

PLEASE READ CAREFULLY—NEW INFORMATION

Alaska Board of Fisheries

October 2004

DEAR REVIEWER:

Enclosed are two items for your review and consideration as follows:

2004/2005 MEETING CYCLE: NOTICE OF PROPOSED CHANGES IN REGULATIONS

The Alaska Board of Fisheries plans five regulatory meetings during its upcoming meeting cycle, concerning Lower Cook Inlet, Upper Cook Inlet, Kodiak and Chignik finfish, and King and Tanner crab statewide. The “Notice of Proposed Changes in Regulations” is attached for your examination.

SUPPLEMENTAL PROPOSAL

The enclosed regulatory proposal number 32A was timely received and inadvertently omitted from the July 2004 proposal book when the book was published. It is enclosed for your review. This proposal will be addressed by the board at its November 2004 Lower Cook Inlet meeting (refer to the enclosed legal notice for scheduling).

The board invites comment on all proposals. The main proposal book may be found online at: <http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/fprop.php>. The proposal book is also available at libraries and department offices throughout the state. The written comment period and the oral comment period for each meeting are described in the “Notice of Proposed Changes in Regulations.” For detailed instructions on how to submit written or oral comments to the Alaska Board of Fisheries, refer to the “Dear Reviewer” letter in the main July 2004 proposal book. After reviewing the proposals you may send written comments to:

ATTN: BOF COMMENTS
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 25526
Juneau, Alaska 99802-5526
Fax: 907-465-6094

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

The Alaska Board of Fisheries proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, which implement, interpret, or make specific the provisions of Title 16, Alaska Statutes. Regulations to be the subject of board action concern subsistence, personal use, sport, guided sport, and commercial fishing, including the following:

IN THE COOK INLET, KODIAK, AND CHIGNIK AREAS FINFISH REGULATIONS; AND STATEWIDE KING AND TANNER REGULATIONS:

- A. In the **commercial, sport, guided sport, and personal use finfish fisheries:** fishing seasons, periods, opening and closing times; bag, possession, size, and harvest limits, harvest levels or quotas; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, marking and identification, definitions, operational requirements, registration and permit requirements; permits, harvest records, fish tickets, harvest marking requirements; management plans for conservation and development of fisheries; allocation among beneficial uses; restrict, prohibit, or require the retention, sale, or purchase of fish; registration, reporting, logbook, and operating requirements for fish guides, guided anglers, catchers, processors, buyers and transporters; possession, transport, or release of fish; onboard observer requirements; regulation of fishing as needed for the conservation, development, or utilization of fisheries.
- B. In the **subsistence finfish fisheries:** 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; area 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, and establish or change subsistence fisheries.
- C. In the **commercial, sport, guided sport, subsistence, and personal use king and Tanner crab fisheries:** fishing seasons, periods, opening and closing times; harvest levels, harvest limits or quotas; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions; registration areas (including exclusive and super exclusive registration areas), and operating restrictions, requirements and definitions; management plans for conservation, development and allocation among beneficial uses; restrict or prohibit the retention, sale, or purchase of fish; onboard observer requirements; provisions to rationalize the Bering Sea/Aleutian Islands king and Tanner crab fisheries.

In addition to the above topics the following supplementary items will be considered:

- D. **IN THE BRISTOL BAY AREA:** Consider repealing the December 31, 2004 sunset date which allows a vessel with two permit holders onboard to fish an additional 50 fathoms of drift gillnet gear. Scheduled for the **Lower Cook Inlet Finfish Meeting**, November 11, 2004, Coast International Inn, 3333 W. International Airport Rd., Anchorage, Alaska.
- E. **IN THE ALEUTIAN ISLANDS AREA:** Consider allowing trawl gear for vessels 60 feet and under in the Pacific cod fishery. Scheduled for the **Chignik Area Finfish Meeting**, November 14, 2004, Coast International Inn, 3333 W. International Airport Rd., Anchorage, Alaska.

- F. **STATEWIDE PROVISIONS:** Establish licensing, reporting, vessel registration requirements for sport fishing guide businesses and guides statewide in order to implement new legislation. Scheduled for the **Lower Cook Inlet Finfish Meeting**, November 11, 2004, Coast International Inn, 3333 W. International Airport Rd., Anchorage, Alaska.
- G. **IN THE KODIAK, ALASKA PENINSULA and ALEUTIAN ISLANDS AREAS:** Eliminate sport fish harvest record requirement for all shellfish. Scheduled for the **Kodiak Area Finfish Meeting**, January 7, 2005, 4th Avenue Theater, 630 West Fourth Ave., Anchorage, Alaska.

Copies of the proposed regulations may be obtained by writing to the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 25526, Juneau, AK 99802-5526 or on the internet at: <http://www.boards.adfg.state.ak.us/fishinfo/index.php>.

Notice is also given that anyone interested may present written comments relevant to the subjects in this notice, including potential costs to the private persons of complying with the proposed action. Oral comments will be taken on a portion of the subjects in this notice as explained below. Written comments will be accepted on any subject in this notice and may be submitted to the Board of Fisheries any time before the proposal is voted on by the board in deliberations at the scheduled meeting, 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 (see the meeting schedule below). Written comments should be submitted to the Boards Support Section office, at the above address, at least two weeks before the scheduled meeting to insure inclusion in the board workbooks.

There will be five separate meetings. The public hearing portions for each meeting will begin immediately after staff reports and continue until everyone who has signed up has been given the opportunity to be heard. Additional public hearings with board committees may be held throughout the meeting just before the 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 meeting. The length of oral statements may be limited to three 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.

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. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** 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. In addition, the board may adopt other regulations necessary to implement, administer, or

enforce the regulations adopted. You should comment during the time allowed if your interests could be affected.

TENTATIVE MEETING SCHEDULE

Lower Cook Inlet Finfish

November 11, 2004

Coast International Inn, 3333 W. International Airport Rd., Anchorage, AK

Chignik Area Finfish

November 14, 2004

Coast International Inn, 3333 W. International Airport Rd., Anchorage, AK

Kodiak Area Finfish

January 7, 2005

4th Avenue Theater, 630 West Fourth Ave., Anchorage, AK

Upper Cook Inlet Finfish

January 17, 2005

Coast International Inn, 3333 W. International Airport Rd., Anchorage, AK

Statewide King and Tanner Crab and Supplemental Issues

March 7, 2005

Millennium Hotel, 4800 Spenard Rd., Anchorage, AK

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.

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 Diana Cote 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

Statutes being implemented, interpreted, or made specific: AS 16.05 - AS 16.020

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

Date: October 12, 2004



Diana Cote, Executive Director
Alaska Board of Fisheries

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting Agency: Alaska Board of Fisheries.
2. General subject of regulations: COOK INLET, KODIAK, CHIGNIK, ALASKA PENINSULA, AND BRISTOL BAY FINFISH; STATEWIDE KING AND TANNER CRAB; STATEWIDE SPORT FISH GUIDE REQUIREMENTS; KODIAK, ALASKA PENINSULA, AND ALEUTIAN ISLANDS AREAS SHELLFISH HARVEST RECORD REQUIREMENTS.
3. Citation of regulations: 5 AAC 01, 02, 05, 06, 15, 18, 21, 27, 28, 34, 35, 39, 56, 58, 61, 64, 65, 75 and 77.
4. Reason for proposed actions: Regularly scheduled regulatory topics for the 2004/2005 Board of Fisheries meetings, and other miscellaneous items. Implement, interpret, or make specific the provisions of AS 16.05 - AS 16.20.
5. Program category and RDU affected: Natural Resources and all RDUs.
6. 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.
7. The name of the contact person for the regulations:

Diana Cote, Executive Director
Alaska Board of Fisheries
PO Box 25526
Juneau, AK 99801-5526
(907) 465-4110
Email: diana_cote@fishgame.state.ak.us

8. The origin of the proposed action:
 staff or state agency
 general public
 regularly scheduled topics for Board of Fisheries

9. Date: October 12, 2004

Prepared

by:

Diana Cote

Diana Cote, Executive Director
Alaska Board of Fisheries
(907) 465-4110

PROPOSAL 32A - Setting apart fish reserve areas, refuges, and sanctuaries in southcentral Alaska. Make a recommendation to the legislature as follows:

That the Board of Fisheries use its authority at AS 16.05.251(a)(1) to recommend to the legislature that the waters, and that the board then work in conjunction with the Board of Game using its authority at AS 16.05.255(a)(1) to recommend to the legislature that the lands and waters, in the six-to-eight sections of public land on each side of the North Fork of the Kashwitna River north of its confluence with the Kashwitna River (such land and water totaling approximately six to eight square miles) be added to the Willow Mountain Critical Habitat Area. Doing so would not affect harvest or methods and means regulations but would secure retention of land and water in public ownership.

PROBLEM: Assure high quality fishing, hunting and habitat in the lower North Fork Kashwitna River drainage.

WHAT WILL HAPPEN IF NOTHING IS DONE? Land could leave state ownership or even if retained could lose its quality fishing and hunting.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, by assuring that habitat important for fish, moose and brown and black bear remains in public ownership and that it will be managed primarily to maintain the habitat and the fishing and hunting in the area. These lands and waters are apparently some of the more important fish and wildlife habitat left in public ownership proximate to the Parks Highway because much of the lower reaches of the stream basins south of Talkeetna and proximate to the Parks Highway are no longer in public ownership.

WHO IS LIKELY TO BENEFIT? The public in general.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Trout Unlimited and Anchorage Advisory Committee (SC-04-F-136)
