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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Kevin Messing, AAC Contact
Department of Fish and Game

FROM: Scott Meriwether
Special Assistant 
907.465.3509

DATE: May 6, 2013

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: February/March 2013 Meeting: Alaska Peninsula and Aleutian Islands Finfish: 5 AAC 09.100 - 5 AAC 65.051

Attorney General File:	JU2012200720
Regulation Filed:	5/2/2013
Effective Date:	6/1/2013
Print:	206, July 2013

cc with enclosures: Linda Miller, Department of Law
Robin Sahnou, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2012200720

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

The attached 17 pages of regulations, dealing with sport and commercial finfish fisheries in the Alaska Peninsula and Aleutian Islands region of the state are hereby certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its February 26 – March 4, 2013 meeting 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.

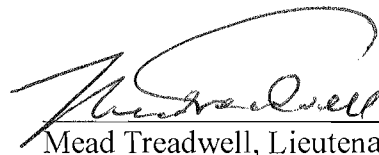
DATE: 3.18.13
Juneau, Alaska


Kevin Brooks, Deputy Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on

May 2, 2013 at 2:55 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Mead Treadwell, Lieutenant Governor
State of Alaska

Effective: June 1, 2013

Register: 206, July 2013

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
P.O. BOX 115526
JUNEAU, ALASKA 99811

DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO KEVIN BROOKS, DEPUTY COMMISSIONER.

SIGNED:

Cora Campbell

CORA CAMPBELL
(Please print name)

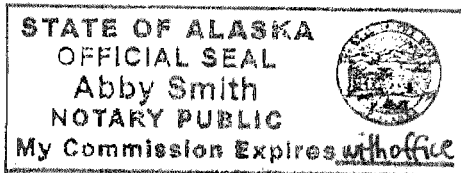
SIGNED AND SWORN TO before me this

7

day of

January

2013



Abby Smith
Notary Public in and for the
State of Alaska

My commission expires: with office

Title 5. Fish and Game.

Chapter 09. Alaska Peninsula Area.

Article 1. Description of Area.

5 AAC 09.100 is amended to read:

5 AAC 09.100. Description of area. The Alaska Peninsula Area includes the waters of Alaska on the north side of the Alaska Peninsula, southwest of a line **from** [FORM] Cape Menshikof (57° 28.34' N. lat., 157° 55.84' W. long.) to Cape Newenham (58° 39.00' N. lat., 162° W. long.) and east of the longitude of Cape Sarichef Light (164° 55.70' W. long.) and on the south side of the Alaska Peninsula, from a line extending from Scotch Cap through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.). (In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 5/31/98, Register 146; am 6/4/2004, Register 170; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.251

Article 3. Salmon Fishery.

5 AAC 09.320(b)(5) is amended to read:

(5) Swanson Lagoon Section, **only during fishing periods established by emergency order** [FROM 6:00 A.M. MONDAY UNTIL 6:00 P.M. THURSDAY].

Register 206, July 2013 FISH AND GAME

(In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 6/2/88, Register 106; am 6/9/90, Register 114; am 5/28/92, Register 122; am 5/17/95, Register 134; am 4/18/96, Register 138; am 6/4/2004, Register 170; am 5/30/2007, Register 182; am 6/2/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.330(a)(10) is amended to read:

(10) Outer Port Heiden **Section** [SECTION]: with drift gillnets only.

5 AAC 09.330(d)(1)(B)(i) is amended to read:

(i) south and east of a line **from** [FORM] Cape Pankof Light at 54° 39.60' N. lat., 163° 03.70' W. long., to Thin Point at 54° 57.32' N. lat., 162° 33.50' W. long.; and

(In effect before 1988; am 6/2/88, Register 106; am 6/9/90, Register 114; am 5/28/92, Register 122; am 10/11/95, Register 136; am 6/11/2005, Register 174; am 5/30/2007, Register 182; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.350(3) is amended to read:

(3) Outer Port Heiden: waters of the Outer Port Heiden Section that are

(A) between the three-mile seaward boundary line, described in 5 AAC 09.301, and a line that is one and one-half miles shoreward of the three-mile seaward boundary line;

(B) east of a line from 57° 05.52' N. lat., 158° 34.45' W. long. to 57° 08.85' N. lat., 158° 37.50' W. long.;

5 AAC 09.350(18)(A) is amended to read:

(A) **Christianson** [CHRISTIANSON'S] Lagoon: waters of the lagoon and **those waters within 500 yards of the lagoon's** [ITS EXIT CHANNEL UPSTREAM FROM A POINT LOCATED ABOVE THE] exit channel terminus at the ocean shoreline;

(In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 6/2/88, Register 106; am 6/9/90, Register 114; am 5/28/92, Register 122; am 5/17/95, Register 134; am 4/18/96, Register 138; am 5/31/98, Register 146; am 1/15/2003, Register 165; am 6/4/2004, Register 170; am 5/30/2007, Register 182; am 6/2/2010, Register 194; am 7/11/2010, Register 195; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.360(b) is amended to read:

(b) In years when a harvestable surplus for the first (Black Lake) and second (Chignik Lake) runs of Chignik River system sockeye salmon is expected to be less than 600,000 fish, a commercial salmon fishery is not allowed in the East Stepovak, Southwest Stepovak, Balboa Bay, and Beaver Bay Sections, and in the Northwest Stepovak Section, excluding Orzinski Bay north of a line from Elephant Point at 55° 41.92' N. lat., 160° 03.20' W. long. to Waterfall Point at 55° 43.18' N. lat., 160° 01.13' W. long., until ^{Projects} the department (determines) that a harvest of 300,000 sockeye salmon ^{is} projected [ACHIEVED] in the Chignik Area described in 5 AAC 15.100. After July 8, if at least 300,000 sockeye salmon have been harvested in the Chignik Area, and if escapement goals are being met, the department shall manage the fishery so that the number of sockeye salmon harvested in the Chignik Area will be at least 600,000 fish and the number of sockeye salmon destined for the Chignik River that are harvested in the East Stepovak, Stepovak Flats, Southwest Stepovak, Balboa Bay, and Beaver Bay Sections, and before July 1 [,] in the Northwest Stepovak Section, approaches as near as possible 7.6 percent of the sockeye salmon harvest in the Chignik Area.

5 AAC 09.360(c) is amended to read:

(c) In years when a harvestable surplus beyond escapement goals for the first and second runs of Chignik River system sockeye salmon is expected to be more than 600,000 fish but the first run fails to develop as predicted and it is determined that a total sockeye salmon harvest in the Chignik Area of 600,000 or more fish may not be achieved, the commercial salmon fishery in

the East Stepovak, Stepovak Flats, Southwest Stepovak, Balboa Bay, and Beaver Bay Sections, and in the Northwest Stepovak Section, excluding Orzinski Bay north of a line from Elephant Point at 55° 41.92' N. lat., 160° 03.20' W. long. to Waterfall Point at 55° 43.18' N. lat., 160° 01.13' W. long., shall be curtailed ^{projects} until the department determines that [IN ORDER TO ALLOW] a harvest in the Chignik Area of at least 300,000 sockeye salmon is projected through July 8 if that number of fish are determined to be surplus to the escapement goals of the Chignik River system. After July 8, if at least 300,000 sockeye salmon have been harvested in the Chignik Area, and if escapement goals are being met, the department shall manage the fishery so that the number of sockeye salmon harvested in the Chignik Area is at least 600,000 fish and the number of sockeye salmon destined for the Chignik River that are harvested in the East Stepovak, Stepovak Flats, Southwest Stepovak, Balboa Bay, and Beaver Bay Sections, and before July 1 in the Northwest Stepovak Section, approaches as near as possible 7.6 percent of the sockeye salmon harvest in the Chignik Area.

5 AAC 09.360(e)(1) is amended to read:

(1) [THE FISHING SCHEDULE] in the Northwest Stepovak Section, excluding Orzinski Bay north of a line from Elephant Point at 55° 41.92' N. lat., 160° 03.20' W. long. to Waterfall Point at 55° 43.18' N. lat., 160° 01.13' W. long., commercial fishing periods may not be open for more than an aggregate of 96 hours of fishing time [MAY NOT BE MORE THAN FOUR 24-HOUR PERIODS WITH NO MORE THAN 48-HOURS CONTINUOUS FISHING] during a seven-day period;

(In effect before 1985; am 5/11/85, Register 94; am 6/2/88, Register 106; am 5/28/92, Register 122; am 5/17/95, Register 134; am 4/18/96, Register 138; am 5/31/98, Register 146; am 6/22/2001, Register 158; am 6/11/2005, Register 174; am 5/30/2007, Register 182; am 6/2/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.365(d) is repealed and readopted to read:

(d) In the South Unimak and Shumagin Islands fisheries, the commissioner may establish, by emergency order, commercial fishing periods as follows:

(1) for set gillnet gear,

(A) beginning June 7, commercial fishing periods will begin at 6:00 a.m. and run 88 hours^s until 10:00 p.m. three days later; commercial fishing will ^{then close} be closed for 32 hour^s and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 29;

(2) for seine and drift gillnet gear,

(A) beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 88 hours ^{until} 10:00 p.m. three days later; commercial fishing will ^{then close} be closed for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 28.

(In effect before 1983; am 4/16/83, Register 86; am 4/28/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 6/9/90, Register 114; am 6/13/92, Register 122; am 6/1/94, Register 130; am 5/17/95, Register 134; am 6/9/96, Register 138; am 5/31/98, Register 146; am 6/3/2001, Register 158; am 6/4/2004, Register 170; am 6/1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.366(d) is repealed and readopted to read:

(d) Notwithstanding (c)(1) of this section, from July 6 through July 31, the commissioner may establish, by emergency order, fishing periods as follows:

(1) the first fishing period will begin at 6:00 a.m. and run 33 hours ^{until} 3:00 ^{p.m.} the following day; commercial fishing will ^{then close} be closed for 63 hours and reopen under (2) of this subsection;

(2) following the closure under (1) of this subsection, commercial fishing periods will begin at 6:00 a.m. and close at 6:00 p.m. the following day; commercial fishing will ^{close} be ^{then} closed for 60 hours and reopen at 6:00 a.m. three days later.

5 AAC 09.366(g)(1) is repealed:

(1) repealed 6 / 1 /2013;

5 AAC 09.366(g)(2) is repealed:

(2) repealed 6 / 1 /2013;

(Eff. 5/28/92, Register 122; am 4/18/96, Register 138; am 5/31/98, Register 146; am 6/22/2001, Register 158; am 1/15/2003, Register 165; am 6/4/2004, Register 170; am 2/16/2006, Register 177; am 6/2/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.369 is amended by adding a new subsection to read:

(n) From June 20 through July 31, the department shall manage the Bear River, Three Hills, and Ilnik Sections to conserve Bear ^{River} and Nelson River sockeye salmon stocks by allowing the passage of sockeye salmon from the northeast to the southwest of the Northern District as described in this subsection. Notwithstanding the provisions of 5 AAC 09.320, from June 20 through July 31, the commissioner shall, by emergency order, establish fishing periods for the Bear River and Three Hills Sections, and that portion of the Ilnik Section between the longitude of Strogonof Point at 159° 50.45' W. long. and the longitude of Unangashak Bluffs at 159° 10.25' W. long. and that portion of the Ilnik Section between the longitude of Unangashak Bluffs and the longitude of Three Hills at 159° 49.45' W. long., during which the waters that are between

the three-mile seaward boundary line, described in 5 AAC 09.301, and a line that is one and one-half miles shoreward of the three-mile seaward boundary are closed for one 24-hour period during a seven-day period. The waters located to the southwest of the open waters where a 24-hour closure has occurred will have sequential closures that allow fishing in the waters only out to the one and one-half mile line described in this subsection for the first 24 hours of an open fishing period. (Eff. 5/31/98, Register 146; am 6/4/2004, Register 170; am 6/13/2004, Register 170; am 2/16/2006, Register 177; am 5/30/2007, Register 182; am 7/1/2007, Register 182; am 6/2/2010, Register 194; am 6/1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 09.392 is repealed:

5 AAC 09.392. Net pens and other holding devices in the Alaska Peninsula Area.

Repealed. (Eff. 5/30/2007, Register 182; repealed 6/1 /2013, Register 206)

Editor's note: In Register 206, July 2013, the provisions of 5 AAC 09.392 were repealed ^{because} since the substance of that section appears in the provisions of 5 AAC 39.112, which applies on a statewide basis.

Chapter 11. Atka–Amlia Islands Area.

Article 3. Salmon Fishery.

5 AAC 11.392 is repealed:

5 AAC 11.392. Net pens and other holding devices in the Atka-Amlia Islands Area.

Repealed. (Eff. 5/30/2007, Register 182; repealed 6 / 1 /2013, Register 206)

Editor's note: In Register 206, July 2013, the provisions of 5 AAC 11.392 were repealed ^{because} ~~since~~ the substance of that section appears in the provisions of 5 AAC 39.112, which applies on a statewide basis.

Chapter 12. Aleutian Islands Area.

Article 3. Salmon Fishery.

5 AAC 12.392 is repealed:

5 AAC 12.392. Net pens and other holding devices in the Aleutian Islands Area.

Repealed. (Eff. 5/30/2007, Register 182; repealed 6 / 1 /2013, Register 206)

Editor's note: In Register 206, July 2013, the provisions of 5 AAC 12.392 were repealed ^{because} ~~since~~ the substance of that section appears in the provisions of 5 AAC 39.112, which applies on a statewide basis.

Chapter 28. Groundfish Fishery.

Article 9. South Alaska Peninsula Area (Registration Area M).

5 AAC 28.560 is amended by adding new subsections to read:

(d) In the Eastern District, black rockfish may be taken from January 1 through December 31, unless closed by emergency order.

(e) In the Western District, black rockfish may be taken from January 1 through December 31, unless closed by emergency order. (Eff. 4/4/97, Register 142; am 5/31/2001, Register 158; am 5/16/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

Article 10. Bering Sea–Aleutian Islands Area (Registration Area O).

5 AAC 28.610 is amended by adding a new subsection:

(d) In the Aleutian Islands District, black rockfish may be taken from January 1 through December 31, unless closed by emergency order. (Eff. 7/30/89, Register 111; am 4/4/97, Register 142; am 5/31/2001, Register 158; am 5/16/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 28.629(e) is repealed:

(e) Repealed 6/1/2013.

(Eff. 4/4/97, Register 142; am 7/5/2000, Register 155; am 5/19/2001, Register 158; am 5/31/2001, Register 158; am 1/16/2005, Register 173; am 2/13/2005, Register 173; am 10/16/2011, Register 200; am 6/1/2013, Register 206)

Authority: AS 16.05.251

5 AAC 28.640(a) is amended to read:

(a) The management plan under this section governs the harvest of sablefish in the Aleutian Islands District and the Western District of the South Alaska Peninsula Area described in 5 AAC 28.555 [5 AAC 28.555(b)].

5 AAC 28.640(b) is repealed and readopted to read:

(b) The commercial fishing season for sablefish in state waters will open and close concurrently with the federal IFQ season for directed fishing for sablefish, ^{in the adjacent federal waters} unless closed by emergency order.

(Eff. 5/31/2001, Register 158; am 5/15/2004, Register 170; am 5/16/2010, Register 194; am 5/1/2011, Register 198; am 6/1/2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 28.650(b) is amended to read:

(b) The waters of Unalaska Bay are closed to groundfish fishing with pelagic trawl gear, as follows:

(1) from June 10 through August 31 [JULY 31], south of a line from Cape Kalekta at 54° 00.50' N. lat., 166° 22.50' W. long. to Cape Cheerful at 54° 01' N. lat., 166° 40' W. long.;

(2) beginning September 1 [AUGUST 1] until the closure of the parallel Bering Sea walleye pollock 'B' season, south of a line from Cape Kalekta at 54° 00.50' N. lat., 166° 22.50' W. long. to a point near Hog Island at 53° 55.42' N. lat., 166° 34.25' W. long. to a point in Broad Bay at 53° 55.42' N. lat., 166° 38.80' W. long.; for the purposes of this paragraph, "parallel Bering Sea walleye pollock 'B' season" means the parallel season conducted from June 10 through November 1. (Eff. 5/19/2001, Register 158; am 5/16/2010, Register 194; am 6/1/2013, Register 206)

Authority: AS 16.05.251

Chapter 39. General Provisions.

Article 1. General.

5 AAC 39.120(d) is amended to read:

(d) Salmon net gear registration areas are as follows:

Code

Letter

Area

A - Southeastern Alaska Area (5 AAC 33.100)

D - Yakutat Area (5 AAC 30.100)

E - Prince William Sound Area (5 AAC 24.100)

and the Yakataga District of the Yakutat Area (5 AAC 30.200(a))

F - Atka-Amlia Islands Area (5 AAC 11.101) [(5 AAC 11.100)]

H - Cook Inlet Area (5 AAC 21.100) [(5 AAC 21.101)]

K - Kodiak Area (5 AAC 18.100)

L - Chignik Area (5 AAC 15.100)

M - Aleutian Islands and Alaska Peninsula Areas (5 AAC 12.100 and 5 AAC 09.100)

and, from August 1 through August 31, the Atka-Amlia Islands Area (5 AAC 11.101)

for purse seine gear only

T - Bristol Bay Area (5 AAC 06.100) and January 1 through December 31 [JUNE 30], the Cinder River and Inner Port Heiden Sections of the Alaska Peninsula Area and August 1

through [-] December 31, [THE CINDER RIVER AND INNER PORT HEIDEN SECTIONS AND] that portion of the Ilnik Section within Ilnik Lagoon and all waters inside the Seal Islands of the Alaska Peninsula Area **(5 AAC 09.200(a)(1) - (3))** [(5 AAC 09.200(a)(1) - (a)(3))]

W - Kuskokwim Area (5 AAC 07.100)

X - Arctic-Kotzebue Area (5 AAC 03.100)

Y - Yukon Area (5 AAC 05.100)

Z - Norton Sound-Port Clarence Area (5 AAC 04.100)

(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 4/28/84, Register 90; am 5/31/85, Register 94; am 6/25/89, Register 110; am 5/13/92, Register 122; am 5/28/92, Register 122; am 7/16/92, Register 123; am 5/17/95, Register 134; am 6/2/95, Register 134; am 6/2/96, Register 138; am 6/28/97, Register 142; am 5/8/98, Register 146; am 5/31/98, Register 146; am 10/1/98, Register 147; am 7/13/2012, Register 203; am 6 / 1 /2013, Register

206)

Authority: AS 16.05.251 AS 16.05.475

Chapter 65. Alaska Peninsula and Aleutian Islands Area.

5 AAC 65.020 is amended by adding new subsections to read:

(e) In the Nelson River drainage, upstream from its confluence with the Caribou River, king salmon may not be possessed or retained. A king salmon caught must be released immediately. A person may not remove a king salmon from the water before releasing the fish.

(f) In Illiuliuk Creek (also known as Town or Unalaska Creek), downstream from ADF&G regulatory markers located at the Church Hole, the bag and possession limit for coho salmon is two per day, four in possession. (In effect before 1983; am 4/3/83, Register 85; am 5/22/88, Register 106; am 6/2/88, Register 106; am 9/2/90, Register 115; am 5/2/92, Register 122; am 4/9/95, Register 134; am 4/2/99, Register 149; am 8/8/99, Register 151; am 6/14/2001, Register 158; am 6/4/2004, Register 170; am 12/1/2004, Register 172; am 5/30/2007, Register 182; am 7/1/2007, Register 182; am 6/2/2010, Register 194; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.251

5 AAC 65.022 is amended by adding a new subsection to read:

(d) In the Nelson River drainage, upstream from its confluence with the Caribou River, only one unbaited, single-hook, artificial lure may be used. (Eff. 4/9/95, Register 134; am 4/11/98, Register 146; am 4/2/99, Register 149; am 6/13/99, Register 150; am 6/19/99, Register 150; am 6/14/2001, Register 158; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 65.051(4) is repealed and readopted to read:

(4) the following areas on and around Unalaska Island are closed to sport fishing as follows:

(A) the Illiuliuk River drainage, including Illiuliuk Creek (also known ^{a.s} as Town or Unalaska Creek), Illiuliuk Lake, and all waters flowing into Illiuliuk Lake,

(i) is closed to sport fishing for sockeye salmon;

(ii) upstream from ADF&G regulatory markers located at the Church Hole, is closed to sport fishing for salmon;

(B) the Summer Bay Lake drainage and salt waters within a 250-yard radius of the Summer Bay Creek outlet are closed to sport fishing from August 16 through December 31;

5 AAC 65.051 is amended by adding a new paragraph to read:

(5) Swanson Lagoon and its tributaries are closed to sport fishing for salmon.

(Eff. 6/14/2001, Register 158; am 6/4/2004, Register 170; am 6 / 1 /2013, Register 206)

Authority: AS 16.05.251