

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

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

IN THE COOK INLET, KODIAK, AND CHIGNIK AREAS FINFISH FISHERY REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERY REGULATIONS:

A. In the **commercial, sport, guided sport, and guided sport ecotourism 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, and personal use 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; harvest permits; management plans for conservation, development and allocation among beneficial uses, and users; classification of Tier I and Tier II fisheries; 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.

C. In the **commercial, sport, guided sport, subsistence, and personal use king and Tanner crab fisheries**: fishing seasons, periods, opening and closing times; harvest levels, harvest limits or quotas; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions; registration areas (including exclusive and super exclusive registration areas), and operating restrictions, requirements and definitions; management plans for conservation, development and allocation among beneficial uses; restrict or prohibit the retention, sale, or purchase of fish; onboard observer requirements; provisions to rationalize the Bering Sea/Aleutian Islands king and Tanner crab fisheries.

In addition to the above topics, the following supplementary items will be considered:

D. IN THE BRISTOL BAY AREA COMMERCIAL FISHERY: clarify the regulation on terminating a joint operation of dual permits. This item is scheduled for the March 22-26, 2011 meeting (see below).

E. IN THE BERING SEA - ALEUTIAN ISLANDS AREA GROUND FISH FISHERY: close waters within three miles of Kanaga Island. This item is scheduled for the January 16-19, 2011 meeting (see below).

For a copy of the proposed regulation changes (proposals) 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.boards.adfg.state.ak.us/>

You may comment on the regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written 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 will be 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 comment 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 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. During the meeting written comments limited to 10 single sided or 5 double sided pages in length 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.

There will be five separate regulatory meetings. Each meeting will start at 8:30 a.m. on the dates noted below. The public hearing portions for each regulatory meeting will begin 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

Lower Cook Inlet Finfish

November 15-18, 2010

Kachemak Bay Research Reserve, 95 Sterling Highway, Homer, AK

Kodiak Finfish

January 11-14, 2011

Harbor Convention Center, Best Western Inn, 236 Rezanof Drive, Kodiak, AK

Chignik Finfish, and Supplemental Items

January 16-19, 2011

Hilton Hotel, 500 West Third Avenue, Anchorage, AK

Upper Cook Inlet Finfish

February 20-March 5, 2011

Egan Center, 555 West 5th Avenue, Anchorage, AK

King and Tanner Crab, and Supplementary Items

March 22-26, 2011

Hilton Hotel, 500 West Third 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 review the **PROPOSAL INDEX** for a list of the specific proposals to be addressed by the board at each meeting. Copies of the proposal index are in the proposal book and are available online at: <http://www.boards.adfg.state.ak.us/>.

Anyone interested in or affected by subsistence, personal use, sport, guided sport or commercial fishing 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. Pursuant to 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 Jim Marcotte 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 16.020, AS 16.40

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

Date: October 15, 2010



Jim Marcotte, 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 regulations: IN THE COOK INLET, KODIAK, AND CHIGNIK AREAS FINFISH FISHERY REGULATIONS; AND STATEWIDE KING AND TANNER CRAB FISHERY REGULATIONS; and BRISTOL BAY AREA DUAL PERMIT OPERATION AND BERING SEA - ALEUTIAN ISLANDS AREA GROUND FISH CLOSURE WITHIN THREE MILES OF KANAGA ISLAND.
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:

Jim Marcotte, Executive Director
Alaska Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
Email: jim.marcotte@alaska.gov

8. The origin of the proposed action:
 staff or state agency
 general public

9. Date: October 15, 2010

Prepared by: 
Jim Marcotte, Executive Director
Alaska Board of Fisheries
(907) 465-4110

**NOTICE OF ADOPTION OF EMERGENCY REGULATIONS
OF THE ALASKA BOARD OF FISHERIES**

On January 19, 2011, the Alaska Board of Fisheries adopted, as emergency regulations, changes in Title 5 of the Alaska Administrative Code dealing with the establishment of a Pacific cod fishery in certain state waters in the Aleutian Islands District between 175° West longitude and 178° West longitude near Adak.

The emergency regulations took effect on January 20, 2011 and will expire May 19, 2011. The Board of Fisheries intends to make the emergency regulations permanent.

You may comment on the regulation changes, including the potential cost to private persons of complying with the changes, by submitting written comments limited to no more than 100 singled 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 will be received no later than 5:00 p.m. on March 8, 2010.

Oral comments or written comments, limited to 10 single sided or 5 double sided pages, also may be submitted at a hearing to be held during the Alaska Board of Fisheries' scheduled meeting beginning on March 22, 2011 in Anchorage, Alaska at the Hilton Hotel, 500 West Third Avenue. The meeting is scheduled to start at 8:30 p.m. and the public hearing portion of the meeting will begin after staff reports and continue until everyone who has signed up before the cut-off time announced by the board chair to give testimony, and is present, has been given an opportunity to be heard. Written comments may be submitted at any time during the meeting, but as a practical matter written comments submitted after the board begins deliberation of the emergency regulations are likely to receive less consideration than comments submitted earlier.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jim Marcotte at (907) 465-4110 no later than two weeks before the accommodation is needed in order to ensure that any necessary accommodation can be provided.

For a copy of the emergency regulations, contact Kerri Tonkin, Regulations Program Coordinator at 1255 West 8th Street, P.O. Box 115526, Juneau, AK 99811-5526, telephone: (907)465-6124, or via e-mail kerri.tonkin@alaska.gov.


The language of the permanent regulations may be different from that of the original emergency regulations, and may include other provisions dealing with the same subject. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 16.05.251

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.251

Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: January 26, 2011



Jim Marcotte, Executive Director
Alaska Board of Fisheries