

**NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF  
THE ALASKA DEPARTMENT OF FISH AND GAME**

The Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with General authorizations for use of salmon, including the following:

1. **5 AAC 93.350(a). General authorizations for use of salmon.** is proposed to be amended to add the word '**sport**' following "commercial." This change would have no immediate effect but would allow the Board of Fisheries to amend its regulations to eliminate prohibitions on the use of sport caught salmon for bait in certain cases.

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 Kerri Tonkin Regulation Specialist, ADF&G, PO Box 115525, Juneau, AK 99811-552, (907)465-6124, Fax: (907)465-2604, Email: kerri\_tonkin@fishgame.state.ak.us. The comments must be **received no later than 5:00 p.m. on May 15, 2006.**

If you are a person with a disability who needs a special accommodation in order to participate in the process, please contact Kerri Tonkin at (907) 465-6124 no later than May 8, 2006 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kerri Tonkin, Regulation Specialist, ADF&G, PO Box 115525, Juneau, AK 99811-5526, (907) 465-6124, Fax: (907) 465-2604, or Email: kerri\_tonkin@fishgame.state.ak.us.

After the public comment period ends, the commissioner will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. 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 16.05.020; AS 16.05.831.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.831

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



April 13, 2006

By: \_\_\_\_\_  
Kerri Tonkin, Regulations Specialist  
Department of Fish and Game

**ADDITIONAL REGULATIONS NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: General authorization for use of salmon.
3. Citation of regulation: 5 AAC 93.350(a)
4. Reason for the proposed action:
  - compliance with federal law
  - compliance with new or changed state statute
  - compliance with court order
  - development of program standards
  - other:

5. BRU/component affected:

6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2006	Subsequent Years
Cost	\$ <u>0</u>	\$ <u>0</u>
Federal receipts	\$ _____	\$ _____
General fund match	\$ _____	\$ _____
General fund	\$ _____	\$ _____
General fund/ program receipts	\$ _____	\$ _____
General fund/ mental health	\$ _____	\$ _____
Other funds (specify)	\$ _____	\$ _____


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

Name     Kerri Tonkin  
Title     Regulation Specialist  
Address   P.O. Box 115525  
            Juneau, Alaska 99811-5526  
Telephone (907) 465-6124  
E-mail address: Kerri\_Tonkin@fishgame.state.ak.us

8. The origin of the proposed action:

staff of state agency  
 federal government  
 general public  
 petition for regulation change  
 other:

9. Date:             April 13, 2006

Prepared by: 

Name: Kerri Tonkin  
Title: Regulation Specialist  
Telephone: (907) 465-6124

**Title 5. Fish and Game.**  
**Chapter 93. Department Programs.**  
**Article 3. Salmon Use.**

5 AAC 93.350(a) is amended to read:

(a) Notwithstanding AS 16.05.831(a) and 5 AAC 93.310, and unless otherwise prohibited by law, under the authorization of this subsection a person may use salmon taken in a hatchery cost recovery fishery, or in commercial, sport, personal use, or subsistence fishery for bait.

(Eff. 7/21/96, Register 139; am 8/18/2002, Register 163; am \_\_\_\_\_/\_\_\_\_\_/2006, Register \_\_\_\_\_)

Authority: AS 16.05.020 AS 16.05.831

**NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF  
THE ALASKA DEPARTMENT OF FISH AND GAME**

The Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with salmon fishery associations, including the following:

1. **5 AAC 93.400. Application for qualification as a salmon fishery association.** is a proposed new section establishing the application requirements for qualification as a salmon fishery association under AS 16.40.250.
2. **5 AAC 93.410. Elections to approve, amend, or terminate salmon fishery assessments.** is a proposed new section to establish the criteria for elections to approve, amend, or terminate salmon fishery assessments under AS 43.76.230 – 43.76.280, election procedures, and reporting requirements.
3. **5 AAC 93.420. Submission of annual reports by salmon fishery associations.** is a proposed new section establishing the deadline for submission of an annual report as required by AS 43.76.270.

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 Kerri Tonkin Regulation Specialist, ADF&G, PO Box 115525, Juneau, AK 99811-552, (907)465-6124, Fax: (907)465-2604, Email: kerri\_tonkin@fishgame.state.ak.us. The comments must be **received no later than 5:00 p.m. on May 15, 2006.**

If you are a person with a disability who needs a special accommodation in order to participate in the process, please contact Kerri Tonkin at (907) 465-6124 no later than May 4, 2006 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kerri Tonkin, Regulation Specialist, ADF&G, PO Box 115525, Juneau, AK 99811-5526, (907) 465-6124, Fax: (907) 465-2604, or Email: kerri\_tonkin@fishgame.state.ak.us.


After the public comment period ends, the commissioner will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. 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 16.40.250.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.40.250; AS 43.76.230; AS 43.76.240; AS 16.43.76.250; AS 43.76.270; AS 43.76.280

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

April 13, 2006

By:   
Kerri Tonkin, Regulations Specialist  
Department of Fish and Game

**ADDITIONAL REGULATIONS NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: New regulations that would allow for the creation of salmon fishery associations.
3. Citation of regulation: 5 AAC 93.400 – 5 AAC 93.420
4. Reason for the proposed action:
  - compliance with federal law
  - compliance with new or changed state statute
  - compliance with court order
  - development of program standards
  - other:
5. BRU/component affected:

6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2006	Subsequent Years
Cost	\$ <u>0</u>	\$ <u>0</u>
Federal receipts	\$ _____	\$ _____
General fund match	\$ _____	\$ _____
General fund	\$ _____	\$ _____
General fund/ program receipts	\$ _____	\$ _____
General fund/ mental health	\$ _____	\$ _____
Other funds (specify)	\$ _____	\$ _____

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

Name     Kerri Tonkin  
Title     Regulation Specialist  
Address   P.O. Box 115525  
            Juneau, Alaska 99811-5526  
Telephone (907) 465-6124  
E-mail address: Kerri\_Tonkin@fishgame.state.ak.us

8. The origin of the proposed action:

staff of state agency  
 federal government  
 general public  
 petition for regulation change  
 other:

9. Date:             April 13, 2006

Prepared by: 

Name: Kerri Tonkin  
Title: Regulation Specialist  
Telephone: (907) 465-6124

5 AAC 93 is amended by adding a new article to read:  
Article 4

Salmon Fishery Associations

- Section 400. Application for qualification as a salmon fishery association.  
Section 410. Elections to approve, amend, or terminate salmon fishery assessments.  
Section 420. Submission of annual reports by salmon fishery associations.

**5 AAC 93.400. Application for qualification as a salmon fishery association.** An application for qualification as a salmon fishery association under AS 16.40.250 must

- (1) be filed with the department between January 1 and January 15 of each year;
- (2) include a certified copy of valid articles of incorporation and bylaws or other proof of incorporation as a nonprofit corporation under AS 10.20;
- (3) include proof that the association is comprised of only interim-use permit and entry permit holders in the salmon fishery for which the association is established, and
- (4) list the name, address, and telephone number of each member of the board of directors of the association.

**Authority:** AS 16.05.050 AS 16.40.250

**5 AAC 93.410. Elections to approve, amend, or terminate salmon fishery assessments.** (a) A salmon fishery association determined by the commissioner to be qualified under AS 16.40.250 may conduct an election to approve, amend, or terminate a salmon fishery assessment only in compliance with the requirements AS 43.76.230 and this section.

(b) At least 30 days before conducting an election under AS 43.76.230(c)(3), an association must submit its proposed notice, ballot, registration and voting procedures, including the name, address, and telephone number of any auditor or election administrator to be involved in the election, to the commissioner for approval under AS 43.76.230(a).

(c) Within 45 days after the election, the salmon fishery association must submit a statement from the election auditor. The statement from the election auditor shall include proof of compliance of the specific election requirements specified in AS 43.76.230(c)(1) – (5).

(d) Petitions to amend the rate or termination date of the salmon fishery assessment must be submitted to the commissioner 90 days prior to an election.

**Authority:** AS 16.05.050 AS 43.76.230

**5 AAC 93.420. Submission of annual reports by salmon fishery associations.** A qualified salmon fishery association must submit the annual report required by AS 43.76.270 by October 1 of the following calendar year to the commissioner.

**Authority:** AS 16.05.050 AS 43.76.270