

Approved Proposal Number	Applicable regulations	Language location	Brief Summary	Date and time of vote	Comments
173 5 AAC 01.260(c)		Intent in the proposal	Adds provision that closes subsistence salmon fishing in District 4 of the Kuskokwim management area on Sundays between June 1 and July 15.	4/19/2023 at 5:37pm	This proposal had inadvertently been omitted from the AYK meeting and when the error was found, the board decided to have a special meeting to consider this proposal only.
91 5 AAC 01.270(m)(1)(E)		Intent in the proposal	Adds language to allow the commissioner to modify drift gillnet length by emergency order in the subsistence salmon fishery in the Kuskokwim area.	1/18 at 9:06am	This language was omitted in error from Part 2 of the AYK regulations package and being included here in Part 3.
173 5 AAC 01.270(q)		Intent in the proposal	Adds new language stating in District 4 between June 1 and July 15, only one gillnet may be operated per vessel in the Kuskokwim management area salmon subsistence fishery.	4/19/2023 at 5:37pm	
173 5 AAC 07.310(3)		Intent in the proposal	Adds language closing commercial fishing for salmon on Sundays between June 1 and July 15 in District 4 in the Kuskokwim area.	4/19/2023 at 5:37pm	
173 5 AAC 07.331(f)		Intent in the proposal	Adds language stating in District 4, between June 1 and July 15, only one gillnet may be operated per vessel in the commercial salmon fishery in the Kuskowim area.	4/19/2023 at 5:37pm	

Nancy Dahlstrom  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Shellene Hutter, Department of Fish and Game

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** May 26, 2023

**RE:** Filed Permanent Regulations: Board of Fisheries

Board of Fisheries regulations re: Arctic/Yukon/Kuskokwim Finfish Board Meeting  
April 2023 (Part 3) (5 AAC 01 - 99)

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Attorney General File:	2022200304.003
Regulation Filed:	5/26/2023
Effective Date:	6/25/2023
Print:	246, July 2023

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Law

CIVIL DIVISION

P.O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
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May 26, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *5 AAC 01-99, Board of Fisheries - Arctic/Yukon/Kuskokwim Finfish Board Meeting April 2023 (Part 3)*

Our file: 2022200304.003

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Fisheries against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations concern changes to Kuskokwim area salmon fisheries.

The regulations were adopted by the Board of Fisheries after the close of the public comment period. The September 13, 2022 public notice, the March 17, 2023 notice of special meeting and the May 8, 2023 order certifying changes all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made minor technical corrections necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.05.26  
12:01:53 -08'00'

RCP/bhp

CC w/enclosure: Shellene Hutter  
Department of Fish and Game

Aaron Peterson, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

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

The attached 2 pages of regulations, changes to 5 AAC for subsistence and commercial fisheries occurring in the Kuskokwim area is certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its public hearing held on April 19<sup>th</sup>, 2023 via web conference meeting 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 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 5/8/2023  
Anchorage, Alaska

DocuSigned by:  
Doug Vincent-Lang  
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\_\_\_\_\_  
Douglas S. Vincent-Lang, Commissioner  
Department of Fish and Game

**FILING CERTIFICATION**

*April Simpson for*

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on May 20, 2023 at 3:26 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for April Simpson*  
\_\_\_\_\_  
Nancy Dahlstrom, Lieutenant Governor  
State of Alaska

Effective: June 25, 2023.

Register: 246, July 2023.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

**Title 5. Fish and Game.**

**Part 1. Commercial and Subsistence Fishing and Private Nonprofit Salmon Hatcheries.**

**Chapter 01. Subsistence Finfish Fishery.**

5 AAC 01.260(c) is amended to read:

(c) In Districts 4 and 5, salmon may be taken at any time, except that **in District 4, subsistence fishing for salmon shall close on Sundays between June 1 and July 15 and** the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 4 or 5 and reopen those waters to commercial fishing. (In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 6/10/87, Register 102; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 6/17/2001, Register 158; am 12/29/2002, Register 164; am 5/19/2004, Register 170; am 5/24/2023, Register 246; am 6 / 25 / 2023, Register 246)

**Authority:** AS 16.05.251 AS 16.05.258

5 AAC 01.270(m)(1) is amended by adding a new subparagraph to read:

(E) for a gillnet of four-inch or less, six-inch or less, or seven and one-half inches or greater, may not exceed the length specified by the commissioner in the emergency order;

5 AAC 01.270 is amended to add a new subsection to read:

(q) In District 4 between June 1 and July 15, only one gillnet may be operated per vessel. (In effect before 1988; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 7/5/2000, Register 155; em am 7/8/2000 - 11/4/2000, Register 155; em am

Register 246, July 2023 FISH AND GAME

5/29/2001, Register 158; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am 8/23/2009, Register 191; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 6/28/2019, Register 230; am 9/19/2019, Register 231; am 6/21/2020, Register 234; am 5/24/2023, Register 246; am 6 / 25 / 2023, Register 246 )

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.258

### Chapter 07. Kuskokwim Area.

5 AAC 07.310 is amended by adding a new paragraph to read:

(3) in District 4, commercial fishing for salmon will be closed on Sundays between June 1 and July 15. (In effect before 1988; am 6 / 25 / 2023, Register 246 )

**Authority:** AS 16.05.060 AS 16.05.251 [AS 16.05.251(a)]

((Note to Publisher: please change period at the end of 5 AAC 07.310(2) to a semicolon)))

5 AAC 07.331 is amended to add a new subsection to read:

(f) In District 4, between June 1 and July 15, only one gillnet may be operated per vessel. (In effect before 1985; am 5/11/85, Register 94; am 5/19/2004, Register 170; am 6/7/2007, Register 182; am 4/13/2013, Register 206; am 5/22/2016, Register 218; am 6 / 25 / 2023, Register 246 )

**Authority:** AS 16.05.060 AS 16.05.251 [AS 16.05.251(a)]