

ALASKA DEPARTMENT OF FISH & GAME

Boards Support Section
PO Box 115526
Juneau AK 99811-5526

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NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME
AND ADDITIONAL REGULATIONS NOTICE INFORMATION
and
SUPPLEMENTAL PROPOSALS

The Alaska Department of Fish and Game (ADF&G) administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility please write:

- ADF&G ADA Coordinator, P.O. Box 115526, Juneau, AK 99811-5526.

The department's ADA Coordinator can be reached via phone at the following numbers: (VOICE) 907-465-6077, (Statewide Telecommunication Device for the Deaf) 1-800-478-3648, (Juneau TDD) 907-465-3646, or (FAX) 907-465-6078.

- U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington, VA 22203
- Office of Equal Opportunity, U.S. Department of the Interior, Washington DC 20240.

For information on alternative formats and questions on this publication, please contact the Alaska Department of Fish and Game, Division of Boards Support at (907) 465-4110

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The Alaska Board of Fisheries proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following:

1. IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, KUSKOKWIM (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), BRISTOL BAY, ALEUTIAN ISLANDS, AND ALASKA PENINSULA SUBSISTENCE, COMMERCIAL, AND PERSONAL USE FINFISH FISHERY AREAS, AND ATKA-AMLIA ISLANDS COMMERCIAL FINFISH FISHERY AREA; IN THE BERING SEA-KOTZEBUE, KUSKOKWIM, BRISTOL BAY, AND ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING FISHERY AREAS; IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, KUSKOKWIM-GOODNEWS, BRISTOL BAY, AND ALASKA PENINSULA & ALEUTIAN ISLANDS SPORT FINFISH FISHERY AREAS; IN THE SOUTH ALASKA PENINSULA, CHUKCHI-BEAUFORT, AND BERING SEA-ALEUTIAN ISLANDS COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH REGULATIONS.
 - A. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries**: fishing seasons, periods, opening and closing times; bag, possession, size, sex, and harvest limits, harvest levels, thresholds or quotas; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, marking, definitions, operational requirements and limitations, registration and permit requirements; registration areas (including exclusive and super exclusive registration areas), permits, harvest record, harvest marking requirements; management plans for conservation, development and allocation among beneficial uses; guiding principles; require, restrict or prohibit the retention, tendering, sale, release, or purchase of fish; methods of release; registration and reporting requirements for fish guides, guided anglers, catchers, processors, buyers and transporters; onboard observer requirements; fish storage and inspection requirements.
 - B. In the **subsistence fisheries (finfish)**: identify subsistence uses and users; fishing seasons, periods, opening and closing times, harvest levels; methods and means; size, age, and sex limitations; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; gear and vessel restrictions and operational requirements; harvest limits, registration and permit requirements, requirements for marking and possession of fish; management plans for conservation, development and allocation among beneficial uses, and users; identify customary and traditional uses of fish stocks, determine amounts reasonably necessary for subsistence uses, and establish, change or adjust subsistence and personal use fisheries.

2. The following additional topics will be addressed during the STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES Meeting (March 19-24, 2013):
 - A. IN THE CHIGNIK TANNER CRAB AREA: In the Chignik District Tanner crab fishery, consider changing the weather delay criteria for opening from small craft advisory to gale warning. *(newly assigned Proposal 244-ACR2)*
 - B. IN THE ALEUTIAN ISLANDS KING CRAB AREA (REGISTRATION AREA O): In the Aleutian Island Area king crab fishery, consider changing the vessel size limit for the Registration Area O red king crab fishery, in state waters from 172° W. long. To 179° W. long., from 90 feet or less in overall length to less than 60 feet in overall length. *(newly assigned Proposal 245-ACR7)*
 - C. IN THE ALEUTIAN ISLANDS KING CRAB AREA (REGISTRATION AREA O): In the Aleutian Island Area king crab fishery, consider establishing a pot limit of 10 pots per vessel fishing for red king crab near Adak Island in Registration Area O. *(newly assigned Proposal 246-ACR8)*
 - D. IN THE YAKUTAT FINFISH AREA; In the Yakutat Area, consider modifying the waters in the Tsiu River that are closed to commercial salmon fishing to facilitate an orderly fishery for the commercial and sport fisheries. *(newly assigned Proposal 247-ACR9)*
 - E. IN THE COOK INLET FINFISH AREA: A board-generated proposal in the Cook Inlet Area, to identify adjustments to the Kenai River Late-Run King Salmon Management Plan by the actions addressed by the Upper Cook Inlet Task Force. *(newly assigned Proposal 249-ACR4 & 17)*

Please note that the proposals in the proposal book (Proposals 155 – 161 and 165 – 172) related to Pacific cod fisheries, originally scheduled for the board's February 26-March 4, 2013 meeting, have been deferred to a Statewide Pacific Cod Board Meeting tentatively scheduled for October 2013. In addition to the additional topics listed under #2 of this notice, the board has added board-generated proposals to its schedule.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, tel. (907) 465-4110 or go to the Internet at: <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>.

You may comment on the regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written public comments limited to no more than 100 single-sided or 50 double-sided pages to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094, so that the comments are received no later than two weeks prior to the meeting during which the topic will be considered. Unless otherwise specifically specified for a particular meeting in a published notice, written public comments over 100 single-sided or 50 double-sided pages in length from any one individual or group relating to proposals at any one meeting will not be accepted. Written public comments limited to 10 single-sided or 5 double-sided pages in length from any one individual or group will also be accepted after the two-week deadline, but will not be inserted in

board member workbooks until the beginning of the meeting, and will only be accepted until the board begins deliberation of proposals.

NEW PUBLIC COMMENT STANDARD: Once deliberation of proposals begin at a board meeting, the board will **ONLY** accept written public comments that are not more than five single-sided pages, or the equivalent double-sided pages, unless specific information is requested by the board that requires more pages than allowed under this standard.

During the meeting written public comments from any one individual or group may be submitted by hand delivery at any time if 25 copies are provided; but, as a practical matter comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Oral comments may also be presented as explained below.

Each meeting will start at 8:30 a.m. on the first day of the meeting dates noted below. The public hearing portions for each regulatory meeting will begin immediately after staff reports and continue until everyone who has signed up and is present has been given the opportunity to be heard. Additional public hearings with Board Committees may be held throughout the meeting before consideration and adoption of proposed changes in the regulations for the various areas. An agenda will be posted daily during the meeting. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each regulatory meeting. The length of oral statements may be limited to five minutes or less. Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the board.

TENTATIVE MEETING SCHEDULE

Bristol Bay Finfish

December 4-12, 2012

Bristol Bay Borough School, 2 School Road, Naknek, AK

Arctic-Yukon-Kuskokwim Finfish

January 15-20, 2013

Sheraton Hotel, 401 East 6th Avenue, Anchorage, AK

Alaska Peninsula/Aleutians Islands Finfish

February 26-March 4, 2013

Sheraton Hotel, 401 East 6th Avenue, Anchorage, AK

Statewide Finfish and Supplemental Issues

March 19-24, 2013

Hilton Hotel, 500 West 3rd Avenue, Anchorage, AK

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media or call (907) 465-4110. Please carefully review the ***PROPOSAL INDEX*** available for the meeting for

specific proposal issues to be addressed by the board. Copies of the proposal indices are in the proposal book or at the relevant meeting.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, or guided sport ecotourism regulations is hereby informed that, by publishing this legal notice, the Board of Fisheries may consider any or all of the subject areas covered by this notice. Under AS 44.62.200(b), the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the personal use, sport, guided sport or commercial fishing regulations as may be required to ensure the subsistence priority in AS 16.05.258. On its own motion, after public hearing, the board may adopt, amend, reject, supplement, or take no action on these subjects without further notice. In addition, the board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** 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.**

If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact Monica Wellard at (907) 465-4110 no later than two weeks prior to the beginning of each meeting to ensure that any necessary accommodations can be provided.

Statutory Authority: AS 16.05 - AS 16.20, AS 16.40

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05 - AS 16.20, AS 16.40

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.



Monica Wellard, Executive Director
Alaska Board of Fisheries

11/2/2012

Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: FISHERIES IN THE ARCTIC-KOTZEBUE, NORTON SOUND-PORT CLARENCE, YUKON, KUSKOKWIM (collectively referred to as Arctic-Yukon-Kuskokwim or A-Y-K Areas), BRISTOL BAY, ALEUTIAN ISLANDS, AND ALASKA PENINSULA SUBSISTENCE, COMMERCIAL, AND PERSONAL USE FINFISH FISHERY AREAS, AND ATKA-AMLIA ISLANDS COMMERCIAL FINFISH FISHERY AREA; IN THE BERING SEA-KOTZEBUE, KUSKOKWIM, BRISTOL BAY, AND ALASKA PENINSULA-ALEUTIAN ISLANDS COMMERCIAL HERRING FISHERY AREAS; IN THE NORTH SLOPE, NORTHWESTERN, YUKON RIVER, TANANA RIVER, KUSKOKWIM-GOODNEWS, BRISTOL BAY, AND ALASKA PENINSULA & ALEUTIAN ISLANDS SPORT FINFISH FISHERY AREAS; IN THE SOUTH ALASKA PENINSULA, CHUKCHI-BEAUFORT, AND BERING SEA-ALEUTIAN ISLANDS COMMERCIAL GROUND FISH AREAS; AND STATEWIDE (GENERAL PROVISIONS) FINFISH REGULATIONS, REGULATIONS; and Tanner crab fishery in the CHIGNIK AREA, king crab fishery in the ALEUTIAN ISLANDS AREA, and the finfish fishery in the YAKUTAT AREA and COOK INLET AREA.
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.
4. Reason for proposed actions: Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20.
5. Program category and RDU affected: Natural Resources and all RDUs.
6. Cost of implementation to the state agency and available funding: It is not possible to estimate the costs. However, these actions are not expected to require any additional costs.
7. The name of the contact person for the regulations:

Monica Wellard, Executive Director
Alaska Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
Email: monica.wellard@alaska.gov

8. The origin of the proposed action:

staff or state agency
 general public



9. Date: November 2, 2012

Prepared by: _____
Monica Wellard, Executive Director
Alaska Board of Fisheries
(907) 465-4110

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA BOARD OF FISHERIES

This is a **SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued on November 2, 2012, hereby incorporated by reference, concerning proposed regulation changes in Title 5 of the Alaska Administrative Code. This **SUPPLEMENTAL NOTICE** is being issued to notify the public of the following topic being added to the Board of Fisheries (board) schedule to be considered at the meeting noted:

The following additional topic will be addressed at the board's Alaska Peninsula/Aleutian Islands Finfish meeting scheduled for February 26 – March 4, 2013 at the Sheraton Hotel, 401 East 6th Avenue, Anchorage, Alaska:

IN THE BRISTOL BAY AREA: Consider a board-generated proposal to establish provisions, for the Ugashik and Egegik districts, to allow a person who holds two Bristol Bay CFEC set gillnet permits to "stack" those permits and operate extra gillnet gear within certain gear specifications, including length of gear and gear marking requirements (5 AAC 06.331).

All other provisions posted in the November 2, 2012 **NOTICE OF PROPOSED CHANGES** remain the same, including the public comment periods and tentative meeting schedule.

For a copy of the proposed regulation changes, or for a copy of the November 2, 2012 **NOTICE OF PROPOSED CHANGES**, contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, phone 907-465-4110, or access the Internet at:
<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>

Statutory Authority: AS 16.05 – AS 16.20; AS 16.40

Statutes being implemented, interpreted, or made specific: AS 16.05

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.

Date: January 23, 2013

Monica Wellard, Executive Director
Alaska Board of Fisheries

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting Agency: Alaska Board of Fisheries
2. General subject of regulation: Set gillnet specifications and operations in the Bristol Bay Area.
3. Citation of regulations: 5 AAC 06.331
4. Reason for proposed action: To consider allowing a person who holds two Bristol Bay CFEC set gillnet permits to "stack" those permits and operate extra gillnet gear in the Ugashik and Egegik Districts.
5. Appropriation/Allocation: Natural Resources and all RDUs.
6. Cost of implementation to the state agency and available funding: These actions are not expected to require any additional costs.
7. The name of the contact person for the regulations:

Monica Wellard, Executive Director
Alaska Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110

8. The origin of the proposed action: Board of Fisheries (board-generated proposal)

9. Date: January 23, 2013

Prepared by: _____

Monica Wellard, Executive Director
Alaska Board of Fisheries
(907) 465-4110

PROPOSAL 250 - 5 AAC 06.331. Gillnet specifications and operations. For the Ugashik and Egegik districts, establish provisions to allow a person who holds two Bristol Bay CFEC set gillnet permits to "stack" those permits and operate extra gillnet gear within certain gear specifications, including length of gear and gear marking requirements, as follows:

5 AAC 06.331 is amended by adding a new subsection to read:

(v) In the Ugashik and Egegik Districts, a CFEC permit holder who holds two Bristol Bay set gillnet permits may not operate more than four set gillnets, and the aggregate length of set gillnets operated by the CFEC permit holder may not exceed 100 fathoms. A single set gillnet may not exceed 50 fathoms in length. The buoys must be marked as specified in 5 AAC 06.334 and 5 AAC 39.280 with both of the CFEC permit holder's five digit permit numbers followed by the letter "D". In addition, at least one cork every 10 fathoms along the cork line must be plainly and legibly marked with both CFEC permit numbers. All identifiers must be displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background.

ISSUE: Whether to allow set gillnet permit stacking in selected districts of Bristol Bay.

WHAT WILL HAPPEN IF NOTHING IS DONE? Set gillnet permit stacking will not be allowed in Bristol Bay. This may allow new participants to enter the fishery as multiple permit holders divest. However, it may also increase difficulty for families to retain possession of permits as family members leave and re-enter the fishery in response to changing circumstances.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Set gillnet fishermen who are able to own and fish two permits.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? The board considered repealing the sunset clause for this regulation at the December 2012 meeting in Naknek and subsequently voted to allow the regulation to sunset.

PROPOSED BY: Alaska Board of Fisheries.