

FINDING OF EMERGENCY

The Alaska Board of Fisheries finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of public peace, health, safety, or general welfare. The fact constituting the emergency is as follows:

The Board of Fisheries accepts and incorporates by reference the petitioner's assessment of the facts and conclusions supporting a finding of emergency set out in the Emergency Petition of June 13, 2011 filed by the Kenai River Sport Fishing Association and the Mat-Su Mayor's Blue Ribbon Sportsmen's Committee. Errors in the language of the codified regulatory changes to 5 AAC 21.353(a)(2), rendering the regulation inconsistent with the intent of the Board when it adopted the changes during its Upper Cook Inlet February 22 – March, 5, 2011 meeting, constitute an unforeseen, unexpected event that threatens a fish resource because measures intended to protect salmon stocks returning to the Northern District of the Upper Cook Inlet Area were not included in the codified language. See 5 AAC 96.625(f). Emergency regulations to correct these errors are necessary for the immediate preservation of the public general welfare under AS 44.62.250.

ORDER CERTIFYING ADOPTION

I certify that the Board of Fisheries, under the authority of AS 16.05.251, adopted at its June 30, 2011, teleconference meeting, the attached two pages of regulation changes as emergency regulations to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: June 30, 2011
Juneau, Alaska

Cora Campbell
Cora Campbell, Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

✓ Scott Clark for
I, Mead Treadwell, Lieutenant Governor, for the State of Alaska, certify that on June 30, 2011, at 3:29 p m., I filed the attached emergency regulations according to the provisions of AS 44.62.

Scott Clark for
Mead Treadwell, Lieutenant Governor

Effective: June 30, 2011
Register: 199, October 2011

Expires October 27, 2011
unless made "permanent"
by the adopting agency.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, MEAD TREADWELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Scott Clark, SPECIAL ASSISTANT



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 8, 2010.

A handwritten signature in black ink, which appears to read "Mead Treadwell", is written over a horizontal dotted line.

**MEAD TREADWELL
LIEUTENANT GOVERNOR**

Expires October 27, 2011
unless made "permanent"
by the adopting agency.

Title 5. Fish and Game.

Chapter 21. Cook Inlet Area.

Article 3. Salmon Fishery.

5 AAC 21.353(a)(2)(A)(ii)-(iii) are amended by emergency regulation to read:

(ii) fishing during the second regular fishing period is restricted to the [EXPANDED] Kenai and [EXPANDED] Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

...

(iii) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the [EXPANDED] Kenai and [EXPANDED] Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

5 AAC 21.353(a)(2)(B)(ii) is amended by emergency regulation to read:

(ii) at run strengths of 2,300,000 - 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either **or both** the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1[, OR BOTH];

Register 199, October 2011 FISH AND GAME
EMERGENCY REGULATION

(Eff. 6/11/2005, Register 174; am 6/4/2008, Register 186; am 9/12/2008, Register 187; am 5/21/2011, Register 198; er am 6 / 30 /2011, Register 199)

Authority: AS 16.05.060 AS 16.05.251