

# Alaska Department of Fish and Game

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**2022–2025**

## **Southeast Alaska and Yakutat Commercial Salmon Fishing Regulations**



This booklet contains regulations regarding **COMMERCIAL SALMON FISHERIES** in **Southeast Alaska**. This booklet covers the period **July 2022 through April 2025** or until a new book is available following the Board of Fisheries meetings.

**Note to Readers:** These statutes and administrative regulations were excerpted from the Alaska Statutes (AS), and the Alaska Administrative Code (AAC) based on the official regulations on file with the Lieutenant Governor. There may be errors or omissions that have not been identified and changes that occurred after this printing. **This paper version of this booklet is only effective through the printing date. To be certain of the current laws, refer to the official statutes and the AAC. An electronic version, that is updated often, is available on the ADF&G website located here:**

<https://adfg.alaska.gov/index.cfm?adfg=fishregulations.commercial>

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**Changes to Regulations in this booklet:** The regulations appearing in this booklet may be changed by subsequent board action, emergency regulation, or emergency order at any time. Supplementary changes to the regulations in this booklet will be available on the department's website and at offices of the Department of Fish and Game.

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**ADF&G Mission Statement**

The Alaska Department of Fish and Game’s mission is to manage, protect, maintain, and improve the fish, game and aquatic plant resources of Alaska. The primary goals are to ensure that Alaska’s renewable fish and wildlife resources and their habitats are conserved and managed on the sustained yield principle, and the use and development of these resources are in the best interest of the economy and well-being of the people of the state.

**Guiding Principles**

- Seeking excellence in carrying out its responsibilities under state and federal law, the department will:
- Provide for the greatest long-term opportunities for people to use and enjoy Alaska’s fish, wildlife and habitat resources.
- Improve public accessibility to, and encourage active involvement by the public in, the department’s decision making processes.
- Build a working environment based on mutual trust and respect between the department and the public, and among department staff.
- Maintain the highest standards of scientific integrity and provide the most accurate and current information possible.
- Foster professionalism in department staff, promote innovative and creative resource management, and provide ongoing training and education for career development.

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## **ALASKA DEPARTMENT OF FISH AND GAME, DIVISION OF COMMERCIAL FISHERIES, MANAGEMENT FIELD OFFICES**

Headquarters: 1255 West 8<sup>th</sup> St, Juneau, AK 99811  
Commercial Crewmember Licensing: 907-465-2376  
Commercial Fishing Information: 907-465-4210  
Regulations: 907-465-6124

Commercial Fisheries Entry Commission located in JUNEAU: 907-789-6160

Area Contact Information: <http://www.adfg.alaska.gov/index.cfm?adfg=contacts.main>

### ***Region 1: Southeast Physical locations listed (mailing address may be different)***

Craig: Westwind Plaza, Suite 302, Craig, AK 99921; 907-826-2563  
Douglas: 802 3rd Street, Douglas, AK 99824; 907-465-4250  
Haines: Mile 1 Haines Highway, Haines, AK 99827; 907-766-2830  
Ketchikan: 2030 Sea Level Drive, Suite 205, Ketchikan, AK 99901; 907-225-5195  
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Sitka: 304 Lake Street, Room 103, Sitka, AK 99835; 907-747-6688  
Yakutat: 1 Fish and Game Plaza Yakutat, AK 99689; 907-784-3255

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### ***Region 4: Westward Kodiak, Alaska Peninsula, Aleutian Islands***

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Dutch Harbor: 2315 Airport Beach Rd # 207, Dutch Harbor, AK 99692; 907-581-1239

### **Seasonal Offices:**

Chignik: Chignik Lake, AK 99548; 907-512-6731  
Cold Bay: Fish & Game Rd, Cold Bay, AK 99571; 907-532-2419  
Sand Point: AK 99661; 907-383-2066  
Port Moller: AK 99571; 907-375-2716

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Please see website link at <https://adfg.alaska.gov/index.cfm?adfg=fishregulations.main> for summary of changes and official filings.

<p><b>2022 Changes</b></p> <p><b>Chapter 29. Salmon Troll Fishery.</b> 5 AAC 29.060</p> <p><b>Chapter 33. Southeastern Alaska Area.</b> 5 AAC 33.200 5 AAC 33.310 5 AAC 33.359 5 AAC 33.366 5 AAC 33.369 5 AAC 33.376 5 AAC 33.382 5 AAC 33.383 5 AAC 33.388</p> <p><b>Chapter 40. Private Nonprofit Salmon Hatcheries</b> 5 AAC 40.050 5 AAC 40.052 5 AAC 40.053</p> <p><b>2023 Changes</b></p> <p><b>Chapter 29. Salmon Troll Fishery.</b> 5 AAC 29.150(b) - (p)</p> <p><b>Chapter 33. Southeastern Alaska Area.</b> 5 AAC 33.200(d) - (e) 5 AAC 33.200(f)(4) 5 AAC 33.200(i) 5 AAC 33.200(o)(2)</p> <p><b>2024 Changes-cont.</b></p>	<p><b>2023 Changes-cont.</b></p> <p><b>Chapter 39. General Provisions.</b> 5 AAC 39.105(d)(31) 5 AAC 39.107(h) 5 AAC 39.250(d)</p> <p><b>2024 Changes</b></p> <p><b>Chapter 29. Salmon Troll Fishery.</b> 5 AAC 29.020(b) 5 AAC 29.025(a)(1) – (4) 5 AAC 29.080(b)(1) – (2) 5 AAC 29.080(b)(3)(A) – (B) 5 AAC 29.090(i) 5 AAC 29.095(b) 5 AAC 29.097(1) (Introductory language only) 5 AAC 29.097(2) (Introductory language only) 5 AAC 29.100(d)(2)(A); (3)(A); (3)(B) 5 AAC 29.100(i)(2) 5 AAC 29.112(b) 5 AAC 29.114(a) 5 AAC 29.120(b)(1)(A); (2)(C)(ii)</p> <p><b>Chapter 30. Yakutat Area.</b> 5 AAC 30.100 5 AAC 30.200 5 AAC 33.350(b) - (p)</p> <p><b>2024 Changes-cont.</b></p>
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**Chapter 33. Southeastern Alaska Area.**

5 AAC 33.100

5 AAC 33.200(f)(2)

5 AAC 33.200(l)

5 AAC 33.200(n); (n)(1) –(n)(2)

5 AAC 33.200(p)

5 AAC 33.369(b) – (c)

5 AAC 33.370(b); (b)(5); (f)

5 AAC 33.375(a)

5 AAC 33.376(b)

5AAC 33.381(a)

5 AAC 33.382(c)

5 AAC 33.384(e)(1); (e)(2)(A)(i);

(e)(2)(B)(iii); (e)(3)(A)(i); (e)(4)(A)(i);

(e)(4)(C)

5 AAC 33.385(a); (c)

5 AAC 33.387(b)

**Chapter 40. Private Nonprofit Salmon Hatcheries.**

5 AAC 40.030(a)(1)

5 AAC 40.039(a)

5 AAC 40.042(a)(5)(B); (a)(6) - (8)

5 AAC 40.061(a)

5 AAC 40.071(a)

5 AAC 40.073(a)





**Chapter 29. Salmon Troll Fishery.**

## Article

[1. General Specifications. \(5 AAC 29.001 - 5 AAC 29.001\)](#)

[2. Description of Area. \(5 AAC 29.010 - 5 AAC 29.025\)](#)

[3. Management and Allocation Management Plans. \(5 AAC 29.050 - 5 AAC 29.065\)](#)

[4. Fishing Seasons and Periods. \(5 AAC 29.070 - 5 AAC 29.070\)](#)

[5. Fishery Management Plans. \(5 AAC 29.080 - 5 AAC 29.114\)](#)

[6. Gear and Vessel Specifications and Registration. \(5 AAC 29.115 - 5 AAC 29.125\)](#)

[7. Size and Landing Requirements. \(5 AAC 29.130 - 5 AAC 29.145\)](#)

[8. Closed Waters. \(5 AAC 29.150 - 5 AAC 29.150\)](#)

[9. Salmon Trolling in Hatchery Special Harvest Areas. \(5 AAC 29.200 - 5 AAC 29.200\)](#)

**Please note that in the electronic version the above Articles are linked to where they are contained within this document.**

**Article 1. General Specifications.****5 AAC 29.001. Application of this chapter**

(a) Unless otherwise specified, requirements set out in this chapter apply only to commercial salmon fishing with troll gear in the Southeastern Alaska-Yakutat Area.

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

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

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

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

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

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

## **Article 2. Description of Area.**

### **5 AAC 29.010. Description of area for salmon troll fishing**

Unless otherwise specified in this chapter, a person may operate troll gear in the waters of the Southeastern Alaska-Yakutat Area east of the longitude of Cape Suckling (144° W. long.) and north of the International Boundary at Dixon Entrance.

### **5 AAC 29.020. Description of fishing districts and winter boundary line**

(a) Fishing districts that are used in this chapter are described in 5 AAC 30.200 and 5 AAC 33.200.

(b) For the purposes of this chapter, the "winter boundary line" for the winter season and periods established in 5 AAC 29.070 is a line across Yakutat Bay from the westernmost tip of Point Manby, at 59° 41.68' N. lat., 140° 19.64' W. long., to 59° 40.02' N. lat., 140° 24.36' W. long., to 59° 31.25' N. lat., 139° 53.69' W. long., to a point south of Ocean Cape Light at 59° 32.11' N. lat., 139° 51.32' W. long., and a line from the southernmost tip of Cape Spencer at 58° 12.63' N. lat., 136° 39.85' W. long., to the westernmost tip of Yakobi Rock at 58° 05.17' N. lat., 136° 33.82' W. long., to the southernmost tip of Cape Cross at 57° 54.70' N. lat., 136° 33.59' W. long., to the southernmost tip of Point Theodore at 57° 50.75' N. lat., 136° 27.57' W. long., to the westernmost tip of Cape Edward at 57° 40.75' N. lat., 136° 15.51' W. long., to the westernmost tip of Khaz Point at 57° 30.13' N. lat., 136° 01.44' W. long., to the westernmost tip of Point Slocum at 57° 27.86' N. lat., 135° 58.06' W. long., to the westernmost tip of Klokachef Island at 57° 24.20' N. lat., 135° 54.40' W. long., to the westernmost tip of Cape Georgiana at 57° 19.75' N. lat., 135° 51.62' W. long., to the westernmost tip of Point Amelia at 57° 13.40' N. lat., 135° 52.67' W. long., to Cape Edgecumbe at 56° 59.89' N. lat., 135° 51.48' W. long., to the southernmost tip of Point Woodhouse at 56° 50.05' N. lat., 135° 32.56' W. long., to the southernmost tip of Rogers Island at 56° 46.67' N. lat., 135° 27.99' W. long., to the westernmost tip of Aspid Cape at 56° 41.14' N. lat., 135° 13.80' W. long., to the southernmost tip of North Cape at 56° 35.68' N. lat., 135° 08.37' W. long., to 56° 22.77' N. lat., 134° 56.96' W. long., to 56° 19.50' N. lat., 134° 54.00' W. long., to the southwesternmost tip of Puffin Point at 56° 14.12' N. lat., 134° 48.40' W. long., to the northwesternmost tip of Bobrovoy Point at 56° 11.00' N. lat., 134° 42.55' W. long., to the southernmost tip of Cape Ommaney at 56° 09.83' N. lat., 134° 40.42' W. long., to Nation Point at 55° 55.66' N. lat., 134° 20.10' W. long., to the southwest tip of Helm Point at 55° 49.43' N. lat., 134° 16.97' W. long., to the southernmost tip of Cape Addington at 55° 26.09' N. lat., 133° 49.31' W. long., to the westernmost tip of Cape Chirikof at 55° 18.10' N. lat., 133° 41.43' W. long., to Cape

Bartolome Light at 55° 13.84' N. lat., 133° 36.94' W. long., to the southernmost tip of Cape Felix at 55° 12.57' N. lat., 133° 26.02' W. long., to the westernmost tip of Bruin Point at 55° 05.08' N. lat., 133° 14.24' W. long., to the westernmost tip of Sakie Point at 55° 03.42' N. lat., 133° 13.43' W. long., to the westernmost tip of Cape Augustine at 54° 57.02' N. lat., 133° 09.95' W. long., to the westernmost tip of Rockwell Point at 54° 55.90' N. lat., 133° 07.99' W. long., to the westernmost tip of Ritter Point at 54° 51.43' N. lat., 133° 02.07' W. long., to the westernmost tip of Point Bazan at 54° 48.32' N. lat., 132° 58.56' W. long., to the westernmost tip of Security Point at 54° 44.43' N. lat., 132° 53.17' W. long., to Point Cornwallis at 54° 42.10' N. lat., 132° 52.49' W. long., to the southernmost tip of Liscome Point at 54° 41.28' N. lat., 132° 50.52' W. long., to the westernmost tip of Wolk Point at 54° 40.32' N. lat., 132° 46.73' W. long., to 54° 39.86' N. lat., 132° 43.71' W. long., to Cape Muzon Light at 54° 39.89' N. lat., 132° 41.57' W. long., to the southernmost tip of Point Nunez at 54° 41.04' N. lat., 132° 05.61' W. long., to the southernmost tip of Cape Chacon at 54° 41.40' N. lat., 132° 01.02' W. long., to the southernmost tip of West Rock at 54° 48.70' N. lat., 131° 29.87' W. long., to the southernmost tip of Yellow Rocks at 54° 47.32' N. lat., 131° 14.03' W. long., to Tree Point at 54° 48.17' N. lat., 130° 56.07' W. long., to Lord Rock Light at 54° 43.55' N. lat., 130° 49.22' W. long., to a point on the International Boundary at 130° 49.00' W. long.

### **5 AAC 29.025. Waters of frequent high king salmon abundance**

(a) The following waters are identified as water of frequent high abundance of king salmon:

(1) waters off the west coast of Baranof Island south of the latitude of Point Lauder at 56° 32.46' N. lat., and north and west of Redfish Cape at 56° 18.63' N. lat., 134° 53.15' W. long., to a distance of one nautical mile from the shore;

(2) waters off the Kruzof Island shore south and west of the longitude of Shoals Point at 135° 38.03' W. long., west to Cape Edgecumbe at 56° 59.89' N. lat., 135° 51.48' W. long., and from Cape Edgecumbe north to the latitude of Cape Georgiana at 57° 19.75' N. lat., to a distance of one nautical mile from the shore;

(3) waters off the west coast of Yakobi Island south of the latitude of Yakobi Rock at 58° 05.17' N. lat., and north and west of Cape Cross at 57° 54.70' N. lat., 136° 33.59' W. long., to a distance of one nautical mile from the main shoreline of Yakobi Island;

(4) waters of Palma Bay, Dixon Harbor, Torch Bay, Murk Bay, and Graves Harbor east of a line beginning at the mouth of Kaknau Creek located approximately one nautical mile northeast of Icy Point at 58° 23.90' N. lat., 137° 04.52' W. long., to Astrolabe Point at 58° 20.50' N. lat., 136° 54.07' W. long., then to a point on the south shore of Dixon Harbor at 58° 19.95' N. lat., 136° 51.22' W. long., then to Venisa Point at 58° 18.50' N. lat., 136° 49.50' W. long., then to the westernmost tip of Polka Point at 58° 13.83' N. lat., 136° 42.48' W. long.; and

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

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

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

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

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

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

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

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

### **Article 3. Management and Allocation Management Plans.**

#### **5 AAC 29.050. Management of salmon troll fisheries in the Southeastern Alaska-Yakutat Area**

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

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

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

the start of the winter salmon troll fishery was delayed until October 11 to provide additional fish for the summer salmon troll season.

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

### **5 AAC 29.060. Allocation of king salmon in the Southeastern Alaska-Yakutat Area**

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

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

(1) purse seine fishery: 4.3 percent of the annual harvest ceiling;

(2) drift gillnet fishery: 2.9 percent of the annual harvest ceiling;

(3) set gillnet fishery: 1,000 king salmon;

(4) troll fishery: 80 percent, after the net fishery allocations in (1) - (3) of this subsection are subtracted from the annual harvest ceiling;

(5) sport fishery: 20 percent, after the net fishery allocations in (1) - (3) of this subsection are subtracted from the annual harvest ceiling;

(6) if the projected annual Southeast Alaska all – gear harvest is below the annual harvest ceiling, any remaining allocation from those gear groups listed in (1) – (3) and (5) of this subsection may be allocated to the troll fishery beginning at a season date determined by the department and established by emergency order.

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

(d) For the purpose of calculating the king salmon harvest, the annual harvest period shall begin with the opening of the winter salmon troll season. For the purpose of calculating harvest performance for the king salmon fisheries under this section, the

harvest in the sport and commercial net and troll fisheries will be applied to the cumulative harvest on an annual basis, as opposed to the harvest ceiling.

(e) If the Southeast Alaska all – gear annual harvest exceeds the annual harvest ceiling established by the Pacific Salmon Commission, in the year following any overage, the department shall manage the commercial and sport king salmon fisheries in the Southeastern Alaska – Yakutat Area in accordance with (b) of this section based on the revised annual harvest ceiling established by the Pacific Salmon Commission.

## **5 AAC 29.065. Allocation of coho salmon**

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

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

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

## **Article 4. Fishing Seasons and Periods.**

### **5 AAC 29.070. General fishing seasons and periods**

(a) The fishing seasons for the salmon troll fishery are as follows:

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

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

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

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

(2) spring fisheries during the period beginning after the winter fishery is closed under (1) of this subsection, but no later than May 1, through June 30, as specified in 5 AAC 29.090;

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

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

**Article 5. Fishery Management Plans.**

**5 AAC 29.080. Management of the winter salmon troll fishery**

(a) The department shall manage the winter salmon troll fishery so that the harvest of king salmon does not exceed a guideline harvest level of 45,000 non-Alaska hatchery-produced fish, with a guideline harvest range of 43,000 - 47,000 non-Alaska hatchery-produced fish, plus the number of Alaska hatchery king salmon harvested during the winter troll fishery. In this subsection, "non-Alaska hatchery-produced fish" means king salmon not originating from a hatchery in this state.

(b) Except in areas closed by emergency order or in the waters specified in 5 AAC 29.150, king salmon may be taken in all waters of Alaska east of the winter boundary line described in 5 AAC 29.020(b), with the following exceptions:

(1) in District 1, the waters of Behm Canal in Section 1-D between a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to Snail Point at 55° 49.47' N. lat., 131° 46.25' W. long., and a line from Cactus Point at 55° 33.29' N. lat., 130° 56.59' W. long., to Point Eva at 55° 33.61' N. lat., 130° 52.60' W. long., are closed;

(2) in District 8, the waters of the Stikine River north and west of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., north and east of a line from Point Highfield at 56° 29.34' N. lat., 132° 23.36' W. long., to the southern end of Liesnoi Island at 56° 29.83' N. lat., 132° 29.19' W. long., to the southernmost tip of Greys Island at 56° 30.67' N. lat., 132° 33.05' W. long., to the small island near the eastern entrance of Blind Slough at 56° 31.83' N. lat., 132° 40.17' W. long., to the nearest point on Mitkof Island at 56° 31.88' N. lat., 132° 40.66' W. long., and south and east of a line from the prominent point on Mitkof Island nearest Coney Island at 56° 40.77' N. lat., 132° 39.28' W. long., to the western end of Coney Island at 56° 41.62' N. lat., 132° 38.92' W. long., to a point 800 yards north of Japanese Creek at 56° 46.62' N. lat., 132° 37.11' W. long., on the mainland shore are closed;

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

(A) in Section 11-A west of a line from Outer Point at 58° 17.86' N. lat., 134° 41.18' W. long., to Point Louisa at 58° 22.40' N. lat., 134° 43.63' W. long., and south and east of a line from Salisbury Point at 58° 12.30' N. lat., 134° 13.15' W. long., to Point Tantallion at 58° 11.72' N. lat., 134° 15.55' W. long., from the opening of the winter fishery, specified in 5 AAC 29.070(b), through April 14;

(B) in Sections 11-B, 11-C, and 11-D, except that king salmon may be taken in Section 11-B north of the latitude of Graves Point Light at 58° 03.73' N. lat., only from the opening of the winter fishery, specified in 5 AAC 29.070(b), through March 31;

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

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

### **5 AAC 29.090. Management of the spring salmon troll fisheries**

(a) In this chapter, a spring salmon troll fishery means a fishery that is

(1) opened and closed by emergency order;

(2) restricted in area;

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

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

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

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

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

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

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

(C) in order to continue the fishery each year without modification of areas previously established, the contribution rate of Alaska hatchery-produced salmon stocks to the directed fishery harvest must exceed 20 percent;

(D) the department shall manage each spring salmon troll fishery as follows:

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

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

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



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

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

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

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

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

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

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

(e) Repealed 6/14/2000.

(f) Repealed 5/31/2009.

(g) Repealed 7/1/2015.

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

(i) The commissioner may open, by emergency order, a spring salmon troll fishery for one day per week during May and June in the Yakutat Bay area east of a line from Point Manby at 59° 41.68' N. lat., 140° 19.64' W. long., to a point south of Ocean Cape Light at 59° 32.11' N. lat., 139° 51.32' W. long., with a maximum harvest of 1,000 king salmon.

(j) The commissioner may open, by emergency order, a fishing season during which two or more adjacent spring salmon troll fishery areas and those area's harvest caps, as specified in (d)(1)(D) of this section for non-Alaska hatchery salmon, are combined if

each of the areas has Alaska hatchery compositions of 25 percent or greater for three or more consecutive seasons.

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

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

### **5 AAC 29.095. District 8 King Salmon Management Plan**

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

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

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

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

(1) in the waters of Section 8-A and the waters of Section 8-B that are west of a line from the eastern side of Blind Slough at 56° 31.88' N. lat., 132° 40.66' W. long., to Craig Point Light at 56° 27.40' N. lat., 132° 42.95' W. long., from 12:01 a.m. on the Friday before the Memorial Day weekend to 11:59 p.m. on the Monday after the Memorial Day weekend; and

(2) in the waters of Section 8-B that are east of a line from the eastern side of Blind Slough at 56° 31.88' N. lat., 132° 40.66' W. long., to Craig Point Light at 56° 27.40' N. lat., 132° 42.95' W. long., from 12:01 a.m. on the Saturday before the Memorial Day weekend

### **5 AAC 29.097. District 11 King Salmon Management Plan**

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

(1) in the waters of Section 11-A that are east and south of a line from Piling Point at 58° 19.30' N. lat., 134° 48.27' W. long., to Middle Point Light at 58° 14.90' N. lat., 134° 37.73' W. long., then south and west of a line from Marmion Island Light at 58°

11.92' N. lat., 134° 15.41' W. long., to Circle Point at 58° 07.76' N. lat., 134° 04.74' W. long.,

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

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

(2) in the waters of Section 11-B that are south of a line from Marmion Island Light at 58° 11.92' N. lat., 134° 15.41' W. long., to Circle Point at 58° 07.76' N. lat., 134° 04.74' W. long.,

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

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

### **5 AAC 29.100. Management of the summer salmon troll fishery**

(a) During the summer salmon troll fishery, salmon may be taken only during open fishing periods. Unless otherwise specified in this section or by emergency order, salmon may be taken throughout the Southeastern Alaska-Yakutat Area unless restricted

(1) by a provision of this section; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (vi) fish tickets must be made available to a local representative of the department upon request;
- (vii) after the closure of a limited harvest fishing period, all king salmon must be offloaded from a vessel before that vessel may be used to resume fishing for other salmon species;
- (viii) any other conditions the commissioner determines necessary to conduct an orderly limited harvest fishery;
- (3) following the closure of the summer salmon troll fishery to the taking of king salmon, the salmon troll fishery will remain open to the taking of other salmon species; however, the department may close the waters of frequent high king salmon abundance described in 5 AAC 29.025 to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.
- (d) In Sections 1-C, 1-E, and 1-F, salmon may be taken only as follows:
- (1) Section 1-C: from August 15 through September 20;
- (2) Section 1-E:
- (A) in the waters of Section 1-E, bounded by a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to a point in West Behm Canal at 55° 48.78' N. lat., 131° 44.00' W. long., located approximately one nautical mile west of Nose Point, then south to a point at 55° 43.92' N. lat., 131° 45.44' W. long., located approximately one nautical mile west of the northernmost tip of Bushy Point, then south to a point at 55° 39.09' N. lat., 131° 44.69' W. long., located approximately one nautical mile west of Escape Point, to the northernmost tip of Escape Point at 55° 39.07' N. lat., 131° 43.04' W. long., and in waters of Neets Bay west of the longitude of Chin Point at 131° 42.10' W. long., and in Traitors Cove west of 131° 41.88' W. long., from July 1 through September 20;
- (B) all other waters of Section 1-E, from July 13 through September 20;
- (3) Section 1-F: open from July 1 through September 20, with the following restrictions:
- (A) from July 1 through July 12, the waters of Section 1-F east of a line from the northernmost tip of Kirk Point at 54° 59.98' N. lat., 131° 00.78' W. long., to Mary Island Light at 55° 05.94' N. lat., 131° 10.96' W. long., to the southernmost tip of Cone Island at 55° 14.47' N. lat., 131° 19.36' W. long., are closed;
- (B) from July 13 through July 31, the waters of Section 1-F east of a line from the southernmost tip of Black Island at 55° 07.85' N. lat., 131° 04.96' W. long., to the westernmost tip of Slate Island at 55° 05.73' N. lat., 131° 03.87' W. long., to the westernmost tip of White Reef at 55° 03.98' N. lat., 131° 02.47' W. long., to the easternmost tip of Black Rock at 55° 01.43' N. lat., 131° 03.57' W. long., to the northernmost tip of Kirk Point at 54° 59.98' N. lat., 131° 00.78' W. long., are closed;

(4) repealed 7/13/2012.

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

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

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

(h) Repealed 7/26/2003.

(i) In the Yakataga and Yakutat Districts,

(1) repealed 5/31/2009;

(2) from August 7 through September 20, salmon may not be taken in waters bounded on the west by the three-nautical-mile limit of the territorial sea and on the north by a line extending seaward from 59° 30.49' N. lat., 139° 46.58' W. long., and intersecting the three-nautical-mile limit at 59° 28.44' N. lat., 139° 51.68' W. long., and on the south by a line extending seaward from 59° 21.07' N. lat., 139° 19.73' W. long., and intersecting the three-nautical-mile limit at 59° 19.08' N. lat., 139° 24.98' W. long.

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

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

## **5 AAC 29.110. Management of coho salmon troll fishery**

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

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

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

(2) for up to 10 days, if the department makes an assessment and determines that

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

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

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

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

(e) Notwithstanding the provisions of this section, the department may, for the purpose of allowing the troll fleet to harvest enhanced coho salmon, and in consultation with hatchery operators, define areas where coho salmon retention is permitted during closures under (b) of this section.

### **5 AAC 29.112. Management of chum salmon troll fishery**

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

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

(1) in the waters of Sitka Sound and the Eastern Channel east of a line from Vitskari Rock Light at 57° 00.00' N. lat., 135° 32.71' W. long., to Inner Point at 57° 05.52' N. lat., 135° 34.25' W. long., south of a line from Inner Point to Black Rock at 57° 03.14' N. lat., 135° 25.65' W. long., to Signal Island Light at 57° 02.78' N. lat., 135° 23.57' W. long., and north of a line from Cape Burunof at 56° 59.04' N. lat., 135° 23.21' W. long., to Kulichkof Rock at 56° 59.48' N. lat., 135° 26.65' W. long., to Vitskari Rock Light;

(2) in the waters of Neets Bay east of the longitude of Chin Point at 131° 42.10' W. long., and west of the longitude of the easternmost tip of Bug Island at 131° 39.14' W. long.;

(3) in the waters of Crawfish Inlet Terminal Harvest Area south of 56° 47.14' N. lat., in Cedar Pass, northeast of a line from 56° 43.82' N. lat., 135° 16.11' W. long., to 56°

43.49' N. lat., 135° 15.50' W. long., in Middle Channel, and north of a line from 56° 43.01' N. lat., 135° 12.93' W. long., to 56° 43.25' N. lat., 135° 12.18' W. long., in Walker Channel; and

(4) in the waters of West Crawfish Inlet and Windy Passage, southeast of a line from 56° 47.11' N. lat., 135° 18.87' W. long., to 56° 46.89' N. lat., 135° 19.92' W. long., northeast of a line from 56° 45.80' N. lat., 135° 20.06' W. long., to 56° 45.30' N. lat., 135° 17.64' W. long., and northwest of a line from 56° 45.32' N. lat., 135° 16.99' W. long., to 56° 45.36' N. lat., 135° 16.89' W. long., in First Narrows.

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

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

### **5 AAC 29.114. Districts 9, 10, 12 and 14 Enhanced Chum Salmon Troll Fisheries Management Plan**

(a) The purpose of the management plan in this section is to give the department direction for the orderly development of enhanced chum salmon troll fisheries during the directed troll fisheries in Cross Sound, Icy Strait, Northern Chatham Strait, and in the waters of Districts 9 and 10 enclosed by a line extending from Cornwallis Point Light at 56° 55.92' N. lat., 134° 16.41' W. long., to a point approximately one nautical mile north of Cornwallis Point Light at 56° 56.80' N. lat., 134° 16.41' W. long., to Pinta Rocks Light at 57° 05.17' N. lat., 134° 00.72' W. long., to Cape Bendel at 57° 04.27' N. lat., 134° 00.72' W. long., while providing for the conservation of wild stocks.

(b) The commissioner may open, by emergency order, the Northern Chatham Strait Fishery Area in District 12 and the Point Couverden Fishery Area in District 14 for up to four weekdays per week beginning on the second Monday in June through the last week in June to the retention of pink and chum salmon only. The Northern Chatham Strait Fishery Area consists of those waters enclosed by a line from 58° 11.29' N. lat., 134° 53.27' W. long. to 58° 10.40' N. lat., 135° 02.63' W. long. to 58° 07.78' N. lat., 135° 00.78' W. long. to 58° 05.81' N. lat., 134° 47.09' W. long. The Point Couverden Fishery Area consists of those waters enclosed by a line from 58° 11.63' N. lat., 135° 09.60' W. long. to 58° 09.58' N. lat., 135° 09.60' W. long. to 58° 07.78' N. lat., 135° 00.78' W. long. to 58° 10.00' N. lat., 135° 02.35' W. long. to 58° 10.00' N. lat., 135° 06.24' W. long. to 58° 11.63' N. lat., 135° 09.60' W. long.

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

(d) Participants in Districts 9, 10, 12, and 14 enhanced chum salmon troll fisheries shall comply with the following retention and recordkeeping requirements:



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

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

(3) a person may not have king salmon on board a salmon troll vessel when fishing in an area closed to king salmon retention.

(e) Repealed 6/17/2018.

## **Article 6. Gear and Vessel Specifications and Registration.**

### **5 AAC 29.115. Registration**

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

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

### **5 AAC 29.120. Gear specifications and operations**

(a) Salmon may be taken by hand troll gear and power troll gear only in the Southeastern Alaska-Yakutat Area.

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

(1) from a power troll vessel:

(A) no more than six lines may be operated in the exclusive economic zone north of the latitude of the southernmost tip of Cape Spencer at 58° 12.63' N. lat.;

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

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

(2) from a hand troll vessel:

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

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

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

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

(ii) in the waters of the exclusive economic zone north of the latitude of the southernmost tip of Cape Spencer at 58° 12.63' N. lat., no more than four hand troll gurdies may be operated from a hand troll vessel.

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

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

(e) Repealed 5/31/2009.

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

(g) For purposes of this section,

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

(A) includes a downrigger; and

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

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

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

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

(h) Repealed 5/26/2006.

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

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

(1) a downrigger may not be used with a troll gurdy;

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

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

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

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

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

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

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

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

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

### **5 AAC 29.125. Vessel identification**

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

## **Article 7. Size and Landing Requirements.**

### **5 AAC 29.130. Fish tickets requirements for spring fisheries**

Repealed.

### **5 AAC 29.140. Size limits, possession, and landing requirements**

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

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

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

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

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

**5 AAC 29.145. Permit, reporting, and landing requirements for salmon troll catcher-processor vessels**

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

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

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

(d) For the purposes of this section,

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

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

**Article 8. Closed Waters.****5 AAC 29.150. Closed waters**

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

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

(2) during any spring fishery, the waters listed in this section and within 500 yards of the terminus of any salmon stream are open to trolling;

(3) beginning July 1, the waters of District 8 listed in this section are open to trolling during periods that the waters are open to commercial drift gillnet fishing.

(b) District 1:

(1) Behm Canal: waters between a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to Snail Point at 55° 49.47' N. lat., 131° 46.25' W. long., and a line from Cactus

Point at 55° 33.29' N. lat., 130° 56.59' W. long., to Point Eva at 55° 33.61' N. lat., 130° 52.60' W. long.;

(2) Boca De Quadra: waters east of 130° 50.00' W. long.;

(3) Carroll Inlet: waters north of 55° 24.27' N. lat.;

(4) Willard Inlet, Fillmore Inlet and Edwards Passage: waters north of the latitudes of Male Point at 54° 47.58' N. lat., and of Akeku Point at 54° 50.03' N. lat.;

(5) George Inlet: waters north of the latitude of California Head at 55° 19.57' N. lat.;

(6) Helm Bay and Smugglers Cove: waters west of a line from the southernmost tip of Helm Point at 55° 36.01' N. lat., 131° 53.71' W. long., to Helm Bay Light at 55° 34.84' N. lat., 131° 55.72' W. long., to the Cleveland Peninsula at 55° 34.16' N. lat., 131° 56.42' W. long.;

(7) Hidden Inlet: waters north of the latitude of Hidden Point at 54° 56.75' N. lat.;

(8) Lucky Cove: waters within 1,000 yards of the stream terminus at 55° 12.65' N. lat., 131° 15.95' W. long.;

(9) Moser Bay and Long Arm: waters south and east of a line from Cod Point at 55° 34.35' N. lat., 131° 39.45' W. long., to 55° 33.96' N. lat., 131° 40.99' W. long.;

(10) Naha Bay: waters east of 131° 38.30' W. long.;

(11) Nakat Bay: waters north of the latitude of High Point at 54° 47.57' N. lat.;

(12) Port Stewart: waters west of a line from 55° 43.11' N. lat., 131° 49.57' W. long., to 55° 41.52' N. lat., 131° 50.14' W. long.;

(13) Portland Canal: waters north of the latitude of Engineer Point at 55° 47.85' N. lat.;

(14) Ray Anchorage: waters inside a line between 54° 56.67' N. lat., 131° 14.06' W. long., and 54° 55.68' N. lat., 131° 13.02' W. long.;

(15) Raymond Cove: waters west of a line from Mike Point at 55° 37.38' N. lat., 131° 52.90' W. long., to 55° 37.86' N. lat., 131° 51.83' W. long.;

(16) Rudyerd Bay: waters east of 130° 42.45' W. long.;

(17) Smeaton Bay: waters east of 130° 43.50' W. long.;

(18) Thorne Arm: waters north of the latitude of Eve Point at 55° 18.89' N. lat.;

(19) Tombstone Bay: waters of Portland Canal south of the latitude of Turn Point at 55° 24.90' N. lat., and north of the latitude of Breezy Point at 55° 21.50' N. lat.;

(20) Traitors Cove: waters east of 131° 41.88' W. long.;

(21) Vallenar Bay: waters south of a line from 55° 23.75' N. lat., 131° 50.94' W. long., to 55° 22.88' N. lat., 131° 51.92' W. long.;

(22) Very Inlet: waters inside of a line from 54° 57.73' N. lat., 130° 57.73' W. long., to 54° 57.73' N. lat., 130° 56.98' W. long.;

(23) Ward Cove: waters east of a line from 55° 23.95' N. lat., 131° 44.47' W. long., to 55° 23.64' N. lat., 131° 44.05' W. long.;

(c) District 2:

(1) Cholmondeley Sound:

(A) Dora Bay, Kitkun Bay, and Lancaster Cove: waters south of 55° 13.05' N. lat.;

(B) South Arm, West Arm, and Sunny Cove: waters west of 132° 14.47' W. long.;

(2) Kasaan Bay:

(A) Karta Bay: waters west of a line from 55° 33.84' N. lat., 132° 32.70' W. long., to 55° 35.05' N. lat., 132° 29.95' W. long.;

(B) Polk Inlet, Paul Bight, and McKenzie Inlet: waters west of the longitude of Khayyam Point at 132° 21.06' W. long.;

(C) Twelvemile Arm: waters south of 55° 29.17' N. lat.;

(3) Moira Sound:

(A) North Arm: waters north of a line from Crowell Point at 55° 04.14' N. lat., 132° 05.07' W. long., to Point Halliday at 55° 04.80' N. lat., 132° 04.60' W. long.;

(B) Johnson Cove: waters south of 54° 59.72' N. lat.;

(C) West Arm: waters west of 132° 12.00' W. long.;

(D) South Arm: waters south of 54° 57.00' N. lat.;

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

(5) Port Johnson and Dolomi Bay: waters west of the longitude of Moss Point at 132° 02.82' W. long.;

(6) Thorne Bay: waters west of 132° 28.58' W. long.;

(7) Tolstoi Bay: waters south of 55° 39.00' N. lat.

(d) District 3:

(1) Devilfish Bay: waters west of 133° 20.00' W. long.;

(2) Edna Bay: waters north of a line from Entrance Light at 55° 56.31' N. Lat., 133° 36.96' W. long., to 55° 55.89' N. lat., 133° 37.78' W. long.;

(3) Eek Inlet: waters west of a line from 55° 08.85' N. lat., 132° 39.34' W. long., to 55° 08.69' N. lat., 132° 39.39' W. long.;

(4) El Capitan and Tuxekan Passages: all contiguous waters east of 133° 20.00' W. long.;

(5) Ham Cove: waters south of a line from 54° 53.00' N. lat., 132° 51.01' W. long., to 54° 52.97' N. lat., 132° 50.84' W. long.;

(6) Hessa Inlet: waters east of the longitude of Whirlpool Point at 132° 17.94' W. long.;

(7) Hetta Harbor: waters east of the longitude of Hetta Point at 132° 35.78' W. long.;

(8) Hetta Inlet: waters north of the latitude of Simmons Point at 55° 12.38' N. lat.;

(9) Hunter Bay: waters east of a line from Turn Point at 54° 52.63' N. lat., 132° 21.80' W. long., to 54° 52.75' N. lat., 132° 21.36' W. long.;

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

(11) Keete Inlet: waters east of the longitude of the tip of Keete Point at 132° 33.38' W. long.;

(12) Klakas Inlet: waters north of 55° 00.00' N. lat.;

(13) Klawock Inlet: waters east of 133° 06.38' and north of a line from the northern tip of Wadleigh Island at 55° 35.42' N. lat., 133° 07.83' W. long., to the northern tip of Peratrovich Island at 55° 35.79' N. lat., 133° 06.79' W. long., including Big Salt Lake;

(14) Nossuk Bay: waters south of 55° 44.00' N. lat.;

(15) Nutkwa Inlet: waters north of 55° 06.00' N. lat.;



(16) Port Estrella: waters east of the longitude of Point Providence at 133° 16.00' W. long.;

(17) Port Refugio: waters south and west of a line from Pointe Verde at 55° 18.42' N. lat., 133° 17.84' W. long., to Bocas Point at 55° 17.63' N. lat., 133° 16.45' W. long.;

(18) Port Saint Nicholas: waters east of 133° 04.00' W. long.;

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

(20) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso at 55° 34.11' N. lat., and east of a line from Point Ildefonso at 55° 34.11' N. lat., 133° 15.91' W. long., to 55° 34.71' N. lat., 133° 15.30' W. long.;

(21) Soda Bay: waters east of 133° 00.00' W. long.;

(22) Sukkwan Strait and Natzuhini Bay: waters of Sukkwan Strait west of the longitude of Saltery Point at 132° 48.07' W. long., including South Pass east of the longitude of Goat Island Light at 132° 53.58' W. long., and all waters of North Pass east of a line from 55° 12.35' N. lat., 132° 56.25' W. long., to 55° 12.84' N. lat., 132° 57.54' W. long.;

(23) Tlevak Straits: waters north of 55° 15.00' N. lat.;

(24) Token Bay: waters east of a line from the tip of Holbrook Point at 56° 00.29' N. lat., 133° 28.64' W. long., to 55° 59.86' N. lat., 133° 27.84' W. long., and waters north of 55° 58.54' N. lat., in Marble Pass;

(25) Trocadero Bay: waters east of 133° 01.00' W. long.;

(26) Ulloa Channel: waters east of 133° 10.00' W. long.;

(27) Van Sant Cove: waters within 1,000 yards of the stream terminus at 55° 59.43' N. lat., 133° 32.28' W. long.;

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

(29) Waterfall Bay: waters within 1,000 yards of the terminus of Waterfall Creek at 55° 18.24' N. lat., 133° 14.33' W. long.

(e) District 4: Manhattan Arm: waters east of 133° 10.00' W. long.

(f) District 5:

(1) Affleck Canal:

(A) Bear Harbor: waters north and west of a line from 56° 13.37' N. lat., 134° 05.94' W. long., to 56° 13.71' N. lat., 134° 05.18' W. long.;

(B) waters of Kell Bay west of a line from 56° 08.79' N. lat., 134° 08.51' W. long., to 56° 09.81' N. lat., 134° 08.39' W. long.;

(C) waters north of 56° 16.43' N. lat.;

(D) small unnamed bay on the east side: waters east of a line from 56° 11.37' N. lat., 134° 02.06' W. long., to 56° 11.15' N. lat., 134° 01.92' W. long.;

(2) Alvin Bay: waters west of 133° 53.56' W. long.;

(3) Kushneahin Creek: waters east of a line from 56° 27.74' N. lat., 133° 40.24' W. long., to Trouble Island at 56° 27.86' N. lat., 133° 41.04' W. long., to 56° 29.16' N. lat., 133° 40.17' W. long.;

(4) Calder Bay: waters north of 56° 11.18' N. lat.;

(5) El Capitan Passage: waters east of a line from 56° 09.12' N. lat., 133° 27.55' W. long., to 56° 09.24' N. lat., 133° 27.60' W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of a line from 56° 15.63' N. lat., 133° 38.60' W. long., to 56° 15.67' N. lat., 133° 38.72' W. long.;

(7) Keku Strait: waters north of 56° 32.00' N. lat. (north end of Monte Carlo Island);

(8) Port Beauclerc:

(A) waters north of 56° 20.00' N. lat.;

(B) waters of the southern arm south of the latitude of 56° 16.94' N. lat.;

(C) waters of the unnamed cove located 0.7 miles west of the northern tip of Edwards Island west of a line from 56° 18.18' N. lat., 133° 58.62' W. long., to 56° 19.28' N. lat., 133° 58.49' W. long.;

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

(10) Shipley Bay: waters east of 133° 33.53' W. long.

(g) District 6:

(1) Barnes Lake: waters inside the western side of Stevenson Island south of 56° 03.10' N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Grief Island at 56° 37.29' N. lat.;

(3) Exchange Cove: waters south of a line from 56° 13.13' N. lat., 133° 03.87' W. long., to 56° 12.87' N. lat., 133° 03.43' W. long.;

(4) Kah Sheets Bay: waters west of a line from 56° 31.47' N. lat., 133° 05.25' W. long., to 56° 29.74' N. lat., 133° 07.31' W. long.;

(5) Lake Bay: waters south and west of a line from Keg Point at 56° 02.02' N. lat., 132° 55.45' W. long., to 56° 01.66' N. lat., 132° 54.47' W. long.;

(6) McHenry Inlet: waters east of 132° 24.79' W. long.;

(7) Mosman Inlet: waters north of 56° 05.35' N. lat.;

(8) Navy Creek: waters east of a line from 56° 03.48' N. lat., 132° 28.01' W. long., to the southwest tip of South Burnett Island at 56° 03.81' N. lat., 132° 27.79' W. long., and east of a line from the northern tip of South Burnett Island at 56° 04.08' N. lat., 132° 27.61' W. long., to the southern tip of North Burnett Island at 56° 04.17' N. lat., 132° 27.59' W. long., and south of a line from the northern tip of North Burnett Island at 56° 04.47' N. lat., 132° 27.84' W. long., to 56° 04.50' N. lat., 132° 27.59' W. long.;

(9) Ratz Harbor: waters south and west of a line from 55° 53.03' N. lat., 132° 35.64' W. long., to 55° 53.27' N. lat., 132° 35.92' W. long.;

(10) Red Bay: waters south of the latitude of Pine Point at 56° 20.14' N. lat.;

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from 56° 04.39' N. lat., 132° 36.67' W. long., to 56° 04.38' N. lat., 132° 36.20' W. long.;

(12) Salmon Bay: waters within a line extending from 56° 17.39' N. lat., 133° 08.30' W. long., to Rookery Island at 56° 18.81' N. lat., 133° 07.22' W. long., to 56° 19.08' N. lat., 133° 09.82' W. long.;

(13) Steamer Bay: waters south of a line from 56° 10.28' N. lat., 132° 41.66' W. long., to Point Harrington at 56° 10.25' N. lat., 132° 43.55' W. long.;

(14) Totem Bay: waters north and east of a line from Totem Point at 56° 27.07' N. lat., 133° 26.07' W. long., to the southern tip of Shingle Island at 56° 26.29' N. lat., 133° 23.57' W. long., to Mitchell Point at 56° 26.85' N. lat., 133° 12.08' W. long.;

(15) Whale Pass: waters at the southern entrance west of 132° 59.16' W. long., and at the northern entrance west of the longitude of the northernmost tip of Thorne Island at 133° 03.53' W. long.

(h) District 7:

(1) Blake Channel, Eastern Passage, and Bradfield Canal: waters south and east of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., and north and east of a line from 56° 10.80' N. lat.,

131° 55.50' W. long., to 56° 12.12' N. lat., 131° 55.50' W. long., from April 16 through September 30;

(2) Canoe Pass and Fishermen's Chuck: waters north of 56° 00.00' N. lat., and west of a line from 56° 02.39' N. lat., 132° 12.06' W. long., to 56° 02.62' N. lat., 132° 12.16' W. long.;

(3) Emerald Bay: waters east of a line from 55° 53.62' N. lat., 132° 02.73' W. long., to 55° 52.89' N. lat., 132° 03.30' W. long.;

(4) Fool's Inlet: waters north of a line from 56° 12.48' N. lat., 132° 02.10' W. long., to 56° 12.74' N. lat., 132° 01.22' W. long.;

(5) Menefee Inlet: waters north of 56° 05.00' N. lat.;

(6) Olive Cove: waters south of a line from 56° 11.55' N. lat., 132° 19.17' W. long., to 56° 11.39' N. lat., 132° 18.75' W. long.;

(7) Santa Anna Inlet: waters south of the latitude of the tip of Point Santa Anna at 55° 59.77' N. lat.;

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

(9) Union Bay: waters south of a line from 55° 44.78' N. lat., 132° 14.23' W. long., to 55° 45.54' N. lat., 132° 11.27' W. long.;

(10) Vixen Inlet: waters east of the longitude of the westernmost tip of Sunshine Island at 132° 05.28' W. long.

(i) District 8:

(1) Blind Slough: waters north of a line from 56° 30.71' N. lat., 132° 43.48' W. long., to 56° 31.88' N. lat., 132° 40.66' W. long.;

(2) Stikine River: waters north and west of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., north and east of a line from Point Highfield at 56° 29.34' N. lat., 132° 23.36' W. long., to the southern end of Liesnoi Island at 56° 29.83' N. lat., 132° 29.19' W. long., to the southern end of Greys Island at 56° 30.67' N. lat., 132° 33.05' W. long., to the small island near the eastern entrance of Blind Slough at 56° 31.83' N. lat., 132° 40.17' W. long., to the nearest point on Mitkof Island at 56° 31.88' N. lat., 132° 40.66' W. long., and south and east of a line from the prominent point on Mitkof Island nearest Coney Island at 56° 40.77' N. lat., 132° 39.28' W. long., to the western end of Coney Island at 56° 41.62' N. lat., 132° 38.92' W. long., to a point 800 yards north of Japanese Creek on the mainland shore at 56° 46.62' N. lat., 132° 37.11' W. long.;

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

(4) Wrangell Harbor: waters within one-quarter mile of the shoreline on the western side of Wrangell Island, south of the latitude of Point Highfield at 56° 29.34' N. lat., and north of the latitude of Cemetery Point at 56° 27.25' N. lat., from the first Monday in May through the second Saturday in June;

(5) Greys Pass: waters west of the longitude from the northernmost tip of Greys Island at 56° 31.53' N. lat., 132° 32.32' W. long., to Rynda Island at 56° 31.74' N. lat., 132° 32.32' W. long., and waters north and east of a line from the southernmost tip of Greys Island at 56° 30.67' N. lat., 132° 33.05' W. long., to 56° 30.52' N. lat., 132° 34.37' W. long., on Sokolof Island, to the southernmost point on Rynda Island at 56° 31.47' N. lat., 132° 33.81' W. long., from the first Monday in May through the second Saturday in June;

(6) Woodpecker Cove: waters of Sumner Strait north of a line from 56° 30.02' N. lat., 132° 53.89' W. long., to Point Howe at 56° 29.68' N. lat., 132° 49.03' W. long., to the southeasternmost tip of Station Island at 56° 29.55' N. lat., 132° 46.24' W. long., and west of a line from Station Island Light at 56° 29.66' N. lat., 132° 45.81' W. long., to a point on Mitkof Island at 56° 30.41' N. lat., 132° 44.88' W. long., from the first Monday in May through the second Saturday in June, for the entirety of a salmon troll fishing period when the drift gillnet fishery is open for more than 48 hours;

(7) Beacon Point/Frederick Point: waters of Frederick Sound west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline at 56° 57.27' N. lat., 132° 58.96' W. long., to Sukoi Island Light at 56° 53.73' N. lat., 132° 56.64' W. long., to Frederick Point at 56° 47.55' N. lat., 132° 49.27' W. long., from the first Monday in May through the second Saturday in June.

(j) District 9:

(1) Bay of Pillars: waters east of 134° 11.74' W. long.;

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

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

(4) Gedney Harbor: waters east of 134° 14.80' W. long.;

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

(6) Hamilton Bay: waters south of the latitude of Point Hamilton at 56° 54.11' N. lat.;

(7) Kadake Bay: waters south of a line from 56° 48.90' N. lat., 133° 58.06' W. long., to 56° 48.38' N. lat., 133° 56.58' W. long.;

(8) Little Pybus Bay: waters north of 57° 14.72' N. lat.;

(9) Murder Cove: waters north of 57° 01.72' N. lat.;

- (10) Patterson Bay: waters north of 56° 36.73' N. lat.;
- (11) Port Camden: waters south of 56° 41.67' N. lat.;
- (12) Port Malmesbury: waters east of a line from 56° 18.90' N. lat., 134° 10.84' W. long., to 56° 19.59' N. lat., 134° 11.42' W. long.;
- (13) Port Walter and Little Port Walter: waters west of a line from 56° 23.25' N. lat., 134° 38.20' W. long., to 56° 23.71' N. lat., 134° 38.38' W. long.;
- (14) Red Bluff Bay: waters west of 134° 45.47' W. long.;
- (15) Rowan Bay: waters north and east of a line from 56° 40.55' N. lat., 134° 15.20' W. long., to 56° 39.75' N. lat., 134° 13.48' W. long.;
- (16) Skanax Bay: waters south and east of a line from 56° 51.72' N. lat., 134° 11.39' W. long., to the southwesternmost tip of an unnamed island at 56° 52.70' N. lat., 134° 09.67' W. long., and east of a line from the northwesternmost tip of the same unnamed island at 56° 52.91' N. lat., 134° 09.71' W. long., to 56° 53.25' N. lat., 134° 10.14' W. long.;
- (17) Security Bay: waters south of the latitude of Expedition Point at 56° 50.62' N. lat.;
- (18) Tebenkof Bay:
- (A) Elena Bay: waters north and east of a line from 56° 29.88' N. lat., 134° 06.61' W. long., to Elena Point at 56° 28.95' N. lat., 134° 05.66' W. long.;
- (B) Petrof Bay: waters south of 56° 22.42' N. lat.;
- (C) Thetis Bay: waters south of 56° 23.37' N. lat.
- (k) District 10:
- (1) Dry Bay: waters east of 133° 01.92' W. long., and north of 57° 02.82' N. lat.;
- (2) Farragut Bay: waters of Francis Anchorage inside a line from 57° 08.70' N. lat., 133° 10.45' W. long., to 57° 08.65' N. lat., 133° 11.82' W. long.;
- (3) Gambier Bay:
- (A) waters west of 134° 00.06' W. long.;
- (B) waters of Snug Cove south of a line from Scald Point at 57° 25.98' N. lat., 133° 58.52' W. long., to the northwest tip of Pain Island at 57° 26.06' N. lat., 133° 57.35' W. long., to a point on Admiralty Island at 57° 26.04' N. lat., 133° 56.85' W. long.;
- (4) Hobart Bay: waters east of 133° 23.71' W. long.;

(5) Port Houghton:

(A) waters south of the latitude and east of the longitude of a point on the southern tip of Walter Island at 57° 18.20' N. lat., 133° 17.01' W. long.;

(B) waters east of a line from 57° 19.62' N. lat., 133° 11.27' W. long., to 57° 19.96' N. lat., 133° 11.72' W. long.;

(6) Pybus Bay: waters of Cannery Cove and West Arm north and west of a line from 57° 18.34' N. lat., 134° 07.88' W. long., to an unnamed island at 57° 18.70' N. lat., 134° 07.58' W. long., and then to a point at 57° 19.29' N. lat., 134° 06.36' W. long.;

(7) Windham Bay: waters east of a line from 57° 35.01' N. lat., 133° 27.35' W. long., to 57° 35.14' N. lat., 133° 27.49' W. long.

(l) District 11:

(1) Limestone Inlet: waters east of a line from 58° 01.75' N. lat., 133° 59.40' W. long., to 58° 02.04' N. lat., 133° 59.60' W. long.;

(2) Port Snettisham:

(A) Speel River: waters north and west a line from 58° 07.09' N. lat., 133° 44.11' W. long., to 58° 07.59' N. lat., 133° 42.80' W. long.;

(B) Gilbert Bay: waters east and south of a line from Sentinel Point at 57° 59.72' N. lat., 133° 45.65' W. long., to 58° 01.45' N. lat., 133° 45.33' W. long.;

(3) Seymour Canal:

(A) Mole Harbor: waters west and south of a line from the easternmost tip of Flaw Point at 57° 40.54' N. lat., 134° 02.74' W. long., to 57° 39.40' N. lat., 134° 00.73' W. long.;

(B) Pleasant Bay: waters west and south of a line from 57° 38.83' N. lat., 133° 59.72' W. long., to 57° 38.43' N. lat., 133° 58.66' W. long.;

(4) Slocum Inlet: waters east of a line from 58° 08.35' N. lat., 134° 04.33' W. long., to 58° 07.80' N. lat., 134° 04.42' W. long.;

(5) Taku Harbor: waters east and north of a line from 58° 03.77' N. lat., 134° 01.50' W. long., to 58° 03.77' N. lat., 134° 02.04' W. long.;

(6) Taku Inlet: waters north and east of a line from the Annex Creek Power House at 58° 19.06' N. lat., 134° 05.93' W. long., to 58° 17.60' N. lat., 134° 00.78' W. long.

(m) District 12:

(1) Basket Bay: waters inside a line from 57° 39.78' N. lat., 134° 53.97' W. long., to 57° 39.28' N. lat., 134° 54.01' W. long.;

(2) Chaik Bay: waters east of 134° 30.53' W. long.;

(3) False Bay: waters west of a line from 57° 58.53' N. lat., 134° 54.92' W. long., to 57° 57.03' N. lat., 134° 55.43' W. long.;

(4) Freshwater Bay: waters west and north of a line from 57° 53.23' N. lat., 135° 07.92' W. long., to 57° 54.88' N. lat., 135° 05.97' W. long.;

(5) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 57.07' W. long.;

(6) Warm Springs Bay: waters west of 134° 46.79' W. long.;

(7) Whitewater Bay: waters east and south of a line from Point Caution at 57° 14.79' N. lat., 134° 38.22' W. long., to 57° 15.41' N. lat., 134° 36.46' W. long.;

(8) Wilson Cove: waters east of the longitude of Point Wilson at 134° 38.29' W. long.;

(9) Wukuklook Creek: waters north and west of a line from 57° 55.18' N. lat., 134° 55.69' W. long., to Flints Point at 57° 54.45' N. lat., 134° 57.48' W. long.

(n) District 13:

(1) Black Bay: waters north and east of a line from 57° 42.54' N. lat., 136° 09.28' W. long., to 57° 42.35' N. lat., 136° 09.10' W. long.;

(2) Big Branch Bay: waters north and east of a line from 56° 19.47' N. lat., 134° 50.53' W. long., to 56° 19.31' N. lat., 134° 50.16' W. long.;

(3) Deep Bay: waters west of a line from 57° 26.83' N. lat., 135° 37.38' W. long., to 57° 26.47' N. lat., 135° 37.85' W. long.;

(4) Fick Cove: waters south and west of a line from 57° 37.82' N. lat., 135° 39.70' W. long., to 57° 38.42' N. lat., 135° 40.77' W. long.;

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

(6) Goulding Harbor: waters north of a line from 57° 46.32' N. lat., 136° 15.17' W. long., to 57° 46.39' N. lat., 136° 15.54' W. long.;

(7) Hanus Bay: waters south of a line from 57° 25.47' N. lat., 134° 59.11' W. long., to 57° 25.28' N. lat., 135° 03.73' W. long.;

(8) Hoonah Sound: waters west and north of a line from 57° 44.16' N. lat., 135° 43.76' W. long., to 57° 43.70' N. lat., 135° 44.78' W. long.;



(9) Katlian Bay: waters north and east of a line from 57° 09.45' N. lat., 135° 22.66' W. long., to 57° 09.08' N. lat., 135° 21.83' W. long.;

(10) Nakwasina Passage: waters north and east of a line from 57° 14.17' N. lat., 135° 29.96' W. long., to 57° 14.87' N. lat., 135° 30.56' W. long.;

(11) Nakwasina Sound: waters north and east of a line from 57° 11.65' N. lat., 135° 23.61' W. long., to 57° 12.20' N. lat., 135° 24.73' W. long.;

(12) Patterson Bay: waters west of a line from 57° 40.40' N. lat., 135° 42.71' W. long., to 57° 39.52' N. lat., 135° 42.28' W. long.;

(13) Port Banks: waters south and east of a line from 56° 36.11' N. lat., 135° 00.44' W. long., to 56° 35.86' N. lat., 135° 01.17' W. long.;

(14) Redfish Bay: waters north and west of a line from 56° 20.68' N. lat., 134° 51.54' W. long., to 56° 20.80' N. lat., 134° 51.16' W. long.;

(15) Redoubt Bay: waters east of 135° 18.88' W. long.;

(16) Rodman Bay: waters west and south of a line from 57° 28.37' N. lat., 135° 21.05' W. long., to 57° 28.87' N. lat., 135° 21.72' W. long.;

(17) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.11' N. lat., 136° 30.43' W. long., to 57° 55.46' N. lat., 136° 31.08' W. long.;

(18) Saook Bay: waters west and south of a line from 57° 26.21' N. lat., 135° 11.60' W. long., to 57° 26.71' N. lat., 135° 12.42' W. long.;

(19) Sister Lake: waters inside a line from 57° 37.59' N. lat., 136° 00' W. long., to 57° 38.00' N. lat., 136° 00.84' W. long.;

(20) Sitkoh Bay: waters west of a line from 57° 29.19' N. lat., 134° 53.71' W. long., to 57° 29.64' N. lat., 134° 53.51' W. long.;

(21) Stag Bay: waters east of 136° 21.42' W. long.;

(22) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.76' N. lat., 135° 22.82' W. long., to 57° 08.39' N. lat., 135° 22.59' W. long.;

(23) Still Harbor: waters south and east of a line from 56° 33.18' N. lat., 135° 02.71' W. long., to 56° 33.63' N. lat., 135° 02.42' W. long.;

(24) Ushk Bay: waters west of 135° 35.00' W. long.;

(25) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27' N. lat., 135° 56.17' W. long., to 57° 30.92' N. lat., 135° 55.18' W. long.

(o) District 14:

(1) Dundas Bay: waters north of 58° 19.94' N. lat.;

(2) Mud Bay: waters south of the latitude of Quartz Point at 58° 12.96' N. lat.;

(p) District 15:

(1) Chilkat Inlet: waters north of the latitude of Letnikof Cove Light at 59° 10.42' N. lat.;

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

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

### **5 AAC 29.200. Salmon trolling in hatchery special harvest areas**

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

## **Chapter 30. Yakutat Area.**

Article

[1. Description of Area. \(5 AAC 30.001 - 5 AAC 30.100\)](#)

[2. Fishing Districts. \(5 AAC 30.200 - 5 AAC 30.200\)](#)

[3. Salmon Fishery. \(5 AAC 30.310 - 5 AAC 30.395\)](#)

**Please note that in the electronic version the above Articles are linked to where they are contained within this document.**

## **Article 1. Description of Area.**

### **5 AAC 30.001. Application of this chapter**

Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 and 5 AAC 75.

### **5 AAC 30.100. Description of area**

The Yakutat Area consists of all waters of Alaska within an area that has as its western boundary the longitude of Cape Suckling (144° W. long.), and as its southern boundary a

line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

## **Article 2. Fishing Districts.**

### **5 AAC 30.200. Fishing districts**

(a) Yakataga District: all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42' W. long.).

(b) Yakutat District: all waters of Alaska between the longitude of Icy Cape (141° 42' W. long.) extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

## **Article 3. Salmon Fishery.**

### **5 AAC 30.310. Fishing seasons**

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

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

(2) in the Yakutat District,

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

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

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

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

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

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

(D) Italio River, the opening and closing dates will be established by emergency order;

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

(b) Repealed 10/1/98.

### **5 AAC 30.320. Fishing periods**

Salmon may be taken by set gillnets during the open fishing season only as follows:

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

(2) in the Yakutat District,

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

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

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

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

(3) repealed 6/28/97.

### **5 AAC 30.330. Gear**

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

### **5 AAC 30.331. Gillnet specifications and operations**

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

(1) in the Yakutat District,

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

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

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

(D) in the Dangerous River, a single set gillnet may not be less than 10 fathoms or more than 25 fathoms in length; a salmon interim-use or entry permit holder may not operate more than 75 fathoms of set gillnet in aggregate length;

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

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

(G) repealed 4/8/79;

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

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

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

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

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

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

(2) in the Yakataga District,

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

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

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

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

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

(d) Repealed 4/15/81.

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

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

### **5 AAC 30.334. Identification of gear**

Each set gillnet in operation must be marked as required by 5 AAC 39.280.

### **5 AAC 30.335. Minimum distance between units of gear**

No part of a set gillnet may be set or operated within 100 yards of any part of another set gillnet, except that in the Tsiu and East Rivers, no part of a set gillnet may be set or operated within 75 yards of any part of another gillnet.

### **5 AAC 30.340. Gillnet operation in surfline areas**

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

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

### **5 AAC 30.345. Requirements and specifications for operation of two units of set gillnet gear in Yakutat Area**

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

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

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

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

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

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

(e) Repealed 6/17/2018.

### **5 AAC 30.350. Closed waters**

(a) Salmon may not be taken in the following waters:

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

(2) Situk River: upstream of a line from the ADF&G regulatory marker located on the western bank of the Situk River mouth near the Yakutat Seafoods buying station, to an ADF&G regulatory marker buoy anchored in the channel directly off the mouth of the Situk River, to an ADF&G regulatory marker on the cut bank on the eastern side of the mouth of Johnston Slough;

(3) Ankau Inlet: inside of a line from ADF&G regulatory markers located across the terminus of Ankau Inlet at mean low water;

(4) Italio Rivers:

(A) upstream from the ADF&G regulatory markers located one and one-half miles from the terminus of the Middle Italio River at mean low water;

(B) downstream from the ADF&G regulatory markers located 200 yards upstream from the New Italio River's confluence with the Akwe River lagoon; and

(C) upstream of the ADF&G regulatory markers located 500 yards upstream from the New Italio River's confluence with the Akwe River lagoon;

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

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

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

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

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

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

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

(12) Tsiu/Tsivat River: north of 60° 05.34' N. lat., and west of 143° 03.66' W. long.

(b) Repealed 10/1/98.

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

### **5 AAC 30.365. Situk-Ahrnklin Inlet and Lost River King Salmon Fisheries Management Plan**

(a) The purpose of the management plan in this section is to provide for the biological escapement goal requirements of spawning king salmon to the Situk-Ahrnklin River systems. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various user groups of the king salmon



resource. Action points and associated ranges within the plan are intended to be based on the current king salmon escapement goal ranges for the Situk River system.

(b) The biological escapement goal for the Situk River king salmon is 730 three ocean age and older fish, with a range of 450 - 1,050 fish.

(c) The department shall manage the commercial, sport, and subsistence fisheries as follows:

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

(A) sport fishery in the Situk River;

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) close portions of the Situk River to sport fishing for king salmon;

(ii) establish a catch and release sport fishery only for king salmon 28 inches or greater in length;

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

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

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

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

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

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

(C) repealed 7/13/2012;

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

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

### **5 AAC 30.392. Possession and landing of king salmon**

(a) The heads of all adipose-fin-clipped king salmon must remain attached to the fish until sold.

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

### **5 AAC 30.393. Landing of coho salmon**

The heads of all adipose-fin-clipped coho salmon must remain attached to the fish until sold.

## **Chapter 33. Southeastern Alaska Area.**

### **Article**

[1. Description of Area. \(5 AAC 33.001 - 5 AAC 33.100\)](#)

[2. Fishing Districts and Sections. \(5 AAC 33.200 - 5 AAC 33.200\)](#)

[3. Salmon Fishery. \(5 AAC 33.310 - 5 AAC 33.398\)](#)

**Please note that in the electronic version the above Articles are linked to where they are contained within this document.**

### **Article 1. Description of Area.**

#### **5 AAC 33.001. Application of this chapter**

Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 and 5 AAC 75.

## **5 AAC 33.100. Description of area**

The Southeastern Alaska Area consists of all waters of Alaska within an area that has as its southern boundary the International Boundary at Dixon Entrance, and as its northern boundary a line extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long. to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

## **Article 2. Fishing Districts and Sections.**

### **5 AAC 33.200. Fishing districts and sections**

(a) District 1: all waters east and north of a line from the southernmost tip of Caamano Point at 55° 29.85' N. lat., 131° 58.21' W. long., south to a point in Dixon Entrance District at 54° 40.00' N. lat., 131° 45.00' W. long., and waters north of a line from 54° 40.00' N. lat., 131° 45.00' W. long., then east to 54° 42.48' N. lat., 130° 36.92' W. long.;

(1) Section 1-A: all waters of Portland Canal north of the latitude of Hattie Island Light at 55° 17.25' N. lat., 129° 58.20' W. long.;

(2) Section 1-B: all waters of the district south of Section 1-A and east and south of a line extending three nautical miles from the range marker located at Foggy Point at 54° 55.50' N. lat., 130° 58.60' W. long., to an offshore point at 54° 56.86' N. lat., 131° 03.24' W. long., and then south to intersect a line between Barren Island Light and Lord Rock Light at 54° 44.02' N. lat., 131° 03.24' W. long., then to Lord Rock Light at 54° 43.55' N. lat., 130° 49.22' W. long., and then due south to a point in Dixon Entrance District at 54° 42.03' N. lat., 130° 49.22' W. long.;

(3) Section 1-C: waters of the district between a line from a point at 55° 11.89' N. lat., 131° 05.04' W. long., located on Point Sykes to a point at 55° 12.22' N. lat., 131° 05.70' W. long., located one-half mile northwest of Point Sykes to Point Alava at 55° 11.63' N. lat., 131° 10.70' W. long., and a line from the westernmost tip of Point Eva at 55° 33.61' N. lat., 130° 52.60' W. long., to the southeastern most tip of Cactus Point at 55° 33.29' N. lat., 130° 56.59' W. long.;

(4) Section 1-D: waters of the district between a line from the westernmost tip of Point Eva at 55° 33.61' N. lat., 130° 52.60' W. long., to the southeasternmost tip of Cactus Point at 55° 33.29' N. lat., 130° 56.66' W. long., and a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to the northernmost tip of Snail Point at 55° 49.47' N. lat., 131° 46.25' W. long.;

(5) Section 1-E: waters of the district between a line from the southernmost tip of Caamano Point at 55° 29.85' N. lat., 131° 58.21' W. long., to Point Higgins at 55° 27.43' N. lat., 131° 50.03' W. long., and a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to the northernmost tip of Snail Point at 55° 49.47' N. lat., 131° 46.25' W. long.;

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

(b) District 2: all waters south of a line from the easternmost tip of Narrow Point at 55° 47.00' N. lat., 132° 28.23' W. long., to Lemesurier Point at 55° 46.02' N. lat., 132° 16.94' W. long., west of District 1 and east of a line from Point Marsh Light at 54° 42.70' N. lat., 132° 17.72' W. long., then due south to a point in Dixon Entrance at 54° 40.00' N. lat., 132° 17.50' W. long.

(c) District 3: all waters north and west of a line from Point Marsh Light at 54° 42.70' N. lat., 132° 17.72' W. long., then due south to a point in Dixon Entrance at 54° 40.00' N. lat., 132° 17.50' W. long., to the southernmost tip of Cape Muzon at 54° 39.82' N. lat., 132° 41.29' W. long., and east of a line from the northernmost tip of Eagle Point on Dall Island at 55° 14.53' N. lat., 133° 13.28' W. long., and passing successively through the westernmost tip of Point Arboleda at 55° 19.10' N. lat., 133° 27.81' W. long., the southernmost tip of Point San Roque at 55° 20.13' N. lat., 133° 32.70' W. long., the northernmost tip of Cape Ulitka at 55° 33.76' N. lat., 133° 43.73' W. long., the Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long., to the southwest entrance point of Halibut Harbor on Kosciusko Island at 55° 54.99' N. lat., 133° 47.64' W. long., and south of the latitude of Anesket Point at 56° 08.85' N. lat.;

(1) Section 3-A: waters of District 3 south and east of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point at 55° 15.74' N. lat., 133° 07.33' W. long., to a point on Prince of Wales Island at 55° 15.70' N. lat., 133° 06.50' W. long., including Soda Bay and its contiguous waters, but excluding all waters of Meares Pass and its contiguous waters;

(2) Section 3-B: waters of District 3 south of the latitude of Point Swift at 55° 45.78' N. lat., including all waters of Warm Chuck Inlet, Iphigenia Bay south of Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long., excluding all waters of Tuxekan Passage and its contiguous waters, and waters of District 3 north of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point located at 55° 15.74' N. lat., 133° 07.33' W. long., to a point on Prince of Wales Island at 55° 15.70' N. lat., 133° 06.50' W. long., including all waters of Meares Pass and its contiguous waters, but excluding all of waters of Soda Bay and its contiguous waters;

(3) Section 3-C: waters of District 3 north of the latitude of Point Swift at 55° 45.78' N. lat., including all waters of Tuxekan Passage and its contiguous waters, but excluding all waters of Warm Chuck Inlet, Iphigenia Bay south of Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long.

(d) District 4: all waters north of the latitude of the southernmost tip of Cape Muzon, at 54° 39.82' N. lat., 132° 41.29' W. long., west of District 3, and south of a line from Helm Point Light on Coronation Island at 55° 49.59' N. lat., 134° 16.19' W. long., to Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long.

(e) District 5: waters of Sumner Strait east of a line from Cape Decision Light at 56° 00.09' N. lat., 134° 08.16' W. long., to a point on Coronation Island at 55° 54.45' N. lat., 134° 12.47' W. long., north of a line from Helm Point Light at 55° 49.59' N. lat., 134° 16.19' W. long., to Cape Lynch Light at 55° 46.87' N. lat., 133° 42.10' W. long., west of a line from Cape Lynch Light to the southwest entrance point of Halibut Harbor at 55° 54.99' N. lat., 133° 47.64' W. long., north of the latitude of Anesket Point at 56° 08.85'

N. lat., west of a line from Point Baker at 56° 21.52' N. lat., 133° 37.57' W. long., to Point Barrie at 56° 26.19' N. lat., 133° 39.27' W. long., and south of a line from Point Camden at 56° 48.58' N. lat., 133° 53.14' W. long., to Salt Point Light at 56° 50.69' N. lat., 133° 52.01' W. long., in Keku Strait.

(f) District 6: all waters of Clarence Strait north of a line from the easternmost tip of Narrow Point at 55° 47.00' N. lat., 132° 28.23' W. long., to Lemesurier Point at 55° 46.02' N. lat., 132° 16.94' W. long., to Ernest Point at 55° 51.01' N. lat., 132° 22.21' W. long., to the most southerly point on Etolin Island at 55° 54.79' N. lat., 132° 21.27' W. long., Stikine Strait south of the latitude of Round Point at 56° 16.65' N. lat., Sumner Strait west of a line from Point Alexander at 56° 30.55' N. lat., 132° 57.01' W. long., to Low Point at 56° 27.18' N. lat., 132° 57.18' W. long., and east of a line from Point Baker at 56° 21.52' N. lat., 133° 37.57' W. long., to Point Barrie at 56° 26.19' N. lat., 133° 39.27' W. long., Wrangell Narrows south and west of a line from Prolewy Point at 56° 50.12' N. lat., 132° 56.45' W. long., to the northern tip of Mitkof Island at 56° 49.36' N. lat., 132° 56.39' W. long., and all waters of Duncan Canal;

(1) Section 6-A: waters north of a line from the tip of Point Colpoys at 56° 20.18' N. lat., 133° 11.90' W. long., to the tip of Macnamara Point at 56° 19.85' N. lat., 133° 03.96' W. long., west of a line from Low Point at 56° 27.18' N. lat., 132° 57.18' W. long., to Point Alexander at 56° 30.55' N. lat., 132° 57.01' W. long., and east of a line from Point Barrie at 56° 26.19' N. lat., 133° 39.27' W. long., to Point Baker at 56° 21.52' N. lat., 133° 37.57' W. long.;

(2) Section 6-B: waters south of a line from the tip of Point Colpoys at 56° 20.18' N. lat., 133° 11.90' W. long., to the tip of Macnamara Point at 56° 19.85' N. lat., 133° 03.96' W. long., north and west of a line from the tip of Luck Point at 55° 59.05' N. lat., 132° 44.08' W. long., to the tip of Point Stanhope at 56° 00.69' N. lat., 132° 36.47' W. long., to Lincoln Rock Light at 56° 03.50' N. lat., 132° 41.40' W. long., to Key Reef Light at 56° 09.61' N. lat., 132° 49.78' W. long., to Nesbitt Reef Light at 56° 13.22' N. lat., 132° 51.84' W. long., to the tip of Point Nesbitt at 56° 13.93' N. lat., 132° 52.35' W. long.;

(3) Section 6-C: waters enclosed by a line from Lincoln Rock Light at 56° 03.50' N. lat., 132° 41.40' W. long., to the westernmost point of Screen Islands at 56° 05.56' N. lat., 132° 42.60' W. long., to the westernmost point of Marsh Island at 56° 06.95' N. lat., 132° 43.18' W. long., to the westernmost point of Steamer Rocks at 56° 08.40' N. lat., 132° 43.62' W. long., to Mariposa Rock Buoy at 56° 10.68' N. lat., 132° 44.36' W. long., to the tip of Point Nesbitt at 56° 13.93' N. lat., 132° 52.35' W. long., to Nesbitt Reef Light at 56° 13.22' N. lat., 132° 51.84' W. long., to Key Reef Light at 56° 09.61' N. lat., 132° 49.78' W. long., to Lincoln Rock Light at 56° 03.50' N. lat., 132° 41.40' W. long.;

(4) Section 6-D: waters east of Sections 6-B and 6-C and west of a line from Mariposa Rock Buoy at 56° 10.68' N. lat., 132° 44.36' W. long., to the northernmost tip of Point Harrington at 56° 10.27' N. lat., 132° 43.57' W. long., to a point on Etolin Island at 56° 09.60' N. lat., 132° 42.70' W. long., to a second point on Etolin Island at 56° 03.69' N. lat., 132° 38.58' W. long., to the southernmost tip of Point Stanhope at 56° 00.69' N. lat., 132° 36.47' W. long.;

(5) Section 6 – E: all other waters of the district.

(g) District 7: the contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lemesurier Point at 55° 46.02' N. lat., 132° 16.94' W. long., to Ernest Point at 55° 51.01' N. lat., 132° 22.21' W. long., to the most southerly point of Etolin Island at 55° 54.79' N. lat., 132° 21.27' W. long., Zimovia Strait south of the latitude of Nemo Point at 56° 17.00' N. lat., and Eastern Passage and Blake Channel east of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long.;

(1) Section 7-A: waters of the district north of the latitude of Point Eaton at 55° 56.44' N. lat.;

(2) Section 7-B: waters of the district south of the latitude of Point Eaton at 55° 56.44' N. lat.

(h) District 8: waters of Frederick Sound south of a line from Wood Point at 56° 59.55' N. lat., 132° 56.96' W. long., to Beacon Point at 56° 56.37' N. lat., 132° 59.75' W. long., (excluding Wrangell Narrows), Sumner Strait east of a line from Point Alexander at 56° 30.55' N. lat., 132° 57.01' W. long., to Low Point at 56° 27.18' N. lat., 132° 57.18' W. long., Stikine Strait north of the latitude of Round Point at 56° 16.65' N. lat., Zimovia Strait north of the latitude of Nemo Point at 56° 17.00' N. lat., and Eastern Passage west of a line from Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., to Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long.;

(1) Section 8-A: the waters of the district north of a line from Blaquiere Point at 56° 35.03' N. lat., 132° 32.56' W. long., to Kakwan Point at 56° 41.66' N. lat., 132° 13.22' W. long.;

(2) Section 8-B: the waters of the district south of a line from Blaquiere Point at 56° 35.03' N. lat., 132° 32.56' W. long., to Kakwan Point at 56° 41.66' N. lat., 132° 13.22' W. long.

(i) District 9: all waters of Frederick Sound and Chatham Strait south of the latitude of Point Gardner at 57° 00.94' N. lat., south of the latitude of the southernmost tip of Elliott Island at 57° 15.19' N. lat., west of a line from the southernmost tip of Elliott Island at 57° 15.19' N. lat., 134° 03.72' W. long., to the westernmost tip of Point Macartney at 57° 01.49' N. lat., 134° 03.52' W. long., north and west of a line from Point Camden at 56° 48.58' N. lat., 133° 53.14' W. long., to Salt Point Light at 56° 50.69' N. lat., 133° 52.01' W. long., northwest of a line from Cape Decision Light at 56° 00.09' N. lat., 134° 08.16' W. long., to a point on Coronation Island at 55° 54.45' N. lat., 134° 12.47' W. long., and north and east of a line from Helm Point Light at 55° 49.59' N. lat., 134° 16.19' W. long., to the westernmost tip of Hazy Islands at 55° 53.22' N. lat., 134° 36.99' W. long., to the southernmost tip of Cape Ommaney at 56° 09.83' N. lat., 134° 40.42' W. long.;

(1) Section 9-A: waters of the district west of a line from Nation Point at 55° 55.69' N. lat., 134° 20.13' W. long., on Coronation Island to a point two nautical miles west of Point Gardner at 57° 00.94' N. lat., 134° 40.79' W. long.;

(2) Section 9-B: waters of the district east of a line from Nation Point at 55° 55.69' N. lat., 134° 20.13' W. long., on Coronation Island to a point two nautical miles west of Point Gardner at 57° 00.94' N. lat., 134° 40.79' W. long.

(j) District 10: Frederick Sound, Stephens Passage and contiguous waters north of a line from Beacon Point at 56° 56.37' N. lat., 132° 59.75' W. long., to Wood Point at 56° 59.55' N. lat., 132° 56.96' W. long., east of a line from Point Macartney at 57° 01.49' N. lat., 134° 03.52' W. long., to the southernmost tip of Elliott Island at 57° 15.19' N. lat., 134° 03.72' W. long., north of the latitude of the southernmost tip of Elliott Island at 57° 15.19' N. lat., Seymour Canal south of 57° 36.71' N. lat., and south of a line from Point League at 57° 37.76' N. lat., 133° 40.47' W. long., to Point Hugh at 57° 34.22' N. lat., 133° 48.62' W. long.

(k) District 11: Stephens Passage and contiguous waters north of a line from Point League at 57° 37.76' N. lat., 133° 40.47' W. long., to Point Hugh at 57° 34.22' N. lat., 133° 48.62' W. long., and Seymour Canal north of 57° 36.71' N. lat., south of the latitude of Little Island Light at 58° 32.41' N. lat., and east of a line from Little Island Light at 58° 32.41' N. lat., 135° 02.83' W. long., to Point Retreat Light at 58° 24.69' N. lat., 134° 57.31' W. long.;

(1) Section 11-A: waters of the district north and west of a line from a point at 58° 12.32' N. lat., 134° 10.14' W. long., to Point Arden Light at 58° 09.55' N. lat., 134° 10.68' W. long.;

(2) Section 11-B: waters of the district north of the latitude of Midway Islands Light at 57° 50.20' N. lat. and south and east of a line from a point at 58° 12.32' N. lat., 134° 10.14' W. long., to Point Arden Light at 58° 09.55' N. lat., 134° 10.68' W. long.;

(3) Section 11-C: waters of the district south of the latitude of Midway Islands Light at 57° 50.20' N. lat., to a line from Point League at 57° 37.76' N. lat., 133° 40.47' W. long., to Point Hugh at 57° 34.22' N. lat., 133° 48.62' W. long.;

(4) Section 11-D: all waters of Seymour Canal north of 57° 36.71' N. lat.

(l) District 12: all waters of Lynn Canal, Chatham Strait, and contiguous waters south of the latitude of Little Island Light at 58° 32.41' N. lat., to the latitude of Point Gardner at 57° 00.94' N. lat., west of a line from Little Island Light at 58° 32.41' N. lat., 135° 02.83' W. long., to Point Retreat Light at 58° 24.69' N. lat., 134° 57.31' W. long., east of a line from Point Couverden at 58° 11.37' N. lat., 135° 03.40' W. long., to Point Augusta at 58° 02.44' N. lat., 134° 57.50' W. long., and east of a line from the southeasternmost tip of Point Hayes at 57° 28.83' N. lat., 134° 50.33' W. long., to the northernmost tip of Point Thatcher at 57° 24.97' N. lat., 134° 50.00' W. long.;

(1) Section 12-A: waters of the district south of the latitude of Point Couverden at 58° 11.37' N. lat., to the latitude of Point Gardner at 57° 00.94' N. lat., east of a line from Point Couverden at 58° 11.37' N. lat., 135° 03.40' W. long., to Point Augusta at 58° 02.44' N. lat., 134° 57.50' W. long., and east of a line from the southeasternmost tip of Point Hayes at 57° 28.83' N. lat., 134° 50.33' W. long., to the northernmost tip of Point Thatcher at 57° 24.97' N. lat., 134° 50.00' W. long.;



(2) Section 12-B: waters of the district south of the latitude of Little Island Light at 58° 32.41' N. lat., west of a line from Little Island Light at 58° 32.41' N. lat., 135° 02.83' W. long., to Point Retreat Light at 58° 24.69' N. lat., 134° 57.31' W. long., and north of the latitude of Point Couverden at 58° 11.37' N. lat.

(m) District 13: all waters north of the latitude of Helm Point at 55° 49.59' N. lat. and west of a line from Helm Point at 55° 49.59' N. lat., 134° 16.19' W. long., to the westernmost tip of Hazy Island at 55° 53.22' N. lat., 134° 36.99' W. long., to the southernmost tip of Cape Ommaney at 56° 09.83' N. lat., 134° 40.42' W. long., south of a line projecting west from the southernmost tip of Cape Spencer at 58° 12.63' N. lat., 136° 39.85' W. long., west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island at 58° 04.69' N. lat., 136° 33.35' W. long., south of a line from the northernmost tip of Soapstone Point at 58° 06.33' N. lat., 136° 29.86' W. long., to the westernmost tip of Column Point at 58° 07.21' N. lat., 136° 26.88' W. long., and west of a line from the southeasternmost tip of Point Hayes at 57° 28.83' N. lat., 134° 50.33' W. long., to the northernmost tip of Point Thatcher at 57° 24.97' N. lat., 134° 50.00' W. long.;

(1) Section 13-A: all waters north of 57° 16.00' N. lat. and those waters of Peril Strait south of the latitude of Pogibshi Point at 57° 30.50' N. lat.;

(2) Section 13-B: all waters south of 57° 16.00' N. lat.;

(3) Section 13-C: waters of the district north of the latitude of Pogibshi Point at 57° 30.50' N. lat. and west of a line from the southeasternmost tip of Point Hayes at 57° 28.83' N. lat., 134° 50.33' W. long., to the northernmost tip of Point Thatcher at 57° 24.97' N. lat., 134° 50.00' W. long., in Peril Strait.

(n) District 14: Icy Strait and contiguous waters west of a line from Point Couverden at 58° 11.37' N. lat., 135° 03.40' W. long., to Point Augusta at 58° 02.44' N. lat., 134° 57.50' W. long., east of a line from the southernmost tip of Cape Spencer at 58° 12.63' N. lat., 136° 39.85' W. long., through Yakobi Rock to Yakobi Island at 58° 04.69' N. lat., 136° 33.35' W. long., and north of a line from the northernmost point of Soapstone Point at 58° 06.33' N. lat., 136° 29.86' W. long., to the westernmost point of Column Point at 58° 07.21' N. lat., 136° 26.88' W. long.;

(1) Section 14-A: waters of the district west of a line beginning at 58° 13.00' N. lat., 135° 57.00' W. long., to the southeastern point of Lemesurier Island at 58° 16.35' N. lat., 136° 02.42' W. long., and from Lemesurier Island Light at 58° 19.15' N. lat., 136° 02.45' W. long., to Point Carolus at 58° 22.69' N. lat., 136° 02.54' W. long.;

(2) Section 14-B: waters of the district east of a line beginning at 58° 13.00' N. lat., 135° 57.00' W. long., to the southeastern point of Lemesurier Island at 58° 16.35' N. lat., 136° 02.42' W. long., and from Lemesurier Island Light at 58° 19.15' N. lat., 136° 02.45' W. long., to Point Carolus at 58° 22.69' N. lat., 136° 02.54' W. long., and west of a line from Point Sophia at 58° 08.62' N. lat., 135° 24.85' W. long., to Excursion Point at 58° 22.52' N. lat., 135° 28.57' W. long.;

(3) Section 14-C: waters of the district east of a line from Point Sophia at 58° 08.62' N. lat., 135° 24.85' W. long., to Excursion Point at 58° 22.52' N. lat., 135° 28.57' W. long.

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

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

(2) Section 15-B: waters of Berners Bay east of a line from Point St. Mary at 58° 43.93' N. lat., 135° 01.43' W. long., to Point Bridget at 58° 40.73' N. lat., 134° 59.34' W. long.;

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

(p) District 16: waters north of a line projecting west from the southernmost tip of Cape Spencer at 58° 12.63' N. lat., 136° 39.85' W. long., and south of a line extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

(q) Dixon Entrance District: all waters east of 138° 45.33' W. long., south of the southern boundaries of Districts 1 - 4 and north of a line from 54° 43.50' N. lat., 130° 37.62' W. long., to 54° 43.40' N. lat., 130° 37.65' W. long., to 54° 43.25' N. lat., 130° 37.73' W. long., to 54° 43' N. lat., 130° 37.92' W. long., to 54° 42.97' N. lat., 130° 37.95' W. long., to 54° 42.78' N. lat., 130° 38.10' W. long., to 54° 42.37' N. lat., 130° 38.43' W. long., to 54° 41.15' N. lat., 130° 38.97' W. long., to 54° 39.90' N. lat., 130° 38.97' W. long., to 54° 39.23' N. lat., 130° 39.30' W. long., to 54° 39.80' N. lat., 130° 41.58' W. long., to 54° 40.05' N. lat., 130° 42.37' W. long., to 54° 40.70' N. lat., 130° 44.72' W. long., to 54° 40.68' N. lat., 130° 44.98' W. long., to 54° 40.77' N. lat., 130° 45.85' W. long., to 54° 41.10' N. lat., 130° 48.52' W. long., to 54° 41.08' N. lat., 130° 49.28' W. long., to 54° 41.35' N. lat., 130° 53.30' W. long., to 54° 41.43' N. lat., 130° 53.65' W. long., to 54° 42.45' N. lat., 130° 56.30' W. long., to 54° 42.57' N. lat., 130° 57.15' W. long., to 54° 43' N. lat., 130° 57.68' W. long., to 54° 43.77' N. lat., 130° 58.92' W. long., to 54° 44.20' N. lat., 130° 59.73' W. long., to 54° 45.65' N. lat., 131° 03.10' W. long., to 54° 46.27' N. lat., 131° 04.72' W. long., to 54° 42.18' N. lat., 131° 13' W. long., to 54° 40.87' N. lat., 131° 13.90' W. long., to 54° 39.15' N. lat., 131° 16.28' W. long., to 54° 36.87' N. lat., 131° 19.37' W. long., to 54° 29.88' N. lat., 131° 33.80' W. long., to 54° 30.53' N. lat., 131° 38.02' W. long., to 54° 28.30' N. lat., 131° 45.33' W. long., to 54° 26.68' N. lat., 131° 49.47' W. long., to 54° 21.85' N. lat., 132° 02.90' W. long., to 54° 24.87' N. lat., 132° 23.65' W. long., to 54° 24.68' N. lat., 132° 24.48' W. long., to 54° 24.68' N. lat., 132° 24.58' W. long., to 54° 24.65' N. lat., 132° 26.85' W. long., to 54° 24.57' N. lat., 132° 38.27' W. long., to 54° 24.90' N. lat., 132° 39.77' W. long., to 54° 26' N. lat., 132° 44.20' W. long., to 54° 27.12' N. lat., 132° 49.58' W. long., to 54° 27.12' N. lat., 132° 50.70' W. long., to 54° 28.42' N. lat., 132° 55.90' W. long., to 54° 28.53' N. lat., 132° 56.47' W. long., to 54° 30.05' N. lat., 133° 07' W. long., to 54° 30.17' N. lat., 133° 07.72' W. long., to 54° 30.70' N. lat., 133° 11.47' W. long., to 54° 31.03' N. lat., 133° 14'

W. long., to 54° 30.10' N. lat., 133° 16.97' W. long., to 54° 22.02' N. lat., 133° 44.40' W. long., to 54° 20.55' N. lat., 133° 49.35' W. long., to 54° 15.67' N. lat., 134° 19.82' W. long., to 54° 12.95' N. lat., 134° 23.78' W. long., to 54° 12.75' N. lat., 134° 25.05' W. long., to 54° 07.50' N. lat., 134° 56.40' W. long., to 54° 00.02' N. lat., 135° 45.95' W. long., to 53° 28.45' N. lat., 138° 45.33' W. long.

### **Article 3. Salmon Fishery.**

#### **5 AAC 33.310. Fishing seasons and periods for net gear**

(a) Salmon may be taken with purse seines in the following locations only during fishing periods established by emergency order that will generally begin on Sundays:

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

(2) District 2;

(3) District 3;

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

(5) District 5;

(6) District 6, Sections 6 – C, 6 – D and 6 – E only;

(7) District 7;

(8) District 9;

(9) District 10;

(10) District 11, Sections 11-A and 11-D only;

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

(12) District 13;

(13) District 14.

(b) Repealed 5/31/85.

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

(1) District 1:

(A) Section 1-A;

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

(2) District 6:

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

(B) Sections 6-D is open

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

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

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

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

(4) District 11:

(A) Section 11-B opens on the third Sunday in June, except that the commissioner may open, by emergency order, drift gillnet fishing periods in the waters of Section 11-B north of the latitude of Grave Point Light at 58° 03.73' N. lat., from the first Monday in May through the third Sunday in June subject to the following provisions:

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

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

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

(iv) repealed 5/23/2006;

(B) Section 11-C;

(5) District 15:

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

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

(C) Repealed 4/18/86.

(d) Repealed 2/18/73.

**5 AAC 33.330. Gear**

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

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

**5 AAC 33.331. Gillnet specifications and operation**

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

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

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

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

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

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

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

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

(d) In Districts 6, 8, 11, and 15, through the fourth Saturday in July, the commissioner may, by emergency order, establish fishing periods during which the maximum gillnet mesh size is six inches.

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

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

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

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

(g) Repealed 5/31/85.

(h) Repealed 5/31/85.

(i) Repealed 4/2/88.

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

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

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

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

### **5 AAC 33.332. Seine specifications and operation**

(a) No purse seine may be less than 150 meshes or more than 450 meshes in depth, or less than 150 fathoms or more than 250 fathoms in length, hung measure.

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

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

(d) Repealed 4/26/70.

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

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

(g) A purse seine is considered to have ceased fishing as specified in 5 AAC 39.260(c).

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

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

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

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

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

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

## **5 AAC 33.335. Minimum distance between units of gear**

Repealed 2/18/73.

## **5 AAC 33.350. Closed waters**

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

(b) District 1:

(1) Behm Canal: waters between a line from Nose Point at 55° 48.32' N. lat., 131° 42.53' W. long., to Snail Point at 55° 49.47' N. lat., 131° 46.25' W. long., and a line from Cactus Point at 55° 33.29' N. lat., 130° 56.59' W. long., to Point Eva at 55° 33.61' N. lat., 130° 52.60' W. long.;

(2) Boca De Quadra: waters east of 130° 50.00' W. long.;

(3) Bostwick Inlet: waters north and west of a line from 55° 13.40' N. lat., 131° 41.90' W. long., to 55° 11.83' N. lat., 131° 42.95' W. long.;

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

(5) Clover Passage: waters east of a line from the easternmost tip of Survey Point at 55° 28.09' N. lat., 131° 49.87' W. long., to the southernmost tip of Betton Island at 55° 29.11' N. lat., 131° 49.69' W. long., and south of the latitude of the southernmost tip of Hump Island at 55° 30.95' N. lat.;

(6) Willard Inlet, Fillmore Inlet and Edwards Passage: waters north of the latitudes of Male Point at 54° 47.58' N. lat., and of Akeku Point at 54° 50.03' N. lat.;

(7) George Inlet: waters north of the latitude of California Head at 55° 19.57' N. lat.;

(8) Helm Bay and Smugglers Cove: waters west of a line from the southernmost tip of Helm Point at 55° 36.01' N. lat., 131° 53.71' W. long., to Helm Bay Light at 55° 34.84' N. lat., 131° 55.72' W. long., to the Cleveland Peninsula at 55° 34.16' N. lat., 131° 56.42' W. long.;

(9) Hidden Inlet: waters north of the latitude of Hidden Point at 54° 56.75' N. lat.;

(10) Lucky Cove: waters within 1,000 yards of the stream terminus at 55° 12.65' N. lat., 131° 15.95' W. long.;

(11) Moser Bay and Long Arm: waters south and east of a line from Cod Point at 55° 34.35' N. lat., 131° 39.45' W. long., to 55° 33.96' N. lat., 131° 40.99' W. long.;

(12) Naha Bay: waters east of 131° 38.30' W. long.;

(13) Nakat Bay: waters north of the latitude of High Point at 54° 47.57' N. lat.;

(14) Port Stewart: waters west of a line from 55° 43.11' N. lat., 131° 49.57' W. long., to 55° 41.52' N. lat., 131° 50.14' W. long.;

(15) Portland Canal: waters north of the latitude of Engineer Point at 55° 47.85' N. lat.;

(16) Ray Anchorage: waters inside a line between 54° 56.67' N. lat., 131° 14.06' W. long., and 54° 55.68' N. lat., 131° 13.02' W. long.;



(17) Raymond Cove: waters west of a line from Mike Point at 55° 37.38' N. lat., 131° 52.90' W. long., to 55° 37.86' N. lat., 131° 51.83' W. long.;

(18) Rudyerd Bay: waters east of 130° 42.45' W. long.;

(19) Smeaton Bay: waters east of 130° 43.50' W. long.;

(20) Thorne Arm: waters north of the latitude of Eve Point at 55° 18.89 N. lat.;

(21) Tombstone Bay: waters of Portland Canal south of the latitude of Turn Point at 55° 24.90' N. lat., and north of the latitude of Breezy Point at 55° 21.50' N. lat.;

(22) Tongass Narrows: waters south of a line from Point Higgins at 55° 27.43' N. lat., 131° 50.03' W. long., to Vallenar Point at 55° 25.58' N. lat., 131° 51.10' W. long., and north of a line from Gravina Point at 55° 17.13' N. lat., 131° 37.17' W. long., to the Mountain Point Light at 55° 17.62' N. lat., 131° 32.91' W. long.;

(23) Traitors Cove: waters east of 131° 41.88' W. long.;

(24) Vallenar Bay: waters south of a line from 55° 23.75' N. lat., 131° 50.94' W. long., to 55° 22.88' N. lat., 131° 51.92' W. long.;

(25) Very Inlet: waters inside of a line from 54° 57.73' N. lat., 130° 57.73' W. long., to 54° 57.73' N. lat., 130° 56.98' W. long.

(c) District 2:

(1) Cholmondeley Sound:

(A) Dora Bay, Kitkun Bay, and Lancaster Cove: waters south of 55° 13.05' N. lat.;

(B) South Arm, West Arm, and Sunny Cove: waters west of 132° 14.47' W. long.;

(2) Kasaan Bay:

(A) Karta Bay: waters west of a line from 55° 35.05' N. lat., 132° 29.95' W. long., to 55° 33.84' N. lat., 132° 32.70' W. long.;

(B) Polk Inlet, Paul Bight, and McKenzie Inlet: waters west of the longitude of Khayyam Point at 132° 21.06' W. long.;

(C) Twelvemile Arm: waters south of 55° 29.17' N. lat.;

(3) Moira Sound:

(A) North Arm: waters north of a line from Crowell Point at 55° 04.14' N. lat., 132° 05.07' W. long., to Point Halliday at 55° 04.80' N. lat., 132° 04.60' W. long.;

- (B) Johnson Cove: waters south of  $54^{\circ} 59.72'$  N. lat.;
- (C) West Arm: waters west of  $132^{\circ} 12.00'$  W. long.;
- (D) South Arm: waters south of  $54^{\circ} 57.00'$  N. lat.;
- (4) Nichols Bay: waters north of  $54^{\circ} 42.12'$  N. lat.;
- (5) Port Johnson and Dolomi Bay: waters west of the longitude of Moss Point at  $132^{\circ} 02.82'$  W. long.;
- (6) Thorne Bay: waters west of  $132^{\circ} 28.58'$  W. long.;
- (7) Tolstoi Bay: waters south of  $55^{\circ} 39.00'$  N. lat.
- (d) District 3:
  - (1) Devilfish Bay: waters west of  $133^{\circ} 20.00'$  W. long.;
  - (2) Edna Bay: waters north of a line from Entrance Light at  $55^{\circ} 56.31'$  N. lat.,  $133^{\circ} 36.96'$  W. long., to  $55^{\circ} 55.89'$  N. lat.,  $133^{\circ} 37.78'$  W. long.;
  - (3) Eek Inlet: waters west of a line from  $55^{\circ} 08.85'$  N. lat.,  $132^{\circ} 39.34'$  W. long., to  $55^{\circ} 08.69'$  N. lat.,  $132^{\circ} 39.39'$  W. long.;
  - (4) El Capitan and Tuxekan Passages: all contiguous waters east of  $133^{\circ} 20.00'$  W. long.;
  - (5) Ham Cove: waters south of a line from  $54^{\circ} 53.00'$  N. lat.,  $132^{\circ} 51.01'$  W. long., to  $54^{\circ} 52.97'$  N. lat.,  $132^{\circ} 50.84'$  W. long.;
  - (6) Hessa Inlet: waters east of the longitude of Whirlpool Point; at  $132^{\circ} 17.94'$  W. long.;
  - (7) Hetta Harbor: waters east of the longitude of Hetta Point at  $132^{\circ} 35.78'$  W. long.;
  - (8) Hetta Inlet: waters north of the latitude of Simmons Point at  $55^{\circ} 12.38'$  N. lat.;
  - (9) Hunter Bay: waters east of a line from Turn Point at  $54^{\circ} 52.63'$  N. lat.,  $132^{\circ} 21.80'$  W. long., to  $54^{\circ} 52.75'$  N. lat.,  $132^{\circ} 21.36'$  W. long.;
  - (10) Kasook Inlet: waters north of  $55^{\circ} 01.67'$  N. lat.;
  - (11) Keete Inlet: waters east of the longitude of Keete Point at  $132^{\circ} 33.38'$  W. long.;
  - (12) Klakas Inlet: waters north of  $55^{\circ} 00.00'$  N. lat.;

(13) Klawock Inlet: waters east of 133° 06.38' W. long., and north of a line from the northern tip of Wadleigh Island at 55° 35.42' N. lat., 133° 07.83' W. long., to the northern tip of Peratrovich Island at 55° 35.79' N. lat., 133° 06.79' W. long., including Big Salt Lake;

(14) Nossuk Bay: waters south of 55° 44.00' N. lat.;

(15) Nutkwa Inlet: waters north of 55° 06.00' N. lat.;

(16) Port Estrella: waters east of the longitude of Point Providence at 133° 16.00' W. long.;

(17) Port Real Marina: waters east of 133° 34.60' W. long., west of a line from Point Arrecife at 55° 26.93' N. lat., 133° 25.90' W. long., to Point Gorda, at 55° 25.49' N. lat., 133° 26.13' W. long., and north of a line from Point San Leonardo at 55° 24.25' N. lat., 133° 26.74' W. long., to Canal Point at 55° 23.91' N. lat., 133° 27.51' W. long.;

(18) Port Refugio: waters south and west of a line from Pointe Verde at 55° 18.42' N. lat., 133° 17.84' W. long., to Bocas Point at 55° 17.63' N. lat., 133° 16.45' W. long.;

(19) Port Saint Nicholas: waters east of 133° 04.00' W. long.;

(20) Portillo Channel: waters north of a line from Point Arrecife at 55° 26.93' N. lat., 133° 25.90' W. long., to Point Amargura at 55° 27.00' N. lat., 133° 21.64' W. long., and south of a line from Point Santa Gertrudis at 55° 31.79' N. lat., 133° 31.32' W. long., to Point Animas at 55° 32.04' N. lat., 133° 27.35' W. long.;

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

(22) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso at 55° 34.11' N. lat., and east of a line from Point Ildefonso at 55° 34.11' N. lat., 133° 15.91' W. long., to 55° 34.71' N. lat., 133° 15.30' W. long.;

(23) Soda Bay: waters east of 133° 00.00' W. long.;

(24) Sukkwan Strait and Natzuhini Bay: waters of Sukkwan Strait west of the longitude of Saltery Point at 132° 48.07' W. long., including South Pass east of the longitude of Goat Island Light at 132° 53.58' W. long., and all waters of North Pass east of line from 55° 12.35' N. lat., 132° 56.25' W. long., to 55° 12.84' N. lat., 132° 57.54' W. long.;

(25) Tlevak Straits: waters north of 55° 15.00' N. lat.;

(26) Tokeen Bay: waters east of a line from the tip of Holbrook Point at 56° 00.29' N. lat., 133° 28.64' W. long., to 55° 59.86' N. lat., 133° 27.84' W. long., and waters north of 55° 58.54' N. lat., in Marble Pass;

(27) Trocadero Bay:

(A) waters east of 133° 01.00' W. long.;

(B) waters within 500 yards of the terminus of an unnamed stream located immediately west of Perlas Point at 55° 22.04' N. lat., 133° 04.79' W. long.;

(C) waters within 500 yards of the terminus of an unnamed stream located approximately 1.1 miles west of Perlas Point at 55° 22.47' N. lat., 133° 06.21' W. long.;

(28) Ulloa Channel: waters east of 133° 10.00' W. long.;

(29) Van Sant Cove: waters within 1,000 yards of the stream terminus at 55° 59.43' N. lat., 133° 32.28' W. long.;

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

(31) Waterfall Bay: waters within 1,000 yards of the terminus of Waterfall Creek at 55° 18.24' N. lat., 133° 14.33' W. long.;

(32) Port Caldera: waters within 500 yards of the terminus of an unnamed stream located immediately south of Point Lomas at 55° 22.46' N. lat., 133° 10.59' W. long.

(e) District 4: Manhattan Arm: waters east of 133° 10.00' W. long.

(f) District 5:

(1) Affleck Canal:

(A) Bear Harbor: waters north and west of a line from 56° 13.37' N. lat., 134° 05.94' W. long., to 56° 13.71' N. lat., 134° 05.18' W. long.;

(B) waters of Kell Bay west of a line from 56° 08.79' N. lat., 134° 08.51' W. long., to 56° 09.81' N. lat., 134° 08.39' W. long.;

(C) waters north of 56° 16.43' N. lat.;

(D) small unnamed bay on the east side: waters east of a line from 56° 11.37' N. lat., 134° 02.06' W. long., to 56° 11.15' N. lat., 134° 01.92' W. long.;

(2) Alvin Bay: waters west of 133° 53.56' W. long.;

(3) Kushneahin Creek: waters east of a line from 56° 27.74' N. lat., 133° 40.24' W. long., to Trouble Island at 56° 27.86' N. lat., 133° 41.04' W. long., to 56° 29.16' N. lat., 133° 40.17' W. long.;

(4) Calder Bay: waters north of 56° 11.18' N. lat.;

(5) El Capitan Passage: waters east of a line from 56° 09.12' N. lat., 133° 27.55' W. long., to 56° 09.24' N. lat., 133° 27.60' W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of a line from 56° 15.63' N. lat., 133° 38.60' W. long., to 56° 15.67' N. lat., 133° 38.72' W. long.;

(7) Keku Strait: waters north of 56° 32.00' N. lat. (north end of Monte Carlo Island);

(8) Port Beauclerc:

(A) waters north of 56° 20.00' N. lat.;

(B) waters of the southern arm south of the latitude of 56° 16.94' N. lat.;

(C) waters of the unnamed cove located 0.7 miles west of the northern tip of Edwards Island west of a line from 56° 18.18' N. lat., 133° 58.62' W. long., to 56° 19.28' N. lat., 133° 58.49' W. long.;

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

(10) Shipley Bay: waters east of 133° 33.53' W. long.

(g) District 6:

(1) Barnes Lake: waters inside the western side of Stevenson Island south of 56° 03.10' N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Butterworth Island at 56° 32.73' N. lat.;

(3) Exchange Cove: waters south of a line from 56° 13.13' N. lat., 133° 03.87' W. long., to 56° 12.87' N. lat., 133° 03.43' W. long.;

(4) Kah Sheets Bay: waters west of a line from 56° 31.47' N. lat., 133° 05.25' W. long., to 56° 29.74' N. lat., 133° 07.31' W. long.;

(5) Lake Bay: waters south and west of a line from Keg Point at 56° 02.02' N. lat., 132° 55.45' W. long., to 56° 01.66' N. lat., 132° 54.47' W. long.;

(6) McHenry Inlet: waters east of 132° 24.79' W. long.;

(7) Mosman Inlet: waters north of 56° 05.35' N. lat.;

(8) Navy Creek: waters east of a line from 56° 03.48' N. lat., 132° 28.01' W. long., to the southwest tip of South Burnett Island at 56° 03.81' N. lat., 132° 27.79' W. long., and east of a line from the northern tip of South Burnett Island at 56° 04.08' N. lat., 132° 27.61' W. long., to the southern tip of North Burnett Island at 56° 04.17' N. lat., 132° 27.59' W. long., and south of a line from the northern tip of North Burnett Island at 56° 04.47' N. lat., 132° 27.84' W. long., to 56° 04.50' N. lat., 132° 27.59' W. long.;

(9) Ratz Harbor: waters south and west of a line from 55° 53.03' N. lat., 132° 35.64' W. long., to 55° 53.27' N. lat., 132° 35.92' W. long.;

(10) Red Bay: waters south of the latitude of Pine Point at 56° 20.14' N. lat.;

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from 56° 04.39' N. lat., 132° 36.67' W. long., to 56° 04.38' N. lat., 132° 36.20' W. long.;

(12) Salmon Bay: waters within a line extending from 56° 17.39' N. lat., 133° 08.30' W. long., to Rookery Island at 56° 18.81' N. lat., 133° 07.22' W. long., to 56° 19.08' N. lat., 133° 09.82' W. long.;

(13) Steamer Bay: waters south of a line from 56° 10.28' N. lat., 132° 41.66' W. long., to Point Harrington at 56° 10.25' N. lat., 132° 43.55' W. long.;

(14) Totem Bay: waters north and east of a line from Totem Point at 56° 27.07' N. lat., 133° 26.07' W. long., to the southern tip of Shingle Island at 56° 26.29' N. lat., 133° 23.57' W. long., to Mitchell Point at 56° 26.85' N. lat., 133° 12.08' W. long.;

(15) Whale Pass: waters at the southern entrance west of 132° 59.16' W. long., and at the northern entrance west of the longitude of the northernmost tip of Thorne Island at 133° 03.53' W. long.;

(16) Wrangell Narrows: waters north of a line from the tip of Point Alexander at 56° 30.55' N. lat., 132° 57.01' W. long., to Woewodski Island at 56° 30.66' N. lat., 132° 59.30' W. long.

(h) District 7:

(1) Blake Channel, Eastern Passage and Bradfield Canal: waters south and east of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., and north and east of a line from 56° 10.80' N. lat., 131° 55.50' W. long., to 56° 12.12' N. lat., 131° 55.50' W. long.;

(2) Canoe Pass and Fishermen's Chuck: waters north of 56° 00.00' N. lat., and west of a line from 56° 02.39' N. lat., 132° 12.06' W. long., to 56° 02.62' N. lat., 132° 12.16' W. long.;

(3) Emerald Bay: waters east of a line from 55° 53.62' N. lat., 132° 02.73' W. long., to 55° 52.89' N. lat., 132° 03.30' W. long.;

(4) Fool's Inlet: waters north of a line from 56° 12.48' N. lat., 132° 02.10' W. long., to 56° 12.74' N. lat., 132° 01.22' W. long.;

(5) Menefee Inlet: waters north of 56° 05.00' N. lat.;

(6) Santa Anna Inlet: waters south of the latitude of the tip of Point Santa Anna at 55° 59.77' N. lat.;

(7) Union Bay: waters south of a line from 55° 44.78' N. lat., 132° 14.23' W. long., to 55° 45.54' N. lat., 132° 11.27' W. long.;

(8) Vixen Inlet: waters east of the longitude of the westernmost tip of Sunshine Island at 132° 05.28' W. long.;

(9) Zimovia Strait: waters north of a line from Thoms Point at 56° 06.97' N. lat., 132° 04.43' W. long., to a point on Etolin Island at 56° 07.14' N. lat., 132° 07.07' W. long.

(i) District 8:

(1) Blind Slough: waters north of a line from 56° 30.71' N. lat., 132° 43.48' W. long., to 56° 31.88' N. lat., 132° 40.66' W. long.;

(2) Five Mile Creek: waters south of the latitude and west of the longitude of Sukoi Island Light at 56° 53.73' N. lat., 132° 56.64' W. long.;

(3) Stikine River:

(A) waters east of a line from Indian Point at 56° 44.93' N. lat., 132° 31.67' W. long., to Point Rothsay at 56° 35.64' N. lat., 132° 22.05' W. long., from the first Monday in May through the first Saturday in August;

(B) after the first Saturday in August, waters north and west of a line from Babbler Point at 56° 29.08' N. lat., 132° 17.37' W. long., to Hour Point at 56° 27.73' N. lat., 132° 16.79' W. long., north and east of a line Point Highfield at 56° 29.34' N. lat., 132° 23.36' W. long., to the southern end of Liesnoi Island at 56° 29.83' N. lat., 132° 29.19' W. long., to the southern end of Greys Island at 56° 30.67' N. lat., 132° 33.05' W. long., to the small island near the eastern entrance of Blind Slough at 56° 31.83' N. lat., 132° 40.17' W. long., to the nearest point on Mitkof Island at 56° 31.88' N. lat., 132° 40.66' W. long., and south and east of a line from the prominent point on Mitkof Island nearest Coney Island at 56° 40.77' N. lat., 132° 39.28' W. long., to the western end of Coney Island at 56° 41.62' N. lat., 132° 38.92' W. long., to a point 800 yards north of Japanese Creek on the mainland shore at 56° 46.62' N. lat., 132° 37.11' W. long.;

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

(5) Wrangell Harbor: waters within one-quarter mile of the shoreline on the western side of Wrangell Island, south of the latitude of Point Highfield at 56° 29.34' N. lat., and north of the latitude of Cemetery Point at 56° 27.25' N. lat., from the first Monday in May through the second Saturday in June;

(6) Woronkofski Point (The Nose): waters of Stikine Strait within one-quarter mile of the Woronkofski Island shoreline west of the longitude of Woronkofski Point day beacon at 132° 28.85' W. long., and north of the latitude of Ancon Point Light at 56° 24.30' N. lat., from the first Monday in May through the second Saturday in June for the

entirety of a drift gillnet fishing period when the drift gillnet salmon fishery is open for more than 48 hours;

(7) Woodpecker Cove: waters of Sumner Strait north of a line from 56° 30.02' N. lat., 132° 53.89' W. long., to Point Howe at 56° 29.68' N. lat., 132° 49.03' W. long., to the southeasternmost tip of Station Island at 56° 29.55' N. lat., 132° 46.24' W. long., and west of a line from Station Island Light at 56° 29.66' N. lat., 132° 45.81' W. long., to a point on Mitkof Island at 56° 30.41' N. lat., 132° 44.88' W. long., from the first Monday in May through the second Saturday in June, for the entirety of a drift gillnet fishing period when the drift gillnet salmon fishery is open for more than 48 hours;

(8) Bear Creek (Eastern Mitkof Island): waters of Frederick Sound south of 56° 42.93' N. lat., and west of 132° 41.47' W. long., from the first Monday in May through the second Saturday in June;

(9) Beacon Point/Frederick Point: waters of Frederick Sound west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline at 56° 57.27' N. lat., 132° 58.96' W. long., to Sukoi Island Light at 56° 53.73' N. lat., 132° 56.64' W. long., to Frederick Point at 56° 47.55' N. lat., 132° 49.27' W. long., from the first Monday in May through the second Saturday in June.

(j) District 9:

(1) Bay of Pillars: waters east of 134° 11.74' W. long.;

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

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

(4) Gedney Harbor: waters east of 134° 14.80' W. long.;

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

(6) Hamilton Bay: waters south of the latitude of Point Hamilton at 56° 54.11' N. lat.;

(7) Kadake Bay: waters south of a line from 56° 48.90' N. lat., 133° 58.06' W. long., to 56° 48.38' N. lat., 133° 56.58' W. long.;

(8) Little Pybus Bay: waters north of 57° 14.72' N. lat.;

(9) Murder Cove: waters north of 57° 01.72' N. lat.;

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

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

(12) Port Malmesbury: waters east of a line from 56° 18.90' N. lat., 134° 10.84' W. long., to 56° 19.59' N. lat., 134° 11.42' W. long.;



(13) Port Walter and Little Port Walter: waters west of a line from 56° 23.25' N. lat., 134° 38.20' W. long., to 56° 23.71' N. lat., 134° 38.38' W. long.;

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

(15) Rowan Bay: waters north and east of a line from 56° 40.55' N. lat., 134° 15.20' W. long., to 56° 39.75' N. lat., 134° 13.48' W. long.;

(16) Skanax Bay: waters south and east of a line from 56° 51.72' N. lat., 134° 11.39' W. long., to the southwesternmost tip of an unnamed island at 56° 52.70' N. lat., 134° 09.67' W. long., and east of a line from the northwesternmost tip of the same unnamed island at 56° 52.91' N. lat., 134° 09.71' W. long., to 56° 53.25' N. lat., 134° 10.14' W. long.;

(17) Security Bay: waters south of the latitude of Expedition Point at 56° 50.62' N. lat.;

(18) Tebenkof Bay:

(A) Elena Bay: waters north and east of a line from 56° 29.88' N. lat., 134° 06.61' W. long., to Elena Point at 56° 28.95' N. lat., 134° 05.66' W. long.;

(B) Petrof Bay: waters south of 56° 22.42' N. lat.;

(C) Thetis Bay: waters south of 56° 23.37' N. lat.

(k) District 10:

(1) Dry Bay: waters east of 133° 01.92' W. long., and north of 57° 02.82' N. lat.;

(2) Farragut Bay: waters of Francis Anchorage inside a line from 57° 08.70' N. lat., 133° 10.45' W. long., to 57° 08.65' N. lat., 133° 11.82' W. long.;

(3) Gambier Bay:

(A) waters west of 134° 00.06' W. long.;

(B) waters of Snug Cove south of a line from Scald Point at 57° 25.98' N. lat., 133° 58.52' W. long., to the northwest tip of Pain Island at 57° 26.06' N. lat., 133° 57.35' W. long., to a point on Admiralty Island at 57° 26.04' N. lat., 133° 56.85' W. long.;

(4) Hobart Bay: waters east of 133° 23.71' W. long.;

(5) Port Houghton:

(A) waters south of the latitude and east of the longitude of a point on the southern tip of Walter Island at 57° 18.20' N. lat., 133° 17.01' W. long.;

(B) waters east of a line from 57° 19.62' N. lat., 133° 11.27' W. long., to 57° 19.96' N. lat., 133° 11.72' W. long.;

(6) Pybus Bay: waters of Cannery Cove and West Arm north and west of a line running from 57° 18.34' N. lat., 134° 07.88' W. long., to an unnamed island at 57° 18.70' N. lat., 134° 07.58' W. long., and then to a point at 57° 19.29' N. lat., 134° 06.36' W. long.;

(7) Windham Bay: waters east of a line from 57° 35.01' N. lat., 133° 27.35' W. long., to 57° 35.14' N. lat., 133° 27.49' W. long.

(l) District 11:

(1) Limestone Inlet: waters east of a line from 58° 01.75' N. lat., 133° 59.40' W. long., to 58° 02.04' N. lat., 133° 59.60' W. long.;

(2) Port Snettisham:

(A) Speel River: waters north and west of a line from 58° 07.09' N. lat., 133° 44.11' W. long., to 58° 07.59' N. lat., 133° 42.80' W. long.;

(B) Gilbert Bay: waters east and south of a line from Sentinel Point at 57° 59.72' N. lat., 133° 45.65' W. long., to 58° 01.45' N. lat., 133° 45.33' W. long.;

(3) Seymour Canal:

(A) Mole Harbor: waters west and south of a line from the easternmost tip of Flaw Point at 57° 40.54' N. lat., 134° 02.74' W. long., to 57° 39.40' N. lat., 134° 00.73' W. long.;

(B) Pleasant Bay: waters west and south of a line from 57° 38.83' N. lat., 133° 59.72' W. long., to 57° 38.43' N. lat., 133° 58.66' W. long.;

(4) Slocum Inlet: waters east of a line from 58° 08.35' N. lat., 134° 04.33' W. long., to 58° 07.80' N. lat., 134° 04.42' W. long.;

(5) Taku Harbor: waters east and north of a line from 58° 03.77' N. lat., 134° 01.50' W. long., to 58° 03.77' N. lat., 134° 02.04' W. long.;

(6) Taku Inlet: waters north and east of a line from the Annex Creek Power House at 58° 19.06' N. lat., 134° 05.93' W. long., to 58° 17.60' N. lat., 134° 00.78' W. long.

(m) District 12:

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

(2) Chaik Bay: waters east of 134° 30.53' W. long.;

(3) False Bay: waters west of a line from 57° 58.53' N. lat., 134° 54.92' W. long., to 57° 57.03' N. lat., 134° 55.43' W. long.;

(4) Freshwater Bay: waters west and north of a line from 57° 53.23' N. lat., 135° 07.92' W. long., to 57° 54.88' N. lat., 135° 05.97' W. long.;

(5) Funter Bay: waters east of the longitude of the southernmost tip of Clear Point at 134° 54.99' W. long.;

(6) Hawk Inlet: waters east and north of a line from Point Marsden at 58° 03.40' N. lat., 134° 48.66' W. long., to a point one nautical mile northwest of Point Marsden at 58° 04.33' N. lat., 134° 49.25' W. long., to Hawk Point at 58° 05.81' N. lat., 134° 47.09' W. long.;

(7) Hood Bay: waters east of 134° 24.66' W. long.;

(8) Howard Bay: waters north of the latitude of the southernmost tip of Point Howard at 58° 17.37' N. lat.;

(9) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 57.07' W. long.;

(10) waters within two nautical miles of the Admiralty and Killisnoo Islands shorelines south of the latitude of Parker Point at 57° 36.73' N. lat., and north of the latitude of Point Samuel at 57° 28.45' N. lat., including the waters of Kootznahoo Inlet;

(11) Tenakee Inlet:

(A) waters west of 135° 27.84' W. long.;

(B) waters of Saltery Bay west of 135° 22.40' W. long.;

(C) waters of Kadashan Bay, Corner Bay, and Crab Bay south of a line from 57° 44.87' N. lat., 135° 19.60' W. long., to 57° 45.58' N. lat., 135° 06.67' W. long.;

(D) waters of Trap Bay south of a line from 57° 45.29' N. lat., 135° 02.53' W. long., to 57° 45.47' N. lat., 134° 59.06' W. long.;

(12) Warm Springs Bay: waters west of 134° 46.79' W. long.;

(13) Whitewater Bay: waters east and south of a line from Point Caution at 57° 14.79' N. lat., 134° 38.22' W. long., to 57° 15.41' N. lat., 134° 36.46' W. long.;

(14) Wilson Cove: waters east of the longitude of Point Wilson at 134° 38.29' W. long.;

(15) Wukuklook Creek: waters north and west of a line from 57° 55.18' N. lat., 134° 55.69' W. long., to Flints Point at 57° 54.45' N. lat., 134° 57.48' W. long.

(n) District 13:

(1) Big Branch Bay: waters north and east of a line from 56° 19.47' N. lat., 134° 50.53' W. long., to 56° 19.31' N. lat., 134° 50.16' W. long.;

(2) Black Bay: waters north and east of a line from 57° 42.54' N. lat., 136° 09.28' W. long., to 57° 42.35' N. lat., 136° 09.10' W. long.;

(3) Deep Bay: waters west of a line from 57° 26.83' N. lat., 135° 37.38' W. long., to 57° 26.47' N. lat., 135° 37.85' W. long.;

(4) Fick Cove: waters south and west of a line from 57° 37.82' N. lat., 135° 39.70' W. long., to 57° 38.42' N. lat., 135° 40.77' W. long.;

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

(6) Goulding Harbor: waters north of a line from 57° 46.32' N. lat., 136° 15.17' W. long., to 57° 46.39' N. lat., 136° 15.54' W. long.;

(7) Hanus Bay: waters south of a line from 57° 25.47' N. lat., 134° 59.11' W. long., to 57° 25.28' N. lat., 135° 03.73' W. long.;

(8) Hoonah Sound: waters west and north of a line from 57° 44.16' N. lat., 135° 43.76' W. long., to 57° 43.70' N. lat., 135° 44.78' W. long.;

(9) Katlian Bay: waters north and east of a line from 57° 09.45' N. lat., 135° 22.66' W. long., to 57° 09.08' N. lat., 135° 21.83' W. long.;

(10) Lisianski Inlet:

(A) waters south of a line from 57° 56.72' N. lat., 136° 14.31' W. long., to 57° 57.22' N. lat., 136° 12.97' W. long.;

(B) waters north of a line from Ewe Ledge at 58° 05.27' N. lat., 136° 27.44' W. long., to Dace Rock at 58° 05.48' N. lat., 136° 26.17' W. long., during inseason coho salmon troll closures as set out under 5 AAC 29;

(11) Nakwasina Passage: waters north and east of a line from 57° 14.17' N. lat., 135° 29.96' W. long., to 57° 14.87' N. lat., 135° 30.56' W. long.;

(12) Nakwasina Sound: waters north and east of a line from 57° 11.65' N. lat., 135° 23.61' W. long., to 57° 12.20' N. lat., 135° 24.73' W. long.;

(13) Patterson Bay: waters west of a line from 57° 40.40' N. lat., 135° 42.71' W. long., to 57° 39.52' N. lat., 135° 42.28' W. long.;

(14) Port Banks: waters south and east of a line from 56° 36.11' N. lat., 135° 00.44' W. long., to 56° 35.86' N. lat., 135° 01.17' W. long.;

(15) Redfish Bay: waters north and west of a line from 56° 20.68' N. lat., 134° 51.54' W. long., to 56° 20.80' N. lat., 134° 51.16' W. long.;

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

(17) Rodman Bay: waters west and south of a line from 57° 28.37' N. lat., 135° 21.05' W. long., to 57° 28.87' N. lat., 135° 21.72' W. long.;

(18) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.11' N. lat., 136° 30.43' W. long., to 57° 55.46' N. lat., 136° 31.08' W. long.;

(19) Saook Bay: waters west and south of a line from 57° 26.21' N. lat., 135° 11.60' W. long., to 57° 26.71' N. lat., 135° 12.42' W. long.;

(20) Sister Lake: waters inside a line from 57° 37.59' N. lat., 136° 00.80' W. long., to 57° 38.00' N. lat., 136° 00.84' W. long.;

(21) Sitkoh Bay: waters west of a line from 57° 29.19' N. lat., 134° 53.71' W. long., to 57° 29.64' N. lat., 134° 53.51' W. long.;

(22) Stag Bay: waters east of 136° 21.42' W. long.;

(23) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.76' N. lat., 135° 22.82' W. long., to 57° 08.39' N. lat., 135° 22.59' W. long.;

(24) Still Harbor: waters south and east of a line from 56° 33.18' N. lat., 135° 02.71' W. long., to 56° 33.63' N. lat., 135° 02.42' W. long.;

(25) Ushk Bay: waters west of 135° 35.00' W. long.;

(26) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27' N. lat., 135° 56.17' W. long., to 57° 30.92' N. lat., 135° 55.18' W. long.

(o) District 14:

(1) Dundas Bay: waters north of 58° 19.94' N. lat.;

(2) Excursion Inlet: waters north of a line from 58° 27.01' N. lat., 135° 28.77' W. long., to a point at 58° 26.97' N. lat., 135° 27.41' W. long.;

(3) Idaho Inlet: waters south of 58° 08.30' N. lat.;

(4) Port Althorp and Salt Chuck Bay: waters east of 136° 18.00' W. long.;

(5) Port Frederick: waters south and west of a line from Cannery Point at 58° 07.93' N. lat., 135° 27.92' W. long., to the westernmost tip of Halibut Island at 58° 09.04' N. lat., 135° 29.91' W. long., to 58° 09.66' N. lat., 135° 30.16' W. long.;

(6) Mud Bay: waters south of the latitude of Quartz Point at 58° 12.96' N. lat.;

(7) Spasski Bay: waters south of a line from Neck Point at 58° 07.07' N. lat., 135° 19.23' W. long., to Spasski Island Light at 58° 07.97' N. lat., 135° 16.30' W. long., to 58° 05.67' N. lat., 135° 13.47' W. long.;

(8) Whitestone Harbor: waters west of a line from 58° 04.27' N. lat., 135° 04.73' W. long., to 58° 03.62' N. lat., 135° 04.33' W. long.

(p) District 15:

(1) Chilkat Inlet: waters north of the latitude of Letnikof Cove Light at 59° 10.42' N. lat.;

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

(3) St. James Bay: waters north of a line from Point Whidbey at 58° 34.65' N. lat., 135° 08.69' W. long., to St. James Point at 58° 33.75' N. lat., 135° 09.91' W. long.;

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

### **5 AAC 33.359. Section 6-D Pink Salmon Management Plan**

(a) The department may open Section 6-D to drift gillnet fishing during the period of time that is after the first Saturday in August and before the first Sunday in September as described in this section.

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

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

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

(c) Repealed 2022.

### **5 AAC 33.360. District 1 Pink Salmon Management Plan**

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

(1) when the purse seine fishery is open for any portion of one day during a fishing week, the drift gillnet fishery must be open for 48 hours during the same fishing week;

(2) when the purse seine fishery is open for any portion of two days during a fishing week, the drift gillnet fishery must be open for 96 hours during the same fishing week;

(3) when the purse seine fishery is open for any portion of three or more days during a fishing week, the drift gillnet fishery must be open for 120 hours during the same fishing week.

### **5 AAC 33.361. United States-Canada Salmon Management Plan**

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

(b) Repealed 6/25/89.

(c) Repealed 6/25/89.

(d) Repealed 6/25/89.

(e) Repealed 6/25/89.

### **5 AAC 33.362. Lower Clarence Strait Pink Salmon Management Plan**

Repealed 6/25/89.

### **5 AAC 33.363. Management guidelines for allocating Southeast Alaska pink, chum, and sockeye salmon between commercial net fisheries**

(a) Present management of state-financed hatchery and enhanced stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

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

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

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

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

(f) As a general proposition, private nonprofit hatchery stocks supported by fishermen assessments will be managed to

(1) maximize harvest in the common property fisheries consistent with wild stock conservation concerns and the facility's management plan; and

(2) give primary emphasis to the facility's plan for allocation within the common property fisheries within the special harvest area.

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

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

(1) pink salmon: 95 percent purse seine and five percent gillnet;

(2) sockeye salmon: 51 percent purse seine and 49 percent gillnet;

(3) chum salmon: 73 percent purse seine and 27 percent gillnet.

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

### **5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan**

(a) The purpose of the management plan contained in this section is to provide a fair and reasonable distribution of the harvest of salmon from enhancement projects among the seine, troll, and drift gillnet commercial fisheries, and to reduce conflicts among these



users, in the Southeastern Alaska Area. The Board of Fisheries establishes the following value allocations:

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

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

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

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

### **5 AAC 33.365. Southeastern Alaska-Yakutat Chinook and Coho Salmon Fisheries Management Plan**

Repealed.

### **5 AAC 33.366. Northern Southeast seine salmon fishery management plans**

(a) During July, the department may allow the operation of purse seines in District 12 north of Point Marsden to harvest pink salmon migrating northward in Chatham Strait only as follows:

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

(2) the department shall close the seine fishery in District 12 north of Point Marsden after 15,000 wild sockeye salmon are harvested by seine vessels that the department identifies as taken north of Point Marsden when other areas are open concurrently through July 22; hatchery-produced sockeye salmon will not count against the 15,000 wild sockeye salmon harvest limit; during the openings, the department will use aerial flyovers, on-the-ground sampling, interviews, and fish tickets to estimate the sockeye salmon harvest north of Point Marsden.

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

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

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

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

### **5 AAC 33.367. Harvest and allocation of net caught salmon**

Repealed.

### **5 AAC 33.368. District 8 King Salmon Management Plan**

(a) The purpose of the management plan in this section is to provide for abundance-based management of king salmon, reduce the conflicts between commercial and sport fishermen, and reduce the incidental harvest of steelhead.

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

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

(1) on a weekend day;

(2) on a state or federal holiday; and

(3) after 8:00 a.m. on Wednesday during the week before the Memorial Day weekend.

(d) In this section, "week" means a calendar week, a period of time beginning at 12:00:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

### **5 AAC 33.369. District 1: Herring Bay Terminal Harvest Area Salmon Management Plan**

(a) The management plan in this section allows for a harvest of Whitman Lake hatchery-produced king salmon by the troll, personal use, and sport fisheries.

(b) The Herring Bay Troll Terminal Harvest Area is open for commercial salmon trolling from July 1 through August 30, unless closed earlier by emergency order. The Herring Bay Troll Terminal Harvest Area consists of those waters of Revillagigedo Channel north and west of a line from the westernmost tip of Carroll Point at 55° 18.00' N. lat., 131° 29.00' W. long., across to Spire Island Light on the eastern shore of Annette Island at 55° 16.08' N. lat., 131° 29.98' W. long., excluding waters of the Annette Islands Reserve, Carroll Inlet south of the latitude of the southernmost tip of California Head at 55° 19.57' N. lat., George Inlet south of 55° 20.80' N. lat., and south of a line from a point located on the southeastern shore of Gravina Island at 55° 17.65' N. lat., 131° 37.03' W. long., to a point on the southeast shore of Tongass Narrows at 55° 18.65' N. lat., 131° 35.13' W. long., and east of a line from the southernmost tip of Gravina Point located on the southeast shore of Gravina Island at 55° 17.13' N. lat., 131° 37.17' W. long., to the northernmost tip of Walden Point located on the northwest tip of Annette Island at 55° 16.45' N. lat., 131° 35.37' W. long., excluding waters of the Annette Islands Reserve, except that from 12:01 a.m. July 1 through 11:59 p.m. July 31, the waters of Carroll Inlet south of 55° 24.27' N. lat., are included in the Herring Bay Troll Terminal Harvest Area.

(c) The Herring Bay Personal Use Terminal Harvest area is open for personal use fishing during the times that the Herring Bay Troll Terminal Harvest Area is open for commercial salmon troll gear under (b) of this section. The Herring Bay Personal Use Terminal Harvest Area consists of those waters of Herring Cove west of a line from a point near the entrance of Hole-In-The-Wall harbor at 55° 19.09' N. lat., 131° 31.21' W. long., to an unnamed creek one-eighth of a mile north of Whitman Creek at 55° 19.88' N. lat., 131° 30.78' W. long., and east of a line at the mouth of Herring Cove Creek from 55° 19.54' N. lat., 131° 31.40' W. long., to 55° 19.48' N. lat., 131° 31.39' W. long., (signed and green painted rocks) at mean lower low water. The following conditions apply to a personal use salmon fishing permit issued under 5 AAC 77.682 for the Herring Bay Personal Use Terminal Harvest Area:

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

(2) a drift gillnet may be 10 fathoms or less in length; a gillnet may not be anchored or attached to a boat; a gillnet may be any mesh size; and

(3) the daily bag and possession limit for king salmon is 50 fish, unless specified by emergency order; any incidental harvest of other finfish species shall be listed on the personal use salmon fishing permit.

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

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

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

### **5 AAC 33.370. District 1: Neets Bay Hatchery Salmon Management Plan**

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

(b) The department, in consultation with SSRAA, shall manage Neets Bay east of the longitude of the easternmost tip of Bug Island at 131° 39.14' W. long., to the closed waters area at the head of the bay to distribute the harvest of Neets Bay hatchery-produced salmon between the purse seine, troll, and drift gillnet fleets by setting the fishing times for those fleets as follows:

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

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

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

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

(3) repealed 6/25/89;

(4) repealed 6/25/89;

(5) from the second Sunday in June through August 1, the area described in this subsection shall be expanded to Neets Bay east of the longitude of Chin Point at 131° 42.10' W. long., to the closed waters area at the head of the bay.

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

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

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

(f) Waters of Neets Bay east of the longitude of 131° 31.21' W. long., located approximately one mile from the head of the bay are closed to commercial, sport, and personal use salmon fishing from June 15 through November 15.

(g) Instead of allowing the harvest of hatchery-produced king salmon for cost recovery by the hatchery permit holder, the commissioner may, after consultation with the hatchery operator, by emergency order, open a joint common property and cost recovery assessment fishery for king salmon as specified in AS 16.10.455 to occur only in the waters as described in (b) of this section.

### **5 AAC 33.372. District 1: Nakat Inlet Terminal Harvest Area Salmon Management Plan**

(a) This management plan provides for the terminal area common property harvest of hatchery-produced coho and chum salmon in the Nakat Inlet Terminal Harvest Area and distributes the harvest between the troll and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet north of Surprise Point at 54° 49.10' N. lat. and west of 130° 42.75' W. long. from June 1 through November 10 to distribute the harvest of hatchery-produced coho and chum salmon. Fishing will be open continuously to troll gear and drift gillnet gear from June 1 through November 10, unless closed earlier by emergency order.

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

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

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

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

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

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

(f) Repealed 5/31/2009.

(g) Repealed 5/31/2009.

**5 AAC 33.373. District 7: Eastern Passage Terminal Harvest Area Salmon Management Plan**

Repealed.

**5 AAC 33.374. District 12: Hidden Falls Hatchery Terminal Harvest Area Salmon Management Plan**

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

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

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

(1) purse seine openings will be limited to a maximum of two fishing days per week in the terminal harvest area in order to harvest surplus chum salmon;

(2) if Sunday seine openings or midweek openings do not occur, in order to achieve broodstock and cost recovery goals, the troll fishery for the harvest of chum salmon will be closed; if more than seven days remain before the July 1 general summer troll fishery opening, troll fisheries for king salmon may continue; however, chum salmon caught must be released immediately and may not be retained or sold;

(3) before June 30, the waters of Kasnyku Bay west of a line from North Point to the westernmost tip of Round Island and north of the latitude of the westernmost tip of Round Island may be closed to purse seine fishing in order to provide troll gear access to king salmon.

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

(1) during troll and purse seine fishery openings, areas within the terminal harvest area may be closed to protect chum and king salmon broodstock or to provide for cost recovery;

(2) to limit the troll gear harvest of chum salmon in the terminal harvest area, the number of chum salmon on board a troll vessel or recorded on a fish ticket may not exceed the number of king salmon on board the troll vessel or recorded on a fish ticket.

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

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

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

### **5 AAC 33.375. District 13: Silver Bay (Medvejie Creek Hatchery) Salmon Management Plan**

(a) The commissioner shall open and close, by emergency order, salmon fishing seasons and periods in waters of Silver Bay east of a line from Entry Point Light at 57° 01.96' N. lat., 135° 15.01' W. long., to Silver Point at 57° 00.80' N. lat., 135° 18.09' W. long., to ensure chum salmon broodstock escapement to the Medvejie Creek Hatchery and to allow for the common property fisheries to harvest excess salmon, including king salmon, by troll gear before July 31.

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

### **5 AAC 33.376. District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan**

(a) The intent of this management plan is to distribute the harvest of hatchery-produced salmon in the area described in (b) of this section between the purse seine, drift gillnet, and troll fleets.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall open and close, by emergency order, fishing seasons and periods to manage the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point west of Pirate Cove at 56° 59.35' N. lat., 135° 22.63' W. long., to the westernmost tip of Long Island at 56° 59.98' N. lat., 135° 21.93' W. long., to the

easternmost tip of Long Island at 56° 59.95' N. lat., 135° 20.37' W. long., to the westernmost tip of Emgeten Island at 57° 00.08' N. lat., 135° 20.01' W. long., to the westernmost tip of Error Island at 57° 00.54' N. lat., 135° 19.50' W. long., to the westernmost tip of Berry Island at 57° 00.32' N. lat., 135° 18.68' W. long., to the southernmost tip of Berry Island at 57° 00.28' N. lat., 135° 18.52' W. long., to the westernmost tip of the southernmost island in the Kutchuma Island group at 57° 00.14' N. lat., 135° 18.27' W. long., to the easternmost tip of the southernmost island in the Kutchuma Island group at 57° 00.06' N. lat., 135° 17.95' W. long., to the westernmost tip of an unnamed island at 57° 00.29' N. lat., 135° 17.66' W. long., to a point on the southern side of the unnamed island at 57° 00.07' N. lat., 135° 16.80' W. long., and then to a point on the Baranof Island shore at 56° 59.93' N. lat., 135° 16.53' W. long., as follows:

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

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

(B) the time ratio for gillnet openings to seine openings is one to one;

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

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

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

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

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

### **5 AAC 33.377. District 2: Kendrick Bay Terminal Harvest Area Salmon Management Plan**

(a) The management plan in this section allows for a harvest of hatchery-produced chum salmon in the Kendrick Bay Terminal Harvest Area by the purse seine and troll fleets.

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



Kendrick Bay Terminal Harvest Area consists of the waters of Kendrick Bay west of 131° 59' W. long. and the waters of McLean Arm west of 131° 57.80' W. long.

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

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

(1) salmon may be taken for personal use only by drift gillnets:

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

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

### **5 AAC 33.378. District 11: Snettisham Hatchery Salmon Management Plan**

The department shall manage the enhanced sockeye salmon production and returns from Port Snettisham to meet the following objectives, in order of priority:

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

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

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

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

### **5 AAC 33.379. Carroll Inlet Terminal Harvest Area Salmon Management Plan**

(a) This management plan distributes the harvest of hatchery-produced king salmon in the Carroll Inlet Terminal Harvest Area between the purse seine, troll and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall, by emergency order, manage the Carroll Inlet Terminal Harvest Area from June 1 through July 1 to provide for the harvest of hatchery-produced king salmon by troll, purse seine, and drift gillnet gear. The Carroll Inlet Terminal Harvest Area consists of the waters of Carroll Inlet north of the latitude of Nigelius Point at 55° 33.50' N. lat., 131° 21.14' W. long.

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

(d) Instead of allowing the harvest of hatchery-produced king salmon for cost recovery by the hatchery permit holder, the commissioner may, after consultation with the hatchery operator, by emergency order, open a joint common property and cost recovery assessment fishery for king salmon as specified in AS 16.10.455 to occur only in the waters as described in (b) of this section.

### **5 AAC 33.380. District 13: Crawfish Inlet Terminal Harvest Area Salmon Management Plan**

(a) This management plan provides for the harvest of hatchery-produced king and chum salmon in the Crawfish Inlet Terminal Harvest Area by the troll, purse seine, and drift gillnet fleet.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall, by emergency order, open and close the Crawfish Inlet Terminal Harvest Area to provide for the harvest of hatchery-produced king and chum salmon by troll, purse seine, and drift gillnet gear.

(c) The Crawfish Inlet Terminal Harvest Area consists of the waters east of a line from 56° 44.16' N. lat., 135° 15.80' W. long., to 56° 43.30' N. lat., 135° 17.80' W. long., to 56° 41.93' N. lat., 135° 17.54' W. long., to 56° 41.14' N. lat., 135° 13.80' W. long., including the waters of Jamboree Bay, Cedar Pass south of 56° 47.14' N. lat., and Crawfish Inlet west of 135° 11.05' W. long.

### **5 AAC 33.381. District 6: Wrangell Narrows-Blind Slough Terminal Harvest Area Salmon Management Plan**

(a) This management plan distributes the harvest of Crystal Lake Hatchery king and coho salmon returns to the terminal waters of Wrangell Narrows in Section 6-A south of 56° 46.00' N. lat., and north and east of the northern tip of Woewodski Island at 56° 35.75' N. lat., 132° 59.35' W. long., including the waters of Blind Slough closed to commercial fishing upstream of a line between Blind Point at 56° 38.84' N. lat., 132° 54.94' W. long., and Anchor Point at 56° 38.30' N. lat., 132° 55.67' W. long., among fisheries while protecting hatchery broodstock.

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

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

(2) at least 1,000, but less than 2,000 fish, the commissioner shall open, by emergency order, the season for the terminal waters of Wrangell Narrows to sport fishing for king salmon, with a daily bag and possession limit of two king salmon 28 inches or greater in length and two king salmon less than 28 inches in length, from June 1 through

July 31 during which time the terminal harvest area commercial salmon fishery in Wrangell Narrows and the sport fishery in Blind Slough will be closed;

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

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

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

(1) assure adequate returns of hatchery broodstock;

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

(3) provide the personal use fishery priority over the commercial harvest; although the personal use fishery has historically taken only five percent of the returning harvest, it may exceed five percent over time; in the waters described in (a) of this section that are open to personal use coho salmon fishing under a personal use salmon fishing permit issued under 5 AAC 77.682, the possession and annual limit is 25 coho salmon;

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

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

### **5 AAC 33.382. District 3: Port Saint Nicholas Terminal Harvest Area Salmon Management Plan.**

(a) This management plan distributes the harvest of hatchery produced king salmon in the Port Saint Nicholas Terminal Harvest Area between the purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the Port Saint Nicholas Terminal Harvest Area from May 1 through July 31 for troll, purse seine, and drift gillnet gear to provide for the harvest of hatchery – produced king salmon, unless closed earlier by emergency order. The Port Saint Nicholas Terminal Harvest Area consists of all waters of Port Saint Nicholas east of the longitude of Point Miraballes at 133° 05.23' W. long., and west of the longitude at 132° 59.50' W. long., located at the mouth of the Port Saint Nicholas head stream.

(c) For troll gear, the terminal harvest area is expanded to the waters of Port Saint Nicholas and Bucareli Bay north and east of a line from Cape Suspiro at 55° 27.47' N. lat., 133° 08.50' W. long., to the northernmost tip of Toti Island at 55° 24.90' N. lat., 133° 07.34' W. long., to Point Miraballes at 55° 25.85' N. lat., 133° 05.23' W. long.

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

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

(a) The Anita Bay Terminal Harvest Area consists of the waters of Anita Bay south and west of a line from the tip of Anita Point at 56° 13.68' N. lat., 132° 22.48' W. long., to a point on the northern shore at 56° 14.26' N. lat., 132° 23.93' W. long.

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

(1) the waters within one-quarter mile of the northern shoreline of Anita Bay west of a line from 56° 12.33' N. lat., 132° 26.19' W. long., to 56° 12.06' N. lat., 132° 26.19' W. long., and east of a line from 56° 11.96' N. lat., 132° 29.57' W. long., to 56° 11.73' N. lat., 132° 29.36' W. long., will be open from June 15 through July 10;

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

(A) from June 15 through June 25, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.19' W. long., will be closed to the harvest of salmon;

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

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

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

(c) This management plan distributes the harvest of hatchery-produced king, coho, and chum salmon among the purse seine, troll, and gillnet fisheries when there are excess fish not being harvested by the hatchery operator.

(d) The department shall manage the Anita Bay Terminal Harvest Area from May 1 through November 10 to distribute the harvest of excess hatchery-produced king, coho, and chum salmon as follows:

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

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

(3) in establishing emergency order season openings for the purse seine and drift gillnet fisheries, the department shall rotate openings between these gear groups and shall provide for a time ratio for gillnet openings to seine openings of one to one.

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

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

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

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

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

(g) Instead of allowing the harvest of hatchery-produced king salmon for cost recovery by the hatchery permit holder, the commissioner may, after consultation with the hatchery operator, by emergency order, open a joint common property and cost recovery assessment fishery for king salmon as specified in AS 16.10.455 to occur only in the waters as described in (a) of this section.

### **5 AAC 33.384. Lynn Canal and Chilkat River King Salmon Fishery Management Plan**

(a) The purpose of the management plan in this section is to provide for the biological spawning escapement requirements of king salmon to the Chilkat River. It is the intent of the Board of Fisheries (board) that Chilkat River king salmon be harvested in the fisheries that have historically harvested them. The board, through this management plan, recognizes that the commercial drift gillnet fishery in Chilkat Inlet, and the subsistence fisheries in Chilkat Inlet and the Chilkat River, are directed primarily toward sockeye

salmon but incidentally catch king salmon. A secondary goal of this management plan is to provide a reasonable opportunity to harvest sockeye salmon in the Chilkat Inlet and Chilkat River subsistence fisheries while minimizing the incidental harvest of king salmon. This management plan provides the department guidelines to preclude allocation conflicts between the various user groups of this resource. The department shall manage the Chilkat River king salmon stocks in a conservative manner consistent with sustained yield principles.

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

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

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

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

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

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

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

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

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

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

(A) close the commercial drift gillnet fishery

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

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

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

(B) close sport fishing for king salmon

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

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

(iii) in the remainder of Chilkat Inlet north of Ayiklutu Point, from July 1 through July 15;

(C) establish a sport bag and possession limit of one king salmon, 28 inches or greater in length;

(3) if the projected inriver run of king salmon to the Chilkat River is 1,850 - 3,600 fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

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

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

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

(B) close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(4) if the projected inriver run return of king salmon to the Chilkat River is greater than 3,600 fish,

(A) the commissioner shall, by emergency order, close the commercial drift gillnet fishery

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

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

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

(B) the commissioner shall, by emergency order, close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(C) the commissioner may, by emergency order, increase the bag and possession limits for king salmon in the waters of Chilkat Inlet north of Ayiklutu Point.

### **5 AAC 33.385. Mist Cove Terminal Harvest Area Salmon Management Plan**

(a) The Mist Cove Terminal Harvest Area for coho salmon using troll gear is established adjacent to and exclusive of the Mist Cove Special Harvest Area specified in 5 AAC 40.042(a)(8). The Mist Cove Terminal Harvest Area consists of the waters that are outside of the Mist Cove Special Harvest Area and north of the latitude of 56° 28.00' N. lat., west of a line from 56° 28.00' N. lat., 134° 37.00' W. long., to Patterson Point Light at 56° 32.39' N. lat., 134° 38.27' W. long., to a point on the Baranof Island shore at 56° 32.52' N. lat., 134° 40.18' W. long., and east of the longitude of 134° 41.00' W. long., in Deep Cove.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the harvest of excess salmon returning to the Mist Cove Terminal Harvest Area.

(c) The Mist Cove Special Harvest Area consisting of all waters south and west of a line from 56° 31.72' N. lat., 134° 39.97' W. long., to 56° 31.17' N. lat., 134° 39.83' W. long., is closed to commercial fishing, other than hatchery cost recovery fishing, from 12:01 a.m. July 31 until 11:59 p.m. September 30, and the waters south of a line from ADF&G regulatory markers located at 56° 31.07' N. lat., 134° 40.20' W. long., to 56° 31.07' N. lat., 134° 40.12' W. long., are closed to commercial salmon fishing, other than hatchery cost recovery fishing.

### **5 AAC 33.386. District 15: Boat Harbor Terminal Harvest Area Management Plan**

(a) This management plan provides for the harvest of hatchery-produced chum salmon in the Boat Harbor Terminal Harvest Area for the Southeastern Alaska drift gillnet fleet in Section 15-C. The Boat Harbor Terminal Harvest Area includes those waters within two nautical miles of the western shoreline of Lynn Canal from the latitude of Lance Point at 58° 43.95' N. lat. south to the latitude of a point located approximately 2.4 miles north of Point Whidbey at 58° 37.05' N. lat.

(b) The department will, in consultation with Douglas Island Pink and Chum, manage the waters of the Boat Harbor Terminal Harvest Area to harvest hatchery-produced chum salmon from the third Sunday in June through September 15, as follows:



(1) unless modified by an emergency order, fishing will be open continuously within the Boat Harbor Terminal Harvest Area in the waters of Boat Harbor west of 135° 09.57' W. long.;

(2) the remainder of the Boat Harbor Terminal Harvest Area will be managed by emergency order to provide access to hatchery-produced chum salmon after managing for the adequate escapement of wild salmon stocks.

(c) Notwithstanding 5 AAC 39.290(a)(2), fishing is allowed in the Boat Harbor Terminal Harvest Area within 500 yards of Boat Harbor Creek, stream number 115-10-10500 in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes, as revised as of March 2017, seaward of a line between the seaward extremities of the exposed tideland banks of Boat Harbor Creek, or as marked by ADF&G regulatory markers.

### **5 AAC 33.387. District 9: Southeast Cove Terminal Harvest Area Management Plan**

(a) The purpose of the management plan in this section is to distribute the harvest of hatchery-produced salmon in the Southeast Cove Terminal Harvest Area.

(b) The Southeast Cove Terminal Harvest Area consists of the waters of Keku Strait enclosed by a line from a rocky point on the northern end of Kuiu Island located on the east side of Southeast Cove at 56° 52.92' N. lat., 134° 01.49' W. long., to the northern tip of Hound Island at 56° 53.12' N. lat., 133° 56.83' W. long., then northwest connecting points along the northern shore of Keku Islands at 56° 53.98' N. lat., 133° 57.69' W. long., to 56° 55.85' N. lat., 134° 01.00' W. long., to 56° 55.85' N. lat., 134° 02.21' W. long., to 56° 55.20' N. lat., 134° 02.66' W. long., to the northwest corner of Payne Island at 56° 57.40' N. lat., 134° 08.82' W. long., then south to a point on Kuiu Island at 56° 55. N. lat., 134° 09.26' W. long.

(c) From the third Sunday in June through the first Saturday in August, the commissioner, in consultation with the hatchery operator may open and close, by emergency order, fishing seasons and periods to harvest hatchery-produced salmon returning to the Southeast Cove Terminal Harvest Area in excess of broodstock and cost recovery needs.

(d) The management plan allows for the harvest of hatchery-produced chum salmon by the purse seine, gillnet, and troll fisheries when there are excess fish not being harvested by the hatchery operator. The gear and rotations, if any, shall be determined by the commissioner, by emergency order, in consultation with the hatchery operator.

(e) Repealed 6/17/2018.

### **5 AAC 33.388. District 3: Port Asumcion Terminal Harvest Area Salmon Management Plan.**

(a) This management plan provides for the terminal area common property harvest of hatchery – produced chum and coho salmon in the Port Asumcion Terminal Harvest Area and distributes the harvest between the purse seine, gillnet, and troll fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Port Asumcion north and west of a line from Point Cosinas at 55° 21.80' N. lat., 133° 30.64' W. long., to a point west of Point Maria located at 55° 22.04' N. lat., 133° 30.26' W. long.

(c) Openings will be by emergency order once SSRAA cost recovery for the site has been secured.

(d) Salmon may be taken by purse seine, gillnet, and troll gear from June 15 to October 30.

### **5 AAC 33.390. Optimal escapement goal for sockeye salmon in Hugh Smith Lake in District 1 of the Southeastern Alaska Area**

The Board of Fisheries (board) recognizes the uncertainty in the stock assessment data used to develop the Hugh Smith Lake sockeye salmon biological escapement goal, the contribution of rehabilitation efforts in rebuilding the Hugh Smith Lake sockeye salmon stock, and the value and importance of commercial fisheries in southern Southeastern Alaska that incidentally harvest small numbers of Hugh Smith Lake sockeye salmon. The board hereby adopts an optimal escapement goal of 8,000 - 18,000 sockeye salmon for Hugh Smith Lake that includes spawning salmon of wild and hatchery origin.

### **5 AAC 33.392. Size limits and landing of king salmon**

(a) Unless otherwise specified, king salmon taken and retained must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the cleithral arch to the tip of the tail. Undersized king salmon which are taken must be returned to the water without injury.

(b) A CFEC purse seine salmon permit holder may take but may not sell king salmon less than the minimum legal size requirement specified in (a) of this section. King salmon taken in the purse seine fishery that are less than the minimum legal size requirement will not be counted against the king harvest quota.

(c) The size requirements specified in this section do not apply to the gillnet fisheries.

(d) The heads of all adipose-fin-clipped king salmon must remain attached to the fish until sold.

(e) Repealed 10/1/98.

(f) Repealed 10/1/98.

(g) Notwithstanding (a) of this section, if the department determines that it is necessary for the conservation of king salmon or to meet obligations of the Pacific

Salmon Treaty, the commissioner may, by emergency order, close the purse seine salmon fishery and immediately reopen the fishery during which king salmon equal to or greater in length than the requirements set forth in (a) of this section that are taken incidentally in the purse seine salmon fishery must also be returned to the water unharmed;

(h) A person may not mutilate or otherwise disfigure king salmon in any manner that prevents determining the size requirements set out in this section.

### **5 AAC 33.393. Landing of coho salmon**

The heads of all adipose-fin-clipped coho salmon must remain attached to the fish until sold.

### **5 AAC 33.394. Landing of steelhead**

(a) In a purse seine fishery, a CFEC purse seine salmon permit holder may take but may not sell steelhead trout.

(b) In a drift gillnet fishery, a CFEC gillnet salmon permit holder may take but may not sell steelhead.

### **5 AAC 33.395. Reporting requirements**

Repealed.

### **5 AAC 33.398. Use of aircraft unlawful**

In the Southeastern Alaska Area,

(a) during an open commercial salmon fishing period, a person may not use an unmanned aircraft to locate salmon for the commercial taking of salmon or to direct commercial salmon fishing operations;

(b) during an open commercial purse seine fishing period for an area other than a terminal harvest area, a person may not use an aircraft to locate salmon for the commercial taking of salmon or to direct commercial salmon fishing operations one hour before, during, and one hour after an open commercial purse seine fishing period.

## **Chapter 39. General Provisions.**

### **Article 1. General.**

**Please note that in the electronic version the individual Sections are linked to where they are contained within this document.**

#### **Selected Sections**

**[5 AAC 39.001. Application of this chapter](#)**

**[5 AAC 39.002. Liability for violations](#)**

**[5 AAC 39.010. Retention of fish taken in a commercial fishery](#)**

**[5 AAC 39.105. Types of legal gear](#)**

**[5 AAC 39.107. Operation of gear](#)**

**[5 AAC 39.109. Nonresident crewmember fishing license fees](#)**

**[5 AAC 39.110. Crewmember fishing license requirements](#)**

**[5 AAC 39.111. Personal identification required](#)**

**[5 AAC 39.112. Use of net pens and other holding devices](#)**

**[5 AAC 39.115. Designation of salmon net registration area](#)**

**[5 AAC 39.117. Vessel length; bulbous bow](#)**

**[5 AAC 39.119. Vessel identification](#)**

**[5 AAC 39.120. Registration of commercial fishing vessels](#)**

**[5 AAC 39.123. Late registration](#)**

**[5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska](#)**

**[5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements](#)**

**[5 AAC 39.135. Requirements for releasing confidential information to third persons](#)**

**[5 AAC 39.140. Inspection of fishing establishments and vessels](#)**

**[5 AAC 39.150. Explosives, chemicals and poisons unlawful](#)**

**[5 AAC 39.155. Seine drums unlawful](#)**

**[5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling](#)**

**[5 AAC 39.170. Monofilament purse seine web unlawful](#)**

**[5 AAC 39.175. Use of lights prohibited](#)**

**[5 AAC 39.180. Time limit for preservation of salmon](#)**

[5 AAC 39.185. Policy on closures due to illegal fishing](#)

[5 AAC 39.190. Driving salmon prohibited](#)

[5 AAC 39.195. Announcement of emergency orders](#)

[5 AAC 39.197. Unlawful possession of fish](#)

[5 AAC 39.198. Foreign fish processing permits](#)

[5 AAC 39.200. Application of fishery management plans](#)

[5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries](#)

**5 AAC 39.001. Application of this chapter.** Unless otherwise specified in this section or 5 AAC 01 - 5 AAC 77, requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.002 and 5 AAC 39.999 apply to all of 5 AAC 01 - 5 AAC 77. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

**5 AAC 39.002. Liability for violations.** Unless otherwise provided in 5 AAC 01 - 5 AAC 41 or in AS 16, a person who violates a provision of 5 AAC 01 - 5 AAC 41 is strictly liable for the offense, regardless of his intent.

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

(b) Except as otherwise specified in 5 AAC 01 - 5 AAC 39, a commercial fisherman shall report on an ADF&G fish ticket, at the time of delivery of the commercial catch, the number of steelhead retained from the commercial catch but not sold. For the purposes of this subsection, "delivery" means the offloading of the finfish for sale or for transport to a buyer for later sale.

**5 AAC 39.105. Types of legal gear.** (a) All gear shall be operated in a manner conforming to its basic design.

(b) The size of meshes of a gillnet shall be substantially consistent.

(c) All references to mesh size in the regulations are considered to be "stretched measure."

(d) Unless otherwise provided in this title, the following are legal types of gear:

(1) a **gillnet** is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water;

(2) a **set gillnet** is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed;

(3) a **drift gillnet** is a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed;

(4) a **purse seine** is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line;

(5) a **hand purse seine** is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed;

(6) a **beach seine** is a floating net designed to surround fish which is set from and hauled to the beach;

(7) **power troll** gear consists of a line or lines with lures or baited hooks which are deployed, drawn through the water, and retrieved by means of a power troll gurdy, for which the power source may be hydraulic, electrical or mechanical; power troll gear does not include hand troll gear;

(8) **hand troll** gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment;

(9) a **fish wheel** is a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means;

(10) a **trawl** is a bag-shaped net towed through the water to capture fish or shellfish;

(A) a **beam trawl** is a trawl with a fixed net opening utilizing a wood or metal beam;

(B) an **otter trawl** is a trawl with a net opening controlled by devices commonly called otter doors;

(C) a **pelagic trawl** is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed;

(11) a **pot** is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water;

(12) a **ring net** is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net;

(13) a **longline** is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached;

(14) a **shovel** is a hand-operated implement for digging clams or cockles;

(15) a **mechanical clam digger** is a mechanical device used or capable of being used for the taking of clams;

(16) a **scallop dredge** is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor;

(17) a **fyke net** is a fixed, funneling (fyke) device used to entrap fish;

(18) a **lead** is a length of net employed for guiding fish into a seine or set gillnet;

(19) an **anchor** is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored;

(20) a **herring pound** is an enclosure used primarily to retain herring alive over extended periods of time;

(21) **diving gear** is any type of hard hat or skin diving equipment including scuba, a tethered, umbilical, surface-supplied system, and a snorkel;

(22) a **hydraulic clam digger** is a device using water or a combination of air and water to remove clams from their environment;

(23) a **grappling hook** is a hooked device with flukes or claws and attached to a line and operated by hand;

(24) a **dip net** is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand;

(25) a **mechanical jigging machine** is a device that deploys a line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with

a mechanical jigging machine; the mechanical jigging machine may not be anchored or operated unattached from the vessel;

(26) an **abalone iron** is a flat device used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth;

(27) a **handline** is a hand-held line, with one or more hooks attached, which may only be operated manually; a handline is legal gear only for smelt in the Bristol Bay Area, described in 5 AAC 06.100;

(28) **dinglebar troll** gear consists of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way;

(29) a **sea urchin rake** is a hand-held implement, no longer than four feet, equipped with projecting prongs used to gather sea urchins;

(30) a **cast net** is a circular net with a mesh size of no more than one and one-half inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

(31) an **eel stick** consists of a single straight or bent pole, equipped with notches or projecting tines, used to take lamprey through the ice.

**5 AAC 39.107. Operation of gear.** (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time.

(b) Throughout the period of operation of mobile net gear, a person who holds a valid CFEC permit for that gear must be physically present on board the vessel from which the net gear is operated.

(c) A CFEC permit holder shall personally operate or assist in the operation of mobile net gear. "Personally operate or assist in operation" means assisting or supervising some portion of the immediate operation.

(d) A person who holds a limited entry permit or an interim-use permit for stationary fishing gear must be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of (1) a sale of fish caught in the gear; or (2) other stationary gear of the permit holder. For purposes of this subsection "fishing site" includes any structure used for providing shelter in support of the operation of net gear or other stationary gear.

(e) A person who holds a CFEC permit for the operation of stationary net gear or fish wheels shall be within a reasonable distance of the gear when at a point of sale or at the location of other stationary gear of that permit holder. A "reasonable distance" means a



distance that ensures that the CFEC permit holder retains competent supervision of the gear.

(f) In the Yukon Area, as described in 5 AAC 05.100, a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear.

(g) In the Yakutat District south of 59° 40' N. lat. in Yakutat Bay, a fishing site under AS 16.05.253(b) includes the CFEC permit holder's permanent place of residence in Yakutat.

(h) In the Kotzebue District, as described in 5 AAC 03.200(b), a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear. A fishing site under AS 16.05.253(b) includes the district and the CFEC permit holder's place of residence in Kotzebue.

**5 AAC 39.109. Nonresident crewmember fishing license fees.** The amount to be added, in accordance with AS 16.05.480(h), to the annual base fee for a nonresident crewmember fishing license is the additional amount calculated every three years by the Commercial Fisheries Entry Commission under 20 AAC 05.245(a)(7).

**5 AAC 39.110. Crewmember fishing license requirements.** (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Repealed 8/15/2008.

(c) A crewmember licensee who does not hold a valid CFEC permit may crew in any fishery if he or she is working for the holder of a valid CFEC permit for that fishery who is operating the fishing gear in the manner described in 5 AAC 39.107.

(d) A valid interim-use or entry permit card holder may crew in any fishery.

(e) In this section, "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(4), who is actively engaged in the operation of fishing gear that is being operated in the manner described in 5 AAC 39.107.

(f) Each holder of a commercial fishing license, as required in AS 16.05.480(a), who is 16 years of age or older and participating in a commercial fishery in which crewmember participation is restricted by exclusive or superexclusive area registration requirements shall possess an identification card that has been issued to the commercial fishing license holder by a state or federal agency or other organization specified by the Department of Public Safety that bears a photograph of the commercial fishing license holder.

(g) The department will issue a duplicate crewmember license to a person whose crewmember license has been lost or destroyed and who submits a request for a duplicate crewmember license on a form prescribed by the department along with a \$5 duplicate crewmember license fee.

**5 AAC 39.111. Personal identification required.** A person who is in possession of a CFEC interim-use or entry permit card shall, upon the request of a buyer of fish or a peace officer of the state, present the personal identification required under AS 16.10.267(a)(2) to establish that the permit card is in the possession of the person to whom the permit card is issued.

**5 AAC 39.112. Use of net pens and other holding devices.** A net pen or other holding device may be used to hold live salmon or herring before processing only under the conditions specified in a commissioner's permit.

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

**5 AAC 39.117. Vessel length; bulbous bow.** (a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel.

**5 AAC 39.119. Vessel identification.** (a) Unless otherwise specified, a commercial fishing vessel required to be licensed under AS 16.05.490 must display its permanent vessel license plate number

(1) in permanent symbols at least 12 inches high and with lines at least one inch wide that contrast with the background;

(2) on both sides of the hull, cabin, or mast;

(3) in a manner such as to be plainly visible and unobscured; and

(4) at all times when registered to fish.

(b) Repealed 10/1/98.

(c) The following vessels are exempt from the requirements of this section:

- (1) those exempt from licensing under AS 16.05.495;
- (2) seine skiffs operating with a seine vessel;
- (3) repealed 2/10/2005.

**5 AAC 39.120. Registration of commercial fishing vessels.** (a) A person who owns a commercial fishing vessel or that person's authorized agent shall register that vessel by completing a vessel license application or renewal form and submitting it to the Commercial Fisheries Entry Commission, unless the vessel is not required to be licensed under AS 16.05.495. Vessel registration is required before fishing or transporting unprocessed fish in any waters of Alaska. A vessel, if it is in compliance with all regulations governing registration and if it displays a license issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, is considered to be registered under the laws of the state and may take or transport unprocessed fish. It is unlawful to take, attempt to take, or possess unprocessed fish aboard a vessel in the waters of Alaska unless the vessel is registered under the laws of the state. For purposes of this subsection,

(1) "employ," as used in AS 16.05.475, means taking or attempting to take fish, or transporting fish which have been taken or any operation of a vessel aiding or assisting in the taking or transporting of unprocessed fish;

(2) "in compliance with all regulations governing registration" includes vessel registration required by 5 AAC 28.020, 5 AAC 31.020, 5 AAC 31.030, 5 AAC 32.020, 5 AAC 32.030, 5 AAC 34.020, 5 AAC 34.030, 5 AAC 35.020, 5 AAC 35.030, 5 AAC 38.020, and 5 AAC 38.030, and includes district or subdistrict registration requirements of 5 AAC 03 - 5 AAC 38, and includes the provisions of this section;

(3) "registered under the laws of the state" means that a vessel displays a license described in 20 AAC 05.1958 and issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, and that the registration provisions of 5 AAC 03 - 5 AAC 39 have been complied with and evidence of compliance is immediately available at all times during fishing or transporting operations, and can be shown upon request to an authorized representative of the department.

(b) Area registration requirements for shellfish vessels are as specified in the registration regulations in 5 AAC 31 - 5 AAC 38.

(c) Area registration requirements for salmon net fishing vessels are as follows:

(1) a person who owns a fishing vessel to be used to take salmon with net gear, or his authorized agent, shall register for an area by designating on the vessel license application or renewal form the vessel's one area of intended salmon net gear operation for the year; it is unlawful for a vessel to engage in salmon net fishing in an area other than the single area selected;

(2) in this section the term "area" means any registration area listed in (d) of this section, except that

(A) in salmon net Registration Area T, a vessel must also be registered by the department for a fishing district as required by 5 AAC 06.370;

(B) in salmon net Registration Area Y, a vessel must also be registered by the department for a fishing district as required by 5 AAC 05.370;

(C) a purse seine vessel registered for salmon net Registration Area M is also registered to operate purse seine gear in Registration Area F during the same registration year;

(3) a vessel registered for an area of salmon net fishing in compliance with (c)(1) of this section will be issued, by the Commercial Fisheries Entry Commission, a vessel license area tab for that year; it is unlawful for a vessel to fish in the area of registration unless the vessel displays the area tab on the vessel license number plate; no vessel owner or operator may possess for each vessel, or no vessel may display, more than one vessel license area tab;

(4) a person who owns a fishing vessel registered for an area of intended operation in compliance with (c)(1) of this section or his authorized agent may register it for a different salmon net registration area under the following conditions:

(A) the reregistration of a salmon net fishing vessel shall be authorized by the

(i) commissioner upon receipt of proof in writing that the vessel has been lost through sinking, destruction, or extensive mechanical breakdown, or that the vessel operator has suffered serious injury, sickness or death during the open season; or

(ii) Commercial Fisheries Entry Commission upon receipt of a written certification or personal affidavit stating that the vessel has not been used for salmon net fishing in the original area of registration during the current registration year;

(B) a person authorized to reregister a vessel must complete a reregistration form issued by the Commercial Fisheries Entry Commission and submit it to the commissioner together with any previously issued vessel license area tab;

(C) it is unlawful for a vessel to fish in the area of reregistration unless the vessel displays the appropriate area tab on the vessel license number plate;

(D) area reregistration under this section shall supersede the original area registration as if the original area registration had never been made;

(E) once a vessel has reregistered for another net registration area to replace a lost vessel, that vessel can not transfer back to its original net registration area during that season;

(5) repealed 4/16/83.

(d) Salmon net gear registration areas are as follows:

Code

<b>Letter</b>	<b>Area</b>
<b>A</b>	Southeastern Alaska Area (5 AAC 33.100)
<b>D</b>	Yakutat Area (5 AAC 30.100)
<b>E</b>	Prince William Sound Area (5 AAC 24.100) and the Yakataga District of the Yakutat Area (5 AAC 30.200(a))
<b>F</b>	Atka-Amlia Islands Area (5 AAC 11.101)
<b>H</b>	Cook Inlet Area (5 AAC 21.100)
<b>K</b>	Kodiak Area (5 AAC 18.100)
<b>L</b>	Chignik Area (5 AAC 15.100)
<b>M</b>	Aleutian Islands and Alaska Peninsula Areas (5 AAC 12.100 and 5 AAC 09.100) and, from August 1 through August 31, the Atka-Amlia Islands Area (5 AAC 11.101) for purse seine gear only
<b>T</b>	Bristol Bay Area (5 AAC 06.100) and January 1 through December 31, the Cinder River and Inner Port Heiden Sections of the Alaska Peninsula Area and August 1 through December 31, that portion of the Ilnik Section within Ilnik Lagoon and all waters inside the Seal Islands of the Alaska Peninsula Area (5 AAC 09.200(a)(1) - (3))
<b>W</b>	Kuskokwim Area (5 AAC 07.100)
<b>X</b>	Arctic-Kotzebue Area (5 AAC 03.100)
<b>Y</b>	Yukon Area (5 AAC 05.100)
<b>Z</b>	Norton Sound-Port Clarence Area (5 AAC 04.100)

(e) Evidence of proper registration or licensing must be kept immediately available at all times during fishing operations and must be shown upon request to any peace officer of the state.

(f) The provisions of this section do not apply to halibut fishing.

(g) Repealed 10/1/98.

**5 AAC 39.123. Late registration.** (a) To qualify for an extension of a registration or permit deadline set out in 5 AAC 01 - 5 AAC 39, a person must show that the person had demonstrated an intent to harvest fish before the deadline. An "intent to harvest fish" may be demonstrated by

(1) renewing or applying for, before the deadline, a CFEC permit which is effective in the fishery and area for which extension is being requested;

(2) participation during the previous season in the fishery in the requested area, unless entry into the fishery is limited and the person did not own a permit for that season;

(3) purchasing or showing intent to purchase a vessel, permit, or fishing gear for the fishery before the deadline;

(4) showing intent to start, starting, or completion of vessel or gear repair or maintenance for the fishery before the deadline; or

(5) any other written documentation, such as loan applications, agreements with fish buyers, license applications, or other writings, which indicate the necessary intent to participate in the fishery before the deadline.

(b) In addition to (a) of this section, a person must demonstrate that failure to apply before the deadline was a result of excusable neglect. "Excusable neglect" may be demonstrated by

(1) loss of registration or permit form in the mail, or other documentation which may demonstrate excusable carelessness or inattention on the part of authorized agents or other third parties;

(2) receipt of incorrect information from a department official, which is substantiated by the appropriate official;

(3) illness or injury of the individual or a member of his family that was serious enough to prevent him from meeting the deadline;

(4) required government or military service; or

(5) written documentation that will substantiate other unavoidable circumstances that prevented meeting the deadline.

**5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska.** (a) Before entering the waters of Alaska,

(1) an operator of an unlicensed commercial fishing vessel shall report by telephone, and shall leave a recorded report at a telephone number designated by the department for that purpose, or shall report by other means specified by the department. A report under this section must

- (A) identify the vessel and vessel operator;
- (B) certify that no unprocessed fish are on board the vessel;
- (C) include the destination, travel route, and dates of transit; and

(D) include the quantity, species, and the location from which the fish were taken if any processed fish are on board the vessel.

(b) The commissioner may, upon request by a local representative of the department, waive all or part of the requirements of this section if the commissioner determines that compliance with this section is not necessary for conservation, management, or enforcement in a designated geographical area.

(c) For the purposes of this section,

(1) "commercial fishing vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for or equipped to be used for

- (A) commercial fishing;
- (B) fish processing;
- (C) fish transport; or
- (D) fish storage, including temporary storage;

(2) "unlicensed" means not licensed under AS 16.05.490 - 16.05.530.

**5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements.** (a) Before operating during a calendar year, an individual, company, firm, or other organization that is a first purchaser, catcher-exporter, catcher-processor, or catcher-seller shall submit to the department a completed intent to operate application provided by the department or available online, together with a \$25 processing fee for each individual, company, firm, or other organization identified in the application; the fee is not required of an applicant that paid the annual fee required by AS 43.75.020(a). The individual, company, firm, or other organization may begin to operate only after receiving authorization from the department to begin operating, along with the individual's or organization's processor code for the current year.

(b) An individual, company, firm, or other organization described in (a) of this section that intends or is required to use the eLandings Electronic Reporting System shall access the system by completing an operator documentation and user agreement on the Interagency eLandings Electronic Reporting System's website. In addition to the other requirements of this section, an individual, company, firm, or other organization described in (a) of this section that the commissioner determines has submitted at least 2,000 salmon harvest fish tickets or bought more than 20 million pounds of salmon during any of the previous three calendar years shall thereafter use the eLandings Electronic Reporting System for all salmon delivered to a tender vessel, floating processor, or shorebased processor. In addition to the other requirements of this section, a first purchaser shall use the tLandings application for all groundfish delivered to a tender vessel.

(c) An individual, company, firm, or other organization described in (a) of this section shall record each delivery on an ADF&G fish ticket. A fish ticket must be completed for all fish or byproducts of fish harvested in the waters of Alaska and for all fish or byproducts of fish harvested in waters outside of the waters of Alaska and offloaded or processed in the waters of Alaska. Fish tickets for each fishery must be finalized and submitted to a local representative of the department not later than seven days after a delivery or partial delivery, or as otherwise specified by the department, such as for each vessel trip. The operator of a vessel that has harvested fish in the waters of Alaska and whose port of delivery is outside this state, or who sells, transfers, receives, or delivers fish in the Exclusive Economic Zone (EEZ), shall submit a completed hailed weight fish ticket or a fish ticket to the department before the fish are transported out of the jurisdiction of this state. At the time of delivery or partial delivery, or as otherwise directed by the department, fish tickets must include the following information:

(1) the name and signature of the applicable individual, company, firm, or other organization described in (a) of this section;

(2) the name and signature of the CFEC permit holder that operated the unit of gear with which the fish were taken;

(3) the processor code imprinted on the fish ticket from the code plate issued by the department, the processor code handwritten on the fish ticket if instructed by an authorized representative of the department, or the electronically captured information from the eLandings Electronic Reporting System, except that if a catcher-seller is shipping fish to a fisheries business, the fisheries business must imprint the fish ticket, or electronically capture the information on the eLandings Electronic Reporting System, with the processor code of the fisheries business; in this paragraph, "fisheries business" has the meaning given in AS 43.75.290;

(4) the name, or the United States Coast Guard number or Department of Transportation number, of the vessel employed in taking the fish, if applicable;

(5) the date fishing gear was deployed and the date the delivery or partial delivery of the fish is completed;

(6) the permanent ADF&G vessel license plate number, if applicable;



(7) the type of gear by which the fish were taken by the gear code number specified by the department;

(8) the statistical areas, districts, and subdistricts in which the fish were taken and, if required by a local representative of the department, the nearest headland or bay in which the fish were taken;

(9) the pounds, including any applicable weight modifier such as with ice and slime, delivery condition code, and disposition code, including any applicable overage code, of fish by species, except that

(A) for salmon and crab, the number is also required;

(B) for herring, only the weight, in pounds or tons, and delivery condition are required;

(10) an indication of a partial delivery, including a partial delivery of groundfish as specified in 5 AAC 28.070(f), if applicable;

(11) the CFEC permit number of the operator of the unit of gear with which the fish were taken, imprinted on the fish ticket from the valid permit card or electronically captured from the valid permit card; the imprinting requirement under this paragraph may be suspended by a local representative of the department after presentation by the commercial fisherman of the operator's permit application validated by CFEC or documentation from the department or CFEC that the permit card has been damaged, lost, or stolen; if a suspension is granted, the buyer or commercial fisherman must handwrite the name of the permit holder, the permit holder's permit number, and, if applicable, the permanent ADF&G vessel license plate number on the fish ticket, and attach a copy of the supporting documentation;

(12) the number or pounds of fish by species retained by a commercial fisherman for that person's own use, if applicable;

(13) the number of licensed crewmembers, including the vessel operator, if applicable;

(14) the number of certified onboard observers, if applicable;

(15) the management program code, if using the eLandings Electronic Reporting System;

(16) the permanent ADF&G vessel license plate number of the tender vessel, if applicable;

(17) for a dual permit, the second CFEC permit number, if required by the department;

(18) any other information that the commissioner determines is necessary.

(d) A person may not possess a fish ticket that has been imprinted with a CFEC permit number until the time of delivery or partial delivery.

(e) A buyer of fish harvested through a CDQ program, as described in 6 AAC 93, shall electronically submit a fish ticket at least one time per week. The buyer may use the consolidated fish ticket feature in the eLandings Electronic Reporting System, including seaLandings, to generate the fish ticket. In this subsection, "week" means a seven-day period of time that begins on Sunday and ends on Saturday.

(f) An individual, company, firm, or other organization described in (a) of this section shall furnish, verbally or in writing, purchasing, production, or other information as required by the commissioner.

(g) Not later than April 1, a first purchaser, catcher-exporter, or catcher-processor that has been assigned a processor code under (a) of this section shall submit a Commercial Operator's Annual Report (COAR), which is an operator's accurate and complete summary of activity for each intent to operate application approved by the department for the previous year, or a signed statement of nonactivity for the previous year, on a form provided by the department or available online. The department will not authorize operations for the current year to an applicant that has not submitted all COAR reports due under this section for any previous year.

(h) A commercial fisherman shall furnish to the buyer information necessary for completion of reports required by the commissioner.

(i) An individual, company, firm, or other organization described in (a) of this section using the eLandings Electronic Reporting System must electronically submit the initial landing report at the completion of a delivery or partial delivery, and submit to the department the final landing report and a copy of the fish ticket generated and printed from the eLandings Electronic Reporting System not later than seven days after the delivery or partial delivery.

(j) A commercial fisherman shall submit to the department verbally, in writing, or electronically through the eLandings Electronic Reporting System, directly or through the buyer, information necessary for reports required by the commissioner.

(k) Unless otherwise specified in this chapter, in addition to other requirements of this section, each person that is the first purchaser of or that first processes raw groundfish or halibut shall comply with the record keeping and electronic reporting requirements through the eLandings Electronic Reporting System and any other reporting requirements in 50 C.F.R. 679.5, revised as of October 1, 2013.

(l) The commissioner may, by emergency order, close a fishing season and immediately reopen a fishing season during which a different reporting requirement is in effect.

(m) In addition to the other provisions of this section, if the commissioner determines it is necessary, the following information regarding the transporting, delivery, or shipping

of unprocessed fish must be transmitted to an authorized local representative of the department either in person, in writing, by radio or telephone, or by other means specified by the department:

- (1) the number and species of salmon taken in a regulatory area must be reported before being transported to any other area or out of this state;
- (2) the number or pounds, by species, of all other fish must be reported before being transported out of this state;

(3) the number or pounds, by species, of fish taken by a catcher-seller must be reported upon delivery or before shipping the fish within the state.

(n) A floating processor shall report in person, by radio or telephone, or by other means specified by the department, to the local representative of the department located within the management area of intended operation before the start of processing operations. The report must include the initial processing location by district or subdistrict and latitude and longitude, and the date of intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local representative of the department in person, by radio or telephone, or by other means specified by the department, of the new location of operation by district or subdistrict and latitude and longitude. A local representative of the department may waive all or part of the requirements of this subsection upon determining that the requirements are not necessary for the conservation or management of the fishery in that area.

(o) In this section,

(1) "buyer-exporter" means the first purchaser of unprocessed fish that exports or attempts to export out of this state the fish either unprocessed or custom processed;

(2) "catcher-exporter" means a commercial fisherman who exports or attempts to export out of this state unprocessed or custom processed fish that were legally taken by the catcher-exporter;

(3) "catcher-processor" means a commercial fisherman who sells or attempts to sell processed or unprocessed fish that were legally taken by the catcher-processor in or out of this state;

(4) "catcher-seller" means a commercial fisherman who sells or attempts to sell unprocessed fish that were legally taken by the catcher-seller

(A) to the general public for use for noncommercial purposes;

(B) for use as bait for commercial or noncommercial purposes;

(C) to restaurants, grocery stores, and established fish markets;

(D) by shipping the fish to a licensed buyer, processor, or exporter within this state;

(5) "commercial fish transporter" means those individuals whose activities require a permit under AS 16.05.671;

(6) "custom processed" means that the fish is processed by a person that does not own the fish;

(7) "delivery" means offloading fish for sale or for transport to a buyer for later sale;

(8) "dual permit" means the use of additional fishing gear on board a vessel or at a set gillnet site under a second CFEC permit as allowed under the applicable provisions in this title;

(9) "eLandings Electronic Reporting System"

(A) means the electronic and Internet based reporting system maintained by the department, the National Marine Fisheries Service, Alaska Region, and the International Pacific Halibut Commission to provide an alternative to paper fish tickets;

(B) includes the following:

(i) eLandings, which is a web application for shore side and Internet capable vessels;

(ii) seaLandings, which is a desktop application for sea vessels without Internet capability;

(iii) tLandings, which is a portable data storage application for tender and other operations;

(10) "first purchaser:

(A) means the person that first purchases unprocessed fish directly from the commercial fisherman for the purchaser's own business and does not act as a buying agent for another business;

(B) includes a

(i) buyer-exporter;

(ii) floating processor;

(iii) independent buyer;

(iv) shorebased processor;

(11) "fish ticket" includes

(A) a department issued paper copy form for recording harvest; and

(B) an electronically generated record of harvest from the eLandings Electronic Reporting System;

(12) "floating processor" includes the operator of a vessel who

(A) operates as a catcher-processor;

(B) is the first purchaser of unprocessed fish and sells or attempts to sell processed or unprocessed fish in or out of this state;

(13) "independent buyer" means the first purchaser of unprocessed fish for sale unprocessed within this state to a shorebased processor, floating processor, or buyer-exporter;

(14) "partial delivery" means the offloading of fish for sale or for transport to a buyer of only a portion of the total harvest from one vessel's trip, excluding catch retained for

(A) personal use under 5 AAC 39.010;

(B) bait under applicable provisions of this title;

(15) "shorebased processor" means a land-based first purchaser that purchases unprocessed fish and sells or attempts to sell that fish, processed or unprocessed, in or out of this state;

(16) "trip" means

(A) for a vessel on which fish are harvested but not processed, the period of time from when the vessel commences fishing until completion of the final delivery; a trip may include one or more partial deliveries; or

(B) a period of time designated by the department, such as every seven days.

(17) "tender vessel" means a vessel whose operator acts as an agent for a processor and accepts delivery of fish from a commercial fisherman or another tender vessel for transport to a shore-based or floating processor.

**5 AAC 39.135. Requirements for releasing confidential information to third persons.** (a) A person requesting the release of confidential information to a third person regarding the requesting person's fishery landings shall make the request in the form of a limited power of attorney on a request form provided by the department. The department will make the request form available at its local and regional offices and its website.

(b) The person requesting the release of information under this section shall indicate on the request form the time period that the person authorizes the department to release the information that is not less than 30 days and not more than one year from the date that the person signs the form.

(c) The person requesting the release of information under this section shall complete the request form as prescribed by the department. When submitting the form in person, the person shall produce a government-issued photo identification for inspection by a department employee. If the form is being submitted by mail, the person shall first have the form notarized. If the form is being sent by facsimile, the person shall first have the form notarized, and after facsimile transmission, shall mail the original form to the department office that the facsimile was sent. The department will not release information requested under this section until it receives the original, completed request form.

**5 AAC 39.140. Inspection of fishing establishments and vessels.** (a) Representatives of the Department of Fish and Game or the Department of Public Safety shall have free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder.

(b) Upon being approached by a vessel or aircraft under the control of a representative of the Departments of Fish and Game or Public Safety, the operator of a fishing vessel, catcher-processor, or floating processor shall be alert for, and immediately comply with, signals conveying enforcement intent. A vessel operator signaled to stop or heave to for boarding shall

(1) stop immediately and lay to or maneuver in such a way as to permit the representative and his party to come aboard;

(2) if requested, provide a safe ladder for the representative and his party;

(3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination of the ladder;

(4) take such other actions as necessary to ensure the safety of the representative and party and to facilitate the boarding; and

(5) make every effort to comply with all lawful orders given by the representative, except that the owner or operator of the vessel is solely responsible for navigation, supervision, and control of the vessel and his decisions shall be final in all matters pertaining to proper navigation and safety of the vessel crew, and fishing gear.

(c) On a vessel which catches and processes crab and is required to carry an observer under 5 AAC 39.645, the vessel operator must separate crab to be retained and, before butchering, must make those crab available to the observer for inspection.

(d) Notwithstanding the requirements of 5 AAC 30.392(a), 5 AAC 30.393, 5 AAC 33.392(d), and 5 AAC 33.393, upon request by a local representative of the department or a peace officer of the state, a fisherman or processor shall relinquish the tag and head of adipose-fin-clipped salmon, and shall inform the representative or peace officer of the date and location of the catch, if known.

**5 AAC 39.150. Explosives, chemicals and poisons unlawful.** The use of an explosive, chemical or poison in the taking or killing of fish or shellfish is prohibited, except that chemical baits or lures may be used to attract shellfish.

**5 AAC 39.155. Seine drums unlawful.** It shall be unlawful to have mounted aboard any seine vessel a seine drum or reel around which a seine can be coiled or rolled.

**5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling.** (a) The operator of a vessel taking groundfish with trawl gear in the waters of Alaska in the Bering Sea-Aleutian Islands Area described in 5 AAC 28.600 shall retain, on board the vessel or at the shoreside processing plant, salmon taken as bycatch with the trawl gear. After the salmon bycatch has been counted and sampled by a groundfish observer certified by the National Marine Fisheries Service (NMFS), the vessel operator shall provide for the disposal of the salmon in marine waters in a manner not inconsistent with applicable state or federal statutes and regulations.

(b) The operator of a vessel taking groundfish with trawl gear in federal waters adjacent to the area described in (a) of this section shall comply with (a) of this section if salmon taken as bycatch with the trawl gear are brought into the waters of Alaska.

(c) For the purposes of this section "sample" means to examine a portion of the bycatch, and may include

(1) noting sex, species, length, and weight;

(2) taking scale or tissue specimens; and

(3) taking other measurements or specimens considered necessary by either the groundfish observer or a representative of the department.

(d) Repealed 6/2/95.

**5 AAC 39.170. Monofilament purse seine web unlawful.** It is unlawful to use single- or multiple-strand monofilament purse seine web. For the purpose of this regulation, "monofilament" means any single filament having more than 50 denier, that is, weighing more than 50 grams per 9,000 meters of filament.

**5 AAC 39.175. Use of lights prohibited.** It is unlawful to use artificial lights to attract salmon out of closed waters for the purpose of a commercial taking.

**5 AAC 39.180. Time limit for preservation of salmon.** It is unlawful to preserve for sale as food any salmon, unless it has been canned, salted, iced, frozen, brine chilled, smoked, or dried within 48 hours after being killed.

**5 AAC 39.185. Policy on closures due to illegal fishing.** (a) Some fisheries have had a documented history of illegal commercial fishing dating back to 1968. Enforcement efforts by the Department of Public Safety have been largely ineffective in controlling this recurring problem on a long-term basis. The Board recognizes the difficulty of

enforcement in some areas of the state and although the current regulations are sufficient to protect fish stocks, they may be ineffective due to special enforcement problems.

(b) In the interest of the conservation of valuable renewable fish resources, the Board of Fisheries directs the commissioner, or his authorized designee, to take the following actions given the specified circumstances. If illegal fishing activities develop to the point that regulations pertaining to protection of fish stocks become ineffective, the commissioner shall consider closing the affected fishery by emergency order for a period of up to one week. When the fishery reopens and illegal fishing continues to be a problem, the appropriate fishery may be closed for an additional period of time. Continued violations may result in additional closures of the fishery.

**5 AAC 39.190. Driving salmon prohibited.** It is unlawful to drive or attempt to drive salmon from waters closed to salmon fishing.

**5 AAC 39.195. Announcement of emergency orders.** Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers, and canneries by one or more of the following means, if possible:

- (1) radio transmission by department stations;
- (2) notices posted at canneries and public places;
- (3) press releases and announcements in
  - (A) the department's website;
  - (B) local newspapers; and
  - (C) commercial radio stations;
- (4) telephone message hotline;
- (5) electronic mail;
- (6) facsimile transmission;
- (7) other appropriate public notification media.

**5 AAC 39.197. Unlawful possession of fish.** No person may possess, purchase, sell, barter or transport fish within the state or within water subject to the jurisdiction of the state if that person knows or has reason to know that fish were taken or possessed in contravention of 5 AAC 03 - 5 AAC 39.

**5 AAC 39.198. Foreign fish processing permits.** (a) Except as provided in this chapter, a foreign fishing vessel is prohibited from engaging in fish processing in the internal waters of Alaska.



(b) A foreign fishing vessel may engage in fish processing in the internal waters of Alaska if

(1) the foreign nation under which it is flagged will be a party to an agreement or a treaty, as required by 16 U.S.C. 1856(c), and during the time the vessel will engage in the fish processing;

(2) the owner or operator of the foreign fishing vessel, or a person representing the owner or operator, applies to the governor for, and is granted, a foreign processing permit for the vessel to engage in fish processing in the internal waters of Alaska.

(c) The governor will not grant a permit under (b)(2) of this section if he determines that fish processors in Alaska have adequate capacity, and will use that capacity, to process all of the United States harvested fish from the fishery concerned that are landed in Alaska.

(d) In determining whether or not fish processors in Alaska have adequate capacity, and will use that capacity, to process all of the United States harvested fish from the fishery, the governor will, in his discretion, consider the following factors:

(1) the total allowable catch expected in the fishery;

(2) availability and capability of harvesting vessels in Alaska, seasonal fishing and processing schedules, and marketing and other similar conditions in the fishery concerned and in alternative fisheries;

(3) availability of labor, adequacy and condition of processing machinery, freezers, and cold storage facilities of fish processors in Alaska, and the ability, intent and plans of those processors to process particular species;

(4) economic considerations, including contracts, agreements, and negotiations for the purchase of United States harvested fish by processors in Alaska;

(5) geographical considerations including proximity of harvest areas to the facilities of fish processors in Alaska; and

(6) the extent to which fish processors in Alaska have processed particular species.

(e) An owner or operator of a foreign fishing vessel who submits an application for a permit to engage in fish processing in the internal waters of Alaska must

(1) state the reasons why fish processors in Alaska do not have adequate capacity, or will not use their capacity, to process all of the United States harvested fish from the fishery concerned that are landed;

(2) provide the following information:

(A) vessel description and identification;

(B) names and descriptions of the vessels, if known, from which the applicant will purchase fish;

(C) the species and quantity proposed to be processed and processing methods to be used;

(D) a description of the fishery from which the species will be harvested;

(E) the stage of development of the fishery as established, developing or undeveloped, and a statement of how the proposed operation in the fishery will help to achieve the full potential of the resources and provide benefits including employment, food supply, and revenue;

(F) the dates for which permission is sought;

(G) the specific locations in internal waters proposed for foreign processing;

(H) the qualifying governing international fisheries agreement or treaty, as required by 16 U.S.C. 1856(c);

(I) evidence of compliance with applicable federal and state regulations including state laws and regulations that apply to processing vessels;

(J) proof of financial ability to purchase the expected quantity of fish to be processed, at reasonable market conditions;

(K) the ultimate sales market for the product, and marketing information showing how the operation will benefit development of the United States fishing industry;

(L) other information on the applicant's vessels, equipment, operations, and experience, reliance on local fishing vessel operations, and ability to benefit the United States fishing industry and residents of Alaska.

(f) In evaluating an application for a foreign processing permit, the governor will consider whether and to what extent the applicant and the applicant's nation have been, are, or will be contributing to the conservation, use, management, development, and enforcement of domestic fisheries programs.

(g) If a permit is granted, the governor will, in his discretion, designate times and areas of operations, species and quantities to be processed and other conditions of operation in order to attain desired benefits to the United States fishing industry.

(h) The governor will, in his discretion, suspend or terminate a permit granted under this section when he determines that processors in Alaska have adequate capacity, and will use that capacity, to process all United States harvested fish from the fishery and that the suspension or termination is necessary to achieve desired benefits to the United States fishing industry.

(i) The governor will, in his discretion, appoint a foreign processing advisory committee to obtain and review information regarding fish processing operations, including capacity determinations, in Alaska.

(j) In this section,

(1) "developed fishery" means a fishery in which United States processing capacity is available and has been used by United States fishermen and processors but not to the full extent of the total allowable catch in the fishery;

(2) "established fishery" means a fishery in which United States processing capacity has been available and has been used by United States fishermen and processors to the full extent of the total allowable catch in the fishery and in which full utilization by United States fishermen and processors is likely to continue;

(3) "fishery" means

(A) a stock or stocks of fish which may be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; or

(B) the commercial taking of these stocks;

(4) "foreign fishing vessel" means a vessel that is documented under the flag of a foreign nation and engages in fish processing;

(5) "internal waters of Alaska" means all waters within the boundaries of the state except those seaward of the baseline from which the territorial sea is measured;

(6) "processing" means the application of preservative methods to the flesh of fish to maintain quality and prevent deterioration, including

(A) storage and transportation of unprocessed fish;

(B) preparation for preservation;

(C) cooking, canning, smoking, salting, drying, freezing, icing, refrigeration, vacuum packing, gas, microwave preservation, and other preservation means;

(7) "total allowable catch" means the quantity of fish in a fishery that may be harvested without detriment to sustained yield;

(8) "undeveloped fishery" means a fishery in which there has been no United States commercial fishing nor processing of the total allowable catch in the fishery.

**5 AAC 39.200. Application of fishery management plans.** (a) The Board of Fisheries has implemented by regulation fishery management plans that provide the Department of Fish and Game with guidelines to be followed when making management decisions regarding the state's subsistence, commercial, sport and personal use fisheries. The

primary goal of these management plans is to protect the sustained yield of the state's fishery resources while at the same time providing an equitable distribution of the available harvest between various users. The regulations contained in this section are intended to aid in the achievement of that goal and therefore will apply to all fishery management plans contained in 5 AAC 03 - 5 AAC 39.

(b) In some fishery management plans, the distribution of harvestable fish between various users is determined by the harvest that occurs during a specific time period, at a specific location or by a specific group or groups of users. At times fishermen, due to circumstances that are beyond the control of the department, such as weather or price disputes, will not harvest fish. When this happens in a fishery governed by a management plan, the goals of that plan may not be achieved. Therefore, when a fishery is open to the taking of fish and the group or groups of users whose catch determines the distribution of the harvest as set out in the applicable management plan is not taking the harvestable fish available to them, the department shall manage the fishery as if the available harvest is being taken. When determining the available harvest, the department shall consider the number of fish needed to meet spawning requirements, the number of fish present in the fishery and in spawning areas that are in excess of spawning requirements and the estimated harvesting capacity of the group or groups of users that would normally participate in the fishery.

**5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.** Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

### Article 2. Salmon Fishery.

#### All Sections

[5 AAC 39.220 . Policy for the management of mixed stock salmon fisheries.](#)

[5 AAC 39.222 . Policy for the management of sustainable salmon fisheries.](#)

[5 AAC 39.223 . Policy for statewide salmon escapement goals.](#)

[5 AAC 39.230 . Gear.](#)

[5 AAC 39.240 . General gear specifications and operations.](#)

[5 AAC 39.250 . Gillnet specifications and operations.](#)

[5 AAC 39.260 . Seine specifications and operations.](#)

[5 AAC 39.265 . Retention of salmon taken in a commercial net fishery.](#)

[5 AAC 39.280 . Identification of stationary fishing gear.](#)

[5 AAC 39.290 . Closed waters.](#)

[5 AAC 39.291 . Boundary markers.](#)

**5 AAC 39.220. Policy for the management of mixed stock salmon fisheries.** (a) In applying this statewide mixed stock salmon policy for all users, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority. Allocation of salmon resources under this policy will be consistent with the subsistence preference in AS 16.05.258, and the allocation criteria set out in 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007.

(b) In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to their respective harvest on the stock of concern. The board recognized that precise sharing of conservation among fisheries is dependent on the amount of stock-specific information available.

(c) The board's preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity.

(d) Most wild Alaska salmon stocks are fully allocated to fisheries capable of harvesting available surpluses. Consequently, the board will restrict new or expanding mixed stock fisheries unless otherwise provided for by management plans or by application of the board's allocation criteria. Natural fluctuations in the abundance of stocks harvested in a fishery will not be the single factor that identifies a fishery as expanding or new.

(e) This policy will be implemented only by the board through regulations adopted (1) during its regular meeting cycle; or (2) through procedures established in the Joint Board's Petition Policy (5 AAC 96.625), Subsistence Petition Policy (5 AAC 96.625(f)), Policy for Changing Board Agenda (5 AAC 39.999), or Subsistence Proposal Policy (5 AAC 96.615).

**5 AAC 39.222. Policy for the management of sustainable salmon fisheries.** (a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that

(1) while, in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices, there is a need for a comprehensive policy for the regulation and management of sustainable salmon fisheries;

(2) in formulating fishery management plans designed to achieve maximum or optimum salmon production, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new fisheries or expanding fisheries;

(3) to effectively assure sustained yield and habitat protection for wild salmon stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy.

(b) The goal of the policy under this section is to ensure conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska's fishing communities.

(c) Management of salmon fisheries by the state should be based on the following principles and criteria:

(1) wild salmon stocks and the salmon's habitats should be maintained at levels of resource productivity that assure sustained yields as follows:

(A) salmon spawning, rearing, and migratory habitats should be protected as follows:

(i) salmon habitats should not be perturbed beyond natural boundaries of variation;

(ii) scientific assessments of possible adverse ecological effects of proposed habitat alterations and the impacts of the alterations on salmon populations should be conducted before approval of a proposal;

(iii) adverse environmental impacts on wild salmon stocks and the salmon's habitats should be assessed;

(iv) all essential salmon habitat in marine, estuarine, and freshwater ecosystems and access of salmon to these habitats should be protected; essential habitats include spawning and incubation areas, freshwater rearing areas, estuarine and nearshore rearing areas, offshore rearing areas, and migratory pathways;

(v) salmon habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity;

(B) salmon stocks should be protected within spawning, incubating, rearing, and migratory habitats;

(C) degraded salmon productivity resulting from habitat loss should be assessed, considered, and controlled by affected user groups, regulatory agencies, and boards when making conservation and allocation decisions;

(D) effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts;

(E) degraded salmon spawning, incubating, rearing, and migratory habitats should be restored to natural levels of productivity where known and desirable;

(F) ongoing monitoring should be conducted to determine the current status of habitat and the effectiveness of restoration activities;

(G) depleted salmon stocks should be allowed to recover or, where appropriate, should be actively restored; diversity should be maintained to the maximum extent possible, at the genetic, population, species, and ecosystem levels;

(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows:

(A) salmon spawning escapements should be assessed both temporally and geographically; escapement monitoring programs should be appropriate to the scale, intensity, and importance of each salmon stock's use;

(B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or inriver run goals, should be established in a manner consistent with sustained yield; unless otherwise directed, the department will manage Alaska's salmon fisheries, to the extent possible, for maximum sustained yield;

(C) salmon escapement goal ranges should allow for uncertainty associated with measurement techniques, observed variability in the salmon stock measured, changes in climatic and oceanographic conditions, and varying abundance within related populations of the salmon stock measured;

(D) salmon escapement should be managed in a manner to maintain genetic and phenotypic characteristics of the stock by assuring appropriate geographic and temporal distribution of spawners as well as consideration of size range, sex ratio, and other population attributes;

(E) impacts of fishing, including incidental mortality and other human-induced mortality, should be assessed and considered in harvest management decisions;

(F) salmon escapement and harvest management decisions should be made in a manner that protects nontarget salmon stocks or species;

(G) the role of salmon in ecosystem functioning should be evaluated and considered in harvest management decisions and setting of salmon escapement goals;

(H) salmon abundance trends should be monitored and considered in harvest management decisions;

(3) effective management systems should be established and applied to regulate human activities that affect salmon as follows:

(A) salmon management objectives should be appropriate to the scale and intensity of various uses and the biological capacities of target salmon stocks;

(B) management objectives should be established in harvest management plans, strategies, guiding principles, and policies, such as for mixed stock fishery harvests, fish disease, genetics, and hatchery production, that are subject to periodic review;

(C) when wild salmon stocks are fully allocated, new fisheries or expanding fisheries should be restricted, unless provided for by management plans or by application of the board's allocation criteria;

(D) management agencies should have clear authority in statute and regulation to

(i) control all sources of fishing mortality on salmon;

(ii) protect salmon habitats and control nonfishing sources of mortality;

(E) management programs should be effective in

(i) controlling human-induced sources of fishing mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(ii) protecting salmon habitats and controlling collateral mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(F) fisheries management implementation and outcomes should be consistent with regulations, regulations should be consistent with statutes, and effectively carry out the purpose of this section;

(G) the board will recommend to the commissioner the development of effective joint research, assessment, and management arrangements with appropriate management agencies and bodies for salmon stocks that cross state, federal, or international jurisdictional boundaries; the board will recommend the coordination of appropriate procedures for effective monitoring, compliance, control, and enforcement with those of other agencies, states, or nations;

(H) the board will work, within the limits of its authority, to assure that

(i) management activities are accomplished in a timely and responsive manner to implement objectives, based on the best available scientific information;

(ii) effective mechanisms for the collection and dissemination of information and data necessary to carry out management activities are developed, maintained, and utilized;

(iii) management programs and decision-making procedures are able to clearly distinguish, and effectively deal with, biological and allocation issues;

(I) the board will recommend to the commissioner and legislature that adequate staff and budget for research, management, and enforcement activities be available to fully implement sustainable salmon fisheries principles;

(J) proposals for salmon fisheries development or expansion and artificial propagation and enhancement should include assessments required for sustainable management of existing salmon fisheries and wild salmon stocks;

(K) plans and proposals for development or expansion of salmon fisheries and enhancement programs should effectively document resource assessments, potential



impacts, and other information needed to assure sustainable management of wild salmon stocks;

(L) the board will work with the commissioner and other agencies to develop effective processes for controlling excess fishing capacity;

(M) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions in sustaining salmon populations, fisheries, and habitat, and to resolve associated problems or deficiencies;

(N) conservation and management decisions for salmon fisheries should take into account the best available information on biological, environmental, economic, social, and resource use factors;

(O) research and data collection should be undertaken to improve scientific and technical knowledge of salmon fisheries, including ecosystem interactions, status of salmon populations, and the condition of salmon habitats;

(P) the best available scientific information on the status of salmon populations and the condition of the salmon's habitats should be routinely updated and subject to peer review;

(4) public support and involvement for sustained use and protection of salmon resources should be sought and encouraged as follows:

(A) effective mechanisms for dispute resolution should be developed and used;

(B) pertinent information and decisions should be effectively disseminated to all interested parties in a timely manner;

(C) the board's regulatory management and allocation decisions will be made in an open process with public involvement;

(D) an understanding of the proportion of mortality inflicted on each salmon stock by each user group, should be promoted, and the burden of conservation should be allocated across user groups in a manner consistent with applicable state and federal statutes, including AS 16.05.251(e) and AS 16.05.258; in the absence of a regulatory management plan that otherwise allocates or restricts harvests, and when it is necessary to restrict fisheries on salmon stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to each fisheries' respective use, consistent with state and federal law;

(E) the board will work with the commissioner and other agencies as necessary to assure that adequately funded public information and education programs provide timely materials on salmon conservation, including habitat requirements, threats to salmon habitat, the value of salmon and habitat to the public and ecosystem (fish and wildlife), natural variability and population dynamics, the status of salmon stocks and fisheries, and the regulatory process;

(5) in the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats shall be managed conservatively as follows:

(A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality; a precautionary approach requires

(i) consideration of the needs of future generations and avoidance of potentially irreversible changes;

(ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly;

(iii) initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species;

(iv) that where the impact of resource use is uncertain, but likely presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource;

(v) appropriate placement of the burden of proof, of adherence to the requirements of this subparagraph, on those plans or ongoing activities that pose a risk or hazard to salmon habitat or production;

(B) a precautionary approach should be applied to the regulation of activities that affect essential salmon habitat.

(d) The principles and criteria for sustainable salmon fisheries shall be applied, by the department and the board using the best available information, as follows:

(1) at regular meetings of the board, the department will, to the extent practicable, provide the board with reports on the status of salmon stocks and salmon fisheries under consideration for regulatory changes, which should include

(A) a stock-by-stock assessment of the extent to which the management of salmon stocks and fisheries is consistent with the principles and criteria contained in the policy under this section;

(B) descriptions of habitat status and any habitat concerns;

(C) identification of healthy salmon stocks and sustainable salmon fisheries;

(D) identification of any existing salmon escapement goals, or management actions needed to achieve these goals, that may have allocative consequences such as the

(i) identification of a new fishery or expanding fishery;

(ii) identification of any salmon stocks, or populations within stocks, that present a concern related to yield, management, or conservation; and

(iii) description of management and research options to address salmon stock or habitat concerns;

(2) in response to the department's salmon stock status reports, reports from other resource agencies, and public input, the board will review the management plan, or consider developing a management plan, for each affected salmon fishery or stock; management plans will be based on the principles and criteria contained in this policy and will

(A) contain goals and measurable and implementable objectives that are reviewed on a regular basis and utilize the best available scientific information;

(B) minimize the adverse effects on salmon habitat caused by fishing;

(C) protect, restore, and promote the long-term health and sustainability of the salmon fishery and habitat;

(D) prevent overfishing; and

(E) provide conservation and management measures that are necessary and appropriate to promote maximum or optimum sustained yield of the fishery resource;

(3) in the course of review of the salmon stock status reports and management plans described in (1) and (2) of this subsection, the board, in consultation with the department, will determine if any new fisheries or expanding fisheries, stock yield concerns, stock management concerns, or stock conservation concerns exist; if so, the board will, as appropriate, amend or develop salmon fishery management plans to address these concerns; the extent of regulatory action, if any, should be commensurate with the level of concerns and range from milder to stronger as concerns range from new and expanding salmon fisheries through yield concerns, management concerns, and conservation concerns;

(4) in association with the appropriate management plan, the department and the board will, as appropriate, collaborate in the development and periodic review of an action plan for any new or expanding salmon fisheries, or stocks of concern; action plans should contain goals, measurable and implementable objectives, and provisions, including

(A) measures required to restore and protect salmon habitat, including necessary coordination with other agencies and organizations;

(B) identification of salmon stock or population rebuilding goals and objectives;

(C) fishery management actions needed to achieve rebuilding goals and objectives, in proportion to each fishery's use of, and hazards posed to, a salmon stock;

(D) descriptions of new or expanding salmon fisheries, management concern, yield concern, or conservation concern; and

(E) performance measures appropriate for monitoring and gauging the effectiveness of the action plan that are derived from the principles and criteria contained in this policy;

(5) each action plan will include a research plan as necessary to provide information to address concerns; research needs and priorities will be evaluated periodically, based on the effectiveness of the monitoring described in (4) of this subsection;

(6) where actions needed to regulate human activities that affect salmon and salmon's habitat that are outside the authority of the department or the board, the department or board shall correspond with the relevant authority, including the governor, relevant boards and commissions, commissioners, and chairs of appropriate legislative committees, to describe the issue and recommend appropriate action.

(e) Nothing in the policy under this section is intended to expand, reduce, or be inconsistent with, the statutory regulatory authority of the board, the department, or other state agencies with regulatory authority that impacts the fishery resources of the state.

(f) In this section, and in implementing this policy,

(1) "allocation" means the granting of specific harvest privileges, usually by regulation, among or between various user groups; "allocation" includes quotas, time periods, area restrictions, percentage sharing of stocks, and other management measures providing or limiting harvest opportunity;

(2) "allocation criteria" means the factors set out in AS 16.05.251(e) considered by the board as appropriate to particular allocation decisions under 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007;

(3) "biological escapement goal" or "(BEG)" means the escapement that provides the greatest potential for maximum sustained yield; BEG will be the primary management objective for the escapement unless an optimal escapement or inriver run goal has been adopted; BEG will be developed from the best available biological information, and should be scientifically defensible on the basis of available biological information; BEG will be determined by the department and will be expressed as a range based on factors such as salmon stock productivity and data uncertainty; the department will seek to maintain evenly distributed salmon escapements within the bounds of a BEG;

(4) "burden of conservation" means the restrictions imposed by the board or department upon various users in order to achieve escapement, rebuild, or in some other way conserve a specific salmon stock or group of stocks; this burden, in the absence of a salmon fishery management plan, will be generally applied to users in close proportion to the users' respective harvest of the salmon stock;

(5) "chronic inability" means the continuing or anticipated inability to meet escapement thresholds over a four to five year period, which is approximately the generation time of most salmon species;

(6) "conservation concern" means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a stock above a sustained escapement threshold (SET); a conservation concern is more severe than a management concern;

(7) "depleted salmon stock" means a salmon stock for which there is a conservation concern;

(8) "diversity", in a biological context, means the range of variation exhibited within any level of organization, such as among genotypes within a salmon population, among populations within a salmon stock, among salmon stocks within a species, among salmon species within a community, or among communities within an ecosystem;

(9) "enhanced salmon stock" means a stock of salmon that is undergoing specific manipulation, such as hatchery augmentation or lake fertilization, to enhance its productivity above the level that would naturally occur; "enhanced salmon stock" includes an introduced stock, where no wild salmon stock had occurred before, or a wild salmon stock undergoing manipulation, but does not include a salmon stock undergoing rehabilitation, which is intended to restore a salmon stock's productivity to a higher natural level;

(10) "escapement" means the annual estimated size of the spawning salmon stock; quality of the escapement may be determined not only by numbers of spawners, but also by factors such as sex ratio, age composition, temporal entry into the system, and spatial distribution within the salmon spawning habitat;

(11) "expanding fishery" means a salmon fishery in which effective harvesting effort has recently increased significantly beyond historical levels and where the increase has not resulted from natural fluctuations in salmon abundance;

(12) "expected yields" mean levels at or near the lower range of recent historic harvests if they are deemed sustainable;

(13) "genetic" means those characteristics (genotypic) of an individual or group of salmon that are expressed genetically, such as allele frequencies or other genetic markers;

(14) "habitat concern" means the degradation of salmon habitat that results in, or can be anticipated to result in, impacts leading to yield, management, or conservation concerns;

(15) "harvestable surplus" means the number of salmon from a stock's annual run that is surplus to escapement needs and can reasonably be made available for harvest;

(16) "healthy salmon stock" means a stock of salmon that has annual runs typically of a size to meet escapement goals and a potential harvestable surplus to support optimum or maximum sustained yield;

(17) "incidental harvest" means the harvest of fish, or other species, that is captured in addition to the target species of a fishery;

(18) "incidental mortality" means the mortality imposed on a salmon stock outside of directed fishing, and mortality caused by incidental harvests, interaction with fishing gear, habitat degradation, and other human-related activities;

(19) "inriver run goal" means a specific management objective for salmon stocks that are subject to harvest upstream of the point where escapement is estimated; the inriver run goal will be set in regulation by the board and is comprised of the SEG, BEG, or OEG, plus specific allocations to inriver fisheries;

(20) "introduced stock" means a stock of salmon that has been introduced to an area, or portion of an area, where that stock had not previously occurred; an "introduced salmon stock" includes a salmon stock undergoing continued enhancement, or a salmon stock that is left to sustain itself with no additional manipulation;

(21) "management concern" means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specified management objectives for the fishery; a management concern is not as severe as a conservation concern;

(22) "maximum sustained yield" or "(MSY)" means the greatest average annual yield from a salmon stock; in practice, MSY is achieved when a level of escapement is maintained within a specific range on an annual basis, regardless of annual run strength; the achievement of MSY requires a high degree of management precision and scientific information regarding the relationship between salmon escapement and subsequent return; the concept of MSY should be interpreted in a broad ecosystem context to take into account species interactions, environmental changes, an array of ecosystem goods and services, and scientific uncertainty;

(23) "mixed stock fishery" means a fishery that harvests fish from a mixture of stocks;

(24) "new fishery" means a fishery that new units of effort or expansion of existing effort toward new species, areas, or time periods, results in harvest patterns substantially different from those in previous years, and the difference is not exclusively the result of natural fluctuations in fish abundance;

(25) "optimal escapement goal" or "(OEG)" means a specific management objective for salmon escapement that considers biological and allocative factors and may differ from the SEG or BEG; an OEG will be sustainable and may be expressed as a range with the lower bound above the level of SET, and will be adopted as a regulation by the board;

the department will seek to maintain evenly distributed escapements within the bounds of the OEG;

(26) "optimum sustained yield" or "(OSY)" means an average annual yield from a salmon stock considered to be optimal in achieving a specific management objective other than maximum yield, such as achievement of a consistent level of sustained yield, protection of a less abundant or less productive salmon stock or species, enhancement of catch per unit effort in sport fishery, facilitation of a nonconsumptive use, facilitation of a subsistence use, or achievement of a specific allocation;

(27) "overfishing" means a level of fishing on a salmon stock that results in a conservation or management concern;

(28) "phenotypic characteristics" means those characteristics of an individual or group of salmon that are expressed physically, such as body size and length at age;

(29) "rehabilitation" means efforts applied to a salmon stock to restore it to an otherwise natural level of productivity; "rehabilitation" does not include an enhancement, which is intended to augment production above otherwise natural levels;

(30) "return" means the total number of salmon in a stock from a single brood (spawning) year surviving to adulthood; because the ages of adult salmon (except pink salmon) returning to spawn varies, the total return from a brood year will occur over several calendar years; the total return generally includes those mature salmon from a single brood year that are harvested in fisheries plus those that compose the salmon stock's spawning escapement; "return" does not include a run, which is the number of mature salmon in a stock during a single calendar year;

(31) "run" means the total number of salmon in a stock surviving to adulthood and returning to the vicinity of the natal stream in any calendar year, composed of both the harvest of adult salmon plus the escapement; the annual run in any calendar year, except for pink salmon, is composed of several age classes of mature fish from the stock, derived from the spawning of a number of previous brood years;

(32) "salmon" means the five wild anadromous semelparous Pacific salmon species *Oncorhynchus* sp., except steelhead and cutthroat trout, native to Alaska as follows:

(A) Chinook or king salmon (*O. tshawytscha*);

(B) sockeye or red salmon (*O. nerka*);

(C) coho or silver salmon (*O. kisutch*);

(D) pink or humpback salmon (*O. gorbuscha*); and

(E) chum or dog salmon (*O. keta*);

(33) "salmon population" means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat

characteristics, comprised of an entire stock or a component portion of a stock; the smallest uniquely identifiable spawning aggregation of genetically similar salmon used for monitoring purposes;

(34) "salmon stock" means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics or an aggregation of two or more interbreeding groups which occur within the same geographic area and is managed as a unit;

(35) "stock of concern" means a stock of salmon for which there is a yield, management, or conservation concern;

(36) "sustainable escapement goal" or "(SEG)" means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated or managed for; the SEG is the primary management objective for the escapement, unless an optimal escapement or inriver run goal has been adopted by the board; the SEG will be developed from the best available biological information; and should be scientifically defensible on the basis of that information; the SEG will be determined by the department and will take into account data uncertainty and be stated as either a "SEG range" or "lower bound SEG"; the department will seek to maintain escapements within the bounds of the SEG range or above the level of a lower bound SEG;

(37) "sustainable salmon fishery" means a salmon fishery that persists and obtains yields on a continuing basis; characterized by fishing activities and habitat alteration, if any, that do not cause or lead to undesirable changes in biological productivity, biological diversity, or ecosystem structure and function, from one human generation to the next;

(38) "sustained yield" means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields;

(39) "sustained escapement threshold" or "(SET)" means a threshold level of escapement, below which the ability of the salmon stock to sustain itself is jeopardized; in practice, SET can be estimated based on lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself; the SET is lower than the lower bound of the BEG and lower than the lower bound of the SEG; the SET is established by the department in consultation with the board, as needed, for salmon stocks of management or conservation concern;

(40) "target species" or "target salmon stocks" means the main, or several major, salmon species of interest toward which a fishery directs its harvest;

(41) "yield" means the number or weight of salmon harvested in a particular year or season from a stock;

(42) "yield concern" means a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable



surpluses, above a stock's escapement needs; a yield concern is less severe than a management concern, which is less severe than a conservation concern;

(43) "wild salmon stock" means a stock of salmon that originates in a specific location under natural conditions; "wild salmon stock" may include an enhanced or rehabilitated stock if its productivity is augmented by supplemental means, such as lake fertilization or rehabilitative stocking; "wild salmon stock" does not include an introduced stock, except that some introduced salmon stocks may come to be considered "wild" if the stock is self-sustaining for a long period of time;

(44) "action point" means a threshold value for some quantitative indicator of stock run strength at which an explicit management action will be taken to achieve an optimal escapement goal.

**5 AAC 39.223. Policy for statewide salmon escapement goals.** (a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska's salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals.

(b) The board recognizes the department's responsibility to

(1) document existing salmon escapement goals for all salmon stocks that are currently managed for an escapement goal;

(2) establish biological escapement goals (BEG) for salmon stocks for which the department can reliably enumerate salmon escapement levels, as well as total annual returns;

(3) establish sustainable escapement goals (SEG) for salmon stocks for which the department can reliably estimate escapement levels when there is not sufficient information to enumerate total annual returns and the range of escapements that are used to develop a BEG;

(4) establish sustained escapement thresholds (SET) as provided in 5 AAC 39.222 (Policy for the Management of Sustainable Salmon Fisheries);

(5) establish escapement goals for aggregates of individual spawning populations with similar productivity and vulnerability to fisheries and for salmon stocks managed as units;

(6) review an existing, or propose a new, BEG, SEG and SET on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals;

(7) prepare a scientific analysis with supporting data whenever a new BEG, SEG, or SET, or a modification to an existing BEG, SEG, or SET is proposed and, in its discretion, to conduct independent peer reviews of its BEG, SEG, and SET analyses;

(8) notify the public whenever a new BEG, SEG, or SET is established or an existing BEG, SEG, or SET is modified;

(9) whenever allocative impacts arise from any management actions necessary to achieve a new or modified BEG, SEG or SET, report to the board on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals so that it can address allocation issues.

(c) In recognition of its joint responsibilities, and in consultation with the department, the board will

(1) take regulatory actions as may be necessary to address allocation issues arising from implementation of a new or modified BEG, SEG, and SET;

(2) during its regulatory process, review a BEG, SEG, or SET determined by the department and, with the assistance of the department, determine the appropriateness of establishing an optimal escapement goal (OEG); the board will provide an explanation of the reasons for establishing an OEG and provide, to the extent practicable, and with the assistance of the department, an estimate of expected differences in yield of any salmon stock, relative to maximum sustained yield, resulting from implementation of an OEG.

(d) Unless the context requires otherwise, the terms used in this section have the same meaning given those terms in 5 AAC 39.222(f).

**5 AAC 39.230. Gear.** Only those gillnets, seines, troll lines, fish wheels, spears or other appliances as provided for in 5 AAC 03 - 5 AAC 39 may be used to take salmon.

**5 AAC 39.240. General gear specifications and operations.** (a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

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

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

(d) Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.

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

**5 AAC 39.250. Gillnet specifications and operations.** (a) The trailing of gillnet web is prohibited at any time or place where fishing is not permitted.

(b) Set gillnets shall be removed from the water during any closed period.

(c) The gillnet web in a gillnet must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in the Arctic-Kotzebue Area (5 AAC 03.100), the Norton Sound-Port Clarence Area (5 AAC 04.100), Districts 1 and 2 of the Yukon Area (5 AAC 05.100) when fishing under the ice, Districts 3 - 6 of the Yukon Area (5 AAC 05.100) all year, the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

**5 AAC 39.260. Seine specifications and operations.** (a) In the use of purse seines and hand purse seines, not more than one anchor may be used to hold the seine, lead and seine boat during a set.

(b) Repealed 3/26/76.

(c) A purse seine has ceased fishing when both ends of the seine, excluding skiff tow lines and straps, are attached to the seine vessel.

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

(e) A beach seine is considered to have ceased fishing when all of the lead line is above the water on the beach.

(f) Where the use of leads is permitted, a purse seine vessel may not have or use more than one lead of legal length and depth, without purse rings attached, and with a minimum mesh size of seven inches, except that a lead may have a cork line border strip not to exceed five meshes of less than seven-inch meshes stretch measure and a lead line chafing strip not to exceed 25 meshes less than seven-inch stretch measure.

(g) If a purse seine and a lead are operated together

(1) the lead must be attached to the purse seine;

(2) the lead may be attached to only one end of the purse seine;

(3) the lead may not be attached at any other part of the purse seine;

(4) the web of the purse seine must overlap the web of the lead by at least one fathom, or the web of the purse seine must be sewn to the end of the lead for the entire depth of the shallowest net;

(5) repealed 6/2/88;

(6) repealed 6/2/88;

(7) repealed 6/2/88;

(8) repealed 6/2/88.

(h) One end, and only one end, of a seine lead may be attached to land above the waterline. If the lead is attached to land above the waterline, no other anchor may be used on the lead, purse seine, seine vessel, or skiff. "Anchor" is defined in 5 AAC 39.105(d)(19).

(i) During the operation of a purse seine, the propulsion engines of the seine vessel, or the skiff assisting the operation, must be running and the vessel must be controlling the configuration of the purse seine.

(j) A seine vessel must be attached to one end, and only one end, of a purse seine or lead when it is in operation. Any line used to make the attachment may not be more than 13 fathoms in length.

(k) A purse seine may not be used as a lead for another purse seine.

**5 AAC 39.265. Retention of salmon taken in a commercial net fishery.** (a) The Board of Fisheries recognizes that at times during a commercial salmon season it may be necessary to require retention of all salmon species taken in a commercial net fishery for the purpose of conservation or development of the salmon resource.

(b) In a commercial salmon net fishery, if the commissioner determines that retention of all salmon species is necessary under this section, the commissioner may, by emergency order, close a commercial salmon net fishery and immediately reopen the fishery, during which all salmon species caught must be retained, unless otherwise specified in 5 AAC 01 - 77.

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

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gillnet in operation shall have at each end of the set gillnet a red keg, buoy, or cluster of floats, or, in the case of set gillnets anchored to land, shall have a red keg, buoy, or cluster of floats at the outer end of the net. The kegs, buoys, or clusters of floats must be plainly and legibly marked with the fisherman's five-digit CFEC permit serial number. The kegs, buoys, or clusters of floats may bear only a single number - that of the permit

holder operating the gear. In the Upper Subdistrict of the Central District of the Cook Inlet Area, the operator of a set gillnet shall attach to the net a 'trailer' buoy that floats at all times.

**5 AAC 39.290. Closed waters.** (a) Except as otherwise specified in this title, commercial fishing for salmon is prohibited at all times in the waters of Alaska that are

(1) within the fresh water of streams and rivers of this state;

(2) within 500 yards of the fresh water of a stream that is a salmon stream; or

(3) over the beds or channels of fresh water of streams and rivers of this state during all stages of the tide.

(b) The department may post any closed area designated in (a) of this section by appropriate markers. The department shall place such markers as close as practically possible to the distance or location specified by the applicable regulation or emergency order. However, where markers have been deployed, it is unlawful to take salmon for commercial purposes on the streamward side of the area indicated by the markers and as described in (a) of this section.

(c) Where markers as described above have been lost or destroyed or are not in place, the area closed to commercial salmon fishing is as specified by the applicable regulation or emergency order.

(d) The Ugashik, Yukon and Kuskokwim Rivers, the Yakutat Area and any other river where a legal commercial fishery now exists are the only exceptions to this closure.

(e) The points established for stream mouths listed in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes under 5 AAC 95.011 do not apply to enforcement of this section or other regulations limiting the distance that commercial fishing may occur from the fresh water of a stream that is a salmon stream.

**5 AAC 39.291. Boundary markers.** The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation.

### **Article 9. Definitions; Miscellaneous.**

#### **5 AAC 39.975. Definitions**

(a) In 5 AAC 01 - 5 AAC 39,

(1) "alien" means a person who is not a citizen of the United States, and who does not have a petition for naturalization pending before the district court;

(2) "bag limit" means the maximum legal take per person per day, even if part or all of the fish are preserved;

(3) "buyer" means a person who purchases fish from the fishermen who caught the fish or who, for commercial purposes, processes fish he has caught himself;

(4) "depth of net" means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;

(5) repealed 2/18/73;

(6) "gear" means any type of fishing apparatus;

(7) "inclusive season dates" means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;

(8) "legal limit of fishing gear" means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;

(9) "local representative of the department" means the nearest, most accessible professional employee of the department, a person designated by the commissioner or by a professional employee of the department to perform a specific function for the department and a law enforcement officer of the Department of Public Safety;

(10) "salmon stream" means a stream used by salmon, at any stage of life, for spawning, rearing, presence, or migration;

(11) "stretched measure" means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;

(12) repealed 6/30/79;

(13) "waters of Alaska" means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean lower low water, and those waters extending three miles seaward of a line (the baseline) between the following points:

(A) Southeastern and Yakutat Areas:

100 southernmost tip Cape Muzon, Dall Island;

- 101 westernmost tip unnamed point, Dall Island (54° 39.87' N. lat., 132° 43.53' W. long.);
- 102 westernmost tip Wolk Point, Dall Island;
- 103 southernmost tip Liscome Point, Dall Island;
- 104 westernmost tip Point Cornwallis, Dall Island;
- 105 westernmost tip Security Point, Dall Island;
- 106 westernmost tip Parrot Point, Dall Island;
- 107 westernmost tip Point Bazan, Dall Island;
- 108 westernmost tip of westernmost unnamed island west of Dolgoi Island (54° 49.33' N. lat., 133° 00.40' W. long.);
- 109 westernmost tip Ritter Point, Dall Island;
- 110 westernmost tip Rockwell Point, Dall Island;
- 111 westernmost tip Cape Augustine, Dall Island;
- 112 westernmost tip Sakie Point, Dall Island;
- 113 southernmost tip Cape Felix, Suemez Island;
- 114 southernmost tip of southernmost island off Cape Bartolome, Baker Island;
- 115 westernmost tip Cape Chirikof, Baker Island;
- 116 southernmost tip Cape Addington, Noyes Island;
- 117 westernmost tip of the southernmost island of the Hazy Islands;
- 118 westernmost tip of the westernmost island of the Hazy Islands;
- 119 southernmost tip Cape Ommaney, Baranof Island;
- 120 southernmost tip Eagle Rocks, Baranof Island;
- 121 westernmost tip Puffin Point, Baranof Island;
- 122 westernmost tip Sea Lion Rocks;
- 123 56° 19.50' N. lat., 134° 54' W. long., Baranof Island;
- 124 westernmost tip First Kekur Island;

- 125 westernmost tip Second Kekur Island;
- 126 westernmost tip North Cape, Baranof Islands;
- 127 westernmost tip John Rock;
- 128 westernmost tip Jacob Rock;
- 129 westernmost tip Kaiuchali Island;
- 130 westernmost tip Cape Edgecumbe, Kruzof Island;
- 131 westernmost tip Pt. Amelia, Kruzof Island;
- 132 westernmost tip Sealion Islands;
- 133 westernmost tip Eagle Rock;
- 134 westernmost tip Klokachef Point, Klokachef Island;
- 135 westernmost tip Black Island;
- 136 westernmost tip Cape Edward;
- 137 westernmost tip Urey Rocks;
- 138 westernmost tip of westernmost rock off Cape Cross, Yakobi Island (57° 54.67' N. lat., 136° 34.33' W. long.);
- 139 westernmost tip Yakobi Rock (off Cape Bingham, Yakobi Island);
- 140 westernmost tip Zip Rock (off Cape Spencer);
- 141 westernmost tip Graves Rocks;
- 142 westernmost tip Sugarloaf Island;
- 143 westernmost tip Astrolabe Rocks;
- 144 southernmost tip Icy Point;
- 145 westernmost tip Harbor Point;
- 146 westernmost tip La Chaussee Spit;
- 147 westernmost tip Cape Fairweather;
- 148 easternmost tip of the west side of the entrance to Dry Bay;



149 southernmost tip at the mouth of Dangerous River;

150 westernmost tip Ocean Cape;

151 easternmost tip Point Manby;

152 southernmost tip Sitkagai Bluffs;

153 southernmost tip Point Riou;

154 southernmost tip Icy Cape;

155 southernmost tip Cape Yakataga;

200 southernmost tip Cape Suckling;

(B) Prince William Sound and Cook Inlet Areas:

200 southernmost tip Cape Suckling;

201 easternmost tip Pinnacle Rock (off Cape St. Elias, Kayak Island);

202 southernmost tip Hook Point, Hinchinbrook Island;

203 southernmost tip Cape Hinchinbrook, Hinchinbrook Island;

204 easternmost tip Montague Island;

205 easternmost tip Box Point, Montague Island;

206 easternmost tip Wooded Islands;

207 southernmost tip, Wooded Islands;

208 southernmost tip Jeanie Point, Montague Island;

209 southernmost tip Cape Cleare, Montague Island;

210 southernmost tip Point Elrington, Elrington Island;

211 southernmost tip Cape Puget;

212 southernmost tip Cape Junken;

213 southernmost tip Cape Fairfield;

214 southernmost tip Barwell Island (off Cape Resurrection);

215 easternmost tip Pilot Rock;

216 easternmost tip Chiswell Island;

217 southernmost tip Seal Rocks;

218 southernmost tip unnamed cape south of Black Mountain (Black Bay) (59° 27.20' N. lat., 150° 14' W. long.);

219 easternmost tip Hoof Point, Ragged Island;

220 easternmost tip Outer Island, Pye Islands;

221 southernmost tip of southernmost island off Outer Island;

222 southernmost tip Nuka Rock (south of Nuka Point, Nuka Island);

223 southernmost tip Gore Point;

224 southernmost tip East Chugach Island;

225 southernmost tip Perl Rock (off Perl Island, Chugach Islands);

300 easternmost tip East Amatuli Island, Barren Islands;

(C) Kodiak, Chignik, Aleutian Islands, and Alaska Peninsula Areas:

300 easternmost tip East Amatuli Island, Barren Islands;

301 easternmost tip Point Banks, Shuyak Island;

302 northernmost tip Tonki Cape, Afognak Island;

303 northernmost tip Cape St. Hermogenes, Marmot Island;

304 along the seaward coast of Marmot Island southernmost tip of Marmot Cape;

305 southernmost tip Pillar Cape, Afognak Island;

306 easternmost tip East Cape, Spruce Island;

307 northernmost tip Kodiak Rock (off Long Island);

308 easternmost tip Cape Chiniak, Kodiak Island;

309 easternmost tip Cape Greville Kodiak Island;

310 easternmost tip Ugak Island;

- 311 along the coast to the southernmost tip of Ugak Island;
- 312 southernmost tip Dangerous Cape, Kodiak Island;
- 313 easternmost tip Cape Barnabas, Sitkalidak Island;
- 314 easternmost tip Black Point, Sitkalidak Island;
- 315 easternmost tip Twoheaded Island;
- 316 easternmost tip Geese Islands;
- 317 easternmost tip Cape Sitkinak, Sitkinak Island;
- 318 along the coast to the southernmost tip of Sitkinak Island;
- 319 southernmost tip Tugidak Island;
- 320 along the west coast to the northernmost tip of Tugidak Island;
- 321 southernmost tip Cape Alitak, Kodiak Island;
- 322 westernmost tip Low Cape, Kodiak Island;
- 323 westernmost tip Cape Ikolik, Kodiak Island;
- 324 easternmost tip Kilokak Rocks (off Alaska Peninsula);
- 325 easternmost tip Ashiiak Island;
- 326 easternmost tip Poltava Island;
- 327 easternmost tip Navy Island (off Cape Providence);
- 328 easternmost tip Aiugnak Columns;
- 329 easternmost tip Ugaiushak Island;
- 330 easternmost tip Hydra Island;
- 331 easternmost tip Foggy Cape, Sutwik Island;
- 332 around the south coast of Sutwik Island via the southernmost offcoast islets to the westernmost tip of Sutwik Island;
- 333 southernmost tip Cape Kumlik;
- 334 easternmost tip Unavikshak Island;

- 335 southernmost tip Atkulik Island;
- 336 easternmost tip Kak Island;
- 337 easternmost tip Castle Cape (Tuliumnit Point);
- 338 easternmost tip Chankliut Island;
- 339 along seaward coast to southernmost tip Chankliut Island;
- 340 southernmost tip Seal Cape;
- 341 easternmost tip Mitrofanina Island;
- 342 southernmost tip Spitz Island;
- 343 southernmost tip Chiachi Island;
- 344 easternmost tip Kupreanof Point;
- 345 easternmost tip Castle Rock;
- 346 easternmost tip Atkins Island;
- 347 easternmost tip Simeonof Island;
- 348 along the seaward coast of Simeonof Island to the southernmost tip;
- 349 easternmost tip of the unnamed island off the southern coast of Simeonof Island;
- 350 easternmost tip Chernabura Island;
- 351 along the coast to southernmost tip of Point Farewell, Chernabura Island;
- 352 southernmost tip Point Welcome, Bird Island;
- 353 southernmost tip Mountain Cape, Nagai Island;
- 354 westernmost tip Sealion Rocks;
- 355 southernmost tip Acheredin Point, Unga Island;
- 356 southernmost tip of Kennoys Island;
- 357 easternmost tip East Rock;
- 358 easternmost tip Olga Rock;
- 359 easternmost tip Pinnacle Rock;

- 360 easternmost tip Hay Island;
- 361 easternmost tip Hague Rock;
- 362 easternmost tip Lookout Point, Caton Island, Sanak Islands;
- 363 along the coast to southernmost tip Caton Island;
- 364 southernmost tip Umla Island;
- 365 southernmost tip Telemitz Island;
- 366 southernmost tip Dora Island;
- 367 easternmost tip Seal Rock;
- 368 southernmost tip Haystack Rock;
- 369 southernmost tip South Rock;
- 370 southernmost tip Sisters Island;
- 371 easternmost tip Clifford Island;
- 372 along the coast of Clifford Island and Long Island to the westernmost tip of the westernmost Trinity Island;
- 373 westernmost tip Point Petrof, Sanak Island;
- 374 southernmost tip Cape Lutke, Unimak Island;
- 375 along the coast to the southernmost tip of Scotch Cap, Unimak Island;
- 376 easternmost tip Ugamak Island;
- 377 easternmost tip Round Island;
- 378 easternmost tip Aiktak Island;
- 379 easternmost tip Kaligagan Island;
- 380 easternmost tip Tigalda Island;
- 381 along the coast of Tigalda Island to Derbin Island;
- 382 southernmost tip Avatanak Point, Avatanak Island;
- 383 easternmost tip Rootok Island;

- 384 along the coast to southernmost tip Rootok Island;
- 385 southernmost tip Battery Point, Akutan Island;
- 386 easternmost tip Unalga Island;
- 387 easternmost tip Egg Island off Sedanka Island;
- 388 easternmost tip Outer Signal (island);
- 389 easternmost tip Inner Signal (island);
- 390 southernmost tip Sedanka Island;
- 391 easternmost tip Kayak Cape, Unalaska Island;
- 392 easternmost tip Cape Yanaliuk, Unalaska Island;
- 393 easternmost tip Whalebone Cape, Unalaska Island;
- 394 southernmost tip Cape Prominence, Unalaska Island;
- 395 southernmost tip Reef Point, Unalaska Island;
- 396 southernmost tip Ogangen Island off Unalaska Island;
- 397 southernmost tip Eagle Point, Unalaska Island;
- 398 southernmost tip Cape Aiak, Unalaska Island;
- 399 southernmost tip South Rock off Cape Izigan, Unalaska Island;
- 400 southernmost tip Emerald Island off Konets Head, Unalaska Island;
- 401 easternmost tip Kettle Cape, Umnak Island;
- 402 easternmost tip The Pillars (off Thumb Point, Umnak Island);
- 403 easternmost tip Kigul Island;
- 404 easternmost tip Ogchul Island;
- 405 easternmost tip Vsevidof Island;
- 406 easternmost tip Black Cape, Umnak Island;
- 407 easternmost tip Cape Udak, Umnak Island;

- 408 easternmost tip Breadloaf Island;
- 409 easternmost tip Samalga Island;
- 410 along the coast to westernmost tip of Samalga Island;
- 411 southernmost tip Concord Point, Chuginadak Island;
- 412 southernmost tip unnamed point south of Mt. Cleaveland, Chuginadak Island (52° 48.75' N. lat., 169° 57.50' W. long.);
- 413 southernmost tip Herbert Island;
- 414 southernmost tip Yunaska Island;
- 415 southernmost tip Amutka Island;
- 416 along the south and west coast to northernmost tip of Amutka Island;
- 417 northernmost tip Chagulak Island;
- 418 northernmost tip of Yunaska Island;
- 419 northernmost tip Herbert Island;
- 420 westernmost tip of Carlisle Island;
- 421 along the coast to the northernmost tip of Carlisle Island;
- 422 westernmost tip Uliaga Island;
- 423 along northern coast to easternmost tip of Uliaga Island;
- 424 northernmost tip of Kagamil Island;
- 425 northernmost tip Anangula Island (off Okee Point, Umnak Island);
- 426 northernmost tip Ananiuliak Island;
- 427 northernmost tip Okee Point, Umnak Island;
- 428 westernmost tip Cape Kigushimkada, Umnak Island;
- 429 along the coast to westernmost tip of Kshaliuk Point;
- 430 northernmost tip Cape Ilmalianuk, Umnak Island;
- 431 westernmost tip Cape Aslik, Umnak Island;

- 432 along the coast to northernmost tip of Ashishik Point;
- 433 northernmost tip Cape Tanak, Umnak Island;
- 434 northernmost tip Cape Idak, Umnak Island;
- 435 westernmost tip Chernofski Point, Unalaska Island;
- 436 northernmost tip Cape Aspid, Unalaska Island;
- 437 westernmost tip of westernmost unnamed island off Sedanka Point, Unalaska (53° 27.05' N. lat., 167° 20' W. long.);
- 438 westernmost tip Kashega Point, Unalaska Island;
- 439 westernmost tip Spray Cape, Unalaska Island;
- 440 westernmost tip Cape Starichkof, Unalaska Island;
- 441 southernmost tip of Cape Kovrizhka, Unalaska Island;
- 442 along the coast to the northernmost tip of Cape Kovrizhka;
- 443 westernmost tip Point Kadin, Unalaska Island;
- 444 northernmost tip Koriga Point, Unalaska Island;
- 445 northernmost tip Bishop Point, Unalaska Island;
- 446 northernmost tip Point Tebenkof, Unalaska Island;
- 447 northernmost tip Cape Wislow, Unalaska Island;
- 448 northernmost tip Cape Cheerful, Unalaska Island;
- 449 northernmost tip Priest Rock (off Cape Kalekta, Unalaska Island);
- 450 westernmost tip Reef Point, Akutan Island;
- 451 westernmost tip Lava Point, Akutan Island;
- 452 northernmost tip North Head, Akutan Island;
- 453 northernmost tip Akun Head, Akun Island;
- 454 westernmost tip Cape Sarichef, Unimak Island;
- 455 northernmost tip Raven Point, Unimak Island;



- 456 northernmost tip Oksenof Point, Unimak Island;
- 457 northernmost tip Cape Mordvinof, Unimak Island;
- 458 northernmost tip Cape Lapin, Unimak Island;
- 459 northernmost tip of unnamed point, Unimak Island (55° N. lat., 163° 54' W. long.);
- 460 northernmost tip Otter Point, Unimak Island;
- 461 northernmost tip Cape Krenitzin;
- 462 along the north coast of the Alaska Peninsula to northernmost tip of Cape Glazenap;
- 463 along the coast and across the entrances between the Kudiakof Islands and the northernmost tip of Moffet Point;
- 464 along the north coast of the Alaska Peninsula to easternmost tip of Lagoon Point;
- 465 northernmost tip Cape Kutuzof;
- 500 along the north coast of the Alaska Peninsula including the outer coast of all barrier islands, to the westernmost tip of Cape Menshikof;

(D) Bristol Bay Area:

- 500 westernmost tip of Cape Menshikof;
- 501 southernmost tip of Pyrite Point;
- 502 along the coast to the westernmost tip of Cape Peirce;
- 600 westernmost tip of Cape Newenham;

(E) Kuskokwim, Yukon, Norton Sound-Point Clarence, and Arctic-Kotzebue Areas:

- 600 westernmost tip Cape Newenham;
- 601 southernmost tip Kwigluk Island;
- 602 southernmost tip Pingurbek Island;
- 603 westernmost tip Kikegtek Island;
- 604 westernmost tip Cape Vancouver;
- 605 southernmost tip Dall Point;

- 606 along the coast and across all entrances, to the westernmost tip of Cape Romanzof;
- 607 westernmost tip Cape Rodney;
- 608 westernmost tip of Point Spencer Spit;
- 609 southernmost tip Cape York;
- 610 westernmost tip Cape Prince of Wales;
- 611 along coast of all barrier islands to Northwest Corner light;
- 612 westernmost tip Cape Krusenstern;
- 613 along the coast to the westernmost tip of Point Hope;
- 614 westernmost tip Cape Lisburne;
- 615 along the coast of all barrier islands and across all entrances to the northernmost tip of Point Barrow;
- 616 along the coast of all barrier islands and across all entrances to the easternmost tip of Cape Simpson;
- 617 northernmost tip Pitt Point;
- 618 along the coast to easternmost tip of Cape Halkett;
- 619 easternmost tip Thetis Island, Jones Islands;
- 620 along the coast of all barrier islands and across all entrances, through the Jones Islands to the northernmost tip Long Island;
- 621 northernmost tip Reindeer Island, Midway Islands;
- 622 northernmost tip Cross Island;
- 623 westernmost tip Flaxman Island;
- 624 along the north coast of Flaxman Island and across all entrances to the northernmost tip Brownlow Point;
- 625 along the coast of all barrier islands and across all entrances to the easternmost tip Konganevik Point;
- 626 northernmost tip Anderson Point;
- 627 northernmost tip Arey Island;

628 northernmost tip Barter Island;

629 northernmost tip Bernard Spit;

630 along the coast of all barrier islands and across all entrances to the northernmost tip Griffen Point;

631 northernmost tip along the coast to Humphrey Point;

632 across the entrances and along coast of all barrier islands, to the northernmost tip Demarcation Point;

700 along the coast to the United States-Canada Boundary;

(F) and extending three miles seaward of all islands not enclosed by the above line;

(14) "salmon stream terminus" means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed 8/14/70;

(16) "ton" means 2,000 pounds avoirdupois weight;

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

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

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

(C) *Lithodes couesi*;

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

(E) *Paralithodes brevipes* (Hanasaki king crab);

(18) "Tanner crab" means any or all of the following species:

(A) *Chionoecetes opilio* (snow crab);

(B) *Chionoecetes tanneri* (grooved Tanner crab);

(C) *Chionoecetes bairdi* (Tanner crab);

(D) *Chionoecetes angulatus* (triangle Tanner crab);

(19) "Dungeness crab" means the species *Metacarcinus magister*;

(20) "household" means a person or persons having the same residence;

(21) "groundfish" or "bottomfish" means any marine finfish except halibut, osmerids, herring, and salmonids;

(22) "to operate fishing gear" means

(A) the deployment of gear or to have gear deployed in the waters of Alaska;

(B) the removal of gear from the waters of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period;

or

(D) possession of a gillnet containing fish during an open fishing period, except that a net which is completely clear of the water is not considered to be operating for the purpose of minimum distance requirements;

(23) "possession limit" means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) "hung measure" means the maximum length of the cork line when measured wet or dry with traction applied at one end only;

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

(26) "fresh water of streams and rivers" means fresh water separated from salt water at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide;

(27) "guideline harvest level" means the preseason estimated level of allowable fish harvest which will not jeopardize the sustained yield of the fish stocks; an area, district, section or portion thereof may close to fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action;

(28) "peace officer of the state" means a person defined in AS 16.05.150;

(29) "processing" means completion of

(A) cooking;

(B) canning;

(C) smoking;

(D) salting, which means uniformly mixing with a minimum salting level of at least 20 percent of the weight of the fish resources;

(E) drying; or

(F) freezing, which means to congeal and solidify the flesh of fish by abstraction of heat;

(30) "domicile" means the same as in AS 16.05.940; evidence of a person's domicile may include, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of the person, or of other persons who may know of that person's domicile;

(C) place of voter registration;

(D) location of residences owned, rented, or leased;

(E) location of storage of household goods;

(F) location of business owned or operated;

(G) residence of spouse and minor children or dependents;

(H) governments to which taxes are paid;

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location;

(31) "fishing site" means a structure or vessel used by a CFEC permit holder for providing shelter in support of the operation of stationary net gear;

(32) "net gear site" means the in-water location of stationary net gear;

(33) "seine vessel" means the largest vessel, as determined by keel length, used to operate a seine and the vessel from which the seine is set, and to which the seine is retrieved to;

(34) "demersal shelf rockfish" means any or all of the following *Sebastes* species:

(A) repealed 4/30/91;

(B) *S. pinniger* (Canary);

(C) *S. nebulosus* (China);

(D) *S. caurinus* (Copper);

(E) *S. maliger* (Quilback);

(F) repealed 4/30/91;

(G) *S. helvomaculatus* (Rosethorn);

(H) repealed 4/30/91;

(I) *S. nigrocinctus* (Tiger);

(J) *S. ruberrimus* (Yelloweye);

(K) repealed 4/4/97;

(35) "onboard observer" means a representative of the Departments of Fish and Game or Public Safety who

(A) is certified by the Department of Fish and Game as having completed minimum training requirements;

(B) is living on board a fishing or processing vessel for all or part of the period the vessel is at sea; and

(C) is monitoring fishing or processing activities and collecting harvest data essential to management and enforcement;

(36) "rockfish" means all species of the genus *Sebastes*;

(37) "pelagic shelf rockfish" means any or all of the following *Sebastes* species:

(A) *S. ciliatus* (Dark);

(B) *S. entomelas* (Widow);

(C) *S. flavidus* (Yellowtail);

(D) *S. melanops* (Black);

(E) *S. diaconus* (Deacon);

(F) *S. variabilis* (Dusky);

(38) "slope rockfish" means any species of the genus *Sebastes* not specified as either demersal shelf rockfish or pelagic shelf rockfish;

(39) "thornyhead rockfish" or "idiot rockfish" means all species of the genus *Sebastolobus*;

(40) "weathervane scallop" means the species *Patinopecten caurinus*;

(41) "mile" means

(A) a nautical mile when used in reference to marine waters; or

(B) a statute mile when used in reference to fresh water;

(42) "miscellaneous shellfish" means all shellfish and marine invertebrates, except shrimp, and king, Tanner, and Dungeness crab;

(43) "total allowable catch" or "TAC" means the annual harvest quota or the retainable catch allowed for a species or species group;

(44) "individual fishing quota" or "IFQ" means the annual allocation of pounds for harvest that represents a quota share holder's percentage of the total allowable catch;

(45) "handicraft" means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(b) Beginning April 15, 2017, in AS 16.05.835, "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear and does not provide any additional flotation, planing surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel.

### **5 AAC 39.995. Water depth**

Unless otherwise specified, water depths in 5 AAC 01 - 5 AAC 39 are to be measured from mean lower low water.

### **5 AAC 39.997. Abbreviations and symbols**

(a) The abbreviations a.m. and p.m. indicate antemeridian and postmeridian respectively for either Standard Time or Daylight Saving Time in conformance with the official time in use for Alaska.

(b) The symbols °E>, ', ", indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based upon the North American datum of 1983.

(c) Lat. and long. indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

(e) ADF&G is the abbreviation for Alaska Department of Fish and Game.

(f) CFEC is the abbreviation for the Commercial Fisheries Entry Commission.

### **5 AAC 39.998. Petition policy for Category 2 management measures in a Bering Sea/Aleutian Islands king or Tanner crab fishery**

The Board of Fisheries recognizes that in rare instances, circumstances may require regulatory changes outside the process described in 5 AAC 96.625(b) - (d).

Notwithstanding 5 AAC 96.625(f), a petition for a regulatory change may be submitted under this section and 5 AAC 96.625(a) for a Category 2 management measure in a Bering Sea/Aleutian Islands king or Tanner crab fishery described in the federal Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands dated January 24, 1989. It is the policy of the Board of Fisheries that a petition submitted under this section will be denied and not scheduled for hearing unless the petition

(1) addresses a Category 2 management measure and is filed within 30 days from the date that the board adopted that Category 2 management measure;

(2) presents an issue that is not solely allocative; and

(3) presents new legal, biological, or management information that indicates the regulation may not be consistent with the federal FMP.

### **5 AAC 39.999. Policy for changing board agenda**

(a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of a proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) the board will accept an agenda change request only

(A) for a fishery conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;

(2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(3) the board will consider an agenda change request only at its first meeting in the fall; a request must be received by the executive director of the board at least 60 days before the first meeting in the fall.

(b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.



(c) If the board accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.

## **Chapter 40. Private Nonprofit Salmon Hatcheries.**

[1. General. \(5 AAC 40.005 - 5 AAC 40.015\)](#)

[2. Special Harvest Areas. \(5 AAC 40.030 - 5 AAC 40.085\)](#)

[3. Applicability of Regulations. \(5 AAC 40.100 - 5 AAC 40.100\)](#)

[8. General Provisions. \(5 AAC 40.800 - 5 AAC 40.990\)](#)

**Please note that in the electronic version the above Articles are linked to where they are contained within this document.**

### **Article 1. General.**

#### **5 AAC 40.005. General**

(a) The harvest of salmon inhabiting the water of the state, regardless of whether the salmon are naturally or artificially propagated, may be conducted only pursuant to regulations adopted by the Board of Fisheries.

(b) The harvest of salmon returning to a private nonprofit salmon hatchery will be governed by regulations adopted by the Board of Fisheries. The board will, in its discretion, develop harvesting regulations after review of the harvest plans or other materials, information, and testimony, if any, presented by the regional associations, hatchery operators, the Department of Commerce, Community, and Economic Development, the Department of Fish and Game, fishermen, and other interested parties.

(c) Where hatchery returns enter a segregated location near the release site and can be harvested without significantly affecting wild stocks, a special harvest area may be designated by regulation adopted by the board, within the hatchery permit, or by emergency orders issued by the commissioner.

(d) A private nonprofit hatchery permit holder and his agents, contractees, and employees may harvest salmon for the hatchery only in the applicable special harvest area. This does not prevent a special harvest area from being open to commercial, sport, or subsistence fishing or any combination thereof to the extent provided in regulations adopted and orders issued under this chapter. Harvesting of salmon within the special harvest area, whether by the hatchery operator or the common property fisheries, will be opened and closed by regulation or emergency order.

(e) Special harvest area boundaries set out in 5 AAC 40, or in a private nonprofit hatchery permit issued by the commissioner, may be altered by emergency order if necessary for proper management of natural or hatchery stocks.

## **PRIVATE NONPROFIT SALMON HATCHERIES**

(f) Hatchery permit holders, their agents, contractees, and employees shall comply with all terms and conditions of the hatchery permit, applicable regulations and orders, and any additional requirements imposed by the commissioner to implement this chapter.

(g) Agents, contractees, and employees of a hatchery permit holder may harvest salmon for the hatchery in the special harvest area only if they have in their possession a written authorization from the hatchery permit holder and only in accordance with its terms. The activities in the special harvest area of a person who is not a hatchery permit holder or an agent, contractee, or employee of the permit holder acting under the terms of a written authorization, are governed by regulations applicable to commercial, sport, personal use, and subsistence fishing.

(h) Private nonprofit salmon hatchery operators shall take all reasonable steps necessary to ensure that hatchery-produced salmon harvested in their designated special harvest area are surplus fish produced at that facility.

### **5 AAC 40.007. Gear and fishing periods**

(a) The commissioner may authorize legal gear for cost recovery either through the hatchery permit or by regulation.

(b) Fishing periods for each gear type may be modified by emergency order as needed to protect the public interest or wild stocks.

(c) The hatchery operator shall obtain the appropriate special harvest area entry permits from the Commercial Fisheries Entry Commission. The hatchery operator may also contract with licensed commercial fishermen to conduct the harvest.

(d) The commissioner may define a unit of gear to be used and under a special harvest area entry permit for that gear type.

### **5 AAC 40.010. Modifications of applicable regulations**

(a) Hatchery permit holders shall, with respect to salmon harvested by them (or their agents, contractees, or employees), comply with applicable provisions of 5 AAC 39.130(a) and (b) as though they were a purchaser of fish.

(b) Hatchery permit holders harvesting salmon within a special harvest area, to the extent those salmon are used as egg sources for broodstock, will be exempted by the commissioner from the provisions of AS 16.05.831 if the permit holder so requests. The commissioner may condition the exemption on terms he considers necessary to carry out the intent of AS 16.05.831.

(c) Hatchery permit holders conducting a hatchery harvest of salmon within a special harvest area are exempt from the provisions of 5 AAC 39.290.

(d) Fishermen taking salmon in a special harvest area under authorization from the hatchery permit holder and operating under a special harvest area entry permit are exempt from the provisions of 5 AAC 39.120.

### **5 AAC 40.015. Prohibitions**

# **PRIVATE NONPROFIT SALMON HATCHERIES**

It is unlawful for any person to violate the provisions of this chapter.

## **Article 2. Special Harvest Areas.**

### **Selected Provisions**

#### **5 AAC 40.030. District 13: Sheldon Jackson Special Harvest Areas**

(a) There are established under the provisions of 5 AAC 40.005 the following Sheldon Jackson Special Harvest Areas:

(1) the Sheldon Jackson Hatchery Special Harvest Area for pink, chum, and king salmon consists of the waters of Crescent Bay and Eastern Anchorage enclosed by a line from the northernmost end of the John O'Connell Bridge at 57° 02.88' N. lat., 135° 20.35' W. long., to the southernmost end of the bridge at 57° 02.86' N. lat., 135° 20.57' W. long., to the northeasternmost tips of Aleutski Island at 57° 02.72' N. lat., 135° 20.36' W. long., Turning Island at 57° 02.61' N. lat., 135° 20.17' W. long., Kutkan Island at 57° 02.41' N. lat., 135° 19.65' W. long., and Morne Island at 57° 02.25' N. lat., 135° 19.30' W. long., to the Twin Islands Light at 57° 02.06' N. lat., 135° 18.80' W. long., to a point on the Baranof Island shore at 57° 02.68' N. lat., 135° 18.90' W. long., and will be open for harvest by the hatchery permit holder from 12:01 a.m. July 20 until 11:59 p.m. September 15;

(2) the Sheldon Jackson Hatchery Special Harvest Area for coho salmon consists of all waters enclosed by a line from the southeast corner of the Crescent Harbor breakwater at 57° 02.95' N. lat., 135° 19.50' W. long. to a point on the beach approximately 150 yards southeast of the hatchery stream outlet at 57° 02.92' N. lat., 135° 19.38' W. long., and will be open for harvest by the hatchery permit holder from 12:01 a.m. August 15 until 11:59 p.m. October 31.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310.

(c) Notwithstanding 5 AAC 33.330, legal gear types for hatchery permit holders in the special harvest area are purse seine, beach seine, hand purse seine, drift gillnet with six inch or larger mesh, and troll gear.

#### **5 AAC 40.032. District 11 and District 15: Douglas Island Pink and Chum (DIPAC) Special Harvest Area**

(a) The following special harvest areas are established for Douglas Island Pink and Chum (DIPAC):

(1) Gastineau Channel Special Harvest Area: the waters east of 134° 29.25' W. long. (near Salmon Creek) and west of 134° 17.38' W. long. (approximately one mile north of Dupont Dock);

## **PRIVATE NONPROFIT SALMON HATCHERIES**

(2) Amalga Harbor Special Harvest Area: the waters enclosed by a line from the Shrine of St. Terese to the southernmost tip of Bird Island to the northernmost tip of Gull Island to a point on the eastern mainland shore at 58° 30.80' N. lat.;

(3) Boat Harbor Special Harvest Area: the waters within one mile of the western shoreline of Lynn Canal south of 58° 40' N. lat. to a point 2.4 miles north of Point Whidbey at 58° 37.05' N. lat., including the waters inside Boat Harbor;

(4) Speel Arm Special Harvest Area: the waters of Speel Arm north of 58° 03.42' N. lat.

(b) A hatchery permit holder harvesting salmon within the special harvest area under the terms of the hatchery permit is exempt from the provisions of 5 AAC 33.310. The open fishing season within the DIPAC Gastineau Channel, Amalga Harbor, and Speel Arm Special Harvest Areas, for the hatchery permit holder is from June 1 through October 31. Additional fishing periods may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in a special harvest area are purse seine, hand purse seine, beach seine, fyke net, drift gillnet, set gillnet, and dip net, and troll gear.

### **5 AAC 40.037. Nerka Corporation Special Harvest Area - Perry Island**

(a) There is established the Nerka Corporation Special Harvest Area, consisting of all waters of South Bay, Perry Island, enclosed by a line from Meares Point Light on the west side of the bay easterly two nautical miles to an exposed reef and the north one-half mile to the east side of the bay.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 24.310 - 5 AAC 24.320 except as may be specifically provided by emergency order. The hatchery permit holder may harvest salmon within the special harvest area during periods opened and closed by emergency order.

(c) Notwithstanding 5 AAC 24.330, legal gear for the hatchery permit holder in the special harvest area is a set gillnet. However, if the commissioner and the permit holder determine that set gillnet gear is unsatisfactory, the commissioner may open the special harvest area for hatchery harvest with beach seine or purse seine.

### **5 AAC 40.039. District 6: Burnett Inlet Special Harvest Area.**

## **PRIVATE NONPROFIT SALMON HATCHERIES**

(a) There is established the Burnett Inlet Special Harvest Area, for the Southern Southeast Regional Aquaculture Association Burnett Inlet Hatchery, consisting of all waters of Burnett Inlet, Etolin Island, north of 56° 06.00' N. lat.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. Fishing periods for the hatchery permit holder will be opened and closed by emergency order by gear type.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area are beach seine, purse seine, hand purse seine, and drift gillnet.

### **5 AAC 40.041. Herring Bay Special Harvest Area - Ketchikan**

(a) There is established a Herring Bay Special Harvest Area for the Southern Southeast Regional Aquaculture Association Whitman Lake Hatchery, consisting of the waters of Herring Creek and Cove bound by the hatchery water outlet and a line from a point of land on George Inlet at the east side of Lot 39, USS 3397, bearing 18° 12' to a point of land on the southern edge of Lot 91, USS 2403.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season within the Herring Bay Special Harvest Area for the hatchery permit holder is from June 1 through October 31. Additional fishing periods may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is beach seine, purse seine, and dip net. Gillnets may be used by the hatchery operator in the special harvest area for taking king and coho salmon broodstock.

(d) That portion of the special harvest area between the hatchery outlet and the terminus of Herring Creek may be closed to sport fishing. The remainder of the special harvest area may not be closed to sport fishing unless hatchery broodstock needs are jeopardized.

### **5 AAC 40.042. Northern Southeast Regional Aquaculture Association Special Harvest Areas**

(a) The following special harvest areas are established for the Northern Southeast Regional Aquaculture Association:

(1) repealed 4/23/94;

(2) repealed 5/31/2009;

(3) Patterson Bay, for coho salmon: all waters of Patterson Bay north of 56° 34' N. lat.; fishing periods for the hatchery permit holder will be opened and closed by emergency order;

(4) Bear Cove, for king and coho salmon: the waters of Bear Cove and Silver Bay east of a line from 57° 00.63' N. lat., 135° 09.80' W. long., to 57° 00.75' N. lat., 135° 10.58' W. long., to 57° 01.07' N. lat., 135° 09.93' W. long. will be open for the hatchery permit holder from 12:01 a.m. May 10 until 11:59 p.m. October 31;

(5) Hidden Falls,

(A) for chum and king salmon: the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83' N. lat., excluding the waters of Kelp Bay, will be open for harvest by the hatchery permit holder from 12:01 a.m. June 1 until 11:59 p.m. August 15;

(B) for coho salmon: Kasnyku Bay west of a line from 57° 13.33' N. lat., 134° 50.93' W. long., to the easternmost tip of an unnamed island of Kasnyku Bay located at 57° 12.88' N. lat., 134° 51.48' W. long., and then due south to a point on the southern shore of Kasnyku Bay at 57° 12.64' N. lat., 134° 51.48' W. long., will be open for harvest by the hatchery permit holder from 12:01 a.m. August 1 until 11:59 p.m. October 31;

(6) Silver Bay, for chum salmon:

(A) will be open for harvest by the hatchery permit holder from 12:01 a.m. July 1 until 12:01 a.m. July 22 and from 12:01 a.m. the day before the coho salmon fishery is reopened in August, or August 20 if the coho salmon fishery is not closed earlier in August, until September 15; the Silver Bay Special Harvest Area for chum salmon is the waters of Eastern Channel and Silver Bay enclosed by a line from Entry Point Light at 57° 01.96' N. lat., 135° 15.01' W. long., to the southernmost tip of Harris Island at 57° 01.95' N. lat., 135° 16.60' W. long., to the southernmost tip of Galankin Island at 57° 01.57' N. lat., 135° 19.35' W. long., to Simpson Rock Light at 57° 01.15' N. lat., 135° 20.75' W. long., to the southernmost tip of Makhnati Island at 57° 02.27' N. lat., 135° 23.31' W. long., to Sentinel Rock at 57° 02.83' N. lat., 135° 24.61' W. long., to the westernmost tip of Cape Burunof at 56° 59.04' N. lat., 135° 23.21' W. long., to a point west of Pirate Cove at 56° 59.35' N. lat., 135° 22.63' W. long., to the westernmost tip of Long Island at 56° 59.98' N. lat., 135° 21.93' W. long., to the westernmost tip of Emgeten Island at 57° 00.08' N. lat., 135° 20.01' W. long., to the westernmost tip of Error Island at 57° 00.54' N. lat., 135° 19.50' W. long., to the northernmost tip of Luce Island at 57° 00.70' N. lat., 135° 19.41' W. long., and to the westernmost tip of Silver Point at 57° 00.80' N. lat., 135° 18.09' W. long., and in Silver Bay north of 57° 00.00' N. lat.;

(B) from 12:01 a.m. July 22 to 12:01 a.m. the day before the end of the August coho salmon fishery closure specified in (A) of this paragraph, or August 20 if there is no earlier coho salmon fishery closure in August, the Silver Bay Special Harvest Area for chum salmon is the waters of Eastern Channel and Silver Bay south of a line from Entry Point Light at 57° 01.96' N. lat., 135° 15.01' W. long., to the southernmost tip of Harris Island at 57° 01.95' N. lat., 135° 16.60' W. long., to the southernmost tip of Galankin Island at 57° 01.57' N. lat., 135° 19.35' W. long., and east of a line from Galankin Island to the westernmost point of Silver Point at 57° 00.80' N. lat., 135° 18.09' W. long., and the waters of Sitka Sound enclosed by a line from the southernmost tip of Galankin Island at 57° 01.57' N. lat., 135° 19.35' W. long., to Simpson Rock Light at 57° 01.15' N. lat., 135° 20.75' W. long., to the Makhnati Island buoy at 57° 02.16' N. lat., 135° 23.79' W. long., to Black Rock at 57° 03.14' N. lat., 135° 25.65' W. long., to the southernmost tip of Neva Island at 57°

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03.39' N. lat., 135° 24.48' W. long., to the northernmost tip of Sasedni Island at 57° 03.00' N. lat., 135° 23.16' W. long., from the southernmost tip of Volga Island at 57° 02.39' N. lat., 135° 20.84' W. long., to the northernmost tip of Galankin Island at 57° 02.16' N. lat., 135° 20.02' W. long., and in Silver Bay north of 57° 00.00' N. lat.;

(7) Deep Inlet for king, chum, and coho salmon: the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point on the westernmost end of Cape Burunof at 56° 59.04' N. lat., 135° 23.21' W. long., to a point west of Cape Burunof at 56° 59.11' N. lat., 135° 23.59' W. long., to a point one-half mile west of the westernmost tip of Long Island at 57° 00.17' N. lat., 135° 22.69' W. long., to the westernmost tip of Long Island at 56° 59.98' N. lat., 135° 21.93' W. long., to the easternmost tip of Long Island at 56° 59.95' N. lat., 135° 20.37' W. long., to the westernmost tip of Emgeten Island at 57° 00.08' N. lat., 135° 20.01' W. long., to the westernmost tip of Error Island at 57° 00.54' N. lat., 135° 19.50' W. long., to the westernmost tip of Berry Island at 57° 00.32' N. lat., 135° 18.68' W. long., to the southernmost tip of Berry Island at 57° 00.28' N. lat., 135° 18.52' W. long., to the westernmost tip of the southernmost island in the Kutchuma Island group at 57° 00.14' N. lat., 135° 18.27' W. long., to the easternmost tip of the southernmost island in the Kutchuma Island group at 57° 00.06' N. lat., 135° 17.95' W. long., to the westernmost tip of an unnamed island at 57° 00.29' N. lat., 135° 17.66' W. long., to a point on the southern side of the unnamed island at 57° 00.07' N. lat., 135° 16.80' W. long., and then to a point on the Baranof Island shore at 56° 59.93' N. lat., 135° 16.53' W. long., will be open for harvest by the hatchery permit holder from 12:01 a.m. June 15 until 11:59 p.m. October 31, except Sandy Cove is closed south of 56° 59.05' N. lat.;

(8) Mist Cove, for coho salmon: the waters of Mist Cove west of a line from 56° 31.72' N. lat., 134° 39.97' W. long., to 56° 31.17' N. lat., 134° 39.83' W. long., will be open for harvest by the hatchery permit holder from 12:01 a.m. August 1 until 11:59 p.m. October 31;

(9) Repealed 5/31/2009.

(10) Crawfish Inlet, for king and chum salmon: the waters of Crawfish Inlet east of 135° 11.05' W. long.

(b) A hatchery permit holder harvesting salmon within a special harvest area is exempt from the provisions of 5 AAC 33.310.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in a special harvest area are as follows:

(1) repealed 6/28/97;

(2) repealed 5/31/2009;

(3) Mist Cove and Patterson Bay: purse seine, beach seine, drift gillnet, set gillnet, hook and line, and dip net;

(4) Bear Cove: purse seine, hand purse seine, beach seine, and dip net, drift gillnet with six inch or larger mesh, and troll gear;



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(5) Hidden Falls: beach seine, purse seine, hand purse seine, drift gillnet, and troll gear;

(6) Silver Bay and Deep Inlet: purse seine, hand purse seine, beach seine, dip net, and troll gear;

(7) repealed 5/31/2009;

(8) repealed 5/31/2009;

(9) Shamrock Bay: beach seine, purse seine, hand purse seine, drift gillnet, and troll gear.

(10) Crawfish Inlet: purse seine, hand purse seine, beach seine, drift gillnet, dip net, and troll gear.

### **5 AAC 40.043. Neets Bay Special Harvest Area - Behm Canal**

(a) There is established a Neets Bay Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of coho and chum returns to the Neets Bay release site, consisting of all waters of Neets Bay east of the longitude of the easternmost tip of Bug Island.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season within the Neets Bay Special Harvest Area for the hatchery permit holder is from June 1 through October 31. Additional fishing periods may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is purse seine, beach seine, gillnet, and troll gear. The hatchery permit holder may use floating weirs in waters of the special harvest area east of 131° 33' W. long.

### **5 AAC 40.045. Nakat Inlet Special Harvest Area**

(a) There is established a Nakat Inlet Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of chum and coho salmon returns to the Nakat Inlet release site, consisting of all waters of Nakat Inlet north of Surprise Point at 54° 49.10' N. lat., and west of 130° 42.75' W. long.

(b) The hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. Fishing periods for the hatchery permit holder will be established by emergency order by gear type.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area are purse seine, gillnet, troll and beach seine.

### **5 AAC 40.050. District 1: Carroll Inlet Special Harvest Area.**

(a) There is established a Carroll Inlet Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of chinook salmon returns to the Carroll Inlet

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release site, consisting of the waters of Carroll Inlet north of the latitude of Nigelius Point at 55° 33.50' N. lat., 131° 21.14' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season within the Carroll Inlet Special Harvest Area for the hatchery permit holder is from June 1 through July 15 during fishing periods established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is purse seine, beach seine, gillnet, and troll gear.

### **5 AAC 40.051. District 3: Klawock Inlet and River Special Harvest Area**

(a) The Klawock Inlet and River Special Harvest Area consists of the waters of Klawock Inlet and Harbor south of the latitude of Cemetery Point and north of 55° 32' N. lat., and any of the hatchery raceways and holding ponds contiguous with the hatchery access ladder from Klawock River for broodstock and cost recovery of sockeye and coho salmon and steelhead.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season within the Klawock Inlet and River Special Harvest Area for the hatchery permit holder is from July 1 through November 30. Additional fishing periods may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are purse seine, beach seine, dip net, gillnet, and troll gear.

### **5 AAC 40.052. District 3: Port Asumcion Special Harvest Area Management Plan.**

(a) There is established the Port Asumcion Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of enhanced salmon returns to the Port Asumcion release site, consisting of those waters of Port Asumcion north and west of a line from Point Cosinas at 55° 21.80' N. lat., 133° 30.64' W. long., to a point west of Point Maria located at 55° 22.04' N. lat., 133° 30.26' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season within the Port Asumcion Special Harvest Area for the hatchery permit holder is from June 15 through October 30.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is purse seine, beach seine, and gillnet.

### **5 AAC 40.053. District 3: Port Saint Nicholas Special Harvest Area**

(a) There is established the Port Saint Nicholas Special Harvest Area, consisting of all waters of Port Saint Nicholas east of the longitude of Point Miraballes at 133° 05.23' W. long., and west of 132° 59.50' W. long., located at the mouth of the Port Saint Nicholas head stream.

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(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. Fishing periods for the hatchery permit holder will be open from May 1 through August 15, unless closed earlier by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is purse seine, beach seine, gillnet, and dip net.

### **5 AAC 40.060. District 6: Neck Lake Special Harvest Area**

(a) There is established a Neck Lake Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of hatchery salmon returns to the Neck Lake remote release site, consisting of the waters of Whale Pass north and west of a line from 56° 05.55' N. lat., 133° 07.30' W. long. to 56° 05.82' N. lat., 133° 06.58' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season and area for the hatchery permit holder is from June 15 through August 31 in those waters of Neck Creek upstream of the beginning of the fish pass. Additional fishing periods and areas may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is weir, dip net, and beach seine. Additional gear may be established by emergency order.

### **5 AAC 40.061. District 7: Anita Bay Special Harvest Area**

(a) There is established the Anita Bay Special Harvest Area, consisting of the waters of Anita Bay south and west of a line from the tip of Anita Point at 56° 13.68' N. lat., 132° 22.48' W. long., to 56° 14.26' N. lat., 132° 23.93' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The commissioner shall open and close, by emergency order, fishing periods for the hatchery permit holder by gear type.

(c) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are beach seine, purse seine, and hand purse seine, drift gillnet, and troll gear.

### **5 AAC 40.071. District 9: Gunnuk Creek Special Harvest Area**

(a) The Gunnuk Creek Special Harvest Area consists of the waters of Keku Strait enclosed by a line from a point northwest of Kake at 56° 58.92' N. lat., 133° 57.48' W. long., to the southernmost tip of the southern Mosquito Island at 56° 58.22' N. lat., 133° 58.85' W. long., to the northwest tip of Hamilton Island at 56° 56.45' N. lat., 133° 55.66' W. long., to Wooten's Dock at 56° 57.55' N. lat., 133° 54.78' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The commissioner shall open and close, by emergency order, fishing periods for the hatchery permit holder to harvest salmon returning to the Gunnuk Creek salmon hatchery.

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(c) The commissioner shall open and close, by emergency order, fishing periods for common property fisheries to harvest excess salmon returning to the Gunnuk Creek salmon hatchery.

(d) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are beach seine, purse seine, gillnet, and troll gear.

### **5 AAC 40.073. District 9: Southeast Cove Special Harvest Area**

(a) The Southeast Cove Special Harvest Area consists of the waters of Keku Strait enclosed by a line from a rocky point on the northern end of Kuiu Island located on the east side of Southeast Cove at 56° 52.92' N. lat., 134° 01.49' W. long., to the northern tip of Hound Island at 56° 53.12' N. lat., 133° 56.83' W. long., then northwest, connecting points along the northern shore of Keku Islands at 56° 53.98' N. lat., 133° 57.69' W. long., to 56° 55.85' N. lat., 134° 01.00' W. long., to 56° 55.85' N. lat., 134° 02.21' W. long., to 56° 55.20' N. lat., 134° 02.66' W. long., then to the northwest corner of Payne Island to 56° 57.40' N. lat., 134° 08.82' W. long., then south to a point on Kuiu Island at 56° 55.03' N. lat., 134° 09.26' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The commissioner shall open and close, by emergency order, fishing periods for the hatchery permit holder to harvest salmon returning to the Southeast Cove remote release site.

(c) The commissioner shall open and close, by emergency order, fishing periods for common property fisheries to harvest excess salmon returning to the Southeast Cove remote release site.

(d) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are beach seine, purse seine, gillnet, and troll gear.

### **5 AAC 40.081. District 9: Port Armstrong Special Harvest Area**

(a) The Port Armstrong Special Harvest Area for king salmon consists of the waters of Port Armstrong west of 134° 39.47' W. long., and will be open to harvest by the hatchery permit holder from 12:01 a.m. April 15 until 11:59 p.m. July 31.

(b) The Port Armstrong Special Harvest Area for pink, chum, and coho salmon consists of the waters of Port Armstrong west of a line from Point Eliza at 56° 17.70' N. lat., 134° 38.89' W. long., to a point on the Baranof Island shoreline at 56° 17.97' N. lat., 134° 38.44' W. long., and will be open to harvest by the hatchery permit holder from 12:01 a.m. April 15 until 11:59 p.m. July 31.

(c) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310.

(d) The Port Armstrong Special Harvest Area, described in (b) of this section, will be closed to commercial fishing, other than hatchery cost recovery fishing, from 12:01 a.m. July 31 until 11:59 p.m. September 30. The commissioner may open and close, by

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emergency order, fishing periods for common property fisheries to harvest salmon surplus to broodstock and cost recovery returning to the Port Armstrong salmon hatchery.

(e) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are purse seine, hand purse seine, beach seine, dip net, drift gillnet with six inch or larger mesh, and troll gear.

### **5 AAC 40.990. Definitions**

In this chapter,

(1) "commissioner" means the commissioner of the Department of Fish and Game or his designee;

(2) "common property fishery" means any fishery in which the general public is allowed to harvest fish subject to state and federal law;

(3) "completed application" means a final application that has been accepted by the commissioner and that contains a draft basic management plan for the operation of the facility and a completed management feasibility analysis;

(4) "department" means the Alaska Department of Fish and Game;

(5) "enhancement" means a strategy designed to supplement allowable harvest of natural freshwater and anadromous species; enhancement activities are primarily designed to implement artificial or semi-artificial production systems or to increase the amount of productive natural habitat;

(6) "escapement" means all fish that escape the common property fishery and includes two categories of escapement:

(A) the number of broodstock or spawners required to perpetuate and achieve natural, semi-artificial, and artificial production objectives; and

(B) the number of hatchery-produced fish taken for the hatchery harvest requirement, to be used to pay for the hatchery's reasonable operating and capital costs, at current market prices for the species involved;

(7) "permit" means a private nonprofit salmon hatchery permit, issued by the commissioner, which has not been suspended or revoked;

(8) "PNP coordinator" means the manager of the private nonprofit hatchery program within the department;

(9) "regional comprehensive salmon plan" is a document that integrates and assembles all relevant information regarding the development and protection of the salmon resource, for a specific long-range period of time, into a strategic plan for an established region of the state;

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(10) "rehabilitation" means a strategy directed toward restoring debilitated natural stocks to optimum production levels; rehabilitation strategies consist of regulatory and nonregulatory activities; nonregulatory activities are directed at increasing the survival of debilitated broodstock and include removal of migration inhibitors, stream restoration, incubation and subsequent planting of eyed eggs, fry and fingerlings, lake fertilization and predator-competitor control;

(11) "salmon stock" means a population of salmon of a single species identified with a specific water system or portion of a water system, which share a common spawning period;

(12) "special harvest area" means an area designated by the commissioner or the Board of Fisheries where hatchery returns are to be harvested by the hatchery operators, and, in some situations by the common property fishery;

(13) "terminal harvest area" means an area designated by the commissioner, Board of Fisheries regulation, or department emergency order where hatchery returns have achieved a reasonable degree of segregation from naturally occurring stocks and may be harvested by the common property fishery without adverse effects;

(14) "broodstock" means sexually mature fish from which eggs or milt have been or will be extracted for use of the gametes in artificial propagation.

**Title 16. Fish and Game.****Chapter 05. Fish and Game Code Definitions.****Article 1. The Department of Fish and Game.**

**Sec. 16.05.055. On-board observer program.** (a) The commissioner may enter into appropriate contracts and agreements with agencies, such as the National Marine Fisheries Service, the North Pacific Fishery Management Council, and the International Pacific Halibut Commission, designed to ensure that on-board observer programs conducted in the fisheries of the state are coordinated and consistent with each other for vessels operating in state and federal water.

(b) The master of a vessel, as a condition of participating in a fishery for which an on-board observer program is authorized by the Board of Fisheries under AS 16.05.251, shall consent in writing to the placement of an observer aboard the vessel.

**Sec. 16.05.060. Emergency orders.** (a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

(b) The commissioner or an authorized designee may, under criteria adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

(c) An emergency order has the force and effect of law after field announcement by the commissioner or an authorized designee. An emergency order adopted under this section is not subject to AS 44.62 (Administrative Procedure Act).

**Sec. 16.05.065. Application extension.** (a) The commissioner shall extend the time and dates during which application may be made for fish or game registration if the commissioner finds that

(1) the conservation and management of the fish or game resource will not be affected adversely; and

(2) the failure to timely apply is the result of excusable neglect.

(b) The fee for an extension granted under this section is \$45.

(c) As used in this section, “excusable neglect” does not include unfamiliarity with or ignorance of applicable laws and regulations. In order to show excusable neglect, a person must have demonstrated, before the registration deadline, an intent to harvest fish or game.

**Sec. 16.05.070. Regulations as evidence.** Regulations of a board and of the commissioner, including emergency openings and closures, are admissible as evidence in the courts of the state in accordance with AS 44.62 (Administrative Procedure Act).

**Sec. 16.05.080. Limitation of power.** Nothing in this chapter authorizes the department or a board to change the amount of fees or licenses.

**Sec. 16.05.160. Duty to arrest.** Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of this title except AS 16.51 and AS 16.52, or any regulation adopted under this title except AS 16.51 and AS 16.52, in the peace officer's presence or view, and shall take the person for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165.

**Sec. 16.05.165. Form and issuance of citation.** (a) When a peace officer stops or contacts a person concerning a violation of this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.175 — 12.25.230.

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two law enforcement officers of the Department of Public Safety engaged in fish and wildlife protection, two representatives of the Department of Fish and Game, two district court judges, and the chairpersons of the House and Senate Judiciary Committees of the legislature. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without court appearance, the issuing peace officer shall write on the citation the amount of bail applicable to the violation.

(c) If a person cited for a misdemeanor for which a bail amount has been established under (b) of this section does not contest the citation, the person may, on or before the 30th day after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

(d) When bail has been forfeited under (c) of this section, a judgment of conviction shall be entered. Forfeiture of bail and all seized items is a complete satisfaction for the misdemeanor. The clerk of the court accepting the bail shall provide the offender with a receipt stating that fact if requested.

(e) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the bail amount established under (b) of this section or



fails to appear in court as required.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section.

**Sec. 16.05.170. Power to execute warrant.** Each peace officer designated in AS 16.05.150 may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of this title except AS 16.51 and AS 16.52, and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases.

**Sec. 16.05.180. Power to search without warrant.** Each peace officer designated in AS 16.05.150 may without a warrant search any thing or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of art. I, § 14, Alaska State Constitution, which specifically enumerates “persons, houses and other property, papers and effects.” However, before a search without warrant is made a signed written statement by the person making the search shall be submitted to the person in control of the property or object to be searched, stating the reason the search is being conducted. A written receipt shall be given by the person conducting the search for property which is taken as a result of the search. The enumeration of specific things does not limit the meaning of words of a general nature.

**Sec. 16.05.190. Seizure and disposition of equipment.** Guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of this chapter or a regulation of the department may be seized under a valid search, and all fish and game, or parts of fish and game, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this chapter or a regulation of the department shall be seized by any peace officer designated in AS 16.05.150. Upon conviction of the offender or upon judgment of the court having jurisdiction that the item was taken, transported, or possessed in violation of this chapter or a regulation of the department, all fish and game, or parts of them are forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia seized under the provisions of this chapter or a regulation of the department, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any.

**Sec. 16.05.195. Forfeiture of equipment.** (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54, or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish and game or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54, may be forfeited to the state

(1) upon conviction of the offender in a criminal proceeding of a violation of this title or AS 08.54 in a court of competent jurisdiction; or

(2) upon judgment of a court of competent jurisdiction in a proceeding in rem that an item specified above was used in or in aid of a violation of this title or AS 08.54 or a regulation adopted under this title or AS 08.54.

(b) Items specified in (a) of this section may be forfeited under this section regardless of whether they were seized before instituting the forfeiture action.

(c) An action for forfeiture under this section may be joined with an alternative action for damages brought by the state to recover damages for the value of fish and game or parts of them or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or a regulation adopted under it.

(d) It is no defense that the person who had the item specified in (a) of this section in possession at the time of its use and seizure has not been convicted or acquitted in a criminal proceeding resulting from or arising out of its use.

(e) Forfeiture may not be made of an item subsequently sold to an innocent purchaser in good faith. The burden of proof as to whether the purchaser purchased the item innocently and in good faith shall be on the purchaser.

(f) An item forfeited under this section shall be disposed of at the discretion of the department. Before the department disposes of an aircraft it shall consider transfer of ownership of the aircraft to the Alaska Wing, Civil Air Patrol.

**Sec. 16.05.200. Power to administer oaths.** Each peace officer designated in AS 16.05.150 may administer to or take from any person, an oath, affirmation, or affidavit when it is for use in a prosecution or proceeding under or in the enforcement of this chapter.

**Sec. 16.05.241. Powers excluded.** The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

**Sec. 16.05.251. Regulations of the Board of Fisheries.** (a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) residents under 18 years of age and nonresidents under 16 years of age to participate in sport fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an onboard observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use

areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, “unlicensed fishing vessel” means a fishing vessel that is not licensed under AS 16.05.490 — 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) [Repealed, § 12 ch 52 SLA 1986.]

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor’s petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

(4) the availability of alternative fisheries resources;

(5) the importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;

(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

(i) Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

**Sec. 16.05.259. No subsistence defense.** In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

**Sec. 16.05.260. Advisory committees.** The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

**Sec. 16.05.270. Delegation of authority to commissioner.** For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

#### **Article 4. Licensing of Commercial Fishing Crewmembers and Vessels.**

**Sec. 16.05.440. Expiration date for licenses.** Licenses issued under AS 16.05.440 — 16.05.723 expire at the close of December 31 following their issuance or, for licenses that are valid for two years, after December 31 of the year after the year of issuance, and shall be renewed upon application and payment of the license fees required by AS 16.05.440 — 16.05.723.

**Sec. 16.05.450. Issuance of licenses; disclosure for child support purposes.** (a) The commissioner or an authorized agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who files a written application at a place in the state designated by the commissioner, containing the reasonable information required by the commissioner together with the required fee. The commissioner shall require the reporting of the applicant's social security number on the application. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(b) The Alaska Commercial Fisheries Entry Commission shall issue a vessel license under AS 16.05.490 to each qualified vessel for which a written application has been filed, at a place in the state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(c) [Repealed, § 19 ch 105 SLA 1977.]

(d) Upon request, the commissioner shall provide a social security number provided under (a) of this section to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

**Sec. 16.05.475. Registration of fishing vessels.** (a) A person may not employ a fishing vessel in the water of this state unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state, are not excused from this provision.

(b) The term “employ”, as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any activities involving the use or navigation of fishing vessels.

(c) The term “registered under the laws of the state”, as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds necessary to maximize the authority of the state to apply and enforce fisheries regulations under 16 U.S.C. 1801-1882 (Magnuson-Stevens Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331)).

(d) In this section “fishing vessel” means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type which is normally used for

(1) fishing, or

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

**Sec. 16.05.480. Commercial fishing license; disclosure for child support purposes.** (a) A person engaged in commercial fishing shall obtain a commercial fishing license and shall retain the license in possession and readily available for inspection during fishing operations. An entry permit or interim-use permit entitles the holder to participate as a gear operator in the fishery for which the permit is issued and to participate as a crewmember in any fishery. A crewmember fishing license is not transferable and entitles the holder to participate as a crewmember in any fishery.

(b) A person applying for a commercial fishing license under this section shall provide the person’s social security number. A person applying for a resident commercial fishing license under this section shall also provide proof of residence that the department requires by regulation.

(c) [Repealed, § 12 ch 123 SLA 1978.]

(d) Upon request, the department or the Alaska Commercial Fisheries Entry Commission shall provide a social security number provided by an applicant for a license under this section to the child support services agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized under law.

(e) Except as provided under AS 16.05.470 and AS 23.35.060, fees collected from the sale of crewmember fishing licenses under this section may be appropriated into the fish and game fund.

(f) [Repealed, § 7 ch 27 SLA 2001.]

(g) A resident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in (i) of this section, pay a fee of \$60 for an annual crewmember fishing license. A resident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual fee of \$5.

(h) A nonresident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in (i) of this section, pay a base fee of \$60 for an annual crewmember fishing license, plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law. A nonresident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual base fee of \$5 plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law.

(i) Notwithstanding (g) and (h) of this section, a resident or nonresident engaged in commercial fishing who does not hold an entry permit or an interim-use permit may obtain one seven-day crewmember fishing license under this subsection annually. A person who obtains a seven-day license is not eligible for another seven-day license in the same license year; however, if a person who obtains a seven-day license pays the full fee for an annual crewmember fishing license under (g) or (h) of this section during the same license year, the person is entitled to receive a refund of the fee for the seven-day license. The department shall adopt regulations establishing a refund procedure. During the period for which the seven-day license is valid, a person who holds a seven-day license may not engage in fishing with a rod and reel while present on a commercial fishing vessel. The fee for a seven-day license is \$30.

(j) In this section, “commercial fishing license” includes an entry permit and an interim-use permit issued under AS 16.43 and a crewmember fishing license.

**Sec. 16.05.490. Vessel license.** (a) As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel.

**Sec. 16.05.495. Vessel license exemption.** A vessel used exclusively for the commercial capture of salmon in commercial salmon administrative management areas that include state water between the latitude of Point Romanof and the latitude of Cape Newenham, and state water surrounding Nunivak Island, or at a set net site, is exempt from the licensing requirements of AS 16.05.490.

**Sec. 16.05.510. Unlicensed vessel unlawful.** A person may not operate a vessel to which AS 16.05.490 — 16.05.530 apply without a vessel license, whether the absence of a vessel license results from initial failure to purchase or from another reason.

**Sec. 16.05.520. Number plate.** (a) The vessel license includes a permanent number plate. The number plate shall be accompanied by a tab affixed to the number plate designating the year to be fished. A number plate is not transferable, and the number plate shall be considered a permanent fixture upon the vessel upon which the number plate is originally placed. The number plate shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure, the number plate shall be fastened on the port side of the superstructure. A number plate remains the property of the state. The Alaska Commercial Fisheries Entry Commission may establish by regulation a reasonable fee for the initial issuance of a permanent number plate. If a permanent number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel shall immediately apply for and may obtain a duplicate upon furnishing the Alaska Commercial Fisheries Entry Commission with the pertinent facts and a payment of a



reasonable fee established by the commission by regulation that is not less than \$2.

(b) If a vessel carrying a number plate is lost, destroyed, or sold, the owner shall immediately report the loss, destruction, or sale to the Alaska Commercial Fisheries Entry Commission.

**Sec. 16.05.530. Renewal of vessel license.** (a) Upon payment of the vessel license fee and filing of the name and address of the owner of the vessel or the owner's authorized agent, the name and number of the vessel, a description of the vessel, the vessel license number, if any, the area to be fished, and other reasonable information required by the Alaska Commercial Fisheries Entry Commission, the commission shall issue a permanent number plate and a vessel license. If the vessel has a permanent number plate, the commission shall issue a vessel license and tab designating the year the license is valid. The tab shall be placed in the space provided on the permanent number plate.

(b) For calendar year 2006 and following years, the annual fee for a vessel license issued or renewed under this section is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:

(1) 0 — 25 feet .....	\$24
(2) over 25 feet — 50 feet .....	\$60
(3) over 50 feet — 75 feet .....	\$120
(4) over 75 feet — 100 feet .....	\$225
(5) over 100 feet — 125 feet .....	\$300
(6) over 125 feet — 150 feet .....	\$375
(7) over 150 feet — 175 feet .....	\$450
(8) over 175 feet — 200 feet .....	\$525
(9) over 200 feet — 225 feet .....	\$600
(10) over 225 feet — 250 feet .....	\$675
(11) over 250 feet — 275 feet .....	\$750
(12) over 275 feet — 300 feet .....	\$825
(13) over 300 feet .....	\$900.

**Sec. 16.05.665. Falsification of application for license.** (a) A person who knowingly makes a false statement as to a material fact on an application for a license under AS 16.05.440 — 16.05.660 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

(b) A license issued under AS 16.05.440 — 16.05.660 to a person convicted under (a) of this section is void.

(c) A person whose license is void under (a) and (b) of this section may not obtain another license of the same type for a period of not less than two nor more than three years from the date of conviction by the court.

**Sec. 16.05.671. Transportation and sale of certain fish by an agent of the fisherman who caught the fish.** (a) A person may transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish if the person holds a fish

transporter permit issued by the commissioner under this section.

(b) The commissioner may issue a fish transporter permit to a natural person. A fish transporter permit authorizes the permittee to transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish. A fish transporter may not buy or process fish received for transport unless the fish transporter also holds the appropriate licenses, permits, and other authorizations required to buy or process fish.

(c) A person who applies for a fish transporter permit under this section shall provide the person's social security number to the department. Upon request of the child support services agency created in AS 25.27.010, or a child support agency of another state, the department shall provide a social security number provided by an applicant for a fish transporter permit under this section to that agency for child support purposes authorized under law.

(d) A commercial fisherman may authorize a fish transporter to transport and sell fish on behalf of the fisherman as the agent of the fisherman. The fish transporter shall complete a fish ticket in accordance with procedures prescribed by the department for each fisherman who transfers fish to the fish transporter. The fish ticket must accompany the fish transferred to the fish transporter while the fish are in possession of the fish transporter. The fish transporter shall present the fish ticket for inspection upon request by a peace officer or representative of the commissioner. The fish transporter shall present the fish ticket to the buyer of the fish at the time of sale. The buyer of the fish shall complete the fish ticket by inserting the buyer's information as required by the department, including the weight or count of fish purchased. The buyer shall return a copy of the fish ticket to the commercial fisherman on whose behalf the fish are sold.

(e) A commercial fisherman who transfers fish to a fish transporter to transport and sell fish on behalf of the fisherman shall provide the fish transporter with all required information that the fisherman would have to provide to the buyer of the fish if the fisherman were to personally sell the fish to the buyer. The fish transporter who sells fish as the agent of a commercial fisherman shall provide all information to the buyer of the fish that the commercial fisherman would have to provide to the buyer if the fisherman were to personally sell the fish.

(f) A commercial fisherman may also hold a fish transporter permit. A commercial fisherman who holds a fish transporter permit may simultaneously transport or sell fish that the fisherman caught as well as fish caught by other commercial fishermen. A commercial fisherman who is simultaneously operating as a fish transporter shall physically possess

(1) the fish ticket completed under (d) of this section for the fish being transported or sold on behalf of another fisherman; and

(2) other documentation that may be prescribed by the commissioner by regulation.

(g) The commissioner may adopt regulations the commissioner considers necessary to implement this section. The regulations may not conflict with regulations or management

plans adopted by the Board of Fisheries. The regulations may include

(1) criteria for determining areas or fisheries for which transporter permits may not be issued because

(A) fish transporter operations may alter harvest rates for the area or fishery to the extent that conservation of the resource is jeopardized, may significantly impair the ability of the department to accurately determine catch or effort levels, or may interfere with fishery management, allocation, or enforcement matters;

(B) a fishery is managed through allocations of the harvest to individuals, such as trip limits or quota shares; or

(C) combining of catches by multiple fishermen on a vessel may impair the ability of the department to accurately determine the incidental catch by each fisherman;

(2) requirements for timely and accurate reporting and record keeping; or

(3) procedures to maintain quality of harvested resources.

(h) Fish transferred to the possession of a fish transporter under the authority of this section are property of the fisherman who caught the fish until the fish are sold to a buyer by the fish transporter on behalf of the fisherman.

(i) In this section, “fish” means fish legally harvested and retained in salmon, herring, or Pacific cod fisheries.

**Sec. 16.05.675. Landing permits.** (a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 or a fish transporter permit issued under AS 16.05.671 may not deliver or land fish in the state unless the person

(1) holds a valid federal permit to operate commercial fishing gear in the fishery conservation zone; and

(2) has been issued a landing permit by the Alaska Commercial Fisheries Entry Commission.

(b) The commissioner may by regulation establish eligibility requirements for the issuance of a landing permit.

(c) The commissioner may authorize the Alaska Commercial Fisheries Entry Commission to issue landing permits for a fishery if the commissioner has made a written finding that the issuance of landing permits for that fishery is consistent with state resource conservation and management goals.

**Sec. 16.05.680. Unlawful practices.** (a) It is unlawful for a person, or an agent or representative of the person,

(1) to employ, in the harvesting, transporting, or purchasing of fish, a fisherman who neither is licensed under AS 16.05.480 nor is the holder of a permit issued under AS 16.43;

(2) to purchase fish from a person who is not

(A) the holder of a limited entry, interim-use, or landing permit issued under AS 16.43;

(B) a fish transporter who is selling the fish as the agent of the holder of a limited entry, interim-use, or landing permit issued under AS 16.43; or

(C) exempt under AS 16.05.660; or

(3) to purchase fish from an association other than one to which a permit has been issued under AS 16.05.662.

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold. For purposes of this subsection, salmon sold by a fish transporter on behalf of the commercial fisherman who harvested the salmon is salmon harvested under the authority of the limited entry, interim-use, or landing permit under which the salmon is sold.

**Sec. 16.05.690. Record of purchases.** (a) Each buyer of fish shall keep a record of each purchase showing the name or number of the vessel from which the catch involved is taken, the date of landing, vessel license number, pounds purchased of each species, number of each species, and the Department of Fish and Game statistical area in which the fish were taken, and other information the department requires. Records may be kept on forms provided by the department. Each person charged with keeping the records shall report them to the department in accordance with regulations adopted by the department.

(b) A person may not knowingly enter false information on a fish ticket or supply false information to a person who is recording information on a fish ticket.

(c) [Repealed, § 1 ch 13 SLA 1997.]

**Sec. 16.05.710. Suspension of commercial license and entry permit.** (a) Upon the conviction of a person for a misdemeanor or felony violation of a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, the court, in addition to other penalties imposed by law,

(1) may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year if the conviction is the person's first or second misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, or another jurisdiction; or

(2) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than three years if the conviction is the person's third or

subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state, in a fishery other than a commercial salmon fishery, or another jurisdiction.

(b) Upon a first conviction of a person for a violation of AS 11.46.120 — 11.46.130 in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for one year. Upon a second or subsequent conviction for a violation of AS 11.46.120 — 11.46.130 or a similar law of another jurisdiction in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for two years.

(c) If proceedings in which commercial fishing privileges or licenses may be suspended under this section are pending against a limited entry permit holder, the permit holder's limited entry permit may not be permanently transferred, unless allowed by order of the court in which the proceedings are pending, and a permanent transfer of the permit, unless allowed by order of the court, is void. During the period for which a limited entry permit or the permit holder's right to obtain a limited entry permit or to engage in an activity for which a limited entry permit is required is suspended under this section, a permit card may not be issued to the permit holder and the permit holder's permit may not be transferred or sold.

(d) In this section,

(1) "commercial fishing law" means a statute or regulation that regulates the conduct of a person engaged in commercial fishing activities by establishing requirements relating to fishing licenses and permits; catch records and reports; size, nature, or use of fishing vessels, sites, and gear; time, place, or manner of taking fishery resources; possession, transportation, sale, barter, or waste of fishery resources; or other aspects of commercial fishing;

(2) "commercial fishing license" means a limited entry permit or a crew member license;

(3) "commercial fishing privilege" means the privilege of participating in an activity for which a commercial fishing license is required and the privilege of obtaining a commercial fishing license;

(4) "limited entry permit" means an entry permit or an interim-use permit issued under AS 16.43.

**Sec. 16.05.722. Strict liability commercial fishing penalties.** (a) A person who without any culpable mental state violates AS 16.05.440 — 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a violation and upon conviction is punishable by a fine of not more than

(1) \$3,000 for a first conviction;

(2) \$6,000 for a second conviction or for a subsequent conviction not described in (3) of this subsection; and

(3) \$9,000 for a third or subsequent conviction within a 10-year period.

(b) In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 — 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department. It is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(c) A person charged with a violation under this section is entitled to a trial by court but not by jury, and is not entitled to representation at public expense.

**Sec. 16.05.723. Misdemeanor commercial fishing penalties.** (a) A person who negligently violates AS 16.05.440 — 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a misdemeanor and in addition to punishment under other provisions in this title, including AS 16.05.195 and 16.05.710, is punishable upon conviction by a fine of not more than \$15,000 or by imprisonment for not more than one year, or by both. In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation, and the court may forfeit any vessel and any fishing gear, including any net, pot, tackle, or other device designed or employed to take fish commercially, that was used in or in aid of the violation. Any fish, or its fair market value, forfeited under this subsection may not also be forfeited under AS 16.05.195. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 — 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department, and it is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(b) If a person is convicted under this section of one of the following offenses, then, in addition to the penalties imposed under (a) of this section, the court may impose a fine equal to the gross value of the fish found on board or at the fishing site at the time of the violation:

(1) commercial fishing in closed waters;

(2) commercial fishing during a closed period or season;

(3) commercial fishing with unlawful gear, including a net, pot, tackle, or other device designed or employed to take fish commercially; or

(4) commercial fishing without a limited entry permit holder on board if the holder is required by law or regulation to be present.

(c) Upon a third misdemeanor conviction within a period of 10 years for an offense listed in (b) of this section or any combination of offenses listed in (b) of this section, the court shall impose, in addition to any penalties imposed under (a) of this section, a fine equal to three times the gross value of the fish found on board or at the fishing site at the time of the offense, or a fine equal to \$10,000, whichever is greater.

**Sec. 16.05.735. Management of offshore fisheries.** The state may assume management of a fishery in offshore water adjacent to the state in the absence of a federal fishery management plan for the fishery or in the event that a federal fishery management plan for the fishery delegates authority to the state to manage the fishery in the United States exclusive economic zone.

## **Article 6. Miscellaneous Provisions.**

**Sec. 16.05.800. Public nuisances.** A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement.

**Sec. 16.05.810. Burden of proof.** The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

(1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section;

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited.

**Sec. 16.05.815. Confidential nature of certain reports and records.** (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

(5) such records and reports as necessary to be in conformity with a court order;

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, records required of sport fishing guides, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets, fish ticket information, and records required of sport fishing guides regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law;

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 — 41.21.514; and



(13) fish ticket information and records or reports of the total value purchased by each fisherman, buyer, or processor to the National Marine Fisheries Service for the purpose of enforcing the industry fee system of a fishing capacity reduction program under 16 U.S.C. 1861a (Magnuson-Stevens Fishery Conservation and Management Act).

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 — 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requester is a state or federal agency, if the requester is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requester has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 — 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, “personal information” has the meaning given in AS 40.25.350.

**Sec. 16.05.831. Waste of salmon.** (a) A person may not waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, “waste” means the failure to utilize the majority of the carcass, excluding viscera and sex parts, of a salmon intended for

(1) sale to a commercial buyer or processor;

(2) consumption by humans or domesticated animals; or

(3) scientific, educational, or display purposes.

(b) The commissioner, upon request, may authorize other uses of salmon that would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by

both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted.

## **Article 9. General Provisions.**

**Sec. 16.05.905. Activities by aliens prohibited.** (a) Alien persons not lawfully admitted to the United States are prohibited from engaging in commercial fishing activities or taking marine mammals in the territorial waters of the state as they presently exist or may be extended in the future.

(b) An alien person who violates (a) of this section is guilty of a misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in the violation, or by imprisonment for not more than one year, or by fine of not more than \$10,000, or by all or any two of the foregoing punishments.

**Sec. 16.05.920. Prohibited conduct generally.** (a) Unless permitted by AS 16.05 — AS 16.40 or by regulation adopted under AS 16.05 — AS 16.40, a person may not take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building, or other improvement or property of the department used in the administration or enforcement of this title except AS 16.51 and AS 16.52, or a poster or notice to the public concerning the provisions of this title except AS 16.51 and AS 16.52, or a regulation adopted under this title except AS 16.51 and AS 16.52, or a marker indicating the boundary of an area closed to hunting, trapping, fishing, or other special use under this title except AS 16.51 and AS 16.52. A person may not knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with this title except AS 16.51 and AS 16.52 or a regulation adopted under this title except AS 16.51 and AS 16.52.

**Sec. 16.05.930. Exempted activities.** (a) This chapter does not prevent the collection or exportation of fish and game, a part of fish or game or a nest or egg of a bird for scientific or educational purposes, or for propagation or exhibition purposes under a permit that the department may issue and prescribe the terms thereof.

(b) This chapter does not prohibit a person from taking fish or game during the closed season, in case of dire emergency, as defined by regulation adopted by the appropriate board.

(c) AS 16.05.920 and 16.05.921 do not prohibit rearing and sale of fish from private ponds, the raising of wild animals in captivity for food, or the raising of game birds for the purpose of recreational hunting on game hunting preserves, under regulations adopted by the appropriate board. In this subsection, “animals” includes all animal life, including insects and bugs.

(d) Nondomestic animals of any species may not be transferred or transported from the state under (a) of this section unless approved by the Board of Game in regular or special meeting. Animals transferred or transported under (a) of this section shall be animals that are certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this section shall be accompanied by a statement prepared by the department examining the probable environmental impact of the action.

(e) This chapter does not prevent the traditional barter of fish and game taken by subsistence hunting or fishing, except that the commissioner may prohibit the barter of subsistence-taken fish and game by regulation, emergency or otherwise, if a determination on the record is made that the barter is resulting in a waste of the resource, damage to fish stocks or game populations, or circumvention of fish or game management programs.

(f) A permit may not be required for possessing, importing, or exporting mink and fox for fur farming purposes.

(g) AS 16.05.330 — 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

**Sec. 16.05.940. Definitions.** In AS 16.05 — AS 16.40,

(1) **“aquatic plant”** means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;

(2) **“barter”** means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) **“a board”** means either the Board of Fisheries or the Board of Game;

(4) **“commercial fisherman”** means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; “commercial fisherman” includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph “operate fishing gear” means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing

period;

(5) “**commercial fishing**” means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;

(6) “**commissioner**” means the commissioner of fish and game unless specifically provided otherwise;

(7) “**customary and traditional**” means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;

(8) “**customary trade**” means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;

(9) “**department**” means the Department of Fish and Game unless specifically provided otherwise;

(10) “**domestic mammals**” include musk oxen, bison, and reindeer, if they are lawfully owned;

(11) “**domicile**” means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

(12) “**fish**” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;

(13) “**fish derby**” means a contest in which prizes are awarded for catching fish;

(14) “**fish or game farming**” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “**captivity**” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;

(15) “**fish stock**” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;

(16) “**fish transporter**” means a natural person who holds a fish transporter permit

issued under AS 16.05.671;

(17) **“fishery”** means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph

(A) **“gear”** means the specific apparatus used in the harvest of a fishery resource; and

(B) **“type of gear”** means an identifiable classification of gear and may include

(i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and

(ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;

(18) **“fur dealing”** means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;

(19) **“game”** means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;

(20) **“game population”** means a group of game animals of a single species or subgroup manageable as a unit;

(21) **“hunting”** means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;

(22) **“nonresident”** means a person who is not a resident of the state;

(23) **“nonresident alien”** means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;

(24) **“operator”** means the individual by law made responsible for the operation of the vessel;

(25) **“person with developmental disabilities”** means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;

(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others; and

(G) and that the person does not suffer from a mental illness; in this subparagraph, "mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on a person's ability to exercise conscious control of the person's actions or ability to perceive reality or to reason or understand.

(26) "**person with physical disabilities**" means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

(27) "**personal use fishing**" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(28) "**resident**" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(29) “**rural area**” means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(30) “**seizure**” means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(31) “**sport fishing**” means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(32) “**subsistence fishing**” means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(33) “**subsistence hunting**” means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(34) “**subsistence uses**” means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, “family” means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(35) “**take**” means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(36) “**taxidermy**” means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(37) “**trapping**” means the taking of mammals declared by regulation to be fur bearers;

(38) “**vessel**” means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft.

## **Chapter 10. Fisheries and Fishing Regulations.**

### **Article 2. Interference with Commercial Fishing Gear.**

**Sec. 16.10.055. Interference with commercial fishing gear.** A person who wilfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor. For the purposes of this section “interference” means the physical disturbance of gear which results in economic loss or loss of fishing time, and “reckless disregard of the consequences” means a lack of consideration for the consequences of one’s acts in a manner that is reasonably likely to damage the property of another.

### **Article 7. Purchase of Fish.**

**Sec. 16.10.265. Purchase of fish from permit holders.** (a) An individual may not, while acting as a fish processor or primary fish buyer, or as an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15, intentionally or knowingly make an original purchase of fish from a seller who does not hold

(1) a landing permit, an entry permit, or an interim-use permit; or

(2) a fish transporter permit under AS 16.05.671.

(b) An individual who violates (a) of this section is

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

(c) The commissioner of revenue shall impose upon a fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15, a civil fine equal to the value of fish purchased in violation of this section by (1) the fish processor or primary fish buyer if the fish processor or primary fish buyer is not a corporation; or (2) a



director, officer, or employee in a policy-making position of the fish processor, of the primary fish buyer, or of the cooperative corporation. Value is based on the average price paid to fishermen at the time of the violation.

(d) The commissioner of commerce, community, and economic development may suspend or revoke a business license issued under AS 43.70.020 and the commissioner of revenue may suspend or revoke a license to engage in the business of processing or buying raw fish if the licensee or an officer, director, or employee in a policy-making position of the licensee has been convicted of three offenses under this section. Proceedings to suspend or revoke a license are governed by AS 44.62 (Administrative Procedure Act).

(e) An organization may not be criminally prosecuted under (a) of this section.

(f) In this section, “individual” means a natural person.

**Sec. 16.10.267. Possession of permit and identification by seller.** (a) When a fisherman sells fish, the fisherman shall possess

(1) a landing permit, entry permit, or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

(2) an identification card that has been issued to the fisherman by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman or fish transporter shall present for inspection the identification card, entry permit, interim-use permit, fish transporter permit, or other document required to be in the fisherman’s or the fish transporter’s possession under (a) or (d) of this section.

(c) Examples of a suitable identification card required under (a)(2) and (d)(2) of this section are a motor vehicle operator’s license issued under AS 28.15.111 and an identification card issued under AS 18.65.310.

(d) When a fish transporter sells fish as the agent of the commercial fisherman who caught the fish, the fish transporter shall possess

(1) a fish transporter permit and the fish ticket completed by the fish transporter under AS 16.05.671(d); and

(2) an identification card that has been issued to the fish transporter by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fish transporter.

(e) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than

90 days. In addition

(1) upon a first conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$5,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(2) upon a second conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$10,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(3) upon a third or subsequent conviction for a violation of this section, the court

(A) may sentence the convicted person to pay a fine of not more than \$10,000; and

(B) shall order that the convicted person lose commercial fishing privileges for a period of three years from the date of conviction.

**Sec. 16.10.270. Purchase of fish by the pound.** (a) A fish processor or primary fish buyer shall purchase raw fish by the pound. The poundage of the fish to be purchased shall be determined by weighing the fish unless both the buyer and seller agree in writing upon a sample weighing technique that will fairly determine the average weight of the fish purchased.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000, or by both.

**Sec. 16.10.296. Definitions.** In AS 16.10.265 — 16.10.296, unless the context otherwise requires,

(1) “**commissioner**” means the commissioner of labor and workforce development;

(2) “**fish**” means any species of aquatic finfish, invertebrates and amphibians, shellfish, or any other raw fishery resource, in any stage of its life cycle, found in or introduced into the state, and includes fish eggs except fish eggs sold for stock enhancement purposes;

(3) “**fish processor**” means a person engaging or attempting to engage in a business for which a license is required under AS 43.75;

(4) “**primary fish buyer**” means a person, other than a cooperative corporation organized under AS 10.15, engaging or attempting to engage in the business of originally purchasing or buying any fishery resource in intrastate, interstate, or foreign commerce.

**Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.****Article 1. Alaska Commercial Fisheries Entry Commission.**

**Sec. 16.43.100. Duties and general powers.** (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

- (1) regulate entry into the commercial fisheries for all fishery resources in the state;
- (2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;
- (3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;
- (4) establish, for all types of gear, the maximum number of entry permits for each administrative area;
- (5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;
- (6) establish qualifications for the issuance of entry permits;
- (7) issue entry permits to qualified applicants;
- (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and 16.43.225;
- (9) establish, for all types of gear, the optimum number of entry permits for each administrative area;
- (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- (11) provide for the transfer and reissuance of entry permits to qualified transferees;
- (12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;
- (13) establish and administer the collection of the annual fees provided for in AS 16.43.160;
- (14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;
- (15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 — 16.43.390;
- (16) establish reasonable user fees for services;

(17) issue landing permits under AS 16.05.675 and regulations adopted under that section;

(18) establish and collect annual fees for the issuance of landing permits that reasonably reflect the costs incurred in the administration and enforcement of provisions of law related to landing permits;

(19) establish a moratorium on entry into commercial fisheries as provided in AS 16.43.225;

(20) when requested by a regional development organization formed under former AS 44.33.895, provide to the organization, without charge, public information contained in the commission's data with respect to relevant fisheries, including limited fisheries, fishery participants, and limited entry permit holders' harvests and earnings; and

(21) administer, when necessary to accomplish the purposes of this chapter, a Bering Sea hair crab fishery vessel permit system under AS 16.43.451 — 16.43.521.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter.

### **Article 2. Entry Permit System.**

#### **Sec. 16.43.140. Permit required.**

(a) A person may not operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewmember or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

(1) fishing more than one type of gear;

(2) fishing in more than one administrative area;

(3) harvesting particular species for which separate interim-use or entry permits are issued;

(4) if authorized by regulations of the commission, fishing an entire unit of gear in a fishery in which the commission has issued entry permits for less than a unit of gear under AS 16.43.270(d); under this paragraph, a person may not hold more than two entry permits for a fishery; however, the person may not

(A) fish more than one unit of gear in the fishery; or

(B) acquire a second entry permit for the fishery after the person has acquired an entry permit that authorizes the use of an entire unit of gear in the fishery;

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

**Sec. 16.43.150. Terms and conditions of entry permit; annual renewal.** (a) Except as may be otherwise provided under AS 16.43.270(d), an entry permit authorizes the permittee to operate a unit of gear within a specified fishery.

(b) The holder of an entry permit shall have the permit in possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

(d) Failure to renew an entry permit for a period of two years from the year of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause. An entry permit may not be renewed until the fees for each preceding year during which the entry permit was not renewed are paid. However, failure to renew an entry permit in a year in which there is an administrative closure for the entire season for a specific fishery is good cause not to renew the entry permit. The commission shall waive the payment of fees for that year.

(e) An entry permit constitutes a use privilege that may be modified or revoked by the legislature without compensation.

(f) Except for permits that are not transferable under AS 16.43.170(e), an entry permit survives the death of the holder.

(g) Except as provided in AS 16.10.333 — 16.10.338, AS 44.81.215, 44.81.225, and 44.81.231 — 44.81.250, an entry permit may not be

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure, or on any condition requiring a subsequent transfer; or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court, except as provided in AS 16.43.170(g) and (h).

(h) Unless an entry permit holder has expressed a contrary intent in a will that is probated, the commission shall, upon the death of the permit holder, transfer the permanent permit by right of survivorship directly to the surviving spouse or, if no spouse survives, to a natural person designated by the permit holder on a form provided by the commission. If no spouse survives and if the person designated on the form, if any,

does not survive, the permit passes as part of the permit holder's estate. A designation under this subsection must be acknowledged before a person authorized to administer an oath under AS 09.63.010 or must be witnessed by two persons who are qualified under AS 13.12.505 to witness the will of the permit holder. Except as provided in AS 16.10.333 — 16.10.337, AS 44.81.215, and 44.81.231 — 44.81.250, the permit is exempt from the claims of creditors of the estate.

(i) The holder of a transferable or nontransferable entry permit or of an interim-use permit may voluntarily relinquish the permit to the commission.

### **Article 9. General Provisions.**

**Sec. 16.43.950. Applications of regulations of Board of Fisheries.** Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries.