

Submitted by the Alaska Department of Fish and Game

March 17, 2014

SELECTED KING AND TANNER CRAB REGULATIONS; SUPPLEMENTAL FINFISH ISSUES REGULATIONS

Subsistence, Sport, and Personal Use King and Tanner Crab Fisheries

5 AAC 02.420. Subsistence king crab fishery. (a) In the subsistence taking of king crab,

(1) the annual limit is three king crab for a household;

(2) all king crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(3) notwithstanding 5 AAC 02.010(i), no more than one king crab pot per person or per vessel may be used to take king crab; in addition to the marking requirements specified in 5 AAC 02.010(e), a king crab pot must have "king crab" legibly inscribed on the keg or buoy attached to the king crab pot;

(4) king crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(5) only male king crab seven inches or greater in width of shell may be taken or possessed.

(b) In this section, "king crab pot" is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches in any one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size. (In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/23/88, Register 107; am 9/19/90, Register 115; am/readopt 5/15/93, Register 126; am 8/14/96, Register 139; am 7/16/2011, Register 199)

5 AAC 02.425. Subsistence Tanner crab fishery. (a) In the subsistence taking of Tanner crab,

(1) no more than five Tanner crab pots or ring nets per person may be used to take Tanner crab with a maximum of 10 Tanner crab pots or ring nets per vessel; in addition to the

marking requirements specified in 5 AAC 02.010(e), a Tanner crab pot must have "Tanner crab" legibly inscribed on the keg or buoy attached to the Tanner crab pot;

(2) the subsistence taking of Tanner crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(3) the daily bag and possession limit is 12 crab per person and only male crab may be taken;

(4) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

(b) In this section, "Tanner crab pot" is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are less than five inches in one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size. (In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 9/19/90, Register 115; am/readopt 5/15/93, Register 126; am 7/16/2011, Register 199)

5 AAC 58.022. Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area. (a) Except as provided in (b) of this section, the following are the seasons, bag, possession, and size limits, and special provisions for finfish and shellfish in the Cook Inlet - Resurrection Bay Saltwater Area:

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(11) Tanner crab: may be taken only from July 15 - March 15, except that the waters east of Cape Fairfield are closed and when the sport fishery in the Kamishak District or Barren Islands District is closed to the taking of Tanner crab, the sport fishery in the Eastern, Outer, and Central Districts shall remain closed as specified under 5 AAC 35.410(c); bag and possession limit of five male crab; minimum size is five and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

(Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209)

5 AAC 77.516. Personal use Tanner crab fishery. In the personal use taking of Tanner crab,

(1) male Tanner crab may be taken only from July 15 through March 15, except that

(A) in Kachemak Bay east of a line from Anchor Point to Point Pogibshi male Tanner crab may only be taken from July 15 through December 31, and from January 15 or the beginning of the commercial Tanner crab season, whichever is later, through March 15; and

(B) when the personal use fishery in the Kamishak District or Barren Islands District is closed to the taking of Tanner crab, the personal use fishery in the Eastern, Outer, and Central Districts shall also remain closed as specified under 5 AAC 35.410(c);

(2) the daily bag and possession limit is five male Tanner crab;

(3) repealed 6/1/90;

(4) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed;

(5) a person may not mutilate or otherwise disfigure a Tanner crab in any manner that would prevent the determination of the minimum size and sex restrictions in this section while the crab is uncooked and in possession aboard a vessel; only whole crab, cooked or uncooked, may be taken off a vessel. (Eff. 6/20/82, Register 82; am 6/30/83, Register 86; am 5/11/85, Register 94; am 7/1/86, Register 99; am 7/23/88, Register 107; am 6/1/90, Register 114; am 6/24/93, Register 126; am 2/24/96, Register 137; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187)

COMMERCIAL KING CRAB FISHERIES

5 AAC 34.050. Lawful gear for king crab. Unless otherwise specified in this chapter,

(1) king crab may be taken only with king crab pots; king crab taken by other means must be returned to the water without further harm;

(2) a king crab pot is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches (13 cm) in any one dimension with tunnel eye opening perimeters that individually are more than 36 inches (91.4 cm) or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size;

(3) during the open season for king crab, all shellfish pots, other than those described as Dungeness crab, Tanner crab, or shrimp pots, must conform to the specifications in (2) of this section. (In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/12/86, Register 99; em am 9/30/87 - 1/27/88, Register 104; am 7/23/88, Register 107; em am 9/15/89 - 1/12/90, Register 112; am

9/19/90, Register 115; am 5/2/92, Register 122; em am 8/21/92 - 12/18/92, Register 123; am 6/24/93, Register 126; am 7/23/94, Register 131; am 11/6/96, Register 140)

5 AAC 34.051. King crab gear marking requirements. (a) At least one buoy on each king crab pot or ring net must be legibly marked with the permanent ADF&G vessel license plate number of the king crab vessel operating the gear. The buoy must bear only the number of the vessel used in operating the gear. The number shall be painted on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color contrasting to that of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the crab pot.

(b) In registration areas where a king crab pot limit is in effect, each king crab pot must have one identification tag issued by the department placed on the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(c) Identification tags are issued before each fishing season, are uniquely numbered for each registration year, and will be issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue the tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags. Tags shall be renewed annually before each fishing season. (Eff. 9/1/96, Register 139; am 11/6/96, Register 140)

5 AAC 34.200. Description of Registration Area E. Registration Area E has as its western boundary the longitude of Cape Fairfield (148° 50.25' W. long.), and its eastern boundary the longitude of Cape Suckling (144° W. long.). (In effect before 1988; am 7/30/89, Register 111; am 11/6/96, Register 140; am 3/11/2001, Register 157)

5 AAC 34.400. Description of Registration Area K. Registration Area K has as its northern boundary the latitude of Cape Douglas (58° 51.10' N. lat.), and as its western boundary the longitude of Cape Kumlik (157° 27' W. long.). (In effect before 1988; am 7/30/89, Register 111; am 11/6/96, Register 140; am 3/11/2001, Register 157)

5 AAC 34.405. Description of Registration Area K districts. (a) Northeast District: all waters northeast of a line extending 168° from the easternmost tip of Cape Barnabas, east of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, east of 152° 30' W. long. in Shuyak Strait, and east of the longitude of the northernmost tip of Shuyak Island (152° 20' W. long.).

(b) Southeast District: all waters southwest of a line extending 168° from the easternmost tip of Cape Barnabas and east of a line extending 222° from the southernmost tip of Cape Trinity.

(c) Southwest District: all waters west of a line extending 222° from the southernmost tip of Cape Trinity, south of a line from the westernmost tip of Cape Ikolik to the southernmost tip of Cape Kilokak and east of the longitude of Cape Kilokak (156° 19' W. long.).

(d) Semidi Island District: all waters west of the longitude of Cape Kilokak at 156° 19' W. long. and east of the longitude of Cape Kumlik at 157° 27' W. long.

(e) Shelikof District: all waters north of a line from the westernmost tip of Cape Ikolik to the southernmost tip of Cape Kilokak, west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, west of 152° 30' W. long., in Shuyak Strait, and west of the longitude of the northernmost tip of Shuyak Island (152° 20' W. long.). (In effect before 1981; am 6/28/81, Register 78; am 7/12/86, Register 99; am 8/14/2005, Register 175)

5 AAC 34.500. Description of Registration Area M. Registration Area M has as its eastern boundary the longitude of Cape Kumlik (157° 27' W. long.), and as its western boundary the longitude of Scotch Cap Light (164° 44' W. long.). Registration Area M also includes all waters of Bechevin Bay and Isanotski Strait south of a line from the easternmost tip of Chunak Point to the westernmost tip of Cape Krenitzen. (In effect before 1983; am 6/30/83, Register 86; am 7/30/89, Register 111; am 11/6/96, Register 140; am 3/11/2001, Register 157)

5 AAC 34.600. Description of Registration Area O. Registration Area O has as its eastern boundary the longitude of Scotch Cap Light (164° 44' W. long.), its western boundary the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on *NOAA Chart #513* (6th Edition, February 23, 1991) and *NOAA Chart #514* (6th Edition, February 16, 1991), adopted by reference, and its northern boundary a line from the latitude of Cape Sarichef (54° 36' N. lat.) to 171° W. long., north to 55° 30' N. lat., and west to the Maritime Boundary Agreement Line. (In effect before 1984; am 6/30/84, Register 90; am 7/30/89, Register 111; am 9/1/96, Register 139; am 8/8/2003, Register 167)

5 AAC 34.606. Area O registration. (a) Registration Area O is a nonexclusive registration area for all king crab.

(b) For the red king crab fishery, the vessel registration deadline for the registration year is 21 days before that vessel begins fishing operations. Before a vessel may be registered under this subsection, the vessel operator must obtain a CFEC interim-use permit for Aleutian Islands king crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a registration form for the red king crab fishery west of 179° W. long. The registration form must identify the vessel and vessel operator and must be received in person, or by mail or facsimile, at the department office in the Dutch Harbor or Kodiak by the deadline specified in this subsection. (Eff. 9/1/96, Register 139; am 7/21/99, Register 151; am 8/14/2005, Register 175; am 9/12/2008, Register 187)

5 AAC 34.610. Fishing seasons for Registration Area O. (a) The commissioner may open and close, by emergency order, a season for male red king crab beginning 12:00 noon, October 15 and ending no later than 11:59 p.m. February 15.

(b) Male golden king crab may be taken only from 12:00 noon August 15 through 11:59 p.m. May 15.

(c) Repealed 8/24/2002.

(d) During a fishing season opened under (a) of this section in the waters of Alaska between 171° W. long. and 179° W. long., the commissioner may issue a permit only to a vessel that is 60 feet or less in overall length to fish for red king crab. (In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 9/1/96, Register 139; am 9/19/99, Register 151; am 8/24/2002, Register 163; am 9/11/2002, Register 163; am 8/14/2005, Register 175; am 6/1/2013, Register 206)

5 AAC 34.612. Harvest levels for golden king crab in Registration Area O. (a) Until the Aleutian Islands golden king crab stock assessment model and a state regulatory harvest strategy are established, the harvest levels for the Registration Area O golden king crab fishery are as follows:

(1) east of 174° W. long.: 3.31 million pounds; and

(2) west of 174° W. long.: 2.98 million pounds.

(b) The department may reduce the harvest levels in (a) of this section based on the best scientific information available, in considering the reliability of estimates and performance measures, uncertainty as necessary to avoid overfishing, and any other factors necessary to be consistent with sustained yield principles. (Eff. 9/12/2008, Register 187; am 7/13/2012, Register 203)

5 AAC 34.628. Operation of other gear in Registration Area O. Notwithstanding 5 AAC 34.053, a person or vessel that operates longline, trawl, or pot gear in waters less than 125 fathoms in depth in a commercial, subsistence, personal use, or sport fishery in that portion of Registration Area O open to commercial red king crab fishing 30 days immediately before the scheduled opening date of the commercial red king crab fishery may not participate in the commercial red king crab fishery. (Eff. 8/24/2002, Register 163)

5 AAC 34.640. Registration Area O inspections and inspection points. (a) Inspection points in Registration Area O are located at Dutch Harbor, Akutan, King Cove, and at additional locations if specified by the department.

(b) Notwithstanding 5 AAC 34.030(a), for Registration Area O a registered king crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor, Akutan, or King Cove within 72 hours before taking or processing king crab. (In effect before 1988; em am 8/27/91 - 12/24/91, Register 119; am 5/2/92, Register 122; am 9/1/96, Register 139)

5 AAC 34.915. Norton Sound Section red king crab harvest strategy. (a) The department shall manage the Norton Sound Section summer season red king crab fishery in accordance with 5 AAC 34.080, as follows:

(1) the threshold level of abundance of legal male red king crab biomass is 1.25 million pounds; the Norton Sound red king crab season may open only if analysis of preseason survey data indicates that the population of legal male red king crab exceeds this level;

(2) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is less than two million pounds, the number of legal male red king crab available for harvest will be no more than seven percent of the legal male red king crab abundance;

(3) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is at least two million pounds, but less than three million pounds, the number of legal male red king crab available for harvest will be no more than 13 percent of the legal male red king crab abundance;

(4) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is three million pounds or more, the number of legal male red king crab available for harvest will be no more than 15 percent of the legal male red king crab abundance;

(5) when applying this harvest strategy, the department shall consider the reliability of the estimates of abundance of red king crab, other factors necessary to be consistent with sustained yield principles, and the best scientific information available.

(b) Notwithstanding 5 AAC 39.690(e)(7), the commissioner may, by emergency order, open a CDQ fishery in Norton Sound, with an allocation of 7.5 percent of the forecasted guideline harvest level for male red king crab. (In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/23/88, Register 107; am 6/23/99, Register 150; am 8/24/2002, Register 163; am 9/12/2008, Register 187; am 7/13/2012, Register 203)

5 AAC 34.917. Saint Matthew Island Section blue king crab harvest strategy. (a) In the Saint Matthew Island Section, the commissioner may, by emergency order, open the blue king crab fishery only if the department's analysis of preseason survey data indicates that the population of blue king crab

(1) contains a biomass of mature males of at least 2.9 million pounds;

(2) repealed 6/10/2010.

(b) If the commercial blue king crab fishery is open under (a) of this section, and the mature male biomass ("B") is

(1) at least 2.9 million pounds, but less than 11.6 million pounds, the number of legal males available for harvest will be no more than a percentage of the estimated abundance of mature males equal to a number derived from the equation $[(B-2.9)/(8.7)*0.1+0.1]$ or 40 percent of the number of legal males, whichever is less;

(2) at least 11.6 million pounds, the number of legal males available for harvest will be no more than 20 percent of the estimated abundance of mature males or 40 percent of the number of legal males, whichever is less.

(c) In implementing this harvest strategy, the Alaska Board of Fisheries directs the department to use the best scientific information available and to consider the reliability of estimates of blue king crab, the manageability of the fishery, and any other factors it determines necessary to be consistent with sustained yield principles.

(d) For the purposes of this section,

(1) "legal males" means all male blue king crab at least 5.5 inches in width of shell;

(2) "mature males" means all male blue king crab at least 105 millimeters in length of shell. (Eff. 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; em am 10/5/2009 - 2/1/2010, Register 192; am 6/10/2010, Register 194)

5 AAC 34.925. Lawful gear for Registration Area Q. (a) King crab may be taken only with king crab pots. King crab taken by other means must be returned to the water without further harm.

(b) In addition to the requirements of 5 AAC 39.145, in the Pribilof District and the Saint Matthew Island Section and Norton Sound Section of the Northern District, escape mechanism requirements for king crab pots are as follows:

(1) in the Pribilof District, each king crab pot must have at least one-third of one vertical surface of the pot composed of not less than nine-inch stretched mesh webbing;

(2) in the Saint Matthew Island Section, each king crab pot must have eight escape rings with an inside diameter measure of 5.8 inches placed within one mesh measurement from the bottom of the pot, with four escape rings on two sides of a four-sided pot, or if the pot has no escape rings as specified in this paragraph, then one-half of one side of a four-sided pot must have a side panel composed of not less than eight-inch stretched mesh webbing;

(3) in the Norton Sound Section, each king crab pot must have at least four circular escape rings with a minimum inside diameter of four and one-half inches installed on a vertical plane within one mesh measurement from the bottom of the pot or have at least one half of one vertical surface of a square pot, or sloping side-wall surface of a conical or pyramid pot, composed of not less than six and one-half inch stretched mesh webbing to permit the escapement of undersized crab.

(c) Each pot used to take golden king crab must have no less than four circular escape rings of not less than five and one-half inches inside diameter installed on the vertical plane or have at least one-third of one vertical surface of the pot composed of not less than nine-inch stretched mesh webbing to permit the escapement of undersize golden king crab.

(d) In the Norton Sound and Kotzebue Sound Sections during the winter commercial king crab season, a king crab pot

(1) may be of any dimension or size;

(2) may be operated only through a solid ice cover;

(3) must be attached to the ice by a stake that is legibly marked with the name and address of the operator; and

(4) must have at least four circular escape rings with a minimum inside diameter of four and one-half inches installed on a vertical plane within one mesh measurement of the bottom of the pot or have at least one half of one vertical surface of a square pot, or sloping side-wall surface of a conical or pyramid pot, composed of not less than six and one-half inch stretched mesh webbing to permit the escapement of undersized king crab.

(e) During a commercial king crab season, the following pot limits are in effect:

(1) in the Pribilof District

(A) in the red and blue king crab fisheries, an aggregate of no more than 250 pots may be operated from an individual vessel;

(B) in the golden king crab fishery, an aggregate of no more than 50 pots may be operated from a validly registered king crab vessel with an overall length of more than 125 feet, and an aggregate of no more than 40 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less;

(2) in the Norton Sound Section of the Northern District, an aggregate of no more than 50 pots may be operated from a validly registered king crab vessel with an overall length of more than 125 feet, and an aggregate of no more than 40 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less;

(3) in the Saint Matthew Island Section of the Northern District,

(A) in the blue king crab fishery, an aggregate of no more than 250 pots may be operated from an individual vessel;

(B) in the golden king crab fishery, an aggregate of no more than 75 pots may be operated from a validly registered king crab vessel with an overall length of more

than 125 feet, and an aggregate of no more than 60 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less;

(4) in the Kotzebue Sound Section of the Northern District, an aggregate of no more than 50 pots may be operated from a validly registered king crab vessel with an overall length of more than 125 feet, and an aggregate of no more than 40 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less.

(f) In Registration Area Q, pots used to take golden king crab may be longlined. Notwithstanding 5 AAC 34.051, a buoy is not required for each pot, but each end of the longline must be marked by a cluster of four buoys, as well as a pole and a flag. One buoy in the cluster must be marked in accordance with the specifications of 5 AAC 34.051(a).

(g) Repealed 8/14/2005.

(h) Repealed 8/14/2005.

(i) In the districts of Registration Area Q, a registered king crab vessel may not have, at any time in the aggregate, more than the legal limit of gear on board the vessel, in the water in fishing condition, and in the water in nonfishing condition. At the time of tank inspection required under 5 AAC 34.030, the gear must meet all specifications required by this chapter and 5 AAC 39, including identification, escape mechanisms, and mesh size requirements.

(j) A vessel engaged in taking or transporting king crab may not have on board an otter trawl with a ground line or headline longer than 60 feet.

(k) For the purposes of this section, "overall length" means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments. (In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/23/88, Register 107; am 6/19/92, Register 122; em am 8/21/92 - 12/18/92, Register 123; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187)

5 AAC 34.926. King crab pot marking requirements for Registration Area Q. (a) In addition to the provisions of 5 AAC 34.051, in Registration Area Q, the main buoy or trailer buoy may not display more than one identification tag issued under 5 AAC 34.051, and that tag must be one that was issued for the year that the fishery is occurring.

(b) In Registration Area Q, except in the Norton Sound Section of the Northern District, replacement of identification tags lost during the season is permitted if the vessel operator and three crewmembers submit sworn statements or affidavits, in person, at the department office in Dutch Harbor, describing how the tags were lost and listing the numbers of the lost tags. (Eff. 11/6/96, Register 140)

COMMERCIAL TANNER CRAB FISHERIES

5 AAC 35.300. Description of Registration Area E. Registration Area E has as its western boundary the longitude of Cape Fairfield (148° 50.25' W. long.), and as its eastern boundary the longitude of Cape Suckling (144° W. long.). (In effect before 1988; am 7/30/89, Register 111; am 9/29/96, Register 139; am 3/11/2001, Register 157)

5 AAC 35.305. Description of Registration Area E districts. (a) Northern District: all waters north and west of a line from the southern entrance of Port Nellie Juan at 60° 36' N. lat. to Point Eleanor to the eastern tip of Smith Island to Johnstone Point, and north of a line from Point Bentinck to Point Whitshed.

(b) Western District: all waters east of the longitude of Cape Fairfield (148° 50.25' W. long.), south of a line from the southern entrance of Port Nellie Juan at 60° 36' N. lat. to Point Eleanor to the eastern tip of Smith Island to Montague Point, west of a line from Zaikof Point to Seal Rocks (60° 10' N. lat., 146° 50' W. long.), and west of the longitude of Seal Rocks (146° 50' W. long.).

(c) Eastern District: all waters east of the longitude of Seal Rocks (146° 50' W. long.), east of a line from Seal Rocks (60° 10' N. lat., 146° 50' W. long.) to Cape Hinchinbrook, south of a line from Point Bentinck to Point Whitshed, and west of the longitude of Cape Suckling (144° W. long.).

(d) Hinchinbrook District: all waters east of a line from Montague Point to the eastern tip of Smith Island, south of a line from the eastern tip of Smith Island to Johnstone Point, north and east of a line from Cape Hinchinbrook to Seal Rocks (60° 10' N. lat., 146° 50' W. long.), and east of a line from Seal Rocks (60° 10' N. lat., 146° 50' W. long.) to Zaikof Point. (In effect before 1988; am 7/23/88, Register 107; am 9/29/96, Register 139; am 3/11/2001, Register 157)

5 AAC 35.310. Fishing seasons for Registration Area E. The commercial harvest of Tanner crab in the Prince William Sound Area is closed until the Board of Fisheries has adopted a harvest strategy in this chapter. (In effect before 1981; am 6/28/81, Register 78; am 6/30/83, Register 86; am 7/23/88, Register 107; am 9/29/96, Register 139; am 8/8/99, Register 151)

5 AAC 35.408. Registration Area H Tanner crab harvest strategy. (a) The provisions of this section establishes the abundance thresholds for the Tanner crab fisheries in the Southern, Kamishak, and Barren Island Districts of Cook Inlet.

(b) In the Southern District, the minimum stock threshold for the commercial fishery is 500,000 legal male Tanner crab. The commercial Tanner crab fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is at least 1,000,000 crab, the commercial fishery will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the estimated abundance level of legal male Tanner crab is at least 500,000, but less than 1,000,000 crab, the commercial Tanner crab fishery will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below 500,000 crab;

(B) attainment of the guideline harvest level would cause legal male Tanner crab abundance to fall below 500,000 crab; or

(C) the estimated harvest capacity, calculated by the number of registered vessels multiplied by the legal pot limit, and the estimated catch rate exceeds the guideline harvest level during a commercial fishery of a minimum 12-hour duration;

(4) repealed 9/12/2008;

(5) repealed 9/12/2008.

(c) In the Kamishak and Barren Islands Districts, combined, the minimum stock threshold for the commercial fishery is 700,000 legal male Tanner crab. The commercial fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is 1,400,000 crab or greater, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the abundance level of legal male Tanner crab is less than 1,400,000, but greater than 700,000 crab, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below 700,000 crab;

(B) the attainment of the guideline harvest level would cause the abundance of legal male Tanner crab to fall below 700,000 crab; or

(C) the estimated harvest capacity, calculated as the number of registered vessels multiplied by the legal pot limit and estimated catch rates, exceeds the guideline harvest level for a fishery of a minimum 24-hour duration.

(d) The noncommercial Tanner crab fisheries guideline harvest level may not exceed 10 percent of the recent five-year average of legal male stock abundance when legal male stock abundance is below the minimum stock threshold for a commercial fishery. The noncommercial Tanner crab fisheries will be closed

(1) in that portion of the Southern District east of a line from Pt. Pogibshi to Anchor Point, if the

(A) recent five-year average stock abundance of legal male Tanner crab estimated from the Kachemak Bay trawl survey is less than 100,000 Tanner crab;

(B) estimated stock abundance of legal male Tanner crab from the Kachemak Bay trawl survey is less than 100,000 Tanner crab for three consecutive years; or

(C) estimated stock abundance level of legal male Tanner crab is less than 50,000 Tanner crab in any given year;

(2) in the Southern District west of a line from Pt. Pogibshi to Anchor Point and the Kamishak and Barren Islands Districts, if the

(A) recent five-year average stock abundance of legal male Tanner crab estimated from the Kamishak Bay trawl survey is less than 50,000 Tanner crab; or

(B) estimated stock abundance level of legal male Tanner crab from the Kamishak Bay trawl survey is less than 40,000 in any given year. (Eff. 8/24/2002, Register 163; am 9/12/2008, Register 187)

5 AAC 35.410. Fishing seasons for Registration Area H. (a) In the Southern District, male Tanner crab may be taken only during periods established by emergency order within the period of January 15 through March 31. The orders must be based on weather factors that affect crab mortality, such as forecasted wind speed and air temperature.

(b) In all other districts, male Tanner crab may be taken only from 12:00 noon January 15 through March 31.

(c) Notwithstanding (b) of this section, the commercial harvest of Tanner crab in the Outer, Eastern, and Central Districts is closed until the Tanner crab stocks have recovered and a harvest strategy is developed by the department and adopted in a regulation by the Board of Fisheries. When the noncommercial fisheries in the Kamishak or Barren Island Districts are closed to the taking of Tanner crab, the noncommercial fisheries in the Eastern, Outer, and Central Districts shall also remain closed. (In effect before 1981; am 6/28/81, Register 78; am 6/30/83, Register 86; am 7/12/86, Register 99; am 7/23/88, Register 107; am 6/24/93, Register 126; am 9/29/96, Register 139; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187)

5 AAC 35.500. Description of Registration Area J. Registration Area J includes all Pacific Ocean waters south of the latitude of Cape Douglas (58° 51.10' N. lat.), and west of the longitude of Cape Fairfield (148° 50.25' W. long.), and all Bering Sea and Pacific Ocean waters east of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on *NOAA Chart #513* (6th Edition, February 23, 1991) and *NOAA Chart #514* (6th Edition, February 16, 1991), adopted by reference. (In effect before 1988; am 7/30/89, Register 111; am 9/29/96, Register 139; am 3/11/2001, Register 157; am 8/8/2003, Register 167)

5 AAC 35.505. Description of Registration Area J districts. (a) Kodiak District: all waters south of the latitude of Cape Douglas (58° 51.10' N. lat.), west of the longitude of Cape Fairfield (148° 50.25' W. long.), and east of the longitude of Cape Kumlik (157° 27' W. long.);

(1) Northeast Section: all waters northeast of a line extending 145° from the easternmost tip of Cape Chiniak, east of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, east of 152° 30' W. long. in Shuyak Strait, and east of the longitude of the northernmost tip of Shuyak Island (152° 20' W. long.);

(2) Eastside Section: all waters southwest of a line extending 145° from the easternmost tip of Cape Chiniak, northeast of a line extending 168° from the easternmost tip of Cape Barnabas and Old Harbor Narrows east of 153° 16' W. long.;

(3) Southeast Section: all waters southwest of a line extending 168° from the easternmost tip of Cape Barnabas, and east of a line extending 222° from the southernmost tip of Cape Trinity;

(4) Southwest Section: all waters west of a line extending 222° from the southernmost tip of Cape Trinity, south of a line from the westernmost tip of Cape Ikolik to 57° 15' N. lat., 155° 30' W. long., to 56° 45' N. lat., 156° 19' W. long., and east of the longitude of Cape Kilokak (156° 19' W. long.);

(5) Semidi Island Overlap Section: all waters west of the longitude of Cape Kilokak (156° 19' W. long.) and east of the longitude of Cape Kumlik (157° 27' W. long.);

(6) Westside Section: all waters north of a line from the westernmost tip of Cape Ikolik, east of a line from 57° 15' N. lat., 155° 30' W. long., to 58° N. lat., 154° W. long., to 58° 51.10' N. lat., 152° 45' W. long., west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Island, west of 152° 30' W. long. in Shuyak Strait, and west of the longitude of the northernmost tip of Shuyak Island (152° 20' W. long.);

(7) North Mainland Section: all waters north of 58° N. lat. and west of a line from 58° 51.10' N. lat., 152° 45' W. long. to 58° N. lat., 154° W. long.;

(8) South Mainland Section: all waters south of 58° N. lat., west of a line from 58° N. lat., 154° W. long., to 57° 15' N. lat., 155° 30' W. long., to 56° 45' N. lat., 156° 19' W. long., and east of the longitude of Cape Kilokak (156° 19' W. long.).

(b) South Peninsula District: all Pacific Ocean waters west of a line from the southernmost tip of Kupreanof Point to the easternmost tip of Castle Rock, west of a line extending southeast 135° from the easternmost tip of Castle Rock, and east of a line extending south from Scotch Cap Light:

(1) Eastern Section: all waters east of 162° W. long.;

(2) Western Section: all waters west of 162° W. long.

(c) Eastern Aleutian District: all waters between the longitude of Scotch Cap Light and 172° W. long., and south of 54° 36' N. lat.

(1) Akutan Section: all waters of Alaska west of the longitude of Akun Head (165° 37.58' W. long.) and east of the longitude of North Head (165° 51.08' W. long.) and north of a line from 54° 07.63' N. lat., 165° 39.88' W. long. to 54° 08.36' N. lat., 165° 38.36' W. long.;

(2) Unalaska/Kalekta Bay Section: all waters of Alaska west of the longitude of Erskine Point (166° 16.30' W. long.) and east of the longitude of Cape Cheerful (166° 40.33' W. long.);

(3) Mukushin/Skan Bay Section: all waters of Alaska south of the latitude of Cape Kovrizhka (53° 50.67' N. lat.) and north of the latitude of Spray Cape (53° 36.83' N. lat.);

(4) General Section: all remaining waters of the Eastern Aleutian District not described in (1) - (3) of this subsection.

(d) Western Aleutian District: all waters west of 172° W. long., and south of 54° 36' N. lat.

(e) Bering Sea District: all Bering Sea waters north of 54° 36' N. lat.

(1) Eastern Subdistrict: all waters of the Bering Sea District east of 173° W. long., including the waters of Bristol Bay;

(A) Norton Sound Section: all waters of the Eastern Subdistrict east of 168° W. long. and north of the latitude of Cape Romanzof;

(B) General Section: all waters of the Eastern Subdistrict not included in the Norton Sound Section;

(2) Western Subdistrict: all waters of the Bering Sea District west of 173° W. long.

(f) Chignik District: all Pacific Ocean waters east of a line from the southernmost tip of Kupreanof Point to the easternmost point of Castle Rock, and east of a line extending southeast 135° from the easternmost point of Castle Rock and west of the longitude of the easternmost tip of Cape Kumlik. (In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/23/88, Register 107; am 9/29/96, Register 139; am 3/11/2001, Register 157; am 8/14/2005, Register 175; am 9/12/2008, Register 187)

5 AAC 35.506. Area J registration. (a) Registration Area J is a nonexclusive registration area, except the Kodiak and Chignik Districts are superexclusive registration districts.

(b) Notwithstanding (c) and (g) of this section, a Tanner crab vessel validly registered for the Chignik District may be used to take Tanner crab in the Semidi Island Overlap Section, of the Kodiak District, as specified in 5 AAC 35.507.

(c) A Tanner crab vessel may not be registered to take Tanner crab in more than one district of Registration Area J at a time.

(d) A Tanner crab vessel from which pots having identification tags required by 5 AAC 35.526 are fished may not be, at the same time, validly registered to fish any other fishery with pot gear.

(e) For the Chignik, Eastern Aleutians, Western Aleutians, and Bering Sea Districts, the registration deadlines for the registration year are as follows:

(1) for the Bering Sea District *C. opilio* Tanner crab fishery, the registration deadline is 5:00 p.m. September 24;

(2) for the Bering Sea District, *C. bairdi* Tanner crab fishery, the registration deadline is 5:00 p.m. September 24;

(3) repealed 8/14/2005;

(4) for the Eastern Aleutian District *C. bairdi* Tanner crab fishery, the registration deadline is 5:00 p.m. December 24;

(5) for the Western Aleutian District *C. bairdi* Tanner crab fishery, the registration deadline is 5:00 p.m. October 10;

(6) for the Chignik District *C. bairdi* Tanner crab fishery, if the guideline harvest level exceeds 600,000 pounds, the registration deadline is 5:00 p.m. December 24.

(f) Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Tanner crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a registration form for the Bering Sea Tanner or

snow crab fisheries. The registration form must identify the vessel and vessel operator and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (e) of this section.

(g) A vessel that is registered for the Tanner crab fishery in the Kodiak District may not be registered for the Tanner crab fishery in the Chignik or South Peninsula Districts during that registration year.

(h) The operator of a vessel registered to take Tanner crab in any district or section of Registration Area J must comply with any check-in and check-out procedures for sections specified by the department in an Area J registration certificate issued under 5 AAC 35.020.

(i) In the Bering Sea District, a vessel operator may harvest *C. bairdi* Tanner crab as follows:

(1) west of 166° W. long. in a directed *C. bairdi* Tanner crab fishery or as incidental harvest while the vessel operator is registered for the *C. opilio* Tanner crab fishery; a vessel operator that is registered to fish for *C. opilio* Tanner crab in the Bering Sea District may retain *C. bairdi* Tanner crab in an amount not to exceed five percent of the weight of the *C. opilio* Tanner crab on board the vessel and reported on an ADF&G fish ticket;

(2) east of 166° W. long. as incidental harvest while the vessel operator is registered for the Bristol Bay red king crab fishery; a vessel operator that is registered to fish for Bristol Bay red king crab may also retain *C. bairdi* Tanner crab in an amount not to exceed five percent of the weight of Bristol Bay red king crab on board the vessel and reported on an ADF&G fish ticket;

(3) in a directed *C. bairdi* Tanner crab fishery occurring between 163° W. long. and 166° W. long.;

(4) a vessel operator may not be concurrently registered to harvest *C. bairdi* Tanner crab in waters both east and west of 166° W. long.

(j) In the Bering Sea District, a vessel operator that is registered to fish for *C. bairdi* Tanner crab west of 166° W. long. may also retain *C. opilio* Tanner crab in an amount not to exceed five percent of the weight of *C. bairdi* Tanner crab on board the vessel and reported on an ADF&G fish ticket. (Eff. 9/29/96, Register 139; am 7/21/99, Register 151; am 8/8/99, Register 151; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187)

5 AAC 35.510. Fishing seasons for Registration Area J. (a) In the Kodiak District,

(1) pots maybe operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31;

(2) the inspections required under 5 AAC 35.555 and the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service forecast for the current day and night plus the following day and night for any section of the Kodiak District, except in the Semidi Island Overlap and Southwest Sections, contains gale force wind warnings (35 knots or higher), in which case the season opening in all sections of the Kodiak District eligible for a season opening will be delayed 24 hours; if after the initial weather delay, the 4:00 a.m. National Weather Service forecast for the current day and night plus the following day and night again contains gale warnings, the season opening in all sections will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of any gale force wind warnings in the National Weather Service forecasts; for the purposes of this paragraph, the corresponding National Weather Service forecast areas for the sections of the Kodiak District are as follows:

(A) Northeast Section: 3B;

(B) Eastside Section: 3B;

(C) Southeast Section: 3B;

(D) Westside Section: 3C;

(E) North Mainland Section: 3C;

(3) based on the department's assessment of effort, manageability, and harvest rate, the commissioner may, by emergency order, increase the daily fishing period in the sections specified in this subsection, when the effort in the district declines and a substantial amount of the guideline harvest level remains to be taken.

(b) In the Chignik District,

(1) when the guideline harvest level is 200,000 pounds or more, pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 through 12:00 noon March 31;

(2) the inspections required under 5 AAC 35.555 and the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast for the current day and night or the following day and night contains a gale warning; if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast for the current day and night or the following day and night again contains a gale warning, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the Chignik District is Area 155: Coastal Waters South of the Alaska Peninsula Castle Cape to Cape Sarichef.

(c) In the South Peninsula District,

(1) when the guideline harvest level is 200,000 pounds or more, pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 through 12:00 noon March 31;

(2) the inspections required under 5 AAC 35.555 and the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night contains gale force wind warnings (35 knots or higher); if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night again contains gale force wind warnings, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the South Peninsula District is Area 155: Coastal Waters South of the Alaska Peninsula Castle Cape to Cape Sarichef.

(d) In the Eastern Aleutian District, pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours, from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31, unless closed earlier by emergency order.

(e) In the Western Aleutian District, pots may be operated to take Tanner crab only during a season opened by emergency order from 12:00 noon November 1 through 12:00 noon March 31.

(f) In the Bering Sea District, Tanner crab fishing seasons are as follows:

(1) male *C. bairdi* Tanner crab may be taken from 12:00 noon October 15 until 11:59 p.m. March 31;

(2) in waters west of 166° W. long., male *C. opilio* Tanner crab may be taken from

(A) 12:00 noon October 15 through 11:59 p.m. May 15 in the Eastern Subdistrict; and

(B) 12:00 noon October 15 through 11:59 p.m. May 31 in the Western Subdistrict;

(3) male hybrid Tanner crab may be taken during the open seasons specified in (1) and (2) of this subsection, under the identification criteria specified in 5 AAC 35.521(C);

(4) Tanner crab may not be taken or possessed in the Norton Sound Section of the Eastern Subdistrict.

(g) For the purposes of this section, "soak time" means the period of time that Tanner crab pot gear is submerged in the water in fishing condition and not being operated. (In effect

before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 9/19/90, Register 115; em am 2/12/91 - 6/11/91, Register 117; am 4/30/91, Register 118; em am 1/9/92 - 5/7/92, Register 121; am 1/24/92, Register 121; am 6/19/92, Register 122; am 6/24/93, Register 126; am 10/1/93, Register 127; am 9/29/96, Register 139; am 11/6/96, Register 140; am 8/5/99, Register 151; am 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2011, Register 199; am 6/1/2013, Register 206)

5 AAC 35.525. Lawful gear for Registration Area J. (a) Tanner crab may be taken only with Tanner crab pots. Tanner crab taken by other means must be returned to the water without further harm.

(b) The following Tanner crab pot requirements are in effect in Registration Area J:

(1) pots used to take *Chionoecetes bairdi* Tanner crab must have at least one-third of one vertical surface of the pot composed of not less than 7 1/4 inch stretched mesh webbing or have no less than four circular escape rings of no less than five inches inside diameter installed on the vertical plane to permit escapement of undersize *C. bairdi* Tanner crab; and

(2) pots used to take *Chionoecetes opilio* Tanner crab must have at least eight escape rings with an inside diameter measure of no less than four inches placed within one mesh measurement from the bottom of the pot, with four escape rings on each of two sides of a four-sided pot, or if the pot has no escape rings as specified in this paragraph, one-half of one side of a four-sided pot must have a side panel composed of not less than five and one-quarter inch stretched mesh webbing to permit escapement of undersize *C. opilio* Tanner crab.

(c) The following pot limits are in effect in Registration Area J:

(1) in the Kodiak District, when the guideline harvest level for *C. bairdi* Tanner crab is

(A) less than 2,000,000 pounds, an aggregate of no more than 20 pots may be operated from a validly registered Tanner crab vessel;

(B) at least 2,000,000 pounds but less than 4,000,000 pounds, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel;

(C) at least 4,000,000 pounds but less than 5,000,000 pounds, an aggregate of no more than 40 pots may be operated from a validly registered Tanner crab vessel;

(D) at least 5,000,000 pounds, an aggregate of no more than 60 pots may be operated from a validly registered Tanner crab vessel;

(2) in the Chignik District, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel, except that if the guideline harvest level exceeds 2,000,000 pounds,

(A) the total number of pots allowed in the fishery is 1,000; and

(B) the department will establish the individual vessel pot limit, not to exceed 50 pots per vessel, by dividing the 1,000 total pot limit by the number of vessels that register by the registration deadline specified in 5 AAC 35.506(e)(6);

(3) in the South Peninsula District, if the

(A) guideline harvest level is 2,000,000 pounds or less, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel;

(B) guideline harvest level is more than 2,000,000 pounds, an aggregate of no more than 50 pots may be operated from a validly registered Tanner crab vessel;

(4) repealed 9/12/2008;

(5) in the Eastern Aleutian District, the total number of pots allowed in the fishery is 300; the department will establish the individual vessel pot limit by dividing the 300 total pot limit by the number of vessels that register before the season opens; no more than 50 pots per vessel is allowed.

(d) In the Bering Sea District, the tunnel eye openings on the vertical side of a Tanner crab pot may be no more than three inches high, except that up to 20 groundfish pots, as defined in 5 AAC 28.050(e), may be on board the vessel that is registered for either the Bering Sea Tanner crab or Bering Sea snow crab fisheries. Tanner and snow crab taken from these groundfish pots may be retained.

(e) In Registration Area J, a validly registered Tanner crab vessel may not have at any time in the aggregate, more than the legal limit of gear on board the vessel, in the water in fishing condition, and in the water in nonfishing condition. At the time of the tank inspection required under 5 AAC 35.555, the gear must meet all specifications required by this chapter and 5 AAC 39, including identification, escape mechanisms, and mesh size requirements.

(f) For the purposes of this section, "overall length" means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments. (In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 12/29/84, Register 92; am 7/14/85, Register 95; am 4/18/86, Register 98; am 7/12/86, Register 99; em am 3/16/88 - 7/13/88, Register 106; em am 6/23/88 - 10/20/88, Register 107; am 7/23/88, Register 107; am 9/19/90, Register 115; am 6/19/92, Register 122; em am 11/13/92 - 3/12/93, Register 124; em am 12/17/92 - 4/16/93, Register 125; em am 3/26/93 - 7/23/93, Register 126; am 6/24/93, Register 126; am 9/29/96, Register 139; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 9/30/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/20/2010, Register 194; am 7/16/2011, Register 199)

5 AAC 35.535. Closed waters in Registration Area J. The waters of Alaska surrounding St. Matthew Island, Hall Island, and Pinnacle Island are closed to the taking of Tanner crab. (Eff. 8/24/2002, Register 163)

5 AAC 35.555. Inspection requirements for Registration Area J. (a) Within 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area J, or a portion of Registration Area J, or at any time during the open season before taking crab, a Tanner crab vessel registered for Registration Area J must have all holds, live tanks, and freezers inspected by local representative of the department at an inspection point specified in 5 AAC 35.540. Tanner crab may not be on board the vessel at the time of inspection. The requirements of this section do not apply to a registered Tanner crab vessel that does not have a saltwater circulation system in its holds or live tanks. In the Bering Sea District only, the requirements of this section do not apply to catcher/processor vessels, if the commercial *Chionoecetes bairdi* Tanner crab season remains open through the opening of the commercial *Chionoecetes opilio* Tanner crab season.

(b) Notwithstanding (a) of this section, for the Bering Sea District commercial *Chionoecetes opilio* fishery, a registered Tanner crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor, Akutan, or King Cove within 48 hours before taking or processing Tanner crab. (In effect before 1981; am 6/28/81, Register 78; em am 1/14/93 - 5/13/93, Register 125; am 6/24/93, Register 126; em am 1/9/96 - 1/18/96, Register 137; am 9/29/96, Register 139)

Onboard Observer Regulations

5 AAC 39.143. Onboard observer certification and decertification. (a) To become certified as a crab or scallop onboard observer, a person must first obtain a crab or scallop onboard observer trainee permit and complete the trainee requirements of this section. The department shall issue a crab or scallop onboard observer trainee permit to a person who completes training and orientation specified by the department and who passes, with a score of at least 90 percent, an exam administered by the department.

(b) Before embarking on each observer trip, a crab or scallop observer trainee shall participate in a briefing with the department.

(c) An observer trainee permit expires as follows:

(1) a crab observer trainee permit expires on the earlier of the

(A) 36th day after the crab observer trainee has participated in a briefing for an observer trip if, during this 36-day period, the trainee has not participated in a briefing with the department; or

(B) 180th day after the crab observer trainee permit was issued; however, if a crab trainee observer has been deployed at least once during the first 180 days after

the observer permit was issued, the trainee permit may be extended up to 365 days, at the discretion of the department;

(2) a scallop observer trainee permit expires on the earlier of the

(A) 36th day after the scallop observer trainee has participated in a briefing for an observer trip if, during this 36-day period, the trainee has not participated in a debriefing with the department; or

(B) 180th day after the scallop observer trainee permit was issued; however if a scallop trainee observer has been deployed at least once during the first 180 days after the observer permit was issued, the trainee permit may be extended, up to 270 days, at the discretion of the department.

(d) The commissioner may revoke a trainee permit for the reasons and under the procedures set out in (j) - (n) of this section. If revocation proceedings are pending on the date the permit would expire under (c)(1) of this section, the permit expires under that paragraph, and all rights under the permit cease. If revocation proceedings are pending on the date the permit would expire under (c)(2) of this section, the permit does not expire on that date, but is suspended until conclusion of the revocation proceedings. The trainee may not act under the permit during the period of suspension. The permit expires at the conclusion of the revocation proceedings unless the department determines that the permit should not be revoked and that the trainee should be certified as an observer under (f) of this section.

(e) A person whose crab or scallop observer trainee permit has expired or has been revoked may not be issued another trainee permit unless that person completes retraining and reorientation specified by the department and repasses, with a score of at least 90 percent, an exam administered by the department.

(f) The department shall certify as a crab or scallop onboard observer a trainee who

(1) has a valid crab or scallop observer trainee permit;

(2) has satisfactorily completed all assigned trainee tasks specified by the department in writing, or assigned verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed to a vessel;

(3) has not engaged in behavior described in (j) of this section;

(4) has completed the number of observer trips that the department, in its discretion, determines from debriefing the trainee are necessary to prepare the trainee to perform as a crab or scallop onboard observer; and

(5) is not the subject of revocation proceedings under this section.

(g) A trainee may appeal a denial of certification as a crab or scallop onboard observer to the commissioner. The appeal must be in writing and must be received by the commissioner within 15 days after the denial. The commissioner or the commissioner's designee shall conduct an investigation and review, and may hold a hearing on the matter. If a designee conducts an investigation and review or holds a hearing, the designee shall recommend action to the commissioner. The commissioner shall make a decision within 45 days after receiving an appeal. The commissioner's decision under this section is the final administrative action.

(h) Until the commissioner's decision in an appeal under (g) of this section, the trainee may act under the terms of a valid trainee permit. If, while an appeal under (g) of this section is pending, the permit expires under (c) of this section or is revoked under (d) of this section, all rights under the permit cease.

(i) An onboard observer certification expires as follows:

(1) for a crab observer who has not functioned as a crab onboard observer for 12 consecutive months, the onboard observer certification expires; to become recertified after 12 consecutive months of not functioning as a crab observer, a person must successfully complete all trainee and certification requirements set out in (a), (b), (c), (e), and (f) of this section;

(2) for a scallop observer who has not functioned as a scallop onboard observer for 12 consecutive months, the onboard observer certification expires; to become recertified after 12 consecutive months or more of not functioning as a scallop onboard observer, a person must successfully complete all trainee and certification requirements set out in (a), (b), (c), (e), and (f) of this section.

(j) An onboard observer certification may be revoked for any one of the following reasons:

(1) failure to satisfactorily complete all assigned tasks specified by the department in writing, or assigned verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed to a vessel;

(2) use, possession, or being under the influence of alcohol or an illegal controlled substance on board the assigned vessel, boarding any vessel under the influence of alcohol or an illegal controlled substance, missing an appointment with the department due to alcohol or an illegal controlled substance, or attending an appointment with the department under the influence of alcohol or an illegal controlled substance;

(3) engaging in violent or criminal behavior, including behavior that may endanger a person or property on the assigned vessel or that prevents the observer from performing tasks according to the standards of the onboard observer manual;

(4) soliciting or accepting items or services, other than basic life necessities, from an operator, owner, or crewmember of a vessel to which the observer is assigned;

(5) failure to report known criminal behavior or cooperate with the investigation or prosecution of criminal behavior arising from fishing operations of the vessel to which the observer is assigned;

(6) engaging in sexual relations with an employee, operator, crewmember, officer, director, agent, owner, or shareholder of the vessel or any entity with ownership of, or management authority over, the vessel to which the observer is assigned while the observer is deployed to a vessel;

(7) repealed 7/21/99;

(8) exhibiting poor judgment or unprofessional behavior that interferes with the observer's ability to perform assigned tasks or results in a breach of confidentiality, lack of observer coverage, or other actions detrimental to the observer program.

(k) A certified onboard observer may be demoted to trainee status for failure to satisfactorily perform assigned tasks specified by the department.

(l) The department shall notify an observer in writing of its intent to revoke a certification or to demote a certified onboard observer to trainee status. Notice may be served by personal delivery or by sending the notice by certified mail, return receipt requested. The department may revoke the certification or may demote a certified onboard observer to trainee status if, within 45 days after serving or sending the notice, the department does not receive a written objection from the observer that specifies the reasons why revocation or demotion should not occur.

(m) If the department receives an objection under (l) or (n) of this section, the commissioner, or the commissioner's designee, shall conduct an investigation and review, and may hold a hearing on the matter. If a designee conducts the investigation and review, or holds a hearing, the designee shall recommend action to the commissioner. Until the commissioner's decision under this subsection, the observer may act under the terms of the certification. If the commissioner determines that one or more of the grounds for revocation of the certification have been met, the commissioner may revoke the certification. If the commissioner determines that one or more of the grounds for demotion have been met, the commissioner may demote the onboard observer to trainee status. The commissioner's determination under this subsection is the final administrative action.

(n) If the commissioner determines that the performance of an onboard observer creates an immediate, substantial threat to the orderly conduct of the fishery or the conservation of fishery resources, the commissioner, upon notice to the observer, without first conducting a hearing, may suspend the certification or may demote the observer to trainee status. If a certification is suspended or if an observer is demoted to trainee status under this subsection, the commissioner shall notify the observer, in writing, and specify the grounds for the immediate suspension or demotion. The observer may submit a written objection to the department's action that specifies the reasons why the certification should not be suspended or why the demotion should not occur. If an objection is not received within 45 days after the date that the notice was mailed or served by personal delivery, the commissioner shall notify the observer that the

certification is revoked or that the observer is retained on trainee status, subject to (b) - (h) of this section, as the final administrative determination. Notice under this subsection may be served by personal delivery or certified mail, return receipt requested, to the observer's last known address. If a timely objection is received, the provisions of (m) of this section apply. The suspension or demotion terminates, and the observer is returned to certified observer status, if, within 90 days after the department's receipt of an objection, the commissioner

(1) makes the final administrative determination to return the observer to certified observer status;

(2) fails to provide notice of the revocation or demotion under this section; or

(3) fails to make a final determination under (m) of this section that revokes the certification or demotes the observer to trainee status.

(o) Repealed 12/26/97.

(p) In this section,

(1) "briefing" means a meeting between the department and a trainee in which the upcoming observer trip is discussed;

(2) "debriefing" means a meeting between the department and a trainee in which the trainee's last observer trip, and whether the trainee meets the criteria of (f) of this section, are discussed;

(3) "trainee" means a person who holds a crab or scallop onboard observer trainee permit and is a candidate to be a crab or scallop onboard observer. (Eff. 5/2/92, Register 122; am 11/25/92, Register 124; am 10/1/93, Register 127; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/24/2002, Register 163; am 8/25/2002, Register 163; am 7/16/2011, Register 199)

5 AAC 39.146. Onboard observer briefing and debriefing. (a) An onboard observer shall attend a briefing before deployment on the observer's assigned vessel. An observer shall bring to the observer's briefing all equipment that is specified, in writing, by the department.

(b) An onboard observer shall immediately notify the department of the observer's departure from the assigned vessel. After departure, an observer shall return directly to the department office responsible for management of the fishery that the observer's assigned vessel participated in for a debriefing, unless the observer contacts the department for authorization to do otherwise.

(c) An onboard observer shall be briefed and debriefed only at the department office responsible for management of the fishery that the observer's assigned vessel participates in, unless the department authorizes a different department office. The observer's independent

contracting agent shall schedule briefings and debriefings with the department at least 48 hours in advance.

(d) If an onboard observer's vessel returns to the port of briefing for any reason, the observer shall contact the department. The department may schedule a midtrip debriefing which will allow a preliminary data check and provide the department an opportunity to resolve sampling problems or answer observer questions. (Eff. 12/26/97, Register 144)

5 AAC 39.645. Shellfish onboard observer program. (a) The Board of Fisheries (board) finds that onboard observers provide the only effective means of collecting essential biological and management data from catcher-processor and floating processor vessels that process shellfish, and from an adequate number of catcher vessels that take shellfish in the commercial fisheries described in (d) of this section. These data are necessary to achieve the requirements set out in 16 U.S.C. 1801-1883 (Magnuson-Stevens Act) and the federal Fisheries Management Plan for Bering Sea/Aleutian Islands King and Tanner Crab, dated July 18, 1998, including the sustained yield of the shellfish resource without overfishing. The department has traditionally collected essential biological and management data at the point of shoreside landing immediately before processing. The evolution to processing by catcher-processor and floating processor vessels in particular fisheries, and the lack of an adequate number of catcher-processor vessels in particular Bering Sea and Aleutian Islands crab fisheries that are required by this section to have an onboard observer on board the vessel, has seriously eroded the department's ability to adequately monitor harvests, assess the amount and type of bycatch occurring in the fisheries, and collect biological data for inseason management. Onboard observers are the only practical data-gathering mechanism for these fisheries without unduly disrupting the operation of these fisheries.

(b) Further, the board finds that, in particular shellfish fisheries, onboard observers provide the only effective means to enforce regulations that protect the shellfish resource. The board finds that catcher/processor catch statistics have clearly demonstrated that some operators of these vessels have routinely failed to comply with king and Tanner crab size limit regulations. Without onboard observer coverage, sublegal and female crab might be taken and processed immediately, making enforcement of size and sex regulations impossible.

(c) The cost of providing these onboard observers for catcher vessels and at-sea processors in the commercial Bering Sea and Aleutian Islands registration areas crab and special permit fisheries, excluding the Norton Sound and Kotzebue Sound Sections, will be borne by the department through the harvest and sale of crab or will be borne directly by the vessel. The costs of the observer requirements for catcher-processor vessels that retain processed crab after the close of a fishery, under 5 AAC 34.031(e)(4) and 5 AAC 35.031(c)(4), shall be borne by the vessel. In those cases, the cost for the department-approved observer shall be borne by the vessel. The department will have full authority and responsibility for deploying onboard observers on any vessel participating in the commercial Bering Sea and Aleutian Islands Area crab fisheries, or any fisheries conducted under a commissioner's permit, as necessary for fishery management and data-gathering needs. No acceptable management alternatives exist other than disallowing operation of a vessel that is required, but refuses to cooperate with an onboard observer program.

The onboard observer program set out in this section is compatible with and complementary to the existing observer programs of other agencies.

(d) Based on the findings in (a) - (c) of this section, the department shall institute a mandatory onboard observer program, as follows:

(1) for all vessels that process Tanner crab, red king crab, blue king crab, or golden king crab, a department approved crab fishery onboard observer must be on board the vessel and acting in the capacity of a crab fishery onboard observer for 100 percent of the time that the vessel is acting in the capacity of a catcher-processor or a floating processor;

(2) the department shall require onboard observers for an adequate number of catcher vessels, or during the harvest of a percentage of the total harvest weight of each catcher vessel, participating in the rationalized Bering Sea/Aleutian Islands commercial crab fisheries harvesting IFQ, CDQ, or the Adak community allocation;

(3) the Bering Sea/Aleutian Islands rationalized crab fisheries where IFQ, CDQ, or the Adak community allocation are established include

(A) Registration Area O (Aleutian Islands) golden king crab, Registration Area O red king crab (west of 179° W. long.), Registration Area T (Bristol Bay) red king crab, Registration Area Q (Bering Sea) Pribilof District red and blue king crab, Registration Area Q St. Matthew Island Section of the Northern District blue king crab; and

(B) Registration Area J (Westward), Bering Sea District *C. opilio* (snow crab) and *C. bairdi* Tanner crab, excluding the Norton Sound Section;

(4) to meet catcher vessel observer coverage requirements, a department approved crab fishery onboard observer must be on board the catcher vessel and acting in the capacity of a crab onboard observer in the following registration areas during the following prescribed time periods:

(A) for Registration Area O (Aleutian Islands),

(i) during harvest of 100 percent of the total red king crab weight harvested by each catcher vessel while operating fishing gear west of 179° W. long., during each registration year;

(ii) during harvest of 50 percent of the total golden king crab weight harvested by each catcher vessel while operating fishing gear east of 174° W. long., during each of the three trimesters dated August 15 through November 15, November 16 through February 15, and February 16 through May 15, during each registration year; and

(iii) during harvest of 50 percent of the total golden king crab weight harvested by each catcher vessel while operating fishing gear west of 174° W. long., during each of the three trimesters dated August 15 through November 15, November 16 through February 15, and February 16 through May 15, during each registration year;

(B) for Registration Area Q (Bering Sea),

(i) during harvest of 100 percent of the total red and blue king crab weight harvested by each catcher vessel while operating fishing gear in the Pribilof District, during each registration year; and

(ii) during harvest of 100 percent of the total blue king crab weight harvested by each catcher vessel while operating fishing gear in the St. Matthew Island Section of the Northern District, during each registration year;

(C) for Registration Area T (Bristol Bay), during harvest of 20 percent of the total red king crab weight harvested by each catcher vessel while operating fishing gear, during each registration year, or the department may randomly select 20 percent of the catcher vessels harvesting Bristol Bay red king crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel;

(D) for Tanner crab Registration Area J (Westward), Bering Sea District,

(i) during harvest of 30 percent of the total *C. opilio* (snow crab) weight harvested by each catcher vessel while operating fishing gear, during each registration year, or the department may randomly select 30 percent of the catcher vessels harvesting Bering Sea *C. opilio* (snow crab) to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel; and

(ii) during harvest of 30 percent of the total *C. bairdi* Tanner crab weight harvested on each catcher vessel while operating fishing gear during each registration year or during a period when the department randomly selects between 30 percent and 100 percent of the catcher vessels engaged in directed harvest of *C. bairdi* Tanner crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel, unless a catcher vessel harvests *C. bairdi* Tanner crab as incidental catch during directed fishing for either Bristol Bay red king crab or Bering Sea snow crab, where observer coverage requirements for those directed fisheries would apply to the Tanner crab incidental harvest;

(5) onboard observers are required for the number of catcher vessels that the department determines are adequate to participate in the non-IFQ, non-CDQ, or non-Adak community allocation commercial crab fisheries that take shellfish in the following Bering Sea/Aleutian Islands shellfish fisheries:

(A) Registration Area O (Aleutian Islands), red king crab fishery east of 179° W. long.;

(B) Registration Area J (Eastern Aleutian and Western Aleutian Districts), Tanner crab fishery;

(C) Registration Area J (Westward), hair crab, snails, or other miscellaneous shellfish commercial fisheries that require a permit issued by the commissioner under 5 AAC 38.062;

(6) for vessels that take red or blue king crab in the Norton Sound Section of Registration Area Q, the department may require onboard observers on selected vessels;

(7) for vessels that take red or blue king crab in the Kotzebue Sound Section of Registration Area Q, the department may require onboard observers on selected vessels;

(8) the department may waive the onboard observer requirement for a vessel that processes crab at a place where a department sampler is located, if the sampler has reasonable access to the vessel and if the vessel is tied to a dock; all other vessel requirements remain in effect; the department may also waive the onboard observer requirement when an observer is taken ill or is injured while on board the vessel and is unable to function, or when in the judgment of the department the observer is unavailable despite the good faith effort of the vessel operator and for a reason that is beyond the control of the vessel operator; a request for a waiver and all supporting documentation must be submitted in writing;

(9) the department may place a representative of the department on board a processing vessel to perform tank inspections, or to verify the performance of an observer, without waiving the observer requirement.

(e) In addition to the permit requirements in 5 AAC 34.055 and 5 AAC 35.055, the permit for a vessel that processes Tanner crab, red king crab, blue king crab, or golden king crab must require that an observer, approved by the department and provided by the permittee, be briefed by the department for the fishery in which the vessel participates and that the observer be on board the vessel before the vessel obtains a tank inspection, before the vessel takes crab, and before the start of and during all processing operations. For the purposes of 5 AAC 34.055, 5 AAC 35.055, and 5 AAC 39.140, the observer is a representative of the department. All information collected by the observer is confidential property of the department. The department shall develop guidelines for approval of observers, including training requirements, conflict-of-interests standards, data collection schedules and standards, record keeping and reporting requirements, and other criteria needed to ensure accurate and objective reporting.

(f) Based on the findings in this section, it is the board's intent that a credible, fair, and enforceable observer program be implemented before the September 25, 1988 opening of the Bristol Bay red king crab fishery. Information gathered in this observer program is intended to promote both conservation and enforcement.

(g) Repealed 12/26/97.

(h) An employee or crewmember of a commercial crab catcher-processor, crab floating processor, crab catcher vessel, or scallop vessel may not be employed as a shellfish onboard observer for 12 consecutive months after the person's last day of employment on the crab catcher-processor, crab floating processor, crab catcher vessel or scallop vessel.

(i) When a vessel is required to carry an onboard observer, the vessel owner, owner's agent, or operator shall

(1) contract and pay for onboard observers through an independent contracting agent, unless the onboard observer is provided by the department;

(2) provide at least 48 hours advance notice to the contracting agent of an observer's arrival at a department area office for debriefing;

(3) when carrying an observer trainee and within sufficient time to allow for debriefing before expiration of the trainee permit, ensure that the trainee is returned to the port where the department office responsible for management of the fishery the observer's assigned vessel participates in;

(4) provide adequate food and accommodations for the observer equal to those provided for the vessel's crew;

(5) provide to the observer daily catch information, including areas fished, number and pounds of shellfish landed, number of pots pulled by registration area, and other information specified by the department;

(6) provide a safe work area, necessary gear, opportunity, and sufficient time to allow the observer to adequately sample catch as specified by the department;

(7) ensure that the transfer of an observer between vessels is conducted in a timely manner, under safe conditions, and with the agreement of the observer involved;

(8) assure observer access to single side band (SSB) radio, fax, telex, or telephone so that catch reports from observers are received at the area management office as specified by the department;

(9) notify the observer before shellfish are brought on board to allow sampling, unless the observer specifically requests not to be notified; and

(10) provide proof of compliance with current United States Coast Guard Commercial Fishing Vessel Safety Examination requirements.

(j) An independent contracting agent that provides onboard observers under this section shall

- (1) employ observers in compliance with all applicable state and federal laws and provide all necessary administrative and payroll functions for the observer employees;
- (2) secure contracts directly with vessel owners and operators;
- (3) provide the department with a certification training program plan and the qualifications of instructors for department approval no less than 30 days before implementation;
- (4) provide the department with complete and legible transcripts, resumes, and other work history documents to qualify observer candidates no less than 30 days before training;
- (5) provide observer training to meet certification requirements contained in 5 AAC 39.143;
- (6) coordinate with the department to schedule observer certification examinations and provide observer sampling equipment for use at the examinations;
- (7) provide all logistical support for observers, including room and board, travel to and from vessels, travel to and from the department examinations, and briefings and debriefings;
- (8) assign observers to vessels without regard to requests from vessel owners and operators for, or for exclusion of, a specific observer; any request for, or for exclusion of, a specific observer shall be reported to the department by the contracting agent;
- (9) provide, for each observer deployment, a complete set of all necessary observer sampling equipment as specified, in writing, by the department for an observer to complete a trip assignment;
- (10) provide the department no less than 48 hours advance notice of an observer's scheduled arrival at the port where the department office responsible for management of the fishery the observer's assigned vessel participates in for briefings and debriefings;
- (11) schedule all observer briefing and debriefing appointments directly with the department;
- (12) maintain records of observers' scheduled briefing and debriefing dates, and observers' time on board a vessel to ensure compliance with maximum trip limits for trainee observers as specified in 5 AAC 39.143(c), and fully certified observers as specified in 5 AAC 39.142(a)(8);
- (13) ensure that no less than 65 percent of observer deployment days per year per contractor are performed by certified observers.

(k) The department may conduct up to four examinations per year. The department shall conduct an examination when at least 10 observer candidates are scheduled to take the examination.

(l) When a vessel is required to carry an onboard observer, an employee, operator, crewmember, officer, director, agent, owner, or shareholder of the vessel or any entity with ownership of, or management authority over, the vessel may not

(1) impede, or interfere with an observer carrying out observer duties;

(2) interfere with or bias the sampling procedure employed by an observer, including physical or mechanical interference, or sorting or discarding of catch before sampling;

(3) tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer; or

(4) harass an observer by conduct that has sexual connotations, or by conduct that creates an intimidating, hostile, or offensive environment; for the purpose of this paragraph, "harass" means words, conduct, or action that being directed at the observer, annoys, alarms, or causes emotional distress in the observer. (Eff. 7/12/86, Register 99; am 7/23/88, Register 107; em am 9/20/88 - 1/17/89, Register 108; am 7/30/89, Register 111; am 9/19/90, Register 115; em am 3/19/91 - 7/16/91, Register 118; am 5/2/92, Register 122; am 6/24/93, Register 126; am 11/3/95, Register 136; am 9/1/96, Register 139; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/31/2000, Register 155; am 7/31/2003, Register 167; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 7/16/2011, Register 199)

Misc. Crab Regulations

5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan. (a) This management plan applies to the management of the seven crab fisheries rationalized by the National Marine Fisheries Service (NMFS), including the Community Development Quota and the Adak community allocation, with management authority delegated to the Department of Fish and Game as referenced in the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs.

(b) The following fisheries are covered under the management plan in this section:

(1) Bristol Bay red king crab (BBR);

(2) Aleutian Islands red king crab (west of 179° W. long.) (WAI);

(3) Aleutian Islands golden king crab (east of 174° W. long.) (EAG);

(4) Aleutian Islands golden king crab (west of 174° W. long.) (WAG);

- (5) Saint Matthew Island Section blue king crab (SMB);
- (6) Pribilof District red and blue king crab (PIK);
- (7) Bering Sea snow crab (BSS);
- (8) Bering Sea Tanner crab (east of 166° W. long.) (EBT);
- (9) Bering Sea Tanner crab (west of 166° W. long.) (WBT).

(c) The following provisions apply to the fisheries specified in this section:

(1) a vessel participating in an Individual Fishing Quota (IFQ), Community Development Quota (CDQ), or the Adak community allocation crab fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by NMFS;

(2) a vessel operator who is registered for one of the fisheries listed in (b) of this section may

(A) authorize other vessel operators who are registered for the same fishery to operate crab pot gear registered to that vessel; before a vessel operator may operate crab pot gear registered to another vessel, the registered operator of the pot gear must file a cooperative gear authorization form with the department authorizing other vessels to operate the crab pot gear;

(B) transfer gear operation rights and responsibilities to only one other vessel operator who is registered for that fishery and only under the following conditions:

(i) both the operator of the vessel relinquishing gear operation rights and responsibilities (relinquisher) and the vessel operator receiving those rights and responsibilities (recipient) must sign a gear operation transfer form giving the effective date and time of the transfer and the number of pots being transferred;

(ii) the gear operation transfer form must also be signed by a department representative before the pot gear transfer is valid and a copy of the gear operation transfer form bearing the original signatures of both the relinquisher and recipient vessel operator must be received by the department within 30 days of the effective date of the department representative's signature; for the purposes of this subparagraph, the form must be submitted in person at the department's Dutch Harbor office, or by mail, or by facsimile;

(iii) the transfer of gear operation rights and responsibilities must occur and be validated within 14 days of the relinquishing vessel being active in the registration area where the pot gear is located;

(iv) the pot gear transfer must include all of the pot gear registered to the relinquishing vessel and that vessel's pot gear may not be split among more than one recipient vessel;

(3) each crab pot deployed must bear the ADF&G number of the vessel that initially registers the crab pot, and if deployed in a fishery with a crab pot limit, each pot must bear a buoy tag registered to the vessel registering that pot; in addition,

(A) an active vessel may collectively operate and transport crab pot gear of another registered and active vessel;

(B) when a vessel transports and deploys crab pot gear to the fishing grounds for another vessel, the vessel registered with the crab pot gear must be active in the registration area where the crab pot gear is deployed within seven days of the initial deployment;

(C) repealed 8/28/2005;

(D) a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area;

(E) for the purposes of this paragraph, a vessel is considered active in an area by becoming validly registered with the department and by VMS verification of the vessel in the registration area;

(F) a vessel that has completed fishing operations as specified in 5 AAC 39.675(b)(1) and (2) is not considered active in a registration area;

(4) no provision in this section allows an individual vessel operator to use a greater quantity of crab pot gear than otherwise authorized in the applicable provisions of 5 AAC 34 or 5 AAC 35;

(5) a vessel operator may harvest EBT and BBR, or WBT and BSS, concurrently; as follows:

(A) a vessel operator participating in the BBR fishery may retain EBT as incidental harvest as specified in 5 AAC 35.506(i)(2);

(B) a vessel operator participating in the BSS fishery may retain WBT as incidental harvest as specified in 5 AAC 35.506(i)(1);

(C) a vessel operator participating in the WBT fishery may retain BSS as incidental harvest as specified in 5 AAC 35.506(j);

(6) a vessel operator may have a species of king or Tanner crab from an IFQ fishery and king crab from an Adak community allocation fishery or a species of king or Tanner

crab from a CDQ fishery on board the vessel at the same time; a vessel operator may not have a species of king or Tanner crab from an IFQ fishery and a species of king or Tanner crab from a non-CDQ or non-IFQ fishery on board the vessel at the same time;

(7) an operator of a vessel participating in an IFQ, CDQ, or Adak community allocation crab fishery in the Bering Sea/Aleutian Islands area must notify the United States Coast Guard at least 24 hours before departing port when carrying crab pot gear;

(8) in addition to the registration requirements specified in 5 AAC 34 and 5 AAC 35, a vessel owner, or owner's agent, shall provide satisfactory proof of a current valid United States Coast Guard Commercial Fisheries Vessel Safety Decal before a registration certificate is issued;

(9) the operator of a vessel designated at the time of registration to operate the crab pot gear of another vessel shall be considered the agent of the vessel registered to operate the crab pot gear. (Eff. 8/14/2005, Register 175; am 8/28/2005, Register 175; am 9/12/2008, Register 187)

5 AAC 39.975. Definitions. In 5 AAC 01 – 5 AAC 39,

...

(17) "king crab" means any or all of the following species:

(A) *Paralithodes camtschaticus* (red king crab);

(B) *Paralithodes platypus* (blue king crab);

(C) *Lithodes couesi*;

(D) *Lithodes aequispinus* (golden king crab);

(In effect before 1983; am 4/16/83, Register 86; am 6/30/83, Register 86; am 5/31/85, Register 94; am 4/18/86, Register 98; am 7/12/86, Register 99; am 6/2/88, Register 106; am 7/30/89, Register 111; am 4/30/91, Register 118; am 6/27/93, Register 126; am 6/2/95, Register 134; am 4/4/97, Register 142; am 9/12/97, Register 143; am 3/11/2001, Register 157; am 8/8/2003, Register 167; am 3/14/2004, Register 169; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 9/12/2008, Register 187; am 7/13/2012, Register 203; am 6/1/2013, Register 206)

Supplemental Issues Regulations

5 AAC 05.333. Fish wheel specifications and operations. Fish wheel baskets must be stopped from rotating in the water during periods closed to commercial and subsistence fishing. The fish wheel registrant is responsible for the operation of the fish wheel. (In effect before 1985; am 5/11/85, Register 94)

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan

...

(k) In Districts 1 - 3, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(1) a permit holder may fish with

(A) up to four dip nets, as a dip net is defined in 5 AAC 39.105;

(B) beach seine gear, with mesh size that does not exceed four inches stretched measure; and

(2) all king salmon caught in dip net and beach seine gear must be returned immediately to the water alive, except that a dead king salmon may be taken but may not be retained; the dead king salmon must be recorded on a fish ticket and forfeited to the state. (Eff. 6/14/90, Register 115; am 7/12/96, Register 139; am 4/22/99, Register 150; am 6/17/2001, Register 158; em am 7/1/2009 - 10/28/2009, Register 191; am 5/9/2010, Register 194; am 7/13/2012, Register 203; am 4/13/2013, Register 206)

5 AAC 06.331. Gillnet specifications and operations.

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(m) In the Naknek-Kvichak, Egegik, Ugashik, and Togiak Districts, no part of a set gillnet may be more than 1,000 feet from the 18-foot high tide mark, except that

...

(8) in the Ugashik District, in that portion of the east bank of the Ugashik River from a point at 57° 30.74' N. lat., 157° 24.10' W. long. to 57° 32.27' N. lat., 157° 24.36' W. long., no part of a set gillnet may be more than 600 feet from the 18-foot high tide mark, except that a set gillnet may extend to 1,000 feet from the 18-foot high tide mark if

(A) notwithstanding the provisions of (i) of this section, the shoreward end of the set gillnet is at least 400 feet from the 18-foot high tide mark;

(B) the anchoring devices for the set gillnet are not more than 100 feet from the set gillnet; and

(C) the set gillnet is not attached to a running line connected to the beach.

...

(In effect before 1984; am 4/28/84, Register 90; am 5/11/85, Register 94; am 7/14/85, Register 95; am 4/18/86, Register 98; am 4/2/88, Register 105; am 6/10/90, Register 114; am 5/15/91, Register 118; am 6/19/92, Register 122; am 7/12/92, Register 123; am 6/24/93, Register 126; am 6/5/94, Register 130; am 4/9/95, Register 134; am 5/24/96, Register 138; am 6/21/97, Register 142; am 5/14/98, Register 146; am 6/22/2001, Register 158; am 4/9/2004, Register 170; am 6/13/2004, Register 170; am 12/1/2004, Register 172; am 5/26/2006, Register 178; am 3/30/2007, Register 181; am 4/9/2010, Register 194; am 4/4/2013, Register 206)

5 AAC 28.070. Groundfish possession and landing requirements.(a) Unless otherwise provided in this chapter,

(1) in a groundfish fishery, a CFEC permit holder may not have on board a vessel operated by that permit holder, bycatch of any other species or species group of groundfish;

(2) in a halibut fishery, a CFEC permit holder may not have on board a vessel operated by that permit holder, bycatch of any species or species group of groundfish.

(b) Notwithstanding (a) of this section or any other provision of this chapter, during times when the commissioner determines it necessary for conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of a bycatch species, or to facilitate consistency of state and federal regulations for a species, the commissioner may close and reopen fishing seasons to provide for changes to groundfish bycatch levels, as provided in this subsection. The commissioner may, by emergency order, close a directed groundfish season and immediately reopen a season during which a CFEC permit holder may have on board a bycatch level of another groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the directed groundfish species on board the vessel. Regarding a directed halibut fishery, the commissioner may, by emergency order, close and immediately reopen the fishing season for a bycatch groundfish species during which a CFEC halibut permit holder may have on board a bycatch level of that groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the halibut on board the vessel. If a CFEC permit holder has on board the permit holder's vessel fish taken in more than one directed fishery for which a bycatch level has been established under this subsection, each applicable bycatch level percentage is applied to the weight of the fish taken in the applicable directed fishery and the resulting amounts are added together to determine the total weight of the bycatch species that may be on board the vessel.

(c) In the waters of Alaska,

(1) a CFEC permit holder who has a groundfish species on board the permit holder's vessel may not operate groundfish gear in an area in which the taking of that species of groundfish is prohibited;

(2) a CFEC permit holder, while taking fish in an area or having taken fish in an area during the same trip, may not have on board the permit holder's vessel an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken.

(d) Notwithstanding any other provision of this chapter, if the operator of a catcher-processor vessel has written authorization from the department, the operator may retain on board the vessel an amount of processed fish that exceeds a limit set by this chapter. The department will issue the written authorization if completed fish tickets for all fish on board the vessel have been submitted to the department or an authorized department representative before the beginning of the next fishing period in which the operator intends to fish.

(e) A CFEC permit holder operating a vessel fishing for groundfish shall retain

(1) all pollock and Pacific cod taken when a directed fishery for pollock or Pacific cod is open; or

(2) the maximum retainable bycatch of pollock and Pacific cod taken when a directed fishery for pollock or Pacific cod is closed.

(f) Partial deliveries of groundfish may occur as follows:

(1) a CFEC permit holder landing groundfish shall notify the processor of any groundfish remaining on board the vessel after the delivery, and the processor shall report the landing as a partial delivery with the eLandings system or on an ADF&G fish ticket;

(2) except for a reported partial delivery,

(A) a person delivering groundfish to a processor shall land all groundfish on board the vessel;

(B) a processor that accepts delivery of or purchases groundfish from a vessel shall sort and weigh by species all groundfish landed by a vessel, and groundfish may be returned to a vessel only after the landing is reported as specified in 5 AAC 39.130;

(3) groundfish that remains on board, or is returned to, a vessel may not be designated as discarded at sea for eLanding or ADF&G fish ticket purposes;

(4) after making a partial delivery, a vessel operator may not offload any groundfish remaining on board the vessel unless making a final delivery and landing all groundfish from the vessel. (Eff. 6/15/95, Register 134; am 12/31/97, Register 144; am 5/31/98, Register 146; am 8/23/2009, Register 191; am 6/1/2013, Register 206)

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

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(g) In the Nushagak River drainage, excluding the Wood River drainage, and unless otherwise specified in 5 AAC 06.361 or 5 AAC 06.368, the following special provisions apply:

(1) the bag and possession limit for king salmon 20 inches or greater in length is two fish, of which only one fish may be 28 inches or greater in length; the annual limit for king salmon 20 inches or greater in length is four fish; the bag and possession limit for king salmon less than 20 inches in length (jack salmon) is five fish; after taking and retaining a bag limit of king salmon 20 inches or greater in length, a person may not sport fish with bait for the remainder of that day in the Nushagak River drainage, excluding the Wood River drainage;

(2) in the Nushagak River drainage upstream of its confluence of the Iowithla River, including the Iowithla River drainage, king salmon may be taken only from May 1 through July 24;

(3) sport fishing for king salmon is closed year round in the

(A) Kokwok River drainage and all waters of the Nushagak River within a one-quarter mile radius of the Kokwok River outlet;

(B) waters of the Nushagak River drainage upstream of its confluence with Harris Creek;

(4) only unbaited, single-hook, artificial lures may be used year round in the following waters:

(A) the Nushagak River drainage upstream of its confluence with Harris Creek to its confluence with Chichitnok River;

(B) in the Tikchik River drainage;

(C) in the Nuyakuk River from the outlet of Tikchik Lake to an island located about two miles downstream of Nuyakuk falls; and

(D) in all flowing water of the Mulchatna River drainage from an ADF&G regulatory marker located approximately one and one-half miles downstream of the confluence of the Mulchatna and Stuyahok Rivers, upstream to an ADF&G regulatory marker located approximately one and one-half miles upstream of the confluence of the Mulchatna and Kuktuli Rivers and all waters of the Stuyahok and Kuktuli River drainages;

(5) in the Nushagak River drainage upstream of its confluence with Harris Creek, rainbow trout may not be possessed or retained; all rainbow trout caught must be immediately released;

(6) only one single-hook, artificial lure or one single hook may be used, except as provided in (4) of this subsection. (Eff. 3/24/95, Register 133; am 5/24/96, Register 138; am 4/23/98, Register 146; am 6/14/2001, Register 158; am 4/9/2004, Register 170; am 3/30/2007, Register 181; am 11/28/2009, Register 192; am 2/28/2010, Register 193; am 4/4/2013, Register 206; am 5/8/2013, Register 206)