

Alaska Department of Fish and Game

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2023 – 2024

Statewide Commercial  
Fishing Regulations Shrimp, Dungeness Crab  
and Miscellaneous Shellfish



This booklet contains regulations regarding **COMMERCIAL SHELLFISH FISHERIES** in the State of Alaska. This booklet covers the period June 2023 through April 2024 or until a new book is available following the Board of Fisheries meetings.

**Note to Readers:** These statutes and administrative regulations were excerpted from the Alaska Statutes (AS), and the Alaska Administrative Code (AAC) based on the official regulations on file with the Lieutenant Governor. There may be errors or omissions that have not been identified and changes that occurred after this printing. **This booklet is only effective through the printing date of 8/1/2023. To be certain of the current laws, refer to the official statutes and the AAC. An electronic version, that is updated often, is available on the ADF&G website located here:**

<https://adfg.alaska.gov/index.cfm?adfg=fishregulations.commercial>

**Electronic version current through 8/1/2023**

**Changes to Regulations in this booklet:** The regulations appearing in this booklet may be changed by subsequent board action, emergency regulation, or emergency order at any time. Supplementary changes to the regulations in this booklet will be available on the department's website and at offices of the Department of Fish and Game.

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## **ADF&G Mission Statement**

The Alaska Department of Fish and Game's mission is to manage, protect, maintain, and improve the fish, game and aquatic plant resources of Alaska. The primary goals are to ensure that Alaska's renewable fish and wildlife resources and their habitats are conserved and managed on the sustained yield principle, and the use and development of these resources are in the best interest of the economy and well-being of the people of the state.

### **Guiding Principles**

- Seeking excellence in carrying out its responsibilities under state and federal law, the department will:
- Provide for the greatest long-term opportunities for people to use and enjoy Alaska's fish, wildlife and habitat resources.
- Improve public accessibility to, and encourage active involvement by the public in, the department's decision making processes.
- Build a working environment based on mutual trust and respect between the department and the public, and among department staff.
- Maintain the highest standards of scientific integrity and provide the most accurate and current information possible.
- Foster professionalism in department staff, promote innovative and creative resource management, and provide ongoing training and education for career development.

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**Please note that in the electronic version the above Chapters and Articles are linked to where they are contained within this document.**

**2023 Changes**

<b>Chapter 32. Dungeness Crab Fishery.</b> 5 AAC 32.406(b) 5 AAC 32.425(b)(3)	<b>Chapter 39. General Provisions.</b> 5 AAC 39.105(d)(31) 5 AAC 39.145(3); (5)
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## Chapter 31. Shrimp Fishery.

### Article

[1. Registration Areas \(5 AAC 31.001 — 5 AAC 31.035\)](#)

[2. General Specifications and Restrictions \(5 AAC 31.050 — 5 AAC 31.075\)](#)

3. (Repealed)

4. (Repealed)

[5. Registration Area A \(Southeastern Alaska\) \(5 AAC 31.100 — 5 AAC 31.145\)](#)

[6. Registration Area D \(Yakutat\) \(5 AAC 31.150 — 5 AAC 31.180\)](#)

[7. Registration Area E \(Prince William Sound\) \(5 AAC 31.200 — 5 AAC 31.260\)](#)

[8. Registration Area H \(Cook Inlet\) \(5 AAC 31.300 — 5 AAC 31.390\)](#)

[9. Registration Area G \(Outer Cook Inlet\). \(5 AAC 31.400 - 5 AAC 31.490\)](#)

[10. Registration Area J \(Westward\). \(5 AAC 31.500 - 5 AAC 31.595\)](#)

### Article 1. Registration Areas.

#### **5 AAC 31.001. Application of this chapter**

Unless otherwise specified, the requirements set out in this chapter apply only to commercial fishing for shrimp. Subsistence, personal use, and sport fishing regulations that affect commercial shrimp fishing vessels or activity are set out in the subsistence fishing regulations in 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

#### **5 AAC 31.005. Registration areas established; registration of vessels**

(a) Shrimp registration areas and code letters are:

Code Letter

**A** - Southeastern Alaska Area (5 AAC 31.100)

**D** - Yakutat Area (5 AAC 31.150)

**E** - Prince William Sound Area (5 AAC 31.200)

**H** - Cook Inlet Area (5 AAC 31.300)

**G** - Outer Cook Inlet Area (5 AAC 31.400)

**J** - Westward Area (5 AAC 31.500).

(b) The board will designate each registration area, or portion of a registration area, or fishery by gear type in a registration area, or fishery by gear type in a portion of a registration area, as one of the following:

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(1) exclusive registration area: unless otherwise provided in this chapter, a vessel used to fish for shrimp that has been validly registered to take shrimp in a shrimp exclusive registration area may not be used to take shrimp in another shrimp exclusive registration area during the same registration year; or

(2) nonexclusive registration area: during the same registration year, a vessel used to fish for shrimp may be registered to take shrimp in one or more of the shrimp nonexclusive registration areas and registered to take shrimp for one shrimp exclusive registration area, but may not be used to take shrimp in more than one shrimp exclusive registration area.

## **5 AAC 31.010. Application of regulations**

(a) Unless otherwise specified in this chapter, the regulations in this chapter that apply to a shrimp registration area also apply to the waters of the exclusive economic zone that are adjacent to the shrimp registration area.

(b) The commissioner may suspend the application of the regulations of this chapter that apply to a shrimp registration area to all or a portion of the waters of the exclusive economic zone that are adjacent to the area if the commissioner finds that

(1) application of the regulations fails to facilitate the enforcement of regulations that apply to the registration area;

(2) application of the regulations fails to protect or conserve shrimp inhabiting territorial waters of Alaska; or

(3) the state has an insufficient interest in the shrimp that inhabit the waters of the adjacent exclusive economic zone to warrant extending the state's jurisdiction to those waters.

(c) For the purposes of this section, "exclusive economic zone" means all the waters adjacent to a shrimp registration area and seaward to a boundary line drawn in such a manner that each point on the line is 200 nautical miles from the baseline from which the territorial sea is measured.

## **5 AAC 31.020. Shrimp area registration**

(a) In addition to the requirements of 5 AAC 39.120 and unless otherwise specified in this chapter, a vessel owner, or the owner's agent, shall

(1) validly register all fishing gear to be used to take shrimp; and

(2) register a vessel to fish for shrimp

(A) for a nonexclusive registration area before using the vessel to fish for shrimp in the area; or



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(B) for an exclusive registration area before using the vessel to fish for shrimp in that area by registering the vessel before the first scheduled season opening date during the registration year.

(b) Unless otherwise specified in this chapter, the shrimp registration year is April 15 through April 14.

(c) The department will issue a registration certificate to a vessel that is to be used to fish for shrimp if the vessel owner, or the owner's agent, completes and submits to the department a registration form obtained from the local representative of the department and the vessel is licensed and otherwise complies with the requirements of AS 16 and of this title. The vessel owner, or the owner's agent, shall sign the registration certificate when it is issued, shall keep it on board the vessel and immediately available at all times during fishing operations, and shall show it upon the request of a peace officer of the state.

(d) In a shrimp registration area, district, or section where a tank inspection is required, a vessel registration is not valid until the vessel has successfully completed a tank inspection. A tank inspection is not successfully completed unless, at the time of the inspection, a holder of a valid CFEC interim use or limited entry permit that covers the registration area, district, or section in which the vessel is registered is on board the vessel and has the CFEC interim use or limited entry permit in possession. A successfully completed tank inspection validates the vessel's registration for a registration area, district, or section. If a tank inspection is not required, compliance with (c) of this section validates the vessel registration.

(e) The department may cancel a vessel registration for a registration area for the purpose of allowing the vessel to fish for shrimp in another registration area, except that once the department has inspected a vessel for

(1) an exclusive registration area, the department may not cancel the registration to allow the vessel to fish for shrimp in any other registration area;

(2) a nonexclusive registration area, the department may not cancel the registration to allow the vessel to fish for shrimp in an exclusive registration area.

(f) The owner of a vessel, or the owner's agent, landing shrimp in a registration area other than the area in which the vessel is then validly registered shall attach the registration certificate issued under (c) of this section to the back of the department copy of the fish ticket at the time the shrimp are landed.

(g) After the registration deadline, the commissioner may issue a registration certificate to a vessel to allow that vessel to fish for shrimp with a trawl and replace a vessel that was registered to fish for shrimp in a specific registration area, district, or section if the vessel that is replaced was lost. The commissioner may issue a registration certificate under this subsection to register the vessel only for the shrimp registration area for which the lost vessel was registered. To register a replacement vessel under this subsection, the vessel owner, or owner's agent, shall submit to the commissioner written proof that the vessel to be replaced was lost. In this subsection, a vessel is "lost" if, due to

sinking or destruction, the vessel is incapable of being used to take shrimp with a trawl during the open shrimp season in the registration area, district, or section for which the vessel is registered.

(h) Unless otherwise specified in this chapter, a valid registration to fish for shrimp in a registration area, district, or section expires when the shrimp fishing season for the registration area, district, or section is closed.

## **5 AAC 31.030. Inspection requirements**

(a) Except as provided in (b) of this section and unless otherwise specified in this chapter, a person may not fish for shrimp with a trawl using a vessel that is registered to fish in a shrimp registration area, district, or section unless that vessel has been inspected by a local representative of the department. The local representative shall make the inspection within 72 hours before a season opening or during the season. The inspection must be made at one of the inspection points specified in this chapter. Shrimp may not be on board the vessel at the time of the inspection. Successful completion of the inspection validates the vessel's registration for the registration area, district, or section. If an inspection is not required, completion of the registration form and submission of the completed form to the department by the vessel owner or the owner's agent validates the registration.

(b) By public announcement, the commissioner may require the inspection of vessels that will fish for shrimp with trawls in a registration area that otherwise does not have inspection requirements of this section.

(c) The local representative of the department may begin a vessel inspection no earlier than 72 hours before a fishing season opens in the registration area, district, or section in which the vessel will fish.

(d) The commissioner may designate additional inspection points for inspections required by this chapter if the commissioner finds that

(1) the existing inspection points impose an unforeseen and significant hardship that persons fishing for shrimp with trawls cannot mitigate;

(2) the department does not have a practical way to change existing inspection points to alleviate the hardship; and

(3) designating additional inspection points would not cause a significant likelihood that unauthorized fishing or other management or enforcement problems will occur.

(e) The department shall issue to the vessel owner or the owner's agent a vessel inspection certificate for a vessel upon successful completion of an inspection required by this chapter. A vessel inspection is not successfully completed unless the vessel owner, or the owner's agent, produces for the local representative of the department who is conducting the inspection the current registration certificate for the registration area in which the vessel will fish. The vessel owner, or the owner's agent, shall sign the vessel

inspection certificate when received, shall keep it on the vessel and during fishing operations, and, upon request, shall show it to a peace officer of the state.

## **5 AAC 31.031. Landing requirements**

(a) Except as provided in (b) of this section, a shrimp vessel may not land shrimp at a location that is not within the registration area, district, or section for which it is then validly registered.

(b) The owner, or the owner's agent, of a vessel validly registered to fish for shrimp in a registration area, district, or section leaving that area, district, or section with the intention of landing shrimp in another registration area, district, or section shall contact by radio or telephone a local representative of the department. The contact must be made to the local representative of the department located in the registration area, district, or section from which the vessel will move. Unless the local representative of the department does not require inspection of the vessel, the owner or agent shall submit to a vessel inspection at a location specified by the representative. When the vessel lands shrimp in the new registration area, district, or section, the vessel may not have more shrimp on board than when the vessel was inspected. When the vessel owner or the owner's agent contacts the local representative of the department, if the local representative of the department does not require an inspection under this subsection, the vessel owner, or the owner's agent, making radio or telephone contact shall state to the representative the amount by weight of shrimp then on board. Thereafter, the vessel may not land in the new registration area, district, or section an amount of shrimp that, by weight, exceeds by 10 percent, whether more or less, the amount stated at the time of the contact with the department's local representative.

(c) When, under (b) of this section, a vessel lands shrimp in another registration area, district, or section, the vessel's former registration expires. To again become validly registered to fish for shrimp in the new registration area, district, or section, the vessel owner or the owner's agent shall comply with 5 AAC 31.030 or with the inspection requirements for that registration area, district, or section that are specified in this chapter.

(d) Unless otherwise specified in this chapter, after 72 hours following the closure of shrimp fishing in a registration area or portion of a registration area, a vessel registered to fish for shrimp in that area may not have shrimp on board unless the vessel is validly registered to fish for shrimp in another registration area or portion of a registration area and the shrimp fishing season is open in the area or portion of the area.

## **5 AAC 31.033. Tenders for shrimp**

(a) A vessel used to tender shrimp for a vessel that is validly registered to take shrimp

(1) may not have shrimp gear or equipment on board; and

(2) may not be used to fish for shrimp.

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(b) Before taking shrimp on board the tendering vessel, the operator of the vessel shall register that vessel with a local representative of the department who is located in the registration area, district, or section in which the vessel will be tendering.

(c) Before a vessel used to tender shrimp leaves the shrimp registration area, district, or section, the operator of the tendering vessel shall contact in person, or by radio or telephone, a local representative of the department who is located in the registration area, district, or section and shall state to the representative the amount, in pounds, of shrimp on board the vessel and the vessel's unloading destination.

## **5 AAC 31.035. Closure of shrimp registration areas and appeal procedures**

(a) The commissioner shall monitor the condition of shrimp in all registration areas by using the data and information that are practically available.

(b) When the commissioner finds that continued shrimp fishing would jeopardize the health of shrimp stock within a registration area or portion of a registration area, the commissioner, by emergency order, shall close the registration area or portion of the registration area.

(c) In determining whether to close a registration area, the commissioner shall consider all appropriate factors to the extent there is information available. Factors which may be considered include

(1) the effect of overall fishing effort within the statistical area encompassing the registration area;

(2) catch per unit of effort and rate of harvest;

(3) relative abundance of shrimp within the area in comparison with preseason expectations of the department;

(4) such guideline harvest levels as may be promulgated by regulation;

(5) general information on the condition of shrimp within the area;

(6) information pertaining to the maximum sustainable yield level of shrimp within the registration area;

(7) timeliness and accuracy of catch reporting by buyers, fishermen or vessel operators within the registration area to the extent that such timeliness or accuracy may reasonably be expected to affect proper management; and

(8) adequacy of subsistence harvests within the registration area.

(d) If a registration area or portion of a registration area is closed to fishing for shrimp, the holder of a valid CFEC interim use or limited entry permit, or the vessel owner, or the owner's agent, of a vessel fishing for shrimp that was validly registered for the registration area or portion of the registration area may submit a written request to the

commissioner to reopen the registration area or portion of the registration area. The person making a request to reopen the closed area shall make the request within five days following its closure. In considering the request to reopen, the commissioner shall consider all relevant information concerning the condition of shrimp stocks within the closed area. Within 14 days after the receipt of the request, the commissioner shall publicly announce a decision either to retain the closure or to reopen by emergency order the registration area or portion of the registration area.

(e) Repealed 5/8/98.

(f) The provisions of this section also apply to closures to fishing for shrimp of districts, subdistricts, sections, or any other portion of a registration area.

## **Article 2. General Specifications and Restrictions.**

### **5 AAC 31.050. Lawful gear for shrimp; operating requirements**

(a) Unless otherwise specified in this chapter, shrimp may be taken by pots and trawls.

(b) Each tunnel eye opening of a shrimp pot may not be larger than 15 inches (38 cm) in perimeter.

(c) Unless otherwise specified in this chapter, shrimp pots may be longlined. If shrimp pots are longlined, a buoy is not required for each pot, but at least one buoy must be attached to the longline, and the buoy must be marked as required in 5 AAC 31.051.

(d) A vessel fishing for shrimp with trawl gear is considered to have ceased fishing when either the trawl's net opening control device commonly referred to as otter doors or its trawl beam is visible at the surface of the water. When the vessel's trawl net opening control device, or otter doors, or its trawl beam is not visible at the surface or is not aboard the vessel, the vessel is considered to be fishing.

### **5 AAC 31.051. Shrimp pot gear marking requirements**

Each shrimp pot must have at least one buoy. At least one buoy on a shrimp pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy must show only that number. The number must be in symbols at least one and one-half inches high and have lines that are at least one-quarter inch wide and that are in a shade or color that contrasts with the background.

### **5 AAC 31.052. Shrimp pot gear storage requirements**

(a) Except as provided in (b) of this section, unless otherwise specified in this chapter, during the closed season for fishing for shrimp with pots in a shrimp registration area, a person may not allow the person's shrimp pots to remain in the water in the registration area.

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(b) A person may store a shrimp pot in an area closed to pot shrimp fishing for not more than seven days following the closure of shrimp pot fishing in the area if, for each pot that is stored,

- (1) all doors are secured fully open; and
- (2) all bait and bait containers have been removed.

## **5 AAC 31.053. Operation of other pot gear**

(a) Unless otherwise specified in this chapter, the provisions of this section apply to persons and vessels used in a commercial shrimp fishery.

(b) A person may not participate in a commercial shrimp fishery in a shrimp registration area if the person

(1) operated commercial, subsistence, sport, or personal use shrimp gear during the 14 days immediately before the opening of a commercial shrimp fishery in that shrimp registration area; or

(2) operates a vessel that was used or operated by the person or by another person in a commercial, subsistence, sport, or personal use shrimp fishery during the 14 days immediately before the opening of the commercial shrimp fishery in that shrimp registration area.

(c) A person who participated in a commercial shrimp fishery in a shrimp registration area

(1) may not operate shrimp gear for commercial, subsistence, sport, or personal use fishing in that registration area during the 14 days immediately following the close of the shrimp fishery unless

(A) the person removes all commercial shrimp pots from the water or puts the pots in storage, as specified in 5 AAC 31.052, and contacts, in person, the local representative of the department in the registration area and makes a request that the vessel's shrimp registration be canceled, and the department cancels the vessel's shrimp registration; or

(B) commercial shrimp pots are lawful gear for another fishery, the person who operates the pots holds a valid ADF&G or CFEC permit for the other fishery, and the person contacts, in person, the local representative of the department and makes a request that the vessel's shrimp registration be canceled and the department cancels the vessel's shrimp registration; or

(2) may not operate, for commercial, subsistence, sport, or personal use fishing in that registration area during the 14 days immediately following the close of the shrimp fishery, a vessel that was used or operated by the person or by another person in the commercial shrimp fishery in the shrimp registration area unless

# COMMERCIAL SHRIMP FISHERY

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(A) the person who used or operated the vessel in the commercial shrimp fishery removes all commercial shrimp pots from the water or puts the pots in storage, as specified in 5 AAC 31.052, and contacts, in person, the local representative of the department in the registration area and makes a request that the vessel's shrimp registration be canceled, and the department cancels the vessel's shrimp registration; or

(B) commercial shrimp pots are lawful gear for another fishery, the person who operates the pots holds a valid ADF&G or CFEC permit for the other fishery, and the person who used or operated the vessel contacts, in person, the local representative of the department and makes a request that the vessel's shrimp registration be canceled and the department cancels the vessel's shrimp registration.

(d) A person

(1) may stop participating in a commercial shrimp fishery and instead may operate commercial pots other than shrimp pots if

(A) the person removes the shrimp pots from the water or puts them in storage as specified in 5 AAC 31.052; and

(B) the vessel owner, or owner's agent, contacts a local representative of the department, in person, and requests that the department cancel the vessel's shrimp registration, and the department cancels the vessel's shrimp registration; or

(2) may stop using a vessel to participate in a commercial shrimp fishery and instead may use the vessel to operate commercial pots other than shrimp pots if

(A) the person removes the shrimp pots from the water or puts them in storage, as specified in 5 AAC 31.052; and

(B) the vessel owner, or owner's agent, contacts a local representative of the department, in person, and requests that the department cancel the vessel's shrimp registration, and the department cancels the vessel's shrimp registration.

## **5 AAC 31.055. Permits for shrimp processing vessels**

The owner or operator of a vessel used in the processing of shrimp must obtain a permit from the department before starting processing operations. The permit must contain the following requirements:

(1) reporting of vessel location to the department;

(2) reporting of harvesting or processing operations to the department;

(3) reporting of unloading and transport operations to the department;

(4) permission for local representatives of the department to inspect, at any time, the vessel's holds, live tanks, freezers, processing areas, and processed and unprocessed shrimp; and

(5) reporting of any other information required by the department for the conservation and development of the shrimp resources.

## **5 AAC 31.075. Reporting of shrimp catches lost or not purchased**

(a) Each shrimp fisherman shall indicate on the fish ticket at the time of landing any shrimp harvested which are not purchased by the processor or buyer, or which have been dumped at sea.

(b) Each buyer of shrimp shall indicate on the fish ticket the gross weight of shrimp not purchased from a load.

## **Article 5. Registration Area A (Southeastern Alaska).**

### **5 AAC 31.100. Description of Registration Area A**

Registration Area A (Southeastern Alaska) has as its southern boundary the International Boundary at Dixon Entrance and as its northern boundary a line running southwest from the westernmost tip of Cape Fairweather.

### **5 AAC 31.105. Description of Registration Area A districts and sections**

(a) District 1: waters east and north of a line running from the southernmost tip of Caamano Point at 55° 29.85' N. lat., 131° 58.21' W. long., then south to a point in Dixon Entrance at 54° 40.00' N. lat., 131° 45.00' W. long., and waters north of a line running from 54° 40.00' N. lat., 131° 45.00' W. long., to 54° 42.48' N. lat., 130° 36.92' W. long.

(b) District 2: waters south of a line running from the easternmost tip of Narrow Point at 55° 47.00' N. lat., 132° 28.23' W. long., to Lemesurier Point, at 55° 46.02' N. lat., 132° 16.94' W. long., waters west of a line running from the southernmost tip of Caamano Point at 55° 29.85' N. lat., 131° 58.21' W. long., then due south to a point in Dixon Entrance at 54° 40.00' N. lat., 131° 45.00' W. long., and waters east of a line running from Point Marsh Light at 54° 42.70' N. lat., 132° 17.72' W. long., then due south to a point in Dixon Entrance at 54° 40.00' N. lat., 132° 17.50' W. long.

(c) District 3: waters north and west of a line running from Point Marsh Light at 54° 42.70' N. lat., 132° 17.72' W. long., then due south to a point in Dixon Entrance at 54° 40.00' N. lat., 132° 41.29' W. long., and ending at the southernmost tip of Cape Muzon, and waters east of a line running from the northernmost tip of Eagle Point on Dall Island at 55° 14.53' N. lat., 133° 13.28' W. long., to the westernmost tip of Point Arboleda at 55° 19.10' N. lat., 133° 27.81' W. long., to the southernmost tip of Point San Roque at 55° 20.13' N. lat., 133° 32.70' W. long., to the northernmost tip of Cape Ulitka at 55° 33.76' N. lat., 133° 43.73' W. long., to Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long., and ending at the southwest entrance point of Halibut Harbor on Kosciusko Island at 55° 54.99' N. lat., 133° 47.64' W. long., and waters south of the latitude of Anesnett Point at 56° 08.85' N. lat.;



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(1) Section 3-A: waters of District 3 south and east of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point at 55° 15.74' N. lat., 133° 07.33' W. long., to a point on Prince of Wales Island at 55° 15.75' N. lat., 133° 06.43' W. long., including Soda Bay and its contiguous waters, but excluding all waters of Meares Pass and its contiguous waters;

(2) Section 3-B: waters of District 3 south of Point Swift at 55° 45.78' N. lat., 133° 19.57' W. long., including all waters of Warm Chuck Inlet, Iphigenia Bay south of Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long., excluding all waters of Tuxekan Passage and its contiguous waters, and waters of District 3 north of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point located at 55° 15.74' N. lat., 133° 07.33' W. long., to a point on Prince of Wales Island at 55° 15.70' N. lat., 133° 06.53' W. long., including all waters of Meares Pass and its contiguous waters, but excluding all waters of Soda Bay and its contiguous waters;

(3) Section 3-C: waters of District 3 north of the latitude of Point Swift at 55° 45.78' N. lat., 133° 19.57' W. long., including all waters of Tuxekan Passage and its contiguous waters, but excluding all waters of warm Chuck Inlet, Iphigenia Bay south of Cape Lynch Light at 55° 46.86' N. lat., 133° 42.10' W. long.

(d) District 4: waters north of the southernmost tip of Cape Muzon at 54° 39.82' N. lat., 132° 41.29' W. long., west of District 3, and south of a line from Helm Point on Coronation Island at 55° 49.59' N. lat., 134° 16.19' W. long., to Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long.

(e) District 5: waters of Sumner Strait that are north and east of a line running from Cape Decision to Helm Point, to Cape Lynch, and ending at the southwest entrance point of Halibut Harbor, and waters north of the latitude of Aneskett Point, west of a line from Point Baker to Point Barrie, and south of a line running from Point Camden to Salt Point Light in Keku Strait.

(f) District 6: waters of Clarence Strait north and east of a line from Narrow Point at 55° 47.45' N. lat., 132° 28.57' W. long., to Lemesurier Point at 55° 46.02' N. lat., 132° 16.93' W. long., to Ernest Point at 55° 51.00' N. lat., 132° 22.21' W. long., to the most southerly point on Etolin Island at 55° 54.79' N. lat., 132° 21.24' W. long., waters of Stikine Strait south of the latitude of Round Point at 56° 16.65' N. lat., 132° 39.44' W. long., waters of Sumner Strait west of a line from Point Alexander at 56° 30.54' N. lat., 132° 56.94' W. long., to Low Point at 56° 27.18' N. lat., 132° 57.17' W. long., and east of a line from Point Baker at 56° 21.52' N. lat., 133° 37.58' W. long., to Point Barrie at 56° 26.18' N. lat., 133° 39.27' W. long., waters of Wrangell Narrows south and west of a line from Prolewy Point at 56° 50.12' N. lat., 132° 56.45' W. long., to the northern tip of Mitkof Island at 56° 49.38' N. lat., 132° 56.31' W. long., and all waters of Duncan Canal;

(1) Section 6-A: waters north of a line from Point Colpoys at 56° 20.17' N. lat., 133° 11.90' W. long., to Macnamara Point at 56° 19.85' N. lat., 133° 04.00' W. long., west of a line from Low Point at 56° 27.18' N. lat., 132° 57.17' W. long., to Point Alexander at 56° 30.54' N. lat., 132° 56.94' W. long., and east of a line from Point Barrie at 56° 26.18' N. lat., 133° 39.27' W. long., to Point Baker at 56° 21.52' N. lat., 133° 37.58' W. long.;

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(2) Section 6-B: waters south of a line from Point Colpoys at 56° 20.17' N. lat., 133° 11.90' W. long., to Macnamara Point at 56° 19.85' N. lat., 133° 04.00' W. long., and north and west of a line from Luck Point at 55° 59.04' N. lat., 132° 44.07' W. long., to Point Stanhope at 56° 00.69' N. lat., 132° 36.46' W. long., to Lincoln Rock Light at 56° 03.40' N. lat., 132° 41.85' W. long., to Key Reef Light at 56° 09.61' N. lat., 132° 49.78' W. long., to Nesbitt Reef Light at 56° 13.22' N. lat., 132° 51.83' W. long., to Point Nesbitt at 56° 13.88' N. lat., 132° 52.33' W. long.;

(3) Section 6-C : waters enclosed by a line from Lincoln Rock Light at 56° 03.40' N. lat., 132° 41.85' W. long., to the westernmost point of Screen Islands at 56° 05.54' W. lat., 132° 42.60' W. long., to the westernmost point of Marsh Island at 56° 06.94' N. lat., 132° 43.15' W. long., to the westernmost point of Steamer Rocks at 56° 08.41' N. lat., 132° 43.64' W. long., to Mariposa Rock Buoy at 56° 10.67' N. lat., 132° 44.35' W. long., to the tip of Point Nesbitt at 56° 13.88' N. lat., 132° 52.33' W. long., to Nesbitt Reef Light at 56° 13.22' N. lat., 132° 51.83' W. long., to Key Reef Light at 56° 09.61' N. lat., 132° 49.78' W. long., to Lincoln Rock Light at 56° 03.40' N. lat., 132° 41.85' W. long.;

(4) Section 6-D: all waters of District 6 not included in (1) - (3) of this subsection.

(g) District 7: waters of Ernest Sound and Bradfield Canal that are east of a line running from Lemesurier Point to Ernest Point, and ending at the most southerly point of Etolin Island, waters of Zimovia Strait that are south of the latitude of Nemo Point, and waters of Eastern Passage and Blake Channel that are east of a line from Babbler Point to Hour Point (56° 27.80' N. lat., 132° 16.63' W. long.).

(h) District 8: waters of Frederick Sound south of a line from Wood Point at 56° 59.47' N. lat., 132° 56.97' W. long. to Beacon Point at 56° 56.36' N. lat., 132° 59.74' W. long., waters of Sumner Strait east of a line from Point Alexander at 56° 30.54' N. lat., 132° 56.94' W. long., to Low Point at 56° 27.18' N. lat., 132° 57.17' W. long., waters of Stikine Strait north of the latitude of Round Point at 56° 16.65' N. lat., 132° 39.44' W. long., waters of Zimovia Strait north of the latitude of Nemo Point at 56° 17.00' N. lat., 132° 21.94' W. long., and waters of Eastern Passage west of a line from Hour Point at 56° 27.72' N. lat., 132° 16.79' W. long., to Babbler Point at 56° 29.08' W. lat., 132° 17.36' W. long.;

(1) Section 8-A: waters north of a line from Blaquiere Point at 56° 35.06' N. lat., 132° 32.54' W. long., to Kakwan Point at 56° 41.62' N. lat., 132° 13.12' W. long.;

(2) Section 8-B: waters south of a line from Blaquiere Point at 56° 35.06' N. lat., 132° 32.54' W. long., to Kakwan Point at 56° 41.62' N. lat., 132° 13.12' W. long.

(i) District 9: waters of Frederick Sound and Chatham Strait that are south of the latitude of the southernmost tip of Point Gardner, waters that are south of the latitude of the southernmost tip of Elliott Island and that are west of a line running from the southernmost tip of Elliott Island to the westernmost tip of Point Macartney, waters that are north and west of a line running from the northernmost tip of Point Camden to Salt Point Light, and waters that are north and east of a line running from the southernmost tip

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of Cape Decision to the southernmost tip of Helm Point, to the westernmost tip of Hazy Islands, and ending at Cape Ommaney Light.

(j) District 10: waters of Frederick Sound, Stephens Passage, and contiguous waters north of a line from Beacon Point at 56° 56.36' N. lat., 132° 59.74' W. long., to Wood Point at 56° 59.47' N. lat., 132° 56.97' W. long., east of a line from Point Macartney at 57° 01.49' N. lat., 134° 03.51' W. long., to the southern tip of Elliott Island at 57° 15.20' N. lat., 134° 03.72' W. long., and north of the latitude of the southern tip of Elliott Island at 57° 15.20' N. lat., 134° 03.72' W. long., waters of Seymour Canal south of 57° 37.00' N. lat., and waters of Stephens Passage south of a line from Point League at 57° 37.76' N. lat., 133° 40.47' W. long., to Point Hugh at 57° 34.21' N. lat., 133° 48.58' W. long.;

(1) Section 10-A: waters west of line from Pinta Point at 57° 05.90' N. lat., 133° 53.40' W. long., to a point at 57° 12.60' N. lat., 133° 53.25' W. long., to the northernmost tip of Akusha Island at 57° 18.40' N. lat., 133° 39.28' W. long., to McDonald Rock Light at 57° 25.10' N. lat., 133° 37.82' W. long., to a point at 57° 36.00' N. lat., 133° 44.76' W. long.;

(2) Section 10-B: waters north of a line from Pinta Point at 57° 05.90' N. lat., 133° 53.40' W. long., to Cape Fanshaw at 57° 11.12' N. lat., 133° 34.40' W. long., and east of a line from Pinta Point at 57° 05.90' N. lat., 133° 53.40' W. long., to a point at 57° 12.60' N. lat., 133° 53.25' W. long., to the northernmost tip of Akusha Island at 57° 18.40' N. lat., 133° 39.28' W. long., to McDonald Rock Light at 57° 25.10' N. lat., 133° 37.82' W. long., to a point at 57° 36.00' N. lat., 133° 44.76' W. long.,

(3) Section 10-C: waters east of a line from Pinta Point at 57° 05.90' N. lat., 133° 53.40' W. long., to Cape Fanshaw at 57° 11.12' N. lat., 133° 34.40' W. long.

(k) District 11: waters of Stephens Passage that are north of a line from Point League to Point Hugh, waters of Seymour Canal that are north of 57° 37' N. lat., and waters that are south of the latitude of Little Island Light and east of a line running from Little Island Light to Point Retreat Light;

(1) Section 11-A: waters of the district that are north and west of a line running from a point at 58° 12.33' N. lat., 134° 10' W. long., to the Coast Guard marker and light on Point Arden;

(2) Section 11-B: waters of the district that are north of the latitude of Midway Island Light and south and east of a line running from a point at 58° 12.33' N. lat., 134° 10' W. long., to the Coast Guard marker and light on Point Arden;

(3) Section 11-C: waters of the district that are south of the latitude of Midway Island Light and north of a line running from Point League to Point Hugh;

(4) Section 11-D: all waters of Seymour Canal that are north of 57° 37' N. lat.

(l) District 12: waters of Lynn Canal and Chatham Strait that are south of the latitude of Little Island Light, north of the latitude of Point Gardner, west of a line running from

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Little Island Light to Point Retreat Light, east of a line running from Point Couverden to Point Augusta, and east of a line running from Point Hayes to Point Thatcher.

(m) District 13: waters that are north of the latitude of the southernmost tip of Helm Point and west of a line running from the southernmost tip of Helm Point to the westernmost tip of Hazy Island, and ending at Cape Ommaney Light, waters that are south of a line running west from the southernmost tip of Cape Spencer, waters that are west of a line from the southernmost tip of Cape Spencer through Yakobi Rock, and ending at Yakobi Island, waters that are south of a line running from the northernmost tip of Soapstone Point to the westernmost tip of Column Point, and waters that are west of a line running from the southernmost tip of Point Hayes to the northernmost tip of Point Thatcher;

(1) Section 13-A: waters that are north of  $57^{\circ} 16' N.$  lat. and the waters of Peril Strait that are south of the latitude of Pogibshi Point ( $57^{\circ} 30.50' N.$  lat.);

(2) Section 13-B: waters that are south of  $57^{\circ} 16' N.$  lat.;

(3) Section 13-C: waters of the district that are north of the latitude of Pogibshi Point and west of a line running from the southernmost tip of Point Hayes to the northernmost tip of Point Thatcher in Peril Strait.

(n) District 14: waters of Icy Strait that are west of a line from the southernmost tip of Point Couverden to Point Augusta Light, east of a straight line running from the southernmost tip of Cape Spencer through Yakobi Rock, and ending at Yakobi Island, and waters that are north of a line running from the northernmost point of Soapstone Point to the westernmost point of Column Point.

(o) District 15: waters of Lynn Canal that are north of the latitude of Little Island Light.

(p) District 16: waters that are north of a line running west from the southernmost tip of Cape Spencer and south of a line running southwest from the westernmost tip of Cape Fairweather.

(q) Dixon Entrance District: waters that are east of  $138^{\circ} 45.33' W.$  long., south of the southern boundaries of Districts 1, 2, 3, and 4, and waters that are north of a line running from  $54^{\circ} 43.50' N.$  lat.,  $130^{\circ} 37.62' W.$  long., to  $54^{\circ} 43.40' N.$  lat.,  $130^{\circ} 37.65' W.$  long., to  $54^{\circ} 43.25' N.$  lat.,  $130^{\circ} 37.73' W.$  long., to  $54^{\circ} 43' N.$  lat.,  $130^{\circ} 37.92' W.$  long., to  $54^{\circ} 42.97' N.$  lat.,  $130^{\circ} 37.95' W.$  long., to  $54^{\circ} 42.78' N.$  lat.,  $130^{\circ} 38.10' W.$  long., to  $54^{\circ} 42.37' N.$  lat.,  $130^{\circ} 38.43' W.$  long., to  $54^{\circ} 41.15' N.$  lat.,  $130^{\circ} 38.97' W.$  long., to  $54^{\circ} 39.90' N.$  lat.,  $130^{\circ} 38.97' W.$  long., to  $54^{\circ} 39.23' N.$  lat.,  $130^{\circ} 39.30' W.$  long., to  $54^{\circ} 39.80' N.$  lat.,  $130^{\circ} 41.58' W.$  long., to  $54^{\circ} 40.05' N.$  lat.,  $130^{\circ} 42.37' W.$  long., to  $54^{\circ} 40.70' N.$  lat.,  $130^{\circ} 44.72' W.$  long., to  $54^{\circ} 40.68' N.$  lat.,  $130^{\circ} 44.98' W.$  long., to  $54^{\circ} 40.77' N.$  lat.,  $130^{\circ} 45.85' W.$  long., to  $54^{\circ} 41.10' N.$  lat.,  $130^{\circ} 48.52' W.$  long., to  $54^{\circ} 41.08' N.$  lat.,  $130^{\circ} 49.28' W.$  long., to  $54^{\circ} 41.35' N.$  lat.,  $130^{\circ} 53.30' W.$  long., to  $54^{\circ} 41.43' N.$  lat.,  $130^{\circ} 53.65' W.$  long., to  $54^{\circ} 42.45' N.$  lat.,  $130^{\circ} 56.30' W.$  long., to  $54^{\circ} 42.57' N.$  lat.,  $130^{\circ} 57.15' W.$  long., to  $54^{\circ} 43' N.$  lat.,  $130^{\circ} 57.68' W.$  long., to  $54^{\circ} 43.77' N.$  lat.,  $130^{\circ} 58.92' W.$  long., to  $54^{\circ} 44.20' N.$  lat.,  $130^{\circ} 59.73' W.$  long., to  $54^{\circ} 45.65' N.$

lat., 131° 03.10' W. long., to 54° 46.27' N. lat., 131° 04.72' W. long., to 54° 42.18' N. lat., 131° 13' W. long., to 54° 40.87' N. lat., 131° 13.90' W. long., to 54° 39.15' N. lat., 131° 16.28' W. long., to 54° 36.87' N. lat., 131° 19.37' W. long., to 54° 29.88' N. lat., 131° 33.80' W. long., to 54° 30.53' N. lat., 131° 38.02' W. long., to 54° 28.30' N. lat., 131° 45.33' W. long., to 54° 26.68' N. lat., 131° 49.47' W. long., to 54° 21.85' N. lat., 132° 02.90' W. long., to 54° 24.87' N. lat., 132° 23.65' W. long., to 54° 24.68' N. lat., 132° 24.48' W. long., to 54° 24.68' N. lat., 132° 24.58' W. long., to 54° 24.65' N. lat., 132° 26.85' W. long., to 54° 24.57' N. lat., 132° 38.27' W. long., to 54° 24.90' N. lat., 132° 39.77' W. long., to 54° 26' N. lat., 132° 44.20' W. long., to 54° 27.12' N. lat., 132° 49.58' W. long., to 54° 27.12' N. lat., 132° 50.70' W. long., to 54° 28.42' N. lat., 132° 55.90' W. long., to 54° 28.53' N. lat., 132° 56.47' W. long., to 54° 30.05' N. lat., 133° 07' W. long., to 54° 30.17' N. lat., 133° 07.72' W. long., to 54° 30.70' N. lat., 133° 11.47' W. long., to 54° 31.03' N. lat., 133° 14' W. long., to 54° 30.10' N. lat., 133° 16.97' W. long., to 54° 22.02' N. lat., 133° 44.40' W. long., to 54° 20.55' N. lat., 133° 49.35' W. long., to 54° 15.67' N. lat., 134° 19.82' W. long., to 54° 12.95' N. lat., 134° 23.78' W. long., to 54° 12.75' N. lat., 134° 25.05' W. long., to 54° 07.50' N. lat., 134° 56.40' W. long., to 54° 00.02' N. lat., 135° 45.95' W. long., and ending at 53° 28.45' N. lat., 138° 45.33' W. long.

## **5 AAC 31.106. Area A registration**

Registration Area A is a nonexclusive registration area.

## **5 AAC 31.110. Shrimp pot fishing seasons and periods for Registration Area A**

Except as provided in 5 AAC 31.145(d), in Registration Area A, shrimp may be taken by pots only from May 15 through July 31, unless closed earlier by emergency order.

## **5 AAC 31.111. Shrimp beam trawl fishing seasons and logbook requirements for Registration Area A**

(a) In Registration Area A, a person may take shrimp by beam trawls only after contacting the department and obtaining a logbook; the logbook must be completed and attached to the corresponding shrimp fish tickets; a person may not knowingly make a false entry in the logbook. Shrimp may be taken by beam trawls only as follows:

- (1) in District 8 from
  - (A) May 1 through June 30;
  - (B) July 1 through August 31;
  - (C) September 1 through October 31; and
  - (D) November 1 through February 28;

(2) in District 10, that portion east of the longitude and south of the latitude of the westernmost tip of Cape Fanshaw, in District 6, that portion north of a line from Mitchell Point to Point St. John, and in waters of District 7 in Eastern Channel west of 132° 06.50' W. long., from

- (A) May 1 through June 30;
- (B) July 1 through August 31; and
- (C) September 1 through February 28;

(3) in Districts 3, 5, 9, 11, in District 6, that portion south of a line from Mitchell Point to Point St. John, in District 10, that portion west of the longitude and north of the latitude of the westernmost tip of Cape Fanshaw, and in District 7, except in Eastern Channel west of 132° 06.50' W. long., from May 1 through February 28;

(4) in District 1, in Subdistricts 101-11 and 101-80, from May 1 through February 28 during an experimental sidestripe shrimp beam trawl fishery conducted under 5 AAC 31.112.

(b) Repealed 7/18/2003.

## **5 AAC 31.112. Sidestripe shrimp beam trawl fishing in Registration Area A**

(a) Sidestripe shrimp may be taken by beam trawl in Registration Area A only during fishing seasons and periods and in areas established by the commissioner by emergency order.

(b) If the commissioner opens a beam trawl fishery under (a) of this section, the following conditions will apply:

(1) all shrimp trawl webbing must be at least one and seven-eighths inch measure, and must be hung with no more than 13 meshes per foot; the head rope may not be longer than the length of the beam plus 10 percent;

(2) except as provided in 5 AAC 31.116(c) and (d), the incidental cumulative catch of the other species of pandalid shrimp may not exceed 10 percent, by weight, of all shrimp taken and landed;

(3) a person may take shrimp only after contacting the department and obtaining a logbook; the logbook must be completed, including the record of bycatch of fish and shellfish, other than shrimp, and attached to the corresponding fish ticket;

(4) a vessel participating in the fishery may not participate, at the same time, in a directed pink shrimp fishery;

(5) a permit holder shall notify a local representative of the department at least two hours before landing shrimp to provide an opportunity for the department to obtain biological samples from the landing;

(6) no more than a total of 50,000 pounds of sidestripe shrimp may be taken by beam trawl from any district or section during a season;

(7) the commissioner may require an onboard observer on a vessel during fishing operations.

## **5 AAC 31.115. Shrimp pot guideline harvest ranges for Registration Area A**

(a) The following are the guideline harvest ranges for the taking of shrimp by pots in Registration Area A:

(1) District 1: 0 - 164,000 pounds of spot shrimp;

(2) District 2: 0 - 120,000 pounds of spot shrimp;

(3) District 3:

(A) Section 3-A: 0 - 264,000 pounds of spot shrimp;

(B) Sections 3-B and 3-C, combined: 0 - 70,000 pounds of spot shrimp;

(4) District 4: 0 - 28,000 pounds of spot shrimp;

(5) District 5: 0 - 20,000 pounds of spot shrimp;

(6) District 6: Sections 6-B, 6-C, and 6-D, combined: 0 - 60,000 pounds of spot shrimp;

(7) District 7: 0 - 104,000 pounds of spot shrimp;

(8) District 8:

(A) Sections 8-A and 10-C, combined: 0 - 20,000 pounds of spot shrimp;

(B) Sections 8-B and 6-A, combined: 0 - 25,000 pounds of spot shrimp;

(9) District 9: 0 - 18,000 pounds of spot shrimp;

(10) District 10: Sections 10-A and 10-B, combined: 0 - 50,000 pounds of spot shrimp;

(11) District 11:

(A) Sections 11-A, 11-B, and 11-C, combined: 0 - 15,000 pounds of spot and coonstripe shrimp;

(B) Section 11-D: 0 - 30,000 pounds of spot shrimp;

(12) District 12:

(A) Tenakee Inlet: 0 - 34,000 pounds of spot shrimp;

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(B) remainder of District 12: 0 - 15,000 pounds of spot shrimp;

(13) District 13:

(A) Sections 13-A and 13-B, combined 0 - 15,000 pounds of spot shrimp;

(B) Section 13-C: 0 - 50,000 pounds of spot shrimp;

(14) District 14: 0 - 20,000 pounds of spot shrimp;

(15) District 15:

(A) Chilkoot, Lutak, and Taiya Inlets: 0 – 10,000 pounds of coonstripe shrimp;

(B) remainder of District 15: 0 – 10,000 pounds of coonstripe shrimp;

(16) District 16: 0 - 20,000 pounds of coonstripe shrimp.

(b) For the purposes of this section, District 12: Tenakee Inlet includes the waters of District 12 that are west of a line from the easternmost tip of East Point to South Passage Point.

## **5 AAC 31.116. Shrimp beam trawl guideline harvest ranges and bycatch limits for Registration Area A**

(a) The following are guideline harvest ranges for the taking of shrimp by beam trawls in Registration Area A:

(1) District 3: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3);

(2) District 5: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3);

(3) District 6, that portion north of a line from Mitchell Point to Point St. John: 80,000 - 400,000 pounds for each open period specified in 5 AAC 31.111(a)(2);

(4) District 6, that portion south of a line from Mitchell Point to Point St. John: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3) and (4);

(5) District 7, in Eastern Channel west of 132° 06.50' W. long.: 15,000 - 50,000 pounds for each open period specified in 5 AAC 31.111(a)(2);

(6) District 7, except in Eastern Channel west of 132° 06.50' W. long.: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3);

(7) District 8: 25,000 - 250,000 pounds for each open period specified in 5 AAC 31.111(a)(1);



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(8) District 9: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3);

(9) District 10, that portion east of the longitude and south of the latitude of the westernmost tip of Cape Fanshaw: 5,000 - 75,000 pounds for each open period specified in 5 AAC 31.111(a)(2);

(10) District 10, that portion west of the longitude and north of the latitude of the westernmost tip of Cape Fanshaw: 25,000 - 100,000 pounds for the entire fishing season specified in 5 AAC 31.111(a)(3) and (4);

(11) District 11, for the entire fishing season specified in 5 AAC 31.111(a)(3) and (4) for each section as follows:

(A) Section 11-A: 25,000 - 75,000 pounds;

(B) Section 11-B: 25,000 - 75,000 pounds;

(C) Section 11-C: 25,000 - 75,000 pounds;

(D) Section 11-D: 50,000 - 150,000 pounds.

(b) The following are the bycatch limits that apply to the taking of spot and coonstripe shrimp that are less than 60 count per pound, based on whole weight, by beam trawl in Registration Area A:

(1) District 1:

(A) 1,000 pounds of spot shrimp;

(B) 1,000 pounds of coonstripe shrimp;

(2) District 3:

(A) 1,000 pounds of spot shrimp;

(B) 3,000 pounds of coonstripe shrimp;

(3) District 5:

(A) 1,000 pounds of spot shrimp;

(B) 1,000 pounds of coonstripe shrimp;

(4) District 6:

(A) in that portion north of a line from Mitchell Point to Point St. John:

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(i) 1,000 pounds of spot shrimp;

(ii) 9,000 pounds of coonstripe shrimp;

(B) in that portion south of a line from Mitchell Point to Point St. John:

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp;

(5) District 7:

(A) in that portion of the Eastern Passage west of  $132^{\circ} 06.50'$  W. long.:

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp;

(B) in the remaining portion of Eastern Passage west of  $132^{\circ} 06.50'$  W. long.:

(i) 1,000 pounds of spot shrimp;

(ii) 2,000 pounds of coonstripe shrimp;

(6) District 8:

(A) 6,000 pounds of spot shrimp;

(B) 10,000 pounds of coonstripe shrimp;

(7) District 9:

(A) 2,000 pounds of spot shrimp;

(B) 2,000 pounds of coonstripe shrimp;

(8) District 10:

(A) in that portion east of the longitude and south of the latitude of the westernmost tip of Cape Fanshaw:

(i) 1,000 pounds of spot shrimp;

(ii) 3,000 pounds of coonstripe shrimp;

(B) in that portion west of the longitude and north of the latitude of the westernmost tip of Cape Fanshaw:

(i) 2,000 pounds of spot shrimp;

(ii) 7,000 pounds of coonstripe shrimp;

(9) District 11:

(A) in Sections 11-A and 11-B combined;

(i) 1,000 pounds of spot shrimp;

(ii) 4,000 pounds of coonstripe shrimp;

(B) in Sections 11-C and 11-D combined;

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp.

(c) In the districts specified in (b) of this section, a beam trawl permit holder must retain, weigh, and report all spot and coonstripe shrimp that are less than 60 count per pound, based on the whole weight of the shrimp. Except in District 11, the permit holder must weigh and report as bycatch overage on an ADF&G fish ticket all spot and coonstripe shrimp less than 60 count per pound and in excess of 10 percent whole weight of all targeted shrimp species on board the vessel. A permit holder shall surrender to the state the proceeds from the sale of spot and coonstripe shrimp that are less than 60 count per pound and that exceed the 10 percent bycatch level.

(d) If the cumulative harvest of spot or coonstripe shrimp taken during a fishing season for any district reaches the bycatch level specified in (b) of this section, the permit holder shall retain, weigh, sell, and report on an ADF&G fish ticket, all harvest of spot and coonstripe shrimp taken that are less than 60 count per pound. The permit holder shall surrender to the state all proceeds from the sale of bycatch that exceeds these limits.

## **5 AAC 31.120. Size limit for beam trawl shrimp in Registration Area A**

(a) In Registration Area A, shrimp taken by beam trawl gear must be at least 150 count per pound.

(b) To determine the average count per pound required in (a) of this section, one sample must be taken from each 500 to 1,000 pounds of shrimp, up to a maximum of 20 samples. The sampling unit must consist of at least one pound of whole, unbroken shrimp. In this subsection, for the purpose of determining average count per pound "whole unbroken shrimp" are shrimp with the body substantially intact including an identifiable carapace, abdomen, and telson (tail). Shrimp with a broken rostrum, or an incomplete set of legs, antennae, or other appendage will considered unbroken for the purpose of this subsection.

## **5 AAC 31.124. Lawful shrimp pot gear for Registration Area A**

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(a) Shrimp may be taken with pots in Registration Area A only as specified in this section.

(b) A shrimp pot may not have

(1) more than one bottom;

(2) a vertical height of more than 24 inches;

(3) more than four tunnel eye openings which individually do not exceed 15 inches in perimeter; or

(4) a bottom perimeter exceeding a perimeter specified in (e) of this section.

(c) The sides of a shrimp pot may only be

(1) at a right angle to the plane of the bottom of the pot; or

(2) slanted inward toward the center of the pot in a straight line from the bottom of the pot to the top of the pot.

(d) A shrimp pot must be entirely covered with net webbing or rigid mesh. At least two adjacent sides or 50 percent of the vertical or near-vertical sides must be covered with net webbing or rigid mesh that allows the passage of a seven-eighths inch diameter by 12 inch long wooden dowel, which upon insertion into the web, must drop completely through by its own weight, without force. In the waters of Lituya Bay, enclosed by a line from the easternmost tip of Harbor Point to the southernmost tip of LaChaussee Spit there is no minimum mesh size.

(e) Shrimp pots may be operated only as follows:

(1) repealed 7/18/2003;

(2) the number of shrimp pots that may be operated from a registered shrimp fishing vessel is 140 small pots or 100 large pots; for the purposes of this section,

(A) a "small pot" has a bottom perimeter of no more than 124 inches;

(B) a "large pot" has a bottom perimeter of more than 124 inches, but not more than 153 inches;

(3) all pots on board a vessel or operated from a vessel must be of the same type and of the same size as defined in (2)(A) or (B) of this subsection;

(4) a vessel operator may have only shrimp pot gear owned by that person on board the vessel at any time;

(5) shrimp pot gear may be deployed or retrieved only from 8:00 a.m. until 4:00 p.m. each day; the commissioner may close, by emergency order, the fishing season in a

district or a portion of a district and immediately reopen the season during which the time period allowed to deploy and retrieve shrimp pot gear may be increased or decreased to achieve the guideline harvest range;

(6) all shrimp pots left in saltwater unattended longer than a two-week period must have all bait containers removed and all doors secured fully open.

(f) A registered shrimp vessel may not have, at any time in the aggregate, more than the legal limit of shrimp pot gear on board the vessel, in the water in fishing condition, and in the water in nonfishing condition, including commercial and noncommercial shrimp pots as described in 5 AAC 31.128(b).

## **5 AAC 31.125. Lawful shrimp trawl gear for Registration Area A**

(a) Shrimp may be taken with beam trawls in Registration Area A only as specified in this section.

(b) The minimum mesh size for a beam trawl shall be determined by measuring a series of 10 consecutive meshes when the web is wet, from selvage to selvage, with the knots pulled together. The distance covered by 10 meshes, measured from the inside of the first knot in the series to the outside of the last knot in the series, may not be less than 13.5 inches. The method for measuring mesh size is described in this subsection applies equally to synthetic and cotton mesh, but allowance for shrinkage shall be made if preshrunk web is not used.

(c) Repealed 5/9/2015.

(d) A person may operate more than one beam trawl at the same time only if the aggregate width of all beam trawl gear being operated does not exceed 60 feet.

## **5 AAC 31.126. Shrimp pot marking requirements for Registration Area A**

(a) If required by the department, in addition to the requirements of 5 AAC 31.051, each shrimp pot must have one identification tag issued by the department attached to the pot. If required by the department under this section, identification tags will be issued before the fishing season, uniquely numbered for that registration year, and issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags.

(b) All shrimp pots on board a registered shrimp vessel must be marked as specified in (a) of this section.

(c) Shrimp pots deployed on a longline, consisting of more than five pots, must have at least one buoy attached to each end of the longline. The buoys must be properly marked as specified in 5 AAC 31.051 and the pots must be marked as required under (a) of this section.

## 5 AAC 31.128. Operation of other gear in Registration Area A

(a) Notwithstanding 5 AAC 31.053(d), 5 AAC 34.053(2), and 5 AAC 35.053(2), a person or vessel may operate commercial king crab or Tanner crab pots during an open pot shrimp season in Registration Area A if a commercial king crab or Tanner crab season is open in Registration Area A at the same time as the commercial pot shrimp season.

(b) In an area open to fishing for shrimp, a vessel operator may not operate more than the number of pots specified in 5 AAC 31.124(e), including commercial, sport, personal use, and subsistence shrimp pots.

(c) A vessel owner, or the owner's agent, may not register a vessel for the commercial shrimp pot fishery and the commercial beam trawl shrimp fishery at the same time. A vessel owner, or the owner's agent, may cancel a vessel's registration for a shrimp fishery and register for a different shrimp fishery by contacting a local representative of the department, in person, and providing all requested information.

(d) A vessel owner, or the owner's agent, may not register a vessel for the commercial beam trawl shrimp fishery and the commercial Dungeness crab fishery at the same time. A vessel owner, or the owner's agent, may cancel a vessel's registration for the commercial beam trawl shrimp fishery and register a vessel for the commercial Dungeness crab fishery by contacting a local representative of the department, in person, and providing all requested information.

## 5 AAC 31.136. Closed waters in Registration Area A

Shrimp may not be taken

(1) with trawls in the waters of Lituya Bay enclosed by a line from the easternmost tip of Harbor Point to the southernmost tip of LaChaussee Spit;

(2) with trawls in the waters of Tenakee Inlet enclosed by a line from the northernmost tip of South Passage Point to the easternmost tip of East Point;

(3) in the waters of District 13-B that are in the Sitka Sound Special Use Area, which is the area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long., to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long.;

(4) in the waters of Twelve-mile Arm west of a line from Prince of Wales Island at 55° 29.07' N. lat., 132° 37.60' W. long., to the northeasternmost tip of Loy Island at 55° 29.07' N. lat., 132° 36.70' W. long., to the easternmost tip of Cat Island at 55° 27.80' N.

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lat., 132° 39.08' W. long., to Prince of Wales Island at 55° 27.80' N. lat., 132° 40.93' W. long., including waters nearest Hollis Anchorage;

(5) in the waters east of a line from Indian Point at 55° 36.85' N. lat., 131° 42.02' W. long., to the northeasternmost tip of Betton Island at 55° 31.95' N. lat., 131° 46.37' W. long. to the southeasternmost tip of Betton Island at 55° 29.90' N. lat., 131° 48.18' W. long., to Survey Point at 55° 28.07' N. lat., 131° 49.87' W. long.

## **5 AAC 31.140. Registration Area A shrimp vessel inspection and inspection points**

(a) Unless required under (b) of this section, a vessel fishing for shrimp in Registration Area A is not required to undergo an inspection, as specified in 5 AAC 31.030.

(b) The commissioner, by announcement, may require that vessels fishing for shrimp in Registration Area A be inspected as specified in 5 AAC 31.030.

(c) If the commissioner requires a vessel inspection under (b) of this section, the inspection points for Registration Area A are at Ketchikan, Wrangell, Petersburg, Sitka, and Juneau, and at other locations that may be specified by the commissioner.

## **5 AAC 31.141. Logbooks**

(a) In Registration Area A, an owner or operator of a shrimp pot catcher-processor vessel shall complete a logbook provided by the department at the conclusion of each day fished for each district or portion of a district with a guideline harvest level established by the department, and in which shrimp are harvested and processed on board the vessel. A logbook must be submitted to the department not later than seven days after closure of a district or portion of a district with a guideline harvest level.

(b) Logbooks described in (a) of this section must include any information the commissioner determines necessary for management purposes, including

(1) date of landing;

(2) district and statistical area;

(3) the number of pot lifts each day; and

(4) weight or box count of each size class of whole shrimp that were sorted for sale.

(c) A person may not make a false entry in the logbook required in (a) of this section.

(d) The owner or operator of a shrimp pot catcher-processor who has stopped fishing in a district or portion of a district with a guideline harvest level shall contact, by telephone or in person, the local ADF&G area office and report the information specified in this section before fishing in a new district or portion of a district with a guideline harvest level established by the department.

## **5 AAC 31.143. Reporting requirements for commercial shrimp vessels in Registration Area A**

(a) Unless otherwise specified by the department, the owner or operator of a commercial shrimp vessel operating pot gear in Registration Area A shall report by telephone or in person to a local representative of the department within two business days of deploying shrimp gear and two business days after ceasing shrimp fishing in any district or portion of a district with a guideline harvest level established by the department, including the following information:

(1) the pounds in whole weight by species of shrimp on board the vessel taken during the fishing period in any district or portion of a district;

(2) other information requested by the department for the purpose of conserving or developing shrimp resources.

(b) In addition to the reporting requirements specified in (a) of this section, the weekly reporting requirements in Registration Area A for vessels commercial shrimp fishing with pots or beam trawls are as follows:

(1) unless other arrangements have been made with a local representative of the department, each week an owner or operator of a shrimp pot catcher-processor vessel, or the owner or operator of a shrimp pot catcher-seller vessel, operating gear in the waters of Registration Area A shall contact, by telephone or in person, the ADF&G area office in the area where shrimp fishing occurs, during time periods announced by the department to ensure the orderly conduct of the fishery; the following information must be provided at the time of contact:

(A) the permit holder's name;

(B) the name and ADF&G license plate number of the shrimp pot catcher-processor vessel;

(C) the following information regarding ADF&G fish tickets:

(i) ADF&G fish ticket number of each fish ticket used since the last contact;

(ii) date of landing on each fish ticket;

(iii) district and statistical area on each fish ticket;

(iv) the number of pot lifts on each fish ticket;

(v) days that pots soaked on each fish ticket;

(vi) weight of spot and coonstripe shrimp per fish ticket specifying whether whole or tail weight;

(D) date of last delivery;



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(E) logbook information, as determined by the department, from a catcher-processor vessel in the shrimp pot fishery under 5 AAC 31.141;

(F) any other information the commissioner determines is necessary for the conservation and management of the fishery;

(2) each week an owner or operator of a shrimp beam trawl catcher-processor vessel operating gear in the waters of Registration Area A shall contact, by telephone or in person, the ADF&G office specified by the department before 12:00 noon Wednesday during normal business hours of 8:00 a.m. through 5:00 p.m.; the following information must be provided at the time of contact:

(A) the permit holder's name;

(B) the name and ADF&G license plate number of the shrimp beam trawl catcher-processor vessel;

(C) the following information regarding ADF&G fish tickets:

(i) ADF&G fish ticket number of each fish ticket used since last contact;

(ii) date of landing on each fish ticket;

(iii) district and statistical area on each fish ticket;

(iv) total trawling bottom time, for each district and subdistrict for the preceding week;

(v) total pounds of whole shrimp taken by species;

(D) date of last delivery;

(E) any other information the commissioner determines is necessary for the conservation and management of the fishery.

(c) The fish ticket requirements for commercial shrimp pot and beam trawl vessels in Registration Area A are as follows:

(1) an owner or operator of a shrimp pot catcher-processor vessel shall complete a separate fish ticket for each day fished for each district or portion of a district with a guideline harvest level established by the department, and in which shrimp are harvested and processed on board the vessel; fish tickets must be submitted to the department within seven days of closure of a district or portion of a district with a guideline harvest level; a shrimp pot catcher-processor who has stopped fishing in a district or portion of a district with a guideline harvest level shall contact, by telephone or in person, the local ADF&G area office and report the information specified in this paragraph before fishing in a new district or portion of a district with a guideline harvest level established by the department;

(2) an owner or operator of a shrimp beam trawl catcher-processor vessel shall complete a separate fish ticket for each day fished for each district or portion of a district with a guideline harvest level established by the department, and in which shrimp are harvested and processed on board the vessel; fish tickets must be submitted to the department not later than seven days after closure of a district or portion of a district with a guideline harvest level; a shrimp beam trawl catcher-processor who has stopped fishing in a district or portion of a district with a guideline harvest level shall contact, by telephone or in person, the ADF&G office specified by the department and report the information specified in this paragraph before fishing in a new district or portion of a district with a guideline harvest level established by the department.

(d) The owner or operator of a catcher-seller vessel registered to take shrimp in Registration Area A shall complete an ADF&G shrimp fish ticket indicating the weight of the shrimp on board by species before any shrimp are removed from the vessel.

(e) For the purposes of this section,

(1) "business day" means a day other than Saturday, Sunday, or a state holiday;

(2) "catcher-processor" means a commercial fisherman who catches and either sells or attempts to sell processed shrimp, and does not purchase or process shrimp caught on another vessel;

(3) "catcher-seller" means a commercial fisherman who catches and either sells or attempts to sell unprocessed shrimp to a person not licensed to process shrimp.

## **5 AAC 31.144. Permit requirements for shrimp floating processor vessels in Registration Area A**

(a) The vessel owner or operator of a floating processor used in the processing of shrimp shall obtain a permit from the department before starting processing operations and comply with all requirements and reporting procedures specified in this section.

(b) The vessel owner or operator of a floating processor shall report to the department

(1) the vessel location and any changes in location, by latitude and longitude;

(2) the projected dates that processing will commence, conclude, and resume;

(3) at least once per day, for the preceding 24 hours, the commercial fishing vessel license number of vessels delivering to the floating processor;

(4) the number of vessels making deliveries, the number of deliveries, and the pounds, in whole weight and by species, of shrimp purchased;

(5) at least 24 hours before beginning to unload processed shrimp, the time and place that it will be unloaded; and

(6) any other information required by the department for the purpose of conserving and developing shrimp resources.

(c) The vessel owner or operator shall allow local representatives of the department to inspect at any time, the vessel's holds, live tanks, freezers, processing areas, and unprocessed shrimp.

(d) The vessel owner or operator shall complete shrimp fish tickets for each landing and submit the tickets to the department within seven days of the landing.

(e) The commissioner may require an onboard observer on a floating processor during processing operations.

(f) If the department determines that a requirement specified in this section is not necessary for the conserving and developing shrimp resources, the department may waive or modify that requirement to ensure the conservation and development of the shrimp resources.

(g) For the purpose of this section, "floating processor" means a vessel that purchases and processes shrimp delivered to it by other vessels.

## **5 AAC 31.145. Southeastern Alaska Area Pot Shrimp Fishery Management Plan**

(a) The purpose of the management plan under this section is to provide the department with direction for the management of the spot shrimp (*Pandalus platyceros*) and coonstripe shrimp (*Pandalus hypsinotus*) stocks in Registration Area A (Southeastern Alaska). The department shall manage the spot and coonstripe shrimp stocks for sustained yield according to the principles specified in the management plan under this section.

(b) The department shall manage

(1) all the districts or portions of districts, in Registration Area A based on the harvest of spot shrimp, except that

(A) District 11 shall be managed based on the harvest of spot and coonstripe shrimp; and

(B) Districts 15 and 16 shall be managed based on the harvest of coonstripe shrimp;

(2) the spot and coonstripe shrimp fisheries within the guideline harvest ranges specified in 5 AAC 31.115 to

(A) maintain a number of age classes of shrimp to ensure the long-term viability of those stocks and reduce the dependence on annual recruitment;

(B) reduce fishing periods for shrimp stocks during the biologically sensitive periods of the shrimp's life cycle, such as egg hatch, growth, and recruitment, and when shrimp stocks are considered to be poor quality for the market place;

(C) reduce mortality of small shrimp of any species;

(D) maintain an adequate broodstock for the rebuilding of the shrimp stocks, if rebuilding becomes necessary.

(c) Repealed 5/11/2012.

(d) The commissioner may, by emergency order, open a shrimp fishing season from October 1 through February 28 (winter season) in a district where the guideline harvest range was not reached during the season specified in 5 AAC 31.110 (summer season).

(e) The guideline harvest ranges for spot shrimp are specified in 5 AAC 31.115(1) - (10), and (12) - (14), and are based primarily on the average catch of pot shrimp from the 1990 - 1991 season through the 1994 - 1995 season.

(f) Repealed 7/18/2003.

(g) There are no specific guideline harvest ranges for coonstripe shrimp, but the allowable harvest of coonstripe shrimp will be based on the average catch of coonstripe shrimp in each district during the 1995 - 1996 season through the 1999 - 2000 season. The provisions of this subsection do not apply in Districts 15 and 16.

## **Article 6. Registration Area D (Yakutat).**

### **5 AAC 31.150. Description of Registration Area D**

Registration Area D (Yakutat) has as its western boundary the longitude of Cape Suckling (144° W. long.) and as its southern boundary a line running southwest from the westernmost tip of Cape Fairweather.

### **5 AAC 31.155. Description of Registration Area D districts**

(a) Yakataga District: waters between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42' W. long.).

(b) Yakutat District: waters between the longitude of Icy Cape (141° 42' W. long.) and a line running southwest from the westernmost tip of Cape Fairweather.

### **5 AAC 31.156. Area D registration**

Registration Area D is a nonexclusive registration area.

### **5 AAC 31.160. Shrimp pot fishing seasons for Registration Area D**

In Registration Area D, shrimp may be taken by pots only as follows:

(1) except the waters described in (2) of this section, in the waters of Yakutat Bay that are east of a line running from the westernmost tip of Ocean Cape to the westernmost tip of Point Manby, from 12:00 noon May 1 through February 28;

(2) in the waters of Yakutat Bay that are east of a line running from the northernmost point of Khantaak Island to Logan Bluff at 59° 47' N. lat., 139° 35' W. long., and the waters east of a line running from the northernmost point of Khantaak Island to the northernmost point of Doggie Island, from 12:00 noon October 1 through February 28;

(3) in other waters of Registration Area D, from January 1 through December 31.

## **5 AAC 31.161. Shrimp trawl fishing seasons and logbook requirements for Registration Area D**

In Registration Area D, a person may take shrimp with a trawl in Icy Bay only from June 21 through February 14. A person taking shrimp with a trawl under this section may take shrimp only after contacting the department and obtaining from the department a logbook. The person taking the shrimp shall complete the logbook and attach the completed logbook to the corresponding shrimp fish tickets.

## **5 AAC 31.165. Shrimp pot guideline harvest levels for Registration Area D**

(a) The guideline harvest level for the taking of shrimp with pots in the waters described in 5 AAC 31.160(1) is 1,000 pounds for each month that the season is open. Any portion of a month's guideline harvest level of shrimp that is not taken during the month may not be added to another month's guideline harvest level.

(b) The guideline harvest level for the taking of shrimp with pots in the waters described in 5 AAC 31.160(2) is 2,000 pounds for each month that the season is open. Any portion of a month's guideline harvest level of shrimp that is not taken during the month may not be added to another month's guideline harvest level.

## **5 AAC 31.166. Shrimp trawl guideline harvest range for Registration Area D**

The guideline harvest range for the taking of shrimp with trawls in Icy Bay is from 50,000 - 350,000 pounds for the entire fishing season.

## **5 AAC 31.170. Lawful gear for Registration Area D**

In Registration Area D, shrimp may be taken only by pots, beam trawls, and otter trawls as follows:

(1) the maximum number of pots in the aggregate that may be operated from a registered shrimp fishing vessel operating in the waters of Yakutat Bay east of a line from the westernmost tip of Ocean Cape to the westernmost tip of Point Manby is 30 pots; a person or vessel registered to fish shrimp may not fish both shrimp pots and any other type of commercial, sport, or personal use pots at the same time;

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(2) all shrimp pots left unattended in saltwater longer than a two-week period must have all bait and bait containers removed and all doors secured fully open;

(3) each shrimp pot operated in the waters of Yakutat Bay east of a line from the southernmost tip of Ocean Cape to the westernmost tip of Point Manby must be entirely covered with net webbing or rigid mesh; at least two opposing sides of the pot must have a webbed panel of a minimum stretch mesh of one and one-half inches; the net webbing must be hung to allow the passage of a wooden dowel that is three-quarter inch in diameter and 12 inches; upon insertion in the web or rigid mesh, the dowel must drop completely through by its own weight, without force, except that

(A) the mesh on the top and bottom of a pot utilizing a drawstring closure is not required to allow the passage of a wooden dowel that is three-quarter inch in diameter;

(B) the webbing used in the pot tunnel is not required to allow the passage of a wooden dowel that is three-quarter inch in diameter; and

(C) in addition to the requirement of (3) of this section, pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical or near-vertical surfaces of the pots;

(4) during periods announced by emergency order, all shrimp trawl webbing in the cod end must be at least one and seven-eighths inch stretched measure, hung so the bars of the webbing are horizontal and perpendicular to the mouth of the trawl; during such periods the incidental cumulative catch of species of pandalid shrimp, other than sidestripe shrimp, may not exceed 10 percent, by weight, of all shrimp aboard the vessel.

## **5 AAC 31.175. Closed waters in Registration Area D**

(a) Repealed 4/15/94.

(b) Shrimp may not be taken by trawls in the contiguous waters of Yakutat Bay east of a line from westernmost tip of Ocean Cape to the westernmost tip of Point Manby, including the waters of Russell and Nunatak Fjords.

## **5 AAC 31.180. Registration Area D shrimp vessel inspections and inspection points**

(a) Unless required by the commissioner under (b) of this section, shrimp vessel inspections, as specified in 5 AAC 31.030, are not required in Registration Area D.

(b) In Registration Area D, by public announcement, the commissioner may require that vessels fishing for shrimp be inspected as specified in 5 AAC 31.030.

(c) If an inspection is required under (b) of this section, inspection points will be at Yakutat and at other locations that may be specified by the commissioner.

## **Article 7. Registration Area E (Prince William Sound).**

### **5 AAC 31.200. Description of Registration Area E**

Registration Area E has as its western boundary a line running along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N. lat., then west to 149° W. long., then south along 149° W. long., and as its eastern boundary the longitude of Cape Suckling at 144° W. long.

## **5 AAC 31.205. Description of Registration Area E districts and sections**

(a) Inside District: all waters in the Prince William Sound Area enclosed by lines from Point Whitshed to Point Bentinck, from Cape Hinchinbrook to Zaikof Point, and from Cape Cleare to Cape Puget. The Inside District sections are as follows:

(1) Central Section: waters of the Inside District east of 147° 30.00' W. long.;

(2) Wells Section: waters of the Inside District enclosed by a line from a point at 60° 45.80' N. lat., 148° 13.56' W. long. on the mainland, to a point at 60° 45.49' N. lat., 148° 12.00' W. long. on the north side of Culross Island, and west of a line from Culross Light located on Culross Island at 60° 44.80' N. lat., 148° 06.80' W. long. to Esther Light on Esther Island at 60° 47.10' N. lat., 148° 06.00' W. long., and west of a line from the northwestern tip of Esther Island at 60° 55.66' N. lat., 148° 04.33' W. long., to a point on the mainland at 60° 55.90' N. lat., 148° 03.95' W. long., including Cochrane and Blackstone Bays;

(3) Northwest Section: the remaining waters of the Inside District west of 147° 30.00' W. long. and north of 60° 30.00' N. lat. that are not in the Wells Section described in (2) of this subsection;

(4) Southwest Section: waters of the Inside District west of 147° 20.00' W. long. and south of 60° 30.00' N. lat.

(b) Outside District: all waters in the Prince William Sound Area that are seaward of the Inside District and between a line running along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N. lat., then west to 149° W. long., then south along 149° W. long., and the longitude of Cape Suckling at 144° W. long. The Outside District sections are as follows:

(1) Eastern Section: all waters of the Outside District east of 147° W. long.;

(2) Western Section: all waters of the Outside District west of 147° W. long.

## **5 AAC 31.206. Area E registration**

(a) Registration Area E is a nonexclusive registration area for vessels fishing for shrimp with trawl gear.

(b) Registration Area E is an exclusive registration area for vessels fishing for shrimp with pot gear. A vessel participating in the Registration Area E shrimp pot fishery must be registered with the department by 5:00 p.m. April 1.

(c) A person may register only one vessel to participate in the Registration Area E shrimp pot fishery during a registration year.

## **5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E**

(a) In the waters of the Inside District west of a line from Middle Point at 60° 20.00' N. lat., 147° W. long., north to a point at 60° 40.00' N. lat., 147° W. long., then northeast to the Coast Guard marker light on Goose Island at 60° 42.78' N. lat., 146° 43.63' W. long., to a point on Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long., shrimp may be taken from April 15 through September 15, as established by emergency order. Fishing in this area will be rotated on a tri-annual basis between the following waters:

(1) the waters north of 60° 40.00' N. lat. and east of 148° W. long.;

(2) the waters south of those waters described in (1) of this subsection and north and west of a line from 60° 30.00' N. lat., 147° 57.70' W. long. to 147° W. long., including those waters south of 60° 30.00' N. lat., in Kings Bay and Port Nellie Juan;

(3) the waters south of 60° 30.00' N. lat., excluding those waters in Kings Bay and Port Nellie Juan.

(b) In all other waters of Registration Area E, shrimp may be taken only under the authority and conditions of a permit issued by the commissioner. The commissioner may specify in the permit restrictions on gear, fishing areas, fishing periods, allowable harvest, and any other conditions the commissioner determines are necessary for the conservation and management of the resource.

## **5 AAC 31.211. Shrimp trawl fishing seasons for Registration Area E**

In Registration Area E, shrimp may be taken with trawls only from April 15 through August 15 and from October 1 through December 31.

## **5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E**

The estimated total allowable harvest for the waters described in 5 AAC 31.210(a) must be more than 110,000 pounds of spot shrimp by round weight before a commercial shrimp pot fishery may be opened. The guideline harvest level for the commercial pot gear fishery in the waters described in 5 AAC 31.210(a) is 40 percent of the total allowable harvest for the area. The department will, to the extent practicable, manage the fishery to allow no more than 50 percent of the guideline harvest level to be taken from any one statistical area. The commissioner will open and close fishing seasons by emergency order, during which pot limits, time, or area may be adjusted to achieve the 50 percent statistical area harvest target.

## **5 AAC 31.215. Shrimp pot guideline harvest ranges for Registration Area E**

Repealed.

## **5 AAC 31.223. Lawful shrimp pot gear for Registration Area E**



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- (a) In Registration Area E, shrimp may be taken with pots only as specified in this section.
- (b) A shrimp pot may not have
- (1) more than one bottom;
  - (2) a vertical height of more than 24 inches;
  - (3) more than four tunnel eye openings, which individually do not exceed 15 inches in perimeter;
  - (4) a bottom perimeter exceeding 124 inches.
- (c) The sides of a shrimp pot may only be
- (1) at a right angle to the plane of the bottom of the pot; or
  - (2) slanted inward toward the center of the pot in a straight line from the bottom of the pot to the top of the pot.
- (d) A shrimp pot must be entirely covered with net webbing or rigid mesh. At least two adjacent sides or 50 percent of the vertical or near-vertical sides must be covered with net webbing or rigid mesh that allows the passage of a seven-eighths inch diameter by a 12 inch long wooden dowel, which upon insertion into the web, must drop completely through by its own weight, without force.
- (e) Shrimp pots may only be operated as follows:
- (1) the department will announce annually, before the opening of the commercial shrimp pot fishery season, the number of shrimp pots that may be operated from a vessel in the commercial shrimp pot fishery for that season, not to exceed 100 shrimp pots per vessel; in determining the annual pot limit, the department will consider the
    - (A) total number of registered vessels;
    - (B) estimated catch per unit of effort; and
    - (C) magnitude of the guideline harvest level;
  - (2) a vessel operator may have only shrimp pot gear registered to the vessel on board the vessel at any time;
  - (3) shrimp pot gear may be deployed or retrieved only from 8:00 a.m. until 4:00 p.m. each day; the commissioner may close, by emergency order, the fishing season in a district or portion of a district and immediately reopen the season during which the time period allowed to deploy and retrieve shrimp pot gear may be increased or decreased to achieve the guideline harvest level;

(4) shrimp pots may not be left in saltwater unattended for more than 14 days unless all bait containers have been removed and all doors secured fully open;

(5) a vessel operator may not, at any time, have more than the legal limit of pot gear for the vessel, established under (2) of this subsection, in the aggregate on board the vessel, in the water in fishing condition, or in the water in nonfishing condition.

## **5 AAC 31.225. Lawful shrimp trawl gear for Registration Area E**

(a) In Registration Area E, a shrimp trawl must

(1) have a cod end composed completely of one and seven-eighths inch stretched mesh hung so that the bars of the mesh are horizontal and perpendicular to the mouth of the trawl; mesh size is determined by averaging 10 consecutive meshes beginning inside the knot of the first mesh and including the knot of the last; and

(2) be equipped with a finfish excluder device (FED); the FED must consist of a rigid grate with parallel bars spaced not more than two and one-half inches apart to exclude all fish and other objects, except those that are small enough to pass between its bars into the cod end of the trawl specified in this section; the FED in a shrimp trawl must be secured forward of the cod end in such a manner that it precludes the passage of fish or other objects into the cod end without the fish or objects having to first pass between the bars of the FED; the trawl must have an outlet to allow the escape of fish or other objects that are too large to pass between the bars of the grate; the posterior edge of this escape outlet must be at least as wide as the maximum width of the grate; the escape outlet must extend forward of the grate toward the mouth of the net.

(b) Notwithstanding (a)(2) of this section, the operator of a shrimp trawl vessel who holds a Prince William Sound Commercial Fisheries Entry Commission sablefish permit, and has registered for the current year's sablefish fishery, must use a FED that consists of a rigid grate with parallel bars not more than four inches apart until the operator's sablefish quota has been harvested.

## **5 AAC 31.226. Shrimp pot marking requirements for Registration Area E**

(a) If required by the department, in addition to the requirements of 5 AAC 31.051, each shrimp pot must have one identification tag issued by the department attached to the pot. If required by the department under this section, identification tags will be issued before the fishing season, uniquely numbered for that registration year, and issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags.

(b) All shrimp pots on board a registered shrimp vessel must be marked as specified in (a) of this section.

(c) Shrimp pots deployed on a longline, consisting of more than five pots, must have at least one buoy attached to each end of the longline. The buoys must be properly marked as specified in 5 AAC 31.051, and the pots must be marked as required under (a) of this section.

## **5 AAC 31.227. Operation of other pot gear**

A person participating in the commercial shrimp fishery in Registration Area E may not, during the commercial fishery season, also participate in subsistence, sport, or personal use fishing for shrimp unless the person removes all commercial shrimp pots from the water, ceases commercial fishing, and the commercial registration for the vessel used by the person is canceled by the department. A vessel registered for the commercial shrimp fishery in Registration Area E may not be used during the commercial fishery season for subsistence, sport, or personal use fishing for shrimp unless the vessel's commercial registration has been canceled by the department and all commercial shrimp pots operated from the vessel have been removed from the water. The requirements of this section are in addition to the requirements of 5 AAC 31.053.

## **5 AAC 31.230. Permits for shrimp trawling in Registration Area E**

Repealed.

## **5 AAC 31.235. Closed waters in Registration Area E**

(a) The following waters are closed to the taking of shrimp with trawl gear:

(1) waters enclosed by a line from Point Whitsed to Point Bentinck, a line from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and by a line from a point at 60° 11.00' N. lat., 147° 20.00' W. long. on the northwest side of Montague Island, north to a point at 60° 30.00' N. lat., 147° 20.00' W. long., then east to a point at 60° 30.00' N. lat., 147° 00.00' W. long., then northeast to Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long.;

(2) the waters east of a line from Porcupine Point at 60° 44.60' N. lat., 146° 42.10' W. long. in Port Fidalgo to the southernmost tip of Bligh Island at 60° 48.30' N. lat., 146° 47.90' W. long. to the northernmost tip of Bligh Island at 60° 52.90' N. lat., 146° 46.00' W. long. to Rocky Point at 60° 57.00' N. lat., 146° 46.20' W. long.;

(3) waters of Port Gravina north of a line from Gravina Point at 60° 37.37' N. lat., 147° 15.22' W. long. to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long.;

(4) waters of Port Valdez north of 61° 01.00' N. lat.

(b) The following waters are closed to the taking of shrimp with pot gear:

(1) waters enclosed by a line from the north entrance to Pigot Bay at 60° 49.98' N. lat., 148° 18.96' W. long., to Point Culross at 60° 45.42' N. lat., 148° 08.88' W. long., to the southernmost point of Culross Island at 60° 37.68' N. lat., 148° 10.08' W. long., then south to the northwest corner of Applegate Island at 60° 37.56' N. lat., 148° 09.38' W.

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long., and north of a line from the southernmost tip of Applegate Island at 60° 37.08' N. lat., 148° 09.12' W. long. westward to the mainland of 60° 37.08' N. lat.;

(2) waters north of a line from Flent Point at 60° 56.52' N. lat., 147° 08.34' W. long. to a point on Bligh Island at 60° 48.96' N. lat., 146° 48.96' W. long., and north of a line from a point on the southeast shore of Bligh Island at 60° 48.36' N. lat., 146° 47.40' W. long. to Graveyard Point at 60° 48.60' N. lat., 146° 33.42' W. long.;

(3) waters south of a line from Point Grace at 60° 04.80' N. lat., 147° 51.00' W. long., to a point on the northern end of Evans Island at 60° 06.66' N. lat., 147° 53.34' W. long., a line from a point on the south end of Latouche Island at 59° 56.34' N. lat., 148° 02.28' W. long. to a point on the south end of Elrington Island at 59° 55.92' N. lat., 148° 12.78' W. long., and a line from Lonetree Point Light at 59° 58.97' N. lat., 148° 12.00' W. long. to a point on the south entrance to Squirrel Bay on Evans Island at 59° 59.82' N. lat., 148° 09.42' W. long.

## **5 AAC 31.240. Registration Area E shrimp vessel inspection and inspection points**

(a) Unless required by the commissioner under (b) of this section, a vessel fishing for shrimp in Registration Area E is not required to undergo an inspection, as specified in 5 AAC 31.030.

(b) The commissioner may, by public announcement, require that vessels fishing for shrimp in Registration Area E be inspected as described in 5 AAC 31.030 before fishing. If the commissioner requires a vessel inspection, a vessel operator must make arrangements with a local representative of the department for an inspection at the inspection point for Registration Area E in Cordova, Valdez, Whittier, or Seward.

## **5 AAC 31.243. Trawl shrimp harvest and reporting requirements in Registration Area E**

(a) No more than 40 percent, by weight, of the shrimp brought on board a vessel during a trip may be pink shrimp and no more than five percent may be other pandalid species of shrimp.

(b) Within the 24 hours after the completion of a trip, a CFEC permit holder must report the harvest for the trip, including cards, by species, to the department by telephone at a telephone number specified on the registration form at the time of registration. Discards of pandalid species of shrimp are reported as deadloss at the time of delivery on an ADF&G fish ticket and will be counted towards the guideline harvest level by section.

(c) The department will issue log sheets and shrimp catch sampling forms that must be completed and returned with each fish ticket to the department office in Homer, Anchorage, or Cordova at the address specified on the log sheet. Log sheets must have entries for each tow, and catch sampling forms must be completed at least once per day in each section fished.

(d) The commissioner may require an onboard observer on a vessel during fishing operations.

(e) The department may require reporting of any other information the commissioner determines is necessary for the conservation and management of the fishery.

## **5 AAC 31.245. Reporting requirements for Registration Area E**

(a) A CFEC permit holder that participates in the Prince William Sound commercial shrimp pot fishery shall obtain and complete, daily, a logbook provided by the department. It is unlawful to falsify a logbook entry. The CFEC permit holder must

(1) have the logbook on board the vessel at all times;

(2) make the logbook available upon request to a local representative of the department or peace officer of the state; and

(3) submit to the department the completed logbook pages with each corresponding ADF&G fish ticket.

(b) Before landing shrimp, the operator of a shrimp pot vessel operating in Registration Area E shall contact the department's office in Cordova at a telephone number or other means specified by the department at the time of registration and provide the following information:

(1) the CFEC permit holder's name;

(2) the name of the vessel and the ADF&G number of the registered vessel;

(3) the following information for each ADF&G fish ticket that pertains to that trip:

(A) the preprinted fish ticket number, when available;

(B) the date of landing;

(C) the statistical areas fished;

(D) the number of pot lifts in each statistical area;

(E) the round weight of all shrimp taken by species and statistical area.

(c) No earlier than 24 hours before fishing during each trip, the operator of a shrimp pot vessel operating in Registration Area E shall contact the department's office in Cordova at a telephone number or other means specified by the department at the time of registration and provide the following information:

(1) the CFEC permit holder's name;

(2) the name of the vessel and the ADF&G license number of the registered vessel;

(3) the following information for each trip:

(A) the number of pots intended to be operated from the vessel;

(B) the statistical area the vessel is intending to fish; and

(C) the intended length of the trip.

(d) The operator of a catcher-seller vessel or a catcher-processor vessel used to take shrimp in Registration Area E shall complete an ADF&G fish ticket before any shrimp are removed from the vessel.

(e) During periods of high fishing effort, if the commissioner determines that it is necessary for management and conservation purposes, the commissioner may require an operator of a shrimp pot vessel operating in Registration Area E to report information required in this section at additional times other than the times specified in this section.

## **5 AAC 31.250. Permitting and reporting requirements for shrimp processing vessels in Registration Area E.**

(a) The vessel owner or operator of a floating processor used in the processing of shrimp shall obtain a permit from the department before starting processing operations and comply with all requirements and reporting procedures specified in this section.

(b) The vessel owner or operator of a floating processor shall report to the department

(1) the vessel location and any changes in location, by reporting the latitude and longitude of vessel;

(2) the projected dates that processing will commence, conclude, and resume;

(3) at least once per day, for the preceding 24 hours, the permanent ADF&G vessel license plate number of all vessels delivering to the floating processor;

(4) the number of vessels that made deliveries for the preceding 24 hours, the number of deliveries, and the pounds in whole weight by species of shrimp purchased for each statistical area;

(5) at least 24 hours before beginning to unload processed shrimp, the time and place that it will be unloaded; and

(6) any other information required by the department for the purpose of conserving and developing shrimp resources.

(c) The vessel owner or operator shall grant permission for local representatives of the department to inspect at any time the vessel's holds, live tanks, freezers, processing areas, and unprocessed shrimp.

(d) The commissioner may require an onboard observer on a floating processor during processing operations.

(e) In Registration Area E, a floating processor may not operate shrimp gear.

(f) If the department determines that a requirement specified in this section is not necessary for conserving and developing shrimp resources, the department may waive or modify that requirement to ensure the conservation and development of the shrimp resources.

(g) In this section, "floating processor" means a vessel that purchases or processes shrimp delivered to it by other vessels.

## **Article 8. Registration Area H (Cook Inlet).**

### **5 AAC 31.300. Description of Registration Area H**

Registration Area H has as its southern boundary the latitude of Cape Douglas (58° 51.10' N. lat.), and as its eastern boundary a line running from 58° 51.10' N. lat., 151° 53.13' W. long. to the westernmost tip of Cape Elizabeth, and ending at the westernmost tip of Point Adam.

### **5 AAC 31.305. Description of Registration Area H districts**

Districts shall be as described in 5 AAC 21.200(a), (b), and (d) - (f).

### **5 AAC 31.306. Area H registration**

(a) Area H is

- (1) an exclusive registration area for vessels fishing for shrimp with trawl gear; and
- (2) a nonexclusive registration area for vessels fishing for shrimp with pots.

(b) A vessel fishing for shrimp with trawl gear that is validly registered for Registration Area H may fish for shrimp with trawl gear in Registration Area G without registering for that registration area.

### **5 AAC 31.310. Fishing seasons for Registration Area H**

There is no open fishing season for shrimp in the Cook Inlet Area.

### **5 AAC 31.335. Closed waters in Registration Area H**

The taking of shrimp by trawls is prohibited

(1) northeast of a line extending from the tip of Coal Point to the northeast tip of Glacier Spit; and

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(2) in waters south and east of a line from Anisom Point (59° 32.10' N. lat., 151° 27.92' W. long.), to the northernmost tip of Yukon Island, to the westernmost tip of Hesketh Island, to Nubble Point (59° 29.25' N. lat., 151° 34' W. long.).

## **5 AAC 31.340. Registration Area H shrimp vessel inspection point**

The inspection and reinspection point is located at Homer.

## **Article 9. Registration Area G (Outer Cook Inlet).**

### **5 AAC 31.400. Description of Registration Area G**

Registration Area G has as its western boundary a line running from the westernmost tip of Point Adam to the westernmost tip of Cape Elizabeth, and ending at 58° 51.10' N. lat., 151° 53.13' W. long., and has as its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.).

### **5 AAC 31.406. Area G registration**

(a) Registration Area G is a nonexclusive registration area.

(b) A vessel validly registered to fish for shrimp with trawl gear in Registration Areas H or J may fish for shrimp with trawl gear in Registration Area G without registering for that registration area.

### **5 AAC 31.410. Fishing seasons for Registration Area G**

There is no open fishing season for shrimp in the Outer Cook Inlet Area.

### **5 AAC 31.426. Lawful gear for Registration Area G**

A shrimp pot must have at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered, rigid mesh. A shrimp pot that does not have a definable side, including a round pot, must have rigid mesh panels covering a minimum of 50 percent of the vertical or near-vertical surface area of the pot. The rigid mesh on a shrimp pot must be large enough to allow the unaided passage of a maximum 12 inch long, seven-eighths inch diameter round, wooden peg without deforming the opening, except for the selvage.

### **5 AAC 31.440. Registration Area G shrimp vessel inspection**

In Registration Area G, inspection points are located at Homer, Seward, and Kodiak, and at other locations that may be specified by the commissioner.

## **Article 10. Registration Area J (Westward).**

### **5 AAC 31.500. Description of Registration Area J**



Registration Area J consists of the Pacific Ocean waters that are south of the latitude of Cape Douglas at 58° 51.10' N. lat., and west of 149° W. long., and the Bering Sea and Pacific Ocean waters that are east of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on NOAA Chart #513 (7th Edition, June 2004) and NOAA Chart #514 (7th Edition, January 2004). These charts are adopted by reference.

## 5 AAC 31.505. Description of Registration Area J districts and sections

(a) Kodiak District: waters of Registration Area J that are east of a line extending south from the Alaska Peninsula (near Kilokak Rocks) along 156° 20.22' W. long.

(1) Inner Marmot Bay Section: all waters of Marmot Bay and adjacent bays enclosed by a line between Inner Point and Afognak Point at 152° 47.75' W. long., and a line from Cape Izhut at 58° 06.03' N. lat., 152° 20.40' W. long. to Miller Point at 57° 50' N. lat., 152° 21.12' W. long.;

(2) Ugak Bay Section: all waters enclosed by a line from Narrow Cape at 57° 25.95' N. lat., 152° 19.13' W. long. to the northernmost point of Ugak Island at 57° 23.63' N. lat., 152° 17.47' W. long., a line from the westernmost point of Ugak Island at 57° 21.88' N. lat., 152° 18.76' W. long. to a point offshore at 57° 10.09' N. lat., 152° 18.76' W. long. to a point offshore at 57° 02.84' N. lat., 152° 37.69' W. long., and a line extending south from Kodiak Island along 152° 37.69' W. long.;

(3) Kiliuda Bay Section: all waters enclosed by a line across Sitkalidak Strait along 153° 16.00' W. long., a line extending south from Kodiak Island along 152° 37.69' W. long., and by a line extending east from Sitkalidak Island along 57° 02.84' N. lat.;

(4) Two Headed Island Section: all waters enclosed by a line across Sitkalidak Strait at 153° 16.00' W. long., a line extending east from Sitkalidak Island at 57° 02.84' N. lat., then from a point offshore at 57° 02.84' N. lat., 152° 37.69' W. long. to Sitkinak Island at 56° 33.88' N. lat., 153° 52.66' W. long., and a line from Whirlpool Point Light at 56° 36.99' N. lat., 154° 05.60' W. long. to Aliulik Peninsula at 56° 46.01' N. lat., 153° 54.21' W. long.;

(5) Alitak Bay Section: all waters of Alitak Bay and adjacent bays enclosed by a line from Aliulik Peninsula at 56° 46.01' N. lat., 153° 54.21' W. long. to Whirlpool Point Light at 56° 36.99' N. lat., 154° 05.60' W. long., then from Dolina Point at 56° 36.86' N. lat., 154° 13.40' W. long. to Cape Alitak Light at 56° 50.59' N. lat., 154° 18.42' W. long., excluding the waters of the Olga Bay Section;

(6) Olga Bay Section: all waters of Olga Bay enclosed by a line across Olga Narrows at 57° 03.00' N. lat.;

(7) Uyak Bay Section: all waters of Uyak Bay and adjacent bays enclosed by a line from Cape Uyak at 57° 38.33' N. lat., 154° 20.83' W. long. to Cape Kuliuk at 57° 48.25' N. lat., 153° 55.98' W. long.;

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(8) Uganik Bay Section: all waters of Uganik Bay enclosed by a line from Miners Point at 57° 54.00' N. lat., 153° 43.58' W. long. to Cape Uganik at 57° 58.00' N. lat., 153° 30.28' W. long., and a line across Uganik Passage at 153° 12.23' W. long.;

(9) West Afognak Section: all waters enclosed by a line from Cape Uganik at 57° 58.00' N. lat., 153° 30.28' W. long., to Raspberry Cape at 58° 03.58' N. lat., 153° 25.25' W. long., to Black Cape at 58° 24.50' N. lat., 152° 53.30' W. long., to Eagle Cape at 58° 32.57' N. lat., 152° 40.07' W. long., then across Cape Current Narrows at 152° 30.00' W. long., a line between Inner Point and Afognak Point at 152° 47.75' W. long., and a line across Uganik Passage at 153° 12.33' W. long.;

(10) North Afognak Section: all waters enclosed by a line from Shuyak Island at 58° 37.77' N. lat., 152° 19.65' W. long., to a point offshore at 58° 26.00' N. lat., 151° 59.20' W. long., to Tonki Cape at 58° 21.13' N. lat., 151° 59.20' W. long., and a line across Cape Current Narrows at 152° 30.00' W. long.;

(11) Mainland Section: all waters of Alaska adjacent to the Alaska Peninsula that are south of the latitude of Cape Douglas at 58° 51.10' N. lat., and east of a line extending south from the Alaska Peninsula (near Kilokak Rocks) at 156° 20.22' W. long.;

(12) Marmot Island Section: all waters of the Kodiak District enclosed by a line extending east from Tonki Cape at 58° 21.13' N. lat., a line from Cape Izhut at 58° 06.03' N. lat., 152° 20.40' W. long. to Miller Point at 57° 50.25' N. lat., 152° 21.12' W. long., and a line extending east from Kodiak Island at 57° 47.90' N. lat.;

(13) Chiniak Bay Section: all waters of Chiniak Bay enclosed by a line extending east from Kodiak Island at 57° 47.90' N. lat., and a line from Cape Chiniak at 57° 37.20' N. lat., 152° 09.37' W. long., to 57° 47.90' N. lat., 152° 03.73' W. long.;

(14) Alitak Flats Section: all waters enclosed by a line from Cape Alitak Light at 56° 50.59' N. lat., 154° 18.42' W. long. to Dolina Point at 56° 36.86' N. lat., 154° 13.40' W. long., to a point offshore at 56° 36.86' N. lat., 154° 47.40' W. long., to a point offshore at 57° 00.00' N. lat., 154° 47.40' W. long., to Low Cape at 56° 59.50' N. lat., 154° 31.55' W. long.;

(15) General Section: all remaining waters of the district.

(b) Chignik District: all waters of Registration Area J on the south side of the Alaska Peninsula west of a line extending south from the Alaska Peninsula (near Kilokak Rocks) at 156° 20.22' W. long., and east of a line from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long., to Castle Rock at 55° 16.80' N. lat., 159° 29.11' W. long., and extending to a point offshore at 53° 26.51' N. lat., 156° 20.22' W. long.

(1) Kujulik Bay Section: all waters enclosed by a line from Cape Kumlik at 56° 38.45' N. lat., 157° 27.00' W. long., to the westernmost point of Sutwik Island at 56° 32.40' N. lat., 157° 19.90' W. long., a line from Foggy Cape at 56° 32.21' N. lat., 156° 58.40' W. long., to the southernmost point of Nakchamik Island at 56° 18.57' N. lat., 157° 49.57' W. long., and a line from the northernmost point of Nakchamik Island at 56°

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22.15' N. lat., 157° 49.85' W. long. to Cape Kumliun at 56° 28.58' N. lat., 157° 51.55' W. long.;

(2) Chignik Bay Section: all waters enclosed by a line from Cape Kumliun at 56° 28.58' N. lat., 157° 51.55' W. long. to the northernmost point of Nakchamik Island at 56° 22.15' N. lat., 157° 49.85' W. long., and a line from the southernmost point of Nakchamik Island at 56° 18.57' N. lat., 157° 49.57' W. long. to Castle Cape at 56° 14.44' N. lat., 158° 06.94' W. long.;

(3) Kuiukta Bay Section: all waters of Kuiukta Bay enclosed by a line from Cape Ikti at 55° 58.78' N. lat., 158° 30.55' W. long. to the southern entrance of Herring Lagoon at 55° 57.50' N. lat., 158° 39.20' W. long.;

(4) Mitrofanina Island Section: all waters enclosed by a line from Seal Cape at 55° 59.57' N. lat., 158° 26.00' W. long., to a point offshore at 55° 33.98' N. lat., 158° 26.00' W. long. to a point offshore at 55° 33.98' N. lat., 159° 07.00' W. long. to the southernmost point of Chiachi Island at 55° 49.50' N. lat., 159° 07.00' W. long., and by a line from the northernmost point of Chiachi Island at 55° 52.66' W. long., 159° 08.85' W. long. to Three Star Point at 55° 53.35' N. lat., 159° 10.48' W. long., excluding the waters of the Kuiukta Bay Section;

(5) Ivanof Bay Section: all waters enclosed by a line from Three Star Point at 55° 53.35' N. lat., 159° 10.48' W. long. to the northernmost point of Chiachi Island at 55° 52.66' N. lat., 159° 08.85' W. long., a line extending south from the southernmost point of Chiachi Island along 159° 07.00' W. long., and a line extending east from Kupreanof Point at 55° 33.98' N. lat.;

(6) Chiginagak Bay Section: all waters enclosed by a line from Cape Providence at 56° 58.67' N. lat., 156° 33.47' W. long. to Aiugnak Columns at 56° 53.08' N. lat., 156° 34.12' W. long., to the easternmost point of Ugaiushak Island at 56° 47.10' N. lat., 156° 50.45' W. long., to Cape Kuyuyukak at 56° 53.85' N. lat., 156° 49.72' W. long.;

(7) Seal Cape Section: all waters enclosed by a line from Castle Cape at 56° 14.44' N. lat., 158° 06.94' W. long. to the northernmost point of Chankliut Island at 56° 09.39' N. lat., 158° 05.55' W. long. and a line from the southernmost point of Chankliut Island at 56° 07.98' N. lat., 158° 06.87' W. long. to Seal Cape at 55° 59.57' N. lat., 158° 26.00' W. long.;

(8) Nakalilok Bay Section: all waters enclosed by a line from Cape Kuyuyukak at 56° 53.85' N. lat., 156° 49.72' W. long., to the easternmost tip of Ugaiushak Island at 56° 47.10' N. lat., 156° 50.45' W. long., to Foggy Cape at 56° 32.21' N. lat., 156° 58.40' W. long., to Cape Kunmik at 56° 46.63' N. lat., 157° 10.00' W. long.;

(9) Aniakchak Bay Section: all waters enclosed by a line from Cape Kunmik at 56° 46.63' N. lat., 157° 10.00' W. long. to Foggy Cape at 56° 32.21' N. lat., 156° 58.40' W. long., a line from the westernmost point of Sutwik Island at 56° 32.40' N. lat., 157° 19.90' W. long., to Cape Kumlik at 55° 38.45' N. lat., 157° 27.00' W. long.

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(c) South Peninsula District: all waters of Registration Area J on the south side of the Alaska Peninsula that are west of a line from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long. to Castle Rock at 55° 16.80' N. lat., 159° 29.11' W. long., and extending to a point offshore at 53° 26.51' N. lat., 156° 20.22' W. long., and east of a line extending from Scotch Cap Light along 164° 44.72' W. long.

(1) Stepovak Bay Section: all waters enclosed by a line from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long., to Castle Rock at 55° 16.80' N. lat., 159° 29.11' W. long., to Cape Thompson at 55° 15.21' N. lat., 159° 31.23' W. long., a line from Big Koniuji Island at 55° 13.13' N. lat., 159° 34.45' W. long. to Nagai Island at 55° 10.75' N. lat., 159° 48.75' W. long., a line from Nagai Island at 55° 15.07' N. lat., 159° 56.50' W. long. to Andronica Island at 55° 18.45' N. lat., 160° 02.05' W. long., and a line from Andronica Island at 55° 20.46' N. lat., 160° 05.35' W. long. to Cape Devine at 55° 22.65' N. lat., 160° 08.95' W. long., to Karpa Island at 55° 30.06' N. lat., 160° 03.85' W. long., to the Alaska Peninsula (near San Diego Bay Lagoon) at 55° 33.93' N. lat., 160° 26.80' W. long.;

(2) Unga Straits Section: all waters enclosed by a line from the Alaska Peninsula (near San Diego Bay Lagoon) at 55° 33.93' N. lat., 160° 26.80' W. long. to Karpa Island at 55° 30.06' N. lat., 160° 03.85' W. long., to Cape Devine at 55° 22.65' N. lat., 160° 08.95' W. long., a line from Korovin Island at 55° 23.75' N. lat., 160° 19.25' W. long. to Popof Island at 55° 21.42' N. lat., 160° 20.00' W. long., a line from East Head at 55° 21.47' N. lat., 160° 29.55' W. long. to West Head at 55° 22.72' N. lat., 160° 31.17' W. long., and a line from Unga Spit to the Alaska Peninsula at 160° 43.50' W. long.;

(3) West Nagai Section: all waters enclosed by a line from West Head at 55° 22.72' N. lat., 160° 31.17' W. long. to East Head at 55° 21.47' N. lat., 160° 29.55' W. long., a line from Popof Island at 55° 21.42' N. lat., 160° 20.00' W. long. to Korovin Island at 55° 23.75' N. lat., 160° 19.25' W. long., a line from Cape Devine at 55° 22.65' N. lat., 160° 08.95' W. long. to Andronica Island at 55° 20.46' N. lat., 160° 05.35' W. long., a line from Andronica Island at 55° 18.45' N. lat., 160° 02.05' W. long., to Nagai Island at 55° 15.07' N. lat., 159° 56.50' W. long., a line from Mountain Point at 54° 51.82' N. lat., 160° 13.38' W. long. to a point offshore at 54° 41.35' N. lat., 160° 13.38' W. long., then to a point offshore at 54° 41.35' N. lat., 160° 49.25' W. long., to Acheredin Point at 55° 07.14' N. lat., 160° 49.25' W. long.;

(4) Beaver Bay Section: all waters enclosed by a line from Unga Spit to the Alaska Peninsula along 160° 43.50' W. long., and a line from Pinnacle Point at 55° 16.44' N. lat., 160° 51.60' W. long. to Seal Cape at 55° 21.59' N. lat., 161° 19.71' W. long.;

(5) Kenoy's Island Section: all waters enclosed by a line from Acheredin Point at 55° 07.14' N. lat., 160° 49.25' W. long. to a point offshore at 54° 41.35' N. lat., 160° 49.25' W. long., to Goose Island at 54° 41.35' N. lat., 162° 13.24' W. long. to the easternmost point of Poperechnoi Island at 55° 04.00' N. lat., 161° 32.65' W. long., to the southernmost point on Wosnesenski Island at 55° 09.55' N. lat., 161° 20.36' W. long., and a line from the northeasternmost point of Wosnesenski Island at 55° 13.14' N. lat., 161° 19.71' W. long. to Seal Cape at 55° 21.59' N. lat., 161° 19.71' W. long., to Pinnacle Point at 55° 16.44' N. lat., 160° 51.60' W. long.;

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(6) Pavlof Bay Section: all waters enclosed by a line from Seal Cape at 55° 21.59' N. lat., 161° 19.71' W. long. to the northeasternmost point of Wosnesenski Island at 55° 13.14' N. lat., 161° 19.71' W. long., and a line from the southernmost point of Wosnesenski Island at 55° 09.55' N. lat., 161° 20.36' W. long. to the easternmost point of Poperechnoi Island at 55° 04.00' N. lat., 161° 32.65' W. long., to a point offshore at 54° 55.28' N. lat., 161° 48.33' W. long., to the Alaska Peninsula at 55° 05.90' N. lat., 161° 59.00' W. long.;

(7) Belkofski Bay Section: all waters enclosed by a line from the Alaska Peninsula at 55° 05.90' N. lat., 161° 59.00' W. long. to a point offshore at 54° 55.28' N. lat., 161° 48.33' W. long., to Goose Island at 55° 41.35' N. lat., 162° 13.24' W. long., to Fawn Point at 54° 49.66' N. lat., 162° 19.05' W. long., and a line from West Cape at 54° 55.66' N. lat., 162° 26.19' W. long. to Thin Point at 54° 57.32' N. lat., 162° 33.50' W. long.;

(8) Morzhovoi Bay Section: all waters enclosed by a line from Thin Point at 54° 57.32' N. lat., 162° 33.50' W. long. to Cape Pankof at 54° 39.60' N. lat., 163° 03.70' W. long., and a line across Isanotski Strait at 54° 51.30' N. lat.

(d) North Peninsula District: all Bering Sea waters east of the longitude of Cape Sarichef.

(e) Aleutian District: all waters west of 164° 44.72' W. long. (the longitude of Scotch Cap Light) excluding the waters of the North Peninsula District.

(1) Unalaska Bay Section: all waters inside of a line from Cape Cheerful to Cape Kalekta;

(2) Makushin Bay Section: all waters inside a line from Cape Kovrizhka to Spray Cape;

(3) Beaver Inlet Section: all waters enclosed by a line from the tip of Brundate Head to the tip of Cape Sedanka;

(4) Usof Bay Section: all waters inside of a line from Whalebone Cape to Cape Prominence to Spray Cape.

## **5 AAC 31.506. Area J registration**

(a) Registration Area J is a nonexclusive registration area.

(b) A vessel validly registered to fish for shrimp with trawl gear in Registration Area J may fish for shrimp with trawl gear in Registration Area G without registering for that registration area.

(c) In Registration Area J, a vessel owner, or the owner's agent, shall register the vessel for the district in which the vessel will fish. A shrimp fishing vessel may not be registered to take shrimp in more than one district at a time. The department may require check-in and check-out procedures on the vessel registration form for fishing in specified sections within the registration district.

## **5 AAC 31.510. Fishing seasons for Registration Area J**

In Registration Area J, shrimp may only be taken from June 1 through February 28 and only under the terms of a permit issued by the department. In the permit, the department may specify

- (1) fishing area;
- (2) logbook requirements;
- (3) biological sample collection requirements;
- (4) reporting requirements;
- (5) time-period specific harvest limits (trip limits); and

(6) any other conditions that the department determines are necessary for conservation or management of the fishery.

## **5 AAC 31.525. Lawful gear for Registration Area J.**

(a) In Registration Area J, shrimp may be taken with pots, beam trawls, and otter trawls.

(b) A shrimp trawl must be equipped with a rigid finfish excluder device (FED). The FED must consist of a rigid grate with parallel bars spaced not more than two inches apart to exclude all fish and other objects, except those that are small enough to pass between its bars into the cod end of the trawl. The FED in a shrimp trawl must be secured forward of the cod end in a manner that precludes the passage of fish or other objects into the cod end without the fish or other objects having to pass between the bars of the FED. The trawl must have an outlet to allow the escape of fish or other objects that are too large to pass between the bars of the gate. The posterior edge of the escape outlet must be at least as wide as the maximum width of the grate. The escape outlet must extend forward of the grate toward the mouth of the net.

## Chapter 32. Dungeness Crab Fishery.

Article

[1. Registration Areas \(5 AAC 32.001 — 5 AAC 32.035\)](#)

[2. General Specifications and Restrictions \(5 AAC 32.050 — 5 AAC 32.081\)](#)

3. (Repealed)

4. (Repealed)

[5. Registration Area A \(Southeastern Alaska\) \(5 AAC 32.100 — 5 AAC 32.150\)](#)

[6. Registration Area D \(Yakutat\) \(5 AAC 32.155 — 5 AAC 32.175\)](#)

[7. Registration Area E \(Prince William Sound\) \(5 AAC 32.200 — 5 AAC 32.290\)](#)

[8. Registration Area H \(Cook Inlet\). \(5 AAC 32.300 - 5 AAC 32.390\)](#)

[9. Registration Area J \(Westward\). \(5 AAC 32.400 - 5 AAC 32.460\)](#)

### Article 1. Registration Areas.

#### 5 AAC 32.001. Application of this chapter

Unless otherwise specified, the requirements set out in this chapter apply only to commercial fishing for Dungeness crab. Subsistence, personal use, and sport fishing regulations that affect commercial Dungeness crab fishing vessels or activity are set out in the subsistence fishing regulations in 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

#### 5 AAC 32.005. Registration areas established

(a) Dungeness crab registration areas and code letters are:

Code Letter

**A** - Southeastern Alaska Area (5 AAC 32.100)

**D** - Yakutat Area (5 AAC 32.155)

**E** - Prince William Sound Area (5 AAC 32.200)

**H** - Cook Inlet Area (5 AAC 32.300)

**J** - Westward Area (5 AAC 32.400)

(b) The board will designate each registration area, or portion of a registration area, and each district of a registration area identified in (a) of this section as one of the following:

(1) superexclusive registration area or superexclusive registration district: a person who validly registers a vessel to fish for Dungeness crab in a Dungeness crab superexclusive registration area or district may not use the vessel to fish for Dungeness

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crab in another Dungeness crab registration area or district during the same registration year; or

(2) nonexclusive registration area or nonexclusive registration district: during the same registration year, a person who validly registers a vessel to fish for Dungeness crab in a nonexclusive registration area or nonexclusive registration district may register the vessel to fish for Dungeness crab in one or more of the Dungeness crab nonexclusive registration areas or districts, but may not use that vessel to fish for Dungeness crab in a superexclusive registration area or district.

## **5 AAC 32.010. Application of regulations**

(a) Unless otherwise specified in this chapter, the regulations in this chapter that apply to fishing for Dungeness crab in a registration area or registration district also apply to fishing for Dungeness crab in the adjacent waters of the exclusive economic zone.

(b) The commissioner may suspend the application of the regulations in this chapter to all or to a portion of the waters of the exclusive economic zone that are adjacent to a Dungeness crab registration area or to a Dungeness crab registration district if the commissioner finds that

(1) application of the regulations to the zone will not facilitate the enforcement of regulations in the registration area or district;

(2) application of the regulations to the zone will not protect or conserve Dungeness crab stocks inhabiting the registration area or district; or

(3) the state has an insufficient interest in Dungeness crab that inhabit the waters of the adjacent exclusive economic zone to warrant extending the state's jurisdiction to those waters.

(c) For purposes of this section, "exclusive economic zone" means all the waters adjacent to a Dungeness crab registration area and seaward to a boundary that is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

## **5 AAC 32.020. Dungeness crab area registration**

(a) In addition to the requirements of 5 AAC 39.120 and unless otherwise specified in this chapter, a vessel owner, or owner's agent, shall validly register a vessel to be used to fish for Dungeness crab in a Dungeness crab registration area or a Dungeness crab registration district before using that vessel to take Dungeness crab in that registration area or registration district or in the exclusive economic zone adjacent to the registration area or registration district.

(b) The Dungeness crab registration year is January 1 through December 31.

(c) The department shall issue a registration certificate to a vessel that is to be used to fish for Dungeness crab if the vessel owner, or the owner's agent, completes and submits



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to the department a registration form obtained from the local representative of the department, and if the vessel is licensed and otherwise complies with AS 16 and with this title. The vessel owner, or the owner's agent, shall sign the registration certificate when it is issued, shall keep it on board the vessel and immediately available at all times during fishing operations, and shall show it upon the request of a peace officer of the state.

(d) In a Dungeness crab registration area or district, where a tank inspection is required, a vessel registration is not valid until the vessel has successfully completed a tank inspection. A tank inspection is not successfully completed unless, at the time of inspection, a holder of a valid CFEC interim use or limited entry permit issued for the registration area or district for which the vessel is being registered is on board the vessel and the holder of the permit has the permit in possession. A successfully completed tank inspection validates the vessel's registration for a registration area or district. If a tank inspection is not required in a registration area or district, compliance with (c) of this section validates the vessel registration.

(e) The department may cancel a vessel registration for a registration area or district for the purpose of allowing the vessel to fish for Dungeness crab in another registration area or district, except that once a vessel has been inspected for

(1) a superexclusive registration area or a superexclusive registration district, the department may not cancel the vessel registration in order to allow a person to use the vessel to fish for Dungeness crab in another registration area or registration district;

(2) a nonexclusive registration area or nonexclusive registration district, the department may not cancel the vessel registration in order to allow a person to use the vessel to fish for Dungeness crab in a superexclusive registration area or in a superexclusive registration district.

(f) A vessel validly registered to fish for Dungeness crab in a Dungeness crab registration area or Dungeness crab registration district may not take another species of crab in another crab registration area or crab registration district. A person may not validly register a vessel to fish for Dungeness crab in more than one Dungeness crab registration area or Dungeness crab registration district at a time.

(g) Unless otherwise specified in this chapter, a valid area or district registration to fish for Dungeness crab expires 24 hours after the closure of the Dungeness crab fishing season for the registration area or registration district.

## **5 AAC 32.030. Inspection requirements**

(a) Except as provided in (b) and (c) of this section and unless otherwise specified in this chapter, a person may not fish for Dungeness crab using a vessel that is registered to fish in a Dungeness crab registration area unless that vessel has been inspected by a local representative of the department. The local representative shall make the inspection within 24 hours before a season opening or during the season. The inspection must occur at an inspection point specified in this chapter. Dungeness crab may not be on board the vessel at the time of the inspection. Successful completion of the inspection validates the

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registration for the registration area or district. If an inspection is not required, completion of the registration form and submission of the completed form to the department by the vessel owner or the owner's agent validates the registration.

(b) By public announcement, the commissioner may require that vessels fishing for Dungeness crab be inspected before the vessels may fish in areas that are exempt from the vessel inspection requirements of this chapter.

(c) From 24 hours before a season opens in a registration area until the season closure in the registration area, the inspection requirements of this section do not apply to a vessel that is registered to fish for Dungeness crab if the vessel does not have a saltwater circulation system in its fish holds or crab tanks.

(d) The local representative of the department may not begin an inspection of a vessel in a registration area earlier than 24 hours before a Dungeness crab fishing season opens in that registration area.

(e) The commissioner may designate additional inspection points if the commissioner finds that

(1) the existing inspection points impose an unforeseen and significant hardship that persons fishing for Dungeness crab cannot mitigate;

(2) the department does not have a practical way to change existing inspection points to alleviate the hardship; and

(3) designating additional inspection points would not cause a significant likelihood that unauthorized fishing or other management or enforcement problems will occur.

(f) The department shall issue an inspection certificate to the vessel owner or the owner's agent upon successful completion of an inspection required by this chapter. Before the department may issue the certificate, the vessel owner or the owner's agent shall show to the local representative of the department who is making the inspection a current registration certificate for the Dungeness crab registration area. The vessel owner, or the owner's agent, shall sign the inspection certificate when received, shall keep it on the vessel and available at all times during fishing operations, and shall, upon request, show it to a peace officer of the state.

## **5 AAC 32.031. Landing requirements**

(a) Except as provided in (b) of this section, a Dungeness crab vessel may not land Dungeness crab at a location that is not within a registration area for which it is then validly registered.

(b) The owner, or the owner's agent, of a vessel validly registered to fish for Dungeness crab in a registration area or district leaving that area or district with the intention of landing Dungeness crab in another registration area shall contact by radio or telephone a local representative of the department. The contact must be made to the local representative of the department located in the registration area from which the vessel

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will move. Unless the local representative of the department does not require an inspection of the vessel, the owner or agent shall submit to a vessel inspection at a location specified by the representative. When the vessel lands Dungeness crab in the new area or district, the vessel may not have more Dungeness crab on board than when the vessel was inspected. When the vessel owner or the owner's agent contacts the local representative of the department, if the local representative of the department does not require an inspection under this subsection, the vessel owner, or the owner's agent, making radio or telephone contact shall state to the representative the amount by weight or number of Dungeness crab then on board. Thereafter, the vessel may not land in the new area an amount of Dungeness crab that, by weight or number, exceeds by 10 percent, whether more or less, the amount stated at the time of the contact with the department's local representative.

(c) When, under (b) of this section, a vessel lands Dungeness crab in another registration area or district, the vessel's former registration expires. To become validly registered to fish for Dungeness crab in an area, the owner of the vessel or the owner's agent shall comply with 5 AAC 32.030 or with the inspection requirements for a specific registration area or district otherwise specified in this chapter.

(d) Unless otherwise specified in this chapter, after 24 hours following the closure of Dungeness crab fishing in a registration area, portion of a registration area, district, subdistrict, or section, a vessel registered to fish for Dungeness crab in the area may not have Dungeness crab on board unless

(1) the vessel is validly registered for another registration area and the Dungeness crab fishing season is open in that area;

(2) the vessel complies with 5 AAC 32.020 and 5 AAC 32.030; and

(3) within 24 hours after the closure of the area, the vessel operator contacts in person or by radio a local representative of the department who is located at a landing port or at an inspection point that is specified in this chapter or by the department, and the representative has authorized the vessel operator to possess the Dungeness crab for a longer period of time.

(e) The vessel owner, or owner's agent, of a vessel that fishes for Dungeness crab and that has sunk may apply to the commissioner for a permit to sell male Dungeness crab of legal size removed by the owner, or the owner's agent, from pots that were set from the sunken vessel. The commissioner may issue the permit even though the Dungeness crab season is closed in the registration area where the pots were set. The owner, or owner's agent, shall apply to the commissioner for the permit no more than 14 days after the sinking of the vessel. The fish ticket for the sale of the Dungeness crab recovered under the permit must show that the delivery was made by the sunken vessel.

### **5 AAC 32.033. Tenders for Dungeness crab**

(a) A vessel used to tender Dungeness crab delivered by a vessel that is validly registered to take Dungeness crab

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(1) may not have Dungeness crab gear on board; and

(2) may not be used to fish for Dungeness crab.

(b) Before taking Dungeness crab on board the tendering vessel, the operator of the vessel shall register that vessel with a local representative of the department who is located within the registration area or district in which the vessel will be tendering.

(c) Before a vessel used to tender Dungeness crab leaves a Dungeness crab registration area or district, the operator of a tendering vessel shall contact in person, or by radio or telephone, a local representative of the department who is located in the registration area and shall state the amount, by weight or number, of Dungeness crab on board and the vessel's unloading destination.

(d) In addition to a tendering vessel described in (a) of this section, a vessel that is validly registered under 5 AAC 32.020 to fish for Dungeness crab in a registration area or a registration district may be used to tender Dungeness crab in

(1) registration areas or registration districts for which the vessel is not registered if the vessel otherwise complies with applicable regulations in this chapter;

(2) the registration area or registration district if the vessel's Dungeness crab registration for that registration area or registration district has been canceled by a local representative of the department and the vessel has been inspected as specified in 5 AAC 32.030.

(e) A vessel described in (d) of this section that is used to tender Dungeness crab must comply with (b) and (c) of this section.

(f) A vessel tendering Dungeness crab is not governed by the regulations that establish restrictions and registration requirements for superexclusive or nonexclusive registration areas.

## **5 AAC 32.035. Closure of Dungeness crab registration areas and appeal procedures**

(a) The commissioner shall monitor the condition of Dungeness crab in all registration areas by using the data and information that are practically available.

(b) When the commissioner finds that continued Dungeness crab fishing would jeopardize the health of the Dungeness crab stock within a registration area or portion of a registration area, the commissioner, by emergency order, shall close fishing for Dungeness crab in that registration area or portion of the registration area.

(c) In determining whether to close a registration area, the commissioner shall consider all appropriate factors to the extent there is information available on such factors. Factors which may be considered include

(1) the effect of overall fishing effort within the statistical area encompassing the registration area;

- (2) catch per unit of effort and rate of harvest;
- (3) such guideline harvest levels as may be promulgated by regulation;
- (4) the proportion of immature or soft shell Dungeness crab being handled;
- (5) general information on the condition of Dungeness crab within the area;
- (6) information pertaining to the maximum sustainable yield level of Dungeness crab within the registration area;
- (7) timeliness and accuracy of catch reporting by buyers, fishermen or vessel operators within the registration area to the extent that such timeliness or accuracy may reasonably be expected to affect proper management; and
- (8) adequacy of subsistence harvests within the registration area.

(d) If a registration area or portion of a registration area is closed to fishing for Dungeness crab, the holder of a valid CFEC interim use or limited entry permit for Dungeness crab in the registration area or portion of the registration area, or the vessel owner, or the owner's agent, of a vessel that was validly registered to fish for Dungeness crab in the registration area or portion of the registration area may submit a written request to the commissioner to reopen the registration area or portion of the registration area. The person making a request to reopen the closed area shall make the request within five days following the closure. In considering the request to reopen, the commissioner shall consider all relevant information concerning the condition of Dungeness crab stocks within the closed registration area or portion of the registration area. Within 14 days after receiving the request, the commissioner shall publicly announce a decision either to maintain the closure or to reopen by emergency order the registration area or portion of the registration area.

(e) Repealed 5/8/98.

(f) The provisions of (a) - (d) of this section also apply to closures of districts, subdistricts, sections or any other portion of a registration area to fishing for Dungeness crab.

## **Article 2. General Specifications and Restrictions.**

### **5 AAC 32.050. Lawful gear for Dungeness crab**

(a) Unless otherwise specified in this chapter, a person may fish for Dungeness crab only with ring nets, diving gear, and Dungeness crab pots.

(b) A Dungeness crab pot must have

(1) permanent and rigid tunnel eye openings that individually do not exceed 30 inches (76 mm) in perimeter; and

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(2) two circular escape rings of four and three-eighths inches (11 cm) minimum inside diameter; the rings must be on opposite sides of the pot and must be on the upper half of the vertical plane of the pot.

## **5 AAC 32.051. Dungeness crab gear marking requirements**

Unless otherwise specified in this chapter, each Dungeness crab pot or ring net must have at least one buoy. At least one buoy on each Dungeness crab pot and at least one buoy on each Dungeness crab ring net must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy must show only that number. The number must be in symbols that are at least one and one-half inches high, and the symbols must have lines that are at least one-quarter inch wide and that are in a shade or color that contrasts with the background.

## **5 AAC 32.052. Dungeness crab pot gear storage requirements**

(a) Except as specifically provided in (b) and (c) of this section and unless otherwise specified in this chapter, during the closed season for fishing for Dungeness crab in any waters, Dungeness crab pots must be removed from the water.

(b) Notwithstanding the requirement of (a) of this section, in waters that are closed to fishing for Dungeness crab, a person may store in the waters that are closed to Dungeness crab fishing the person's Dungeness crab pots if all pot doors are secured fully open and all bait and bait containers are removed. A person may store the pots in the water

(1) for no more than seven days after the closure to fishing for Dungeness crab in

(A) Registration Areas A, D, and H;

(B) a district in Registration Area J; or

(C) the Copper River District of Registration Area E; and

(2) for no more than 72 hours after the closure to fishing for Dungeness crab in

(A) any portion of Registration Areas A, D, and H; or

(B) any portion of a district in Registration Areas J and E, except in a portion of the Copper River District of Registration Area E.

(c) The operator of a vessel fishing for Dungeness crab may obtain an extension to a deadline set out in (b) of this section if, due to a major vessel breakdown or extreme weather conditions, the vessel operator is unable to remove the pots from the waters before the deadline set out in (b) of this section. To obtain the extension authorized by this subsection, the vessel operator shall contact in person, or by radio or telephone, with a local representative of the department at a landing port or inspection point specified in this chapter or by the department and request a time extension. If the local representative determines that the circumstances described in this subsection are met, the local

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representative will grant a time extension to the vessel operator that is reasonable under the circumstances.

## **5 AAC 32.053. Operation of other pot gear**

(a) Unless otherwise specified in this chapter, the provisions of this section apply to persons and vessels used in a commercial Dungeness crab fishery.

(b) Except as provided in (e) of this section, a person may not participate in a commercial Dungeness crab fishery in a Dungeness crab registration area if the person

(1) operated commercial, subsistence, sport, or personal use pots of any type during the 14 days immediately before the opening of a commercial Dungeness crab fishery in the registration area where the fishing with pots occurred; or

(2) operates a vessel that was used or operated by the person or by another person operating pots of any type in a commercial, subsistence, sport, or personal use fishery during the 14 days immediately before the opening of the commercial Dungeness crab fishery in the registration area where the fishing with pots occurred.

(c) A person who participated in a commercial Dungeness crab fishery in a Dungeness crab registration area

(1) may not operate commercial, subsistence, sport, or personal use pots of any type in that registration area during the 14 days immediately following the close of the Dungeness crab fishery unless

(A) the person removes from the water the pots that are used and marked for the commercial Dungeness crab fishery or puts the pots in storage, as specified in 5 AAC 32.052, and contacts, in person, the local representative of the department in the registration area and makes a request that the vessel's Dungeness crab registration be canceled, and the department cancels the vessel's Dungeness crab registration; or

(B) pots that are used and marked for the commercial Dungeness crab fishery are lawful gear for another fishery, the person who operates the pots holds a valid ADF&G or CFEC permit for the other fishery, and the person contacts, in person, the local representative of the department and makes a request that the vessel's Dungeness crab registration be canceled and the department cancels the vessel's Dungeness crab registration; or

(2) may not operate commercial, subsistence, sport, or personal use pots in that registration area during the 14 days immediately following the close of the Dungeness crab fishery from a vessel that was used or operated by the person or by another person in the commercial Dungeness crab fishery in the Dungeness crab registration area unless

(A) the person who used or operated the vessel in the commercial Dungeness crab fishery removes from the water all pots that are used and marked for the commercial Dungeness crab fishery or puts the pots in storage, as specified in 5 AAC 32.052, and contacts, in person, the local representative of the department in the registration area and

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makes a request that the vessel's Dungeness crab registration be canceled, and the department cancels the vessel's Dungeness crab registration; or

(B) pots that are used and marked for the commercial Dungeness crab fishery are lawful gear for another fishery, the person who operates the pots holds a valid ADF&G or CFEC permit for the other fishery, and the person who used or operated the vessel contacts, in person, the local representative of the department and makes a request that the vessel's Dungeness crab registration be canceled and the department cancels the vessel's Dungeness crab registration.

(d) A person

(1) may stop participating in a commercial Dungeness crab fishery and instead may operate commercial pots other than Dungeness crab pots if

(A) the person removes from the water the pots that are used and marked for the commercial Dungeness crab fishery or puts them in storage as specified in 5 AAC 32.052; and

(B) the vessel owner, or owner's agent, contacts a local representative of the department, in person, and requests that the department cancel the vessel's Dungeness crab registration, and the department cancels the vessel's Dungeness crab registration; or

(2) may stop using a vessel to participate in a commercial Dungeness crab fishery and instead may use the vessel to operate commercial pots other than Dungeness crab pots if

(A) the person removes from the water the pots that are used and marked for the commercial Dungeness crab fishery or puts them in storage, as specified in 5 AAC 32.052; and

(B) the vessel owner, or owner's agent, contacts a local representative of the department, in person, and requests that the department cancel the vessel's Dungeness crab registration, and the department cancels the vessel's Dungeness crab registration.

(e) The provisions of (b) of this section do not apply to a person or vessel participating in the commercial Pacific cod fisheries described in 5 AAC 28.467 (Kodiak Area), 5 AAC 28.537 (Chignik Area), or 5 AAC 28.577 (South Alaska Peninsula Area).

## **5 AAC 32.055. Size limits for Dungeness crab**

(a) Unless otherwise provided in this chapter, only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed.

(b) Shoulder width measurement of Dungeness crab shall be the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine and shall not include the spines.

## **5 AAC 32.057. Female and undersize Dungeness crab**



Male Dungeness crab less than minimum size and female Dungeness crab may not be taken or possessed. Such Dungeness crab which have been taken must be immediately returned unharmed to the sea.

## **5 AAC 32.075. Reporting of Dungeness crab catches lost or not purchased**

(a) Each Dungeness crab fisherman shall indicate on the fish ticket at the time of landing any Dungeness crab harvested which are not purchased by a processor or buyer, or which have been dumped at sea.

(b) Each buyer of Dungeness crab shall indicate on the fish ticket any Dungeness crab from a delivery which were not purchased.

## **5 AAC 32.081. Definition of "rigid" as applied to tunnel eye openings**

In this chapter, "rigid," as applied to Dungeness crab pot tunnel eye openings, means that after placing 20 pounds of pressure, in any direction, anywhere around the perimeter of the tunnel eye opening, the opening is no larger than a maximum dimension allowed under this chapter.

## **Article 5. Registration Area A (Southeastern Alaska).**

### **5 AAC 32.100. Description of Registration Area A**

Registration Area A (Southeastern Alaska) has as its southern boundary the International Boundary at Dixon Entrance and as its northern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

### **5 AAC 32.105. Description of Registration Area A districts**

The districts for Registration Area A for Dungeness crab are the same as the districts that are described in 5 AAC 31.105.

### **5 AAC 32.106. Area A registration**

(a) Registration Area A is a superexclusive registration area.

(b) In Registration Area A, a registration, if not otherwise canceled by the department, remains valid throughout the Dungeness crab registration year described in 5 AAC 32.020(b).

(c) In Registration Area A, a CFEC interim use or limited entry permit holder may fish for Dungeness crab from a vessel only if the permit holder's name and permit number appear on the vessel registration issued under 5 AAC 32.020.

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## **5 AAC 32.110. Fishing seasons for Registration Area A**

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) from 8:00 a.m. June 15 through 11:59 p.m. August 15 and from 8:00 a.m. October 1 through 11 :59 p.m. November 30, in all waters of Registration Area A other than those waters specified in (2) and (3) of this section;

(2) from 8:00 a.m. October 1 through 11 :59 p.m. November 30, in the waters of

(A) Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10);

(B) Whale Passage north and west of a line extending from 56° 05.65' N. lat., 133° 07.30' W. long. to 56° 05.85' N. lat., 133° 06.40' W. long.;

(3) from 8:00 a.m. October 1 through 11:59 p.m. February 28, in

(A) District 1;

(B) District 2; and

(C) Section 13-B, except the waters of Sitka Sound Special Use Area described in 5 AAC 32.150(10).

## **5 AAC 32.125. Lawful gear for Registration Area A**

(a) In Registration Area A, no more than 300 Dungeness crab pots may be operated from a single vessel to take Dungeness crab under any circumstances. A person may not operate more pots than allowed under the terms of that person's CFEC permit. If multiple CFEC permit holders are registered to fish from a vessel, the maximum number of pots that may be operated from that vessel is the aggregate of the number of pots allowed under the registered permit holders' permits, except that the number of pots operated on board that vessel may not exceed 300 pots.

(b) For a vessel registered for more than one permit holder to operate gear, each registered CFEC permit holder must be on board the vessel when more than one CFEC permit holder's Dungeness crab pot gear is in the water and

(1) gear is on board the vessel;

(2) gear is being set or retrieved; or

(3) Dungeness crab is on board the vessel.

(c) In Registration Area A, a person may not longline pots to take Dungeness crab. Each pot in operation must be individually buoyed and marked as described in 5 AAC 32.126 and this section.

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(d) In Registration Area A, all Dungeness crab pots and ring nets operated by a CFEC limited entry or interim-use permit holder must be buoyed with buoys that are essentially the same in color, shape, size, and markings. At least one buoy on each Dungeness crab pot or ring net must be legibly marked with the permanent ADF&G vessel license plate number of the Dungeness crab vessel operating the gear. The buoy, or multiple buoys attached to a Dungeness crab pot or ring net, may not bear more than one vessel license number. The vessel license number must be in symbols at least one and one-half inches high and at least one-quarter inch wide in a color that contrasts with the background of the buoy.

(e) In Registration Area A, in addition to the requirements in (d) of this section, when more than one permit holder is fishing from a single vessel, at least one buoy or tag attached to a buoy on each pot or ring net must be legibly marked with the last five numeric digits of the permit holder's CFEC limited entry or interim use permit number. The buoy, multiple buoys, or tags attached to a Dungeness crab pot or ring net may bear the numeric digits from only one CFEC limited entry or interim use permit.

(f) In addition to the requirements specified in 5 AAC 32.050, a commercial Dungeness crab pot is a circular pot that has an outside diameter that is not more than 50 inches and is not more than 18 inches high or a square pot with a diagonal measurement that does not exceed 50 inches and is not more than 18 inches high.

## **5 AAC 32.126. Dungeness crab pot marking requirements for Registration Area A**

(a) In addition to the marking requirements of 5 AAC 32.051 and 5 AAC 32.125, each Dungeness crab pot must have one identification tag issued by the department attached to the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(b) Identification tags are issued before each fishing season, are uniquely numbered for each registration year, and will be issued to the CFEC permit holder at the time of vessel registration. The permit holder, or the permit holder's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of lost tags during a season is permitted if the permit holder submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags. Tags shall be renewed annually at the time of registration before each fishing season.

## **5 AAC 32.128. Operation of other gear in Registration Area A.**

(a) Notwithstanding 5 AAC 32.053, a person or vessel that operates commercial king crab pots in waters deeper than 100 fathoms during the 14 days immediately before the opening of the commercial Dungeness crab fishery in Registration Area A, may participate in the commercial Dungeness crab fishery.

(b) A vessel owner, or the owner's agent, may not register a vessel for the commercial Dungeness crab fishery and the commercial beam trawl shrimp fishery at the same time. A vessel owner, or the owner's agent, may cancel a vessel's registration for the commercial Dungeness crab fishery and register a vessel for the commercial beam trawl shrimp fishery if

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(1) the person removes from the water the pots that are used and marked for the commercial Dungeness crab fishery, or stores the pots as specified in 5 AAC 32.052; and

(2) the vessel owner, or the owner's agent, contacts a local representative of the department, in person, and requests that the department cancel the vessel's commercial Dungeness crab registration.

(c) Notwithstanding 5 AAC 32.053(d), 5 AAC 34.053(2), and 5 AAC 35.053(2), a person or vessel may operate commercial king crab or Tanner crab pots during an open Dungeness crab season in Registration Area A if a commercial king crab or Tanner crab season is open in Registration Area A at the same time as the commercial Dungeness crab season.

## **5 AAC 32.140. Registration Area A inspection and inspection points**

(a) Unless required under (b) of this section, a vessel fishing for Dungeness crab in Registration Area A is not required to undergo a vessel inspection, as specified in 5 AAC 32.030.

(b) The commissioner, by announcement, may require that vessels fishing for Dungeness crab in Registration Area A be inspected as specified in 5 AAC 32.030.

(c) If the commissioner requires a vessel inspection under (b) of this section, the inspection points for Registration Area A are at Ketchikan, Wrangell, Petersburg, Sitka, and Juneau, and at other locations that may be specified by the commissioner.

(d) A vessel delivering Dungeness crab in accordance with 5 AAC 32.031(b) may be reinspected at Cordova.

## **5 AAC 32.143. Reporting requirements for the Dungeness crab fishery in Registration Area A**

(a) The owner or operator of a catcher-seller vessel registered to take Dungeness crab in Registration Area A shall complete an ADF&G fish ticket indicating the estimated number and weight of crab by species on board the vessel before any crab are removed from that vessel. The ADF&G fish ticket must be updated with the correct number and weight of crab by species when the crab are sold.

(b) For the purposes of this section, "catcher-seller vessel" means a vessel from which Dungeness crab are caught if there is any attempt to sell unprocessed Dungeness crab by the vessel to a person not licensed to process crab.

## **5 AAC 32.146. Southeastern Alaska Area Dungeness Crab Fisheries Management Plan**

In the absence of adequate stock assessment, the department shall manage the Dungeness crab fishery in Registration Area A (Southeastern Alaska) using a precautionary approach. When stocks are assessed to be low, the department shall, subject to the commissioner's authority under 5 AAC 32.035, reduce the harvest of legal Dungeness

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crab and reduce the handling of nonlegal, light, and soft-shell Dungeness crab by complying with the following:

(1) no later than 14 days after the start of the summer Dungeness crab fishing season specified in 5 AAC 32.110, the department shall establish a projection of harvest thresholds for the season;

(2) if the department projects that the entire season's catch of legal Dungeness crab will be

(A) 1.5 million pounds or less, the department will close the summer Dungeness crab fishing season no sooner than 21 days after the season opened, and the fall Dungeness crab fishing season specified in 5 AAC 32.110 will not open;

(B) more than 1.5 million pounds, but less than 2.25 million pounds, the department will close the summer Dungeness crab fishing season no sooner than 28 days after the season opened, and the fall Dungeness crab fishing season will be open for 30 days;

(C) more than 2.25 million pounds, the summer and fall Dungeness crab fishing seasons will occur as specified in 5 AAC 32.110;

(3) if the department determines that harvest projections fail to meet the threshold for a season as described in (2)(C) of this section due to soft-shelled crabs early in the summer Dungeness crab fishing season, the department may open the fall Dungeness crab fishing season as specified in 5 AAC 32.110.

## **5 AAC 32.150. Closed waters in Registration Area A**

In Registration Area A, the following waters are closed to the taking of Dungeness crab:

(1) waters of Section 11-A that are

(A) north of a line from Marmion Island Light to the easternmost tip of Point Salisbury and east of a line extending from the northernmost tip of Outer Point to the southernmost tip of Portland Island to the northernmost tip of Portland Island to the southernmost tip of Point Louisa; and

(B) off the mainland shore enclosed by a line from the northernmost tip of the peninsula at the Shrine of St. Terese to Gull Island, extending to the Sentinel Island Light, and east to the mainland at the latitude of the Sentinel Island Light;

(2) waters of Tenakee Inlet west of Corner Bay Point at 135° 06.50' W. long. and east of the Crab Bay log transfer facility at 135° 18.18' W. long.;

(3) waters of Port Althorp enclosed by a line from Point Lucan to 58° 09.71' N. lat., 136° 19.67' W. long.;

(4) waters of Merrifield Bay and Port Protection enclosed by a line extending west from Protection Head (56° 18.83' N. lat., 133° 39.77' W. long.) to 133° 40' W. long., then

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north to 56° 22' N. lat., then east to 133° 34' W. long., then south to a point on Prince of Wales Island at 56° 21.05' N. lat., 133° 34' W. long.;

(5) waters of Thorne Bay west of the longitude of the easternmost tip of Thorne Head;

(6) waters of Icy Passage enclosed by a line starting from the northernmost end of the Gustavus Dock to the southernmost end of the Gustavus Dock to the navigational buoy off the mouth of the Salmon River to an (ADF&G) marker on the shoreline directly north of the buoy and then along the shoreline to the starting point;

(7) waters of Blank Inlet north and west of a line from Blank Point to Blank Island Light to the easternmost point tip of Gravina Point;

(8) waters of Bostwick Inlet north and west of a line from Bostwick Point to an unnamed point at 55° 12.83' N. lat., 131° 43.92' W. long.;

(9) waters of Mud (Flat) Bay west of the longitude of a point at 59° 09.03' N. lat., 135° 19.97' W. long.;

(10) from December 1 through September 30, the waters of District 13-B that are in the Sitka Sound Special Use Area, which is that area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long. to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long.;

(11) waters of Twelve-mile Arm west of a line from 55° 30.01' N. lat., 132° 35.22' W. long., to 55° 28.61' N. lat., 132° 34.62' W. long., and north and east of a line from 55° 26.41' N. lat., 132° 40.05' W. long., to 55° 26.33' N. lat., 132° 39.53' W. long.

(12) waters east of a line from Indian Point at 55° 36.85' N. lat., 131° 42.02' W. long., to the northeasternmost tip of Betton Island at 55° 31.95' N. lat., 131° 46.37' W. long. to the southeasternmost tip of Betton Island at 55° 29.90' N. lat., 131° 48.18' W. long., to Survey Point at 55° 28.07' N. lat., 131° 49.87' W. long.;

(13) waters east of a line from Point Lena at 58° 23.73' N. lat., 134° 46.67' W. long., north to 58° 25.05' N. lat., 134° 46.25' W. long., north to 58° 25.65' N. lat., 134° 46' W. long. (a point in upper Tee Harbor);

(14) waters east of a line in Bridget Cove from 58° 37.05' N. lat., 134° 56.60' W. long., north to 58° 38.20' N. lat., 134° 57.10' W. long.;

(15) repealed 7/29/2009;

(16) repealed 7/29/2009;

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(17) waters of Port Frederick enclosed by a line from a point on Chichagof Island at 58° 05.18' N. lat., 135° 28.15' W. long. to the westernmost tip of Long Island at 58° 05.81' N. lat., 135° 28.56' W. long. to a point south of Hoonah Point at 58° 07.13' N. lat., 135° 27.52' W. long.;

(18) waters of Favorite Bay enclosed by a line from a point at 57° 28.91' N. lat., 134° 32.21' W. long. to a point at 57° 29.05' N. lat., 134° 31.17' W. long.;

(19) the waters near and surrounding Klawock enclosed by a line from a point east of Entrance Point at 55° 31.20' N. lat., 133° 07.63' W. long., extending to a point in Shinaku Inlet at 55° 34.72' N. lat., 133° 13.38' W long.;

(20) in the waters of Whale Pass north and west of a line extending from a point at 56° 05.81' N. lat., 133° 06.52' W. long., to a point located at 56° 05.62' N. lat., 133° 07.33' W. long.,

(21) Sukwaan Strait from Saltery Point at 55° 10.95' N. lat., 132° 48.02' W. long., to a point on Sukkwan Island at 55° 10.40' N. lat., 132° 48.62' W. long., north to the head of Natzuhini Bay, extending west to the openings of North Pass from a point on Prince of Wales Island at 55° 12.61' N. lat., 132° 57.68' W. long., to a point on Goat Island at 55° 12.43' N. lat., 132° 56.30' W. long., and South Pass from a point on Goat Island at 55° 10.11' N. lat., 132° 53.60' W. long., to a point on Sukkwan Island at 55° 09.78' N. lat., 132° 53.43' W. long.

## **Article 6. Registration Area D (Yakutat).**

### **5 AAC 32.155. Description of Registration Area D**

Registration Area D (Yakutat) has as its western boundary the longitude of Cape Suckling (144° W. long.) and as its southern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

### **5 AAC 32.160. Description of Registration Area D districts**

(a) Yakataga District: waters between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42' W. long.).

(b) Yakutat District: waters between the longitude of Icy Cape (141° 42' W. long.) and a line running southwest from the westernmost tip of Cape Fairweather.

### **5 AAC 32.161. Area D registration**

(a) Registration Area D is a superexclusive registration area.

(b) In Registration Area D, a registration, if not otherwise canceled by the department, remains valid throughout the registration year.

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## **5 AAC 32.165. Fishing seasons for Registration Area D**

In Registration Area D, male Dungeness crab may be taken or possessed only from 12:00 noon May 15 through July 14 and from 12:00 noon November 1 through February 28.

## **5 AAC 32.170. Lawful gear for Registration Area D**

(a) In Registration Area D, no more than 60 Dungeness crab pots may be used by a vessel to take Dungeness crab.

(b) In Registration Area D, a validly registered Dungeness crab fishing vessel may not have, at any time, more than the legal limit of gear on the vessel, in the water in fishing condition, and in the water in nonfishing condition.

(c) In Registration Area D, all Dungeness crab pots and ring nets operated under a single registration must be buoyed with buoys that are essentially the same in color, shape, size, and markings. At least one buoy on each pot or ring net must be legibly marked with only the permanent department vessel license plate number of the single vessel operating the gear. The buoy, or multiple buoys, attached to a Dungeness crab pot or ring net may bear only one number. The number must be in symbols at least one and one-half inches high and with lines at least one-quarter inch wide that contrast with the background.

(d) In Registration Area D, a person may not longline pots to take Dungeness crab. Each pot in operation must be individually buoyed and marked as described in 5 AAC 32.171 and this section.

## **5 AAC 32.171. Dungeness crab pot marking requirements for Registration Area D**

(a) In addition to the marking requirements of 5 AAC 32.051 and 5 AAC 32.170, each Dungeness crab pot must have one identification tag issued by the department attached to the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(b) Identification tags are issued before each fishing season, are uniquely numbered for each registration year, and will be issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of lost tags during a season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags. Tags shall be renewed annually at the time of registration before each fishing season.

## **5 AAC 32.175. Registration Area D inspection and inspection points**

(a) Unless required under (b) of this section, a vessel fishing for Dungeness crab in Registration Area D is not required to undergo an inspection, as specified in 5 AAC 32.030.

(b) The commissioner, by announcement, may require that vessels fishing for Dungeness crab in Registration Area D be inspected as specified in 5 AAC 32.030.



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(c) If the commissioner requires a vessel inspection under (b) of this section, the inspection points for Registration Area D are at Yakutat and at other locations that may be specified by the commissioner.

(d) A vessel delivering Dungeness crab in accordance with 5 AAC 32.031(b) may be reinspected at Cordova.

## **Article 7. Registration Area E (Prince William Sound).**

### **5 AAC 32.200. Description of Registration Area E**

Registration Area E has as its western boundary a line running along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N. lat., then west to 149° W. long., then south along 149° W. long., and as its eastern boundary the longitude of Cape Suckling at 144° W. long.

### **5 AAC 32.205. Description of Registration Area E districts and sections**

(a) Inside District: all waters in the Prince William Sound Area enclosed by lines from Point Whitshed to Point Bentnick, from Cape Hinchinbrook to Zaikof Point, and from Cape Cleare to Cape Puget.

(b) Outside District: all waters in the Prince William Sound Area that are seaward of the Inside District and between a line along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N. lat., then west to 149° W. long., then south along 149° W. long. and the longitude of Cape Suckling at 144° W. long. The Outside District sections are as follows:

(1) Eastern Section: all waters of the Outside District east of 147° W. long.;

(2) Western Section: all waters of the Outside District west of 147° W. long.

### **5 AAC 32.206. Area E registration**

Registration Area E is a superexclusive registration area.

### **5 AAC 32.210. Fishing seasons for Registration Area E**

There is no open fishing season for Dungeness crab in the Prince William Sound Area.

### **5 AAC 32.225. Lawful gear for Registration Area E**

In Registration Area E, not more than 250 Dungeness crab pots may be operated from a vessel registered to take Dungeness crab, except that in the Inside District, not more than 100 Dungeness crab pots may be operated from a vessel registered to take Dungeness crab.

### **5 AAC 32.230. Identification of gear for Registration Area E**

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In the taking of Dungeness crab,

(1) all floats and buoys fished under a single registration number must be identically marked, and the colors and design used must be registered with the department before fishing commences;

(2) when fishing for or taking crab, no individual or vessel may operate or assist in operating crab pots with buoys of more than one color design registered with the department or more than one legal limit of gear in the aggregate.

## **5 AAC 32.240. Registration Area E inspection points**

The inspection points for Registration Area E are at Cordova and Valdez, and at other locations that may be specified by the commissioner.

## **Article 8. Registration Area H (Cook Inlet).**

### **5 AAC 32.300. Description of Registration Area H**

Registration Area H has as its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.) and as its southern boundary the latitude of Cape Douglas (58° 51.10' N. lat.).

### **5 AAC 32.305. Description of Registration Area H districts**

(a) Except as provided in (b) of this section, districts are as described in 5 AAC 21.200.

(b) The subdistricts of the Southern District are described as follows:

(1) Subdistrict 1: all waters of the Southern District east of a line from Coal Point to 60-foot Rock to Anisom Point;

(2) Subdistrict 2: all waters of the Southern District west of a line from Coal Point to 60-foot Rock to Anisom Point.

### **5 AAC 32.306. Area H registration**

Registration Area H is a nonexclusive registration area.

### **5 AAC 32.310. Fishing seasons for Registration Area H**

There is no open fishing season for Dungeness crab in the Cook Inlet Area.

### **5 AAC 32.325. Lawful gear for Registration Area H**

(a) In the Southern District,

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(1) no more than an aggregate of 150 Dungeness crab pots may be operated from a vessel registered to take Dungeness crab;

(2) no more than 50 of the 150 pots described in (1) of this subsection may be operated in Subdistrict 1 from a vessel registered to take Dungeness crab; only a pot with a buoy tag number of 1 - 50 may be operated in Subdistrict 1;

(3) the buoy for each Dungeness crab pot must have an identification tag issued by the department, as follows:

(A) the identification tag must be placed on a buoy that is marked with the ADF&G number of the vessel operating the gear, as required by 5 AAC 32.051;

(B) new identification tags must be obtained annually, before each fishing season;

(C) the department shall issue identification tags before each fishing season; the tags must be uniquely numbered for each registration year;

(D) except as provided in (E) of this paragraph, the department may issue identification tags only to a person who is registering a vessel under 5 AAC 32.020 and only at the time of vessel registration; a person registering a vessel shall apply for identification tags at the department office designated to issue tags; a person who wishes to apply for identification tags may register only one vessel;

(E) the department may issue replacement tags for identification tags lost during the season if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the number of the lost tags;

(4) all crab pot buoys operated under a single ADF&G number must be identically marked and the color and design must be registered with the department before fishing.

(b) Repealed 7/14/85.

(c) No portion of the line attaching a pot or ring net buoy or buoys to the trap or ring may float on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

## **5 AAC 32.330. Identification of gear for Registration Area H**

All Dungeness crab pot and ring net buoys operated under a single registration must be consecutively numbered starting with the number one, and they must be legibly marked with the permanent vessel license plate (ADF&G) number of the vessel operating that gear.

## **5 AAC 32.340. Registration Area H inspection points**

The inspection points for Registration Area H are at Homer, Seldovia, and Seward, and at other locations that may be specified by the commissioner.

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## **Article 9. Registration Area J (Westward).**

### **5 AAC 32.400. Description of Registration Area J**

Registration Area J consists of the Pacific Ocean waters that are south of the latitude of Cape Douglas at 58° 51.10' N. lat. and west of 149° W. long., and the Bering Sea and Pacific Ocean waters that are east of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on NOAA Chart #513 (7th Edition, June 2004) and NOAA Chart #514 (7th Edition, January 2004). These charts are adopted by reference.

### **5 AAC 32.405. Description of Registration Area J districts**

(a) Kodiak District: waters of Registration Area J that are south of the latitude of Cape Douglas at 58° 51.10' N. lat., west of 149° W. long., and east of a line extending south from the Alaska Peninsula (near Kilokak Rocks) along 156° 20.22' W. long.

(b) Chignik District: waters of Registration Area J that are west of a line extending south from the Alaska Peninsula (near Kilokak Rocks) along 156° 20.22' W. long., and east of a line extending from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long. to a point offshore at 53° 40.46' N., 156° 20.22' W. long.

(c) Alaska Peninsula District: waters of Registration Area J that are west of a line extending from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long., to a point offshore at 53° 40.46' N. lat., 156° 20.22' W. long., and east of the longitude of Scotch Cap Light at 164° 44.72' W. long. and south of 54° 51.30' N. lat. in Isanotski Strait.

(d) North Peninsula District: Bering Sea waters of Registration Area J that are north of the latitude of Cape Sarichef Light at 54° 35.89' N. lat. and north of 54° 51.30' N. lat. in Isanotski Strait.

(e) Aleutian District: waters of Registration Area J that are west of the longitude of Scotch Cap Light at 164° 44.72' W. long. and south of the latitude of Cape Sarichef Light at 54° 35.89' N. lat.

### **5 AAC 32.406. Area J registration**

(a) As required under 5 AAC 32.005(b), the districts of Registration Area J are designated as follows:

- (1) Kodiak District: superexclusive registration district;
- (2) Chignik District: superexclusive registration district;
- (3) Alaska Peninsula District: superexclusive registration district;
- (4) North Peninsula District: nonexclusive registration district;

(5) Aleutian District: nonexclusive registration district.

(b) In the North Peninsula District, the registration deadline is April 1. Vessels must register with the department not later than April 1 to participate in the fishery. Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Dungeness crab that references the vessel's ADF&G license plate number and file a registration form with the department. The registration form must identify the vessel and vessel operator and must be received in person, by mail, electronic mail, or facsimile, at the department office in Dutch Harbor or Kodiak.

## **5 AAC 32.410. Fishing seasons for Registration Area J**

(a) In the Kodiak, Chignik, Alaska Peninsula, and Aleutian Districts, male Dungeness crab may be taken or possessed only from 12:00 noon May 1 until 11:59 p.m. October 31, except that in the waters of the Kodiak District south of the latitude of Boot Point at 56° 49.98' N. lat., and east of longitude of Boot Point at 153° 46.10' W. long. and waters south of the latitude of Cape Ikolik at 57° 17.40' N. lat., and west of the longitude of Boot Point at 153° 46.10' W. long., male Dungeness crab may be taken or possessed only from 12:00 noon June 15 until 11:59 p.m. October 31.

(b) In the North Peninsula District, male Dungeness crab may be taken or possessed from 12:00 noon May 1 until 12:00 noon October 18.

## **5 AAC 32.415. Operation of pot gear for Registration Area J**

All pot gear used for commercial Dungeness crab fishing in Registration Area J shall:

- (1) be removed from the water at least once within a 21-day period; or
- (2) have all bait and bait containers removed and all doors secured fully open.

## **5 AAC 32.425. Lawful gear for Registration Area J**

(a) Dungeness crab may be taken only with Dungeness crab pots or ring nets.

(b) The following Dungeness crab pot limits are in effect for Registration Area J:

(1) in the Kodiak District, an aggregate of no more than 700 pots may be operated from a validly registered Dungeness crab vessel; and

(2) in the Alaska Peninsula District, an aggregate of no more than 500 pots may be operated from a validly registered Dungeness crab vessel;

(3) in the North Peninsula District, the department will establish the individual vessel pot limit after the April 1 registration deadline; if five vessels or fewer are validly registered by the registration deadline, the pot limit will be 750 pots per vessel; if more than five vessels are validly registered by the registration deadline, the pot limit will be 500 pots per vessel.

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(c) In addition to the requirements of 5 AAC 32.051, in Registration Area J, in locations where a Dungeness crab pot limit is in effect, each Dungeness crab pot must have one identification tag issued by the department placed on the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(d) Identification tags are that are uniquely numbered for each registration year will be issued annually before each fishing season and will be issued at the time of vessel registration for that vessel only. The vessel owner or the owner's agent shall apply for identification tags at a department office designated to issue the tags. Replacement of tags lost during the season is permitted if the vessel operator submits to the department office that issued the tags a sworn statement or affidavit that describes how the tags were lost and lists the numbers of the lost tags.

## **5 AAC 32.440. Registration Area J inspection points**

The initial inspection points and reinspection points for Registration Area J are at Kodiak, Sand Point, and Dutch Harbor, and at other locations that may be specified by the commissioner.

## **5 AAC 32.450. Closed waters in Registration Area J**

Dungeness crab may not be taken from waters of Iliuliuk Bay south of 53° 53' N. lat.

## **5 AAC 32.460. Tenders for Dungeness crab in the Kodiak District**

Notwithstanding 5 AAC 32.033(d)(2), in the Kodiak District, a vessel registered to fish for Dungeness crab may tender Dungeness crab from other registered Dungeness crab vessels. A tender operator must be an authorized agent of a processor. Before using a vessel as a tender under this section, the tender operator shall register as a tender with the department at the department office in Kodiak. A tender operator shall complete an ADF&G fish ticket at the first point of delivery from the catcher vessel.

## **Chapter 38. Miscellaneous Shellfish Fishery.**

Article

- [1. Registration Areas \(5 AAC 38.001 — 5 AAC 38.035\)](#)
- [2. General Specifications and Restrictions \(5 AAC 38.050 — 5 AAC 38.078\)](#)
3. (Repealed)
- [4. Prohibitions \(5 AAC 38.090 — 5 AAC 38.098\)](#)
- [5. Registration Area A \(Southeastern Alaska\) \(5 AAC 38.100 — 5 AAC 38.150\)](#)
- [6. Registration Area D \(Yakutat\) \(5 AAC 38.160 — 5 AAC 38.180\)](#)
- [7. Registration Area E \(Prince William Sound\) \(5 AAC 38.200 — 5 AAC 38.230\)](#)
- [8. Registration Area H \(Cook Inlet\). \(5 AAC 38.300 - 5 AAC 38.390\)](#)
- [9. Registration Area J \(Westward\). \(5 AAC 38.400 - 5 AAC 38.430\)](#)

### **Article 1. Registration Areas.**

#### **5 AAC 38.001. Application of this chapter**

Unless otherwise specified, the requirements set out in this chapter apply only to commercial fishing for miscellaneous shellfish. Subsistence fishing, personal use, and sport fishing regulations that affect commercial miscellaneous shellfish fishing vessels or fishing activity are set out in the subsistence fishing regulations in 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

#### **5 AAC 38.005. Registration areas established**

Miscellaneous shellfish registration areas and code letters are:

Code Letter

**A** - Southeastern Alaska Area (5 AAC 38.100)

**D** - Yakutat Area (5 AAC 38.160)

**E** - Prince William Sound Area (5 AAC 38.200)

**H** - Cook Inlet Area (5 AAC 38.300)

**J** - Westward Area (5 AAC 38.400).

#### **5 AAC 38.010. Application of regulations**

(a) Unless otherwise specified in this chapter, the regulations in this chapter that apply to a miscellaneous shellfish registration area also apply to the waters of the exclusive economic zone that are adjacent to the miscellaneous shellfish registration area.

(b) The commissioner may suspend the application of the regulations in this chapter that apply to a miscellaneous shellfish registration area to all or a portion of the waters of a registration area if the commissioner finds that

(1) application of the regulations fails to facilitate the enforcement of regulations that apply to the territorial waters of Alaska;

(2) application of the regulations fails to protect or conserve miscellaneous shellfish inhabiting territorial waters of Alaska; or

(3) the state has an insufficient interest in the miscellaneous shellfish that inhabit the waters of the adjacent exclusive economic zone to warrant extending the state's jurisdiction to those waters.

(c) For purposes of this section, "exclusive economic zone" means all the waters adjacent to a miscellaneous shellfish registration area and seaward to a boundary that is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

### **5 AAC 38.020. Miscellaneous shellfish gear and vessel registration**

(a) Unless otherwise specified in this chapter,

(1) all waters of Alaska are considered one registration area;

(2) all miscellaneous shellfish gear must be registered, and all miscellaneous shellfish vessels must be licensed and registered, before fishing for any miscellaneous shellfish during a registration year.

(b) Unless otherwise specified in this chapter, the registration year is January 1 through December 31.

(c) The department shall issue a registration certificate to a vessel that is to be used to fish for miscellaneous shellfish if the vessel owner, or the owner's agent, completes a registration form available from a local representative of the department, and the vessel is licensed and otherwise complies with the requirements of AS 16 and of this title. The vessel owner, or the owner's agent, shall sign the registration certificate when it is issued, shall keep it on board the vessel and immediately available at all times during fishing operations, and shall show it at the request of a local representative of the department.

### **5 AAC 38.035. Closure of miscellaneous shellfish registration areas and reopening procedures**

(a) The commissioner shall monitor the condition of miscellaneous shellfish stocks in all registration areas by using the data and information that are practically available.

(b) When the commissioner finds that continued fishing would jeopardize the health of a shellfish species described in this chapter in a registration area or portion of a



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registration area, the commissioner, by emergency order, shall close fishing for that shellfish species in the registration area or portion of the registration area.

(c) In determining whether to close a registration area or portion of a registration area, the commissioner shall consider all appropriate factors to the extent there is information available on the factors. Factors that the commissioner shall consider include

(1) the effect of overall fishing effort within the registration area encompassing the territorial waters of Alaska;

(2) catch per unit of effort and rate of harvest;

(3) relative abundance of miscellaneous shellfish resources in the registration area or portion of the registration area in comparison with preseason expectations of the department;

(4) the guideline harvest levels that have been set by regulation;

(5) the proportion of immature shellfish being handled;

(6) general information on the condition of miscellaneous shellfish within the registration area or portion of the registration area;

(7) information pertaining to the maximum sustainable yield level of miscellaneous shellfish within the registration area or portion of the registration area;

(8) timeliness and accuracy of catch reporting by buyers, fishermen, or vessel operators within the registration area or portion of the registration area to the extent that the timeliness or accuracy may reasonably be expected to affect proper management; and

(9) adequacy of subsistence harvest within the registration area or portion of the registration area.

(d) If a registration area or portion of a registration area is closed to fishing for a miscellaneous shellfish resource, the holder of a valid CFEC interim use or limited entry permit for the resource in the registration area or portion of the registration area that was closed, or the vessel owner, or the owner's agent, of a vessel that was validly registered to fish for the miscellaneous shellfish resource in the registration area or portion of the registration area may request in writing that the commissioner reopen the registration area or portion of the registration area. A person making a request under this subsection to reopen the registration area or portion of the registration area shall make the request within five days following the closure. In considering the request to reopen, the commissioner shall consider all relevant information on the condition of the miscellaneous shellfish resource within the closed registration area or portion of the registration area. Within 14 days after receiving the request, the commissioner shall publicly announce a decision either to maintain the closure or to act by emergency order to reopen the registration area or portion of the registration area.

**Article 2. General Specifications and Restrictions.**

**5 AAC 38.050. Gear for clams**

(a) Except as provided in (b) of this section and unless otherwise specified in this section or chapter, a person may take razor and hardshell clams only by shovels and forks.

(b) Before taking clams with a hydraulic or mechanical clam digger, a person shall obtain a permit issued by the commissioner for the area of intended operation. A person applying for a permit shall specify the location of the person's intended operation and the proposed duration of operation, and shall provide detailed specifications of the hydraulic or mechanical gear that will be used. The commissioner shall deny a permit, may place restrictions on a permit, or may terminate a permit if the commissioner finds that the operation of the hydraulic or mechanical gear may injure or jeopardize the continued health of clams or the viability of other resources inhabiting the area of intended operation.

**5 AAC 38.051. Gear for sea urchins**

Sea urchins may be taken only by hand picking, which may be aided by use of diving gear, an abalone iron, or a sea urchin rake.

**5 AAC 38.052. Gear for hair crab**

(a) Hair crab may be taken by pots only.

(b) Pots for taking hair crab may be longlined in areas where the longlining of pots is permitted for golden king crab and in Registration Area T, described in 5 AAC 34.800. If a pot for hair crab is longlined, the pot must be marked as required in 5 AAC 34.625(b)(2).

(c) A hair crab pot is a pot with a rigid tunnel eye opening located in the top of the pot, with a tunnel perimeter not to exceed 26 inches, and a base that does not exceed 48 inches in any one dimension.

**5 AAC 38.054. Unlawful use of dive fishing gear**

(a) A person or vessel that is licensed or registered to commercially fish for any species of miscellaneous shellfish may not operate dive fishing gear

(1) in waters closed to the taking of miscellaneous shellfish in a registration area from 14 days before a commercial opening for miscellaneous shellfish in that registration area;

(2) during closed periods between weekly commercial openings for miscellaneous shellfish in that registration area; or

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(3) during the 14-day period after the person has participated in a commercial miscellaneous shellfish fishery in that registration area, as indicated by the date of landing on a fish ticket.

(b) The prohibition described in (a) of this section does not

(1) include diving for a nonharvesting purpose authorized by a local representative of the department; or

(2) prohibit a diver from

(A) legally participating in any commercial miscellaneous shellfish fishery; or

(B) diving on an aquatic farm site permitted by the department under 5 AAC 41 for the purpose of operating the aquatic farm in Registration Area A.

### **5 AAC 38.060. Gear for octopi and squid**

Legal gear as defined in 5 AAC 39.105, including pot gear as described in 5 AAC 31, 5 AAC 32, 5 AAC 34 and 5 AAC 35, may be used to take octopi and squid.

### **5 AAC 38.061. Fishing season for octopi and squid**

There is no closed season for octopi and squid.

### **5 AAC 38.062. Permits for octopi, squid, hair crab, sea urchins, sea cucumbers, sea snails, and other marine invertebrates**

(a) Unless otherwise specified in 5 AAC 03 - 5 AAC 39, marine invertebrates, except king crab, Tanner crab, Dungeness crab, clams, scallops, and spot, coonstripe, sidestripe, and pink shrimp, and krill (species of the Order Euphausiacea), may be taken only under the authority of a permit issued by the commissioner or the commissioner's authorized designee.

(b) The permit may

(1) stipulate location and duration of harvests;

(2) limit gear and other harvest procedures; and

(3) require periodic or annual reporting.

(c) The commissioner may require an application for a permit.

(d) The commissioner may refuse or terminate a permit if the commissioner finds that the terms of the permit have been violated or that the harvest operations jeopardize the sustained viability of the resource.

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(e) The commissioner will not issue a permit under this section to take corals and sponges.

### **5 AAC 38.075. Minimum legal size for clams**

(a) Unless otherwise specified in this chapter, the minimum legal size for razor clams is four and one-half inches (114 mm) in length of shell.

(b) The minimum legal size for butter clams is two and one-half inches (63mm) in greatest length of shell as measured by a straight line distance, not including the curvature of the shell.

(c) The minimum legal size for littleneck clams is one and one-half inches (38mm) in greatest length of shell as measured by a straight line distance, not including the curvature of the shell.

### **5 AAC 38.076. Alaska Scallop Fishery Management Plan**

(a) The requirements of the management plan contained in this section apply to vessels commercially fishing for scallops.

(b) The following scallop registration areas are established:

(1) Scallop Registration Area A (Southeastern Alaska) is Registration Area A, described in 5 AAC 38.100, except for all waters of District 16 as described in 5 AAC 31.105(p);

(2) Scallop Registration Area D (Yakutat) is Registration Area D, described in 5 AAC 38.160, and all waters of District 16 as described in 5 AAC 31.105(p);

(3) Scallop Registration Area E (Prince William Sound) is Registration Area E, described in 5 AAC 38.200;

(4) Scallop Registration Area H (Cook Inlet) is Registration Area H, described in 5 AAC 38.300;

(5) Scallop Registration Area K (Kodiak) is Registration Area K, described in 5 AAC 34.400;

(6) Scallop Registration Area M (Alaska Peninsula) is Registration Area M, described in 5 AAC 34.500;

(7) Scallop Registration Area O (Dutch Harbor) has as its northern boundary the latitude of Cape Sarichef (54° 36' N. lat.), as its eastern boundary the longitude of Scotch Cap Light, and as its western boundary 171° W. long., excluding the waters of Scallop Registration Area Q;

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(8) Scallop Registration Area Q (Bristol Bay-Bering Sea) is the combination of the Bristol Bay and Bering Sea Registration Areas, described in 5 AAC 34.800 and 5 AAC 34.900;

(9) Scallop Registration Area R (Adak) has as its eastern boundary 171° W. long., as its western boundary the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on NOAA Chart #513 (7th Edition, June 2004) and NOAA Chart #514 (7th Edition, January 2004), adopted by reference, and as its northern boundary 55° 30' N. lat.

(c) A person may use a vessel to take scallops only in a scallop registration area and the waters of the exclusive economic zone adjacent to the scallop registration area and only if the owner or the owner's authorized agent has registered the vessel with the department for that scallop registration area. In this subsection, "exclusive economic zone" means all of the waters adjacent to a scallop registration area and seaward to a boundary that is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(d) A vessel may be registered to take scallops in only one scallop registration area at a time, except that the department may permit a vessel to register for one additional registration area as follows:

(1) before entering or leaving a scallop registration area for which the vessel is validly registered, the vessel permit holder must contact the department office responsible for management of the registration area as specified in (l) of this section or as specified on the area registration;

(2) a certified scallop observer, as described in 5 AAC 39.143, must be on board the vessel; before the vessel leaves port for either the registered area or the additional registration area the vessel intends to fish, the vessel's onboard observer must have been briefed by the department;

(3) before checking out of or into a registration area, the scallop onboard observer must verify the total pounds of processed or unprocessed scallops on board the vessel; a vessel changing registration areas may not have any unprocessed scallops on board the vessel;

(4) once a vessel has checked out of a registration area, that vessel may not check back in to that same registration area unless the onboard observer on board that vessel has been debriefed by the department;

(5) in addition to the requirements of (p) of this section, a CFEC permit holder shall ensure that all harvest from a registration area is reported on an ADF&G fish ticket before checking out of a registration area and provide the fish ticket number and harvest reported on each ticket to the department office responsible for management of the registration area.

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(e) In addition to the other requirements of this section, a person who takes scallops other than weathervane scallops, and a person who takes weathervane scallops when a permit is required under this chapter, must obtain a permit issued by the department which might include:

- (1) location and duration of harvests;
- (2) gear limitations and other harvest procedures;
- (3) periodic reporting, including logbook requirements;
- (4) requirements for onboard observers; and
- (5) catch or bycatch limits.

(f) Unless otherwise provided by permit issued under (e) of this section, scallops may be taken only as follows:

(1) a vessel fishing for weathervane scallops may use and carry only scallop dredges with rings having an inside diameter of four inches or larger;

(2) a vessel fishing for scallops other than weathervane scallops may use or carry only scallop dredges with rings having an inside diameter of three inches or larger;

(3) a person may not use chafing gear or other devices that decrease the legal inside ring diameter of a scallop dredge, except that rubber chafing gear may be used on the bottom of the ring bag that contacts the substrate but may not be placed forward of the first continuous row of rings behind the sweep chain; for the purposes of this paragraph "continuous row of rings" means a row of rings that is parallel to the cutting bar and extends the full width of the ring bag;

(4) no more than two scallop dredges may be operated at one time from a vessel, and the opening of a scallop dredge may not be more than 15 feet wide; the opening of a dredge is measured in a straight line, parallel to the cutting bar, at the widest point, as determined by the distance between the attachment points for the sweepchain (center of the pad eye).

(g) The department may require a vessel fishing in a scallop fishery with a guideline harvest range established by regulation to carry an onboard observer as specified in 5 AAC 39.141 - 5 AAC 39.144, 5 AAC 39.146, and 5 AAC 39.645 - 5 AAC 39.646, unless the department determines that carrying an observer in that fishery will not serve the purposes of the onboard observer program. The department shall require a vessel fishing in a scallop fishery without a guideline harvest range established by regulation to carry an onboard observer as specified in 5 AAC 39.141 - 5 AAC 39.144, 5 AAC 39.146, and 5 AAC 39.645 - 5 AAC 39.646.

(h) Fishing seasons, open and closed areas, and guideline harvest ranges for taking weathervane scallops are set out in 5 AAC 38.120, 5 AAC 38.167, 5 AAC 38.168, 5

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AAC 38.180, 5 AAC 38.220, 5 AAC 38.221, 5 AAC 38.224, 5 AAC 38.320, 5 AAC 38.324, 5 AAC 38.420, 5 AAC 38.425, and 5 AAC 38.430.

(i) Weathervane scallops may be shucked by hand only. A mechanical shucking machine may not be on board a vessel that is fishing for weathervane scallops.

(j) A vessel that is fishing for weathervane scallops may have on board no more than 12 persons who are crewmembers of the vessel. For the purpose of this subsection, "crewmember" means a person who is involved with the operations of the vessel, and includes a captain, mate, engineer, cook, deckhand and processing worker, but does not include an onboard observer.

(k) The commissioner may establish bycatch limits for crab in the scallop fishery.

(l) A CFEC permit holder must check in with the department before fishing, and check out before departing the management area. Check in and check out contacts will be specified by the department at the time of registration.

(m) Catch reports must be submitted to the applicable area office as specified by the department at the time of registration.

(n) A vessel operator and crewmembers must give all king crab that are caught to the onboard observer.

(o) Log sheets, issued by the department, must be completed after each tow and returned to the department either by mail or facsimile as specified by the department at the time of registration.

(p) Fish tickets must be completed on a weekly basis by the vessel operator and submitted to a local representative of the department within seven days after off-loading product. The reporting week begins at 12:01 a.m. Monday through 11:59 p.m. Sunday. Each fish ticket must document the number of tows and pounds of scallop meats harvested, by statistical area.

### **5 AAC 38.078. State-Waters Weathervane Scallop Management Plan**

(a) In addition to the other requirements of 5 AAC 38 that apply to weathervane scallop, including the applicable provisions of 5 AAC 38.076, the provisions of the management plan in this section apply to the commercial taking of weathervane scallop in the state waters of Alaska in Scallop Registration Area D (Yakutat), Scallop Registration Area E (Prince William Sound), Scallop Registration Area K (Kodiak), and Scallop Registration Area O (Dutch Harbor).

(b) The weathervane scallop vessel registration year is April 1 through March 31.

(c) To participate in a state-waters weathervane scallop commercial fishery specified in (a) of this section, a vessel operator, or the vessel operator's authorized agent, must show an intent to participate by submitting to the department a preseason registration form under (d) of this section by the preseason registration deadline of 5:00 p.m. April 1

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for the weathervane scallop vessel registration year, and before fishing, must comply with the registration requirements of 5 AAC 38.076.

(d) To register a vessel preseason, the vessel operator, or the vessel operator's authorized agent, must possess a valid CFEC interim-use permit for statewide scallop that includes the vessel's ADF&G permanent license plate number. The vessel operator, or the vessel operator's authorized agent, shall submit a preseason registration form in person, or by mail, electronic mail, or facsimile transmission, to the designated department office in the area responsible for management of the fishery. The preseason registration form must indicate each registration area that the vessel is being registered for and must include the vessel operator's

(1) CFEC interim-use permit number; and

(2) indication of an intent to participate in the commercial weathervane scallop fishery in the registration area or areas in either the state waters only or the state waters and the federal waters of the exclusive economic zone.

(e) Based on the department's assessment of vessel effort, manageability, and available harvest in state waters, the department may manage weathervane scallop in state waters separately from weathervane scallop in federal waters of the exclusive economic zone if a vessel that is fishing only under a CFEC interim-use state-waters scallop permit is registered in an area under this section.

(f) Notwithstanding 5 AAC 38.076(c), if the commissioner determines that it is necessary for management and conservation purposes, the commissioner may require a vessel operator to register as provided by 5 AAC 38.076 for either the state waters or the federal waters of the exclusive economic zone. The operator of a participating vessel must change its registration before fishing for weathervane scallops in different waters. The operator of a participating vessel may change registration only by contacting the designated department office in the area responsible for management of the fishery for which the vessel is currently registered during business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except a state holiday, unless otherwise specified by the department. Before changing registration, the vessel operator shall ensure that all harvested scallops are shucked, except for scallops to be delivered live under 5 AAC 38.327(f), and the harvest weight is reported to the department.

(g) A registered weathervane scallop vessel operator must report each day to the designated department office in the area responsible for management of the fishery any information that the commissioner determines is necessary for management and conservation of the fishery. The harvest of weathervane scallop taken from state waters must be reported on a fish ticket and the harvest of weathervane scallop taken from federal waters must be reported on a separate fish ticket. The harvest of weathervane scallop taken in state and federal waters may not be reported on the same fish ticket.

(h) A vessel participating in the scallop fishery must have on board an activated vessel monitoring system (VMS) approved by the National Marine Fisheries Service.



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(i) For purposes of area and time closures, for example, if a vessel is restricted by vessel registration to either state or federal waters or the fishing season is closed under this section, a scallop vessel has ceased fishing when all scallop dredges being deployed from the vessel are visible at the water surface. If all dredges are not visible at the surface or not on board the vessel, the vessel is considered to be fishing.

(j) If the commissioner determines that a trip limit will contribute to conservation or promote an orderly fishery, the commissioner may close, by emergency order, the commercial weathervane fishery in a registration area, or portion of a registration area, and reopen the fishery during which a trip limit is in effect based on the guideline harvest level or remaining guideline harvest level divided by the number of vessels that are currently registered.

(k) For the purposes of this section,

(1) the boundary between the state waters of Alaska and the adjacent federal waters of the exclusive economic zone in

(A) Scallop Registration Area D is the three nautical mile line as shown on NOAA Chart #16016 (22nd Edition, August 2012), adopted by reference;

(B) Scallop Registration Area E is the three nautical mile line as shown on NOAA Chart #16723 (15th Edition, January 29, 2000), adopted by reference;

(C) Scallop Registration Area K is the three nautical mile line as shown on NOAA Chart #16580 (14th Edition, January 2008), as revised as of November 2011 by the chartlet for Uyak Bay on Kodiak Island, adopted by reference;

(D) Scallop Registration O is the three nautical mile line as shown on NOAA Chart #16011 (38th Edition, August 2012), adopted by reference;

(2) the designated department office in the area responsible for management of the fishery in

(A) Registration Area D is the department's office in Douglas or Yakutat;

(B) Registration Area E is the department's office in Cordova;

(C) Registration Area K is the department's office in Kodiak;

(D) Registration Area O is the department's office in Dutch Harbor.

### **Article 4. Prohibitions**

#### **5 AAC 38.090. Unlawful possession of miscellaneous shellfish aboard a vessel**

(a) Repealed 5/8/98.

(b) Repealed 5/8/98.

(c) Repealed 5/8/98.

(d) It is unlawful for any person to possess aboard a vessel registered to fish for miscellaneous shellfish more than one species of miscellaneous shellfish at any one time.

## **Article 5. Registration Area A (Southeastern Alaska).**

### **5 AAC 38.100. Description of Registration Area A**

Registration Area A (Southeastern Alaska) has as its southern boundary the International Boundary at Dixon Entrance and as its northern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

### **5 AAC 38.105. Description of Registration Area A districts and sections**

Registration Area A districts and sections are as described in 5 AAC 31.105.

### **5 AAC 38.107. Closed waters for clams, mussels, and cockles in Registration Area A**

Clams, mussels, and cockles may not be taken in waters of Port Althorp enclosed by a line from Point Lucan to 58° 09.71' N. lat., 136° 19.67' W. long.

### **5 AAC 38.110. Fishing seasons for clams in Registration Area A**

(a) There is no closed season for clams, except that clam harvesting may be conducted only under the terms of a permit issued by the commissioner. The permit may specify the species to be harvested, method of fishing, area of operation, harvest levels, and other related specifications.

(b) Repealed 6/12/76.

### **5 AAC 38.112. Minimum legal size for clams in Registration Area A**

There is no minimum legal size for razor clams in Registration Area A.

### **5 AAC 38.130. Fishing seasons for abalone in Registration Area A**

Abalone may be taken or possessed from October 1 through May 15.

### **5 AAC 38.131. Abalone size limit and landing requirements for Registration Area A**

(a) Abalone four inches (102 mm) or larger in greatest diameter of shell may be taken or possessed.

(b) The shells of abalone may be removed only at locations specified on the permit issued under 5 AAC 38.133. The vessel operator shall notify a local representative of the department when changing locations of abalone shucking operations.

## **5 AAC 38.132. Gear for abalone in Registration Area A**

Abalone may be taken by diving gear and abalone iron.

## **5 AAC 38.133. Abalone fishing permits for Registration Area A**

(a) Abalone fishing may be conducted only under authority of a permit issued by the commissioner. The permit may specify reporting requirements and additional harvest restrictions.

(b) Before engaging in the subsistence abalone fishery, a commercial abalone fisherman shall return the commercial permit to the department and land the commercial catch in possession. A person that returns a permit to the department during the open commercial abalone fishing season may not obtain another permit until 30 days after the closure of the commercial abalone fishing season.

## **5 AAC 38.134. Closed waters for abalone in Registration Area A**

The following waters are closed to commercial abalone fishing:

(1) District 1, north of the latitude of Kirk Point;

(2) District 2, north of the latitude of Chasina Point;

(3) waters of Districts 3 and 4 enclosed by a line beginning at a point on the western shore of Prince of Wales Island at the latitude of Cape Lynch, then to Cape Lynch to Cape Ulitka to Point Santa Gertrudis to Point Cangrejo to Bocas Point, then along the shoreline of Suemez Island to Lontana Point to Divers Island Light to Divers Point, then along the shoreline of Dall Island to Cape Muzon to Point Marsh, and then north along the western shore of Prince of Wales Island to the beginning point;

(4) District 5, south of the latitude of Cape Decision and west of 134° W. long.;

(5) District 9, south of the latitude of Cape Decision;

(6) District 13, south of the latitude of Neva Point Light and north of the latitude of Dorothy Narrows.

## **5 AAC 38.135. Guideline harvest ranges for abalone in Registration Area A**

The guideline harvest ranges for the taking of abalone are

(1) for District 13: 8,000 pounds; and

(2) for all other districts: 25,000 - 50,000 pounds.

## **5 AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan**

(a) A permit described under 5 AAC 38.062 is not required for the taking of sea cucumbers in Registration Area A.

(b) Sea cucumbers may be taken from October 1 through March 31 during the weekly fishing period established by emergency order. The weekly fishing period will occur on Mondays from 8:00 a.m. until 3:00 p.m. and on Tuesdays from 8:00 a.m. until 12:00 noon, except that

(1) during the week of Thanksgiving, the weekly fishing period will occur on Sunday from 8:00 a.m. until 3:00 p.m. and on Monday from 8:00 a.m. until 12:00 noon;

(2) beginning in November, the commissioner may, by emergency order, extend or shorten a weekly fishing period in an area in order to obtain the guideline harvest level in that area.

(c) Sea cucumbers may be taken in areas within Registration Area A as specified by an emergency order issued by the commissioner before each fishing season. An area may not be opened unless the department has conducted a biomass assessment in that area within the preceding two years. An area shall be closed by emergency order if the guideline harvest level is reached before the closing date of the season. An area opened by emergency order under this subsection may not be opened again until at least two subsequent fishing seasons have passed.

(d) Except as specified in (1) of this section, a CFEC permit holder may not land or possess more than 2,000 pounds of eviscerated sea cucumbers during any weekly fishing period established under (b) of this section, except that the commissioner may, by emergency order, establish a weekly fishing period during which the weekly harvest limit specified in this subsection does not apply in an area in which the guideline harvest level has not been reached.

(e) During an open sea cucumber fishing period, only a licensed CFEC sea cucumber permit holder may operate dive gear from a vessel that is licensed and registered to fish for sea cucumbers and no more than two licensed CFEC sea cucumber permit holders may conduct fishing operations from, or land commercially harvested sea cucumbers from, a vessel that is licensed and registered to commercially fish for sea cucumbers. From 24 hours before, during, and for 24 hours after a fishing period, or when commercially harvested sea cucumbers are on board the vessel, no more than three licensed CFEC sea cucumber permit holders may be transported, housed, quartered, or domiciled on board a vessel that is licensed and registered to commercially fish for sea cucumbers.

(f) In order to provide a refuge for sea cucumbers below 18 meters depth, saturation diving or the use of mixed gases is prohibited, except that the use of enhanced air nitrox having concentrations of oxygen that do not exceed 40 percent and having a remainder of nitrogen is permitted. Sea cucumbers may only be harvested by picking them by hand and placing them in bags. All other means of harvesting sea cucumbers are prohibited.

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(g) Sea cucumbers may be harvested by divers using the following:

- (1) scuba gear;
- (2) a tethered, umbilical, surface-supplied system; or
- (3) a snorkel.

(h) The department shall establish a guideline harvest level for each area open to the harvest of sea cucumbers. The guideline harvest level shall be based on population estimates from the department's biomass assessment, and shall be calculated as a product: Guideline Harvest Level = 3 x CF x GF x M x P, where:

- CF = 0.4      scaling factor relating maximum sustainable fishing mortality to unexploited population size;
- GF = 0.6      correction factor to allow for errors in assumptions upon which the surplus production model is based;
- M = 0.32      estimated instantaneous mortality rate for sea cucumbers;
- P =            most recent biomass estimate, taken as the lower bound of the one-sided 90 percent confidence interval.

The guideline harvest level includes a factor of three to account for a two-year closure under (c) of this section. If the commissioner receives new information about sea cucumber productivity or if the commissioner determines that modifying the guideline harvest level will contribute to conservation, law enforcement, waste reduction, or promote development of the fishery, the commissioner may modify the guideline harvest level.

- (i) Repealed 9/28/97.
- (j) Repealed 7/18/2003.
- (k) The following waters are closed to commercial sea cucumber fishing:

(1) District 1:

(A) subdistrict 101-27, in waters of Nichols Passage north of a line from the southernmost tip of Dall Head, located on the southernmost tip of Gravina Island, to the easternmost tip of Cedar Point, located on the western shore of Annette Island, and south of a line from the southernmost tip of Gravina Point, located on the southeast shore of Gravina Island, to the northernmost tip of Walden Point, located on the northwesternmost tip of Annette Island;

(B) repealed 7/29/2009;

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(2) District 2: those waters north and west of a line from Grindall Point at 55° 27.10' N. lat., 132° 09.34' W. long., south to 55° 26.47' N. lat., 132° 10.03' W. long., northwest to 55° 27.48' N. lat., 132° 12.46' W. long., northwest to 55° 31.48' N. lat., 132° 21.96' W. long., west to 55° 31.49' N. lat., 132° 33.28' W. long., south to 55° 28.94' N. lat., 132° 35.99' W. long., and south to 55° 27.22' N. lat., 132° 40.02' W. long. at the southern entrance to Harris Bay;

(3) District 3:

(A) the waters of Section 3-A that are north and east of a line from Halibut Nose to a point on Sukkwan Island at 55° 09.27' N. lat., 132° 53.77' W. long., north of a line from the southernmost tip of Sukkwan Island to a point on Prince of Wales Island at 54° 59.53' N. lat., 132° 36.73' W. long., and west of a line from a point on Prince of Wales Island at 55° 08.95' N. lat., 132° 38.47' W. long., located in Hetta Inlet approximately 1.1 nautical miles northeast of Eek Pt., to a point at 55° 03.25' N. lat., 132° 38.80' W. long., located approximately 0.6 nautical miles west of Lime Point, to a point on Prince of Wales Island at 54° 59.53' N. lat., 132° 36.73' W. long.;

(B) the waters of Section 3-B that are

(i) east of a line from a point on Prince of Wales Island located at 55° 34.56' N. lat., 133° 13.65' W. long. to Fern Reef buoy, to Point Eugenia and north of a line from the northernmost tip of Point Miliflores to Point Miraballes and including those waters of Port St. Nicholas; and

(ii) the waters of Port Caldera, Prince of Wales shoreline, and contiguous waters east of 133° 13.63' W. long. and west of 133° 07.00' W. long.;

(4) District 5: the waters of Shipley Bay east of a line from 56° 05' N. lat., 133° 39.50' W. long., to 56° 07.17' N. lat., 133° 38.58' W. long., and the waters of Seclusion Harbor, Three Mile Arm, and Rocky Pass north of 56° 32' N. lat. (north end of Monte Carlo Island) and south of the latitude of the Summit at 56° 40.57' N. lat.;

(5) District 6: the waters of Section 6-B of Whale Pass and Coffman Cove, including all waters along the shore of Prince of Wales Island, and the shores of the adjacent islands west of a line from Luck Point to a point at 56° 10.30' N. lat., 133° 02.25' W. long.;

(6) District 9: the waters of Rowan Bay and Bay of Pillars east of a line from Point Ellis to Point Sullivan;

(7) District 10: all waters west of a line extending from the Admiralty Island shoreline at 57° 26' N. lat., 133° 54.20' W. long. to Point Gambier to the northernmost tip of Gambier Island at 57° 27.75' N. lat., 133° 51.48' W. long.;

(8) District 11: the waters of Section 11-C along the western shore of Stephens Passage south of the latitude of Midway Island;

(9) repealed 5/26/2006;

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(10) District 12: the waters of District 12 in Chatham Strait along the shore of Admiralty Island south of the latitude of Danger Point Light at 57° 30.93' N. lat. and north of the latitude of Distant Point at 57° 24.04' N. lat., including all waters of Kootznahoo Inlet and Hood Bay;

(11) District 13:

(A) the waters of Section 13-A along the Chichagof Island shore south of 57° 47' N. lat., and north of 57° 37.17' N. lat., excluding Klag Bay, Lake Anna, and Sister Lake;

(B) the waters of Section 13-B in Whale Bay east of a line from North Cape to Point Lauder and a portion of Sitka Sound in Subdistrict 113-40 and 113-41 east of a line from the northern entrance to Deep Inlet at 56° 59.62' N. lat., 135° 18.67' W. long., to the westernmost tip of Long Island to Bieli Rock to Dog Point;

(12) District 14: the waters of Section 14-B in Port Frederick west and south of a line from Crist Point to Point Sophia;

(13) District 15: the waters of Section 15-C along the western shore of Lynn Canal south of the latitude of Point Sherman;

(14) District 16: the waters of Torch Bay north of the latitude of the southernmost point of Venisa Point.

(l) A CFEC permit holder who is an agent for a licensed processor and on board a vessel that is registered to operate as a tender vessel may commercially harvest sea cucumbers and transport sea cucumbers that have been harvested by other CFEC permit holders. The tender vessel may have on board more than the 2,000-pound limit specified in (d) of this section, if completed fish tickets, as required under 5 AAC 39.130, for the excess poundage are on board the vessel.

### **5 AAC 38.142. Southeastern Alaska Geoduck Fishery Management Plan**

(a) The purpose of the management plan under this section is to direct the department in the management of the geoduck commercial fishery in Registration Area A (Southeastern Alaska Area). In the management of the commercial geoduck fishery, the department may consider paralytic shellfish poison (PSP) levels.

(b) Unless the commissioner determines otherwise, a permit described in 5 AAC 38.050 and 5 AAC 38.062 is not required to take geoducks in Registration Area A.

(c) From October 1 through September 30, geoducks may be taken only during fishing periods established by emergency order.

(d) There is no size limit for geoducks.

(e) A person must retain all geoducks harvested by that person.

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(f) A person may only take geoducks with dive gear and while using a hand manually-operated, water jet device having a manual shut-off valve and a nozzle with an inside diameter of not more than seven-eighths inch. If the commissioner determines that the gear is being operated in a manner that wastes the resource, destroys the resource, or causes damage to geoducks or other fishery resources, the commissioner may close, by emergency order, the fishing season and reopen a season in which the commissioner modifies or prohibits the gear specified in this subsection.

(g) The department shall designate areas that are appropriate for commercial harvest of geoducks according to stock assessment surveys conducted by the department. The department shall establish a guideline harvest level for each area that has had a biomass survey conducted and the department has designated for a commercial geoduck fishery. The guideline harvest level will be based on estimates of biomass derived from stock assessment surveys conducted on the stock within the 12 years that precede the opening of the commercial geoduck fishery in that area. The guideline harvest level for each area will be calculated as two percent of the most recent estimated biomass, per year. The commissioner may modify these procedures by regulation based on new information regarding geoduck productivity.

(h) The commissioner may not open the commercial geoduck fishery in an area if the estimated biomass of the geoduck stock in that area is less than 30 percent of the original biomass determined by the first stock assessment conducted by the department on that stock. The commissioner may modify this percentage if the department receives information about geoduck productivity that supports a modification.

(i) A person shall attach a tag to each container that holds geoducks commercially harvested by that person. The tag must indicate the date of harvest, the harvest location, and the harvester's name. The person shall keep the tag attached to the container while it is being transported to a processor or dealer.

(j) A person that commercially harvested geoducks is required to submit a fish ticket under 5 AAC 39.130 and shall record on that fish ticket

(1) the pounds of geoducks harvested;

(2) the area fished for geoducks;

(3) the dive time, for each area, given in minutes, for harvesting the geoducks specified on that fish ticket; and

(4) any other information the commissioner determines is necessary for the conservation and management of the geoduck fishery.

(k) The commissioner may establish the maximum amount of geoducks that may be harvested during a fishing period. If the commissioner determines that a rate of delivering geoducks will contribute to conservation, law enforcement, waste reduction, or assist the development of the fishery, the commissioner may close, by emergency order, a fishing period in a designated area, and reopen a fishing period in the same area for which the commissioner designates a rate of delivery.



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(l) The following waters are closed to the commercial taking of geoducks:

(1) District 1:

(A) waters of Grant Cove, and contiguous waters along the west coast of Gravina Island, south of 55° 21.37' N. lat., and north of 55° 20.70' N. lat.;

(B) waters east of a line from Indian Point at 55° 36.85' N. lat., 131° 42.02' W. long., to the northeasternmost tip of Betton Island at 55° 31.95' N. lat., 131° 46.37' W. long., to the southeasternmost tip of Betton Island at 55° 29.90' N. lat., 131° 48.18' W. long., to Survey Point at 55° 28.07' N. lat., 131° 49.87' W. long.;

(C) waters of Nichols Passage north of a line from the southernmost tip of Dall Head located on the southernmost tip of Gravina Island, to the easternmost tip of Cedar Point located on the western shore of Annette Island, and south of a line from the southernmost tip of Gravina Point located on the southeast shore of Gravina Island, to the northernmost tip of Walden Point, located on the northwesternmost tip of Annette Island;

(2) District 3: waters of Port Mayoral that are north of the latitude of the northernmost tip of Cristina Island (55° 22.83' N. lat.) and south of the latitude of Point San Leonardo (55° 24.25' N. lat.);

(3) District 13:

(A) waters of Kliuchevoi Bay east of a line from 56° 50.40' N. lat., 135° 22.52' W. long. to 56° 50.20' N. lat., 135° 22.68' W. long.;

(B) waters within the unnamed bay located southeast of Frosty Reef east of a line from 56° 52.82' N. lat., 135° 22.93' W. long. to 56° 52.70' N. lat., 135° 22.98' W. long. to 56° 52.61' N. lat., 135° 22.97' W. long. and south of 56° 53.00' N. lat.;

(4) waters identified as a permitted mariculture site.

(m) If the commissioner determines that logbooks will contribute to conservation, management, or development of the fishery, the commissioner may, by emergency order, close the commercial geoduck fishing season and immediately reopen a commercial geoduck fishing season during which logbooks are required in all specific geoduck fisheries. If a logbook is required under this section, the logbook must be filled out daily and before leaving the harvest site. A permit holder shall submit a completed logbook to the department with the applicable ADF&G fish tickets no later than seven days after landing geoducks. A logbook must be available for inspection upon request from a representative of the department or a peace officer of the state. A logbook must include the following information:

(1) fishing activity;

(2) location of harvest and effort;

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(3) any other information that the commissioner determines necessary for management purpose.

(n) Except as specified in (o) of this section, a CFEC permit holder may not harvest, land, or possess more than 1,000 pounds of geoduck, measured whole and unshucked, during any weekly fishing period established under (c) of this section, except that the commissioner may, by emergency order, establish as necessary a weekly fishing period during which the weekly harvest limit specified in this subsection does not apply in an area in which the guideline harvest level has not been reached.

(o) A CFEC permit holder may commercially harvest geoduck from a tender vessel as defined in 5 AAC 39.130(o)(17), and the tender vessel may have on board more than the 1,000-pound limit specified in (n) of this section, if completed fish tickets from other permit holders, as required under 5 AAC 39.130, are on board the vessel, for all geoduck delivered to the vessel.

(p) During an open geoduck fishing period, no more than two CFEC geoduck permit holders may conduct fishing operations from, or deliver geoduck from, a vessel that is licensed and registered to commercially fish for geoduck. From 24 hours before, during, and for 24 hours after a fishing period, or when commercially harvested geoduck are on board the vessel, no more than three CFEC geoduck permit holders may be on board a vessel that is registered to commercially fish for geoduck.

### **5 AAC 38.145. Southeastern Alaska Red Sea Urchin Management Plan**

(a) The requirements of this management plan apply to the commercial taking of red sea urchins in Registration Area A.

(b) A permit described in 5 AAC 38.062 is not required for the taking of red sea urchins in Registration Area A.

(c) The season for taking red sea urchins is from October 1 through September 30.

(d) Red sea urchins may be taken only from 5:00 a.m. to 8:00 p.m. during periods established by emergency order.

(e) If the commissioner determines that hours different from those set out in (d) of this section will contribute to law enforcement or to management of the red sea urchin fishery, the commissioner may specify, by emergency order, other hours during which red sea urchins may be taken.

(f) The commissioner shall open fishing periods in at least 16 weeks of a season unless the commissioner determines that this frequency will adversely impact conservation, law enforcement, waste reduction, or development of the fishery.

(g) During an open fishing period for red sea urchins, no more than two licensed CFEC red sea urchin permit holders may conduct fishing operations from, or land commercially harvested red sea urchins from, a vessel that is licensed and registered to participate in the commercial red sea urchin fishery. From 24 hours before, during, and

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for 24 hours after a fishing period or at any time that commercially harvested red sea urchins are on board the vessel, no more than three licensed CFEC red sea urchin permit holders may be transported, housed, quartered, or domiciled on board a vessel that is licensed and registered to commercially take, transport, or process red sea urchins.

(h) Notwithstanding 5 AAC 38.051, red sea urchins may be taken only by hand picking. A person taking red sea urchins may use a hand-held sea urchin rake or an abalone iron.

(i) A person diving for red sea urchins may use scuba gear, a tethered, umbilical, surface supplied system, or a snorkel.

(j) The commissioner shall establish, by emergency order, subdistricts for the taking of red sea urchins.

(k) Except as provided in (l) of this section, there is no size limit for red sea urchins.

(l) If the commissioner determines that size restrictions or trip limits will contribute to conservation, law enforcement, waste reduction, or promote development of the fishery, the commissioner may close, by emergency order, the red sea urchin fishing season in a district or subdistrict, and reopen a season in that district or subdistrict during which size restrictions or trip limits are in effect.

(m) Until the roe is removed by processing, a person shall keep red sea urchins taken from different fishing districts or subdistricts in separate containers, and shall clearly mark on each container the district or the subdistrict in which the urchins were taken and the name of the diver who took the urchins. If all red sea urchins on board a vessel were taken from the same district or subdistrict, no marking under this subsection is required.

(n) A vessel that is used for the processing of red sea urchins must carry an onboard observer as specified in 5 AAC 39.141 - 5 AAC 39.143 and 5 AAC 39.645 if unprocessed red sea urchins are on board that vessel. The commissioner may, instead of requiring an onboard observer under this section, require that the processing of red sea urchins be conducted under a permit issued by the commissioner with the following conditions:

(1) each person shall keep the processed red sea urchins taken from different fishing districts or subdistricts in separate containers, and separate from any other person's processed red sea urchins; the person shall clearly mark each container with the district or subdistrict from which the urchins were taken and the name of the person who took the urchins;

(2) all red sea urchins must be processed on board the vessel that harvested the urchins;

(3) no more than two persons may process red sea urchins on board a vessel under this subsection;

(4) a person may process only the red sea urchins harvested by that person;

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(5) any other conditions the commissioner deems necessary for the conservation and management of an orderly fishery.

(o) In addition to the applicable requirements of 5 AAC 39.130,

(1) a diver shall report on an ADF&G fish ticket the pounds taken and dive times by subdistrict;

(2) the owner or operator of a facility or vessel that purchases unprocessed red sea urchins shall

(A) within 30 days after the purchase, submit to the department a report indicating the pounds of red sea urchins purchased, the pounds of the red sea urchin roe recovered, the price paid to the person who delivered the urchins, and the number of the ADF&G fish ticket prepared at the time of delivery;

(B) upon the request of an employee or representative of the department, report information regarding the dates, locations, and times of any delivering, transporting, unloading, or processing of red sea urchins.

(p) The department shall establish a guideline harvest level for each district or subdistrict open to commercial fishing for red sea urchins. The guideline harvest level shall be based on population estimates from the department's biomass assessment. The annual guideline harvest level shall be a maximum of six percent of the most recent assessment survey population estimate, taken as the lower bound of the one-sided 90 percent confidence interval. Fishing shall not be allowed in a district or subdistrict unless a stock assessment survey to determine biomass and size distribution has been conducted in that district or subdistrict within the previous six years. Between assessment surveys, no more than the equivalent of three annual guideline harvest levels may be harvested. If the commissioner receives new information about red sea urchin productivity or if the commissioner determines that modifying the guideline harvest level will contribute to conservation, law enforcement, waste reduction, or promote development of the fishery, the commissioner may modify the guideline harvest level.

(q) The commissioner shall close a district or subdistrict to the taking of red sea urchins when the commissioner determines from the prevailing rate of harvest that the guideline harvest level in that district or subdistrict will be reached.

(r) The department shall, to the extent practicable, attempt to manage the fishery so that approximately 25 percent of the guideline harvest level is taken within 30 days of each emergency opening unless the commissioner determines that this will adversely impact conservation, law enforcement, waste reduction, or development of the fishery.

(s) The following waters are closed to the taking of red sea urchins:

(1) in District 1,

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(A) subdistrict 101-27, waters of Nichols Passage north of a line from the southernmost tip of Dall Head located on the southernmost tip of Gravina Island to the easternmost tip of Cedar Point located on the western shore of Annette Island and south of a line from the southernmost tip of Gravina Island located on the southeast shore of Gravina Point to the northernmost tip of Walden Point located on the northwesternmost tip of Annette Island;

(B) waters east of a line from Indian Point at 55° 36.85' N. lat., 131° 42.02' W. long., to the northeasternmost tip of Betton Island at 55° 31.95' N. lat., 131° 46.37' W. long., to the southeasternmost tip of Betton Island at 55° 29.90' N. lat., 131° 48.18' W. long., to Survey Point at 55° 28.07' N. lat., 131° 49.87' W. long.;

(2) in District 4,

(A) waters east of a line that extends from Lontana Point to Diver's Island Light to Diver's Point;

(B) repealed 7/18/2003.

(t) In this section, "processing" means the removal of roe from red sea urchins for subsequent sale; "processing" does not include the occasional sampling of roe quality by a person who harvests red sea urchins.

### **5 AAC 38.146. Registration requirements for red sea urchins, sea cucumbers, and geoducks in Registration Area A**

(a) Registration Area A is a registration area for red sea urchins, sea cucumbers, and geoducks. The registration management areas for geoducks are described as follows:

(1) Southern Management Area: Districts 1 - 8; and

(2) Northern Management Area: Districts 9 - 16.

(b) For red sea urchins and geoducks, the registration year is October 1 through September 30. For sea cucumbers, the registration year is October 1 through March 31.

(c) The department may require holders of CFEC permits for red sea urchins or sea cucumbers to register with the department before harvesting those resources. Before harvesting geoducks, a holder of a CFEC permit to harvest geoducks must register with the department. The department may require registration conditions that allow for geoduck fishing in only one registration management area or in one defined harvest area with a specified guideline harvest level. If a CFEC permit holder is allowed by the department to fish for geoducks in a different registration management area, the permit holder shall contact the department during business hours of 8:00 a.m. to 5:00 p.m. at least two business days before the weekly opening, before fishing for geoducks in a different registration management area. For the purpose of this subsection, "business days" means days other than Saturday, Sunday, or a state holiday.

## **MISCELLANEOUS SHELLFISH FISHERY**

(d) The owner or operator of a vessel that is used to transport, house, quarter, or domicile a person who is licensed or registered to harvest red sea urchins, sea cucumbers, or geoducks, or that is used to transport unprocessed red sea urchins, sea cucumbers, or geoducks, must register that vessel with the department before using the vessel in Registration Area A for either purpose.

### **5 AAC 38.147. Dive gear restrictions for Registration Area A**

(a) Notwithstanding 5 AAC 38.054, a person may use dive gear to fish commercially for other shellfish and miscellaneous shellfish during the 14 days immediately before the scheduled opening date of a commercial red sea urchin fishery except that a person who participates in that fishery may not during that period use dive gear for subsistence, personal use, or sport dive fishing.

(b) Notwithstanding 5 AAC 38.054, a person who uses dive gear to fish in a commercial red sea urchin fishery may fish in other commercial shellfish and miscellaneous shellfish dive fisheries within the 14-day period specified in 5 AAC 38.054.

(c) In Registration Area A, a person who or vessel that operates dive gear during any time period specified in 5 AAC 38.054(a), except as provided in 5 AAC 38.054(b), may not participate in any commercial, sport, personal use, or subsistence dive fishery for 28 days following the use of dive gear.

### **5 AAC 38.148. Transporting red sea urchins in Registration Area A**

In Registration Area A, the commissioner may require a person to obtain a transport permit from the department before transporting unprocessed red sea urchins from Registration Area A, if the commissioner determines that the call-in reporting process is inadequate. Before issuing a transport permit, a local representative of the department shall inspect the unprocessed urchins and the fish tickets, and take biological samples of the urchins. The department shall conduct the inspections and sampling in Ketchikan or at other locations specified by the department. A person shall request the inspections and sampling by contacting the department office in Ketchikan in person, by telephone, or by radio from 8:00 a.m. until 4:30 p.m., Monday through Friday, excluding state holidays.

### **5 AAC 38.150. Octopus Bycatch Management Plan**

(a) Octopus may only be taken as incidental bycatch in Registration Area A in pot and longline gear fisheries.

(b) The guideline harvest range for octopus in Registration Area A is 0 - 35,000 pounds.

(c) The maximum bycatch allowance for octopus that may be on board a vessel operating

(1) pot gear is 35 percent by weight of the whole weight of the targeted species on board the vessel; and

(2) longline gear is 15 percent by weight of the round weight of groundfish or halibut on board the vessel.

(d) The commissioner may close, by emergency order, Registration Area A to the retention of octopus when the upper end of the guideline harvest range has been reached.

(e) Octopus retained for sale or for personal use must be recorded on a fish ticket as specified in 5 AAC 39.130.

## **Article 6. Registration Area D (Yakutat).**

### **5 AAC 38.160. Description of Registration Area D**

Registration Area D (Yakutat) has as its western boundary the longitude of Cape Suckling (144° W. long.) and as its southern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

### **5 AAC 38.161. Description of Registration Area D districts**

(a) Yakataga District: waters between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42' W. long.).

(b) Yakutat District: waters between the longitude of Icy Cape (141° 42' W. long.) and a line running southwest from the westernmost tip of Cape Fairweather.

### **5 AAC 38.165. Fishing seasons for clams in Registration Area D**

There is no closed season on clams, except that clam harvesting may be conducted only under the terms of a permit issued by the commissioner. The permit may specify the species to be harvested, method of fishing, area of operation, harvest levels and other related information.

### **5 AAC 38.167. Fishing seasons for scallops in Registration Area D**

In Scallop Registration Area D, described in 5 AAC 38.076(b)(2), weathervane scallops may be taken only from July 1 through February 15 unless the season is closed by emergency order. When the season is closed under 5 AAC 38.168, a person may take weathervane scallops only if the department issues the person a permit under 5 AAC 38.076(e) for exploratory fishing for new scallop beds.

### **5 AAC 38.168. Guideline harvest range for the taking of scallops in Registration Area D**

In Scallop Registration Area D, described in 5 AAC 38.076(b)(2), the guideline harvest range for the taking of weathervane scallops is 0 - 285,000 pounds of shucked meat.

## **5 AAC 38.180. Closed waters for scallops in Registration Area D**

The waters of Yakutat Bay east of a line from the easternmost tip of Ocean Cape at 59° 32.05' N. lat., 139° 52.03' W. long. to the southernmost tip of Point Manby at 59° 41.07' N. lat., 140° 18.06' W. long. are closed to the taking of scallops.

## **Article 7. Registration Area E (Prince William Sound).**

### **5 AAC 38.200. Description of Registration Area E**

Registration Area E has as its western boundary a line running along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N.lat., then west to 149° W. long., then south along 149° W. long., and as its eastern boundary the longitude of Cape Suckling at 144° W. long.

### **5 AAC 38.205. Description of Registration Area E districts and sections**

(a) Inside District: all waters in the Prince William Sound Area enclosed by lines from Point Whited to Point Bentinck, from Cape Hinchinbrook to Zaikof Point, and from Cape Cleare to Cape Puget.

(b) Outside District: all waters in the Prince William Sound Area that are seaward of the Inside District and between a line running along the longitude of Cape Fairfield at 148° 50.25' W. long., south to the latitude of Cape Douglas at 58° 51.10' N.lat., then west to 149° W. long., then south along 149° W. long., and the longitude of Cape Suckling at 144° W. long. The Outside District sections are as follows:

(1) Eastern Section: all waters of the Outside District east of 147° W. long., with the following subsections:

(A) East Kayak Subsection: waters between 144° W. long. and the longitude of the Cape Saint Elias lighthouse at 144° 35.90' W. long., and south of Kayak Island;

(B) West Kayak Subsection: waters between 146° W. long. and the longitude of the Cape Saint Elias lighthouse at 144° 35.90' W. long., and north of Kayak Island;

(2) Western Section: all waters of the Outside District west of 147° W. long.

### **5 AAC 38.206. Area E registration**

(a) Notwithstanding 5 AAC 38.020(a)(1), Registration Area E is a separate registration area for all miscellaneous shellfish.

(b) Notwithstanding 5 AAC 38.062(a), a commercial clam fishery in Registration Area E may only be conducted under a commissioner's permit as specified in 5 AAC 38.062.

### **5 AAC 38.210. Fishing seasons for clams and mussels in Registration Area E**



There is no closed season for clams and mussels.

## **5 AAC 38.211. Gear for clams in Registration Area E**

- (a) Razor clams may be taken by shovels and forks.
- (b) Butter clams (*Saxidomus giganteus*) and littleneck clams (*Protothaca staminea*) may be taken by shovels, forks, or floating hydraulic clam diggers.
- (c) Hydraulic or mechanical clam diggers may be used to take razor clams only in the western Copper River Delta and Orca Inlet under a commissioner's permit issued under 5 AAC 38.050(b).

## **5 AAC 38.214. Closed waters for clams in Registration Area E**

Razor clams may not be taken from Kanak Island for any purposes other than for human consumption as food.

## **5 AAC 38.217. Registration Area E Octopus Management Plan**

- (a) In Registration Area E, octopus may only be taken as bycatch in pot, trawl, and longline gear fisheries as described in this section.
- (b) The guideline harvest range for octopus in Registration Area E is 0 - 35,000 pounds; when the guideline harvest level has been reached, the commissioner shall close, by emergency order, Registration Area E to the retention of octopus.
- (c) Octopus may be retained as bycatch only in an amount not to exceed 20 percent, by weight, of the directed harvest on board the vessel, except that in a directed fishery for shrimp, octopus may be retained in an amount not to exceed 35 percent, by weight, of the shrimp on board the vessel.
- (d) Octopus retained for sale or for personal use shall be reported on a fish ticket as described in 5 AAC 39.130.

## **5 AAC 38.220. Fishing seasons for scallops in Registration Area E**

In Scallop Registration Area E, weathervane scallops may be taken only in the Eastern Section of the Outside District from July 1 through February 15, unless the season is closed by emergency order.

## **5 AAC 38.221. Guideline harvest range for the taking of scallops in Registration Area E**

In Scallop Registration Area E, the guideline harvest range for weathervane scallops is 0 - 50,000 pounds of shucked scallop meat.

## **5 AAC 38.224. Closed waters for scallops in Registration Area E**

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Scallops may not be taken in the waters enclosed by a line running along the longitude of Cape Suckling at 144° W. long. to a point at 60° N. lat., then west along 60° N. lat. to a point at 146° W. long., then north along 146° W. long. until it intersects a line drawn between Point Bentinck and Point Whitsed.

## **Article 8. Registration Area H (Cook Inlet).**

### **5 AAC 38.300. Description of Registration Area H**

Registration Area H has as its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.) and as its southern boundary the latitude of Cape Douglas (58° 51.10' N. lat.).

### **5 AAC 38.305. Description of Registration Area H districts**

(a) Except as provided in (b) of this section, districts are as described in 5 AAC 21.200.

(b) For clams and mussels, the subdistricts in the Southern District (Kachemak Bay) are described as follows:

(1) Subdistrict 1: All waters of Kachemak Bay east of a line from the mouth of Fritz Creek at 59° 40.75' N. lat., 151° 22.30' W. long. to the west end of Glacier Spit at 59° 38.50' N. lat., 151° 12.30' W. long., including Chugachik Island;

(2) Subdistrict 2: All waters of Kachemak Bay enclosed by a line from the west end of Glacier Spit at 59° 38.50' N. lat., 151° 12.30' W. long. to 60-Foot Rock to Anisom Point, including China Poot Bay and Halibut Cove;

(3) Subdistrict 3-A: All waters of Kachemak Bay enclosed by a line from Anisom Point to 60-Foot Rock and west to 59° 33' N. lat., 151° 32' W. long. and south to the west end of Hesketh Island at 59° 30.30' N. lat. to 151° 32' W. long. and from the east end of Hesketh Island east along 59° 30.50' N. lat., 151° 23' W. long. and south to the head of Sadie Cove at 59° 27.70' N. lat., 151° 20.60' W. long., including Yukon Island and the northern and eastern beaches of Sadie Cove;

(4) Subdistrict 3-B: All waters of Kachemak Bay enclosed by a line from the head of Sadie Cove at 59° 27.70' N. lat., 151° 20.60' W. long. north to 59° 30.50' N. lat., 151° 23' W. long. and west along 59° 30.50' N. lat. to the east end of Hesketh Island and south to 59° 27.20' N. lat., 151° 24.75' W. long. and south to the head of Tutka Bay at 59° 24.80' N. lat., 151° 17.20' W. long., including the southern and western beaches of Sadie Cove and the eastern and southern beaches of Tutka Bay;

(5) Subdistrict 4: All waters of Kachemak Bay enclosed by a line from the head of Tutka Bay at 59° 24.80' N. lat., 151° 17.20' W. long. north to 59° 27.20' N. lat., 151° 24.75' W. long. and north to the east end of Hesketh Island at 59° 30.50' N. lat., 151° 30' W. long. and from the west end of Hesketh Island at 59° 30.30' N. lat., 151° 32' W. long. to Barabara Point, including the Herring Islands, Jakolof and Kasitsna Bays, and the northern and western beaches of Tutka Bay.

## **5 AAC 38.306. Area H registration**

(a) Notwithstanding 5 AAC 38.020(a)(1), Registration Area H is a separate registration area for all miscellaneous shellfish.

(b) The registration deadline for the registration year for the clam and mussel fishery in the Southern District of Registration Area H is April 1.

## **5 AAC 38.310. Fishing seasons for clams in Registration Area H**

Notwithstanding 5 AAC 38.062(a), and unless otherwise provided for in this chapter, all hardshell clam and razor clam species may be taken only under the terms of a permit issued by the commissioner. In the permit the commissioner may

(1) specify the depth of fishing gear used;

(2) specify the area for fishing;

(3) require the use of logbooks provided for by the department and that the logbooks be attached to a fish ticket when the fish are landed; and

(4) set out any other conditions that the commissioner, in the commissioner's discretion, determines are necessary for the conservation or management of this fishery.

## **5 AAC 38.311. Gear for clams in Registration Area H**

(a) Razor and hardshell clams may be taken with shovels and forks.

(b) Permits may be issued by the commissioner under 5 AAC 38.050(b) authorizing the taking of hardshell clams by mechanical or hydraulic clam diggers in specific locations.

## **5 AAC 38.314. Closed waters for clams and mussels in Registration Area H**

(a) Razor clams may not be taken on the east side of Cook Inlet from the Kenai River to the end of the Homer Spit.

(b) Razor clams may not be taken from the Polly Creek certified beach (from Redoubt Point at 60° 17.25' N. lat., 152° 25' W. long., south to 60° 13' N. lat., 152° 34' W. long.) for any purpose other than for human consumption.

(c) The following waters are closed to the commercial harvest of all clam and mussel species:

(1) the following waters within Kachemak Bay State Park:

(A) Mallard Bay, enclosed by a line from 59° 40.10' N. lat., 151° 08.10' W. long. to 59° 40.70' N. lat., 151° 07.20' W. long.;

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(B) Rusty's Lagoon, enclosed by a line from 59° 36.30' N. lat., 151° 11.30' W. long. to 59° 37.30' N. lat., 151° 11.70' W. long.;

(C) Halibut Cove Lagoon, enclosed by a line from 59° 35.10' N. lat., 151° 10.80' W. long. to 59° 35.10' N. lat., 151° 11.40' W. long.;

(D) the head of Sadie Cove, enclosed by a line from 59° 27.90' N. lat., 151° 20.30' W. long. to 59° 27.90' N. lat., 151° 21.30' W. long.;

(E) the head of Tutka Bay, enclosed by a line from 59° 24.60' N. lat., 151° 17.80' W. long. to 59° 25.10' N. lat., 151° 17.80' W. long.;

(F) waters of China Poot Bay east of a line from 59° 33.90' N. lat., 151° 17.50' W. long. to 59° 33.40' N. lat., 151° 17.50' W. long.;

(G) the intertidal beach along Shipwreck Cove in China Poot Bay enclosed by a line from 59° 34.34' N. lat., 151° 18.11' W. long., to 59° 34.26' N. lat., 151° 17.96' W. long., to 59° 34.20' N. lat., 151° 17.94' W. long., to 59° 34.19' N. lat., 151° 17.81' W. long., to 59° 34.13' N. lat., 151° 17.75' W. long., to 59° 34.13' N. lat., 151° 17.77' W. long., to 59° 34.19' N. lat., 151° 17.96' W. long., to 59° 34.26' N. lat., 151° 17.98' W. long., to 59° 34.33' N. lat., 151° 18.14' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area;

(H) the intertidal beach by Otter Rock in Peterson Bay enclosed by a line from 59° 34.78' N. lat., 151° 17.84' W. long., to 59° 34.70' N. lat., 151° 17.68' W. long., to 59° 34.79' N. lat., 151° 17.68' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area;

(2) the waters and intertidal beaches of Bear Cove east of a line from a point on the mainland at 59° 43.37' N. lat., 151° 04.60' W. long. to a point on Bear Island at 59° 43.59' N. lat., 151° 04.20' W. long., and from 59° 43.76' N. lat., 151° 04.05' W. long. on Bear Island to 59° 44.12' N. lat., 151° 02.90' W. long. on the mainland.

(d) Repealed 8/23/2009.

### **5 AAC 38.318. Southern District Hardshell Clam and Mussel Fishery Management Plan**

(a) In the Southern District described in 5 AAC 38.305(b), clams and mussels may be taken from March 16 through May 14 and September 16 through October 31 at any time. From May 15 through September 15, clams and mussels may be taken only from 1:00 a.m. Monday through 11:00 p.m. Friday.

(b) Repealed 7/1/2006.

(c) The subdistricts of the Southern District will be open to commercial fishing in alternate years as follows:

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(1) Subdistricts 1 and 3-B: odd-numbered calendar years;

(2) Subdistricts 2, 3-A, and 4: even-numbered calendar years;

(d) The annual guideline harvest level for hardshell clams in the Southern Districts is as follows:

(1) commercial fishery: 40,000 pounds;

(2) noncommercial fisheries: 160,000 pounds.

(e) The annual commercial guideline harvest level shall be divided into equal allocations among the three fishing intervals, with any overage or underage carried over to the next fishing interval, except that no harvest allocation may be carried over into the next calendar year.

(f) If the commissioner determines it is necessary to reduce the sport and personal use harvest rate of hardshell clams to avoid exceeding the guideline harvest level, the commissioner may close, by emergency order, the sport and personal use clam seasons and immediately reopen the seasons during which the time, area, and bag and possession limits may be reduced.

(g) The annual guideline harvest level for mussels in the Southern District is 5,000 pounds.

(h) After harvesting hardshell clams in the Southern District, a person must complete a harvest map supplied by the department and return the completed harvest map to the department office in Homer, as follows:

(1) from May 15 through September 15, on or before the first Monday following the harvest at 8:00 a.m.;

(2) from September 16 through May 14, within 24 hours of returning to port.

(i) For the purposes of this section, "hardshell clams" means Pacific littleneck clams (*Protothaca staminea*) and butter clams (*Saxidomus giganteus*).

### **5 AAC 38.320. Fishing seasons for scallops in Registration Area H**

In Scallop Registration Area H, weathervane scallops may be taken or possessed in the Kamishak District from August 15 through October 31. In all other districts, from January 1 through December 31, a person may harvest weathervane scallops if the department issues the person a permit under 5 AAC 38.076(e) for exploratory fishing for new scallop beds.

### **5 AAC 38.322. Gear for scallops in Registration Area H**

In the Kamishak, Southern, and Central Districts, scallops may be taken only with a single dredge. The opening of a dredge may not be more than six feet in width.

**5 AAC 38.324. Closed waters for scallops in Registration Area H**

Scallops may not be taken in the following waters:

(1) Cook Inlet north of a line from Cape Douglas to Point Adam, except for the Kamishak District;

(2) inshore from a line from Point Adam to Cape Elizabeth then to the southwestern point of Perl Island then to the southern point of East Chugach Island then to Gore Point;

(3) Nuka Bay inside a line from Yalik Point to 59° 27.50' N. lat., 150° 22.83' W. long.

**5 AAC 38.327. Kamishak Bay District scallop management plan**

(a) In the Kamishak Bay District, an operator of a vessel fishing for scallops must complete logbook pages issued by the department immediately after each tow and return the completed pages to the department either by mail or facsimile as specified in the permit issued by the department at the time of registration.

(b) Catch reports must be submitted to the department as specified in the permit by the department at the time of registration.

(c) A vessel operator or an onboard observer must randomly select 100 scallop top valves collected from each trip or during each five-day fishing period and deliver the top valves to the department following each trip.

(d) Participants must check in with the department before fishing, and check out before departing the management area. Check in and check out contacts will be specified by the department at the time of registration.

(e) Unless an onboard observer is already required under 5 AAC 38.076, a participant must accommodate a department onboard observer upon request by the department.

(f) Live scallops may be delivered providing that:

(1) the department must be notified of the estimated weight of both live and shucked product 24 hours prior to delivery; the vessel operator must record in the logbook the number of live scallops delivered;

(2) when reporting the pounds of scallop meat harvested as specified in 5 AAC 38.076(p), an average weight of scallops sampled in (c) of this section will be applied to the scallop delivered live.

**5 AAC 38.330. Guideline harvest range for the taking of scallops in Registration Area H**

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The guideline harvest range for the taking of scallops from the Kamishak District is 10,000 - 20,000 pounds of shucked meat.

### **5 AAC 38.360. Cook Inlet Area Octopus Management Plan**

There is no open season for directed fishing for octopus, but retention as bycatch is allowed as follows:

(1) octopus may be retained as bycatch only, in an amount not to exceed 20 percent, by weight, of the directed catch on board a vessel;

(2) the annual guideline harvest level of octopus as bycatch may not exceed 35,000 pounds in round weight;

(3) when the guideline harvest level has been reached, the commissioner shall close, by emergency order, the Cook Inlet Area to the retention of octopus.

### **5 AAC 38.390. Cook Inlet Area Miscellaneous Shellfish Fisheries Management Plan**

The commercial fisheries for miscellaneous shellfish species, except for mussels in the Southern District, and clams, scallops, and octopus, are closed until the board has adopted by regulations a management plan regarding a specific miscellaneous shellfish species.

## **Article 9. Registration Area J (Westward).**

### **5 AAC 38.400. Description of Registration Area J**

Registration Area J consists of all Pacific Ocean waters that are south of the latitude of Cape Douglas at 58° 51.10' N. lat. and west of 149° W. long., and the Bering Sea and Pacific Ocean waters that are east of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on NOAA Chart #513 (7th Edition, June 2004), and NOAA Chart #514 (7th Edition, January 2004), adopted by reference.

### **5 AAC 38.405. Description of Registration Area J districts**

Except for scallop fisheries, Registration Area J fishing districts are as described in 5 AAC 35.505.

### **5 AAC 38.407. Closed waters**

All territorial waters surrounding St. Matthew Island, Hall Island, and Pinnacle Island are closed to the taking of miscellaneous shellfish.

### **5 AAC 38.409. Gear for clams for Registration Area J**

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- (a) A person may take razor clams by shovels and forks.
- (b) A person may take hardshell clams by shovels and forks. In the portion of Registration Area J west of the longitude of Kilokak Rocks, a person may also take hardshell clams by hydraulic or mechanical clam diggers.
- (c) A person who has obtained a permit from the commissioner under 5 AAC 38.050(b) may use a hydraulic or mechanical clam digger to take razor clams. A person may take razor claims under this subsection only west of the longitude of Kilokak Rocks.
- (d) A person may take horse clams with dive gear while using a hand held manually operated water jet device that has a manual shut off valve and a nozzle with an inside diameter of seven-eighths inches or less. If the commissioner determines that the gear is being operated in a manner that wastes the resource, is destroying the resource, or causes damage to horse clams or other fishery resources, the commissioner may, by emergency order, close the fishing season and reopen a season in which the dive gear is modified or prohibited. For the purposes of this subsection, "horse clam" means the species *tresus capax*.

### **5 AAC 38.410. Fishing seasons for clams in Registration Area J**

There is no closed season on clams.

### **5 AAC 38.411. Fishing seasons for sea cucumbers in the Chignik, South Peninsula, Eastern Aleutian, Western Aleutian, and Bering Sea districts of Registration Area J**

In the Chignik, South Peninsula, Eastern Aleutian, Western Aleutian, and Bering Sea districts of Registration Area J, a person may take sea cucumbers only under the authority of a permit issued by the commissioner under 5 AAC 38.062, only during fishing periods established by emergency order and only from:

- (1) September 15 through April 30 in the Chignik District;
- (2) October 1 through April 30 in the South Peninsula, Eastern Aleutian, Western Aleutian, and Bering Sea districts.

### **5 AAC 38.412. Fishing seasons for sea urchins in Registration Area J**

In Registration Area J, a person may take sea urchins only from October 1 through January 31, during fishing periods established by emergency order, and only under the authority of a permit issued by the commissioner under 5 AAC 38.062.

### **5 AAC 38.415. Fishing seasons for hair crab in Registration Area J**

(a) In Registration Area J west of the longitude of Cape Kumlik at 157° 27' W. long., a person may take hair crab from January 1 through December 31, during fishing periods established by emergency order, and only under the authority of a permit issued by the commissioner under 5 AAC 38.062.



(b) In the Bering Sea, Western Aleutians, and Eastern Aleutians Districts, the vessel registration deadline is 21 days before that vessel begins fishing operations. Before a vessel may be registered under this section, the vessel operator must first obtain a valid CFEC interim-use permit for hair crab that references the vessel's ADF&G license number. The registration form must include the vessel's operator's CFEC permit number and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak by the deadline specified in this section.

### **5 AAC 38.416. Kodiak District Sea Cucumber Management Plan in Registration Area J**

(a) A permit described in 5 AAC 38.062 is not required for the taking of sea cucumbers in the Kodiak District, as specified in this section.

(b) Before harvesting sea cucumbers, a person shall validly register with the department.

(c) Sea cucumbers may be taken from October 1 through April 30 during fishing periods established by emergency order.

(d) Sea cucumbers may only be taken with diving gear operated in accordance with 5 AAC 38.054.

(e) A person harvesting sea cucumbers shall maintain an accurate logbook of all diving operations,

(1) a logbook must:

(A) include the date, the specific location of harvest by latitude and longitude, the number of individual sea cucumbers harvested, the number of pounds of sea cucumbers harvested, the minimum and maximum depth of each dive, the bottom time duration of each dive, and any other information required by the department for conservation and management;

(B) be delivered to a local representative of the department within 48 hours following the closure of a fishing period, unless the permit holder has been delayed due to extraordinary circumstances beyond their control and contacted a local representative of the department within 48 hours following the closure of a fishing period, and the representative has granted additional time;

(2) a person shall not make a false entry in the logbook.

(f) Opening of a sea cucumber fishing period will be delayed for 24 hours if the National Weather Service marine forecast for Shelikof Strait (PKZ138) or Shuyak Island to Sitkinak Island (PKZ132) issued at 4:00 a.m. on the day before the scheduled opening date contains gale warnings for that day. If, after the initial delay, the following day's 4:00 a.m. forecast contains a gale warning for that day, the fishing period will be delayed for an additional 24 hours. The period opening delays may continue on a rolling 24-hour basis until gale warnings are not forecasted.

(g) Notwithstanding (f) of this section,

(1) if a fishing period is not scheduled for the Westside Section of the Kodiak District, gale warnings for Shelikof Strait (PKZ138) will not delay the fishing period;

(2) if fishing periods are not scheduled for the Eastside or Southeast Sections of the Kodiak District, gale warnings for Shuyak Island to Sitkinak Island (PKZ132) will not delay the fishing period.

**5 AAC 38.417. Registration Area J Octopus Management Plan**

In Registration Area J, octopus may be taken during a directed fishery or as bycatch in a directed groundfish or shellfish fishery as follows:

(1) in a directed fishery, a person may take octopus only under the authority of a permit issued by the commissioner under 5 AAC 38.062; octopus taken under a commissioner's permit shall be recorded on a fish ticket with a CFEC permit card for octopus;

(2) when octopus are taken as bycatch, a commissioner's permit is not required; octopus taken as bycatch shall be recorded on the fish ticket for the directed fishery; octopus taken as bycatch may not exceed 20 percent, by weight, of the directed species on board a vessel, unless modified by emergency order.

**5 AAC 38.420. Fishing seasons for scallops in Registration Area J**

(a) In Registration Areas J weathervane scallops may be taken from July 1 through February 15 in the following scallop registration areas described in 5 AAC 38.076:

- (1) Scallop Registration Area K (Kodiak);
- (2) Scallop Registration Area M (Alaska Peninsula);
- (3) Scallop Registration Area O (Dutch Harbor);
- (4) Scallop Registration Area Q (Bristol Bay - Bering Sea);
- (5) Scallop Registration Area R (Adak).

(b) Repealed 8/10/2018.

(c) In Scallop Registration Area M (Alaska Peninsula), a person may take weathervane scallops only

(1) under the authority of a permit issued by the commissioner under 5 AAC 38.076(e); and

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(2) in those waters of Registration Area M (Alaska Peninsula) that are west of a line extending south from Cape Pankof at 163° 03.70' W. long. and east of a line extending south from Scotch Cap Light at 164° 44.72' W. long.

### **5 AAC 38.425. Closed waters for scallops in Registration Area J**

Scallops may not be taken in

(1) all waters of Registration Area J around Trinity Islands as depicted in Figure 5 to 50 C.F.R. Part 679 (revised February 18, 2014), and as enclosed by a line from Low Cape at 56° 59.40' N. lat., 154° 31.10' W. long., to a point offshore at 57° 00.00' N. lat., 155° 00.00' W. long., to 56° 17.00' N. lat., 155° 00.00' W. long., to 56° 17.00' N. lat., 153° 52.00' W. long., to Cape Sitkinak at 56° 33.50' N. lat., 153° 52.00' W. long., to the east point of Twoheaded Island at 56° 54.50' N. lat., 153° 32.50' W. long., to 56° 56.00' N. lat., 153° 35.50' W. long., to 56° 59.40' N. lat., 154° 31.10' W. long.;

(2) all waters of Alaska on the southeast side of Kodiak Island south of a line extending from Cape Trinity at 56° 44.80' N. lat., 154° 08.90' W. long., to a point offshore at 55° 23.23' N. lat., 156° 20.22' W. long.; west of a line from Narrow Cape at 57° 25.95' N. lat., 152° 19.13' W. long. to the northernmost tip of Ugak Island at 57° 23.63' N. lat., 152° 17.47' W. long., and west of a line extending south from the southernmost tip of Ugak Island at 152° 18.76' W. long.;

(3) all waters enclosed by a line from Cape Chiniak at 57° 37.20' N. lat., 152° 09.37' W. long. to a point offshore at 57° 38.00' N. lat., 152° 09.00' W. long., continuing to a point offshore at 57° 38.00' N. lat., 151° 47.00' W. long., continuing to Cape St. Hermogenes on Marmot Island at 58° 15.00' N. lat., 151° 47.00' W. long., and a line from Marmot Cape at 58° 10.00' N. lat., 151° 52.00' W. long., to Pillar Cape at 58° 08.90' N. lat., 152° 06.77' W. long., and a line from Inner Point to Afognak Point at 152° 47.75' W. long.;

(4) all waters of Uyak Bay, Uganik Bay, Viekodan Bay, Kupreanof Strait, Raspberry Strait, Malina Bay, Paramanof Bay, Foul Bay, and Shuyak Strait enclosed by a line from Cape Uyak at 57° 38.33' N. lat., 154° 20.83' W. long., to Cape Ugat at 57° 52.33' N. lat., 153° 50.67' W. long., to Raspberry Cape at 58° 03.58' N. lat., 153° 25.25' W. long., to Black Cape at 58° 24.50' N. lat., 152° 53.30' W. long., to Eagle Cape at 58° 32.57' N. lat., 152° 40.07' W. long., a line across Cape Current Narrows at 152° 30.00' W. long., and a line between Inner Point and Afognak Point at 152° 47.75' W. long.;

(5) all waters of Alaska on the south side of the Alaska Peninsula west of a line extending south from the Alaska Peninsula (near Kilokak Rocks) at 156° 20.22' W. long., and east of a line extending south from Scotch Cap Light along 164° 44.72' W. long.;

(6) all waters on the south side of the Alaska Peninsula Area west of a line extending south from Seal Cape along 158° 26.00' W. long., east of a line extending south from Three Star Point along 159° 10.48' W. long., and north of 55° 33.98' N. lat., and all waters on the south side of the Alaska Peninsula west of a line extending south from Cape Pankof along 163° 03.70' W. long. and east of a line extending south from

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Scotch Cap Light at 164° 44.72' W. long., except that weathervane scallops may be taken in the waters specified in 5 AAC 38.420(c);

(7) all waters of Akun Bay enclosed by a line from Billings Head at 54° 17.50' N. lat., 165° 28.50' W. long. to the opposite shore at 54° 12.70' N. lat., 165° 24.60' W. long.;

(8) all waters of Akutan Bay enclosed by a line from North Head at 54° 13.54' N. lat., 165° 56.20' W. long. to Akun Head at 54° 17.64' N. lat., 165° 38.24' W. long., and a line from Akun Island at 54° 08.40' N. lat., 165° 38.29' W. long. to Akutan Island at 54° 07.69' N. lat., 165° 39.74' W. long.;

(9) all waters of Beaver Inlet enclosed by a line from Brundage Head at 53° 55.90' N. lat., 166° 12.36' W. long. to Cape Sedanka at 53° 50.50' N. lat., 166° 05.33' W. long., and a line across Udagak Strait at 53° 42.50' N. lat.;

(10) all waters of Kalekta Bay enclosed by a line from Erskine Point at 53° 58.97' N. lat., 166° 16.50' W. long. to Cape Kalekta on Unalaska Island at 54° 00.50' N. lat., 166° 22.37' W. long.;

(11) all waters of Unalaska Bay enclosed by a line from Cape Cheerful at 54° 01.00' N. lat., 166° 40.25' W. long. to Cape Kalekta at 54° 00.50' N. lat., 166° 22.37' W. long.;

(12) all waters enclosed by a line from Cape Kovrizhka at 53° 51.00' N. lat., 167° 09.50' W. long. to Cape Idak at 53° 31.35' N. lat., 167° 47.66' W. long., and a line from Otter Point at 53° 23.13' N. lat., 167° 50.50' W. long. to Konets Head at 53° 18.95' N. lat., 167° 51.06' W. long.;

(13) all waters of Inanudak Bay enclosed by a line from Cape Kigunak at 53° 20.00' N. lat., 168° 26.08' W. long. to Cape Iilmalianuk at 53° 16.42' N. lat., 168° 36.78' W. long.;

(14) the waters of the Bering Sea

(A) between 162° W. long. to 164° W. long. and 56° N. lat. and 57° N. lat.;

(B) east of 162° W. long.;

(15) waters of the Pribilof Islands Habitat Conservation Area enclosed by a line from 57° 57.00' N. lat., 168° 30.00' W. long., to 56° 55.20' N. lat., 168° 30.00' W. long., to 56° 48.00' N. lat., 169° 02.40' W. long., to 56° 34.20' N. lat., 169° 02.40' W. long., to 56° 30.00' N. lat., 169° 25.20' W. long., to 56° 30.00' N. lat., 169° 44.10' W. long., to 56° 55.80' N. lat., 170° 21.60' W. long., to 57° 13.80' N. lat., 171° 00.00' W. long., to 57° 57.00' N. lat., 171° 00.00' W. long. to 57° 57.00' N. lat., 168° 30.00' W. long.;

(16) all waters of the Petrel Bank Area north of 51° 30' N. lat., south of 54° 30' N. lat., west of 179° W. long., and east of 179° E. long.

### **5 AAC 38.430. Guideline harvest ranges for the taking of scallops**

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In Scallop Registration Areas K, M, O, Q, and R, the guideline harvest ranges for weathervane scallops are as follows:

(1) in the waters of Scallop Registration Area K, the guideline harvest range is 0 - 300,000 pounds of shucked meat;

(2) in the waters of Scallop Registration Area O, the guideline harvest range is 0 - 110,000 pounds of shucked meat;

(3) in the waters of Scallop Registration Area M, the guideline harvest range is 0 - 100,000 pounds of shucked meat;

(4) in the waters of Scallop Registration Area Q, the guideline harvest range is 0 - 300,000 pounds of shucked meat;

(5) in the waters of Scallop Registration Area R, the guideline harvest range is 0 - 75,000 pounds of shucked meat.

## Chapter 39. General Provisions.

### Article 1. General.

**Please note that in the electronic version the individual Sections are linked to where they are contained within this document.**

#### Selected Sections

[5 AAC 39.001. Application of this chapter](#)

[5 AAC 39.002. Liability for violations](#)

[5 AAC 39.010. Retention of fish taken in a commercial fishery](#)

[5 AAC 39.105. Types of legal gear](#)

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[5 AAC 39.109. Nonresident crewmember fishing license fees](#)

[5 AAC 39.110. Crewmember fishing license requirements](#)

[5 AAC 39.111. Personal identification required](#)

[5 AAC 39.119. Vessel identification](#)

[5 AAC 39.120. Registration of commercial fishing vessels](#)

[5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska](#)

[5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements](#)

[5 AAC 39.140. Inspection of fishing establishments and vessels](#)

[5 AAC 39.141. Onboard observer program](#)

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[5 AAC 39.144. Onboard observer independent contracting agent certification and decertification](#)

[5 AAC 39.145. Escape mechanism for shellfish and groundfish pots](#)

[5 AAC 39.146. Onboard observer briefing and debriefing](#)

[5 AAC 39.163. Bottom Trawl Fisheries Management Plan](#)

[5 AAC 39.164. Nonpelagic trawl gear restrictions](#)

[5 AAC 39.165. Trawl gear unlawful](#)

**5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling**

**5 AAC 39.167. Commercial fishing gear prohibited in waters of Alaska surrounding essential fish habitat areas**

**5 AAC 39.195. Announcement of emergency orders**

**5 AAC 39.197. Unlawful possession of fish**

**5 AAC 39.198. Foreign fish processing permits**

**5 AAC 39.200. Application of fishery management plans**

**5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries**

**5 AAC 39.001. Application of this chapter.** Unless otherwise specified in this section or 5 AAC 01 - 5 AAC 77, requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.002 and 5 AAC 39.999 apply to all of 5 AAC 01 - 5 AAC 77. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

**5 AAC 39.002. Liability for violations.** Unless otherwise provided in 5 AAC 01 - 5 AAC 41 or in AS 16, a person who violates a provision of 5 AAC 01 - 5 AAC 41 is strictly liable for the offense, regardless of his intent.

**5 AAC 39.010. Retention of fish taken in a commercial fishery.** (a) A person engaged in commercial fishing may retain fish from lawfully taken commercial catch for that person's own use, including for the use as bait in a commercial fishery. Fish retained under this section may not be sold or bartered.

(b) Except as otherwise specified in 5 AAC 01 - 5 AAC 39, a commercial fisherman shall report on an ADF&G fish ticket, at the time of delivery of the commercial catch, the number of steelhead retained from the commercial catch but not sold. For the purposes of this subsection, "delivery" means the offloading of the finfish for sale or for transport to a buyer for later sale.

**5 AAC 39.105. Types of legal gear.** (a) All gear shall be operated in a manner conforming to its basic design.

(b) The size of meshes of a gillnet shall be substantially consistent.

(c) All references to mesh size in the regulations are considered to be "stretched measure."

(d) Unless otherwise provided in this title, the following are legal types of gear:

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(1) a **gillnet** is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water;

(2) a **set gillnet** is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed;

(3) a **drift gillnet** is a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed;

(4) a **purse seine** is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line;

(5) a **hand purse seine** is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed;

(6) a **beach seine** is a floating net designed to surround fish which is set from and hauled to the beach;

(7) **power troll** gear consists of a line or lines with lures or baited hooks which are deployed, drawn through the water, and retrieved by means of a power troll gurdy, for which the power source may be hydraulic, electrical or mechanical; power troll gear does not include hand troll gear;

(8) **hand troll** gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment;

(9) a **fish wheel** is a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means;

(10) a **trawl** is a bag-shaped net towed through the water to capture fish or shellfish;

(A) a **beam** trawl is a trawl with a fixed net opening utilizing a wood or metal beam;

(B) an **otter trawl** is a trawl with a net opening controlled by devices commonly called otter doors;

(C) a **pelagic trawl** is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed;



(11) a **pot** is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water;

(12) a **ring net** is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net;

(13) a **longline** is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached;

(14) a **shovel** is a hand-operated implement for digging clams or cockles;

(15) a **mechanical clam digger** is a mechanical device used or capable of being used for the taking of clams;

(16) a **scallop dredge** is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor;

(17) a **fyke net** is a fixed, funneling (fyke) device used to entrap fish;

(18) a **lead** is a length of net employed for guiding fish into a seine or set gillnet;

(19) an **anchor** is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored;

(20) a **herring pound** is an enclosure used primarily to retain herring alive over extended periods of time;

(21) **diving gear** is any type of hard hat or skin diving equipment including scuba, a tethered, umbilical, surface-supplied system, and a snorkel;

(22) a **hydraulic clam digger** is a device using water or a combination of air and water to remove clams from their environment;

(23) a **grappling hook** is a hooked device with flukes or claws and attached to a line and operated by hand;

(24) a **dip net** is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand;

(25) a **mechanical jigging machine** is a device that deploys a line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered

assistance; a mechanical jigging machine allows the line to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine; the mechanical jigging machine may not be anchored or operated unattached from the vessel;

(26) an **abalone iron** is a flat device used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth;

(27) a **handline** is a hand-held line, with one or more hooks attached, which may only be operated manually; a handline is legal gear only for smelt in the Bristol Bay Area, described in 5 AAC 06.100;

(28) **dinglebar troll** gear consists of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way;

(29) a **sea urchin rake** is a hand-held implement, no longer than four feet, equipped with projecting prongs used to gather sea urchins;

(30) a **cast net** is a circular net with a mesh size of no more than one and one-half inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved

(31) an **eel stick** consists of a single straight or bent pole, equipped with notches or projecting tines, used to take lamprey through the ice.

**5 AAC 39.107. Operation of gear.** (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time.

(b) Throughout the period of operation of mobile net gear, a person who holds a valid CFEC permit for that gear must be physically present on board the vessel from which the net gear is operated.

(c) A CFEC permit holder shall personally operate or assist in the operation of mobile net gear. "Personally operate or assist in operation" means assisting or supervising some portion of the immediate operation.

(d) A person who holds a limited entry permit or an interim-use permit for stationary fishing gear must be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

(1) a sale of fish caught in the gear; or

(2) other stationary gear of the permit holder. For purposes of this subsection "fishing site" includes any structure used for providing shelter in support of the operation of net gear or other stationary gear.

(e) A person who holds a CFEC permit for the operation of stationary net gear or fish wheels shall be within a reasonable distance of the gear when at a point of sale or at the location of other stationary gear of that permit holder. A "reasonable distance" means a distance that ensures that the CFEC permit holder retains competent supervision of the gear.

(f) In the Yukon Area, as described in 5 AAC 05.100, a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear.

(g) In the Yakutat District south of 59° 40' N. lat. in Yakutat Bay, a fishing site under AS 16.05.253(b) includes the CFEC permit holder's permanent place of residence in Yakutat.

**5 AAC 39.109. Nonresident crewmember fishing license fees.** The amount to be added, in accordance with AS 16.05.480(h), to the annual base fee for a nonresident crewmember fishing license is the additional amount calculated every three years by the Commercial Fisheries Entry Commission under 20 AAC 05.245(a)(7).

**5 AAC 39.110. Crewmember fishing license requirements.** (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Repealed 8/15/2008.

(c) A crewmember licensee who does not hold a valid CFEC permit may crew in any fishery if he or she is working for the holder of a valid CFEC permit for that fishery who is operating the fishing gear in the manner described in 5 AAC 39.107.

(d) A valid interim-use or entry permit card holder may crew in any fishery.

(e) In this section, "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(4), who is actively engaged in the operation of fishing gear that is being operated in the manner described in 5 AAC 39.107.

(f) Each holder of a commercial fishing license, as required in AS 16.05.480(a), who is 16 years of age or older and participating in a commercial fishery in which crewmember participation is restricted by exclusive or superexclusive area registration requirements shall possess an identification card that has been issued to the commercial fishing license holder by a state or federal agency or other organization specified by the Department of Public Safety that bears a photograph of the commercial fishing license holder.

(g) The department will issue a duplicate crewmember license to a person whose crewmember license has been lost or destroyed and who submits a request for a duplicate

crewmember license on a form prescribed by the department along with a \$5 duplicate crewmember license fee.

**5 AAC 39.111. Personal identification required.** A person who is in possession of a CFEC interim-use or entry permit card shall, upon the request of a buyer of fish or a peace officer of the state, present the personal identification required under AS 16.10.267(a)(2) to establish that the permit card is in the possession of the person to whom the permit card is issued.

**5 AAC 39.119. Vessel identification.** (a) Unless otherwise specified, a commercial fishing vessel required to be licensed under AS 16.05.490 must display its permanent vessel license plate number

(1) in permanent symbols at least 12 inches high (1) and with lines at least one inch wide that contrast with the background;

(2) on both sides of the hull, cabin, or mast;

(3) in a manner such as to be plainly visible and unobscured; and

(4) at all times when registered to fish.

(b) Repealed 10/1/98.

(c) The following vessels are exempt from the requirements of this section:

(1) those exempt from licensing under AS 16.05.495;

(2) seine skiffs operating with a seine vessel;

(3) repealed 2/10/2005.

**5 AAC 39.120. Registration of commercial fishing vessels.** (a) A person who owns a commercial fishing vessel or that person's authorized agent shall register that vessel by completing a vessel license application or renewal form and submitting it to the Commercial Fisheries Entry Commission, unless the vessel is not required to be licensed under AS 16.05.495. Vessel registration is required before fishing or transporting unprocessed fish in any waters of Alaska. A vessel, if it is in compliance with all regulations governing registration and if it displays a license issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, is considered to be registered under the laws of the state and may take or transport unprocessed fish. It is unlawful to take, attempt to take, or possess unprocessed fish aboard a vessel in the waters of Alaska unless the vessel is registered under the laws of the state. For purposes of this subsection,

(1) "employ," as used in AS 16.05.475, means taking or attempting to take fish, or transporting fish which have been taken or any operation of a vessel aiding or assisting in the taking or transporting of unprocessed fish;

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(2) "in compliance with all regulations governing registration" includes vessel registration required by 5 AAC 28.020, 5 AAC 31.020, 5 AAC 31.030, 5 AAC 32.020, 5 AAC 32.030, 5 AAC 34.020, 5 AAC 34.030, 5 AAC 35.020, 5 AAC 35.030, 5 AAC 38.020, and 5 AAC 38.030, and includes district or subdistrict registration requirements of 5 AAC 03 - 5 AAC 38, and includes the provisions of this section;

(3) "registered under the laws of the state" means that a vessel displays a license described in 20 AAC 05.1958 and issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, and that the registration provisions of 5 AAC 03 - 5 AAC 39 have been complied with and evidence of compliance is immediately available at all times during fishing or transporting operations, and can be shown upon request to an authorized representative of the department.

(b) Area registration requirements for shellfish vessels are as specified in the registration regulations in 5 AAC 31 - 5 AAC 38.

(c) Area registration requirements for salmon net fishing vessels are as follows:

(1) a person who owns a fishing vessel to be used to take salmon with net gear, or his authorized agent, shall register for an area by designating on the vessel license application or renewal form the vessel's one area of intended salmon net gear operation for the year; it is unlawful for a vessel to engage in salmon net fishing in an area other than the single area selected;

(2) in this section the term "area" means any registration area listed in (d) of this section, except that

(A) in salmon net Registration Area T, a vessel must also be registered by the department for a fishing district as required by 5 AAC 06.370;

(B) in salmon net Registration Area Y, a vessel must also be registered by the department for a fishing district as required by 5 AAC 05.370;

(C) a purse seine vessel registered for salmon net Registration Area M is also registered to operate purse seine gear in Registration Area F during the same registration year;

(3) a vessel registered for an area of salmon net fishing in compliance with (c)(1) of this section will be issued, by the Commercial Fisheries Entry Commission, a vessel license area tab for that year; it is unlawful for a vessel to fish in the area of registration unless the vessel displays the area tab on the vessel license number plate; no vessel owner or operator may possess for each vessel, or no vessel may display, more than one vessel license area tab;

(4) a person who owns a fishing vessel registered for an area of intended operation in compliance with (c)(1) of this section or his authorized agent may register it for a different salmon net registration area under the following conditions:

(A) the reregistration of a salmon net fishing vessel shall be authorized by the

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(i) commissioner upon receipt of proof in writing that the vessel has been lost through sinking, destruction, or extensive mechanical breakdown, or that the vessel operator has suffered serious injury, sickness or death during the open season; or

(ii) Commercial Fisheries Entry Commission upon receipt of a written certification or personal affidavit stating that the vessel has not been used for salmon net fishing in the original area of registration during the current registration year;

(B) a person authorized to reregister a vessel must complete a reregistration form issued by the Commercial Fisheries Entry Commission and submit it to the commissioner together with any previously issued vessel license area tab;

(C) it is unlawful for a vessel to fish in the area of reregistration unless the vessel displays the appropriate area tab on the vessel license number plate;

(D) area reregistration under this section shall supersede the original area registration as if the original area registration had never been made;

(E) once a vessel has reregistered for another net registration area to replace a lost vessel, that vessel can not transfer back to its original net registration area during that season;

(5) repealed 4/16/83.

(d) Salmon net gear registration areas are as follows:

Code

<b>Letter</b>	<b>Area</b>
<b>A</b>	Southeastern Alaska Area (5 AAC 33.100)
<b>D</b>	Yakutat Area (5 AAC 30.100)
<b>E</b>	Prince William Sound Area (5 AAC 24.100) and the Yakataga District of the Yakutat Area (5 AAC 30.200(a))
<b>F</b>	Atka-Amlia Islands Area (5 AAC 11.101)
<b>H</b>	Cook Inlet Area (5 AAC 21.100)
<b>K</b>	Kodiak Area (5 AAC 18.100)
<b>L</b>	Chignik Area (5 AAC 15.100)
<b>M</b>	Aleutian Islands and Alaska Peninsula Areas (5 AAC 12.100)

and 5 AAC 09.100) and, from August 1 through August 31, the Atka-Amlia Islands Area (5 AAC 11.101) for purse seine gear only

**T** - Bristol Bay Area (5 AAC 06.100) and January 1 through December 31, the Cinder River and Inner Port Heiden Sections of the Alaska Peninsula Area and August 1 through December 31, that portion of the Ilnik Section within Ilnik Lagoon and all waters inside the Seal Islands of the Alaska Peninsula Area (5 AAC 09.200(a)(1) - (3))

**W** - Kuskokwim Area (5 AAC 07.100)

**X** - Arctic-Kotzebue Area (5 AAC 03.100)

**Y** - Yukon Area (5 AAC 05.100)

**Z** - Norton Sound-Port Clarence Area (5 AAC 04.100)

(e) Evidence of proper registration or licensing must be kept immediately available at all times during fishing operations and must be shown upon request to any peace officer of the state.

(f) The provisions of this section do not apply to halibut fishing.

(g) Repealed 10/1/98.

**5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska.** (a) Before entering the waters of Alaska,

(1) an operator of an unlicensed commercial fishing vessel shall report by telephone, and shall leave a recorded report at a telephone number designated by the department for that purpose, or shall report by other means specified by the department. A report under this section must

(A) identify the vessel and vessel operator;

(B) certify that no unprocessed fish are on board the vessel;

(C) include the destination, travel route, and dates of transit; and

(D) include the quantity, species, and the location from which the fish were taken if any processed fish are on board the vessel.

(b) The commissioner may, upon request by a local representative of the department, waive all or part of the requirements of this section if the commissioner determines that compliance with this section is not necessary for conservation, management, or enforcement in a designated geographical area.

(c) For the purposes of this section,

(1) "commercial fishing vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for or equipped to be used for

(A) commercial fishing;

(B) fish processing;

(C) fish transport; or

(D) fish storage, including temporary storage;

(2) "unlicensed" means not licensed under AS 16.05.490 - 16.05.530.

### **5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements.** (a)

Before operating during a calendar year, an individual, company, firm, or other organization that is a first purchaser, catcher-exporter, catcher-processor, or catcher-seller shall submit to the department a completed intent to operate application provided by the department or available online, together with a \$25 processing fee for each individual, company, firm, or other organization identified in the application; the fee is not required of an applicant that paid the annual fee required by AS 43.75.020(a). The individual, company, firm, or other organization may begin to operate only after receiving authorization from the department to begin operating, along with the individual's or organization's processor code for the current year.

(b) An individual, company, firm, or other organization described in (a) of this section that intends or is required to use the eLandings Electronic Reporting System shall access the system by completing an operator documentation and user agreement on the Interagency eLandings Electronic Reporting System's website. In addition to the other requirements of this section, an individual, company, firm, or other organization described in (a) of this section that the commissioner determines has submitted at least 2,000 salmon harvest fish tickets or bought more than 20 million pounds of salmon during any of the previous three calendar years shall thereafter use the eLandings Electronic Reporting System for all salmon delivered to a tender vessel, floating processor, or shorebased processor. In addition to the other requirements of this section, a first purchaser shall use the tLandings application for all groundfish delivered to a tender vessel.

(c) An individual, company, firm, or other organization described in (a) of this section shall record each delivery on an ADF&G fish ticket. A fish ticket must be completed for all fish or byproducts of fish harvested in the waters of Alaska and for all fish or byproducts of fish harvested in waters outside of the waters of Alaska and offloaded or



processed in the waters of Alaska. Fish tickets for each fishery must be finalized and submitted to a local representative of the department not later than seven days after a delivery or partial delivery, or as otherwise specified by the department, such as for each vessel trip. The operator of a vessel that has harvested fish in the waters of Alaska and whose port of delivery is outside this state, or who sells, transfers, receives, or delivers fish in the Exclusive Economic Zone (EEZ), shall submit a completed hailed weight fish ticket or a fish ticket to the department before the fish are transported out of the jurisdiction of this state. At the time of delivery or partial delivery, or as otherwise directed by the department, fish tickets must include the following information:

- (1) the name and signature of the applicable individual, company, firm, or other organization described in (a) of this section;
- (2) the name and signature of the CFEC permit holder that operated the unit of gear with which the fish were taken;
- (3) the processor code imprinted on the fish ticket from the code plate issued by the department, the processor code handwritten on the fish ticket if instructed by an authorized representative of the department, or the electronically captured information from the eLandings Electronic Reporting System, except that if a catcher-seller is shipping fish to a fisheries business, the fisheries business must imprint the fish ticket, or electronically capture the information on the eLandings Electronic Reporting System, with the processor code of the fisheries business; in this paragraph, "fisheries business" has the meaning given in AS 43.75.290;
- (4) the name, or the United States Coast Guard number or Department of Transportation number, of the vessel employed in taking the fish, if applicable;
- (5) the date fishing gear was deployed and the date the delivery or partial delivery of the fish is completed;
- (6) the permanent ADF&G vessel license plate number, if applicable;
- (7) the type of gear by which the fish were taken by the gear code number specified by the department;
- (8) the statistical areas, districts, and subdistricts in which the fish were taken and, if required by a local representative of the department, the nearest headland or bay in which the fish were taken;
- (9) the pounds, including any applicable weight modifier such as with ice and slime, delivery condition code, and disposition code, including any applicable overage code, of fish by species, except that
  - (A) for salmon and crab, the number is also required;
  - (B) for herring, only the weight, in pounds or tons, and delivery condition are required;

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(10) an indication of a partial delivery, including a partial delivery of groundfish as specified in 5 AAC 28.070(f), if applicable;

(11) the CFEC permit number of the operator of the unit of gear with which the fish were taken, imprinted on the fish ticket from the valid permit card or electronically captured from the valid permit card; the imprinting requirement under this paragraph may be suspended by a local representative of the department after presentation by the commercial fisherman of the operator's permit application validated by CFEC or documentation from the department or CFEC that the permit card has been damaged, lost, or stolen; if a suspension is granted, the buyer or commercial fisherman must handwrite the name of the permit holder, the permit holder's permit number, and, if applicable, the permanent ADF&G vessel license plate number on the fish ticket, and attach a copy of the supporting documentation;

(12) the number or pounds of fish by species retained by a commercial fisherman for that person's own use, if applicable;

(13) the number of licensed crewmembers, including the vessel operator, if applicable;

(14) the number of certified onboard observers, if applicable;

(15) the management program code, if using the eLandings Electronic Reporting System;

(16) the permanent ADF&G vessel license plate number of the tender vessel, if applicable;

(17) for a dual permit, the second CFEC permit number, if required by the department;

(18) any other information that the commissioner determines is necessary.

(d) A person may not possess a fish ticket that has been imprinted with a CFEC permit number until the time of delivery or partial delivery.

(e) A buyer of fish harvested through a CDQ program, as described in 6 AAC 93, shall electronically submit a fish ticket at least one time per week. The buyer may use the consolidated fish ticket feature in the eLandings Electronic Reporting System, including seaLandings, to generate the fish ticket. In this subsection, "week" means a seven-day period of time that begins on Sunday and ends on Saturday.

(f) An individual, company, firm, or other organization described in (a) of this section shall furnish, verbally or in writing, purchasing, production, or other information as required by the commissioner.

(g) Not later than April 1, a first purchaser, catcher-exporter, or catcher-processor that has been assigned a processor code under (a) of this section shall submit a Commercial Operator's Annual Report (COAR), which is an operator's accurate and complete

summary of activity for each intent to operate application approved by the department for the previous year, or a signed statement of nonactivity for the previous year, on a form provided by the department or available online. The department will not authorize operations for the current year to an applicant that has not submitted all COAR reports due under this section for any previous year.

(h) A commercial fisherman shall furnish to the buyer information necessary for completion of reports required by the commissioner.

(i) An individual, company, firm, or other organization described in (a) of this section using the eLandings Electronic Reporting System must electronically submit the initial landing report at the completion of a delivery or partial delivery, and submit to the department the final landing report and a copy of the fish ticket generated and printed from the eLandings Electronic Reporting System not later than seven days after the delivery or partial delivery.

(j) A commercial fisherman shall submit to the department verbally, in writing, or electronically through the eLandings Electronic Reporting System, directly or through the buyer, information necessary for reports required by the commissioner.

(k) Unless otherwise specified in this chapter, in addition to other requirements of this section, each person that is the first purchaser of or that first processes raw groundfish or halibut shall comply with the record keeping and electronic reporting requirements through the eLandings Electronic Reporting System and any other reporting requirements in 50 C.F.R. 679.5, revised as of October 1, 2013.

(l) The commissioner may, by emergency order, close a fishing season and immediately reopen a fishing season during which a different reporting requirement is in effect.

(m) In addition to the other provisions of this section, if the commissioner determines it is necessary, the following information regarding the transporting, delivery, or shipping of unprocessed fish must be transmitted to an authorized local representative of the department either in person, in writing, by radio or telephone, or by other means specified by the department:

(1) the number and species of salmon taken in a regulatory area must be reported before being transported to any other area or out of this state;

(2) the number or pounds, by species, of all other fish must be reported before being transported out of this state;

(3) the number or pounds, by species, of fish taken by a catcher-seller must be reported upon delivery or before shipping the fish within the state.

(n) A floating processor shall report in person, by radio or telephone, or by other means specified by the department, to the local representative of the department located within the management area of intended operation before the start of processing operations. The report must include the initial processing location by district or

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subdistrict and latitude and longitude, and the date of intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local representative of the department in person, by radio or telephone, or by other means specified by the department, of the new location of operation by district or subdistrict and latitude and longitude. A local representative of the department may waive all or part of the requirements of this subsection upon determining that the requirements are not necessary for the conservation or management of the fishery in that area.

(o) In this section,

(1) "buyer-exporter" means the first purchaser of unprocessed fish that exports or attempts to export out of this state the fish either unprocessed or custom processed;

(2) "catcher-exporter" means a commercial fisherman who exports or attempts to export out of this state unprocessed or custom processed fish that were legally taken by the catcher-exporter;

(3) "catcher-processor" means a commercial fisherman who sells or attempts to sell processed or unprocessed fish that were legally taken by the catcher-processor in or out of this state;

(4) "catcher-seller" means a commercial fisherman who sells or attempts to sell unprocessed fish that were legally taken by the catcher-seller

(A) to the general public for use for noncommercial purposes;

(B) for use as bait for commercial or noncommercial purposes;

(C) to restaurants, grocery stores, and established fish markets;

(D) by shipping the fish to a licensed buyer, processor, or exporter within this state;

(5) "commercial fish transporter" means those individuals whose activities require a permit under AS 16.05.671;

(6) "custom processed" means that the fish is processed by a person that does not own the fish;

(7) "delivery" means offloading fish for sale or for transport to a buyer for later sale;

(8) "dual permit" means the use of additional fishing gear on board a vessel or at a set gillnet site under a second CFEC permit as allowed under the applicable provisions in this title;

(9) "eLandings Electronic Reporting System"

(A) means the electronic and Internet based reporting system maintained by the department, the National Marine Fisheries Service, Alaska Region, and the International Pacific Halibut Commission to provide an alternative to paper fish tickets;

(B) includes the following:

(i) eLandings, which is a web application for shore side and Internet capable vessels;

(ii) seaLandings, which is a desktop application for sea vessels without Internet capability;

(iii) tLandings, which is a portable data storage application for tender and other operations;

(10) "first purchaser:

(A) means the person that first purchases unprocessed fish directly from the commercial fisherman for the purchaser's own business and does not act as a buying agent for another business;

(B) includes a

(i) buyer-exporter;

(ii) floating processor;

(iii) independent buyer;

(iv) shorebased processor;

(11) "fish ticket" includes

(A) a department issued paper copy form for recording harvest; and

(B) an electronically generated record of harvest from the eLandings Electronic Reporting System;

(12) "floating processor" includes the operator of a vessel who

(A) operates as a catcher-processor;

(B) is the first purchaser of unprocessed fish and sells or attempts to sell processed or unprocessed fish in or out of this state;

(13) "independent buyer" means the first purchaser of unprocessed fish for sale unprocessed within this state to a shorebased processor, floating processor, or buyer-exporter;

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(14) "partial delivery" means the offloading of fish for sale or for transport to a buyer of only a portion of the total harvest from one vessel's trip, excluding catch retained for

(A) personal use under 5 AAC 39.010;

(B) bait under applicable provisions of this title;

(15) "shorebased processor" means a land-based first purchaser that purchases unprocessed fish and sells or attempts to sell that fish, processed or unprocessed, in or out of this state;

(16) "trip" means

(A) for a vessel on which fish are harvested but not processed, the period of time from when the vessel commences fishing until completion of the final delivery; a trip may include one or more partial deliveries; or

(B) a period of time designated by the department, such as every seven days.

(17) "tender vessel" means a vessel whose operator acts as an agent for a processor and accepts delivery of fish from a commercial fisherman or another tender vessel for transport to a shore-based or floating processor.

**5 AAC 39.140. Inspection of fishing establishments and vessels.** (a) Representatives of the Department of Fish and Game or the Department of Public Safety shall have free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder.

(b) Upon being approached by a vessel or aircraft under the control of a representative of the Departments of Fish and Game or Public Safety, the operator of a fishing vessel, catcher-processor, or floating processor shall be alert for, and immediately comply with, signals conveying enforcement intent. A vessel operator signaled to stop or heave to for boarding shall

(1) stop immediately and lay to or maneuver in such a way as to permit the representative and his party to come aboard;

(2) if requested, provide a safe ladder for the representative and his party;

(3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination of the ladder;

(4) take such other actions as necessary to ensure the safety of the representative and party and to facilitate the boarding; and

(5) make every effort to comply with all lawful orders given by the representative, except that the owner or operator of the vessel is solely responsible for navigation,

supervision, and control of the vessel and his decisions shall be final in all matters pertaining to proper navigation and safety of the vessel crew, and fishing gear.

(c) On a vessel which catches and processes crab and is required to carry an observer under 5 AAC 39.645, the vessel operator must separate crab to be retained and, before butchering, must make those crab available to the observer for inspection.

(d) Notwithstanding the requirements of 5 AAC 30.392(a), 5 AAC 30.393, 5 AAC 33.392(d), and 5 AAC 33.393, upon request by a local representative of the department or a peace officer of the state, a fisherman or processor shall relinquish the tag and head of adipose-fin-clipped salmon, and shall inform the representative or peace officer of the date and location of the catch, if known.

**5 AAC 39.141. Onboard observer program.** (a) The Board of Fisheries finds that, in particular fisheries, observers on board fishing vessels would greatly enhance management, primarily by facilitating information gathering, and by improving regulatory compliance. Onboard observers may be the only practical fishery monitoring, data-gathering, or enforcement mechanism in some Alaska fisheries where a large component of vessels, such as catcher-processors and floating processors, rarely or never enter Alaskan ports. The Board of Fisheries, therefore, finds it necessary to authorize the Alaska Department of Fish and Game to implement onboard observer programs in particular fisheries when the board determines that it

- (1) is the only practical data-gathering or enforcement mechanism;
- (2) will not unduly disrupt the fishery; and
- (3) can be conducted at a reasonable cost.

(b) Every onboard observer shall have free and unobstructed access to inspect the catch, equipment, gear, or operations of the fishing vessel or the tender to which the observer is assigned, and to board vessels delivering to the vessel to which the observer is assigned and inspect the catches of vessels delivering to the vessel to which the observer is assigned while the vessel to which the observer is assigned is

- (1) within waters under the jurisdiction of the state;
- (2) taking or intending to take any species of fish; or
- (3) transporting or processing any species of fish.

(c) Onboard observers must be as unintrusive to vessel operations as practicable and must make the scope of their activities as predictable as possible in the performance of their assigned observer duties.

(d) Onboard observers are not required to obtain criminal or administrative search warrants to conduct their duties.

(e) Onboard observers shall carry out such scientific and other duties as deemed necessary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state.

(f) Onboard observers shall have access to all vessel location information at any time, including free and unobstructed access to vessel coordinates and depths for all sampled pots.

(g) Every independent contracting agent, and their office personnel and business agents while employed by the independent contracting agent and for six months after terminating that employment, may not work as an onboard observer.

**5 AAC 39.142. Conflict of interest standards for onboard observers and independent contracting agents.**

(a) A department approved fisheries onboard observer

(1) must be employed by

(A) an independent contracting agent who has been certified by the department; or

(B) the department;

(2) may not have a financial interest in the observed fishery;

(3) may not have a personal interest in the vessel to which he or she is assigned;

(4) may not serve as a crewmember or processing worker on the vessel to which he or she is assigned;

(5) may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment promise, or in any other form, that is a benefit to the observer's personal or financial interests, under circumstances in which it could be reasonably inferred that the gift is intended to influence the performance of official duties, actions, or judgment;

(6) may not have been convicted of a misdemeanor or felony involving fraud, dishonesty, an "offense against the person" in violation of AS 11.41, arson under AS 11.46.400, or a fish and game misdemeanor or fish and game infraction with a penalty in excess of \$300 for a period of seven years preceding application to the onboard observer program;

(7) may not have a personal or financial interest, other than that of the observer's employee relationship, in the entity that employs the observer;

(8) may not spend more than 90 days on board any one vessel in 12 consecutive months, unless the 90-day limitation is waived by the department for good cause, except that an onboard observer may spend up to 120 days on board any one vessel in 12 consecutive months during a crab fishery that is 75 days or longer in duration;

(9) may be assigned to a vessel only upon approval by the department.



(b) An independent contracting agent who provides onboard observers

(1) may not be an individual, partnership, or corporation with a personal or direct financial interest in the proceeds of any vessel licensed to process or harvest in the affected fishery, other than the provision of observers;

(2) shall assign observers to vessels without regard to requests from vessel owners or operators for a specific individual;

(3) repealed 12/26/97;

(4) may not knowingly or negligently hire as an observer an individual who has a personal or financial interest, other than that of the observer's employee relationship, with the contracting agent;

(5) may not hire an observer on a commission basis;

(6) shall for each observer assignment to a vessel, submit to the department, upon request, a written statement, signed by the contracting agent under oath and subject to applicable criminal penalties, stating that the contracting agent does not have a personal interest and does not have a direct or subsidiary financial interest in the vessel or in fishing activities of the vessel;

(7) shall obtain and submit to the department, upon request, for each observer assignment to a vessel, a written statement, signed by the vessel owner, operator, or owner's agent, under oath and subject to applicable criminal penalties, stating that the vessel owner or operator does not have a personal interest and does not have a direct or subsidiary financial interest in the contracting agent.

(c) In this section

(1) "financial interest" means any source of income to, or a capital investment held by, an individual or the individual's spouse or blood relation up to and including the second degree of kindred;

(2) "personal interest" means an interest held or involvement by an individual, partnership, or corporation, or an individual's immediate family member or parent, including membership in any organization from which, or as a result of which, a person or organization receives a benefit.

**5 AAC 39.143. Onboard observer certification and decertification.** (a) To become certified as a crab or scallop onboard observer, a person must first obtain a crab or scallop onboard observer trainee permit and complete the trainee requirements of this section. The department shall issue a crab or scallop onboard observer trainee permit to a person who completes training and orientation specified by the department and who passes, with a score of at least 90 percent, an exam administered by the department.

(b) Before embarking on each observer trip, a crab or scallop observer trainee shall participate in a briefing with the department.

(c) An observer trainee permit expires as follows:

(1) a crab observer trainee permit expires on the earlier of the

(A) 36th day after the crab observer trainee has participated in a briefing for an observer trip if, during this 36-day period, the trainee has not participated in a debriefing with the department; or

(B) 180th day after the crab observer trainee permit was issued; however, if a crab trainee observer has been deployed at least once during the first 180 days after the observer permit was issued, the trainee permit may be extended up to 365 days, at the discretion of the department;

(2) a scallop observer trainee permit expires on the earlier of the

(A) 36th day after the scallop observer trainee has participated in a briefing for an observer trip if, during this 36-day period, the trainee has not participated in a debriefing with the department; or

(B) 180th day after the scallop observer trainee permit was issued; however if a scallop trainee observer has been deployed at least once during the first 180 days after the observer permit was issued, the trainee permit may be extended, up to 270 days, at the discretion of the department.

(d) The department may revoke a trainee permit for the reasons listed under (j) of this section or at the department's discretion and under the procedures set out in (l) - (n) of this section. If revocation proceedings are pending on the date the permit would expire under (c)(1) of this section, the permit expires under that paragraph, and all rights under the permit cease. If revocation proceedings are pending on the date the permit would expire under (c)(2) of this section, the permit does not expire on that date, but is suspended until conclusion of the revocation proceedings. The trainee may not act under the permit during the period of suspension. The permit expires at the conclusion of the revocation proceedings unless the department determines that the permit should not be revoked and that the trainee should be certified as an observer under (f) of this section.

(e) A person whose crab or scallop observer trainee permit has expired or has been revoked may not be issued another trainee permit unless that person completes retraining and reorientation specified by the department and repasses, with a score of at least 90 percent, an exam administered by the department.

(f) The department shall certify as a crab or scallop onboard observer a trainee who

(1) has a valid crab or scallop observer trainee permit;

(2) has satisfactorily completed all assigned trainee tasks specified by the department in writing, or assigned verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed to a vessel;

(3) has not engaged in behavior described in (j) of this section;

(4) has completed the number of observer trips that the department, in its discretion, determines from debriefing the trainee are necessary to prepare the trainee to perform as a crab or scallop onboard observer; and

(5) is not the subject of revocation proceedings under this section.

(g) A trainee may appeal a denial of certification as a crab or scallop onboard observer to the commissioner. The appeal must be in writing and must be received by the commissioner within 15 days after the denial. The commissioner or the commissioner's designee shall conduct an investigation and review, and may hold a hearing on the matter. If a designee conducts an investigation and review or holds a hearing, the designee shall recommend action to the commissioner. The commissioner shall make a decision within 45 days after receiving an appeal. The commissioner's decision under this section is the final administrative action.

(h) Until the commissioner's decision in an appeal under (g) of this section, the trainee may act under the terms of a valid trainee permit. If, while an appeal under (g) of this section is pending, the permit expires under (c) of this section or is revoked under (d) of this section, all rights under the permit cease.

(i) An onboard observer certification expires for a shellfish observer who has not functioned as a shellfish onboard observer for 18 consecutive months, the onboard observer certification expires; to become recertified after 18 consecutive months of not functioning as a shellfish observer, a person must successfully complete all trainee and certification requirements set out in (a), (b), (c), (e), and (f) of this section.

(j) An onboard observer certification may be revoked for any one of the following reasons:

(1) failure to satisfactorily complete all assigned tasks specified by the department in writing, or assigned verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed to a vessel;

(2) use, possession, or being under the influence of alcohol or an illegal controlled substance on board the assigned vessel, boarding any vessel under the influence of alcohol or an illegal controlled substance, missing an appointment with the department due to alcohol or an illegal controlled substance, or attending an appointment with the department under the influence of alcohol or an illegal controlled substance;

(3) engaging in violent or criminal behavior, including behavior that may endanger a person or property on the assigned vessel or that prevents the observer from performing tasks according to the standards of the onboard observer manual;

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(4) soliciting or accepting items or services, other than basic life necessities, from an operator, owner, or crewmember of a vessel to which the observer is assigned;

(5) failure to report known criminal behavior or cooperate with the investigation or prosecution of criminal behavior arising from fishing operations of the vessel to which the observer is assigned;

(6) engaging in sexual relations with an employee, operator, crewmember, officer, director, agent, owner, or shareholder of the vessel or any entity with ownership of, or management authority over, the vessel to which the observer is assigned while the observer is deployed to a vessel;

(7) repealed 7/21/99;

(8) exhibiting poor judgment or unprofessional behavior that interferes with the observer's ability to perform assigned tasks or results in a breach of confidentiality, lack of observer coverage, or other actions detrimental to the observer program.

(k) A certified onboard observer may be demoted to trainee status for failure to satisfactorily perform assigned tasks specified by the department.

(l) The department shall notify an observer in writing of its intent to revoke a certification or to demote a certified onboard observer to trainee status. Notice may be served by personal delivery or by sending the notice by certified mail, return receipt requested. The department may revoke the certification or may demote a certified onboard observer to trainee status if, within 45 days after serving or sending the notice, the department does not receive a written objection from the observer that specifies the reasons why revocation or demotion should not occur.

(m) If the department receives an objection under (l) or (n) of this section, the commissioner, or the commissioner's designee, shall conduct an investigation and review, and may hold a hearing on the matter. If a designee conducts the investigation and review, or holds a hearing, the designee shall recommend action to the commissioner. Until the commissioner's decision under this subsection, the observer may act under the terms of the certification. If the commissioner determines that one or more of the grounds for revocation of the certification have been met, the commissioner may revoke the certification. If the commissioner determines that one or more of the grounds for demotion have been met, the commissioner may demote the onboard observer to trainee status. The commissioner's determination under this subsection is the final administrative action.

(n) If the commissioner determines that the performance of an onboard observer creates an immediate, substantial threat to the orderly conduct of the fishery or the conservation of fishery resources, the commissioner, upon notice to the observer, without first conducting a hearing, may suspend the certification or may demote the observer to trainee status. If a certification is suspended or if an observer is demoted to trainee status under this subsection, the commissioner shall notify the observer, in writing, and specify the grounds for the immediate suspension or demotion. The observer may submit a written objection to the department's action that specifies the reasons why the

certification should not be suspended or why the demotion should not occur. If an objection is not received within 45 days after the date that the notice was mailed or served by personal delivery, the commissioner shall notify the observer that the certification is revoked or that the observer is retained on trainee status, subject to (b) - (h) of this section, as the final administrative determination. Notice under this subsection may be served by personal delivery or certified mail, return receipt requested, to the observer's last known address. If a timely objection is received, the provisions of (m) of this section apply. The suspension or demotion terminates, and the observer is returned to certified observer status, if, within 90 days after the department's receipt of an objection, the commissioner

(1) makes the final administrative determination to return the observer to certified observer status;

(2) fails to provide notice of the revocation or demotion under this section; or

(3) fails to make a final determination under (m) of this section that revokes the certification or demotes the observer to trainee status.

(o) Repealed 12/26/97.

(p) In this section,

(1) "briefing" means a meeting between the department and an observer in which the upcoming observer trip is discussed;

(2) "debriefing" means a meeting between the department and

(A) an observer in which the observer's collected data are reviewed;

(B) a trainee observer to determine if the trainee will be granted certification status under (f) of this section;

(3) "trainee" means a person who holds a crab or scallop onboard observer trainee permit and is a candidate to be a certified crab or scallop onboard observer.

**5 AAC 39.144. Onboard observer independent contracting agent certification and decertification.** (a) To become certified or to renew certification as an independent contracting agent authorized to provide onboard observers, an applicant must meet the requirements of this section. The department shall issue or renew an independent contracting agent certificate only after

(1) the applicant has completed a written application on a form provided by the department; in this application the applicant shall

(A) verify that the applicant is familiar with the requirements of 5 AAC 39.141 - 5 AAC 39.143, 5 AAC 39.146, 5 AAC 39.645, 5 AAC 39.646, and this section for onboard observers and contracting agents;

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(B) acknowledge that the applicant's certification as an independent contracting agent will be subject to revocation by the commissioner at any time under the procedures set out in (e) - (j) of this section;

(C) designate an agent in this state for service of process;

(D) provide a current mailing address, daytime business phone number, and a contact or message phone number;

(E) provide all other information requested by the department to assist the department in administration, management, or enforcement of its onboard observer program or certification of onboard observer independent contracting agents;

(F) verify that the applicant is not precluded from certification under (i) of this section;

(2) the applicant has completed a written conflict-of-interest statement on a form provided by the department;

(3) the department has reviewed the application and the conflict-of-interest statement submitted under this section and has determined that the application is complete and that no conflict of interest appears to exist under 5 AAC 39.142;

(4) the department has determined that certification is not precluded under (i) of this section.

(b) An independent contracting agent's certification expires on December 31 of the year it was issued unless a certification renewal application is received by the department before December 31 of that year, or unless the certification has been previously canceled or revoked under this section. The department shall renew a certification if a completed certification renewal application is timely received by the department and no revocation proceedings are pending against the contracting agent on the date the certification would expire or the application is received, and the department has determined that the applicant meets the requirements of this section.

(c) A certified independent contracting agent shall submit a new conflict-of-interest statement to the department

(1) within 30 days after any event that would change any information provided in the contracting agent's most recent conflict-of-interest statement;

(2) when submitting a certification renewal application described in (b) of this section; or

(3) at any time upon request by the department.

(d) The commissioner may revoke an independent contracting agent's certification as provided in (e) - (h) of this section. If revocation proceedings are pending on the date the certification would expire under (b) of this section, and if a certification renewal

application has been received by the department, the certification will not expire on that date, but is suspended until the conclusion of the revocation proceedings. If a certification renewal application is received by the department before the contracting agent's certification would expire under (b) of this section and revocation proceedings begin after the certification has been renewed, the contracting agent may continue to operate under its existing certification until the conclusion of the revocation proceedings, unless a suspension has occurred under (g) of this section.

(e) An independent contracting agent's certification may be revoked for any of the following reasons:

(1) violation of conflict-of-interest standards in 5 AAC 39.142(b) by the contracting agent;

(2) failure to require employees to follow conflict-of-interest standards;

(3) a substantial violation of the requirements of 5 AAC 39.141, 5 AAC 39.143, 5 AAC 39.146, 5 AAC 39.645, 5 AAC 39.646, and this section;

(4) any other violation of the requirements of 5 AAC 39.141 - 5 AAC 39.143, 5 AAC 39.146, 5 AAC 39.645, 5 AAC 39.646, and this section that is not described in (1) and (3) that is not cured within a reasonable time specified by the department after the department has notified the contracting agent, in writing, of the violation;

(5) failure to respond, within the time specified by the department, to a request from the department for information, unless within the specified time the contracting agent demonstrates to the department that the request is unreasonable;

(6) failure to maintain an effective means of communication between the contracting agent and the department;

(7) failure to report known violations of conflict-of-interest standards or known attempts to violate conflict-of-interest standards;

(8) failure to report known criminal behavior by an observer or criminal behavior arising from fishing operations of the fishing vessel to which the contracting agent has assigned an observer;

(9) failure to cooperate with investigation or prosecution of an observer employed by the contracting agent or a fishing vessel for which the contracting agent has provided an observer.

(f) The commissioner shall notify an independent contracting agent, in writing, of its intent to revoke the contracting agent's certification. Notice under this subsection may be served by personal delivery or by sending the notice by certified mail, return receipt requested, to the contracting agent or to the agent's designee for service of process in this state. The commissioner may revoke the certification without further proceedings if, within 45 days after the date that the notice was mailed or served by personal delivery,

the department does not receive a written objection from the contracting agent that specifies the reasons why the revocation should not occur.

(g) If the commissioner determines that the performance of an independent contracting agent creates an immediate, substantial threat to the orderly conduct of the fishery or the conservation of fishery resources, the commissioner, upon notice to the contracting agent, without first conducting a hearing, may suspend the certification. If a certification is suspended under this subsection, the commissioner shall notify the contracting agent in writing and specify the grounds for immediate suspension. The contracting agent may submit a written objection to the department's action that specifies the reasons why the revocation should not occur. If an objection is not received within 45 days after the date that the notice was mailed or served by personal delivery, the commissioner shall notify the contracting agent that the certification is revoked, subject to (a) - (c) and (i) of this section, as the final administrative determination. Notice under this subsection may be served by personal delivery or certified mail, return receipt requested, to the contracting agent or to the agent's designee for service of process in this state. If a timely objection is received, the provisions of (h) of this section apply. The suspension terminates within 90 days after the department's receipt of an objection, if the commissioner

(1) makes the final administrative determination to withdraw the suspension; or

(2) fails to make a final determination under (h) of this section.

(h) If the department receives a timely objection under (f) or (g) of this section, the commissioner, or the commissioner's designee, shall conduct an investigation and review and may hold a hearing on the matter. The contracting agent's certification shall remain in effect during an investigation and review unless it is suspended under (g) of this section. If a designee conducts the investigation and review or holds a hearing, the designee shall recommend action to the commissioner who may then adopt it as the final administrative determination. If the commissioner disagrees with the recommendation, the commissioner may reject the recommendation and review the record or conduct a new hearing to make a final administrative determination. If the commissioner determines that one or more of the grounds for revocation of certification have been met, the commissioner may revoke the certification. The commissioner's determination under this subsection is the final administrative action.

(i) An independent contracting agent whose certification has been revoked under this section may not apply for a new certification for a period of one year following revocation. If the contracting agent is a partnership or corporation, its partners, shareholders who hold 20 percent or more of the corporation's outstanding stock, officers, directors, any person with management authority over the activity or activities that significantly contributed to the revocation may not apply for a contracting agent certification for a period of one year following revocation.

(j) The department may cancel an independent contracting agent's certification upon the request of the contracting agent. The department, in its discretion, may proceed with revocation proceedings despite a request for cancellation from a contracting agent.



(k) The provisions of (a) - (j) of this section do not apply until April 1, 1998 to an independent contracting agent approved by the department before the effective date of this section.

**5 AAC 39.145. Escape mechanism for shellfish and groundfish pots.** Pot gear must include an escape mechanism in accordance with the following provisions:

(1) a sidewall, which may include the tunnel, of all shellfish and groundfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length; the opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread; the cotton twine may be knotted at each end only; the opening must be within six inches of the bottom of the pot and must be parallel with it; the cotton twine may not be tied or looped around the web bars; Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine, no larger than 60 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(2) all king crab, Tanner crab, shrimp, miscellaneous shellfish and groundfish pots may, instead of complying with (1) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length; the opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread; a galvanic timed release (GTR) device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot; the twine may be knotted only at each end and at the attachment points on the galvanic timed release device; the opening must be within six inches of the bottom of the pot and must be parallel with it; the twine may not be tied or looped around the web bars;

(3) in an area open to commercial, personal use, sport, or subsistence fishing with pot gear, including a pot storage area, a registered commercial fishing vessel or a vessel used for personal use, sport, or subsistence fishing may not have on board the vessel or in the water, in fishing or stored condition, any groundfish or shellfish pot gear that does not have an opening or rigging as specified in this section;

(4) all commercial, subsistence, personal use, and sport shellfish pots constructed with rigid mesh must have at least one opening in a sidewall of the pot which may include the tunnel, except Dungeness crab pots that have a pot lid tie-down that complies with (1) of this section; the opening in a king crab or Tanner crab pot must be equal to or exceed a 12-inch by 8-inch rectangle; the opening in a Dungeness crab pot must be equal to or exceed a 10-inch by 6-inch rectangle; the lower long edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening in a shrimp pot must be equal to or exceed a four-inch square; the lower edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine, no larger than 30 thread; each single loop of cotton twine may contain only one knot and may not be laced along the opening; the panel must be attached

to the pot in a manner that when the cotton twine degrades the panel will drop away from the pot exposing the opening completely;

(5) all commercial, subsistence, personal use, and sport collapsible groundfish pots, commonly known as slinky pots, must contain two openings in the mesh with each equal to or exceeding 18 inches in length; the openings must each be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine not larger than 30 thread; the cotton twine may be knotted at each end only; the openings must be on opposite sides of the pot; if placed on the tunnel side the opening must be in an area that does not include the door opening, within six inches of the edge of the pot.

**5 AAC 39.146. Onboard observer briefing and debriefing.** (a) An onboard observer shall attend a briefing before deployment on the observer's assigned vessel. An observer shall bring to the observer's briefing all equipment that is specified, in writing, by the department.

(b) An onboard observer shall immediately notify the department of the observer's departure from the assigned vessel. After departure, an observer shall return directly to the department office responsible for management of the fishery that the observer's assigned vessel participated in for a debriefing, unless the observer contacts the department for authorization to do otherwise.

(c) An onboard observer shall be briefed and debriefed only at the department office responsible for management of the fishery that the observer's assigned vessel participates in, unless the department authorizes a different department office. The observer's independent contracting agent shall schedule briefings and debriefings with the department at least 48 hours in advance.

(d) If an onboard observer's vessel returns to any port for any reason, the observer shall contact the department immediately and be prepared to provide all of the observer's data and deployment information to the department. The department may schedule a midtrip debriefing, which will allow a preliminary data check and provide the department an opportunity to resolve sampling problems or answer observer questions.

(e) Trainee observers shall be fully briefed and debriefed for each individual fishery they observe prior to observing any subsequent fisheries. Observers holding a current certification with the department may be briefed and debriefed for multiple fisheries with prior authorization, at the discretion of the department.

**5 AAC 39.163. Bottom Trawl Fisheries Management Plan.** (a) The Board of Fisheries and the Department of Fish and Game are concerned about the bycatch of fish, particularly crab and halibut, by nonpelagic trawl gear used to harvest bottomfish. King and Tanner crab populations in most areas of the state are either depressed or declining and are in need of protection from human-induced mortality if they are to be allowed to rebuild to levels that will allow future harvests. Halibut populations, while high, are fully utilized in directed fisheries, and any additional harvest by nondirected fisheries may increase exploitation rates above those used to maintain a sustained harvest level. There is an indication that nonpelagic trawl gear may, at certain times and in certain locations, inflict unacceptable mortalities on these nondirected species. Since there is not, at this

time, enough data available to quantify the effects of nonpelagic trawl fisheries on nondirected species, the board adopts the Bottom Trawl Fisheries Management Plan as a means of ensuring that the data can be obtained.

(b) The Board of Fisheries finds that in fisheries operating nonpelagic trawls, onboard observers provide the only effective means of collecting information essential to managing the resource. These fisheries generally harvest large numbers of prohibited finfish and shellfish that cannot be legally retained. Since a large portion of the prohibited species taken will be killed or seriously damaged in the trawl, avoidance of prohibited species is essential to conservation and wise use of the resource. Without onboard observers, scientifically reliable data on prohibited species catch and related biological information cannot be developed. In the absence of a reliable database, the department cannot effect time and area restrictions or set nonpelagic trawl catch quotas to provide protection for prohibited species.

(c) Based on findings that onboard observers provide the only way to establish reasonable resource protection measures in managing certain nonpelagic trawl fisheries, and consistent with 5 AAC 39.141 and AS 16.05.251(a)(12), a vessel may not operate nonpelagic trawl gear in waters specified in 5 AAC 39.164(a) without an onboard observer present. Because no management alternatives exist, other than disallowing operation of such vessels and gear, all costs associated with the observer are determined to be an attendant fishing-related cost and must therefore be borne by the vessel owner or operator on board whose vessel the observer serves.

(d) When sufficient reliable data has been collected to determine times and locations where nonpelagic trawl gear can be operated without significant detrimental impact on prohibited species, the limitations in this section and 5 AAC 39.164 will be appropriately modified.

**5 AAC 39.164. Nonpelagic trawl gear restrictions.** (a) Nonpelagic trawl gear may be operated in all waters of Tanner crab Registration Area J (5 AAC 35.500) only if, as may be required under 5 AAC 39.163(c), an onboard observer is present on the vessel when gear is being operated, only under the conditions of a permit issued by the commissioner, and only in locations and during periods not otherwise closed to nonpelagic trawling under (b) or (c) of this section. The permit

(1) must specify the locations and times when nonpelagic trawl gear may be operated;

(2) may restrict the amount of fish and shellfish that may be harvested within a specified location; and

(3) must be obtained in person at a department office located within the statistical area.

(b) Nonpelagic trawl gear may not be operated in waters of Alaska as follows:

(1) the waters of Alaska in the Kodiak groundfish registration area described in 5 AAC 28.400;

(2) repealed 7/2/99;

(3) in waters of the Chignik groundfish registration area described in 5 AAC 28.500, and in that portion of the South Alaska Peninsula groundfish registration area described in 5 AAC 28.550 between a line extending from the southernmost tip of Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long., to a point offshore at 53° 40.46' N. lat., 156° 20.22' W. long. and the longitude of Scotch Cap Light at 164° 44.72' W. long., except the waters

(A) in the area enclosed by 55° 14' N. lat., 55° 34' N. lat., 159° 20' W. long., and 160° 04' W. long.;

(B) of Alaska around Sanak and Caton Islands north of 54° 22.80' N. lat. and east of 162° 41.83' W. long.;

(4) in the following waters of king crab Registration Area O (5 AAC 34.600) from January 1 through December 31:

(A) Akutan Bay closure, all waters of Akutan Bay south of a line from Akun Head (54° 18' N. lat., 165° 38' W. long.) to North Head (54° 13.50' N. lat., 165° 56' W. long.), and north of 54° 08' N. lat.;

(B) Unalaska Bay closure, all waters of Unalaska Bay enclosed by a line from Cape Cheerful (54° 01' N. lat., 166° 40' W. long.) to Cape Kalekta (54° 00.50' N. lat., 166° 22.50' W. long.);

(C) Makushin Bay closure, all waters of Makushin Bay enclosed by a line from Cape Kovrizhka (53° 51' N. lat., 167° 09.50' W. long.) to Cape Idak (53° 31.33' N. lat., 167° 48' W. long.) to Konets Head (53° 19' N. lat., 167° 51' W. long.);

(D) Inanudak Bay closure, all waters of Inanudak Bay enclosed by a line from Cape Aslik (53° 25' N. lat., 168° 24.50' W. long.) to Cape Illmalianuk (53° 16.50' N. lat., 168° 36' W. long.);

(E) Akun Bay closure, all waters of Akun Bay enclosed by a line from Billings Head (54° 17.50' N. lat., 165° 28.50' W. long.) to 54° 13' N. lat., 165° 24.50' W. long. on the opposite shore;

(F) Beaver Inlet closure, all waters of Beaver Inlet south of a line from Brundage Head (53° 56' N. lat., 166° 12.50' W. long.) to Cape Sedanka (53° 50.50' N. lat., 166° 05.33' W. long.) and north of 53° 42' N. lat.;

(5) the department shall close, by emergency order, waters of king crab Registration Area T (5 AAC 34.800) in a manner that matches closures of the exclusive economic zone made by the federal government;

(6) repealed 2/22/2015:

(7) repealed 4/24/2009;

(8) the St. Lawrence Island Habitat Conservation Area as described in 50 C.F.R. Part 679, Table 45, as revised as of August 25, 2008;

(9) the Northern Bering Sea Research Area as described in 50 C.F.R. Part 679, Table 43, as revised as of August 25, 2008;

(10) the Nunivak Island, Etoilin Strait, and Kuskokwim Bay Habitat Conservation Area as described in 50 C.F.R. Part 679, Table 44, as revised as of August 25, 2008;

(11) the waters of Alaska of the Bering Sea east of 162° W. long.

(c) Repealed 7/21/99.

**5 AAC 39.165. Trawl gear unlawful.** A person may not use any type of trawl gear for any commercial fishing purposes in the following locations:

(1) waters of Prince William Sound enclosed by a line from Point Whitshead to Point Bentinck, and a line from Cape Hinchinbrook Light at 60° 14.25' N. lat., 146° 38.80' W. long. to Seal Rocks Light at 60° 09.78' N. lat., 146° 50.30' W. long. to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and from a point at 60° 11.00' N. lat., 147° 20.00' W. long. on the northwest side of Montague Island, north to a point at 60° 30.00' N. lat., 147° 20.00' W. long., then east to a point at 60° 30.00' N. lat., 147° W. long., then northeast to Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long.;

(2) the waters east of a line from Porcupine Point at 60° 44.60' N. lat., 146° 42.10' W. long. in Port Fidalgo to the southernmost tip of Bligh Island at 60° 48.30' N. lat., 146° 47.90' W. long. to the northernmost tip of Bligh Island at 60° 52.90' N. lat., 146° 46.00' W. long. to Rocky Point at 60° 57.00' N. lat., 146° 46.20' W. long.;

(3) the state waters of Bristol Bay, described in 5 AAC 06.100;

(4) Karluk River Closure: all waters of Alaska in the Kodiak Area that are approximately three miles on either side of the mouth of the Karluk River bounded on the north by a line from 57° 36.26' N. lat., 154° 23.73' W. long., to a point at the state waters boundary at 57° 38.51' N. lat., 154° 27.92' W. long., and bounded on the south by a line from 57° 32.34' N. lat., 154° 32.15' W. long., to a point at the state waters boundary at 57° 34.84' N. lat., 154° 36.80' W. long.

**5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial**

**5 AAC 39.167. Commercial fishing gear prohibited in waters of Alaska surrounding essential fish habitat areas.** In the waters of Alaska surrounding essential fish habitat areas, as defined in 50 C.F.R. 679.22, as revised as of August 25, 2008, during state managed fisheries, the following commercial fishing gear is prohibited as follows:

(1) the Aleutian Islands Coral Habitat Protection Area is closed to nonpelagic trawl, scallop dredge, dinglebar troll, pot, and longline gear;

(2) the Aleutian Islands Habitat Conservation Area is closed to nonpelagic trawl gear;

(3) the Bowers Ridge Habitat Conservation Zone is closed to nonpelagic trawl, scallop dredge, and dinglebar troll gear;

(4) the Gulf of Alaska Coral Habitat Protection Areas are closed to nonpelagic trawl, scallop dredge, dinglebar troll, pot, and longline gear;

(5) the Alaska Seamount Habitat Protection Areas are closed to nonpelagic trawl, scallop dredge, dinglebar troll, pot, and longline gear.

**5 AAC 39.185. Policy on closures due to illegal fishing.** (a) Some fisheries have had a documented history of illegal commercial fishing dating back to 1968. Enforcement efforts by the Department of Public Safety have been largely ineffective in controlling this recurring problem on a long-term basis. The Board recognizes the difficulty of enforcement in some areas of the state and although the current regulations are sufficient to protect fish stocks, they may be ineffective due to special enforcement problems.

(b) In the interest of the conservation of valuable renewable fish resources, the Board of Fisheries directs the commissioner, or his authorized designee, to take the following actions given the specified circumstances. If illegal fishing activities develop to the point that regulations pertaining to protection of fish stocks become ineffective, the commissioner shall consider closing the affected fishery by emergency order for a period of up to one week. When the fishery reopens and illegal fishing continues to be a problem, the appropriate fishery may be closed for an additional period of time. Continued violations may result in additional closures of the fishery.

**5 AAC 39.195. Announcement of emergency orders.** Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers, and canneries by one or more of the following means, if possible:

- (1) radio transmission by department stations;
- (2) notices posted at canneries and public places;
- (3) press releases and announcements in
  - (A) the department's website;
  - (B) local newspapers; and
  - (C) commercial radio stations;
- (4) telephone message hotline;
- (5) electronic mail;

(6) facsimile transmission;

(7) other appropriate public notification media.

**5 AAC 39.197. Unlawful possession of fish.** No person may possess, purchase, sell, barter or transport fish within the state or within water subject to the jurisdiction of the state if that person knows or has reason to know that fish were taken or possessed in contravention of 5 AAC 03 - 5 AAC 39.

**5 AAC 39.200. Application of fishery management plans.** (a) The Board of Fisheries has implemented by regulation fishery management plans that provide the Department of Fish and Game with guidelines to be followed when making management decisions regarding the state's subsistence, commercial, sport and personal use fisheries. The primary goal of these management plans is to protect the sustained yield of the state's fishery resources while at the same time providing an equitable distribution of the available harvest between various users. The regulations contained in this section are intended to aid in the achievement of that goal and therefore will apply to all fishery management plans contained in 5 AAC 03 - 5 AAC 39.

(b) In some fishery management plans, the distribution of harvestable fish between various users is determined by the harvest that occurs during a specific time period, at a specific location or by a specific group or groups of users. At times fishermen, due to circumstances that are beyond the control of the department, such as weather or price disputes, will not harvest fish. When this happens in a fishery governed by a management plan, the goals of that plan may not be achieved. Therefore, when a fishery is open to the taking of fish and the group or groups of users whose catch determines the distribution of the harvest as set out in the applicable management plan is not taking the harvestable fish available to them, the department shall manage the fishery as if the available harvest is being taken. When determining the available harvest, the department shall consider the number of fish needed to meet spawning requirements, the number of fish present in the fishery and in spawning areas that are in excess of spawning requirements and the estimated harvesting capacity of the group or groups of users that would normally participate in the fishery.

**5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.** Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

## Article 6. Shellfish Fishery.

### 5 AAC 39.645. Shellfish onboard observer program

(a) The Board of Fisheries (board) finds that onboard observers provide the only effective means of collecting essential biological and management data from catcher-processor and floating processor vessels that process shellfish, and from an adequate number of catcher vessels that take shellfish in the commercial fisheries described in (d) of this section. These data are necessary to achieve the requirements set out in 16 U.S.C. 1801-1883 (Magnuson-Stevens Act) and the federal Fisheries Management Plan for Bering Sea/Aleutian Islands King and Tanner Crab, dated July 18, 1998, including the

sustained yield of the shellfish resource without overfishing. The department has traditionally collected essential biological and management data at the point of shoreside landing immediately before processing. The evolution to processing by catcher-processor and floating processor vessels in particular fisheries, and the lack of an adequate number of catcher-processor vessels in particular Bering Sea and Aleutian Islands crab fisheries that are required by this section to have an onboard observer on board the vessel, has seriously eroded the department's ability to adequately monitor harvests, assess the amount and type of bycatch occurring in the fisheries, and collect biological data for inseason management. Onboard observers are the only practical data-gathering mechanism for these fisheries without unduly disrupting the operation of these fisheries.

(b) Further, the board finds that, in particular shellfish fisheries, onboard observers provide the only effective means to enforce regulations that protect the shellfish resource. The board finds that catcher-processor catch statistics have clearly demonstrated that some operators of these vessels have routinely failed to comply with king and Tanner crab size limit regulations. Without onboard observer coverage, sublegal and female crab might be taken and processed immediately, making enforcement of size and sex regulations impossible.

(c) The cost of providing these onboard observers for catcher vessels and at-sea processors in the commercial Bering Sea and Aleutian Islands registration areas crab and special permit fisheries, excluding the Norton Sound and Kotzebue Sound Sections, will be borne by the department through the harvest and sale of crab or will be borne directly by the vessel. The costs of the observer requirements for catcher-processor vessels that retain processed crab after the close of a fishery, under 5 AAC 34.031(e)(4) and 5 AAC 35.031(c)(4), shall be borne by the vessel. In those cases, the cost for the department-approved observer shall be borne by the vessel. The department will have full authority and responsibility for deploying onboard observers on any vessel participating in the commercial Bering Sea and Aleutian Islands Area crab fisheries, or any fisheries conducted under a commissioner's permit, as necessary for fishery management and data-gathering needs. No acceptable management alternatives exist other than disallowing operation of a vessel that is required, but refuses to cooperate with an onboard observer program. The onboard observer program set out in this section is compatible with and complementary to the existing observer programs of other agencies.

(d) Based on the findings in (a) - (c) of this section, the department shall institute a mandatory onboard observer program, as follows:

(1) for all vessels that process Tanner crab, red king crab, blue king crab, or golden king crab, a department approved crab fishery onboard observer must be on board the vessel and acting in the capacity of a crab fishery onboard observer for 100 percent of the time that the vessel is acting in the capacity of a catcher-processor or a floating processor;

(2) the department shall require onboard observers for an adequate number of catcher vessels, or during the harvest of a percentage of the total harvest weight of each catcher vessel, participating in the rationalized Bering Sea/Aleutian Islands commercial crab fisheries harvesting IFQ, CDQ, or the Adak community allocation;



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(3) the Bering Sea/Aleutian Islands rationalized crab fisheries where IFQ, CDQ, or the Adak community allocation are established include

(A) Registration Area O (Aleutian Islands) golden king crab, Registration Area O red king crab (west of 179° W. long.), Registration Area T (Bristol Bay) red king crab, Registration Area Q (Bering Sea) Pribilof District red and blue king crab, Registration Area Q St. Matthew Island Section of the Northern District blue king crab; and

(B) Registration Area J (Westward), Bering Sea District C. opilio (snow crab) and C. bairdi Tanner crab, excluding the Norton Sound Section;

(4) to meet catcher vessel observer coverage requirements, a department approved crab fishery onboard observer must be on board the catcher vessel and acting in the capacity of a crab onboard observer in the following registration areas during the following prescribed time periods:

(A) for Registration Area O (Aleutian Islands),

(i) during harvest of 100 percent of the total red king crab weight harvested by each catcher vessel while operating fishing gear west of 179° W. long., during each registration year;

(ii) repealed 6/17/2018;

(iii) repealed 6/17/2018;

(iv) during harvest of 50 percent of the total golden king crab weight harvested by each catcher vessel while operating fishing gear east of 174° W. long., during each of three trimesters dated August 1 through October 31, November 1 through January 31, and February 1 through April 30, during each registration year; and

(v) during harvest of 50 percent of the total golden king crab weight harvested by each catcher vessel while operating fishing gear west of 174° W. long., during each of three trimesters dated August 1 through October 31, November 1 through January 31, and February 1 through April 30, during each registration year;

(B) for Registration Area Q (Bering Sea),

(i) during harvest of 100 percent of the total red and blue king crab weight harvested by each catcher vessel while operating fishing gear in the Pribilof District, during each registration year; and

(ii) during harvest of 100 percent of the total blue king crab weight harvested by each catcher vessel while operating fishing gear in the St. Matthew Island Section of the Northern District, during each registration year;

(C) for Registration Area T (Bristol Bay), during harvest of 20 percent of the total red king crab weight harvested by each catcher vessel while operating fishing gear, during each registration year, or the department may randomly select 20 percent of the

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catcher vessels harvesting Bristol Bay red king crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel;

(D) for Tanner crab Registration Area J (Westward), Bering Sea District,

(i) during harvest of 30 percent of the total *C. opilio* (snow crab) weight harvested by each catcher vessel while operating fishing gear, during each registration year, or during a period when the department randomly selects between 30 percent and 100 percent of the catcher vessels harvesting Bering Sea *C. opilio* (snow crab) to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel; and

(ii) during harvest of 30 percent of the total *C. bairdi* Tanner crab weight harvested on each catcher vessel while operating fishing gear during each registration year or during a period when the department randomly selects between 30 percent and 100 percent of the catcher vessels engaged in directed harvest of *C. bairdi* Tanner crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel, unless a catcher vessel harvests *C. bairdi* Tanner crab as incidental catch during directed fishing for either Bristol Bay red king crab or Bering Sea snow crab, where observer coverage requirements for those directed fisheries would apply to the Tanner crab incidental harvest;

(5) onboard observers are required for the number of catcher vessels that the department determines are adequate to participate in the non-IFQ, non-CDQ, or non-Adak community allocation commercial crab fisheries that take shellfish in the following Bering Sea/Aleutian Islands shellfish fisheries:

(A) Registration Area O (Aleutian Islands), red king crab fishery east of 179° W. long.;

(B) Registration Area J (Eastern Aleutian and Western Aleutian Districts), Tanner crab fishery;

(C) Registration Area J (Westward), hair crab, snails, or other miscellaneous shellfish commercial fisheries that require a permit issued by the commissioner under 5 AAC 38.062;

(6) for vessels that take red or blue king crab in the Norton Sound Section of Registration Area Q, the department may require onboard observers on selected vessels;

(7) for vessels that take red or blue king crab in the Kotzebue Sound Section of Registration Area Q, the department may require onboard observers on selected vessels;

(8) the department may waive the onboard observer requirement for a vessel that processes crab at a place where a department sampler is located, if the sampler has reasonable access to the vessel and if the vessel is tied to a dock; all other vessel requirements remain in effect; the department may also waive the onboard observer requirement when an observer is taken ill or is injured while on board the vessel and is unable to function, or when in the judgment of the department the observer is unavailable despite the good faith effort of the vessel operator and for a reason that is beyond the

control of the vessel operator; a request for a waiver and all supporting documentation must be submitted in writing;

(9) the department may place a representative of the department on board a processing vessel to perform tank inspections, or to verify the performance of an observer, without waiving the observer requirement.

(e) In addition to the permit requirements in 5 AAC 34.055 and 5 AAC 35.055, the permit for a vessel that participates in a Tanner crab, red king crab, blue king crab, or golden king crab fishery must require that an observer, approved by the department, be briefed by the department for the fishery in which the vessel participates and that the observer be on board the vessel before the vessel obtains a tank inspection, before the vessel takes crab, and before the start of and during all processing operations, except for when a vessel has checked out of a fishery under 5 AAC 39.670(c)(3)(G) and has notified the department of its intent to deploy gear consistent with 5 AAC 39.670(c)(3)(E). For the purposes of 5 AAC 34.055, 5 AAC 35.055, and 5 AAC 39.140, the observer is a representative of the department. All information collected by the observer is confidential property of the department. The department shall develop guidelines for approval of observers, including training requirements, conflict-of-interests standards, data collection schedules and standards, record keeping and reporting requirements, and other criteria needed to ensure accurate and objective reporting.

(f) Based on the findings in this section, it is the board's intent that a credible, fair, and enforceable observer program be implemented before the September 25, 1988 opening of the Bristol Bay red king crab fishery. Information gathered in this observer program is intended to promote both conservation and enforcement.

(g) Repealed 12/26/97.

(h) An employee or crewmember of a commercial crab catcher-processor, crab floating processor, crab catcher vessel, or scallop vessel may not be employed as a shellfish onboard observer for 12 consecutive months after the person's last day of employment on the crab catcher-processor, crab floating processor, crab catcher vessel or scallop vessel.

(i) When a vessel is required to carry an onboard observer, the vessel owner, owner's agent, or operator shall

(1) contract and pay for onboard observers through an independent contracting agent, unless the onboard observer is provided by the department;

(2) provide at least 48 hours advance notice to the contracting agent of an observer's arrival at a department area office for debriefing;

(3) when carrying an observer trainee and within sufficient time to allow for debriefing before expiration of the trainee permit, ensure that the trainee is returned to the port where the department office responsible for management of the fishery the observer's assigned vessel participates in;

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(4) provide adequate food and accommodations for the observer equal to those provided for the vessel's crew;

(5) provide to the observer daily catch information, including areas fished, number and pounds of shellfish landed, number of pots pulled by registration area, and other information specified by the department;

(6) provide a safe work area, necessary gear, opportunity, and sufficient time to allow the observer to adequately sample catch as specified by the department;

(7) ensure that the transfer of an observer between vessels is conducted in a timely manner, under safe conditions, and with the agreement of the observer involved;

(8) assure observer access to single side band (SSB) radio, fax, telex, or telephone so that catch reports from observers are received at the area management office as specified by the department;

(9) notify the observer before shellfish are brought on board to allow sampling, unless the observer specifically requests not to be notified;

(10) provide proof of compliance with current United States Coast Guard Commercial Fishing Vessel Safety Examination requirements; and

(11) maintain safe conditions on the vessel for the protection of observers and adhere to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(j) An independent contracting agent that provides onboard observers under this section shall

(1) employ observers in compliance with all applicable state and federal laws and provide all necessary administrative and payroll functions for the observer employees;

(2) secure contracts directly with vessel owners and operators in pay-as-you-go fisheries;

(3) repealed 6/27/2014;

(4) provide the department with complete and legible transcripts, resumes, and other work history documents to qualify observer candidates no less than 30 days before training;

(5) provide observer training to meet certification requirements contained in 5 AAC 39.143;

(6) provide observer sampling equipment for use during training classes and at the examinations;

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(7) provide all logistical support for observers, including room and board, travel to and from vessels, travel to and from the department examinations, and briefings and debriefings;

(8) assign observers to vessels without regard to requests from vessel owners and operators for, or for exclusion of, a specific observer; any request for, or for exclusion of, a specific observer shall be reported to the department by the contracting agent;

(9) provide, for each observer deployment, a complete set of all necessary observer sampling equipment as specified, in writing, by the department for an observer to complete a trip assignment;

(10) provide the department no less than 48 hours advance notice of an observer's scheduled arrival at the port where the department office responsible for management of the fishery the observer's assigned vessel participates in for briefings and debriefings;

(11) schedule all observer briefing and debriefing appointments directly with the department;

(12) maintain records of observers' scheduled briefing and debriefing dates, and observers' time on board a vessel to ensure compliance with maximum trip limits for trainee observers as specified in 5 AAC 39.143(c), and fully certified observers as specified in 5 AAC 39.142(a)(8);

(13) ensure that no less than 65 percent of observer deployment days per year per contractor are performed by certified observers.

(k) Repealed 6/27/2014.

(l) When a vessel is required to carry an onboard observer, an employee, operator, crewmember, officer, director, agent, owner, or shareholder of the vessel or any entity with ownership of, or management authority over, the vessel may not

(1) impede, or interfere with an observer carrying out observer duties;

(2) interfere with or bias the sampling procedure employed by an observer, including physical or mechanical interference, or sorting or discarding of catch before sampling;

(3) tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer; or

(4) harass an observer by conduct that has sexual connotations, or by conduct that creates an intimidating, hostile, or offensive environment; for the purpose of this paragraph, "harass" means words, conduct, or action that being directed at the observer, annoys, alarms, or causes emotional distress in the observer.

(m) In this section, "pay-as-you-go" means the cost of the observer is paid by the vessel operator.

### **5 AAC 39.646. Shellfish onboard observer trainee program qualifications and requirements**

(a) To qualify as a crab onboard observer trainee, an applicant must have one of the following:

(1) a Bachelor degree or higher from an accredited college or university with a major in the sciences of biology, any branch of biology, or limnology that includes a minimum of 30 semester hours in applicable biological sciences with use of dichotomous keys in at least one course, and the successful completion of at least one course each in mathematics and statistics with a minimum of five semester hours total for both; or

(2) a valid National Marine Fisheries Service observer certification; or

(3) other fisheries related education or work experience approved by the department.

(b) A crab or scallop onboard observer trainee must

(1) have the ability to use a radio for communications; and

(2) be physically able to carry out the duties of an observer and not be incapacitated by chronic or debilitating seasickness.

(c) Before an applicant may take the certification examination, the applicant must attend a training course approved by the department that provides instruction in the following subject areas:

(1) identification of the species and sex of all shellfish species commercially fished in waters under the jurisdiction of the state;

(2) how to accurately read a vernier caliper and properly measure shellfish species, and to use a fixed measuring gauge to determine legal size shellfish;

(3) organizational structure of the shellfish regulations in this title and ability to reference appropriate regulations as required;

(4) use of a radio for communications;

(5) identification of Pacific cod, halibut, sablefish, and other fish species commonly caught as bycatch;

(6) department sampling procedures;

(7) performance of observer duties similar to those performed while on board a vessel.

(d) In addition to the requirements in (a) of this section, to qualify as a scallop onboard observer trainee, an applicant must possess a valid department crab observer trainee permit or crab observer certification in good standing, except that, if an applicant with a valid department crab observer trainee permit or crab observer certification in good standing is unavailable, a valid National Marine Fisheries Service North Pacific Groundfish Observer Program certification may be substituted at the discretion of the department.

## Article 9. Definitions; Miscellaneous.

### 5 AAC 39.975. Definitions

(a) In 5 AAC 01 - 5 AAC 39,

(1) "alien" means a person who is not a citizen of the United States, and who does not have a petition for naturalization pending before the district court;

(2) "bag limit" means the maximum legal take per person per day, even if part or all of the fish are preserved;

(3) "buyer" means a person who purchases fish from the fishermen who caught the fish or who, for commercial purposes, processes fish he has caught himself;

(4) "depth of net" means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;

(5) repealed 2/18/73;

(6) "gear" means any type of fishing apparatus;

(7) "inclusive season dates" means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;

(8) "legal limit of fishing gear" means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;

(9) "local representative of the department" means the nearest, most accessible professional employee of the department, a person designated by the commissioner or by a professional employee of the department to perform a specific function for the department and a law enforcement officer of the Department of Public Safety;

(10) "salmon stream" means a stream used by salmon, at any stage of life, for spawning, rearing, presence, or migration;

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(11) "stretched measure" means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;

(12) repealed 6/30/79;

(13) "waters of Alaska" means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean lower low water, and those waters extending three miles seaward of a line (the baseline) between the following points:

(A) Southeastern and Yakutat Areas:

100 southernmost tip Cape Muzon, Dall Island;

101 westernmost tip unnamed point, Dall Island (54° 39.87' N. lat., 132° 43.53' W. long.);

102 westernmost tip Wolk Point, Dall Island;

103 southernmost tip Liscome Point, Dall Island;

104 westernmost tip Point Cornwallis, Dall Island;

105 westernmost tip Security Point, Dall Island;

106 westernmost tip Parrot Point, Dall Island;

107 westernmost tip Point Bazan, Dall Island;

108 westernmost tip of westernmost unnamed island west of Dolgoi Island (54° 49.33' N. lat., 133° 00.40' W. long.);

109 westernmost tip Ritter Point, Dall Island;

110 westernmost tip Rockwell Point, Dall Island;

111 westernmost tip Cape Augustine, Dall Island;

112 westernmost tip Sakie Point, Dall Island;

113 southernmost tip Cape Felix, Suemez Island;

114 southernmost tip of southernmost island off Cape Bartolome, Baker Island;

115 westernmost tip Cape Chirikof, Baker Island;



- 116 southernmost tip Cape Addington, Noyes Island;
- 117 westernmost tip of the southernmost island of the Hazy Islands;
- 118 westernmost tip of the westernmost island of the Hazy Islands;
- 119 southernmost tip Cape Ommaney, Baranof Island;
- 120 southernmost tip Eagle Rocks, Baranof Island;
- 121 westernmost tip Puffin Point, Baranof Island;
- 122 westernmost tip Sea Lion Rocks;
- 123 56° 19.50' N. lat., 134° 54' W. long., Baranof Island;
- 124 westernmost tip First Kekur Island;
- 125 westernmost tip Second Kekur Island;
- 126 westernmost tip North Cape, Baranof Islands;
- 127 westernmost tip John Rock;
- 128 westernmost tip Jacob Rock;
- 129 westernmost tip Kaiuchali Island;
- 130 westernmost tip Cape Edgecumbe, Kruzof Island;
- 131 westernmost tip Pt. Amelia, Kruzof Island;
- 132 westernmost tip Sealion Islands;
- 133 westernmost tip Eagle Rock;
- 134 westernmost tip Klokachef Point, Klokachef Island;
- 135 westernmost tip Black Island;
- 136 westernmost tip Cape Edward;
- 137 westernmost tip Urey Rocks;
- 138 westernmost tip of westernmost rock off Cape Cross, Yakobi Island (57° 54.67' N. lat., 136° 34.33' W. long.);
- 139 westernmost tip Yakobi Rock (off Cape Bingham, Yakobi Island);

- 140 westernmost tip Zip Rock (off Cape Spencer);
  - 141 westernmost tip Graves Rocks;
  - 142 westernmost tip Sugarloaf Island;
  - 143 westernmost tip Astrolabe Rocks;
  - 144 southernmost tip Icy Point;
  - 145 westernmost tip Harbor Point;
  - 146 westernmost tip La Chaussee Spit;
  - 147 westernmost tip Cape Fairweather;
  - 148 easternmost tip of the west side of the entrance to Dry Bay;
  - 149 southernmost tip at the mouth of Dangerous River;
  - 150 westernmost tip Ocean Cape;
  - 151 easternmost tip Point Manby;
  - 152 southernmost tip Sitkagai Bluffs;
  - 153 southernmost tip Point Riou;
  - 154 southernmost tip Icy Cape;
  - 155 southernmost tip Cape Yakataga;
  - 200 southernmost tip Cape Suckling;
- (B) Prince William Sound and Cook Inlet Areas:
- 200 southernmost tip Cape Suckling;
  - 201 easternmost tip Pinnacle Rock (off Cape St. Elias, Kayak Island);
  - 202 southernmost tip Hook Point, Hinchinbrook Island;
  - 203 southernmost tip Cape Hinchinbrook, Hinchinbrook Island;
  - 204 easternmost tip Montague Island;
  - 205 easternmost tip Box Point, Montague Island;

- 206 easternmost tip Wooded Islands;
  - 207 southernmost tip, Wooded Islands;
  - 208 southernmost tip Jeanie Point, Montague Island;
  - 209 southernmost tip Cape Cleare, Montague Island;
  - 210 southernmost tip Point Elrington, Elrington Island;
  - 211 southernmost tip Cape Puget;
  - 212 southernmost tip Cape Junken;
  - 213 southernmost tip Cape Fairfield;
  - 214 southernmost tip Barwell Island (off Cape Resurrection);
  - 215 easternmost tip Pilot Rock;
  - 216 easternmost tip Chiswell Island;
  - 217 southernmost tip Seal Rocks;
  - 218 southernmost tip unnamed cape south of Black Mountain (Black Bay) (59° 27.20' N. lat., 150° 14' W. long.);
  - 219 easternmost tip Hoof Point, Ragged Island;
  - 220 easternmost tip Outer Island, Pye Islands;
  - 221 southernmost tip of southernmost island off Outer Island;
  - 222 southernmost tip Nuka Rock (south of Nuka Point, Nuka Island);
  - 223 southernmost tip Gore Point;
  - 224 southernmost tip East Chugach Island;
  - 225 southernmost tip Perl Rock (off Perl Island, Chugach Islands);
  - 300 easternmost tip East Amatuli Island, Barren Islands;
- (C) Kodiak, Chignik, Aleutian Islands, and Alaska Peninsula Areas:
- 300 easternmost tip East Amatuli Island, Barren Islands;
  - 301 easternmost tip Point Banks, Shuyak Island;

- 302 northernmost tip Tonki Cape, Afognak Island;
- 303 northernmost tip Cape St. Hermogenes, Marmot Island;
- 304 along the seaward coast of Marmot Island southernmost tip of Marmot Cape;
- 305 southernmost tip Pillar Cape, Afognak Island;
- 306 easternmost tip East Cape, Spruce Island;
- 307 northernmost tip Kodiak Rock (off Long Island);
- 308 easternmost tip Cape Chiniak, Kodiak Island;
- 309 easternmost tip Cape Greville Kodiak Island;
- 310 easternmost tip Ugak Island;
- 311 along the coast to the southernmost tip of Ugak Island;
- 312 southernmost tip Dangerous Cape, Kodiak Island;
- 313 easternmost tip Cape Barnabas, Sitkalidak Island;
- 314 easternmost tip Black Point, Sitkalidak Island;
- 315 easternmost tip Twoheaded Island;
- 316 easternmost tip Geese Islands;
- 317 easternmost tip Cape Sitkinak, Sitkinak Island;
- 318 along the coast to the southernmost tip of Sitkinak Island;
- 319 southernmost tip Tugidak Island;
- 320 along the west coast to the northernmost tip of Tugidak Island;
- 321 southernmost tip Cape Alitak, Kodiak Island;
- 322 westernmost tip Low Cape, Kodiak Island;
- 323 westernmost tip Cape Ikolik, Kodiak Island;
- 324 easternmost tip Kilokak Rocks (off Alaska Peninsula);
- 325 easternmost tip Ashiik Island;
- 326 easternmost tip Poltava Island;

- 327 easternmost tip Navy Island (off Cape Providence);
- 328 easternmost tip Aiugnak Columns;
- 329 easternmost tip Ugaiushak Island;
- 330 easternmost tip Hydra Island;
- 331 easternmost tip Foggy Cape, Sutwik Island;
- 332 around the south coast of Sutwik Island via the southernmost offcoast islets to the westernmost tip of Sutwik Island;
- 333 southernmost tip Cape Kumlik;
- 334 easternmost tip Unavikshak Island;
- 335 southernmost tip Atkulik Island;
- 336 easternmost tip Kak Island;
- 337 easternmost tip Castle Cape (Tuliumnit Point);
- 338 easternmost tip Chankliut Island;
- 339 along seaward coast to southernmost tip Chankliut Island;
- 340 southernmost tip Seal Cape;
- 341 easternmost tip Mitrofanina Island;
- 342 southernmost tip Spitz Island;
- 343 southernmost tip Chiachi Island;
- 344 easternmost tip Kupreanof Point;
- 345 easternmost tip Castle Rock;
- 346 easternmost tip Atkins Island;
- 347 easternmost tip Simeonof Island;
- 348 along the seaward coast of Simeonof Island to the southernmost tip;
- 349 easternmost tip of the unnamed island off the southern coast of Simeonof Island;
- 350 easternmost tip Chernabura Island;

- 351 along the coast to southernmost tip of Point Farewell, Chernabura Island;
- 352 southernmost tip Point Welcome, Bird Island;
- 353 southernmost tip Mountain Cape, Nagai Island;
- 354 westernmost tip Sealion Rocks;
- 355 southernmost tip Acheredin Point, Unga Island;
- 356 southernmost tip of Kennoys Island;
- 357 easternmost tip East Rock;
- 358 easternmost tip Olga Rock;
- 359 easternmost tip Pinnacle Rock;
- 360 easternmost tip Hay Island;
- 361 easternmost tip Hague Rock;
- 362 easternmost tip Lookout Point, Caton Island, Sanak Islands;
- 363 along the coast to southernmost tip Caton Island;
- 364 southernmost tip Umla Island;
- 365 southernmost tip Telemitz Island;
- 366 southernmost tip Dora Island;
- 367 easternmost tip Seal Rock;
- 368 southernmost tip Haystack Rock;
- 369 southernmost tip South Rock;
- 370 southernmost tip Sisters Island;
- 371 easternmost tip Clifford Island;
- 372 along the coast of Clifford Island and Long Island to the westernmost tip of the westernmost Trinity Island;
- 373 westernmost tip Point Petrof, Sanak Island;
- 374 southernmost tip Cape Lutke, Unimak Island;

375 along the coast to the southernmost tip of Scotch Cap, Unimak Island;

376 easternmost tip Ugamak Island;

377 easternmost tip Round Island;

378 easternmost tip Aiktak Island;

379 easternmost tip Kaligagan Island;

380 easternmost tip Tigalda Island;

381 along the coast of Tigalda Island to Derbin Island;

382 southernmost tip Avatanak Point, Avatanak Island;

383 easternmost tip Rootok Island;

384 along the coast to southernmost tip Rootok Island;

385 southernmost tip Battery Point, Akutan Island;

386 easternmost tip Unalga Island;

387 easternmost tip Egg Island off Sedanka Island;

388 easternmost tip Outer Signal (island);

389 easternmost tip Inner Signal (island);

390 southernmost tip Sedanka Island;

391 easternmost tip Kayak Cape, Unalaska Island;

392 easternmost tip Cape Yanaliuk, Unalaska Island;

393 easternmost tip Whalebone Cape, Unalaska Island;

394 southernmost tip Cape Prominence, Unalaska Island;

395 southernmost tip Reef Point, Unalaska Island;

396 southernmost tip Ogangen Island off Unalaska Island;

397 southernmost tip Eagle Point, Unalaska Island;

398 southernmost tip Cape Aiak, Unalaska Island;

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- 399 southernmost tip South Rock off Cape Izigan, Unalaska Island;
- 400 southernmost tip Emerald Island off Konets Head, Unalaska Island;
- 401 easternmost tip Kettle Cape, Umnak Island;
- 402 easternmost tip The Pillars (off Thumb Point, Umnak Island);
- 403 easternmost tip Kigul Island;
- 404 easternmost tip Ogchul Island;
- 405 easternmost tip Vsevidof Island;
- 406 easternmost tip Black Cape, Umnak Island;
- 407 easternmost tip Cape Udak, Umnak Island;
- 408 easternmost tip Breadloaf Island;
- 409 easternmost tip Samalga Island;
- 410 along the coast to westernmost tip of Samalga Island;
- 411 southernmost tip Concord Point, Chuginadak Island;
- 412 southernmost tip unnamed point south of Mt. Cleaveland, Chuginadak Island (52° 48.75' N. lat., 169° 57.50' W. long.);
- 413 southernmost tip Herbert Island;
- 414 southernmost tip Yunaska Island;
- 415 southernmost tip Amutka Island;
- 416 along the south and west coast to northernmost tip of Amutka Island;
- 417 northernmost tip Chagulak Island;
- 418 northernmost tip of Yunaska Island;
- 419 northernmost tip Herbert Island;
- 420 westernmost tip of Carlisle Island;
- 421 along the coast to the northernmost tip of Carlisle Island;
- 422 westernmost tip Uliaga Island;



- 423 along northern coast to easternmost tip of Uliaga Island;
- 424 northernmost tip of Kagamil Island;
- 425 northernmost tip Anangula Island (off Okee Point, Umnak Island);
- 426 northernmost tip Ananiuliak Island;
- 427 northernmost tip Okee Point, Umnak Island;
- 428 westernmost tip Cape Kigushimkada, Umnak Island;
- 429 along the coast to westernmost tip of Kshaliuk Point;
- 430 northernmost tip Cape Imlalianuk, Umnak Island;
- 431 westernmost tip Cape Aslik, Umnak Island;
- 432 along the coast to northernmost tip of Ashishik Point;
- 433 northernmost tip Cape Tanak, Umnak Island;
- 434 northernmost tip Cape Idak, Umnak Island;
- 435 westernmost tip Chernofski Point, Unalaska Island;
- 436 northernmost tip Cape Aspid, Unalaska Island;
- 437 westernmost tip of westernmost unnamed island off Sedanka Point, Unalaska (53° 27.05' N. lat., 167° 20' W. long.);
- 438 westernmost tip Kashega Point, Unalaska Island;
- 439 westernmost tip Spray Cape, Unalaska Island;
- 440 westernmost tip Cape Starichkof, Unalaska Island;
- 441 southernmost tip of Cape Kovrizhka, Unalaska Island;
- 442 along the coast to the northernmost tip of Cape Kovrizhka;
- 443 westernmost tip Point Kadin, Unalaska Island;
- 444 northernmost tip Koriga Point, Unalaska Island;
- 445 northernmost tip Bishop Point, Unalaska Island;
- 446 northernmost tip Point Tebenkof, Unalaska Island;

- 447 northernmost tip Cape Wislow, Unalaska Island;
- 448 northernmost tip Cape Cheerful, Unalaska Island;
- 449 northernmost tip Priest Rock (off Cape Kalekta, Unalaska Island);
- 450 westernmost tip Reef Point, Akutan Island;
- 451 westernmost tip Lava Point, Akutan Island;
- 452 northernmost tip North Head, Akutan Island;
- 453 northernmost tip Akun Head, Akun Island;
- 454 westernmost tip Cape Sarichef, Unimak Island;
- 455 northernmost tip Raven Point, Unimak Island;
- 456 northernmost tip Oksenof Point, Unimak Island;
- 457 northernmost tip Cape Mordvinof, Unimak Island;
- 458 northernmost tip Cape Lapin, Unimak Island;
- 459 northernmost tip of unnamed point, Unimak Island (55° N. lat., 163° 54' W. long.);
- 460 northernmost tip Otter Point, Unimak Island;
- 461 northernmost tip Cape Krenitzin;
- 462 along the north coast of the Alaska Peninsula to northernmost tip of Cape Glazenap;
- 463 along the coast and across the entrances between the Kudiakof Islands and the northernmost tip of Moffet Point;
- 464 along the north coast of the Alaska Peninsula to easternmost tip of Lagoon Point;
- 465 northernmost tip Cape Kutuzof;
- 500 along the north coast of the Alaska Peninsula including the outer coast of all barrier islands, to the westernmost tip of Cape Menshikof;
- (D) Bristol Bay Area:
- 500 westernmost tip of Cape Menshikof;
- 501 southernmost tip of Pyrite Point;
- 502 along the coast to the westernmost tip of Cape Peirce;

600 westernmost tip of Cape Newenham;

(E) Kuskokwim, Yukon, Norton Sound-Point Clarence, and Arctic-Kotzebue Areas:

600 westernmost tip Cape Newenham;

601 southernmost tip Kwigluk Island;

602 southernmost tip Pingurbek Island;

603 westernmost tip Kikegtek Island;

604 westernmost tip Cape Vancouver;

605 southernmost tip Dall Point;

606 along the coast and across all entrances, to the westernmost tip of Cape Romanzof;

607 westernmost tip Cape Rodney;

608 westernmost tip of Point Spencer Spit;

609 southernmost tip Cape York;

610 westernmost tip Cape Prince of Wales;

611 along coast of all barrier islands to Northwest Corner light;

612 westernmost tip Cape Krusenstern;

613 along the coast to the westernmost tip of Point Hope;

614 westernmost tip Cape Lisburne;

615 along the coast of all barrier islands and across all entrances to the northernmost tip of Point Barrow;

616 along the coast of all barrier islands and across all entrances to the easternmost tip of Cape Simpson;

617 northernmost tip Pitt Point;

618 along the coast to easternmost tip of Cape Halkett;

619 easternmost tip Thetis Island, Jones Islands;

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620 along the coast of all barrier islands and across all entrances, through the Jones Islands to the northernmost tip Long Island;

621 northernmost tip Reindeer Island, Midway Islands;

622 northernmost tip Cross Island;

623 westernmost tip Flaxman Island;

624 along the north coast of Flaxman Island and across all entrances to the northernmost tip Brownlow Point;

625 along the coast of all barrier islands and across all entrances to the easternmost tip Konganevik Point;

626 northernmost tip Anderson Point;

627 northernmost tip Arey Island;

628 northernmost tip Barter Island;

629 northernmost tip Bernard Spit;

630 along the coast of all barrier islands and across all entrances to the northernmost tip Griffen Point;

631 northernmost tip along the coast to Humphrey Point;

632 across the entrances and along coast of all barrier islands, to the northernmost tip Demarcation Point;

700 along the coast to the United States-Canada Boundary;

(F) and extending three miles seaward of all islands not enclosed by the above line;

(14) "salmon stream terminus" means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed 8/14/70;

(16) "ton" means 2,000 pounds avoirdupois weight;

(17) "king crab" means any or all of the following species:

(A) *Paralithodes camtschaticus* (red king crab);

(B) *Paralithodes platypus* (blue king crab);

(C) *Lithodes couesi*;

(D) *Lithodes aequispinus* (golden king crab);

(E) *Paralithodes brevipes* (Hanasaki king crab);

(18) "Tanner crab" means any or all of the following species:

(A) *Chionoecetes opilio* (snow crab);

(B) *Chionoecetes tanneri* (grooved Tanner crab);

(C) *Chionoecetes bairdi* (Tanner crab);

(D) *Chionoecetes angulatus* (triangle Tanner crab);

(19) "Dungeness crab" means the species *Metacarcinus magister*;

(20) "household" means a person or persons having the same residence;

(21) "groundfish" or "bottomfish" means any marine finfish except halibut, osmerids, herring, and salmonids;

(22) "to operate fishing gear" means

(A) the deployment of gear or to have gear deployed in the waters of Alaska;

(B) the removal of gear from the waters of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period;  
or

(D) possession of a gillnet containing fish during an open fishing period, except that a net which is completely clear of the water is not considered to be operating for the purpose of minimum distance requirements;

(23) "possession limit" means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) "hung measure" means the maximum length of the cork line when measured wet or dry with traction applied at one end only;

(25) "drainage" means all of the waters comprising a watershed, including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed;

(26) "fresh water of streams and rivers" means fresh water separated from salt water at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide;

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(27) "guideline harvest level" means the preseason estimated level of allowable fish harvest which will not jeopardize the sustained yield of the fish stocks; an area, district, section or portion thereof may close to fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action;

(28) "peace officer of the state" means a person defined in AS 16.05.150;

(29) "processing" means completion of

(A) cooking;

(B) canning;

(C) smoking;

(D) salting, which means uniformly mixing with a minimum salting level of at least 20 percent of the weight of the fish resources;

(E) drying; or

(F) freezing, which means to congeal and solidify the flesh of fish by abstraction of heat;

(30) "domicile" means the same as in AS 16.05.940; evidence of a person's domicile may include, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of the person, or of other persons who may know of that person's domicile;

(C) place of voter registration;

(D) location of residences owned, rented, or leased;

(E) location of storage of household goods;

(F) location of business owned or operated;

(G) residence of spouse and minor children or dependents;

(H) governments to which taxes are paid;

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location;

(31) "fishing site" means a structure or vessel used by a CFEC permit holder for providing shelter in support of the operation of stationary net gear;

(32) "net gear site" means the in-water location of stationary net gear;

(33) "seine vessel" means the largest vessel, as determined by keel length, used to operate a seine and the vessel from which the seine is set, and to which the seine is retrieved to;

(34) "demersal shelf rockfish" means any or all of the following *Sebastes* species:

(A) repealed 4/30/91;

(B) *S. pinniger* (Canary);

(C) *S. nebulosus* (China);

(D) *S. caurinus* (Copper);

(E) *S. maliger* (Quilback);

(F) repealed 4/30/91;

(G) *S. helvomaculatus* (Rosethorn);

(H) repealed 4/30/91;

(I) *S. nigrocinctus* (Tiger);

(J) *S. ruberrimus* (Yelloweye);

(K) repealed 4/4/97;

(35) "onboard observer" means a representative of the Departments of Fish and Game or Public Safety who

(A) is certified by the Department of Fish and Game as having completed minimum training requirements;

(B) is living on board a fishing or processing vessel for all or part of the period the vessel is at sea; and

(C) is monitoring fishing or processing activities and collecting harvest data essential to management and enforcement;

(36) "rockfish" means all species of the genus *Sebastes*;

(37) "pelagic shelf rockfish" means any or all of the following *Sebastes* species:

(A) *S. ciliatus* (Dark);

(B) *S. entomelas* (Widow);

(C) *S. flavidus* (Yellowtail);

(D) *S. melanops* (Black);

(E) *S. diaconus* (Deacon);

(F) *S. variabilis* (Dusky);

(38) "slope rockfish" means any species of the genus *Sebastes* not specified as either demersal shelf rockfish or pelagic shelf rockfish;

(39) "thornyhead rockfish" or "idiot rockfish" means all species of the genus *Sebastes*;

(40) "weathervane scallop" means the species *Patinopecten caurinus*;

(41) "mile" means

(A) a nautical mile when used in reference to marine waters; or

(B) a statute mile when used in reference to fresh water;

(42) "miscellaneous shellfish" means all shellfish and marine invertebrates, except shrimp, and king, Tanner, and Dungeness crab;

(43) "total allowable catch" or "TAC" means the annual harvest quota or the retainable catch allowed for a species or species group;

(44) "individual fishing quota" or "IFQ" means the annual allocation of pounds for harvest that represents a quota share holder's percentage of the total allowable catch;

(45) "handicraft" means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(b) Beginning April 15, 2017, in AS 16.05.835, "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear and does not provide any additional flotation, planing surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel.

### **5 AAC 39.995. Water depth**

Unless otherwise specified, water depths in 5 AAC 01 - 5 AAC 39 are to be measured from mean lower low water.



## 5 AAC 39.997. Abbreviations and symbols

(a) The abbreviations a.m. and p.m. indicate antemeridian and postmeridian respectively for either Standard Time or Daylight Saving Time in conformance with the official time in use for Alaska.

(b) The symbols °E>, ', ", indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based upon the North American datum of 1983.

(c) Lat. and long. indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

(e) ADF&G is the abbreviation for Alaska Department of Fish and Game.

(f) CFEC is the abbreviation for the Commercial Fisheries Entry Commission.

## 5 AAC 39.999. Policy for changing board agenda

(a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of a proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) the board will accept an agenda change request only

(A) for a fishery conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;

(2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(3) the board will consider an agenda change request only at its first meeting in the fall; a request must be received by the executive director of the board at least 60 days before the first meeting in the fall.

(b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.

(c) If the board accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.



**Title 16. Fish and Game.**

**Chapter 05. Fish and Game Code Definitions.**

**Sec. 16.05.055. On-board observer program.** (a) The commissioner may enter into appropriate contracts and agreements with agencies, such as the National Marine Fisheries Service, the North Pacific Fishery Management Council, and the International Pacific Halibut Commission, designed to ensure that on-board observer programs conducted in the fisheries of the state are coordinated and consistent with each other for vessels operating in state and federal water.

(b) The master of a vessel, as a condition of participating in a fishery for which an on-board observer program is authorized by the Board of Fisheries under AS 16.05.251, shall consent in writing to the placement of an observer aboard the vessel.

**Sec. 16.05.060. Emergency orders.** (a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

(b) The commissioner or an authorized designee may, under criteria adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

(c) An emergency order has the force and effect of law after field announcement by the commissioner or an authorized designee. An emergency order adopted under this section is not subject to AS 44.62 (Administrative Procedure Act).

**Sec. 16.05.065. Application extension.** (a) The commissioner shall extend the time and dates during which application may be made for fish or game registration if the commissioner finds that

(1) the conservation and management of the fish or game resource will not be affected adversely; and

(2) the failure to timely apply is the result of excusable neglect.

(b) The fee for an extension granted under this section is \$45.

(c) As used in this section, “excusable neglect” does not include unfamiliarity with or ignorance of applicable laws and regulations. In order to show excusable neglect, a person must have demonstrated, before the registration deadline, an intent to harvest fish or game.

**Sec. 16.05.070. Regulations as evidence.** Regulations of a board and of the commissioner, including emergency openings and closures, are admissible as evidence in the courts of the state in accordance with AS 44.62 (Administrative Procedure Act).

**Sec. 16.05.080. Limitation of power.** Nothing in this chapter authorizes the department or a board to change the amount of fees or licenses.

**Sec. 16.05.150. Enforcement authority.** The following persons are peace officers of the state and they shall enforce this title except AS 16.51 and AS 16.52:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner.

**Sec. 16.05.160. Duty to arrest.** Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of this title except AS 16.51 and AS 16.52, or any regulation adopted under this title except AS 16.51 and AS 16.52, in the peace officer's presence or view, and shall take the person for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165.

**Sec. 16.05.165. Form and issuance of citation.** (a) When a peace officer stops or contacts a person concerning a violation of this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.175 — 12.25.230.

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two law enforcement officers of the Department of Public Safety engaged in fish and wildlife protection, two representatives of the Department of Fish and Game, two district court judges, and the chairpersons of the House and Senate Judiciary Committees of the legislature. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without court appearance, the issuing peace officer shall write on the citation the amount of bail applicable to the violation.

(c) If a person cited for a misdemeanor for which a bail amount has been established under (b) of this section does not contest the citation, the person may, on or before the 30th day after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

- (1) the amount of bail indicated on the citation for that offense; and
- (2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

(d) When bail has been forfeited under (c) of this section, a judgment of conviction shall be entered. Forfeiture of bail and all seized items is a complete satisfaction for the misdemeanor. The clerk of the court accepting the bail shall provide the offender with a receipt stating that fact if requested.

(e) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the bail amount established under (b) of this section or fails to appear in court as required.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section.

**Sec. 16.05.170. Power to execute warrant.** Each peace officer designated in AS 16.05.150 may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of this title except AS 16.51 and AS 16.52, and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases.

**Sec. 16.05.180. Power to search without warrant.** Each peace officer designated in AS 16.05.150 may without a warrant search any thing or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of art. I, § 14, Alaska State Constitution, which specifically enumerates “persons, houses and other property, papers and effects.” However, before a search without warrant is made a signed written statement by the person making the search shall be submitted to the person in control of the property or object to be searched, stating the reason the search is being conducted. A written receipt shall be given by the person conducting the search for property which is taken as a result of the search. The enumeration of specific things does not limit the meaning of words of a general nature.

**Sec. 16.05.190. Seizure and disposition of equipment.** Guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of this chapter or a regulation of the department may be seized under a valid search, and all fish and game, or parts of fish and game, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this chapter or a regulation of the department shall be seized by any peace officer designated in AS 16.05.150. Upon conviction of the offender or upon judgment of the court having jurisdiction that the item was taken, transported, or possessed in violation of this chapter or a regulation of the department, all fish and game, or parts of them are forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia seized under the provisions of this chapter or a regulation of the department, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any.

**Sec. 16.05.195. Forfeiture of equipment.** (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54, or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish and game or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54, may be forfeited to the state

(1) upon conviction of the offender in a criminal proceeding of a violation of this title or AS 08.54 in a court of competent jurisdiction; or

(2) upon judgment of a court of competent jurisdiction in a proceeding in rem that an item specified above was used in or in aid of a violation of this title or AS 08.54 or a regulation adopted under this title or AS 08.54.

(b) Items specified in (a) of this section may be forfeited under this section regardless of whether they were seized before instituting the forfeiture action.

(c) An action for forfeiture under this section may be joined with an alternative action for damages brought by the state to recover damages for the value of fish and game or parts of them or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or a regulation adopted under it.

(d) It is no defense that the person who had the item specified in (a) of this section in possession at the time of its use and seizure has not been convicted or acquitted in a criminal proceeding resulting from or arising out of its use.

(e) Forfeiture may not be made of an item subsequently sold to an innocent purchaser in good faith. The burden of proof as to whether the purchaser purchased the item innocently and in good faith shall be on the purchaser.

(f) An item forfeited under this section shall be disposed of at the discretion of the department. Before the department disposes of an aircraft it shall consider transfer of ownership of the aircraft to the Alaska Wing, Civil Air Patrol.

**Sec. 16.05.200. Power to administer oaths.** Each peace officer designated in AS 16.05.150 may administer to or take from any person, an oath, affirmation, or affidavit when it is for use in a prosecution or proceeding under or in the enforcement of this chapter.

## **Article 2. Boards of Fisheries and Game.**

**Sec. 16.05.241. Powers excluded.** The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

**Sec. 16.05.251. Regulations of the Board of Fisheries.** (a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or

subsistence fishing; or

(B) residents under 18 years of age and nonresidents under 16 years of age to participate in sport fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an onboard observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the

National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, “unlicensed fishing vessel” means a fishing vessel that is not licensed under AS 16.05.490 — 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) [Repealed, § 12 ch 52 SLA 1986.]

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor’s petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

(4) the availability of alternative fisheries resources;

(5) the importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;



(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

(i) Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

**Sec. 16.05.259. No subsistence defense.** In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

**Sec. 16.05.260. Advisory committees.** The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62

(Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during

established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

**Sec. 16.05.270. Delegation of authority to commissioner.** For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

#### **Article 4. Licensing of Commercial Fishing Crewmembers and Vessels.**

**Sec. 16.05.440. Expiration date for licenses.** Licenses issued under AS 16.05.440 — 16.05.723 expire at the close of December 31 following their issuance or, for licenses that are valid for two years, after December 31 of the year after the year of issuance, and shall be renewed upon application and payment of the license fees required by AS 16.05.440 — 16.05.723.

**Sec. 16.05.450. Issuance of licenses; disclosure for child support purposes.** (a) The commissioner or an authorized agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who files a written application at a place in the state designated by the commissioner, containing the reasonable information required by the commissioner together with the required fee. The commissioner shall require the reporting of the applicant's social security number on the application. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(b) The Alaska Commercial Fisheries Entry Commission shall issue a vessel license under AS 16.05.490 to each qualified vessel for which a written application has been filed, at a place in the state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(c) [Repealed, § 19 ch 105 SLA 1977.]

(d) Upon request, the commissioner shall provide a social security number provided under (a) of this section to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

**Sec. 16.05.475. Registration of fishing vessels.** (a) A person may not employ a fishing vessel in the water of this state unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state, are not excused from this provision.

(b) The term "employ", as used in this section, shall be defined by the Board of

Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any activities involving the use or navigation of fishing vessels.

(c) The term “registered under the laws of the state”, as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds necessary to maximize the authority of the state to apply and enforce fisheries regulations under 16 U.S.C. 1801-1882 (Magnuson-Stevens Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331)).

(d) In this section “fishing vessel” means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type which is normally used for

(1) fishing, or

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

**Sec. 16.05.480. Commercial fishing license; disclosure for child support purposes.** (a)

A person engaged in commercial fishing shall obtain a commercial fishing license and shall retain the license in possession and readily available for inspection during fishing operations. An entry permit or interim-use permit entitles the holder to participate as a gear operator in the fishery for which the permit is issued and to participate as a crewmember in any fishery. A crewmember fishing license is not transferable and entitles the holder to participate as a crewmember in any fishery.

(b) A person applying for a commercial fishing license under this section shall provide the person’s social security number. A person applying for a resident commercial fishing license under this section shall also provide proof of residence that the department requires by regulation.

(c) [Repealed, § 12 ch 123 SLA 1978.]

(d) Upon request, the department or the Alaska Commercial Fisheries Entry Commission shall provide a social security number provided by an applicant for a license under this section to the child support services agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized under law.

(e) Except as provided under AS 16.05.470 and AS 23.35.060, fees collected from the sale of crewmember fishing licenses under this section may be appropriated into the fish and game fund.

(f) [Repealed, § 7 ch 27 SLA 2001.]

(g) A resident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in (i) of

this section, pay a fee of \$60 for an annual crewmember fishing license. A resident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual fee of \$5.

(h) A nonresident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in

(i) of this section, pay a base fee of \$60 for an annual crewmember fishing license, plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law. A nonresident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual base fee of \$5 plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law.

(i) Notwithstanding (g) and (h) of this section, a resident or nonresident engaged in commercial fishing who does not hold an entry permit or an interim-use permit may obtain one seven-day crewmember fishing license under this subsection annually. A person who obtains a seven-day license is not eligible for another seven-day license in the same license year; however, if a person who obtains a seven-day license pays the full fee for an annual crewmember fishing license under (g) or (h) of this section during the same license year, the person is entitled to receive a refund of the fee for the seven-day license. The department shall adopt regulations establishing a refund procedure. During the period for which the seven-day license is valid, a person who holds a seven-day license may not engage in fishing with a rod and reel while present on a commercial fishing vessel. The fee for a seven-day license is \$30.

(j) In this section, “commercial fishing license” includes an entry permit and an interim-use permit issued under AS 16.43 and a crewmember fishing license.

**Sec. 16.05.490. Vessel license.** (a) As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel.

**Sec. 16.05.510. Unlicensed vessel unlawful.** A person may not operate a vessel to which AS 16.05.490 — 16.05.530 apply without a vessel license, whether the absence of a vessel license results from initial failure to purchase or from another reason.

**Sec. 16.05.520. Number plate.** (a) The vessel license includes a permanent number plate. The number plate shall be accompanied by a tab affixed to the number plate designating the year to be fished. A number plate is not transferable, and the number plate shall be considered a permanent fixture upon the vessel upon which the number plate is originally placed. The number plate shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure, the number plate shall be fastened on the port side of the superstructure. A number plate remains the property of the state. The Alaska Commercial Fisheries Entry Commission may establish by regulation a reasonable fee for the initial issuance of a permanent number plate. If a permanent number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel shall immediately apply for and may obtain a duplicate upon furnishing the Alaska Commercial Fisheries Entry Commission with the pertinent facts and a payment of a reasonable fee established by the commission by regulation that is not less than \$2.

(b) If a vessel carrying a number plate is lost, destroyed, or sold, the owner shall immediately report the loss, destruction, or sale to the Alaska Commercial Fisheries Entry Commission.

**Sec. 16.05.530. Renewal of vessel license.** (a) Upon payment of the vessel license fee and filing of the name and address of the owner of the vessel or the owner’s authorized agent, the name and number of the vessel, a description of the vessel, the vessel license number, if any, the area to be fished, and other reasonable information required by the Alaska Commercial Fisheries Entry Commission, the commission shall issue a permanent number plate and a vessel license. If the vessel has a permanent number plate, the commission shall issue a vessel license and tab designating the year the license is valid. The tab shall be placed in the space provided on the permanent number plate.

(b) For calendar year 2006 and following years, the annual fee for a vessel license issued or renewed under this section is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:

(1) 0 — 25 feet .....	\$24
(2) over 25 feet — 50 feet .....	60
(3) over 50 feet — 75 feet .....	120
(4) over 75 feet — 100 feet .....	225
(5) over 100 feet — 125 feet .....	300
(6) over 125 feet — 150 feet .....	375
(7) over 150 feet — 175 feet .....	450
(8) over 175 feet — 200 feet .....	525
(9) over 200 feet — 225 feet .....	600
(10) over 225 feet — 250 feet .....	675
(11) over 250 feet — 275 feet .....	750
(12) over 275 feet — 300 feet .....	825
(13) over 300 feet .....	900.

**Sec. 16.05.632. Identification of shellfish pots or buoys, or both, used in the taking of king crab and requirements for buoys.**

(a) Registration tags for the identification of shellfish pots or buoys, or both, used in the taking of king crab are required in areas in which the board has regulations limiting the total amount of shellfish pots allowed per vessel. Registration tags shall

- (1) be issued by the department under regulations adopted by the board;
- (2) be nontransferable;
- (3) be individually numbered, designating the year of issuance;

(4) be permanently affixed to each shellfish pot or buoy, or both, used in the taking of king crab, whichever in the determination of the board is appropriate for identification, and in a manner determined to be appropriate by the board;

- (5) conform to other requirements determined to be appropriate by the board; and

(6) be issued and renewed for a fee equal to the cost of obtaining the registration tags plus reasonable administrative costs, under procedures determined to be appropriate by the department.

(b) The unauthorized production, reproduction, sale, exchange, distribution, or use of registration tags required in (a) of this section is prohibited.

(c) In addition to meeting other requirements imposed by law, each shellfish pot used in the taking of king crab shall be connected to one durable “ sea lion” buoy of an appropriate type and diameter as specified by the board. The buoy shall conform to other specifications determined to be appropriate by the board.

(d) [Repealed, § 61 ch 50 SLA 1989.]

(e) In this section,

(1) “board” means the Board of Fisheries;

(2) “registration tags” means any tag, tape, or other identification device or method determined to be appropriate by the board.

**Sec. 16.05.665. Falsification of application for license.** (a) A person who knowingly makes a false statement as to a material fact on an application for a license under AS 16.05.440 — 16.05.660 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

(b) A license issued under AS 16.05.440 — 16.05.660 to a person convicted under (a) of this section is void.

(c) A person whose license is void under (a) and (b) of this section may not obtain another license of the same type for a period of not less than two nor more than three years from the date of conviction by the court.

**Sec. 16.05.675. Landing permits.** (a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 or a fish transporter permit issued under AS 16.05.671 may not deliver or land fish in the state unless the person

(1) holds a valid federal permit to operate commercial fishing gear in the fishery conservation zone; and

(2) has been issued a landing permit by the Alaska Commercial Fisheries Entry Commission.

(b) The commissioner may by regulation establish eligibility requirements for the issuance of a landing permit.

(c) The commissioner may authorize the Alaska Commercial Fisheries Entry

Commission to issue landing permits for a fishery if the commissioner has made a written finding that the issuance of landing permits for that fishery is consistent with state resource conservation and management goals.

**Sec. 16.05.680. Unlawful practices.** (a) It is unlawful for a person, or an agent or representative of the person,

(1) to employ, in the harvesting, transporting, or purchasing of fish, a fisherman who neither is licensed under AS 16.05.480 nor is the holder of a permit issued under AS 16.43;

(2) to purchase fish from a person who is not

(A) the holder of a limited entry, interim-use, or landing permit issued under AS 16.43;

(B) a fish transporter who is selling the fish as the agent of the holder of a limited entry, interim-use, or landing permit issued under AS 16.43; or

(C) exempt under AS 16.05.660; or

(3) to purchase fish from an association other than one to which a permit has been issued under AS 16.05.662.

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold. For purposes of this subsection, salmon sold by a fish transporter on behalf of the commercial fisherman who harvested the salmon is salmon harvested under the authority of the limited entry, interim-use, or landing permit under which the salmon is sold.

**Sec. 16.05.690. Record of purchases.** (a) Each buyer of fish shall keep a record of each purchase showing the name or number of the vessel from which the catch involved is taken, the date of landing, vessel license number, pounds purchased of each species, number of each species, and the Department of Fish and Game statistical area in which the fish were taken, and other information the department requires. Records may be kept on forms provided by the department. Each person charged with keeping the records shall report them to the department in accordance with regulations adopted by the department.

(b) A person may not knowingly enter false information on a fish ticket or supply false information to a person who is recording information on a fish ticket.

**Sec. 16.05.710. Suspension of commercial license and entry permit.** (a) Upon the conviction of a person for a misdemeanor or felony violation of a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, the court, in addition to other penalties imposed by law,

(1) may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year if the conviction is the person's first or second misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, or another jurisdiction; or

(2) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than three years if the conviction is the person's third or subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, or another jurisdiction.

(b) Upon a first conviction of a person for a violation of AS 11.46.120 — 11.46.130 in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for one year. Upon a second or subsequent conviction for a violation of AS 11.46.120 — 11.46.130 or a similar law of another jurisdiction in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for two years.

(c) If proceedings in which commercial fishing privileges or licenses may be suspended under this section are pending against a limited entry permit holder, the permit holder's limited entry permit may not be permanently transferred, unless allowed by order of the court in which the proceedings are pending, and a permanent transfer of the permit, unless allowed by order of the court, is void. During the period for which a limited entry permit or the permit holder's right to obtain a limited entry permit or to engage in an activity for which a limited entry permit is required is suspended under this section, a permit card may not be issued to the permit holder and the permit holder's permit may not be transferred or sold.

(d) In this section,

(1) "commercial fishing law" means a statute or regulation that regulates the conduct of a person engaged in commercial fishing activities by establishing requirements relating to fishing licenses and permits; catch records and reports; size, nature, or use of fishing vessels, sites, and gear; time, place, or manner of taking fishery resources; possession, transportation, sale, barter, or waste of fishery resources; or other aspects of commercial fishing;

(2) "commercial fishing license" means a limited entry permit or a crew member license;

(3) "commercial fishing privilege" means the privilege of participating in an activity for which a commercial fishing license is required and the privilege of obtaining a commercial fishing license;

(4) "limited entry permit" means an entry permit or an interim-use permit issued under AS 16.43.

**Sec. 16.05.722. Strict liability commercial fishing penalties.** (a) A person who without any culpable mental state violates AS 16.05.440 — 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a violation and upon conviction is punishable by a fine of not more than



(1) \$3,000 for a first conviction;

(2) \$6,000 for a second conviction or for a subsequent conviction not described in (3) of this subsection; and

(3) \$9,000 for a third or subsequent conviction within a 10-year period.

(b) In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 — 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department. It is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(c) A person charged with a violation under this section is entitled to a trial by court but not by jury, and is not entitled to representation at public expense.

**Sec. 16.05.723. Misdemeanor commercial fishing penalties.** (a) A person who negligently violates AS 16.05.440 — 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a misdemeanor and in addition to punishment under other provisions in this title, including AS 16.05.195 and 16.05.710, is punishable upon conviction by a fine of not more than \$15,000 or by imprisonment for not more than one year, or by both. In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation, and the court may forfeit any vessel and any fishing gear, including any net, pot, tackle, or other device designed or employed to take fish commercially, that was used in or in aid of the violation. Any fish, or its fair market value, forfeited under this subsection may not also be forfeited under AS 16.05.195. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 — 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department, and it is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(b) If a person is convicted under this section of one of the following offenses, then, in addition to the penalties imposed under (a) of this section, the court may impose a fine equal to the gross value of the fish found on board or at the fishing site at the time of the violation:

(1) commercial fishing in closed waters;

(2) commercial fishing during a closed period or season;

(3) commercial fishing with unlawful gear, including a net, pot, tackle, or other device designed or employed to take fish commercially; or

(4) commercial fishing without a limited entry permit holder on board if the holder is required by law or regulation to be present.

(c) Upon a third misdemeanor conviction within a period of 10 years for an offense listed in (b) of this section or any combination of offenses listed in (b) of this section, the court shall impose, in addition to any penalties imposed under (a) of this section, a fine equal to three times the gross value of the fish found on board or at the fishing site at the time of the offense, or a fine equal to \$10,000, whichever is greater.

**Article 5. Management of Fish and Fisheries.**

**Sec. 16.05.735. Management of offshore fisheries.** The state may assume management of a fishery in offshore water adjacent to the state in the absence of a federal fishery management plan for the fishery or in the event that a federal fishery management plan for the fishery delegates authority to the state to manage the fishery in the United States exclusive economic zone.

**Article 6. Miscellaneous Provisions.**

**Sec. 16.05.800. Public nuisances.** A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement.

**Sec. 16.05.810. Burden of proof.** The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

(1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section;

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited.

**Sec. 16.05.815. Confidential nature of certain reports and records.** (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the

recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

(5) such records and reports as necessary to be in conformity with a court order;

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, records required of sport fishing guides, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets, fish ticket information, and records required of sport fishing guides regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law;

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 — 41.21.514; and

(13) fish ticket information and records or reports of the total value purchased by each fisherman, buyer, or processor to the National Marine Fisheries Service for the purpose of enforcing the industry fee system of a fishing capacity reduction program under 16 U.S.C. 1861a (Magnuson-Stevens Fishery Conservation and Management Act).

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 — 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential

(1) personal information contained in fish and wildlife harvest and usage data; and

(2) the records of the department that concern

(A) telemetry radio frequencies of monitored species;

(B) denning sites;

(C) nest locations of raptors that require special attention;

(D) the specific location of animal capture sites used for wildlife research or management; and

(E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requester is a state or federal agency, if the requester is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requester has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 — 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, “personal information” has the meaning given in AS 40.25.350.

**Article 9. General Provisions.**

**Sec. 16.05.905. Activities by aliens prohibited.** (a) Alien persons not lawfully admitted to the United States are prohibited from engaging in commercial fishing activities or taking marine mammals in the territorial waters of the state as they presently exist or may be extended in the future.

(b) An alien person who violates (a) of this section is guilty of a misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in the violation, or by imprisonment for not more than one year, or by fine of not more than \$10,000, or by all or any two of the foregoing punishments.

**Sec. 16.05.920. Prohibited conduct generally.** (a) Unless permitted by AS 16.05 — AS 16.40 or by regulation adopted under AS 16.05 — AS 16.40, a person may not take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building, or other improvement or property of the department used in the administration or enforcement of this title except AS 16.51 and AS 16.52, or a poster or notice to the public concerning the provisions of this title except AS 16.51 and AS 16.52, or a regulation adopted under this title except AS 16.51 and AS 16.52, or a marker indicating the boundary of an area closed to hunting, trapping, fishing, or other special use under this title except AS 16.51 and AS 16.52. A person may not knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with this title except AS 16.51 and AS 16.52 or a regulation adopted under this title except AS 16.51 and AS 16.52.

**Sec. 16.05.930. Exempted activities.** (a) This chapter does not prevent the collection or exportation of fish and game, a part of fish or game or a nest or egg of a bird for scientific or educational purposes, or for propagation or exhibition purposes under a permit that the department may issue and prescribe the terms thereof.

(b) This chapter does not prohibit a person from taking fish or game during the closed season, in case of dire emergency, as defined by regulation adopted by the appropriate board.

(c) AS 16.05.920 and 16.05.921 do not prohibit rearing and sale of fish from private ponds, the raising of wild animals in captivity for food, or the raising of game birds for the purpose of recreational hunting on game hunting preserves, under regulations adopted by the appropriate board. In this subsection, “animals” includes all animal life, including insects and bugs.

(d) Nondomestic animals of any species may not be transferred or transported from the state under (a) of this section unless approved by the Board of Game in regular or special meeting. Animals transferred or transported under (a) of this section shall be animals that

are certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this section shall be accompanied by a statement prepared by the department examining the probable environmental impact of the action.

(e) This chapter does not prevent the traditional barter of fish and game taken by subsistence hunting or fishing, except that the commissioner may prohibit the barter of subsistence-taken fish and game by regulation, emergency or otherwise, if a determination on the record is made that the barter is resulting in a waste of the resource, damage to fish stocks or game populations, or circumvention of fish or game management programs.

(f) A permit may not be required for possessing, importing, or exporting mink and fox for fur farming purposes.

(g) AS 16.05.330 — 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

**Sec. 16.05.940. Definitions.**

In AS 16.05 — AS 16.40,

(1) “aquatic plant” means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;

(2) “barter” means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) “a board” means either the Board of Fisheries or the Board of Game;

(4) “commercial fisherman” means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; “commercial fisherman” includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph “operate fishing gear” means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;

(5) “commercial fishing” means the taking, fishing for, or possession of fish,

shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;

(6) “commissioner” means the commissioner of fish and game unless specifically provided otherwise;

(7) “customary and traditional” means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;

(8) “customary trade” means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;

(9) “department” means the Department of Fish and Game unless specifically provided otherwise;

(10) “domestic mammals” include musk oxen, bison, and reindeer, if they are lawfully owned;

(11) “domicile” means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

(12) “fish” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;

(13) “fish derby” means a contest in which prizes are awarded for catching fish;

(14) “fish or game farming” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “captivity” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;

(15) “fish stock” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;

(16) “fish transporter” means a natural person who holds a fish transporter permit issued under AS 16.05.671;

(17) “fishery” means a specific administrative area in which a specific fishery

resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph

(A) “gear” means the specific apparatus used in the harvest of a fishery resource; and

(B) “type of gear” means an identifiable classification of gear and may include

(i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and

(ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;

(18) “fur dealing” means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;

(19) “game” means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;

(20) “game population” means a group of game animals of a single species or subgroup manageable as a unit;

(21) “hunting” means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;

(22) “nonresident” means a person who is not a resident of the state;

(23) “nonresident alien” means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;

(24) “operator” means the individual by law made responsible for the operation of the vessel;

(25) “person with developmental disabilities” means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;



(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others; and

(G) and that the person does not suffer from a mental illness; in this subparagraph, "mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on a person's ability to exercise conscious control of the person's actions or ability to perceive reality or to reason or understand.

(26) "person with physical disabilities" means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

(27) "personal use fishing" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(28) "resident" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state

and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(29) “rural area” means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(30) “seizure” means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(31) “sport fishing” means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(32) “subsistence fishing” means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(33) “subsistence hunting” means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(34) “subsistence uses” means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, “family” means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(35) “take” means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(36) “taxidermy” means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(37) “trapping” means the taking of mammals declared by regulation to be fur bearers;

(38) “vessel” means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft.

**Chapter 10. Fisheries and Fishing Regulations.**

**Article 2. Interference with Commercial Fishing Gear.**

**Sec. 16.10.055. Interference with commercial fishing gear.** A person who wilfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor. For the purposes of this section “interference” means the physical disturbance of gear which results in economic loss or loss of fishing time, and “reckless disregard of the consequences” means a lack of consideration for the consequences of one’s acts in a manner that is reasonably likely to damage the property of another.

**Sec. 16.10.125. Use of termination device on shellfish and bottom fish pot required.**

The Board of Fisheries shall, by regulation, prescribe a termination device or devices for all shellfish and bottom fish pots. In this section “termination device” means a biodegradable seam or panel or other device that renders the pot incapable of holding shellfish or bottom fish for more than six months when it is continuously immersed in sea water.

**Article 7. Purchase of Fish.**

**Sec. 16.10.265. Purchase of fish from permit holders.** (a) An individual may not, while acting as a fish processor or primary fish buyer, or as an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15, intentionally or knowingly make an original purchase of fish from a seller who does not hold

(1) a landing permit, an entry permit, or an interim-use permit; or

(2) a fish transporter permit under AS 16.05.671.

(b) An individual who violates (a) of this section is

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

(c) The commissioner of revenue shall impose upon a fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15, a civil fine equal to the value of fish purchased in violation of this section by (1) the fish processor or primary fish buyer if the fish processor or primary fish buyer is not a corporation; or (2) a

director, officer, or employee in a policy-making position of the fish processor, of the primary fish buyer, or of the cooperative corporation. Value is based on the average price paid to fishermen at the time of the violation.

(d) The commissioner of commerce, community, and economic development may suspend or revoke a business license issued under AS 43.70.020 and the commissioner of revenue may suspend or revoke a license to engage in the business of processing or buying raw fish if the licensee or an officer, director, or employee in a policy-making position of the licensee has been convicted of three offenses under this section. Proceedings to suspend or revoke a license are governed by AS 44.62 (Administrative Procedure Act).

(e) An organization may not be criminally prosecuted under (a) of this section.

(f) In this section, "individual" means a natural person.

**Sec. 16.10.267. Possession of permit and identification by seller.** (a) When a fisherman sells fish, the fisherman shall possess

(1) a landing permit, entry permit, or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

(2) an identification card that has been issued to the fisherman by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman or fish transporter shall present for inspection the identification card, entry permit, interim-use permit, fish transporter permit, or other document required to be in the fisherman's or the fish transporter's possession under (a) or (d) of this section.

(c) Examples of a suitable identification card required under (a)(2) and (d)(2) of this section are a motor vehicle operator's license issued under AS 28.15.111 and an identification card issued under AS 18.65.310.

(d) When a fish transporter sells fish as the agent of the commercial fisherman who caught the fish, the fish transporter shall possess

(1) a fish transporter permit and the fish ticket completed by the fish transporter under AS 16.05.671(d); and

(2) an identification card that has been issued to the fish transporter by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fish transporter.

(e) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days. In addition

(1) upon a first conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$5,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(2) upon a second conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$10,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(3) upon a third or subsequent conviction for a violation of this section, the court

(A) may sentence the convicted person to pay a fine of not more than \$10,000; and

(B) shall order that the convicted person lose commercial fishing privileges for a period of three years from the date of conviction.

**Sec. 16.10.270. Purchase of fish by the pound.** (a) A fish processor or primary fish buyer shall purchase raw fish by the pound. The poundage of the fish to be purchased shall be determined by weighing the fish unless both the buyer and seller agree in writing upon a sample weighing technique that will fairly determine the average weight of the fish purchased.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000, or by both.

**Sec. 16.10.296. Definitions.** In AS 16.10.265 — 16.10.296, unless the context otherwise requires,

(1) “commissioner” means the commissioner of labor and workforce development;

(2) “fish” means any species of aquatic finfish, invertebrates and amphibians, shellfish, or any other raw fishery resource, in any stage of its life cycle, found in or introduced into the state, and includes fish eggs except fish eggs sold for stock enhancement purposes;

(3) “fish processor” means a person engaging or attempting to engage in a business for which a license is required under AS 43.75;

(4) “primary fish buyer” means a person, other than a cooperative corporation organized under AS 10.15, engaging or attempting to engage in the business of originally purchasing or buying any fishery resource in intrastate, interstate, or foreign commerce.

## **Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.**

### **Article 1. Alaska Commercial Fisheries Entry Commission.**

**Sec. 16.43.100. Duties and general powers.** (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

- (1) regulate entry into the commercial fisheries for all fishery resources in the state;
- (2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;
- (3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;
- (4) establish, for all types of gear, the maximum number of entry permits for each administrative area;
- (5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;
- (6) establish qualifications for the issuance of entry permits;
- (7) issue entry permits to qualified applicants;
- (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and 16.43.225;
- (9) establish, for all types of gear, the optimum number of entry permits for each administrative area;
- (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- (11) provide for the transfer and reissuance of entry permits to qualified transferees;
- (12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;
- (13) establish and administer the collection of the annual fees provided for in AS 16.43.160;
- (14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;
- (15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 — 16.43.390;
- (16) establish reasonable user fees for services;
- (17) issue landing permits under AS 16.05.675 and regulations adopted under that section;

(18) establish and collect annual fees for the issuance of landing permits that reasonably reflect the costs incurred in the administration and enforcement of provisions of law related to landing permits;

(19) establish a moratorium on entry into commercial fisheries as provided in AS 16.43.225;

(20) when requested by a regional development organization formed under former AS 44.33.895, provide to the organization, without charge, public information contained in the commission's data with respect to relevant fisheries, including limited fisheries, fishery participants, and limited entry permit holders' harvests and earnings; and

(21) administer, when necessary to accomplish the purposes of this chapter, a Bering Sea hair crab fishery vessel permit system under AS 16.43.451 — 16.43.521.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter.

## **Article 2. Entry Permit System.**

**Sec. 16.43.140. Permit required.** (a) A person may not operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewmember or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

(1) fishing more than one type of gear;

(2) fishing in more than one administrative area;

(3) harvesting particular species for which separate interim-use or entry permits are issued;

(4) if authorized by regulations of the commission, fishing an entire unit of gear in a fishery in which the commission has issued entry permits for less than a unit of gear under AS 16.43.270(d); under this paragraph, a person may not hold more than two entry permits for a fishery; however, the person may not

(A) fish more than one unit of gear in the fishery; or

(B) acquire a second entry permit for the fishery after the person has acquired an entry permit that authorizes the use of an entire unit of gear in the fishery;

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the

person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

**Sec. 16.43.150. Terms and conditions of entry permit; annual renewal.** (a) Except as may be otherwise provided under AS 16.43.270(d), an entry permit authorizes the permittee to operate a unit of gear within a specified fishery.

(b) The holder of an entry permit shall have the permit in possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

(d) Failure to renew an entry permit for a period of two years from the year of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause. An entry permit may not be renewed until the fees for each preceding year during which the entry permit was not renewed are paid. However, failure to renew an entry permit in a year in which there is an administrative closure for the entire season for a specific fishery is good cause not to renew the entry permit. The commission shall waive the payment of fees for that year.

(e) An entry permit constitutes a use privilege that may be modified or revoked by the legislature without compensation.

(f) Except for permits that are not transferable under AS 16.43.170(e), an entry permit survives the death of the holder.

(g) Except as provided in AS 16.10.333 — 16.10.338, AS 44.81.215, 44.81.225, and 44.81.231 — 44.81.250, an entry permit may not be

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure, or on any condition requiring a subsequent transfer; or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court, except as provided in AS 16.43.170(g) and (h).

(h) Unless an entry permit holder has expressed a contrary intent in a will that is probated, the commission shall, upon the death of the permit holder, transfer the permanent permit by right of survivorship directly to the surviving spouse or, if no spouse survives, to a natural person designated by the permit holder on a form provided by the commission. If no spouse survives and if the person designated on the form, if any, does not survive, the permit passes as part of the permit holder's estate. A designation under this subsection must be acknowledged before a person authorized to administer an oath under AS 09.63.010 or must be witnessed by two persons who are qualified under AS 13.12.505 to witness the will of the permit holder. Except as provided in AS 16.10.333 — 16.10.337, AS 44.81.215, and 44.81.231 — 44.81.250, the permit is exempt from the claims of creditors of the estate.

(i) The holder of a transferable or nontransferable entry permit or of an interim-use



permit may voluntarily relinquish the permit to the commission.

**Article 9. General Provisions.**

**Sec. 16.43.950. Applications of regulations of Board of Fisheries.** Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries.