

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




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

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: February 24, 2023

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries regulations re: Shellfish and Groundfish Fisheries in the Arctic,
Yukon, Kuskokwim regions - Board Meeting January 2023 (Part 1) (5 AAC 01 - 99)

Attorney General File:	2022200304
Regulation Filed:	2/24/2023
Effective Date:	3/26/2023
Print:	245, April 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

February 24, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Re: *5 AAC 01-99, Board of Fisheries - Arctic/Yukon/Kuskokwim Finfish Board Meeting January 2023 (Part 1)*

Our file: 2022200304

Dear Lieutenant Governor Dahlstrom:

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 letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Fisheries after the close of the public comment period.

The regulations concern changes to rules for shellfish fisheries in the Alaska Peninsula and groundfish fisheries in Prince William Sound.

The September 12, 2022 public notice and the January 25, 2023 order certifying changes 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 incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto** Digitally signed by
Rebecca C. Polizzotto
Date: 2023.02.24
07:48:34 -09'00'

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

RCP/ehp

CC w/enclosure: Shellene Hutter, Regulations Contact
Department of Fish and Game

Aaron Peterson, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

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


The attached ³ pages of regulations, changes to 5 AAC for shellfish fisheries in the Alaska Peninsula and groundfish fisheries in Prince William Sound are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its public hearing held from January 14th – 18th, 2023 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.

DATE: 1/25/2023
Juneau, Alaska

DocuSigned by:

92C56FF6318F4E1...

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

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on February 24, 2023 at 3:05 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for April Simpson
Nancy Dahlstrom, Lieutenant Governor
State of Alaska

Effective: March 26, 2023.

Register: 245, April 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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, 2022.



Nancy Dahlstrom
.....

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Title 5. Fish and Game.

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

Chapter 28. Groundfish Fishery.

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

5 AAC 28.230(c) is amended to read:

(c) A groundfish pot may [NOT] be attached to a line connected to another groundfish pot. **Groundfish** [, EXCEPT THAT IN THE PRINCE WILLIAM SOUND SABLEFISH FISHERY GROUND FISH] pots may be connected if each end of the buoy line is marked as specified in (d) of this section.

5 AAC 28.230(d) is amended to read:

(d) **Groundfish pots must have the following:**

(1) at [AT] least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the **groundfish pot** gear; **the** [. THE] buoy may bear only **the** [A SINGLE] number [- THAT] of the vessel operating the gear; **the** [. THE] number must be placed on the top **one-half** [ONE-THIRD] of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; **the** [. THE] buoy markings must be visible on the buoy above the **water's** [WATER] surface when the buoy is attached to the groundfish pot;

(2) each end of a groundfish pot longline must have a buoy attached and each buoy must be marked with the permanent ADF&G vessel license plate number of the vessel

Register 245, April 2023 FISH AND GAME

operating the groundfish longlined pot gear; each buoy must have the letters LP to designate the gear as longlined groundfish pot gear and each buoy may bear only the number of the vessel operating the gear; the numbers and letters must be marked on the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of each buoy; all buoy markings must be visible on the buoys above the water's surface when the buoy is attached to the longlined pot gear; for the purposes of this subsection, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line.

(Eff. 7/30/89, Register 111; am 4/7/93, Register 126; am 5/22/94, Register 130; am 4/4/97, Register 142; am 5/31/98, Register 146; am 7/5/2000, Register 155; am 7/1/2006, Register 178; am 7/20/2006, Register 179; am 3/24/2012, Register 201; am 3/29/2015, Register 213; am 3/29/2018, Register 225; am 3 / 20 / 2023, Register 245)

Authority: AS 16.05.251

Chapter 32. Dungeness Crab Fishery.

Article 9. Registration Area J (Westward).

5 AAC 32.406 is amended by adding a new subsection to read:

(b) In the North Peninsula District, the registration deadline is April 1. Vessels must register with the department not later than April 1 to participate in the fishery. Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Dungeness crab that references the vessel's ADF&G license plate number and file a registration form with the department. The registration form must identify the vessel and vessel

Register 245, April 2023 FISH AND GAME

operator and must be received in person or by mail, electronic mail, or facsimile, at the department office in Dutch Harbor or Kodiak. (Eff. 5/8/98, Register 146; am 7/5/2000, Register 155; am 7/13/2012, Register 203; am 3 / 26 / 2023, Register 245)

Authority: AS 16.05.251

((Publisher – please add (a) to first subsection)))

5 AAC 32.425(b) is amended by adding a new paragraph to read:

(3) in the North Peninsula District, the department will establish the individual vessel pot limit after the April 1 registration deadline; if five vessels or fewer are validly registered by the registration deadline, the pot limit will be 750 pots per vessel; if more than five vessels are validly registered by the registration deadline, the pot limit will be 500 pots per vessel.

(In effect before 1979; am 6/30/79, Register 70; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/1/2015, Register 214; am 9/25/2022, Register 243; am 3 / 26 / 2023, Register 245)

Authority: AS 16.05.251

((Publisher – please move “and” to appropriate penultimate paragraph)))