PROPOSAL 113

5 AAC 28.190. Harvest of bait by commercial permit holders in Eastern Gulf of Alaska Area.

Expand description of allowable groundfish parts that may be used as bait, as follows:

The holder of a valid CFEC interim use or limited entry permit may take groundfish in the waters of Alaska in the Eastern Gulf of Alaska Area for use as bait in the commercial fishery for which the permit is held as follows:

(1) except for sablefish, lingcod, thornyhead, shortraker, roughey, and yelloweye rockfish, groundfish may be taken at any time; sablefish, lingcod, thornyhead, shortraker, roughey, and yelloweye rockfish may not be taken for bait or used for bait, except that the head, tail, fins, closely trimmed skeleton, and viscera of delivered and processed commercial sablefish, lingcod, and thornyhead, shortraker, roughey, and yelloweye rockfish may be used for bait;

(2)...

What is the issue you would like the board to address and why? Clarify Parts of Groundfish That May Be Used as Bait:

In 2012, at the request of the Department, the BoF amended 5 AAC 28.190(1) that strictly prohibited the use of certain commercially caught groundfish species as bait to make clear that unsalable scraps could be used as bait. The specific language was copied from 5 AAC 75.026 (b), an existing regulation that addressed the use of sport-caught fish as bait. In 2013 however, the BoF realized that the latter regulation was lacking and modified it to specifically include filleted-out carcasses among the parts of the fish that are legal to use as bait when sportfishing. The commercial regulation was not addressed at that time.

This proposal simply seeks to once again match the wording in 5 AAC 28.190(1) with the language in 5 AAC 75.026(b). This would make the commercial regulation more clearly align with the department's original intent “to allow all waste products—anything that would be headed to the grinder” to be used as bait. (SE Groundfish Manager to the Sitka AC during Dec 6, 2011 meeting). This is in keeping with common practice and common sense.

PROPOSED BY: Tad Fujioka (EF-F17-012)

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PROPOSAL 114


Allow the transport of live groundfish for the purposes of export or sale for human consumption, as follows:

(c) Unless authorized by terms of a scientific, propagative, or educational permit issued under AS 16.05.340(b), or for export or sale for human consumption, a person may not possess groundfish in a manner that indicates an intent to keep the groundfish alive.
What is the issue you would like the board to address and why? Remove the restriction on keeping groundfish alive to allow for live transport of sablefish and other groundfish as seafood for human consumption.

PROPOSED BY: John M. Johanson (EF-F17-059)

PROPOSAL 115
5 AAC 28.1XX. New section.
Create a new commercial fishery for spiny dogfish sharks using pot gear in the Eastern Gulf of Alaska Area, as follows:

Create a new Spiny Dogfish pot fishery in Southeast Alaska with regulations as described below to be determined by ADF&G.

What is the issue you would like the board to address and why?
1. Spiny Dogfish are currently an underutilized fishery.
2. In processing Spiny Dogfish nearly all of the carcass is utilized, (including some organs) except the head. When markets are developed this fishery could provide new revenue streams and opportunities for fishers, processors and communities.
3. Spiny Dogfish tend to travel in large dense packs by size and sex. Longline Spiny Dogfish fisheries in British Columbia's Strait of Georgia have resulted in concerns over the inability to fish selectively, resulting in unwanted harvests of fecund females. A pot fishery could resolve those issues by the fact that the fish are harvested live and can be released unharmed, coupled with regulations on:
   a. Season duration,
   b. Pot limits
   c. Tunnel size
   d. Escapement rings
   e. Legal site retention (slot limits)

PROPOSED BY: Don Westlund and Larry McQuarrie (HQ-F17-085)

PROPOSAL 116
5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area.
Establish a regional sablefish nonresident annual limit, as follows:

Restrict Sablefish (Black Cod) as follows:
All areas: [Chatham Strait and Lower Lynn Canal - District 12]
-no size restrictions
-nonresident - 4 daily, 4 in possession, 8 fish annual limit, harvest record required

What is the issue you would like the board to address and why? An annual bag limit will help ensure the long-term sustainability of the resource while maintaining angler opportunity to harvest
Sablefish are a commercially valuable species that have been fully utilized since 1991. Significant sport fishing pressure is a recent occurrence that has increased steadily, with estimated harvests nearly tripling from 2010's estimated harvest of 4,793 fish to 2015's estimated harvest of 13,338 fish. Sablefish biomass is stable, but near historic lows in abundance. Considering this and changing ocean conditions, it is important to carefully manage all user groups to prevent unrestrained growth in harvests. There is currently no limit on entry for sablefish anglers or guides. This proposal allows for angler opportunity, does not limit the number of people that can participate, and ensures reasonable management of a new user group in a fully utilized fishery.

PROPOSED BY: Carina Nichols

PROPOSAL 117

5 AAC 77.674. Personal use bottomfish fishery.

Allow pots as a legal gear type in the Southeastern Alaska Area personal use sablefish fishery, as follows:

(2). The new regulation should read something like the following:

"Personal use bottomfish may be taken only by longline, or hand held line, except sablefish may be taken with pots"

Give ADF&G the authority to determine a reasonable number of pots allowed per household permit and per vessel in the sablefish personal use fishery.

The new regulations should exempt pots for sablefish from unlawful gear types in the personal use fishery.

What is the issue you would like the board to address and why? The personal use sablefish fishery takes less than 2% of the region wide catch each year. Since the Department has undergone pot surveys it has shown that by-catch in pots compared to longline is virtually nil. The use of long line is indiscriminate to what it catches and impossible to target sablefish only.

Longline gear will also catch multiple species that do not fall under the personal use fishery permit such as halibut and long lived sleeper sharks.

There is a greater potential for lost longline gear in the areas and depths at which sablefish are targeted than by using pot gear. Lost longline gear is a hazard for other sport and commercial fisherman and kills off more of the resource indiscriminately.

The use of pots will greatly reduce by-catch, reduce lost gear, and conserve resource. Pots are already legal gear in subsistence only areas.

The regulation [5 AAC 77.674(2)] prohibiting this gear type in personal use areas is broad based language covering all bottom fish species in the personal use fisheries and does not specifically address sablefish and the unique challenges associated with harvesting this specie.

PROPOSED BY: Aaron Woodrow
PROPOSAL 118

5 AAC 28.110. Sablefish fishing seasons for Eastern Gulf of Alaska Area.
Change the season opening date for the Southern Southeast Inside Subdistrict commercial sablefish fishery to coincide with the federal sablefish fishery, as follows:

Opening date for the Southern Southeast Sablefish Fishery to coincide with the opening of the Federal Sablefish IFQ season and closing on November 15th.

What is the issue you would like the board to address and why? Change the opening date for the southeast sablefish fishery to coincide with the Federal sablefish IFQ season.

Currently most of the quota is removed in a month and a half. Depletion of the local stocks are occurring. This could be avoided with a season that is spread out over 9 months. This would allow the local stocks to remain healthy and prevent overfishing at any one time. This would curtail the preemption of invasive species building up and replacing sablefish in their normal habitat.

Currently the last few years have not seen a completed survey. Survey stations have changed, so the quota is really not based on any true numbers. So by extending the season there should be no conflict with the setting of the annual quota.

Currently PWS has a statewater sablefish fishery, and pollock fishery that has their quota based off the federal survey.

Cook Inlet has a statewater sablefish fishery based off the federal survey.

The Aleutians have a statewater sablefish fishery based off the federal survey.

So I believe southern southeast sablefish fishery could also be based off the federal season survey. The additional benefit would be to the state; by saving survey money from the budget.

If this seems to conflict with the state management for any reason and the state needs to do a survey, similar steps could be taken similar to the federal survey and the season could close two weeks prior to the survey or the month of May and the state could perform a survey.

Spreading the season out over nine months is similar to the way many fisheries are managed.

PROPOSED BY: Bill Connor (EF-F17-025)
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PROPOSAL 119

5 AAC 28.110. Sablefish fishing seasons for Eastern Gulf of Alaska Area.
Amend gear and season dates for Southern Southeast Inside Subdistrict commercial sablefish fishery, as follows:

(a)(2) in the Southern Southeast Inside Subdistrict, from 8:00 a.m. March [JUNE] 1 until 12:00 noon August 15 with longline gear or pot gear, and from 8:00 a.m. September 1 for the three
existing pot permits until their quota is caught, then all permit holders fishing longline gear or pot gear until 12:00 noon November 15 [WITH POT GEAR].

What is the issue you would like the board to address and why? Change the timing and allowable gear types for Southern Southeast Inside Subdistrict sablefish permit holders.

Several Southern Southeast Sablefish longline permit holders have been unable to fully harvest their quota and thus have not been able to realize the economic benefits of their permits due to marine mammal interaction. Changing the timing and use of gear types will minimize the loss of sablefish due to marine mammal interaction, reduce bycatch and lost bait, increase the average size of fish, and reduce waste caused by hagfish and sand fleas.

The solution I recommend is allowing all sablefish permit holders for the Southern Southeast area to fish using either longline or pot gear at their discretion. Currently there are 22 permit holders, but 19 are required to use longline gear.

PROPOSED BY: John M. Johanson (EF-F17-057)
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PROPOSAL 120
5 AAC 28.110. Sablefish fishing seasons for Eastern Gulf of Alaska Area.
Modify fishing seasons in the Southern Southeast Inside Subdistrict commercial sablefish fishery to allow concurrent fishing with pot and longline gear, as follows:

(a) In the Eastern Gulf of Alaska Area, sablefish may be taken only as follows:

…

(2) in the Southern Southeast Inside Subdistrict, from 8:00 am June 1 until 12:00 noon November 15 for longline and pot gear.

What is the issue you would like the board to address and why? Longline permit holders in the Southern Southeast Sablefish Fishery will be allowed to use pots to harvest their sablefish beginning in 2018. The longline season is currently June 1 to August 15 for the nineteen permit holders. The current pot fishery allows the three permit holders to fish from September 1 to November 15. All 22 permit holders should have the option to fish either gear for the duration of the current fishing season.

PROPOSED BY: Andrew Kittams (EF-F17-107)
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PROPOSAL 121
5 AAC 28.110. Sablefish fishing seasons for Eastern Gulf of Alaska Area.
Allow Southern Southeast Inside permit holders the option of using longline or pot gear for sablefish, as follows:

Allow all Southern Southeast Inside permits the option of using longline or pot gear for sablefish. Any permits choosing to continue using longline gear are subject to a quota reduction of 50% to account for higher bycatch and loss to the biomass due to marine mammal predation.
What is the issue you would like the board to address and why? Reduce the quota allocation for sablefish permit holders in the Southern Southeast Inside Subdistrict to account for marine mammal depredation.

Depredation by marine mammals on Southern Southeast Inside sablefish from vessels using longline gear. Marine mammals have learned to associate the sound of longline gear hauling sablefish. These mammals are concentrating near the working longlines and stripping the hooked sablefish from the lines. This results in losses of up to 80% of the sablefish on the line, depleting the stocks of sablefish far more rapidly per caught pound than by vessels using pot gear. This requires the longline vessels to catch more fish in order to land their quota. It also greatly increases the bycatch rates and sea bird bycatch. Marine mammals are unable to prey upon sablefish caught using pot gear.

**PROPOSED BY:** John M. Johanson

PROPOSAL 122


Base guideline harvest limits for the commercial sablefish fishery on federal survey data, as follows:

Eliminate the state sablefish survey for the Eastern Gulf of Alaska Area, and adopt the federal Southeast Outside survey for determining the annual quota allotments.

What is the issue you would like the board to address and why? Use the federal sablefish survey Southeast Outside for the Eastern Gulf of Alaska Area, rather than the State of Alaska conduct its own separate survey for the Easter Gulf region.

By using the federal survey, rather than conducting its own, the State of Alaska will save on the expense of conducting its own survey. Also, since the federal survey is conducted earlier in the year, the stocks will be assessed earlier. This will allow the permit holders to start their season earlier, reducing gear conflicts and allowing adjustments to reduce losses to marine mammals, sand fleas, and hagfish.

**PROPOSED BY:** John M. Johanson

PROPOSAL 123

5 AAC 28.173. Lingcod possession and landing requirements for Eastern Gulf of Alaska Area.

Increase the minimum retention size for lingcod in the Eastern Gulf of Alaska Area commercial fishery, as follows:

(e) All lingcod retained must measure at least 30" from tip of snout to tip of tail or 22.75" from front of dorsal fin to tip of tail.
What is the issue you would like the board to address and why? Increase the Lingcod minimum length for retention in the commercial fishery from 27" to 30".

Lingcod is a highly valued fish in commercial, sport, subsistence and personal use fisheries and as such, should be protected.
1. This can be done without harm to the commercial fishery due to the fact that the allocation is based on pounds, not number of fish.
2. The harvest will not change but the number of fish left in the water for recruitment in future years will increase.
3. The result will be a higher quality product and reduced processing costs.
4. It will bring size limits in line with the lower slot limit for Inside sport fisheries.
5. Lingcod are a hardy fish and can tolerate being released if under the legal size limit.

PROPOSED BY: Don Westlund and Larry McQuarrie (HQ-F17-087)
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PROPOSAL 124
Allow the sale of up to two lingcod taken as bycatch in the commercial salmon troll fishery in Sitka Sound, as follows:

5 AAC 28.150. Closed waters in Eastern Gulf of Alaska.

(b) Notwithstanding (a) of this section, lingcod may be retained as bycatch in the halibut longline fishery and [for a permit holder's personal use] in the commercial salmon troll fishery in the waters described in (a) of this section, as limited by the provisions of 5 AAC 28.173(a) and (e).

AND

5 AAC 28.173. Lingcod possession and landing requirements for Eastern Gulf of Alaska Area.

(a) In the Southeast District, a vessel fishing for...

(4) salmon with troll gear in the waters of Sitka Sound described in 5 AAC 28.150(a) may retain and have on board no more than two lingcod only from May 16 through November 30, or until closed by emergency order[, and only if the permit holder

(A) immediately removes the dorsal fin of the lingcod retained; the head of a lingcod retained under this paragraph must remain attached to determine if the lingcod meets the legal size requirement of (e) of this section

(B) weighs and reports the lingcod retained for the permit holder's personal use on an ADF&G fish ticket as required in 5 AAC 39.130; a lingcod retained under this paragraph may not be sold].
What is the issue you would like the board to address and why? Allow sale of up to 2 lingcod as troll bycatch in Sitka LAMP

Current lingcod bycatch regulations in the troll fishery are confusing, particularly in the Sitka LAMP (Sitka Sound Special Use Area). From 1997-2014 all retention or even possession of bycatch lingcod was prohibited for any commercial vessel trolling within the Sitka LAMP. In 2015 the BoF adopted a proposal to allow trollers to retain or possess up to 2 lingcod while in the LAMP, but since the level of harvest that would result was unknown at the time, the original proposal was modified to mandate that these fish only be allowed to be home-packed, thus making the fish easily identifiable in the harvest record. (The Sitka LAMP is not defined as a separate groundfish district or troll sub-district, so it would not otherwise be clear from a fish ticket whether a lingcod had been caught in the LAMP.) The past three years of data shows that the combined regulatory restrictions have been extremely effective at limiting harvest.

Given that the Central SE Outside (CSEO) troll bycatch lingcod quota has historically been underutilized (in part due to the closure of the Sitka LAMP) it is appropriate to slightly loosen the restrictions in the Sitka LAMP. This proposal would retain the region-wide seasonal closure and the standard CSEO lingcod:salmon bycatch allowance, as well as the 2 fish limit specific to the LAMP, but would allow those two lingcod to be sold.

PROPOSED BY: Tad Fujioka

PROPOSAL 125

5 AAC 47.065. Demersal shelf rockfish delegation of authority and provisions for management.

Repeal mandatory retention requirements for nonpelagic rockfish, as follows:

The regulation should be changed to eliminate the wording: "All non-pelagic rockfish caught must be retained until the bag limit is reached." No other changes to the regulation would be required.

What is the issue you would like the board to address and why? Currently guided fishers are required to retain all non-pelagic rockfish until the limit is reached, after which, if additional non-pelagics are caught they must be released at depth.

a. Often very small non-pelagic rockfish are caught, retained and are wasted because they are too small to salvage any practical amount of meat after being fileted. They are considered simply not worth the effort.

b. In addition to smaller rockfish, it is common for larger non-pelagic rockfish to be caught while targeting other species. The fact the angler is targeting other species often indicates that rockfish are an unintended and unwanted catch. Rockfish are not allowed to be retained by crew. Under current regulations non-pelagic rockfish must be retained until a limit is achieved, whether they are wanted or not, often resulting in undesired retention and unnecessary mortalities.
The harvest and waste of non-pelagic rockfish can be prevented if the regulations allowed
discretion in the release at depth of such fish prior to achieving a limit. Release at depth is estimated
to result in 80% survivability, but a rockfish retained results in 100% mortality. The resulting waste
causes frustration to clients and guides alike, and calls into question the practicality of the
regulation as written.

PROPOSED BY: Don Westlund and Larry McQuarrie

PROPOSAL 126

5 AAC 47.030. Methods, means, and general provisions – Finfish.
Require all anglers to release nonpelagic rockfish at depth with a deepwater release
mechanism, as follows:

The regulation to release non-pelagic rockfish at depth as written for guided anglers should be
extended to apply to all sport fishers, including the requirement to have on board at least one
operable at-depth release mechanism.

All sport caught non-pelagic rockfish that are intended to be released must be released at the depth
they were caught or at least 100', whichever is shallower.

What is the issue you would like the board to address and why? Currently only guided fishers
are required to release non-pelagic rockfish at depth. Statistically it is estimated that there is as
much as an 80% survival rate for non-pelagic rockfish that are released at depth. While it is not
practical for the commercial fishery to release at depth, there is no reason why all other sport
harvesters should not also be required to release non-pelagics at depth in order to conserve the
resource.

PROPOSED BY: Don Westlund and Larry McQuarrie

PROPOSAL 127

5 AAC 47.021. Special provisions for seasons, bag, possession, annual, and size limits,
and methods and means for the salt waters of the Southeast Alaska Area.
Establish provisions for reducing the resident pelagic rockfish bag limit in Central
Southeast Outside waters, as follows:

(8)(A)
I propose that the Board of Fisheries direct the Department to refrain from reducing the CSEO
resident sport bag limit for pelagic rockfish below the 5 per day established in 5 AAC 47.020 (8)
(A), unless the resident share of the sport pelagic rockfish harvest in CSEO has exceeded 50% for
two consecutive years.

Note: In Southeast Alaska, very few residents fish from a charter boat, whereas the great majority
of non-residents do so. Hence, a distinction based on residency is in practice very similar to a
charter/non-charter distinction. This proposal adopts the former convention solely because it has been the most common past practice of the Board of Fisheries.

What is the issue you would like the board to address and why? From 2007 to 2015 the harvest of pelagic rockfish by charter fishermen in the Sitka area (Central Southeast Outside-CSEO) more than doubled. Concern over this increased catch led the Department to use Emergency Order authority in 2016 and 2017 to reduce the bag limit for all sport anglers from 5 per day to 3 per day. The non-charter anglers’ catch of pelagic rockfish had actually decreased between 2007-2015, yet they too were required to make further reductions due to concerns stemming from the increased charter harvest.

PROPOSED BY: Tad Fujioka

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PROPOSAL 128

5 AAC 47.021. Special provisions for seasons, bag, possession, annual, and size limits and methods and means for the salt waters of Southeast Alaska Area.

Reduce the pelagic rockfish limits in the Sitka Area, as follows:

5 AAC 47.021(g) is amended by adding a new subparagraph to read:

(g) In the Sitka vicinity:

(8) in waters west of Baranof and Chichagof Islands, south of 57° 30’ N. lat. and north of the latitude of Cape Ommaney (56° 09.60’ N.) the bag limit for pelagic rockfish is three fish and possession limit of six fish, no size limit.

What is the issue you would like the board to address and why? In 2016 and 2017 the department reduced the bag limit of pelagic rockfish to three fish through emergency order authority to reduce harvest. Pelagic rockfish harvest in the Sitka Area, as estimated by the statewide harvest and marine creel surveys, has gradually increased from 20,000 fish in 2009 to over 60,000 fish in 2014 and 2015 representing a 3-fold increase in sport harvest in recent years. Although there is limited stock information, analysis of the length-weight composition of the sport harvest shows a slight, but gradual decline in average weight since 2006 indicating a possible change in the population structure. This may be a result of increased harvest. A reduction in bag limit from five to three pelagic rockfish is predicted to reduce harvest to a level similar to that seen in 2011 through 2013. This proposal is designed to protect pelagic rockfish in the interest of conservative management until additional stock information is available.

PROPOSED BY: Alaska Department of Fish and Game

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PROPOSAL 129

5 AAC 28.171. Rockfish possession and landing requirements for Eastern Gulf of Alaska Area.

Reduce the trip limit in the East Yakutat Section and clarify trip limits in the Southeast District and East Yakutat Section commercial demersal shelf rockfish fishery, as follows:
5 AAC 28.171(d) and (e) are amended to read:

(d) In the Southeast District east of 137° W. long., a vessel or CFEC permit holder may not catch, take or possess on board the vessel, or sell from that vessel more than 6,000 pounds [(BLED WEIGHT)] of demersal shelf rockfish (as delivered, whole or bled weight) in any five-day period. All demersal shelf rockfish taken in excess of 6,000 pounds (as delivered, whole or bled weight) by a vessel or CFEC permit holder in any five-day period must be weighed and reported on an ADF&G fish ticket as a trip limit overage. All proceeds from the sale of demersal shelf rockfish in excess of 6,000 pounds (as delivered, whole or bled weight) shall be surrendered to the state.

(e) In the East Yakutat Section, a vessel or CFEC permit holder may not catch, take or possess on board the vessel, or sell from that vessel more than 8,000 [12,000] pounds [(BLED WEIGHT)] of demersal shelf rockfish (as delivered, whole or bled weight) in any five-day period. All demersal shelf rockfish taken in excess of 8,000 [12,000] pounds (as delivered, whole or bled weight) by a vessel or CFEC permit holder in any five-day period must be weighed and reported on an ADF&G fish ticket as a trip limit overage. All proceeds from the sale of demersal shelf rockfish in excess of 8,000 [12,000] pounds (as delivered, whole or bled weight) shall be surrendered to the state.

What is the issue you would like the board to address and why? The annual commercial guideline harvest level (GHL) available for the EYKT directed DSR fishery has been greatly reduced since the trip limit was established in 1991. The department has successfully managed the fishery under the current trip limit however; there is an increased risk of GHLs given the declining trends in DSR biomass and current level of effort in the fishery.

The current regulatory language leaves room for interpretation that is not necessarily consistent with the original intentions of the trip limit restrictions. The directed DSR fishery has been operating as a high quality, high value fishery targeting yelloweye rockfish that are iced and sold to the domestic fresh market. The proposed regulatory modifications serve to clarify and expand on the mechanics of the trip limit in order to improve fishery manageability and maintain accepted fishery quality standards.

The five-day restriction was originally instituted as a means to control the pace of the fishery. Current regulatory language limits how often a vessel may sell a DSR trip limit but does not require a waiting period before returning to fishing operations. Generally, it takes a couple of days for a vessel to turn around after an offload and get in position to resume fishing operations; therefore the five-day period has typically expired before the vessel returns to port. Recently, motivated individuals have been able to return to fishing on the day following an offload, caught another trip limit, and then had to wait out the remainder of the five-day period before they can legally offload. The proposed change restricts vessels from taking or possessing more than a trip limit of DSR within the five-day period and will prevent unnecessary delays to offloads which helps ensure that fish of the highest quality are delivered to the marketplace. Fishery managers will also be able to more accurately predict how much DSR has been caught based on what a vessel may catch and possess within the trip-limit period.
The proposed change ties the sale of fish to being offloaded from that vessel. Current language is vague regarding the sale of fish and these changes clarify that DSR cannot be documented on a fish ticket at sea and then considered sold. This update helps clarify that a vessel may not possess more than one trip limit during the five-day period.

The current regulation bases the trip limit on the round weight of DSR. The standard for this fresh market fishery is bled rockfish; the process of bleeding rockfish accounts for a two percent loss in weight. In order to allow permit holders to sell a full trip limit of landed product, the Alaska Board of Fisheries adjusted this regulation to allow a trip limit of bled rockfish to be landed. A trip limit of bled rockfish when converted to round (whole fish) weight is equal to 6,122 or 12,245 pounds. The proposed language change serves to clarify recent questions as to whether vessels that do not bleed their catch can sell an additional 122 or 245 pounds of DSR to match the equivalent bled weight of rockfish. This was never the intention of the previous regulatory change.

**PROPOSED BY:** Alaska Department of Fish and Game  
(HQ-F17-105)