CHAPTER 21. COOK INLET AREA.


ARTICLE 1. DESCRIPTION OF AREA.

5 AAC 21.001. APPLICATION OF THIS CHAPTER.

Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. 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 fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 56, 5 AAC 58, 5 AAC 61, and 5 AAC 75.

5 AAC 21.100. DESCRIPTION OF AREA. The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51.10’ N. lat.), and a line extending south from Cape Fairfield (148° 50.25’ W. long.).

ARTICLE 2. FISHING DISTRICTS, SUBDISTRICTS, AND SECTIONS.

5 AAC 21.200. FISHING DISTRICTS, SUBDISTRICTS, AND SECTIONS. (a) Northern District: north of a line extending from Boulder Point at 60° 46.39’ N. lat., to Shell Platform C, then to a point on the west shore at 60° 46.39’ N. lat.

(1) Eastern Subdistrict: all waters south of the latitude of Point Possession, north of the latitude of Boulder Point, and east of a line from Shell Platform C to a point at 61° 02.67’ N. lat., 150° 40.00’ W. long.;

(2) General Subdistrict: all waters of the Northern District not specified in (a)(1) of this section.

(b) Central District: all waters between a line extending from Boulder Point at 60° 46.39’ N. lat., to Shell Platform C, to a point on the west shore at 60° 46.39’ N. lat., and the latitude of Anchor Point Light (59° 46.15’ N. lat.)

(1) Kustatan Subdistrict: all waters within a line from the Drift River terminal to the South Kalgin Island Light at 60° 20.80’ N. lat., 152° 05.09’ W. long., northerly along the west side of Kalgin Island to Northwest Point at 60° 31.25’ N. lat., 155° 55.75’ W. long., bearing 43° to Shell Platform C, to a point on the west shore at 60° 46.39’ N. lat., excluding the waters of the Kalgin Island Subdistrict;

(2) Upper Subdistrict: all waters within a line from Boulder Point to Shell Platform C, then bearing 223° to Northwest Point at 60° 31.25’ N. lat., 151° 55.75’ W. long., then following the eastern shore of Kalgin Island to the South Kalgin Island Light at 60° 20.80’ N. lat., 152° 05.09’ W. long., then to a point at 60° 04. 02’ N. lat., 151° 46.60’ W. long. to the Ninilchik small boat harbor, excluding the waters of the Kalgin Island Subdistrict;

(A) East Foreland Section: all waters from the northern boundary of the Upper Subdistrict to the latitude of the base of Colliers Dock at 60° 40.35’ N. lat. (the southernmost of the pile-supported docks at Nikiski) and within one nautical mile of the mean high tide mark on the Kenai Peninsula shoreline;
(B) Kenai Section: all waters enclosed by a line from the base of Colliers Dock at 60° 40.35’ N. lat., to a point at 60° 40.35’ N. lat., 151° 26.33’ W. long., to a point at 60° 27.10’ N. lat., 151° 25.70’ W. long., to a point on the beach at 60° 27.10’ N. lat.;

(C) Expanded Kenai Section: all waters enclosed by a line from a point located on the shore at 60° 40.35’ N. lat., 151° 23.00’ W. long., west to a point located at 60° 40.35’ N. lat., 151° 26.33’ W. long., south to a point at the latitude of the Blanchard line located at 60° 27.10’ N. lat., 151° 33.76’ W. long., and east to a point on the beach at 60° 27.10’ N. lat., 151° 16.94’ W. long.;

(D) Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10’ N. lat., to a point at 60° 27.10’ N. lat., 151° 25.70’ W. long., to a point at 60° 12.76’ N. lat., 151° 32.05’ W. long., to a point at 60° 04.02’ N. lat., 151° 46.60’ W. long., to an ADF&G regulatory marker located at 60° 04.02’ N. lat., 151° 38.90’ W. long.;

(E) Expanded Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10’ N. lat., 151° 16.94’ W. long., west to a point at the Blanchard Line located at 60° 27.10’ N. lat., 151° 33.76’ W. long., south to a point located at 60° 04.02’ N. lat., 151° 46.60’ W. long., and east to an ADF&G regulatory marker located at 60° 04.02’ N. lat., 151° 38.90’ W. long.;

(3) Kalgin Island Subdistrict: all waters within a line encompassing Kalgin Island within one mile of mean lower low water as delineated by the most recent United States Coast and Geodetic Survey chart number 8553;

(4) Lower Subdistrict: waters between a line extending from Ninilchik small boat harbor, to a point at 60° 04.02’ N. lat., 151° 46.60’ W. long., then to the South Kalgin Light at 60° 20.80’ N. lat., 152° 05.09’ W. long., then bearing 236° to a point one nautical mile from the bluff on the northwestern shore of Chisik Island at 60° 10.50’ N. lat., 152° 35.00’ W. long., then in a southerly direction one nautical mile seaward of the mean high tidemark to a point at the southern end of the silver salmon setnet area at 59° 55.67’ N. lat., then bearing 270° to the shore, and the latitude of the Anchor Point Light, excluding the waters of the Chinitna Bay and the Kalgin Island Subdistricts;

(5) Western Subdistrict: waters within a line from the Drift River terminal to the South Kalgin Light at 60° 20.80’ N. lat., 152° 05.09’ W. long., then bearing 236° to a point one nautical mile from the bluff on the northeast shore of Chisik Island at 60° 10.50’ N. lat., 152° 35.00’ W. long., then in a southerly direction one nautical mile seaward of the mean high water line to a point at the southern end of the silver salmon setnet area at 59° 55.67’ N. lat., then bearing 270° to the shore, excluding the waters of the Kalgin Island Subdistrict;

(6) Chinitna Bay Subdistrict: all waters in Chinitna Bay west of a line from Spring Point to Sea Otter Point.

(c) Repealed 5/31/72.

(d) Southern District: all waters enclosed by a line from Anchor Point Light west to 59° 46.15’ N. lat., 152° 20.00’ W. long., then south to 59° 03.42’ N. lat., 152° 20.00’ W. long., then in a northeasterly direction to the tip of Cape Elizabeth at 59° 09.33’ N. lat., 151° 53.23’ W. long., then from the tip of Cape Elizabeth to the tip of Point Adam at 59° 15.26’ N. lat., 151° 58.66’ W. long.

(1) Port Graham Subdistrict: all waters east of the longitude of Point Bede at 151° 59.40’ W. long., and south of the latitude of Point Pogibshi at 59° 25.47’ N. lat.;

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(2) Seldovia Bay Subdistrict: all waters southeast of a line from Point Naskowhak at 59° 27.22’ N. lat., 151° 44.56’ W. long., to 59° 27.37’ N. lat., 151° 44.63’ W. long., to Seldovia Point at 59° 28.22’ N. lat., 151° 42.37’ W. long.;

(3) Barabara Creek Subdistrict: all waters between the longitudes of Seldovia Point at 59° 28.22’ N. lat., 151° 42.37’ W. long., and Nubble Point at 59° 29.15’ N. lat., 151° 34.15’ W. long., and south of 59° 30.00’ N. lat.;

(4) Tutka Bay Subdistrict: all waters east of the longitude of Nubble Point and south of the latitude of Anisom Point on the eastern shore of Eldred Passage at 59° 32.07’ N. lat., 151° 27.00’ W. long., including Kasitsna Bay;

(5) Humpy Creek Subdistrict: all waters east of a line from an ADF&G regulatory marker on Glacier Spit at 59° 38.00’ N. lat., 151° 12.10’ W. long., to the Northshore Subdistrict line at 59° 38.00’ N. lat., 151° 19.70’ W. long., and southeast of a line from that point on the Northshore Subdistrict line at 59° 38.00’ N. lat., 151° 19.70’ W. long., to a point north of Chugachik Island at 59° 45.00’ N. lat., 151° 02.80’ W. long., to a point on the mainland at 59° 44.50’ N. lat., 151° 02.10’ W. long.;

(6) Northshore Subdistrict: all waters north of a line from Coal Point at 59° 36.00’ N. lat., 151° 24.50’ W. long., to a point north of Chugachik Island at 59° 45.00’ N. lat., 151° 02.80’ W. long., then northwesterly to an ADF&G regulatory marker, one-half statute mile southwest of the terminus of Swift Creek, at 59° 47.15’ N. lat., 151° 05.45’ W. long.;

(7) China Poot Subdistrict: all waters south of a line from Peterson Point at 59° 35.67’ N. lat., 151° 16.70’ W. long., to Coal Point on the tip of the Homer Spit at 59° 36.00’ N. lat., 151° 24.50’ W. long., to 59° 32.07’ N. lat., 151° 33.09’ W. long., to Anisom Point;

(8) Halibut Cove Subdistrict: all waters within a line from an ADF&G regulatory marker on Glacier Spit at 59° 38.00’ N. lat., 151° 12.10’ W. long., to the intersection of the Northshore Subdistrict line at 59° 38.00’ N. lat., 151° 19.70’ W. long., to Coal Point to Peterson Point.

(e) Kamishak Bay District: all waters enclosed by a line from 59° 46.15’ N. lat., 153° 00.70’ W. long., then east to 59° 46.15’ N. lat., 152° 20.00’ W. long., then south to 59°03.42’ N. lat., 152° 20.00’ W. long., then southwesterly to Cape Douglas (58° 51.10’ N. lat.).

(1) Inianik Bay Subdistrict: all waters north of a line from a point on the east shore of Inianik Bay near Scott Island at 59° 38.59’ N. lat., 153° 25.50’ W. long., to a point on North Head at 59° 37.89’ N. lat., 153° 33.40’ W. long.;

(2) Cottonwood Bay Subdistrict: all waters west of a line from South Head north to a point at 59° 37.89’ N. lat., 153° 33.40’ W. long.;

(3) Ursus Cove Subdistrict: all waters west of the longitude of Ursus Head and north of 59° 28.09’ N. lat.;

(4) Rocky Cove Subdistrict: all waters between 59° 28.09’ N. lat. and 59° 25.00’ N. lat., and west of 153° 40.00’ W. long., to the longitude of an unnamed creek between Fortification Bluff and Step Mountain at 153° 46.40’ W. long.;

(5) Bruin Bay Subdistrict: all waters contained within a line extending from the longitude of an unnamed creek at 153° 46.40’ W. long., south to the latitude of a point offshore at 59° 25.00’ N. lat., east to 153° 40.00’ W. long., then south to 59° 20.00’ N. lat., and west to a point mouth of Contact Point at 154° 01.00’ W. long.;
(6) Kamishak River Subdistrict: all waters east of a line from McNeil Head at 59° 07.30’ N. lat., 154° 10.54’ W. long., to the mushroom islet at 59° 07.59’ N. lat., 154° 09.50’ W. long., to the northern tip of Nordyke Island at 59° 10.92’ N. lat., 154° 05.50’ W. long., south of the latitude of the northern tip of Nordyke Island, and west of 153° 50.00’ W. long.;

(7) McNeil River Subdistrict: all waters southwest of a line from McNeil Head to a point of land at 59° 09.50’ N. lat., 154° 12.75’ W. long.;

(8) Chenik Subdistrict: all waters between 59° 20.00’ N. lat. and the latitude of the northern tip of Nordyke Island at 59° 10.92’ N. lat., 154° 05.50’ W. long., and west of 153° 40.00’ W. long.;

(9) Paint River Subdistrict: all waters south of the latitude of the northern tip of Nordyke Island at 59° 10.92’ N. lat., 154° 05.50’ W. long., west of a line from the northern tip of Nordyke Island to the mushroom islet at 59° 07.59’ N. lat., 154° 09.50’ W. long., to McNeil Head, and east of a line from McNeil Head to a point of land at 59° 09.50’ N. lat., 154° 12.75’ W. long.;

(10) Douglas River Subdistrict: all waters west of the longitude of Cape Douglas (153° 15.07’ W. long.), south of the latitude of the northern tip of Nordyke Island at 59° 10.92’ N. lat., 154° 05.50’ W. long., and east of 153° 50.00’ W. long.

(f) Barren Islands District: all waters enclosed by a line from Cape Douglas (58° 51.10’ N. lat.) to the tip of Cape Elizabeth at 59° 09.33’ N. lat., 151° 53.24’ W. long., then south to 58° 51.10’ N. lat., 151° 53.24’ W. long., then west to Cape Douglas.

(g) Outer District: all waters enclosed by a line from the tip of Point Adam to the tip of Cape Elizabeth, then south to 58° 51.10’ N. lat., 151° 53.24’ W. long., then east to the longitude of Aligo Point (149° 44.47’ W. long.), then north to the tip of Aligo Point

(1) Koyuktolik Subdistrict: all waters east of the longitude of Point Adam and north of 59° 13.92’ N. lat.;

(2) Port Chatham Subdistrict: all waters north of 59° 10.00’ N. lat., and east of 151° 50.00’ W. long.;

(3) Windy Bay Subdistrict: all waters west of a line from 59° 12.60’ N. lat., 151° 27.60’ W. long., to 59°14.05’ N. lat., 151° 26.70’ W. long.;

(4) Rocky Bay Subdistrict: all waters north of a line from 59° 14.05’ N. lat., 151° 26.70’ W. long., to 59°12.77’ N. lat., 151° 19.30’ W. long.;

(A) Scurvey Creek Section: all waters northwest of a line from 59° 14.05’ N. lat., 151° 26.70’ W. long., to a point on the southwest corner of Picnic Harbor at 59° 14.95’ N. lat., 151° 25.10’ W. long.;

(5) Port Dick Subdistrict: all waters of Port Dick north of 59° 13.20’ N. lat.;

(A) Port Dick North Section: all waters of the northern shore of West Arm bounded by a line from the ADF&G regulatory marker at 59° 18.60’ N. lat., 151° 17.10’ W. long., south to a point 300 yards offshore, then southeasterly to 59° 16.10’ N. lat., 151° 06.07’ W. long., then north to the waterfall at 59° 16.65’ N. lat.;

(B) Port Dick South Section: waters of the subdistrict not included in the Port Dick North Section;

(6) Nuka Island Subdistrict: all waters of Nuka Passage north of a line from Front Point to Nuka Point and south of the latitude of Hardover Point;

(7) East Nuka Subdistrict: all waters of the East Arm of Nuka Bay north of the latitude of Harrington Point.
(h) Eastern District: all waters east of the longitude of Aligo Point (149° 44.47’ W. long.), west of the longitude of Cape Fairfield (148° 50.25’ W. long.), and north of 58° 51.10’ N. lat.

(1) Aialik Bay Subdistrict: all waters north of a line from Aligo Point to Aialik Cape;

(2) Resurrection Bay Subdistrict: all waters north of the latitude of Caines Head (59° 58.93’ N. lat.).

5 AAC 21.205. SEAWARD BOUNDARY OF KAMISHAK BAY DISTRICT. The seaward boundary of the Kamishak Bay District is three nautical miles seaward from the shoreline between a point on the west shore of Cook Inlet at approximately 59° 46.13’ N. lat., 153° 00.70’ W. long, and Cape Douglas at approximately 58° 51.10’ N. lat., 153° 15.07’ W. long., including a line three nautical miles seaward from the shorelines of Augustine Island and Shaw Island, and including the line demarking all state waters shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Chart Number 16640, 23rd Edition, July 5, 1997 hereby adopted by reference.

Editor’s Notes Copies of the NOAA chart adopted by reference in 5 AAC 21.205 can be obtained by writing to NOAA NOS, Pacific Hydrographic Branch, 7600 Sand Point Way, N. E., Seattle, Washington 98115-0070. In addition, the chart is available for inspection at the Lieutenant Governor’s Office in Juneau, Alaska.

ARTICLE 3. SALMON FISHERY.

5 AAC 21.310. FISHING SEASONS. (a) If an opening date specified in this section for a fishing season in any district, subdistrict, or section falls on a date during a closed weekly fishing period under 5 AAC 21.320, the fishing season will open the first day of the next open weekly period.

(b) Salmon may be taken only as follows:

(1) Northern District: from June 25 until closed by emergency order;

(2) Central District, for set gillnet:

(A) Western Subdistrict: from June 16 until closed by emergency order;

(B) Kalgin Island, Kustatan, and Chinitna Bay Subdistricts: from June 25 until closed by emergency order;

(C) Upper Subdistrict:

(i) Kasilof Section: from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only;

(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only;

(iii) Kenai, Kasilof, and East Forelands Sections: the season will close August 15, unless closed earlier by emergency order after July 31, if the department determines that less than one percent of the season’s total sockeye harvest has been taken per fishing period for two consecutive fishing periods; from August 11 through August 15, the fishery is open for regular fishing periods only; for purposes of this subsubparagraph, “fishing period” means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.;
(3) Central District, for drift gillnet: from the third Monday in June or June 19, whichever is later, until closed by emergency order, except that fishing with drift gillnets may not occur within

(A) two miles of the mean high tide mark on the eastern side of the Upper Subdistrict until those locations have opened for fishing with set gillnets;

(B) one and one-half miles of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and Kasilof Sections of the Upper Subdistrict south of the Kenai River, if fishing with set gillnets in that area is closed;

(C) one mile of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and East Forelands Sections of the Upper Subdistrict north of the Kenai River, if fishing with set gillnets in that area is closed;

(4) Southern District:

(A) seine gear season: opened and closed by emergency order;

(B) set gillnet season: opened by emergency order, on or after June 1, and closed September 30;

(5) Kamishak Bay District: from June 1 until closed by emergency order;

(6) Outer District: open and closed by emergency order;

(7) Eastern District: open and closed by emergency order.

5 AAC 21.320. WEEKLY FISHING PERIODS. (a) In the set gillnet fishery,

(1) salmon may be taken in the Northern District from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday;

(2) salmon may be taken in the Central District from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday;

(3) salmon may be taken in the Southern District from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday;

(4) the fishing periods set forth in (1) - (3) of this subsection may be modified by emergency order.

(b) In the drift gillnet fishery,

(1) salmon may be taken in the Central District from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday, except salmon may be taken

(A) in the Chinitna Bay Subdistrict only during periods established by emergency order;

(B) Repealed 4/22/99.

(2) the fishing periods set forth in (1) of this subsection may be modified by emergency order;

(c) In the seine fishery, salmon may be taken in the

(1) Chinitna Bay Subdistrict of the Central District only during periods established by emergency order;

(2) Kamishak Bay, Outer, Eastern, and Southern Districts only during periods established by emergency order.

(3) Repealed 4/7/93.
5 AAC 21.330. GEAR. (a) Purse seines, hand purse seines, and beach seines may be used in the Southern, Kamishak Bay, Outer, and Eastern Districts, and in the Chinitna Bay Subdistrict east of a line from the crane on the south shore to the largest boulder on the landward end of Glacier Spit.

(b) Set gillnets may be used only in the following locations:

(1) Southern District: within 1000 feet of beach areas that at mean low water are connected by exposed land to the shore except as specified in (1)(E) of this section, and only in the following locations:

(A) on Ismailof Island east of 151° 13.10’ W. long., and the mainland south of Ismailof Island from 151° 13.10’ W. long., to 151° 12.25’ W. long.;

(B) between Barabara Point and a point on the north side of McDonald Spit at 59° 28.49’ N. lat., 151° 36.12’ W. long.;

(C) from the north side of McDonald Spit at 59° 28.69’ N. lat., 151° 35.25’ W. long., east along the outer shoreline of McDonald Spit, and including the entire shoreline of Kasitsna Bay to the headland at the west side of the entrance of Jakolof Bay;

(D) the west shore of Seldovia Bay from Point Naskowhak to a point at the latitude of an unnamed creek at 59° 25.19’ N. lat., 151° 44.05’ W. long.;

(E) from the old cannery site on the south shore of Port Graham along the beach to the point south of English Bay at 59° 20.94’ N. lat., 151° 56.77’ W. long.; set gillnets in these waters may be used within 2,500 feet of beach areas that at mean low water are connected by exposed land to the shore;

(2) Northern District: set gillnets may be used only in the following areas:

(A) those waters along the north and west coast from Point MacKenzie (61° 14.33’ N. lat., 149° 59.17’ W. long.) to the southern boundary of the district on the west shore at 60° 46.39’ N. lat., except for closed waters listed in 5 AAC 21.350;

(B) waters along the west coast of Fire Island from North Point to West Point;

(C) waters along the east coast in the Northern District

(i) from Point Possession to the latitude of Birch Hill at approximately 60° 55.00’ N. lat.;

(ii) from 60° 52.67’ N. lat. (one-half mile north of Otter Creek) to the southern boundary of the district (60° 46.38’ N. lat.);

(3) Central District: set gillnets may be used only in the following locations:

(A) waters along the west coast in the Central District

(i) from the northern boundary of the district to the Drift River terminal and only within five miles of the mean high tide mark;

(ii) from 60° 29.50’ N. lat., 152° 19.00’ W. long., to 60° 28.50’ N. lat., 152° 19.50’ W. long. and only within five miles of the mean high tide mark;

(iii) from 60° 27.50’ N. lat., 152° 19.74’ W. long., to 60° 22.75’ N. lat., 152° 16.50’ W. long. and only within five miles of the mean high tide mark;
(iv) from 60° 21.47’ N. lat., 152° 21.50’ W. long., to 60° 20.67’ N. lat., 152° 22.50’ W. long. and only within five miles of the mean high tide mark;

(v) from 60° 16.19’ N. lat., 152° 29.90’ W. long. to 60° 13.42’ N. lat., 152° 34.65’ W. long. to 60° 05.25’ N. lat., 152° 34.92’ W. long. and only within five miles of the mean high tide mark;

(vi) near Johnson River from 60° 01.32’ N. lat., 152° 36.25’ W. long., to 59° 55.67’ N. lat., 152° 41.67’ W. long. and only within five miles of the mean high tide mark;

(vii) along the north side of Chinitna Bay from 59° 53.17’ N. lat., 153° W. long., to 59° 51.52’ N. lat., 153° 08.17’ W. long. and only within 2,500 feet of the mean high tide mark;

(B) waters along the coast of Kalgin Island within one mile of the mean lower low tide mark;

(C) waters along the east coast in the Central District

(i) within one mile of the mean high tide mark from the northern boundary of the district to the northern regulatory marker at the mouth of the Kenai River (60° 34.09’ N. lat., 151° 19.30’ W. long.) then offshore on a bearing of 235° to a point one mile from the mean high tide mark;

(ii) from the latitude of the southern ADF&G regulatory marker at the mouth of the Kenai River (60° 30.32’ N. lat., 151° 17.05’ W. long.) to the latitude of the northern ADF&G regulatory marker at the mouth of the Kasilof River and only within one and one-half miles of the mean high tide mark;

(iii) from the southern ADF&G regulatory marker at the mouth of the Kasilof River to the latitude of the ADF&G regulatory marker at the northern limit of the closed area at the mouth of the Ninilchik River and only within one and one-half miles of the mean high tide mark.

(D) Waters around Chisik Island north of the latitude of Chisik Island Light within five miles of the mean high tide mark except those waters near the Crescent River described in 5 AAC 21.350(a).

(c) Drift gillnets may be used only in the Central District; except that in the Chinitna Bay Subdistrict, drift gillnets may be used only east of a line from the crane on the south shore at 59° 50.07’ N. lat., 153 05.10’ W. long., to the ADF&G regulatory marker on Glacier Spit at 59° 51.72’ N. lat., 153 07.84’ W. long.

(d) Repealed 3/8/74.

(e) Each fisherman shall operate or assist in operating only one type of gear at any one time.

(f) Repealed 4/18/86.

(g) Repealed 3/8/74.

(h) Repealed 3/8/74.

5 AAC 21.331. GILLNET SPECIFICATIONS AND OPERATIONS. (a) No person may operate a set gillnet that has not been intentionally set, staked, anchored or otherwise fixed, and no person may operate a drift gillnet that has been intentionally set, staked, anchored or otherwise fixed.

(b) The maximum mesh size for gillnets is six inches.

(c) A drift gillnet may not be more than 150 fathoms in length and 45 meshes in depth. No person may operate more than one drift gillnet.
(d) A set gillnet may not be longer than 35 fathoms in length and 45 meshes in depth. South of the latitude of Anchor Point, 30 fathoms of seine webbing may be used on the shore between high and low water levels. A person may not operate more than four set gillnets with more than 105 fathoms of set gillnet in the aggregate, except that

1) on Fire Island, a person may operate more than four set gillnets, but the aggregate length of the nets may not exceed 105 fathoms;

2) repealed;

(e) Set gillnets shall be operated in substantially a straight line. No more than 20 yards of each set gillnet may be used as a single hook.

(f) Repealed 3/8/74.

(g) Repealed 4/2/88.

(h) Notwithstanding 5 AAC 39.250(c), in the Cook Inlet Area, a person may use single filament mesh web in a drift gillnet or in a set gillnet.

(i) A CFEC permit holder who holds two Cook Inlet set gillnet CFEC permits may operate an aggregate length of set gillnets not to exceed 210 fathoms in length. A single set gillnet may not exceed 35 fathoms in length. Notwithstanding 5 AAC 39.280, in order to identify the gillnet as a dual permit set gillnet, the permit holder shall mark the buoys as specified in 5 AAC 21.334 with both of the permit holder’s five-digit CFEC permit serial numbers followed by the letter “D” on the identification buoy. All identifiers must be displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background.

5 AAC 21.332. SEINE SPECIFICATIONS AND OPERATION. (a) Purse seines, hand purse seines, and beach seines may not be less than 90 fathoms in length and 100 meshes in depth, nor more than 250 fathoms in length and 325 meshes in depth. Detachable or loose leads are not permitted.

(b) A seine vessel may tow another seine vessel as long as each vessel has no more than one legal limit of gear on board.

(c) A purse seine is considered to have ceased fishing when both ends of the seine are fast to the vessel.

5 AAC 21.333. REQUIREMENTS AND SPECIFICATIONS FOR USE OF 200 FATHOMS OF DRIFT GILLNET IN THE COOK INLET AREA. (a) Except as specified in (e-g) of this section, two Cook Inlet drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear under this section.

(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department office in Anchorage, Soldotna, or Homer.

(c) When two Cook Inlet drift gillnet CFEC permit holders fish from the same vessel and jointly operate additional drift gillnet gear under this section, the vessel must display its ADF&G permanent license plate number followed by the letter “D” to identify the vessel as a dual permit vessel. The letter “D” must be removed or covered when the vessel is operating with only one registered drift gillnet CFEC permit holder on board the. The permanent license plate number and letters must be displayed

1) in letters and numerals 12 inches high with lines at least one inch wide;

2) in a color that contrasts with the background;

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(3) on both sides of the hull; and

(4) in a manner that is plainly visible at all times when the vessel is being operated.

d When two permit holders jointly operate gear under this section, each permit holder is responsible for ensuring that the entire unit of gear is operated in a lawful manner.

e The joint operation of additional drift gillnet gear under this section is not allowed when drift gillnet gear is restricted to any of the following areas:

1. Chinitna Bay Subdistrict;
2. repealed 5/21/2011;
3. repealed 5/21/2011;
4. Kasilof River Special Harvest Area as described in 5 AAC 21.365.

f A vessel with two registered CFEC permit holders on board, when transiting through any area where the legal limit of gillnet gear is less than 200 fathoms, may have on board up to 200 fathoms of gillnet gear as long as no portion of the gear is deployed into the water.

g Repealed 5/21/2011.

Editor’s note: The department office in Anchorage is located at 333 Raspberry Road, Anchorage, Alaska. The department office in Soldotna is located at 43961 Kalifornsky Beach Road, Suite B, Soldotna, Alaska. The department office in Homer is located at 3298 Douglas Place, Homer, Alaska.

5 AAC 21.334. IDENTIFICATION OF GEAR. (a) Each drift gillnet in operation must have a bright red keg or buoy at one end plainly and legibly marked with the permanent vessel license plate (ADF&G) number of the vessel operating the gear and the initials of the operator.

(b) Markers described in 5 AAC 39.280(a) are not required for set gillnets.

(c) Buoy identification requirements for set gillnets in the Upper Subdistrict of the Central District are as follows:

1. each set gillnet must have an identification tag issued by the department; the tag must be placed on a “trailer” buoy attached to the set gillnet; the tags will be issued before each fishing season and will be sequentially numbered and colored for each year;

2. not more than three tags will be issued to a permit holder operating set gillnets 35 fathoms in length; not more than four tags will be issued to a permit holder operating set gillnets less than 30 fathoms in length;

3. tags lost during the season may be replaced if the permit holder submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags; replacement tag numbers will be preceded by the letter “R”;

4. buoy sticker identification tags and replacement tags are available at the ADF&G office in Soldotna from Monday through Friday, from 8:00 a.m. to 5:00 p.m. only;

5. the permit holder must obtain new tags before each fishing season;

6. repealed 4/7/93.

7. a CFEC permit holder may register with the department to fish in a group with other CFEC permit holders at the time the permit holders purchase buoy stickers; all permit holders in the group shall register at the
same time and place; any trailer buoy with a buoy sticker attached registered to that group may be attached to any CFEC permit holder’s set gillnet that is also registered to that group to comply with the identification requirements under (1) of this subsection.

5 AAC 21.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. (a) No part of a commercial drift gillnet or set gillnet may be set or operated within 600 feet of any part of another commercial set gillnet.

(b) Repealed 7/21/91.

(c) In the Chinitna Bay Subdistrict, no part of a purse seine may be placed or operated within 600 feet of a drift or set gillnet.

(d) Except as specified in (c) of this section, no part of a seine may be operated within 300 feet of a set gillnet except in the zone outside of the offshore end of a set gillnet.


5 AAC 21.342. VESSEL IDENTIFICATION. Repealed 4/18/86.

5 AAC 21.345. REGISTRATION. (a) A CFEC setnet permit holder shall register for a registration area described in (b) of this section before fishing, by completing a registration form available from the department and returning it to the department office in Anchorage, Soldotna, or Homer, or by mailing it to the department office in Soldotna. A CFEC setnet permit holder may not fish in more than one registration area during a registration year.

(b) Registration areas are as follows:

1. Northern District Area: as described in 5 AAC 21.200(a);
2. Upper Subdistrict Area: as described in 5 AAC 21.200(b)(2);
3. Greater Cook Inlet Area: all waters of the Cook Inlet Area open to setnet fishing as described in 5 AAC 21.200(b)(1), (b)(3) - (b)(6), and (d).

(c) The registration year is January 1 - December 31.

(d) Registration is not transferable between registration areas during a registration year.

(e) Repealed.

Editor’s note: The registration form specified in 5 AAC 21.345(a) may be sent by mail to the department office in Soldotna at Department of Fish and Game, Commercial Fisheries Division, 43961 Kalifornsky Beach Road, Suite B, Soldotna, AK 99669-8367.

5 AAC 21.350. CLOSED WATERS. (a) Salmon may not be taken in any of the waters listed in this section.

(b) Central District

1. within one statute mile of the terminus of any of the following salmon streams: Kasilof River, Deep Creek, Stariski Creek, and Anchor River;
2. Crescent River: east of a line from an ADF&G regulatory marker located approximately one mile west of the terminus of the Crescent River to the northernmost tip of Chisik Island, south of the latitude of an ADF&G marker located approximately one mile north of the terminus of the Crescent River, and within a three-mile radius from the terminus of the Crescent River at mean high tide;
(3) Kenai River: waters enclosed by a line from the southern ADF&G regulatory marker at the mouth of
the Kenai River (60° 30.32’ N. lat., 151° 17.05’ W. long.) to the Coast Guard channel marker 1 KE located at
60° 31.30’ N. lat., 151° 20.50’ W. long. to the northern ADF&G regulatory marker at the mouth of the Kenai
River (60° 34.09’ N. lat., 151° 19.30’ W. long.); and, in the area between a line bearing 235° from the northern
ADF&G regulatory marker and the Kenai River mouth, those waters within one mile of the mean high tide
mark and, in the area between the southern ADF&G regulatory marker and the Kenai River mouth, those waters
within one and one-half miles of the mean high tide mark;

(4) Ninilchik River,
   (A) within one statute mile of the river terminus;
   (B) between the latitude of an ADF&G regulatory marker located approximately one statute mile north
       of the Ninilchik boat harbor entrance and the latitude of Anchor Point Light (59° 46.15’ N. lat.) and extending
       offshore for a distance of one statute mile from mean lower low water;

(5) on the west side of the Central District from the northern boundary of the district south to Harriet Point
(60° 23.75’ N. lat., 152° 14.00’ W. long.),
   (A) within one statute mile of the terminus, at mean high tide, of the Kustatan River and the Drift River;
   (B) within one statute mile of the terminus, at mean lower low water, of Cannery Creek;
   (C) within one statute mile of the Big River;
   (D) within 500 yards of the terminus, at mean high tide, of any anadromous fish stream;
   (E) within 900 feet of the stream bed or channel of any anadromous fish stream throughout the intertidal
       portion of that stream out to the lower low water mark.

(6) Packers Creek: waters enclosed by a line from the south ADF&G regulatory marker located at 60°
26.11’ N. lat., 151° 55.66’ W. long., to 60° 25.33’ N. lat., 151° 55.00’ W. long., to 60° 25.31’ N. lat., 151°
52.68’ W. long., to 60° 26.42’ N. lat., 151° 51.71’ W. long., to the north ADF&G regulatory marker located at
60° 26.42’ N. lat., 151° 53.32’ W. long.

(c) Northern District

(1) within one statute mile of the terminus of any of the following salmon streams: Swanson Creek,
    Bishop Creek, Three-mile Creek, Chuit River, Nikolai Creek, and McArthur River;

(2) Turnagain Arm and Knik Arm: east of a line from 61° 02.35’ N. lat., 150° 23.64’ W. long., to the site
    of the old West Point light on Fire Island, along the eastern shore of Fire Island to North Point, to 61° 14.64’ N.
    lat., 149° 59.55’ W. long.

(d) Southern District

(1) northeast of a line from an ADF&G regulatory marker at 59° 44.50’ N. lat., 151° 02.10’ W. long., to
    an ADF&G regulatory marker on the shore one-half statute mile southwest of the terminus of Swift Creek at
    59° 47.15’ N. lat., 151° 05.45’ W. long.;

(2) waters of China Poot Bay south and east of the Homer Electric Association power line;

(3) waters of Sadie Cove south of 59° 30.00’ N. lat.;

(4) waters of Tutka Bay southeast of 59° 25.50’ N. lat.;

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(5) waters of Jakalof Bay south of 59° 28.07’ N. lat.;
(6) waters of Seldovia Bay south of a line from an ADF&G regulatory marker located at 59° 25.09’ N. lat., 151° 42.57’ W. long., to an ADF&G regulatory marker located at 59° 24.84’ N. lat., 151° 43.06’ W. long.;
(7) waters of Port Graham Bay south of 59° 20.44’ N. lat.;
(8) Northshore Subdistrict.

(e) Kamishak Bay District: waters of Cottonwood Bay west of a line from an ADF&G regulatory marker located at 59° 38.39’ N. lat., 153° 39.41’ W. long., to an ADF&G regulatory marker located at 59° 37.68’ N. lat., 153° 39.51’ W. long.;

(f) Outer District

(1) waters of Port Chatham east of a line from an ADF&G regulatory marker located at 59° 13.32’ N. lat., 151° 43.41’ W. long., to an ADF&G regulatory marker located at 59° 12.59’ N. lat., 151° 43.55’ W. long.;
(2) waters of Windy Bay west of 151° 32.85’ W. long.;
(3) waters of Taylor Bay north of a line between ADF&G regulatory markers located approximately at 59° 18.00’ N. lat.;
(4) waters of Tacoma Cove and Sunday Harbor east of 151° 01.15’ W. long.

(g) Eastern District

(1) waters of Resurrection Bay west of a line from an ADF&G regulatory marker located at the old military dock pilings on the west shore of Resurrection Bay north of Caines Head at 60° 00.48’ N. lat., 149° 24.20’ W. long., to an ADF&G regulatory marker located near the Seward Airport at 60° 07.49’ N. lat., 149° 24.72’ W. long.;
(2) king and coho salmon may not be taken in waters of Resurrection Bay north of a line from Cape Resurrection to Aialik Cape;
(3) waters of Aialik Bay north of 59° 53.47’ N. lat.

(h) In any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide.

(i) In all other streams or rivers within 500 yards of the terminus or as posted.

5 AAC 21.353. CENTRAL DISTRICT DRIFT GILLNET FISHERY MANAGEMENT PLAN. (a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);
(2) the fishing season will open the third Monday in June or June 19, whichever is later, and
(A) from July 9 through July 15,
(i) fishing during the first regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections; additional fishing time is allowed only in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;

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

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

(B) from July 16 through July 31,

(i) at run strengths of less than 2,300,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period will be restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;

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

(iii) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

(C) from August 16 until closed by emergency order, Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods;

(D) from August 11 through August 15, there are no mandatory area restrictions to regular periods, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b)(2)(C)(iii), regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4.

(b) For the purposes of this section,

(1) “Drift Gillnet Area 1” means those waters of the Central District south of Kalgin Island at 60° 20.43’ N. lat.;

(2) “Drift Gillnet Area 2” means those waters of the Central District enclosed by a line from 60° 20.43’ N. lat., 151° 54.83’ W. long. to a point at 60° 41.08’ N. lat., 151° 39.00’ W. long. to a point at 60° 41.08’ N. lat., 151° 24.00’ W. long. to a point at 60° 27.10’ N. lat., 151° 25.70’ W. long. to a point at 60° 20.43’ N. lat., 151° 28.55’ W. long.;

(3) “Drift Gillnet Area 3” means those waters of the Central District within one mile of mean lower low water (zero tide) south of a point on the West Foreland at 60° 42.70’ N. lat., 151° 42.30’ W. long.;

(4) “Drift Gillnet Area 4” means those waters of the Central District enclosed by a line from 60° 04.70’ N. lat., 152° 34.74’ W. long. to the Kalgin Buoy at 60° 04.70’ N. lat., 152° 09.90’ W. long. to a point at 59° 46.15’ N. lat., 152° 18.62’ W. long. to a point on the western shore at 59° 46.15’ N. lat., 153° 00.20’ W. long., not including the waters of the Chinitna Bay Subdistrict.

(c) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).
5 AAC 21.354. COOK INLET PINK SALMON MANAGEMENT PLAN. (a) The purpose of this management plan is to allow for the harvest of surplus pink salmon in upper Cook Inlet for set gillnet and drift gillnet gear. Notwithstanding 5 AAC 21.310(b)(2)(C)(iii), from August 11 through August 15, the commissioner may, by emergency order, open a commercial pink salmon fishery in an even-numbered year for up to two regular 12-hour fishing periods if the commissioner determines that the sockeye salmon escapement goals in the Kenai and Kasilof Rivers are being achieved and coho salmon run strength is sufficient to withstand additional harvest.

(b) The first pink salmon commercial fishing period will occur only if, during the regular fishing periods from August 6 through August 10, the daily harvest of pink salmon exceeds 50,000 fish or the cumulative harvest is 100,000 or more pink salmon. The second pink salmon commercial fishing period will occur only if 50,000 or more pink salmon and no more than 2,500 coho salmon are harvested during the first pink salmon commercial fishing period.

(c) During a pink salmon commercial fishing period opened under this section, a

1. set gillnet may not have a mesh size greater than four and three-quarters inches, and the set gillnet may only be operated 600 feet or greater from the shore line; and

2. drift gillnet may not have a mesh size greater than four and three-quarters inches, and fishing with drift gillnet gear will only be opened in the areas defined in 5 AAC 21.200(b)(2)(A) and (B).

5 AAC 21.355. REPORTING REQUIREMENTS. A commercial salmon fisherman shall at the time of landing report on an ADF&G fish ticket the number of salmon, by species taken but not sold.


5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN. Repealed.

EDITOR’S NOTE: The substance of former 5 AAC 21.357 now appears in 5 AAC 56.080.

5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN. (a) The purposes of this management plan are to minimize the harvest of coho salmon bound for the Northern District of upper Cook Inlet and to provide the department direction for management of salmon stocks. The department shall manage the chum, pink, and sockeye salmon stocks primarily for commercial uses to provide commercial fisherman with an economic yield from the harvest of these salmon resources based on abundance. The department shall also manage the chum, pink, and sockeye salmon stocks to minimize the harvest of Northern District coho salmon, to provide sport and guided sport fisherman a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of inriver restrictions, or as specified in this section and other regulations.

(b) The department shall manage the Northern District commercial salmon fisheries based on the abundance of sockeye salmon counted through the weirs on Larson, Chelatna, and Judd Lakes, or other salmon abundance indices as the department deems appropriate.

(c) From July 20 through August 6, if the department’s assessment of abundance indicates that restrictions are necessary to achieve the escapement goal, the commissioner may, by emergency order, close the commercial set gillnet fishery in the Northern District and immediately reopen a season during which the number of set gillnets that may be used is limited to the following options selected at the discretion of the
commissioner, except that from July 31 through August 6, the commissioner may allow the use of two set gillnets in that portion of the General District south of the Susitna River:

(1) three set gillnets that are not more than 105 fathoms in aggregate length;
(2) two set gillnets that are not more than 70 fathoms in aggregate length;
(3) one set gillnet that is not more than 35 fathoms in length.

(d) In addition to the provisions specified in (b) and (c) of this section, the department shall manage the Northern District commercial salmon fisheries to minimize the incidental take of coho salmon stocks bound for the Northern District in the following manner:

(1) additional fishing periods, other than the weekly fishing periods described in 5 AAC 21.320(a)(1), may not be provided when coho salmon are expected to be the most abundant species harvested during that period; additional fishing periods may not be provided based on the abundance of Northern District coho salmon;
(2) after August 15, the department shall limit the harvest of coho salmon in the Northern District by limiting commercial fishing time to the weekly fishing periods described in 5 AAC 21.320(a)(1).

(e) Personal use fishing with a set gillnet is prohibited in the Northern District.

(f) The department shall, to the extent practicable, conduct habitat assessments on a schedule that conforms to the board’s triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of this management plan.

(g) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

5 AAC 21.359. KENAI RIVER LATE-RUN KING SALMON MANAGEMENT PLAN. (a) The purposes of this management plan are to ensure an adequate escapement of late-run king salmon into the Kenai River system and to provide management guidelines to the department. The department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses in order to provide the sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of inriver restrictions.

(b) The department shall manage the late run of Kenai River king salmon to achieve a biological escapement goal of 17,800 – 35,700 king salmon, as follows:

(1) in the sport fishery,
   (A) if the biological escapement goal is projected to be exceeded, the commissioner may, by emergency order, extend the sport fishing season up to seven days during the first week of August.
   (B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a non-motorized vessel on Mondays in July; for purposes of this section a non-motorized vessel is one that does not have a motor on board;

(3) if the projected inriver return is less than 17,800 king salmon, the department shall
(A) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(B) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and

(C) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

(c) From July 20 through July 31;

(1) repealed;

(2) if the projected inriver return of late-run king salmon is less than 40,000 fish and the inriver sport fishery harvest is projected to result in an escapement below 17,800 king salmon, the department may restrict the inriver sport fishery;

(3) repealed;

(4) if the inriver sport fishery is closed under (2) of this subsection, the commercial set gillnet fishery in the Upper Subdistrict shall be closed;

(5) repealed.

(d) Repealed.

(e) Consistent with the purposes of this management plan, and 5 AAC 21.360 if the projected inriver return of king salmon is less than 40,000 fish, the department may not reduce the closed waters at the mouth of the Kenai River described in 5 AAC 21.350(b).

(f) The provisions of the Kasilof River Salmon Management Plan (5 AAC 21.365) are exempt from the provisions of this section.

(g) The department will to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of this plan.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

5 AAC 21.360. KENAI RIVER LATE – RUN SOCKEYE SALMON MANAGEMENT PLAN. (a) The department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial uses based on abundance. The department shall also manage the commercial fisheries to minimize the harvest of Northern District coho, late-run Kenai River king, and Kenai River coho salmon stocks in order to provide personal use, sport, and guided sport fishermen with a reasonable opportunity to harvest salmon resources.

(b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to

(1) meet an optimum escapement goal (OEG) range of 700,000 - 1,400,000 late-run sockeye salmon;

(2) achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and
(3) distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run.

(c) Based on preseason forecasts and inseason evaluations of the total Kenai River late-run sockeye salmon return during the fishing season, the run will be managed as follows:

(1) at run strengths of less than 2,300,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 900,000 – 1,100,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, unless the department determines that the minimum inriver goal will not be met, at which time the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 24-hours per week, except as provided in 5 AAC 21.365;

(2) at run strengths of 2,300,000 to 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,000,000 – 1,200,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 51-hours per week, except as provided in 5 AAC 21.365;

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday and for a 24-hour closure on Tuesday from 12:00 a.m. until 11:59 p.m.;

(3) at run strengths greater than 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,100,000 - 1,350,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 84-hours per week, except as provided in 5 AAC 21.365;

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week, beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.

(d) The sonar count levels established this section may be lowered by the board if noncommercial fishing, after consideration of mitigation efforts, results in a net loss of riparian habitat on the Kenai River. The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board
of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of the Kenai River late-run sockeye salmon inriver goal.


(g) Subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River as specified in 5 AAC 77.540.

(h) Subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall manage the sport fishery on the Kenai River, except that portion of the Kenai River from its confluence with the Russian River to an ADF&G regulatory marker located 1,800 yards downstream, as follows:

1. fishing will occur seven days per week, 24 hours per day; and

2. the bag and possession limit for the sport fishery is three sockeye salmon, unless the department determines that the abundance of late-run sockeye salmon exceeds 2,300,000 fish, at which time the commissioner may, by emergency order, increase the bag and possession limit as the commissioner determines to be appropriate;

3. if the projected inriver run of sockeye salmon above the Kenai River sonar counter located at river mile 19 is less than 900,000 fish and the inriver sport fishery harvest is projected to result in an escapement below the lower end of the optimal escapement goal, the commissioner may, by emergency order, decrease the bag and possession limit, as the commissioner determines to be appropriate, for sockeye salmon in the sport fishery above the Kenai River sonar counter located at river mile 19;

(i) For the purposes of this section, “week” means a calendar week, a period of time beginning at 12:00:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

(j) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

5 AAC 21.361. RUSSIAN RIVER SOCKEYE SALMON MANAGEMENT PLAN. Repealed.

EDITOR’S NOTE: The substance of former 5 AAC 21.357 appears in 5 AAC 56.075.


5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN. (a) The department should receive long-term direction in management of upper Cook Inlet salmon stocks and salmon species. Divisions within the department must receive long-term direction in order to accomplish their missions and plan management, research, administrative and other programs. Upper Cook Inlet stakeholders should be informed of the long-term management objectives of the Board of Fisheries (board). Therefore, the board establishes the following provisions for the management and conservation of upper Cook Inlet salmon stocks:

1. consistent with the statutory priority for subsistence, the harvest of upper Cook Inlet salmon for customary and traditional subsistence uses will be provided for specific species in appropriate areas, seasons, and periods to satisfy subsistence needs; other beneficial uses, to the extent they are consistent with the public
interest and overall benefit of the people of Alaska, will be allowed in order to maximize the benefits of these resources;

(2) to provide for the management and allocation of the upper Cook Inlet salmon resources, the harvest of the upper Cook Inlet salmon will be governed by specific and comprehensive management plans adopted by the board for salmon stocks and species, on a Cook Inlet basin wide basis, for different areas, and drainages and for different types of fisheries;

(3) in adopting the specific management plans described in (2) of this subsection the board will consider:
   (A) the need for sustainable fisheries for all salmon stocks and salmon species throughout the Cook Inlet basin;
   (B) the protection of the fisheries habitat both in the fresh water and the marine environment throughout the Cook Inlet basin; and
   (C) the various needs and demands of the user groups of the salmon resources of upper Cook Inlet;

(4) in these management plans, the board may, as appropriate, address the following considerations:
   (A) the need to allocate the harvestable surplus among commercial, sport, guided sport and personal use fisheries; and
   (B) the need to allocate the harvestable surplus within user groups;

(5) in the absence of a specific management plan, it is the intent of the board that salmon be harvested in the fisheries that have historically harvested them, according to the methods, means, times and locations of those fisheries;

(6) consistent with 5 AAC 39.220(b), it is the intent of the board that, in the absence of a specific management plan, where there are known conservation problems, the burden of conservation shall, to the extent practicable, be shared among all user groups in close proportion to their respective harvest on the stock of concern.

(b) Repealed 6/13/99.

(c) In this section “upper Cook Inlet salmon stocks” means those salmon that move through the Northern and Central Districts as defined in 5 AAC 21.200(a) and (b) and spawn in waters draining into those districts.


(e) Notwithstanding any other provision of this chapter, it is the intent of the board that, while in most circumstances the department will adhere to the management plans in this chapter, no provision within a specific management plan is intended to limit the commissioner’s use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective. For the purpose of this subsection, “escapement goals” includes inriver goal, biological escapement goal, sustainable escapement goal, and optimal escapement goal as defined in 5 AAC 39.222.


5 AAC 21.365. KASILOF RIVER SALMON MANAGEMENT PLAN. (a) This management plan governs the harvest of Kasilo River salmon excess to spawning escapement needs. It is the intent of the Board of Fisheries that Kasilo River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Openings in the areas historically fished...
must be consistent with escapement objectives for upper Cook Inlet salmon and with the Upper Cook Inlet Salmon Management Plan (5 AAC 21.363).

(b) Achieving the lower end of the Kenai River sockeye salmon escapement goal shall take priority over not exceeding the upper end of the Kasilof River optimal escapement goal of 160,000 to 390,000 sockeye salmon.

(c) The commercial set gillnet fishery in the Kasilof Section shall be managed as follows:

1. fishing will be opened as described in 5 AAC 21.310(b)(2) for regular weekly fishing periods, as specified in 5 AAC 21.320;

2. from the beginning of the fishing season through July 7,
   
   A) the commissioner may, by emergency order, open additional fishing periods or extend regular weekly fishing periods to a maximum of 48 hours of additional fishing time per week;

   B) the fishery shall remain closed for at least one continuous 36-hour period per week to begin between 7:00 p.m. Thursday and 7:00 a.m. Friday;

3. beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c); in addition to the provisions of 5 AAC 21.360(c), the commissioner may, by emergency order, limit fishing during the regular weekly periods and any extra fishing periods to those waters within one-half mile of shore, if the set gillnet fishery in the Kenai and East Forelands Sections are not open for the fishing period; if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River escapement goal, the commissioner may, in an emergency order under this paragraph further restrict fishing to within 600 feet of the high tide mark in the Kasilof Section;

4. after July 8, if the Kasilof Section set gillnet fishery is restricted to fishing within the first one-half mile of shore, the commissioner may, by emergency order, open the KRSHA described in (f) of this section to both set and drift gillnet fishing using only one gillnet, for fishing periods not to exceed 48 - hours in duration without one period of 24 consecutive hours of closure; the provisions in (f)(1) - (8) of this section apply during these openings;

5. after July 15, if the department determines that the Kenai River late-run sockeye salmon run strength is projected to be less than 2,300,000 fish and the 390,000 optimal escapement goal for the Kasilof River sockeye salmon may be exceeded, the commissioner may, by emergency order, open fishing for an additional 24 hours per week in the Kasilof Section within one-half mile of shore and as specified in 5 AAC 21.360(c).

(d) The personal use fishery will be managed as specified in 5 AAC 77.540(b) and (c).


(f) The commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 fish. It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board’s intent that additional fishing time be allowed in the remainder of the Kasilof Section first, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary to meet the escapement goals contained within this and other management plans. The Kasilof River Special Harvest Area is defined as those waters within one and one-half miles of the navigational light located on the south bank of the Kasilof River, excluding waters of the Kasilof River upstream of ADF&G regulatory markers located near

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the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The following apply within the special harvest area when it is open:

1. set gillnets may be operated only within 600 feet of the mean high tide mark;
2. a set gillnet may not exceed 35 fathoms in length;
3. drift gillnets may not be operated in waters within 600 feet of the mean high tide mark;
4. no more than 50 fathoms of drift gillnet may be used to take salmon;
5. a permit holder may not use more than one gillnet to take salmon at any one time;
6. a person may not operate a gillnet outside the special harvest area when operating a gillnet in the special harvest area;
7. there is no minimum distance between gear, except that a gillnet may not be set or operated within 600 feet of a set gillnet located outside of the special harvest area; and
8. a vessel may not have more than 150 fathoms of drift gillnet or 105 fathoms of set gillnet on board.

(g) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

(h) For the purposes of this section, “week” means a calendar week, a period of seven consecutive days beginning at 12:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

5 AAC 21.366. NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN. The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions. The department shall manage the Northern District for the commercial harvest of king salmon as follows:

1. except as specified in (8) of this section, the season will open for commercial fishing periods with the first fishing period beginning on the first Monday on or after May 25, except when May 25 falls within a closed period, in which case the season opens the next following open period and continues through June 24, unless closed earlier by emergency order;
2. fishing periods are from 7:00 a.m. to 7:00 p.m. on Mondays;
3. the harvest may not exceed 12,500 king salmon;
4. set gillnets may not exceed 35 fathoms in length and six inches in mesh size;
5. no CFEC permit holder may operate more than one set gillnet at a time;
6. no set gillnet may be set or operated within 1,200 feet of another set gillnet;
7. no CFEC permit holder may set a gillnet seaward of a set gillnet operated by another CFEC permit holder;
8. from May 25 through June 24, the area from an ADF&G regulatory marker located one mile south of the Theodore River to the Susitna River is open to fishing the second regular Monday period only;
(9) if the Theodore, Lewis, or Ivan River is closed to sport fishing, the commissioner shall close, by emergency order, the area from an ADF&G regulatory marker located one mile south of the Theodore River to the Susitna River to commercial king salmon fishing for the remainder of the fishing periods provided for under this section;

(10) if the Deshka River is closed to sport fishing, the commissioner shall close, by emergency order, the commercial king salmon fishery throughout the Northern District for the remainder of the fishing periods provided for under this section; and

(11) if the Chuitna River is closed to sport fishing, the commissioner shall close, by emergency order, the area from a point at the wood chip dock located approximately at 61° 02.56’ N. lat., 151° 14.36’ W. long., to the Susitna River to commercial king salmon fishing for the remainder of the directed king salmon fishery.

(b) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

5 AAC 21.367. UPPER SUBDISTRICT KING SALMON MANAGEMENT PLAN. Repealed 6/10/89.

5 AAC 21.368. BIG RIVER Sockeye SALMON MANAGEMENT PLAN. (a) The purpose of this management plan is to authorize a harvest of Big River sockeye salmon by set gillnets in a portion of the Kustatan and Kalgin Island Subdistricts.

(b) Salmon may be taken in waters of the Kustatan Subdistrict along the mainland shore from the terminus of the Kustatan River, southwest to the southern boundary of the subdistrict, and in the Kalgin Island Subdistrict along the western shore from Light Point (60° 29.00’ N. lat., 151° 50.50’ W. long.) to the Kalgin Island Light on the southern end of Kalgin Island at 60° 20.80’ N. lat., 152° 05.09’ W. long.

(c) The open fishing season is from June 1 through June 24, except that if June 1 falls within a closed weekly fishing period, the season will open the next following open period.

(d) Fishing periods are from 7 a.m. through 7 p.m. on Monday, Wednesday, and Friday.

(e) Salmon may be taken by set gillnets only as follows:

1. a set gillnet may not exceed 35 fathoms in length nor 5 1/2 inches in mesh size;

2. no CFEC permit holder may operate more than one set gillnet at a time;

3. no set gillnet may be set or operated within 1,800 feet of another set gillnet;

4. no set gillnet may extend more than 35 fathoms seaward of the mainland beach at the lowest tide of the current day;

5. repealed 4/7/93.

(f) Commercial salmon fishing is prohibited as follows, and no other closed waters provision applies:

1. within one statute mile of the terminus, at mean high tide, of the Kustatan River and of the Drift River, and within one statute mile of the Big River;

2. within 500 yards of the terminus, at mean high tide, of Montana Bill Creek and of Bachatna Creek (also known as Johnson Slough);

3. in the freshwater portions of any anadromous fish stream, in accordance with 5 AAC 39.290.
(g) The commissioner shall close, by emergency order, the fishery when the harvest of king salmon reaches 1,000 fish.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

AAC 21.369. LOWER COOK INLET SEINE FISHERY MANAGEMENT PLAN. When the Board of Fisheries authorized the use of power purse seines in the Cook Inlet salmon fishery, the board was concerned that the more efficient gear might allow the fleet to increase its harvest of Upper Cook Inlet salmon stocks. The department shall manage the seine fleet so that its efforts are directed on Lower Cook Inlet salmon stocks. The board recognizes that some incidental catch of Upper Cook Inlet salmon stocks will occur while the seine fishery is managed for Lower Cook Inlet salmon stocks.

5 AAC 21.370. PACKERS CREEK SOCKEYE SALMON MANAGEMENT PLAN. The department may not base fishing time in the Kalgin Island Subdistrict on the enhanced run strength of Packers Creek sockeye salmon. For the purpose of harvesting Packers Creek sockeye salmon, extra fishing time in the Kalgin Island Subdistrict shall be limited to no more than one additional fishing period per week.

5 AAC 21.373. TRAIL LAKES HATCHERY SOCKEYE SALMON MANAGEMENT PLAN. (a) The purpose of the management plan in this section is to provide an equitable distribution of the harvest of hatchery-produced salmon among seine and set gillnet commercial fisheries and the cost recovery fishery conducted by the Trail Lakes Hatchery operator. The department, in consultation with the hatchery operator, shall primarily manage the Lower Cook Inlet Special Harvest Areas salmon fisheries in the Southern District to achieve the Cook Inlet Aquaculture Association cost recovery harvest goal and the broodstock escapement goals for the Trail Lake Hatchery.

(b) The Cook Inlet Aquaculture Association, or the association’s agent or contractor, may harvest salmon within the China Poot and Hazel Lake Special Harvest Area, Tutka Bay Special Harvest Area, Kirschner Lake Special Harvest Area, and Bear Lake Special Harvest Area during periods established by emergency order on or after the third Monday in May, using purse seines, hand purse seines, beach seines, and weirs. The China Poot and Hazel Lake Special Harvest Area, Tutka Bay Special Harvest Area, Kirschner Lake Special Harvest Area, and Bear Lake Special Harvest Area will remain closed to commercial fishing until achievement of the cost recovery goal and broodstock goal for the Trail Lake Hatchery is achieved or the department projects that the goals will be achieved.

(c) It is the intent of the Board of Fisheries that

(1) any enhancement of sockeye salmon will not cause a net loss of coho salmon smolt production from Bear Lake;

(2) any enhancement of sockeye salmon in Bear Lake will maintain the early run timing of the indigenous stocks;

(3) the prime objective of any Bear Lake sockeye salmon enhancement is to provide the opportunity for a commercial sockeye salmon fishery conducted with minimal conflict with the noncommercial fisheries.

(d) No management restrictions will be imposed on the noncommercial fisheries in order to achieve the Trail Lakes Hatchery objectives for sockeye salmon.

(e) For the purposes of this section, the Lower Cook Inlet Special Harvest Areas are described as follows:
(1) China Poot and Hazel Lake Special Harvest Area consists of the marine waters of the China Poot Bay Subdistrict in the Southern District shoreward of and enclosed by a line from 59° 34.66’ N. lat., 151° 19.27’ W. long., to 59° 35.08’ N. lat., 151° 19.77’ W. long., to 59° 33.09’ N. lat., 151° 25.22’ W. long., to 59° 32.84’ N. lat., 151° 24.90’ W. long.;

(2) Tutka Bay Special Harvest Area consists of the marine waters of the Tutka Bay Subdistrict in the Southern District southeast and shoreward of a line from 59° 30.23’ N. lat., 151° 28.23’ W. long. to 59° 28.63’ N. lat., 151° 30.37’ W. long., including Tutka Bay Lagoon;

(3) Kirschner Lake Special Harvest Area consists of the marine waters of the Bruin Bay Subdistrict in the Kamishak Bay District northwest and shoreward of a line from 59° 25.17’ N. lat., 153° 50.50’ W. long. to 59° 23.17’ N. lat., 153° 56.90’ W. long.;

(4) Bear Lake Special Harvest Area consists of the marine waters of Resurrection Bay in the Eastern District north of the latitude of Caines Head at approximately 59° 58.93’ N. lat., and the fresh waters of Bear Creek, Salmon Creek, and Resurrection River downstream from and including the Bear Creek weir.

(f) The provisions of this section do not apply after May 1, 2011.


5 AAC 21.376. RESURRECTION BAY SALMON MANAGEMENT PLAN. (a) Since the beginning of significant commercial harvests of pink and chum salmon in Resurrection Bay, there have been some conflicts between recreational and commercial fishermen. The issues are the protection of coho and king salmon for the recreational fishery, and the management of surplus pink and chum salmon stocks in a manner that provides for a commercial fishery while minimizing the incidental catch of coho and king salmon.

(b) The commissioner shall, by emergency order,

(1) manage Resurrection Bay coho and king salmon stocks primarily for recreational use;

(2) manage the indigenous pink and chum salmon stocks primarily for commercial use, insofar as that harvest does not interfere in time or area with the recreational fishery;

(3) manage the commercial fishery in Resurrection Bay in a manner that does not interfere with the recreational fishery.

5 AAC 21.377. PORT GRAHAM SALMON HATCHERY MANAGEMENT PLAN. The department, in consultation with the hatchery operator, shall manage the Port Graham Subdistrict to provide for the common property fishery, and to achieve the escapement goal set by the hatchery operator and approved by the department for the Port Graham salmon hatchery.

5 AAC 21.378. PROHIBITION ON THE USE OF AIRCRAFT. Repealed.

5 AAC 21.379. PROHIBITIONS ON THE USE OF AIRCRAFT. A person may not use or employ an aircraft to locate salmon for the commercial taking of salmon or to direct commercial fishing operations in the Central and Northern Districts of the Cook Inlet Area one hour before, during, and one hour after a commercial salmon fishing period.

5 AAC 21.380. UNLAWFUL POSSESSION OF SUBSISTENCE-TAKEN SALMON. It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed as required by 5 AAC 01.590.

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ARTICLE 5. SMELT FISHERY.

5 AAC 21.505. COOK INLET SMELT FISHERY MANAGEMENT PLAN. (a) Smelt may be taken only under the conditions of a commissioner’s permit issued under this section.

(b) Smelt may be taken only

(1) from May 1 through June 30;

(2) in the marine waters of Cook Inlet in that portion of the General Subdistrict northeast of the Chuit River and southwest of the Little Susitna River; and

(3) with a dip net.

(c) No more than 100 tons of smelt may be taken annually under this section.

5 AAC 21.510. FISHING SEASONS. Repealed.

5 AAC 21.531. GILLNET SPECIFICATIONS AND OPERATION. Repealed.

5 AAC 21.534. IDENTIFICATION OF GEAR. Repealed.

5 AAC 21.535. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. Repealed.

5 AAC 21.550. CLOSED WATERS. Repealed.

ARTICLE 8. FRESHWATER FISHERY.

5 AAC 21.850. CLOSED WATERS. Commercial fishing is prohibited in Lake Louise, Susitna Lake and Tyone Lake.

5 AAC 21.880. PERMITS. A permit is required as specified in 5 AAC 39.780.