This booklet contains regulations regarding commercial herring fisheries in the State of Alaska. This booklet covers the period July 2013 through July 2014 or until a new book is available following the 2013–2014 board meetings, whichever occurs first.

**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 emergency regulation or emergency order at any time. Supplementary changes to the regulations in this booklet will be available at offices of the Department of Fish and Game.

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- (Statewide Telecommunication Device for the Deaf) 1-800-478-3648
- (Juneau TDD) 907-465-3646
- (FAX) 907-465-6078

For information on alternative formats and questions on this publication, please contact the Regulations Program Coordinator at (907) 465-6124.

**Front Cover:** A seiner and tender at work during Sitka Sound commercial herring sac roe fishery.

Photo by and courtesy of Sherri Dressel.
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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Sean Parnell

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COMMISSIONER, ALASKA DEPARTMENT OF FISH AND GAME
Cora Campbell

DIRECTOR, DIVISION OF COMMERCIAL FISHERIES
Jeff Regnart
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**Commercial Fisheries Entry Commission**

Juneau  789-6160
CHAPTER 27. HERRING FISHERY.

Article 1. Registration Areas.

5 AAC 27.001. Application of this chapter. Unless otherwise specified, the requirements set out in this chapter apply only to commercial herring fishing. Subsistence, personal use, and sport fishing regulations that affect commercial herring fishing vessels or 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 – 5 AAC 75.

5 AAC 27.005. Registration areas established. Herring fishery registration areas with code letters are:

<table>
<thead>
<tr>
<th>Code Letter</th>
<th>Registration Area</th>
</tr>
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<tbody>
<tr>
<td>A</td>
<td>Southeastern Alaska Area (5 AAC 27.100)</td>
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<tr>
<td>D</td>
<td>Yakutat Area (5 AAC 27.200)</td>
</tr>
<tr>
<td>E</td>
<td>Prince William Sound Area (5 AAC 27.300)</td>
</tr>
<tr>
<td>H</td>
<td>Cook Inlet Area (5 AAC 27.400)</td>
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<tr>
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<td>Kodiak Area (5 AAC 27.500)</td>
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<td>L</td>
<td>Chignik Area (5 AAC 27.550)</td>
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<tr>
<td>M</td>
<td>Alaska Peninsula–Aleutian Islands Area (5 AAC 27.600)</td>
</tr>
<tr>
<td>T</td>
<td>Bristol Bay Area (5 AAC 27.800)</td>
</tr>
<tr>
<td>W</td>
<td>Kuskokwim Area (5 AAC 27.870)</td>
</tr>
<tr>
<td>Q</td>
<td>Bering Sea–Kotzebue Area (5 AAC 27.900)</td>
</tr>
</tbody>
</table>

Article 2. General Specifications.

5 AAC 27.010. Application of regulations. (a) Unless otherwise specified in this chapter, the regulations in this chapter that apply to a herring registration area also apply to the waters of the exclusive economic zone that are adjacent to the herring registration area.

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

1. application of the regulation fails to facilitate enforcement of regulations that apply to the registration area;

   2. application of the regulation fails to protect or conserve herring inhabiting territorial waters of Alaska; or

   3. the state has an insufficient interest in the herring that inhabit the waters of the adjacent exclusive economic zone to warrant extending the state’s jurisdiction to those waters.

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

5 AAC 27.030. Landing requirements. (a) Except as specified in (b) of this section, a herring fishing vessel must land all herring within the registration area in which the herring were taken.
COMMERCIAL HERRING FISHERY

(b) The vessel owner, or the owner’s agent, of a herring fishing vessel that desires to land herring in a registration area other than the one from which the herring were taken shall contact in person, or by radio or telephone, a local representative of the department for authorization before leaving the registration area in which the herring were taken and shall submit to a vessel inspection at a location specified by the representative. A vessel landing herring under an authorization granted under this subsection may not, at the time of landing its catch, have more herring on board than were present at the time of the inspection. The vessel owner, or the owner’s agent, making radio or telephone contact shall state to the representative the amount of herring on board at the time of contact. A vessel authorized to land herring in another registration area may not land in the other registration area an amount of herring that, by weight, exceeds by 10 percent, whether more or less, the amount stated at the time of the contact with the department’s local representative.

(c) The commissioner may suspend and reinstate any requirement of (b) of this section for a particular registration area if the commissioner finds that to do so would be in the public interest.

5 AAC 27.035. Closure of registration areas. (a) The commissioner shall monitor the condition of herring stocks in all registration areas by using the data and information that are practically available.

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

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

(1) the effect of overall fishing effort within the registration area;
(2) catch per unit of effort and rate of harvest;
(3) relative abundance of herring within the area in comparison with preseason expectations of the department;
(4) guideline harvest levels which may be adopted by regulation;
(5) the proportion of immature or spawned-out herring being handled or landed;
(6) general information on the condition of herring within the area;
(7) information pertaining to the maximum sustainable yield level of herring within the registration area;
(8) timeliness and accuracy of catch reporting by buyers within the registration area to the extent that such timeliness or accuracy may reasonably be expected to affect proper management; and
(9) adequacy of subsistence harvests within the registration area.

(d) The provisions of this section also apply to closures to fishing for herring of any portion of a registration area.

(e) When more than 24 hours has elapsed after the closure of a registration area, a person may not possess herring on board a commercial fishing vessel unless the person is in compliance with 5 AAC 27.030.
COMMERCIAL HERRING FISHERY

5 AAC 27.045. Discretionary openings. In any registration area or portion of a registration area, the commissioner may delay the opening beyond the earliest date specified in the regulations if the commissioner finds that the delay would effect the orderly conduct of the fishery or the conservation of the fishery resources.

5 AAC 27.050. Lawful gear for herring. (a) During an open herring fishing season in a registration area, herring may only be taken by seines, gillnets, trawls, or pounds as specified in 5 AAC 27.100 – 5 AAC 27.990. In areas in which legal gear is not specified in 5 AAC 27.100 – 5 AAC 27.990 for use during an open herring fishing season, herring may be taken by legal types of gear specified in 5 AAC 39.105(d).

(b) No net or other obstruction may be placed across the entrance to any lagoon or bay that may prevent the free passage of herring.

(c) Unless otherwise specified in this chapter, the mesh size of a herring gillnet may not be less than two and one-eighth inches or more than two and one-half inches.

(d) Gillnets may be fished with the float line and floats below the surface of the water.

(e) A person may not use a gillnet to take herring at the same time that the person is using a purse seine, hand purse seine, or beach seine to take herring.

(f) A purse seine and a hand purse seine have stopped fishing when both ends of the seine are attached to the fishing vessel. A beach seine has stopped fishing when both ends of the seine are on the beach above the water line or when all of the lead line is removed from the water.

5 AAC 27.055. Permits for herring spawn. The taking of herring spawn for commercial purposes may be conducted only under the terms of a permit issued by the commissioner or the commissioner’s designee, unless otherwise provided in 5 AAC 27.100 – 5 AAC 27.990.

5 AAC 27.059. Management guidelines for commercial herring sac roe fisheries. (a) If the department has adequate information, and if department management programs are in place, the department may manage commercial herring sac roe fisheries, to enhance the value of the landed product as follows:

(1) fishing periods may be established by emergency order in areas and during times when sampling has demonstrated, or when other factors indicate, that the herring roe content of the catch is likely to be highest;

(2) fishing periods may be established by emergency order in areas and during times when sampling has demonstrated, or when other factors indicate, that the catch is composed of the maximum average size of herring available for the stock;

(3) in a preseason management plan, the department shall specify the particular herring fisheries that are to be managed to enhance the value of the landed product.

(b) The department may modify herring sac roe fishing periods and areas to minimize the harvest of recruit-sized herring during the conduct of a sac roe fishery that targets post-recruit herring.

5 AAC 27.060. Bering Sea Herring Fishery Management Plan. (a) The department shall follow the directives of the Bering Sea Herring Management Plan, as well as the regulations that govern the individual herring fisheries, when managing the commercial herring fisheries that take place in the Bering Sea.

(b) Unless otherwise specified in this chapter, the department shall manage the fisheries
so that the exploitation rate on eastern Bering Sea herring stocks does not exceed 20 percent of the biomass of those stocks.

(c) The following thresholds are minimum biomass levels for each herring fishing district. When the department estimates, in season, that the biomass in a district is below its threshold, the department may not allow a commercial harvest of herring in that district.

<table>
<thead>
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<th>District</th>
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<td>Togiak</td>
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<td>Security Cove</td>
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<td>Goodnews Bay</td>
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<tr>
<td>Cape Avinof</td>
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</tr>
<tr>
<td>Nelson Island</td>
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</tr>
<tr>
<td>Nunivak Island</td>
<td>1,500</td>
</tr>
<tr>
<td>Cape Romanzof</td>
<td>1,500</td>
</tr>
<tr>
<td>Norton Sound</td>
<td>7,000</td>
</tr>
</tbody>
</table>

(d) The department shall manage the herring food and bait fishery that takes place in the Unimak, Akutan, and Unalaska Districts and that portion of the Umnak District east of Samalga Pass (Dutch Harbor fishery) so that it is allocated seven percent of the allowable Togiak District herring sac roe harvest determined under the provisions of the Bristol Bay Herring Management Plan (5 AAC 27.865).

(e) Repealed 4/7/90.

(f) Repealed 4/7/90.

(g) When the Togiak District is below its threshold, the Dutch Harbor fishery must be closed for that season.

(h) When any of the southwest Alaska herring stocks, from Security Cove to Port Clarence, is below its threshold identified in (c) of this section, the department shall close the Dutch Harbor food and bait herring fishery for that season. For the purpose of determining the need for this closure, the threshold level for the Nelson Island herring stock is 2,000 short tons. If the department determines it necessary to close the Dutch Harbor food and bait herring fishery under this subsection, the department shall not reallocate the herring harvest set for the Dutch Harbor food and bait herring fishery under 5 AAC 27.865(b)(7) to the Togiak sac roe herring fishery.

Article 3. Prohibitions.

5 AAC 27.090. Unlawful possession of herring or herring gear. (a) A person may not possess unprocessed herring aboard a vessel licensed as a commercial fishing vessel within any registration area unless the season is open or unless the person is acting under the authorization of 5 AAC 27.030(b). This prohibition does not apply to herring possessed for subsistence or personal bait purposes under applicable regulations.

(b) A person may not possess herring or herring gear aboard a vessel licensed as a commercial fishing vessel within any registration area if the herring are taken in violation of, or the gear is prohibited by other regulations in this chapter governing the registration
area, unless the vessel is acting under the authorization of 5 AAC 27.030(b).

(c) It is unlawful for any person to possess, purchase, sell, barter, or transport herring within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that that herring was taken or possessed in contravention of the regulations of this chapter.

**Article 4. Southeastern Alaska Area (Registration Area A).**

5 AAC 27.100. **Description of Southeastern Alaska Area.** The Southeastern Alaska Area has as its southern boundary the International Boundary at Dixon Entrance, and as its northern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

5 AAC 27.105. **Description of Southeastern Alaska Area districts.** Districts are as described in 5 AAC 33.200.

5 AAC 27.110. **Fishing seasons for Southeastern Alaska Area.** (a) Herring may be taken from October 1 through February 28 (winter food and bait fishery), only during periods established by emergency order, in the following Districts and Sections: 1 – 10, 11-B, 11-C, 12, 13-A, 13-B south of the latitude of Aspid Cape (56° 41.75' N. lat.), 14, 15-A, and 16, except for locations within those districts set out in (b) of this section.

(b) Herring may be taken in the sac roe fishery only during seasons established by emergency order in the following districts and sections:

(1) in the purse seine fishery, herring may be taken only in the following sections:
   (A) repealed 7/13/2012;
   (B) repealed 7/13/2012;
   (C) Section 11-A, north of the Shrine of St. Terese;
   (D) Section 13-A, south of the latitude of Point Kakul (57° 21.75' N. lat.);
   (E) Section 13-B, north of the latitude of Aspid Cape (56° 41.75' N. lat.), except for Whale and Necker Bays;
   (F) Sections 15-B and 15-C;

(2) in the set gillnet fishery, herring may be taken only in the following districts and sections:
   (A) Section 1-E;
   (B) Section 1-F,
      (i) north of the latitude of South Vallenar Point;
      (ii) that portion south and east of a line from Point Sykes to Twin Island Light to Form Point and north of a line from Form Point to Foggy Point;
   (C) in District 10, only in that portion east of a line from Cape Fanshaw to Five Finger Light to McDonald Rock Buoy to Point League;
   (D) Section 11-D.

(c) Repealed 12/29/84.

(d) Herring may be taken for bait pound operations from October 1 through September
COMMERCIAL HERRING FISHERY

30, only during periods established by emergency order in the following districts and sections:

(1) Section 1-E;

(2) in District 6, only those waters of Scow Bay north of the latitude of Mountain Point and south of the latitude of Blunt Point;

(3) in Section 11-A, in the following areas:
   (A) Tee Harbor, south of the latitude of Point Stephens;
   (B) Indian Cove, inside a line from Indian Point to a point at 58° 22.58' N. lat., 134° 42.30' W. long.;

(4) in Section 13-A, only those waters of Lisianski Inlet south of the latitude of Junction Island;

(5) in Section 13-B, north of the latitude of Dorothy Narrows (56° 49' N. lat.).


(f) Herring spawn on kelp in pounds may be taken only during periods established by emergency order. The commissioner may open or close, by emergency order, the herring spawn-on-kelp fishing period for open pound gear at the same time or at a different time than when the commissioner opens or closes the spawn-on-kelp fishing period for closed pound gear.

5 AAC 27.130. Lawful gear for Southeastern Alaska Area. (a) Herring may be taken during the open season by purse seines and gillnets.

(b) Herring pounds for fresh bait and tray pack operations may be used only under the terms of a permit issued by the commissioner.

(c) Herring pounds for the taking of spawn-on-kelp in pounds may be operated only under terms of a permit issued by the commissioner and as provided in 5 AAC 27.185.

(d) A herring pound for the herring spawn-on-kelp pound fishery may be a closed pound or an open pound and may be operated only as provided in 5 AAC 27.185.

(e) In the Southeastern Alaska Area,

(1) a closed pound consists of a single, floating, rectangular frame structure with suspended webbing that is used to enclose herring for a period of time in order to produce spawn on kelp suspended within the pound; a closed pound shall be operated as follows:
   (A) webbing of a closed pound may not have a mesh size of more than one and one-half inches;
   (B) the opening of a closed pound must be rectangular at the water surface and may not exceed 800 square feet in area;
   (C) neither the sewn vertical wall nor the near-vertical wall may exceed the depth below the water surface when the pound contains herring as follows:
      (i) with a surface square footage less than 400 feet, the depth of webbing may not exceed 30 feet;
      (ii) with a surface square footage of at least 401 feet but not more than 500 feet, the depth of webbing may not exceed 24 feet;
(iii) with a surface square footage of at least 501 feet but not more than 600 feet, the depth of webbing may not exceed 20 feet;

(iv) with a surface square footage of at least 601 feet but not more than 700 feet, the depth of webbing may not exceed 17 feet;

(v) with a surface square footage of at least 701 feet but not more than 800 feet, the depth of webbing may not exceed 15 feet;

(D) webbing of a closed pound may not be part of the webbing of another pound structure;

(2) an open pound consists of a single, floating, rectangular frame structure with suspended kelp and no webbing or lead that is used for the production of spawn on kelp; the inside surface area may not exceed 2,400 square feet and no one side may be longer than 60 feet; for the purposes of this section, “lead” means a length of net employed for guiding herring to the pound.

5 AAC 27.131. Gillnet specifications and operations for Southeastern Alaska Area. (a) Except as provided in (i) of this section, a vessel fishing for herring may not have more than one herring gillnet on board or operated from any vessel taking herring. A herring gillnet may not be longer than 50 fathoms.

(b) Herring gillnets must be set with an anchor at each end.

(c) Each set gillnet in operation must be buoyed at both ends and each buoy shall be plainly and legibly marked with the permanent vessel plate number (ADF&G number) of the vessel fishing the gear.

(d) A herring gillnet may not be reset after the announced closing time. A herring gillnet may not remain in the water for more than one hour after the closing time. When the department projects that the guideline harvest level would be exceeded in an open period less than one hour in duration, the commissioner may, by emergency order, establish periods that may have an announced closing time, and a herring gillnet may not remain in the water after that closing time.

(e) A set gillnet may not exceed 120 meshes in depth.

(f) Repealed 7/13/2012.

(g) In addition to the requirements of (c) of this section, a gillnet used to take or attempt to take herring in a sac roe fishery must have one ADF&G identification tag placed on the marked buoys at both ends of the net. The identification tag must be placed on each marked buoy so that it is above the surface of the water. The identification tags will be issued only by ADF&G personnel located on the fishing grounds. Lost identification tags may be replaced upon submission of a sworn statement describing how the tags were lost and a listing of their numbers to the department. The identification tags are in effect for a single season and new tags must be obtained before each fishing season.

(h) In the Southeastern Alaska Area, “stretched measure” of herring net 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, must be wet and be an integral part of the net, as hung. The 10 meshes shall be 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, supporting a one-pound weight.
(i) Two Southeast Alaska set gillnet CFEC permit holders may concurrently fish from
the same vessel and jointly operate up to 75 fathoms of set gillnet gear as follows:

(1) before operating set gillnet gear jointly both permit holders shall obtain buoy
identification tags for dual operation provided by the department under (g) of this section;

(2) when two Southeast Alaska set gillnet CFEC permit holders fish from the
same vessel and jointly operate a set gillnet, the vessel must display its ADF&G permanent
license plate number followed by the letter “D” to identify the vessel as a dual vessel; the
letter “D” must be removed or covered when the vessel is operating with only one set gill-
net CFEC permit holder on board the vessel; the identification number and letters must be
displayed

(A) in letters and numerals 12 inches high with lines at least one inch wide;
(B) in a color that contrasts with the background;
(C) on both sides of the hull; and
(D) in a manner that is plainly visible at all times when the vessel is being
operated;

(3) when two CFEC permit holders jointly operate gear each permit holder

(A) must be on board the fishing vessel and present at the fishing site as
required by 5 AAC 39.107(d) and (e);

(B) is responsible for ensuring that the entire unit of gear is operated in a
lawful manner.

5 AAC 27.132. Seine specifications and operations for Southeastern Alaska Area. (a)
A herring purse seine may not be more than 200 fathoms in length.

(b) A herring purse seine may not be more than 1,700 meshes in depth, except that
for Section 12-A, the commissioner may, by emergency order, open a purse seine herring
fishery during which a herring purse seine may not be more than 2,125 meshes in depth.

5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area. (a)
Herring may not be taken in

(1) District 1, in the waters of Clover Pass, Tongass Narrows, Moser Bay, and
Naha Bay that are south and east of a line from Indian Point located at 55° 36.85' N. lat.,
131° 42.03' W. long., to the northeastern tip of Betton Island located at 55° 32.56' N. lat.,
131° 47.66' W. long., to a point on the southwest tip of Betton Island located at 55° 30.22'
N. lat., 131° 50.32' W. long., to Guard Island Light, to Vallenar Point located at 55° 25.58'
N. lat., 131° 51.09' W. long.;

(2) District 2, Kasaan Bay west of a line from Island Point to Grindall Point,
including all waters of Skowl Arm, Polk Inlet, McKenzie Inlet, and Twelve Mile Arm;

(3) District 5;

(4) District 6,

(A) by herring purse seine in the waters of Wrangell Narrows between the
latitude of Blunt Point and the longitude of Prowley Point Light;

(B) in the waters of District 6 west of the longitude of Point Colpoys;

(5) District 8, in Wrangell Harbor inside a line from the southwest point of the
Alaska Wood Products, Inc. wharf to the light on Shekesti Point;

(6) District 12, in the waters of Favorite Bay; and

(7) District 13, in the waters north and west of the Eliason Harbor breakwater and Makhnati Island Causeway from the westernmost tip of Makhnati Island to the easternmost point on Bieli Rock to the southernmost tip of Gagarin Island to a point on the eastern shore of Crow Island at 56° 06.43' N. lat., 135° 28.27' W. long. to a point on the western shore of Middle Island at 57° 06.41' N. lat., 135° 28.11' W. long. to a point on the southeastern shore of Middle Island at 57° 05.56' N. lat., 135° 26.23' W. long. to the green navigation marker northeast of Kasiana Island, to the Baranof Island shore at 57° 05.26' N. lat., 135° 22.95' W. long.

5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area. (a) Repealed 12/29/84.

(b) The herring harvest quota for bait pound operations is as follows:

(1) Scow Bay: 100 tons;

(2) Section 13-B: 100 tons;

(3) Lisianski Inlet: 25 tons;

(4) Section 1-E: 10 percent of the guideline harvest level for the West Behm Canal stock;

(5) Sections 11-A, 15-B, and 15-C: 120 tons; if there are no active herring bait pound permits issued by April 1 of a year, the remainder of the 120-ton harvest quota will be allocated to the commercial sac roe purse seine fishery;

(6) District 7: 10 percent of the guideline harvest level for the Ernest Sound stock; the harvest quota for the winter food and bait fishery is 90 percent of that guideline harvest level; if there are no active herring bait pound permits issued by March 15 of a year, the unharvested remainder of that guideline harvest level will be allocated to the herring spawn-on-kelp fishery; after the spawn-on-kelp fishery in District 7 is closed, any remaining unharvested portion of that guideline harvest level will be allocated to the bait pound fishery;

(7) District 12: 10 percent of the guideline harvest level for the Tenakee Inlet stock; the harvest quota for the winter food and bait fishery is 90 percent of that guideline harvest level; if there are no active herring bait pound permits issued by March 15 of a year, the unharvested remainder of that guideline harvest level will be allocated to the herring spawn-on-kelp fishery; after the spawn-on-kelp fishery in District 12 is closed, any remaining unharvested portion of that guideline harvest level will be allocated to the bait pound fishery;

(8) Section 13-C: in the bait pound fishery, herring may be harvested only after the spawn-on-kelp fishery is closed and only if the guideline harvest level has not been taken;

(9) for districts and sections in Southeastern Alaska Area not specified in this subsection: the department may open a bait pound fishery in a district or section that has a harvestable surplus as determined by annual department stock assessments; in a fishery opened under this paragraph, no more than 100 tons of herring may be harvested.

(c) Repealed 4/24/2003.
(d) Repealed 4/16/83.

(e) Repealed 4/16/83.

(f) The guideline harvest level for the District 10 set gillnet fishery described in 5 AAC 27.110(b)(2)(C) is the portion of the annual harvest amount established for the District 10 winter food and bait fishery under 5 AAC 27.190 that is not taken by that fishery.

(g) The guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B shall be established by the department and will be a harvest rate percentage that is not less than 12 percent, not more than 20 percent, and within that range shall be determined by the following formula:

\[
\text{Harvest Rate Percentage} = 2 + \frac{8}{[\text{Spawning Biomass (in tons)}]} \cdot \frac{1}{20,000}
\]

The fishery will not be conducted if the spawning biomass is less than 25,000 tons.

(h) For purposes of this section, “active herring bait pound permit” means a permit that allows the holder of that permit to capture and retain herring in a herring bait pound.

5 AAC 27.162. Buyer and tender reporting requirements for the sac roe herring fishery in Southeastern Alaska Area. (a) In addition to the requirements of 5 AAC 39.130(g), a tender operator, buyer, or buyer’s agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. Each buyer or buyer’s agent shall

(1) identify all vessels to be employed in transporting or processing herring and shall register those vessels with a local representative of the department located in the registration area before transporting or processing herring;

(2) make daily reports of all herring purchased from fisherman and other processing records as specified by a local representative of the department; and

(3) submit fully completed fish tickets with accurate and final weight and roe percentages no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

(b) At the time herring are received from a CFEC permit holder in the Southeastern Alaska Area a buyer of herring, a fisherman selling to a buyer not licensed to process fish (catcher/seller), and a person or company that catches and processes that person’s or company’s own catch or has that catch processed by another person or company, shall, in addition to the requirements of 5 AAC 39.130(c), at the request of the CFEC permit holder record on a herring fish ticket, the following information:

(1) the on-the-fishing grounds weight of herring measured by the most efficient method possible, such as dump boxes, scales or totes, with weight in tons or pounds; and

(2) estimated roe percentage of the herring as determined by a regular sampling of the catch.

(c) A copy of the fish ticket required under (b) of this section must be provided at the time of delivery to the CFEC permit holder from the person, buyer, company, firm, or other organization that is the first purchaser of herring that is taken in the Southeastern Alaska Area. A separate fish ticket must be issued by the purchaser for each delivery. If the CFEC permit holder does not accompany the herring while it is transported to the point of delivery, a copy of the fish ticket must accompany each delivery to that point.
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(d) For the purposes of this section,

1. “delivery” means the transfer of herring from a fishing vessel operated by the CFEC permit holder or its net to another vessel or to a licensed processing facility;

2. “landing” means the transfer of herring from a fishing vessel operated by the CFEC permit holder to a licensed processing facility, or the transfer of herring from a vessel used to transport herring, to a licensed processing facility.

5 AAC 27.170. Harvest of bait by commercial permit holders in Southeastern Alaska Area. The holder of a valid CFEC interim use or limited entry permit may take but may not sell herring for use as bait in the commercial fishery for which the permit is held as follows:

1. herring may be taken at any time;

2. herring may be taken by any gear specified in 5 AAC 39.105;

3. in the 72 hours before and 72 hours after an open commercial herring sac roe fishing period in the Southeastern Alaska Area, a vessel, crew member, or permit holder that participates in that commercial herring sac roe fishing period may not take herring under this section in any district in the Southeastern Alaska Area;

4. a person or vessel may not take more than one ton of herring in a calendar year, except as provided under terms of a permit issued by the department.

5 AAC 27.179. Permits for winter food and bait herring fishery in Southeastern Alaska Area. (a) The owner or operator of a vessel used in the winter food and bait herring fishery must obtain a permit issued by the commissioner. In the permit, the commissioner shall set the date when the permit holder may begin fishing. The date shall occur during a 14-day period following the issuance of the permit. When setting the date under this subsection, the commissioner shall consider the following:

1. the anticipated harvest effort in the district;

2. the guideline harvest level established;

3. the available tender capacity; and

4. seasonal bait demand.

(b) The permit required under (a) of this section may

1. establish harvest limits;

2. specify open fishing areas;

3. establish reporting requirements; and

4. set other conditions determined by the commissioner to be necessary for the conservation and management of the resource.

5 AAC 27.180. Permits for herring pounds in Southeastern Alaska Area. (a) A herring pound operator shall obtain a permit before April 1 from the commissioner for fresh bait pound operations and for tray pack pound operations 30 days before starting operations.

(b) A person operating a fresh bait or tray pack herring pound may not sell, offer to sell, or otherwise enter into or authorize a commercial transaction for the disposition of herring taken from that pound if the person knows or has reason to know that the herring will be used for other than fresh or tray pack bait purposes.

(c) A person may not transport herring taken from a fresh bait or a tray pack pound to
another person if the person knows or has reason to know that the herring will be used for other than fresh or tray pack bait purposes.

(d) The commissioner may attach to a permit issued under this section for fresh bait and tray pack herring pounds any condition the commissioner considers necessary to preclude or render impractical the use of herring taken by that pound for other than fresh or tray pack bait purposes. The commissioner may revoke a permit issued under this section for failure to comply with conditions attached to it.

5 AAC 27.185. Management plan for herring spawn on kelp in pounds in Sections 3-B, 12-A, and 13-C and District 7. (a) In Sections 3-B, 12-A, and 13-C and District 7, of the Southeastern Alaska Area, the department shall set an annual guideline harvest range for herring spawn on kelp in pounds based on the forecasted return of mature spawning herring. The department shall manage the fishery to keep the harvest within the guideline harvest range each season by restricting CFEC permit holders operating a herring-spawn-on-kelp pound to a specific number of kelp blades or fronds annually according to the provisions of this section.

(b) In Sections 3-B, 12-A, and 13-C, and District 7, a herring spawn-on-kelp CFEC permit holder may jointly operate a pound with one or more other herring spawn-on-kelp CFEC permit holders and a closed pound with up to two other herring spawn-on-kelp CFEC permit holders. A permit holder operating an open pound may use fronds or individual kelp blades in the open pound, but may not use both during a fishing season.

(c) In Section 3-B, the kelp allocation per permit holder is as follows:

*Guideline Harvest Range for Herring (tons),*

**Single–Permit Closed Pounds:**
- 200 – 599 tons of herring – 200 blades
- 600 – 799 tons of herring – 300 blades
- 800 – 999 tons of herring – 400 blades
- 1,000 or more tons of herring – 600 blades

**Double–Permit Closed Pounds:**
- 200 – 599 tons of herring – 400 blades
- 600 – 799 tons of herring – 450 blades
- 800 – 999 tons of herring – 600 blades
- 1,000 or more tons of herring – 750 blades

**Triple–Permit Closed Pounds:**
- 200 – 599 tons of herring – 550 blades
- 600 – 799 tons of herring – 675 blades
- 800 – 999 tons of herring – 900 blades
- 1,000 or more tons of herring – 1,125 blades

**Single–Permit Open Pounds:**
- 200 – 599 tons of herring – 100 fronds or 1,000 blades
- 600 – 799 tons of herring – 150 fronds or 1,500 blades

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800 – 999 tons of herring – 200 fronds or 2,000 blades
1,000 or more tons of herring – 250 fronds or 2,500 blades

Multiple–Permit Open Pounds:
200 – 599 tons of herring – 300 fronds or 3,000 blades
600 – 799 tons of herring – 450 fronds or 4,500 blades
800 – 999 tons of herring – 600 fronds or 6,000 blades
1,000 or more tons of herring – 750 fronds or 7,500 blades

(d) In Section 13-C, the kelp allocation per permit holder is as follows:

Guideline Harvest Range for Herring (tons),

Single–Permit Closed Pounds:
100 – 249 tons of herring – None
250 – 399 tons of herring – 200 blades
400 – 599 tons of herring – 300 blades
600 – 799 or more tons of herring – 1,000 blades
800 or more tons of herring – 2,000 blades

Double–Permit Closed Pounds:
100 – 249 tons of herring – None
250 – 399 tons of herring – 400 blades
400 – 599 tons of herring – 500 blades
600 – 799 or more tons of herring – 2,500 blades
800 or more tons of herring – 3,000 blades

Triple–Permit Closed Pounds:
100 – 249 tons of herring – None
250 – 399 tons of herring – 500 blades
400 – 599 tons of herring – 750 blades
600 – 799 or more tons of herring – 1,500 blades
800 or more tons of herring – 1,500 blades

Single–Permit Open Pounds:
100 – 249 tons of herring – 60 fronds or 600 blades
250 – 399 tons of herring – 110 fronds or 1,100 blades
400 – 599 tons of herring – 160 fronds or 1,600 blades
600 – 799 tons of herring – 230 fronds or 2,300 blades
800 or more tons of herring – 300 fronds or 3,000 blades

Multiple–Permit Open Pounds:
100 – 249 tons of herring – 60 fronds or 600 blades
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250 – 399 tons of herring – 110 fronds or 1,100 blades
400 – 599 tons of herring – 160 fronds or 1,600 blades
600 – 799 tons of herring – 230 fronds or 2,300 blades
800 or more tons of herring – 300 fronds or 3,000 blades

(e) In District 7 and Section 12-A, the kelp allocation per permit holder is as follows:

Guideline Harvest Range for Herring (tons),

**Single–Permit Closed Pounds:**
- 50 – 99 tons of herring – None
- 100 – 299 tons of herring – 200 blades
- 300 – 499 tons of herring – 300 blades
- 500 – 699 or more tons of herring – 400 blades
- 700 or more tons of herring – 1,000 blades

**Double–Permit Closed Pounds:**
- 50 – 99 tons of herring – None
- 100 – 299 tons of herring – 400 blades
- 300 – 499 tons of herring – 500 blades
- 500 – 699 or more tons of herring – 500 blades
- 700 or more tons of herring – 2,000 blades

**Triple–Permit Closed Pounds:**
- 50 – 99 tons of herring – None
- 100 – 299 tons of herring – 500 blades
- 300 – 499 tons of herring – 500 blades
- 500 – 699 or more tons of herring – 500 blades
- 700 or more tons of herring – 1,000 blades

**Single–Permit Open Pounds:**
- 50 – 99 tons of herring – 100 fronds or 1,000 blades
- 100 – 299 tons of herring – 150 fronds or 1,500 blades
- 300 – 499 tons of herring – 200 fronds or 2,000 blades
- 500 – 699 tons of herring – 250 fronds or 2,500 blades
- 700 or more tons of herring – 250 fronds or 2,500 blades

**Multiple–Permit Open Pounds:**
- 50 – 99 tons of herring – 300 fronds or 3,000 blades
- 100 – 299 tons of herring – 450 fronds or 4,500 blades
- 300 – 499 tons of herring – 600 fronds or 6,000 blades
- 500 – 699 tons of herring – 750 fronds or 7,500 blades
- 700 or more tons of herring – 750 fronds or 7,500 blades
(f) Pounds for the taking of herring spawn on kelp and seines for the taking of herring for placement in pounds may be operated only in the following locations:

(1) in Section 3-B, in the waters of San Alberto Bay, Shinaku Inlet, and San Christoval Channel north of a line from Entrance Point to the southernmost tip of Clam Island to the southernmost tip of Fern Point and east of 133° 20' W. long.; in Section 3-B, the following waters are closed to herring spawn-on-kelp pounds and to seining for taking herring for pounds:

(A) Klawock Inlet and Big Salt Lake;

(B) the waters of San Christoval Channel in the main channel enclosed by a line from 55° 35.62' N. lat., 133° 20' W. long. to 55° 35.17' N. lat., 133° 20' W. long. to 55° 33.37' N. lat., 133° 17.52' W. long. to 55° 33.50' N. lat., 133° 17.28' W. long.;

(C) the waters of Fish Egg and Ballena Islands south of 55° 31' N. lat. and north of the southernmost tip of Cape Suspiro and east of the longitude of Ballena Island Shoal Light;

(2) in District 7, in the waters of Ernest Sound east of a line from Point Eaton to Lemesurier Point;

(3) in Section 12-A, in the waters of Chatham Strait and Tenakee Inlet south of the latitude of 57° 46' N. lat., and north of the latitude of Peninsular Point (57° 30.30' N. lat.) and west of 134° 50' W. long.;

(4) in Section 13-C, in the waters of Hoonah Sound north and west of a line from Point Marie to a point on the northern shore of Hoonah Sound at 57° 37.38' N. lat., 135° 27' W. long.

(g) Herring for placement in a closed herring spawn-on-kelp pound may be captured only with power seines or hand purse seines and may only be transferred to a closed pound in:

(1) Section 3-B after 12:00 noon, March 17 until 12:00 noon, May 10, unless closed earlier by emergency order;

(2) District 7 after 12:00 noon, April 1 until 12:00 noon, May 10, unless closed earlier by emergency order;

(3) Section 12-A after 12:00 noon, April 6 until 12:00 noon, May 15, unless closed earlier by emergency order; and

(4) Section 13-C after 12:00 noon, April 6 until 12:00 noon, May 15, unless closed earlier by emergency order.

(h) In Section 3-B, the harvest limit for the bait fisheries is 60 percent of the guideline harvest level for the Craig/Klawock herring stock, and the harvest limit for the spawn-on-kelp pound fishery is 40 percent of that guideline harvest level. Any portion of the harvest limit not taken by the bait fishery during a calendar year may be taken by the pound fishery during that year.

(i) In District 7, the harvest limit for the spawn-on-kelp pound fishery is the amount of any annual guideline harvest level for the Ernest Sound herring stock that is not harvested by the bait fisheries. If the remaining guideline harvest level is less than 50 tons, there will be no spawn-on-kelp pound fishery.

(j) In Section 12-A, the harvest limit for the spawn-on-kelp pound fishery is the amount
of any annual guideline harvest level for the Tenakee Inlet herring stock that is not harvested by the bait fisheries. If the unharvested portion of the guideline harvest level is less than 50 tons, there will be no spawn-on-kelp pound fishery.

(k) Spawn-on-kelp pound structures and other equipment used in a spawn-on-kelp pound fishery must be marked as follows:

(1) before kelp or herring are added to a pound, a permit holder must plainly and legibly mark the permit holder’s first and last name and five-digit CFEC permit number in a conspicuous place on the pound; the sign must be vertical, and the markings must be clearly visible and above the surface of the water at all times; the letters and numbers used to identify a pound must be at least six inches high with lines at least one-half inch wide and must contrast with the background; if a pound is being operated as a multiple-permit pound, the first and last names and five-digit CFEC permit numbers of all permit holders operating the pound must be placed on a single sign; the sign must be left on the pound structure or the webbing support system the entire time any part of the pound or pound system is in the water;

(2) all floats and floating objects used in support of the fishery must be plainly and legibly marked with a CFEC permit number of a participating permit holder as specified in (1) of this subsection; all floats and floating objects must be permanently marked and clearly visible above the surface of the water at all times.

(l) A permit holder using a tow pound for transporting herring to a closed pound must permanently affix a horizontal sign stating “Tow Pound” and a CFEC permit number of a participating permit holder to the top surface of the tow pound. The letters must be at least six inches high with lines at least one-half inch wide and must contrast with the background. A permit holder may introduce herring into a tow pound multiple times before transferring the herring to a spawn-on-kelp pound.

(m) A permit holder may place the permit holder’s kelp in no more than one pound. Before kelp is introduced into the spawn-on-kelp pound, a permit holder must store the kelp in a manner that prevents herring from spawning on the kelp.

(n) On a line or structure used to suspend kelp, a permit holder shall affix a legible tag showing above the water surface that states the number of blades or fronds on that line or structure and that states the permit holder’s first and last name. In a multiple-permit pound, each permit holder must keep that permit holder’s kelp on lines or structures separate from lines or structures that support kelp belonging to other permit holders.

(o) A permit holder must be physically present at the permit holder’s pound fishing site during operation of the pound. For the purpose of this subsection, “operation of the pound” means

(1) repealed 4/24/2009;
(2) when herring is being captured and transferred of herring into a closed pound;
(3) when an open pound is being moved; and
(4) when kelp product is being collected from the pound.

(p) A permit holder must be physically present when the permit holder’s herring spawn-on-kelp product produced in a pound is being sold.
(q) A permit holder may transfer additional herring into a closed pound, only until herring have been released or product has been harvested from the pound. After herring have been released or product has been harvested from a pound, a permit holder using that pound may not fish for herring or add kelp to the pound. A permit holder may not transfer herring into a pound after 11:59 p.m. on the fourth day after herring are placed into the pound, with the first day being the day that herring are first placed into the pound. If the commissioner determines it is necessary for the conservation of herring stocks, the commissioner may, by emergency order, restrict the placement of herring into pounds.

(r) Permit holders operating two separate closed pounds must notify the local representative of the department before connecting the permit holder’s pounds. No more than two pounds may be connected into a combined structure. After the permit holders have connected two pounds, the permit holders may not transfer additional herring into the combined pound. After two pounds are connected under this section, the permit holders may drop the wall between the pounds so that herring may swim between the connected pounds.

(s) A permit holder may not retain herring in a closed pound for more than six days and must release the herring by 11:59 p.m. on the sixth day, with the first day being the day that herring are placed into the pound. When releasing herring, a permit holder must lower at least one full side of a pound’s webbing at least six feet below the surface of the water to allow herring to escape.

(t) After a permit holder releases herring and harvests product from the pound, the permit holder must maintain the pound and webbing in place for at least four weeks. To optimize hatching success the permit holder must position egg-covered webbing in the original size and configuration of the pound structure with adequate water circulation on all sides. The webbing support system must be above the surface of the water and clearly marked as specified in (k) of this section.

(u) A permit holder must release all herring from a pound operated by that permit holder. A permit holder may not retain and use herring that has been introduced into a pound as bait for commercial use, sport use, personal use, or subsistence use.

(v) After notifying the department, a permit holder may release herring from a closed pound and fish the pound as an open pound. All webbing on the closed pound must be removed. The permit holder will not be entitled to additional kelp and may operate the pound only as an open pound for the remainder of the season.

(w) A permit holder shall completely remove all pounds and associated equipment from the waters in

1. Section 3-B by 12:00 noon May 31 through March 1 of the following year;
2. District 7 by 12:00 noon May 31 through March 1 of the following year;
3. Section 12-A by 12:00 noon June 10 through March 1 of the following year;
4. Section 13-C by 12:00 noon June 10 through March 1 of the following year.

(x) A CFEC permit holder operating a multiple-permit pound is subject to liability if the pound, at any time, contains more than the legal amount of kelp.

(y) Spawn-on-kelp blades or fronds belonging to a permit holder must be kept separate from spawn-on-kelp blades or fronds belonging to another permit holder until all spawn on kelp from a pound has been weighed and graded.
(z) A closed pound is considered to be fishing once herring have been introduced into the closed pound structure and is considered to have stopped fishing once all herring have been released and all of the spawn-on-kelp product has been removed from the closed pound structure.

(aa) An open pound is considered to be fishing once kelp has been attached to the open pound structure and is considered to have stopped fishing once all of the spawn-on-kelp product has been removed from the open pound structure.

(bb) Each permit holder is responsible for all operations of the pound and pound system.

(cc) Two closed pounds as specified in 5 AAC 27.130(e) may be combined into one single closed pound structure and operated by multiple permit holders only when kelp is at the maximum allocation. The combined pound may have a maximum surface area of 800 square feet with a maximum depth level of 30 feet. The kelp allocations per permit holder and other provisions specified in this section also apply to the combined pound; however, permit holders may transfer additional herring into the combined single closed pound structure after the two closed pounds are connected and combined into a single structure. A CFEC permit holder who intends to operate a combined pound must register with the department before placing the pound in the water. This pound structure may not be connected to any other pound structure.

(dd) In this section,

(1) “fronds” means the kelp stipe and naturally attached blades;

(2) “multiple-permit pound” includes,

(A) for a closed pound, a double-permit and triple-permit closed pound; and

(B) for an open pound, a multiple-permit open pound.

5 AAC 27.187. Buyer and processors reporting requirements for spawn on kelp in pounds for the Southeastern Alaska Area. (a) In Sections 3-B, 7-B, 12-A, and 13-C

(1) the initial buyer or processor of herring spawn on kelp shall issue a fish ticket when the spawn on kelp is delivered by a CFEC permit holder and shall, within seven days of delivery, provide a copy of the fish ticket to the department;

(2) the fish ticket shall set out

(A) the number of blades of spawn on kelp delivered;

(B) the total weight of spawn on kelp delivered;

(C) the type of pound (open or closed) that contained the spawn on kelp; and

(D) whether the spawn on kelp was salted when initially weighed;

(3) if an accurate, drained weight cannot be obtained at the time of delivery, the reported weight on the fish ticket shall be marked as “estimated weight” and the buyer or processor shall notify the department of the accurate, drained weight as soon as it is available;

(4) a processor shall notify the department of the delivered weight by grade and the final exvessel value by grade as soon as that information is available;
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(5) a permit holder may place herring spawn on kelp in a tote-size or larger container with a salt brine solution, in order to transport the spawn on kelp to a processor, if the permit holder

(A) is present at the time and place when the spawn on kelp is first delivered;

(B) before leaving the fishing grounds, notifies the department of the estimated amount of spawn on kelp and the expected time and location of its delivery; and

(C) delivers the spawn on kelp to a processor registered under 5 AAC 39.130 within 72 hours after it was harvested.

(b) A permit holder that complies with the requirements of (a)(5) of this section does not need to comply with the permit and reporting requirements under 5 AAC 39.130.

5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area. For the management of herring fisheries in the Southeastern Alaska Area, the department

(1) shall identify stocks of herring on a spawning area basis;

(2) shall establish minimum spawning biomass thresholds below which fishing will not be allowed;

(3) shall assess the abundance of mature herring for each stock before allowing fishing to occur;

(4) except as provided elsewhere, may allow a harvest of herring at an exploitation rate between 10 percent and 20 percent of the estimated spawning biomass when that biomass is above the minimum threshold level;

(5) may identify and consider sources of mortality in setting harvest guideline;

(6) by emergency order, may modify fishing periods to minimize incidental mortalities during commercial fisheries.

5 AAC 27.195. Sitka Sound commercial sac roe herring fishery. (a) In managing the commercial sac roe herring fishery in Section 13-B north of the latitude of Aspid Cape (Sitka Sound), the department shall

(1) manage the fishery consistent with the applicable provisions of 5 AAC 27.160(g) and 5 AAC 27.190;

(2) distribute the commercial harvest by fishing time and area if the department determines that it is necessary to ensure that subsistence users have a reasonable opportunity to harvest the amount of herring spawn necessary for subsistence uses specified in 5 AAC 01.716(b).

(b) In addition to the provisions of (a) of this section, the department shall consider the quality and quantity of herring spawn on branches, kelp, and seaweed, and herring sac roe fisheries in Section 13-B north of the latitude of Aspid Cape.

5 AAC 27.197. Sections 1-E and 1-F commercial sac roe herring fishery. (a) In managing the commercial sac roe herring fishery in Section 1-E and the waters of Section 1-F north of the latitude of South Vallener Point, the commissioner will open and close fishing periods and areas open for fishing using set gillnet gear by emergency order, during which the commissioner may impose conditions that are necessary for an orderly and manageable fishery.

(b) When the harvest of herring by the set gillnet fishery exceeds the guideline harvest level for a year, the excess harvest may not be factored into determining the guideline harvest level for a future year.
Article 5. Yakutat Area (Registration Area D).

5 AAC 27.200. Description of Yakutat Area. The Yakutat Area has as its western boundary the longitude of Cape Suckling (144° W. long.), and as its southern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

5 AAC 27.205. Description of Yakutat Area districts. Districts are as described in 5 AAC 30.200.

5 AAC 27.210. Fishing season for Yakutat Area. Herring may be taken from October 1 through February 28 (winter food and bait fishery), only during periods established by emergency order.

5 AAC 27.230. Lawful gear for Yakutat Area. Herring may be taken by purse seines and gillnets.

5 AAC 27.250. Closed waters in Yakutat Area. Herring may not be taken in Yakutat Bay.

5 AAC 27.270. Harvest of bait by commercial permit holders in Yakutat Area. The holder of a valid CFEC interim use or limited entry permit may take but may not sell herring for use as bait in the commercial fishery for which the permit is held as follows:

(1) herring may be taken at any time;

(2) unless use of a gear is restricted in 5 AAC 27 – 5 AAC 39, herring may be taken by any gear specified in 5 AAC 39.105;

(3) a person or vessel may not take more than one ton of herring, except as provided under terms of a permit issued by the department.

Article 6. Prince William Sound Area (Registration Area E).

5 AAC 27.300. Description of Prince William Sound Area. The Prince William Sound Area has as its western boundary a line extending south from Cape Fairfield, as its eastern boundary a line extending south from Cape Suckling and as its southern boundary 59° N. lat.

5 AAC 27.310. Fishing seasons and periods for Prince William Sound Area. (a) From March 1 through June 30 (sac roe season), herring may be taken only during periods established by emergency order.

(b) Herring may be taken for food and bait from October 1 through January 31, only during periods established by emergency order.

(c) Herring spawn on kelp not in pounds (the wild herring spawn-on-kelp fishery) may be taken only during periods established by emergency order.

(d) Herring spawn on kelp in open or closed pounds (the herring spawn-on-kelp pound fishery) may be taken only during periods established by emergency order. The department may open or close the herring spawn-on-kelp open pound or closed pound fishery, jointly or separately, by emergency order.

5 AAC 27.330. Lawful gear for Prince William Sound Area. (a) From March 1 through June 30, herring may be taken only by purse seines and gillnets.

(b) For the wild herring spawn-on-kelp (not in pounds) fishery, herring spawn on kelp may be taken by hand cutting as specified in 5 AAC 27.333.
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(c) Repealed 9/17/94.

(d) A pound for the herring spawn-on-kelp pound fishery may be either a closed pound or an open pound.

(e) In 5 AAC 27.300 – 5 AAC 27.390,

(1) a closed pound consists of a single, floating, rectangular frame structure, with webbing and suspended kelp, that is used to enclose herring for a period of time in order to produce spawn on kelp; the opening of a closed pound at the water surface may not exceed 2,000 square feet in area; neither the sewn vertical wall nor the near-vertical wall of a closed pound may exceed a depth of 30 feet below the water surface when the pound contains herring; webbing of a closed pound may not be part of the webbing of another pound structure; to prevent suffocation of impounded herring, a closed pound must include a minimum of five feet of surplus webbing gathered at the surface that may be lowered into the water when submerged webbing becomes saturated with eggs;

(2) an open pound consists of a single, floating, rectangular frame structure with suspended kelp and no webbing that is used for the production of spawn on kelp, or is a closed pound as described in (1) of this subsection with all webbing, on at least one side of the pound, not less than one fathom below the water surface.

5 AAC 27.331. Gillnet specifications and operations for Prince William Sound Area.

(a) During the herring food and bait season, herring gillnets operated from a herring fishing vessel may not exceed 150 fathoms in aggregate length.

(b) From March 1 through June 30, herring gillnets operated from a herring fishing vessel may not exceed 120 meshes in depth and 100 fathoms in aggregate length.

(c) Notwithstanding 5 AAC 27.050(c), the mesh size of a herring gillnet in the Prince William Sound Area may not exceed three inches.

5 AAC 27.332. Seine specifications and operations for Prince William Sound Area.

A person may not operate a purse seine that is more than 1,025 meshes in depth and more than 150 fathoms in length from April 15 through June 30.

5 AAC 27.333. Wild herring spawn on kelp harvest specifications and operations for Prince William Sound Area. (a) A person may take wild herring spawn on kelp (not in pounds) without a permit issued by the commissioner and only under the following conditions:

(1) herring spawn may not be taken on imported or transplanted aquatic plants or on any other substrate, except for kelp in its natural occurring state;

(2) kelp plants may be taken only by a handheld, unpowered blade cutting device;

(3) except for fucus and hair kelp, kelp plant blades must be cut at least four inches above the stipe (stem);

(4) kelp plants used to take herring spawn may not be suspended from lines, frames, or other man-made devices.

(b) Repealed 9/17/94.

(c) A person participating in the wild herring spawn-on-kelp fishery shall indicate, on a fish ticket at the time of landing, harvested spawn on kelp that is not sold, including harvested spawn on kelp that has been discarded.
A buyer of wild herring spawn on kelp shall indicate, on a fish ticket at the time of delivery, wild herring spawn on kelp that was delivered to but not purchased by the buyer.

5 AAC 27.334. Harvest specifications and operations for the herring spawn-on-kelp pound fishery in Prince William Sound Area. A permit issued by the commissioner is not required for the harvest of spawn on kelp in pounds. However, a CFEC permit holder may not participate in the spawn-on-kelp fishery in any year unless the permit holder has registered with the department’s Cordova office by March 15 of that year. The permit holder may register by notifying the department’s Cordova office in writing by mail that is postmarked by March 15, or in person, or by telephone, by 5:00 p.m. March 15. The following provisions apply to the herring spawn-on-kelp pound fishery:

1. After fishing commences in a pound, no more than four persons may use that pound at any time, except that if the department determines that the maximum number of kelp blades that a person may maintain in a pound, established under (5) of this section, will not be enough substrate for adequate spawn deposition to produce a commercially valuable spawn-on-kelp product, based on kelp blade density and the volume of the pound, the department may allow more than four persons to use a pound at any time; if the department allows more than four persons to use a pound under this paragraph, the department will provide public notice of the number of persons allowed;

2. If more than one person uses a pound, from the time fishing commences in the pound until all herring spawn on kelp has been removed from the pound, the pound may not contain more than the amount of herring or kelp that all persons using the pound may, in the aggregate, legally maintain in it; each person using the pound has a duty to ensure that the pound does not, at any time, contain more than the legal amount of herring or kelp;

3. For a closed pound, fishing commences when herring are introduced into the pound; once herring are introduced into a closed pound, all herring must remain in the pound until the department has authorized the release of the herring;

4. For an open pound, fishing commences when kelp is placed into the water within the pound; before operating an open pound, a person must notify the department of that person’s intent to operate an open pound for the fishing season; once a person has notified the department of that person’s intent to operate an open pound under this paragraph, that person may not use a closed pound during the remainder of that season;

5. Before each fishing season the department, consistent with 5 AAC 27.365(d)(2), shall establish the maximum amount of herring that a person may take and maintain in a pound, and the maximum number of blades of kelp that a person may maintain in a pound after fishing commences; the department shall provide public notice of that amount and number; a person who notifies the department before April 1 of that person’s intent to operate an open pound shall receive an increase in the maximum amount of kelp blades established in this paragraph that is calculated on the basis of the wild spawn-on-kelp conversion factor described in 5 AAC 27.365(d)(1);

6. A person may use a closed herring pound only north and east of a line from Porcupine Point to Point Freemantle, unless otherwise provided by emergency order; a person may use an open herring pound throughout the Prince William Sound Area in areas established by emergency order;

7. Notwithstanding 5 AAC 37.100 and 5 AAC 37.200, a person may take kelp for the herring spawn-on-kelp pound fishery anywhere in the Prince William Sound Area.
unless otherwise provided by emergency order;

(8) for the herring spawn-on-kelp pound fishery, a person may take kelp by hand and may take the entire plant including the stipe (stem) and holdfast;

(9) before a person places kelp in a pound, the person must plainly and legibly mark the person’s name and five-digit CFEC permit number in characters that are at least two inches high and one-half inch wide in a color that contrasts with the pound background and that are mounted on the exterior of the pound and are plainly visible and not obscured in any way;

(10) after fishing commences and until the season closes, the CFEC permit number or numbers marked on a pound may not change;

(11) before the commencement of fishing, a person shall plainly and legibly mark all of that person’s lines of kelp blades with the person’s name and shall indicate on each line of kelp blades the number of blades attached to that line;

(12) at the time fishing commences, during the capture and transfer of herring into the pound, and during the harvest of herring spawn on kelp produced in the pound, a person using a closed pound must be present at the pound, at a support shelter near the pound, or on a fishing vessel while the vessel is being used to harvest herring or transfer herring to the pound;

(13) a person using an open pound must be present at the pound, or near the pound at a structure or on a vessel used in support of the operation, when kelp is placed in the water and during the harvest of herring spawn on kelp produced in the pound;

(14) a person using a closed pound shall notify the department before dropping the webbing; after the webbing has been dropped, the pound may only be used as an open pound during the remainder of that season;

(15) a person may not place herring in a pound after the fifth day following the day on which the person first placed herring in the pound;

(16) a person may not hold herring in a pound after the seventh day following the day on which the person first placed herring into the pound;

(17) herring that die during capture, transfer, or holding will be counted toward the legal amount of herring that may be taken by the person who captured, transferred, or held the herring;

(18) a person using a pound shall weigh the spawn on kelp when the person removes spawn on kelp from the pound;

(19) if more than one person uses a pound, a person removing spawn on kelp from the pound shall

(A) from the time spawn on kelp is removed until it is processed, segregate that spawn on kelp from spawn on kelp that is possessed by other persons using the pound;

(B) weigh the quantity of spawn on kelp that is possessed by that person and provide the weight to a buyer for recording on a fish ticket;

(20) a person may not transfer herring between pounds;

(21) after release of herring from a pound, a person using the pound shall keep the pound, including webbing, at the fishing location not less than four weeks, shall keep
egg-covered webbing on the pound frame in the original configuration with adequate water circulation on all sides to optimize egg hatching, and, not later than six weeks after harvesting the spawn on kelp, shall completely remove the pound from the water.

Editor’s note: For the purposes of 5 AAC 27.334 the department’s Cordova office mailing address is Department of Fish and Game, P.O. Box 669, Cordova, Alaska 99574-0669, its telephone number is (907) 424-3212, and its physical address is 401 Railroad Avenue, Cordova, Alaska.

5 AAC 27.350. Waters closed to herring fishing in Prince William Sound Area. (a) From July 1 through October 31, herring may not be taken in waters closed to salmon fishing by 5 AAC 24.350 and 5 AAC 39.290.

(b) Repealed 4/24/2003.

5 AAC 27.365. Prince William Sound Herring Management Plan. (a) The purpose of the Prince William Sound herring management plan in this section is to describe management strategies for all Prince William Sound herring fisheries and to provide for an optimum sustained yield and an equitable allocation for all user groups.

(b) The management plan for herring fisheries in Prince William Sound assumes that all of these fisheries use a single stock of herring which may be harvested at the rate of zero to 20 percent of the spawning biomass. The management year for herring is July 1 – June 30. Guideline harvest levels are established before the food and bait season in the fall and are based upon the final spawning biomass estimate from the previous year, cohort analysis, and projected recruitment. The minimum spawning biomass threshold is 22,000 tons, and no fishery may be opened if the estimated spawning biomass is below this threshold level. The department may allow, based upon age class strength, a harvest of herring at an exploitation rate between zero and 20 percent of the projected spawning biomass when that biomass is between 22,000 tons and 42,500 tons. The department may allow a harvest of herring at a maximum exploitation rate of 20 percent when the total projected spawning biomass is greater than 42,500 tons.

(c) The guideline harvest of herring is allocated by fishery as follows:

(1) purse seine sac roe fishery: 58.1 percent;
(2) gillnet sac roe fishery: 3.4 percent;
(3) food and bait fishery: 16.3 percent;
(4) spawn-on-kelp not in pounds: 8.0 percent; and
(5) spawn-on-kelp in pounds: 14.2 percent.

(d) Harvest quotas for the spawn-on-kelp fisheries are derived as follows:

(1) spawn-on-kelp not in pounds: one ton of spawn-on-kelp may be taken for every eight tons of herring allocated to this fishery;
(2) spawn-on-kelp in pounds: the spawn-on-kelp in pounds harvest objective will be set based on the ratio of one ton of spawn on kelp for every 12.5 tons of herring allocated to this fishery; the commissioner, or an authorized designee, shall manage the fishery to achieve this harvest objective by restricting those persons holding a CFEC permit to participate in the fishery to a specified number of kelp blades annually based on the number of permit holders registered under 5 AAC 27.334(a) to fish with pounds, and to an equal portion of the guideline harvest of herring allocated in (c)(5) of this section based on the total number of permit holders.
5 AAC 27.370. General restrictions for Prince William Sound Area. A vessel used to take herring in the Prince William Sound Area during the period July 1 through February 28 may not be used to take herring in another registration area during that period and a vessel used to take herring in any other registration area during the period July 1 through February 28 may not be used to take herring in the Prince William Sound Area during that period.

5 AAC 27.390. Buyer reporting requirements for Prince William Sound Area. In addition to the requirements of 5 AAC 39.130(g), each buyer, buyer’s agent, or fisherman who has arranged for tendering of that fisherman’s own catch shall report in person, by telephone, or by radio to, and register with, a local representative of the department upon arrival on the fishing grounds and before starting operations. Each buyer, buyer’s agent, or fisherman who has arranged for the tendering of that fisherman’s own catch shall

(1) identify and describe all vessels to be employed in transporting or processing herring or herring spawn on kelp;

(2) report daily, or as otherwise specified by a local representative of the department, all herring or herring spawn on kelp purchased from fishermen, or that has been delivered to a tender, or other processing records as specified by the department; and

(3) submit fully completed fish tickets with accurate and final weight and roe percentage and any other specified processing records no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

(b) At the time herring are received from a CFEC permit holder in the Prince William Sound Area, each buyer of raw fish, each fisherman selling to a buyer not licensed to process fish (catcher/seller), and each person or company who catches or processes that person’s or company’s own catch or has that catch processed by another person or company, shall, in addition to the reporting requirements of 5 AAC 39.130(c), record on a herring fish ticket, the following information:

(1) on-the-fishing ground weight of herring measured by the most efficient method possible, such as dump boxes, scales or totes, with weight in tons or pounds; and

(2) estimated roe percentage as determined by a regular sampling of the catch; the sampling shall test 10 kilograms of herring for each five to 10 tons of herring delivered.

(c) A copy of the fish ticket required under (b) of this section must, at the time of delivery of herring or herring spawn on kelp, be provided to the CFEC permit holder by the person, buyer, company, firm, or other organization that is the first purchaser of herring or herring spawn on kelp that is taken in the Prince William Sound Area.

Article 7. Cook Inlet Area (Registration Area H).

5 AAC 27.400. Description of Cook Inlet Area. The Cook Inlet Area has as its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.) and as its southern boundary the latitude of Cape Douglas (58° 51.10' N. lat.).

5 AAC 27.405. Description of Cook Inlet districts. Districts are as described in 5 AAC 21.200.

5 AAC 27.407. Lower Cook Inlet herring management areas. Lower Cook Inlet herring management areas are as follows:

(1) Area 1: those waters of the Eastern District west of the longitude of Cape
Fairfield (148° 50.25' W. long.) and east of the longitude of Aialik Cape (149° 31.1' W. long.);

(2) Area 2: those waters of the Outer and Eastern District west of the longitude of Aialik Cape and east of the longitude of McArthur Pass at 150° 20' W. long.;

(3) Area 3: those waters of the Outer District west of the longitude of McArthur Pass at 150° 20' W. long. and east of 151° 11' W. long.;

(4) Area 4: those waters of the Outer District west of 151° 11' W. long. and east of the longitude of Point Adam (151° 58.5' W. long.);

(5) Area 5: those waters of the Kamishak Bay District south of 59° 16.68' N. lat. and west of 153° 37' W. long.;

(6) Area 6: those waters of the Kamishak Bay District north of 59° 16.68' N. lat., south of 59° 23.13' N. lat., and west of 153° 37' W. long.;

(7) Area 7: those waters of the Kamishak Bay District north of 59° 23.13' N. lat., south of 59° 26.82' N. lat., and west of 153° 37' W. long.;

(8) Area 8: those waters of the Kamishak Bay District north of 59° 26.82' N. lat., south of 59° 33.28' N. lat., and west of 153° 22.10' W. long.;

(9) Area 9: those waters of the Kamishak Bay District north of 59° 33.28' N. lat. and west of 153° 22.10' W. long.;

(10) Area 10: those waters of the Kamishak Bay District north of 59° 36' N. lat., south of 59° 46.15' N. lat., and west of 152° 50' W. long.;


5 AAC 27.409. Central District Herring Management Plan. (a) The purpose of the management plan under this section is to allow the herring fisheries to occur in the Central District of the Cook Inlet Area while minimizing the bycatch of salmon and char.

(b) Herring fishing in the Central District will occur only in the waters of the Upper Subdistrict, Kalgin Island Subdistrict, Western Subdistrict, and Chinitna Bay Subdistrict.

(c) From April 20 through May 31, the commissioner may open and close, by emergency order, a herring fishery for one fishing period per week, to begin on or after Monday at 6:00 a.m. and closing on or before Friday at 6:00 p.m. A fishing period may not be more than 108 hours in duration. A fishing period may extend beyond May 31 if the fishing period began before May 31 and is not longer than 108 hours in duration.

(d) In order to participate, and before fishing, in the Central District herring fishery, a person must register with the department office in Soldotna. A person shall report fishing time and the amount of herring harvested, whether sold or retained for personal use, to the office in Soldotna by 12:00 noon, of the day following the harvest.

(e) In the Upper Subdistrict, a person may not fish for herring within 600 feet of the mean high tide mark on the Kenai Peninsula. The commissioner may, by emergency order, expand this closed area in order to minimize the bycatch of salmon and char.

(f) The guideline harvest range for herring is as follows:

(1) Chinitna Bay Subdistrict: 0 – 40 tons;

(2) Western Subdistrict: 0 – 50 tons;
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(3) Kalgin Island Subdistrict: 0 – 20 tons;
(4) Upper Subdistrict: 0 – 40 tons.

Editor’s note: The department office in Soldotna is located at 43961 Kalifornsky Beach Road, Suite B, Soldotna, Alaska.

5 AAC 27.410. Fishing seasons for Cook Inlet Area. (a) Herring may be taken in the Central District only during periods established by emergency order as provided in 5 AAC 27.409.

(b) Herring may be taken in the Kamishak Bay District from April 15 through June 30 only during periods established by emergency order.

(c) There is no open commercial fishing season for herring in the Eastern, Outer, and Southern Districts.

5 AAC 27.430. Lawful gear for Cook Inlet Area. (a) In the Kamishak Bay District, herring may be taken only by purse seines from April 15 through June 30.

(b) In the Central District, herring may be taken only by gillnets, except that in the Chinitna Bay and Kalgin Island Subdistricts herring may only be taken by set gillnets.

5 AAC 27.431. Gillnet specifications and operations for Cook Inlet Area. (a) A herring set gillnet may not exceed 35 fathoms in length. A person may not operate more than 105 fathoms of set gillnet in the aggregate. Notwithstanding 5 AAC 27.050(c), the mesh size of a herring set gillnet may not be less than two inches and may not exceed two and one-half inches.

(b) A person may not operate a herring drift gillnet that is more than 150 fathoms in length.

5 AAC 27.432. Seine specifications and operations for Cook Inlet Area. From April 15 through June 30, a purse seine may not be more than 1,025 meshes in depth or more than 150 fathoms in length.

5 AAC 27.434. Identification of gear for Cook Inlet Area. Set gillnets used to take herring must have a keg or buoy at one end and must be plainly and legibly marked with the fisherman’s five digit CFEC permit serial number and his initials.

5 AAC 27.435. Minimum distance between units of gear in Cook Inlet Area. A set gillnet may not be set or operated within 600 feet of another set gillnet, except that this provision does not apply in the Chinitna Bay Subdistrict.

5 AAC 27.450. Waters closed to herring fishing in Cook Inlet Area. (a) Herring may not be taken in any waters listed in 5 AAC 21.350(a) – (c).

(b) Herring may not be taken in the Resurrection Bay small boat harbor from April 16 through September 30.

5 AAC 27.462. Reporting requirements for Cook Inlet Area. (a) In addition to the requirements of 5 AAC 39.130(g), each buyer, buyer’s agent, or fisherman who has arranged for the tendering of the fisherman’s own catch, operating in the Southern, Kamishak Bay, Barren Island, Outer, and Eastern Districts, shall report in person to, and register with, a local representative of the department before commencing operations. Each buyer, buyer’s agent, or fisherman who has arranged for the tendering of the fisherman’s own catch shall:

(1) identify and describe all vessels to be employed in transporting or processing herring;
(2) report daily, or as otherwise specified by a local department representative, all herring purchased from fishermen, or other processing records as specified by a department representative; and

(3) submit fully completed fish tickets with accurate and final weight and roe percentages no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

(b) When herring is taken in the Kamishak District by a CFEC permit holder, each person, buyer, company, firm, or other organization that is the first purchaser of herring, and that is required to record and submit a fish ticket under 5 AAC 39.130(c) shall record on the fish ticket, in addition to the other information required by the ticket, the

(1) on-the-fishing ground weight of herring measured by the most efficient method possible, such as dump boxes, scales, or totes, with weight in tons or pounds; and

(2) estimated roe percentage of the herring as determined by a regular sampling of the catch; the sampling shall test approximately 10 kilograms of herring for each five to 10 tons of herring delivered.

(c) A copy of the fish ticket required under (b) of this section must be provided at the time of delivery to the CFEC permit holder by the person, buyer, company, firm, or other organization that is the first purchaser of herring that is taken in the Kamishak District.

5 AAC 27.463. Eastern, Outer, and Southern Districts Herring Management Plan. The board of Fisheries (board) is concerned that the current stock abundance of herring in the Eastern, Outer, and Southern Districts is insufficient to ensure that the commercial herring fishery can be conducted in a sustainable manner. Therefore, the commercial herring fishery in the Eastern, Outer, and Southern Districts remains closed until the board approves a management plan that considers the following factors:

(1) viability of herring stocks on a spawning area basis;

(2) minimum spawning biomass thresholds;

(3) abundance of mature herring for each stock;

(4) maximum allowable exploitation rates depending on estimated stock biomass;

(5) age class strength and sex composition;

(6) the ecosystem function of both target and nontarget species;

(7) maintenance of the geographic distribution of the resource.

5 AAC 27.465. Kamishak Bay District Herring Management Plan. (a) The purpose of the Kamishak Bay District herring management plan under this section is to promote and maintain the viability of the herring stock in the Kamishak Bay District and stabilize the commercial fishery targeting the herring stock by using conservative management strategies that support a biologically sound and sustainable commercial fishery. This management plan describes the management strategies used to set and implement the guideline harvest levels for the Kamishak Bay sac roe fishery. Since herring that spawn in the Kamishak Bay District are known to be present in waters of north Shelikof Strait during part of the year, this plan also sets guidelines for the allocation of the Kamishak Bay herring stock to the Shelikof Strait food and bait herring fishery, as described in 5 AAC 27.535.

(b) The management year for the Kamishak Bay herring stock is July 1 – June 30.
(c) The allocation of the allowable harvest of the Kamishak Bay herring stock is 90 percent to the Kamishak Bay sac roe fishery, and 10 percent to the Shelikof Strait food and bait fishery.

(d) The guideline harvest level for the fall Shelikof Strait food and bait fishery and the following spring Kamishak Bay sac roe fishery will be based on the projected biomass as determined by the most recent aerial surveys, age class composition, historical mortality, recruitment trends and other relevant data that is collected by the department.

(e) The maximum allowable exploitation rate for the Kamishak Bay herring stock is 15 percent of the spawning biomass. The department will determine the exploitation rate based on the age class structure of the forecasted biomass, the degree of biomass uncertainty as measured by the adequacy of recent years’ aerial survey conditions and coverage, and the following guidelines:

1. If the projected spawning biomass is 24,000 short tons or more, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 15 percent;

2. If the projected spawning biomass is at least 14,000 short tons, but less than 24,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 12.5 percent;

3. If the projected spawning biomass is at least 6,000 short tons, but less than 14,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 10 percent;

4. If the projected spawning biomass is less than the minimum threshold of 6,000 short tons, the Kamishak Bay sac roe fishery and the Shelikof Strait food and bait fishery north of the latitude of Miners Point (57° 54.00' N. lat.) will be closed.

(f) The management strategy for the Kamishak Bay sac roe fishery is to target older age classes of herring, and to limit the exploitation rate of recruit age herring which are fish age five and younger, to 10 percent or less. In order to provide maximum protection to recruit age herring, a further reduction of the exploitation rate set out in (e) of this section, or a complete closure of the affected fisheries, may be implemented if the biomass projection, or inseason test fishing, indicates a higher percentage of fish are recruit age herring.

Article 8. Kodiak Area (Registration Area K).

5 AAC 27.500. Description of Kodiak Area. The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 51.10' N. lat.), west of 150° W. long., north of 55° 30.00' N. lat., and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south.

5 AAC 27.505. Description of Kodiak Area districts and sections. (a) West Afognak District: all waters south of a line from Head Point (57° 59.67' N. lat., 152° 46.75' W. long.) to Dolphin Point (57° 59.17' N. lat., 152° 43.42' W. long.), and north of a line from Occident Point (57° 57.42' N. lat., 152° 51.75' W. long.) to Last Timber Point (57° 58.05' N. lat., 152° 59.05' W. long.), and north of a line extending west on the latitude of Raspberry Cape (58° 03.58' N. lat.) to midstream of Shelikof Strait, east of midstream of Shelikof Strait to Cape Newland (58° 30.40' N. lat., 152° 39.50' W. long.), and west of the longitude of Cape Current (152° 28.90' W. long.).
(1) Raspberry Strait Section: all waters of Raspberry Strait enclosed by a line extending from Raspberry Cape (58° 03.58' N. lat., 153° 25.25' W. long.) to Steep Cape (58° 12.00' N. lat., 153° 12.50' W. long.), and by lines from Head Point (57° 59.67' N. lat., 152° 46.75' W. long.) to Dolphin Point on Whale Island (57° 59.17' N. lat., 152° 43.42' W. long.), and north of a line from Occident Point (57° 57.42' N. lat., 152° 51.75' W. long.) to Last Timber Point (57° 58.60' N. lat., 152° 59.05' W. long.);

(2) Malina Bay Section: all waters of Malina Bay east of a line from Steep Cape (58° 12.00' N. lat., 153° 12.50' W. long.) to Cape Paramanof (58° 18.33' N. lat., 153° 02.80' W. long.);

(3) Paramanof Bay Section: all waters of Paramanof Bay east of a line from Cape Paramanof (58° 18.33' N. lat., 153° 02.80' W. long.) to the westernmost tip of Ban Island, and south of a line extending from the east side of Ban Island to the west side of Afognak Island at 58° 19.25' N. lat.;

(4) Foul Bay Section: all waters of Foul Bay east of a line from the westernmost tip of Ban Island to Black Cape (58° 24.50' N. lat., 152° 53.30' W. long.), excluding the Paramanof Bay Section;

(5) Bluefox Bay Section: all waters enclosed by a line from Black Cape (58° 24.50' N. lat., 152° 53.30' W. long.) to Cape Newland (58° 30.40' N. lat., 152° 39.50' W. long.), and west of a line at the longitude of Cape Current (152° 28.90' W. long.) north to Shuyak Island;

(6) Offshore West Afognak Section: all waters enclosed by lines extending west along the latitudes of Raspberry Cape (58° 03.58' N. lat.) and Cape Newland (58° 30.40' N. lat.) to midstream of Shelikof Strait, and by lines from Raspberry Cape to Steep Cape to Cape Paramanof to Cape Newland.

(b) North Afognak District: all waters north of the latitude of Cape Newland and east of midstream Shelikof Strait to the latitude of Cape Douglas, east of the longitude of Cape Current, and north of the latitude of Pillar Cape (58° 08.90' N. lat., 152° 06.90' W. long.).

(1) Shuyak Island Section: all waters north of the latitude of Cape Newland, east of the longitude of Cape Current, and north of a line from Cape Current to Tolstoi Point (58° 23.75' N. lat., 152° 07.50' W. long.), to Tonki Cape (58° 21.13' N. lat., 151° 59.20' W. long.), and north of the latitude of Pillar Cape;

(2) Delphin Bay Section: all waters of Delphin Bay south and west of a line from Delphin Point (58° 22.78' N. lat., 152° 26.30' W. long.) to Cape Current;

(3) Perenosa Bay Section: all waters of Perenosa Bay south of a line from Cape Current to Posliedni Point (58° 26.00' N. lat., 152° 19.50' W. long.), excluding the Delphin Bay Section;

(4) Seal Bay Section: all waters of Seal Bay south of a line from Posliedni Point to Tolstoi Point;

(5) Tonki Bay Section: all waters of Tonki Bay south of a line from Tolstoi Point to Tonki Cape.

(c) South Afognak District: all waters north of a line from Pillar Cape (58° 08.90' N. lat., 152° 06.80' W. long.) to Cape Izhut (58° 06.03' N. lat., 152° 20.40' W. long.) to Dolphin Point (57° 59.17' N. lat., 152° 43.42' W. long.) and to Head Point (57° 59.67' N. lat., 152° 46.17' W. long.).
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(1) Izhut Bay Section: all waters of Izhut Bay north of 58° 10.60' N. lat.;
(2) Kitoi Bay Section: all waters of Kitoi Bay west of a line from 58° 10.60' N. lat., 152° 17.40' W. long. to 58° 09.53' N. lat., 152° 18.70' W. long.;
(3) MacDonald Lagoon Section: all waters of Izhut Bay south of 58° 10.60' N. lat., the eastern boundary of the Kitoi Bay Section, and a line from Cape Izhut to Pillar Cape;
(4) Danger Bay Section: all waters of Danger Bay north of a line from Cape Kazakof (58° 04.67' N. lat., 152° 37.67' W. long.) to Cape Kostromitinof (58° 05.00' N. lat., 152° 32.75' W. long.);
(5) Litnik Section: all waters of Afognak Bay enclosed by a line from Head Point to Dolphin Point and the longitude of Dolphin Point;
(6) Duck Bay Section: all waters of Marmot Bay enclosed by a line from Cape Izhut to Dolphin Point, by the longitude of Dolphin Point, and by a line from Cape Kazakof to Cape Kostromitinof.

(d) Uganik Bay District: all waters north of the latitude of Cape Kuliuk (57° 48.25' N. lat.) to midstream Shelikof Strait, and south of the latitude of Raspberry Cape to midstream Shelikof Strait, east of midstream Shelikof Strait, and including the waters of Kupreanof Straits west of a line from Inner Point (57° 54.10' N. lat., 152° 47.80' W. long.) to Bird Point (57° 55.33' N. lat., 152° 47.50' W. long.), and south of a line from Occident Point (57° 57.42' N. lat., 152° 51.75' W. long.) to Last Timber Point (57° 58.60' N. lat., 152° 59.05' W. long.).

(1) Kupreanof Section: all waters enclosed by a line from Raspberry Cape to Outlet Cape (57° 59.75' N. lat., 153° 17.50' W. long.) and by lines from Inner Point to Bird Point and from Occident Point to Last Timber Point;
(2) Viekoda Bay Section: all waters of Inner Viekoda Bay east of the longitude of Naugolka Point (57° 53.70' N. lat., 153° 14.10' W. long.);
(3) Terror Bay Section: all waters of Terror Bay and Outer Viekoda Bay enclosed by lines from Raspberry Cape to Cape Uganik and from Raspberry Cape to Outlet Cape, and all waters of West Uganik Passage east of 153° 15.70' W. long.;
(4) Village Islands Section: all waters of Uganik Bay south of a line from Cape Ugat to Cape Uganik (57° 58.00' N. lat., 153° 30.28' W. long.), west of lines from Cape Uganik to East Point (57° 50.50' N. lat., 153° 28.70' W. long.), and west of a line at 153° 26.00' W. long. in Northeast Arm Uganik Bay, and north and west of a line that extends from Mink Point to Packer’s Spit at 57° 43.95' N. lat., 153° 30.00' W. long., in East Arm Uganik Bay, and north of the latitude of Mink Point;
(5) West Uganik Passage Section: all waters of West Uganik Passage west of 153° 15.70' W. long., and east of a line from Cape Uganik to East Point;
(6) Northeast Arm Uganik Section: all waters of the Northeast Arm of Uganik Bay east of a line at 153° 26.00' W. long.;
(7) East Arm Uganik Section: all waters of the East Arm of Uganik Bay (Mush Bay) south and east of a line that extends from Packer’s Spit at 57° 43.95' N. lat., 153° 30.00' W. long., to Mink Point (57° 43.13' N. lat., 153° 30.10' W. long.);
(8) South Arm Uganik Section: all waters of the South Arm of Uganik Bay south of the latitude of Mink Point;
(9) Outer Uganik Section: all waters south of the latitude of Raspberry Cape,
north of the latitude of Cape Kuliuk, east of midstream of Shelikof Strait, and west of a line from Cape Uganik to Cape Ugat (57° 52.33' N. lat., 153° 50.92' W. long.).

(e) Uyak District: all waters south of the latitude of Cape Kuliuk to midstream of Shelikof Strait and north of the latitude of Cape Karluk to midstream of Shelikof Strait, and east of midstream of Shelikof Strait and including all of Uyak Bay.

1. Offshore Uyak Section: all waters south of the latitude of Cape Kuliuk to midstream Shelikof Strait and north of the latitude of Cape Karluk (57° 34.70' N. lat.) to midstream Shelikof Strait, east of midstream Shelikof Strait, and west of a line from Cape Kuliuk to Rocky Point (57° 39.78' N. lat., 154° 13.90' W. long.);

2. Harvester Island Section: all waters north of the latitude of Carlsen Point (57° 34.55' N. lat.) and west of 153° 50.00' W. long., and south of a line from Cape Kuliuk to Rocky Point (57° 39.78' N. lat., 154° 13.90' W. long.);

3. Inner Uyak Bay Section: all waters of Inner Uyak Bay south of the latitude of Carlsen Point, excluding the Larsen Bay and Browns Lagoon Sections;

4. Larsen Bay Section: all waters of Larsen Bay west of 153° 58.50' W. long.;

5. Browns Lagoon Section: that portion of the Inner Uyak Bay Section in Amook Pass south of a line from the northern tip of Amook Island to Carlsen Point, and north of the latitude of the southern tip of Amook Island;

6. Zachar Bay Section: all waters of Zachar Bay east of 153° 50.00' W. long.;

7. Spiridon Bay Section: all waters of Spiridon Bay east of 153° 50.00' W. long.

(f) Sturgeon–Halibut Bay District: all waters south of the latitude of Cape Karluk to midstream Shelikof Strait, and north of a line from Cape Ikolik (57° 17.43' N. lat.) to midstream of Shelikof Strait (57° 22.00' N. lat. and 155° 25.00' W. long.), and east of midstream Shelikof Strait, and including all bays from Cape Ikolik to Cape Karluk.

(g) Alitak Bay District: all waters east of the longitude of Cape Ikolik (154° 47.50' W. long.), west of the longitude of Black Point (153° 18.65' W. long.), and south of a line from Black Point (56° 59.50' N. lat., 153° 18.65' W. long.) to Cape Kiavak (57° N. lat., 153° 32.50' W. long.).

1. Outer Alitak Bay Section: all waters encompassed by lines east of the longitude of Cape Ikolik, west of the longitude of Black Point, south of a line from Black Point to the northernmost tip of Twoheaded Island, from the southernmost tip of Twoheaded Island to the easternmost tip of Aiaktalik Island, from the westernmost tip of Aiaktalik Island to Cape Trinity, and northwest to Cape Alitak (56° 50.58' N. lat., 154° 18.50' W. long.);

2. Inner Alitak Bay Section: all waters enclosed by a line from Cape Alitak to Cape Trinity south of a line across the Olga Narrows at 57° 03.38' N. lat., and south of 56° 58.02' N. lat., in Alitak Bay;

3. Inner Deadman Bay Section: all waters of Deadman Bay north of 57° 05.00' N. lat.;

4. Outer Deadman Bay Section: all waters north of 56° 58.02' N. lat., in Alitak Bay, and south of 57° 05.00' N. lat.;

5. repealed 4/25/2008;

6. Sulua Bay Section: all waters of Sulua and Portage Bays east of 153° 57.90' W. long.
(7) Lower Olga Bay Section: all waters of Lower Olga Bay south of a line across the entrance of Upper Olga Bay at 57° 07.30' N. lat., and north of a line across the Olga Narrows at 57° 03.38' N. lat.;

(8) East Upper Olga Bay Section: all waters of Olga Bay north of a line across the entrance of Upper Olga Bay at 57° 07.30' N. lat. and east of a line across Upper Olga Bay at 154° 16.06' W. long.;

(9) West Upper Olga Bay Section: all waters of Upper Olga Bay west of a line across Upper Olga Bay at 154° 16.06' W. long.;

(10) Geese–Twoheaded Section: all waters encompassed by lines from Cape Trinity to the westernmost tip of Aiaktalik Island, from the easternmost tip of Aiaktalik Island to the southernmost tip of Twoheaded Island, from the northernmost tip of Twoheaded Island to Black Point, and south of a line from Black Point (56° 59.50' N. lat., 153° 18.65' W. long.) to Cape Kiavak (57° N. lat., 153° 32.50' W. long.).

(h) Eastside District: all waters south of the latitude of Narrow Cape, extending east to 150° W. long., and north and east of a line from Black Point to Cape Kiavak.

(1) Kaiugnak Section: all waters of Kaiugnak and Kiavak Bays west of a line from Cape Kasiak to Cape Kiavak;

(2) Southwest Sitkalidak Section: all waters of West Sitkalidak Strait and associated bays enclosed by a line north of Cape Kiavak to Black Point, east of a line from Cape Kiavak to Cape Kasiak, and south of a line from Cape Kasiak to Natalia Point, including all waters of Natalia Bay;

(3) Three Saints Bay Section: all waters of Three Saints Bay west of a line from Cape Kasiak to Cape Liakik;

(4) Newman Bay Section: all waters of Newman Bay and a part of Sitkalidak Strait enclosed by a line north of Natalia Point to Cape Kasiak, east of a line from Cape Kasiak to Cape Liakik, and south of the latitude of Cape Liakik at 57° 06.73' N. lat.;

(5) West Sitkalidak Section: all waters of West Sitkalidak Strait west of 153° 16.55' W. long. and north of the latitude of Cape Liakik at 57° 06.73' N. lat., excluding the Barling Bay Section;

(6) Barling Bay Section: all waters of Barling Bay west of a line from the northern entrance at 57° 11.65' N. lat., 153° 19.08' W. long. to Barling Spit at 57° 10.20' N. lat., 153° 21.68' W. long.;

(7) East Sitkalidak Section: all waters of East Sitkalidak Strait and associated bays enclosed by a line from Left Cape (57° 15.40' N. lat., 152° 56.52' W. long.) to Cape Barnabas (59° 09.07' N. lat., 152° 52.20' W. long.) and east of 153° 16.55' W. long., excluding the Tanginak Anchorage Section;

(8) Tanginak Anchorage Section: all waters of MacDonald Lagoon and Tanginak Anchorage south of the latitude of Lagoon Point (57° 11.37' N. lat., 153° 03.75' W. long.);

(9) Outer Sitkalidak Section: all waters east of the longitude of Black Point, south of the latitude of Narrow Cape, and east of lines from Cape Barnabas to Dangerous Cape, and from Dangerous Cape to Narrow Cape;

(10) Boulder Bay Section: all waters of Outer Kiliuda, Santa Flavia, and Boulder Bays enclosed by a line from Dangerous Cape to Cape Barnabas to Left Cape to Shearwater Point to Pillar Point;
(11) Shearwater Section: all waters of Shearwater Bay east of a line from Shearwater Point (57° 19.80' N. lat., 152° 58.50' W. long.) to Pillar Point (57° 19.22' N. lat., 152° 54.95' W. long.);

(12) Outer Kiliuda Bay Section: all waters of Kiliuda Bay west of a line from Left Cape to Shearwater Point, and east of a line from a point at 57° 18.63' N. lat., 153° 05.95' W. long. to a point at 57° 17.82' N. lat., 153° 06.95' W. long.;

(13) Inner Kiliuda Bay Section: all waters of Kiliuda Bay west of a line from a point at 57° 18.63' N. lat., 153° 05.95' W. long. to a point at 57° 17.82' N. lat., 153° 06.95' W. long.;

(14) Inner Ugak Bay Section: all waters of Ugak Bay west of 152° 49.00' W. long.;

(15) Outer Ugak Bay Section: all waters of Ugak Bay east of 152° 49.00' W. long., and north and west of a line from Dangerous Cape to Narrow Cape, excluding the Pasagshak Section;

(16) Pasagshak Bay Section: all waters of Pasagshak Bay north and east of a line from 57° 26.00' N. lat., 152° 31.15' W. long. to 57° 25.00' N. lat., 152° 29.40' W. long.
   (i) Northeast District: all waters north of the latitude of Narrow Cape, including Chiniak Bay, and east of a line from Spruce Cape to Pillar Cape, and south of the latitude of Pillar Cape.

   (1) Womens Bay Section: all waters of Womens Bay south and west of a line from Cliff Point (57° 43.50' N. lat., 152° 26.52' W. long.) to the terminus of Buskin River;

   (2) Kalsin Bay Section: all waters of Kalsin Bay south and west of a line from Cape Chiniak (57° 37.55' N. lat., 152° 09.28' W. long.) to Broad Point;

   (3) Middle Bay Section: all waters of Middle Bay south and west of a line from Broad Point to Cliff Point;

   (4) Inshore Chiniak Section: all waters of Chiniak Bay enclosed by lines from Cape Chiniak to Broad Point to Cliff Point to the terminus of Buskin River, and from Spruce Cape to Pillar Cape to Cape Chiniak;

   (5) Offshore Chiniak–Marmot Section: all waters east of a line from Pillar Cape to Cape Chiniak, south of the latitude of Pillar Cape and north of the latitude of Narrow Cape.

   (j) Inner Marmot Bay District: all waters east of a line from Spruce Cape to Pillar Cape, south of a line from Pillar Cape to Cape Izhut to Dolphin Point, and east of a line from Bird Point to Inner Point.

   (1) Monashka–Mill Bay Section: all waters of Monashka Bay and Mill Bay west of a line from Termination Point (57° 51.37' N. lat., 152° 24.15' W. long.) to Spruce Cape (57° 49.57' N. lat., 152° 19.62' W. long.);

   (2) Anton Larsen Bay Section: all waters of Anton Larsen Bay south of a line from Kizhuyak Point (57° 55.02' N. lat., 152° 38.20' W. long.) to Crag Point (57° 52.75' N. lat., 152° 40.00' W. long.);

   (3) Sharatin Bay Section: all waters of Sharatin Bay south of a line from Crag Point to Kekur Point (57° 51.48' N. lat., 152° 47.15' W. long.);
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(4) Kizhuyak Bay Section: all waters of Kizhuyak Bay west of a line from Kekur Point to Inner Point (57° 54.05' N. lat., 152° 47.75' W. long.);

(5) Spruce Island Section: all waters of Marmot Bay and adjacent bays and islands enclosed by a line from Spruce Cape to Pillar Cape to Cape Izhut to Dolphin Point to Inner Point to Kekur Point to Crag Point to Kizhuyak Point.

(k) North Mainland District: all waters south of the latitude of Cape Douglas (58° 51.10' N. lat.), west of midstream Shelikof Strait, and north of the latitude of Cape Ilktugidak (58° 35.00' N. lat., 154° 01.15' W. long.).

(1) Hallo Bay Section: all waters south of the latitude of Cape Douglas to mid-stream of Shelikof Strait, and north of the latitude of Cape Nukshak (58° 23.50' N. lat., 153° 58.95' W. long.), and east to midstream of Shelikof Strait;

(2) Inner Kukak Section: all waters west of a line from Cape Nukshak to Cape Gull (58° 13.05' N. lat., 154° 08.65' W. long.);

(3) Outer Kukak Section: all waters east of a line from Cape Nukshak to Cape Gull, and east of the latitudes of Cape Nukshak and Cape Gull to midstream of Shelikof Strait;

(4) Missak Section: all waters south of the latitude of Cape Gull east to midstream of Shelikof Strait, and north of the latitude of Cape Ilktugidak to midstream of Shelikof Strait.

(l) Mid Mainland District: all waters south of the latitude of Cape Ilktugidak, west of midstream Shelikof Strait, and north of the latitude of Cape Igvak.

(1) Inner Katmai Section: all waters north and west of a line from Cape Ilktugidak (58° 01.12' N. lat., 154° 35.05' W. long.) to Cape Kubugakli (57° 53.83' N. lat., 155° 03.70' W. long.);

(2) Outer Katmai Section: all waters encompassed by the latitude of Cape Ilktugidak east to midstream of Shelikof Strait, the latitude of Cape Kekurnoi east to midstream of Shelikof Strait, west of midstream of Shelikof Strait, east of lines from Cape Ilktugidak to Cape Kubugakli, and from Cape Kubugakli to Cape Kekurnoi (57° 43.45' N. lat., 155° 18.05' W. long.);

(3) Alinchak Section: all waters west of a line from Cape Kubugakli to Cape Kekurnoi;

(4) Puale Bay Section: all waters west of a line from Cape Kekurnoi to Cape Unalishagvak (57° 32.70' N. lat., 155° 43.83' W. long.);

(5) Portage Bay Section: all waters west of a line from Cape Unalishagvak to Cape Igvak (57° 26.05' N. lat., 156° 01.43' W. long.);

(6) Outer Portage–Puale Section: all waters east of lines from Cape Kekurnoi to Cape Unalishagvak and from Cape Unalishagvak to Cape Igvak, and north of a line that extends from Cape Igvak east to midstream of Shelikof Strait at 57° 22.00' N. lat. and 155° 25.00' W. long., and south of a line from the latitude of Cape Kekurnoi east to midstream of Shelikof Strait.

(m) South Mainland District: all waters enclosed by a line north of the latitude of 55° 30.00' N. lat., west of the longitude of Cape Ikolik, south of a line from Cape Ikolik to Cape Igvak, and east of a line extending south from the southern entrance of Imuya Bay near Kilokak Rocks at 156° 20.07' W. long.
(1) Wide Bay Section: all waters west of a line from Cape Igvak to Cape Kayakliut (57° 17.65' N. lat., 156° 19.00' W. long.);

(2) Lower Shelikof Section: all waters enclosed east of a line from Cape Igvak to Cape Kayakliut, east of the longitude of Kilokak Rocks, west of the longitude of Cape Ikolik, and south of a line from Cape Igvak to Cape Ikolik.

5 AAC 27.506. Use of global positioning system (GPS). In the Kodiak Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by ADF&G regulatory markers.

5 AAC 27.510. Fishing seasons and periods for Kodiak Area. (a) Unless otherwise provided for by emergency order, herring may be taken during the sac roe season from April 15 through June 30, as follows:

(1) from April 15 through May 7, fishing periods for purse seines are from 12:00 noon until 9:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available; from May 8 through June 30, fishing periods for purse seines are from 12:00 noon until 10:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available;

(2) from April 15 through June 30, the fishing periods for gillnets are from 12:00 noon on odd-numbered days until 12:00 noon on even-numbered days;

(b) Herring may be taken during the food and bait season from September 1 through February 28 only during fishing periods established by emergency order. A CFEC permit holder must register with the department before participating in the food and bait fishery.

5 AAC 27.515. Lawful gear for Kodiak Area. (a) Herring may be taken only by seines, gillnets and trawls, except that beach seines and trawls may not be used to take herring during the sac roe season.

(b) A herring fishing vessel may operate or assist in operating, or have on board it, only one legal limit of herring fishing gear in the aggregate, except that

(1) a herring fishing vessel may tow or transport another herring fishing vessel containing that vessel’s own gear; and

(2) parts of gear used in other management areas may be on board the vessel if those parts of gear are stowed below the deck of the vessel while that vessel is in the Kodiak Area.

(c) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

(d) A purse seine, hand purse seine or beach seine may not be fished simultaneously with gillnet gear by any person or vessel.

(e) Herring fishing nets shall be measured, either wet or dry, by determining the maximum length of cork line when the net is fully extended with traction applied at one end only.

(f) The interim-use or entry permit holder is responsible for operation of the net.
(g) The use of leads with any net gear used for commercial herring fishing is prohibited during the herring sac roe season.

5 AAC 27.520. Gillnet specifications and operations for Kodiak Area. (a) The aggregate length of herring gillnets in use by any herring CFEC permit holder may not exceed 150 fathoms.

(b) The interim-use or entry permit holder must be physically present while the gillnet is being fished.

(c) Each drift gillnet in operation must have a buoy at one end and the opposite end must be attached to the fishing vessel. Each set gillnet in operation must be anchored and buoyed at both ends. All buoys must be at least 10 inches in diameter and all buoys used on an individual gillnet must be of the same color. Each buoy must be plainly and legibly marked with the permanent vessel license plate number (ADF&G number) of the vessel operating the gear. The buoy may bear only a single number, and this number must be that of the vessel used in operating the gear. The number must be painted on the top one-third of the buoy in numerals at least four inches in height, one-half inch in width, and in a color contrasting to that of the buoy. The buoy markings must be visible on the buoy above the water surface. Set gillnets must have a buoy spaced every 25 fathoms along the net and the buoys must be floating on the surface of the water.

(d) Herring gillnets may remain in the water for up to four hours after the announced closing time for any opening of three hours or less fishing time. No herring gillnets may be set or reset after a closure time. Herring gillnets may remain in the water for up to four hours after an emergency order closure if that closure is announced by the department less than three hours before the closure time. No herring gillnet may remain in the water past the 12:00 noon closure on even-numbered days described in 5 AAC 27.510.

(e) From April 1 through July 31, a herring gillnet may not exceed 230 meshes in depth.

5 AAC 27.525. Seine specifications and operations for Kodiak Area. (a) From April 1 through July 31, a purse seine may not exceed 18 fathoms stretch measure in depth or 100 fathoms in length. The depth shall be determined by using a stretch measure of the web from the cork line to the bottom of the net, including any lines that hang below the lead line.

(b) Repealed 4/14/82.

(c) From August 1 through February 28, a purse seine may not be more than 1,625 meshes in depth, including meshes used as chafing gear, or more than 150 fathoms in length.

(d) From April 1 through July 31, an Area K CFEC sac roe seine permit holder may use only one vessel to take herring – either the vessel identified on the holder’s permit or a replacement vessel that the holder has registered, in person, at the department’s Kodiak office. Only one seine vessel at a time may be registered as a replacement vessel.

(e) From March 1 through April 13, a person may make practice purse seine sets from a purse seine vessel in the Kodiak Area within one-half mile of the Sealand dock. All fish caught shall be immediately released back to the water unharmed.

5 AAC 27.530. Waters closed to herring fishing in Kodiak Area. (a) During the period July 1 through October 31, herring may not be taken in waters described in 5 AAC 18.350 and 5 AAC 39.290.

(b) During the commercial herring sac roe fishing season, herring may not be taken in the waters of Womens Bay enclosed by a line from Shannon’s Point (57° 43.80' N. lat.,
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152° 31.60' W. long.) to Nymans Peninsula (57° 43.30' N. lat., 152° 31.40' W. long.).

(c) During the period from April 15 through June 30, or later if the season is extended by emergency order, herring may not be taken in the waters of Browns Lagoon.

(d) During the period from April 15 through June 30, herring may not be taken in the following waters of Uganik Island:

(1) south and west of a line from 57° 51.10' N. lat., 153° 13.53' W. long. to 57° 52.12' N. lat., 153° 15.00' W. long.;

(2) north of a line from 57° 49.37' N. lat., 153° 17.65' W. long. to 57° 49.47' N. lat., 153° 19.30' W. long.;

(3) east of a line from 57° 50.85' N. lat., 153° 19.18' W. long. to 57° 50.07' N. lat., 153° 19.18' W. long.

5 AAC 27.535. Harvest strategies for Kodiak Area. (a) The department shall manage the Shelikof Strait food and bait herring fishery in the waters set out in 5 AAC 27.505(a) (West Afognak District), 5 AAC 27.505(b) (North Afognak District), 5 AAC 27.505(d) (Uganik District), and 5 AAC 27.505(e) (Uyak District), so that the total harvest does not exceed the combined guideline harvest level, established in (b), for these districts and the allowable harvest of the Kamishak spawning stocks that overwinter in Shelikof Strait, as determined under the Kamishak Bay District herring management plan set out in 5 AAC 27.465. The waters set out in 5 AAC 27.505(k) (North Mainland District) and 5 AAC 27.505(l) (Mid Mainland District) shall be managed based on the guideline harvest level for these districts as established in (b), however, these districts will be closed when the guideline harvest level is reached in the Shelikof Strait fishery.

(b) The department shall establish guideline harvest levels for the herring food and bait fisheries for each section of the districts specified in (a) of this section, which may not exceed 10 percent of the guideline harvest level of that section in the previous sac roe season.

(c) The department shall manage the remaining districts of the food and bait herring fishery, so that the harvest does not exceed the combined sum of the guideline harvest levels of the individual sections of a district. The department may manage the food and bait fishery, including the Shelikof Strait fishery, by section of a district, if the harvest location, age class composition of the harvest, or biomass estimates indicate a harvest has occurred on a single herring spawning stock.

(d) When the Kamishak Bay herring spawning biomass is below 6,000 short tons, the commissioner shall close, by emergency order, the food and bait fishery in Shelikof Strait north of the latitude of Miners Point (57° 54.00' N. lat.).

(e) The department shall manage the sac roe herring fishery to provide opportunities for gillnet permit holders to harvest approximately 25 percent and purse seine permit holders to harvest approximately 75 percent of the total preseason guideline harvest level for the management area, as follows; the commissioner shall issue emergency orders as necessary:

(1) based on the department’s assessment of

(A) biomass, recent spawning areas, and status of a herring stock in a bay or complex of bays, adjacent sections may be combined and managed as a single section;
(B) effort levels, harvest rates, and the department’s ability to monitor the fishery, the length of the fishing periods for either or both gear types may be increased or reduced; and

(C) remaining guideline harvest levels, notwithstanding any other provision of this section, from May 1 through June 30, the commissioner may, by emergency order, open any area with a remaining herring guideline harvest level to any gear group if the department determines that the fishery is not likely to result in overharvest of the resource;

(2) except as provided in (4) of this subsection, the department shall establish guideline harvest levels each year by section based on information such as historical data, current and past fishery performance, sampling of commercial catches, and aerial surveys as follows:

(A) except in districts where only one section is open for fishing, the department shall designate one legal gear type for each section with a guideline harvest level, unless the allocation by gear type within a district cannot be achieved;

(B) in districts where only one section is open for fishing, the department will, in its discretion, assign a portion of the guideline harvest level to each gear type;

(C) for allocative purposes only,

(i) the North Mainland, Mid Mainland, and South Mainland Districts will be considered one district; and

(ii) the North Afognak, West Afognak, and South Afognak Districts will be considered one district;

(D) each district having more than one section that is open for fishing will have approximately 20 to 30 percent of the guideline harvest level for the district allocated to the gillnet holders and 70 to 80 percent allocated to the purse seine permit holders;

(3) an individual section shall be closed to fishing once that section’s guideline harvest level has been achieved; the guideline harvest level for an individual section may be adjusted downward inseason depending on observed stock abundance; the department may make adjustments in the management of a section based on inseason changes in fish behavior or harvest patterns; these changes may result in an adjacent section closure;

(4) a section that does not have an extensive history of sac roe production may be designated as exploratory with no specified guideline harvest level; permit holders for either gear type may fish in an exploratory section; a section listed as exploratory under this paragraph may be opened or closed, based on inseason information such as observed stock abundance, harvest levels, and changes in fish behavior or harvest patterns, including such changes in adjacent sections;

(5) a section that has been closed because its guideline harvest level has been achieved may be reopened, if the department determines that additional herring arriving on the grounds have increased the available biomass to the point that the initial exploitation rate has dropped below 10 percent for that stock; any reopening will require information indicating that juvenile herring, post spawners, or other forage fish are not present and that the department has the ability to monitor and regulate the reopening on the grounds; the department shall give at least 24 hours’ advance notice before a section is reopened under this paragraph;

(6) the Kodiak herring sac roe fishery is intended to occur in an orderly fashion,
with minimal waste of resource and within conservation limits as determined by the department, while striving for the highest quality product;

(7) in this subsection, “section” means a section as described in 5 AAC 27.505.

5 AAC 27.536. Size limits for Kodiak Area. A CFEC herring seine permit holder may not sell or have aboard a vessel any herring that were taken during the herring sac roe season if the number of individual herring per 50 pounds of net weight exceeds 250 fish.

5 AAC 27.540. Buyer and tender reporting requirements for Kodiak Area. (a) In addition to the requirements of 5 AAC 39.130(g), each tender operator and each buyer or the tender operator or buyer’s agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. Each buyer or buyer’s agent shall

(1) identify all vessels to be employed in transporting or processing herring and shall register those vessels with a local representative of the department located in the registration area before transporting or processing herring;

(2) make daily reports of all herring purchased from fishermen and other processing records as specified by a local representative of the department; and

(3) submit fully completed fish tickets with accurate and final weight and roe percentages no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

(b) At the time herring are received from a CFEC permit holder in the Kodiak Area each buyer of herring, each fisherman selling to a buyer not licensed to process fish (catcher/seller), and each person or company that catches and processes that person’s or company’s own catch or has that catch processed by another person or company, shall, in addition to the requirements of 5 AAC 39.130(c), at the request of the CFEC permit holder record on a herring fish ticket, the following information:

(1) the on-the-fishing ground weight of herring measured by the most efficient method possible, such as dump boxes, scales or totes, with weight in tons or pounds; and

(2) estimated roe percentage of the herring as determined by a regular sampling of the catch; the sampling shall test 10 kilograms of herring for each five to 10 tons of herring delivered.

(c) A copy of the fish ticket required under (b) of this section must be provided at the time of delivery to the CFEC permit holder from the person, buyer, company, firm, or other organization that is the first purchaser of herring that is taken in the Kodiak Area.

5 AAC 27.545. Harvest of bait by commercial permit holders in Kodiak Area. The holder of a valid CFEC interim use or limited entry permit may take but may not sell herring for use as bait in the commercial fishery for which the permit is held as follows:

(1) herring may only be taken under the authority of a herring bait fishing permit issued by the commissioner or the commissioner’s designee;

(2) herring may only be taken by gillnet, mechanical jigging machine, hand troll, and purse seine gear;

(3) from April 12 through July 3, a vessel, crew member, or permit holder that participates in the Kodiak commercial herring sac roe fishery may not take herring under this section in the Kodiak Area;
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(4) a person may not take more than 1,000 pounds of herring in a calendar year.

Article 9. Chignik Area (Registration Area L).

5 AAC 27.550. Description of Chignik Area. The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance to Imuya Bay), then due south, and a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long.

5 AAC 27.555. Description of Chignik Area districts. Districts are as described in 5 AAC 15.200.

5 AAC 27.556. Use of global positioning system (GPS). In the Chignik Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by ADF&G regulatory markers.

5 AAC 27.560. Fishing seasons and weekly fishing periods for Chignik Area. (a) Herring may be taken from April 15 through June 30 (sac roe season) and from August 15 through February 28 (food and bait season).

   (b) Herring may be taken only during periods established by emergency order.

   (c) A CFEC permit holder must register with the department before participating in the sac roe fishery and the food and bait fishery.

5 AAC 27.565. Lawful gear for Chignik Area. (a) Herring may be taken only by purse seines.

   (b) A herring fishing vessel may operate or assist in operating only one legal limit of herring fishing gear in the aggregate.

   (c) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

   (d) Herring fishing nets shall be measured, either wet or dry, by determining the maximum length of cork line when the net is fully extended with traction applied at one end only.

   (e) The interim-use or entry permit holder is responsible for operation of the net.

   (f) The use of leads with any net gear used for commercial herring fishing is prohibited during the herring sac roe season.

5 AAC 27.575. Seine specifications and operations for Chignik Area. A purse seine may not be more than 1,000 meshes in depth or more than 100 fathoms in length.

5 AAC 27.580. Waters closed to herring fishing in Chignik Area. During the period June 12 through October 31, herring may not be taken in waters described in 5 AAC 15.350 and 5 AAC 39.290.

5 AAC 27.590. Buyer and tender reporting requirements for Chignik Area. In addition to the requirements of 5 AAC 39.130(g), each tender operator and each buyer or the tender operator or buyer’s agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. Each buyer or buyer’s agent shall

   (1) identify all vessels to be employed in transporting or processing herring and shall register those vessels with a local representative of the department located in the registration area before transporting or processing herring;
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(2) make daily reports of all herring purchased from fishermen, and other processing records as specified by a local representative of the department; and

(3) submit fish tickets before departure from the area and no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

Article 10. Alaska Peninsula–Aleutian Islands Area (Registration Area M).

5 AAC 27.600. Description of Alaska Peninsula–Aleutian Islands Area. The Alaska Peninsula–Aleutian Islands Area includes all waters bound on the east by a line extending southeast (135°) from the southernmost tip of Kupreanof Point, on the west by the International Date Line, and on the north by a line extending west from the westernmost tip of Cape Menshikof.

5 AAC 27.605. Description of Alaska Peninsula–Aleutian Islands Area districts and sections. (a) Sand Point District: all waters on the south (Pacific) side of the Alaska Peninsula west of a line extending 135° from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.), and east of 160° 59.00' W. long. (longitude of McGinty Point). Sections are as follows:

1) Stepovak Bay Section: all waters of the Sand Point District located west of a line extending 135° from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.), north of a line from approximately two nautical miles south of 135° from Kupreanof Point, west to 55° 32.20' N. lat., 160° 02.60' W. long., (approximately one nautical mile north of Karpa Island), and west to 55° 26.00' N. lat., 160° 31.50' W. long., (approximately two nautical miles south of the longitude of Swedania Point (160° 31.50' W. long.).

2) Swedania Point–Balboa Bay Section: all waters of the Sand Point District located between 160° 31.50' W. long. and 160° 49.00' W. long., and north of 55° 26.00' N. lat.;

3) Point Aliaksin–Beaver Bay Section: all waters of the Sand Point District located between 160° 49.00' W. long. and 160° 59.00' W. long., and north of 55° 26.00' N. lat.;

4) General Section: all other waters of the Sand Point District.

(b) Pavlof District: all waters on the south (Pacific) side of the Alaska Peninsula between 160° 59.00' W. long. and a line extending 150° from 55° 05.90' N. lat., 161° 59.00' W. long. through Inner and Outer Iliasik Islands, including Bear and Volcano Bays. Sections are as follows:

1) Canoe Bay Section: all waters of Canoe Bay east of 161° 21.75' W. long.;

2) Pavlof Bay Section: all waters of Pavlof Bay north of 55° 21.60' N. lat. (latitude of Cape Tolstoi), excluding the Canoe Bay and Seal Cape–Wosnesenski Sections;

3) Seal Cape–Wosnesenski Section: all waters of the Pavlof District located between 160° 59.00' W. long. and 161° 30.00' W. long. (longitude of Cape Tolstoi);

4) General Section: all other waters of the Pavlof District.

(c) King Cove District: all waters of the south (Pacific) side of the Alaska Peninsula between a line extending 150° from 55° 05.90' N. lat., 161° 59.00' W. long. through Inner and Outer Iliasik Islands and 163° 30.00' W. long., including waters of Isanotski Strait south of a line from Nichols Point to the False Pass Dock. Sections are as follows:
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(1) Belkofski Section: all waters of the King Cove District east of 162° 15.00' W. long. (longitude of Bold Cape);

(2) Deer Passage Section: all waters of the King Cove District between 162° 15.00' W. long. (longitude of Bold Cape) and 162° 24.80' W. long. (longitude of Vodapoini Point), and north of 54° 55.00' N. lat., excluding all waters of Lenard Harbor;

(3) Cold Bay Section: all waters of the King Cove District bounded by a line from Thin Point to Vodapoini Point;

(4) General Section: all other waters of the King Cove District.

(d) Unimak District: all waters on the southside of Unimak Island between 163° 30.00' W. long. and the longitude of Scotch Cap Light.

(e) Akutan District: all waters extending west of Unimak Island to and including Akutan Pass.

(f) Unalaska District: all waters west of Akutan Pass to and including Umnak Pass. Sections are as follows:

(1) Unalaska Bay Section: all waters of the Unalaska Bay District enclosed by a line from Priest Rock at 54° 00.48' N. lat., 166° 22.67' W. long. to Cape Cheerful at 54° 00.58' N. lat., 166° 38.30' W. long.;

(2) General Section: all waters of the Unalaska District not included in the Unalaska Bay Section.

(g) Umnak District: all waters west of Umnak Pass to and including Atka Pass.

(h) Adak District: all waters west of Atka Pass to the terminus of the Aleutian Islands.

(i) Amak District: all Bering Sea waters between the longitude of Cape Lieskof (162° 04.00' W. long.) to the longitude of Cape Sarichef Light, including all waters of Bechevin Bay and Isanotski Strait north of a line from the False Pass Cannery dock to the tip of Nichols Point.

(j) Port Moller District: all Bering Sea waters between the longitude of Cape Lieskof (162° 04.00' W. long.) and the longitude of Cape Seniavin (160° 08.80' W. long.). Sections are as follows:

(1) Western Section: all waters of the Port Moller District west of the longitude of Wolf Point on Walrus Island, excluding the waters of Herendeen Bay and Deer Island–Mud Bay Sections;

(2) Deer Island–Mud Bay Section: all waters of the Port Moller District bounded by a line from the northernmost tip of Point Edward to the southernmost tip of Wolf Point on Walrus Island to Point Divide (55° 53.10' N. lat., 160° 47.30' W. long.) to the northernmost tip of Black Point;

(3) Herendeen Bay Section: all waters of Herendeen Bay south of a line from the northernmost tip of Black Point to Point Divide (55° 53.10' N. lat., 160° 47.30' W. long.);

(4) Inner Port Moller Bay Section: all waters of Port Moller Bay enclosed by a line from Point Divide (55° 53.10' N. lat., 160° 47.30' W. long.) to Harbor Point (55° 54.90' N. lat., 160° 34.70' W. long.);

(5) Outer Port Moller Bay Section: all waters of the Port Moller District south and east of a line from Point Divide (55° 53.10' N. lat., 160° 47.30' W. long.) to the south-
ernmost tip of Wolf Point on Walrus Island to the southernmost tip of Entrance Point (55° 58.70' N. lat., 160° 34.80' W. long.);

(6) Bear River Section: all Bering Sea waters between the longitude of Wolf Point on Walrus Island and Cape Seniavin Light, excluding the waters of the Herendeen Bay, Deer Island–Mud Bay, Outer Port Moller Bay, and Inner Port Moller Bay Sections.

(k) Port Heiden District: all Bering Sea waters between the longitude of Cape Seniavin (160° 08.80' W. long.) and the latitude of Cape Menshikof (57° 31.33' N. lat.).

5 AAC 27.606. Use of global positioning system (GPS). In the Aleutian Islands–Alaska Peninsula Area herring fishery, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by ADF&G regulatory markers.

5 AAC 27.610. Fishing seasons and periods for Alaska Peninsula–Aleutian Islands Area.
(a) In the Sand Point, Pavlof, King Cove, Amak, Port Moller, and Port Heiden Districts, herring may be taken from April 15 through July 15 (sac roe season) only during fishing periods established by emergency order.

(b) Repealed 4/2/88.

(c) Repealed 5/2/92.

(d) Repealed 5/31/98.

(e) In the Unimak, Akutan, Unalaska, Umnak, and Adak Districts, herring may be taken only during fishing periods established by emergency order as follows:

(1) in the sac roe fishery, from April 15 through 12:00 noon, June 24;

(2) in the food and bait fishery,

(A) by gillnets, from 12:00 noon June 24 through February 28; and

(B) by purse seines, from 12:00 noon July 15 through February 28.

(f) A CFEC permit holder must register with the department before participating in the food and bait fishery.

5 AAC 27.630. Lawful gear for Alaska Peninsula–Aleutian Islands Area. Herring may be taken only by purse seines and gillnets.

5 AAC 27.631. Gillnet specifications and operations for Alaska Peninsula–Aleutian Islands Area.
(a) During the herring gillnet fishery, the aggregate length of gillnets operated by a CFEC permit holder may not exceed 150 fathoms.

(b) The interim-use or entry permit holder must be physically present while the gillnet is being fished.

(c) Each drift gillnet in operation must have a buoy at one end and the opposite end must be attached to the fishing vessel. Each set gillnet in operation must be anchored and buoyed at both ends. Each buoy must be plainly and legibly marked with the permanent vessel license plate number (ADF&G number) of the vessel operating the gear. The buoy may bear only a single number and this number must be that of the vessel used in operating the gear. The numbers must be painted on the top one-third of the buoy in numerals at least four inches in height, one-half inch in width and in a color contrasting to that of the buoy. The buoy markings must be visible on the buoy above the water surface.

(d) In the Akutan and Unalaska Districts, notwithstanding 5 AAC 27.050(c), gillnet
mesh sizes up to three and one-half inches may be used.

5 AAC 27.632. Seine specifications and operations for Alaska Peninsula–Aleutian Islands Area. During the herring sac roe season, a purse seine may not be more than 1,000 meshes in depth and more than 100 fathoms in length. During the herring food and bait season, a purse seine may not be more than 250 fathoms in length.

5 AAC 27.640. Registration. In the Alaska Peninsula–Aleutian Islands Area, at least 48 hours before fishing, a commercial herring permit holder for seine or gillnet gear must register with the department the permit and the vessel that will be used in the commercial herring fishery by contacting, by telephone, the local representative of the department at one of the following department offices and supplying all requested information:

(1) department office in Dutch Harbor;
(2) department office in Cold Bay;
(3) department office in Sand Point;
(4) department office in Port Moller.

Editor’s note: For the purposes of registration under 5 AAC 27.640, the telephone numbers for the designated department offices are Dutch Harbor (907) 581-1219; Cold Bay (907) 532-2419; Sand Point (907) 383-2066; and Port Moller (907) 375-2716.

5 AAC 27.650. Waters closed to herring fishing in Alaska Peninsula–Aleutian Islands Area. (a) Herring may not be taken from June 25 through September 30 in the closed waters described in 5 AAC 01.375 and 5 AAC 09.350.

(b) Repealed 4/16/83.

5 AAC 27.655. Dutch Harbor Food and Bait Herring Fishery Allocation Plan. (a) The herring available for harvest in the Dutch Harbor food and bait herring fishery under 5 AAC 27.865(b)(7) shall be allocated as follows:

(1) 86 percent to herring seine fishery;
(2) 14 percent to the herring gillnet fishery.

(b) Except as otherwise provided in this subsection, the allocations of herring to the herring seine fishery and to the herring gillnet fishery under (a) of this section are independent of each other. If the harvest by a fishery in a given year is greater than the amount allocated to that fishery under (a) of this section, no effect on future allocations to that fishery will occur. After July 25, if the herring gillnet fishery has not harvested the herring gillnet fishery allocation, the remaining herring gillnet fishery allocation may be harvested in either the herring gillnet fishery or the herring seine fishery, except that if the harvest by the herring seine fishery exceeds the herring seine fishery allocation on or before July 25, the excess amount harvested by the herring seine fishery will be subtracted from the remaining herring gillnet fishery allocation for that year after July 25 to establish the remaining allocation that may be harvested by either of the fisheries. If the harvest by the herring seine fishery exceeds the remaining allocation established under this subsection after July 25, the excess amount harvested by the herring seine fishery will be subtracted from the following year’s herring seine fishery allocation specified in (a) of this section.

(c) In the Dutch Harbor food and bait fishery the department may reserve up to 100
tons from the herring seine fishery allocation specified in (a) of this section for the purposes of an experimental herring seine and pound fishery conducted in compliance with the terms of a permit issued by the commissioner or commissioner’s designee.

(d) For purposes of this section, “Dutch Harbor food and bait fishery” is the herring food and bait fishery that occurs during the seasons described in 5 AAC 27.610(e).

5 AAC 27.657. Alaska Peninsula–Aleutian Islands Herring Management Plan. In the Adak District, the department shall manage the commercial herring fishery to allow a harvest of up to 500 tons, using seine or gillnet gear, in the waters of the state between 175° 30' W. long. and 177° W. long., from June 24 through February 28. The fishery will be conducted in compliance with the terms of a permit issued by the commissioner or the commissioner’s designee.

5 AAC 27.662. Buyer and tender reporting requirements for Alaska Peninsula–Aleutian Islands Area. In addition to the requirements of 5 AAC 39.130(g), each tender operator and each buyer or the tender operator or buyer’s agent shall report in person to and register with a local representative of the department upon arrival in the registration area before commencing operations and before changing location of the operation. Each buyer or buyer’s agent shall

(1) identify all vessels to be employed in transporting or processing herring and shall register those vessels with a local representative of the department located in the registration area before transporting or processing of herring;

(2) make daily reports of all herring purchased from fishermen, and other processing records as specified by a local representative of the department; and

(3) submit fish tickets before departure from the area and no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

5 AAC 27.692. Herring pounds and other holding devices in the Alaska Peninsula–Aleutian Island Area. In the Alaska Peninsula–Aleutian Islands Area, a herring pound or other holding device may be used to hold live herring before processing, only under the conditions specified in a commissioner’s permit.

Article 12. Bristol Bay Area (Registration Area T).

5 AAC 27.800. Description of Bristol Bay Area. The Bristol Bay Area has as its southern boundary a line extending west from Cape Menshikof at 57° 28.34' N. lat., 157° 55.84' W. long., and as its northern boundary a line extending west from Cape Newenham at 58° 38.88' N. lat., 162° 10.51' W. long., and as its western boundary the International Date Line in the Bering Sea.

5 AAC 27.805. Description of Bristol Bay Area districts and sections. (a) The Togiak District consists of all waters of Alaska between the longitude of the tip of Cape Constantine at 158° 53.50' W. long. and the longitude of the tip of Cape Newenham at 162° 10.51' W. long. Sections are as follows:

(1) Kulukak Section: all waters between the longitude of the tip of Cape Constantine and the longitude of the tip of Right Hand Point;

(2) Nunavachak Section: all waters between the longitude of the tip of Right Hand Point and the longitude of the tip of Rocky Point;

(3) Togiak Section: all waters between the longitude of the tip of Rocky Point
and the longitude of the terminus of the Quigmy River;

(4) Hagemeister Section: all waters between the longitude of the terminus of the Quigmy River and the longitude of the tip of Asigyukpak Spit;

(5) Pyrite Point Section: all waters between the longitude of Asigyukpak Spit and the longitude of Cape Peirce;

(6) Cape Newenham Section: all waters between the longitude of the tip of Cape Peirce and the longitude of the tip of Cape Newenham;

(7) Egg Island Gillnet Section: all waters that are between the longitude of Right Hand Point at 159° 55.00' W. long. and the latitude of Egg Island at 58° 53.70' N. lat., 159° 44.06' W. long. and between the mainland shoreline and a line from 58° 53.70' N. lat., 159° 43.18' W. long. to 58° 50.57' N. lat., 159° 43.28' W. long. to 58° 47.90' N. lat., 159° 45.16' W. long. to 58° 45.20' N. lat., 159° 55.00' W. long.

(b) The Bay District consists of all waters of the Bristol Bay Area east of the longitude of the southernmost tip of Cape Constantine at 158° 53.50' W. long.

(c) The General District consists of all waters of the Bristol Bay Area west of the longitude of the southernmost tip of Cape Newenham at 162° 10.51' W. long.

5 AAC 27.810. Fishing seasons and periods for Bristol Bay Area. (a) In the Togiak and Bay Districts, herring may be taken by purse seines and hand purse seines from April 15 through June 1.

(b) In the Togiak and Bay Districts, herring may be taken by gillnets from April 15 through June 1.

(c) In the Togiak and Bay Districts, herring spawn on kelp may be taken from April 15 through June 30.

(d) In the Togiak and Bay Districts, herring and herring spawn on kelp may be taken only during periods established by emergency order.

(e) The seasons in (a) – (c) of this section may be modified in accordance with 5 AAC 27.865.

5 AAC 27.830. Lawful gear for Bristol Bay Area. (a) In the Togiak and Bay Districts, herring may be taken only by purse seines, hand purse seines, and gillnets.

(b) Herring spawn on kelp may be taken only by hand picking and by hand-operated rakes. Herring spawn on kelp may not be taken with the assistance of underwater breathing apparatus.

(c) Herring may be taken by trawls only during seasons established by emergency order.

5 AAC 27.831. Gillnet specifications and operations for Bristol Bay Area. (a) No single herring gillnet may exceed 100 fathoms in length, and the aggregate length of gillnets in use by a CFEC herring interim-use or limited entry permit holder may not exceed 100 fathoms.

(b) No more than 100 fathoms of herring gillnet may be operated from any herring fishing vessel.

(c) Each gillnet in operation must be buoyed at both ends. At least one buoy at each end of the net and at least one cork every 10 fathoms along the cork line must be plainly and legibly marked with the operator’s five-digit CFEC permit serial number and the permanent
vessel license plate (ADF&G) number of the vessel from which the gillnet is operated.

(d) Repealed 5/31/98.

e) The commissioner may establish, by emergency order, fishing periods during which no single herring gillnet may exceed 100 fathoms in length and no more than 100 fathoms of herring gillnet may be operated from any herring fishing vessel.

(f) During an open herring fishing period, a vessel registered for herring net fishing may not have on board it, or have on board a vessel towed by it, more than 100 fathoms of herring gillnet gear in the aggregate. Any gillnet gear in excess of the legal limit under (b) of this section must be marked as specified in (c) of this section and sacked or bagged. The sack or bag must totally contain the net and must be securely closed.

(g) Repealed 5/31/98.

(h) Repealed 5/31/98.

(i) Notwithstanding 5 AAC 27.050(c), the mesh size of a herring gillnet may not be less than two and one-half inches and may not exceed four inches.

5 AAC 27.832. Seine specifications and operations for Bristol Bay Area. (a) A herring purse seine or hand purse seine

(1) may not exceed 100 fathoms in length; and

(2) may not be more than 625 meshes in depth, of which no more than 600 meshes may have a mesh size larger than one and one-half inches.

(b) In the Togiak District, during the open herring fishing season described in 5 AAC 27.810, a herring fishing vessel may not have on board, or have on a vessel towed by it,

(1) more than a single herring purse seine as described in (a) of this section; or

(2) any other assembled purse seine gear as described in 5 AAC 39.105(d)(4).

(c) Unless otherwise specified by the commissioner by emergency order, herring may not be retained in a purse seine for more than 36 hours after the closure of a herring fishing period.

5 AAC 27.833. Herring spawn on kelp harvest specifications and operations for Bristol Bay Area. (a) Herring spawn may not be taken on transplanted or imported aquatic plants or any other substrate, except for kelp in its natural occurring state. Kelp plants used to take herring spawn may not be suspended from lines, frames, or other man-made devices.

(b) Only a holder of a valid CFEC Togiak herring spawn on kelp permit may participate in the Togiak District herring spawn on kelp fishery. Participation includes harvesting herring spawn on kelp by hand or hand-held rake, placing the herring spawn on kelp in containers at the point of harvest, and transporting the containers of herring spawn on kelp to a registered buyer or tender.

(c) All herring spawn on kelp harvested in the Togiak District herring spawn on kelp fishery must be in containers at the close of the fishing period.

(d) A person who does not hold a CFEC Togiak District herring spawn on kelp permit may, in that fishery, only assist in the transportation of containers of herring spawn on kelp, and only after the close of the fishing period.

(e) For the purpose of this section, “container” means a boat, bucket, sack, or other object used to hold spawn on kelp for the purpose of transporting it to a registered buyer or tender.
5 AAC 27.834. Togiak District Herring Spawn on Kelp Management Plan. (a) The Togiak District herring spawn on kelp harvest may not exceed 350,000 pounds. A spawn on kelp harvest of 350,000 pounds is equivalent to the production from 1,500 short tons of herring. The biomass of herring that produces the equivalent of the spawn on kelp harvest must be included in the calculation of the exploitation rate on the herring population as specified in 5 AAC 27.865(b)(7).

(b) The department shall base its emergency order opening of the Togiak District herring spawn on kelp fishery on the density and distribution of observed spawn on kelp.

(c) The department shall implement a two- to three-year rotation of harvest areas.

(d) The department shall time each spawn on kelp harvest so as to ensure the best quality product.

5 AAC 27.850. Closed waters in Bristol Bay Area. (a) Metervik Bay is closed to herring fishing north of a line from an ADF&G regulatory marker at 58° 49.10' N. lat., 159° 47.25' W. long. to an ADF&G regulatory marker at 58° 49.97' N. lat., 159° 45.75' W. long. This closure does not apply to the taking of herring spawn on kelp.

(b) Ungalikthluk Bay is closed to the taking of herring north of a line from an ADF&G regulatory marker at Rocky Point (58° 53.25' N. lat., 160° 14.25' W. long.) to an ADF&G regulatory marker at 58° 51.90' N. lat., 160° 09.75' W. long. This closure does not apply to the taking of herring spawn on kelp.

5 AAC 27.862. Buyer reporting requirements for Bristol Bay Area. In addition to the requirements of 5 AAC 39.130(g), each buyer or his agent shall report in person to and register with a local representative of the department upon arrival on the fishing grounds and before commencing operations. Each buyer shall:

(1) identify and describe all vessels to be employed in transporting or processing herring or herring spawn on kelp;

(2) report daily all herring or herring spawn on kelp purchased from fishermen, or other processing records as specified by a department representative; and

(3) submit fish tickets before departure from the area and no later than 10 days after termination of buying operations in the area, or as otherwise specified by a local representative of the department.

5 AAC 27.865. Bristol Bay Herring Management Plan. (a) When managing the Bristol Bay commercial herring fishery, the primary objectives of the department will be to prosecute an orderly and manageable fishery, while striving for the highest level of product quality with a minimum of waste.

(b) To ensure that no gear group is totally disadvantaged, the Board of Fisheries directs the department to take the following actions given the specified circumstances:

(1) When circumstances preclude the department from adequately assessing the biomass, the fishery must be managed for an exploitation based on the pre-season projected return.

(2) Repealed 5/2/92.

(3) Whenever possible, openings for both gear types must begin during the hours of daylight, and special consideration will be given to afford the maximum amount of daylight.
(4) The department may allow only one gear type to operate in an area during any open period.

(5) Repealed 4/7/90.

(6) Repealed 4/7/90.

(7) The maximum exploitation rate for the Bristol Bay herring stock is 20 percent. Before opening the sac roe fishery, the department shall set aside approximately 1,500 short tons for the Togiak District herring spawn-on-kelp fishery, and seven percent of the remaining available harvest for the Dutch Harbor food and bait fishery. If the actual harvest is less than the spawn-on-kelp guideline harvest level, the commissioner may reallocate 50 percent of the remainder to the Togiak District herring sac roe fishery.

(8) After the spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the sac roe fishery. The department shall manage for a removal of 30 percent of that surplus by the gillnet fleet and 70 percent by the purse seine fleet. To maintain those percentages inseason, the commissioner shall make adjustments to fishing periods and fishing areas by emergency order. After the gillnet fleet and purse seine fleet have harvested at least 50 percent of each gear group’s allocation, the commissioner may allow either fleet to harvest its remaining allocation without further restrictions.

(9) If a manageable separation of the year classes occurs, an exploitation rate of up to 20 percent may be allowed on the younger age herring (four years or less), and no fishery may be considered if this recruit population is less than 20,000 short tons.

(10) Late season (post-peak) sac roe openings must be based on one or more of the following criteria:

   (A) a definable increase in the biomass of herring present on the fishing grounds;

   (B) a major shift in the age composition of the herring in a definable biomass that is large enough to allow a harvest; and

   (C) a major improvement in the roe maturity of fish sampled over a broad area, indicating the arrival of a quantity of new herring.

Article 13. Kuskokwim Area (Registration Area W).

5 AAC 27.870. Description of Kuskokwim Area. The Kuskokwim Area has as its southern boundary a line extending west from Cape Newenham and as its northern boundary a line extending west from Naskonat Peninsula at 60° 58.17’ N. lat., 165° 11' W. long., and as its western boundary the International Date Line in the Bering Sea.

5 AAC 27.875. Description of Kuskokwin Area districts. (a) The Security Cove District consists of the waters between the latitude of Cape Newenham and the latitude of the Salmon River (58° 51.83’ N. lat.).

(b) The Goodnews Bay District consists of that portion of Goodnews Bay inside a line between the northernmost tip of South Spit (59° 02.92’ N. lat., 161° 49.08’ W. long.) and the southernmost tip of North Spit (59° 03.58’ N. lat., 161° 49.17’ W. long.) and a line between the mouth of Ukfigag Creek (59° 04.17’ N. lat., 161° 36’ W. long.) and the mouth of the Tunulik River (59° 00.08’ N. lat., 161° 00.37’ W. long.).

(c) The Nelson Island District consists of the waters north of the latitude of Chinigyak
Cape (60° 27’ N. lat.) and east of the longitude of Atrnak Point (165° 15’ W. long.) (approximately two miles west of Umkumiut), and all waters north of the latitude of Talurarevuk Point (60° 35’ N. lat.) and south of the latitude of the southernmost tip of Chinit Point (60° 36’ N. lat.) and east of 165° 30’ W. long., and all waters north of the latitude of the northernmost tip of Chinit Point (60° 37’ N. lat.) and south of the latitude of the southeasternmost tip of Kigigak Island (60° 49’ N. lat.) and east of 165° 30’ W. long.

(d) The Nunivak Island District consists of the waters extending three miles seaward of mean low water from Kikoojit Rocks (60° 20’ N. lat., 166° 40’ W. long.) to Cape Mendenhall (59° 45.17’ N. lat., 166° 07’ W. long.).

(e) The Cape Avinof District consists of the waters extending landward of Kikegtek, Pingurbek, and Kwigluk Islands and north of the latitude of the southernmost tip of Kwigluk Island (59° 42’ N. lat.), from the longitude of Ishkowik River (162° 44’ W. long.) to the latitude of Tern Mountain (60° 42’ N. lat.), to a point at 60° 42’ N. lat., 164° 14’ W. long., then to the northernmost tip of Kikegtek Island.

5 AAC 27.880. Fishing seasons and periods for Kuskokwim Area. In the Kuskokwim Area districts, herring may be taken only from May 1 through June 30 and only during periods established by emergency order.

5 AAC 27.885. Lawful gear for Kuskokwim Area. In the Kuskokwim Area, herring may be taken only by set and drift gillnets, except that in the Nunivak Island District herring may also be taken by purse seine.

5 AAC 27.887. Seine specifications and operations for Kuskokwim Area. (a) A herring purse seine may not exceed 100 fathoms in length and may not be more than 625 meshes in depth, of which no more than 600 meshes may have a mesh size larger than one and one-half inches.

(b) In the Nunivak Island District, during the open herring fishing season described in 5 AAC 27.880, a herring fishing vessel may not have on board, or have a vessel towed by it

   (1) more than a single herring purse seine as described in (a) of this section; or
   (2) any other assembled purse seine as described in 5 AAC 39.105(d)(4).

(c) Herring may not be retained in a purse seine for more than 36 hours after the closure of a herring fishing period.

5 AAC 27.888. Gillnet specifications and operations for Kuskokwim Area. (a) No single herring gillnet may be less than 50 fathoms in length, unless the gillnet is attached to a commercial herring fishing vessel and the gillnet is personally attended by a herring interim-use or entry permit holder. The aggregate length of herring gillnet in use by a herring interim-use or entry permit holder may not exceed 100 fathoms in length. No more than 100 fathoms of herring gillnet and no more than two gillnets may be on board or operated from any commercially licensed herring fishing vessel, except that no more than 50 fathoms and one gillnet may be on board or operated from any vessel taking or attempting to take herring during periods specified by emergency order for the reduced gear length.

(b) Each gillnet in operation must be buoyed at both ends and at least one buoy must be plainly and legibly marked with the permittee’s herring interim-use or entry permit number.

(c) A vessel used to take herring or a vessel towed by it may have on board no more than one legal limit of gear in the aggregate, except that it may have on board sufficient
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unhung gear for mending purposes.

(d) Notwithstanding 5 AAC 27.050(c), the mesh size of a herring gillnet in the Kuskokwim Area may not exceed three and one-half inches or be less than two and one-half inches.

5 AAC 27.890. Waters closed to herring fishing in Kuskokwim Area.  (a) Herring may not be taken for commercial purposes in any waters of the Kuskokwim Area that are not described in 5 AAC 27.875.

(b) Herring spawn on kelp and herring spawn on any other substrate may not be taken for commercial purposes in any waters of the Kuskokwim Area.

5 AAC 27.893. Vessel specifications and operations for Kuskokwim Area.  (a) In the Goodnews Bay, Nelson Island, and Cape Avinof Districts, a vessel used to take herring may not be more than 30 feet in overall length. For the purpose of this section, “overall length” means the straight-line measurement between the extremities of the vessel.

(b) In the Nelson Island, Goodnews Bay, and Cape Avinof Districts, a vessel used to take herring may not have on board any mechanical device designed to shake or dislodge herring from a gillnet.


5 AAC 27.895. Harvest strategy for Kuskokwim Area.  (a) In the Cape Avinof District, the department shall manage the commercial herring fishery for an exploitation rate not to exceed 15 percent of the estimated available biomass.

(b) Repealed 5/11/85.

(c) Repealed 5/11/85.

(d) In the Nelson Island District, the department shall manage the commercial herring fishery so that the combined commercial and subsistence herring harvest does not exceed a exploitation rate of 20 percent of the estimated available biomass. The subsistence portion of the combined subsistence and commercial harvest is 200 tons of herring.

5 AAC 27.896. Buyer reporting requirements for Kuskokwim Area.  In addition to the requirements in 5 AAC 39.130(g), each buyer or the buyer’s agent shall report in person to a local representative of the department upon arrival on the fishing grounds and before commencing operations in any district in the Kuskokwim Area. Each buyer or buyer’s agent shall

1. identify and describe all vessels to be employed in processing or transporting herring in each district;

2. report daily all herring purchased from fishermen or other processing records in each district as specified by a department representative; this may be a requirement for fish-tender operators if specified by a local department representative; and

3. submit fish tickets before departure from each district and no later than 10 days after termination of buying operations in each district, or as otherwise specified by a local department representative.

5 AAC 27.897. Possession of salmon.  Salmon taken incidentally in conjunction with commercial herring fishing must be returned to the water.

5 AAC 27.899. Superexclusive use areas in Kuskokwim Area.  (a) The Cape Avinof
District is a superexclusive use area. The Nelson Island and Nunivak Island Districts are a combined superexclusive use area.

(b) A person who participates in the commercial taking of herring as a CFEC permit holder in a superexclusive use area at any time from February 1 through June 30 may not participate or have participated in the commercial taking of herring, either as a CFEC permit holder or a crew member aboard a vessel used to take herring, in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that same year.

(c) A person who participates in the commercial taking of herring as a crew member aboard a vessel that is used to take herring in a superexclusive use area at any time from February 1 through June 30 may not participate or have participated in the commercial taking of herring as a CFEC permit holder in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that year.

(d) A vessel used in the taking of herring in a superexclusive use area at any time from February 1 through June 30 may not be used or have been used in the taking of herring in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that year.

(e) Repealed 5/19/2004.

(f) Notwithstanding (a) – (d) of this section, a purse seine vessel used in the taking of herring and the vessel’s operator who participated in the taking of herring in another superexclusive or non-exclusive use area may be used in the taking of herring and may participate in the taking of herring in the Nunivak Island District cooperative purse seine fishery as specified in 5 AAC 27.894.

Article 14. Bering Sea–Kotzebue Area (Registration Area Q).

5 AAC 27.900. Description of Bering Sea–Kotzebue Area. The Bering Sea–Kotzebue Area has as its southern boundary a line extending west from Naskonat Peninsula at 60° 58.17' N. lat., 165° 11' W. long. and as its northern boundary a line extending west from Point Hope, and as its western boundary the International Date Line in the Bering Sea and Chukchi Sea.

5 AAC 27.905. Description of Bering Sea–Kotzebue Area districts and subdistricts. (a) The Cape Romanzof District consists of all waters between the latitude of Dall Point and 62° N. lat.

(b) The Norton Sound District consists of all waters between the latitude of the westernmost tip of Cape Douglas and the latitude of Point Romanof. Subdistricts are as follows:

(1) Subdistrict 1 consists of all waters south of the latitude of Spruce Creek (63° 40' N. lat.);

(2) Subdistrict 2 consists of all waters north of the latitude of Spruce Creek (63° 40' N. lat.) and south of the latitude of Junction Creek (64° 08' N. lat.), including all waters within three miles of Besboro Island;

(3) Subdistrict 3 consists of all waters north of the latitude of Junction Creek (64° 08' N. lat.), south of the latitude of Island Point (64° 32' N. lat.), and east of the longitude of the mouth of Kwiniuk River (162° 02' W. long.), excluding all waters within three miles of Besboro Island;

(4) Subdistrict 4 consists of all waters north of the latitude of Island Point (64° 32' N. lat.) and east of the longitude of the mouth of Kwiniuk River (162° 02' W. long.);
(5) Subdistrict 5 consists of all waters between the longitudes of the mouth of Kwiniuk River (162° 02' W. long.) and Cape Darby (162° 47' W. long.) and north of the latitude of Junction Creek (64° 08' N. lat.);

(6) Subdistrict 6 consists of all waters between the longitudes of Cape Darby (162° 47' W. long.) and Rocky Point (163° 08' W. long.) and north of the latitude of Junction Creek (64° 08' N. lat.);

(7) Subdistrict 7 consists of all waters west of the longitude of Rocky Point (163° 08' W. long.) and north of the latitude of Junction Creek (64° 08' N. lat.).

(c) The Port Clarence District consists of all waters between the latitude of Cape Douglas and the latitude of Cape Prince of Wales.

(d) The Kotzebue District consists of all waters between the latitude of Cape Prince of Wales and the latitude of Point Hope.

5 AAC 27.910. Fishing seasons and periods for Bering Sea–Kotzebue Area. (a) In the Cape Romanzof District herring may be taken only from May 1 through June 30 and only during periods established by emergency order.

(b) In the Norton Sound District, herring may be taken only as follows:

(1) from May 15 through June 30 (sac-roe season) and only during periods established by emergency order;

(2) in Subdistricts 1 – 6, from July 1 through November 15 (food and bait season);

(3) repealed 5/11/85;

(4) in Subdistrict 7, from June 15 through November 15 (food and bait season).

(c) In the Port Clarence and Kotzebue Districts, herring may be taken from April 15 through August 15 (sac-roe season) and from August 16 through November 15 (food and bait season), except that herring may not be taken during the open commercial salmon fishing season.

5 AAC 27.930. Lawful gear for Bering Sea–Kotzebue Area. (a) Herring may be taken by the gear specified for the following districts:

(1) Cape Romanzof District: gillnets;

(2) Norton Sound District: gillnets and beach seines;

(3) Port Clarence and Kotzebue Districts: gillnets, beach seines, and purse seines.

(b) Herring may be taken by trawls only during seasons established by emergency order.

5 AAC 27.931. Gillnet specifications and operations for Bering Sea–Kotzebue Area. (a) In the Bering Sea–Kotzebue Area, no more than 100 fathoms of herring gillnet in the aggregate and no more than two gillnets may be on board or operated from any vessel, or vessel in tow, that is taking or attempting to take herring, except that no more than 50 fathoms and one gillnet may be on board or operated from any vessel, or vessel in tow, that is taking or attempting to take herring during periods specified by emergency order for the reduced gear length. Unhung gear sufficient for mending purposes may be carried on board. A herring gillnet may not be longer than 50 fathoms, or deeper than 60 meshes.

(b) Repealed 6/2/88.
(c) Each gillnet in operation must be buoyed at both ends and at least one buoy must be plainly and legibly marked with the permittee’s herring interim-use or entry permit number.

(d) At least one cork every 10 fathoms along the cork line must be plainly and legibly marked with the CFEC permit holder’s herring interim-use or limited entry permit number, and with the vessel license plate (ADF&G) number of the vessel from which the gillnet is operated.

(e) Notwithstanding 5 AAC 27.050(c), the mesh size of a herring gillnet in the Bering Sea–Kotzebue Area may not exceed three and one-half inches or be less than two and one-half inches.

5 AAC 27.932. Seine specifications and operations for Bering Sea–Kotzebue Area. A seine may not be more than 850 meshes in depth and 150 fathoms in length, except that in the Norton Sound District a seine may not be more than 75 fathoms in length and 850 meshes in depth.

5 AAC 27.934. Wild herring spawn-on-kelp harvest specifications and operations for the Norton Sound District. (a) A person may take wild herring spawn on kelp (not in pounds) in the Norton Sound District only from Canal Point Light to Wood Point and only as follows:

(1) wild herring spawn on kelp may be taken only during periods established by emergency order;

(2) wild herring spawn on kelp may be taken only by hand picking and by a hand-held rake;

(3) only the holder of a valid CFEC Norton Sound limited entry or interim-use herring permit may harvest wild herring spawn on kelp under this section; participation includes harvesting wild herring spawn on kelp by hand or hand-held rake, placing wild herring spawn on kelp in containers at the point of harvest, and transporting the containers of wild herring spawn on kelp to a registered buyer or tender;

(4) a person that participates in the wild herring spawn on kelp fishery may not also participate in the gillnet or beach seine herring sac roe fishery, or the herring pound spawn on kelp fishery in the Norton Sound District during the same year;

(5) all wild herring spawn on kelp harvested in the Norton Sound District must be in containers at the close of the fishing period.

(b) For the purposes of this section, “container” means a boat, bucket, sack, tarp, or other object used to hold herring spawn on kelp for the purpose of transporting it to a registered buyer or tender.

5 AAC 27.935. Vessel specifications and operations for Bering Sea–Kotzebue Area. In the Cape Romanzof District, a vessel used to take herring may not have on board any mechanical device designed to shake or dislodge herring from a gillnet.


(b) Repealed 5/11/85.

(c) The Port Clarence District east of a line from the northernmost tip of 4 Mile Point to the southernmost tip of Sunset Point is closed to the taking of herring.

(d) Herring may not be taken in any waters of the Bering Sea–Kotzebue Area that are not described in 5 AAC 27.905.
(e) The Cape Romanzof District is closed to the taking of herring spawn on kelp or any other substrate.

5 AAC 27.960. Harvest strategy for Bering Sea–Kotzebue Area. (a) The department shall manage the Norton Sound District herring sac roe fishery so that the seine harvest does not exceed 10 percent of the total herring sac roe harvest projection as published by the department. The board realizes that herring biomass projections, inseason assessments, and harvest monitoring by gear type are not accurate; therefore, the department may not adjust the harvest projection after it has been published.

(b) The harvest limit in Subdistrict 7 of the Norton Sound District from September 1 through November 15 is 10 metric tons of herring.

(c) – (f) Repealed 5/11/85.

(g) The department shall manage the Port Clarence District herring sac roe fishery so that 10 percent of the available harvest is reserved for the herring food and bait fishery.

(h) In the Norton Sound District, the guideline harvest level for the wild herring spawn-on-kelp fishery described in 5 AAC 27.934, is 30 metric tons.

5 AAC 27.965. Management Plan for Herring Pound Spawn-On-Kelp Fishery in the Norton Sound District. (a) The purpose of this management plan is to establish criteria for the herring pound spawn-on-kelp fishery in the Norton Sound District.

(b) The commissioner, or the commissioner’s designee, shall issue a permit for participation in the herring pound spawn-on-kelp fishery if

(1) an applicant holds a valid Norton Sound herring gillnet or beach seine CFEC interim-use permit or limited entry permit; and

(2) an applicant applies for the herring pound spawn-on-kelp permit before April 16 of each calendar year.

(c) A permit holder that participates in the herring pound spawn-on-kelp fishery may not also participate in the wild herring spawn-on-kelp fishery or the gillnet or beach seine sac roe herring fishery in the Norton Sound District during the same year.

(d) The herring allocation for the herring pound spawn-on-kelp fishery may not be more than 320 tons of herring. The department shall deduct this allocation from the total annual herring harvest projection before determining the seine harvest allocation under 5 AAC 27.960.

(e) The herring spawn-on-kelp guideline harvest level may not be more than 90 tons. The herring spawn-on-kelp guideline harvest level includes the combined weight of herring eggs and kelp.

(f) The department shall manage the herring pound spawn-on-kelp fishery to achieve the spawn-on-kelp guideline harvest level by restricting the number of blades of kelp that may be suspended from a herring pound as follows:

(1) no more than a total of 75,000 blades of kelp are allowed in the herring pound spawn-on-kelp fishery; and

(2) the maximum number of blades of kelp any permit holder may attach to a herring pound is 3,000; if more than 25 permits are issued for the herring pound spawn-on-kelp fishery, the department shall determine the number of blades of kelp a permit holder may attach to a herring pound by dividing 75,000 by the number of permits issued.
(g) Before a permit holder attaches kelp to a herring pound, the permit holder must plainly and legibly mark the permit holder’s name and five digit CFEC permit number in a conspicuous place on the herring pound. After fishing commences until the season is closed, the CFEC permit number marked on a herring pound may be changed. For purposes of this subsection, fishing commences when a permit holder first attaches kelp to the herring pound in the water.

(h) Only one permit holder may operate a herring pound at a time.

(i) The permit holder must be physically present at any time when kelp is being attached to the herring pound and when herring spawn on kelp is harvested from the herring pound. The permit holder shall weigh the spawn on kelp when it is removed from the herring pound and provide that information to a local representative of the department who is designated as a catch monitor for the fishery.

(j) Before the herring pound spawn-on-kelp permits are issued, the commissioner may specify on the permits any other criteria that the commissioner determines is necessary for the conservation and management of herring and kelp and the herring pound spawn-on-kelp fishery.

(k) After a person removes the spawn-on-kelp from the herring pound, the person shall maintain the pound structure at its present fishing location for not less than four weeks in its original configuration with adequate water circulation on all sides to optimize egg hatching. Not later than six weeks after a person removes the spawn on kelp from a structure, the person shall remove the structure and leads from the water.

(l) Repealed 5/19/99.

(m) For the purposes of this section, a “herring pound” is a structure or a means of suspending kelp in the water to provide spawning substrate for herring to be harvested as spawn on kelp. The structure may not have an enclosure, but may have two leads. A lead may not be more than 300 feet in length measured from shore to a point on the structure. The lead shall consist of a seine weight net with meshes of not more than two inches stretched measure, a cork line, a lead line, and anchors at either end.

5 AAC 27.970. Buyer reporting requirements for Bering Sea–Kotzebue Area. In addition to the requirements of 5 AAC 39.130(g), each buyer or his agent shall report in person to a local representative of the department upon arrival on the fishing grounds and before commencing operations in the Cape Romanzof and Norton Sound Districts and in person, by radio or telephone, upon arrival on the fishing grounds and before commencing operations in the Port Clarence and Kotzebue Districts. Each buyer shall

(1) identify and describe all vessels to be employed in processing or transporting herring or herring spawn on kelp in each district;

(2) report daily all herring or herring spawn on kelp purchased from fishermen or other processing records in each district as specified by a department representative; this may be a requirement for fish-tender operators if specified by a local department representative; and

(3) submit fish tickets before departure from each district and no later than 10 days after termination of buying operations in each district or as otherwise specified by a local department representative.
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5 AAC 27.971. Harvest of bait by commercial permit holders in Bering Sea–Kotzebue Area. (a) The holder of a valid CFEC interim use or limited entry permit may take but may not sell herring for use as bait in the commercial fishery for which the permit is held as follows:

(1) except as provided in (3) of this section, herring may be taken at any time;
(2) herring may be taken only by gillnet or beach seine as described in 5 AAC 27.931 and 5 AAC 27.932;
(3) in the 72 hours before, during, and 72 hours after an open commercial herring fishing period in the Bering Sea–Kotzebue Area, a vessel or crew member or permit holder that participates in that commercial herring fishery opening may not take or possess herring under this section in any subdistrict in the Bering Sea–Kotzebue Area;
(4) a person or vessel may not take more than one ton of herring under this section in a calendar year unless that person or vessel first applies for and receives from the department a permit authorizing the person or vessel to do so.

(b) A permit issued under (a)(4) of this section may require a permittee to report to the department the amount of herring taken under the permit.

5 AAC 27.980. Possession of salmon. Salmon taken incidentally in conjunction with commercial herring fishing must be returned to the water.

5 AAC 27.987. Superexclusive use areas in Bering Sea–Kotzebue Area. (a) The Cape Romanzof and Norton Sound Districts are superexclusive use areas.

(b) A person who participates in the commercial taking of herring as a CFEC permit holder in a superexclusive use area at any time from February 1 through June 30 may not participate or have participated in the commercial taking of herring, either as a CFEC permit holder or a crew member aboard a vessel used to take herring, in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that same year.

(c) A person who participates in the commercial taking of herring as a crew member aboard a vessel that is used to take herring in a superexclusive use area at any time from February 1 through June 30 may not participate or have participated in the commercial taking of herring as a CFEC permit holder in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that year.

(d) A vessel used in the taking of herring in a superexclusive use area at any time from February 1 through June 30 may not be used or have been used in the taking of herring in another superexclusive or non-exclusive use area at any time from February 1 through June 30 of that year.
CHAPTER 37. AQUATIC PLANTS.


5 AAC 37.100. Permits. (a) A processor, buyer, harvester of aquatic plants, aquatic plant farmer operating under a permit authorized by AS 16.40.100, or a person intending to collect and supply wild stock to such an aquatic farm must obtain a harvest permit issued by the commissioner, or the commissioner’s authorized representative, before operating. The permit must include the following provisions:

1. the area of operation shall be restricted to one or more fishing districts;
2. species to be harvested;
3. method of harvest shall be restricted to mechanical cutting or handpicking;
4. plants shall be removed from the water at the time of harvesting;
5. aquatic plants where used as a substrate for herring spawn may be harvested only as otherwise provided in this title.

(b) Notwithstanding (a) of this section, outside of the nonsubsistence areas defined in 5 AAC 99.015, a permit is not required for the harvesting of aquatic plants for noncommercial uses.

Article 2. Seasons.

5 AAC 37.200. Seasons. (a) The commissioner will open and close the season for the commercial harvesting of aquatic plants by emergency order.

(b) There is no closed season for the noncommercial harvest of aquatic plants outside of the nonsubsistence areas defined in 5 AAC 99.015.

Article 3. Harvest Requirements.

5 AAC 37.300. Harvesting requirements for macrocystis kelp. (a) Macrocystis kelp shall be harvested in a manner that prevents dislodging of the entire plant from the bottom, and prevents straining or breaking the plant.

(b) Macrocystis kelp may not be cut at a depth greater than one foot below the surface of the water, and only the upper portion of the plant may be retained.

(c) The use of diving gear to harvest macrocystis kelp is prohibited.

(d) The department shall close to the harvest of macrocystis kelp areas in which herring are spawning.

5 AAC 37.320. Noncommercial harvest and possession limits for aquatic plants. (a) Outside of the nonsubsistence areas defined in 5 AAC 99.015, there are no harvest or possession limits for the noncommercial harvest of aquatic plants, except that in the portion of the Cook Inlet Area described in 5 AAC 21.200, that is outside of the Anchorage-Matsu-Kenai Nonsubsistence Area, the daily harvest and possession limit for aquatic plants is 10 pounds wet weight.

(b) For the purposes of this section, “wet weight” means the total combined weight of the aquatic plants immediately after harvest.
Article 9. Restrictions.

5 AAC 37.900. Restrictions. The transplanting of aquatic plants is prohibited, except as follows:

   (1) as provided for in 5 AAC 27 for the issuance of permits by the commissioner for the purpose of producing herring spawn-on-kelp in pounds; or

   (2) as provided for in 5 AAC 41.001 – 41.400 for the issuance of permits by the commissioner for the purpose of aquatic farming; or

   (3) for the issuance of permits by the commissioner for the purposes of scientific research or educational purposes.

   (1) as provided for in 5 AAC 27 for the issuance of permits by the commissioner for the purpose of producing herring spawn-on-kelp in pounds; or

   (2) as provided for in 5 AAC 41.001 – 41.400 for the issuance of permits by the commissioner for the purpose of aquatic farming; or

   (3) for the issuance of permits by the commissioner for the purposes of scientific research or educational purposes.