

**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 aquatic farming, including the following:

- (1) **5 AAC 41.240(a)(5)(B) and (C)** are proposed to be repealed to remove the mandatory use of a predator exclusion device and use of hatchery seed in on-bottom aquatic farm applications, including on-bottom little-neck aquatic farm applications.
- (2) **5 AAC 41.250(a)(4)** is proposed to be repealed and move the aquatic farm and hatchery site marking requirements from the section to a new section, 5 AAC 41.277.
- (3) **5 AAC 41.257(b)(3)** is proposed to be changed to remove the spat size requirement.
- (4) **5 AAC 41.257(b)(4)** is proposed to be repealed to remove the requirement for video tape as documentation of planting and placement of exclusion devices.
- (5) **5 AAC 41.257(b)(5)** is proposed to be repealed to remove the requirement for specific GPS coordinates of planting sites.
- (6) **5 AAC 41.257(g)** is proposed to be repealed to remove the specifications of a predator exclusion device.
- (7) **5 AAC 41.258** is a proposed new section to establish the procedure for the determination of geoduck status on aquatic farms.
- (8) **5 AAC 41.270(a)(1)** is proposed to be changed by changing the term "sell" to "land".
- (9) **5 AAC 41.270(c)** is proposed to be changed by changing the term "harvest" to "landing".
- (10) **5 AAC 41.270(e)** is proposed to be changed by changing the submission deadline date of annual reports from January 15 to January 31.
- (11) **5 AAC 41.277** is a proposed new section to establish the marking requirements for aquatic farms and hatchery sites that currently exists in 5 AAC 41.250(a)(4).

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; Email: kerri.tonkin@alaska.gov. The comments must be received no later than 5:00 p.m. November 29, 2011.

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 1-800-478-3648) no later than November 22, 2011 to ensure that any necessary accommodations can be provided.

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.

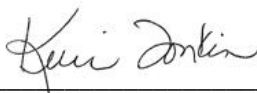
After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed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

Statutory Authority: AS 16.05.020; AS 16.05.050; AS 16.40.160

Statutes being Implemented, Interpreted, or Made Specific: AS 16.05.020; 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 16.40.155; AS 16.40.160

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

Date: October 27, 2011



Kerri Tonkin, Regulations Program Coordinator
Department of Fish & Game

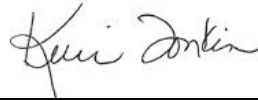
ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting Agency: Department of Fish and Game.
2. General subject of regulations: Aquatic Farming.
3. Citation of regulations: 5 AAC 41.240 - 5 AAC 41.277
4. Reason for proposed actions: Amend regulations to be consistent with current management practices.
5. Appropriation/Allocation: Natural Resources.
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:

Kerri Tonkin, Regulations Program Coordinator
Alaska Dept. of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
(907) 465-6124
Email: kerri.tonkin@alaska.gov

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

9. Date: October 27, 2011



Kerri Tonkin, Regulations Program Coordinator
Department of Fish & Game