

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 SOUTHEAST ALASKA, YAKUTAT, UPPER COPPER RIVER, UPPER SUSITNA RIVER, AND PRINCE WILLIAM SOUND AREAS FINFISH AND GROUND FISH REGULATIONS; SOUTHEAST ALASKA AND YAKUTAT AREAS, KING AND TANNER CRAB REGULATIONS, DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH REGULATIONS; PRINCE WILLIAM SOUND AREA, DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH REGULATIONS; AND IN STATEWIDE DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH 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 and shellfish)**: 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.

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.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 20 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 one nonregulatory worksession and four 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 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.

Work Session: ACRs, cycle organization, stocks of concern

October 8-10, 2008

Alpine Lodge, 4920 Dale Road, Fairbanks

**Prince William Sound and Upper Copper/Upper Susitna
Finfish and Dungeness crab, Shrimp, Miscellaneous Shellfish**

December 1-7, 2008

Orca Lodge, Orca Road, Cordova

**Southeast and Yakutat Crab, Shrimp, Miscellaneous Shellfish
(including Dungeness, King, and Tanner)**

January 21-27, 2009

Sons of Norway Hall, Sing Lee Alley, Petersburg

**Southeast and Yakutat Finfish
(including salmon, herring, groundfish)**

February 17-26, 2009

Harrigan Centennial Hall, 330 Harbor Drive, Sitka

**Statewide Dungeness Crab, Shrimp, Miscellaneous Shellfish
(except Southeast, Yakutat, and PWS), and Supplemental Issues**

March 16-20, 2009

Egan Center, 555 West 5th Avenue, Anchorage

In addition to the above listed meetings, there will be a hearing in Fairbanks starting at 7:00 p.m. October 9, 2008 for public comment on Prince William Sound and Upper Copper/Upper Susitna finfish and Dungeness crab, shrimp, miscellaneous shellfish topics. This hearing provides an opportunity for oral public comment for persons not able to attend the hearing in Cordova in December. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at this hearing. The length of oral statements may be limited to five minutes or less. Because this is an extension of the public hearing in Cordova, those persons or organizations that testify at the October 9 portion of the hearing in Fairbanks will not be invited to testify at the December portion of the hearing in Cordova. Depending on the time needed, the board may continue the Fairbanks hearing on October 10.

**Public Hearing on
Prince William Sound and Upper Copper/Upper Susitna
Finfish and Dungeness crab, Shrimp, Miscellaneous Shellfish Topics**

7:00 p.m., October 9, 2008

Alpine Lodge, 4920 Dale Road, Fairbanks

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, 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: September 4, 2008



Jim Marcotte, Executive Director
Alaska Board of Fisheries

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

This **SUPPLEMENTAL NOTICE** amends the Notice of Proposed Changes that was issued on September 4, 2008 concerning proposed regulation changes in Title 5 of The Alaska Administrative Code dealing with fishery resources by adding the following topics to be considered at the meetings noted:

The following topics will be addressed at the board's Prince William Sound and Upper Copper/Upper Susitna, Finfish and Dungeness Crab, Shrimp, Miscellaneous Shellfish meeting scheduled for DECEMBER 1-7, 2008 at the Orca Lodge, Orca Road, Cordova, Alaska:

In the **Bering Sea area and Bristol Bay area**, areas closed to non-pelagic trawl, and closures for essential fish habitat. (5 AAC 39.164, 5 AAC 39.165 and 5 AAC 39.167)

In the **Aleutian Islands District Pacific cod fishery**, vessel length limit and daily catch limits. (5 AAC 28.647; (5 AAC 28.647)

In the **Bering Sea/Aleutian Islands management area Pacific cod fishery**, longline vessel length limit. (5 AAC 28.087)

In the **parallel groundfish fisheries statewide**, reporting requirements. (5 AAC 28.075, 5 AAC 28.087)

The following topic will be addressed at the board's Southeast and Yakutat Finfish meeting scheduled for FEBRUARY 17-26, 2009 at the Harrigan Centennial Hall, 330 Harbor Drive, Sitka, Alaska:

In the **Kodiak Area herring fishery**, gillnet quota and management plan. (5 AAC 27.535, and 5 AAC 27.510(1-2))

The following topics will be addressed at the board's Statewide Dungeness Crab, Shrimp, Miscellaneous Shellfish, and Supplemental Issues meeting scheduled for MARCH 16-20, 2009 at the Egan Center, 555 West 5th Avenue, Anchorage, Alaska:

In the **Bristol Bay Area Naknek River Special Harvest Area**, allowable length of set gillnets. (5 AAC 06.360)

In the **Subsistence and Personal Use Fishery statewide regulations**, prohibition on blocking a channel in areas with a braided stream or multiple channels. (5 AAC 01.010, and 5 AAC 77.010)

In the **Upper Cook Inlet Area Central District Drift Gillnet Fishery Management Plan**, areas closed to fishing from July 16 through July 31 at all run strengths. (5 AAC 21.353(a)(2)(B)(i-iii)

All other provisions posted in the September 4, 2008 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 September 4, 2008 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.boards.adfg.state.ak.us/fishinfo/index.php>.

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.

Date: October 27, 2008



Jim Marcotte, Executive Director
Alaska Board of Fisheries

FORM FOR ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulation: Bristol Bay Area salmon and trawl fisheries, Bering Sea trawl and essential fish habitat, Bering Sea/Aleutian Islands District Pacific cod fishery, Kodiak Area herring fishery, Statewide Subsistence and Personal Use Fishery, Upper Cook Inlet salmon, and the statewide groundfish fishery.
3. Citation of regulations: 5 AAC 01, 06, 27, 28, 39, 77, and 21.353(a)(2)(B)(i-iii)
4. Reason for proposed action: Supplemental topics for the December 2008, February 2009, and March 2009 Board of Fisheries meetings. Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20, AS 16.40.
5. Program category and BRU affected: Natural Resources and all BRUs.
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:

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

8. The origin of the proposed action:
 staff or state agency
 federal government
 general public
 petition for regulation
 other (please list)

9. Date: October 27, 2008

Prepared by: 

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

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

This **SECOND SUPPLEMENTAL NOTICE** amends the Notice of Proposed Changes that was issued on September 4, 2008 and Supplemental Notice of Proposed Changes that was issued on October 27, 2008 concerning proposed regulation changes in Title 5 of The Alaska Administrative Code dealing with fishery resources.

Additional time is being allowed for the public to submit written comment on the seven supplemental proposals that address the following topics:

In the **Bering Sea area and Bristol Bay area**, areas closed to non-pelagic trawl, and closures for essential fish habitat. (5 AAC 39.164, 5 AAC 39.165 and 5 AAC 39.167)

In the **Aleutian Islands District Pacific cod fishery**, vessel length limit and daily catch limits. (5 AAC 28.647)

In the **Bering Sea/Aleutian Islands management area Pacific cod fishery**, longline vessel length limit. (5 AAC 28.087)

In the **parallel groundfish fisheries statewide**, reporting requirements. (5 AAC 28.075, 5 AAC 28.087)

These topics were previously scheduled for final regulatory action during the board's December 1-7, 2008 meeting at the Orca Lodge, Orca Road, Cordova, Alaska. The Board will still accept oral testimony and begin deliberation as previously noticed. You may now also comment by submitting additional written comments 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 12:00 noon December 30, 2008.

The board will hold a teleconference at 10:00 a.m. Wednesday, December 31, 2008 to take final action on these topics; no oral comments will be accepted at this time. Public listen-only sites will be available at the Alaska Department of Fish and Game offices in Juneau (1255 W. 8th Street), Anchorage (333 Raspberry Road) and in Kodiak (211 Mission Road).

All other provisions posted in the September 4, 2008 Notice of Proposed Changes and October 27, 2008 Supplemental Notice of Proposed Changes remain the same.

For a copy of the proposed regulation changes, a copy of the September 4, 2008 Notice of Proposed Changes, or the October 27, 2008 Supplemental 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.boards.adfg.state.ak.us/fishinfo/index.php>.

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.



Date: November 24, 2008

Jim Marcotte, Executive Director
Alaska Board of Fisheries