

1989-1990

**SOUTHEAST AND YAKUTAT  
COMMERCIAL FISHING REGULATIONS  
SALMON AND MISCELLANEOUS FINFISH**



**ALASKA DEPARTMENT OF FISH AND GAME**

**5 AAC 39.999. POLICY FOR CHANGING BOARD AGENDA.** The board of Fisheries may change its schedule for consideration of proposed regulatory changes in accordance with the following guidelines;

(1) a request for a change must state in writing the change proposed and the reason it should be considered out of sequence;

(2) a request must be sent to the executive director of the Boards of Fisheries and Game before July 15, unless the board allows an exception to the deadline because of an emergency;

(3) the executive director shall attempt to obtain comments on the request from as many board members as he can reasonably contact; and

(4) if a majority of the board members contacted approve the request, the executive director shall notify the public and the department of the agenda change.

Because the Alaska Department of Fish & Game receives federal funding, all of its public programs and activities are operated free from discrimination on the basis of race, color, national origin, age, or handicap. Any person who believes he or she has been discriminated against should write to: O.E.O., U.S. Department of the Interior, Washington, D.C. 20240.

# **ALASKA DEPARTMENT OF FISH AND GAME**

## **Regulations of the Alaska Board of Fisheries for Commercial Fishing in Alaska**

### **GOVERNOR OF ALASKA**

Steve Cowper

### **ALASKA BOARD OF FISHERIES**

Val Angasan.....	Dillingham
Mike Chihuly.....	Ninilchik
Joe Demmert, Jr.....	Ketchikan
Jesse Foster.....	Quinhagak
Bud Hodson.....	Anchorage
Bob Lochman.....	Kodiak
Gary Slaven.....	Petersburg

### **COMMISSIONER OF FISH AND GAME**

Don W. Collinsworth

### **DIRECTOR OF COMMERCIAL FISHERIES**

Ken Parker

**This published copy is for informational use. These regulations are from the official regulations in the Alaska Administrative Code as filed with the Lieutenant Governor.**

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**1989-1990 EDITION**

**Commercial Fisheries Division, Management Field Offices of the  
ALASKA DEPARTMENT OF FISH AND GAME**

Haines	766-2830	Juneau	465-4250	Ketchikan	225-5195
Petersburg	772-3801	Sitka	747-6688	Wrangell	874-3822
Yakutat	784-3255				

Commercial Fisheries Entry Commission  
Juneau 586-3456

**CHANGES TO REGULATIONS IN THIS BOOKLET**

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

**SUBSISTENCE FINFISH FISHING REGULATIONS**

Subsistence Finfish fishing regulations are published in a separate booklet that is available at offices of the Department of Fish and Game.

**SHELLFISH FISHING REGULATIONS**

Commercial shellfish fishing regulations are published in a separate booklet that is available at offices of the Department of Fish and Game.

**GROUND FISH FISHING REGULATIONS**

Commercial groundfish fishing regulations are published in a separate booklet that is available at offices of the Department of Fish and Game.

# SELECTED ALASKA STATUTES

## TITLE 16—FISH & GAME

**SEC. 16.05.060. EMERGENCY OPENINGS AND CLOSURES.** This chapter does not limit the power of the commissioner or his 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. An emergency order has the force and effect of law after field announcement by the commissioner or his authorized designee. An emergency order adopted under this section is not subject to the Administrative Procedure Act (AS 44.62).

**SEC. 16.05.251. REGULATIONS OF THE BOARD OF FISHERIES.** (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 shall establish criteria for the allocation of fishery resources among personal use, sport, and commercial fishing. The criteria may, as appropriate to particular allocation decisions, include factors such as

- (1) the history of each personal use, 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.

**SEC. 16.05.253. OPERATION OF STATIONARY FISHING GEAR.** (a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to 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.

(b) For purposes of this section, **fishing site** means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

**SEC. 16.05.440. EXPIRATION DATE FOR LICENSES.** Licenses issued under AS 16.05.440—16.05.720 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—16.05.720.

**SEC. 16.05.450. ISSUANCE OF LICENSES.** (a) The commissioner of revenue or his authorized agent shall issue a crew member 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 application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

(b) The 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 estate 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 perjury.

**SEC. 16.05.475. REGISTRATION OF FISHING VESSELS.** (a) It is unlawful for any person to employ a fishing vessel in the water of Alaska 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.

(d) In this section **fishing vessel** means any vessel, boat, ship or other craft which 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.** (a) A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$30 for residents, and \$90 for nonresidents. Except for those which are also entry or interim-use permits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, **commercial fishing license** includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses.

(b) A person applying for a resident commercial license under this section shall provide the proof of residence which the department requires by regulation.

**SEC. 16.05.490. VESSEL LICENSE.** 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, including a vessel used in charter service for the recreational taking of fish and shellfish.

**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.** Operation without a vessel license of any vessel to which AS 16.05.490—16.05.530 apply is unlawful, whether the absence of a vessel license results from initial failure to purchase or from revocation by the commissioner of fish and game.

**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 it designating the year to be fished. A number plate is not transferable, and it shall be considered a permanent fixture upon the vessel upon which it is originally placed. It shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure, the plate shall be fastened on the port side of the superstructure. A number plate remains the property of the state. 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 Commercial Fisheries Entry Commission with the pertinent facts and a payment of \$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 Commercial Fisheries Entry Commission.

**SEC. 16.05.530. ANNUAL RENEWAL OF VESSEL LICENSE.** (a) Upon annual payment of a license fee of \$20 for one year or \$40 for two years at the option of the owner, and filing of the name and address of the owner or his authorized agent of the vessel, the name and number of the vessel, a description of the vessel, vessel license number, if any, the area to be fished, and other reasonable information required by the Commercial Fisheries Entry Commission, the commission shall issue a number plate and a vessel license. If the vessel has a number plate, the commission shall issue a vessel license and tab designating the year or years the license is valid. The tab shall be placed in the space provided on the permanent number plate.

**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. 16.05.675. LANDING PERMITS.** (a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 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 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 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 PURCHASES.** 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 fisherman who neither is the holder of a limited entry, interim-use, or landing permit issued under AS 16.43 nor is 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.

**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 where possible, 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 must report them to the department in accordance with rules and regulations adopted by it.

(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.

**SEC. 16.05.710. LICENSE FORFEITURE.** (a) A person convicted of a misdemeanor for violating AS 16.05.440—16.05.690 or a federal or state commercial fishing statute or regulation is, in addition to other penalties provided by law, subject to the following penalties:



(1) upon a first or second conviction the court may suspend, for a period of not more than one year,

(A) the person's commercial fishing license and the right to obtain a limited entry permit; or

(B) one or more of the person's limited entry permits and the person's right to obtain a commercial fishing license; and

(2) upon a third or subsequent conviction the court shall suspend, for a period of not more than three years,

(A) the person's commercial fishing license and the right to obtain a limited entry permit; or

(B) one or more of the person's limited entry permits and the person's right to obtain a commercial fishing license.

(c) During the period for which a limited entry permit is suspended under (a) of this section a permit card may not be issued and the permit may not be transferred or sold.

(d) In this section

(1) **commercial fishing license** includes a crew member license;

(2) **limited entry permit** includes an interim use permit.

**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; and

(2) \$6,000 for a second or subsequent conviction.

(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 the 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 fisheries 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 on board or at the fishing site at the time of the offense, or a fine equal to \$10,000, whichever is greater.

**SEC. 16.05.785. FAILURE TO REMOVE MARKERS.** If the Board of Fisheries by regulation use department markers to establish waters closed to commercial fishing and the state fails to remove the old markers when new markers are posted to establish waters closed to commercial fishing, commercial fishing is expressly permitted in the waters between the new markers and the old markers until the old markers are removed.

**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 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 buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) 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

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records that it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report, and

(6) fish tickets and fish ticket information to the Division of Fish and Wildlife Protection, Department of Public Safety.

(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 09.25.110—09.25.120 until the close of the fishing season for which the survey was conducted.

**SEC. 16.05.831. WASTE OF SALMON.** (a) It is unlawful for a person to 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 may authorize other uses of salmon upon request if he finds that to do so 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.

**SEC. 16.05.835. MAXIMUM LENGTH OF SALMON SEINE VESSELS.** No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.

**SEC. 16.05.920. CERTAIN ACTS MADE UNLAWFUL.** (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 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. 16.05.940. DEFINITIONS.** In AS 16.05—AS 16.40:

(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.

(9) **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;

(10) **fish** means any species of aquatic finfish, invertebrate, or amphibian, in any stage of their life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;

(12) **fishery** means a specific administrative area in which a specific fishery resource is commercially taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, gear type, or fishery resource; in this paragraph "gear" and "type of gear" have the meanings given in AS 16.43.990.

(15) **fish stock** means a species, subspecies, geographic grouping or other category of fish manageable as a unit;

(22) **operator** means the individual by law made responsible for the operation of the vessel;

(23) **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;

(24) **resident** means a person who for 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained his voting residence in the state; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" means one that has its main office or headquarters in the

state; however, a member of the military service who has been stationed in the state for the preceding 12 consecutive months is a resident for the purpose of this paragraph, and the dependent of a resident member of the military service who has been living in the state for the preceding year is a resident for the purposes of this paragraph, and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purpose of this paragraph;

(25) **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.

(27) **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;

(31) **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;

(34) **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.

**SEC. 16.10.055. INTERFERENCE WITH COMMERCIAL FISHING GEAR.** A person who willfully or with reckless disregard of the consequences of his activity, 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 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.

**SEC. 16.10.070. FISH TRAPS UNLAWFUL ON OR OVER LANDS OR WATERS IN STATE.** Fish traps, including but not limited to floating, pile-driven or hand-driven fish traps, may not be operated in the state on or over state lands, tidelands, submerged lands, or waters. This section does not prevent the operation of small hand-driven fish traps of the type ordinarily used on rivers of the state which are otherwise legally operated in or above the mouth of a stream or river.

**SEC. 16.10.120. USE OF DRUM OR REEL IN OPERATION OF PURSE SEINE.** A person may not use, employ, or operate a drum or reel around which a purse seine is coiled, rolled, or looped for purposes of taking or removing fish from a body of water located on or over land or tideland owned by the state or over which the state has jurisdiction. This section does not prevent the use of power blocks or the use of a reel mounted on a seine skiff to haul in or let out the separate purse seine lead which is temporarily connected to the purse seine proper, as these terms are generally employed or used in the fishing industry.

**SEC. 16.10.190. REGULATIONS.** The Board of Fisheries may promulgate rules and regulations to carry out the purposes of AS 16.10.180—16.10.230 defining the adjacent

high seas areas, migratory fish and migratory shellfish and to make coastal fishery rules and regulations governing the manner, means, conditions and time for taking of migratory fish and migratory shellfish applicable in designated adjacent high sea areas.

**SEC. 16.10.200. UNLAWFUL TAKING PROHIBITED.** A person taking migratory fish and migratory shellfish in high sea areas designated by the Board of Fisheries or in violation of the regulations adopted by the Board of Fisheries governing the taking of migratory fish and migratory shellfish in the designated areas may not possess, sell, offer to sell, barter, offer to barter, give or transport in the state, including the waters of the state, migratory fish or migratory shellfish.

**SEC. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED.** A person may not possess, purchase, offer to purchase, sell, or offer to sell in the state migratory fish or migratory shellfish taken on the high seas knowing that they were taken in violation of a regulation adopted by the Board of Fisheries governing the taking of migratory fish or migratory shellfish in certain areas designated by the Board of Fisheries or the commissioner.

**SEC. 16.10.220. PENALTIES FOR VIOLATION OF AS 16.10.200 AND 16.10.210.** A person who violates AS 16.10.200 and 16.10.210 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or both.

**SEC. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS.** (a) It is unlawful for an individual, 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 to intentionally or knowingly make an original purchase of fish from a seller who, in violation of AS 16.43, does not hold a landing permit, an entry permit or an interim-use permit.

(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.

**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 and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman shall present for inspection the identification card, entry permit, interim-use permit, or other document required to be in the fisherman's possession under (a) of this section.

(c) Examples of a suitable identification card required under (a)(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.

**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 which 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. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PROCESSORS.** In an area where a price dispute exists between at least one-third of the registered commercial fishermen for that area, as estimated by the Department of Fish and Game on the basis of information available to the department, and fish processors on the price to be paid for salmon, and no agreement has been reached up to 120 days before the opening of the salmon fishing season in that area, a representative from the Department of Labor shall intervene as mediator of the dispute upon request of either party.

**SEC. 16.43.140. PERMIT REQUIRED.** (a) After January 1, 1974, no person may 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 crewman 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.

**SEC. 16.43.150. TERMS AND CONDITIONS OF ENTRY PERMIT; ANNUAL**



**RENEWAL.** (a) Each 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.

**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.

## **SELECTED POLICIES OF THE BOARD OF FISHERIES POLICY STATEMENT ON MANAGEMENT OF MIXED STOCK SALMON FISHERIES**

A basic principle of salmon fishery management is that fishing of any salmon stock should not occur until the spawning escapement for that stock is ensured. Run strength and resultant optimum harvest and escapement levels cannot be estimated until discrete stocks have separated themselves from mixed stocks and have arrived in areas near their natal streams. This type of single stock management allows optimum harvest rates on all stocks based on the productivity of individual stocks.

When developing fisheries management policies, factors other than biological data must be considered. Alaska has historically allowed fishing on certain mixed salmon stocks with the result that fishing fleets and related support activities have developed to harvest those stocks. Thus management policies should also address social and economic factors and weigh them accordingly.

**In view of the above stated principles, it is the policy of the Board of Fisheries that:**

1. In the case of long standing fisheries which fish mixed stocks and for which it may not be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, such fisheries may continue provided that fishing effort on the mixed stocks does not increase and that the harvest rate is not detrimental to the individual stocks.
2. In the case of long standing fisheries which fish mixed stocks and for which it may be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, preference should be given to the fishery that best serves the state's interests.
3. The development or expansion of mixed stock fisheries should be discouraged when the fish that comprise those stocks can be harvested after they have separated into more discrete stocks.
4. This policy does not prevent the board or the department from allowing mixed stock fisheries, particularly when large returns are expected and the allowance of such fisheries would result in a fuller utilization of the harvestable surplus.

In all decisions relating to the regulation and management of mixed stock fisheries, it is the express intent of the board that the conservation of affected salmon stocks be given first priority over economic and social considerations.

(-80-69-FB, 1/12/80)

# **YAKUTAT AREA**

## **CHAPTER 30—YAKUTAT AREA**

**5 AAC 30.001. APPLICATION OF THIS CHAPTER.** Requirements set forth in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set forth in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02.

### **ARTICLE 1—DESCRIPTION OF AREA**

**5 AAC 30.100. DESCRIPTION OF AREA.** The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

### **ARTICLE 2—FISHING DISTRICTS**

**5 AAC 30.200. FISHING DISTRICTS.** (a) Yakataga District: all waters of Alaska between the longitude of Cape Suckling (143°53' 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.) and a line projected southwest from the westernmost tip of Cape Fairweather.

### **ARTICLE 3—SALMON FISHERY**

**5 AAC 30.310. FISHING SEASONS.** (a) Salmon may be taken by set gill nets only as follows:

(1) In the Yakataga District the opening and closing dates will be made 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 first Monday in June until closed by emergency order;

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

(D) Itatio River, the opening and closing dates will be made 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 Monday in June until closed by emergency order.

(b) Salmon may be taken by troll gear only during open fishing periods:

(1) in waters of Alaska between LORAN Lines 7960-Y-30700 to 30390 and 7960-Y-30200 to 29800 from August 7 through September 20, the weekly fishing periods for trolling are the same as for set gillnetting in the Situk River;

(2) coho salmon may be taken only during open fishing periods between June 15 and September 20;

(3) the open troll fishing period is from July 1 through September 20 (summer season), except as follows:

(A) fishing seasons or periods may be modified by emergency order as required by 5 AAC 33.311 and 5 AAC 31.365;

(B) chinook salmon may also be taken from October 1 through April 14 (winter season) in waters of Yakutat Bay east of a line from the easternmost tip of Ocean Cape to the southernmost tip of Point Manby;

(C) salmon may also be taken during open periods in June, as described in 5 AAC 33.311(b)(4)(A)(i) and (ii), in waters east of a line from the easternmost tip of Ocean Cape to the southernmost tip of Point Mamby;

(4) salmon may not be taken in waters of Alaska between LORAN lines 7960-Y-30390 to 30200 from August 7 through September 20.

**5 AAC 30.320. WEEKLY FISHING PERIODS.** Salmon may be taken by set gill nets during the open fishing seasons only as follows:

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

(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. Monday through 6:00 p.m. Wednesday, except that

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

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

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

(3) during open fishing periods established by emergency order, the department shall not open the commercial salmon fishery before 6:00 a.m. on Sunday and shall close the commercial salmon fishery before 6:00 p.m. on Friday.

**5 AAC 30.330. GEAR.** Salmon may be taken by set gill nets and troll gear.

**5 AAC 30.331. GILL NET SPECIFICATIONS AND OPERATION.** (a) Set gill nets with mesh size smaller than eight inches may not be deeper than 45 meshes and set gill nets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gill nets aboard a vessel or in use by a person may not be more than one of the following hung measures:

(1) in the Yakutat District

(A) Yakutat Bay and Disenchantment Bay, one net not to exceed 75 fathoms;

(B) Situk-Ahrnklin Inlet and Lost River, one net not to exceed 20 fathoms;

(C) Yahtze River, Yana River, and Malaspina Lake drainage, one net not to exceed 25 fathoms;

(D) in the Dangerous River, no single set gill net may be less than 10 fathoms or more than 25 fathoms in length; no salmon interim-use or entry permit holder may operate more than 75 fathoms of set gill net in the aggregate;

(E) Akwe River, one net not to exceed 15 fathoms;

(F) East River, one net not to exceed 20 fathoms, except that starting the first Monday in September, two nets not to exceed 20 fathoms each and an aggregate length not to exceed 40 fathoms;

(H) other waters of the district including the surf line beyond the outermost bars at mean low tide, one net not to exceed 15 fathoms;

(I) in the Alsek River no set gill net may be less than 10 fathoms or more than 25 fathoms in length;

(i) before the third Monday in July, no CFEC salmon permit holder may operate more than three set gill nets and the aggregate length of set gill nets may not exceed 50 fathoms;

(ii) from the third Monday in July, no CFEC salmon permit holder may operate more than 75 fathoms of set gill net in the aggregate;

(J) Sudden River, one net not to exceed 25 fathoms, except that starting the first Monday in August, two nets not to exceed 25 fathoms each and an aggregate length not to exceed 50 fathoms.

(2) in the Yakataga District:

(A) Tsiu River, one net not to exceed 15 fathoms;

(B) Eight Mile River, one net not to exceed 15 fathoms;

(C) the remainder of the district, one net not to exceed 25 fathoms.

(b) Set gill nets may not obstruct more than two thirds of any salmon migratory waterway; except in Tsiu River where set gill nets may not obstruct more than one half of the waterway. In the intertidal zones, this applies at all stages of the tide.

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

(e) The operation of each set gill net 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 gill nets of six inch or smaller mesh size during seasons established by emergency order.

**5 AAC 30.334. IDENTIFICATION OF GEAR.** Each set gill net 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 gill net may be set or operated within 100 yards of any part of another set gill net, except that in the Tsiu River and East Rivers, no part of a set gill net may be set or operated within 75 yards of any part of another set gill net.

**5 AAC 30.340. GILL NET OPERATION IN SURF LINE AREAS.** Unless otherwise specified in 5 AAC 30, the provisions of 5 AAC 30.310, 5 AAC 30.320, 5 AAC 30.331, and 5 AAC 30.335, as applied to each river fishery, also apply to the area within a radius of one-half mile from the terminus of that river.

**5 AAC 30.350. CLOSED WATERS.** (a) Salmon may not be taken in the following locations:

(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 Hoggish Point southeast to an ADF&G regulatory marker on the opposite bank of the Situk River channel to an ADF&G regulatory marker on the cut bank on the eastern side of the mouth of Johnson Slough;

(3) Ankau Inlet: inside of a line from 59°32'51" N. lat., 139°49'42" W. long., to 59°32'47" N. lat., 139°49'42" W. long.;

(4) Italio River: upstream from ADF&G regulatory markers located six and one-half miles from the terminus of the river;

(5) East River: upstream from ADF&G regulatory markers located approximately one mile downstream from the westernmost tip of Steve's Island at 138°25'15" W. long.;

(6) Akwe River: upstream from 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 500 yards upstream

from the most downstream tree line on the west bank at the terminus of the river;

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

(9) salmon may not be taken with set gill nets in those waters of the Yakutat District south of the latitude of the Dangerous River (59°20'50" 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 River: upstream of ADF&G regulatory markers located approximately one-half mile downstream from Duck Camp Island.

(b) Emergency order extensions or reductions of the closed waters listed in this section do not apply to trolling from June 1 through September 30 except as specifically provided by the emergency order.

**5 AAC 30.392. SIZE LIMIT POSSESSION, AND LANDING OF CHINOOK SALMON.** (a) Unless otherwise specified, chinook 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 clethral arch to the tip of the tail. Undersized chinook salmon that are taken must be returned to the water without injury. A person may not mutilate or otherwise disfigure chinook salmon in any manner that prevents determining the minimum size set out in this subsection.

(b) The size limits specified in this section do not apply to the gill net fisheries.

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

(d) Following closure of the summer troll fishery to the taking of chinook salmon, no chinook salmon may be on board a troll vessel fishing for other salmon species.

(e) A CFEC set net salmon permit holder may take but may not sell chinook salmon during periods established by emergency order.

**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. A person may not use a salmon troll vessel to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

**Editors Note:** Salmon Troll Fishermen are cautioned to check 5 AAC 33.365, 5 AAC 39.120(g), and 5 AAC 39.270 as those regulations affect salmon troll fishing operations.

# SOUTHEASTERN ALASKA AREA

## CHAPTER 33—SOUTHEASTERN ALASKA AREA

**5 AAC 33.001. APPLICATION OF THIS CHAPTER.** Requirements set forth in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set forth in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02.

### ARTICLE 1—DESCRIPTION OF AREA

**5 AAC 33.100. DESCRIPTION OF AREA.** The Southeastern Alaska Area includes all waters of Alaska between Cape Fairweather and Dixon Entrance.

### 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 to 54°40' N. lat., 131°45' W. long., and north of a line from 54°40' N. lat., 131°45' W. long., to 54°42'29" N. lat., 130°36'55" W. long.;

(1) Section 1-A: all waters of Portland Canal north of the latitude of Hattie Island Light;

(2) Section 1-B: all waters south of Section 1-A and east and south of a line extending three miles bearing 297° from the range marker located at Foggy Point (54°55'32" N. lat., 130°58'30" W. long.) and then south to intersect a line between Barren Island Light and Lord Rock Light, then to Lord Rock Light, and then to the southern boundary of District 1;

(3) Section 1-C: waters of the district between a line from a point at 55°11'47" N. lat., 131°05'08" W. long., located on Point Sykes to a point at 55°12'13" N. lat., 131°05'42" W. long., located one-half mile northwest of Point Sykes to Point Alava, and a line from Point Eva to Cactus Point;

(4) Section 1-D: waters of the district between a line from Point Eva to Cactus Point and line from Nose Point to Snail Point;

(5) Section 1-E: waters of the district between a line from Caamano Point to Point Higgins and a line from Nose Point to Snail Point;

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

(b) District 2: all waters south of a line from the easternmost tip of Narrow Point to the northernmost tip of Lemesurier Point, west of District 1 and east of a line from Point Marsh Light to 54°40' N. lat., 132°17'30" W. long.

(c) District 3: all waters north of a line from Point Marsh Light to 54°40" N. lat., 132°17'30" W. long. to the southernmost tip of Cape Muzon and east of a line from the northernmost tip of Eagle Point on Dall Island and passing successively through the southernmost tip of Point Arboleda, the northernmost tip of Point San Rogue, the southernmost tip of Cape Ulitka, the northernmost tip of Cape Lynch to the southwest



entrance point of Halibut Harbor on Kosciusko Island, and south of the latitude of Aneskett Point (56°08'50" N. lat.);

(1) Section 3-A: waters of the district south of 55°15' N. lat., excluding waters of Meares Passage;

(2) Section 3-B: waters of the district south of the latitude of Cape Lynch (55°47' N. lat.) and north of 55°15' N. lat., including all waters of Meares Passage;

(3) Section 3-C: waters of the district north of the latitude of Cape Lynch (55°47' N. lat.).

(d) District 4: all waters north of Cape Muzon, west of District 3, and south of a line from Helm Point on Coronation Island to Cape Lynch.

(e) District 5: waters of Sumner Strait, north and east of a line from Cape Decision to Helm Point to Cape Lynch to the southwest entrance point of Halibut Harbor, and north of the latitude of Aneskett Point, west of a line from Point Baker to Point Barrie, and south of a line from Point Camden to Salt Point Light on Keku Strait.

(f) District 6: all waters of Clarence Strait, north of a line from Narrow Point to Lemesurier Point to Ernest Point to the most southerly point on Etolin Island, Stikine Strait south of the latitude of Round Point, Sumner Strait west of a line from Point Alexander to Low Point, and east of a line from Point Baker to Point Barrie, Wrangell Narrows south and west of a line from Prolewy Point to the northern tip of Mitkof Island, and all waters of Duncan Canal;

(1) Section 6-A: waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barrie to the tip of Point Baker;

(2) Section 6-B: waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock Light to Key Reef Light to Nesbitt Reef Light to the tip of Point Nesbitt;

(3) Section 6-C: waters enclosed by a line from Lincoln Rock Light to the westernmost point of Screen Islands to the westernmost point of Marsh Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef Light to Key Reef Light to Lincoln Rock Light;

(4) Section 6-D: all other waters of the district.

(g) District 7: all contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lemesurier Point to Ernest Point to the most southerly point of Etolin Island, Zimovia Strait south of the latitude of Nemo Point, and Eastern Passage and Blake Channel south of a line from Babbler Point to Hour Point;

(1) Section 7-A: waters of the district north of the latitude of Point Eaton;

(2) Section 7-B: waters of the district south of the latitude of Point Eaton.

(h) District 8: waters of Frederick Sound south of a line from Wood Point to Beacon Point (excluding Wrangell Narrows), Stikine Strait, Sumner Strait, Zimovia Strait, and Eastern Passage inside a line from Point Alexander to Low Point to Round Point to Nemo Point to Hour Point to Babbler Point.

(1) Section 8-A: waters of the district north of a line from Blaquiere Point to Kakwan Point.

(2) Section 8-B: waters of the district south of a line from Blaquiere Point to Kakwan Point.

(i) District 9: all waters of Frederick Sound and Chatham Strait south of the latitude of the southernmost tip of Point Gardner, south of the latitude of the southernmost tip of Elliott Island and west of a line from the southernmost tip of Elliott Island to the westernmost tip of Point Macartney, north and west of a line from the northernmost tip of Point Camden to Salt Point Light, north and east of a line from the southernmost tip of Cape Decision to the southernmost tip of Helm Point to the westernmost tip of Hazy Islands to Cape Ommaney Light.

(1) Section 9-A: waters of the district west of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner;

(2) Section 9-B: waters of the district east of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(j) District 10: Frederick Sound, Stephens Passage, and contiguous waters north of a line from Beacon Point to Wood Point, east of a line from Point Macartney to the southern tip of Elliot Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of  $57^{\circ}37' N.$  lat., and south of a line from Point League to Point Hugh.

(k) District 11: Stephens Passage and contiguous waters north of a line from Point League to Point Hugh and Seymour Canal north of  $57^{\circ}37' N.$  lat., south of the latitude of Little Island Light and east of a line from Little Island Light to Point Retreat Light;

(1) Section 11-A: waters of the district north and west of a line from a point at  $58^{\circ}12'20'' N.$  lat.,  $134^{\circ}10' W.$  long., to the Coast Guard marker and Light on Point Arden;

(2) Section 11-B: waters of the district north of the latitude of Midway Island Light and south and east of a line from a point at  $58^{\circ}12'20'' N.$  lat.,  $134^{\circ}10' W.$  long., to the Coast Guard marker and Light on Point Arden;

(3) Section 11-C: waters of the district south of the latitude of Midway Island to a line from Point League to Point Hugh;

(4) Section 11-D: all waters of Seymour Canal north of  $57^{\circ}37' N.$  lat.

(l) District 12: all waters of Lynn Canal and Chatham Strait south of the latitude of Little Island Light to the latitude of Point Gardner, west of a line from Little Island Light to Point Retreat Light, east of a line from Point Couverden to Point Augusta, and east of a line from Point Hayes to Point Thatcher.

(1) Section 12-A: all waters of Chatham Strait south of the latitude of Point Couverden ( $58^{\circ}11'25''$  N. lat.) to the latitude of Point Gardner ( $57^{\circ}01'$  N. lat.), east of a line from Point Couverden Light to Point Augusta Light and east of a line from the southeasternmost tip of Point Hayes to the northernmost tip of Point Thatcher;

(2) Section 12-B: all waters of Lynn Canal south of the latitude of Little Island Light, west of a line from Little Island Light to Point Retreat Light and north of the latitude of Point Couverden ( $58^{\circ}11'25''$  N. lat.).

(m) District 13: all waters north of the latitude of the southernmost tip of Helm Point and west of a line from the southernmost tip of Helm Point to the westernmost tip of Hazy Island to Cape Ommaney Light, south of a line projecting west from the southernmost tip of Cape Spencer, west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point and west of a line from the southernmost tip of Point Hayes to the northernmost tip of Point Thatcher;

(1) Section 13-A: all waters north of  $57^{\circ}16'$  N. lat. and those waters of Peril Strait south of the latitude of Pogibshi Point ( $57^{\circ}30'30''$  N. lat.);

(2) Section 13-B: all waters south of  $57^{\circ}16'$  N. lat.;

(3) Section 13-C: waters of the district north of the latitude of Pogibshi Point and west of a line from Point Hayes to Point Thatcher in Peril Strait.

(n) District 14: all waters of Icy Strait west of a line from the southernmost tip of Point Couverden to Point Augusta Light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northern most point of Soapstone Point to the westernmost point of Column Point;

(1) Section 14-A: waters of the district west of a line beginning at  $58^{\circ}13'$  N. lat.,  $135^{\circ}57'$  W. long., to Lemesurier Island to Point Carolus;

(2) Section 14-B: waters of the district east of a line beginning at  $58^{\circ}13'$  N. lat.,  $135^{\circ}57'$  W. long., to Lemesurier Island to Point Carolus and west of a line from Point Sophia to Excursion Point at  $58^{\circ}22'30''$  N. lat.,  $135^{\circ}29'$  W. long.;

(3) Section 14-C: waters of the district east of a line from Point Sophia to Excursion Point at  $58^{\circ}22'30''$  N. lat.,  $135^{\circ}29'$  W. long.

(o) District 15: all waters of Lynn Canal north of the latitude of Little Island Light;

(1) Section 15-A: all waters of the district north of the latitude of Sherman Rock light;

(2) Section 15-B: waters of Berners Bay east of a line from Point St. Mary to Point Bridget;

(3) Section 15-C: all waters of the district south of the latitude of Sherman Rock light except for the waters of Section 15-B.

(p) District 16: all waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

(q) Dixon Entrance District: all waters east of  $138^{\circ}45'20''$  W. long., south of the southern boundaries of Districts 1, 2, 3, and 4 and north of a line from  $54^{\circ}43'30''$  N. lat.,  $130^{\circ}37'37''$  W. long. to  $54^{\circ}43'24''$  N. lat.,  $130^{\circ}37'39''$  W. long., to  $54^{\circ}43'15''$  N. lat.,  $130^{\circ}37'44''$  W. long., to  $54^{\circ}43'00''$  N. lat.,  $130^{\circ}37'55''$  W. long., to  $54^{\circ}42'58''$  N. lat.,  $130^{\circ}37'57''$  W. long., to  $54^{\circ}42'47''$  N. lat.,  $130^{\circ}38'06''$  W. long., to  $54^{\circ}42'22''$  N. lat.,  $130^{\circ}38'26''$  W. long., to  $54^{\circ}41'09''$  N. lat.,  $130^{\circ}38'58''$  W. long., to  $54^{\circ}39'54''$  N. lat.,  $130^{\circ}38'58''$  W. long., to  $54^{\circ}39'14''$  N. lat.,  $130^{\circ}39'18''$  W. long., to  $54^{\circ}39'48''$  N. lat.,  $130^{\circ}41'35''$  W. long., to  $54^{\circ}40'03''$  N. lat.,  $130^{\circ}42'22''$  W. long., to  $54^{\circ}40'42''$  N. lat.,  $130^{\circ}44'43''$  W. long., to  $54^{\circ}40'41''$  N. lat.,  $130^{\circ}44'59''$  W. long., to  $54^{\circ}40'46''$  N. lat.,  $130^{\circ}45'51''$  W. long., to  $54^{\circ}41'06''$  N. lat.,  $130^{\circ}48'31''$  W. long., to  $54^{\circ}41'05''$  N. lat.,  $130^{\circ}49'17''$  W. long., to  $54^{\circ}41'21''$  N. lat.,  $130^{\circ}53'18''$  W. long., to  $54^{\circ}41'26''$  N. lat.,  $130^{\circ}53'39''$  W. long., to  $54^{\circ}42'27''$  N. lat.,  $130^{\circ}56'18''$  W. long., to  $54^{\circ}42'34''$  N. lat.,  $130^{\circ}57'09''$  W. long., to  $54^{\circ}43'00''$  N. lat.,  $130^{\circ}57'41''$  W. long., to  $54^{\circ}43'46''$  N. lat.,  $130^{\circ}58'55''$  W. long., to  $54^{\circ}44'12''$  N. lat.,  $130^{\circ}59'44''$  W. long., to  $54^{\circ}45'39''$  N. lat.,  $131^{\circ}03'06''$  W. long., to  $54^{\circ}46'16''$  N. lat.,  $131^{\circ}04'43''$  W. long., to  $54^{\circ}42'11''$  N. lat.,  $131^{\circ}13'00''$  W. long., to  $54^{\circ}40'52''$  N. lat.,  $131^{\circ}13'54''$  W. long., to  $54^{\circ}39'09''$  N. lat.,  $131^{\circ}16'17''$  W. long., to  $54^{\circ}36'52''$  N. lat.,  $131^{\circ}19'22''$  W. long., to  $54^{\circ}29'53''$  N. lat.,  $131^{\circ}33'48''$  W. long., to  $54^{\circ}30'32''$  N. lat.,  $131^{\circ}38'01''$  W. long., to  $54^{\circ}28'18''$  N. lat.,  $131^{\circ}45'20''$  W. long., to  $54^{\circ}26'41''$  N. lat.,  $131^{\circ}49'28''$  W. long., to  $54^{\circ}21'51''$  N. lat.,  $132^{\circ}02'54''$  W. long., to  $54^{\circ}24'52''$  N. lat.,  $132^{\circ}23'39''$  W. long., to  $54^{\circ}24'41''$  N. lat.,  $132^{\circ}24'29''$  W. long., to  $54^{\circ}24'41''$  N. lat.,  $132^{\circ}24'35''$  W. long., to  $54^{\circ}24'39''$  N. lat.,  $132^{\circ}26'51''$  W. long., to  $54^{\circ}24'34''$  N. lat.,  $132^{\circ}38'16''$  W. long., to  $54^{\circ}24'54''$  N. lat.,  $132^{\circ}39'46''$  W. long., to  $54^{\circ}26'00''$  N. lat.,  $132^{\circ}44'12''$  W. long., to  $54^{\circ}27'07''$  N. lat.,  $132^{\circ}49'35''$  W. long., to  $54^{\circ}27'23''$  N. lat.,  $132^{\circ}50'42''$  W. long., to  $54^{\circ}28'25''$  N. lat.,  $132^{\circ}55'54''$  W. long., to  $54^{\circ}28'32''$  N. lat.,  $132^{\circ}56'28''$  W. long., to  $54^{\circ}30'03''$  N. lat.,  $133^{\circ}07'00''$  W. long., to  $54^{\circ}30'10''$  N. lat.,  $133^{\circ}07'43''$  W. long., to  $54^{\circ}30'42''$  N. lat.,  $133^{\circ}11'28''$  W. long., to  $54^{\circ}31'02''$  N. lat.,  $133^{\circ}14'00''$  W. long., to  $54^{\circ}30'06''$  N. lat.,  $133^{\circ}16'58''$  W. long., to  $54^{\circ}22'01''$  N. lat.,  $133^{\circ}44'24''$  W. long., to  $54^{\circ}20'33''$  N. lat.,  $133^{\circ}49'21''$  W. long., to  $54^{\circ}15'40''$  N. lat.,  $134^{\circ}10'49''$  W. long., to  $54^{\circ}12'57''$  N. lat.,  $134^{\circ}23'47''$  W. long., to  $54^{\circ}12'45''$  N. lat.,  $134^{\circ}25'03''$  W. long., to  $54^{\circ}07'30''$  N. lat.,  $134^{\circ}56'24''$  W. long., to  $54^{\circ}00'01''$  N. lat.,  $135^{\circ}45'57''$  W. long., to  $53^{\circ}28'27''$  N. lat.,  $138^{\circ}45'20''$  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 and 6-D 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.

(c) Salmon may be taken by gillnets in the following locations only during fishing periods established by emergency order that start at 12:01 p.m. Sunday and close by emergency order.

(1) in 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 the third Sunday of June;

(B) Section 6-D west of a line from Mariposa Rock Buoy to the northernmost tip of Point Harrington to a point on Etolin Island at 56°09'36" N. lat., 132°42'42" W. long.

to the southernmost tip of Point Stanhope is open from the third Sunday in June through the last Saturday in July and from the second Sunday in September until the season is closed;

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

(4) District 11:

(A) Section 11-B opens on the third Sunday in June;

(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;

**5 AAC 33.311. FISHING SEASONS AND PERIODS FOR TROLL GEAR.** (a) Salmon may be taken by hand and power troll gear from October 1 through April 14 (winter season) and from April 15 through September 30 (summer season), except as provided in 5 AAC 33.350, 5 AAC 33.365, and in this section.

(b) During the summer season, salmon may be taken only during open fishing periods;

(1) the chinook salmon fishery will close when the harvest limit specified in 5 AAC 33.365(b)(8) is met;

(4) the department shall manage the summer troll season as follows:

(A) the open fishing period for the summer season is from

(i) June 5 through June 7 in waters described in (q) of this section;

(ii) June 21 through June 23 in waters described in (q) of this section, only if the number of chinook salmon, excluding those produced by Alaskan hatcheries, taken during the period described in (i) of this subsection is less than 25,000 fish;

(iii) July 1 through September 20;

(B) the summer troll fishery will close to the taking of chinook salmon as required in (1) of this subsection;

(C) following closure of the summer troll fishery to the taking of chinook salmon, the troll fishery is to remain open to the taking of salmon species other than chinook salmon, except that areas of frequent high chinook salmon abundance may be closed to further minimize the incidental hook and release of chinook salmon.

(c) Coho salmon may be taken only during open fishing periods between June 15 and September 20.

(d) In District 16 west of a line from the tip of Cape Fairweather to the tip of Lituya Bay Point to the tip of Icy Point to the southernmost tip of Cape Spencer and waters west of the surf line, chinook salmon may be taken only during the open fishing periods of the summer season.

(e) In Section 1-C, salmon may be taken only from October 1 through April 14 and from August 15 through September 20;

(f) in Sections 1-E and 1-F:

(1) in Section 1-E, salmon may be taken only from October 1 through April 14 and from July 13 through September 20;

(2) in waters of Section 1-F north of the latitude of Foggy Point (54°55'32" N. lat.), salmon may be taken only from October 1 through April 14 and from June 15 through September 20;

(3) in waters of Section 1-F east of a line from the northernmost tip of Kirk Point to Mary Island Light to the southernmost tip of Cone Island, salmon may be taken only from October 1 through April 14 and from July 13 through September 20;

(4) in Section 1-F east of a line from the southernmost tip of Black Island to the westernmost tip of Slate Island to the westernmost tip of White Reef to the easternmost tip of Black Rock to the northernmost tip of Kirk Point, including those waters of Boca de Quadra not closed in 5 AAC 33.350(b)(9), salmon may be taken only from August 1 through September 20.

(g) In District 6 east of a line from the southernmost tip of Mitchell Point to the northernmost tip of Point Colpoys and north of a line from Etolin Island at the latitude of Lincoln Rock Light to Lincoln Rock Light to the northernmost rock in the Triplets through Point Barnes to Prince of Wales Island, salmon may be taken only from October 1 through April 14 and from June 15 through September 20.

(h) In District 8, salmon may be taken only from October 1 through April 14 and from the third Monday in June through September 20, and the weekly fishing periods for trolling are the same as for gill netting in the district from the third Sunday in June through September 20.

(i) In District 10 south and east of a line from the northernmost tip of Boulder Point to the southernmost tip of Bay Point, salmon may be taken only from October 1 through April 14 and from June 15 through September 20.

(j) In District 11, salmon may be taken only:

(1) in Section 11-C and 11-D, from October 1 through April 14 and from June 15 through September 20;

(2) in Section 11-B north of the latitude of Graves Point Light, from October 1 through March 31;

(3) in Section 11-B south of the latitude of Graves Point Light from October 1 through April 14;

(4) from October 1 through March 31 in Section 11-A under the terms of a permit issued by the department, and only in waters of Section 11-A south of the latitude of Outer Point and east of a line from Salisbury Point to Point Tantallon; the permit may specify reporting requirements and require the vessel operator to submit a logbook report of operations in this area;

(k) In District 12 north of the latitude of the southernmost tip of Point Couverden, salmon may be taken only from October 1 through April 14 and from June 15 through September 20.

(l) In District 15, salmon may be taken only in Sections 15-A and 15-C and only from October 1 through April 14 and from June 15 through September 20.

(m) From July 15 through September 20, salmon may be taken in the following locations only during the periods set out in (4) of this subsection;

(1) District 12 north of the latitude of the southernmost tip of Point Couverden;

(3) Sections 15-A and 15-C;

(4) the initial open period will be from July 15 through the following Monday; following the initial open period, there is a six-day closed period which is followed by alternating eight-day open periods from Monday through Monday, and six-day closed periods from Tuesday through Sunday.

(n) The department shall attempt to make the open fishing periods set out in (m)(4) of this section coincide with the best fishing tides.

(p) The department shall conduct experimental salmon troll fisheries as follows:

(1) salmon may be taken only under a permit issued by the department to CFEC salmon power and hand troll permit holders; the permit may specify landing requirements so that the department may sample chinook salmon for the presence of coded wire tags;

(2) salmon may be taken only from June 6 through June 29;

(3) harvest areas and fishing periods are:

(A) for the harvest of returns to the Carroll Inlet chinook salmon release site, salmon may be taken only in those waters of Carroll Inlet north of the latitude of California Head and south of the latitude of Nigelius Point, from June 6 through June 29;

(B) for the harvest of returns to the Neets Bay and Whitman Lake Hatcheries, salmon may be taken only in those waters of District 2 within one nautical mile of the Cleveland Peninsula north of the latitude of Niblack Point and south of the latitude of Lemesurier Point, and in the waters of Section 1-F north of a line from Cone Point to Harbor Point to Hid Reef Light and then west to the District 2 boundary, except the waters of Carroll



Inlet, only on Monday and Tuesday of each week, except that

(i) salmon may not be taken in the waters of George Inlet north of the latitude of California Head;

(ii) salmon may not be taken in the waters of the Tongass Narrows north of a line from Mountain Point Light to Gravina Point;

(iii) salmon may not be taken in Section 1-F in the waters of Clarence Strait, Vallenar Bay, and Behm Canal north of the latitude of South Vallenar Point;

(iv) salmon may be taken in the waters of Section 1-E within one nautical mile of Revillagigedo Island south of the latitude of Brow Point and north of the latitude of Indian Point only during periods established by emergency order when the demonstrated availability of chinook salmon returning to the Neets Bay Hatchery is high;

(C) for the harvest of returns to the Crystal Lake Hatchery, salmon may be taken

(i) in Wrangell Narrows only in those waters of Section 6-A south of 56°46' N. lat. and north of a line from North Point to Spruce Point, from June 6 through June 29;

(ii) in Frederick Sound only in those waters of District 10 within two nautical miles of Kupreanof Island and west of the longitude of Bounder Point, only on June 6; the duration of any subsequent fishing period in Frederick Sound may be established by emergency order;

(D) for the harvest of returns to the Little Port Walter hatchery, salmon may be taken only in those waters of Section 9-A south of the latitude of Patterson Point and north of 56°15'50" N. lat. (located immediately south of Graveyard Cove), including all waters of Patterson Bay, Deep Cove, Port Herbert, Port Walter, Port Lucy, and Port Conclusion, only on Monday and Tuesday of each week;

(E) for the harvest of returns to the Medvejie Creek Hatchery, salmon may be taken in Silver Bay only in those waters of Section 13-B east of a line from Entry Point to 57°01'43" N. lat., 135°14'17" W. long., only on Monday and Tuesday of each week, except that salmon may not be taken in the waters of Bear Cove east of 135°09'42" W. long.;

(F) for the harvest of pink and chum salmon, salmon may be taken in Cross Sound only in those waters of Section 14-A west of the longitude of Point Dundas, south of the latitude of Point Dundas, and east of a line from the southern end of Taylor Island to George Island Light to Point Lavinia, only on Monday, Tuesday, and Wednesday of each week from June 13 through June 29;

(4) the department shall close an experimental harvest area by emergency order when the number of chinook salmon, excluding salmon produced by Alaska hatcheries, taken in that area reaches 1,000 fish except that

(A) if 33 percent or more of the chinook salmon taken in an experimental harvest area are chinook salmon produced by Alaska hatcheries, the department shall close that

area by emergency order when the number of chinook salmon, excluding salmon produced by Alaska hatcheries, taken in that area reaches 2,000 fish;

(B) the department shall close the experimental harvest area in Section 14-A when the number of chinook salmon, excluding salmon produced by Alaska hatcheries, taken in that area reaches 500 fish;

(C) the experimental fisheries in Carroll Inlet and Wrangell Narrows are to continue if the number of chinook salmon produced by Alaska hatcheries which are taken in those fisheries remain high;

(5) each participant in the Section 9-A experimental fishery shall check with a local representative of the department before leaving that area and shall make his or her catch available for sampling; the sampling may include removal of the upper jaw of any salmon marked with an adipose fin clip;

(6) the department may adjust an open harvest area and the duration of an open period by emergency order to ensure that harvest limits are maintained and that open periods are available throughout the season.

(q) Salmon may be taken during open periods of the summer season in June only in the following waters:

(1) Districts 1 and 2, north of a line from Tree Point Light to Barren Island Light to Cape Chacon, subject to the restrictions in (e), (f)(1), (f)(3) and (f)(4) of this section;

(2) District 3, north of a line from Cape Chacon to Cape Muzon;

(3) District 5, north of lines from Cape Lynch to the southernmost tip of Warren Island and from the northernmost tip of Warren Island to Point St. Albans;

(4) District 6, 7, and 8, subject to the restrictions in (g) and (h) of this section;

(5) District 9, north of a line from Point Conclusion to Point Harris Light;

(6) District 10 and Section 12-A, subject to the restrictions in (i) of this section;

(7) District 13, in Lisianski Inlet east of a line from Rock Point to Miner Island, and all waters of Salisbury Sound, Sitka Sound, and Peril Strait east of a line from Point Leo to Point Kruzof and north of a line from Shoals Point to Povorotni Point;

(8) District 14, east of a line from Soapstone Point to the southern tip of Taylor Island.

**5 AAC 33.312. FISHING ZONES FOR TROLL GEAR.** (a) In addition to those locations described in 5 AAC 33.200, the following are zones in which the department shall apply management and conservation regulations for the troll fishery as set forth in this chapter:

(4) the Coastal Fishing Zone is those waters of Alaska in District 16 and south and west of the surf line;

(5) the Seaward Biological Influence Zone consists of all waters west of the Coastal Fishing Zone bounded on the south by the latitude of the International Boundary at Dixon Entrance, bounded on the north by the latitude of Cape Fairweather and bounded on the west by 144° W. long.; the Seaward Biological Influence Zone is an area in which the Department obtains biological and fishing effort data and other information necessary for the formulation of effective conservation and management regulations in order to protect and maintain king and coho salmon resources of the state;

(b) As used in this chapter, *surf line* is a line from the southernmost tip of Cape Spencer to the westernmost tip of Yakobi Rock to the southernmost tip of Cape Cross to the southernmost tip of Point Theodore to the westernmost tip of Cape Edward to the westernmost tip of Khaz Point to the westernmost tip of Point Slocum to the westernmost tip of Klokachef Island to the westernmost tip of Cape Georgiana to the westernmost tip of Point Amelia to Cape Edgcombe Light to the southernmost tip of Point Woodhouse to the southernmost tip of Rogers Island to the westernmost tip of Aspid Cape to the southernmost tip of North Cape to 56°22'46" N. lat., 134°57' W. long. to 56°19'30" N. lat., 134°54' W. long. to the southernmost tip of Puffin Point to the northwesternmost tip of Bahrovoi Point to the southernmost tip of Cape Ommaney to the northernmost tip of the Hazy Islands to the southernmost tip of Cape Addington to the westernmost tip of Cape Chirikof to Cape Bartolome Light to the southernmost tip of Cape Felix to the westernmost tip of Bruin Point to the westernmost tip of Sakie Point to the westernmost tip of Cape Augustine to the westernmost tip of Rockwell Point to the westernmost tip of Ritter Point to the westernmost tip of Point Bazan to the westernmost tip of Security Point to Point Cornwallis Light to the southernmost tip of Liscome Point to the westernmost tip of Wolk Point to 54°39'52" N. lat., 132°43'32" W. long. to Cape Muzon Light to the southernmost tip of Point Nunez to the southernmost tip of Cape Chacon to the southernmost tip of West Rock to the southernmost tip of Yellow Rocks to Tree Point Light to Lord Rock Light to a point on the International Boundary at 130°49' W. long.

**5 AAC 33.313. APPLICATION OF COASTAL TROLLING REGULATIONS.** (a) Notwithstanding any other provision of this chapter, all salmon trolling regulations applicable to the Coastal Fishing Zone, as described in 5 AAC 33.312(a)(4), are applicable also in the adjacent Seaward Biological Influence Zone.

(b) Persons on a salmon trolling vessel navigating within the Seaward Biological Influence Zone shall conduct their operations and activities in full compliance with the regulations applicable to the Coastal Fishing Zone.

(c) The commissioner may suspend the application of this section wholly or partially in the Seaward Biological Influence Zone if he finds that such application:

(1) does not tend to facilitate enforcement of regulations applicable to the Coastal Fishing Zone or other territorial waters;

(2) does not tend to protect or conserve king or coho salmon inhabiting territorial waters of Alaska; or

(3) that the state has an insufficient interest in the king or coho salmon inhabiting the zone to warrant extension of the jurisdiction of the state to the zone.

**5 AAC 33.330. GEAR.** Salmon may be taken only by drift gill nets, seines, and troll gear.

**5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION.** (a) The maximum number of trolling lines that may be operated from any salmon troll vessel is as follows:

(1) from power troll vessels: four lines, except that no more than six lines may be operated in that portion of the Seaward Biological Influence Zone north of the latitude of the southernmost tip of Cape Spencer;

(2) from hand troll vessels:

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

(B) from each fishing rod: one line with no more than one leader and one lure or two baited hooks per leader;

(3) an aggregate of four fishing rods or an aggregate of two hand troll gurdies may be operated from a hand troll vessel.

(b) A trolling vessel may have, or use for taking bait, a fishing rod equipped exclusively for taking bait or a gill net of mesh size of no more than two and one-half inches and made of no greater than Number 20 gill net thread.

(e) No more than six troll gurdies may be mounted on board any salmon power troll vessel. No more than two troll gurdies and four fishing rods may be on board any salmon hand troll vessel.

(f) No salmon power troll vessel may be used to take salmon with hand troll gear once that vessel has been licensed and marked as required by 5 AAC 39.119.

(h) For purposes of this section:

(1) a **troll gurdy** is a spool device designed to deploy and retrieve troll lines, weights and lures, and does not include a reel attached to a fishing rod, but does include a down rigger;

(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;

(3) a **fishing rod** is a tapered, often-jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered 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.

(i) a troll vessel, or a person aboard a troll vessel, for which commercial hand troll, power troll, or mechanical jig fishing gear was used to take fish during the 72 hour period immediately before, or which will take fish during the 24 hour period immediately after,

an open trolling period may not participate in the taking of salmon during that open period.

**5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.**

(g) Registration requirements for salmon troll fishing vessels are as follows:

(2) no fishing vessel may be registered simultaneously as both a salmon hand troll and a power troll vessel; a troll vessel's registration may be changed to another troll gear during the open season when a written request for the change has been validated by the department;

(4) the owner or operator of any vessel that is to be used as a salmon troll fishing vessel shall register that vessel before the first opening date of the summer season;

(5) the owner or operator of any fishing vessel that is to be used to take salmon with hand or power troll gear shall register that vessel by checking salmon troll registration box on the CFEC vessel license application or renewal form.

(6) registration is valid for the entire calendar year in which the vessel is registered.

**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 writing, 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 33.331. GILL NET SPECIFICATIONS AND OPERATION.** (a) No person shall operate a gill net vessel that has on the reel more than one legal limit of gill net gear. Extra gill net gear may be carried on board the vessel. The lead line and cork line must be tied or bound separately from one another and the net sacked.

(b) The maximum depth of gill nets is as follows:

(1) net with mesh smaller than eight inches may not be deeper than 60 meshes;

(2) nets with mesh eight inches or larger may not be deeper than 40 meshes;

(3) in Districts 8 and 11, gill nets may not be deeper than 40 meshes before the third Sunday in June.

(4) there is no maximum depth restriction for a gill net operated for chinook 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 40.045.

(c) The minimum and maximum length of gill nets is as follows:

(1) in District 1, gill nets may not be less than 100 fathoms or more than 200 fathoms in length;

(2) in District 6, gill nets may not be less than 125 fathoms or more than 300 fathoms in length, except that gill nets may not exceed 75 fathoms in length in Wrangell Narrows during seasons for such gear established by emergency order;

(3) in District 8, gill nets may not be less than 125 fathoms or more than 300 fathoms in length, except that gill nets may not exceed 150 fathoms in length in Blind Slough during seasons for such gear established by emergency order;

(4) in District 11, gill nets may not be less than 100 fathoms or more than 150 fathoms in length, except that after the third Saturday in June the maximum length will increase to 200 fathoms;

(5) in District 15, gill nets may not be less than 50 fathoms or more than 200 fathoms in length.

(d) The maximum gill net mesh sizes are as follows:

(1) in District 8 from the third Sunday in June through July 18, six inches, except during periods established by emergency order for Blind Slough for the harvest of chinook salmon when no maximum mesh size will apply;

(2) in District 11,

(A) in Section 11-C, through July 18, six inches;

(B) in Section 11-B, through June 30, six inches;

(3) in District 15, through June 30, six inches.

(e) The minimum gill net mesh sizes are as follows:

(1) effective 1/1/90 in District 1, during periods established by emergency order for the protection of pink salmon during the fall chum and coho salmon season, six inches;

(2) in Districts 6 and 8, during periods established by emergency order;

(A) for the protection of pink salmon during the sockeye salmon season, 5½ inches;

(B) for the protection of pink salmon during the coho salmon season, six inches;

(C) effective 1/1/90, for the protection of sockeye salmon during the chum salmon season in District 8, six and one-fourth inches;

(3) in District 11, during periods established by emergency order,

(A) for the protection of pink salmon, 5 3/8 inches;

(B) for the harvest of chum salmon, six inches;

(4) in District 15, during periods established by emergency order for the protection of sockeye salmon during the chum salmon season, six and one-fourth inches.

(f) in the Southeastern Alaska Area, gill net 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 after use. 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 being measured are suspended vertically from a single peg or nail, under a one-pound weight.

**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.

(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) The mesh size of a seine lead may not be less than seven inches nor more than seven and one-half inches.

(g) A purse seine is considered to have ceased fishing when the bunt end of the seine is attached to the purse seine vessel and the tow end of the seine is attached to the vessel or moving through the power block.

**5 AAC 33.350. CLOSED WATERS.** (a) The waters listed in this section are closed to the taking of salmon except as follows:

(1) the waters listed in this section and within 500 yards of the terminus of any salmon stream are open to trolling from October 1 through April 14 and from May 15 through May 30 unless otherwise provided in this section;

(2) emergency order extensions or reductions to those waters listed in this section do not apply to trolling from June 1 through September 20 except as specifically provided by such emergency order.

(b) District 1

(1) Portland Canal: north of the latitude of Engineer's Point;

(2) Tombstone Bay: between the latitudes of Turn Point and Breezy Point;

(3) Hidden Inlet: north of the latitude of the tip of Hidden Point;

(4) Fillmore Inlet: north of the latitude of Male Point;

(5) Willard Inlet: north of the latitude of Male Point;

(6) Edwards Passage: north of the latitude of Akeku Point;

(7) Nakat Bay: north of the latitude of High Point;

(8) Very Inlet: inside of a line from 54°57'44" N. lat., 130°57'36" W. long., to 54°57'44" N. lat., 130°57' W. long.;

(9) Boca de Quadra: east of 130°50' W. long.;

(10) Smeaton Bay: east of 130°43'30" W. long.;

(11) Rudyard Bay: east of 130°42'27" W. long.;

(12) Behm Canal: between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva, this closure shall apply to trolling throughout the year;

(14) Traitors Cove: east of 131°41'48" W. long.;



(15) Naha Bay: east of  $131^{\circ}38'18''$  W. long.;

(16) Moser Bay: south of a line from the tip of Cod Point to  $55^{\circ}34'00''$  N. lat.,  $131^{\circ}40'54''$  W. long.;

(17) Port Stewart: west of a line from  $55^{\circ}43'06''$  N. lat.,  $131^{\circ}49'27''$  W. long., to  $55^{\circ}41'33''$  N. lat.,  $131^{\circ}50'05''$  W. long.;

(18) Helm Bay and Smugglers Cove: west of a line from the southernmost tip of Helm Point, to Helm Bay Light, to the Cleveland Peninsula at  $55^{\circ}34'13''$  N. lat.,  $131^{\circ}56'30''$  W. long.;

(19) Raymond Cove: within a line from Mike Point to  $55^{\circ}37'45''$  N. lat.,  $131^{\circ}51'50''$  W. long.;

(20) Vallenar Bay: south of a line from  $55^{\circ}23'45''$  N. lat.,  $131^{\circ}50'52''$  W. long., to  $55^{\circ}22'55''$  N. lat.,  $131^{\circ}51'58''$  W. long.;

(21) Tongass Narrows: between a line from Point Higgins to Vallenar Point and a line from Gravina Point to the Mountain Point navigation light, except by trolling;

(22) Ward Cove: east of a line from  $55^{\circ}23'56''$  N. lat.,  $131^{\circ}44'27''$  W. long., to  $55^{\circ}23'38''$  N. lat.,  $131^{\circ}44'01''$  W. long.;

(23) George Inlet: north of  $55^{\circ}19'36''$  N. lat.;

(24) Carroll Inlet: north of  $55^{\circ}24'16''$  N. lat.;

(25) Thorne Arm: north of the latitude of Eve Point;

(26) Lucky Cove: within 1,000 yards of the stream terminus;

(28) Ray Anchorage: all waters inside a line between  $54^{\circ}56'39''$  N. lat.,  $131^{\circ}13'54''$  W. long., and  $54^{\circ}55'42''$  N. lat.,  $131^{\circ}12'54''$  W. long.;

(29) Bostwick Inlet: north and west of a line from  $55^{\circ}13'25''$  N. lat.,  $131^{\circ}41'52''$  W. long., to  $55^{\circ}11'50''$  N. lat.,  $131^{\circ}42'55''$  W. long. on the south shore, except by trolling;

(30) Clover Passage: north of a line from the easternmost tip of Survey Point to the southernmost tip of Betton Island and south of the latitude of the southernmost tip of Hump Island, except by trolling.

(c) District 2

(1) Nichols Bay: north of  $54^{\circ}42'07''$  N. lat.;

(2) Moira Sound

(A) North Arm: inside a line from Crowell Point to Point Halliday;

(B) Johnson Cove: south of  $54^{\circ}59'43''$  N. lat.;

(C) West Arm: west of  $132^{\circ}12'$  W. long.;

(D) South Arm: south of  $54^{\circ}57'$  N. lat.;

(3) Port Johnson and Dolomi Bay: west of the longitude of Moss Point;

(4) Cholmondeley Sound

(A) Cholmondeley Sound: east of Divide Head including Dora Bay, Kitkum Bay, and Lancaster Cove closed south of  $55^{\circ}13'09''$  N. lat.;

(B) South Arm, West Arm, and Sunny Cove: west of  $132^{\circ}14'28''$  W. long.;

(5) Polk Inlet, Paul Bight, and McKenzie Inlet, west of the longitude of Khayyam Point;

(7) Twelvemile Arm: south of  $55^{\circ}29'10''$  N. lat.;

(8) Karta Bay: west of a line beginning at  $55^{\circ}33'52''$  N. lat.,  $132^{\circ}32'40''$  W. long., and projected north through  $55^{\circ}35'05''$  N. lat.,  $132^{\circ}29'55''$  W. long.;

(9) Thorne Bay: west of  $132^{\circ}28'35''$  W. long.;

(10) Tolstoi Bay: south of  $55^{\circ}39'$  N. lat.

(d) District 3

(1) Hunter Bay: east of a line from the tip of Turn Point  $54^{\circ}52'48''$  N. lat.,  $132^{\circ}21'20''$  W. long.;

(2) Klakas Inlet: north of  $55^{\circ}$  N. lat.;

(3) Keete Inlet: east of the longitude of the tip of Keete Point;

(4) Nutkwa Inlet: north of  $55^{\circ}06'$  N. lat.;

(5) Hetta Harbor: east of the longitude of the tip of Hetta Point;

(6) Hetta Inlet: north of the latitude of Simmons Point;

(7) Eek Inlet: west of a line from  $55^{\circ}08'48''$  N. lat.,  $132^{\circ}39'25''$  W. long., to  $55^{\circ}08'53''$  N. lat.,  $132^{\circ}39'23''$  W. long.;

(8) Sukkwan Strait at Hydaburg: all waters of Sukkwan Strait west of the longitude of Saltery Point, including South Pass east of the longitude of Goat Island Light, and all waters of North Pass;

(9) Ham Cove: south of  $54^{\circ}53'00''$  N. lat.;

- (10) Kasook Inlet: north of  $55^{\circ}01'40''$  N. lat.;
- (11) Soda Bay: east of  $133^{\circ}$  W. long.;
- (12) Tlevak Strait: all water north of  $55^{\circ}15'$  N. lat.;
- (13) Ulloa Channel: all water east of  $133^{\circ}10'$  W. long.;
- (14) Port Refugio: south and west of a line from Point Verde to Bocas Point;
- (15) Port Real Marina: all waters east of  $133^{\circ}34'30''$  W. long., west of a line from Point Arrecife to Point Gorda and north of a line from Point San Leonardo to Canal Point, except by trolling;
- (16) Portillo Channel: all waters between a line from Point Arrecife to Point Amargura and a line from Point Santa Gertrudis to Point Animas except by trolling;
- (17) Trocadero Bay: east of  $133^{\circ}01'$  W. long.;
- (18) Port San Nicholas: east of  $133^{\circ}04'$  W. long.;
- (19) Klawock Inlet: all waters east of Klawock and Peratrovich Islands north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands including Big Salt Lake;
- (20) Shinaku Inlet and Big Salt Lake: north of the latitude of Point Ildefonso;
- (21) Salt Lake Bay: east of  $133^{\circ}23'22''$  W. long.;
- (22) Warm Chuck Inlet: north of  $55^{\circ}44'30''$  N. lat.;
- (23) Nossuk Bay: all waters south of  $55^{\circ}44'$  N. lat.;
- (24) El Capitan and Tuxekan Passage: all contiguous waters east of  $133^{\circ}20'$  W. long.;
- (25) Edna Bay: north of a line from Limestone Point Light to  $55^{\circ}55'55''$  N. lat.,  $133^{\circ}37'40''$  W. long.;
- (26) Tokeen Bay: east of a line from the tip of Holbrook Point to  $55^{\circ}59'52''$  N. lat.,  $133^{\circ}27'51''$  W. long.;
- (27) Van Sant Cove: within 1,000 yards of the stream terminus;
- (28) Devilfish Bay: west of  $133^{\circ}20'$  W. long.;
- (29) Hessa Inlet: east of the longitude of the tip of Whirlpool Point;
- (30) within 500 yards of the unnamed stream at  $55^{\circ}22'01''$  N. lat.,  $133^{\circ}04'38''$  W. long., except by trolling;

(31) within 500 yards of the unnamed stream at 55°22'28" N. lat., 133°06'04" W. long., except by trolling;

(32) within 500 yards of the unnamed stream at 55°22'25" N. lat., 133°10'34" W. long., except by trolling;

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

(34) Waterfall Bay: within 1,000 yards of the terminus of Waterfall Creek;

(e) District 4: Manhattan Arm: east of 133°10' W. long.;

(f) District 5:

(1) Keku Strait: north of 56°32' N. lat. (north end of Monte Carlo Island) including all waters of Seclusion Harbor and south of a line from Point Camden to Salt Point Light;

(2) Port Beauclerc

(A) all waters north of 56°20' N. lat.;

(B) all waters of the southern arm south of 56°17' N. lat.;

(C) the cove 0.7 miles west of the northern tip of Edwards Island between 56°18'20" N. lat., 133°58'30" W. long., and 56°19'15" N. lat., 133°58'20" W. long.;

(3) Affleck Canal

(A) Bear Harbor: north of a line from 56°13'25" N. lat., 134°05'45" W. long., and 56°13'50" N. lat., 134°05'05" W. long.;

(B) all waters of Kell Bay west of 134°08'15" W. long.;

(C) north of 56°16'20" W. long.;

(D) small unnamed bay on the east side: east of 134°01'55" W. long.;

(4) Calder Bay: north of 56°11'12" N. lat.;

(5) El Capitan Passage: east of a line extending north from 56°08'53" N. lat., 133°27'37" W. long.;

(6) Shipley Bay: east of 133°33'25" W. long.;

(7) Hole in the Wall: northwest coast of Prince of Wales Island: east of 133°38'30" W. long.;

(8) Alvin Bay: west of 133°53'25" W. long.;

(9) Reid Bay: west of 133°53'55" W. long.;

(10) Barrie (Kushehin) Creek: east of a line from 56°27'50" N. lat., 133°40'05" W. long., to Trouble Island at 56°28'45" N. lat., 133°40'45" W. long., to 56°28'00" N. lat., 133°39'55" W. long.;

(g) District 6

(1) Salmon Bay: within a line extending from 56°17'24" N. lat., 133°08'14" W. long., to Rookery Island to 56°19'06" N. lat., 133°09'42" W. long.;

(2) Red Bay: south of the latitude of Pine Point;

(3) Steamer Bay: south of the latitude of Point Harrington;

(4) Ratz Harbor: south and west of a line from 55°53'08" N. lat., 132°35'37" W. long., to 55°53'16" N. lat., 132°35'47" W. long.;

(5) Barnes Lake at the head of Lake Bay: all waters inside of Stevenson Island south of 56°03'03" N. lat.;

(6) Whale Pass: at the southern entrance west of 132°59'06" W. long., and at the northern entrance west of the longitude of the northernmost tip of Thorne Island (133°03'24" W. long.);

(7) McHenry Inlet: east of 132°25' W. long.;

(8) Rocky Bay, west coast of Etolin Island: north of a line from 56°04'20" N. lat., 132°36'30" W. long., to 56°04'24" N. lat., 132°36'03" W. long.;

(9) Mosman Inlet: north of 56°05'20" N. lat.;

(10) Lake Bay: west of a line from Keg Point to 56°01'42" N. lat., 132°54'22" W. long.;

(11) Exchange Cove: south of a line from 56°13'07" N. lat., 133°03'42" W. long., to 56°12'54" N. lat., 133°03'25" W. long.;

(12) Totem Bay: north and east of a line from Totem Point to the southern tip of Shingle Island to Mitchell Point;

(13) Kah Sheets Bay: west of a line from 56°31'28" N. lat., 133°05'12" W. long., to 56°29'46" N. lat., 133°07'12" W. long.;

(14) Duncan Canal: all waters north of the latitude of the northern tip of Butterworth Island, except that only those waters north of the latitude of the northern tip of Grief Island are closed to trolling;

(15) Wrangell Narrows: all waters north of the tip of Point Alexander except by trolling;

(A) Blind Slough: east of a line from the tip of Anchor Point to Coast Guard Light #25 to Coast Guard Light #27 to a point 200 yards due north of the tip of Blind Point;

(B) Petersburg Creek: west of a line from  $56^{\circ}48'15''$  N. lat.,  $132^{\circ}59'33''$  W. long., to Coast Guard Light #56 to Coast Guard Light #58 to the tip of Bayou Point;

(16) Navy Creek: east of a line from  $56^{\circ}03'30''$  N. lat.,  $132^{\circ}27'54''$  W. long., to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to  $56^{\circ}04'36''$  N. lat.,  $132^{\circ}27'29''$  W. long.

(h) District 7

(1) Anita Bay: west of a line from the tip of Anita Point to  $56^{\circ}15'18''$  N. lat.,  $132^{\circ}22'56''$  W. long., except by trolling;

(2) Olive Cove: south of a line from  $56^{\circ}11'33''$  N. lat.,  $132^{\circ}19'06''$  W. long., to  $56^{\circ}11'24''$  N. lat.,  $132^{\circ}18'43''$  W. long.;

(3) Thom's Place, Zimovia Strait: north of  $56^{\circ}09'38''$  N. lat.;

(4) Fool's Inlet: north of  $56^{\circ}12'30''$  N. lat.;

(5) Brandfield Canal: east of  $131^{\circ}55'30''$  W. long., except by trolling which is closed from April 16 through September 30;

(6) Blake Channel and Eastern Passage: north of  $56^{\circ}12'00''$  N. lat., and east of a line from the tip of Babbler Point to  $56^{\circ}27'48''$  N. lat.,  $132^{\circ}16'38''$  W. long., on Hour Point except by trolling which is closed from April 16 through September 30;

(7) Vixen Inlet: east of the longitude of the westernmost tip of Sunshine Island;

(8) Santa Anna Inlet: south of the latitude of the tip of Point Santa Anna;

(9) Canoe Pass: all waters north of  $56^{\circ}$  N. lat.;

(10) Menefee Inlet: north of  $56^{\circ}05'$  N. lat.;

(11) Union Bay: south of a line from  $55^{\circ}44'48''$  N. lat.,  $132^{\circ}14'07''$  W. long., to  $55^{\circ}45'34''$  N. lat.,  $132^{\circ}11'08''$  W. long.;

(12) Zimovia Strait: all waters north of the latitude of Thorns Point except by trolling;

(13) Fisherman's Chuck: west of  $132^{\circ}12'$  W. long.;

(14) Emerald Bay: within 1,000 yards of the stream terminus from  $55^{\circ}53'42''$  N. lat.,  $132^{\circ}02'42''$  W. long., to  $55^{\circ}52'56''$  N. lat.,  $132^{\circ}03''$  W. long.;

(i) District 8:

(1) Blind Slough: north of a line from  $56^{\circ}30'45''$  N. lat.,  $132^{\circ}43'18''$  W. long., to  $56^{\circ}31'55''$  N. lat.,  $132^{\circ}40'32''$  W. long.;

(2) Stikine River: inside a line from Babbler Point to Hour Point, along the shore of Wrangell Island, to Point Highfield to the southern end of Liesnoi Island to the southern end of Greys Island to the small island near the eastern entrance of Blind Slough, to the nearest point of Mitkof Island to the prominent point of Mitkof Island nearest Coney Island, to the northern end of Coney Island, to a point 500 yards north of Jap Creek on the mainland shore; this closure applies to trolling throughout the year.

(3) Five Mile Creek: south of the latitude and west of the longitude of Sukoi Island except by trolling.

(j) District 9:

(1) Tebenkof Bay

(A) Elena Bay: north and east of line from  $56^{\circ}29'56''$  N. lat.,  $134^{\circ}06'28''$  W. long., to Elena Point;

(B) Petrof Bay: south of  $56^{\circ}22'20''$  N. lat.;

(C) Thetis Bay: south of  $56^{\circ}23'22''$  N. lat.;

(2) Bay of Pillars: east of  $134^{\circ}11'40''$  W. long.;

(3) Security Bay: all waters south of the latitude of Expedition Point;

(4) Saginaw Bay: south and east of a line from  $56^{\circ}51'47''$  N. lat.,  $134^{\circ}11'14''$  W. long., to the southwesternmost tip of an unnamed island at  $56^{\circ}52'45''$  N. lat.,  $134^{\circ}09'38''$  W. long., and east of a line from the northwesternmost tip of the same unnamed island to  $56^{\circ}53'17''$  N. lat.,  $134^{\circ}10'$  W. long.;

(5) Red Bluff Bay: west of  $134^{\circ}45'28''$  W. long.;

(6) Gut Bay: west of  $134^{\circ}43'28''$  W. long.;

(7) Port Walter and Little Port Walter: west of a line from  $56^{\circ}23'15''$  N. lat.,  $134^{\circ}38'05''$  W. long., to  $56^{\circ}23'42''$  N. lat.,  $134^{\circ}38'15''$  W. long.;

(8) Murder Cove: north of  $57^{\circ}01'45''$  N. lat.;

(9) Eliza Harbor: north of  $57^{\circ}14'18''$  N. lat.;

(10) Kadake Bay: south of a line from  $56^{\circ}48'45''$  N. lat.,  $133^{\circ}58'00''$  W. long., to  $56^{\circ}48'23''$  N. lat.,  $133^{\circ}56'28''$  W. long.;

(11) Hamilton Bay: south of the latitude of Point Hamilton;

(12) Port Camden: south of  $56^{\circ}41'40''$  N. lat.;

(13) Little Pybus Bay: north of  $57^{\circ}14'50''$  N. lat.,

(14) Deep Cove: west of  $134^{\circ}43'38''$  W. long.;

(15) Patterson Bay: north of  $56^{\circ}36'44''$  N. lat.;

(16) Rowan Bay: north and east of a line from  $56^{\circ}40'28''$  N. lat.,  $134^{\circ}15'08''$  W. long., to  $56^{\circ}39'53''$  N. lat.,  $134^{\circ}13'08''$  W. long.;

(17) Gedney Harbor: east of  $134^{\circ}14'40''$  W. long.;

(18) Port Malmesbury: east of a line from  $56^{\circ}18'55''$  N. lat.,  $134^{\circ}10'45''$  W. long., to  $56^{\circ}19'36''$  N. lat.,  $134^{\circ}11'17''$  W. long.;

(k) District 10:

(1) Port Houghton

(A) all waters within lines projected south and east from the southern tip of Walter Island;

(B) east of  $133^{\circ}11'$  W. long.;

(2) Windham Bay: east of  $133^{\circ}27'10''$  W. long., one fourth mile west of the narrows;

(3) Farragut Bay: Francis Anchorage north of  $57^{\circ}08'45''$  N. lat.;

(4) Gambier Bay: west of  $134^{\circ}$  W. long.;

(5) Pybus Bay: Cannery Cove and West Arm inside a line running from  $57^{\circ}18'24'$  N. lat.,  $134^{\circ}07'55''$  W. long., to an unnamed island at  $57^{\circ}18'43''$  N. lat.,  $134^{\circ}07'30''$  W. long., and then to a point at  $57^{\circ}19'20''$  N. lat.,  $134^{\circ}06'20''$  W. long.;

(6) Hobart Bay: east of  $133^{\circ}23'40''$  W. long.;

(7) Dry Bay: inside of a line from  $57^{\circ}03'32''$  N. lat.,  $133^{\circ}01'55''$  W. long., to  $57^{\circ}02'49''$  N. lat.,  $133^{\circ}01'45''$  W. long., to  $57^{\circ}02'57''$  N. lat.,  $133^{\circ}00'10''$  W. long.;

(l) District 11:

(2) Taku Inlet: north of a line from the Annex Creek Power House to a point at  $58^{\circ}17'30''$  N. lat.,  $134^{\circ}01'00''$  W. long.;

(3) Slocum Inlet: all waters east of a line from  $58^{\circ}08'21''$  N. lat.,  $134^{\circ}04'14''$  W. long., to  $58^{\circ}07'49''$  N. lat.,  $134^{\circ}04'24''$  W. long.;

(4) Taku Harbor: all waters east of a line from the tip of Stokade Point to  $58^{\circ}03'41''$  N. lat.,  $134^{\circ}01'59''$  W. long.;

(5) Limestone Inlet: all waters east of a line from  $58^{\circ}01'48''$  N. lat.,  $133^{\circ}59'16''$  W. long.,  $58^{\circ}02'04''$  N. lat.,  $133^{\circ}59'40''$  W. long.;



(6) Seymour Canal

(B) Mole Harbor: inside a line from the tip of Flaw Point to a point at  $57^{\circ}39'40''$  N. lat.,  $134^{\circ}01'30''$  W. long.;

(C) Pleasant Bay: all waters inside a line from  $57^{\circ}38'50''$  N. lat.,  $133^{\circ}59'42''$  W. long., to a point at  $57^{\circ}38'28''$  N. lat.,  $133^{\circ}57'25''$  W. long.;

(7) Port Snettisham

(A) Speel River: all waters north of the latitude of the old pulp mill wharf at  $58^{\circ}07'$  N. lat.;

(B) Gilbert Bay: all waters east of the longitude of Sentinel Point

(m) District 12

(1) Wilson Cove: all waters east of the longitude of Point Wilson;

(2) Whitewater Bay: within a line from Point Caution to  $50^{\circ}15'37''$  N. lat.,  $134^{\circ}36'25''$  W. long.;

(3) Chaik Bay: east of  $134^{\circ}30'27''$  W. long.;

(4) Hood Bay: all waters east of  $134^{\circ}24'30''$  W. long., except by trolling;

(5) Kootznahoo Inlet: all waters east of a line from the tip of Turn Point to Village Rock Light except by trolling;

(6) Hawk Inlet: all waters east and north of a line from Point Marsden to a point one-half nautical mile northwest of Point Marsden at  $58^{\circ}04'20''$  N. lat.,  $134^{\circ}49'15''$  W. long., then to Hawk Point except by trolling;

(7) Funter Bay: all waters inside the longitude of the tip of Clear Point, except by trolling;

(8) Howard Bay: all waters inside the latitude of the tip of Point Howard, except by trolling;

(9) Freshwater Bay: all waters inside a line from a point at  $57^{\circ}53'20''$  N. lat.,  $135^{\circ}07'35''$  W. long., to  $57^{\circ}54'45''$  N. lat.,  $135^{\circ}06'00''$  W. long.;

(10) Tenakee Inlet: all waters west of the longitude of the northernmost point of Corner Bay except by trolling;

(11) Basket Bay: all waters inside a line from  $57^{\circ}39'50''$  N. lat.,  $134^{\circ}53'12''$  W. long., to  $57^{\circ}39'17''$  N. lat.,  $134^{\circ}53'53''$  W. long.;

(12) Kelp Bay, Middle Arm, and South Arm: west of  $134^{\circ}56'59''$  W. long.;

(13) Warm Springs Bay: west of  $134^{\circ}46'38''$  W. long.;

(14) False Bay: west of a line from 57°58'33" N. lat., 134°55'05" W. long., 57°57'00" N. lat., 134°55'23" W. long.;

(15) Wukuklook Creek: west of a line from a point at 57°05'15" N. lat., 135°55'30" W. long., to Flinks Point at 57°52'30" N. lat., 135°57'20" W. long.;

(n) District 13

(1) Lisianski Inlet

(A) south of a line from 57°56'46" N. lat., 136°14'10" W. long., to 57°57'15" N. lat., 136°12'53" W. long., except by trolling;

(B) all waters north of a line from Ewe Ledge to Dace Rock during in-season coho salmon troll closures;

(2) Salt Lake Lagoon, Takanis Bay; north and east of a line from 57°55'05" N. lat., 136°30'22" W. long., to 57°55'25" N. lat., 136°31'00" W. long.;

(3) Stag Bay: east of 136°21'25" W. long.;

(4) Goulding Harbor: north of a line from 57°46'18" N. lat., 136°15'05" W. long., to 57°46'22" N. lat., 136°15'27" W. long.;

(5) Black Bay: north and east of a line from 57°42'37" N. lat., 136°09'20" W. long., to 57°42'23" N. lat., 136°09'10" W. long.;

(6) Sister Lake: inside a line from 57°37'42" N. lat., 136°00'30" W. long., to 57°38'05" N. lat., 136°00'40" W. long.;

(7) Waterfall Cove, Slocum Arm: north and east of a line from 57°31'16" N. lat., 135°56'10" W. long., to 57°30'53" N. lat., 135°55' W. long.;

(8) Fish Bay: east of 135°35'10" W. long.;

(9) Hoonah Sound: west and north of a line from 57°44'12" N. lat., 135°43'40" W. long., to 57°43'45" N. lat., 135°44'40" W. long.;

(10) Ushk Bay: west of 135°35'00" W. long.;

(11) Rodman Bay: all waters west and south of a line from 57°28'20" N. lat., 135°21' W. long., to 57°28'50" N. lat., 135°21'40" W. long.;

(12) Saook Bay: all waters west and south of a line at 57°26'15" N. lat., 135°11'40" W. long., to 57°26'40" N. lat., 135°12'15" W. long.;

(13) Hanus Bay: south of a line from 57°25'29" N. lat., 134°59'00" W. long., to 57°25'18" N. lat., 135°03'40" W. long.;

(14) Nakwasina Passage: north and east of a line from 57°14'12" N. lat., 135°29'55"

(15) Nakwasina Sound: north and east of a line from  $57^{\circ}11'42''$  N. lat.,  $135^{\circ}23'30''$  W. long., to  $57^{\circ}12'12''$  N. lat.,  $135^{\circ}24'37''$  W. long.;

(16) Katlian Bay: north and east of a line from  $57^{\circ}09'30''$  N. lat.,  $135^{\circ}22'35''$  W. long., to  $57^{\circ}09'07''$  N. lat.,  $135^{\circ}21'55''$  W. long.;

(17) Redoubt Bay: east of  $135^{\circ}18'53''$  W. long.;

(18) Port Banks: south and east of a line from  $56^{\circ}36'07''$  N. lat.,  $135^{\circ}00'20''$  W. long., to  $56^{\circ}35'55''$  N. lat.,  $135^{\circ}01'10''$  W. long.;

(19) Still Harbor: south and east of a line from  $56^{\circ}33'15''$  N. lat.,  $135^{\circ}02'40''$  W. long., to  $56^{\circ}33'38''$  N. lat.,  $135^{\circ}02'25''$  W. long.;

(20) Redfish Bay: north and west of a line from  $56^{\circ}20'41''$  N. lat.,  $134^{\circ}51'31''$  W. long., to  $56^{\circ}20'49''$  N. lat.,  $134^{\circ}51'05''$  W. long.;

(21) Big Branch Bay: north and east of a line from  $56^{\circ}19'27''$  N. lat.,  $134^{\circ}50'30''$  W. long., to  $56^{\circ}19'18''$  N. lat.,  $134^{\circ}50'08''$  W. long.;

(22) Sitkoh Bay: west of a line from  $57^{\circ}29'17''$  N. lat.,  $134^{\circ}53'40''$  W. long.,  $57^{\circ}29'36''$  N. lat.,  $134^{\circ}53'30''$  W. long.;

(23) Patterson Bay: west of a line from  $57^{\circ}40'23''$  N. lat.,  $135^{\circ}42'42''$  W. long., to  $57^{\circ}39'35''$  N. lat.,  $135^{\circ}42'18''$  W. long.;

(24) Fick Cove: south and west of a line from  $57^{\circ}37'51''$  N. lat.,  $135^{\circ}39'38''$  W. long., to  $57^{\circ}38'25''$  N. lat.,  $135^{\circ}40'39''$  W. long.;

(25) Starringavan Bay: all waters east of a line from the ferry terminal dock at  $57^{\circ}07'47''$  N. lat.,  $135^{\circ}22'45''$  W. long., to  $57^{\circ}08'25''$  N. lat.,  $135^{\circ}22'30''$  W. long.;

(26) Deep Bay: west of a line from  $57^{\circ}26'52''$  N. lat.,  $135^{\circ}37'20''$  W. long., to  $57^{\circ}26'32''$  N. lat.,  $135^{\circ}37'46''$  W. long.;

(o) District 14:

(1) Dundas Bay: north of  $58^{\circ}20'$  N. lat.;

(2) Port Althrop: south of a line from the tip of Point Lucan to  $58^{\circ}09'40''$  N. lat.,  $136^{\circ}19'30''$  W. long., except by trolling;

(3) Idaho Inlet: south of the latitude of the tip of Gull Point, except by trolling;

(4) Mud Bay: south of the latitude of Quartz Point;

(5) Port Fredrick: all waters south of a line from Inner Point Sophia Light to the north-westernmost tip of Halibut Island then bearing  $323^{\circ}$  to Chichagof Island, except that trolling is allowed from October 1 through April 14 and from May 15 through August 1;

(6) Spasski Bay: from Neck Point to Spasski Island to a point at 58°05'38" N. lat., 135°13'15" W. long., except by trolling;

(7) Whitestone Harbor: within a line from 58°04'15" N. lat., 135°04'36" W. long., to 58°03'36" N. lat., 135°04'15" W. long., except by trolling;

(8) Homeshore Creek: at 58°16'15" N. lat., 135°20'45" W. long., within 500 yards of the terminus except by trolling;

(9) Excursion Inlet: north of a line from 58°22'36" N. lat., 135°28'30" W. long., to 58°22'36" N. lat., 135°28'18" W. long., except by trolling;

(10) Glacier Bay: north of 58°27'54" N. lat., except by trolling;

(p) District 15:

(1) Chilkat Inlet: north of the latitude of Letnikof Light;

(2) Lutak Inlet: northwest of a line between Tanani Point and Taiya Point;

(3) Taiya Inlet: all waters north of the latitude of the tip of Taiya Point, except by trolling;

(4) St. James Bay: all waters north of a line from the tip of Point Whidby to St. James Point at 58°33'45" N. lat., 135°09'45" W. long., except by trolling.

**5 AAC 33.360. DISTRICT ONE PINK SALMON MANAGEMENT PLAN.** On and after the second Sunday in July in District 1, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent salmon fishing by drift gill nets in Section 1-B, the following time formula must be followed for the Section 1-B drift gill net fishery:

(1) when the purse seine fishery is open for any portion of one day during a fishing week, the drift gill net 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 gill net 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 gill net 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, as directed by the Board of Fisheries, manage the recreational, troll, purse seine and gill net 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.

**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 and 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 should 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 insure that the department is not forced into making allocation decisions.

(f) As a general proposition, private nonprofit hatchery stocks supported by fishermen assessments should 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 gill net fleets have historically occurred for the period 1960 through 1988, based on the total catches of the Southeast Area net fisheries minus the Annette Island Reserve catches, and shall be considered by the board in future allocation decisions:

(1) pink salmon: 95 percent purse seine and five percent gill net;

(2) sockeye salmon: 51 percent purse seine and 49 percent gill net;

(3) chum salmon: 73 percent purse seine and 27 percent gill net.

**5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN.**

(a) The management of the southeastern Alaska Area and Yakutat Area chinook 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 recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the final interception areas for spawning king and coho salmon and the inshore areas, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in 5 AAC 33.312(a)(4) and (5). The board is also concerned that continued increases in fishing effort on mixed chinook 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 chinook 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 areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the inshore and terminal fishing areas. The department shall make inseason adjustments to salmon fishing season, periods and areas for conservation purposes consistent with the following guidelines:

(3) during the commercial coho salmon fishing season, the department shall evaluate the size and distribution of the coho salmon run and shall close the Southeastern Alaska and Yakutat Areas salmon troll fishery for approximately 10 days, except for Section 14-C north of a line from Hanus Reef Light to Sisters Island Light to Point Adolphus, which will be closed for two additional days; the above closure will take place if either of the following criteria are met:

(A) the department determines that the number of coho reaching inside areas may be inadequate to provide for spawning requirements given normal or even restricted inside fisheries on coho and other species; the primary abundance indicators for this assessment consist of relative harvest levels by all fisheries and, in particular, catch per unit of effort in inside drift gillnet and sport fisheries compared to average 1971-80 levels; or

(B) the department determines that the proportional share of coho harvest by the troll fishery is larger than that of inside gillnet and recreational fisheries compared to average 1971-80 levels; primary inside fisheries indicators for this assessment are overall coho harvests and catch per unit of effort in the Tree Point, Prince of Wales, Taku/Snetisham, and Lynn Canal drift gillnet fisheries and the Juneau marine sport fishery;

(4) following any closure made in accordance with (3) of this subsection, the Southeastern Alaska and Yakutat salmon fishing areas will reopen for salmon hand and

power troll fishing as provided for in the salmon hand and power troll fishing regulations contained in 5 AAC 30, 5 AAC 33, and 5 AAC 39;

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

(6) recognizing that the hand troll fleet retains a large potential for expansion in efficiency, it is the policy of the Board of Fisheries to regulate the troll fishery in a manner that will result in 80 percent of the troll caught coho salmon being taken by power troll gear and 20 percent by hand troll gear; the department shall evaluate the power and hand troll coho salmon catches during the salmon fishing season; when the projected hand troll catch of coho salmon indicates that the hand troll fleet will take approximately 20 percent or more of the total coho salmon troll harvest by September 20, the department shall provide for additional closures to hand trolling during the coho salmon troll fishing season in order to maintain the harvest ratio at approximately 80 percent/20 percent;

(8) the department shall manage the Southeastern Alaska and Yakutat Areas commercial and sport chinook salmon fisheries in accordance with the conservation and harvest goals of the Pacific Salmon Treaty as implemented by the Pacific Salmon Commission.

(9) the harvest calculations for the annual harvest limit will start with the opening of the winter salmon troll season.

(10) the department shall manage the commercial net harvest of chinook salmon to approximately 20,000, with individual quotas as follows:

(A) purse seine fishery: 11,400;

(B) drift gill net fishery: 7,600;

(C) set gill net fishery: 1,000;

(11) the historical harvest allocation of coho salmon in Southeast Alaska and Yakutat commercial salmon fisheries is 19 percent purse seine, 13 percent drift gill net, seven percent set gill net, and 61 percent troll; while these percentages may vary from season to season, given fluctuations in salmon abundance and distribution and the limitations of fisheries management, these allocation guidelines are to be maintained over the long term; the department shall not disrupt any of the traditional commercial fisheries upon which this historical allocation is founded; the department may, however, make in-season adjustments to attempt to achieve these long term allocation guidelines.

(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 chinook salmon rebuilding program. Additional delays in the opening of the summer season have been instituted in an effort to spread the chinook harvest throughout the season and for considerations such as commercial halibut seasons. It is the goal of the board to restore the

chinook salmon stock abundance to a level that will allow a return to the pre-1981 season dates.

**5 AAC 33.366. NORTHERN SOUTHEAST SEINE 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 during July after 15,000 sockeye salmon are taken.

(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 department may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation.

**5 AAC 33.370. NEETS BAY FALL CHUM AND COHO 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 gill net fleets. In addition to that goal, the board and 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 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 gill net fleets by setting the fishing times for those fleets as follows:

(1) June 1 through October 20, salmon may be taken by troll gear at any time;

(2) July 1 through October 20, salmon may be taken by seines and drift gill nets only during periods established by emergency order;

(A) openings for seines and gill nets must be rotated between net gear groups with a closure of at least 24 hours between openings; the first opening must be for gill nets;

(B) a gill net opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration.

(c) A drift gill net 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 gill nets with a maximum length of 10 fathoms. The annual bag and possession limit is 25 salmon.

(f) Waters of Neets Bay east of a line between ADF&G regulatory markers 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.

**5 AAC 33.371. CARROLL INLET SALMON MANAGEMENT PLAN.** (a) This management plan is intended to distribute the harvest of hatchery produced chinook salmon in the Carroll Inlet Special Harvest Area between purse seine, troll, and drift gill net fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Carroll Inlet north of Nigelius Point (55°33'30" N. lat.) to distribute the harvest of hatchery produced chinook salmon as follows:

(1) June 11 through July 10, salmon may be taken by troll gear at any time;

(2) June 25 through July 10, salmon may be taken by seines and drift gill nets only during periods established by emergency order;

(A) openings for seines and gill nets must be rotated between net gear groups with a closure of at least 24 hours between openings; the first opening must be for gill nets;

(B) a gill net opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration.

(c) A drift gill net operated in the special harvest area may not exceed 200 fathoms in length.

(d) Salmon may be taken in the special harvest area under sport fishing regulations at any time.

**5 AAC 33.372. NAKAT INLET SALMON MANAGEMENT PLAN.** (a) This management plan is intended to distribute the harvest of hatchery produced coho and chum salmon in the Nakat Inlet Special Harvest Area between purse seine, troll, and drift gill net fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet between 54°50' N. lat. and 54°56' N. lat. from July 16 through October 10 to distribute the harvest of hatchery produced coho and chum salmon as follows:

(1) salmon may be taken by troll gear at any time;

(2) salmon may be taken by seines and drift gill nets only during periods established by emergency order;

(A) openings for seines and gill nets must be rotated between net gear groups with a closure of at least 24 hours between openings; the first opening must be for gill nets;

(B) a gill net opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration.

(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 gill net operated in the special harvest area may not exceed 200 fathoms in length.

(e) Salmon may be taken in the special harvest area under sport and personal use fishing regulations at any time.

(f) Salmon may be taken for personal use only by drift gill nets. A drift gill net operated for personal use may not exceed 10 fathoms in length. The annual bag and possession limit for personal use is 25 salmon.

**5 AAC 33.373. EASTERN PASSAGE SALMON MANAGEMENT PLAN.** (a) This management plan is intended to distribute the harvest of hatchery produced chinook, chum, and coho salmon in the Eastern Passage Special Harvest Area between purse seine, troll, and drift gill net fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Eastern Passage south of 56°24'50" N. lat. and west of 132°06'21" W. long. from June 25 through October 10 to distribute the harvest of hatchery produced chinook, chum, and coho salmon as follows:

(1) salmon may be taken by troll gear at any time;

(2) salmon may be taken by seines and drift gill nets only during periods established by emergency order;

(A) openings for seines and gill nets must be rotated between net gear groups with a closure of at least 24 hours between openings; the first opening must be for gill nets;

(B) a gill net opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration.

(c) All waters of Madan Bay east of a line from the latitude of the channel marker in the narrows to the eastern tip of Channel Island (56°21'48" N. lat., 132°09'24" W. long.) to the navigational light on the northern tip of Channel Island to the southernmost tip of Point Madan (56°22'39" N. lat., 132°09'42" W. long.) are closed to the taking of salmon.

(d) A drift gill net operated in the special harvest area may not exceed 200 fathoms in length.

(e) Salmon may be taken in the special harvest area under sport and personal use fishing

(f) Salmon may be taken for personal use only by drift gill nets. A drift gill net operated for personal use may not exceed 10 fathoms in length. The annual bag and possession limit for personal use is 25 salmon.

**5 AAC 33.374. HIDDEN FALLS HATCHERY TERMINAL HARVEST MANAGEMENT PLAN.** (a) The Hidden Falls terminal harvest area consists of all waters of District 12 within two nautical miles of the shore of Baranof Island south of the latitude of South Point and north of the latitude of Point Turbot, excluding the waters of Kelp Bay.

(b) The department shall manage the purse seine fishery by emergency order to harvest chum salmon returning to the Hidden Falls salmon hatchery.

**5 AAC 33.375. SILVER BAY SALMON MANAGEMENT PLAN.** The department shall manage all waters of Silver Bay between 57° and 57°01'20" N. lat. to ensure chum salmon broodstock escapement to the Medvejie salmon hatchery. The department may not close the troll fishery in this location for protection of hatchery chum salmon stocks.

**5 AAC 33.392. SIZE LIMITS AND LANDING OF CHINOOK 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 clethral arch to the tip of the tail. Undersized chinook salmon which are taken must be returned to the water without injury. A person may not mutilate or otherwise disfigure chinook salmon in any manner that prevents determining the minimum size set out in this subsection.

(b) A CFEC purse seine salmon permit holder may take, but may not sell chinook salmon between the sizes of greater than 21 inches from tip of snout to tip of tail (in its natural open position) and less than the legal length size limit specified in (a) of this section. Chinook salmon taken in the purse seine fishery that are less than the legal size limit will not be counted against the chinook harvest quota.

(c) The size limits specified in this section do not apply to the gill net fisheries.

(d) The heads of all adipose fin clipped chinook salmon must remain attached to the fish until sold.

(e) Following closure of the summer troll fishery to the taking of chinook salmon, no chinook salmon may be on board a troll vessel fishing for other salmon species.

**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. A person may not use a salmon troll vessel to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

## **ARTICLE 5—SMELT FISHERY**

**5 AAC 33.510. FISHING SEASON.** There is no closed season on smelt.

# INTERNATIONAL WATER AREA

## CHAPTER 36.—INTERNATIONAL WATER AREA

### ARTICLE 1.—DESCRIPTION OF AREA

**5 AAC 36.010. DESCRIPTION OF AREA.** The International Water Area includes all waters outside Alaska's three-mile limit, i.e., beyond those described in 5 AAC 39.975(13).

### ARTICLE 3.—SALMON

**5 AAC 36.030. TRANSPORTATION AND POSSESSION.** It is unlawful to transport through the Pacific Ocean waters of the state, or to have possession in this state, any salmon taken by any type of net or longline in international waters of the Pacific Ocean or within the territorial waters of this state or of another state or country where fishing for salmon with nets or longline is unlawful.

# AQUATIC PLANTS

## CHAPTER 37.—AQUATIC PLANTS

### ARTICLE 1. HARVEST PROVISIONS

**5 AAC 37.100 PERMITS.** A processor, buyer, or harvester of aquatic plants must obtain a harvest permit issued by the commissioner, or the commissioner's authorized representative, before operating. The permit must include the following provisions:

- (1) the area of operation shall be restricted to one or more fishing districts;
- (2) species to be harvested;
- (3) method of harvest shall be restricted to mechanical cutting or handpicking;
- (4) plants shall be removed from the water at the time of harvesting;

(5) aquatic plants where used as substrate for herring spawn may be harvested only as otherwise provided in this title.

### ARTICLE 2. SEASONS

**5 AAC 37.200. SEASONS.** The opening and closing dates of harvesting aquatic plants will be made by emergency order.

### ARTICLE 9. RESTRICTIONS

**5 AAC 37.900. RESTRICTIONS.** The transplanting of aquatic plants is prohibited except as provided for in 5 AAC 27 for the issuance of permits by the commissioner for the purpose of producing herring spawn-on-kelp in pounds.

# GENERAL PROVISIONS

## CHAPTER 39.—GENERAL PROVISIONS

**5 AAC 39.001. APPLICATION OF THIS CHAPTER.** Requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.105, 5 AAC 39.975, and 5 AAC 39.997 also apply to subsistence fishing, and 5 AAC 39.002 applies to all of 5 AAC 01—5 AAC 41. Other subsistence 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.

**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.

### ARTICLE 1—GENERAL

**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 gill net shall be substantially consistent.

(c) All references to mesh size in the regulations are considered to be **stretched measure**.

(d) Unless otherwise provided in chs. 1-39 of this title, the following are legal types of gear;

(1) a **gill net** 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 gill net** is a gill net that has been intentionally set, staked, anchored or otherwise fixed;

(3) a **drift gill net** is a drifting gill net 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 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 gurdy troll gear** consists of a line or lines with lures or baited hooks which are drawn through the water by a gurdy;

(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 device or attachment;

(9) **fishwheel** is a fixed, rotating device for catching fish which is driven by river current or other means of power;

(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;

(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 from a circular or rectangular frame;

(13) a **longline** is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached;

(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 gill net;

(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;

(21) **diving gear** is any type of hard hat or skin diving equipment;

(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 mechanical device with line and hooks used to jig for halibut and bottomfish, and does not include hand gurdies or rods with reels.

**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 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) No person may operate or assist in the operation of net gear, unless the CFEC permit holder is in compliance with this section and AS 16.05.253.

(e) A person who holds a CFEC permit for the operation of stationary net gear or fishwheels 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.

**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) Not more than one crewmember fishing license may be obtained by a person during any one calendar year.

(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 30.107.

(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.

**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 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 39.119. 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) In addition to the requirements of (a) of this section, each registered salmon hand troll vessel must display the letters "HT" in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, be at least eight inches high and 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 in which the vessel is registered.

(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) charter vessels used exclusively for sport fishing

(A) in saltwater, except for the Southeastern Alaska and Yakutat Areas; and

(B) in freshwater.

**5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.** (a) A person who owns a commercial fishing vessel or his 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 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 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. In this subsection

(1) **employ** or **employed** 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 fish:

(2) **in compliance with all regulations governing registration** includes vessel registration required by 5 AAC 31.020, 5 AAC 31.070, 5 AAC 32.020, 5 AAC 32.070, 5 AAC 34.020, 5 AAC 34.070, 5 AAC 35.020, 5 AAC 35.070, 5 AAC 38.020 and 5 AAC 38.070, 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 05.958 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 immediate-



ly 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 chs. 31-38 of this title.

(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 03.370;

(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 that 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 reregister it for a different salmon net registration area under the following conditions:

(A) the reregistration of a salmon net fishing vessel shall be authorized

(i) by the 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) by the 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;

(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 cannot transfer back to its original net registration area during that season.

(d) Salmon net gear registration areas are as follows:

Code Letter	Area
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A—Southeast Alaska area(5 AAC 33.100)

D—Yakutat Area (5 AAC 30.100)

(e) Evidence of proper registration or licensing must be kept immediately available at all times during fishing operations and 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.

**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 writing, 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 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS AND FISHERMEN.** (a) Each person, company, firm or other organization who is the first purchaser of raw fish, or who catches and processes, or has processed his own fish or by-products of fish shall:

(1) furnish to the department each calendar year before operating a written statement of intent to operate with a description of the nature, extent and location of the operation on forms available from the department; forms will not be processed and fish tickets will not be issued without certification that surety bonds as required by AS 16.10.290 - AS 16.10.296 have been posted with the Commissioner of Labor and that a valid Alaska Business license or Fisheries Business License has been issued by the Department of Revenue;

(2) submit, no later than April 1, an operator's accurate and complete summary of activity for each Intent to Operate form filed for the previous year or a signed statement of nonactivity on forms available from the department;

**Editor's Note:** Catcher/sellers must complete an ADF&G form to obtain fish tickets.

(3) furnish, verbally or in writing, purchasing or production records as requested by the department or its representative.

(b) Each buyer of raw fish and each fisherman selling to buyers not licensed to process fish, and each person or company who catches and processes his own catch or has that catch processed by another person or company shall keep a record of each landing on ADF&G fish tickets. Fish tickets must be submitted to a local representative of the department within seven days after landing, or as otherwise specified by the department for each particular area and fishery. The operator of any fishing vessel whose port of landing is in the United States but outside Alaska, or who sells, transfers or delivers fish in the Seaward Biological Influence Zones shall submit a completed ADF&G fish ticket, or an equivalent document containing all of the information required on an ADF&G fish ticket, to the department before the fish are transported out of the jurisdiction of the state. The record must include the following:

(1) the name of the individual or company buying the fish, the processor code assigned to each buyer by the department, and the signature of the buyer or his representative;

(2) the full name and signature of the permit holder;

- (3) the name or the Coast Guard number of the vessel employed in taking the fish;
  - (4) the date of the landing of the fish;
  - (5) the permanent vessel license plate number, or for set gill nets and fishwheel, the fisherman's five digit CFEC permit serial number;
  - (6) the type of gear by which the fish were taken;
  - (7) the nearest headland or bay or statistical catch area in which the fish were taken;
  - (8) information applicable to the following species:
    - (A) the number and pounds of salmon by species;
    - (B) the number and pounds of king, dungeness and tanner crab;
    - (C) the pounds of other fish or shellfish by species;
  - (9) 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 at the time of delivery only; the imprinting requirement of this paragraph may be suspended by a local representative of the department after presentation by the fisherman of documentation from the department or CFEC that the permit card has been lost, transferred or destroyed; if the above suspension is granted, then the buyer or fisherman shall write the permit number on the fish ticket at the time of delivery only;
  - (10) other information the department may require.
- (c) Each fisherman shall furnish to the buyer factual catch data necessary for completion of reports required by the department.
- (e) The following information regarding the transporting of unprocessed fish shall be transmitted to an authorized representative of the department either verbally, in writing or by telephone:
- (1) the number and species of salmon taken in any regulatory area shall be reported before being transported to any other area or out of the state;
  - (2) the numbers or pounds by species of all other fish shall be reported before being transported out of the state.
- (f) Operators of floating fish processing vessels shall report in person, or by radio or telephone 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, the exact latitude and longitude of the location and the date of intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local department representative in person, or by radio or telephone of the new location of operation by district or subdistrict and exact latitude and longitude of the location. The local represen-

tative of the department may waive all or part of the above requirements if he determines they are not necessary for the conservation or management of the fishery in that area.

(g) No person may possess a fish ticket that has been imprinted with a CFEC permit number until the time of delivery to the purchaser of the fish listed on the fish ticket.

**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.

**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 39.160. MAXIMUM LENGTH OF SALMON SEINE VESSEL.** No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot official Coast Guard register length vessels.

**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) notice posted at canneries and public places;
- (3) press releases and announcements in local newspapers and commercial radio stations;
- (4) telegrams and commercial radio facilities.

**5 AAC 39.197. UNLAWFUL POSSESSION OF FISH.** No person may possess, purchase, sell, barter or transport fish within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that the 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 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 the 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 are 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 to 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**

**5 AAC 39.230. GEAR.** Only those gill nets, seines, troll lines, fishwheels, 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 OPERATION.** (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 gill net 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. GILL NET SPECIFICATIONS AND OPERATION.** (a) The trailing of gill net web is prohibited at any time or place where fishing is not permitted.

(b) Set gill net shall be removed from the water during any closed period.

(c) Gill net web must contain at least 30 filaments, except that

(1) in the Southeast Alaska, Yakutat, Prince William Sound, and Cook Inlet Areas, gill net web must meet one of the following requirements:

(A) the web must contain at least 30 filaments and all filaments must be of equal diameter, or

(B) the web must contain at least six filaments, each of which must be at least 0.20 millimeter in diameter;

(2) effective 1/1/89, the requirements contained in (1)(A) and (B) of this subsection apply in the Kodiak, Chignik, Aleutian Islands, Alaska Peninsula, Bristol Bay, Kuskokwim, Yukon, Norton Sound-Port Clarence, and Kotzebue-Northern Areas.

(d) The float line and floats of gill nets 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 Kotzebue-Northern Area (5 AAC 03.100), Norton Sound-Port Clarence Area (5 AAC 04.100), Yukon Area (5 AAC 05.100), Kuskokwim Area (5 AAC 07.100), and Kodiak Area (5 AAC 18.100).

**5 AAC 39.260. SEINE SPECIFICATIONS AND OPERATION.** (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.

(c) Unless otherwise provided in 5 AAC 03—5 AAC 38, a purse seine is considered to have ceased fishing when all the rings are out of the water.

(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 a legal length and depth, without purse rings attached, and with a minimum mesh size of seven inches.

(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;

(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 10 fathoms in length;

(k) A purse seine may not be used as a lead for another purse seine.

**5 AAC 39.280. IDENTIFICATION OF STATIONARY FISHING GEAR.** (a) The owner or operator of a set gill net or fishwheel in operation shall place in a conspicuous place on or near the set gill net or fishwheel 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 fishwheels must be placed on the side of the fishwheel facing midstream of the river.

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gill net in operation shall have at each end of the set gill net a red keg, buoy or cluster of floats, and in the case of set gill nets anchored to land shall have a red keg, buoy or cluster of floats at the outer end of the net. The kegs, buoys, or cluster of floats must be plainly and legibly marked with the fisherman's five digit CFEC permit serial number.

**5 AAC 39.290. CLOSED WATERS.** (a) Commercial fishing for salmon is prohibited at all times within the streams and rivers of Alaska and within 500 yards of any salmon stream for over the beds or channels of streams and rivers of Alaska at all stages of the tide or as specified in regulations having particular application to designated streams or areas. The restrictions in this subsection do not apply in the Kodiak Area (5 AAC 18.100).

(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.

## **ARTICLE 4.—SMELT FISHERY**

**5 AAC 39.410. GEAR.** Legal gear, as defined in 5 AAC 39.105, may be used to take smelt.

## **ARTICLE 7.—FRESHWATER FISHERY**

**5 AAC 39.734. IDENTIFICATION OF GEAR.** All freshwater fishing gear, while in operation, must be plainly and legible marked with the operator's name and permanent vessel license plate number of the vessel fishing the gear or the fishing permit number assigned by the department.

**5 AAC 39.780. PERMIT REQUIRED.** (a) Whitefish, shellfish, char, trout, pike, smelt, burbot and lamprey in fresh and salt water may be taken or purchased under the authority of a permit secured from the commissioner or his local representative.

(b) The permit may be issued to either the fisherman or the buyer.

(c) These species, when taken incidentally in conjunction with commercial salmon fishing are legally taken and possessed without a permit, unless otherwise provided in this title.

(d) The following stipulations apply to both the permit holder or buyer and to fishermen selling their catch to the buyer:

(1) the time and area of fishing and type and amount of fishing gear may be designated;

(2) the species to be harvested may be designated and the number of fish may be limited.

## **ARTICLE 9.—DEFINITIONS**

**5 AAC 39.975. DEFINITIONS.** 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 a district court;

(3) **buyer** means a person who purchases fish from the fisherman 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;

(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;

(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 any stream used by salmon for spawning or for traveling to a spawning area;

(11) **stretched measure** means the average length of any series of consecutive meshes measured from inside the first knot and including the last knot when wet after use; 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;

(13) **waters of Alaska** means the internal waters of the state including freshwater 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:

**Editor's Note:** A point by point definition of the baseline is printed in a separate book available at local offices of ADF&G.

(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;

(16) **ton** means 2,000 pounds avoirdupois weight;

(20) **household** means a person or persons having the same residence;

(22) **to operate fishing gear** means:

(A) the deployment of gear 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 gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not subject to 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,

(26) **freshwater of streams and rivers** means freshwater is to be separated from saltwater 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 pre-season 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' 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.

(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 whom the seine is retrieved to.

**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 °, ', " indicate degrees, minutes and seconds, respectively, of longitude or latitude, based on the North American datum of 1927.

(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.



# JOINT BOARD POLICY

**5 AAC 96.625. JOINT BOARD PETITION POLICY.** (a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and the reference to the authority of the agency to take the requested action. Within 30 days after receiving a petition, a board deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190—AS 44.62.210, which require that the agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, regional fish and game councils, and to over 500 other interested individuals.

(c) Copies of the proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then hold public meetings in the communities and regions they represent to gather local comment on the proposed changes. Finally, the boards convene public meetings which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee and regional council reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognizes that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that in most cases petitions detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b)—(d) of this section. It is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners since the resource would be unavailable in the future.

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# ATTENTION FISHERMEN

You can assist in the protection of your fishery resources.

If you observe a violation of the fishery laws you can assist the Alaska Division of Fish and Wildlife Protection by immediately recording the following information and reporting it to the nearest office of the Alaska Department of Public Safety.

**Date of Violation**                      day                      month                      year

**Time of Violation**                      hour                      minutes

**Location of Violation**                      Exact location i.e., Bay, Cove, Strait, Inlet, Island—specify longitude and latitude if possible.

**Type of Fishery**                      Troll, pot, seine, gillnet, etc.

**Type of Violation**                      Closed water, closed period, illegal gear, etc.

**Description of Vessel**                      Names, numbers, colors, port of and Persons registration, number of persons aboard and physical descriptions.

**Witnesses to Violation**                      Include names of persons, vessels in the area who have or may have observed the violation.

**Photographs**                      Show violator in relation to identifiable land formations or other physical features of the area if possible.

**Statement**                      Concise statement of the violation in order of events.

At the earliest possible date submit this information to the nearest office of the Alaska Department of Public Safety or to an authorized Department of Fish and Game representative.

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