

Submitted by the Alaska Department of Fish and Game
March 8, 2016

SELECTED STATEWIDE FINFISH REGULATIONS AND REGULATIONS RELATED TO SUPPLEMENTAL TOPICS

Kodiak Area Customary and Traditional Subsistence Uses of Shellfish Stocks and Amounts Necessary for Subsistence Uses

Kodiak Area

5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses. (a) The Alaska Board of Fisheries (board) finds that the following shellfish stocks are customarily and traditionally taken or used for subsistence:

(1) king crab in the Kodiak Area, as described in 5 AAC 02.400, except for the Semidi Island Overlap, the North Mainland, and the South Mainland Sections, as described in 5 AAC 35.505(a);

(2) Dungeness crab and miscellaneous shellfish, on the south side of the Alaska Peninsula between Kilokak Rocks 156° 19' W. long. and Cape Kumlik 157° 27' W. long.

(b) The board finds that 22,000 – 68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the area described in (a)(2) of this section and in 5 AAC 02.500, combined. (Eff. 5/15/93, Register 126; am 7/5/2000, Register 155; am 8/14/2005, Register 175)

Alaska Peninsula – Aleutian Islands Area

5 AAC 02.566. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.

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(d) The board finds that 22,000 – 68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the Alaska Peninsula-Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(a)(2), combined. (Eff. 8/8/99, Register 151; am 7/5/2000, Register 155)

Sport Fish Provisions

5 AAC 75.003. Emergency order authority. The commissioner may, by emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries. These changes may not reduce the allocation of harvest among other user groups. An emergency order may not supersede provisions for increasing or decreasing bag and possession

limits or changing methods and means established in regulatory management plans established by the Board of Fisheries. The commissioner will use emergency order authority to manage sport fishing opportunity in the following circumstances:

(1) The commissioner or an authorized designee may decrease sport fish bag and possession limits and annual limits and restrict methods and means of harvest by emergency order when

(A) the total escapement of a species of anadromous fish is projected to be less than the escapement goal for that species listed in management plans that have been adopted by the Board of Fisheries or established by the department; or

(B) the recreational harvest must be curtailed in any fishery for conservation reasons; the department may issue a "catch and release only" emergency order when the estimated hooking mortality is not projected to reduce the population of fish below the number required for spawning escapement or, in the case of resident species, below the level required for maintenance of the desired age and size distribution of the population; "catch and release" as a tool to address conservation under this section shall be labeled "conservation catch and release" to differentiate from catch and release regulations adopted by the Board of Fisheries for special management to create diversity in sport fisheries.

(2) The commissioner or an authorized designee may increase sport fish bag and possession limits and annual limits and liberalize methods and means of harvest by emergency order when

(A) the total escapement of a species of anadromous fish is projected to exceed the escapement goal for that species listed in management plans that have been adopted by the Board of Fisheries or established by the department, if the total harvest under the increased bag and possession limit will not reduce the escapement below the escapement goal; or

(B) hatchery-produced fish escape through existing fisheries to designated harvest areas in numbers that exceed broodstock needs, any natural spawning requirements, or cost recovery goals of private nonprofit hatcheries; the intent of this subparagraph is to allow harvest when there are no other competing user groups.

(3) For purposes of data collection to improve harvest or stock assessment, or for purposes of enforcement of bag and size limits, the commissioner or an authorized designee may establish, by emergency order, times and areas when anglers may not fillet, mutilate, or otherwise disfigure a specific species of fish in a manner that would prevent species identification, examination of the adipose fin of salmonids, recovery of tags, or determination of the number, sex, age, or length of fish taken until the fish are brought to shore and offloaded from a vessel or removed from a shoreline fishing site. The commissioner or an authorized designee may also require in the emergency order that certain parts of a fish remain attached for the purpose of species identification or data collection. However, during these periods, an angler may gill and gut a fish before the fish is brought to shore and offloaded from a vessel or removed from a shoreline fishing site. This section does not prohibit the consumption or preservation of

fish aboard a vessel. For the purposes of this section, "shoreline fishing site" means the shoreline where the fish is hooked and removed from the water and becomes part of the angler's bag limit.

(4) The Board of Fisheries recognizes that harvest regulations may need to be modified to attain guideline harvest levels or allocations, or to address conservation concerns, within the salt water guided fisheries in various areas of the state; if the commissioner determines that the regulations must be modified to attain the salt water guided fishery guideline harvest level or allocation, or to address conservation concerns, the commissioner may, by emergency order, open, or close and immediately reopen, a sport fishing season during which

(A) a sport fishing guide and sport fishing guide crewmember working on a charter vessel in salt waters may not retain fish or certain species of fish while clients are on board the vessel; and

(B) the maximum number of fishing lines that may be fished from a vessel engaged in guided sport fishing in salt waters is equal to the number of paying clients on board the vessel. (Eff. 7/26/90, Register 115; am 3/13/2004, Register 169; am 5/26/2006, Register 178; am 7/1/2007, Register 182; am 6/10/2010, Register 194)

5 AAC 75.010. Possession of sport-caught fish. (a) Sport-caught fish, their parts, and articles manufactured from such fishes may be possessed within the state by any person at any time, and may be transported within and exported out of the state by any person at any time except that no person may possess any unpreserved fish, or part of one, not legally taken by himself, unless he furnishes, upon request of any peace officer of the state, a statement signed by the person taking the fish stating the type of fish, number of fish, location, date taken, and license number. The statement is unnecessary if the person possessing the fish is accompanied by the person who took the fish. No person may possess fish which were not legally taken.

(b) A person may possess only the limit of fish allowed for the water on which that person is fishing.

(c) Upon request by an employee of the department or a peace officer of the state, a person must present for inspection any fish taken or possessed by the person in a sport fishery.

(d) Upon request by an employee of the department or a peace officer of the state, a person while taking fish must present for inspection any apparatus designed to be or capable of being used to take fish in a sport fishery. (In effect before 1986; am 4/18/86, Register 98; am 7/18/99, Register 151; am 3/13/2004, Register 169)

5 AAC 75.020. Sport fishing gear. (a) Unless otherwise provided in 5 AAC 47 – 5 AAC 75, sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

(b) An attractor (bead), when used with a fly, lure, or bare hook, must be either fixed within two inches of the bare hook, fly, or lure, or be free sliding on the line or leader. For the purposes of this subsection, a bead not attached to the hook is an attractor, not a fly.

(c) A person who gaffs a fish must retain that fish as part of that person's bag and possession limit. A person may not gaff a fish for which the fishing season is closed, that is not of legal size, or that is to be released.

(d) A power-assisted fishing reel may only be used to sport fish if the

(1) power-assisted fishing reel is mounted on a fishing rod by means of a reel seat;

(2) power-assisted fishing reel assembly, motor, gearbox, fishing line, reel-mounted battery, or other reel-mounted attachments weigh no more than 15 pounds in total when detached from the fishing rod.

(e) In this section,

(1) "fishing rod" means a tapered, flexible rod typically used for sport fishing, equipped with a hand grip and a line guide system that guides the line from the reel to the tip of the rod, and upon which is mounted a fishing reel used to deploy and retrieve the sport fishing line;

(2) "gaff" means to puncture any part of a fish with a hook, other than a hook attached to an angler's fishing line;

(3) "power-assisted fishing reel" means a reel used to deploy and retrieve the sport fishing line that is operated or assisted by any electronic, hydraulic, or other mechanical power source other than by hand-cranking a handle attached to the reel;

(4) "reel seat" means an attachment mechanism that holds the fishing reel to the rod using locking, threaded rings, sliding bands, or other attachment devices and is designed to allow the reel to be readily detached from the fishing rod. (In effect before 1988; am 3/13/2004, Register 169; am 6/10/2010, Register 194)

5 AAC 75.022. Freshwater sport fishing. (a) Unless otherwise provided in 5 AAC 47 – 5 AAC 75, a person may not fish in fresh water with

(1) fixed or weighted hooks and lures, except those of standard manufacture;

(2) multiple hooks with gap between point and shank larger than one-half inch;

(3) a spear;

(4) an arrow.

(b) Repealed 3/13/2004.

(c) It is unlawful to intentionally snag or attempt to snag any fish in fresh water. Fish unintentionally hooked elsewhere than in the mouth must be released immediately. "Snag" means hook a fish elsewhere than in the mouth.

(d) Beginning January 1, 2012, the use of footgear with absorbent felt or other fiber material on the soles is prohibited while sport fishing in fresh water. (In effect before 1983; am 4/3/83, Register 85; am 4/18/86, Register 98; am 3/13/2004, Register 169; am 6/10/2010, Register 194)

5 AAC 75.027. Use of explosives or toxicants. (a) The use of any explosive or toxicant for taking any fish in the waters of Alaska is prohibited.

(b) The use of a shaft tipped with an explosive charge, commonly known as a bangstick or powerhead, is prohibited in fresh water and salt water. (In effect before 1988; am 6/10/2010, Register 194)

5 AAC 75.028. Use of underwater spear and speargun. Subject to applicable seasons and bag and possession limits, in salt water, a spear or speargun may be used to take fish by a person who is completely submerged. (In effect before 1988; am 6/10/2010, Register 194)

5 AAC 75.995. Definitions. (a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 – 5 AAC 75,

(1) "artificial fly" means a fly that is constructed by common methods known as fly tying, including a dry fly, wet fly, and nymph, and that is free of bait as defined in (36) of this section; materials and chemicals designed and produced primarily to cause flies to float or sink may be used on artificial flies;

(2) "artificial fly (unweighted)" means a fly which weighs less than one-fourth ounce in its entirety;

(3) "artificial lure" means a lure that is man-made, free of bait as defined in (36) of this section, and is used to attract fish for the purpose of taking them, and includes artificial flies;

(4) "bag limit" means the maximum legal take of fish per person per day, in the area in which the person is fishing, even if part or all of the fish are immediately preserved; a fish when landed and not immediately released becomes a part of the bag limit of the person originally hooking it;

(5) "closed season" means the time during which fish may not be taken;

(6) "closed waters" means waters designated by the board wherein it is illegal to take fish;

(7) "char" means all char including Dolly Varden, Arctic char, Mackinaw or lake trout, and eastern brook trout;

(8) "charter vessel" means a vessel used for hire in the sport, personal use, or subsistence taking of fish or shellfish, and not used on the same day for any other commercial fishing purpose; a charter vessel does not include a vessel or skiff without a charter vessel operator;

(9) "drainage" means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds, and lakes which contribute to the water supply of the watershed;

(10) "fresh water" means all inland waters; inland waters are separated from salt water at the mouths of creeks, streams and rivers at a line between extremities of the latter's banks at a mean low tide or at a point to be determined and adequately marked by the department;

(11) "grayling" means Arctic grayling;

(12) "length of fish" means the length from the tip of the snout to the tip of the tail (total length);

(13) "local representative of the department" means

(A) the nearest or most accessible professional employee of the department;

(B) a person designated by the commissioner or by a professional employee of the department to perform specific functions for the department; or

(C) a law enforcement officer of the Department of Public Safety;

(14) "mark" or "marking" means all forms of skin alterations, fin clipping or other mutilation, or insertion of foreign materials in live fish that permit later identification;

(15) "molesting" means the harassing, disturbing, or interfering with fish by any means, including the use of any missile or object not established as legal gear; molesting includes dragging, kicking, throwing, striking, or otherwise abusing a fish that is intended to be released;

(16) "multiple hook" means a fish hook with two or more points with or without barbs;

(17) "open season" means the time during which fish may lawfully be taken; each period of time prescribed as an open season shall be construed to begin at 12:01 a.m. on the first day and end at midnight of the last day thereof;

- (18) "peace officer of the state" means a person defined in AS 15.05.150;
- (19) "pike" means northern pike;
- (20) "possession limit" means the maximum number of unpreserved fish, except halibut, that a person may have in possession;
- (21) "preserved fish" means fish prepared in such a manner, and in an existing state of preservation, as to be fit for human consumption after a 15-day period, and does not include unfrozen fish temporarily stored in coolers that contain ice or dry ice or fish that are lightly salted;
- (22) "rockfish" means all fish of the genus *Sebastes*, including pelagic rockfish and nonpelagic rockfish;
- (23) "salmon" means all salmon, including the five species of Pacific salmon;
- (24) "salt water" means all marine waters: marine waters are separated from fresh water at the mouths of streams, rivers and creeks;
- (25) repealed 6/30/84;
- (26) "single hook" means a fish hook with only one point with or without a barb;
- (27) "stream mouth" means the downstream point defined as a straight line running from the most downstream extremity on one streambank to the most downstream extremity on the other streambank, or a point defined and marked by the department;
- (28) "toxicant" means any material or chemical that upon introduction into the waters of Alaska by direct or indirect means will kill, stun or drive fish from their natural repose;
- (29) "transport" means ship, transport, carry, import, export or receive or deliver for shipment, transportation, carriage or export;
- (30) "trout" includes rainbow, steelhead and cutthroat;
- (31) "waters of Alaska" has the same meaning as set out in 5 AAC 39.975(13);
- (32) "year" means the calendar year from January 1 through December 31;
- (33) "area" means a regulatory management area as described in 5 AAC 47.005, 5 AAC 52.005, 5 AAC 55.005, 5 AAC 56.105, 5 AAC 57.105, 5 AAC 58.005, 5 AAC 59.105, 5 AAC 60.105, 5 AAC 61.105, 5 AAC 62.105, 5 AAC 64.005, 5 AAC 65.005, 5 AAC 67.005, 5 AAC 69.105, 5 AAC 70.005, 5 AAC 71.005, 5 AAC 73.005, and 5 AAC 74.005;

(34) "charter vessel operator" means a person engaged in carrying passengers on a charter vessel for any valuable consideration that passes directly or indirectly to the vessel's owner, operator, or a person with a financial interest in the vessel, in consideration of the carriage of any person on board;

(35) "flowing waters" means all fresh waters, excluding lakes and ponds, that have a detectable current, including all creeks, streams, and rivers draining into, between, and out of all lakes and ponds, and all intertidal waters upstream of the stream mouth, as "stream mouth" is defined in 5 AAC 75.995;

(36) "bait" means any substance applied to fishing gear for the purpose of attracting fish by scent, including fish eggs in any form, natural or preserved animal, fish, fish oil, shellfish, or insect parts, natural or processed vegetable matter, and natural or synthetic chemicals;

(37) repealed 4/23/98;

(38) "shellfish" means all shellfish and marine invertebrates;

(39) "client" means a person who is a member of a fishing party that engages or uses a person to provide sport fishing guide services and who is not a registered sport fishing guide or sport fishing guide crewmember;

(40) "closely attended" means that the line or strike indicator is within the view of and is accessible to the angler at all times;

(41) "sport fishing guide" means a person who is registered to provide sport fishing guide services to persons who are engaged in sport fishing;

(42) "sport fishing guide services";

(A) means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or to attempt to take fish by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip;

(B) does not include

(i) sport fishing services; or

(ii) services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as a sport fishing guide;

(43) "sport fishing services";

(A) means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip:

(B) does not include

(i) an activity for which a sport fishing guide registration is required: or

(ii) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator;

(44) "highway" has the meaning given in AS 19.59.001;

(45) "set line" means an unattended line or lines that have been set, staked, anchored, or otherwise fixed;

(46) "nonpelagic rockfish" includes all rockfish species in the genus *Sebastes* that are not defined as pelagic rockfish;

(47) "pelagic rockfish" includes dark (*S. ciliatus*), dusky (*S. variabilis*), widow (*S. entomelas*), yellowtail (*S. flavidus*), black (*S. melanops*), and blue (*S. mystinus*) rockfish;

(48) "exclusive economic zone" means all waters adjacent to the waters of Alaska and seaward to a boundary line drawn in such a manner that each point on the line is 200 nautical miles from the baseline from which the territorial sea is measured;

(49) "sport fishing guide crewmember" means a person who, for compensation or with intent to receive compensation for services during a day or any portion of a day, provides assistance to clients or a registered sport fishing guide on board a sport fishing guide vessel;

(50) "spear"

(A) means a hand-operated shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish;

(B) includes a Hawaiian sling or pole spear which is a shaft propelled by a single loop of elastic material that is not equipped with a mechanical release or trigger;

(51) "speargun" means a device designed to propel a spear through the water by means of elastic bands, compressed gas, or other mechanical propulsion to take fish that is equipped with a mechanical release or trigger.

(b) In this chapter, unless the context requires otherwise, "compensation"

(1) means direct or indirect payment, remuneration, and other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes

(A) wages and other employment benefits given directly or indirectly to an individual or organization; and

(B) dues, payments, fees, and other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services;

(2) does not include reimbursement for the actual daily expenses for fuel, food, or bait. (In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 6/30/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 7/30/89, Register 111; am 6/5/94, Register 130; am 5/13/95, Register 134; am 2/25/98, Register 145; am 4/23/98, Register 146; am 5/19/2001, Register 158; am 3/13/2004, Register 169; am 2/10/2005, Register 173; am 5/26/2006, Register 178; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 6/10/2010, Register 194; am 6/1/2013, Register 206; am 3/4/2015, Register 213)

Herring and Forage Fish Management Plan

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

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

(1) in the purse seine fishery, herring may be taken only in the following sections:

(A) repealed 7/13/2012;

(B) repealed 7/13/2012;

(C) Section 11-A, north of the Shrine of St. Terese;

(D) Section 13-A, south of the latitude of Point Kakul (57° 21.75' N. lat.);

(E) Section 13-B, north of the latitude of Aspid Cape (56° 41.75' N. lat.), except for Whale and Necker Bays;

(F) Sections 15-B and 15-C;

(2) in the set gillnet fishery, herring may be taken only in the following districts and sections:

(A) Section 1-E;

(B) Section 1-F,

(i) north of the latitude of South Vallenar Point;

(ii) that portion south and east of a line from Point Sykes to Twin Island Light to Form Point and north of a line from Form Point to Foggy Point;

(C) in District 10, only in that portion east of a line from Cape Fanshaw to Five Finger Light to McDonald Rock Buoy to Point League;

(D) Section 11-D.

(c) Repealed 12/29/84.

(d) Herring may be taken for bait pound operations from October 1 through September 30, only during periods established by emergency order in the following districts and sections:

(1) Section 1-E;

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

(3) in Section 11-A, in the following areas:

(A) Tee Harbor, south of the latitude of Point Stephens;

(B) Indian Cove, inside a line from Indian Point to a point at 58° 22.58' N. lat., 134° 42.30' W. long.;

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

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

(e) Repealed 4/24/2003.

(f) Herring spawn on kelp in pounds may be taken only during periods established by emergency order. The commissioner may open or close, by emergency order, the herring spawn-on-kelp fishing period for open pound gear at the same time or at a different time than when the commissioner opens or closes the spawn-on-kelp fishing period for closed pound gear. (In effect before 1983; am 4/16/83, Register 86; am 12/29/84, Register 92; am 3/16/89, Register 109; am 6/25/89, Register 110; am 5/2/92, Register 122; am 4/24/97, Register 142; am 1/29/98, Register 145; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 4/24/2003, Register 166; am 4/24/2009, Register 190; am 7/13/2012, Register 203)

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

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

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

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

(e) In the Southeastern Alaska Area,

(1) a closed pound consists of a single, floating, rectangular frame structure with suspended webbing that is used to enclose herring for a period of time in order to produce spawn on kelp suspended within the pound; a closed pound shall be operated as follows:

(A) webbing of a closed pound may not have a mesh size of more than one and one-half inches;

(B) the opening of a closed pound must be rectangular at the water surface and may not exceed 800 square feet in area;

(C) neither the sewn vertical wall nor the near-vertical wall may exceed the depth below the water surface when the pound contains herring as follows:

(i) with a surface square footage less than 400 feet, the depth of webbing may not exceed 30 feet;

(ii) with a surface square footage of at least 401 feet but not more than 500 feet, the depth of webbing may not exceed 24 feet;

(iii) with a surface square footage of at least 501 feet but not more than 600 feet, the depth of webbing may not exceed 20 feet;

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

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

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

(2) an open pound consists of a single, floating, rectangular frame structure with suspended kelp and no webbing or lead that is used for the production of spawn on kelp; the inside surface area may not exceed 2,400 square feet and no one side may be longer than 60 feet; for the purposes of this paragraph, "lead" means a length of net employed for guiding herring to the pound. (In effect before 1983; am 4/16/83, Register 86; am 6/25/89, Register 110; am 4/23/94, Register 130; am 1/29/98, Register 145; am 5/31/98, Register 146; am 4/16/2000, Register 154; am 9/10/2000, Register 155; am 4/2/2006, Register 177)

5 AAC 39.212. Forage Fish Management Plan. (a) This management plan governs the commercial harvesting of forage fish species in the waters of Alaska.

(b) The board finds that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds.

(c) The board finds that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

(d) Except as otherwise provided in 5 AAC 03 – 5 AAC 39, forage fish may not be commercially taken.

(e) A vessel fishing in a directed groundfish fishery may retain a maximum allowable bycatch of forage fish equal to no more than two percent of the round weight or round weight equivalent of the groundfish on board the vessel.

(f) For the purposes of this section, "forage fish" means the following species of fish:

- (1) Family Osmeridae (capelin, eulachon, and other smelts);
- (2) Family Myctophidae (lanternfishes);
- (3) Family Bathylagidae (deep-sea smelt);
- (4) Family Ammodtidea (Pacific sand lance);
- (5) Family Trichodontidae (Pacific sandfish);
- (6) Family Pholidae (gunnels);
- (7) Family Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs, and shannys);
- (8) Family Gonostomatidae (bristlemouths, lightfishes, and anglemouths);

(9) species of the Order Euphausiacea (krill). (Eff. 7/21/99, Register 151)

Commercial Salmon Provisions

5 AAC 39.010. Retention of fish taken in a commercial fishery. (a) A person engaged in commercial fishing may retain fish from lawfully taken commercial catch for that person's own use, including for the use as bait in a commercial fishery. Fish retained under this section may not be sold or bartered.

(b) Except as otherwise specified in 5 AAC 01 – 5 AAC 39, a commercial fisherman shall report on an ADF&G fish ticket, at the time of delivery of the commercial catch, the number of steelhead retained from the commercial catch but not sold. For the purposes of this subsection, "delivery" means the offloading of the finfish for sale or for transport to a buyer for later sale. (Eff. 3/13/2004, Register 169; am 8/8/2007, Register 183; am 2/22/2015, Register 213)

5 AAC 39.115. Designation of salmon net registration area. A person who holds salmon net gear permits for more than one registration area listed in 5 AAC 39.120(d) shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to salmon net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit. (In effect before 1988)

5 AAC 39.280. Identification of stationary fishing gear. (a) The owner or operator of a set gillnet or fish wheel in operation shall place in a conspicuous place on or near the set gillnet or fish wheel the name of the fisherman operating it, together with the fisherman's five-digit CFEC permit serial number. Numbers must be at least six inches in height with lines at least one inch wide and of a color contrasting with the background. The identification name and numbers for fish wheels must be placed on the side of the fish wheel facing midstream of the river.

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gillnet in operation shall have at each end of the set gillnet a red keg, buoy, or cluster of floats, or, in the case of set gillnets anchored to land, shall have a red keg, buoy, or cluster of floats at the outer end of the net. The kegs, buoys, or clusters of floats must be plainly and legibly marked with the fisherman's five-digit CFEC permit serial number. The kegs, buoys, or clusters of floats may bear only a single number - that of the permit holder operating the gear. In the Upper Subdistrict of the Central District of the Cook Inlet Area, the operator of a set gillnet shall attach to the net a 'trailer' buoy that floats at all times. (In effect before 1988; am 7/26/90, Register 115; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/7/93, Register 126)

Bristol Bay Set Gillnet Site Regulations

5 AAC 06.331. Gillnet specifications and operations.

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(n) In the Nushagak District, no salmon interim-use or entry permit holder may set or operate a set gillnet seaward of set gillnets operated by another salmon interim-use or entry

...

(2) from the cannery dock at Clark's Point to an ADF&G regulatory marker at First Creek, 500 feet from the mean high tide mark, or to the minus three foot low tide mark, whichever location is closer to the mean high tide mark;

...

(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; am 5/18/2014, Register 210; am 5/24/2015, Register 214; am ____/____/2016, Register ____)

5 AAC 06.350. Closed waters.

...

(b) The following locations in the Naknek-Kvichak District are closed to the taking of salmon:

(1) those waters northeast of a line from a point near Graveyard Point at 58° 52.07' N. lat., 157° 00.89' W. long. to a point on the northwest shore of Kvichak Bay at 58° 53.37' N. lat., 157° 04.26' W. long.;

...

(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 5/11/85, Register 94; am 4/2/88, Register 105; am 6/10/90, Register 114; am 6/19/92, Register 122; am 5/14/98, Register 146; am 6/3/2001, Register 158; am 12/29/2002, Register 164; am 4/9/2004, Register 170; am 4/4/2013, Register 206; am 5/8/2013, Register 206; am 5/24/2015, Register 214

Groundfish Provisions

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 28.650. Closed waters in Bering Sea-Aleutian Islands Area. (a) All waters of Alaska surrounding St. Matthew, Hall, and Pinnacle Islands are closed to commercial groundfish fishing.

(b) The waters of Unalaska Bay are closed to groundfish fishing with pelagic trawl gear, as follows:

(1) from June 10 through August 31, south of a line from Cape Kalekta at 54° 00.50' N. lat., 166° 22.50' W. long. to Cape Cheerful at 54° 01' N. lat., 166° 40' W. long.;

(2) beginning September 1 until the closure of the parallel Bering Sea walleye pollock 'B' season, south of a line from Cape Kalekta at 54° 00.50' N. lat., 166° 22.50' W. long. to a point near Hog Island at 53° 55.42' N. lat., 166° 34.25' W. long. to a point in Broad Bay at 53° 55.42' N. lat., 166° 38.80' W. long.; for the purposes of this paragraph, "parallel Bering Sea walleye pollock 'B' season" means the parallel season conducted from June 10 through November 1. (Eff. 5/19/2001, Register 158; am 5/16/2010, Register 194; am 6/1/2013, Register 206)