Public Questions and Answers Regarding Commercial Fisheries Entry Commission Proposed Regulation Changes to 20 AAC 05.210 & 20 AAC 05.220(a)

(DOL File Number 2026200363)

Public Meeting November 17, 2026 @ 10:00 am

R. Clark:

1. Does the Commission take the position that the Board of Fisheries' amendment of 5 AAC 21.382 (adopted May 1, 2026, Proposal 192) allows a set gillnet permit holder to fish a beach seine in 2027 before the Commission adopts the proposed change to 20 AAC 05.220? If yes, what authority supports that position? If no, what must the Commission do first?

   These questions are outside the scope of the proposed regulations.

2. Under the proposed change, which gear code, and which permits, would be affected? Does the change apply to every Cook Inlet set gillnet permit, including Upper Subdistrict permits such as S04H, or only to some?

   The proposed changes to 20 AAC 05.220(a) would apply to salmon set gillnet permits in the Cook Inlet administrative area. The proposed language is as follows:

   …

   04 set gillnet*

   …

   * A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362. A **salmon** set gillnet permit in the Cook Inlet Area allows the use of a dip net **or a beach seine** under **5 AAC 21.382(g)** [5 AAC 21.382].

3. Will a permit holder keep the set gillnet gear code and also be allowed to use a beach seine, or will the seine replace the gillnet under the permit? Will permit holders need to apply, pay a fee, or receive a new or reissued permit?

   The proposed changes to 20 AAC 05.220(a) would apply to salmon set gillnet permits in the Cook Inlet administrative area. The proposed language is as follows:

   …

   04 set gillnet*

   …

   * A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362. A **salmon** set gillnet permit in the Cook Inlet Area allows the use of a dip net **or a beach seine** under **5 AAC 21.382(g)** [5 AAC 21.382].

4. The notice says the change is "as authorized by the Board of Fisheries." What document did the Commission receive from the Board, on what date, and who sent it? Please post it.

   The statement "as authorized by the Board of Fisheries" in the public notice means the language in the proposed regulation that references 5 AAC 21.382(g),

5. 5 AAC 21.332 describes seines of 90 to 250 fathoms. The amended 5 AAC 21.382 refers to a 70 fathom seine. Which specification will the Commission use to define the beach seine for the gear code, and does the Commission need the two regulations to match?

   This question is outside the scope of the proposed regulations. The CFEC does not define gear specifications.

6. I understand the Commissioner of the Department of Fish and Game wrote on May 27, 2026 that the Department would implement the revised plan "pending ratification of the gear type as an additional gear to S04H permits by the Commercial Fisheries Entry Commission (CFEC)." Does the Commission treat ratification as a condition of implementation? Has the Commission told the Department or the Board whether implementation may proceed before the Commission acts?

   These questions are outside the scope of the proposed regulations.

7. The Commission submitted record comment RC022, dated April 6, 2026, to the Board before the May 1, 2026 vote. What did it say about gear designation for S04H permits, and does the Commission still hold that position?

   This question is outside the scope of the proposed regulations.

8. What statute or regulation authorizes the Commission to designate a beach seine as gear that holders of S04H permits may use? Does the Commission consider adoption of the change to 20 AAC 05.220 necessary before any S04H permit holder may lawfully fish a beach seine?

   1st question: 16.43.100 – Duties and general powers; 16.43.110 – Regulations and hearing procedures; 16.43.140 – Permit required; 16.43.990 - Definitions

   The second question is outside the scope of the proposed regulations.

9. Until the Commission acts, what gear may an S04H permit holder lawfully use in the Upper Subdistrict in 2027? If the Commission does not adopt the change, what gear would that be?

   20 AAC 05.220(a) currently states:

   …

   04 set gillnet*

   …

   * A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362. A set gillnet permit in the Cook Inlet Area allows the use of a dip net under 5 AAC 21.382.

   If the Commission does not adopt the proposed changes, the regulation will remain as currently written. All CFEC permit holders are required to comply with all Board of Fisheries regulations.

10. Does the Commission expect to vote on adoption at the November 17, 2026 meeting? Will adoption be on the tentative agenda to be posted by November 13?

    Yes to both.

11. If the Commission adopts after the comment period closes, will it give further notice before it votes, and will a final regulation that differs from the proposal be published for comment?

    The CFEC has noticed its pubic meeting for November 17, 2026 and will follow the requirements of the Administrative Procedures Act (See AS 44.62).

12. When would an adopted regulation take effect, and when would it be filed with the Lieutenant Governor? Will permit holders be notified directly?

    If the proposed regulation changes are adopted, the filing date and effective date of the regulation will be dependent upon final review and approval by the Department of Law. Under the Administrative Procedures Act, regulation changes typically take effective 30 days after being filed by the Lt. Governor's office (See AS 44.62.180).

13. The notice gives the reason for the action as "development of program standards." What standard is being developed, and why was that reason chosen?

    This wording on the Additional Regulation Notice Information is a generic category for proposed changes to CFEC regulations.

14. The Commission published a notice dated February 18, 2025 proposing the same amendment to 20 AAC 05.220, with comments due March 21, 2025. What action did the Commission take on that notice, and how does the October 13, 2026 notice relate to it?

    No action was taken on the 2025 proposed emergency regulations regarding beach seines as an alternative gear type – a status update was given during the March 26, 2025 public meeting. The October 13, 2026 notice is a new regulatory project.

15. On June 4, 2026 the Commission found an emergency relating to the use of beach seines, and the motion to adopt the emergency regulation failed. What reasons did each Commissioner give? Is there a staff memorandum, record or recording of that meeting beyond the posted minutes? Please post it.

    A recording of the meeting is posted on the CFEC YouTube channel at www.youtube.com/@alaskacfec and the minutes are posted to the Alaska Public Notice System at https://aws.state.ak.us/OnlinePublicNotices/Notices/Search.aspx.

16. Has a determination been made by the Commission, the Department of Fish and Game, the Department of Law or the Department of Natural Resources on whether a beach seine set as described in the amended 5 AAC 21.382 is a fish trap under AS 16.10.070 or Alaska Constitutional Ordinance No. 3? If yes, please state who made it, the date, and its basis, and post it unless it is privileged. If no determination has been made, will the Commission make one before it votes to adopt the change?

    These questions are outside the scope of the proposed regulations.

17. Has any study, survey or analysis determined how many beach seines can be operated in the Upper Subdistrict East Side set net fishery, based on the number of viable beach locations, tides, bluff and beach access, land ownership and shore fishery leases? If so, please post it. If none exists, please say so.

    The CFEC has not completed any study, survey or analysis to determine how many beach seines can be operated in the Upper Subdistrict East Side set net fishery, based on the number of viable beach locations, tides, bluff and beach access, land ownership and shore fishery leases.

18. How many East Side set net permit holders would have a viable and legally accessible site to operate a beach seine? Does the proposal or the amended Board regulation limit the number of seines, their locations, or their spacing from other gear, and how would conflicts over sites be resolved?

    These questions are outside the scope of the proposed regulations. The CFEC can only speak to CFEC regulations, which do not reference any limitations on the number, location, or spacing of gear.

19. I understand the Department of Natural Resources has stated that beach seines do not apply to shore fishery leases. Is the Commission aware of that statement? If beach seines cannot be operated at shore fishery lease sites, where does the Commission expect East Side set net permit holders to operate them, how many sites does that leave, and who is responsible for authorizing the use of land and tidelands for seines? Has the Commission consulted the Department of Natural Resources?

    These questions are outside the scope of the proposed regulations.

20. What findings, if any, will the Commission make under AS 16.43 before adopting the amendment? Will the Commission consider the effect on the number of permits, gear license fees, and permit holders' investment in existing gear?

    The CFEC is unable to answer questions regarding possible future actions.

21. Does the Commission have any written estimate of the cost to permit holders of buying or leasing a beach seine and operating it, since the notice says no cost to private persons is anticipated?

    The proposed regulation changes would not impose a mandatory requirement on permit holders, therefore, it is not anticipated that these proposed regulations will impose any additional cost on a private person.

22. Has the Commission, the Department of Fish and Game, or the Board of Fisheries prepared or received any study, analysis, memorandum or estimate of the effect of allowing beach seines on other user groups, including drift gillnet permit holders, other Cook Inlet set gillnet permit holders, sport, personal use and subsistence users, and processors? If so, please post it. If not, please say that none exists.

The CFEC has not prepared or received any study, analysis, memorandum or estimate of the effect of allowing beach seines on other user groups, including drift gillnet permit holders, other Cook Inlet set gillnet permit holders, sport, personal use and subsistence users, and processors. The CFEC cannot speak to what records other agencies or boards may have prepared or received.

23. Has any study or analysis addressed the effect on other permit holders, such as changes in the value of permits, the share of the harvest, fishing time, or the ability of permit holders to take part given the cost of a seine and a crew? If so, please post it.

The CFEC has not completed any economic study or analysis regarding beach seines.

24. The Additional Regulation Notice Information lists operating cost of $0 for FY 2027 and later years. What is the basis for that figure? Does it include the cost to the Commission, the Department and any enforcement agency of issuing, monitoring, inspecting and enforcing the new gear, and the cost of any gear registration or catch reporting changes?

The Additional Regulation Notice Information provides specific information required under AS 44.62.190(d), including the cost for the CFEC to implement the proposed action. This only includes the cost to put the regulation change in place, not the cost over time. Other costs are outside the scope of the proposed regulations.

25. What is the estimated total cost to implement the change for permit holders, the State and local governments, and what source was used? If no estimate was prepared, please say so and explain how the notice reached the statement that no additional cost is anticipated for private persons.

The Additional Regulation Notice Information provides specific information required under AS 44.62.190(d), including the cost for the CFEC to implement the proposed action. This only includes the cost to put the regulation change in place, not the cost over time. Other costs are outside the scope of the proposed regulations.

26. Has the Department of Law reviewed whether the notice meets the requirements for the fiscal information summary under AS 44.62.195 and AS 44.62.200(a)(5)? Please post any non-privileged result.

The Department of Law conducts legal reviews of regulations in accordance with the Administrative Procedures Act and the *Drafting Manual for Administrative Regulations*.

27. Who prepared the cost and fiscal information in the notice, and may the public see the data and assumptions behind it?

CFEC staff provides the cost and fiscal information in the notice. The Additional Regulation Notice Information provides specific information required under AS 44.62.190(d), including the cost for the CFEC to implement the proposed action. This only includes the cost to put the regulation change in place, not the cost over time. Other costs are outside the scope of the proposed regulations.

28. Department and Board materials describe the proposed code as an "alternative gear" or "additional gear" for S04H permits. Does the Commission have a definition of either term in statute, regulation or policy? If so, please cite it. If not, please say so and state what meaning the Commission will apply.

No, CFEC statutes and regulations do not define these terms. These terms are not included in the current proposed regulatory language.

29. A substitute proposal (RC065) submitted to the Board states: "The alternative gear in the plan reduces 408 permits or 1224 nets down to 47 permits or 47 nets which 3.8% of the fishery." If a gear would in practice be used by a small subset of the permit holders in a permit class, may it still be treated as alternative gear for that class? Where does the Commission draw that line, and what authority sets it?

    These questions are outside the scope of the proposed regulations.

30. Has the Commission or its staff determined whether a set beach seine meets the Commission's definition of alternative gear? Please post the written analysis and the criteria applied.

    This question is outside the scope of the proposed regulations.

31. Will the proposed code make the gear available to every S04H permit holder, or only to holders who meet conditions set by the Board or the Department (for example site, lease or equipment conditions)? If only some, what authority supports a gear code that applies to part of a permit class?

    The proposed regulations would apply to all S04H permit holders, who must also comply with all applicable Department and Board regulations.

32. Will the Commission post its aggregated answers to these questions on the Alaska Online Public Notice System before the comment period closes on November 16, 2026? Please confirm receipt of these questions and tell me who will respond.

    Yes.

S. Hermansen-Jent:

1. Given that past testing only showed success on ideal beaches with no other nets in the water, what data justifies expanding this gear type to the rest of the unfeasible, muddy, rocky, and swift-current locations in Cook Inlet?

    This question is outside the scope of the proposed regulations.

2. Did the Commission evaluate the high capital costs of purchasing new seine nets and specialized equipment, and how that financial burden impacts the greater majority of the fleet who might not be able to afford to convert?

    The proposed regulation changes are not imposing a mandatory requirement on permit holders, therefore, it is not anticipated that these proposed regulations will impose any additional cost on a private person.

3. Since this gear is financially and operationally impossible for the vast majority of the fleet, is it the Commission's intent to leave traditional fishermen behind?

    This question is outside the scope of the proposed regulations.

4. Is this beach seine fall[ing] under the same ruling as gill net under the King conservation…to use beach seines instead under specific low abundance thresholds, when forecasted late-run king numbers reach at least 14,250 large fish…if so…logically speaking why would an ESSN [fisherman] invest in new gear and equipment that's probably not feasible for their beach location and for possibly fish two days in August?

    This question is outside the scope of the proposed regulations. The proposed changes to 20 AAC 05.220(a) would apply to salmon set gillnet permits in the Cook Inlet administrative area. The proposed language is as follows:

    …

    04 set gillnet*

    …

    * A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362. A **salmon** set gillnet permit in the Cook Inlet Area allows the use of a dip net **or a beach seine** under **5 AAC 21.382(g)** [5 AAC 21.382].

5. Is it your plan to have both gear types being used either/or?

   The proposed changes to 20 AAC 05.220(a) would apply to salmon set gillnet permits in the Cook Inlet administrative area. The proposed language is as follows:

   …

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   …

   * A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362. A **salmon** set gillnet permit in the Cook Inlet Area allows the use of a dip net **or a beach seine** under **5 AAC 21.382(g)** [5 AAC 21.382].

   All CFEC permit holders are required to comply with all Board of Fisheries regulations.

6. How will the state enforce and monitor two completely different gear types operated under a single permit type?

   This question is outside the scope of the proposed regulations.

7. Is there a management plan for beach seining?

   This question is outside the scope of the proposed regulations.

8. What analysis has been done regarding how introducing mobile seines into areas with stationary setnets will cause gear conflicts and unfair harvest?

   The CFEC has not completed any study, survey, or analysis on the feasibility of beach seines in Cook Inlet.

9. Would you agree that there is a lack of data proving that king salmon, or any other by-catch caught in beach seines would survive after being released?

   This question is outside the scope of the proposed regulations.

10. Is it the underlying intent of the Commission with this proposal to eventually get all gillnets out of Cook Inlet by forcing a transition to unfeasible gear?

    This question is outside the scope of the proposed regulations.