

Boards Support Section
Board of Fisheries
Glenn Haight, Executive Director
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Alaska Department of Fish and Game
Sam Cotten, Commissioner
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Non-Regulatory Proposals and Excluded ACRs

1. List of non-regulatory proposals
 - a. Larry Demmert, limited entry permit violations, EF-F17-054.
 - b. Darrell Kapp, request for Board support for CFEC regulatory change, EF-F17-067.
 - c. Klawock Tribe, research and assessment needed on Klawock Lake, EF-F16-102.
 - d. Gordon Scott, in-season monitoring of Prince William Sound non-commercial shrimp fishery, EF-F17-120.
 - e. Homer Fish and Game Advisory Committee, call for proposal process change, EF-F17-122.
 - f. Ahtna Tene Nene', establish a checkpoint station in Chitina area, HQ-F17-021.
 - g. John Murray and Eric Jordan, establish a task force to review winter troll fishery, HQ-F17-049.
 - h. Lisa Grogan, Naha sockeye and pink salmon as stocks of concern, HQ-F17-056.
 - i. United Southeast Alaska Gillnetters, establish a task force to allocate enhanced and wild salmon, HQ-F17-75)

2. Excluded Agenda Change Requests
 - a. Michael Coons, horsepower limitations on Wasilla Creek
 - b. Max Worhatch, Dungeness crab in Southeast
 - c. Bruce Rhein, fish wheel live box Upper Copper River

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PROPOSAL XXX - 5 AAC .

When a salmon seiner intentionally robs a Creek/river (i.e. 20% of the net inside closed waters near or at the mouth of a creek/ river) that license shall be terminated forever.

What is the issue you would like the board to address and why? To terminate a salmon seine license if the operator robs a creek

PROPOSED BY: Larry Demmert

(EF-F17-054)

PROPOSAL XXX - 5 AAC 27.XXX. New Section. Establish a commercial open pound herring spawn on kelp fishery in Sitka Sound as follows:

The change in regulation would allow existing Sitka Sound sac roe seine permit holders to choose open pound spawn on kelp as an alternative to seining. This proposal has been before the board before and has been met with some confusion on whether the Board has the ability to render a decision on it. If the Board, for some reason, still does not have the ability to decide on this proposal then the proposer requests the Board send a letter to CFEC making it clear that the Board supports the concept of allowing open pounds as an alternative to seine gear for existing Sitka Sound sac roe seine permit holders and would like CFEC to adjust the administrative area boundary accordingly to allow the Board to make a final decision on the proposal. The Board is allowed to express their view of the proposal to CFEC.

What is the issue you would like the board to address and why? An experimental open pound herring spawn on kelp fishery was conducted in Sitka Sound in 1998 and 1999. This project identified open pounds as a viable alternative to the sac roe fishery and produced published studies, data, and video which demonstrate the positive results of this alternative harvest method. This proposal has been presented to the Board at various times since 1996. In short, allowing open pound spawn on kelp as an alternative harvest method would increase the value of the Sitka Sound herring fishery while removing less fish from the biomass which are two things fishery managers should strive for. Fisheries for forage species such as herring have come under increased scrutiny over the years so it is more important than ever to make changes which promote conservation and increase the value of the extracted resource. This proposal does that.

PROPOSED BY: Darrell Kapp

(EF-F17-067)

PROPOSAL XXX - 5 AAC 5AAC47.023 (K).

The Alaska Board of Fish needs to see, in the reports it provides, that salmon runs in Klawock Lake are drastically diminished and continuing in a downward trend. We recommend that a survey be made of the dolly varden and cutthroat and other species in Klawock Lake and an assessment be made of optimal trout carrying capacity and a projected optimal balance with salmon. We recommend that the Alaska Board of Fish make a priority of restoring the great salmon runs that Klawock elders remember.

What is the issue you would like the board to address and why? Trout are predators that consume salmon eggs and salmon fry and threaten the salmon runs in the Klawock Lake Drainage area.

Why it needs to be addressed; Research by the State of Alaska indicates that salmon runs are diminishing in the Klawock drainage area. Possible causes cited in the reports included degradation of spawning areas and predation by trout. Tlingit people have known for generations that trout feed on salmon eggs and on salmon fry, consequently, they periodically harvested trout in large numbers in order to save the salmon. Trout are a sport-fishing resource and are regulated by the Alaska Board of Fish. The limit for cutthroat trout is two fish per day between 14 and 22 inches long, and two in possession. Apparently, the number of fishers in the Klawock Lake drainage are not sufficient enough to control the population growth of trout. Although reports we have seen cite trout predation as a possible cause of poor salmon runs, the reports do not provide data on trout populations or what might be an optimal balance. Klawock residents have numerous accounts of seeing large numbers of trout in Klawock Lake.

PROPOSED BY: Klawock Tribe

(EF-F17-102)

PROPOSAL XXX - 5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan. Require in-season monitoring to the Prince William Sound sport shrimp fishery, as follows:

In season monitoring of the non-commercial fishery harvest should be put in place, such that when the GHL is reached, the fishery shall be closed for the season by E.O., or otherwise modified to achieve but not exceed the GHL.

What is the issue you would like the board to address and why? Overharvest of the GHL by very big percentages has been regularly happening in the non-commercial PWS Shrimp fisheries. The main reason is that The Department does not receive the catch data until late February, more than 5 months after the fishery closes, and more than 10 months after the fishery opens. This does not allow ADFG to regulate the fishery while it is open for 5 months.

PROPOSED BY: Gordon Scott

(EF-F17-120)

PROPOSAL XXX - 5 AAC .

Any shellfish season closed by EO for 24 consecutive months shall be revisited by the BOF whether in or out of cycle.

What is the issue you would like the board to address and why? Unclear/inconsistent regulations in state regulation book. For instance, razor clam season on the east side of Cook Inlet has been closed for two years, though the reg book still states it is open with a limit of 60 clams...yet closed by EO. There is no reasonable expectation of this season opening as written anytime in the near future. It would be much more clear were it to be struck from the books until such time as the season can be opened and new regulation put in place if deemed prudent.

PROPOSED BY: Homer Fish and Game Advisory Committee (EF-F17-122)

PROPOSAL XXX - 5 AAC xx.xxx. New section. Create a checkpoint in the Chitina area to collect and provide in-river fisheries information, as follows:

5 AAC xx.xxx A checkpoint supported and operated by the fishery stakeholders to:

- Provide a way to report harvest and effort for the Chitina Subdistrict and the lower Glennallen Subdistrict.
- Distribute information about the various in-river fisheries, permits and reporting requirements
- Distribute information about land ownership, permission and land use permit requirements.
- Communicate data collected to the public and management agencies.
- Inform, the public about fishery regulations, safety, sanitation and land use plans for visitors in the Chitina area.

What is the issue you would like the board to address and why? There is increased participation and harvest in the Copper River in-river fisheries especially in the Chitina area. There is not an organized system for in season reporting of participation and harvest in these fisheries. With the increase in participation and harvest and the decrease in returns below sustainable escapement goals for chinook, and lower returns of sockeye, it is important that in river harvest efforts and success are measured and monitored.

PROPOSED BY: Ahtna Tene Nene'

(HQ-F17-021)

PROPOSAL XXX - 5 AAC 29.080. Management of the winter salmon troll fishery. Manage the winter commercial salmon troll fishery so that it extends into late April region-wide while still harvesting the guideline harvest level, as follows:

The BOF direct ADF&G to work with the troll fleet and South East Alaska Fish & Game Advisory Committees to develop a suite of management tools to manage the winter troll fishery so that it extends into late April region wide while still harvesting the Guideline harvest level of 43-47,000 plus Alaska Hatchery add on.

5 AAC 29.80 Management of the Winter Troll Fishery. (a) **(1) The Department will use the following suite of management tools to extend the winter troll season region wide into late April:**

(To be developed)

What is the issue you would like the board to address and why?

1. The increased effort in the winter troll fishery, particularly in the coastal waters of the winter area, has led to March closures in 2015 and 2016. Thus eliminating the April part of the winter troll fishery and concentrating the catch in larger vessels and a few coastal communities.
2. The percentage of Alaska Hatchery Chinook caught in the winter troll fishery is best in April. If the winter quota is caught before April the troll harvest of Alaska Hatchery Chinook is reduced thus forcing trollers and net groups to figure out other ways for trollers to improve their SE enhanced salmon allocation %.
3. Chinook migrate into shallower more protected waters around the SE region in April making them more available in better spring weather near communities throughout the region thus benefitting smaller troll vessels and distributing harvest around the region.
4. Extending the winter troll season through April helps keep fresh high quality high value Alaska caught king salmon in markets thus benefitting trollers and all Alaska salmon fishermen.

PROPOSED BY: John Murray and Eric Jordan (HQ-F17-049)

PROPOSAL XXX - 5 AAC ??.??? List Naha Sockeye and Pink salmon as “depleted fish stocks” as follows:

Naha Conservation & Preservation recommends the commission to list Naha Sockeye and Pink salmon as “depleted fish stocks” in order to rebuild fish stocks for today and the future. Naha River & Heckman Lake salmon stocks can become a more valuable resource to all user groups and are often overlooked and never included in West Behm Canal stock assessments.

What is the issue you would like the board to address and why? Rebuild the Naha River Sockeye and Pink salmon stocks.

Historically Heckman Lake was a valuable sockeye salmon resource given the capacity of the lakes and river system and what it could naturally yield in fish stocks. Why is it today, 2017 in Southeast Alaska we have this incredible pristine lake and river system that can potentially produce up 50,000 sockeye and 300,000 Pink Salmon receiving little attention. Estimates from a time period over 30 years with 13 years of stream counts revealed an average return of 2635 sockeye salmon are returning to spawn in Heckman Lake. Average aerial estimates for returning Naha Pink salmon over 30 years from 1986-2016 are 59,000 pinks. Compared to what the lake and river system produced in the past, there is **a demonstrated need and a high level of uncertainty** regarding Naha River Sockeye and Pink salmon stocks. State law below states:

(5) in the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats shall be managed conservatively as follows: (A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality; a precautionary approach requires (i) consideration of the needs of future generations and avoidance of potentially irreversible changes; (ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly; (5AAC 39.222)

PROPOSED BY: Lisa Grogan

(HQ-F17-056)

PROPOSAL XXX – 5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan. Create a task force to allocate salmon harvested in Southeast Alaska with an overall value calculation, as follows:

Modify the Southeast Alaska Enhanced Salmon Allocation Plan; focus on addressing a more fair way of calculating allocation in order to maintain historic overall salmon values for all gear groups.

Proposed language/idea:

The 2018 Board of Fisheries shall create a task force to allocate salmon harvested in Southeast Alaska with an overall value calculation that combines all enhanced and wild salmon so historic sharing percentages will be maintained for all commercial users.

What is the issue you would like the board to address and why? Previous Board of Fish cycles have alluded to the complex, overlapping Southeast Alaska salmon allocation plans. There have been unintended consequences associated with the original 1994 Enhanced Salmon Allocation Plan; one example of those consequences has been a shift in wild values through increased opportunities directed towards a gear group below their allocation ranges that are not being accounted for in enhanced values. Other factors in the last 20 years are: fish behavior, run timing, market value changes between salmon species, gear efficiencies, the success of large scale enhanced salmon production and limited entry permit participation by gear groups. These changes have all had unanticipated effects on enhanced allocation values verses the historic overall value sharing of wild fish.

There is serious merit in considering an overall total value allocation for all commercial users. While we cannot control fish survival or market prices, we can control access to enhanced fish to achieve the total overall value allocation for all commercial salmon fishermen in Southeast Alaska.

PROPOSED BY: United Southeast Alaska Gillnetters (USAG) (HQ-F17-075)

**AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES**

The Board of Fisheries (board) will accept requests to change its schedule under certain guidelines set forth in 5 AAC 39.999. The board will accept these agenda change requests (ACRs) only:

- 1) for a fishery conservation purpose or reason; or
- 2) to correct an error in regulation; or
- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

The board will not accept an ACR that is predominantly allocative in nature in the absence of new compelling information, as determined by the board [5 AAC 39.999 (a) (2)].

Please answer all questions to the best of your ability.

- 1) **CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW".

Alaska Administrative Code Number 5 AAC: Page 41 Southeast Fishing Regulation, Wasilla Creek
"Motorized water craft having a total propshaft rating greater than 3HP may not be used on Wasilla Creek on Saturday and Sundays, July 15-August 15.

- 2) **WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

I have tried to buy a 3.0 HP engine. I have looked at different manufactures and the only range that comes close is 2.5 HP and 3.5 HP. To own a small engine I need a engine that I can use in other areas that has the power to do the job depending on current speed. I have a electric motor but the heavy weeds in Wasilla creek make the effect use of the electric motor a continuing problem. I use a canoe and with the 3.5 HP as well as the weeds, to use full power is not realistic. Based on the actual use, a half HP should have little to no effect on the stream and fish.

- 3) **WHAT SOLUTION DO YOU PREFER?** Or, if the board adopted your solution, what would the new or amended regulation say?

I request that propshaft rating as stated in the regulation be increased to no more than 3.5 HP.

- 4) **STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.** If one or more of the three criteria set forth above is not applicable, state that it is not.

- a) for a fishery conservation purpose or reason:

Page 41 Southeast Fishing Regulation, Wasilla Creek "Motorized water craft having a total propshaft rating greater than 3HP may not be used on Wasilla Creek on Saturday and Sundays, July 15-August 15.

- b) to correct an error in regulation:

[Click here to enter text.](#)

- c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:

[Click here to enter text.](#)

5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

No impact on fishery.

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

Do not know how the definition of allocative is impacted on this request one way or the other.

7) IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

Click here to enter text.

8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)

Sport angler.

9) STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

Unknown

Submitted by:

NAME Michael C. Coons

Individual or Group

Individual

Address	City, State	Zip
5200 N Dorothy Drive	Palmer, AK	99645

Home Phone	Work Phone	Email
907 745-6779	N/A	mcoons@mtaonline.net

SIGNATURE:  DATE: 5/16/17

Note: Addresses and telephone numbers will not be published.

From: Max Worhatch IV
To: [Rintala, Jessalynn F \(DFG\)](mailto:Rintala.Jessalynn.F@DFG)
Subject: Acr
Date: Monday, August 14, 2017 11:04:55 AM

ACR 2018 se shellfish

- 1.) 5 AAC 32.146
- 2.) the current regulation is arbitrary and based on a baseline of data that is no longer relevant, and does not conserve or benefit the resource.
- 3.) the Dungeness crab season would be June 15- August 15, October 1- November 30.
- 4.) a) not applicable
b) not applicable
c) When the current regulation was adopted, there were many more areas that were commercially viable. The current regulation uses data from an era when those areas were producing crab. Sea otter predation has made these areas non-viable to commercial, sport, and subsistence use. This has forced commercial users into areas where predation has not occurred. These areas are unable to produce enough crab every season to meet the demands of the current management plan to prosecute a full season. We saw this in both 2013 and 2017.
- 5) My concern I that our future seasons will be compromised on low cycle crab years based on a data set that is no longer relevant, curbing economic activity for no apparent gain or conservation benefit.
- 6) This is not allocative as it would not extend the season any longer than it would normally be. Sport and subsistence users can harvest year round.
- 7) Not applicable
- 8) I personally made a similar proposal for 2015 southeast shellfish board meeting held in Wrangell.

Max Worhatch

1101 Wrangell Ave

Petersburg, Alaska 99833

(253) 279-0707

mnmnwiv60@gmail.com

August 6, 2017

Thanks,

Max

From: Max Worhatch IV
To: [Rintala, Jessalynn F \(DFG\)](mailto:Rintala.Jessalynn.F@alaska.gov)
Subject: Re: Acr
Date: Tuesday, August 15, 2017 4:42:41 AM

Ugh. I forgot 8.

I have been a permit holder in the southeast Dungeness crab fishery since 1991. I currently hold a limited entry permit for the maximum allowable gear.

That work?

I apologize for being distracted.

Thanks,

Max

On Aug 14, 2017, at 13:42, Rintala, Jessalynn F (DFG) <jessalynn.rintala@alaska.gov> wrote:

Hi Max,

I think I'm missing one question. Could you respond to each of these below for clarity? Thanks.

8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)

9) STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

From: Max Worhatch IV [<mailto:mnmnwiv60@gmail.com>]
Sent: Monday, August 14, 2017 11:05 AM
To: Rintala, Jessalynn F (DFG) <jessalynn.rintala@alaska.gov>
Subject: Acr

ACR 2018 se shellfish

- 1.) 5 AAC 32.146
- 2.) the current regulation is arbitrary and based on a baseline of data that is no longer relevant, and does not conserve or benefit the resource.
- 3.) the Dungeness crab season would be June 15- August 15, October 1- November 30.
- 4.) a) not applicable

b) not applicable

c) When the current regulation was adopted, there were many more areas that were commercially viable. The current regulation uses data from an era when those areas were producing crab. Sea otter predation has made these areas non-viable to commercial, sport, and subsistence use. This has forced commercial users into areas where predation has not occurred. These areas are unable to produce enough crab every season to meet the demands of the current management plan to prosecute a full season. We saw this in both 2013 and 2017.

5) My concern is that our future seasons will be compromised on low cycle crab years based on a data set that is no longer relevant, curbing economic activity for no apparent gain or conservation benefit.

6) This is not allocative as it would not extend the season any longer than it would normally be. Sport and subsistence users can harvest year round.

7) Not applicable

8) I personally made a similar proposal for 2015 southeast shellfish board meeting held in Wrangell.

Max Worhatch

1101 Wrangell Ave

Petersburg, Alaska 99833

(253) 279-0707

mnmnwiv60@gmail.com

August 6, 2017

Thanks,

Max

AGENDA CHANGE REQUEST FORM ALASKA BOARD OF FISHERIES

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- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

The board will not accept an ACR that is predominantly allocative in nature in the absence of new compelling information, as determined by the board [5 AAC 39.999 (a) (2)].

Please answer all questions to the best of your ability.

<p>1) CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW".</p> <p>Alaska Administrative Code Number 5 AAC: 01.620 (A)</p>
<p>2) WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.</p> <p>While well intentioned this statute has major problems. This statute states excess king salmon must be returned to the river immediately "alive". What good is dumping a king back in the river "alive" if it is weak from being out of the river in a dry box 3 or 4 minutes or longer till the operator sees it is there? Do you really everyone will see that 3rd king drop in the box on 4th of July at 3 AM???</p>
<p>3) WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?</p> <p>Mandate that all fishwheels have live boxes large enough to keep alive salmon 40 red salmon alive and healthy. All fish must be removed no less than every 6 hours.</p>
<p>4) STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE. If one or more of the three criteria set forth above is not applicable, state that it is not.</p>
<p>a) for a fishery conservation purpose or reason:</p> <p style="padding-left: 20px;">This will ensure that those excess fish have a realistic chance of surviving to spawn if returned to the river and it ensures all fish harvested are not spoiling in those 90 degree sunny days as have in the past.</p>
<p>b) to correct an error in regulation:</p> <p>Sorry, but close enough to see every fish which needs to be returned to the river alive and well at 3 am is a pipe dream. People fall asleep no matter how hard they try.</p>
<p>c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:</p> <p style="padding-left: 20px;">Just returning a fish "alive" is a wasted fish if it is not strong enough to survive. Let's return those excess fish with a good chance to spawn.</p>

5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

While it is too late for the 2017 fishing season, this change needs to be put in place this fall to give those who have dry boxes time enough re fit their wheels to comply for the benefit of this fishery.

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

Click here to enter text.

My ACR has nothing to do with bag limits or who can harvest.

7) IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

N/A

8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)

Subsistence user, and sport angler

9) STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

I do not know if this has been considered.

Submitted by:

NAME Bruce Rhein

Individual or Group

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Palmer, AK

99645

Address

City, State

Zip

907-982-7460

907-982-7460

brhein@mtaonline.net

Home Phone

Work Phone

Email

SIGNATURE: 

DATE: 5/31/17

Note: Addresses and telephone numbers will not be published.