

SECOND SUPPLEMENTAL NOTICE OF PROPOSED
CHANGES IN THE REGULATIONS
OF THE DEPARTMENT OF FISH AND GAME

The Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with the aquatic farming mariculture program, including the following:

5 AAC 41.200(2) is proposed to be changed to remove an incorrect regulation citation.

5 AAC 41.240(a)(5) is proposed to be changed to establish provisions regarding predator exclusion netting and importation of hatchery-produced seed to the on-bottom culture.

5 AAC 41.250(a)(4) is proposed to be changed to reorganize the requirements for identifying a aquatic farm or hatchery and allow for markings on subtidal operations.

5 AAC 41.250(a)(11) is proposed to change to alter the proportion of amount paid from the sale of wild stock from a aquatic farmer for live geoducks and for processed geoducks.

5 AAC 41.257 is proposed to be changed to alter the security requirements for wild stock restoration.

5 AAC 41.270(a) is proposed to be changed to clarify when a permit holder must notify the department before the harvest of wild stock.

5 AAC 41.276 is a proposed new section that provides for hatchery management plans and reporting requirements.

This is a SECOND SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on April 11, 2009, and the SUPPLEMENTAL NOTICE that was issued on May 4, 2009, concerning these proposed regulation changes, hereby incorporated by reference. This SECOND SUPPLEMENTAL NOTICE is being issued to announce a public hearing to allow for oral public comment.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Kerri Tonkin, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526 Juneau, AK 99811-5526; Fax: (907) 465-2604; e-mail: kerri.tonkin@alaska.gov. The comments must be received no later than 5:00 p.m. **June 22, 2009**.

Oral or written comments may also be submitted at a public hearing to be held on **June 10, 2009** in the Headquarters Building of the Department of Fish and Game, Commissioner's conference room on the second floor, at 1255 W. 8th Street, Juneau, Alaska. The hearing will be held from 3:00 p.m. to 5:00 p.m. The length of time allowed for an individual's public comments may be limited to 10 minutes or less. Copies of oral comments may be faxed to (907)-465-2604. In addition, the conference room at the Department of Fish and Game at 2030 Sea Level Drive, Suite 205, Ketchikan, Alaska will be available by teleconference for anyone wanting to testify on the proposed regulations.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kerri Tonkin at (907) 465-6124 (to correspond by text telephone (TDD), call 1-800-465-4980) at least 7 days before the accommodation is needed.

For a copy of the proposed regulation changes, contact Kerri Tonkin, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526 Juneau, AK 99811-5526, Phone: (907) 465-6124; Fax: (907) 465-2604; Email: kerri.tonkin@alaska.gov.

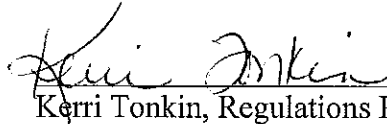
After the public comment period ends, the Department of Fish and Game will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 16.05.050; AS 16.40.160

Statutes being Implemented, Interpreted, or Made Specific: AS 16.05.050; AS 16.05.092; AS 16.05.340; AS 16.40.100; AS 16.40.105; AS 16.40.110; AS 16.40.150; AS 16.40.155; AS 16.40.160

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date: May 15, 2009



Kerri Tonkin, Regulations Program Coordinator
Department of Fish & Game