This booklet contains regulations regarding the commercial salmon fisheries in the SOUTHEASTERN ALASKA AREA AND YAKUTAT AREA. This booklet covers the period June 2015 through June 2018.

**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 intended as an informational guide only. To be certain of the current laws, refer to the official statutes and the AAC.**

**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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**Front Cover**: The F/V Nerka trolling in the waters of Shelikof Bay off Kruzof Island near Sitka. Photo by and courtesy of Eric Jordan.
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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CHAPTER 29. SALMON TROLL FISHERY.


5 AAC 29.001. Application of this chapter. Unless otherwise specified, requirements set out in this chapter apply only to commercial salmon fishing with troll gear in the Southeastern Alaska–Yakutat Area.

(b) Unless otherwise specified, the provisions of this chapter that apply to the waters of Alaska also apply to the adjacent waters of the exclusive economic zone.

(c) The commissioner may suspend the application of the regulations in this chapter that apply to the waters of Alaska to all or a portion of the waters of the exclusive economic zone that are adjacent to the waters of Alaska if the commissioner finds that

(1) application of the regulations fails to facilitate enforcement of regulations that apply to the waters of Alaska;

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

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

(d) For the purposes of this section, "exclusive economic zone" means all the waters adjacent to the waters of Alaska and seaward to a boundary line drawn so that each point on the line is 200 nautical miles from the baseline from which the territorial sea is measured.

Article 2. Description of Area.

5 AAC 29.010. Description of area for salmon troll fishing. Unless otherwise specified in this chapter, a person may operate troll gear in the waters of the Southeastern Alaska–Yakutat Area east of the longitude of Cape Suckling (144° W. long.) and north of the International Boundary at Dixon Entrance.

5 AAC 29.020. Description of fishing districts and winter boundary line. (a) Fishing districts that are used in this chapter are described in 5 AAC 30.200 and 5 AAC 33.200.

(b) For the purposes of this chapter, the "winter boundary line" for the winter season and periods established in 5 AAC 29.070 is a line across Yakutat Bay from the westernmost tip of Point Manby, at 59° 41.66′ N. lat., 140° 19.70′ W. long., to 59° 40.02′ N. lat., 140° 24.36′ W. long. to 59° 31.25′ N. lat., 139° 53.69′ W. long. to Ocean Cape at 59° 32.06′ N. lat., 139° 51.46′ W. long., and a line from the southernmost tip of Cape Spencer to the westernmost tip of Yakobi Rock to the southernmost tip of Cape Cross to the southernmost tip of Point Theodore to the westernmost tip of Cape Edward to the westernmost tip of Khaz Point to the westernmost tip of Point Slocum to the westernmost tip of Kloakache Island to the westernmost tip of Cape Georgiana to the westernmost tip of Point Amelia to Cape Edgecumbe Light to the southernmost tip of Point Woodhouse to the southernmost tip of Rogers Island to the westernmost tip of Aspid Cape to the southernmost tip of North Cape to 56° 22.77′ N. lat., 134° 57′ W. long. to 56° 19.50′ N. lat., 134° 54′ W. long. to the southwesternmost tip of Puffin Point to the northwesternmost tip of Bahrovoi Point to the southernmost tip of Cape Ommaney to Nation Point to Helm Point to the southernmost tip of Cape Addington to the westernmost tip of Cape Chirikof to Cape Bartolome Light to the southernmost tip of Cape Felix to the westernmost tip of Bruin Point to the westernmost tip of Sakie Point to the westernmost tip of Cape Augustine to the westernmost tip of Rockwell Point to the...
westernmost tip of Ritter Point to the westernmost tip of Point Bazan to the westernmost tip of Security Point to Point Cornwallas Light to the southernmost tip of Liscome Point to the westernmost tip of Wolk Point to 54° 39.87′ N. lat., 132° 43.53′ W. long. to Cape Muzon Light to the southernmost tip of Point Nunez to the southernmost tip of Cape Chacon to the southernmost tip of West Rock to the southernmost tip of Yellow Rocks to Tree Point Light to Lord Rock Light to a point on the International Boundary at 130° 49′ W. long.

5 AAC 29.025. Waters of frequent high king salmon abundance. (a) The following waters are identified as water of frequent high abundance of king salmon:

(1) waters off the west coast of Baranof Island between the latitude of Point Lauder and the latitude of Redfish Cape, to a distance of one mile from the shore;

(2) waters off the Kruzof Island shore from Shoals Point west to Cape Edgecumbe and from Cape Edgecumbe north to Cape Georgiana, to a distance of one mile from the shore;

(3) waters off the west coast of Yakobi Island between the latitude of Yakobi Rock at 58° 05.00′ N. lat. and the latitude of Cape Cross at 57° 55′ N. lat., to a distance of one mile from the main shoreline of Yakobi Island;

(4) waters of Palma Bay, Dixon Harbor, Torch Bay, Murk Bay, and Graves Harbor east of a line beginning at the mouth of Kaknau Creek located approximately one mile northeast of Icy Point at 58° 23.88′ N. lat., 137° 04.45′ W. long. to Astrolabe Point, then to a point on the south shore of Dixon Harbor at 58° 20′ N. lat., 136° 51.17′ W. long., then to Venisa Point, then to the westernmost tip of Polka Point; and

(5) the outer banks of the Fairweather Grounds bounded by the following lines:

(A) on the north by a line extending from 58° 46.63′ N. lat., 138° 54.82′ W. long. to 58° 24.55′ N. lat., 139° 48.98′ W. long.;

(B) on the south by a line extending from 58° 15.83′ N. lat., 137° 21.80′ W. long. to 57° 50.08′ N. lat., 138° 20.03′ W. long.;

(C) on the shoreward side by a line extending from 58° 46.63′ N. lat., 138° 54.82′ W. long. to 58° 15.83′ N. lat., 137° 21.80′ W. long.;

(D) on the seaward side by a line extending from 58° 24.55′ N. lat., 139° 48.98′ W. long. to 57° 50.08′ N. lat., 138° 20.03′ W. long.

(b) The provisions of this section apply for the purposes of

(1) slowing down the king salmon harvest rate during the king salmon retention fishery; and

(2) reducing the number of king salmon incidentally hooked and released during a king salmon nonretention fishery, as provided in 5 AAC 29.100(c)(3).


5 AAC 29.050. Management of salmon troll fisheries in the Southeastern Alaska–Yakutat Area. (a) The management of the Southeastern Alaska–Yakutat Area king and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial, and sport fishing user groups. The Board of Fisheries (board) is concerned that some user groups, particularly those who traditionally fish the final interception waters for spawning king and coho salmon and the
inshore waters, may have reduced opportunities to take king and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in coastal and offshore waters. The board is also concerned that continued increases in fishing effort on mixed king and coho salmon stocks may result in overharvest of individual salmon stocks and that individual stock escapements to specific streams in this case may not be of a sufficient level to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation, and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the king and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods, and open and closed waters to allow king and coho salmon to escape the coastal and offshore fisheries and move into the inshore terminal fishing waters.

(c) Before 1981, the commercial salmon troll fishing season was year around with a winter season of October 1 through April 14 and a summer season of April 15 through September 30. Since 1981, the opening of the summer season has been delayed by one month to an opening date of May 15 to provide for a three-cycle king salmon rebuilding program. Additional delays in the opening of the summer salmon troll season have been instituted in an effort to spread the king salmon harvest throughout the season. In 1992, the start of the winter salmon troll fishery was delayed until October 11 to provide additional fish for the summer salmon troll season.

(d) It is the goal of the board to restore the king salmon stock to a level that will allow a return to the pre-1981 season dates.

5 AAC 29.060. Allocation of king salmon in the Southeastern Alaska–Yakutat Area.
(a) The department shall manage the commercial and sport king salmon fisheries in the Southeastern Alaska–Yakutat Area in accordance with the conservation and harvest goals of the Pacific Salmon Treaty, as implemented by the Pacific Salmon Commission.

(b) The department shall manage the sport and commercial net and troll fisheries in accordance with the annual harvest ceiling established by the Pacific Salmon Commission. During a directed king salmon fishery in District 8 and District 11, an allowable catch above the baseline harvest level will not be counted towards the annual harvest ceiling. The annual harvest allocation of the annual harvest ceiling for each fishery is as follows:

(1) purse seine fishery: 4.3 percent of the annual harvest ceiling;
(2) drift gillnet fishery: 2.9 percent of the annual harvest ceiling;
(3) set gillnet fishery: 1,000 king salmon;
(4) troll fishery: 80 percent, after the net fishery allocations in (1) – (3) of this subsection are subtracted from the annual harvest ceiling;
(5) sport fishery: 20 percent, after the net fishery allocations in (1) – (3) of this subsection are subtracted from the annual harvest ceiling.

(c) When computing the harvest allocation under this section, the department shall take into consideration that the Pacific Salmon Commission’s annual harvest ceiling includes a pretreaty base level of 5,000 Alaska hatchery-produced king salmon and the risk factor for computing the Alaska hatchery contribution. Alaska-hatchery produced king salmon above the 5,000 fish base and the risk factor are excluded from the annual harvest ceiling.
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In determining each fisheries allocation of the Pacific Salmon Commission’s harvest ceiling, the department shall apportion the risk factor for computing the Alaska hatchery contribution and the 5,000 fish base into components for each fishery.

(d) For the purpose of calculating the king salmon harvest, the annual harvest period shall begin with the opening of the winter salmon troll season. For the purpose of calculating harvest performance for the king salmon fisheries under this section, the harvest in the sport and commercial net and troll fisheries will be applied to the cumulative harvest on an annual basis, as opposed to the harvest ceiling.

5 AAC 29.065. Allocation of coho salmon. The historical harvest allocation (1969–1988) of coho salmon in the Southeastern Alaska and Yakutat commercial salmon fisheries is 19 percent purse seine, 13 percent drift gillnet, seven percent set gillnet, and 61 percent troll. While these percentages may vary from season to season, given fluctuations in salmon abundance and the distribution and limitations of fisheries management, the department shall manage the fishery to maintain these allocation guidelines over the long-term. In that management the department

(1) may not disrupt any of the traditional commercial fisheries upon which this historical allocation is founded;

(2) may make inseason adjustments to attempt to achieve these historical harvest allocation guidelines.

Article 4. Fishing Seasons and Periods.

5 AAC 29.070. General fishing seasons and periods. (a) The fishing seasons for the salmon troll fishery are as follows:

(1) winter season from October 1 through April 30;

(2) summer season from May 1 through September 30.

(b) The department shall manage the king salmon troll fishery to provide for

(1) a winter fishery during the period beginning October 11 through April 30, or until the guideline harvest level is reached, as specified in 5 AAC 29.080, whichever occurs first;

(2) spring fisheries during the period beginning May 1 through June 30, as specified in 5 AAC 29.090;

(3) a summer fishery during the period beginning July 1 through September 30, as specified in 5 AAC 29.100.

(c) The department shall manage the coho salmon troll fishery as specified in 5 AAC 29.110.

Article 5. Fishery Management Plans.

5 AAC 29.080. Management of the winter salmon troll fishery. (a) The department shall manage the winter salmon troll fishery so that the harvest of king salmon does not exceed a guideline harvest level of 45,000 non-Alaska hatchery-produced fish, with a guideline harvest range of 43,000 – 47,000 non-Alaska hatchery-produced fish, plus the number of Alaska hatchery king salmon harvested during the winter troll fishery. In this subsection, "non-Alaska hatchery-produced fish" means king salmon not originating from a hatchery in this state.
(b) Except in areas closed by emergency order or in the waters specified in 5 AAC 29.150, king salmon may be taken in all waters of Alaska east of the winter boundary line described in 5 AAC 29.020(b), with the following exceptions:

(1) in District 1, the waters of Behm Canal in Section 1-D between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva are closed;

(2) in District 8, the waters of the Stikine River inside a line from Babbler Point to Hour Point, along the shore of Wrangell Island to Point Highfield to the southernmost tip of Liesnoi Island to the southernmost tip of Greys Island to the small island near the eastern entrance of Blind Slough, to the nearest point of Mitkof Island, to the prominent point of Mitkof Island nearest Coney Island, to the northernmost tip of Coney Island, to a point 500 yards north of Jap Creek on the mainland shore are closed;

(3) in District 11, king salmon may be taken only

   (A) in Section 11-A west of a line from Outer Point to Point Louisa and south and east of a line from Salisbury Point to Point Tantallion, from the opening of the winter fishery, specified in 5 AAC 29.070(b), through April 14;

   (B) in Sections 11-B, 11-C, and 11-D, except that king salmon may be taken in Section 11-B north of the latitude of Graves Point Light only from the opening of the winter fishery, specified in 5 AAC 29.070(b), through March 31;

(4) in District 15, king salmon may be taken only in Sections 15-A and 15-C.

(c) A CFEC permit holder that participates in the winter salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the spring salmon troll fishery.

5 AAC 29.090. Management of the spring salmon troll fisheries. (a) In this chapter, a spring salmon troll fishery means a fishery that is

   (1) opened and closed by emergency order;

   (2) restricted in area;

   (3) designated by number so that each opening in a specific body of water is uniquely identified for catch reporting purposes.

   (b) The department shall manage the spring salmon troll fisheries to target Alaska hatchery-produced king salmon.

   (c) The department shall conduct the spring salmon troll fisheries each year before the opening of the general summer salmon troll season.

   (d) In its management of the spring fisheries under this section, the department shall

      (1) first consider changes in the previous years' spring fisheries; the department shall open the fisheries if they meet the following requirements:

         (A) a directed fishery may occur only if an Alaska hatchery return is expected to exceed brood stock requirements;

         (B) at least one spring fishery shall be conducted annually, targeting the king salmon returning to each Alaska hatchery that meets its brood stock requirements;

         (C) in order to continue the fishery each year without modification of areas previously established, the contribution rate of Alaska hatchery-produced salmon stocks to the directed fishery harvest must exceed 20 percent;
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(D) the department shall manage each spring salmon troll fishery as follows:

(i) no more than 1,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is less than 25 percent of the king salmon taken in that fishery;

(ii) no more than 2,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 25 percent but less than 35 percent of the king salmon taken in that fishery;

(iii) no more than 3,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 35 percent but less than 50 percent of the king salmon taken in that fishery;

(iv) no more than 5,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 50 percent but less than 66 percent of the king salmon taken in that fishery;

(v) there is no limit on the number of non-Alaska hatchery-produced salmon that may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is 66 percent or more of the king salmon taken in that fishery;

(E) if the requirements of (A) – (D) of this paragraph are met, the department shall open the spring salmon troll fisheries until no later than one day before the opening of the summer salmon troll fishery;

(2) consider additional fishing periods based on the best scientific data and on input from salmon trollers;

(3) if the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission is at least 1.15 and the amount of the winter troll fishery guideline harvest level remaining on May 1 is 10,000 or more king salmon, apply the following provisions:

(A) if the guideline harvest level remaining is at least 10,000 king salmon but not more than 15,000 king salmon, 250 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced salmon to be taken as provided in (2)(D) of this subsection;

(B) if the guideline harvest level remaining is more than 15,000 king salmon, 500 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced salmon to be taken as provided in (2)(D) of this subsection.

(e) Repealed 6/14/2000.
(g) Repealed 7/1/2015.

(h) Notwithstanding (a) – (d) of this section, in Snow Passage the commissioner may, by emergency order, extend the length of weekly fishing periods during the spring fishery to maximize the harvest of hatchery coho salmon returning to the Neck Lake release site.

(i) The commissioner may open, by emergency order, a spring salmon troll fishery for one day per week during May and June in the Yakutat Bay area east of a line from Point Manby to Ocean Cape, with a maximum harvest of 1,000 king salmon.
(j) The commissioner may open, by emergency order, a fishing season during which two or more adjacent spring salmon troll fishery areas and those area’s harvest caps, as specified in (d)(1)(D) of this section for non-Alaska hatchery salmon, are combined if each of the areas has Alaska hatchery compositions of 25 percent or greater for three or more consecutive seasons.

(k) The operator of a salmon troll vessel shall keep the fish caught in each spring fishery separate from any other fish on board the vessel. A fish buyer shall issue a separate fish ticket for fish caught in each spring fishery. If the commissioner determines that a provision of this subsection is frequently violated, the department may require that fish from only one spring fishery be on board a vessel at any one time.

(l) A CFEC permit holder that participates in a spring salmon troll fishery must offload all fish from the CFEC permit holder’s vessel before participating in the summer salmon troll fishery.

Editor’s note: Before Register 214, July 2015, the substance of 5 AAC 29.090(k) appeared in 5 AAC 29.130 and the substance of 5 AAC 29.090(l) appeared in 5 AAC 29.090(g).

5 AAC 29.095. District 8 King Salmon Management Plan. (a) Except as specified in (b) of this section, the commissioner may open, by emergency order, weekly king salmon troll fishing periods in the waters of District 8, beginning on the first Monday in May through June 30, to occur from

(1) 12:01 a.m. Monday through 11:59 p.m. Wednesday when the commercial gillnet salmon fishery is open for 24 hours; and

(2) 12:01 a.m. Monday through 11:59 p.m. Friday when the commercial gillnet salmon fishery is open for more than 24 hours.

(b) The commissioner will not open a king salmon troll fishing period under this section

(1) in the waters of Section 8-A and the waters of Section 8-B that are west of a line from the eastern side of Blind Slough to Craig Point Light, from 12:01 a.m. on the Friday before the Memorial Day weekend to 11:59 p.m. on the Monday after the Memorial Day weekend; and

(2) in the waters of Section 8-B that are east of a line from the eastern side of Blind Slough to Craig Point Light from 12:01 a.m. on the Saturday before the Memorial Day weekend to 11:59 p.m. on the Monday after the Memorial Day weekend.

5 AAC 29.097. District 11 King Salmon Management Plan. In District 11, the commissioner may open and close, by emergency order, directed Taku River king salmon troll fishing periods, from the first Monday in May through the third Saturday in June, as follows:

(1) in the waters of Section 11-A that are east and south of a line from Piling Point at 58° 19.25′ N. lat., 134° 48.17′ W. long. to Middle Point at 58° 14.90′ N. lat., 134° 37.73′ W. long. then south and west of a line from Marmion Island Light to Circle Point,

(A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours; and

(B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours;

(2) in the waters of Section 11-B that are south of a line from Marmion Island Light to Circle Point,
5 AAC 29.100. Management of the summer salmon troll fishery. (a) During the summer salmon troll fishery, salmon may be taken only during open fishing periods. Unless otherwise specified in this section or by emergency order, salmon may be taken throughout the Southeastern Alaska–Yakutat Area unless restricted

(1) by a provision of this section; or

(2) in the closed waters specified in 5 AAC 29.150.

(b) The department shall manage the fishery as specified in (c) of this section until the annual harvest allocation specified in 5 AAC 29.060 is reached.

(c) The department shall manage the summer king salmon troll fishery as follows:

(1) the department shall manage the summer king salmon troll fishery

(A) to take 70 percent of the remaining troll king salmon harvest allocation, calculated as the annual troll harvest allocation minus the winter and spring troll harvests of treaty king salmon, in an initial opening beginning July 1; and

(B) to take the remaining portion of the troll king salmon harvest allocation, calculated as the annual troll harvest allocation minus the winter, spring, and initial July 1 opening harvest of treaty king salmon, as follows:

(i) following the reopening of the king salmon troll fishery after any closure of a coho salmon troll fishery; or

(ii) if a closure is not necessary to achieve coho salmon harvest guidelines after the reopening of the king salmon troll fishery, no later than August 20, but only following a two-day closure to allow a fair start;

(2) in order to provide for the harvest of the remaining portion of the troll king salmon harvest allocation following a coho salmon closure, the department shall manage the king salmon harvest as follows:

(A) if approximately 70 percent or more of the remaining troll king salmon harvest allocation was taken during the initial opening under (1)(A) of this subsection, the commissioner shall close, by emergency order, the waters of frequent high king salmon abundance described in 5 AAC 29.025 for the remainder of the summer salmon troll season in order to slow down the harvest rate; however, if after 10 days, the department determines that the annual troll king salmon harvest allocation may not be reached by September 20 with those waters closed, the commissioner shall reopen, by emergency order, the waters of frequent high king salmon abundance;

(B) the department shall reopen the summer king salmon troll fishery in the waters of frequent high king salmon abundance described in 5 AAC 29.025 if the department determines that less than 30 percent of the king salmon harvest goal for the initial opening under (1)(A) of this subsection was taken in that opening;

(C) in addition to (A) and (B) of this paragraph, if the department determines that the annual troll king salmon harvest allocation will not be harvested by September 20, the department may continue the summer king salmon troll fishery only in waters with no
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coho salmon conservation concerns, until the annual troll king salmon harvest allocation is reached or until September 30, whichever occurs first;

(D) if the department determines that the number of king salmon remaining on the annual troll king salmon harvest allocation is not sufficient to allow a competitive fishery, the commissioner may, by emergency order, reopen the troll fishery to the taking of king salmon during a limited harvest fishery, subject to the following conditions:

(i) a limited harvest fishery may be opened for up to 10 days, but may not open before September 1;

(ii) the remaining amount of the king salmon annual harvest allocation will be distributed subject to an established harvest limit;

(iii) king salmon retained during a limited harvest fishery must be kept separate from other salmon on board the vessel;

(iv) both commercially sold king salmon and king salmon retained for personal use during a limited harvest fishery count toward the harvest limit;

(v) a copy of fish tickets documenting commercially sold king salmon or king salmon retained for personal use during a limited harvest fishery must be kept on board the vessel while operating gear in a limited harvest fishery and during transits to or from a port of landing;

(vi) fish tickets must be made available to a local representative of the department upon request;

(vii) after the closure of a limited harvest fishing period, all king salmon must be offloaded from a vessel before that vessel may be used to resume fishing for other salmon species;

(viii) any other conditions the commissioner determines necessary to conduct an orderly limited harvest fishery;

(3) following the closure of the summer salmon troll fishery to the taking of king salmon, the salmon troll fishery will remain open to the taking of other salmon species; however, the department may close the waters of frequent high king salmon abundance described in 5 AAC 29.025 to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.

(d) In Sections 1-C, 1-E, and 1-F, salmon may be taken only as follows:

(1) Section 1-C: from August 15 through September 20;

(2) Section 1-E:

(A) in the waters of Section 1-E, bounded by a line from the southernmost tip of Nose Point to a point in West Behm Canal at 55° 48.73’ N. lat., 131° 44.01’ W. long., located approximately one mile west of Nose Point, then south to a point at 55° 43.92’ N. lat., 131° 45.44’ W. long., located approximately one mile west of the northernmost tip of Bushy Point, then south to a point at 55° 39.09’ N. lat., 131° 44.69’ W. long., located approximately one mile west of Escape Point, to the northernmost tip of Escape Point, and in waters of Neets Bay west of the longitude of the southernmost tip of Chin Point and in Traitors Cove west of 131° 41.80’ W. long., from July 1 through September 20;

(B) all other waters of Section 1-E, from July 13 through September 20;
(3) Section 1-F: open from July 1 through September 20, with the following restrictions:

(A) from July 1 through July 12, the waters of Section 1-F east of line from the northernmost tip of Kirk Point at 54° 59.98′ N. lat., 131° 00.78′ W. long. to Mary Island Light at 55° 05.90′ N. lat., 131° 10.89′ W. long. to the southernmost tip of Cone Island at 55° 14.47’ N. lat., 131° 19.36′ W. long. are closed;

(B) from July 13 through July 31, the waters of Section 1-F east of a line from the southernmost tip of Black Island at 55° 07.84′ N. lat., 131° 04.89′ W. long. to the westernmost tip of Slate Island at 55° 05.68′ N. lat., 131° 03.92′ W. long. to the westernmost tip of White Reef at 55° 03.95′ N. lat., 131° 02.51′ W. long. to the easternmost tip of Black Rock at 55° 01.37′ N. lat., 131° 03.62′ W. long. to the northernmost tip of Kirk Point at 54° 59.98′ N. lat., 131° 00.78′ W. long., are closed.

(e) In District 8: the weekly fishing periods for trolling are the same as for drift gillnetting.

(f) In District 11: salmon may be taken only in Sections 11-C and 11-D.

(g) In District 15: salmon may be taken only in Sections 15-A and 15-C.

(h) Repealed 7/26/2003.

(i) In the Yakataga and Yakutat Districts,

(1) repealed 5/31/2009;

(2) from August 7 through September 20, salmon may not be taken in waters bounded on the west by the three-nautical-mile limit of the territorial sea and on the north by a line extending seaward from 59° 30.49′ N. lat., 139° 46.58′ W. long. and intersecting the three-nautical-mile limit at 59° 28.65′ N. lat., 139° 51.17′ W. long. and on the south by a line extending seaward from 59° 20.30′ N. lat., 139° 16.50′ W. long. and intersecting the three-nautical-mile limit at 59° 18.25′ N. lat., 139° 21.94′ W. long.

(j) Following closure of the summer salmon troll fishery to the taking of king salmon, a person may not have king salmon on board a salmon troll vessel from which the person is fishing for other salmon species.

(k) A CFEC permit holder that participates in the summer salmon troll fishery must offload all fish from the CFEC permit holder’s vessel before participating in the winter salmon troll fishery.

5 AAC 29.110. Management of coho salmon troll fishery. (a) Coho salmon may be taken from June 1 through September 20. However, the commissioner, in years when wild coho salmon abundance is projected by the department to meet escapement needs after considering harvest and effort, may extend, by emergency order, the coho salmon fishery in any portions of Districts 1 – 16 for up to 10 days after September 20.

(b) The commissioner may close, by emergency order, the coho salmon troll fishery in the Southeastern Alaska–Yakutat Area for conservation of coho salmon stocks as follows:

(1) for up to seven days beginning on or after July 25 if the total projected commercial harvest of wild coho salmon is less than 1.1 million; or

(2) for up to 10 days, if the department makes an assessment and determines that
A) the number of coho salmon reaching inside waters might be inadequate to provide for spawning requirements under normal or restricted inside fisheries for coho salmon and other species; the primary abundance indicators for the assessment consist of relative harvest levels by all fisheries and, in particular, catch per unit of effort in inside drift gillnet and sport fisheries as compared to average 1971–1980 levels and escapement projections for streams where escapement goals have been established; or

B) the proportional share of coho salmon harvest by the salmon troll fishery is larger than that of inside gillnet and sport fishing fisheries compared to average 1971–1980 levels; primary inside fisheries indicators for the assessment are overall coho salmon harvests and catch per unit of effort in the District 1, 6, 11, and 15 drift gillnet fisheries and by anglers sport fishing from boats in the salt water sport fishery that return to any port connected to the Juneau road system.

(c) Following any closure made under (b) of this section, the commissioner shall reopen, by emergency order, waters for salmon troll fishing as specified in this chapter.

(d) If the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing waters is less than required to provide a spawning escapement that will maintain the runs on a sustained-yield basis, the department may make additional closures of the salmon troll fishing seasons, periods, and areas.

5 AAC 29.112. Management of chum salmon troll fishery. (a) The commissioner may open, by emergency order, a hatchery chum salmon troll fishery only during the summer coho salmon troll fishery closures specified in 5 AAC 29.110(b)(2).

(b) If the commissioner opens a season under (a) of this section, chum salmon fishing will occur only

(1) in the waters of Sitka Sound and the Eastern Channel east of a line from Vitskari Rock Light to Inner Point, south of a line from Inner Point to Black Rock at 57° 03.12′ N. lat., 135° 25.63′ W. long., to Signal Island Light at 57° 02.78′ N. lat., 135° 23.58′ W. long., and north of a line from Cape Burunof at 56° 59.03′ N. lat., 135° 23.23′ W. long., to Kulichkof Rock at 56° 59.52′ N. lat., 135° 26.62′ W. long., to Vitskari Rock Light; and

(2) in the waters of Neets Bay east of the longitude of Chin Point to the longitude of the easternmost tip of Bug Island.

(c) When the summer king salmon troll fishery is closed, a person may not have king salmon on board a salmon troll vessel while fishing for chum salmon.

(d) When the summer coho salmon troll fishery is closed, a person may not have coho salmon on board a salmon troll vessel while fishing for chum salmon.

5 AAC 29.114. District 12 and District 14 Enhanced Chum Salmon Troll Fisheries Management Plan. The purpose of the management plan in this section is to give the department direction for the orderly development of enhanced chum salmon troll fisheries during the directed troll fisheries in Cross Sound, Icy Strait, and Northern Chatham Strait, while providing for the conservation of wild stocks.

(b) The commissioner may open, by emergency order, the Northern Chatham Strait Fishery Area in District 12 and the Point Couverden Fishery Area in District 14 for up to four weekdays per week beginning on the second Monday in June through the last week in June to the retention of pink and chum salmon only. The Northern Chatham Strait Fishery Area consists of those waters enclosed by a line from 58° 11.29′ N. lat., 134° 53.27′ W.
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long. to 58° 10.40′ N. lat., 135° 02.63′ W. long. to 58° 07.78′ N. lat., 135° 00.78′ W. long. to 58° 05.81′ N. lat., 134° 47.09′ W. long. The Point Couverden Fishery Area consists of those waters enclosed by a line from 58° 11.63′ N. lat., 135° 09.60′ W. long. to 58° 10.00′ N. lat., 135° 02.35′ W. long. to 58° 10.00′ N. lat., 135° 06.24′ W. long. to 58° 11.63′ N. lat., 135° 09.60′ W. long.

(c) Notwithstanding the provisions of 5 AAC 29.090, the spring troll fisheries in District 14 will be managed to minimize the harvest of wild chum salmon and may be closed to the retention of chum salmon by emergency order based on wild chum salmon abundance.

(d) Participants in District 12 and District 14 enhanced chum salmon troll fisheries shall comply with the following retention and recordkeeping requirements:

(1) the operator of a salmon troll vessel shall keep the fish caught in each enhanced chum salmon fishery area separate from any other fish on board the vessel;

(2) a fish buyer shall separate fish caught in each enhanced chum salmon fishery area until delivered to the port of landing and shall issue a separate fish ticket for fish caught in each enhanced chum salmon fishery area.

(e) The provisions of this section do not apply after December 31, 2017.

Article 6. Gear and Vessel Specifications and Registration.

5 AAC 29.115. Registration. (a) The owner or operator of a vessel that is to be used to take salmon with hand or power troll gear shall register that vessel before engaging in salmon trolling during a calendar year. The registration is valid for the entire calendar year in which a vessel is registered.

(b) A person may not register a salmon troll fishing vessel simultaneously as a salmon hand troll vessel and power troll vessel. A person may change a salmon troll vessel’s registration from one troll gear type to the other troll gear type during the open season if a written request is submitted to, and validated, by the department.

5 AAC 29.120. Gear specifications and operations. (a) Salmon may be taken by hand troll gear and power troll gear only in the Southeastern Alaska–Yakutat Area.

(b) The maximum number of trolling lines that may be operated from a salmon troll vessel is as follows:

(1) from a power troll vessel:

(A) no more than six lines may be operated in the exclusive economic zone north of the latitude of the southernmost tip of Cape Spencer;

(B) except as provided in (A) of this paragraph, no more than four lines;

(C) from each power troll gurdy: only one line to which multiple leaders and hooks may be attached; a person may not use hand troll gurdies or fishing rods to take salmon commercially on board a registered power troll vessel;

(2) from a hand troll vessel:

(A) from each hand troll gurdy: only one line to which multiple leaders and hooks may be attached;

(B) from each fishing rod: only one line with no more than one leader and
one lure or two baited hooks per leader; a downrigger may not be used in conjunction with
a fishing rod;

(C) an aggregate of no more than four fishing rods or an aggregate of no more
than two hand troll gurdies may be operated from a hand troll vessel, except that following
the closure of the initial summer fishery king salmon retention period and before the opening
of the winter troll fishery under 5 AAC 29.070(b),

(i) an aggregate of no more than four hand troll gurdies may be on board
a hand troll vessel; and

(ii) in the waters of the exclusive economic zone north of the latitude of
the southernmost tip of Cape Spencer, no more than four hand troll gurdies may be operated
from a hand troll vessel.

(c) A salmon troll vessel may have a fishing rod equipped exclusively for taking bait
or a gillnet for taking bait of a mesh size of no more than two and one-half inches and made
of no greater than number 20 gillnet thread.

(d) No more than six troll gurdies may be mounted on board any salmon power troll
vessel.

(e) Repealed 5/31/2009.

(f) A person may not use a salmon power troll vessel to take salmon with hand troll gear
once that vessel has been registered and marked as specified in 5 AAC 29.115 and 5 AAC
39.119, unless that registration has been changed under 5 AAC 29.115(b) and the vessel is
marked as specified in 5 AAC 29.125.

(g) For purposes of this section,

(1) a troll gurdy is a spool-type device that is designed to deploy and retrieve troll
lines, weights, and lures; the term "troll gurdy"

(A) includes a downrigger; and

(B) does not include a reel attached to a fishing rod;

(2) a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not
mounted on or used in conjunction with a fishing rod and is not considered power troll
gear;

(3) a fishing rod is a tapering, often jointed, rod equipped with a hand grip and line
guides, upon which is mounted a handpowered reel used to deploy and retrieve the trolling
line;

(4) a downrigger is a device designed to be used with a fishing rod to deploy a
troll line to a selected depth and retrieve the downrigger line and weight.


(i) Notwithstanding 5 AAC 39.240, a CFEC permit holder or interim-use permit holder
may use a registered salmon fishing vessel, when it has fishing gear on board, to tow another
registered salmon troll vessel with fishing gear on board if the permit holder for the vessel
being towed is on board one of the vessels.

(j) Notwithstanding any other provision in this section, during the winter season, the
following hand troll specifications apply:

(1) a downrigger may not be used with a troll gurdy;
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(2) a hand troll gurdy or downrigger powered by hand or hand crank may be used in conjunction with a fishing rod, and is not considered power troll gear;

(3) an electric, hydraulic, or power assisted downrigger is considered a power troll gurdy and may not be used in conjunction with a fishing rod;

(4) an aggregate of two rods with the fishing lines extending from the rods and connected to two downriggers or hand troll gurdies using a quick release device designated to release the fishing rod line from the downrigger line may be used;

(5) no more than two troll gurdies, and four rigged fishing rods capable of taking fish, may be on board a salmon hand troll vessel; additional fishing rods may be on board the vessel but may not be rigged for taking fish.

(k) Notwithstanding 5 AAC 39.240(a), a vessel may have on board at the same time hand troll gear or power troll gear as described in this section and drift gillnet gear or purse seine gear as described in 5 AAC 33.331 and 5 AAC 33.332. One or more persons on board the vessel must possess a CFEC permit or interim use permit for Southeastern drift gillnet or purse seine gear and either a hand troll or power troll gear permit. Both gear permits must be in possession on board the vessel and available for inspection by a local representative of the department or a peace officer of the state. Each permit holder on board the vessel must ensure that

(1) fish harvested by one gear type are offloaded, landed, and documented on a fish ticket before operating any other gear type;

(2) any gillnet gear is bagged and stowed below deck before and during operation of troll gear and when troll-caught fish are on board the vessel;

(3) any purse seine gear is removed from the vessel or stored below deck before and during operation of troll gear and when troll-caught fish are on board the vessel;

(4) cannon balls and other troll weights on board the vessel are removed from trolling wires and stored below deck before and during operation of gillnet or seine gear and when fish caught with gillnet or seine gear are on board the vessel.

5 AAC 29.125. Vessel identification. In addition to the requirements of 5 AAC 39.119, a registered salmon hand troll vessel owner shall display the letters HT in block letters on both sides of the vessel's hull or cabin. The letters must be in a color that contrasts with the color of the background and be at least eight inches high, at least one-half inch wide, and be plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year for which the vessel is registered for a hand troll permit, unless that registration is changed to power troll gear under 5 AAC 29.115(b).

Article 7. Size and Landing Requirements.

5 AAC 29.130. Fish tickets requirements for spring fisheries. Repealed 7/1/2015.

Editor's note: As of Register 214, July 2015, the substance of former 5 AAC 29.130 appears in 5 AAC 29.090(k).

5 AAC 29.140. Size limits, possession, and landing requirements. (a) Unless otherwise specified in this chapter, king salmon taken and retained must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. Undersized king salmon that are taken must be returned to the water unharmed. A person may not mutilate or otherwise disfigure a king
salmon in any manner that would prevent the determination of the minimum size restriction specified in this section.

(b) Except under a permit issued under 5 AAC 29.145(c), the heads of all adipose-fin-clipped salmon must remain attached to the fish until the fish are offloaded from a catcher vessel.

(c) In waters closed to the taking of coho salmon by troll gear, a person may not use a salmon troll vessel to take salmon when coho salmon are on board that vessel.

(d) If the commissioner determines that king salmon in a terminal harvest area are predominately Alaska hatchery-produced, the commissioner may close, by emergency order, a salmon troll fishery in a terminal harvest area and immediately reopen a season during which king salmon no less than 26 inches in length may be retained.

(e) A salmon troll permit holder is not required to offload salmon other than king salmon at the end of a king salmon fishing period. In addition to the requirements of 5 AAC 29.145, a fish ticket must be submitted to the department within seven days after offloading king salmon that includes an estimate of the number and pounds of salmon that remain on board the vessel and a notation that the estimated fish have not been offloaded.

5 AAC 29.145. Permit, reporting, and landing requirements for salmon troll catcher-processor vessels. (a) Notwithstanding the provisions in 5 AAC 39.130, the owner or operator of a catcher-processor vessel shall submit a separate fish ticket for each week that the vessel fished. A fish ticket must document the estimated number and pounds of salmon caught during that week. Fish tickets must be submitted to the department within seven days after the fish are offloaded from the vessel. Fish tickets for fish frozen at sea must be marked "frozen at sea" or "FAS".

(b) The commissioner may require the owner or operator of a catcher-processor vessel to contact the department during an open fishing period to provide catch information needed for inseason management of the fishery. The information required may include the permit holder's name, the vessel's ADF&G number, the districts and subdistricts fished, and the number of salmon, by species, landed on board the vessel.

(c) Notwithstanding 5 AAC 29.140(a) and (b), the owner or operator of a catcher-processor vessel may remove the heads from adipose-fin-clipped salmon under a permit issued by the department.

(d) For the purposes of this section,

(1) "catcher-processor vessel" means a salmon troll vessel on which the permit holder catches and sells processed fish or fish products off that vessel;

(2) "week" means a seven-day period beginning on Sunday at 12:01 a.m. and running until Saturday at 11:59 p.m.

Article 8. Closed Waters.

5 AAC 29.150. Closed waters. (a) Unless otherwise specified in this chapter, the waters listed in this section are closed to the taking of salmon with troll gear, except as follows:

(1) during the winter fishery, the waters listed in this section and within 500 yards of the terminus of any salmon stream are open to trolling, except as specified in 5 AAC 29.080;

(2) during any spring fishery the waters listed in this section and within 500 yards of the terminus of any salmon stream are open to trolling;
(3) beginning July 1, the waters of District 8 listed in this section are open to trolling during periods that the waters are open to commercial drift gillnet fishing.

(b) **District 1:**

(1) Behm Canal: waters between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva;
(2) Boca De Quadra: waters east of 130° 50′ W. long.;
(3) Carroll Inlet: waters north of 55° 24.27′ N. lat.;
(4) Edwards Passage: waters north of the latitude of Akeku Point;
(5) Fillmore Inlet: waters north of the latitude of Male Point;
(6) George Inlet: waters north of 55° 19.60′ N. lat.;
(7) Helm Bay and Smugglers Cove: waters west of a line from the southernmost tip of Helm Point to Helm Bay Light to the Cleveland Peninsula at 55° 34.22′ N. lat., 131° 56.50′ W. long.;
(8) Hidden Inlet: waters north of the latitude of the tip of Hidden Point;
(9) Lucky Cove: waters within 1,000 yards of the stream terminus;
(10) Moser Bay: waters south of a line from the tip of Code Point to 55° 34′ N. lat., 131° 40.90′ W. long.;
(11) Naha Bay: waters east of 131° 38.30′ W. long;
(12) Nakat Bay: waters north of the latitude of High Point;
(13) Port Stewart: waters west of a line from 55° 43.10′ N. lat., 131° 49.45′ W. long. to 55° 41.55′ N. lat., 131° 50.08′ W. long.;
(14) Portland Canal: waters north of the latitude of Engineer′s Point;
(15) Ray Anchorage: waters inside a line between 54° 56.65′ N. lat., 131° 13′ 90′ W. long. and 54° 55.70′ N. lat., 131° 12′ 90′ W. long.;
(16) Raymond Cove: waters within a line from Mike Point to 55° 37.75′ N. lat., 131° 51.83′ W. long.;
(17) Rudyard Bay: waters east of 130° 42.45′ W. long.;
(18) Smeaton Bay: waters east of 130° 43.50′ W. long.;
(19) Thorne Arm: waters north of the latitude of Eve Point;
(20) Tombstone Bay: waters between the latitudes of Turn Point and Breezy Point;
(21) Traitors Cove: waters east of 131° 41.80′ W. long.;
(22) Vallenar Bay: waters south of a line from 55° 23.75′ N. lat., 131° 50.87′ W. long. to 55° 22.92′ N. lat., 131° 51.97′ W. long.;
(23) Very Inlet: waters inside of a line from 54° 57.73′ N. lat., 130° 57.60′ W. long. to 54° 57.73′ N. lat., 130° 57′ W. long.;
(24) Ward Cove: waters east of a line from 55° 23.93′ N. lat., 131° 44.45′ W. long. to 55° 23.63′ N. lat., 131° 44.02′ W. long.;
(25) Willard Inlet: waters north of the latitude of Male Point.
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(c) District 2:

(1) Cholmondeley Sound:
   (A) Cholmondeley Sound: waters east of Divide Head, including Dora Bay, Kitkum Bay, and Lancaster Cove south of 55° 13.05’ N. lat.;
   (B) waters of South Arm, West Arm, and Sunny Cove west of 132° 14.47’ W. long.;

(2) Karta Bay: waters west of a line beginning at 55° 33.87’ N. lat., 132° 32.67’ W. long. and projected north through 55° 35.08’ N. lat., 132° 29.92’ W. long.;

(3) Moira Sound:
   (A) North Arm: waters inside a line from Crowell Point to Point Halliday;
   (B) Johnson Cove: waters south of 54° 59.72’ N. lat.;
   (C) West Arm: waters west of 132° 12’ W. long.;
   (D) South Arm: waters south of 54° 57’ N. lat.;

(4) Nichols Bay: waters north of 54° 42.12’ N. lat.;

(5) Polk Inlet, Paul Bight, and McKenzie Inlet: waters west of the longitude of Khayyam Point;

(6) Port Johnson and Dolomi Bay: waters west of the longitude of Moss Point;

(7) Thorne Bay: waters west of 132° 28.58’ W. long.;

(8) Tolstoi Bay: waters south of 55° 39’ N. lat.;

(9) Twelvemile Arm: waters south of 55° 29.17’ N. lat.

(d) District 3:

(1) Devilfish Bay: waters west of 133° 20’ W. long.;

(2) Edna Bay: waters north of a line from Limestone Point Light to 55° 55.92’ N. lat., 133° 37.67’ W. long.;

(3) Eek Inlet: waters east of a line from 55° 08.80’ N. lat., 132° 39.42’ W. long. to 55° 08.88’ N. lat., 132° 39.38’ W. long.;

(4) El Capitan and Tuxekan Passages: all contiguous waters east of 133° 20’ W. long.;

(5) Ham Cove: waters south of 54° 53’ N. lat.;

(6) Hessa Inlet: waters east of the longitude of the tip of Whirlpool Point;

(7) Hetta Harbor: waters east of the longitude of the tip of Hetta Point;

(8) Hetta Inlet: waters north of the latitude of Simmons Point;

(9) Hunter Bay: waters east of a line from the tip of Turn Point to 54° 52.80’ N. lat., 132° 21.33’ W. long.;

(10) Kasook Inlet: waters north of 55° 01.67’ N. lat.;

(11) Keete Inlet: waters east of the longitude of the tip of Keete Point;

(12) Klakas Inlet: waters north of 55° N. lat.;

(13) Klawock Inlet: waters east of Klawock and Peratrovich Islands and north of
a line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake;

(14) Nossuk Bay: waters south of 55° 44’ N. lat.;
(15) Nutkwa Inlet: waters north of 55° 06’ N. lat.;
(16) Port Estrella: waters east of the longitude of Point Providence (133° 16’ W. long.);
(17) Port Refugio: waters south and west of a line from Pointe Verde to Bocas Point;
(18) Port Saint Nicholas: waters east of 133° 04’ W. long.;
(19) Salt Lake Bay: waters east of 133° 23.37’ W. long.;
(20) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso;
(21) Soda Bay: waters east of 133° W. long.;
(22) Sukkwan Strait at Hydaburg: waters of Sukkwan Strait west of the longitude of Saltery Point, including South Pass east of the longitude of Goat Island Light, and all waters of North Pass;
(23) Tlevak Straits: waters north of 55° 15’ N. lat.;
(24) Tokeen Bay: waters east of a line from the tip of Holbrook Point to 55° 59.87’ N. lat., 133° 27.85’ W. long.;
(25) Trocadero Bay: waters east of 133° 01’ W. long.;
(26) Ulloa Channel: waters east of 133° 10’ W. long.;
(27) Van Sant Cove: waters within 1,000 yards of the stream terminus;
(28) Warm Chuck Inlet: waters north of 55° 44.50’ N. lat.;
(29) Waterfall Bay: waters within 1,000 yards of the terminus of Waterfall Creek.

(e) **District 4**: Manhattan Arm: waters east of 133° 10’ W. long.

(f) **District 5**:

(1) Affleck Canal:

(A) Bear Harbor: waters north of a line from 56° 13.42’ N. lat., 134° 05.75’ W. long. to 56° 13.83’ N. lat., 134° 05.08’ W. long.;

(B) waters of Kell Bay west of 134° 08.25’ W. long.;

(C) waters north of 56° 16.33’ W. long.;

(D) small unnamed bay on the east side: waters east of 134° 01.92’ W. long.;

(2) Alvin Bay: waters west of 133° 53.42’ W. long.;

(3) Barrie (Kushehin) Creek: waters east of a line from 56° 27.83’ N. lat., 133° 40.08’ W. long. to Trouble Island at 56° 28.75’ N. lat., 133° 40.75’ W. long. to 56° 28’ N. lat., 133° 39.92’ W. long.;

(4) Calder Bay: waters north of 56° 11.20’ N. lat.;

(5) El Capitan Passage: waters east of a line extending north from 56° 08.88’ N.
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lat., 133° 27.62′ W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of 133° 38.50′ W. long.;

(7) Keku Strait: waters north of 56° 32′ N. lat. (north end of Monte Carlo Island), including waters of Seclusion Harbor and south of a line from Point Camden to Salt Point Light;

(8) Port Beaucier:
   (A) waters north of 56° 20′ N. lat.;
   (B) waters of the southern arm south of 56° 17′ N. lat.;
   (C) waters of the unnamed cove 0.7 miles west of the northern tip of Edwards Island between 56° 18.33′ N. lat., 133° 58.50′ W. long. and 56° 19.25′ N. lat., 133° 58.33′ W. long.;

(9) Reid Bay: waters west of 133° 53.92′ W. long.;
(10) Shipley Bay: waters east of 133° 33′ W. long.

(g) District 6:

(1) Barnes Lake at the head of Lake Bay: waters inside of Stevenson Island south of 56° 03.05′ N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Grief Island;

(3) Exchange Cove: waters south of a line from 56° 13.12′ N. lat., 133° 03.70′ W. long. to 56° 12.90′ N. lat., 133° 03.42′ W. long;

(4) Kah Sheets Bay: waters west of a line from 56° 31.47′ N. lat., 133° 05.20′ W. long. to 56° 29.77′ N. lat., 133° 07.20′ W. long.;

(5) Lake Bay: waters west of a line from Keg Point to 56° 01.70′ N. lat., 132° 54.37′ W. long.;

(6) McHenry Inlet: waters east of 132° 25′ W. long.;

(7) Mosman Inlet: waters north of 56° 05.33′ N. lat.;

(8) Navy Creek: waters east of a line from 56° 03.50′ N. lat., 132° 27.90′ W. long. to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to 56° 04.60′ N. lat., 132° 27.48′ W. long.;

(9) Ratz Harbor: waters south and west of a line from 55° 53.13′ N. lat., 132° 35.62′ W. long. to 55° 53.27′ N. lat., 132° 35.78′ W. long.;

(10) Red Bay: waters south of the latitude of Pine Point;

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from 56° 04.33′ N. lat., 132° 36.50′ W. long. to 56° 04.40′ N. lat., 132° 36.05′ W. long.;

(12) Salmon Bay: waters within a line extending from 56° 17.40′ N. lat., 133° 08.23′ W. long. to Rookery Island to 56° 19.10′ N. lat., 133° 09.70′ W. long.;

(13) Steamer Bay: waters south of the latitude of Point Harrington;

(14) Totem Bay: waters north and east of a line from Totem Point to the southern tip of Shingle Island to Mitchell Point;
(15) Whale Pass: waters at the southern entrance west of 132° 59.10′ W. long. and at the northern entrance west of the longitude of the northernmost tip of Thome Island (133° 03.40′ W. long.).

(h) District 7:

(1) Blake Channel and Eastern Passage: waters north of 56° 12′ N. lat. and east of a line from the tip of Babbler Point to 56° 27.80′ N. lat., 132° 16.63′ W. long. on Hour Point, from April 16 through September 30;

(2) Bradfield Canal: waters east of 131° 55.50′ W. long., from April 16 through September 30;

(3) Canoe Pass: waters north of 56° N. lat.;

(4) Emerald Bay: waters within 1,000 yards of the stream terminus from 55° 53.70′ N. lat., 132° 02.70′ W. long. to 55° 52.93′ N. lat., 132° 03′ W. long.;

(5) Fisherman′s Chuck: waters west of 132° 12′ W. long.;

(6) Fool′s Inlet: waters north of 56° 12.50′ N. lat.;

(7) Menefee Inlet: waters north of 56° 05′ N. lat.;

(8) Olive Cove: waters south of a line from 56° 11.55′ N. lat., 132° 19.10′ W. long. to 56° 11.40′ N. lat., 132° 18.72′ W. long.;

(9) Santa Anna Inlet: waters south of the latitude of the tip of Point Santa Anna;

(10) Thom′s Place, Zimovia Strait: waters north of 56° 09.63′ N. lat.;

(11) Union Bay: waters south of a line from 55° 44.80′ N. lat., 132° 14.12′ W. long. to 55° 45.57′ N. lat., 132° 11.13′ W. long.;

(12) Vixen Inlet: waters east of the longitude of the westernmost tip of Sunshine Island.

(i) District 8:

(1) Blind Slough: waters north of a line from 56° 30.75′ N. lat., 132° 43.30′ W. long. to 56° 31.92′ N. lat., 132° 40.53′ W. long.;

(2) Stikine River: waters inside a line from Babbler Point to Hour Point along the shore of Wrangell Island to Point Highfield to the southern end of Liesnoi Island to the southern end of Greys Island to the small island near the eastern entrance of Blind Slough to the nearest point of Mitkof Island to the prominent point of Mitkof Island nearest Coney Island to the northern end of Coney Island to a point 500 yards north of Jap Creek on the mainland shore;

(3) Babbler Point: waters within one-quarter mile of the mainland shoreline south and east of 56° 30.47′ N. lat., from the first Monday in May through the second Saturday in June;

(4) Wrangell Harbor: waters within one-quarter mile of the shoreline on the western side of Wrangell Island, south of the latitude of Point Highfield and north of the latitude of Cemetery Point, from the first Monday in May through the second Saturday in June;

(5) Greys Pass: waters west of the longitude from the northernmost tip of Greys Island to Rynda Island, and waters north and east of a line from the southernmost tip of Greys Island to 56° 30.52′ N. lat., 132° 34.31′ W. long., on Sokolof Island, to the southernmost
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point on Rynda Island, from the first Monday in May through the second Saturday in June;

(6) Woodpecker Cove: waters of Sumner Strait north of a line from 56° 30.03′ N. lat, 132° 53.94′ W. long. to Point Howe to the southeasternmost tip of Station Island at 56° 29.56′ N. lat., 132° 46.27′ W. long. and west of a line from Station Island Light to a point on Mitkof Island at 56° 30.40′ N. lat., 132° 44.94′ W. long., from the first Monday in May through the second Saturday in June, for the entirety of a salmon troll fishing period when the drift gillnet fishery is open for more than 48 hours;

(7) Beacon Point/ Frederick Point: waters of Frederick Sound west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline to Sukoi Island Light to Frederick Point, from the first Monday in May through the second Saturday in June.

(j) District 9:

(1) Bay of Pillars: waters east of 134° 11.67′ W. long.;
(2) Deep Cove: waters west of 134° 43.63′ W. long.;
(3) Eliza Harbor: waters north of 57° 14.30′ N. lat.;
(4) Gedney Harbor: waters east of 134° 14.67′ W. long.;
(5) Gut Bay: waters west of 134° 43.47′ W. long.;
(6) Hamilton Bay: waters south of the latitude of Point Hamilton;
(7) Kadake Bay: waters south of a line from 56° 48.75′ N. lat., 133° 58′ W. long. to 56° 48.38′ N. lat., 133° 56.47′ W. long.;
(8) Little Pybus Bay: waters north of 57° 14.83′ N. lat.;
(9) Murder Cove: waters north of 57° 01.75′ N. lat.;
(10) Patterson Bay: waters north of 56° 36.73′ N. lat.;
(11) Port Camden: waters south of 56° 41.67′ N. lat.;
(12) Port Mallesmere: waters east of a line from 56° 18.92′ N. lat., 134° 10.75′ W. long. to 56° 19.60′ N. lat., 134° 11.28′ W. long.;
(13) Port Walter and Little Port Walter: waters west of a line from 56° 23.25′ N. lat., 134° 38.08′ W. long. to 56° 23.70′ N. lat., 134° 38.25′ W. long.;
(14) Red Bluff Bay: waters west of 134° 45.47′ W. long.;
(15) Rowan Bay: waters north and east of a line from 56° 40.47′ N. lat., 134° 15.13′ W. long. to 56° 39.88′ N. lat., 134° 13.13′ W. long.;
(16) Saginaw Bay: waters south and east of a line from 56° 51.78′ N. lat., 134° 11.23′ W. long. to the southwesternmost tip of an unnamed island at 56° 52.75′ N. lat., 134° 09.63′ W. long. and east of a line from the northwesternmost tip of the same unnamed island to 56° 53.28′ N. lat., 134° 10′ W. long.;
(17) Security Bay: waters south of the latitude of Expedition Point;
(18) Tebenkof Bay:
   (A) Elena Bay: waters north and east of a line from 56° 29.93′ N. lat., 134° 06.47′ W. long. to Elena Point;
   (B) Petrof Bay: waters south of 56° 22.33′ N. lat.;
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(C) Thetis Bay: waters south of 56° 23.37' N. lat.

(k) **District 10:**

(1) Dry Bay: waters inside of a line from 57° 03.53' N. lat., 133° 01.92' W. long. to 57° 02.82' N. lat., 133° 01.75' W. long. to 57° 02.95' N. lat., 133° 00.17' W. long.;

(2) Farragut Bay: waters of Francis Anchorage north of 57° 08.75' N. lat.;

(3) Gambier Bay:
   (A) waters west of 134° W. long.;
   (B) waters of Snug Cove south of a line from Scald Point to the northwest tip of Pain Island;

(4) Hobart Bay: waters east of 133° 23.67' W. long.;

(5) Port Houghton:
   (A) waters within lines projected south and east from the southern tip of Walter Island;
   (B) waters east of 133° 11' W. long.;

(6) Pybus Bay: waters of Cannery Cove and West Arm inside a line running from 57° 18.40' N. lat., 134° 07.92' W. long. to an unnamed island at 57° 18.72' N. lat., 134° 07.50' W. long. and then to a point at 57° 19.33' N. lat., 134° 06.33' W. long.;

(7) Windham Bay: waters east of 133° 27.17' W. long., one-fourth mile west of the narrows.

(l) **District 11:**

(1) Limestone Inlet: waters east of a line from 58° 01.80' N. lat., 133° 59.27' W. long. to 58° 02.07' N. lat., 133° 59.67' W. long.;

(2) Port Snettisham:
   (A) Speel River: waters north of the latitude of the old pulp mill wharf at 58° 07' N. lat.;
   (B) Gilbert Bay: waters east of the longitude of Sentinel Point;

(3) Seymour Canal:
   (A) Mole Harbor: waters inside a line from the tip of Flaw Point to a point at 57° 39.67' N. lat., 134° 01.50' W. long.;
   (B) Pleasant Bay: waters inside a line from 57° 38.83' N. lat., 133° 59.70' W. long. to a point at 57° 38.47' N. lat., 133° 57.42' W. long.;

(4) Slocum Inlet: waters east of a line from 58° 08.35' N. lat., 134° 04.23' W. long. to 58° 07.82' N. lat., 134° 04.04' W. long.;

(5) Taku Harbor: waters east of a line from the tip of Stockade Point to 58° 03.68' N. lat., 134° 01.98' W. long.;

(6) Taku Inlet: waters north of a line from the Annex Creek Power House to a point at 58° 17.50' N. lat., 134° 01' W. long.

(m) **District 12:**

(1) Basket Bay: waters inside a line from 57° 39.80' N. lat., 134° 53.77' W. long.
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to 57° 39.28′ N. lat., 134° 53.88′ W. long.;
(2) Chaik Bay: waters east of 134° 30.45′ W. long.;
(3) False Bay: waters west of a line from 57° 58.55′ N. lat., 134° 55.08′ W. long. to 57° 57′ N. lat., 134° 55.38′ W. long.;
(4) Freshwater Bay: waters inside a line from a point at 57° 53.33′ N. lat., 135° 07.58′ W. long. to 57° 54.75′ N. lat., 135° 06′ W. long.;
(5) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 56.98′ W. long.;
(6) Warm Springs Bay: waters west of 134° 46.63′ W. long.;
(7) Whitewater Bay: waters within a line from Point Caution to 50° 15.62′ N. lat., 134° 36.42′ W. long.;
(8) Wilson Cove: waters east of the longitude of Point Wilson;
(9) Wukuklook Creek: waters west of a line from a point at 57° 55.25′ N. lat., 134° 55.75′ W. long. to Flints Point at 57° 54.33′ N. lat., 134° 57.50′ W. long.

(n) District 13:
(1) Black Bay: waters north and east of a line from 57° 42.62′ N. lat., 136° 09.33′ W. long. to 57° 42.38′ N. lat., 136° 09.17′ W. long.;
(2) Big Branch Bay: waters north and east of a line from 56° 19.45′ N. lat., 134° 50.50′ W. long. to 56° 19.30′ N. lat., 134° 50.13′ W. long.;
(3) Deep Bay: waters west of a line from 57° 26.87′ N. lat., 135° 37.33′ W. long. to 57° 26.53′ N. lat., 135° 37.77′ W. long.;
(4) Fick Cove: waters south and west of a line from 57° 37.85′ N. lat., 135° 39.63′ W. long. to 57° 38.42′ N. lat., 135° 40.65′ W. long.;
(5) Fish Bay: waters east of 135° 35.17′ W. long.;
(6) Goulding Harbor: waters north of a line from 57° 46.30′ N. lat., 136° 15.08′ W. long. to 57° 46.37′ N. lat., 136° 15.45′ W. long.;
(7) Hanus Bay: waters south of a line from 57° 25.48′ N. lat., 134° 59′ W. long. to 57° 25.30′ N. lat., 135° 03.67′ W. long.;
(8) Hoonah Sound: waters west and north of a line from 57° 44.20′ N. lat., 135° 43.67′ W. long. to 57° 43.75′ N. lat., 135° 44.67′ W. long.;
(9) Katlian Bay: waters north and east of a line from 57° 09.50′ N. lat., 135° 22.58′ W. long. to 57° 09.12′ N. lat., 135° 21.92′ W. long.;
(10) Nakwasina Passage: waters north and east of a line from 57° 14.20′ N. lat., 135° 29.92′ W. long. to 57° 14.88′ N. lat., 135° 30.47′ W. long.;
(11) Nakwasina Sound: waters north and east of a line from 57° 11.70′ N. lat., 135° 23.50′ W. long. to 57° 12.20′ N. lat., 135° 24.62′ W. long.;
(12) Patterson Bay: waters west of a line from 57° 40.38′ N. lat., 135° 42.70′ W. long. to 57° 39.58′ N. lat., 135° 42.30′ W. long.;
(13) Port Banks: waters south and east of a line from 56° 36.12′ N. lat., 135° 00.33′ W. long. to 56° 35.92′ N. lat., 135° 01.17′ W. long.;
(14) Redfish Bay: waters north and west of a line from 56° 20.68′ N. lat., 134°
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51.52′ W. long. to 56° 20.82′ N. lat., 134° 51.08′ W. long.;

(15) Redoubt Bay: waters east of 135° 18.88′ W. long.;
(16) Rodman Bay: waters west and south of a line from 57° 28.33′ N. lat., 135° 21′ W. long. to 57° 28.83′ N. lat., 135° 21.67′ W. long.;
(17) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.08′ N. lat., 136° 30.37′ W. long. to 57° 55.42′ N. lat., 136° 31′ W. long.;
(18) Saook Bay: waters west and south of a line at 57° 26.25′ N. lat., 135° 11.67′ W. long. to 57° 26.67′ N. lat., 135° 12.25′ W. long.;
(19) Sister Lake: waters inside a line from 57° 37.70′ N. lat., 136° 00.50′ W. long. to 57° 38.08′ N. lat., 136° 00.67′ W. long.;
(20) Sitkoh Bay: waters west of a line from 57° 29.28′ N. lat., 134° 53.67′ W. long. to 57° 29.60′ N. lat., 134° 53.50′ W. long.;
(21) Stag Bay: waters east of 136° 21.42′ W. long.;
(22) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.78′ N. lat., 135° 22.75′ W. long. to 57° 08.42′ N. lat., 135° 22.50′ W. long.;
(23) Still Harbor: waters south and east of a line from 56° 33.25′ N. lat., 135° 02.67′ W. long. to 56° 33.63′ N. lat., 135° 02.42′ W. long.;
(24) Ushk Bay: waters west of 135° 35′ W. long.;
(25) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27′ N. lat., 135° 56.17′ W. long. to 57° 30.88′ N. lat., 135° 55′ W. long.

(o) **District 14:**

(1) Dundas Bay: waters north of 58° 20′ N. lat.;
(2) Mud Bay: waters south of the latitude of Quartz Point.

(p) **District 15:**

(1) Chilkat Inlet: waters north of the latitude of Letnikof Light;
(2) Lutak Inlet: waters northwest of a line between Tanani Point and Taiya Point.

**Article 9. Salmon Trolling in Hatchery Special Harvest Areas.**

5 AAC 29.200. Salmon trolling in hatchery special harvest areas. Salmon trolling in special harvest areas near hatcheries and release sites is permitted only as specified in the terminal harvest management plans set out in 5 AAC 33.369 – 5 AAC 33.387, except as specified by emergency order.
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CHAPTER 30. YAKUTAT AREA.

Article 1. Description of Area.

5 AAC 30.001. 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 47 and 5 AAC 75.

5 AAC 30.100. Description of area. The Yakutat Area consists of all waters of Alaska within an area that 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.

Article 2. Fishing Districts.

5 AAC 30.200. Fishing districts. (a) Yakataga District: all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42′ W. long.).

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

Article 3. Salmon Fishery.

5 AAC 30.310. Fishing seasons. (a) Salmon may be taken by set gillnets only as follows:

(1) in the Yakataga District, the opening and closing dates will be established by emergency order;

(2) in the Yakutat District,

(A) in the Alsek River and waters three-quarters of a mile on either side of the river mouth seaward to the outermost bar at mean low tide, from the second Sunday in May until closed by emergency order, except that from the second Sunday in May through the first Saturday in June, the commissioner may open, by emergency order, set gillnet fishing periods in the Alsek River subject to the following provisions:

(i) set gillnet fishing periods are subject to the provisions of the Pacific Salmon Treaty specified in 5 AAC 33.361;

(ii) fishing periods will begin at 12:01 p.m. from the second Sunday in May through the first Saturday in June;

(iii) notwithstanding 5 AAC 75.003(2)(A), if the set gillnet fishery is opened under this paragraph, from the second Sunday in May through the first Sunday in June, the commissioner may, by emergency order, increase the sport fishery bag and possession limits and liberalize method and means for harvest of salmon;

(B) in the Dangerous River and in Yakutat Bay south of 59° 40′ N. lat., from the second Sunday in June until closed by emergency order;

(C) Situk–Ahrnklin Inlet, Lost River, and Yakutat Bay north of 59° 40′ N. lat., from the third Sunday in June until closed by emergency order;

(D) Italio River, the opening and closing dates will be established by emergency order;
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(E) in the East River and waters two miles on either side of the river mouth seaward for a distance of 500 yards, and in the remainder of the district, from the fourth Sunday in June until closed by emergency order.

(b) Repealed 10/1/98.

Editor's note: As of Register 147, October 1998, the substance of former 5 AAC 30.310(b) appears in 5 AAC 29.080(b) and 5 AAC 29.100(h).

5 AAC 30.320. Fishing periods. Salmon may be taken by set gillnets during the open fishing season only as follows:

(1) in the Yakataga District, from 9:00 a.m. Sunday through 9:00 a.m. Wednesday, except that in the Tsiu River, salmon may be taken only from 9:00 a.m. Sunday to 9:00 a.m. Monday and from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday;

(2) in the Yakutat District,

(A) from the season opening through the first Sunday in August, salmon may be taken only from 6:00 a.m. Sunday through 6:00 p.m. Tuesday, except that

(i) in the Alsek River and adjacent open ocean waters, salmon may be taken only from 12:01 p.m. Sunday through 12:00 noon Thursday; and

(ii) in the East River and adjacent open waters, salmon may be taken only from 12:01 p.m. Sunday through 12:00 noon Wednesday;

(B) from the first Sunday in August until the closing date, salmon may be taken from 12:01 p.m. Sunday through 12:00 noon Wednesday.

5 AAC 30.330. Gear. Except as provided in 5 AAC 29, salmon may be taken only by set gillnets.

5 AAC 30.331. Gillnet specifications and operations. (a) A set gillnet with a mesh size smaller than eight inches may not be more than 45 meshes in depth and a set gillnet with a mesh size eight inches or larger may not be more than 35 meshes in depth, except that after July 1, in the waters of Yakutat Bay, a set gillnet of all mesh sizes may not be more than 60 meshes in depth. The individual and aggregate lengths of any and all set gillnets on board a vessel or operated by a person may not be more than one of the following in hung measure:

(1) in the Yakutat District,

(A) in the waters of Yakutat Bay, Monti Bay, and Disenchantment Bay, east and north of a line from the southernmost point of Ocean Cape to Point Manby at 59° 41.60′ N. lat., 140° 18.30′ W. long., only one set gillnet that does not exceed 75 fathoms in length;

(B) in Situk–Ahrnklin Inlet and Lost River, only one set gillnet that does not exceed 20 fathoms in length, except that in the Situk–Ahrnklin Inlet, two set gillnets, neither of which may exceed 20 fathoms in length, may be operated during periods established by emergency order;

(C) in the Yahtze River, the Yana River, and the Malaspina Lake drainage, only one set gillnet that does not exceed 25 fathoms in length;

(D) in the Dangerous River, a single set gillnet operated may not be less than 10 fathoms or more than 25 fathoms in length; a salmon interim-use or entry permit holder may not operate more than 75 fathoms of set gillnet in aggregate length;
(E) in the Akwe River, only one set gillnet that does not exceed 15 fathoms in length;

(F) in the East River, only one set gillnet that does not exceed 20 fathoms in length, except that starting the first Sunday in September, two set gillnets that do not each exceed 20 fathoms in length and an aggregate length not to exceed 40 fathoms;

(G) repealed 4/8/79;

(H) in other waters of the district, including the surf line beyond the outermost bars at mean low tide, only one set gillnet that does not exceed 15 fathoms in length;

(I) in the Alsek River, a single gillnet may not be less than 10 fathoms or more than 25 fathoms in length, and

(i) before the third Sunday in July, a CFEC salmon permit holder may not operate more than three set gillnets, and the aggregate length of set gillnets may not exceed 50 fathoms;

(ii) from the third Sunday in July, a CFEC salmon permit holder may not operate more than 75 fathoms of set gillnet in the aggregate;

(J) in the Sudden River, only one set gillnet that does not exceed 25 fathoms in length, except that starting the first Sunday in August, two set gillnets that do not each exceed 25 fathoms in length and an aggregate length not to exceed 50 fathoms;

(K) notwithstanding 5 AAC 39.240(a), a person may assist in the operation or transportation of additional set gillnet gear when the CFEC interim-use or entry permit card holder of the additional gear is present in compliance with 5 AAC 39.107;

(2) in the Yakataga District,

(A) in the Tsiu River, only one set gillnet that does not exceed 15 fathoms in length;

(B) in the Eight Mile River, only one set gillnet that does not exceed 15 fathoms in length;

(C) in the remainder of the district, only one set gillnet that does not exceed 25 fathoms in length.

(b) A set gillnet may not obstruct more than two-thirds of a salmon migratory waterway, except that in the Tsiu River, a set gillnet may not obstruct more than one-half of the waterway. The provisions of this subsection apply in the intertidal zone at all stages of the tide.

(c) A set gillnet shall be operated in substantially a straight line, except that in Disenchantment Bay and Yakutat Bay a set gillnet may have no more than 15 fathoms of its length used as a single hook.

(d) Repealed 4/15/81.

(e) The operation of each set gillnet shall be performed or assisted by the fisherman who holds the valid interim-use or entry permit card for that gear.

(f) In the Alsek River, salmon may be taken only with gillnets of six inch or smaller mesh size during seasons established by emergency order.

5 AAC 30.334. Identification of gear. Each set gillnet in operation must be marked as required by 5 AAC 39.280.
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5 AAC 30.335. Minimum distance between units of gear. No part of a set gillnet may be set or operated within 100 yards of any part of another set gillnet, except that in the Tsiu and East Rivers, no part of a set gillnet may be set or operated within 75 yards of any part of another gillnet.

5 AAC 30.340. Gillnet operation in surfline areas. (a) Unless otherwise specified in this chapter, the provisions of this chapter, as applied to each river fishery, also apply to the area within a radius of one-half mile from the terminus of that river.

(b) In the East River, set gillnet pulley systems may not be used within 100 yards of the river mouth as measured at the river terminus at mean low tide.

5 AAC 30.345. Requirements and specifications for operation of two units of set gillnet gear in Yakutat Area. (a) A CFEC permit holder who holds two Yakutat Area set gillnet permits may operate two units of set gillnet gear as described in 5 AAC 30.331, 5 AAC 30.334, 5 AAC 30.335, 5 AAC 30.340, and this section.

(b) Before operating two units of set gillnet gear under this section, the holder of two Yakutat Area set gillnet permits shall register by contacting a local representative of the department at the department’s Yakutat office and providing the information required by the department. Before terminating the operation of two units of set gillnet gear under this section and operating only a single unit of set gillnet gear, the permit holder shall contact a local representative of the department at the department’s Yakutat office and provide the information required by the department.

(c) When a CFEC permit holder operates two units of set gillnet gear under this section, the permit holder

(1) is responsible for ensuring that both units of set gillnet gear are operated in a lawful manner; and

(2) shall clearly mark the buoy on the outer end of each set gillnet as described in 5 AAC 39.280, including both of the CFEC permit holders five-digit permit serial numbers followed by the letter "D", in numbers and letters that are displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background.

(d) The operation of two units of set gillnet gear by a CFEC permit holder under this section is only allowed in the Situk–Ahrnklin Inlet, the marine waters of Yakutat Bay north of a line from Point Manby to Ocean Cape, and the Kaliakh River, except that when the projected escapement of king salmon in the Situk River is less than 750 fish, 28 inches or greater in length, the operation of two units of set gillnet gear under this section will only be allowed in the Kaliakh River.

(e) The provisions of this section do not apply after December 31, 2017.

Editor’s note: The department’s Yakutat office is located at 1 Fish and Game Plaza, P.O. Box 49, Yakutat, Alaska 99689; Telephone: (907) 784-3255.

5 AAC 30.350. Closed waters. (a) Salmon may not be taken in the following waters:

(1) Alsek River: upstream starting at three miles below the southern end of "basin";

(2) Situk River: upstream of a line from the ADF&G regulatory marker located on Hoggish Point southeast to an ADF&G regulatory marker on the opposite bank of the Situk River channel to an ADF&G regulatory marker on the cut bank on the eastern side of the mouth of Johnson Slough;
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(3) Ankau Inlet: inside of a line from ADF&G regulatory markers located across the terminus of Ankau Inlet at mean low water;

(4) Italio Rivers:
   (A) upstream from the ADF&G regulatory markers located one and one-half miles from the terminus of the Middle Italio River at mean low water;
   (B) downstream from the ADF&G regulatory markers located 200 yards upstream from the New Italio River's confluence with the Akwe River lagoon; and
   (C) upstream of the ADF&G regulatory markers located 500 yards upstream from the New Italio River’s confluence with the Akwe River lagoon;

(5) East River: upstream from ADF&G regulatory markers located approximately one mile downstream from the westernmost tip of Steve's Island at 138° 25.25′ W. long.;

(6) Akwe River: downstream from ADF&G regulatory markers located approximately 500 yards above the confluence with the New Italio River and upstream of ADF&G regulatory markers located approximately two and one-half miles downstream from the westernmost end of the Sand Dunes;

(7) Lost River: upstream from ADF&G regulatory markers located in the Situk–Ahrnklin Inlet approximately 100 yards downstream from the terminus of the river, except that, after the closure of the fishing period for the Situk–Ahrnklin Inlet during the second week of July through the remainder of the season, upstream from ADF&G regulatory markers located in the Situk–Ahrnklin Inlet approximately 500 yards downstream from the terminus of the river;

(8) Old Village Lagoon: upstream from the road;

(9) salmon may not be taken with set gillnets in those waters of the Yakutat District south of the latitude of the Dangerous River (59° 20.83′ N. lat.) that are seaward of mean higher high tide except as indicated as open to commercial salmon fishing by ADF&G regulatory markers;

(10) Kaliakh River: upstream of ADF&G regulatory markers located approximately 500 yards downstream of the mouth of the Chiuki River (Stink Creek);

(11) Dangerous River: upstream of the Dangerous River Bridge;

(12) Tsiu River: upstream of ADF&G regulatory markers located approximately one-half mile downstream from Duck Camp Island.

(b) Repealed 10/1/98.

(c) In this section, "mean low water" means the average of the low tides of that day.

5 AAC 30.365. Situk–Ahrnklin Inlet and Lost River King Salmon Fisheries Management Plan. (a) The purpose of the management plan in this section is to provide for the biological escapement goal requirements of spawning king salmon to the Situk–Ahrnklin River systems. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various user groups of the king salmon resource. Action points and associated ranges within the plan are intended to be based on the current king salmon escapement goal ranges for the Situk River system.

(b) The biological escapement goal for the Situk River king salmon is 730 three ocean age and older fish, with a range of 450 – 1,050 fish.
(c) The department shall manage the commercial, sport, and subsistence fisheries as follows:

(1) if the projected escapement is less than 350 three ocean age and older fish, the commissioner shall close, by emergency order, the king salmon

(A) sport fishery in the Situk River;

(B) subsistence, personal use, and commercial set gillnet fisheries in the Situk–Ahrnklin Inlet and Lost River; and

(C) commercial troll fishery in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 30.49′ N. lat., 139° 46.58′ W. long. (Ocean Cape) and intersecting the three-nautical-mile limit at 59° 28.65′ N. lat., 139° 51.17′ W. long. and on the south by a line extending seaward from 59° 20.30′ N. lat., 139° 16.50′ W. long. and intersecting the three-nautical-mile limit at 59° 18.25′ N. lat., 139° 21.94′ W. long.;

(2) if the projected escapement is 350 – 450 three ocean age or older fish the commissioner

(A) shall, by emergency order, close the sport fishery for king salmon in the Situk River; and

(B) may, by emergency order, implement one or more of the following management measures for conservation purposes:

(i) establish a nonretention king salmon season in the Situk–Ahrnklin Inlet and Lost River set gillnet fisheries;

(ii) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 30.49′ N. lat., 139° 46.58′ W. long. (Ocean Cape) and intersecting the three-nautical-mile limit at 59° 28.65′ N. lat., 139° 51.17′ W. long. and on the south by a line extending seaward from 59° 20.30′ N. lat., 139° 16.50′ W. long. and intersecting the three-nautical-mile limit at 59° 18.25′ N. lat., 139° 21.94′ W. long.;

(iii) restrict the weekly fishing periods in the Situk–Ahrnklin Inlet and Lost River set gillnet fisheries;

(3) if the projected escapement is 451 – 730 three ocean age or older fish, the commissioner shall, by emergency order, implement one or more of the following management measures for conservation purposes:

(A) establish a nonretention king salmon season in the Situk–Ahrnklin Inlet and Lost River set gillnet fisheries;

(B) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 30.49′ N. lat., 139° 46.58′ W. long. (Ocean Cape) and intersecting the three-nautical-mile limit at 59° 28.65′ N. lat., 139° 51.17′ W. long. and on the south by a line extending seaward from 59° 20.30′ N. lat., 139° 16.50′ W. long. and intersecting the three-nautical-mile limit at 59° 18.25′ N. lat., 139° 21.94′ W. long.;

(C) restrict the weekly fishing periods in the Situk–Ahrnklin Inlet and Lost River set gillnet fisheries; and

(D) restrict the sport harvest of king salmon in the Situk River by implement-
ing one or more of the following management measures:

(i) close portions of the Situk River to sport fishing for king salmon;
(ii) establish a catch and release sport fishery only for king salmon 28 inches or greater in length;

(4) if the projected escapement is greater than 730 three ocean age and older fish but less than 1,050 fish, the department shall,

(A) manage the commercial set gillnet fisheries in the Situk–Ahrnklin Inlet and Lost River based on the sockeye salmon run strength;

(B) manage the commercial salmon troll fishery as specified in 5 AAC 29.100 in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 30.49′ N. lat., 139° 46.58′ W. long. (Ocean Cape) and intersecting the three-nautical-mile limit at 59° 28.65′ N. lat., 139° 51.17′ W. long. and on the south by a line extending seaward from 59° 20.30′ N. lat., 139° 16.50′ W. long. and intersecting the three-nautical-mile limit at 59° 18.25′ N. lat., 139° 21.94′ W. long.;

(5) if the projected escapement is greater than 1,050 three ocean age and older fish, the department shall manage the commercial, sport, and subsistence fisheries as necessary to harvest large king salmon in excess of the biological escapement goal range; to achieve this goal the commissioner may, by emergency order, implement one or more of the following management measures:

(A) liberalize seasons, areas, and method and means in the Situk River under 5 AAC 75.003(2)(A);

(B) increase the bag and possession limits for king salmon 28 inches or greater in length, to three fish per day and six in possession, with no annual limit;

(C) repealed 7/13/2012;

(D) manage the commercial set gillnet fisheries in the Situk–Ahrnklin Inlet and Lost River based on the sockeye salmon run strength;

(E) in the Situk–Ahrnklin Inlet and Lost River set gillnet fisheries, allow the use of one additional gillnet that is no more than 20 fathoms in length and no more than 45 meshes in depth, with a mesh size of no less than seven and one-half inches, for the directed taking of king salmon during periods when sockeye salmon may or may not be retained.

5 AAC 30.392. Possession and landing of king salmon. (a) The heads of all adipose-fin-clipped king salmon must remain attached to the fish until sold.

(b) A CFEC setnet salmon permit holder may take but may not sell king salmon during periods established by emergency order. The caudal (tail) fin of all king salmon retained must be removed immediately upon taking the king salmon.

5 AAC 30.393. Landing of coho salmon. The heads of all adipose-fin-clipped coho salmon must remain attached to the fish until sold.
CHAPTER 33. SOUTHEASTERN ALASKA AREA.

Article 1. Description of Area.

5 AAC 33.001. 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 47 and 5 AAC 75.

5 AAC 33.100. Description of area. The Southeastern Alaska Area consists of all waters of Alaska within an area that 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.

Article 2. Fishing Districts and Sections.

5 AAC 33.200. Fishing districts and sections. (a) District 1: all waters east and north of a line from the southernmost tip of Caamaño Point to 54° 40′ N. lat., 131° 45′ W. long., and north of a line from 54° 40′ N. lat., 131° 45′ W. long. to 54° 42.48′ N. lat., 130° 36.92′ W. long.;

(1) Section 1-A: all waters of Portland Canal north of the latitude of Hattie Island Light;

(2) Section 1-B: all waters south of Section 1-A and east and south of a line extending three miles bearing 297° from the range marker located at Foggy Point (54° 55.53′ N. lat., 130° 58.50′ W. long.) and then south to intersect a line between Barren Island Light and Lord Rock Light, then to Lord Rock Light, and then to the southern boundary of District 1;

(3) Section 1-C: waters of the district between a line from a point at 55° 11.78′ N. lat., 131° 05.13′ W. long., located on Point Sykes to a point at 55° 12.22′ N. lat., 131° 05.70′ W. long., located one-half mile northwest of Point Sykes to Point Alava, and a line from Point Eva to Cactus Point;

(4) Section 1-D: waters of the district between a line from Point Eva to Cactus Point and a line from Nose Point to Snail Point;

(5) Section 1-E: waters of the district between a line from Caamaño Point to Point Higgins and a line from Nose Point to Snail Point;

(6) Section 1-F: all other waters of the district.

(b) District 2: all waters south of a line from the easternmost tip of Narrow Point to the northernmost tip of Lemesurier Point, west of District 1 and east of a line from Point Marsh Light to 54° 40′ N. lat., 132° 17.50′ W. long.

(c) District 3: all waters north of a line from Point Marsh Light to 54° 40′ N. lat., 132° 17.50′ W. long. to the southernmost tip of Cape Muzon and east of a line from the northernmost tip of Eagle Point on Dall Island and passing successively through the southernmost tip of Point Arboleda, the northernmost tip of Point San Roque, the southernmost tip of Cape Ulitka, the northeasternmost tip of Cape Lynch to the southwest entrance point of Halibut Harbor on Kosciusko Island, and south of the latitude of Aneskett Point (56° 08.83′ N. lat.);

(1) Section 3-A: waters of District 3 south and east of a line through Tlevak Narrows
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beginning at the easternmost tip of Turn Point at 55° 15.78′ N. lat., 133° 07.23′ 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 the latitude of Point Swift at 55° 45.78′ N. lat., including all waters of Warm Chuck Inlet, Iphigenai Bay south of Cape Lynch, excluding all waters of Tuxekan Passage and its contiguous waters, and waters of District 3 north of a line though Tlevak Narrows beginning at the easternmost tip of Turn Point located at 55° 15.78′ N. lat., 133° 07.23′ W. long., to a point on Prince of Wales Island at 55° 15.75′ N. lat., 133° 06.43′ 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., including all waters of Tuxekan Passage and its contiguous waters, but excluding all waters of Warm Chuck Inlet, Iphigenai Bay south of Cape Lynch.

(d) District 4: all waters north of Cape Muzon, west of District 3, and south of a line from Helm Point on Coronation Island to Cape Lynch.

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

(f) District 6: all waters of Clarence Strait north of a line from Narrow Point to Lem-esurier Point to Ernest Point to the most southerly point on Etolin Island, Stikine Strait south of the latitude of Round Point, Sumner Strait west of a line from Point Alexander to Low Point, and east of a line from Point Baker to Point Barrie, Wrangell Narrows south and west of a line from Prolowy Point to the northern tip of Mitkof Island, and all waters of Duncan Canal;

(1) Section 6-A: waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barrie to the tip of Point Baker;

(2) Section 6-B: waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock Light to Key Reef Light to Nesbitt Reef Light to the tip of Point Nesbitt;

(3) Section 6-C: waters enclosed by a line from Lincoln Rock Light to the westernmost point of Screen Islands to the westernmost point of Marsh Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef Light to Key Reef Light to Lincoln Rock Light;

(4) Section 6-D: all other waters of the district.

(g) District 7: the contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lem-esurier Point to Ernest Point to the most southerly point of Etolin Island, Zimovia Strait south of the latitude of Nemo Point, and Eastern Passage and Blake Channel east of a line from Babble Point to Hour Point (56° 27.80′ N. lat., 132° 16.63′ W. long.);

(1) Section 7-A: waters of the district north of the latitude of Point Eaton;

(2) Section 7-B: waters of the district south of the latitude of Point Eaton.
(h) **District 8:** waters of Frederick Sound south of a line from Wood Point to Beacon Point (excluding Wrangell Narrows), Sumner Strait east of a line from Point Alexander to Low Point, Stikine Strait north of the latitude of Round Point, Zimovia Strait north of the latitude of Nemo Point and Eastern Passage west of a line from Hour Point (56° 27.80' N. lat., 132° 16.63' W. long.), to Babbler Point;

(1) Section 8-A: the waters of the district north of a line from Blaquiere Point to Kakwan Point;

(2) Section 8-B: the waters of the district south of a line from Blaquiere Point to Kakwan Point.

(i) **District 9:** all waters of Frederick Sound and Chatham Strait south of the latitude of the southernmost tip of Point Gardner, south of the latitude of the southernmost tip of Elliott Island and west of a line from the southernmost tip of Elliott Island to the westernmost tip of Point Macartney, north and west of a line from the northernmost tip of Point Camden to Salt Point Light, north and east of a line from the southernmost tip of Cape Decision to the southernmost tip of Helm Point to the westernmost tip of Hazy Islands to Cape Ommanney Light;

(1) Section 9-A: waters of the district west of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner;

(2) Section 9-B: waters of the district east of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(j) **District 10:** Frederick Sound, Stephens Passage and contiguous waters north of a line from Beacon Point to Wood Point, east of a line from Point Macartney to the southern tip of Elliott Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of 57° 37' N. lat., and south of a line from Point League to Point Hugh.

(k) **District 11:** Stephens Passage and contiguous waters north of a line from Point League at 57° 37.03' N. lat., 133° 39.90' W. long. to Point Hugh at 57° 34.35' N. lat., 133° 48.66' W. long. and Seymour Canal north of 57° 37' N. lat., south of the latitude of Little Island Light at 58° 32.41' N. lat., and east of a line from Little Island Light to Point Retreat Light;

(1) Section 11-A: waters of the district north and west of a line from a point at 58° 12.33' N. lat., 134° 10.15' W. long., to the Coast Guard marker and light on Point Arden at 58° 09.55' N. lat., 134° 10.69' W. long.;

(2) Section 11-B: waters of the district north of the latitude of Midway Island Light at 57° 50.20' N. lat. and south and east of a line from a point at 58° 12.33' N. lat., 134° 10.15' W. long., to the Coast Guard marker and light on Point Arden at 58° 09.55' N. lat., 134° 10.69' W. long.;

(3) Section 11-C: waters of the district south of the latitude of Midway Island Light at 57° 50.20' N. lat. to a line from Point League at 57° 37.03' N. lat., 133° 39.90' W. long. to Point Hugh at 57° 34.35' N. lat., 133° 48.66' W. long.;

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

(l) **District 12:** all waters of Lynn Canal and Chatham Strait south of the latitude of Little Island Light to the latitude of Point Gardner, west of a line from Little Island Light to Point Retreat Light, east of a line from Point Couverden to Point Augusta, and east of a line from Point Hayes to Point Thatcher;
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(1) Section 12-A: all waters of Chatham Strait south of the latitude of Point Couverden (58° 11.42′ N. lat.) to the latitude of Point Gardner (57° 01′ N. lat.), east of a line from Point Couverden Light to Point Augusta Light and east of a line from the southeasternmost tip of Point Hayes to the northernmost tip of Point Thatcher;

(2) Section 12-B: all waters of Lynn Canal south of the latitude of Litle Island Light, west of a line from Little Island Light to Point Retreat Light and north of the latitude of Point Couverden (58° 11.42′ N. lat.).

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

(1) Section 13-A: all waters north of 57° 16′ N. lat. and those waters of Peril Strait south of the latitude of Pogibshi Point (57° 30.50′ N. lat.);

(2) Section 13-B: all waters south of 57° 16′ N. lat.;

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

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

(1) Section 14-A: waters of the district west of a line beginning at 58° 13′ N. lat., 135° 57′ W. long. to Lemesurier Island to Point Carolus;

(2) Section 14-B: waters of the district east of a line beginning at 58° 13′ N. lat., 135° 57′ W. long., to Lemesurier Island to Point Carolus and west of a line from Point Sophia to Excursion Point at 58° 22.50′ N. lat., 135° 29′ W. long.;

(3) Section 14-C: waters of the district east of a line from Point Sophia to Excursion Point at 58° 22.50′ N. lat., 135° 29′ W. long.

(o) District 15: waters of Lynn Canal north of the latitude of Little Island Light at 58° 32.41′ N. lat.;

(1) Section 15-A: waters of the district north of the latitude of Sherman Rock at 58° 51.00′ N. lat.;

(2) Section 15-B: waters of Berners Bay east of a line from Point St. Mary at 58° 43.93′ N. lat., 135° 01.43′ W. long. to Point Bridget at 58° 40.73′ N. lat., 134° 59.25′ W. long.;

(3) Section 15-C: all waters of the district south of the latitude of Sherman Rock at 58° 51.00′ N. lat., except for the waters of Section 15-B.

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

(q) Dixon Entrance District: all waters east of 138° 45.33′ W. long., south of the
Article 3. Salmon Fishery.

5 AAC 33.310. Fishing seasons and periods for net gear. (a) Salmon may be taken with purse seines in the following locations only during fishing periods established by emergency order that will generally begin on Sundays:

(1) District 1, Sections 1-C, 1-D, 1-E, and 1-F only;

(2) District 2;

(3) District 3;

(4) District 4, from the first Sunday in July until a closing date made by emergency order;

(5) District 5;

(6) District 6, Sections 6-C and 6-D only;

(7) District 7;

(8) District 9;

(9) District 10;

(10) District 11, Sections 11-A and 11-D only;
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(11) District 12; except that Section 12-A north of the latitude of Point Marsden and Section 12-B may open before August 1 only as provided in 5 AAC 33.366(a);

(12) District 13;

(13) District 14.

(b) Repealed 5/31/85.

(c) Salmon may be taken by drift gillnets in the following locations only during fishing periods established by emergency order that start on a Sunday and close by emergency order:

(1) District 1:

(A) Section 1-A;

(B) Section 1-B opens on the third Sunday of June;

(2) District 6:

(A) Sections 6-A, 6-B, and 6-C open on the second Sunday of June;

(B) Section 6-D west of a line from Mariposa Rock Buoy to the northernmost tip of Point Harrington to a point on Etolin Island at 56° 09.60′ N. lat., 132° 42.70′ W. long. to the southernmost tip of Point Stanhope is open

(i) from the second Sunday in June through the first Saturday in August;

(ii) after the first Saturday in August and before the first Sunday in September as described in 5 AAC 33.359; and

(iii) from the first Sunday in September until the season is closed;

(3) District 8 opens on the second Sunday of June;

(4) District 11:

(A) Section 11-B opens on the third Sunday in June, except that the commissioner may open, by emergency order, drift gillnet fishing periods in the waters of Section 11-B north of the latitude of Graves Point Light, from the first Monday in May through the third Sunday in June subject to the following provisions:

(i) drift gillnet fishing periods are subject to the provisions of the Pacific Salmon Treaty as specified in 5 AAC 33.361;

(ii) the commissioner may not establish a fishing period to begin on a Saturday, Sunday, or a state or federal holiday;

(iii) fishing periods will begin at 12:01 p.m. from the first Monday in May;

(B) Section 11-C;

(5) District 15:

(A) Section 15-A opens on the third Sunday in June;

(B) Sections 15-B and 15-C.

5 AAC 33.330. Gear. (a) Except as provided in 5 AAC 29, salmon may be taken only by drift gillnets and purse seines.

(b) Notwithstanding 5 AAC 39.240, a permit holder may use a registered salmon fishing
vessel, when it has fishing gear on board, to tow another registered salmon fishing vessel with fishing gear on board if the permit holder for the vessel being towed is on board one of the vessels.

5 AAC 33.331. Gillnet specifications and operation. (a) A person may not operate a drift gillnet vessel that has on the reel or in the water more than one legal limit of drift gillnet gear. Extra gillnet gear may be on board the vessel. Any gear in excess of one legal limit of drift gillnet gear must be sacked or bagged. The sack or bag must totally contain the net and must be secured closed. However, unassembled gillnet gear components, including cork, webbing, or leadline may be on board a fishing vessel without being sacked or bagged. For the purposes of this section, the legal limit of drift gillnet gear is one gillnet no longer than the maximum length specified in (c) of this section.

(b) In the Southeastern Alaska Area, a drift gillnet may not be more than 60 meshes in depth, except that there is no maximum depth restriction for a gillnet operated for king salmon cost recovery by a private nonprofit hatchery operator or under contract to a regional aquaculture association in a special harvest area described in 5 AAC 40.030 – 5 AAC 40.081.

(c) In the Southeastern Alaska Area, the maximum length for drift gillnets is as follows:

(1) in District 1, a gillnet may not be more than 200 fathoms in length;

(2) in District 6, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 75 fathoms in length in Wrangell Narrows during seasons established by emergency order;

(3) in District 8, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 150 fathoms in length in Blind Slough during seasons established by emergency order;

(4) in District 11, gillnets may not be more than 200 fathoms in length;

(5) in District 15, a gillnet may not be more than 200 fathoms in length.

(d) In Districts 8, 11, and 15, through the fourth Saturday in June, the commissioner may, by emergency order, establish fishing periods during which the maximum gillnet mesh size is six inches.

(e) In Districts 1, 6, 8, 11, and 15, the commissioner may, by emergency order, establish fishing periods during which the minimum gillnet mesh size is six inches, except that

(1) in District 8, from the first Monday in May through the second Saturday in June, during periods established by emergency order, the minimum mesh size is seven inches;

(2) in District 11, from the first Monday in May through the third Saturday in June, during periods established by emergency order, the minimum mesh size is seven inches.

(f) In the Southeastern Alaska Area, gillnet mesh size is measured by averaging the length of five consecutive meshes measured from inside the first knot and including the last knot when wet. The five meshes being measured must be an integral part of the net, as hung, and measured perpendicular to the selvages. Measurements must be made by means of a metal tape measure while the five meshes are suspended vertically from a single peg or nail, under a one-pound weight.

(g) Repealed 5/31/85.

(h) Repealed 5/31/85.
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(i) Repealed 4/2/88.

(j) Notwithstanding 5 AAC 39.240(a), a vessel may have on board at the same time drift gillnet gear as described in this section and hand troll gear or power troll gear as described in 5 AAC 29.120. One or more persons on board the vessel must possess a CFEC permit or interim use permit for Southeastern drift gillnet gear and either a hand troll or power troll permit. Both gear permits must be in possession on board the vessel and available for inspection by local representative of the department or a peace officer of the state. Each permit holder on board the vessel must ensure that

(1) fish harvested by one gear type are offloaded, landed, and documented on a fish ticket before operating any other gear type;

(2) any gillnet gear is bagged and stowed below deck before and during operation of troll gear and when troll-caught fish are on board the vessel;

(3) cannon balls and other troll weights on board the vessel are removed from trolling wires and stored below deck before and during operation of gillnet gear and when gillnet-caught fish are on board the vessel.

5 AAC 33.332. Seine specifications and operation. (a) No purse seine may be less than 150 meshes or more than 450 meshes in depth, or less than 150 fathoms or more than 250 fathoms in length, hung measure.

(b) Seine mesh may not be more than four and one-half inches, except the first 25 meshes above the lead line may not be more than seven inches.

(c) No seine lead may be more than 75 fathoms in length and 100 meshes in depth.

(d) Repealed 4/26/70.

(e) A seine lead may not be permanently attached to a seine and may be operated only on the bunt end of a seine.

(f) Except as specified in 5 AAC 39.260(f), the mesh size of a seine lead may not be less than seven inches or more than seven and one-half inches.

(g) A purse seine is considered to have ceased fishing when the bunt end of the seine is attached to the purse seine vessel and the tow end of the seine is attached to the vessel or moving through the power block.

(h) During concurrent seine and drift gillnet periods in Sections 1-B and 1-F, seine nets may not be in the water in Section 1-B.

(i) Notwithstanding 5 AAC 39.240(a), a vessel may have on board at the same time purse seine gear as described in this section and hand troll gear or power troll gear as described in 5 AAC 29.120. One or more persons on board the vessel must possess a CFEC permit or interim use permit for Southeastern purse seine gear and either a hand troll or power troll permit. Both gear permits must be in possession on board the vessel and available for inspection by a local representative of the department or a peace officer of the state. Each permit holder on board the vessel must ensure that

(1) fish harvested by one gear type are offloaded, landed, and documented on a fish ticket before operating any other gear type;

(2) any purse seine gear is removed from the vessel or stowed below deck before and during operation of troll gear and when troll-caught fish are on board the vessel;
(3) cannon balls and other troll weights on board the vessel are removed from
trolling wires and stored below deck before and during operation of purse seine gear and
when purse seine-caught fish are on board the vessel.

(j) Notwithstanding 5 AAC 39.240(a), a CFEC permit holder may possess two salmon
purse seines of essentially the same size on board a registered salmon purse seine vessel
in an area open to commercial salmon purse seine fishing. All purse seine gear on board a
vessel that is in an open fishing area is subject to inspection as specified in 5 AAC 39.140.

5 AAC 33.350. Closed waters. (a) The waters listed in this section are closed to the taking
of salmon with net gear.

(b) District 1:

(1) Behm Canal: waters between a line from Nose Point to Snail Point and a line
from Cactus Point to Point Eva;

(2) Boca De Quadra: waters east of 130° 50′ W. long.;

(3) Bostwick Inlet: waters north and west of a line from 55° 13.42′ N. lat., 131°
41.87′ W. long. to 55° 11.83′ N. lat., 131° 42.92′ W. long. on the south shore;

(4) Carroll Inlet: waters north of 55° 24.27′ N. lat.;

(5) Clover Passage: waters north of a line from the easternmost tip of Survey Point
to the southernmost tip of Betton Island and south of the latitude of the southernmost tip of
Hump Island;

(6) Edwards Passage: waters north of the latitude of Akeku Point;

(7) Fillmore Inlet: waters north of the latitude of Male Point;

(8) George Inlet: waters north of 55° 19.60′ N. lat.;

(9) Helm Bay and Smugglers Cove: waters west of a line from the southernmost
tip of Helm Point to Helm Bay Light to the Cleveland Peninsula at 55° 34.22′ N. lat., 131°
56.50′ W. long.;

(10) Hidden Inlet: waters north of the latitude of the tip of Hidden Point;

(11) Lucky Cove: waters within 1,000 yards of the stream terminus;

(12) Moser Bay: waters south of a line from the tip of Code Point to 55° 34′ N.
lat., 131° 40.90′ W. long.;

(13) Naha Bay: waters east of 131° 38.30′ W. long;

(14) Nakat Bay: waters north of the latitude of High Point;

(15) Port Stewart: waters west of a line from 55° 43.10′ N. lat., 131° 49.45′ W.
long. to 55° 41.55′ N. lat., 131° 50.08′ W. long.;

(16) Portland Canal: waters north of the latitude of Engineer's Point;

(17) Ray Anchorage: waters inside a line between 54° 56.65′ N. lat., 131° 13.90′
W. long and 54° 55.70′ N. lat., 131° 12.90′ W. long.;

(18) Raymond Cove: waters within a line from Mike Point to 55° 37.75′ N. lat.,
131° 51.83′ W. long.;

(19) Rudyard Bay: waters east of 130° 42.45′ W. long.;

(20) Smeaton Bay: waters east of 130° 43.50′ W. long.;
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(21) Thorne Arm: waters north of the latitude of Eve Point;
(22) Tombstone Bay: waters between the latitudes of Turn Point and Breezy Point;
(23) Tongass Narrows: waters between a line from Point Higgens to Vallenar Point and a line from Gravina Point to the Mountain Point navigation light;
(24) Traitors Cove: waters east of 131° 41.80′ W. long.;
(25) Vallenar Bay: waters south of a line from 55° 23.75′ N. lat., 131° 50.87′ W. long. to 55° 22.92′ N. lat., 131° 51.97′ W. long.;
(26) Very Inlet: waters inside of a line from 54° 57.73′ N. lat., 130° 57.60′ W. long. to 54° 57.73′ N. lat., 130° 57′ W. long.;
(27) Ward Cove: waters east of a line from 55° 23.93′ N. lat., 131° 44.45′ W. long. to 55° 23.63′ N. lat., 131° 44.02′ W. long.;
(28) Willard Inlet: waters north of the latitude of Male Point.

c District 2:

(1) Cholmondeley Sound:
   (A) Cholmondeley Sound: waters east of Divide Head, including Dora Bay, Kitkum Bay, and Lancaster Cove south of 55° 13.05′ N. lat.;
   (B) waters of South Arm, West Arm, and Sunny Cove west of 132° 14.47′ W. long.;
(2) Karta Bay: waters west of a line beginning at 55° 33.87′ N. lat., 132° 32.67′ W. long. and projected north through 55° 35.08′ N. lat., 132° 29.92′ W. long.;
(3) Moira Sound:
   (A) North Arm: waters inside a line from Crowell Point to Point Halliday;
   (B) Johnson Cove: waters south of 54° 59.72′ N. lat.;
   (C) West Arm: waters west of 132° 12′ W. long.;
   (D) South Arm: waters south of 54° 57′ N. lat.;
(4) Nichols Bay: waters north of 54° 42.12′ N. lat.;
(5) waters of Polk Inlet, Paul Bight, and McKenzie Inlet: waters west of the longitude of Khayyam Point;
(6) Port Johnson and Dolomi Bay: waters west of the longitude of Moss Point;
(7) Thorne Bay: waters west of 132° 28.58′ W. long.;
(8) Tolstoi Bay: waters south of 55° 39′ N. lat.;
(9) Twelvemile Arm: waters south of 55° 29.17′ N. lat.

d District 3:

(1) Devilfish Bay: waters west of 133° 20′ W. long.;
(2) Edna Bay: waters north of a line from Limestone Point Light to 55° 55.92′ N. lat., 133° 37.67′ W. long.;
(3) Eek Inlet: waters west of a line from 55° 08.80′ N. lat., 132° 39.42′ W. long.
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to 55° 08.88′ N. lat., 132° 39.38′ W. long.;

(4) El Capitan and Tuxekan Passages: all contiguous waters east of 133° 20′ W. long.;

(5) Ham Cove: waters south of 54° 53′ N. lat.;

(6) Hessa Inlet: waters east of the longitude of the tip of Whirlpool Point;

(7) Hetta Harbor: waters east of the longitude of the tip of Hetta Point;

(8) Hetta Inlet: waters north of the latitude of Simmons Point;

(9) Hunter Bay: waters east of a line from the tip of Turn Point to 54° 52.80′ N. lat., 132° 21.33′ W. long.;

(10) Kasook Inlet: waters north of 55° 01.67′ N. lat.;

(11) Keete Inlet: waters east of the longitude of the tip of Keete Point;

(12) Klakas Inlet: waters north of 55° N. lat.;

(13) Klawock Inlet: waters east of Klawock and Peratrovich Islands and north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake;

(14) Nossuk Bay: waters south of 55° 44′ N. lat.;

(15) Nutkwa Inlet: waters north of 55° 06′ N. lat.;

(16) Port Estrella: waters east of the longitude of Point Providence (133° 16′ W. long.);

(17) Port Real Marina: waters east of 133° 34.50′ W. long., west of a line from Point Arrecife to Point Gorda, and north of a line from Point San Leonardo to Canal Point;

(18) Port Refugio: waters south and west of a line from Pointe Verde to Bocas Point;

(19) Port Saint Nicholas: waters east of 133° 04′ W. long.;

(20) Portillo Channel: waters between a line from Point Arrecife to Point Amargura and a line from Point Santa Gertrudis to Point Animas;

(21) Salt Lake Bay: waters east of 133° 23.37′ W. long.;

(22) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso;

(23) Soda Bay: waters east of 133° W. long.;

(24) Sukkwan Strait at Hydaburg: waters of Sukkwan Strait west of the longitude of Saltery Point, including South Pass east of the longitude of Goat Island Light, and all waters of North Pass;

(25) Tlevak Straits: waters north of 55° 15′ N. lat.;

(26) Tokeen Bay: waters east of a line from the tip of Holbrook Point to 55° 59.87′ N. lat., 133° 27.85′ W. long.;

(27) Trocadero Bay:

(A) waters east of 133° 01′ W. long.;

(B) waters within 500 yards of the unnamed stream located immediately west of Perlas Point at 55° 22.02′ N. lat., 133° 04.63′ W. long.;
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(C) waters within 500 yards of the unnamed stream located approximately 1.1 miles west of Perlas Point at 55° 22.47′ N. lat., 133° 06.07′ W. long.;

(28) Ulloa Channel: waters east of 133° 10′ W. long.;

(29) Van Sant Cove: waters within 1,000 yards of the stream terminus;

(30) Warm Chuck Inlet: waters north of 55° 44.50′ N. lat.;

(31) Waterfall Bay: waters within 1,000 yards of the terminus of Waterfall Creek;

(32) repealed 7/1/2015;

(33) Port Caldera: waters within 500 yards of the unnamed stream located immediately south of Point Lomas at 55° 22.42′ N. lat., 133° 10.57′ W. long.;

(34) repealed 7/1/2015.

(e) District 4: Manhattan Arm: waters east of 133° 10′ W. long.

(f) District 5:

(1) Affleck Canal:

(A) Bear Harbor: waters north of a line from 56° 13.42′ N. lat., 134° 05.75′ W. long. to 56° 13.83′ N. lat., 134° 05.08′ W. long.;

(B) waters of Kell Bay west of 134° 08.25′ W. long.;

(C) waters north of 56° 16.33′ W. long.;

(D) small unnamed bay on the east side: waters east of 134° 01.92′ W. long.;

(2) Alvin Bay: waters west of 133° 53.42′ W. long.;

(3) Barrie (Kushehin) Creek: waters east of a line from 56° 27.83′ N. lat., 133° 40.08′ W. long. to Trouble Island at 56° 28.75′ N. lat., 133° 40.75′ W. long. to 56° 28′ N. lat., 133° 39.92′ W. long.;

(4) Calder Bay: waters north of 56° 11.20′ N. lat.;

(5) El Capitan Passage: waters east of a line extending north from 56° 08.88′ N. lat., 133° 27.62′ W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of 133° 38.50′ W. long.;

(7) Keku Strait: waters north of 56° 32′ N. lat. (north end of Monte Carlo Island), including the waters of Seclusion Harbor and south of a line from Point Camden to Salt Point Light;

(8) Port Beauclerc:

(A) waters north of 56° 20′ N. lat.;

(B) waters of the southern arm south of 56° 17′ N. lat.;

(C) waters of the unnamed cove 0.7 miles west of the northern tip of Edwards Island between 56° 18.33′ N. lat., 133° 58.50′ W. long. and 56° 19.25′ N. lat., 133° 58.33′ W. long.;

(9) Reid Bay: waters west of 133° 53.92′ W. long.;

(10) Shipley Bay: waters east of 133° 33.42′ W. long.
(g) District 6:

(1) Barnes Lake at the head of Lake Bay: waters inside of Stevenson Island south of 56° 03.05’ N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Butterworth Island;

(3) Exchange Cove: waters south of a line from 56° 13.12’ N. lat., 133° 03.70’ W. long. to 56° 12.90’ N. lat., 133° 03.42’ W. long;

(4) Kah Sheets Bay: waters west of a line from 56° 31.47’ N. lat., 133° 05.20’ W. long. to 56° 29.77’ N. lat., 133° 07.20’ W. long.;

(5) Lake Bay: waters west of a line from Keg Point to 56° 01.70’ N. lat., 132° 54.37’ W. long.;

(6) McHenry Inlet: waters east of 132° 25’ W. long.;

(7) Mosman Inlet: waters north of 56° 05.33’ N. lat.;

(8) Navy Creek: waters east of a line from 56° 03.50’ N. lat., 132° 27.90’ W. long. to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to 56° 04.60’ N. lat., 132° 27.48’ W. long.;

(9) Ratz Harbor: waters south and west of a line from 55° 53.13’ N. lat., 132° 35.62’ W. long. to 55° 53.27’ N. lat., 132° 35.78’ W. long.;

(10) Red Bay: waters south of the latitude of Pine Point;

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from 56° 04.33’ N. lat., 132° 36.50’ W. long. to 56° 04.40’ N. lat., 132° 36.05’ W. long.;

(12) Salmon Bay: waters within a line extending from 56° 17.40’ N. lat., 133° 08.23’ W. long. to Rookery Island to 56° 19.10’ N. lat., 133° 09.70’ W. long.;

(13) Steamer Bay: waters south of the latitude of Point Harrington;

(14) Totem Bay: waters north and east of a line from Totem Point to the southern tip of Shingle Island to Mitchell Point;

(15) Whale Pass: waters at the southern entrance west of 132° 59.10’ W. long. and at the northern entrance west of the longitude of the northernmost tip of Thome Island (133° 03.40’ W. long.);

(16) Wrangell Narrows: waters north of the tip of Point Alexander:

(A) Blind Slough: waters east of a line from the tip of Anchor Point to the tip of Blind Point;

(B) Petersburg Creek: waters west of a line from 56° 48.25’ N. lat., 132° 59.55’ W. long. to the tip of Bayou Point.

(h) District 7:

(1) Anita Bay: waters west of a line from the tip of Anita Point to 56° 15.30’ N. lat., 132° 22.93’ W. long.;

(2) Blake Channel and Eastern Passage: waters north of 56° 12’ N. lat. and east of a line from the tip of Babbler Point to 56° 27.80’ N. lat., 132° 16.63’ W. long. on Hour Point;
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(3) Bradfield Canal: waters east of 131° 55.50′ W. long.;

(4) Canoe Pass: waters north of 56° N. lat.;

(5) Emerald Bay: waters within 1,000 yards of the stream terminus from 55° 53.70′ N. lat., 132° 02.70′ W. long. to 55° 52.93′ N. lat., 132° 03′ W. long.;

(6) Fisherman’s Chuck: waters west of 132° 12′ W. long.;

(7) Fool’s Inlet: waters north of 56° 12.50′ N. lat.;

(8) Menefee Inlet: waters north of 56° 05′ N. lat.;

(9) Olive Cove: waters south of a line from 56° 11.55′ N. lat., 132° 19.10′ W. long. to 56° 11.40′ N. lat., 132° 18.72′ W. long.;

(10) Santa Anna Inlet: waters south of the latitude of the tip of Point Santa Anna;

(11) Thom’s Place, Zimovia Strait: waters north of 56° 09.63′ N. lat.;

(12) Union Bay: waters south of a line from 55° 44.80′ N. lat., 132° 14.12′ W. long. to 55° 45.57′ N. lat., 132° 11.13′ W. long.;

(13) Vixen Inlet: waters east of the longitude of the westernmost tip of Sunshine Island;

(14) Zimovia Strait: waters north of the latitude of Thom’s Point.

(i) District 8:

(1) Blind Slough: waters north of a line from 56° 30.75′ N. lat., 132° 43.30′ W. long. to 56° 31.92′ N. lat., 132° 40.53′ W. long.;

(2) Five Mile Creek: waters south of the latitude and west of the longitude of Sukoi Island Light;

(3) Stikine River:

(A) waters east of a line from Indian Point to Point Rothsay, from the first Monday in May through the first Saturday in August;

(B) and after the first Saturday in August, waters inside a line from Babbler Point to Hour Point along the shore of Wrangell Island to Point Highfield to the southern end of Liesnoi Island to the southern end of Greys Island to the small island near the eastern entrance of Blind Slough to the nearest point of Mitkof Island to the prominent point of Mitkof Island nearest Coney Island to the northern end of Coney Island to a point 500 yards north of Jap Creek on the mainland shore;

(4) Babbler Point: waters within one-quarter mile of the mainland shoreline south and east of 56° 30.47′ N. lat., from the first Monday in May through the second Saturday in June;

(5) Wrangell Harbor: waters within one-quarter mile of the shoreline on the western side of Wrangell Island, south of the latitude of Point Highfield and north of the latitude of Cemetery Point, from the first Monday in May through the second Saturday in June;

(6) Woronkoski Point (The Nose): waters of Stikine Strait within one-quarter mile of the Woronkoski Island shoreline west of the longitude of the navigational marker at Woronkoski Point and north of the latitude of Ancon Point Light, from the first Monday
in May through the second Saturday in June for the entirety of a drift gillnet fishing period when the drift gillnet salmon fishery is open for more than 48 hours;

(7) Woodpecker Cove: waters of Sumner Strait north of a line from 56° 30.03′ N. lat, 132° 53.94′ W. long. to Point Howe to the southeasternmost tip of Station Island at 56° 29.56′ N. lat., 132° 46.27′ W. long. and west of a line from Station Island Light to a point on Mitkof Island at 56° 30.40′ N. lat., 132° 44.94′ W. long., from the first Monday in May through the second Saturday in June, for the entirety of a drift gillnet fishing period when the drift gillnet salmon fishery is open for more than 48 hours;

(8) Bear Creek (Eastern Mitkof Island): waters of Frederick Sound south of 56° 42.91′ N. lat., and west of 132° 41.38′ W. long., from the first Monday in May through the second Saturday in June;

(9) Beacon Point/Point Frederick: waters of Frederick Sound west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline to Sukoi Island Light to Point Frederick, from the first Monday in May through the second Saturday in June.

(j) District 9:

(1) Bay of Pillars: waters east of 134° 11.67′ W. long.;

(2) Deep Cove: waters west of 134° 43.63′ W. long.;

(3) Eliza Harbor: waters north of 57° 14.30′ N. lat.;

(4) Gedney Harbor: waters east of 134° 14.67′ W. long.;

(5) Gut Bay: waters west of 134° 43.47′ W. long.;

(6) Hamilton Bay: waters south of the latitude of Point Hamilton;

(7) Kadake Bay: waters south of a line from 56° 48.75′ N. lat., 133° 58′ W. long. to 56° 48.38′ N. lat., 133° 56.47′ W. long.;

(8) Little Pybus Bay: waters north of 57° 14.83′ N. lat.;

(9) Murder Cove: waters north of 57° 01.75′ N. lat.;

(10) Patterson Bay: waters north of 56° 36.73′ N. lat.;

(11) Port Camden: waters south of 56° 41.67′ N. lat.;

(12) Port Malmesbury: waters east of a line from 56° 18.92′ N. lat., 134° 10.75′ W. long. to 56° 19.60′ N. lat., 134° 11.28′ W. long.;

(13) Port Walter and Little Port Walter: waters west of a line from 56° 23.25′ N. lat., 134° 38.08′ W. long. to 56° 23.70′ N. lat., 134° 38.25′ W. long.;

(14) Red Bluff Bay: waters west of 134° 45.47′ W. long.;

(15) Rowan Bay: waters north and east of a line from 56° 40.47′ N. lat., 134° 15.13′ W. long. to 56° 39.88′ N. lat., 134° 13.13′ W. long.;

(16) Saginaw Bay: waters south and east of a line from 56° 51.78′ N. lat., 134° 11.23′ W. long. to the southwesternmost tip of an unnamed island at 56° 52.75′ N. lat., 134° 09.63′ W. long. and east of a line from the northwesternmost tip of the same unnamed island to 56° 53.28′ N. lat., 134° 10′ W. long.;

(17) Security Bay: waters south of the latitude of Expedition Point;
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(18) Tebenkof Bay:
   (A) Elena Bay: waters north and east of a line from 56° 29.93′ N. lat., 134° 06.47′ W. long. to Elena Point;
   (B) Petrof Bay: waters south of 56° 22.33′ N. lat.;
   (C) Thetis Bay: waters south of 56° 23.37′ N. lat.

(k) District 10:
   (1) Dry Bay: waters inside of a line from 57° 03.53′ N. lat., 133° 01.92′ W. long.
       to 57° 02.82′ N. lat., 133° 01.75′ W. long. to 57° 02.95′ N. lat., 133° 00.17′ W. long.;
   (2) Farragut Bay: waters of Francis Anchorage north of 57° 08.75′ N. lat.;
   (3) Gambier Bay:
       (A) waters west of 134° W. long.;
       (B) waters of Snug Cove south of a line from Scald Point to the northwest tip of Pain Island;
   (4) Hobart Bay: waters east of 133° 23.67′ W. long.;
   (5) Port Houghton:
       (A) waters within lines projected south and east from the southern tip of Walter Island;
       (B) waters east of 133° 11′ W. long.;
   (6) Pybus Bay: waters of Cannery Cove and West Arm inside a line running from
       57° 18.40′ N. lat., 134° 07.92′ W. long. to an unnamed island at 57° 07.25′ N. lat., 134° 07.25′ W. long.
       and then to a point at 57° 07.25′ N. lat., 134° 06.33′ W. long.;
   (7) Windham Bay: waters east of 133° 27.17′ W. long., one-fourth mile west of the narrows.

(l) District 11:
   (1) Limestone Inlet: waters east of a line from 58° 01.72′ N. lat., 133° 59.43′ W. long.
       to 58° 02.03′ N. lat., 133° 59.59′ W. long.;
   (2) Port Snettisham:
       (A) Speel River: waters north of the latitude of the old pulp mill wharf at 58° 07′ N. lat.;
       (B) Gilbert Bay: waters east of the longitude of Sentinel Point;
   (3) Seymour Canal:
       (A) Mole Harbor: waters inside a line from the tip of Flaw Point to a point at
           57° 39.67′ N. lat., 134° 01.50′ W. long.;
       (B) Pleasant Bay: waters inside a line from 57° 38.83′ N. lat., 133° 59.70′ W. long.
           to a point at 57° 38.47′ N. lat., 133° 57.42′ W. long.;
   (4) Slocum Inlet: waters east of a line from 58° 08.35′ N. lat., 134° 04.33′ W. long.
       to 58° 07.78′ N. lat., 134° 04.09′ W. long.;
   (5) Taku Harbor: waters east of a line from the tip of Stockade Point to 58° 03.68′ N. lat., 134° 01.98′ W. long.;

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(6) Taku Inlet: waters north of a line from the Annex Creek Power House to a point at 58° 17.50′ N. lat., 134° 01′ W. long.

(m) District 12:

(1) waters within two miles of the Chichagof Island shoreline south of 57° 41.65′ N. lat. and north of 57° 37.91′ N. lat., including the waters of Basket Bay;

(2) Chaik Bay: waters east of 134° 30.45′ W. long.;

(3) False Bay: waters west of a line from 57° 58.55′ N. lat., 134° 55.08′ W. long. to 57° 57′ N. lat., 134° 55.38′ W. long.;

(4) Freshwater Bay: waters inside a line from a point at 57° 53.14′ N. lat., 135° 07.58′ W. long. to 57° 54.75′ N. lat., 135° 05.96′ W. long.;

(5) Funter Bay: waters inside the longitude of the tip of Clear Point;

(6) Hawk Inlet: waters east and north of a line from Point Marsden to a point one nautical mile northwest of Point Marsden at 58° 04.33′ N. lat., 134° 49.25′ W. long. then to Hawk Point;

(7) Hood Bay: waters east of 134° 24.50′ W. long.;

(8) Howard Bay: waters inside the latitude of the tip of Point Howard;

(9) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 56.98′ W. long.;

(10) waters within two miles of the Admiralty Island shoreline south of the latitude of Parker Point at 57° 36.73′ N. lat. and north of the latitude of Point Samuel at 58° 28.25′ N. lat., including the waters of Kootznahoo Inlet;

(11) Tenakee Inlet:

(A) waters west of 135° 27.58′ W. long.;

(B) waters of Saltery Bay south of a line from a point at 57° 47.33′ N. lat., 135° 22.39′ W. long. to a point at 57° 46.60′ N. lat., 135° 22.38′ W. long.;

(C) waters of Kadashan Bay, Corner Bay, and Crab Bay south of a line from a point at 57° 45.00′ N. lat., 135° 19.50′ W. long. to a point at 57° 46.60′ N. lat., 135° 06.69′ W. long.;

(D) waters of Trap Bay south of a line from a point at 57° 45.30′ N. lat., 135° 20.51′ W. long. to a point at 57° 45.49′ N. lat., 134° 59.09′ W. long.;

(12) Warm Springs Bay: waters west of 134° 46.63′ W. long.;

(13) Whitewater Bay: waters within a line from Point Caution to 50° 15.62′ N. lat., 134° 36.42′ W. long.;

(14) Wilson Cove: waters east of the longitude of Point Wilson;

(15) Wukuklook Creek: waters west of a line from a point at 57° 55.25′ N. lat., 134° 55.75′ W. long. to Flints Point at 57° 54.33′ N. lat., 134° 57.50′ W. long.

(n) District 13:

(1) Big Branch Bay: waters north and east of a line from 56° 19.45′ N. lat., 134° 50.50′ W. long. to 56° 19.30′ N. lat., 134° 50.13′ W. long.;

(2) Black Bay: waters north and east of a line from 57° 42.62′ N. lat., 136° 09.33′ W. long. to 57° 42.38′ N. lat., 136° 09.17′ W. long.
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(3) Deep Bay: waters west of a line from 57° 26.87′ N. lat., 135° 37.33′ W. long., to 57° 26.53′ N. lat., 135° 37.77′ W. long.;

(4) Fick Cove: waters south and west of a line from 57° 37.85′ N. lat., 135° 39.63′ W. long., to 57° 38.42′ N. lat., 135° 40.65′ W. long.;

(5) Fish Bay: waters east of 135° 35.17′ W. long.;

(6) Goulding Harbor: waters north of a line from 57° 46.30′ N. lat., 136° 15.08′ W. long., to 57° 46.37′ N. lat., 136° 15.45′ W. long.;

(7) Hanus Bay: waters south of a line from 57° 25.48′ N. lat., 134° 59′ W. long., to 57° 25.30′ N. lat., 135° 03.67′ W. long.;

(8) Hoonah Sound: waters west and north of a line from 57° 44.20′ N. lat., 135° 43.67′ W. long., to 57° 43.75′ N. lat., 135° 44.67′ W. long.;

(9) Katlian Bay: waters north and east of a line from 57° 09.50′ N. lat., 135° 22.58′ W. long., to 57° 09.12′ N. lat., 135° 21.92′ W. long.;

(10) Lisianski Inlet:

(A) waters south of a line from 57° 56.77′ N. lat., 136° 14.17′ W. long., to 57° 57.25′ N. lat., 136° 12.88′ W. long.;

(B) waters north of a line from Ewe Ledge to Dace Rock during inseason coho salmon troll closures under 5 AAC 29;

(11) Nakwasina Passage: north and east of a line from 57° 14.20′ N. lat., 135° 29.92′ W. long., to 57° 14.88′ N. lat., 135° 30.47′ W. long.;

(12) Nakwasina Sound: waters north and east of a line from 57° 11.70′ N. lat., 135° 23.50′ W. long., to 57° 12.20′ N. lat., 135° 24.62′ W. long.;

(13) Patterson Bay: waters west of a line from 57° 40.38′ N. lat., 135° 42.70′ W. long., to 57° 39.58′ N. lat., 135° 42.30′ W. long.;

(14) Port Banks: waters south and east of a line from 56° 36.12′ N. lat., 135° 00.33′ W. long., to 56° 35.92′ N. lat., 135° 01.17′ W. long.;

(15) Redfish Bay: waters north and west of a line from 56° 20.68′ N. lat., 134° 51.52′ W. long., to 56° 20.82′ N. lat., 134° 51.08′ W. long.;

(16) Redoubt Bay: waters east of 135° 18.88′ W. long.;

(17) Rodman Bay: waters west and south of a line from 57° 28.33′ N. lat., 135° 21′ W. long., to 57° 28.83′ N. lat., 135° 21.67′ W. long.;

(18) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.08′ N. lat., 136° 30.37′ W. long., to 57° 55.42′ N. lat., 136° 31′ W. long.;

(19) Saook Bay: waters west and south of a line at 57° 26.25′ N. lat., 135° 11.67′ W. long., to 57° 26.67′ N. lat., 135° 12.25′ W. long.;

(20) Sister Lake: waters inside a line from 57° 37.70′ N. lat., 136° 00.50′ W. long., to 57° 38.08′ N. lat., 136° 00.67′ W. long.;

(21) Sitkoh Bay: waters west of a line from 57° 29.28′ N. lat., 134° 53.67′ W. long., to 57° 29.60′ N. lat., 134° 53.50′ W. long.;

(22) Stag Bay: waters east of 136° 21.42′ W. long.;
(23) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.78′ N. lat., 135° 22.75′ W. long. to 57° 08.42′ N. lat., 135° 22.50′ W. long.;

(24) Still Harbor: waters south and east of a line from 56° 33.25′ N. lat., 135° 02.67′ W. long. to 56° 33.63′ N. lat., 135° 02.42′ W. long.;

(25) Ushk Bay: waters west of 135° 35′ W. long.;

(26) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27′ N. lat., 135° 56.17′ W. long. to 57° 30.88′ N. lat., 135° 55′ W. long.

(o) District 14:

(1) Dundas Bay: waters north of 58° 20′ N. lat.;

(2) Excursion Inlet: waters north of a line from a point at 58° 26.92′ N. lat., 135° 28.75′ W. long. to a point at 58° 26.92′ N. lat., 135° 27.42′ W. long.;

(3) Homeshore Creek at 58° 16.25′ N. lat., 135° 20.75′ W. long: waters within 500 yards of the terminus;

(4) Idaho Inlet: waters south of 58° 08.30′ N. lat.;

(5) Port Althorp and Salt Chuck Bay: waters east of 136° 18′ W. long.;

(6) Port Frederick: waters south of a line from Inner Point Sophia Light to the northwesternmost tip of Halibut Island then bearing 323° to Chichagof Island;

(7) Mud Bay: waters south of the latitude of Quartz Point;

(8) Spasski Bay: waters from Neck Point to Spasski Island to a point at 58° 05.68′ N. lat., 135° 13.45′ W. long.;

(9) Whitestone Harbor: waters within a line from 58° 04.27′ N. lat., 134° 07.71′ W. long. to 58° 03.59′ N. lat., 135° 04.24′ W. long.

(p) District 15:

(1) Chilkat Inlet: waters north of the latitude of Letnikof Light at 59° 10.31′ N. lat.;

(2) Lutak Inlet: waters northwest of a line between Tanani Point at 59° 16.39′ N. lat., 135° 26.46′ W. long. and Taiya Point at 59° 17.27′ N. lat., 135° 24.12′ W. long.;

(3) St. James Bay: waters north of a line from Point Whidbey at 58° 34.65′ N. lat., 135° 08.69′ W. long. to St. James Point at 58° 33.75′ N. lat., 135° 09.75′ W. long.;

(4) Taiya Inlet: waters north of the latitude of Taiya Point at 59° 17.27′ N. lat.

5 AAC 33.359. Section 6-D Pink Salmon Management Plan. (a) The department may open those portions of Section 6-D described in 5 AAC 33.310(c)(2)(B) to drift gillnet fishing during the period of time that is after the first Saturday in August and before the first Sunday in September as described in this section.

(b) If a purse seine fishery is announced to be opened or is opened in the portion of Section 6-D described in 5 AAC 33.310(c)(2)(B) for any portion of one day, the drift gillnet fishery may open in the same portion of Section 6-D, as follows:

(1) the drift gillnet fishery will open during the weekly open drift gillnet fishing period immediately following the purse seine fishery closure;

(2) the drift gillnet fishery will close at 11:59 p.m. the day before the next sched-
uled purse seine fishery opening or at the conclusion of the weekly open drift gillnet fishing period, whichever occurs first.

(c) The provisions of this section do not apply after December 31, 2017.

5 AAC 33.360. District 1 Pink Salmon Management Plan. On and after the third Sunday in July in District 1, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent salmon fishing by drift gillnets in Section 1-B, the following time formula applies:

1. when the purse seine fishery is open for any portion of one day during a fishing week, the drift gillnet fishery must be open for 48 hours during the same fishing week;
2. when the purse seine fishery is open for any portion of two days during a fishing week, the drift gillnet fishery must be open for 96 hours during the same fishing week;
3. when the purse seine fishery is open for any portion of three or more days during a fishing week, the drift gillnet fishery must be open for 120 hours during the same fishing week.

5 AAC 33.361. United States-Canada Salmon Management Plan. (a) The department shall manage the recreational, troll, purse seine and gillnet salmon fisheries in the Southeastern Alaska and Yakutat Areas in accordance with the conservation and harvest goals, and the understandings, of the United States-Canada Pacific Salmon Treaty.

(b) – (e) Repealed 6/25/89.

5 AAC 33.363. Management guidelines for allocating Southeast Alaska pink, chum, and sockeye salmon between commercial net fisheries. (a) Present management of state-financed hatchery and enhanced stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(b) Similarly, present management of wild stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(c) As a general matter, the harvest of fish stocks will be managed primarily for the benefit of the user groups within the district to which those stocks are bound. The board recognizes that biological, social, and economic factors and the current regulatory structure may result in the need to harvest such stocks outside the district for which they are bound.

(d) The board recognizes that stock fluctuations will result in differential harvests of stocks bound for other districts. The board will not consider such changes in harvests as a basis for regulatory changes not based purely on conservation concerns. If conservation concerns necessitate a change in management, these changes will be reversed when, if, and to the degree, that, there is no longer a conservation concern.

(e) In applying this policy to mixed stock cape and corridor fisheries, deviation from the current management should not be allowed except to access harvestable surpluses of significant stocks that will otherwise go unharvested. Harvest of these stocks must be conducted in a manner that minimizes the incidental take of other species and that does not jeopardize the conservation of any stock. The board recognizes that it may need to establish the allowable number or percentage of incidental catch in these highly mixed stock areas in order to ensure that the department is not forced into making allocation decisions.

(f) As a general proposition, private nonprofit hatchery stocks supported by fishermen assessments will be managed to
(1) maximize harvest in the common property fisheries consistent with wild stock conservation concerns and the facility’s management plan; and
(2) give primary emphasis to the facility’s plan for allocation within the common property fisheries within the special harvest area.

(g) Southeast Alaska salmon fisheries have been impacted by the U.S./Canada Pacific Salmon Treaty. The future extent of those impacts will continue to depend on fish availability and long term implementation of the treaty. Over time, the board will evaluate the impact of the treaty in light of the effects as they occur and may provide allocative relief consistent with this policy.

(h) Consistent with management guidelines for allocating pink, sockeye, and chum salmon between the commercial net fisheries, the following allocations between the purse seine and gillnet fleets have historically occurred for the period 1960–1988, based on the total catches of the Southeast Area net fisheries minus the Annette Island Reserve catches, and will be considered by the board in future allocation decisions:

1. pink salmon: 95 percent purse seine and five percent gillnet;
2. sockeye salmon: 51 percent purse seine and 49 percent gillnet;
3. chum salmon: 73 percent purse seine and 27 percent gillnet.

(i) It is the intent of the board that if conditions require that salmon management for the net fisheries in the Southeastern Alaska Area be significantly altered, the actions will not disrupt the allocation balance that has taken place over time and as described in the management guidelines in this section, and that the burden of conservation for the net fisheries not be significantly altered.

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan. (a) The purpose of the management plan contained in this section is to provide a fair and reasonable distribution of the harvest of salmon from enhancement projects among the seine, troll, and drift gillnet commercial fisheries, and to reduce conflicts among these users, in the Southeastern Alaska Area. The Board of Fisheries establishes the following value allocations:

1. seine – 44 percent – 49 percent;
2. hand and power troll – 27 percent – 32 percent;
3. drift gillnet – 24 percent – 29 percent.

(b) The department shall evaluate the annual harvest of salmon stocks from enhancement projects to determine whether the distribution of the value of enhanced salmon taken in the seine, troll, and drift gillnet fisheries in the Southeastern Alaska Area is consistent with the allocations established in (a) of this section. The evaluation of allocation percentages shall be based on five-year increments, beginning with 1985. The value of the enhanced salmon harvested each year shall be determined by the department based on data from the Commercial Fisheries Entry Commission.

(c) If the value of the harvest of enhanced salmon stocks by a gear group listed in (a) of this section is outside of its allocation percentage for three consecutive years, the board will, in its discretion, adjust fisheries within special harvest areas to bring the gear group within its allocation percentage.

(d) The department may not make inseason adjustments or changes in management in
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or out of the special harvest areas to achieve the allocation percentages established in (a) of this section.

5 AAC 33.366. Northern Southeast seine salmon fishery management plans. (a) During July, the department may allow the operation of purse seines in District 12 north of Point Marsden to harvest pink salmon migrating northward in Chatham Strait only as follows:

(1) the department may open only those portions of the area in which a harvestable abundance of pink salmon is observed; open areas and times must consider conservation concerns for all species in the area;

(2) the department shall close the seine fishery in District 12 north of Point Marsden during July after 15,000 wild sockeye salmon are taken, as described in this paragraph; during the openings, the department will use aerial flyovers, on-the-ground sampling, interviews, and fish tickets to estimate the sockeye salmon harvest north of Point Marsden in District 12 and in the Amalga Harbor Special Harvest Area in District 11; hatchery-produced sockeye salmon will not count against the 15,000 sockeye salmon harvest limit; the wild sockeye salmon harvest that will count against the 15,000 sockeye salmon limit under this paragraph is as follows:

(A) all wild sockeye salmon harvested by seine vessels that the department identifies as fishing north of Point Marsden in District 12 during any July fishing period when other areas are open concurrently; and

(B) through the 2017 season, up to 2,000 wild sockeye salmon harvested in common property fisheries in the Amalga Harbor Special Harvest Area in District 11 when the entire common property harvest area is open.

(b) Salmon may be taken during emergency order openings for chum salmon in Excursion Inlet only in waters of Section 14-C north of the latitude of the northern tip of the Porpoise Islands. The commissioner may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation.

(c) The department may allow the operation of purse seines in District 12 south of Point Marsden. Before opening fishing areas and times under this subsection, the department must consider conservation concerns for all salmon species in the area, and

(1) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Point Hepburn at 57º 56.21′ N. lat. and north of the latitude of Fishery Point at 57º 47.36′ N. lat. may not open before July 17;

(2) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Fishery Point at 57º 47.36′ N. lat. and north of the latitude of Parker Point at 57º 36.73′ N. lat. may not open before July 21.

5 AAC 33.368. District 8 King Salmon Management Plan. The purpose of the management plan in this section is to provide for abundance-based management of king salmon, reduce the conflicts between commercial and sport fishermen, and reduce the incidental harvest of steelhead.

(b) District 8 will open on the second Monday in June, except that from the first Monday in May through the third Monday in June the commissioner may, by emergency order, open drift gillnet fishing in the waters of District 8.

(c) Fishing periods established under this section will begin at 8:00 a.m. and may not exceed four days a week before the second Monday in June. The commissioner may not
establish fishing periods under this section to occur

(1) on a weekend day;
(2) on a state or federal holiday; and
(3) after 8:00 a.m. on Wednesday during the week before the Memorial Day weekend.

(d) In 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.

5 AAC 33.369. District 1: Herring Bay Terminal Harvest Area Salmon Management Plan. (a) The management plan in this section allows for a harvest of Whitman Lake hatchery-produced king salmon by the troll, personal use, and sport fisheries.

(b) The Herring Bay Troll Terminal Harvest Area is open for commercial salmon trolling from July 1 through August 30, unless closed earlier by emergency order. The Herring Bay Troll Terminal Harvest Area consists of those waters of Revillagigedo Channel north and west of a line from the easternmost tip of Carroll Point across to Spire Island light on the eastern shore of Annette Island, Carroll Inlet south of the latitude of the southernmost tip of California Head, George Inlet south of 55° 20.80′ N. lat., and south of a line from a point located on the southeastern shore of Gravina Island at 55° 17.65′ N. lat., 131° 37.03′ W. long., to a point on the southwest shore of Tongass Narrows at 55° 18.63′ N. lat., 131° 35.20′ W. long., and east of a line from the southernmost tip of Gravina Point located on the southeast shore of Gravina Island to then northernmost tip of Walden Point located on the northeast tip of Annette Island.

(c) The Herring Bay Personal Use Terminal Harvest area is open for personal use fishing during the times that the Herring Bay Troll Terminal Harvest Area is open for commercial salmon troll gear under (b) of this section. The Herring Bay Personal Use Terminal Harvest Area consists of those waters of Herring Cove west of a line running from the southern entrance of Hole-In-The-Wall harbor to an unnamed creek one-eighth of a mile north of Whitman Creek (signed and red painted rocks) to the fresh/saltwater boundary signs (signed and green painted rocks) located at the mouth of Herring Cove Creek. The following conditions apply to a personal use salmon fishing permit issued under 5 AAC 77.682 for the Herring Bay Personal Use Terminal Harvest Area:

(1) salmon may be taken for personal use only by drift gillnets;
(2) a drift gillnet may be 10 fathoms or less in length; a gillnet may not be anchored or attached to a boat; a gillnet may be any mesh size; and
(3) the daily bag and possession limit for king salmon is 50 fish, unless specified by emergency order; any incidental harvest of other finfish species shall be listed on the personal use salmon fishing permit.

(d) The Herring Bay Sportfish Terminal Harvest Area is open for sport fishing from June 1 through July 31. The Herring Bay Sportfish Terminal Harvest Area consists of those waters of Nichols Pass north of the latitude of Driest Point, Revillagigedo Channel north of the latitude of Harbor Point, and Tongass Narrows south of the latitude of the Lewis Reef light. The following conditions apply to sport fishing in the Herring Bay Sportfish Terminal Harvest Area:

(1) the bag and possession limit is six king salmon, with no size limit; the bag and possession limit for king salmon may be reduced by emergency order to assure adequate
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return of hatchery broodstock;

(2) king salmon harvested in the terminal harvest area do not count toward the nonresident annual limit.

5 AAC 33.370. District 1: Neets Bay Hatchery Salmon Management Plan. (a) The intent of the Board of Fisheries in adopting this management plan is to distribute the harvest of hatchery-produced fall chum and coho salmon in Neets Bay between the purse seine, troll, and drift gillnet fleets. In addition to that goal, the board and the public would like to have a fishery in Neets Bay that produces a quality product that will allow the Southern Southeast Regional Aquaculture Association (SSRAA) to meet its corporation escapement goal with the least number of fish and provide the highest possible price to the fishermen.

(b) The department, in consultation with SSRAA, shall manage Neets Bay east of the longitude of the easternmost tip of Bug Island to the closed waters area at the head of the bay to distribute the harvest of Neets Bay hatchery-produced salmon between the purse seine, troll, and drift gillnet fleets by setting the fishing times for those fleets as follows:

(1) salmon may be taken by troll gear only during periods established by emergency order;

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order as follows:

(A) openings for seines and gillnets must be rotated between net gear groups with a closure of at least 24 hours between openings; after July 4, the first opening will start with the gear group furthest below the gear group’s enhanced allocation under 5 AAC 33.364, based on the most recent five-year rolling average data available;

(B) a gillnet opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration, except that after June 20 the time ratio for gillnet openings to seine openings is one to one;

(3) repealed 6/25/89;

(4) repealed 6/25/89;

(5) from the second Sunday in June through August 1, the area described in (b) of this section shall be expanded to Neets Bay east of the longitude of Chin Point to the closed waters area at the head of the bay.

(c) A drift gillnet operated in the harvest area may not exceed 200 fathoms in length.

(d) Personal use and sport fishing will be allowed in the harvest area whenever SSRAA is not harvesting salmon for its corporation escapement goal and so long as the personal use and sport fishery do not jeopardize the attainment of that goal.

(e) Gear for the personal use fishery is drift gillnets with a maximum length of 50 fathoms. The annual bag and possession limit is 25 salmon.

(f) Waters of Neets Bay east of a line between ADF&G regulatory markers located approximately one mile from the head of the bay are closed to commercial, sport, and personal use salmon fishing from June 15 through November 15.

5 AAC 33.372. District 1: Nakat Inlet Terminal Harvest Area Salmon Management Plan. (a) This management plan provides for the terminal area common property harvest of hatchery-produced coho and chum salmon in the Nakat Inlet Terminal Harvest Area and distributes the harvest between troll and drift gillnet fleets.
(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet north of Surprise Point at 54° 49.10′ N. lat. and west of 130° 42.75′ W. long. from June 1 through November 10 to distribute the harvest of hatchery-produced coho and chum salmon. Fishing will be open continuously to troll gear and drift gillnet gear from June 1 through November 10, unless closed earlier by emergency order.

(c) All waters within 500 yards of the terminus of Nakat Lake Creek (101-11-39) are closed to the taking of salmon.

(d) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(e) Salmon may be taken in the special harvest area under sport and personal use fishing regulations at any time. A personal use permit issued under 5 AAC 77.682 must include the following conditions:

1. salmon may be taken for personal use only by drift gillnets;
2. a drift gillnet operated for personal use may not exceed 50 fathoms in length; and
3. the annual bag and possession limit for personal use is 25 salmon.

5 AAC 33.374. District 12: Hidden Falls Hatchery Terminal Harvest Area Salmon Management Plan. (a) The Hidden Falls Terminal Harvest Area for chum, king, and coho salmon consists of the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83′ N. lat., excluding the waters of Kelp Bay.

(b) Purse seine and troll openings will be managed by emergency order to harvest king and chum salmon returning to the Hidden Falls Hatchery in excess of broodstock and cost recovery needs.

(c) From April 15 through June 30, chum and king salmon may be taken by troll and purse seine gear as follows:

1. purse seine openings will be limited to a maximum of two fishing days per week in the terminal harvest area in order to harvest surplus chum salmon;
2. if Sunday openings or mid-week openings do not occur, in order to achieve broodstock and cost recovery goals, the troll fishery for the harvest of chum salmon will be closed; if more than seven days remain before the July 1 general troll fishery opening, troll fisheries for king salmon may continue; however, chum salmon caught must be released immediately and may not be retained or sold;
3. before June 30, the waters of Kasnyku Bay west of a line from North Point to the westernmost tip of Round Island and north of the latitude of the westernmost tip of Round Island may be closed to purse seine fishing in order to provide troll gear access to king salmon.

(d) Beginning July 1, king and chum salmon may be harvested by troll and purse seine gear as follows:

1. during troll and purse seine fishery openings, areas within the terminal harvest area may be closed to protect chum and king salmon broodstock or to provide for cost recovery;
(2) to limit the troll gear harvest of chum salmon in the terminal harvest area, the number of chum salmon on board a troll vessel or recorded on a fish ticket may not exceed the number of king salmon on board the troll vessel or recorded on a fish ticket.

(e) The Hidden Falls Terminal Harvest Area will be open to the retention of coho salmon by troll gear from June 1 through September 20, unless closed by emergency order. During a season when the general summer troll season is extended in District 12, the season in the Hidden Falls Terminal Harvest Area will also be extended. During the mid-August troll fishery closure, the Hidden Falls Terminal Harvest Area will be open. The open area will be restricted to an area within one mile from shore south of 57° 15.00′ N. lat., north of 57° 10.00′ N. lat., and west of a line from 57° 15.00′ N. lat., 134° 48.60′ W. long. to 57° 10.00′ N. lat., 134° 46.40′ W. long.

(f) Instead of allowing the harvest of hatchery chum salmon for cost recovery by the hatchery permit holder, the commissioner may, after consultation with the hatchery operator, by emergency order, open a joint common property and cost recovery special assessment fishery for chum salmon as specified in AS 16.10.455 from June 15 through July 31 to occur only in the waters of Section 12-A south of 57° 27.00′ N. lat., north of 57° 01.00′ N. lat., and west of a line from 57° 27.00′ N. lat. 134° 45.50′ W. long. to 57° 01.00 N. lat., 134° 41.50′ W. long.

(g) The waters of the Hidden Falls Terminal Area that are north and west of a line from ADF&G regulatory markers located at 57° 13.17′ N. lat., 134° 51.86′ W. long. to 57° 13.08′ N. lat., 134° 52.02′ W. long. and north of a line from 57° 13.05′ N. lat., 134° 52.24′ W. long. to 57° 13.06′ N. lat., 134° 52.20′ W. long. are closed to commercial salmon fishing, other than hatchery cost recovery fishing.

5 AAC 33.375. District 13: Silver Bay (Medvejie Creek Hatchery) Salmon Management Plan. (a) The commissioner shall open and close, by emergency order, salmon fishing seasons and periods in waters of Silver Bay east of a line from Entry Point Light at 57° 01.98′ N. lat., 135° 15.00′ W. long., to Silver Point at 57° 00.82′ N. lat., 135° 18.10′ W. long., to ensure chum salmon broodstock escapement to the Medvejie Creek Hatchery and to allow for the common property fisheries to harvest excess salmon, including king salmon, by troll gear before July 31.

(b) The waters of Bear Cove are closed to commercial salmon troll gear east of a line from a point on the south shore at 57° 00.77′ N. lat., 135° 09.08′ W. long. to the north shore at 57° 00.94′ N. lat., 135° 09.23′ W. long.

5 AAC 33.376. District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan. (a) The intent of this management plan is to distribute the harvest of hatchery-produced salmon in the area described in (b) of this section between the purse seine, drift gillnet, and troll fleets.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall open and close, by emergency order, fishing seasons and periods to manage the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point west of Pirates Cove at 56° 59.35′ N. lat., 135° 22.63′ W. long., to the westernmost tip of Long Island, to the easternmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the westernmost tip of Berry Island, to the southernmost tip of Berry Island, to the westernmost tip of the southernmost island in the Kutchuma Island group, to the easternmost tip of the southernmost island in the Kutchuma Island group, to the westernmost tip of an unnamed island at 57° 00.30′ N. lat., 135° 17.67′ W. long., to a point on the southern side of the unnamed island at 57° 00.08′ N.
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lat., 135° 16.78′ W. long., and then to a point on the Baranof Island Shore at 56° 59.93′ N. lat., 135° 16.53′ W. long., as follows:

(1) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order, as follows:

(A) openings for seines and gillnets must be rotated between net gear groups; the department, in consultation with NSRAA, shall close fishing between openings;

(B) except as specified in (C) of this paragraph, the time ratio for gillnet openings to seine openings is two to one;

(C) for the 2015–2017 seasons, from the third Sunday in June through statistical week 30, the time ratio for gillnet openings to seine openings is one to one, except that during the 2016 and 2017 seasons if the postseason preliminary enhanced salmon harvest value data from the previous season indicates the seine gear group is within that group's enhanced salmon allocation percentage range, based on the five-year rolling average as described in 5 AAC 33.364, the time ratio for gillnet openings to seine openings is two to one for the entire season;

(2) salmon may be taken by troll gear when the waters described in this subsection are closed to commercial net gear;

(3) the commissioner shall close the seasons in the waters described in this subsection to trolling during hatchery cost recovery periods;

(4) before July 1, in order to protect local sockeye salmon stocks, the commissioner may, by emergency order, close the fishing season and immediately reopen the fishing season during which the minimum mesh size of a gillnet in the drift gillnet fishery is six inches.

(c) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(d) The waters described in (b) of this section, west of 135° 20.75′ W. long., will be closed to purse seine and drift gillnet gear beginning with the first emergency order of the season through the third Saturday in June.

5 AAC 33.377. District 2: Kendrick Bay Terminal Harvest Area Salmon Management Plan. (a) The management plan in this section allows for a harvest of hatchery-produced chum salmon in the Kendrick Bay Terminal Harvest Area by the purse seine and troll fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the Kendrick Bay Terminal Harvest Area from June 15 through September 30 to provide for the harvest of hatchery-produced chum salmon by purse seine and troll gear, unless closed earlier by emergency order. The Kendrick Bay Terminal Harvest Area consists of the waters of Kendrick Bay west of 131° 59′ W. long. and the waters of McLean Arm west of 131° 57.80′ W. long.

(c) The commissioner, by emergency order, shall close the area described in (b) of this section to personal use and sport fishing if those fisheries are jeopardizing the attainment of the hatchery's chum salmon escapement goal.

(d) The department shall include the following conditions in a personal use salmon fishing permit issued under 5 AAC 77.682 for the area described in (b) of this section:

(1) salmon may be taken for personal use only by drift gillnets;
(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length; and

(3) the annual bag and possession limit for personal use is 25 salmon.

5 AAC 33.378. District 11: Snettisham Hatchery Salmon Management Plan. The department shall manage the enhanced sockeye salmon production and returns from Port Snettisham to meet the following objectives, in order of priority:

(1) sustain the production of wild sockeye salmon from Cresent Lake and Speel Lake;

(2) manage the enhanced Snettisham sockeye returns in a manner that does not prevent the achievement of escapement goals or the Pacific Salmon Treaty harvest sharing agreements for the Taku River salmon stocks;

(3) conduct annual assessment programs during the harvest to estimate Snettisham wild sockeye salmon stock escapements and the contributions of enhanced sockeye salmon to the commercial fisheries in District 11;

(4) conduct the common property harvest in the special harvest area by limiting time and area through emergency order authority to protect the wild sockeye salmon runs.

5 AAC 33.381. District 6: Wrangell Narrows—Blind Slough Terminal Harvest Area Management Plan. (a) This management plan distributes the harvest of Crystal Lake Hatchery king and coho salmon returns to the terminal waters of Wrangell Narrows in Section 6-A south of 56° 46′ N. lat. and north and east of the northern tip of Woewodski Island at at 56° 36′ N. lat., 132° 59′ W. long. and the fresh waters of Blind Slough upstream of a line between Blind Point and Anchor Point, among fisheries while protecting hatchery broodstock.

(b) The harvest of Crystal Lake Hatchery king salmon in the terminal harvest area will be distributed between the sport and commercial fisheries as follows when the projected adult return of king salmon to the terminal harvest is

(1) below 1,000 fish, sport and commercial salmon fisheries in the terminal harvest area will be closed from June 1 through July 31;

(2) at least 1,000, but less than 2,000 fish, the commissioner shall open, by emergency order, the season for the terminal waters of Wrangell Narrows to sport fishing for king salmon, with a daily bag and possession limit of two king salmon 28 inches or greater in length and two king salmon less than 28 inches in length, from June 1 through July 31 during which time the terminal harvest area commercial salmon fishery in Wrangell Narrows and the sport fishery in Blind Slough will be closed;

(3) at least 2,000, but less than 4,000 fish, the commissioner shall open, by emergency order, the season for the terminal harvest area to sport fishing for king salmon, with a daily bag and possession limit of two king salmon 28 inches or greater in length and two king salmon less than 28 inches in length, from June 1 through July 31 during which time the commercial salmon fishery in the terminal waters of Wrangell Narrows will be closed;

(4) more than 4,000 fish, the commissioner shall open, by emergency order, the season for the terminal waters of Wrangell Narrows and Blind Slough to sport fishing for king salmon during which time a daily bag and possession limit may be more than two king salmon 28 inches or greater in length and more than two king salmon less than 28 inches in length from June 1 through July 31 during which time the commercial fishery in the terminal waters of Wrangell Narrows will be opened to harvest 50 percent of the projected return.
over 4,000 fish.

(c) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the return of coho salmon to

(1) assure adequate returns of hatchery brood stock;

(2) provide the sport fishery priority over the commercial harvest; although the sport fishery has historically taken only 20 percent of the returning harvest, it may exceed 20 percent over time;

(3) provide the personal use fishery priority over the commercial harvest; although the personal use fishery has historically taken only five percent of the returning harvest, it may exceed five percent over time;

(4) provide fishing periods for coho salmon to allow a commercial harvest of up to 75 percent of the returning coho salmon based on the department’s determination that such harvest is consistent with the priority of satisfying the sport and personal use fisheries’ demand.

(d) Due to harvest objectives in the terminal harvest area, the waters of Frederick Sound east of a line from Boulder Point to Point Highland are closed to commercial salmon fishing from April 16 through May 31, except that if there is an allowable catch for Stikine River king salmon, the commissioner may open fishing periods in the waters of Frederick Sound east of a line from Beacon Point to Wood Point as specified in 5 AAC 33.368.

5 AAC 33.383. District 7: Anita Bay Terminal Harvest Area Salmon Management Plan.

(a) The Anita Bay Terminal Harvest Area consists of the waters of Anita Bay south and west of a line from the tip of Anita Point to 56° 14.26’ N. lat., 132° 23.92’ W. long.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the common property fisheries to harvest excess salmon returning to the Anita Bay Terminal Harvest Area. The Terminal Harvest Area will be opened and closed under this subsection to the harvest of salmon as follows:

(1) the waters within one-quarter mile of the northern shoreline of Anita Bay west of a line from 56° 12.31’ N. lat., 132° 26.22’ W. long. to 56° 12.06’ N. lat., 132° 29.58’ W. long., and east of a line from 56° 11.96’ N. lat., 132° 29.36’ W. long., will be open from June 15 through July 10;

(2) the waters south and west of the waters specified in (1) of this subsection, will be closed as follows:

(A) from June 15 through June 25, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.22’ W. long. will be closed to the harvest of salmon;

(B) from June 26 through July 1, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.98’ W. long. will be closed to the harvest of salmon;

(C) from July 2 through July 10, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 28.00’ W. long. will be closed to the harvest of salmon;

(3) the waters within the Anita Bay Terminal Harvest not described in (1) and (2) of this subsection will be open for the entire season.

(c) This management plan distributes the harvest of hatchery-produced king, coho, and chum salmon among the purse seine, troll, and gillnet fisheries when there are excess fish not being harvested by the hatchery operator.
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(d) The department shall manage the Anita Bay Terminal Harvest Area from May 1 through November 10 to distribute the harvest of excess hatchery-produced king, coho, and chum salmon as follows:

(1) salmon may be taken by troll gear at any time;

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order;

(3) except as specified in (4) and (5) of this subsection, in establishing emergency order season openings for the purse seine and drift gillnet fisheries, the department shall rotate openings between these gear groups and shall provide for a time ratio for gillnet openings to seine openings of two to one;

(4) for the 2015 fishing season, the department will establish emergency order season openings for the purse seine and drift gillnet fisheries, as follows:

(A) from May 1 until 12:00 noon June 12 and from September 1 through November 10, seine and gillnet gear will be open to fishing concurrently;

(B) from 12:00 noon June 12 through statistical week 30, the time ratio for gillnet openings to seine openings is one to one;

(C) from the beginning of statistical week 31 through August 31, the time ratio for gillnet openings to seine openings is two to one;

(5) for the 2016 and 2017 fishing seasons, the department will establish emergency order season openings for the purse seine and drift gillnet fisheries, as follows:

(A) from May 1 until 12:00 noon June 12 and from September 1 through November 10, seine and gillnet gear will be open to fishing concurrently;

(B) from 12:00 noon June 12 through August 31, if the postseason preliminary enhanced salmon harvest value data from the previous season indicates the seine gear group, based on the five-year rolling average as described in 5 AAC 33.364,

(i) is within the seine gear group’s enhanced salmon allocation percentage range, the time ratio for gillnet openings to seine openings is two to one, from 12:00 noon June 12 through August 31;

(ii) is below the seine gear group’s enhanced salmon allocation percentage range, the time ratio for gillnet openings to seine openings is one to one from 12:00 noon June 12 through statistical week 30 and the time ratio for gillnet openings to seine openings is two to one from the beginning of statistical week 31 through August 31.

(e) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(f) Salmon may be taken in the terminal harvest area under sport and personal use fishing regulations at any time. A personal use permit issued under 5 AAC 77.682 for the Anita Bay Terminal Harvest Area shall include the following conditions:

(1) salmon may be taken for personal use only by drift gillnet;

(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length;

(3) the annual bag and possession limit for personal use is 25 salmon.
5 AAC 33.384. Lynn Canal and Chilkat River King Salmon Fishery Management Plan. (a) The purpose of the management plan in this section is to provide for the biological spawning escapement requirements of king salmon to the Chilkat River. It is the intent of the Board of Fisheries (board) that Chilkat River king salmon be harvested in the fisheries that have historically harvested them. The board, through this management plan, recognizes that the commercial drift gillnet fishery in Chilkat Inlet, and the subsistence fisheries in Chilkat Inlet and the Chilkat River, are directed primarily toward sockeye salmon but incidentally catch king salmon. A secondary goal of this management plan is to provide a reasonable opportunity to harvest sockeye salmon in the Chilkat Inlet and Chilkat River subsistence fisheries while minimizing the incidental harvest of king salmon. This management plan provides the department guidelines to preclude allocation conflicts between the various user groups of this resource. The department shall manage the Chilkat River king salmon stocks in a conservative manner consistent with sustained yield principles.

(b) The subsistence net fisheries in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker located directly north of the Letnikof Cove boat ramp are closed through July 15. The subsistence net fisheries in the Chilkat River, excluding that portion of the river from Haines Highway mile 19 upstream to Well's Bridge, are closed from the third week of June through the fourth week of July.

(c) The department shall manage the commercial and sport fisheries in Lynn Canal to achieve an inriver run goal of 1,850 – 3,600 king salmon in the Chilkat River upstream of the department fish wheels located approximately adjacent to Haines Highway mile 9. The inriver run goal includes the following:

(1) a biological escapement goal of 1,750 – 3,500 three ocean age and older king salmon to the Chilkat River; and

(2) the incidental harvest of king salmon in the Chilkat River subsistence sockeye fishery.

(d) The department will evaluate the inriver run of king salmon based on the following:

(1) primarily, a preseason projected run of Chilkat River king salmon to Lynn Canal; and

(2) secondarily, inseason fisheries performance and inriver stock assessment programs.

(e) The department shall manage the commercial drift gillnet and troll fisheries in Lynn Canal and the sport king salmon fishery in Chilkat Inlet, as follows:

(1) the commercial troll fishery in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point is closed through July 14;

(2) if the projected inriver run of king salmon to the Chilkat River is less than 1,850 three ocean age and older fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the third and fourth
week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fifth week of the season specified in 5 AAC 33.310(c); and

(B) close sport fishing for king salmon

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through June 30;

(ii) in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp, through July 15; and

(iii) in the remainder of Chilkat Inlet north of Seduction Point, from July 1 through July 15;

(C) establish a sport bag and possession limit of one king salmon, 28 inches or greater in length;

(3) if the projected inriver run of king salmon to the Chilkat River is 1,850 – 3,600 fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the third week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fourth week of the season specified in 5 AAC 33.310(c); and

(B) close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(4) if the projected inriver run return of king salmon to the Chilkat River is greater than 3,600 fish,

(A) the commissioner shall, by emergency order, close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first week of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the second week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the third week of the season specified in 5 AAC 33.310(c); and

(B) the commissioner shall, by emergency order, close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;
(C) the commissioner may, by emergency order, increase the bag and possession limits for king salmon in the waters of Chilkat Inlet north of Seduction Point.

5 AAC 33.385. Mist Cove Terminal Harvest Area Salmon Management Plan. (a) The Mist Cove Terminal Harvest Area for coho salmon using troll gear is established adjacent to and exclusive of the Mist Cove Special Harvest Area specified in 5 AAC 40.042(a)(8). The Mist Cove Terminal Harvest Area consists of the waters that are outside of the Mist Cove Special Harvest Area and north of the latitude of 56° 28.00’ N. lat., west of a line from 56° 28.00’ N. lat., 134° 37.00’ W. long. to Patterson Point Light to a point on the Baranof Island shore at 56° 32.52’ N. lat., 134° 40.18’ W. long. and east of the longitude of 134° 41.00’ W. long. in Deep Cove.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the harvest of excess salmon returning to the Mist Cove Terminal Harvest Area.

(c) The Mist Cove Special Harvest Area consisting of all waters south and west of a line from 56° 31.70’ N. lat., 134° 39.97’ W. long. to 56° 31.27’ N. lat., 134° 39.85’ W. long. is closed to commercial fishing, other than hatchery cost recovery fishing, from 12:01 a.m. July 31 until 11:59 p.m. September 30, and the waters south of a line from ADF&G regulatory markers located at 56° 31.07’ N. lat., 134° 40.20’ W. long. to 56° 31.07’ N. lat., 134° 40.12’ W. long. are closed to commercial salmon fishing, other than hatchery cost recovery fishing.

5 AAC 33.386. District 15: Boat Harbor Terminal Harvest Area Management Plan. (a) This management plan provides for the harvest of hatchery-produced chum salmon in the Boat Harbor Terminal Harvest Area for the Southeastern Alaska drift gillnet fleet in Section 15-C. The Boat Harbor Terminal Harvest Area includes those waters within two nautical miles of the western shoreline of Lynn Canal from the latitude of Lance Point at 58° 43.95’ N. lat. south to the latitude of a point located approximately 2.4 miles north of Point Whidbey at 58° 37.05’ N. lat.

(b) The department will, in consultation with Douglas Island Pink and Chum, manage the waters of the Boat Harbor Terminal Harvest Area to harvest hatchery-produced chum salmon from the third Sunday in June through September 15, as follows:

(1) unless modified by an emergency order, fishing will be open continuously within the Boat Harbor Terminal Harvest Area in the waters of Boat Harbor west of 135° 09.57’ W. long.;

(2) the remainder of the Boat Harbor Terminal Harvest Area will be managed by emergency order to provide access to hatchery-produced chum salmon after managing for the adequate escapement of wild salmon stocks.

5 AAC 33.387. District 9: Southeast Cove Terminal Harvest Area Management Plan. (a) The purpose of the management plan in this section is to distribute the harvest of hatchery-produced salmon in the Southeast Cove Terminal Harvest Area.

(b) The Southeast Cove Terminal Harvest Area consists of the waters of Keku Strait enclosed by a line from a rocky point on the northern end of Kuiu Island located on the east side of Southeast Cove at 56° 52.95’ N. lat., 134° 01.33’ W. long. to the northwest corner of Hound Island at 56° 53.12’ N. lat., 133° 56.77’ W. long., then northwest connecting points along the northern shore of Keku Islands at 56° 53.98’ N. lat., 133° 57.58’ W. long. to 56° 54.90’ N. lat., 133° 59.53’ W. long. to 56° 55.93’ N. lat., 134° 00.97’ W. long. to 56° 55.95’
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N. lat., 134° 02.15′ W. long. to 56° 55.22′ N. lat., 134° 02.53′ W. long. to 56° 56.37′ N. lat., 134° 08.75′ W. long., then to the northwest corner of Payne Island at 56° 57.45′ N. lat., 134° 09.25′ W. long.

(c) From the third Sunday in June through the first Saturday in August, the commissioner, in consultation with the hatchery operator may open and close, by emergency order, fishing seasons and periods to harvest hatchery-produced salmon returning to the Southeast Cove Terminal Harvest Area in excess of broodstock and cost recovery needs.

(d) The management plan in this section distributes the harvest of hatchery-produced chum salmon among the purse seine and troll fisheries when there are excess fish not being harvested by the hatchery operator.

(e) The department shall manage the Southeast Cove Terminal Harvest Area to distribute the harvest of excess hatchery-produced chum salmon as follows:

1. the gear group that is furthest from that gear group’s allocation of enhanced salmon will begin with the first rotation;

2. purse seine openings will be limited to a maximum of two fishing days per week in the terminal harvest area in order to harvest surplus chum salmon;

3. troll openings will be limited to a maximum of five fishing days per week in the terminal harvest area in order to harvest surplus chum salmon.

5 AAC 33.390. Optimal escapement goal for sockeye salmon in Hugh Smith Lake in District 1 of the Southeastern Alaska Area. The Board of Fisheries (board) recognizes the uncertainty in the stock assessment data used to develop the Hugh Smith Lake sockeye salmon biological escapement goal, the contribution of rehabilitation efforts in rebuilding the Hugh Smith Lake sockeye salmon stock, and the value and importance of commercial fisheries in southern Southeastern Alaska that incidentally harvest small numbers of Hugh Smith Lake sockeye salmon. The board hereby adopts an optimal escapement goal of 8,000 – 18,000 sockeye salmon for Hugh Smith Lake that includes spawning salmon of wild and hatchery origin.

5 AAC 33.392. Size limits and landing of king salmon. (a) Unless otherwise specified, king salmon taken and retained must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethal arch to the tip of the tail. Undersized king salmon which are taken must be returned to the water without injury. A person may not mutilate or otherwise disfigure king salmon in any manner that prevents determining the minimum size set out in this subsection.

(b) A CFEC purse seine salmon permit holder may take but may not sell king salmon between the sizes of greater than 21 inches from tip of snout to tip of tail (in its natural open position) and less than the legal length size limit specified in (a) of this section. King salmon taken in the purse seine fishery that are less than the legal size limit will not be counted against the king harvest quota.

(c) The size limits specified in this section do not apply to the gillnet fisheries.

(d) The heads of all adipose-fin-clipped king salmon must remain attached to the fish until sold.

5 AAC 33.393. Landing of coho salmon. The heads of all adipose-fin-clipped coho salmon must remain attached to the fish until sold.
5 AAC 33.394. Landing of steelhead. (a) In a purse seine fishery, a CFEC purse seine salmon permit holder may take but may not sell steelhead trout.

(b) In a drift gillnet fishery, a CFEC gillnet salmon permit holder may take but may not sell steelhead.

5 AAC 33.398. Use of unmanned aircraft unlawful. In the Southeastern Alaska Area, during an open commercial salmon fishing period, a person may not use an unmanned aircraft to locate salmon for the commercial taking of salmon or to direct commercial salmon fishing operations.
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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 applies 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:

(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
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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 the 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.

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 or 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 39.112. Use of net pens and other holding devices. A net pen or other hold-
ing device may be used to hold live salmon or herring before processing only under the conditions specified in a commissioner’s permit.

**5 AAC 39.115. Designation of salmon net registration area.** A person who holds salmon net gear permits for more than one registration area listed in 5 AAC 39.120(d) shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to salmon net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit.

**5 AAC 39.117. Vessel length; bulbous bow.** (a) Notwithstanding any other provision in 5 AAC 01 – 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel.

**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 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.

**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;
2. "in compliance with all regulations governing registration" includes vessel registration under the laws of the state.

(b) A person who holds a resident v...
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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

(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.

(d) Salmon net gear registration areas are as follows:

<table>
<thead>
<tr>
<th>CODE</th>
<th>LETTER</th>
<th>AREA</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>A</td>
<td>Southeastern Alaska Area (5 AAC 33.100)</td>
</tr>
<tr>
<td>D</td>
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<td>Yakutat Area (5 AAC 30.100)</td>
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<tr>
<td>E</td>
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<td>Prince William Sound Area (5 AAC 24.100) and the Yakataga District of the Yakutat Area (5 AAC 30.200(a))</td>
</tr>
<tr>
<td>F</td>
<td>F</td>
<td>Atka–Amlia Islands Area (5 AAC 11.101)</td>
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<td>H</td>
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<td>Cook Inlet Area (5 AAC 21.100)</td>
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<td>K</td>
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<td>Kodiak Area (5 AAC 18.100)</td>
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<td>L</td>
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<td>Chignik Area (5 AAC 15.100)</td>
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<tr>
<td>M</td>
<td>M</td>
<td>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</td>
</tr>
<tr>
<td>T</td>
<td>T</td>
<td>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))</td>
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<td>W</td>
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<td>Kuskokwim Area (5 AAC 07.100)</td>
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<td>X</td>
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<td>Arctic–Kotzebue Area (5 AAC 03.100)</td>
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<td>Y</td>
<td>Y</td>
<td>Yukon Area (5 AAC 05.100)</td>
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<tr>
<td>Z</td>
<td>Z</td>
<td>Norton Sound–Port Clarence Area (5 AAC 04.100)</td>
</tr>
</tbody>
</table>

(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.

5 AAC 39.123. Late registration. (a) To qualify for an extension of a registration or permit deadline set out in 5 AAC 01 – 5 AAC 39, a person must show that the person had
demonstrated an intent to harvest fish before the deadline. An "intent to harvest fish" may be demonstrated by

(1) renewing or applying for, before the deadline, a CFEC permit which is effective in the fishery and area for which extension is being requested;

(2) participation during the previous season in the fishery in the requested area, unless entry into the fishery is limited and the person did not own a permit for that season;

(3) purchasing or showing intent to purchase a vessel, permit, or fishing gear for the fishery before the deadline;

(4) showing intent to start, starting, or completion of vessel or gear repair or maintenance for the fishery before the deadline; or

(5) any other written documentation, such as loan applications, agreements with fish buyers, license applications, or other writings, which indicate the necessary intent to participate in the fishery before the deadline.

(b) In addition to (a) of this section, a person must demonstrate that failure to apply before the deadline was a result of excusable neglect. "Excusable neglect" may be demonstrated by

(1) loss of registration or permit form in the mail, or other documentation which may demonstrate excusable carelessness or inattention on the part of authorized agents or other third parties;

(2) receipt of incorrect information from a department official, which is substantiated by the appropriate official;

(3) illness or injury of the individual or a member of his family that was serious enough to prevent him from meeting the deadline;

(4) required government or military service; or

(5) written documentation that will substantiate other unavoidable circumstances that prevented meeting the deadline.

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.

Editor’s note: For the purposes of 5 AAC 39.128, the designated phone number to report to the department is (907) 247-2334. Before Register 183, October 2007, the substance of 5 AAC 39.128 appeared in 5 AAC 39.130(k).

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 the first purchaser of raw fish, catches and processes fish or byproducts of fish, catches and has fish or byproducts of fish processed by another person or company, or catches and exports fish or byproducts of fish or is a catcher-seller shall submit to the department a completed intent to operate application on a form provided by the department or available online. 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) In addition to the requirements of (a) of this section, an individual, company, firm, or other organization or a catcher-seller described in (a) of this section that intends to use the eLandings Electronic Reporting System for the current year may access the system by completing and submitting an online operator documentation and user agreement form on the Interagency eLandings Electronic Reporting System's website.

(c) An individual, company, firm, or other organization and a catcher-seller 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 or 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 must be finalized and submitted to a local representative of the department not later than seven days after delivery or a partial delivery, or as otherwise specified by the department, for each particular area and fishery, including a fish ticket generated and printed from the eLandings Electronic Reporting System. The operator of a fishing vessel that has fished in the waters of Alaska 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 form or an ADF&G fish ticket to the department before the fish are transported out of the jurisdiction of this state. At the time of delivery or a partial delivery, or as otherwise directed by the department, fish tickets must include the following information:

(1) the name of the

(A) individual, company, firm, or other organization that is the first purchaser of raw fish;
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(B) catcher-seller;
(C) catcher-exporter; or
(D) catcher-processor;

(2) the assigned processor code imprinted on the fish ticket from the code plate issued by the department, the assigned 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 unprocessed fish to a fisheries business, the fisheries business that purchases the fish from the catcher-seller must imprint the fish ticket, or electronically capture the information on the eLandings Electronic Reporting System, with the processor code of the fisheries business that purchases the fish; in this paragraph, "fisheries business" has the meaning given in AS 43.75.290;

(3) the signature of the catcher-seller or the individual or a company representative of the first purchaser, catcher-exporter, or catcher-processor;

(4) the full name and signature of the CFEC permit holder at the time of delivery or a partial delivery to a commercial fish transporter as specified in AS 16.05.671, including the month, day, and year of delivery;

(5) the name, or the United States Coast Guard number or Department of Transportation number, of the vessel employed in taking the fish, if applicable;

(6) the date fishing gear was deployed and the date the delivery of the fish is completed;

(7) the permanent ADF&G vessel license plate number, if applicable;

(8) the type of gear by which the fish were taken by the gear code number specified by the department;

(9) the ADF&G statistical area or areas, district or districts, and subdistrict or 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;

(10) the following information applicable to the following species:

(A) the number, pounds, delivery condition code, and disposition code, including any applicable overage code, of fish by species;

(B) the weight modifier applicable to the eLandings Electronic Reporting System, such as with ice and slime;

(C) the pounds or tons, and delivery condition code, of herring;

(D) partial deliveries of groundfish as specified in 5 AAC 28.070(f);

(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 documentation from the department or CFEC that the permit card has been damaged, lost, 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;
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(12) the number or pounds of fish of any species retained by a commercial fisherman for that person's own use;

(13) the number of licensed crewmembers, including the vessel operator on board the vessel, if applicable;

(14) the number of certified onboard observers on board the vessel, 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 or vehicle used to tender fish, if applicable;

(17) use of a dual permit and the second CFEC permit number, if required by the department;

(18) any other information that the commissioner determines is necessary.

(d) An individual may not possess a fish ticket that has been imprinted with a CFEC permit number until the time of delivery or a partial delivery.

(e) A buyer of fish harvested through a CDQ program, as described in 6 AAC 93.080, that is operating in the EEZ 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 and a catcher-seller described in (a) of this section shall furnish, verbally or in writing, purchasing, production, or other information as requested by the commissioner.

(g) Not later than April 1, a first purchaser, processor, or exporter 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 non-activity for the previous year, on a form provided by the department or available online. If applicable, the department will not authorize operations for the current year to an applicant that has not submitted all delinquent COAR reports due under this section for any previous year.

(h) A commercial fisherman shall furnish to the buyer factual information necessary for completion of reports required by the commissioner.

(i) A processor using the eLandings Electronic Reporting System must electronically submit the initial landing report at the completion of the delivery or a partial delivery, and submit to the department the final landing report and copy of the eLandings fish ticket not later than seven days after a 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 or any other reporting requirements in 50 C.F.R.
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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, as determined by the commissioner.

(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 numbers 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 transporting or shipping the fish within the state.

(n) An operator of a floating fish processing vessel 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 subdistrict, the exact latitude and longitude of the location, 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 exact latitude and longitude of the location. 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 or a fishery resource that exports out of this state the fish or fishery resource 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 catches and sells processed or unprocessed fish or fish products 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;
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(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 being processed;

(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 two CFEC permits 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 raw 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; and
       (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 an unprocessed fishery resource and sells processed or unprocessed fishery resources in or out of this state;

(13) "independent buyer" means the first purchaser of an unprocessed fishery resource for sale as unprocessed fishery resource 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 for later sale 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) "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;

(B) for an at-sea processing vessel, a period of time designated by the department, such as every seven days;

(16) "shorebased processor" means a land-based first purchaser that purchases unprocessed fishery resource and sells that resource, processed or unprocessed, in or out of this state.

Editor's note: The online form referred to in 5 AAC 39.130(a) is available on the department's website at http://www.adfg.alaska.gov/index.cfm?adfg=fishlicense.buyers.

The Interagency eLandings Electronic Reporting System's website can be accessed at https://elandings.alaska.gov/.

The department's hailed weight fish ticket form (ADFG_HWT1) is available on the department's website at http://www.adfg.alaska.gov/static/license/fishing/pdfs/hailed_weight_ft.pdf.


5 AAC 39.135. Requirements for releasing confidential information to third persons.
(a) A person requesting the release of confidential information to a third person regarding the requesting person's fishery landings shall make the request in the form of a limited power of attorney on a request form provided by the department. The department will make the request form available at its local and regional offices and its website.

(b) The person requesting the release of information under this section shall indicate on the request form the time period that the person authorizes the department to release the information that is not less than 30 days and not more than one year from the date that the person signs the form.

(c) The person requesting the release of information under this section shall complete the request form as prescribed by the department. When submitting the form in person, the person shall produce a government-issued photo identification for inspection by a department employee. If the form is being submitted by mail, the person shall first have the form notarized. If the form is being sent by facsimile, the person shall first have the form notarized, and after facsimile transmission, shall mail the original form to the department office that the facsimile was sent. The department will not release information requested under this section until it receives the original, completed request form.

Editor's note: A copy of the release form can be found on the Department of Fish and Game's, Division of Commercial Fisheries, website at www.cf.adfg.state.ak.us. A list of addresses and telephone and fax numbers for the Department of Fish and Game's local and
regional offices can be found on the Division of Commercial Fisheries website at www.cf.adfg.state.ak.us/geninfo/contacts/offices.htm. In addition, copies of the release form, and addresses, and telephone and fax numbers, may be obtained at the Department of Fish and Game, Division of Commercial Fisheries, 1255 W. 8th Street, P.O. Box 25526, Juneau, Alaska 99802-5526: Phone (907) 465-4210.

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 39.150. **Explosives, chemicals and poisons unlawful.** The use of an explosive, chemical or poison in the taking or killing of fish or shellfish is prohibited, except that chemical baits or lures may be used to attract shellfish.

5 AAC 39.155. **Seine drums unlawful.** It shall be unlawful to have mounted aboard any seine vessel a seine drum or reel around which a seine can be coiled or rolled.

5 AAC 39.170. **Monofilament purse seine web unlawful.** It is unlawful to use single- or multiple-strand monofilament purse seine web. For the purpose of this regulation, "monofilament" means any single filament having more than 50 denier, that is, weighing more than 50 grams per 9,000 meters of filament.
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5 AAC 39.175. Use of lights prohibited. It is unlawful to use artificial lights to attract salmon out of closed waters for the purpose of a commercial taking.

5 AAC 39.180. Time limit for preservation of salmon. It is unlawful to preserve for sale as food any salmon, unless it has been canned, salted, iced, frozen, brine chilled, smoked, or dried within 48 hours after being killed.

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 39.190. Driving salmon prohibited. It is unlawful to drive or attempt to drive salmon from waters closed to salmon fishing.

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; and
(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 2. Salmon Fishery.

5 AAC 39.220. Policy for the management of mixed stock salmon fisheries. (a) In applying this statewide mixed stock salmon policy for all users, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority. Allocation of salmon resources under this policy will be consistent with the subsistence preference in AS 16.05.258, and the allocation criteria set out in 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007.

(b) In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to their respective harvest on the stock of concern. The board recognized that precise sharing of conservation among fisheries is dependent on the amount of stock-specific information available.

(c) The board’s preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity.

(d) Most wild Alaska salmon stocks are fully allocated to fisheries capable of harvesting available surpluses. Consequently, the board will restrict new or expanding mixed stock fisheries unless otherwise provided for by management plans or by application of the board’s allocation criteria. Natural fluctuations in the abundance of stocks harvested in a fishery will not be the single factor that identifies a fishery as expanding or new.

(e) This policy will be implemented only by the board through regulations adopted (1) during its regular meeting cycle, or (2) through procedures established in the Joint Board’s Petition Policy (5 AAC 96.625), Subsistence Petition Policy (5 AAC 96.625(f)), Policy for
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Changing Board Agenda (5 AAC 39.999), or Subsistence Proposal Policy (5 AAC 96.615).

5 AAC 39.223. Policy for statewide salmon escapement goals. (a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska’s salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals.

(b) The board recognizes the department’s responsibility to

(1) document existing salmon escapement goals for all salmon stocks that are currently managed for an escapement goal;

(2) establish biological escapement goals (BEG) for salmon stocks for which the department can reliably enumerate salmon escapement levels, as well as total annual returns;

(3) establish sustainable escapement goals (SEG) for salmon stocks for which the department can reliably estimate escapement levels when there is not sufficient information to enumerate total annual returns and the range of escapements that are used to develop a BEG;

(4) establish sustained escapement thresholds (SET) as provided in 5 AAC 39.222 (Policy for the Management of Sustainable Salmon Fisheries);

(5) establish escapement goals for aggregates of individual spawning populations with similar productivity and vulnerability to fisheries and for salmon stocks managed as units;

(6) review an existing, or propose a new, BEG, SEG and SET on a schedule that conforms, to the extent practicable, to the board’s regular cycle of consideration of area regulatory proposals;

(7) prepare a scientific analysis with supporting data whenever a new BEG, SEG, or SET, or a modification to an existing BEG, SEG, or SET is proposed and, in its discretion, to conduct independent peer reviews of its BEG, SEG, and SET analyses;

(8) notify the public whenever a new BEG, SEG, or SET is established or an existing BEG, SEG, or SET is modified;

(9) whenever allocative impacts arise from any management actions necessary to achieve a new or modified BEG, SEG or SET, report to the board on a schedule that conforms, to the extent practicable, to the board’s regular cycle of consideration of area regulatory proposals so that it can address allocation issues.

(c) In recognition of its joint responsibilities, and in consultation with the department, the board will

(1) take regulatory actions as may be necessary to address allocation issues arising from implementation of a new or modified BEG, SEG, and SET;

(2) during its regulatory process, review a BEG, SEG or SET determined by the department and, with the assistance of the department, determine the appropriateness of establishing an optimal escapement goal (OEG); the board will provide an explanation of the reasons for establishing an OEG and provide, to the extent practicable, and with the
assistance of the department, an estimate of expected differences in yield of any salmon stock, relative to maximum sustained yield, resulting from implementation of an OEG.

(d) Unless the context requires otherwise, the terms used in this section have the same meaning given those terms in 5 AAC 39.222(f).

5 AAC 39.230. Gear. Only those gillnets, seines, troll lines, fish wheels, spears or other appliances as provided for in 5 AAC 03 – 5 AAC 39 may be used to take salmon.

5 AAC 39.240. General gear specifications and operations. (a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

(b) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

(c) A purse seine, hand purse seine or beach seine may not be fished simultaneously with gillnet gear by any individual or vessel.

(d) Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.

(e) The interim-use or entry permit card holder is responsible for the operation of the net.

5 AAC 39.250. Gillnet specifications and operations. (a) The trailing of gillnet web is prohibited at any time or place where fishing is not permitted.

(b) Set gillnets shall be removed from the water during any closed period.

(c) The gillnet web in a gillnet must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeter in diameter.

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in the Arctic–Kotzebue Area (5 AAC 03.100), the Norton Sound–Port Clarence Area (5 AAC 04.100), the Yukon Area (5 AAC 05.100), the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

5 AAC 39.260. Seine specifications and operations. (a) In the use of purse seines and hand purse seines, not more than one anchor may be used to hold the seine, lead and seine boat during a set.

(b) Repealed 3/26/76.

(c) Unless otherwise provided in 5 AAC 03 – 5 AAC 38, a purse seine is considered to have ceased fishing when all the rings are out of the water.

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

(e) A beach seine is considered to have ceased fishing when all of the lead line is above the water on the beach.

(f) Where the use of leads is permitted, a purse seine vessel may not have or use more than one lead of legal length and depth, without purse rings attached, and with a minimum mesh size of seven inches, except that a lead may have a cork line border strip not to exceed
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five meshes of less than seven-inch meshes stretch measure and a lead line chafing strip not to exceed 25 meshes less than seven-inch stretch measure.

(g) If a purse seine and a lead are operated together

(1) the lead must be attached to the purse seine;
(2) the lead may be attached to only one end of the purse seine;
(3) the lead may not be attached at any other part of the purse seine;
(4) the web of the purse seine must overlap the web of the lead by at least one fathom, or the web of the purse seine must be sewn to the end of the lead for the entire depth of the shallowest net.

(h) One end, and only one end, of a seine lead may be attached to land above the waterline. If the lead is attached to land above the waterline, no other anchor may be used on the lead, purse seine, seine vessel, or skiff. "Anchor" is defined in 5 AAC 39.105(d)(19).

(i) During the operation of a purse seine, the propulsion engines of the seine vessel, or the skiff assisting the operation, must be running and the vessel must be controlling the configuration of the purse seine.

(j) A seine vessel must be attached to one end, and only one end, of a purse seine or lead when it is in operation. Any line used to make the attachment may not be more than 10 fathoms in length.

(k) A purse seine may not be used as a lead for another purse seine.

5 AAC 39.265. Retention of salmon taken in a commercial fishery. (a) The Board of Fisheries recognizes that at times during a commercial salmon season it may be necessary to require retention of all salmon species taken in a commercial net fishery for the purpose of conservation or development of the salmon resource.

(b) In a commercial salmon net fishery, if the commissioner determines that retention of all salmon species is necessary under this section, the commissioner may, by emergency order, close a commercial salmon net fishery and immediately reopen the fishery, during which all salmon species caught must be retained, unless otherwise specified in 5 AAC 01 – 77.

5 AAC 39.280. Identification of stationary fishing gear. (a) The owner or operator of a set gillnet or fish wheel in operation shall place in a conspicuous place on or near the set gillnet or fish wheel the name of the fisherman operating it, together with the fisherman’s five-digit CFEC permit serial number. Numbers must be at least six inches in height with lines at least one inch wide and of a color contrasting with the background. The identification name and numbers for fish wheels must be placed on the side of the fish wheel facing midstream of the river.

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gillnet in operation shall have at each end of the set gillnet a red keg, buoy, or cluster of floats, or, in the case of set gillnets anchored to land, shall have a red keg, buoy, or cluster of floats at the outer end of the net. The kegs, buoys, or clusters of floats must be plainly and legibly marked with the fisherman’s five-digit CFEC permit serial number. The kegs, buoys, or clusters of floats may bear only a single number – that of the permit holder operating the gear. In the Upper Subdistrict of the Central District of the Cook Inlet Area, the operator of a set gillnet shall attach to the net a trailer buoy that floats at all times.

5 AAC 39.290. Closed waters. (a) Except as otherwise specified in this title, commercial
fishing for salmon is prohibited at all times in the waters of Alaska that are

(1) within the fresh water of streams and rivers of this state;
(2) within 500 yards of the fresh water of a stream that is a salmon stream;
(3) over the beds or channels of fresh water of streams and rivers of this state.

(b) The department may post any closed area designated in (a) of this section by appropriate markers. The department shall place such markers as close as practically possible to the distance or location specified by the applicable regulation or emergency order. However, where markers have been deployed, it is unlawful to take salmon for commercial purposes on the streamward side of the area indicated by the markers and as described in (a) of this section.

(c) Where markers as described above have been lost or destroyed or are not in place, the area closed to commercial salmon fishing is as specified by the applicable regulation or emergency order.

(d) The Ugashik, Yukon and Kuskokwim Rivers, the Yakutat Area and any other river where a legal commercial fishery now exists are the only exceptions to this closure.

(e) The points established for stream mouths listed in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes under 5 AAC 95.011 do not apply to enforcement of this section or other regulations limiting the distance that commercial fishing may occur from the fresh water of a stream that is a salmon stream.

5 AAC 39.291. Boundary markers. The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation.

Article 7. Commercial Freshwater Fishery.

5 AAC 39.734. Identification of gear. All freshwater fishing gear, while in operation, must be plainly and legibly marked with the operator’s name and permanent vessel license plate number of the vessel fishing the gear or the fishing permit number assigned by the department.

5 AAC 39.780. Permit required. (a) Whitefish, sheefish, char, trout, pike, burbot and lamprey in fresh and salt water may be taken or purchased under the authority of a permit issued by the commissioner or the commissioner’s designee. Smelt may only be taken by, or purchased from, a person who meets the requirements of AS 16.05.660 and only under the authority of a permit issued by the commissioner or the commissioner’s designee.

(b) The permit may be issued to either the fisherman or the buyer.

(c) These species, when taken incidentally in conjunction with commercial salmon fishing, are legally taken and possessed without a permit, unless otherwise provided in this title.

(d) The following stipulations apply to both the permit holder or buyer and to fishermen selling their catch to the buyer:

(1) the time and area of fishing and type and amount of fishing gear may be designated;
(2) the species to be harvested may be designated and the number of fish may be limited.
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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;

(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) – (E)

Editor’s note: A copy of the point by point definition of the baseline is available at local offices of ADF&G.

(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 ex-
tremities 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;

(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(9); 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 onboard 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. mystinus* (Blue);  
(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 *Sebastolobus*;  

(40) "weathervane scallop" means the species *Patinopecten caurinus*;  

(41) "mile" means  
(A) a nautical mile when used in reference to marine waters;  
(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
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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 °, ′," 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 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 al-
locative in nature in the absence of new information 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.
Chapter 93. Department Programs.

Article 3. Salmon Use.

5 AAC 93.310. Waste of salmon. (a) Unless authorized under 5 AAC 93.310 – 5 AAC 93.390, a person may not waste salmon intentionally, knowingly, or with reckless disregard for the consequences.

(b) Salmon is intended for a use listed in AS 16.05.831(a)(1) – (a)(3) if the salmon was taken by or is possessed by a person who has an authorization under state or federal law to take, process for sale or sell the salmon.

(c) In AS 16.05.831 and this section, the commissioner considers waste to not include (1) normal inadvertent loss of flesh associated with uses of salmon described in AS 16.05.831(a)(1) – (a)(3) or authorized in 5 AAC 93.310 – 5 AAC 93.390 where the loss cannot be prevented by practical means; or (2) failure to use or sell spoiled, diseased, or contaminated salmon flesh if the spoilage or contamination is not the result of intentional, knowing, or reckless actions; and, if the salmon could legally have been sold, the person disposing of the salmon complies with the requirements of (d) of this section.

(d) Before disposing of spoiled, diseased, or contaminated salmon that could legally have been sold, a person shall record the number of salmon in a logbook, available from the department, by date, species, and reason for disposal. By December 31 of the year of disposal, the person shall submit a completed logbook to the department.

(e) A logbook maintained, but not yet submitted under (d) of this section, shall be provided, upon request, to the department, the department’s agent, or the Department of Public Safety for inspection.

(f) Logbooks submitted under this section are public documents.

(g) In this section,

(1) "flesh" means all muscular body tissue surrounding the skeleton;

(2) "person" has the meaning given in AS 01.10.060, including joint ventures and other business entities; for purposes of this section "person" does not include the state or the federal government.

5 AAC 93.350. General authorizations for use of salmon. (a) Notwithstanding AS 16.05.831(a) and 5 AAC 93.310, and unless otherwise prohibited by law, under the authorization of this subsection a person may use salmon taken in a hatchery cost recovery fishery, or in a commercial, sport, personal use, or subsistence fishery for bait.

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

(c) Notwithstanding AS 16.05.831(a) and 5 AAC 93.310, and unless otherwise prohibited by law, under the authorization of this subsection a person may use salmon taken in a hatchery cost recovery fishery, conducted in a special harvest area, for the production of fish oil.

(d) Notwithstanding AS 16.05.831(a) and 5 AAC 93.310, a person may dispose of the carcass of a salmon from which milt or eggs are extracted under a permit issued under AS 16.10.400 – 16.10.480 for lawful use as broodstock if the permit holder first documents milt
or roe extraction and carcass disposal information, on a form provided by the department, and

(1) removes eggs that are not used for fertilization from no more than 10 percent of the permit holder's female broodstock during milt and egg extraction; or

(2) immediately notifies the department, in writing, of any extraction of eggs that will not be used for fertilization that exceed the limits established in (1) of this subsection, and immediately surrenders to the state all proceeds from the sale of eggs exceeding the limits established in (1) of this subsection.

(e) For the purposes of this section, "broodstock" has the meaning given in 5 AAC 40.990.

Chapter 96. Local Fish and Game Advisory Committees and Regional Fish and Game Councils.

Article 5. Adoption of Fish and Game Regulations.

5 AAC 96.625. Joint board petition policy. (a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190 – 44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more
reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) – (d) of this section. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.
Title 16. Fish and Game.
Chapter 05. Fish and Game Code and Definitions.

Article 1. The Department of Fish and Game.

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 the 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, Sec. 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 regulation adopted under it, may be forfeited to the state

    (1) upon conviction of the offender in a criminal proceeding of a violation of this title 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 a regulation adopted under it.

(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. Board 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 the 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 construction 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 fisheries; or
   B. persons 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 fish, 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 on-board 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 fishing 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 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 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;
SELECTED STATE STATUTES

(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 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. 16.05.253. Operation of stationary fishing gear. (a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to 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.

(b) In this section, "fishing site" means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

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. 16.05.270. 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 1977.

(d) Upon request, the commissioner shall provide a social security number provided under (a) of this section to the child support enforcement 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 the 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 (Fishery Conservation and Management Act of 1976).

(d) In this section "fishing vessel" means any vessel, boat, ship, or other craft which 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 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 enforcement agency created in AS 25.27.010, or the child support enforcement 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.


(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 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 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.** 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. 16.05.495. Vessel license exemption.** A vessel used exclusively for the commercial capture of salmon in commercial salmon administrative management areas that include state water between the latitude of Point Romanof and the latitude of Cape Newenham, and state water surrounding Nunivak Island, or at a set net site, is exempt from the licensing requirements of AS 16.05.490.

**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 it designating the year to be fished. A number plate is not transferable, and it shall be considered a permanent fixture upon the vessel upon which it is originally placed. It shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure, the 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:

<table>
<thead>
<tr>
<th>Length</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 25 feet</td>
<td>$24</td>
</tr>
<tr>
<td>over 25 feet – 50 feet</td>
<td>$60</td>
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<td>over 50 feet – 75 feet</td>
<td>$120</td>
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<tr>
<td>over 75 feet – 100 feet</td>
<td>$225</td>
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<td>over 100 feet – 125 feet</td>
<td>$300</td>
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<tr>
<td>(6) – (13) over 125 feet</td>
<td>$375 – 900</td>
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</tbody>
</table>
Sec. 16.05.660. License exemption. A person may, by complying with the $5 license requirement of AS 16.05.340(a)(6), take not more than 2,000 pounds each of tom cod, blue cod, smelt, pickerel, white fish, and spider crab a year from waters of the state.

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. 16.05.671. Transportation and sale of certain fish by an agent of the fisherman who caught the fish. (a) A person may transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish if the person holds a fish transporter permit issued by the commissioner under this section.

(b) The commissioner may issue a fish transporter permit to a natural person. A fish transporter permit authorizes the permittee to transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish. A fish transporter may not buy or possess fish received for transport unless the fish transporter also holds the appropriate licenses, permits, and other authorizations required to buy or process fish.

(c) A person who applies for a fish transporter permit under this section shall provide the person’s social security number to the department. Upon request of the child support enforcement agency created under AS 25.27.010, or a child support agency or another state, the department shall provide a social security number provided by an applicant for a fish transporter permit under this section to that agency for child support purposes authorized under law.

(d) A commercial fisherman may authorize a fish transporter to transport and sell fish on behalf of the fisherman as the agent of the fisherman. The fish transporter shall complete a fish ticket in accordance with procedures prescribed by the department for each fisherman who transfers fish to the fish transporter. The fish ticket must accompany the fish transferred to the fish transporter while the fish are in possession of the fish transporter. The fish transporter shall present the fish ticket for inspection upon request by a peace officer or representative of the commissioner. The fish transporter shall present the fish ticket to the buyer of the fish at the time of sale. The buyer of the fish shall complete the fish ticket by inserting the buyer’s information as required by the department, including the weight or count of fish purchased. The buyer shall return a copy of the fish ticket to the commercial fisherman on whose behalf the fish are sold.

(e) A commercial fisherman who transfers fish to a fish transporter to transport and sell fish on behalf of the fisherman shall provide the fish transporter with all required information that the fisherman would have to provide to the buyer of the fish if the fisherman were to personally sell the fish to the buyer. The fish transporter who sells fish as the agent of a commercial fisherman shall provide all information to the buyer of the fish that the commercial fisherman would have to provide to the buyer if the fisherman were to personally sell the fish.
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,
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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 crewmember 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 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 the 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.
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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 fisheries, 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 on board or at the fishing site at the time of
the offense, or a fine equal to $10,000, whichever is greater.


Sec. 16.05.785. Effect of failure to remove old markers. If the Board of Fisheries by
regulation uses department markers to establish waters closed to commercial fishing and the
state fails to remove old markers when new markers are posted to establish waters closed
to commercial fishing, commercial fishing is expressly permitted in the waters between the
new markers and the old markers until the old markers are removed.

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,
attraction, 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. 16.05.835. Maximum length of salmon seine and certain hair crab vessels. (a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in water of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.

(b) A vessel engaged in the Bering Sea hair crab fishery within five miles of shore may not be longer than 58 feet overall length.

(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

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 or 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 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. 16.05.925. Penalty for violations. Except as provided in AS 16.05.430, 16.05.665,
16.05.722, 16.05.723, 16.05.783, 16.05.831, 16.05.861, and 16.05.905, a person who violates AS 16.05.920 or AS 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a Class A misdemeanor.

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) "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;

(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 their 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 transport permit issued under AS 16.05.671;

(17) "fishery" means a specific administrative area in which a specific fishery
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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) classification 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 subclassification of gear such as "power" troll gear and "hand" troll gear or sport gear and guided sport gear;

(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 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;

(26) "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;

(27) "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;

(28) "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;

(29) "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;

(30) "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;

(31) "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 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;

(34) "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;

(37) "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.

Editor′s note: The definitions listed in this section are only those that pertain to fish. 
Definitions pertaining to game were intentionally left out.

Chapter 10. Fisheries and Fishing Regulations.

Article 1. Interference with Streams and Waters.

Sec. 16.10.010. Interference with salmon spawning streams and waters. (a) A person 
may not, without first applying for and obtaining a permit or license from the Department 
of Environmental Conservation,

(1) obstruct, divert, or pollute waters of the state, either fresh or salt, utilized by 
salmon in the propagation of the species, by felling trees or timber in those waters, casting, 
passing, throwing, or dumping tree limbs or foliage, underbrush, stumps, rubbish, earth, 
stones, rock, or other debris, or passing or dumping sawdust, planer shavings, or other waste 
or refuse of any kind in those waters;

(2) erect a dam, barricade, or obstruction to retard, conserve, impound, or divert
the waters described in (1) of this subsection to prevent, retard, or interfere with the free ingress or egress of salmon into those waters in the natural spawning or propagation process;

(3) render the waters described in (1) of this section inaccessible or uninhabitable for salmon for spawning or propagation.

(b) The application for the permit or license referred to in (a) of this section must set out the name and style of the person or concern, describe the waters and location, and state in particular the plans, purpose, and intention for which the application is made.

Sec. 16.10.030. Penalty for violations of AS 16.10.010 – 16.10.050. A person who violates AS 16.10.010 – 16.10.050 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than $100 nor more than $500.

Article 2. Interference with Commercial Fishing Gear.

Sec. 16.10.055. Interference with commercial fishing gear. A person who willfully 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 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.

Article 3. Fish Traps and Other Illegal Fishing Devices.

Sec. 16.10.070. Operation of fish traps. Fish traps, including but not limited to floating, pile-driven, or hand-driven fish traps, may not be operated in the state on or over state land, tideland, submerged land, or water. This section does not prevent the operation of small hand-driven fish traps of the type ordinarily used on rivers of the state that are otherwise legally operated in or above the mouth of a stream or river.

Sec. 16.10.100. Erection of fish traps prohibited on land or water owned by state. Fish traps, including but not limited to floating, pile-driven, or hand-driven fish traps, may not be erected, moored, or maintained on or over land, tideland, submerged land, or water owned or otherwise acquired by the state. This section does not prevent the maintenance, use, or operation of small, hand-driven fish traps of the type ordinarily used on rivers of the state which are otherwise legally maintained and operated in or above the mouth of a stream or river.

Sec. 16.10.110. Penalty for violations of AS 16.10.100. A person who violates AS 16.10.100 is guilty of a misdemeanor and is punishable by imprisonment for not more than one year or by a fine of not more than $5,000, or by both.

Sec. 16.10.120. Use of drum or reel in operation of purse seine. A person may not use, employ, or operate a drum or reel around which a purse seine is coiled, rolled, or looped for purposes of taking or removing fish from a body of water located on or over land or tideland owned by the state or over which the state has jurisdiction. This section does not prevent the use of power blocks or the use of a reel mounted on a seine skiff to haul in or let out the separate purse seine lead which is temporarily connected to the purse seine proper, as these terms are generally employed or used in the fishing industry.

Sec. 16.10.130. Penalty for violation of 16.10.120 or 16.10.125. A person who violates AS 16.10.120 or 16.10.125 is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than $1,000, or by both.
Article 5. Migratory Fish and Shellfish.

Sec. 16.10.200. Unlawful taking prohibited. A person taking migratory fish and migratory shellfish in high sea areas designated by the Board of Fisheries or in violation of the regulations adopted by the Board of Fisheries governing the taking of migratory fish and migratory shellfish in the designated areas may not possess, sell, offer to sell, barter, offer to barter, give, or transport in the state, including the waters of the state, migratory fish or migratory shellfish.

Sec. 16.10.210. Unlawful sale or offer prohibited. A person may not possess, purchase, offer to purchase, sell, or offer to sell in the state migratory fish or migratory shellfish taken on the high seas knowing that they were taken in violation of a regulation adopted by the Board of Fisheries governing the taking of migratory fish or migratory shellfish in certain areas designated by the Board of Fisheries or the commissioner.

Sec. 16.10.220. Penalty for violation of AS 16.10.200 and 16.10.210. A person who violates AS 16.10.200 and 16.10.210 is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both.

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 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. 16.10.268. Notice of liability. (a) The commissioner of labor and workforce development shall print posters that contain notice of the requirements of AS 16.10.265. The commissioner shall distribute the posters to fish processors, primary fish buyers, and cooperative corporations organized under AS 10.15 for the purpose of buying fish.

(b) A fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15 for the purpose of buying fish shall display in a prominent place on its business premises posters provided by the commissioner of labor under (a) of this section.

Sec. 16.10.269. Limitations. AS 16.10.265 and 16.10.267 do not apply to the purchase or sale of aquatic farm products from a holder of a permit issued under AS 16.40.100 or stock from a holder of a permit issued under AS 16.40.120.

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 of not more than one year, or by a fine of not more than $5,000, or by both.

Sec. 16.10.275. Regulations. The commissioner may adopt regulations to carry out the provisions of AS 16.10.270 – 16.10.296.

Sec. 16.10.280. Price disputes between fishermen and fish processors. In an area where a price dispute exists between at least one-third of the registered commercial fishermen for that area, as estimated by the Department of Fish and Game on the basis of information available to the department, and fish processors on the price to be paid for salmon, and no agreement has been reached up to 120 days before the opening of the salmon fishing season in that area, a representative from the Department of Labor and Workforce Development shall intervene as mediator of the dispute upon request of either party.

Sec. 16.10.294. Administrative and judicial orders. (a) – (d) Repealed by Executive Order No. 85. (1993).

(e) If the commissioner determines that a fish processor or primary fish buyer is acting in violation of AS 16.10.270 – 16.10.280, the commissioner shall give written notice prohibiting further action by the person as a fish processor or primary fish buyer. The prohibition continues until the person has submitted evidence acceptable to the commissioner showing that the violation has been corrected.

(f) A person affected by an order issued under AS 16.10.265 – 16.10.296 may seek equitable relief preventing the commissioner from enforcing the order.

(g) In an action instituted in the superior court by the commissioner or a representative of the commissioner, a person acting in the capacity of a fish processor or primary fish buyer in violation of AS 16.10.265 – 16.10.296 may be enjoined from acting as a fish processor or primary fish buyer.

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.

Article 9. Salmon Hatcheries.

Sec. 16.10.455. Cost recovery fisheries. (a) A hatchery permit holder may harvest salmon for a facility in

(1) a special harvest area through agents, or employees of or persons under contract with the permit holder as provided under a permit from the department or regulations of the Board of Fisheries; or

(2) a terminal harvest area through the common property fishery under this section.

(b) A hatchery permit holder may, by a majority vote of the membership of the hatchery permit holder's board, elect to harvest surplus salmon produced at a facility in a terminal harvest area established for that facility through the common property fishery. At the request of the hatchery permit holder and if the commissioner of fish and game determines that there are no allocative issues involved, and after reasonable consultation with affected commercial fishermen and the organizations of affected commercial fishermen, the commissioner may adopt regulations governing the harvest of surplus salmon in a terminal harvest area when the hatchery permit holder elects to harvest surplus salmon produced at a facility through a common property fishery. The regulations must specify the terms, conditions, and rules under which the common property fishery in the terminal harvest area shall be conducted, including requirements for hold inspections and reporting of harvests and sales of salmon taken in the terminal harvest area. Following adoption of regulations by the department, each year before March 10, the hatchery permit holder's board, by a majority vote of the board's membership, may determine whether the hatchery will operate under the regulations adopted under this subsection during the current calendar year, and shall notify the department if the hatchery intends to operate under the regulations adopted under this subsection. The Board of Fisheries may adopt regulations under AS 16.05.251 regarding a fisheries management plan governing operations under this subsection in a terminal harvest area, including allocation plans. Participation in the fishery must be open to all interim-use permit and entry permit holders who hold permits to operate a type of gear that may be used in the fishing district in which the terminal harvest area is located if that type of gear is authorized by regulation to be used in the terminal harvest area. An interim-use permit holder or an entry permit holder who takes salmon in a common property fishery in a terminal harvest area may sell the salmon to any fish buyer or processor who is licensed to do business in the state.

(c) As a condition of participation in a common property salmon fishery in a terminal harvest area under this section, a fisherman who participates in the fishery is subject to the payment of the assessment levied under (d) of this section on the projected value of the salmon or on the pounds of salmon harvested. The assessment is levied on the salmon that the fisherman takes in the terminal harvest area and sells to a licensed buyer. The buyer of the salmon must be licensed under AS 43.75, and the buyer shall collect the assessment on salmon taken in a terminal harvest area at the time of purchase and remit the assessment to
the Department of Revenue in accordance with regulations adopted by the Department of Revenue.

(d) The Department of Revenue may, by regulation, annually, by March 1 of each year, set the assessment levied on salmon taken in a terminal harvest area in consultation with the Department of Commerce, Community, and Economic Development, the hatchery permit holder, and representatives of affected commercial fishermen. The assessment shall provide sufficient revenue to cover debt service to the state, reasonable operating expenses, reasonable maintenance expenses, and development or maintenance of a reserve fund up to 100 percent of annual operating costs of the hatchery permit holder. In setting the assessment, the department shall consider the estimated return and harvest of salmon in the terminal harvest area, the projected price to be paid for salmon in the region, the amount of the existing reserve held by the hatchery permit holder, and the amount by which the assessment collected in previous years exceeded or fell short of the amount anticipated to be collected. The assessment may not exceed 50 percent of the value of the salmon. The department may levy the assessment as a percentage of the projected value of the salmon returning to the terminal harvest area or as a flat rate on each pound of salmon harvested in the area, to the nearest whole cent.

(e) The Department of Revenue shall deposit the assessments collected under this section in the general fund. The legislature may appropriate the funds collected under this section to the hatchery permit holder who operates a facility in the terminal harvest area in which the assessment was levied. A hatchery permit holder shall use funds appropriated under this subsection for the purposes set out under AS 16.10.450(a). The legislature may also appropriate funds collected under this section to the Department of Revenue for costs incurred by the department under this section.

(f) A person who violates a regulation adopted under (b) of this section is guilty of a violation under AS 16.05.722 or a misdemeanor under AS 16.05.723. A person who violates a regulation adopted by the Department of Revenue under (c) of this section is guilty of a class A misdemeanor.

(g) In this section,

(1) "facility" means a hatchery or salmon rehabilitation project for which a permit is issued under AS 16.10.400 – 16.10.470;

(2) "special harvest area" means an area designated by the commissioner or the Board of Fisheries where salmon returning to a hatchery may be harvested by the hatchery operators, and, in some situations, by the common property fishery;

(3) "terminal harvest area" means a harvest area, which may include a hatchery release site, established by the commissioner or the Board of Fisheries where salmon returning to a hatchery may be harvested by the common property fishery;

(4) "value" has the meaning given in AS 43.75.290.


Sec. 16.10.750. Findings and purpose. (a) The legislature finds that

(1) the salmon fishing industry is among the state’s largest industries and generates hundreds of millions of dollars and thousands of jobs each year; the salmon fishery is vitally important to commercial, subsistence, personal use, and sport fishing interests, and to the state’s developing tourist industry;
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(2) the state is committed to maintaining and enhancing its wild stocks of salmon by careful management, by initiating a 20-year rebuilding program, and by investing in the fishing industry;

(3) millions of Alaska salmon are being caught and injured by high seas fisheries that intercept salmon contrary to state, federal, or international law; the high seas interception of Alaska salmon defeats the state's management and rebuilding programs, deprives the state of a return on its investment in the fishing industry, and detrimentally affects subsistence and sport fishing uses of Alaska salmon;

(4) vessels that engage in the high seas interception of salmon can move relatively freely and undetected from region to region in the North Pacific and thus are able to harvest whatever species is most readily available or most valuable; by moving farther westward, a greater proportion of the take is Asian salmon; moving eastward results in a greater proportion of the take being Alaska salmon; although there is intermixing of Asian and North American salmon stocks, scientific evidence proves that even a minimal harvest of salmon within the migratory range of each species will contain Alaska salmon;

(5) the illegal taking of salmon detrimentally affect the Alaska fishing industry; the illegal taking of Alaska salmon is of primary concern because of the direct and immediate effect on the state; in addition, the illegal taking of Asian salmon is also of concern because depletion of those stocks will ultimately result in a shifting of high seas fishing efforts, both legal and illegal, to Alaska salmon;

(6) high seas interception of salmon occurs beyond the exclusive economic zone of the United States, or through incursion within the exclusive economic zone and the state's territorial sea, by vessels that are usually not registered in this state; moreover, these vessels are not based in Alaska and can thus avoid detection more easily than Alaska-based vessels; as a practical matter, it is extremely difficult to directly or indirectly regulate the vessels themselves; it is therefore necessary to prohibit activities within the state that give aid, comfort, and financial incentives to high seas interception of salmon.

(b) The purpose of AS 16.10.750 – 16.10.800 is to prevent resources, facilities, and expertise within the state from being available to promote or facilitate the high seas interception of salmon or the making of intercepted salmon ready for or accessible to world markets.

Sec. 16.10.760. Trafficking in intercepted salmon. (a) A person commits the offense of trafficking in intercepted salmon if the person

(1) buys, sells, trades, processes, or possesses salmon, or attempts to buy, sell, trade, process, or possess salmon, with reckless disregard that the salmon has been, or will be, obtained by high seas interception;

(2) knowingly provides financing, premises, equipment, supplies, services, power, or fuel used to buy, sell, trade, process, or possess salmon that has been, or will be, obtained by high seas interception; or

(3) acts as a broker or middleman, or otherwise acts on behalf of another party, to arrange for or negotiate, or attempts to arrange for or negotiate, the purchase, sale, trade, processing, or possession of salmon, with reckless disregard that the salmon has been, or will be, obtained by high seas interception.

(b) Trafficking in intercepted salmon is a class C felony.
Sec. 16.10.770. Falsification related to high seas interception of salmon. (a) A person commits the offense of falsification related to high seas interception of salmon if the person creates, utters, or possesses a written instrument related to salmon, or makes an assertion for the purpose of having a written instrument related to salmon created, uttered, or accepted, with reckless disregard that the salmon was obtained by high seas interception and that the written instrument or assertion conveys misleading or untrue information about the ownership, possession, processing, origin, destination, route of shipping, type, condition, or time, place, and manner of the taking of the salmon.

(b) In this section

(1) "utter" has the meaning given in AS 11.46.580(b);

(2) "written instrument" has the meaning given in AS 11.46.580(b) and includes ships' logs and papers, bills of lading and sale, documents relating to processing, shipping, and customs, and information stamped on or affixed to cans, crates, containers, freight, or a means of storage or packaging.

(c) Falsification related to high seas interception of salmon is a class C felony.

Sec. 16.10.780. Assisting a vessel a vessel in high seas interception of salmon. (a) A person commits the offense of assisting a vessel in high seas interception of salmon if, knowing that a vessel is in possession of salmon obtained by high seas interception or that the owner or operator of the vessel intends to engage in the imminent interception of salmon, the person

(1) moves persons, cargo, or other property to or from the vessel;

(2) services or repairs the vessel or its equipment;

(3) provides the vessel with power, supplies, equipment, or fuel;

(4) provides the vessel with information, other than weather reports, capable of aiding the high seas interception of salmon or frustrating or avoiding detection, including communicating the movements, intentions, or activities of state or federal law enforcement officials or other fishing vessels; or

(5) is in charge of a docking facility, harbor, or anchorage, and permits the vessel to dock or anchor, or to remain docked or anchored.

(b) It is an affirmative defense, as defined in AS 11.81.900(b), to a violation of this section, if the person honestly and reasonably believed that the assistance provided to the vessel was necessary for humanitarian or environmental purposes or to prevent a significant loss of property. An affirmative defense under this section may not be raised, unless the person provided immediate notice, by the quickest available means, to the United States Coast Guard or the Department of Public Safety indicating the type of assistance being provided and the circumstances requiring the assistance.

(c) In this section

(1) "environmental purpose" means the intent to prevent or minimize adverse ecological effects to water quality;

(2) "humanitarian purpose" means the intent to provide medical services for a sick or injured person, or to prevent the loss of human life;

(3) "owner or operator of the vessel" means a person who
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(A) has an ownership interest in the vessel;
(B) has authority to control or direct the vessel’s activities; or
(C) physically operates a vessel or its equipment.

(d) Assisting a vessel in high seas interception of salmon is a class A misdemeanor.

Sec. 16.10.790. Fines. Notwithstanding the provisions of AS 12.55.035(b) and (c), a person convicted of an offense under AS 16.10.760 – 16.10.780 may be sentenced to pay a fine not exceeding the greater of

(1) $100,000;
(2) three times the pecuniary gain realized by the person as a result of the offense; or
(3) if the person is convicted under AS 16.10.760, two times the fair market value of the salmon involved or contemplated in the commission of the offense.

Sec. 16.10.800. Definitions. In AS 16.10.750 – 16.10.800

(1) "high seas interception," "interception," or a similar terms means the unauthorized catching, taking, or harvesting of salmon for other than sport, subsistence, or personal use purposes,

(A) throughout the migratory range of each species, by a vessel not registered under the laws of this state; or

(B) beyond the territorial sea of the state by a vessel registered under the laws of the state;

(2) "knowing" or "knowingly" has the meaning given for "knowingly" in AS 11.81.900(a);

(3) "process" means affecting the condition or location of salmon, including preparation, packaging, storage, refrigeration, or transportation;

(4) "reckless disregard" has the meaning given for "recklessly" in AS 11.81.900(a);

(5) "salmon" means Pacific salmon and steelhead, and parts of Pacific salmon and steelhead, whether mature or immature, processed or unprocessed; and

(6) "unauthorized" means contrary to a statute or regulation of the United States or the state, or to a treaty or international fishery agreement, or in violation of a foreign law.

Chapter 43. Regulation of Entry Into Alaska Commercial Fisheries.


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 holder’s 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.

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.