

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

The Alaska Board of Fisheries proposes to adopt, amend, or repeal regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following regulations:

1. IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES FOR ALL REGIONS STATEWIDE INCLUDING SOUTHEAST, YAKUTAT, PRINCE WILLIAMS SOUND, COOK INLET, KODIAK, WESTWARD, AND ARCTIC; AND STATEWIDE SHELLFISH GENERAL PROVISIONS FISHERIES:
 1. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries:** fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; harvest levels, thresholds, goals, and quotas; definitions; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; registration areas (including nonexclusive, exclusive and superexclusive registration areas); recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; landing requirements; provisions for development and allocation among beneficial uses; guiding principles; provisions to regulate, require, restrict or prohibit the retention, tendering, transportation, dispatch, possession, sale, release, or purchase of fish; methods of release; registration, licensing, reporting, and other requirements for sport fishing guides and operators, guided anglers, catchers, processors, buyers, and transporters; onboard observer requirements; fish storage and inspection requirements.
 1. In the **subsistence fisheries:** identification or modification of customary and traditional subsistence uses and amounts reasonably necessary for subsistence; fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; definitions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; regulations for the subsistence priority; landing requirements; provisions for development and allocation among beneficial uses and users, including creating and regulating tier II fisheries; guiding principles; otherwise establish, regulate, change, or adjust subsistence fisheries.
 2. The following topics are added to the Prince William Sound/Upper Susitna and Copper Rivers Finfish and Shellfish (except shrimp) meeting in Cordova, November 30-December 6, 2021:
 1. IN THE STATEWIDE GENERAL PROVISIONS COMMERCIAL FISHERY: Include pots as lawful gear for commercial halibut fishing (*newly assigned Proposal 278, formerly ACR #1*).
 1. IN THE KUSKOKWIM AREA SUBSISTENCE FISHERY: Extend Kuskokwim River subsistence salmon fishing permit sunset date one year (*newly assigned Proposal 279, formerly ACR #3*).

1. IN THE BRISTOL BAY AREA COMMERCIAL FISHERY: Extend Bristol Bay Herring Management Plan sunset dates one year (*newly assigned Proposal 280, formerly ACR #4*).

3. The following topics are added to the Cook Inlet, Kodiak, Westward, Arctic Shellfish and Shellfish General Provisions, Prince William Sound Shrimp and Supplemental Issues meeting in Anchorage March 11-18, 2022:
 1. IN THE STATEWIDE GENERAL PROVISIONS FOR THE COLLECTION, TRANSPORTATION, POSSESSION, PROPAGATION, OR RELEASE OF AQUATIC ORGANISMS; AQUATIC FARMING: Allow importation of live oysters from the Pacific Coast of North America for research purposes (*newly assigned Proposal 281, formerly ACR #2*).

 1. IN THE ALASKA PENINSULA AREA COMMERCIAL FISHERY: Modify commercial salmon fisheries opening dates and times in the *South Unimak and Shumagin Islands June Salmon Management Plan*, and the *Post-June Salmon Management Plan* for the South Alaska Peninsula. (*newly assigned Proposal 282, formerly ACR #7*).

 1. IN THE COOK INLET AREA COMMERCIAL FISHERY: Amend the *Kenai River Late-Run King Salmon Management Plan* to allow fishing with set gillnet gear within 600 feet of the mean high tide mark in the Upper Subdistrict when sonar passage of large late-run Kenai River king salmon exceeds 13,500 fish, and Kenai and Kasilof river sockeye salmon escapement objectives are being met. (*newly assigned Proposal 283, formerly BGP #1*).

At its 2021 Work Session, the board changed the meeting dates for the 2022 Work Session and Pacific cod meeting from October 20-23, 2022, to October 25-28, 2022, and the 2023 Alaska Peninsula meeting from February 17-22, 2023, to February 20-25, 2023. The department requested consideration of a date change for the 2024 Kodiak Finfish meeting which the board agreed to revisit at the 2022 Southeast Finfish meeting. The board requests interested public provide written comment on preferred meeting dates for the 2024 Kodiak Finfish meeting.

For a copy of the proposed regulation changes contact the Alaska Department of Fish and Game, (ADF&G) Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526, (907) 465-4110, or www.boardoffisheries.adfg.alaska.gov.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed 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 ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Boards Support Section will accept comments by facsimile at (907) 465-6094, by email to dfg.bof.comments@alaska.gov (PDF format only), or online at www.boardoffisheries.adfg.alaska.gov. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above are advised that such comments will not be received and entered as public comment.

Comments are generally due no later than two weeks prior to the meeting during which the topics are considered. Unless otherwise specified for a particular meeting in a published notice, written comments exceeding the page limit 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 are accepted after the two-week deadline and inserted in board member workbooks at the beginning of the meeting, and are also accepted during the meeting and until the board begins proposal deliberations.

ADDITIONAL PUBLIC COMMENT STANDARD:

Once a meeting begins and during a meeting written comments from any one individual or group may be submitted by hand delivery at any time if the required number of copies are provided (typically in excess of 22 copies). Individuals not in attendance at a meeting may fax comments to 907-465-6094. As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier.

Once proposal deliberations begin, the board will **ONLY** accept written comments on the topics being considered at the meeting from any one individual or group that are not more than five single-sided pages, or the equivalent number of double-sided pages, unless specific information is requested by the board that requires more pages than allowed under this standard.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up on a timely basis and is present at the meeting has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less. Additional public hearings with board committees may be held during the meeting. Unless otherwise noted, place of public oral testimony is at the locations below.

TENTATIVE MEETING SCHEDULE

Prince William Sound Finfish and Shellfish (except Shrimp)

November 30-December 6, 2021

Cordova Convention Center, Cordova

Comment deadline: November 15, 2021

Southeast and Yakutat Finfish & Shellfish

January 4-15, 2022

Ted Ferry Civic Center, Ketchikan

Comment deadline: December 22, 2021

Cook Inlet, Kodiak, Westward, Arctic Shellfish, Prince William Sound Shrimp, Statewide Shellfish General Provisions and Supplemental Issues

March 11-18, 2022 (**Note:** meeting days extended)

Egan Civic and Convention Center

Comment deadline: February 24, 2022

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 proposals to be addressed by the board. Copies of the proposal indices are in the proposal book, available online at www.boardoffisheries.adfg.alaska.gov, and at the relevant meeting. Any additional proposals will be noticed and made available online and upon request.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, or aquatic plant regulations are hereby informed that the Board of Fisheries may consider any or all of the subject areas covered by this notice. Under 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 subsistence, 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 the 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 ADF&G.** 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.

COVID-19 Mitigation Plan. During its 2020/2021 meeting cycle, due to the COVID-19 global pandemic the board postponed its regulatory meetings to 2021/2022. In 2021/2022 meeting cycle, it is the intent to conduct the postponed meetings in-person. At this time it is difficult to predict what complications related to COVID-19 will persist for the meetings.

Individuals wishing to attend in-person meetings are advised ADF&G will employ a COVID-19 mitigation plan. The plan will allow for a range of mitigation measures depending on the status of COVID-19 in the state and meeting community. The plan may involve participant registration and agreement to abide by mitigation measures at the meeting. The mitigation plan was published prior to the October 2021 work session and ADF&G will communicate with interested participants leading up to and during the meeting.

If you are a person with a disability who needs special accommodation in order to participate in the proposed regulation process, please contact Glenn Haight at (907) 465-4110 no later than two weeks prior to the beginning of each meeting to ensure 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 16.20, AS 16.40

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.

Glenn Haight, Executive Director

October 28, 2021
Date

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(g))

1. Adopting Agency: Alaska Board of Fisheries.

2. General subject of regulations: IN THE PRINCE WILLIAM SOUND (INCLUDING UPPER COPPER RIVER, UPPER SUSITNA RIVER, PRINCE WILLIAM SOUND SALTWATER, AND COPPER RIVER DISTRICT) FINFISH FISHERIES; SOUTHEAST AND YAKUTAT FINFISH FISHERIES; CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH FISHERIES FOR ALL REGIONS STATEWIDE INCLUDING SOUTHEAST, YAKUTAT, PRINCE WILLIAMS SOUND, COOK INLET, KODIAK, WESTWARD, AND ARCTIC; AND STATEWIDE SHELLFISH GENERAL PROVISIONS FISHERIES
3. Citation of regulations: 5 AAC 01 - 5 AAC 77.

4. Department of Law file number (if any):
 - 2021-20-0476 Parts 1 and 2 – Prince William Sound, Upper Copper River and Upper Susitna River, Finfish and Shellfish (except shrimp)
 - 2020-20-0464 Parts 1 and 2 – Southeast and Yakutat Finfish and Shellfish
 - 2020-20-0465 – Statewide Shellfish (including PWS shrimp) and Supplemental Issues

5. Reason for proposed actions: Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20, AS 16.40.

6. Appropriation/Allocation: Natural Resources and all RDUs

7. Cost of implementation to the state agency and available funding: It is not possible to estimate the costs. However, these actions are not expected to require any additional costs.

8. The name of the contact person for the regulations:

Glenn Haight, Executive Director

Alaska Board of Fisheries

PO Box 115526

Juneau, AK 99811-5526

(907) 465-4110

Email: glenn.haight@alaska.gov

9. The origin of the proposed action:

staff or state agency

general public

10. Date: October 28, 2021 Prepared by:

Glenn Haight, Executive Director

Alaska Board of Fisheries

(907) 465-4110