

**NOTICE OF PROPOSED CHANGES IN THE PERSONAL USE FISHERY REGULATIONS  
AND CORRECTING ERRORS AND OMISSIONS IN THE REGULATIONS  
OF THE ALASKA BOARD OF FISHERIES**

**BRIEF DESCRIPTION**

The commissioner of the Department of Fish and Game, under delegations of authority issued by the Alaska Board of Fisheries proposes to change regulations regarding personal use fisheries and to correct errors and omissions in certain finfish and shellfish fisheries regulations.

The commissioner of the Department of Fish and Game, under delegations of authority issued by the Alaska Board of Fisheries (board) under AS 16.05.270, proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC), related to changes and repeal of certain obsolete personal use finfish and shellfish fishery regulations and correcting errors and omissions in Title 5 dealing with certain finfish and shellfish fisheries, including the following:

- (1) **5 AAC 01.549. Prohibitions** is proposed to be changed to correct a cross referenced definition and make some minor technical changes.
- (2) **5 AAC 02.025. Use of commercially licensed or registered vessels** is proposed to be changed to eliminate a cross referenced regulation that is no longer applicable and reorganize the section.
- (3) **5 AAC 24.200. Fishing districts and subdistricts** is proposed to be changed to correct errors in certain latitude/longitude coordinates in the description of the Eshamy District and Main Bay Subdistrict in the Prince William Sound Area which are incorrectly described due to a printing error by the publisher of the AAC.
- (4) **5 AAC 24.350. Closed waters** is proposed to be changed to correct an error in the description of closed waters in a portion of Esther Passage in the Coghill District of the Prince William Sound Area which is incorrectly described due to a printing error by the publisher of the AAC.
- (5) **5 AAC 27.162. Buyer and tender reporting requirements for the sac roe herring fishery in Southeastern Alaska Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (6) **5 AAC 27.390. Buyer reporting requirements for Prince William Sound Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (7) **5 AAC 27.434. Identification of gear for Cook Inlet Area** is proposed to be changed to eliminate gender-based language and make some minor technical changes.
- (8) **5 AAC 27.462. Reporting requirements for Cook Inlet Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (9) **5 AAC 27.505. Description of Kodiak Area districts and sections** is proposed to be changed to correct an error in the description of the East Sitkalidak Section in the Eastside District which is incorrectly described due to a printing error by the publisher of the AAC.

- (10) **5 AAC 27.540. Buyer and tender reporting requirements for Kodiak Area** is proposed to be changed to correct a cross referenced regulation due to the reorganization of that section in another regulations project.
- (11) **5 AAC 30.460. Harvest of bait by commercial permit holders** is proposed to be repealed as the harvest of bottomfish (groundfish) for bait in the Yakutat Area is already addressed in the commercial groundfish regulations under 5 AAC 28.190.
- (12) **5 AAC 32.128. Operation of other gear in Registration Area A** is proposed to be changed to clarify that during an open Dungeness crab season in the Southeastern Alaska Area a person or vessel may also operate king or Tanner crab pots if those season are open at the same time. This corresponding change was not included when the ability to operate Dungeness crab pots during the king or Tanner crab seasons was included in 5 AAC 34.128 and 5 AAC 35.128.
- (13) **5 AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan** is proposed to be changed to more clearly describe waters in District 2 that are closed to commercial sea cucumber fishing and reestablish some closed waters in District 12 that were repealed inadvertently and without board intent.
- (14) **5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots** is proposed to be changed to change references to "bottomfish" to read "groundfish", including the section title, as groundfish is the conventional term used in commercial fisheries.
- (15) **5 AAC 39.164. Nonpelagic trawl gear restrictions** is proposed to be changed to correct references to the revision date of two federal regulations referenced in the section.
- (16) **5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan** is proposed to be changed to correct the reference to the number of rationalized crab fisheries and clarify that management authority is "deferred" to the Department of Fish and Game rather than "delegated."
- (17) **5 AAC 39.975. Definitions** is proposed to be changed to reflect a redescription of the blue rockfish to a deacon rockfish for the purposes of commercial fisheries.
- (18) **5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area** is proposed to be repealed and the substance of that section moved to the general provisions sections to include seasons, bag, possession, annual, and size limits all in one section consistent with other area regulations.
- (19) **5 AAC 65.020. General provisions for seasons and bag, possession, annual, and size limits for the Alaska Peninsula and Aleutian Islands Area** is proposed to be changed to include the season provisions previously contained under the section listed in (18) of this notice and reorganize the section to be consistent with the format of other area regulations.
- (20) **5 AAC 67.010. Fishing seasons for Bristol Bay Area** is proposed to be repealed and the substance of that section moved to the general provisions sections to include seasons, bag, possession, annual, and size limits all in one section consistent with other area regulations.
- (21) **5 AAC 67.020. General provisions for seasons and bag, possession, annual, and size limits for the Bristol Bay Area** is proposed to be changed to include the season provisions previously

contained under the section listed in (20) of this notice and reorganize the section to be consistent with the format of other area regulations.

- (22) **5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area** is proposed to be changed to correct an omission in the season for rainbow trout in the American Creek drainage of the Naknek River drainage to clarify when sport fishing is closed.
- (23) **5 AAC 75.995. Definitions** is proposed to be changed to reflect a redescription of the blue rockfish to a deacon rockfish for the purposes of sport fisheries.
- (24) **5 AAC 77.010. Methods, means, and general restrictions** is proposed to be changed to clarify that the no closed season, no bag and possession limits, and gear limits only applies to certain miscellaneous shellfish species that are not otherwise specified in the personal use fishery regulations in 5 AAC 77.
- (25) **5 AAC 77.050 – 5 AAC 77.559** are proposed to be changed or repealed to eliminate certain provisions and personal use fishery regulations that have become obsolete. In determining the changes needed, the Department of Fish and Game considered the factors and used the criteria established by the Board of Fisheries under its finding and delegation of authority *2015-276-FB*, dated March 20, 2015, and which can be found on the board's website at [http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/findings/2015\\_276\\_fb.pdf](http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/findings/2015_276_fb.pdf).
- (26) **5 AAC 77.662. Personal use Dungeness crab fishery** is proposed to be changed to clarify the provisions that if the king crab pot and ring net limits are reduced in Section 11-A in the Southeastern Alaska Area that the Dungeness crab pot and ring net limits in Section 11-A will be reduced to the same limits as for king crab.
- (27) **5 AAC 77.666. Personal use Tanner crab fishery** is proposed to be changed to clarify the provisions that if the king crab pot and ring net limits are reduced in Section 11-A in the Southeastern Alaska Area that the Tanner crab pot and ring net limits in Section 11-A will be reduced to the same limits as for king crab.
- (28) **5 AAC 77.671. Personal use sea cucumber fishery** is proposed to be changed to clarify that there is no closed season or bag and possession limits for personal sea cucumbers in the Southeastern Alaska Area.

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 Kevin J. Messing, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at [kevin.messing@alaska.gov](mailto:kevin.messing@alaska.gov). The comments must be received no later than 5:00 p.m. on June 20, 2016.

You may submit written questions relevant to the proposed action to Kevin J. Messing at the mailing address or email address above. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Online Public Notice System. The Department of Fish and Game may, but is not required to,

answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kevin J. Messing at (907) 465-6124 no later than June 13, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kevin J. Messing, Regulations Program Coordinator at the mailing address, telephone number, or email address above or online on the board's website at <http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>.

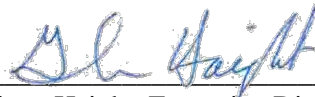
After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 16.05.050; AS 16.05.251; AS 16.05.258; AS 16.05.270; AS 16.10.125

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.251; AS 16.05.258; AS 16.10.125

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

DATE: 5/20/16

A handwritten signature in blue ink, appearing to read "Glenn Haight", is written over a horizontal line.

Glenn Haight, Executive Director  
Alaska Board of Fisheries  
Department of Fish and Game