

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: March 22, 2024

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries regulations re: Kodiak Finfish Board Meeting January 2024 (5 AAC 01.525 - 5 AAC 64.070)

Attorney General File: 2024200081

Regulation Filed: 3/22/2024

Effective Date: 4/21/2024

Print: 250, July 2024

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

March 21, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *5 AAC 01.525 – 5 AAC 64.070: Board of Fisheries - Kodiak*
Our file: 2024200081

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 subsistence, commercial, and sport harvests of finfish in the Kodiak region.

These regulations are tied to the start of the 2024 fishing season in early summer and to the pre-season publication of regulations summaries for fishermen's use. Accordingly, we respectfully request that these regulations be filed as soon as possible.

The October 23, 2023 public notice, the December 6, 2023 supplemental public notice, and the February 23, 2024 certification of adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. 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: 2024.03.21
14:43:59 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/SCW

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 9 pages of regulations, changes to 5 AAC for subsistence, sport and commercial fisheries occurring in the Kodiak area 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 9th – 12th in Kodiak, 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: 2/23/2024
Anchorage, Alaska

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

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 March 22, 2024 at 3:23 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: April 21, 2024
Register: 250, July 2024

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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 01. Subsistence Finfish Fishery.

5 AAC 01.525(12) is amended to read:

(12) **all waters within the Northeast Arm of Kazakof Bay (Danger Bay) north and east of a line bound by a point on the west shore at 58° 12.55' N. lat., 152° 34.30' W. long., and a point on the east shore at 58° 12.47' N. lat., 152° 33.93' W. long** [FROM MAY 1 THROUGH JULY 5, ALL WATERS OF MONASHKA BAY WEST OF A LINE FROM TERMINATION POINT TO MILLER POINT]. (In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; readopt 5/13/93, Register 126; am 6/15/96, Register 138; am 5/29/99, Register 150; am 5/4/2002, Register 162; am 4/15/2017, Register 222; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.251 AS 16.05.258

Chapter 18. Kodiak Area.

5 AAC 18.331(a) is amended to read:

(a) Except as provided in (e) of this section, a CFEC permit holder may operate no more than two set gillnets [,] with no more than 150 fathoms of set gillnet in the aggregate, **except that in the Central Section of the Northwest Kodiak District, the aggregate length may be no more than 175 fathoms.**

5 AAC 18.331(c) is amended to read:

(c) Set gillnets must be operated in substantially a straight line, except that no more than

Register 250, July 2024 FISH AND GAME

50 [24] fathoms of a set gillnet may be used as a hook. A hook may be used in any configuration. (In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 5/31/85, Register 94; am 6/2/88, Register 106; am 4/19/90, Register 114; am 7/23/94, Register 131; am 10/18/96, Register 140; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 5/1/2014, Register 210; am 4/15/2017, Register 222; am 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.251

5 AAC 18.332(a) is amended to read:

(a) **A** [NO] purse seine or hand purse seine may **not** be less than 100 fathoms or more than **250** [200] fathoms in length. **A** [NO] seine may **not** be less than 100 meshes or more than 325 meshes in depth. At least 50 fathoms of a seine must be 150 meshes in depth.

(In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 4/19/90, Register 114; am 4/14/93, Register 126; am 3/16/96, Register 137; am 5/29/99, Register 150; am 4/9/2005, Register 174; am 6/28/2019, Register 230; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.251

5 AAC 18.362(d)(3) is amended to read:

(3) from approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the Southwest Afognak Section and the Northwest Kodiak District, **or based on pink salmon returning to the Karluk system**; from July 6 through July 25, the section must also be managed according to 5 AAC 18.363(c), the North Shelikof Management Plan;

5 AAC 18.362(e)(1) is amended to read:

(1) from June 1 through July 15, based on early-run sockeye salmon returning to the Karluk system; the commissioner may **only** open [,] by emergency order [,] fishing periods in the Inner Karluk Section [ONLY] if the department determines that the midpoint of the early-run escapement goal range will be achieved; in the Outer Karluk Section, from June 16 through approximately July 15, the commissioner **may** [SHALL] open fishing periods to occur at the same time as open fishing periods in the Central Section;

The introductory language of 5 AAC 18.362(f)(3) is amended to read:

(3) from approximately July 16 through **August 15** [AUGUST 24],

• • •

5 AAC 18.362(f)(3)(A)(ii) is amended to read:

(ii) on even-year cycles, based on late-run sockeye [AND ON PINK] salmon returning to the Karluk system **and on pink salmon returning to the Sturgeon system;**

5 AAC 18.362(f)(3)(B) is amended to read:

(B) in the Halibut Bay Section

(i) on odd-year cycles, from approximately July 16 through July 31 on late-run sockeye salmon returning to the Ayakulik system, and from approximately August 1 through **August 15** [AUGUST 24] on late-run sockeye salmon returning to the Karluk system;

(ii) on even-year cycles, from approximately July 16 through July 31 on late-run sockeye salmon and pink salmon returning to the Ayakulik system, and from approximately August 1 through **August 15** [AUGUST 24] on late-run sockeye salmon returning to the Karluk system and on pink salmon returning to the Ayakulik system;

5 AAC 18.362(f)(4) is amended to read:

(4) **from approximately August 16 through August 24,**

(A) in the Sturgeon section

(i) on odd-year cycles based on late run sockeye salmon returning to the Karluk system;

(ii) on even-year cycles based on late run sockeye salmon returning to the Karluk system and pink salmon returning the Sturgeon system;

(B) in the Halibut Bay section

(i) on odd-year cycles based on late run sockeye salmon returning to the Karluk system;

(ii) on even-year cycles based on late run sockeye salmon returning to the Karluk system and pink salmon returning the Ayakulik system;

(5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and

Register 250, July 2024 FISH AND GAME

(6) [(5)] after approximately September 5, based on coho salmon returning to local coho salmon systems.

(Eff. 4/19/90, Register 114; am 5/4/2002, Register 162; am 4/9/2005, Register 174; am 4/15/2017, Register 222; 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Chapter 27. Herring Fishery.

5 AAC 27.510(a)(1) is amended to read:

(1) [FROM APRIL 1 THROUGH MAY 7] fishing periods for purse seines are from 9:00 a.m. [12:00 NOON] until 9:00 p.m. [ON ODD-NUMBERED DAYS, AND FROM 9:00 A.M. UNTIL 12:00 NOON ON EVEN-NUMBERED DAYS IF A HARVESTABLE SURPLUS IS AVAILABLE; FROM MAY 8 THROUGH JUNE 30, FISHING PERIODS FOR PURSE SEINES ARE FROM 12:00 NOON UNTIL 10:00 P.M. ON ODD-NUMBERED DAYS, AND FROM 9:00 A.M. UNTIL 12:00 NOON ON EVEN-NUMBERED DAYS IF A HARVESTABLE SURPLUS IS AVAILABLE];

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 3/30/96, Register 137; am 5/31/98, Register 146; am 5/29/99, Register 150; am 4/16/2000, Register 154; am 4/9/2005, Register 174; am 4/25/2008, Register 186; am 4/24/2009, Register 190; am 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Chapter 28. Groundfish Fishery.

5 AAC 28.467(f)(1) is amended to read:

(1) **less than 10.2 percent of** [THE COMMISSIONER DETERMINES THAT] the mechanical jigging machine and hand troll gear guideline harvest level allocation **has been** [WILL NOT BE] taken **through March 25** [BY JUNE 10], the commissioner **shall** [MAY] reopen a state-waters season at 12:00 **p.m.** [NOON] on April 1 and allow 50 percent of the remaining jig gear allocation, as of March 25, to be harvested by vessels using **pot or jig** [ALL LEGAL] gear; **the state-waters season reopened under this paragraph for vessels using pot gear will close when 50 percent of the remaining jig gear allocation as of March 25 has been taken by vessels using pot gear or August 28, whichever occurs first;**

(Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 7/21/99, Register 151; em am 11/24/99 - 2/29/2000, Register 152; am 7/5/2000, Register 155; am 5/31/2001, Register 158; am 3/31/2002, Register 161; am 4/20/2012, Register 202; am 2/23/2014, Register 209; am 4/15/2017, Register 222; am 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Chapter 64. Kodiak Area.

5 AAC 64.022(b)(6)(C) is repealed:

(C) repealed 4 / 21 / 2024;

The introductory language of 5 AAC 64.022(b)(8) is amended to read:

(8) in the Kodiak Road Zone, from September 16 - December 31, the bag and possession limit for coho salmon [,] 20 inches or greater in length [,] is one fish, except that in the following [STOCKED] waters the bag and possession limit for coho salmon [,] 20 inches or greater in length [,] is two fish:

5 AAC 64.022(b)(8) is amended by adding a new subparagraph to read:

(E) Miam, Sacramento, and Saltery drainages;

5 AAC 64.022(b) is amended by adding a new paragraph to read:

(11) in the waters of Chiniak Bay and Marmot Bay, west of a line from Cape Chiniak at 57° 37.10' N. lat., 152° 09.28' W. long., to Pillar Cape at 58° 08.91' N. lat., 152° 06.78' W. long., and east of a line from Head Point on Afognak Island at 57° 59.67' N. lat., 152° 46.75' W. long., to Dolphin Point at 57° 59.15' N. lat., 152° 43.40' W. long., on Whale Island and from Bird Point at 57° 55.30' N. lat., 152° 47.50' W. long., on Whale Island to Inner Point at 57° 54.05' N. lat., 152° 47.75' W. long., on Kodiak Island

(A) the bag limit for rockfish is three fish per day and six in possession, of which only two fish per day and four in possession may be nonpelagic rockfish and only one fish per day and two in possession may be yelloweye rockfish; no size limit; and

(B) charter vessel operators and crewmembers may not retain rockfish while clients are on board the vessel.

(Eff. 3/13/96, Register 137; am 8/14/96, Register 139; am 4/2/99, Register 149; am 4/20/2002, Register 162; am 12/29/2002, Register 164; am 3/13/2004, Register 169; am 4/9/2005, Register

Register 250, July 2024 FISH AND GAME

174; am 4/25/2008, Register 186; am 4/21/2011, Register 198; am 5/1/2011, Register 198; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 4/15/2017, Register 222; am 7/22/2017, Register 223; am 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.050 AS 16.050.251

((Note to Publisher: to reflect the repeal of 5 AAC 64.022(b)(6)(C), please move the "and" link to follow 5 AAC 64.022(b)(6)(A) rather than 5 AAC 64.022(b)(6)(B).))

((Note to Publisher: please change period at the end of 5 AAC 64.022(b)(8)(D) to a semicolon)))

((Note to Publisher: please change period at the end of 5 AAC 64.022(b)(10) to a semicolon)))

5 AAC 64.051(2) is repealed:

(2) repealed 4 / 21 / 2024;

(Eff. 4/20/2002, Register 162; am 4/25/2008, Register 186; am 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.251

5 AAC 64.070(a) is amended to read:

(a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of stabilizing the sport harvest of black rockfish in the waters of the Kodiak Area, particularly in the areas of Chiniak Bay and Marmot Bay. Black rockfish will be managed for harvest levels within the established guideline harvest range until a time when survey abundance estimates suggest an increase in harvest is appropriate. **Black rockfish also will be managed to attempt to prevent unintentional overharvest of other rockfish species.** In recognition that

Register 250, July 2024 FISH AND GAME

commercial and sport users harvest the same populations of black rockfish, a management plan is also in place for commercial fisheries to maintain harvest within the guideline harvest range as specified in 5 AAC 28.466(h).

5 AAC 64.070(b)(3) is repealed:

(3) repealed 4 / 21 / 2024;

(Eff. 6/5/2020, Register 234; am 4 / 21 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

((Note to Publisher: please change semicolon at the end of 5 AAC 64.070(b)(2) to a period.))