Adopted: December 6, 2021
Cordova, Alaska



Marit Carlson-Van Dort, Chairman
Alaska Board of Fisheries

ADDED BY SLH: THIS TEXT IS NOT ON THE ORIGINAL DOA

Tom Taube discussed this and the Board is on the record at 9:08am on 12/26/2021 that the number of salmon will be changed to 21,000 - 31,000 and the 24,000 or more language will be removed.

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:

- I. IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES FOR ALL REGIONS STATEWIDE INCLUDING SOUTHEAST, YAKUTAT, PRINCE WILLIAMS SOUND, COOK INLET, KODIAK, WESTWARD, AND ARCTIC; AND STATEWIDE SHELLFISH GENERAL PROVISIONS FISHERIES:
 - 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 Prince William Sound/Upper Susitna and Copper Rivers Finfish and Shellfish (except shrimp) meeting in Cordova, November 30-December 6, 2021:
 - A. IN THE STATEWIDE GENERAL PROVISIONS COMMERCIAL FISHERY: Include pots as lawful gear for commercial halibut fishing (*newly assigned Proposal 278, formerly ACR #1*).
 - B. IN THE KUSKOKWIM AREA SUBSISTENCE FISHERY: Extend Kuskokwim River subsistence salmon fishing permit sunset date one year (*newly assigned Proposal 279, formerly ACR #3*).
 - C. IN THE BRISTOL BAY AREA COMMERCIAL FISHERY: Extend Bristol Bay Herring Management Plan sunset dates one year (*newly assigned Proposal 280, formerly ACR #4*).
3. The following topics are added to the Cook Inlet, Kodiak, Westward, Arctic Shellfish and Shellfish General Provisions, Prince William Sound Shrimp and Supplemental Issues meeting in Anchorage March 11-18, 2022:
 - A. IN THE STATEWIDE GENERAL PROVISIONS FOR THE COLLECTION, TRANSPORTATION, POSSESSION, PROPAGATION, OR RELEASE OF AQUATIC ORGANISMS; AQUATIC FARMING: Allow importation of live oysters from the Pacific Coast of North America for research purposes (*newly assigned Proposal 281, formerly ACR #2*).
 - B. IN THE ALASKA PENINSULA AREA COMMERCIAL FISHERY: Modify commercial salmon fisheries opening dates and times in the *South Unimak and Shumagin Islands June Salmon Management Plan*, and the *Post-June Salmon Management Plan* for the South Alaska Peninsula. (*newly assigned Proposal 282, formerly ACR #7*).
 - C. IN THE COOK INLET AREA COMMERCIAL FISHERY: Amend the *Kenai River Late-Run King Salmon Management Plan* to allow fishing with set gillnet gear within 600 feet of the mean high tide mark in the Upper Subdistrict when sonar passage of large late-run Kenai River king salmon exceeds 13,500 fish, and Kenai and Kasilof river sockeye salmon escapement objectives are being met. (*newly assigned Proposal 283, formerly BGP #1*).

At its 2021 Work Session, the board changed the meeting dates for the 2022 Work Session and Pacific cod meeting from October 20-23, 2022, to October 25-28, 2022, and the 2023 Alaska Peninsula meeting from February 17-22, 2023, to February 20-25, 2023. The department requested consideration of a date change for the 2024 Kodiak Finfish meeting which the board agreed to revisit at the 2022 Southeast Finfish meeting. The board requests interested public provide written comment on preferred meeting dates for the 2024 Kodiak Finfish meeting.

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

Prince William Sound Finfish and Shellfish (except Shrimp)

November 30-December 6, 2021
Cordova Convention Center, Cordova
Comment deadline: November 15, 2021

Southeast and Yakutat Finfish & Shellfish

January 4-15, 2022
Ted Ferry Civic Center, Ketchikan
Comment deadline: December 22, 2021

Cook Inlet, Kodiak, Westward, Arctic Shellfish, Prince William Sound Shrimp, Statewide Shellfish General Provisions and Supplemental Issues

March 11-18, 2022 (Note: meeting days extended)
Egan Civic and Convention Center
Comment deadline: February 24, 2022

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.**

COVID-19 Mitigation Plan. During its 2020/2021 meeting cycle, due to the COVID-19 global pandemic the board postponed its regulatory meetings to 2021/2022. In 2021/2022 meeting cycle, it is the intent to conduct the postponed meetings in-person. At this time it is difficult to predict what complications related to COVID-19 will persist for the meetings.

Individuals wishing to attend in-person meetings are advised ADF&G will employ a COVID-19 mitigation plan. The plan will allow for a range of mitigation measures depending on the status of COVID-19 in the state and meeting community. The plan may involve participant registration and

agreement to abide by mitigation measures at the meeting. The mitigation plan was published prior to the October 2021 work session and ADF&G will communicate with interested participants leading up to and during the meeting.

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

October 28, 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 PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES FOR ALL REGIONS STATEWIDE INCLUDING SOUTHEAST, YAKUTAT, PRINCE WILLIAMS SOUND, COOK INLET, KODIAK, WESTWARD, AND ARCTIC; AND STATEWIDE SHELLFISH GENERAL PROVISIONS FISHERIES
 3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
 4. Department of Law file number (if any):
 - 2021-20-0476 Parts 1 and 2 – Prince William Sound, Upper Copper River and Upper Susitna River, Finfish and Shellfish (except shrimp)
 - 2020-20-0464 Parts 1 and 2 – Southeast and Yakutat Finfish and Shellfish
 - 2020-20-0465 – Statewide Shellfish (including PWS shrimp) 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: October 28, 2021
- Prepared by:
Glenn Haight, Executive Director
Alaska Board of Fisheries
(907) 465-4110

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 for Prince William Sound subsistence, sport and commercial fisheries as well as supplemental issues including date extensions in existing regulations elsewhere in the state 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.

1/20/2022

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, under penalty of perjury, state the following:

From November 30th – December 6th, at The Cordova Center located at 601 1st Street, Cordova, Alaska 99574, 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 for Prince William Sound subsistence, sport and commercial fisheries as well as supplemental issues including date extensions in existing regulations elsewhere in the state.

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: 1/20/2022

DocuSigned by:

D8539D35329D4DD...

Glenn Haight, Executive Director
Alaska Board of Fisheries

State of Alaska
Juneau, AK

