Chapter 21. Cook Inlet Area.

5 AAC 21.310(b)(3) is amended to read:

(3) Central District, for drift gillnet: from the third Monday in June or June 19 whichever is later, until closed by emergency order, except that fishing with drift gillnets may not occur within

(A) two miles of the mean high tide mark on the eastern side of the Upper Subdistrict until those locations have been opened for fishing with set gillnets;

(B) one and one-half miles of the mean high tide mark of the Kenai Peninsula shoreline in

(i) that area of the Kenai and Kasilof Sections of the Upper Subdistrict south of the Kenai River;

(ii) the Anchor Point Section [, IF FISHING WITH DRIFT GILLNETS IS OPEN IN THE ANCHOR POINT SECTION UNDER 5 AAC 21.353];

(C) one mile of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and East Forelands Sections of the Upper Subdistrict north of the Kenai River;

(D) two miles of the Kenai Peninsula shoreline;

(In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 7/21/91, Register 119; am 4/7/93, Register 126; am 6/7/95, Register 135; am 5/31/96, Register 138; am 5/14/97, Register 142; am 5/18/2000, Register 154; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 2/13/2005, Register 173; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 5/21/2011, Register 198; am 6/12/2011,

Register 198; am 5/18/2014, Register 210; am 6/8/2017, Register 222; am 6/28/2019, Register 230; am 4/24/2020, Register 234; am 6/21/2020, Register 234; am ____/____/_____, Register _____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.353(c) is amended to read:

(c) **Fishing is restricted to one or more of the following sections unless otherwise specified in (e) or (f) of this section:**

(1) the Expanded Kenai Section of the Upper Subdistrict as described in 5 AAC 21.200(b)(2)(C);

(2) state waters of the Expanded Kasilof Section of the Upper Subdistrict as described in 5 AAC 21.200(b)(2)(E) [FROM JULY 9 THROUGH JULY 15,

(1) FISHING DURING THE FIRST REGULAR FISHING PERIOD AND SECOND REGULAR FISHING PERIOD IS RESTRICTED TO THE EXPANDED KENAI AND EXPANDED KASILOF SECTIONS OF THE UPPER SUBDISTRICT AND DRIFT GILLNET AREA 1;

(2) AT RUN STRENGTHS GREATER THAN 2,300,000 SOCKEYE SALMON TO THE KENAI RIVER, THE COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN ONE ADDITIONAL 12-HOUR FISHING PERIOD IN THE EXPANDED KENAI AND EXPANDED KASILOF SECTIONS OF THE UPPER SUBDISTRICT AND DRIFT GILLNET AREA 1;

(3) ADDITIONAL FISHING TIME UNDER THIS SUBSECTION IS ALLOWED ONLY IN THE EXPANDED KENAI AND EXPANDED KASILOF SECTIONS OF THE UPPER SUBDISTRICT].

5 AAC 21.353(d) is amended to read:

(d) **The commissioner may, by emergency order, open regular and additional fishing periods subject to the following conditions:**

(1) additional fishing periods may be opened only at run strengths of greater than 2,300,000 sockeye salmon to the Kenai River;

(2) fishing periods may not be open for more than 16 hours per day;

(3) fishing periods may not occur on more than five days per week and the drift gillnet fishery will be closed for two continuous 32-hour periods per week from 11:00 p.m. Monday through 7:00 a.m. Wednesday and 11:00 p.m. Thursday through 7:00 a.m. Saturday [FROM JULY 16 THROUGH JULY 31,

(1) AT RUN STRENGTHS OF LESS THAN 2,300,000 SOCKEYE SALMON TO THE KENAI RIVER, FISHING DURING ALL REGULAR 12-HOUR FISHING PERIODS WILL BE RESTRICTED TO THE EXPANDED KENAI AND EXPANDED KASILOF SECTIONS OF THE UPPER SUBDISTRICT;

(2) AT RUN STRENGTHS OF 2,300,000 — 4,600,000 SOCKEYE SALMON TO THE KENAI RIVER,

(A) FISHING DURING ONE REGULAR 12-HOUR FISHING PERIOD PER WEEK WILL BE RESTRICTED TO ONE OR MORE OF THE FOLLOWING SECTIONS AND AREAS:

(i) EXPANDED KENAI SECTION OF THE UPPER SUBDISTRICT;

(ii) EXPANDED KASILOF SECTION OF THE UPPER SUBDISTRICT;

(iii) ANCHOR POINT SECTION OF THE LOWER SUBDISTRICT;

(iv) DRIFT GILLNET AREA 1;

(B) THE REMAINING WEEKLY 12-HOUR REGULAR FISHING PERIOD WILL BE RESTRICTED TO ONE OR MORE OF THE FOLLOWING SECTIONS:

(i) EXPANDED KENAI SECTION;

(ii) EXPANDED KASILOF SECTION;

(iii) ANCHOR POINT SECTION;

(3) AT RUN STRENGTHS GREATER THAN 4,600,000 SOCKEYE SALMON TO THE KENAI RIVER, ONE REGULAR 12-HOUR FISHING PERIOD PER WEEK WILL BE RESTRICTED TO THE EXPANDED KENAI, EXPANDED KASILOF, AND ANCHOR POINT SECTIONS;

(4) ADDITIONAL FISHING TIME UNDER THIS SUBSECTION IS ALLOWED ONLY IN ONE OR MORE OF THE FOLLOWING SECTIONS:

(A) EXPANDED KENAI SECTION;

(B) EXPANDED KASILOF SECTION;

(C) ANCHOR POINT SECTION].

5 AAC 21.353(e) is amended to read:

(e) From August 1 through August 15, **the department shall restrict fishing to two regular periods per week in Drift Gillnet Area 3 and Drift Gillnet Area 4 if**

(1) **the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b)(2)(C)(iii)** [FISHING DURING BOTH REGULAR 12-HOUR FISHING PERIODS PER WEEK WILL BE RESTRICTED TO ONE OR MORE OF THE FOLLOWING:

(A) EXPANDED KENAI SECTION;

(B) EXPANDED KASILOF SECTION;

(C) ANCHOR POINT SECTION;

(D) DRIFT GILLNET AREA 1;

(E) DRIFT GILLNET AREA 3]; **or**

(2) **the department determines that less than three percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gillnet fishery, including state and federal waters of Upper Cook Inlet** [ADDITIONAL FISHING PERIODS ARE ALLOWED IN ONE OR MORE OF THE FOLLOWING:

(A) EXPANDED KENAI SECTION;

(B) EXPANDED KASILOF SECTION;

(C) ANCHOR POINT SECTION;

(3) REGULAR FISHING PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4 IF

(A) THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(b)(2)(C)(iii); OR

(B) THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY].

5 AAC 21.353(g) is amended to read:

(g) **Drift gillnetting is prohibited within two miles of the Kenai Peninsula shoreline** [FOR THE PURPOSES OF THIS SECTION,

(1) "DRIFT GILLNET AREA 1" MEANS THOSE WATERS OF THE CENTRAL DISTRICT SOUTH OF KALGIN ISLAND AT 60° 20.43' N. LAT.;

(2) "DRIFT GILLNET AREA 2" MEANS THOSE WATERS OF THE CENTRAL DISTRICT ENCLOSED BY A LINE FROM 60° 20.43' N. LAT., 151° 54.83' W. LONG. TO A POINT AT 60° 41.08' N. LAT., 151° 39.00' W. LONG. TO A POINT AT 60° 41.08' N. LAT., 151° 24.00' W. LONG. TO A POINT AT 60° 27.10' N. LAT., 151° 25.70' W. LONG. TO A POINT AT 60° 20.43' N. LAT., 151° 28.55' W. LONG.;

(3) "DRIFT GILLNET AREA 3" MEANS THOSE WATERS OF THE CENTRAL DISTRICT WITHIN ONE MILE OF MEAN LOWER LOW WATER (ZERO TIDE) SOUTH OF A POINT ON THE WEST FORELAND AT 60° 42.70' N. LAT., 151° 42.30' W. LONG.;

(4) "DRIFT GILLNET AREA 4" MEANS THOSE WATERS OF THE CENTRAL DISTRICT ENCLOSED BY A LINE FROM 60° 04.70' N. LAT., 152° 34.74' W. LONG. TO THE KALGIN BUOY AT 60° 04.70' N. LAT., 152° 09.90' W. LONG. TO A POINT AT 59° 46.15' N. LAT., 152° 18.62' W. LONG. TO A POINT ON THE WESTERN SHORE AT

59° 46.15' N. LAT., 153° 00.20' W. LONG., NOT INCLUDING THE WATERS OF THE CHINITNA BAY SUBDISTRICT].

5 AAC 21.353(h) is amended to read:

(h) **For the purposes of this section,**

(1) "Drift Gillnet Area 3" means those waters of the Central District within one mile of mean lower low water (zero tide) south of a point on the West Foreland at 60° 42.70' N. lat., 151° 42.30' W. long.;

(2) "Drift Gillnet Area 4" means those waters of the Central District enclosed by a line from 60° 04.70' N. lat., 152° 34.74' W. long. to the Kalgin Buoy at 60° 04.70' N. lat., 152° 09.90' W. long., to a point at 59° 46.15' N. lat., 152° 18.62' W. long., to a point on the western shore at 59° 46.15' N. lat., 153° 00.20' W. long., not including the waters of the Chinitna Bay Subdistrict [THE COMMISSIONER MAY DEPART FROM THE PROVISIONS OF THE MANAGEMENT PLAN UNDER THIS SECTION AS PROVIDED IN 5 AAC 21.363(e)]. (Eff. 6/11/2005, Register 174; am 6/4/2008, Register 186; am 9/12/2008, Register 187; am 5/21/2011, Register 198; am 6/12/2011, Register 198; em am 6/30/2011 — 7/13/2011, Register 199; am 11/25/2011, Register 200; am 5/18/2014, Register 210; am 6/8/2017, Register 222; am 6/21/2020, Register 234; am 6/8/2024, Register 250; am ____/____/_____, Register _____)

Authority: AS 16.05.060 AS 16.05.251

Chapter 39. General Provisions.

5 AAC 39.105(d)(11) is amended to read:

(11) a pot is

(A) a portable structure designed and constructed to capture and retain fish and shellfish alive in the water; **or**

(B) a coil spring structure with non-rigid mesh and a collapsible frame, with no more than two tunnel eye openings on opposing sides, known as a collapsible pot or, commonly, a slinky pot;

5 AAC 39.105(d)(25) is amended to read:

(25) a mechanical jigging machine is a device **having a drum, spool, or reel that has an outside diameter that is not more than 15 inches and an inside width not more than seven inches** 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;

(In effect before 1982; am 7/25/82, Register 83; am 4/16/83, Register 86; am 7/12/86, Register 99; am 6/2/88, Register 106; am 6/19/92, Register 122; am 7/16/92, Register 123; am 6/2/95, Register 134; am 9/12/97, Register 143; am 5/31/98, Register 146; am 6/14/2000, Register 154; am 7/5/2000, Register 155; am 6/10/2010, Register 194; am 6/25/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 16.05.251

5 AAC 39.291 is amended to read:

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 **or emergency order**. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation **or by emergency order**. (Eff. 6/24/93, Register 126; am ____/____/_____, Register _____)

Authority: **AS 16.05.060** AS 16.05.251

Chapter 75. Statewide Provisions

5 AAC 75 is amended by adding a new section to Article 1 to read:

5 AAC 75.019. Evidence of species and length. (a) Unless otherwise specified in 5 AAC 47 - 5 AAC 75, the following provisions apply to the retention and possession of sport-caught fish for the determination of species and length of fish until the vessel is tied up at a docking location where the fish will be offloaded or when an angler fishing from the shoreline is departing the location:

(1) a person who takes rockfish, lingcod, or king salmon shall retain sufficient portions of the fish, with skin attached, to allow for species identification;

(2) a person may fillet the fish, if the skin remains attached to each fillet;

(3) lingcod and king salmon retained in fisheries with length requirements shall be retained in a condition that allows the total length of the fish to be determined; the carcass of lingcod and king salmon, consisting of the head, backbone, and tail, must be retained in one piece to allow for measurement of the fish.

(b) This section does not prohibit the consumption or preservation of fish aboard a vessel.

(Eff.____/____/_____, Register _____)

Authority: AS 16.05.251

5 AAC 75.020(a) is amended to read:

(a) Unless otherwise provided in 5 AAC 47 - 5 AAC 75, sport fishing may only be conducted by the use of a closely attended single line**, held in hand or attached to a fishing pole or rod,** having attached to it not more than

(1) one plug;

(2) one spoon;

(3) one spinner or series of spinners;

(4) two artificial flies; or

(5) two hooks.

(In effect before 1988; am 3/13/2004, Register 169; am 6/10/2010, Register 194; am 6/26/2016, Register 218; am 6/28/2019, Register 230; am ____/____/_____, Register _____)

Authority: AS 16.05.251

5 AAC 75.995(a)(22) is amended to read:

(22) "rockfish" means all fish of the genus *Sebastes*, including pelagic **shelf rockfish, demersal shelf rockfish, and slope** rockfish **as defined in 5 AAC 39.975** [AND NONPELAGIC ROCKFISH];

5 AAC 75.995(a)(46) is amended to read:

(46) "nonpelagic rockfish" includes all rockfish species in the genus *Sebastes* that are not defined as pelagic **shelf** rockfish **in 5 AAC 39.975**;

5 AAC 75.995(a)(47) is repealed:

(47) repealed ____/____/_____; ["PELAGIC ROCKFISH" INCLUDES THE FOLLOWING SEBASTES SPECIES:

(A) DARK (S. CILIATUS);

(B) DUSKY (S. VARIABILIS);

(C) WIDOW (S. ENTOMELAS);

(D) YELLOWTAIL (S. FLAVIDUS);

(E) BLACK (S. MELANOPS);

(F) DEACON (S. DIACONUS);]

(In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 6/30/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 7/30/89, Register 111; am 6/5/94, Register 130; am 5/13/95, Register 134; am 2/25/98, Register 145; am 4/23/98, Register 146; am 5/19/2001, Register 158; am 3/13/2004, Register 169; am 2/10/2005, Register 173; am 5/26/2006, Register 178; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 6/10/2010, Register 194; am 6/1/2013, Register 206; am 3/4/2015, Register 213; am 6/26/2016, Register 218; am 8/27/2016, Register 219; am 3/15/2017, Register 221; am 3/28/2019, Register 229; am 6/28/2019, Register 230; am 7/28/2023, Register 247; am ____/____/_____, Register _____)

Authority: AS 16.05.251