

2003 - 2006

S.E. Alaska and Yakutat

Commercial Salmon Fishing Regulations



Alaska Department of Fish and Game



This booklet contains regulations regarding commercial salmon fisheries in the S. E. Alaska and Yakutat Area. This booklet covers the period August 2003 through August 2006 or until the 2006 book is available, whichever occurs first.

NOTE TO READERS: These statutes and administrative regulations were excerpted from the official codes on file with the Lieutenant Governor. There may be errors or omissions that have not been identified and changes that occurred after this printing. **This booklet is intended as an informational guide only. To be certain of the current laws, refer to the official codes.**

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.

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ALASKA DEPARTMENT OF FISH AND GAME

Regulations of the Alaska Board of Fisheries for **S. E. Alaska and Yakutat Area**
commercial salmon fishing in Alaska.

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Frank Murkowski

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TABLE OF CONTENTS

| | |
|---|-----|
| Selected Alaska Statutes | 5 |
| Selected Statewide General Provisions | 40 |
| Southeast Alaska Troll | 79 |
| Yakutat Area | 99 |
| Southeastern Alaska | 106 |

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SELECTED ALASKA STATUTES

TITLE 16 - FISH & GAME.

CHAPTER 05. FISH AND GAME CODE.

SEC. 16.05.050. Powers and duties of the commissioner. The commissioner has, but not by way of limitation, the following powers and duties:

(1) to assist the United States Fish and Wildlife Service in the enforcement of federal laws and regulations pertaining to fish and game;

(2) through the appropriate state agency and under the provisions of AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department or state;

(3) under provisions of AS 36.30, to design and construct hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish and game resources of the state;

(4) to accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish or game resources;

(5) to collect, classify, and disseminate statistics, data and information that, in the commissioner's discretion, will tend to promote the purposes of this title except AS 16.51 and AS 16.52;

(6) to capture, propagate, transport, buy, sell, or exchange fish or game or eggs for propagating, scientific or stocking purposes;

(7) under the provisions of AS 36.30, to provide public facilities where necessary or proper to facilitate the taking of fish or game, and to enter into cooperative agreements with any person to effect them;

(8) to exercise administrative, budgeting, and fiscal powers;

(9) under the provisions of AS 36.30, to construct, operate, supervise, and maintain vessels used by the department;

(10) to authorize the holder of an interim-use permit under AS 16.43 to engage on an experimental basis in commercial taking of a fishery resource with vessel, gear, and techniques not presently qualifying for licensing under this chapter in conformity with standards established by the Alaska Commercial Fisheries Entry Commission;

(11) no later than January 31 of each year, to provide to the commissioner of revenue the names of those fish and shellfish species that the commissioner of fish and game designates as developing commercial fish species for that calendar year; a fish or shellfish species is a developing commercial fish species if, within a specified geographical region,

(A) the optimum yield from the harvest of the species has not been reached;

(B) a substantial portion of the allowable harvest of the species has been allocated to fishing vessels of a foreign nation; or

(C) a commercial harvest of the fish species has recently developed;

SELECTED STATE STATUTES

(12) to initiate or conduct research necessary or advisable to carry out the purposes of this title except AS 16.51 and AS 16.52;

(13) to enter into cooperative agreements with agencies of the federal government, educational institutions, or other agencies or organizations, when in the public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

(14) to implement an on-board observer program authorized by the Board of Fisheries under AS 16.05.251(a)(13); implementation

(A) must be as unintrusive to vessel operations as practicable; and

(B) must make scheduling and scope of observers' activities as predictable as practicable;

(15) to sell fish caught during commercial fisheries test fishing operation;

(16) to establish and charge fees equal to the cost of services provided by the department, including provision of public shooting ranges, broodstock and eggs for private nonprofit hatcheries, department publications, and other direct services, and reasonable fees for the use of state facilities managed by the department; fees established under this paragraph for the use of hatchery facilities, commercial use of sport fishing access sites, and for operation of state hatchery facilities as private aquaculture association, are not subject to cost limit under AS 37.10.050(a);

(17) to permit and regulate aquatic farming in the state in a manner that ensures the protection of the state's fish and game resources and improves the economy, health, and well-being of the citizens of the state.

(18) to operate state housing and facilities for employees, contractors, and others in support of the department's responsibilities and to charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions; rent received from tenants shall be deposited in the general fund;

(19) to petition the Alaska Commercial Fisheries Entry Commission, unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

(A) that have experienced recent increases in fishing effort that are beyond a low, sporadic level of effort;

(B) that have achieved a level of harvest that may be approaching or exceeding the maximum sustainable level for the fishery; and

(C) for which there is insufficient biological and resource management information necessary to promote the conservation and sustained yield management of the fishery.

(b) The commissioner shall annually submit a report to the Board of Game regarding the department's implementation during the preceding three years of intensive management programs that have been established by the board under AS 16.05.255 for identified big game prey populations.

SEC. 16.05.055. On-board observer program. (a) The commissioner may enter into appropriate contracts and agreements with agencies, such as the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut

Commission, designed to ensure that on-board observer programs conducted in the fisheries of the state are coordinated and consistent with each other for vessels operating in state and federal water.

(b) The master of a vessel, as a condition of participating in a fishery for which an on-board observer program is authorized by the Board of Fisheries under AS 16.05.251, shall consent in writing to the placement of an observer aboard the vessel.

SEC. 16.05.060. Emergency orders. (a) This chapter does not limit the power of the commissioner or 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.

(b) The commissioner or an authorized designee may, under criteria adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

(c) An emergency order has the force and effect of law after field announcement by the commissioner or an authorized designee. An emergency order adopted under this section is not subject to the AS 44.62 (Administrative Procedure Act).

SEC. 16.05.065. Application extension. (a) The commissioner shall extend the time and dates during which application may be made for fish or game registration if the commissioner finds that

(1) the conservation and management of the fish or game resource will not be affected adversely; and

(2) the failure to timely apply is the result of excusable neglect.

(b) The fee for an extension granted under this section is \$45.

(c) As used in this section, **excusable neglect** does not include unfamiliarity with or ignorance of applicable laws and regulations. In order to show excusable neglect, a person must have demonstrated, before the registration deadline, an intent to harvest fish or game.

SEC. 16.05.070. Regulations as evidence. Regulations of a board and of the commissioner, including emergency openings and closures, are admissible as evidence in the courts of the state in accordance with AS 44.62 (Administrative Procedure Act).

SEC. 16.05.080. Limitation of power. Nothing in this chapter authorizes the department or a board to change the amount of fees or licenses.

Sec. 16.05.092. Fisheries rehabilitation, enhancement, and development. The department shall

(1) develop and continually maintain a comprehensive, coordinated state plan for the orderly present and long-range rehabilitation, enhancement, and development of all aspects of the state's fisheries for the perpetual use, benefit, and enjoyment of all citizens and revise and update this plan annually;

(2) encourage the investment by private enterprise in the technological development and economic utilization of the fisheries resources;

(3) through rehabilitation, enhancement, and development programs do all things necessary to ensure perpetual and increasing production and use of the food resources of state waters and continental shelf areas;

(4) prepare a comprehensive annual report, containing detailed information regarding

SELECTED STATE STATUTES

its accomplishments under this section and proposals of plans and activities for the next fiscal year, and notify the legislature not later than 20 days after the convening of each regular session that the report is available.

SEC. 16.05.100. Fish and Game Fund Established. There is created a revolving **fish and game fund**, which shall be used exclusively for the following:

(1) to carry out the purposes and provisions of this title, except AS 16.51 and AS 16.52, or other duties that may be delegated by the legislature to the commissioner or the department; and

(2) to carry out such purposes and objectives within the scope of this title except AS 16.51 and AS 16.52 as may be directed by the donor of any such funds.

SEC. 16.05.150. Enforcement authority. The following persons are peace officers of the state and they shall enforce this title except AS 16.51 and AS 16.52:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner.

SEC. 16.05.160. Duty to arrest. Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of this title except AS 16.51 and AS 16.52, or any regulation adopted under this title except AS 16.51 and AS 16.52, in the peace officer's presence or view, and shall take the person for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165.

SEC. 16.05.165. Form and issuance of citation. (a) When a peace officer stops or contacts a person concerning a violation of this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.180.

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two officers of the division of fish and wildlife protection of the Department of Public Safety, two representatives of the Department of Fish and Game, two district court judges, and the chairpersons of the House and Senate Judiciary Committees of the legislature. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without court appearance, the issuing peace officer shall write on the citation the amount of bail applicable to the violation.

(c) A person cited for a misdemeanor for which a bail amount has been established under (b) of this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

- (1) the amount of bail indicated on the citation for that offense; and
- (2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

(d) When bail has been forfeited under (c) of this section, a judgment of conviction shall be entered. Forfeiture of bail and all seized items is a complete satisfaction for the misdemeanor. The clerk of the court accepting the bail shall provide the offender with a receipt stating that fact if requested.

(e) If the person cited fails to pay the bail amount established under (b) of this section or to appear in court as required, the citation is considered a summons for a misdemeanor.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section.

SEC. 16.05.170. Power to execute warrant. Each peace officer designated in AS 16.05.150 may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of this title except AS 16.51 and AS 16.52, and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases.

SEC. 16.05.180. Power to search without a warrant. Each peace officer designated in AS 16.05.150 may without a warrant search any thing or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of art. I, Sec. 14, Alaska State Constitution, which specifically enumerates "persons, houses and other property, papers and effects." However, before a search without warrant is made a signed written statement by the person making the search shall be submitted to the person in receipt shall be given by the person conducting the search for property which is taken as a result of the search. The enumeration of specific things does not limit the meaning of words of a general nature.

SEC. 16.05.190. Seizure and disposition of equipment. Guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of this chapter or a regulation of the department may be seized under a valid search, and all fish and game, or parts of fish and game, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this chapter or a regulation of the department shall be seized by any peace officer designated in AS 16.05.150. Upon conviction of the offender or upon judgment of the court having jurisdiction that the item was taken, transported, or possessed in violation of this chapter or a regulation of the department, all fish and game, or parts of them are forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia seized under the provisions of this chapter or a regulation of the department, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any.

SEC. 16.05.195. Forfeiture of equipment. (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title, or regulation adopted under this title, and all fish and game or parts of fish and game or nests or eggs of birds taken, transported or possessed contrary to the provisions of this title, or regulation adopted under it, may be forfeited to the state

(1) upon conviction of the offender in a criminal proceeding of a violation of this title in a court of competent jurisdiction; or

(2) upon judgment of a court of competent jurisdiction in a proceeding in rem that an item specified above was used in or in aid of a violation of this title or a regulation adopted

SELECTED STATE STATUTES

under it.

(b) Items specified in (a) of this section may be forfeited under this section regardless of whether they were seized before instituting the forfeiture action.

(c) An action for forfeiture under this section may be joined with an alternative action for damages brought by the state to recover damages for the value of fish and game or parts of them or nests or eggs of birds taken, transported or possessed contrary to the provisions of this title or a regulation adopted under it.

(d) It is no defense that the person who had the item specified in (a) of this section in possession at the time of its use and seizure has not been convicted or acquitted in a criminal proceeding resulting from or arising out of its use.

(e) Forfeiture may not be made of an item subsequently sold to an innocent purchaser in good faith. The burden of proof as to whether the purchaser purchased the item innocently and in good faith shall be on the purchaser.

(f) An item forfeited under this section shall be disposed of at the discretion of the department. Before the department disposes of an aircraft it shall consider transfer of ownership of the aircraft to the Alaska Wing, Civil Air Patrol.

SEC. 16.05.200. Power to administer oaths. Each peace officer designated in AS 16.05.150 may administer to or take from any person, an oath, affirmation, or affidavit when it is for use in a prosecution or proceeding under or in the enforcement of this chapter.

SEC. 16.05.221. Boards of fisheries and Game. (a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

(c) Members of the Board of Game serve staggered terms of three years and, except as provided in AS 39.05.080(4), each member serves until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Game shall be made in the same manner as the original appointment and, except as provided in AS 39.05.080(4), an appointment to fill a vacancy is for the balance of the unexpired term.

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080(1), by April 1 of the

calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of the appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

SEC. 16.05.241. Powers excluded. The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

SEC. 16.05.251. Regulations of the Board of Fisheries. (a) The Board of Fisheries may adopt regulations it considers advisable in accordance with the AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource construction and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fisheries;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport fish, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c),

SELECTED STATE STATUTES

after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishing resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, “**unlicensed fishing vessel**” means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530.

(b) repealed;

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor’s petition or proposal, or 30 days after receiving the request for explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

(4) the availability of alternative fisheries resources;

(5) The importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;

(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

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) In 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. 16.05.258. Subsistence use and allocation of fish and game. (a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence

SELECTED STATE STATUTES

uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, **reasonable opportunity** means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

SEC. 16.05.259. No subsistence defense. In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

AS 16.05.260. Advisory committees. The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during

SELECTED STATE STATUTES

established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

SEC. 16.05.270. Delegation of authority to commissioner. For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

SEC. 16.05.280. Removal of board members. The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.

SEC. 16.05.310. Special board meetings. A board may meet at any time upon the call of the commissioner or upon the request of two board members.

SEC. 16.05.440. Expiration date for licenses. Licenses issued under AS 16.05.440 - 16.05.723 expire at the close of December 31 following their issuance or, for licenses that are valid for two years, after December 31 of the year after the year of issuance, and shall be renewed upon application and payment of the license fees required by AS 16.05.440 - 16.05.723.

SEC. 16.05.450. Issuance of licenses; disclosure for child support purposes. (a) The commissioner or an authorized agent shall issue a 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 commissioner shall require the reporting of the applicant's social security number on the application. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification.

(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 state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification.

(c) Repealed 1977.

(d) Upon request, the commissioner shall provide a social security number provided under (a) of this section to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

SEC. 16.05.475. Registration of fishing vessels. (a) a person may not employ a fishing vessel in the water of the state unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state are not excused from this provision.

(b) The term **employ**, as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any activities involving the use or navigation of fishing vessels.

(c) The term **registered under the laws of the state**, as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds necessary to maximize the authority of the state to apply and enforce fisheries regulations under 16 U.S.C. 1801-1882 (Fishery Conservation and Management Act of 1976).

(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; disclosure for child support purposes.

(a) A person engaged in commercial fishing shall obtain a commercial fishing license and retain the license in possession and readily available for inspection during fishing operations. An entry permit or interim-use permit entitles the holder to participate as a gear operator in the fishery for which the permit is issued and to participate as a crewmember in any fishery. A crewmember fishing license is not transferable and entitles the holder to participate as a crewmember in any fishery.

(b) A person applying for a resident commercial license issued under this section shall provide the person's social security number and the proof of residence that the department requires by regulation.

(c) Repealed.

(d) Upon request, the department shall provide a social security number provided under (a) of this section to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

(e) Except as provided under AS 16.05.470 and AS 23.35.060, fees collected from the sale of crewmember fishing licenses under this section may be appropriated into the fish and game fund.

(f) Repealed.

(g) For a crewmember fishing license issued for calendar year 2002 and following years, a resident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall pay an annual fee of \$60. For a crewmember fishing license issued for calendar year 2002 and following years, a resident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual fee of \$5.

(h) For a crewmember fishing license issued for calendar year 2002 and following years, a nonresident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall pay an annual base fee of \$60 plus an

SELECTED STATE STATUTES

amount, established by the department by regulation, that is as close as practicable to the maximum allowed by law. For a crewmember fishing license issued for calendar year 2002 and following years, a nonresident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual base fee of \$5 plus an amount, established by the department by regulation, that is as close as practicable to the maximum allowed by law.

(i) In this section, "commercial fishing license" includes an entry permit and an interim-use permit issued under AS 16.43 and a crewmember fishing license.

SEC. 16.05.490. Vessel license. 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. A person may not operate a vessel to which AS 16.05.490 - 16.05.530 apply without a vessel license, whether the absence of a vessel license results from initial failure to purchase or from another reason.

SEC. 16.05.520. Number plate. (a) The vessel license includes a permanent number plate. The number plate shall be accompanied by a tab affixed to 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. Renewal of vessel license. (a) Upon payment of a license fee and filing of the name and address of the owner of the vessel or the owner's authorized agent, the name and number of the vessel, a description of the vessel, 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 the license is valid. The tab shall be placed in the space provided on the permanent number plate. The annual license fee is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:

| | |
|---------------------------------|------|
| (1) 0 - 25 feet..... | \$20 |
| (2) over 25 feet - 50 feet..... | 50 |
| (3) over 50 feet - 75 feet..... | 100 |

- (4) over 75 feet - 150 feet..... 250
- (5) over 150 feet - 250 feet..... 500
- (6) over 250 feet.....750

(b) Repealed.

SEC. 16.05.660. License exemption. A person may, by complying with the \$5 license requirement of AS 16.05.340(a)(6), take not more than 2,000 pounds each of tom cod, blue cod, smelt, pickerel, white fish, and spider crab a year from waters of the state.

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. (a) It is unlawful for a person, or an agent or representative of the person,

(1) to employ, in the harvesting, transporting, or purchasing of fish, a fisherman who neither is licensed under AS 16.05.480 nor is the holder of a permit issued under AS 16.43;

(2) to purchase fish from a 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.

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold.

SEC. 16.05.685. Processing on commercial crab fishing vessels. (a) Crab of any species may not be processed on a commercial crab fishing vessel unless

(1) the vessel remains within one registration area from the time the crab is caught

SELECTED STATE STATUTES

to the time of dock delivery;

(2) the operator of the vessel notifies the department of proposed changes in location before moving to another registration area; and

(3) the operator of the vessel provides quarters for inspectors of the department who may inspect the crab catch on the vessel at any time.

(b) The restrictions set out in (a) of this section do not apply to processing aboard the fishing vessel for and as donations to charity, for consumption aboard the vessel, or for dockside retail sales from the vessel.

(c) In this section,

(1) **process** means to butcher, cook, chill, or freeze crab for commercial use;

(2) **registration area** means a specific king crab registration area as designated by regulation of the Board of Fisheries.

SEC. 16.05.690. Record of purchases. (a) Each buyer of fish shall keep a record of each purchase showing the name or number of the vessel from which the catch involved is taken, the date of landing, vessel license number, pounds purchased of each species, number of each species, and the Department of Fish and Game statistical area in which the fish were taken, and other information the department requires. Records may be kept on forms provided by the department. Each person charged with keeping the records shall report them to the department in accordance with regulations adopted by the department.

(b) A person may not knowingly enter false information on a fish ticket or supply false information to a person who is recording information on a fish ticket.

(c) Repealed SLA 1997.

SEC. 16.05.710. Suspension of commercial license and entry permit. (a) Upon the conviction of a person for a misdemeanor or felony violation of a commercial fishing law of this state, the court, in addition to other penalties imposed by law

(1) may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year, if the conviction is the person's first or second misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(2) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than three years, if the conviction is the person's third or subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction.

(b) Upon a first conviction of a person for a violation of AS 11.46.120—11.46.130 in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for one year. Upon a second or subsequent conviction for a violation of AS 11.46.120—11.46.130 or a similar law of another jurisdiction in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges and licenses for two years.

(c) If proceedings in which commercial fishing privileges or licenses may be suspended under this section are pending against a limited entry permit holder, the permit holder's limited

entry permit may not be permanently transferred, unless allowed by order of the court in which the proceedings are pending, and a permanent transfer of the permit, unless allowed by order of the court, is void. During the period for which a limited entry permit or the permit holder's right to obtain a limited entry permit or to engage in an activity for which a limited entry permit is required is suspended under this section, a permit card may not be issued to the permit holder and the permit holder's permit may not be transferred or sold.

(d) In this section

(1) **commercial fishing law** means a statute or regulation that regulates the conduct of a person engaged in commercial fishing activities by establishing requirements relating to fishing licenses and permits; catch records and reports; size, nature, or use of fishing vessels, sites, and gear; time, place, or manner of taking fishery resources; possession, transportation, sale, barter, or waste of fishery resources; or other aspects of commercial fishing;

(2) **commercial fishing license** means a limited entry permit or a crew member license;

(3) **commercial fishing privilege** means the privilege of participating in an activity for which a commercial fishing license is required and the privilege of obtaining a commercial fishing license;

(4) **limited entry permit** means an entry permit or an interim-use permit issued under AS 16.43.

SEC. 16.05.722. Strict liability commercial fishing penalties. (a) A person who without any culpable mental state violates AS 16.05.440 - 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a violation and upon conviction is punishable by a fine of not more than

(1) \$3,000 for a first conviction;

(2) \$6,000 for a second or for a subsequent conviction not described in (3) of this subsection; and

(3) \$9,000 for a third or subsequent conviction within a 10-year period.

(b) In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 - 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department. It is the defendant's burden to show by a preponderance of the evidence that 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. 16.05.722. Strict liability commercial fishing penalties. (a) A person who without any culpable mental state violates AS 16.05.440 - 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing is guilty of a violation and upon conviction is punishable by a fine of not more than

(1) \$3,000 for a first conviction;

(2) \$6,000 for a second conviction or for a subsequent conviction not described in (3) of this subsection; and

SELECTED STATE STATUTES

(3) \$9,000 for a third or subsequent conviction within a 10-year period.

(b) In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 - 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department. It is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(c) A person charged with a violation under this section is entitled to a trial by court but not by jury, and is not entitled to representation at public expense.

SEC. 16.05.723. Misdemeanor commercial fishing penalties. (a) A person who negligently violates AS 16.05.440 - 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial 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. 16.05.730. Management of wild and enhanced stocks of fish. (a) Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks and may be managed consistent with sustained yield of enhanced fish stocks.

(b) In allocating enhanced fish stocks, the board shall consider the need of fish enhancement projects to obtain brood stock. The board may direct the department to manage fisheries in the

state to achieve an adequate return of fish from enhanced stocks to enhancement projects for brood stock; however, management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.

(c) The board may consider the need of enhancement projects authorized under AS 16.10.400 and contractors who operate state-owned enhancement projects under AS 16.10.480 to harvest and sell fish produced by the enhancement project that are not needed for brood stock to obtain funds for the purposes allowed under AS 16.10.450 or 16.10.480(d). The board may exercise its authority under this title as it considers necessary to direct the department to provide a reasonable harvest of fish, in addition to the fish needed for brood stock, to an enhancement project to obtain funds for the enhancement project if the harvest is consistent with sustained yield of wild fish stocks. The board may adopt a fishery management plan to provide fish to an enhancement project to obtain funds for the purposes allowed under AS 16.10.450 or 16.10.480(d).

(d) In this section, "enhancement project" means a project, facility, or hatchery for the enhancement of fishery resources of the state for which the department has issued a permit.

SEC. 16.05.735. Management of offshore fisheries. The state may assume management of the fisheries in offshore water adjacent to the state in the absence of a federal fishery management plan or in the event that a federal fishery management plan delegates authority to the state to manage fisheries in the United States exclusive economic zone.

SEC. 16.05.785. Effect of failure to remove old markers. If the Board of Fisheries by regulation uses department markers to establish waters closed to commercial fishing and the state fails to remove 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 crab fishing vessel, during the first full three days after the time when a taking is prohibited.

SEC. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fisherman, buyers and processors required by regulation of the department are confidential

SELECTED STATE STATUTES

and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient other than a recipient under (5) - (6) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of its records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

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

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

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

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;

(8) fish tickets and fish ticket information saltwater charter logbooks, saltwater charter logbook information, and annual statistical reports of fisherman, buyers, and processors and information in those reports to the Department of Public Safety;

(9) fish tickets and fish ticket information and annual statistical reports of fisherman, buyers and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

(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.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 09.25.110 - 09.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 44.99.350.

SEC. 16.05.831. Waste of salmon. (a) A person may not waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding the viscera and sex parts, of a salmon intended for

- (1) sale to a commercial buyer or processor;
- (2) consumption by humans or domesticated animals; or
- (3) scientific, educational, or display purposes.

(b) The commissioner, upon request, may authorize other uses of salmon that would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted.

SEC. 16.05.835. Maximum length of salmon seine and certain hair crab vessels. (a) A salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in water of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.

(b) A vessel engaged in the Bering Sea hair crab fishery within five miles of shore may not be longer than 58 feet overall length.

(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

SEC. 16.05.905. Activities by Aliens prohibited. (a) Alien persons not lawfully admitted to the United States are prohibited from engaging in commercial fishing activities or taking marine mammals in the territorial waters of the state as they presently exist or may be extended

SELECTED STATE STATUTES

in the future.

(b) An alien person who violates AS 16.05.905 is guilty of a misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in the violation, or by imprisonment for not more than one year, or by fine or not more than \$10,000, or by all or any two of the foregoing punishments.

SEC. 16.05.920. Prohibited conduct generally. (a) Unless permitted by AS 16.05 - AS 16.40 or by regulation adopted under AS 16.05 - AS 16.40, a person may not take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building or other improvement or property of the department used in the administration or enforcement of this title except AS 16.51 and AS 16.52, or a poster or notice to the public concerning the provisions of this title except AS 16.51 and AS 16.52, or 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. 16.05.925. Penalty for violations. Except as provided in AS 16.05.430, 16.05.722, 16.05.723, 16.05.831, and 16.05.860, a person who violates AS 16.05.920 or AS 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a Class A misdemeanor.

SEC. 16.05.930. Exempted activities. (a) This chapter does not prevent the collection or exportation of fish and game, a part of fish or game or a nest or egg of a bird for scientific or educational purposes, or for propagation or exhibition purposes under a permit that the department may issue and prescribe the terms thereof.

(b) This chapter does not prohibit a person from taking fish or game during the closed season, in case of dire emergency, as defined by regulation adopted by the appropriate board.

(c) AS 16.05.920 and 16.05.921 do not prohibit rearing and sale of fish from private ponds, the raising of wild animals in captivity for food or the raising of game birds for the purpose of recreational hunting on game hunting preserves, under regulations adopted by the appropriate board. In this subsection, **animals** includes all animal life, including insects and bugs.

(d) Nondomestic animals of any species may not be transferred or transported from the state under (a) of this section unless approved by the Board of Game in regular or special meeting. Animals transferred or transported under (a) of this section shall be animals that are certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this

section shall be accompanied by a statement prepared by the department examining the probable environmental impact of the action.

(e) This chapter does not prevent the traditional barter of fish and game taken by subsistence hunting or fishing, except that the commissioner may prohibit the barter of subsistence-taken fish and game by regulation, emergency or otherwise, if a determination on the record is made that the barter is resulting in a waste of the resource, damage to fish stocks or game populations,

or circumvention of fish or game management programs.

(f) A permit may not be required for possessing, importing or exporting mink and fox for fur farming purposes.

(g) AS 16.05.440 - 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

SEC. 16.05.940. Definitions. In AS 16.05- AS 16.40

(1) **aquatic plant** means any species of plant, excluding the rushes, sedges and true grasses, growing in a marine aquatic or intertidal habitat;

(2) **barter** means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) **a board** means either the Board of Fisheries or the Board of Game;

(4) **commercial fisherman** means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; **commercial fisherman** includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph, **operate fishing gear** means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;

(5) **commercial fishing** means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources;

(6) **commissioner** means the commissioner of fish and game unless specifically provided otherwise;

(9) **department** means the Department of Fish and Game unless specifically provided otherwise;

(11) **domicile** means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the Boards of Fisheries and Game;

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

SELECTED STATE STATUTES

in the future.

(b) An alien person who violates AS 16.05.905 is guilty of a misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in the violation, or by imprisonment for not more than one year, or by fine or not more than \$10,000, or by all or any two of the foregoing punishments.

SEC. 16.05.920. Prohibited conduct generally. (a) Unless permitted by AS 16.05 - AS 16.40 or by regulation adopted under AS 16.05 - AS 16.40, a person may not take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building or other improvement or property of the department used in the administration or enforcement of this title except AS 16.51 and AS 16.52, or a poster or notice to the public concerning the provisions of this title except AS 16.51 and AS 16.52, or 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. 16.05.925. Penalty for violations. Except as provided in AS 16.05.430, 16.05.722, 16.05.723, 16.05.831, and 16.05.860, a person who violates AS 16.05.920 or AS 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a Class A misdemeanor.

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(b) This chapter does not prohibit a person from taking fish or game during the closed season, in case of dire emergency, as defined by regulation adopted by the appropriate board.

(c) AS 16.05.920 and 16.05.921 do not prohibit rearing and sale of fish from private ponds, the raising of wild animals in captivity for food or the raising of game birds for the purpose of recreational hunting on game hunting preserves, under regulations adopted by the appropriate board. In this subsection, **animals** includes all animal life, including insects and bugs.

(d) Nondomestic animals of any species may not be transferred or transported from the state under (a) of this section unless approved by the Board of Game in regular or special meeting. Animals transferred or transported under (a) of this section shall be animals that are certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this

section shall be accompanied by a statement prepared by the department examining the probable environmental impact of the action.

(e) This chapter does not prevent the traditional barter of fish and game taken by subsistence hunting or fishing, except that the commissioner may prohibit the barter of subsistence-taken fish and game by regulation, emergency or otherwise, if a determination on the record is made that the barter is resulting in a waste of the resource, damage to fish stocks or game populations,

or circumvention of fish or game management programs.

(f) A permit may not be required for possessing, importing or exporting mink and fox for fur farming purposes.

(g) AS 16.05.440 - 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

SEC. 16.05.940. Definitions. In AS 16.05- AS 16.40

(1) **aquatic plant** means any species of plant, excluding the rushes, sedges and true grasses, growing in a marine aquatic or intertidal habitat;

(2) **barter** means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) **a board** means either the Board of Fisheries or the Board of Game;

(4) **commercial fisherman** means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; **commercial fisherman** includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph, **operate fishing gear** means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;

(5) **commercial fishing** means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources;

(6) **commissioner** means the commissioner of fish and game unless specifically provided otherwise;

(9) **department** means the Department of Fish and Game unless specifically provided otherwise;

(11) **domicile** means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the Boards of Fisheries and Game;

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

SELECTED STATE STATUTES

aquatic finfish, invertebrate, or amphibian;

(13) **fish derby** means a contest in which prizes are awarded for catching fish;

(14) **fishery** means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph

(A) “**gear**” means the specific apparatus used in the harvest of the fishery resource;

and

(B) “**type of gear**” means an identifiable classification of gear and may include

(i) classification for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550—16.05.630; and

(ii) distinct subclassification of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear.

(15) **fish or game farming** means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and **captivity** means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, **fish** does not include shellfish, as defined in AS 16.40.199;

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

(21) **nonresident** means a person who is not a resident of the state;

(22) **nonresident alien** means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;

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

(24) **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;

(25) **person with physical disabilities** means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

(26) **resident** means a person who for the preceding 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;

(28) **seizure** means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 - AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(29) **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;

(30) **subsistence fishing** means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(32) **subsistence uses** means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, **family** means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(33) **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;

(35) **taxidermy** means tanning, mounting, processing, or other treatment or preparation of fish and game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish and game or parts of fish or game for such purposes;

(35) **trapping** means the taking of mammals declared by regulation to be fur bearers;

(36) **vessel** means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft.

CHAPTER 10. FISHERIES AND FISHING REGULATIONS.

SEC. 16.10.010. Interference with streams and waters. (a) A person may not, without first applying for and obtaining a permit or license from the Department of Environmental Conservation,

(1) obstruct, divert, or pollute waters of the state, either fresh or salt, utilized by salmon in the propagation of the species, by felling trees or timber in those waters, casting, passing, throwing, or dumping tree limbs or foliage, underbrush, stumps, rubbish, earth, stones, rock, or other debris, or passing or dumping sawdust, planer shavings, or other waste or refuse of any kind in those waters;

(2) erect a dam, barricade, or obstruction to retard, conserve, impound, or divert the waters described in (1) of this subsection to prevent, retard, or interfere with the free ingress or egress of salmon into those waters in the natural spawning or propagation process;

SELECTED STATE STATUTES

(3) render the waters described in (1) of this section inaccessible or uninhabitable for salmon for spawning or propagation.

(b) The application for the permit or license referred to in (a) of this section must set out the name and style of the person or concern, describe the waters and location, and state in particular the plans, purpose, and intention for which the application is made.

SEC. 16.10.030. PENALTY FOR VIOLATION OF AS 16.10.010 - 16.10.050. A person who violates AS 16.10.010 - 16.10.050 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$100 nor more than \$500.

SEC. 16.10.055. INTERFERENCE WITH COMMERCIAL FISHING GEAR. A person who willfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor, for the purposes of this section **interference** means the physical disturbance of gear which results in economic loss 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. OPERATION OF FISH TRAPS. 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 land, tideland, submerged land, or water. This section does not prevent the operation of small hand-driven fish traps of the type ordinarily used on rivers of the state that are otherwise legally operated in or above the mouth of a stream or river.

SEC. 16.10.100. ERECTION OF FISH TRAPS PROHIBITED ON LAND OR WATER OWNED BY STATE. Fish traps, including but not limited to floating, pile-driven, or hand-driven fish traps, may not be erected, moored, or maintained on or over land, tideland, submerged land, or water owned or otherwise acquired by the state. This section does not prevent the maintenance, use, or operation of small, hand-driven fish traps of the type ordinarily used on rivers of the state which are otherwise legally maintained and operated in or above the mouth of a stream or river.

SEC. 16.10.110. PENALTY FOR VIOLATION OF AS 16.10.100. A person who violates AS 16.10.100 is guilty of a misdemeanor and is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000, or by both.

SEC. 16.10.120. 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. 16.10.130. PENALTY FOR VIOLATION OF AS 16.10.120 OR 16.10.125. A person who violates AS 16.10.120 or 16.10.125 is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$1,000, or by both.

SEC. 16.10.180. LEGISLATIVE FINDINGS. The legislature finds and recognizes these facts:

(1) migratory fish and migratory shellfish are present in commercial quantities inside and outside the territorial waters of the state;

(2) migratory fish and migratory shellfish taken from the waters of the state are indistinguishable, in most cases, from those taken from the adjacent high seas;

(3) substantial quantities of migratory fish and migratory shellfish move inshore and offshore intermittently and at various times during a given year and in so doing often enter and leave territorial waters of the state;

(4) to conserve the migratory fish and migratory shellfish found inside the waters of the state it is necessary to strictly enforce local laws and regulations;

(5) by making certain laws and regulations enacted or adopted for the regulation of the coastal fishery applicable to the adjacent high sea areas, enforcement of these laws and regulations is facilitated;

(6) conservation regulations should not be adopted to impose economic sanctions.

SEC. 16.10.190. REGULATIONS. The Board of Fisheries may adopt regulations to carry out the purposes of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas, migratory fish, and migratory shellfish and to make coastal fishery regulations governing the manner, means, conditions, and time for the 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. PENALTY 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 by both.

SEC. 16.10.230. EXEMPTIONS. AS 16.10.180 - 16.10.220 do not apply to

(1) Repealed;

(2) the use of nets for fishing for or taking salmon for the purposes of scientific investigation authorized by state law; and

(3) existing laws and regulations prohibiting the taking of salmon by means of nets on the high seas.

SEC. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) An individual may not, while acting as a fish processor or primary fish buyer, or as an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15, intentionally or knowingly make an original purchase of fish from a seller who, in violation of AS 16.43, does not hold a landing permit, an entry permit or an interim-use permit.

SELECTED STATE STATUTES

(b) An individual who violates (a) of this section is

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

(c) The commissioner of revenue shall impose upon a fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15, a civil fine equal to the value of fish purchased in violation of this section by (1) the fish processor or primary fish buyer if the fish processor or primary fish buyer is not a corporation; or (2) a director, officer, or employee in a policy-making position of the fish processor, of the primary fish buyer, or of the cooperative corporation. Value is based on the average price paid to fishermen at the time of the violation.

(d) The commissioner of commerce and economic development may suspend or revoke a business license issued under AS 43.70.020 and the commissioner of revenue may suspend or revoke a license to engage in the business of processing or buying raw fish if the licensee or an officer, director, or employee in a policy-making position of the licensee has been convicted of three offenses under this section. Proceedings to suspend or revoke a license are governed by AS 44.62 (Administrative Procedure Act).

(e) An organization may not be criminally prosecuted under (a) of this section.

(f) In this section, **individual** means a natural person.

SEC. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

(a) When a fisherman sells fish, the fisherman shall possess

(1) a landing permit, entry permit, or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

(2) an identification card that has been issued to the fisherman by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman 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.

(d) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days. In addition

(1) upon a first conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$5,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(2) upon a second conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$10,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(3) upon a third or subsequent conviction for a violation of this section, the court

(A) may sentence the convicted person to pay a fine of not more than \$10,000;
and

(B) shall order that the convicted person lose commercial fishing privileges for a period of three years from the date of conviction.

SEC. 16.10.268. NOTICE OF LIABILITY. (a) The commissioner of labor shall print posters that contain notice of the requirements of AS 16.10.265. The commissioner shall distribute the posters to fish processors, primary fish buyers, and cooperative corporations organized under AS 10.15 for the purpose of buying fish.

(b) A fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15 for the purpose of buying fish shall display in a prominent place on its business premises posters provided by the commissioner of labor under (a) of this section.

SEC. 16.10.269. LIMITATIONS. AS 16.10.265 and 16.10.267 do not apply to the purchase or sale of aquatic farm products from a holder of a permit issued under AS 16.40.100 or stock from a holder of a permit issued under AS 16.40.120.

SEC. 16.10.270. PURCHASE OF FISH BY THE POUND. (a) A fish processor or primary fish buyer shall purchase raw fish by the pound. The poundage of the fish to be purchased shall be determined by weighing the fish unless both the buyer and seller agree in writing upon a sample weighing technique that will fairly determine the average weight of the fish purchased.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment of not more than one year, or by a fine of not more than \$5,000, or by both.

SEC. 16.10.275. REGULATIONS. The commissioner may adopt regulations to carry out the provisions of AS 16.10.270 - 16.10.296.

SEC. 16.10.277. POSTING OF CURRENT SALMON PRICE: Repealed 1997.

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. 16.10.294. SUSPENSION AND REVOCATION OF LIC. (a) - (d) repealed Executive Order No. 85. (1993).

(e) If the commissioner determines that a fish processor or primary fish buyer is acting in violation of AS 16.10.270 - 16.10.295, the commissioner shall give written notice prohibiting further action by the person as a fish processor or primary fish buyer. The prohibition continues

SELECTED STATE STATUTES

(b) An individual who violates (a) of this section is

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

(c) The commissioner of revenue shall impose upon a fish processor, primary fish buyer, or cooperative corporation organized under AS 10.15, a civil fine equal to the value of fish purchased in violation of this section by (1) the fish processor or primary fish buyer if the fish processor or primary fish buyer is not a corporation; or (2) a director, officer, or employee in a policy-making position of the fish processor, of the primary fish buyer, or of the cooperative corporation. Value is based on the average price paid to fishermen at the time of the violation.

(d) The commissioner of commerce and economic development may suspend or revoke a business license issued under AS 43.70.020 and the commissioner of revenue may suspend or revoke a license to engage in the business of processing or buying raw fish if the licensee or an officer, director, or employee in a policy-making position of the licensee has been convicted of three offenses under this section. Proceedings to suspend or revoke a license are governed by AS 44.62 (Administrative Procedure Act).

(e) An organization may not be criminally prosecuted under (a) of this section.

(f) In this section, **individual** means a natural person.

SEC. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

(a) When a fisherman sells fish, the fisherman shall possess

(1) a landing permit, entry permit, or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

(2) an identification card that has been issued to the fisherman by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman 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.

(d) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days. In addition

illegal taking of Alaska salmon is of primary concern because of the direct and immediate effect on the state; in addition, the illegal taking of Asian salmon is also of concern because depletion of those stocks will ultimately result in a shifting of high seas fishing efforts, both legal and illegal, to Alaska salmon;

(6) high seas interception of salmon occurs beyond the exclusive economic zone of the United States, or through incursion within the exclusive economic zone and the state's territorial sea, by vessels that are usually not registered in this state; moreover, these vessels are not based in Alaska and can thus avoid detection more easily than Alaska-based vessels; as a practical matter, it is extremely difficult to directly or indirectly regulate the vessels themselves; it is therefore necessary to prohibit activities within the state that give aid, comfort, and financial incentives to high seas interception of salmon.

(b) The purpose of AS 16.10.750 - 16.10.800 is to prevent resources, facilities, and expertise within the state from being available to promote or facilitate the high seas interception of salmon or the making of intercepted salmon ready for or accessible to world markets.

SEC. 16.10.760. TRAFFICKING IN INTERCEPTED SALMON. (a) A person commits the offense of trafficking in intercepted salmon if the person

(1) buys, sells, trades, processes, or possesses salmon, or attempts to buy, sell, trade, process, or possess salmon, with reckless disregard that the salmon has been, or will be, obtained by high seas interception;

(2) knowingly provides financing, premises, equipment, supplies, services, power, or fuel used to buy, sell, trade, process, or possess salmon that has been, or will be, obtained by high seas interception; or

(3) acts as a broker or middleman, or otherwise acts on behalf of another party, to arrange for or negotiate, or attempts to arrange for or negotiate, the purchase, sale, trade, processing, or possession of salmon, with reckless disregard that the salmon has been, or will be, obtained by high seas interception.

(b) Trafficking in intercepted salmon is a class C felony.

SEC. 16.10.770. FALSIFICATION RELATED TO HIGH SEAS INTERCEPTION OF SALMON. (a) A person commits the offense of falsification related to high seas interception of salmon if the person creates, utters, or possesses a written instrument related to salmon, or makes an assertion for the purpose of having a written instrument related to salmon created, uttered, or accepted, with reckless disregard that the salmon was obtained by high seas interception and that the written instrument or assertion conveys misleading or untrue information about the ownership, possession, processing, origin, destination, route of shipping, type, condition, or time, place, and manner of the taking of the salmon.

(b) In this section

(1) "utter" has the meaning given in AS 11.46.580(b);

(2) "written instrument" has the meaning given in AS 11.46.580(b) and includes ships' logs and papers, bills of lading and sale, documents relating to processing, shipping, and customs, and information stamped on or affixed to cans, crates, containers, freight, or a means of storage or packaging.

SELECTED STATE STATUTES

(c) Falsification related to high seas interception of salmon is a class C felony.

SEC. 16.10.780. ASSISTING A VESSEL IN HIGH SEAS INTERCEPTION OF SALMON. (a) A person commits the offense of assisting a vessel in high seas interception of salmon if, knowing that a vessel is in possession of salmon obtained by high seas interception or that the owner or operator of the vessel intends to engage in the imminent interception of salmon, the person

(1) moves persons, cargo, or other property to or from the vessel;

(2) services or repairs the vessel or its equipment;

(3) provides the vessel with power, supplies, equipment, or fuel;

(4) provides the vessel with information, other than weather reports, capable of aiding the high seas interception of salmon or frustrating or avoiding detection, including communicating the movements, intentions, or activities of state or federal law enforcement officials or other fishing vessels; or

(5) is in charge of a docking facility, harbor, or anchorage, and permits the vessel to dock or anchor, or to remain docked or anchored.

(b) It is an affirmative defense, as defined in AS 11.81.900(b), to a violation of this section, if the person honestly and reasonably believed that the assistance provided to the vessel was necessary for humanitarian or environmental purposes or to prevent a significant loss of property. An affirmative defense under this section may not be raised, unless the person provided immediate notice, by the quickest available means, to the United States Coast Guard or the Department of Public Safety indicating the type of assistance being provided and the circumstances requiring the assistance.

(c) In this section

(1) “environmental purpose” means the intent to prevent or minimize adverse ecological effects to water quality;

(2) “humanitarian purpose” means the intent to provide medical services for a sick or injured person, or to prevent the loss of human life;

(3) “owner or operator of the vessel” means a person who

(A) has an ownership interest in the vessel;

(B) has authority to control or direct the vessel’s activities; or

(C) physically operates a vessel or its equipment.

(d) Assisting a vessel in high seas interception of salmon is a class A misdemeanor.

SEC. 16.10.790. FINES. Notwithstanding the provisions of AS 12.55.035(b) and (c), a person convicted of an offense under AS 16.10.760 - 16.10.780 may be sentenced to pay a fine not exceeding the greater of

(1) \$100,000;

(2) three times the pecuniary gain realized by the person as a result of the offense;

or

(3) if the person is convicted under AS 16.10.760, two times the fair market value of the salmon involved or contemplated in the commission of the offense.

SEC. 16.10.800. DEFINITIONS. In AS 16.10.750 - 16.10.800

(1) "high seas interception," "interception," or a similar terms means the unauthorized catching, taking, or harvesting of salmon for other than sport, subsistence, or personal use purposes,

(A) throughout the migratory range of each species, by a vessel not registered under the laws of this state; or

(B) beyond the territorial sea of the state by a vessel registered under the laws of the state;

(2) "knowing" or "knowingly" has the meaning given for "knowingly" in AS 11.81.900(a);

(3) "process" means affecting the condition or location of salmon, including preparation, packaging, storage, refrigeration, or transportation;

(4) "reckless disregard" has the meaning given for "recklessly" in AS 11.81.900(a);

(5) "salmon" means Pacific salmon and steelhead, and parts of Pacific salmon and steelhead, whether mature or immature, processed or unprocessed; and

(6) "unauthorized" means contrary to a statute or regulation of the United States or the state, or to a treaty or international fishery agreement, or in violation of a foreign law.

CHAPTER 43. REGULATION OF ENTRY INTO ALASKA COMMERCIAL FISHERIES.

SEC. 16.43.100. DUTIES AND GENERAL POWERS. (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

(1) regulate entry into the commercial fisheries for all fishery resources in the state;

(2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;

(3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;

(4) establish, for all types of gear, the maximum number of entry permits for each administrative area;

(5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;

(6) establish qualifications for the issuance of entry permits;

(7) issue entry permits to qualified applicants;

(8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and 16.43.225;

(9) establish, for all types of gear, the optimum number of entry permits for each administrative area;

(10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;

(11) provide for the transfer and reissuance of entry permits to qualified transferees;

(12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;

(13) establish and administer the collection of the annual fees provided for in AS

SELECTED STATE STATUTES

16.43.160;

(14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;

(15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 - 16.43.390;

(16) establish reasonable user fees for services;

(17) issue landing permits under AS 16.05.675 and regulations adopted under that section;

(18) establish and collect annual fees for the issuance of landing permits that reasonably reflect the costs incurred in the administration and enforcement of provisions of law related to landing permits; and

(19) establish a moratorium on entry into commercial fisheries as provided in AS 16.43.225.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether

or not specifically designated in this chapter.

SEC. 16.43.110. REGULATIONS AND HEARING PROCEDURES. (a) The commission may adopt regulations, consistent with law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, that govern practice and procedure and the conduct of all investigations, hearings, and proceedings which it holds.

(c) The Alaska Rules of Evidence apply to investigations, hearings, and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

(d) The commission, a commissioner, or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts, and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court to enforce its subpoenas or other process.

(e) The commission shall adopt regulations to provide for the correction of administrative error.

SEC. 16.43.140. PERMIT REQUIRED. (a) After January 1, 1974, a person may not operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a 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;

(4) if authorized by regulations of the commission, fishing an entire unit of gear in a fishery in which the commission has issued entry permits for less than a unit of gear under AS 16.43.270(d); under this paragraph, a person may not hold more than two entry permits for a fishery; however, the person may not

(A) fish more than one unit of gear in the fishery; or

(B) acquire a second entry permit for the fishery after the person has acquired an entry permit that authorizes the use of an entire unit of gear in the fishery.

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.

(d) Failure to renew an entry permit for a period of two years from the year of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause. An entry permit may not be renewed until the fees for each preceding year during which the entry permit was not renewed are paid. However, failure to renew an entry permit in a year in which there is an administrative closure for the entire season for a specific fishery is good cause not to renew the entry permit. The commission shall waive the payment of fees for that year.

(e) An entry permit constitutes a use privilege that may be modified or revoked by the legislature without compensation.

(f) Except for permits that are not transferable under AS 16.43.170(c) or (e), and entry permit survives the death of the holder.

(g) Except as provided in AS 16.10.333 - 16.10.338, AS 44.81.210—44.81.225, and 44.81.230 - 44.81.250, an entry permit may not be

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure, or on any condition requiring a subsequent transfer; or

(3) attached, distrained, or sold on execution of judgement or under any other process or order of any court, except as provided in AS 16.43.170(g) and (h).

(h) Unless an entry permit holder has expressed a contrary intent in a will that is probated, the commission shall, upon the death of the permit holder, transfer the permanent permit by right of survivorship directly to the surviving spouse or, if no spouse survives, to a natural person designated by the permit holder on a form provided by the commission. If no spouse survives and if the person designated on the form, if any, does not survive, the permit passes as part of the permit holder's estate. A designation under this subsection must be acknowledged before a person authorized to administer an oath under AS 09.63.010 or must be witnessed.

CHAPTER 39. GENERAL PROVISIONS.

ARTICLE 1. GENERAL.

5 AAC 39.001. APPLICATION OF THIS CHAPTER. Unless otherwise specified in this section or 5 AAC 01 - 5 AAC 77, requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.999 applies to all of 5 AAC 01 - 5 AAC 77. 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.

5 AAC 39.105. TYPES OF LEGAL GEAR. (a) All gear shall be operated in a manner conforming to its basic design.

(b) The size of meshes of a gillnet shall be substantially consistent.

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

(d) Unless otherwise provided in this title, the following are legal types of gear:

(1) a **gillnet** is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water;

(2) a **set gillnet** is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed;

(3) a **drift gillnet** is a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed;

(4) a **purse seine** is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line;

(5) a **hand purse seine** is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed;

(6) a **beach seine** is a floating net designed to surround fish which is set from and hauled to the beach;

(7) **power gurdy troll gear** consists of a line or lines with lures or baited hooks which are deployed, drawn through the water, and retrieved by means of a power troll gurdy, for which the power source may be hydraulic, electrical, or mechanical; power gurdy troll does not include hand troll gear;

(8) **hand troll gear** consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment;

(9) a **fish wheel** is a fixed, rotating device, with no more than four baskets on a

GENERAL PROVISIONS

single axle, for catching fish which is driven by river current or other means;

(10) **a trawl** is a bag-shaped net towed through the water to capture fish or shellfish;

(A) **a beam trawl** is a trawl with a fixed net opening utilizing a wood or metal beam;

(B) **an otter trawl** is a trawl with a net opening controlled by devices commonly called otter doors;

(C) **a pelagic trawl** is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed;

(11) **a pot** is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water;

(12) **a ring net** is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be non-rigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net;

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

(14) **a shovel** is a hand-operated implement for digging clams or cockles;

(15) **a mechanical clam digger** is a mechanical device used or capable of being used for the taking of clams;

(16) **a scallop dredge** is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor;

(17) **a fyke net** is a fixed, funneling (fyke) device used to entrap fish;

(18) **a lead** is a length of net employed for guiding fish into a seine or set gillnet;

(19) **an anchor** is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored;

(20) **a herring pound** is an enclosure used primarily to retain herring alive over extended periods of time;

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

(22) **a hydraulic clam digger** is a device using water or a combination of air and water to remove clams from their environment;

(23) **a grappling hook** is a hooked device with flukes or claws and attached to a line and operated by hand;

(24) **a dip net** is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand;

GENERAL PROVISIONS

(25) a **mechanical jiggging machine** is a device that deploys a line with hooks and retrieves that line and hooks with electrical, hydraulic, or mechanically powered assistance; a mechanical jiggging machine allows the line with hooks to be fished only in the water column; a mechanical jiggging machine must be attached to a vessel registered to fish with a mechanical jiggging machine and may not be anchored or operated off the vessel.

(26) an **abalone iron** is a flat device used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth.

(27) a **handline** is a hand-held line, with one or more hooks attached, which may only be operated manually; a handline is legal gear only for smelt in the Bristol Bay Area, described in 5 AAC 06.100;

(28) **dinglebar troll gear** consists of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while the vessel is making way.

(29) a **sea urchin rake** is a hand-held implement, no longer than four feet, equipped with projecting prongs used to gather sea urchins;

(30) a **cast net** is a circular net with a mesh size of no more than one and one-half inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

5 AAC 39.107. OPERATION OF GEAR. (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time.

(b) Throughout the period of operation of mobile net gear, a person who holds a valid CFEC permit for that gear must be physically present on board the vessel from which the net gear is operated.

(c) A CFEC permit holder shall personally operate or assist in the operation of mobile net gear. **Personally operate or assist in operation** means assisting or supervising some portion of the immediate operation.

(d) A person who holds a limited entry permit or an interim-use permit for stationary fishing gear must be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of (1) a sale of fish caught in the gear; or (2) other stationary gear of the permit holder. For purposes of this subsection **fishing site** includes any structure used for providing shelter in support of the operation of net gear or other stationary gear.

(e) A person who holds a CFEC permit for the operation of stationary net gear or fish wheels shall be within a reasonable distance of the gear when at a point of sale or at the location of other stationary gear of that permit holder. A **reasonable distance** means a distance that ensures that the CFEC permit holder retains competent supervision of the gear.

(f) In the Yukon area, as described in 5 AAC 05.100, a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear.

(g) In the Yakutat District south of 59° 40' N. lat. in Yakutat Bay, a fishing site under AS 16.05.253(b) includes the CFEC permit holder's permanent place of residence in Yakutat.

GENERAL PROVISIONS

5 AAC 39.109. NONRESIDENT CREWMEMBER FISHING LICENSE FEES. The amount to be added, in accordance with AS 16.05.480(h), to the annual base fee for a nonresident crewmember fishing license is the additional amount calculated every three years by the Commercial Fisheries Entry Commission under 20 AAC 05.245(a)(7).

5 AAC 39.110. CREW MEMBER 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 crew member fishing license before fishing in any waters of Alaska. A crew member fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Not more than one crew member fishing license may be obtained by a person during any one calendar year.

(c) A crew member licensee who does not hold a valid CFEC permit may crew in any fishery if he or she is working for the holder of a valid CFEC permit for that fishery who is operating the

fishing gear in the manner described in 5 AAC 39.107.

(d) A valid interim-use or entry permit card holder may crew in any fishery.

(e) In this section, **crew** means the activities of a commercial fisherman as defined in AS 16.05.940(4), who is actively engaged in the operation of fishing gear that is being operated in the manner described in 5 AAC 39.107.

(f) Each holder of a commercial fishing license, as required in AS 16.05.480(a), who is 16 years or age or older and participating in a commercial fishery in which crew member participation is restricted by exclusive or superexclusive area registration requirements shall possess an identification card that has been issued to the commercial fishing license holder by a state or federal agency or other organization specified by the Department of Public Safety that bears a photograph of the commercial fishing license holder.

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

5 AAC 39.119. VESSEL IDENTIFICATION. (a) Unless otherwise specified, a commercial fishing vessel required to be licensed under AS 16.05.490 must display its permanent vessel license plate number

(1) in permanent symbols at least 12 inches high and with lines at least one inch wide that contrast with the background;

(2) on both sides of the hull, cabin, or mast;

(3) in a manner such as to be plainly visible and unobscured; and

(4) at all times when registered to fish.

(b) Repealed 10/1/98.

(c) The following vessels are exempt from the requirements of this section:

(1) those exempt from licensing under AS 16.05.495;

(2) seine skiffs operating with a seine vessel;

GENERAL PROVISIONS

(3) charter vessels used exclusively for sport fishing

(A) in salt water, 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 that person's authorized agent shall register that vessel by completing a vessel license application or renewal form and submitting it to the Commercial Fisheries Entry Commission, unless the vessel is not required to be licensed under AS 16.05.495. Vessel registration is required before fishing or transporting unprocessed fish in any waters of Alaska. A vessel, if it is in compliance with all regulations governing registration and if it displays a license issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, is considered to be registered under the laws of the state and may take or transport unprocessed fish. It is unlawful to take, attempt to take or possess unprocessed fish aboard a vessel in the waters of Alaska unless the vessel is registered under the laws of the state. For purposes of this subsection

(1) **employ**, as used in AS 16.05.475, means taking or attempting to take fish, or transporting unprocessed fish which have been taken or any operation of a vessel aiding or assisting in the taking or transporting of unprocessed fish;

(2) **in compliance with all regulations governing registration** includes vessel registration required by 5 AAC 28.020, 5 AAC 31.020, 5 AAC 31.030, 5 AAC 32.020, 5 AAC 32.030, 5 AAC 34.020, 5 AAC 34.030, 5 AAC 35.020, 5 AAC 35.030, 5 AAC 38.020 and 5 AAC 38.030, and includes district or subdistrict registration requirements of 5 AAC 03 - 5 AAC 38, and includes the provisions of this section;

(3) **registered under the laws of the state** means that a vessel displays a license described in 20 AAC 05.958 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 immediately available at all times during fishing or transporting operations, and can be shown upon request to an authorized representative of the department;

(b) Area registration requirements for shellfish vessels are as specified in the registration regulations in 5 AAC 31 - 5 AAC 38.

(c) Area registration requirements for salmon net fishing vessels are as follows:

(1) a person who owns a fishing vessel to be used to take salmon with net gear, or his authorized agent, shall register for an area by designating on the vessel license application or renewal form the vessel's one area of intended salmon net gear operation for the year; it is unlawful for a vessel to engage in salmon net fishing in an area other than the single area selected;

(2) in this section the term **area** means any registration area listed in (d) of this section, except that

(A) in salmon net Registration Area T, a vessel must also be registered by the department for a fishing district as required by 5 AAC 06.370;

(B) in salmon net Registration Area Y, a vessel must also be registered by the department for a fishing district as required by 5 AAC 05.370;

(C) a purse seine vessel registered for salmon net Registration Area M is also

GENERAL PROVISIONS

registered to operate purse seine gear in Registration Area F during the same registration year;

(3) a vessel registered for an area of salmon net fishing in compliance with (c)(1) of this section will be issued, by the Commercial Fisheries Entry Commission, a vessel license area tab for that year; it is unlawful for a vessel to fish in the area of registration unless the vessel displays the area tab on the vessel license number plate; no vessel owner or operator may possess for each vessel, or no vessel may display, more than one vessel license area tab;

(4) a person who owns a fishing vessel registered for an area of intended operation in compliance with (c)(1) of this section or his authorized agent may register it for a different salmon net registration area under the following conditions:

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

(i) commissioner upon receipt of proof in writing that the vessel has been lost through sinking, destruction, or extensive mechanical breakdown, or that the vessel operator has suffered serious injury, sickness or death during the open season; or

(ii) Commercial Fisheries Entry Commission upon receipt of a written certification or personal affidavit stating that the vessel has not been used for salmon net fishing in the original area of registration;

(B) a person authorized to reregister a vessel must complete a reregistration form issued by the Commercial Fisheries Entry Commission and submit it to the commissioner together with any previously issued vessel license area tab;

(C) it is unlawful for a vessel to fish in the area of reregistration unless the vessel displays the appropriate area tab on the vessel license number plate;

(D) area reregistration under this section shall supersede the original area registration as if the original area registration had never been made;

(E) once a vessel has reregistered for another net registration area to replace a lost vessel, that vessel can not transfer back to its original net registration area during that season;

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

CODE

LETTER

AREA

- | | |
|----------|--|
| A | Southeastern Alaska Area (5 AAC 33.100) |
| D | Yakutat Area (5 AAC 30.100) |
| E | Prince William Sound Area (5 AAC 24.100) and the Yakataga District of the Yakutat Area (5 AAC 30.200(a)) |
| F | Atka-Amlia Islands Area (5 AAC 11.101) |
| H | Cook Inlet Area (5 AAC 21.100) |
| K | Kodiak Area (5 AAC 18.100) |
| L | Chignik Area (5 AAC 15.100) |
| M | Aleutian Islands and Alaska Peninsula Areas (5 AAC 12.100 and 5 AAC 09.100) and, from August 1 through August 31, the Atka-Amlia Islands Area (5 AAC 11.101) for purse seine gear only |

GENERAL PROVISIONS

T Bristol Bay Area (5 AAC 06.100) and January 1 through June 30, the Cinder River and Inner Port Heiden Sections of the Alaska Peninsula Area and August 1 through December 31, the Cinder River and Inner Port Heiden Sections and that portion of the Ilnik Section within Ilnik Lagoon and all waters inside the Seal Islands of the Alaska Peninsula Area (5 AAC 09.200(a)(1), (2), (3))

- W Kuskokwim Area (5 AAC 07.100)
- X Kotzebue Area (5 AAC 03.100)
- Y Yukon-Northern Area (5 AAC 05.100)
- Z Norton Sound-Port Clarence Area (5 AAC 04.100)

(e) Evidence of proper registration or licensing must be kept immediately available at all times during fishing operations and must be shown upon request to any peace officer of the state.

(f) The provisions of this section do not apply to halibut fishing.

(g) Repealed 10/1/98.

5 AAC 39.123. LATE REGISTRATION. (a) To qualify for an extension of a registration or permit deadline set out in 5 AAC 01 - 5 AAC 39, a person must show that the person had demonstrated an intent to harvest fish before the deadline. An **intent to harvest fish** may be demonstrated by

(1) renewing or applying for, before the deadline, a CFEC permit which is effective in the fishery and area for which extension is being requested;

(2) participation during the previous season in the fishery in the requested area, unless entry into the fishery is limited and the person did not own a permit for that season;

(3) purchasing or showing intent to purchase a vessel, permit, or fishing gear for the fishery before the deadline;

(4) showing intent to start, starting, or completion of vessel or gear repair or maintenance for the fishery before the deadline; or

(5) any other written documentation, such as loan applications, agreements with fish buyers, license applications, or other writings, which indicate the necessary intent to participate in the fishery before the deadline.

(b) In addition to (a) of this section, a person must demonstrate that failure to apply before the deadline was a result of excusable neglect. **Excusable neglect** may be demonstrated by

(1) loss of registration or permit form in the mail, or other documentation which may demonstrate excusable carelessness or inattention on the part of authorized agents or other third parties;

(2) receipt of incorrect information from a department official, which is substantiated by the appropriate official;

(3) illness or injury of the individual or a member of his family that was serious enough to prevent him from meeting the deadline;

(4) required government or military service; or

(5) written documentation that will substantiate other unavoidable circumstances

GENERAL PROVISIONS

that prevented meeting the deadline.

5 AAC 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS, FISHERMEN, AND OPERATORS OF CERTAIN COMMERCIAL FISHING VESSELS; TRANSPORTING REQUIREMENTS. (a) A person, company, firm, or other organization who is the first purchaser of raw fish, or who catches and processes fish or byproducts of fish, or who catches and has fish or byproducts of fish processed by another person or company shall

(1) furnish to the department each calendar year before operating, a completed Intent to Operate registration form, available from the department; a person, company, firm, or other organization described in this subsection may begin to operate only after receiving authorization from the department and only after receiving fish tickets from the department; forms will not be processed and fish tickets will not be issued without certification that surety bonds required by AS 16.10.290 - AS 16.10.296 have been posted with the Commissioner of the Department of Revenue and that a valid Alaska Business License has been issued by the Department of Commerce and Economic Development or a valid Alaska 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;

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

(b) A catcher/seller must complete a registration form available from the department each calendar year and may begin to operate only after receiving authorization from the department and only after receiving fish tickets from the department.

(c) Each buyer of raw fish, each fisherman selling to a buyer not licensed to process fish (a catcher/seller), and each person or company who catches and processes his or her own catch or has that catch processed by another person or company, shall record each landing on an ADF&G fish ticket. A catcher/seller must complete an ADF&G form in order to obtain 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 a fishing vessel whose port of landing is outside the waters of Alaska, or who sells, transfers, or delivers fish in a Seaward Biological Influence Zone, 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 imprinted on the fish ticket from the code plate issued by the department, and the signature of the buyer or the buyer's 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 gillnets and fish wheels, the fisherman's five-digit CFEC permit serial number;

(6) the type of gear by which the fish were taken;

GENERAL PROVISIONS

(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.

(d) Each fisherman shall furnish to the buyer factual catch data necessary for completion of reports required by the department.

(e) Each shellfish fisherman shall furnish in writing to the department, directly or through the buyer, data necessary for reports required by the department.

(f) 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 number or pounds by species of all other fish other shall be reported before being transported out of the state.

(g) 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 representative 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.

(h) 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.

(i) In the Arctic-Yukon-Kuskokwim area, a buyer or processor transporting salmon or salmon roe to a point of initial processing shall have in his or her possession, and display, upon request, to a peace officer of the state, a completed fish ticket, or a copy of it, for all salmon or salmon roe in the buyer's or processor's possession at the time. Such a buyer or processor,

GENERAL PROVISIONS

while transporting commercially caught salmon or salmon roe, may not possess or transport subsistence-caught salmon or salmon roe.

(j) In addition to other requirements of this section, each person, as that term is defined in AS 01.10.060, that is the first purchaser of or that first processes raw groundfish in state waters that were taken in a federal groundfish fishery shall comply with the recordkeeping and reporting requirements in 50 C.F.R. (updated December 10, 1997).

(k) Before entering the waters of Alaska, an operator of an unlicensed commercial fishing vessel shall report by telephone, and shall leave a recorded report, at a telephone number designated by the department for that purpose or shall report by other means specified by the department. A report under this subsection must (1) identify the vessel and operator; (2) certify that no unprocessed fish are on board the vessel; (3) include the destination, travel route, and dates of transit; and (4) if any processed fish are on board the vessel, include the quantity, species, and the location from which the fish were taken. The commissioner may, upon request by a local representative of the department, waive all or part of the requirements of this subsection if the commissioner determines that compliance with this subsection is not necessary for conservation, management, or enforcement in a designated geographical area. For the purposes of this subsection,

(1) "**commercial fishing vessel**" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for or equipped to be used for:

- (A) commercial fishing, or
- (B) fish processing,
- (C) fish transport,
- (D) fish storage, including temporary storage;

(2) "**unlicensed**" means not licensed under AS 16.05.490-16.05.530.

(l) For the purpose of this section a "catcher/seller" is a person who sells or attempts to sell unprocessed fish, that were legally taken by the catcher/seller,

- (1) to the general public for use for noncommercial purposes;
- (2) for use as bait for commercial or noncommercial purposes; or
- (3) to restaurants, grocery stores, and established fish markets as defined in AS 16.10.293.

(m) In addition to the requirements of this section, in Statistical Area A, the owner or operator of a facility or vessel that purchases unprocessed red sea urchins shall,

(1) within 30 days after the purchase, submit to the department a report indicating the pounds of red sea urchins purchased, the pounds of red sea urchin roe recovered, the price paid to the person who delivered the urchins, and the number of the ADF&G fish ticket prepared at the time of delivery;

(2) upon request of an employee or representative of the department, report information regarding the dates, locations, and times of any delivering, transporting, unloading, or processing of red sea urchins.

(n) In Statistical Area A, a person shall obtain a transport permit from the department before transporting unprocessed red sea urchins from Statistical Area A. Before issuing a transport permit, a department employee or representative shall inspect the unprocessed ur-

GENERAL PROVISIONS

chins and the fish tickets, and take biological samples or the urchins. The department shall conduct the inspections and sampling in Ketchikan or at other locations specified by the department. A person shall request the inspections and sampling by contacting the department offices in Ketchikan in person, by telephone, or by radio from 8:00 a.m. through 4:30 p.m. Monday – Friday, excluding state holidays.

Editor's note: For purposes of 5 AAC 39.130(k) the designated phone number to report to the department is (907)247-ADFG (2334). For the purposes of 5 AAC 39.130(n) the Ketchikan department's office telephone number is (907) 225-5195.

5 AAC 39.135. REQUIREMENTS FOR RELEASING CONFIDENTIAL INFORMATION TO THIRD PERSONS. (a) A person requesting the release of confidential information to a third person regarding the requesting person's fishery landings shall make the request in the form of a limited power of attorney on a request form provided by the department. The department will make the request form available at its local and regional offices and its web site.

(b) The person requesting the release of information under this section shall indicate on the request form the time period that the person authorizes the department to release the information that is not less than 30 days and not more than one year from the date that the person signs the form.

(c) The person requesting the release of information under this section shall complete the request form as prescribed by the department. When submitting the form in person, the person shall produce a government-issued photo identification for inspection by a department employee. If the form is being submitted by mail, the person shall first have the form notarized. If the form is being sent by facsimile, the person shall first have the form notarized, and after facsimile transmission, shall mail the original form to the department office that the facsimile was sent. The department will not release information requested under this section until it receives the original, completed request form.

Editor's note: A copy of the release form can be found on the Department of Fish and Game's, Division of Commercial Fisheries, web site at www.cf.adfg.state.ak.us. A list of addresses and telephone and fax numbers for the Department of Fish and Game's local and regional offices can be found on the Division of Commercial Fisheries web site at www.cf.adfg.state.ak.us/geninfo/contacts/offices.htm. In addition, copies of the release form, and addresses, and telephone and fax numbers, may be obtained at the Department of Fish and Game, Division of Commercial Fisheries, 1255 W. 8th Street, P.O. Box 25526, Juneau, Alaska 99802-5526; Phone (907) 465-4210.

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;

GENERAL PROVISIONS

- (2) if requested, provide a safe ladder for the representative and his party;
- (3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination of the ladder;
- (4) take such other actions as necessary to ensure the safety of the representative and party and to facilitate the boarding; and
- (5) make every effort to comply with all lawful orders given by the representative, except that the owner or operator of the vessel is solely responsible for navigation, supervision, and control of the vessel and his decisions shall be final in all matters pertaining to proper navigation and safety of the vessel crew, and fishing gear.

(c) On a vessel which catches and processes crab and is required to carry an observer under 5 AAC 39.645, the vessel operator must separate crab to be retained and, before butchering, must make those crab available to the observer for inspection.

(d) Notwithstanding the requirements of 5 AAC 30.392(c), 5 AAC 30.393, 5 AAC 33.392(d), and 5 AAC 33.393, upon request by a representative of the Department of Fish and Game or a peace officer of the state, a fisherman or processor shall relinquish the tag and head of adipose-fin-clipped salmon, and shall inform the representative or peace officer of the date and location of the catch, if known.

5 AAC 39.141. ONBOARD OBSERVER PROGRAM. (a) The Board of Fisheries finds that, in particular fisheries, observers on board fishing vessels would greatly enhance management, primarily by facilitating information gathering, and by improving regulatory compliance. Onboard observers may be the only practical fishery monitoring, data-gathering, or enforcement mechanism in some Alaska fisheries where a large component of vessels, such as catcher/processors and floating processors, rarely or never enter Alaskan ports. The Board of Fisheries, therefore, finds it necessary to authorize the Alaska Department of Fish and Game to implement onboard observer programs in particular fisheries when the board determines that it

- (1) Is the only practical data-gathering or enforcement mechanism;
- (2) will not unduly disrupt the fishery; and
- (3) can be conducted at a reasonable cost.

(b) Every onboard observer shall have free and unobstructed access to inspect the catch, equipment, gear, or operations of the fishing vessel or the tender to which the observer is assigned, and to board vessels delivering to the vessel to which the observer is assigned and inspect the catches of vessels delivering to the vessel to which the observer is assigned while the vessel to which the observer is assigned is

- (1) within waters under the jurisdiction of the state;
- (2) taking or intending to take any species of fish; or
- (3) transporting or processing any species of fish.

(c) Onboard observers must be as unintrusive to vessel operations as practicable and must make the scope of their activities as predictable as possible in the performance of their assigned observer duties.

(d) Onboard observers are not required to obtain criminal or administrative search warrants to conduct their duties.

(e) Onboard observers shall carry out such scientific and other duties as deemed neces-

GENERAL PROVISIONS

sary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state.

(f) Onboard observers shall have free and unobstructed access to loran or GPS coordinates, at random, at least twice in each 24-hour period. However, an observer shall have access to loran or GPS coordinates at any time if the observer suspects illegal activities. These loran or GPS observations are not to interfere with normal operations of the vessel. Onboard observers shall have free and unobstructed access to loran or GPS coordinates for all sampled pots in the brown king crab fisheries in Registration Area O (Aleutian Islands).

(g) Every independent contracting agent, and their office personnel and business agents while employed by the independent contracting agent and for six months after terminating that employment, may not work as an onboard observer.

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. Deleted 7/22/91. Found in AS 16.05.835(a).

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

GENERAL PROVISIONS

emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers and canneries by one or more of the following means if possible:

- (1) radio transmission by department stations;
- (2) notices posted at canneries and public places;
- (3) press releases and announcements in 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 water subject to the jurisdiction of the state if that person knows or has reason to know that fish were taken or possessed in contravention of 5 AAC 03 - 5 AAC 39.

5 AAC 39.198. FOREIGN FISH PROCESSING PERMITS. (a) Except as provided in this chapter, a foreign fishing vessel is prohibited from engaging in fish processing in the internal waters of Alaska.

(b) A foreign fishing vessel may engage in fish processing in the internal waters of Alaska if

(1) the foreign nation under which it is flagged will be a party to an agreement or a treaty, as required by 16 U.S.C. 1856(c), and during the time the vessel will engage in the fish processing;

(2) the owner or operator of the foreign fishing vessel, or a person representing the owner or operator, applies to the governor for, and is granted, a foreign processing permit for the vessel to engage in fish processing in the internal waters of Alaska.

(c) The governor will not grant a permit under (b)(2) of this section if he determines that fish processors in Alaska have adequate capacity, and will use that capacity, to process all of the United States harvested fish from the fishery concerned that are landed in Alaska.

(d) In determining whether or not fish processors in Alaska have adequate capacity, and will use that capacity, to process all of the United States harvested fish from the fishery, the governor will, in his discretion, consider the following factors:

(1) the total allowable catch expected in the fishery;

(2) availability and capability of harvesting vessels in Alaska, seasonal fishing and processing schedules, and marketing and other similar conditions in the fishery concerned and in alternative fisheries;

(3) availability of labor, adequacy and condition of processing machinery, freezers, and cold storage facilities of fish processors in Alaska, and the ability, intent and plans of those processors to process particular species;

(4) economic considerations, including contracts, agreements, and negotiations for the purchase of United States harvested fish by processors in Alaska;

(5) geographical considerations including proximity of harvest areas to the facilities of fish processors in Alaska; and

(6) the extent to which fish processors in Alaska have processed particular species.

(e) An owner or operator of a foreign fishing vessel who submits an application for a permit to engage in fish processing in the internal waters of Alaska must

GENERAL PROVISIONS

(1) state the reasons why fish processors in Alaska do not have adequate capacity, or will not use their capacity, to process all of the United States harvested fish from the fishery concerned that are landed;

(2) provide the following information

(A) vessel description and identification;

(B) names and descriptions of the vessels, if known, from which the applicant will purchase fish;

(C) the species and quantity proposed to be processed and processing methods to be used;

(D) a description of the fishery from which the species will be harvested;

(E) the stage of development of the fishery as established, developing or undeveloped, and a statement of how the proposed operation in the fishery will help to achieve the full potential of the resources and provide benefits including employment, food supply, and revenue;

(F) the dates for which permission is sought;

(G) the specific locations in internal waters proposed for foreign processing;

(H) the qualifying governing international fisheries agreement or treaty, as required by 16 U.S.C. 1856(c);

(I) evidence of compliance with applicable federal and state regulations including state laws and regulations that apply to processing vessels;

(J) proof of financial ability to purchase the expected quantity of fish to be processed, at reasonable market conditions;

(K) the ultimate sales market for the product, and marketing information showing how the operation will benefit development of the United States fishing industry;

(L) other information on the applicant's vessels, equipment, operations, and experience, reliance on local fishing vessel operations, and ability to benefit the United States fishing industry and residents of Alaska.

(f) In evaluating an application for a foreign processing permit, the governor will consider whether and to what extent the applicant and the applicant's nation have been, are, or will be contributing to the conservation, use, management, development, and enforcement of domestic fisheries programs.

(g) If a permit is granted, the governor will, in his discretion, designate times and areas of operations, species and quantities to be processed and other conditions of operation in order to attain desired benefits to the United States fishing industry.

(h) The governor will, in his discretion, suspend or terminate a permit granted under this section when he determines that processors in Alaska have adequate capacity, and will use that capacity, to process all United States harvested fish from the fishery and that the suspension or termination is necessary to achieve desired benefits to the United States fishing industry.

(i) The governor will, in his discretion, appoint a foreign processing advisory committee to obtain and review information regarding fish processing operations, including capacity determinations, in Alaska.

GENERAL PROVISIONS

(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.

Editor's Notes -Although 5 AAC 39.198 appears in Title 5 of the Alaska Administrative Code, it was amended effective 6/16/82, Register 83, by the governor under the Magnuson Fishery Management and Conservation Act, 16 U.S.C. 1801 et seq., and Article III of the Alaska Constitution. It was amended effective 9/30/84, Register 91, by the commissioner of commerce and economic development under an October 31, 1983 delegation of authority from the governor.

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

GENERAL PROVISIONS

various users is determined by the harvest that occurs during a specific time period, at a specific location or by a specific group or groups of users. At times fishermen, due to circumstances that are beyond the control of the department, such as weather or price disputes, will not harvest fish. When this happens in a fishery governed by a management plan, the goals of that plan may not be achieved. Therefore, when a fishery is open to the taking of fish and the group or groups of users whose catch determines the distribution of the harvest as set out in the applicable management plan is not taking the harvestable fish available to them, the department shall manage the fishery as if the available harvest is being taken. When determining the available harvest, the department shall consider the number of fish needed to meet spawning requirements, the number of fish present in the fishery and in spawning areas that are in excess of spawning requirements and the estimated harvesting capacity of the group or groups of users that would normally participate in the fishery.

5 AAC 39.205. CRITERIA FOR THE ALLOCATION OF FISHERY RESOURCES AMONG PERSONAL USE, SPORT, AND COMMERCIAL FISHERIES. Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e)

5 AAC 39.210. MANAGEMENT PLAN FOR HIGH IMPACT EMERGING FISHERIES. (a) To guide management of high impact emerging commercial fisheries, a plan is needed that ensures resource conservation, minimizes impacts on existing users, and provides orderly development of new fishery resources.

(b) The department may regulate a commercial fishery as a high impact emerging commercial fishery if the commissioner determines that any of the following conditions apply to a species or species group in an area or region:

- (1) harvesting effort has recently increased beyond a low sporadic level;
- (2) interest has been expressed in harvesting the resource by more than a single user group;
- (3) the level of harvest might be approaching a level that might not be sustainable on a local or regional level;
- (4) the board has not developed comprehensive regulations to address issues of conservation, allocation, and conduct of an orderly fishery.

(c) The commissioner shall notify the board if a determination is made to manage a fishery as a high impact emerging fishery.

(d) The department shall close a high impact emerging commercial fishery once it has been designated as such by the commissioner, and may not reopen the fishery until an interim management plan and associated regulations have been adopted by the commissioner. If an interim management plan and regulations have been adopted, the commissioner may allow the fishery to continue.

(e) The department shall develop an interim management plan for each high impact emerging commercial fishery. An interim management plan shall contain at least the following information:

- (1) a review of the history of commercial exploitation of the species in Alaska and other relevant jurisdictions;
- (2) a review of the life history of the organism;

GENERAL PROVISIONS

(3) identification of specific management goals and objectives;

(4) an evaluation of potential impacts on existing users;

(5) designation and justification of the preferred management measures;

(6) an evaluation of the conservation impacts of the preferred management approach on non-target species and on non-target individuals of the same species;

(7) a plan for determining the productivity of the species and impact of the fishery;

(8) a list of proposed interim regulations;

(9) a cost estimate for plan implementation;

(10) an analysis of customary and traditional subsistence use patterns.

(f) The commissioner may adopt regulations and open the fishery consistent with measures identified in the interim management plan. The regulations will remain in effect until the board adopts regulations under (g) of this section.

(g) Upon completion of an interim plan, the department shall petition the board under 5 AAC 96.625 to consider adoption of the management plan and associated regulations at its next regularly scheduled meeting.

(h) The department may require onboard observers as specified in 5 AAC 39.141 and 5 AAC 39.645 on fishing vessels, catcher/processors, and floating processors that participate in high impact emerging commercial fisheries.

ARTICLE 2. SALMON FISHERY.

5 AAC 39.220. POLICY FOR THE MANAGEMENT OF MIXED STOCK SALMON FISHERIES. (a) In applying this statewide mixed stock salmon policy for all users, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority. Allocation of salmon resources under this policy will be consistent with the subsistence preference in AS 16.05.258, and the allocation criteria set out in 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007.

(b) In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to their respective harvest on the stock of concern. The board recognized that precise sharing of conservation among fisheries is dependent on the amount of stock-specific information available.

(c) The board's preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity.

(d) Most wild Alaska salmon stocks are fully allocated to fisheries capable of harvesting available surpluses. Consequently, the board will restrict new or expanding mixed stock fisheries unless otherwise provided for by management plans or by application of the board's allocation criteria. Natural fluctuations in the abundance of stocks harvested in a fishery will not be the single factor that identifies a fishery as expanding or new.

(e) This policy will be implemented only by the board through regulations adopted (1) during its regular meeting cycle, or (2) through procedures established in the Joint Board's Petition Policy (5 AAC 96.625), Subsistence Petition Policy (5 AAC 96.625(f)), Policy for

GENERAL PROVISIONS

Changing Board Agenda (5 AAC 39.999), or Subsistence Proposal Policy (5 AAC 96.615).

5 AAC 39.222. POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES. (a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that

(1) while, in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices, there is a need for a comprehensive policy for the regulation and management of sustainable salmon fisheries;

(2) in formulating fishery management plans designed to achieve maximum or optimum salmon production, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new fisheries or expanding fisheries;

(3) to effectively assure sustained yield and habitat protection for wild salmon stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy.

(b) The goal of the policy under this section is to ensure conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska's fishing communities.

(c) Management of salmon fisheries by the state should be based on the following principles and criteria:

(1) wild salmon stocks and the salmon's habitats should be maintained at levels of resource productivity that assure sustained yields as follows:

(A) salmon spawning, rearing, and migratory habitats should be protected as follows:

(i) salmon habitats should not be perturbed beyond natural boundaries of variation;

(ii) scientific assessments of possible adverse ecological effects of proposed habitat alterations and the impacts of the alterations on salmon populations should be conducted before approval of a proposal;

(iii) adverse environmental impacts on wild salmon stocks and the salmon's habitats should be assessed;

(iv) all essential salmon habitat in marine, estuarine, and freshwater ecosystems and access of salmon to these habitats should be protected; essential habitats include spawning and incubation areas, freshwater rearing areas, estuarine and nearshore rearing areas, offshore rearing areas, and migratory pathways;

(v) salmon habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity;

(B) salmon stocks should be protected within spawning, incubating, rearing, and migratory habitats;

(C) degraded salmon productivity resulting from habitat loss should be assessed, considered, and controlled by affected user groups, regulatory agencies, and boards when making conservation and allocation decisions;

GENERAL PROVISIONS

(D) effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts;

(E) degraded salmon spawning, incubating, rearing, and migratory habitats should be restored to natural levels of productivity where known and desirable;

(F) ongoing monitoring should be conducted to determine the current status of habitat and the effectiveness of restoration activities;

(G) depleted salmon stocks should be allowed to recover or, where appropriate, should be actively restored; diversity should be maintained to the maximum extent possible, at the genetic, population, species, and ecosystem levels;

(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows:

(A) salmon spawning escapements should be assessed both temporally and geographically; escapement monitoring programs should be appropriate to the scale, intensity, and importance of each salmon stock's use;

(B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or inriver run goals, should be established in a manner consistent with sustained yield; unless otherwise directed, the department will manage Alaska's salmon fisheries, to the extent possible, for maximum sustained yield;

(C) salmon escapement goal ranges should allow for uncertainty associated with measurement techniques, observed variability in the salmon stock measured, changes in climatic and oceanographic conditions, and varying abundance within related populations of the salmon stock measured;

(D) salmon escapement should be managed in a manner to maintain genetic and phenotypic characteristics of the stock by assuring appropriate geographic and temporal distribution of spawners as well as consideration of size range, sex ratio, and other population attributes;

(E) impacts of fishing, including incidental mortality and other human-induced mortality, should be assessed and considered in harvest management decisions;

(F) salmon escapement and harvest management decisions should be made in a manner that protects non-target salmon stocks or species;

(G) the role of salmon in ecosystem functioning should be evaluated and considered in harvest management decisions and setting of salmon escapement goals;

(H) salmon abundance trends should be monitored and considered in harvest management decisions;

(3) effective management systems should be established and applied to regulate human activities that affect salmon as follows:

(A) salmon management objectives should be appropriate to the scale and intensity of various uses and the biological capacities of target salmon stocks;

(B) management objectives should be established in harvest management plans, strategies, guiding principles, and policies, such as for mixed stock fishery harvests, fish disease, genetics, and hatchery production, that are subject to periodic review;

GENERAL PROVISIONS

(C) when wild salmon stocks are fully allocated, new fisheries or expanding fisheries should be restricted, unless provided for by management plans or by application of the board's allocation criteria;

(D) management agencies should have clear authority in statute and regulation to

(i) control all sources of fishing mortality on salmon;

(ii) protect salmon habitats and control non-fishing sources of mortality;

(E) management programs should be effective in

(i) controlling human-induced sources of fishing mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(ii) protecting salmon habitats and controlling collateral mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(F) fisheries management implementation and outcomes should be consistent with regulations, regulations should be consistent with statutes, and effectively carry out the purpose of this section;

(G) the board will recommend to the commissioner the development of effective joint research, assessment, and management arrangements with appropriate management agencies and bodies for salmon stocks that cross state, federal, or international jurisdictional boundaries; the board will recommend the coordination of appropriate procedures for effective monitoring, compliance, control, and enforcement with those of other agencies, states, or nations;

(H) the board will work, within the limits of its authority, to assure that

(i) management activities are accomplished in a timely and responsive manner to implement objectives, based on the best available scientific information;

(ii) effective mechanisms for the collection and dissemination of information and data necessary to carry out management activities are developed, maintained, and utilized;

(iii) management programs and decision-making procedures are able to clearly distinguish, and effectively deal with, biological and allocation issues;

(I) the board will recommend to the commissioner and legislature that adequate staff and budget for research, management, and enforcement activities be available to fully implement sustainable salmon fisheries principles;

(J) proposals for salmon fisheries development or expansion and artificial propagation and enhancement should include assessments required for sustainable management of existing salmon fisheries and wild salmon stocks;

(K) plans and proposals for development or expansion of salmon fisheries and enhancement programs should effectively document resource assessments, potential impacts, and other information needed to assure sustainable management of wild salmon stocks;

(L) the board will work with the commissioner and other agencies to develop effective processes for controlling excess fishing capacity;

(M) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions in sustaining salmon populations, fisher-

GENERAL PROVISIONS

ies, and habitat, and to resolve associated problems or deficiencies;

(N) conservation and management decisions for salmon fisheries should take into account the best available information on biological, environmental, economic, social, and resource use factors;

(O) research and data collection should be undertaken to improve scientific and technical knowledge of salmon fisheries, including ecosystem interactions, status of salmon populations, and the condition of salmon habitats;

(P) the best available scientific information on the status of salmon populations and the condition of the salmon's habitats should be routinely updated and subject to peer review;

(4) public support and involvement for sustained use and protection of salmon resources should be sought and encouraged as follows:

(A) effective mechanisms for dispute resolution should be developed and used;

(B) pertinent information and decisions should be effectively disseminated to all interested parties in a timely manner;

(C) the board's regulatory management and allocation decisions will be made in an open process with public involvement;

(D) an understanding of the proportion of mortality inflicted on each salmon stock by each user group, should be promoted, and the burden of conservation should be allocated across user groups in a manner consistent with applicable state and federal statutes, including AS 16.05.251(e) and AS 16.05.258; in the absence of a regulatory management plan that otherwise allocates or restricts harvests, and when it is necessary to restrict fisheries on salmon stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to each fisheries' respective use, consistent with state and federal law;

(E) the board will work with the commissioner and other agencies as necessary to assure that adequately funded public information and education programs provide timely materials on salmon conservation, including habitat requirements, threats to salmon habitat, the value of salmon and habitat to the public and ecosystem (fish and wildlife), natural variability and population dynamics, the status of salmon stocks and fisheries, and the regulatory process;

(5) in the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats shall be managed conservatively as follows:

(A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality; a precautionary approach requires

(i) consideration of the needs of future generations and avoidance of potentially irreversible changes;

(ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly;

(iii) initiation of any necessary corrective measure without delay and

GENERAL PROVISIONS

prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species;

(iv) that where the impact of resource use is uncertain, but likely presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource;

(v) appropriate placement of the burden of proof, of adherence to the requirements of this subparagraph, on those plans or ongoing activities that pose a risk or hazard to salmon habitat or production;

(B) a precautionary approach should be applied to the regulation of activities that affect essential salmon habitat.

(d) The principles and criteria for sustainable salmon fisheries shall be applied, by the department and the board using the best available information, as follows:

(1) at regular meetings of the board, the department will, to the extent practicable, provide the board with reports on the status of salmon stocks and salmon fisheries under consideration for regulatory changes, which should include

(A) a stock-by-stock assessment of the extent to which the management of salmon stocks and fisheries is consistent with the principles and criteria contained in the policy under this section;

(B) descriptions of habitat status and any habitat concerns;

(C) identification of healthy salmon stocks and sustainable salmon fisheries;

(D) identification of any existing salmon escapement goals, or management actions needed to achieve these goals, that may have allocative consequences such as the

(i) identification of a new fishery or expanding fishery;

(ii) identification of any salmon stocks, or populations within stocks, that present a concern related to yield, management, or conservation; and

(iii) description of management and research options to address salmon stock or habitat concerns;

(2) in response to the department's salmon stock status reports, reports from other resource agencies, and public input, the board will review the management plan, or consider developing a management plan, for each affected salmon fishery or stock; management plans will be based on the principles and criteria contained in this policy and will

(A) contain goals and measurable and implementable objectives that are reviewed on a regular basis and utilize the best available scientific information;

(B) minimize the adverse effects on salmon habitat caused by fishing;

(C) protect, restore, and promote the long-term health and sustainability of the salmon fishery and habitat;

(D) prevent overfishing; and

(E) provide conservation and management measures that are necessary and appropriate to promote maximum or optimum sustained yield of the fishery resource;

(3) in the course of review of the salmon stock status reports and management plans described in (1) and (2) of this subsection, the board, in consultation with the department,

GENERAL PROVISIONS

will determine if any new fisheries or expanding fisheries, stock yield concerns, stock management concerns, or stock conservation concerns exist; if so, the board will, as appropriate, amend or develop salmon fishery management plans to address these concerns; the extent of regulatory action, if any, should be commensurate with the level of concerns and range from milder to stronger as concerns range from new and expanding salmon fisheries through yield concerns, management concerns, and conservation concerns;

(4) in association with the appropriate management plan, the department and the board will, as appropriate, collaborate in the development and periodic review of an action plan for any new or expanding salmon fisheries, or stocks of concern; action plans should contain goals, measurable and implementable objectives, and provisions, including

(A) measures required to restore and protect salmon habitat, including necessary coordination with other agencies and organizations;

(B) identification of salmon stock or population rebuilding goals and objectives;

(C) fishery management actions needed to achieve rebuilding goals and objectives, in proportion to each fishery's use of, and hazards posed to, a salmon stock;

(D) descriptions of new or expanding salmon fisheries, management concern, yield concern, or conservation concern; and

(E) performance measures appropriate for monitoring and gauging the effectiveness of the action plan that are derived from the principles and criteria contained in this policy;

(5) each action plan will include a research plan as necessary to provide information to address concerns; research needs and priorities will be evaluated periodically, based on the effectiveness of the monitoring described in (4) of this subsection;

(6) where actions needed to regulate human activities that affect salmon and salmon's habitat that are outside the authority of the department or the board, the department or board shall correspond with the relevant authority, including the governor, relevant boards and commissions, commissioners, and chairs of appropriate legislative committees, to describe the issue and recommend appropriate action.

(e) Nothing in the policy under this section is intended to expand, reduce, or be inconsistent with, the statutory regulatory authority of the board, the department, or other state agencies with regulatory authority that impacts the fishery resources of the state.

(f) In this section, and in implementing this policy,

(1) **"allocation"** means the granting of specific harvest privileges, usually by regulation, among or between various user groups; "allocation" includes quotas, time periods, area restrictions, percentage sharing of stocks, and other management measures providing or limiting harvest opportunity;

(2) **"allocation criteria"** means the factors set out in AS 16.05.251(e) considered by the board as appropriate to particular allocation decisions under 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007;

(3) **"biological escapement goal"** or **"(BEG)"** means the escapement that provides the greatest potential for maximum sustained yield; BEG will be the primary manage-

GENERAL PROVISIONS

ment objective for the escapement unless an optimal escapement or inriver run goal has been adopted; BEG will be developed from the best available biological information, and should be scientifically defensible on the basis of available biological information; BEG will be determined by the department and will be expressed as a range based on factors such as salmon stock productivity and data uncertainty; the department will seek to maintain evenly distributed salmon escapements within the bounds of a BEG;

(4) **“burden of conservation”** means the restrictions imposed by the board or department upon various users in order to achieve escapement, rebuild, or in some other way conserve a specific salmon stock or group of stocks; this burden, in the absence of a salmon fishery management plan, will be generally applied to users in close proportion to the users' respective harvest of the salmon stock;

(5) **“chronic inability”** means the continuing or anticipated inability to meet escapement thresholds over a four to five year period, which is approximately equivalent to the generation time of most salmon species;

(6) **“conservation concern”** means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a stock above a sustained escapement threshold (SET); a conservation concern is more severe than a management concern;

(7) **“depleted salmon stock”** means a salmon stock for which there is a conservation concern;

(8) **“diversity”**, in a biological context, means the range of variation exhibited within any level of organization, such as among genotypes within a salmon population, among populations within a salmon stock, among salmon stocks within a species, among salmon species within a community, or among communities within an ecosystem;

(9) **“enhanced salmon stock”** means a stock of salmon that is undergoing specific manipulation, such as hatchery augmentation or lake fertilization, to enhance its productivity above the level that would naturally occur; “enhanced salmon stock” includes an introduced stock, where no wild salmon stock had occurred before, or a wild salmon stock undergoing manipulation, but does not include a salmon stock undergoing rehabilitation, which is intended to restore a salmon stock's productivity to a higher natural level;

(10) **“escapement”** means the annual estimated size of the spawning salmon stock; quality of the escapement may be determined not only by numbers of spawners, but also by factors such as sex ratio, age composition, temporal entry into the system, and spatial distribution within the salmon spawning habitat;

(11) **“expanding fishery”** means a salmon fishery in which effective harvesting effort has recently increased significantly beyond historical levels and where the increase has not resulted from natural fluctuations in salmon abundance;

(12) **“expected yields”** mean levels at or near the lower range of recent historic harvests if they are deemed sustainable;

(13) **“genetic”** means those characteristics (genotypic) of an individual or group of salmon that are expressed genetically, such as allele frequencies or other genetic markers;

(14) **“habitat concern”** means the degradation of salmon habitat that results in, or can be anticipated to result in, impacts leading to yield, management, or conservation concerns;

(15) **“harvestable surplus”** means the number of salmon from a stock's annual

GENERAL PROVISIONS

run that is surplus to escapement needs and can reasonably be made available for harvest;

(16) **“healthy salmon stock”** means a stock of salmon that has annual runs typically of a size to meet escapement goals and a potential harvestable surplus to support optimum or maximum sustained yield;

(17) **“incidental harvest”** means the harvest of fish, or other species, that is captured in addition to the target species of a fishery;

(18) **“incidental mortality”** means the mortality imposed on a salmon stock outside of directed fishing, and mortality caused by incidental harvests, interaction with fishing gear, habitat degradation, and other human-related activities;

(19) **“inriver run goal”** means a specific management objective for salmon stocks that are subject to harvest upstream of the point where escapement is estimated; the inriver run goal will be set in regulation by the board and is comprised of the SEG, BEG, or OEG, plus specific allocations to inriver fisheries;

(20) **“introduced stock”** means a stock of salmon that has been introduced to an area, or portion of an area, where that stock had not previously occurred; an “introduced stock” includes a salmon stock undergoing continued enhancement, or a salmon stock that is left to sustain itself with no additional manipulation;

(21) **“management concern”** means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specified management objectives for the fishery; a management concern is not as severe as a conservation concern;

(22) **“maximum sustained yield”** or **“(MSY)”** means the greatest average annual yield from a salmon stock; in practice, MSY is achieved when a level of escapement is maintained within a specific range on an annual basis, regardless of annual run strength; the achievement of MSY requires a high degree of management precision and scientific information regarding the relationship between salmon escapement and subsequent return; the concept of MSY should be interpreted in a broad ecosystem context to take into account species interactions, environmental changes, an array of ecosystem goods and services, and scientific uncertainty;

(23) **“mixed stock fishery”** means a fishery that harvests fish from a mixture of stocks;

(24) **“new fishery”** means a fishery that new units of effort or expansion of existing effort toward new species, areas, or time periods, results in harvest patterns substantially different from those in previous years, and the difference is not exclusively the result of natural fluctuations in fish abundance;

(25) **“optimal escapement goal”** or **“(OEG)”** means a specific management objective for salmon escapement that considers biological and allocative factors and may differ from the SEG or BEG; an OEG will be sustainable and may be expressed as a range with the lower bound above the level of SET, and will be adopted as a regulation by the board; the department will seek to maintain evenly distributed escapements within the bounds of the OEG;

(26) **“optimum sustained yield”** or **“(OSY)”** means an average annual yield from a salmon stock considered to be optimal in achieving a specific management objective other than maximum yield, such as achievement of a consistent level of sustained yield, protec-

GENERAL PROVISIONS

tion of a less abundant or less productive salmon stock or species, enhancement of catch per unit effort in sport fishery, facilitation of a non-consumptive use, facilitation of a subsistence use, or achievement of a specific allocation;

(27) “**overfishing**” means a level of fishing on a salmon stock that results in a conservation or management concern;

(28) “**phenotypic characteristics**” means those characteristics of an individual or group of salmon that are expressed physically, such as body size and length at age;

(29) “**rehabilitation**” means efforts applied to a salmon stock to restore it to an otherwise natural level of productivity; “rehabilitation” does not include an enhancement, which is intended to augment production above otherwise natural levels;

(30) “**return**” means the total number of salmon in a stock from a single brood (spawning) year surviving to adulthood; because the ages of adult salmon (except pink salmon) returning to spawn varies, the total return from a brood year will occur over several calendar years; the total return generally includes those mature salmon from a single brood year that are harvested in fisheries plus those that compose the salmon stock’s spawning escapement; “return” does not include a run, which is the number of mature salmon in a stock during a single calendar year;

(31) “**run**” means the total number of salmon in a stock surviving to adulthood and returning to the vicinity of the natal stream in any calendar year, composed of both the harvest of adult salmon plus the escapement; the annual run in any calendar year, except for pink salmon, is composed of several age classes of mature fish from the stock, derived from the spawning of a number of previous brood years;

(32) “**salmon**” means the five wild anadromous semelparous Pacific salmon species *Oncorhynchus sp.*, except steelhead and cutthroat trout, native to Alaska as follows:

- (A) chinook or king salmon (*O. tshawytscha*);
- (B) sockeye or red salmon (*O. nerka*);
- (C) coho or silver salmon (*O. kisutch*);
- (D) pink or humpback salmon (*O. gorbuscha*); and
- (E) chum or dog salmon (*O. keta*);

(33) “**salmon population**” means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics, comprised of an entire stock or a component portion of a stock; the smallest uniquely identifiable spawning aggregation of genetically similar salmon used for monitoring purposes;

(34) “**salmon stock**” means a locally interbreeding group of salmon that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics or an aggregation of two or more interbreeding groups which occur within the same geographic area and is managed as a unit;

(35) “**stock of concern**” means a stock of salmon for which there is a yield, management, or conservation concern;

(36) “**sustainable escapement goal**” or “(SEG)” means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated due to the absence of a stock specific catch estimate; the SEG is the primary management objective for

GENERAL PROVISIONS

the escapement, unless an optimal escapement or inriver run goal has been adopted by the board, and will be developed from the best available biological information; the SEG will be determined by the department and will be stated as a range that takes into account data uncertainty; the department will seek to maintain escapements within the bounds of the SEG;

(37) **“sustainable salmon fishery”** means a salmon fishery that persists and obtains yields on a continuing basis; characterized by fishing activities and habitat alteration, if any, that do not cause or lead to undesirable changes in biological productivity, biological diversity, or ecosystem structure and function, from one human generation to the next;

(38) **“sustained yield”** means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields;

(39) **“sustained escapement threshold”** or **“(SET)”** means a threshold level of escapement, below which the ability of the salmon stock to sustain itself is jeopardized; in practice, SET can be estimated based on lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself; the SET is lower than the lower bound of the BEG and lower than the lower bound of the SEG; the SET is established by the department in consultation with the board, as needed, for salmon stocks of management or conservation concern;

(40) **“target species”** or **“target salmon stocks”** means the main, or several major, salmon species of interest toward which a fishery directs its harvest;

(41) **“yield”** means the number or weight of salmon harvested in a particular year or season from a stock;

(42) **“yield concern”** means a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs; a yield concern is less severe than a management concern, which is less severe than a conservation concern;

(43) **“wild salmon stock”** means a stock of salmon that originates in a specific location under natural conditions; “wild salmon stock” may include an enhanced or rehabilitated stock if its productivity is augmented by supplemental means, such as lake fertilization or rehabilitative stocking; “wild salmon stock” does not include an introduced stock, except that some introduced salmon stocks may come to be considered “wild” if the stock is self-sustaining for a long period of time.

(44) **“action point”** means a threshold value for some quantitative indicator of stock run strength at which an explicit management action will be taken to achieve an optimal escapement goal.

5 AAC 39.223. POLICY FOR STATEWIDE SALMON ESCAPEMENT GOALS.

(a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska’s salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associ-

GENERAL PROVISIONS

ated with escapement goals.

(b) The board recognizes the department's responsibility to

(1) document existing salmon escapement goals for all salmon stocks that are currently managed for an escapement goal;

(2) establish biological escapement goals (BEG) for salmon stocks for which the department can reliably enumerate salmon escapement levels, as well as total annual returns;

(3) establish sustainable escapement goals (SEG) for salmon stocks for which the department can reliably estimate escapement levels when there is not sufficient information to enumerate total annual returns and the range of escapements that are used to develop a BEG;

(4) establish sustained escapement thresholds (SET) as provided in 5 AAC 39.222 (Policy for the Management of Sustainable Salmon Fisheries);

(5) establish escapement goals for aggregates of individual spawning populations with similar productivity and vulnerability to fisheries and for salmon stocks managed as units;

(6) review an existing, or propose a new, BEG, SEG and SET on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals;

(7) prepare a scientific analysis with supporting data whenever a new BEG, SEG, or SET, or a modification to an existing BEG, SEG, or SET is proposed and, in its discretion, to conduct independent peer reviews of its BEG, SEG, and SET analyses;

(8) notify the public whenever a new BEG, SEG, or SET is established or an existing BEG, SEG, or SET is modified;

(9) whenever allocative impacts arise from any management actions necessary to achieve a new or modified BEG, SEG or SET, report to the board on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals so that it can address allocation issues.

(c) In recognition of its joint responsibilities, and in consultation with the department, the board will

(1) take regulatory actions as may be necessary to address allocation issues arising from implementation of a new or modified BEG, SEG, and SET;

(2) during its regulatory process, review a BEG, SEG or SET determined by the department and, with the assistance of the department, determine the appropriateness of establishing an optimal escapement goal (OEG); the board will provide an explanation of the reasons for establishing an OEG and provide, to the extent practicable, and with the assistance of the department, an estimate of expected differences in yield of any salmon stock, relative to maximum sustained yield, resulting from implementation of an OEG

(d) Unless the context requires otherwise, the terms used in this section have the same meaning given those terms in 5 AAC 39.222(f).

5 AAC 39.225. ARCTIC-YUKON-KUSKOKWIM REGION CHUM SALMON RE-BUILDING MANAGEMENT PLAN. Repealed.

5 AAC 39.230. GEAR. Only those gillnets, seines, troll lines, fish wheels, spears or other appliances as provided for in 5 AAC 03 - 5 AAC 39 may be used to take salmon.

GENERAL PROVISIONS

5 AAC 39.240. GENERAL GEAR SPECIFICATIONS AND OPERATIONS. (a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

(b) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

(c) A purse seine, hand purse seine or beach seine may not be fished simultaneously with gillnet gear by any individual or vessel.

(d) Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.

(e) The interim-use or entry permit card holder is responsible for the operation of the net.

5 AAC 39.250. GILLNET SPECIFICATIONS AND OPERATIONS. (a) The trailing of gillnet web is prohibited at any time or place where fishing is not permitted.

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

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

(1) in the Southeast Alaska, Yakutat, Prince William Sound, and Cook Inlet Areas, gillnet 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) the requirements contained in (1)(A) and (B) of this subsection apply in the Kodiak, Chignik, Aleutian Islands, Alaska Peninsula, Bristol Bay, Kuskokwim, Yukon-Northern, Norton Sound-Port Clarence, and Kotzebue Areas.

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in the Kotzebue Area (5 AAC 03.100), the Norton Sound-Port Clarence Area (5 AAC 04.100), the Yukon-Northern Area (5 AAC 05.100), the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

5 AAC 39.260. SEINE SPECIFICATIONS AND OPERATIONS. (a) In the use of purse seines and hand purse seines, not more than one anchor may be used to hold the seine, lead and seine boat during a set

(b) Repealed 3/26/76.

(c) 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

GENERAL PROVISIONS

than one lead of 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 39.265. RETENTION OF SALMON TAKEN IN A COMMERCIAL NET FISHERY. (a) The Board of Fisheries recognizes that at times during a commercial salmon season it may be necessary to require retention of all salmon species taken in a commercial net fishery for the purpose of conservation or development of the salmon resource.

(b) In a commercial salmon net fishery, if the commissioner determines that retention of all salmon species is necessary under this section, the commissioner may, by emergency order, close a commercial salmon net fishery and immediately reopen the fishery, during which all salmon species caught must be retained,

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATIONS. Repealed 10/1/98. appears in chapter 29.

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

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

GENERAL PROVISIONS

ters of floats may bear only a single number - that of the permit holder operating the gear. In the Upper Subdistrict of the Central District of the Cook Inlet Area, the operator of a set gillnet shall attach to the net a **trailer** buoy that floats at all times.

5 AAC 39.290. CLOSED WATERS. (a) Commercial fishing for salmon is prohibited at all times within the streams and rivers of Alaska and within 500 yards of any salmon stream or 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.

5 AAC 39.291. BOUNDARY MARKERS. The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation.

ARTICLE 4. SMELT FISHERY.

5 AAC 39.410. GEAR. Repealed 7/21/99.

ARTICLE 7. COMMERCIAL FRESHWATER FISHERY.

5 AAC 39.734. IDENTIFICATION OF GEAR. All freshwater fishing gear, while in operation, must be plainly and legibly 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, sheefish, char, trout, pike, burbot and lamprey in fresh and salt water may be taken or purchased under the authority of a permit secured from the commissioner or the commissioner's designee. Smelt may only be taken by, or purchased from, a person who meets the requirements of AS 16.05.660 and only under the authority of a permit issued by the commissioner or the commissioner's designee.

(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:

GENERAL PROVISIONS

- (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; MISCELLANEOUS.

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 the district court;
- (2) **bag limit** means the maximum legal take per person per day, even if part or all of the fish are preserved;
- (3) **buyer** means a person who purchases fish from the fishermen who caught the fish or who, for commercial purposes, processes fish he has caught himself;
- (4) **depth of net** means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;
- (5) repealed 2/18/73;
- (6) **gear** means any type of fishing apparatus;
- (7) **inclusive season dates** means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;
- (8) **legal limit of fishing gear** means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;
- (9) **local representative of the department** means the nearest, most accessible professional employee of the department, a person designated by the commissioner or by a professional employee of the department to perform a specific function for the department and a law enforcement officer of the Department of Public Safety;
- (10) **salmon stream** means 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 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;
- (12) repealed 6/30/79;
- (13) **waters of Alaska** means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean

GENERAL PROVISIONS

lower low water, and those waters extending three miles seaward of a line (the baseline) between the following points: (A) - (E)

Editor's Note: A copy of the point by point definition of the baseline is available at local offices of ADF&G.

(F) and extending three miles seaward of all islands not enclosed by the above line;

(14) **salmon stream terminus** means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed 8/14/70;

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

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

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

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

(C) *Lithodes cousei*;

(D) *Lithodes aequispina* (brown king crab);

(18) **Tanner crab** means any or all of the following species:

(A) *Chionoecetes opilio* (snow crab);

(B) *Chionoecetes tanneri* (grooved Tanner crab);

(C) *Chionoecetes bairdi* (Tanner crab);

(D) *Chionoecetes angulatus* (triangle Tanner crab);

(19) **Dungeness crab** means the species *Cancer magister*;

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

(21) **groundfish** or **bottomfish** means any marine finfish except halibut, osmerids, herring, and salmonids;

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

(A) the deployment of gear in the waters of Alaska;

(B) the removal of gear from the waters of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period; or

(D) possession of a gillnet containing fish during an open fishing period, except that a net which is completely clear of the water is not considered to be operating for the purpose of minimum distance requirements;

(23) **possession limit** means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) **hung measure** means the maximum length of the cork line when measured wet or dry with traction applied at one end only;

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

GENERAL PROVISIONS

(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 percent of the weight of the fish resources;

(E) drying; or

(F) freezing, which means to congeal and solidify the flesh of fish by abstraction of heat;

(30) **domicile** means the same as in AS 16.05.940(9); evidence of a person's domicile may include, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of the person, or of other persons who may know of that person's domicile;

(C) place of voter registration;

(D) location of residences owned, rented, or leased;

(E) location of storage of household goods;

(F) location of business owned or operated;

(G) residence of spouse and minor children or dependents;

(H) governments to which taxes are paid; and

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location;

(31) **fishing site** means a structure or vessel used by a CFEC permit holder for providing shelter in support of the operation of stationary net gear;

(32) **net gear site** means the in-water location of stationary net gear;

(33) **seine vessel** means the largest vessel, as determined by keel length, used to operate a seine and the vessel from which the seine is set, and to which the seine is retrieved to;

(34) **demersal shelf rockfish** means any or all of the following *Sebastes* species:

(A) repealed 4/30/91;

(B) *S. pinniger* (Canary);

GENERAL PROVISIONS

- (C) *S. nebulosus* (China);
- (D) *S. caurinus* (Copper);
- (E) *S. maliger* (Quilback);
- (F) repealed 4/30/91;
- (G) *S. helvomaculatus* (Rosethorn);
- (H) repealed 4/30/91;
- (I) *S. nigroeinctus* (Tiger);
- (J) *S. ruberrimus* (Yelloweye);
- (K) repealed 4/4/97;

(35) **onboard observer** means a representative of the Departments of Fish and Game or Public Safety who

(A) is certified by the Department of Fish and Game as having completed minimum training requirements;

(B) is living onboard a fishing or processing vessel for all or part of the period the vessel is at sea; and

(C) is monitoring fishing or processing activities and collecting harvest data essential to management and enforcement;

(36) **rockfish** means all species of the genus *Sebastes*;

(37) **pelagic shelf rockfish** means any or all of the following *Sebastes* species:

- (A) *S. ciliatus* (Dusky);
- (B) *S. entomelas* (Widow);
- (C) *S. flavidus* (Yellowtail);
- (D) *S. melanops* (Black);
- (E) *S. mystinus* (Blue);

(38) **slope rockfish** means any species of the genus *Sebastes* not specified as either demersal shelf rockfish or pelagic shelf rockfish;

(39) **thornyhead - rockfish** or **idiot rockfish** means all species of the genus *Sebastes*;

(40) **weathervane scallop** means the species *Patinopecten caurinus*.

(41) **mile** means

- (A) a nautical mile when used in reference to marine waters;
- (B) a statute mile when used in reference to fresh water.

(42) **miscellaneous shellfish** means all shellfish and marine invertebrates, except shrimp, and king, Tanner, and Dungeness crab.

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.

GENERAL PROVISIONS

(b) The symbols °, ‘, ’, indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based upon the North American datum of 1927; the longitude or latitude indicated by the symbols described in this subsection will be based upon the North American datum of 1983 as follows:

(1) beginning June 1, 1996, in 5 AAC 01, 5 AAC 02, 5 AAC 15, 5 AAC 18, 5 AAC 21, 5 AAC 27, 5 AAC 28, 5 AAC 31, 5 AAC 32, 5 AAC 34, 5 AAC 35, 5 AAC 38, and 5 AAC 39;

(2) beginning June 1, 1997, in 5 AAC 24, 5 AAC 30, and 5 AAC 33;

(3) beginning June 1, 1998, in 5 AAC 03, 5 AAC 04, 5 AAC 05, 5 AAC 06, 5 AAC 07, 5 AAC 09, 5 AAC 11, and 5 AAC 12.

(4) beginning March 11, 2001 in 5 AAC 01 – 5 AAC 93.

(c) Lat. and long. indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

(e) ADF&G is the abbreviation for Alaska Department of Fish and Game.

(f) CFEC is the abbreviation for the Commercial Fisheries Entry Commission.

5 AAC 39.999. POLICY FOR CHANGING BOARD AGENDA. (a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) the board will accept an agenda change request only

(A) for a fishery conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;

(2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information found by the board to be compelling;

(3) the board will consider an agenda change request only at its first meeting in the fall, a request must be sent to the executive director of the board at least 45 days before the first meeting in the fall.

(b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs or laws.

(c) If the board, accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.

5 AAC 93.310. WASTE OF SALMON. (a) Unless authorized under 5 AAC 93.310 – 5AAC 93.390, a person may not waste salmon intentionally, knowingly, or with reckless disregard for the consequences.

(b) Salmon is intended for a use listed in AS 16.05.831(a)(1) – (a)(3) if the salmon was

GENERAL PROVISIONS

taken by or is possessed by a person who has an authorization under state or federal law to take, process for sale or sell the salmon.

(c) In AS 16.05.831 and this section, the commissioner considers waste to not include (1) normal inadvertent loss of flesh associated with uses of salmon described in AS 16.05.831(a)(1) – (a)(3) or authorized in 93.310 – 93.390 where the loss cannot be prevented by practical means; or (2) failure to use or sell spoiled, diseased, or contaminated salmon flesh if the spoilage or contamination is not the result of intentional, knowing, or reckless actions; and if the salmon could legally have been sold, the person disposing of the salmon complies with the requirements of (d) of this section.

(d) Before disposing of spoiled, diseased, or contaminated salmon that could legally have been sold, a person shall record the number of salmon in a logbook, available from the department, by date, species, and reason for disposal. By December 31 of the year of disposal, the person shall submit a completed logbook to the department.

(e) A logbook maintained, but not yet submitted under (d) of this section, shall be provided, upon request, to the department, the department's agent, or the Department of Public Safety for inspection.

(f) Logbooks submitted under this section are public documents.

(g) In this section,

(1) "flesh" means all muscular body tissue surrounding the skeleton;

(2) "person" has the meaning given in AS 01.10.060, including joint ventures and other business entities; for purposes of this section "person" does not include the state or the federal government.

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 must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190 - 44.62.210, which require that any 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 usually 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 all 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

GENERAL PROVISIONS

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 recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can 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. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), 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 are 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 because the resource would be unavailable in the future.

CHAPTER 29. SALMON TROLL FISHERY.

Editor's Notes -Before Register 147, Oct. 1998, the substance of 5 AAC 29 was contained in 5 AAC 30, and 5 AAC 33.

ARTICLE 1. GENERAL SPECIFICATIONS.

5 AAC 29.001. APPLICATION OF THIS CHAPTER. (a) Unless otherwise specified, requirements set out in this chapter apply only to commercial salmon fishing with troll gear in the Southeastern Alaska-Yakutat Area.

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

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

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

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

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

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

ARTICLE 2. DESCRIPTION OF AREA.

5 AAC 29.010. DESCRIPTION OF AREA FOR SALMON TROLL FISHING. Unless otherwise specified in this chapter, a person may operate troll gear in the waters of the Southeastern Alaska-Yakutat Area east of the longitude of Cape Suckling (144° W. long.) and north of the International Boundary at Dixon Entrance.

5 AAC 29.020. DESCRIPTION OF FISHING DISTRICTS AND WINTER BOUNDARY LINE. (a) Fishing districts that are used in this chapter are described in 5 AAC 30.200 and 5 AAC 33.200.

(b) For the purposes of this chapter, the "winter boundary line" for the winter season and periods established in 5 AAC 29.070 is a line across Yakutat Bay from the westernmost tip of Point Manby at 59° 41.66' N. lat., 140° 19.70' W. long., to 59° 40.02' N. lat., 140° 24.36' W. long. to 59° 31.25' N. lat., 139° 53.69' W. long. to 59° 32.06' N. lat., 139° 51.46' W. long., and 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 Edgecumbe 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° 22.77' N. lat., 134° 57' W. long. to 56° 19.50' N. lat., 134° 54' W. long. to the southwesternmost tip of Puffin Point to the

SALMON TROLL FISHERY

southernmost tip of Cape Ommaney to Nation Point to Helm Point 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° 39.87' N. lat., 132° 43.53' 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 29.025. WATERS OF FREQUENT HIGH KING SALMON ABUNDANCE.

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

(1) waters off the west coast of Baranof Island between the latitude of Point Lauder and the latitude of Redfish Cape, to a distance of one mile from the shore;

(2) waters off the Kruzof Island shore from Shoals Point west to Cape Edgecumbe and from Cape Edgecumbe north to Cape Georgiana, to a distance of one mile from the shore;

(3) waters off the west coast of Yakobi Island between the latitude of Yakobi Rock at 58° 05.17' N. lat. and the latitude of Cape Cross at 57° 55' N. lat., to a distance of one mile from the main shoreline of Yakobi Island;

(4) waters of Palma Bay, Dixon Harbor, Torch Bay, Murk Bay, and Graves Harbor east of a line beginning at the mouth of Kaknau Creek located approximately one mile north-east of Icy Point at 58° 23.88' N. lat., 137° 04.45' W. long. to Astrolabe Point, then to a point on the south shore of Dixon Harbor at 58° 20' N. lat., 136° 51.17' W. long., then to Venisa Point, then to the westernmost tip of Polka Point; and

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

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

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

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

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

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

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

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

ARTICLE 3. MANAGEMENT AND ALLOCATION MANAGEMENT PLANS.

5 AAC 29.050. MANAGEMENT OF SALMON TROLL FISHERIES IN THE

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

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

(c) Before 1981, the commercial salmon troll fishing season was year around with a winter season of October 1 through April 14 and a summer season of April 15 through September 30. Since 1981, the opening of the summer season has been delayed by one month to an opening date of May 15 to provide for a three-cycle king salmon rebuilding program. Additional delays in the opening of the summer salmon troll season have been instituted in an effort to spread the king salmon harvest throughout the season. In 1992, the start of the winter salmon troll fishery was delayed until October 11 to provide additional fish for the summer salmon troll season.

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

5 AAC 29.060. GENERAL HARVEST CEILING AND ALLOCATION OF KING SALMON.

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

(b) The department shall manage the sport and commercial net and troll fisheries in accordance with the annual harvest ceiling established by the Pacific Salmon Commission. The annual harvest allocation of the annual harvest ceiling for each fishery is as follows:

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

(2) drift gillnet fishery: 7,600 king salmon;

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

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

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

(c) When computing the harvest allocation under this section, the department shall take

SALMON TROLL FISHERY

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

(d) For the purpose of calculating the king salmon harvest, the annual harvest period shall begin with the opening of the winter salmon troll season. For the purpose of calculating harvest performance for the king salmon fisheries under this section, the harvest in the sport and commercial net and troll fisheries will be applied to the cumulative harvest on an annual basis, as opposed to the harvest ceiling.

5 AAC 29.065. ALLOCATION OF COHO SALMON. The historical harvest allocation (1969-1988) of coho salmon in the Southeastern Alaska and Yakutat commercial salmon fisheries is 19 percent purse seine, 13 percent drift gillnet, seven percent set gillnet, and 61 percent troll. While these percentages may vary from season to season, given fluctuations in salmon abundance and the distribution and limitations of fisheries management, the department shall manage the fishery to maintain these allocation guidelines over the long-term. In that management the department

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

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

ARTICLE 4. FISHING SEASONS AND PERIODS.

5 AAC 29.070. GENERAL FISHING SEASONS AND PERIODS.

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

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

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

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

(1) a winter fishery during the period beginning October 11 through April 30, as specified in 5 AAC 29.080;

(2) spring fisheries during the period beginning May 1 through June 30, as specified in 5 AAC 29.090

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

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

ARTICLE 5. FISHERY MANAGEMENT PLANS.

5 AAC 29.080. MANAGEMENT OF THE WINTER SALMON TROLL FISHERY.

(a) The department shall manage the winter salmon troll fishery so that the harvest of king salmon does not exceed a guideline harvest level of 45,000 fish, with a guideline harvest range of 43,000 to 47,000 fish.

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

(1) in District 1, the waters of Behm Canal in Section 1-D between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva are closed;

(2) in District 8, the waters of the Stikine River inside a line from Babler Point to Hour Point, along the shore of Wrangell Island to Point Highfield to the southernmost tip of Liesnoi Island to the southernmost tip 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 northernmost tip of Coney Island, to a point 500 yards north of Jap Creek on the mainland shore are closed.

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

(A) in Section 11-A west of a line from Outer Point to Point Louisa and south and east of a line from Salisbury Point to Point Tantallion from the opening of the winter fishery, specified in 5 AAC 29.070(b), through April 14;

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

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

5 AAC 29.090. MANAGEMENT OF THE SPRING SALMON TROLL FISHERIES.

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

(1) opened and closed by emergency order;

(2) restricted in area;

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

(b) The department shall manage the spring salmon troll fisheries to target Alaska hatchery-produced king salmon while maintaining a historical pink and chum salmon troll fishery in Cross Sound.

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

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

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

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

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

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

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

SALMON TROLL FISHERY

(i) no more than 1,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is less than 33 percent of the king salmon taken in that fishery;

(ii) no more than 3,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 33 percent but less than 50 percent of the king salmon taken in that fishery;

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

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

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

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

(e) Repealed 6/14/2000.

(f) In Cross Sound, in the waters of Section 14-A west of the longitude of Point Dundas, south of the latitude of Point Dundas and east of the longitude of the southern tip of Taylor Island to 58 10' N. lat., then east to Althorp Rock Light, then north to the light at the entrance to Elfin Cove, pink and chum salmon may be taken from Monday through Friday each week beginning on the second Monday in June through June 29 or until 500 king salmon are taken, whichever occurs first.

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

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

5 AAC 29.130. FISH TICKETS REQUIREMENTS FOR SPRING FISHERIES. (a) The operator of a salmon troll vessel shall keep the fish caught in each spring fishery separate from any other fish on board the vessel. A fish buyer shall issue a separate fish ticket for fish caught in each spring fishery.

(b) If the commissioner determines that a provision of (a) of this section is frequently violated, the department may require that fish from only one spring fishery be on board a vessel at any one time.

Editor's Notes - This regulation has been placed out of sequence at the request of the department of Fish and Game.

5 AAC 29.100. MANAGEMENT OF THE SUMMER SALMON TROLL FISHERY. (a) During the summer salmon troll fishery, salmon may be taken only during open fishing periods. Unless otherwise specified in this section or by emergency order, salmon may be taken throughout the Southeastern Alaska-Yakutat Area unless restricted

(1) by a provision of this section; or

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

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

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

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

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

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

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

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

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

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

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

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

(3) following the closure of the summer salmon troll fishery to the taking of king salmon, the salmon troll fishery will remain open to the taking of other salmon species; however, the department may close the waters of frequent high king salmon abundance described in 5 AAC 29.025 to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.

SALMON TROLL FISHERY

(d) In Sections 1-C, 1-E, and 1-F, salmon may be taken only as follows:

(1) Section 1-C: from August 15 through September 20;

(2) Section 1-E:

(A) in the waters of Section 1-E, bounded by a line from Escape Point to Nose Point within one mile of the shoreline, from July 1 through September 20;

(B) all other waters of Section 1-E, from July 13 through September 20;

(3) 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, from July 13 through September 20;

(4) 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 the waters of Boca de Quadra not closed under 5 AAC 29.150(b)(2), from August 1 through September 20.

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

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

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

(h) Repealed 7/26/2003.

(i) In the Yakataga and Yakutat Districts,

(1) in waters bounded on the north by a line extending seaward from 59° 42.50' N. lat., 140° 38.20' W. long. to 59° 40.06' N. lat., 140° 45.30' W. long. and on the south by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. to 59° 27.77' N. lat., 139° 49.28' W. long. and in waters bounded on the north by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. to 59° 18.25' N. lat., 139° 21.94' W. long., and on the south by a line extending seaward from 59° 02.60' N. lat., 138° 14.70' W. long. to 59° 00.57' N. lat., 138° 19.90' W. long., from August 7 through September 20, the weekly fishing periods for trolling are the same as for set gillnetting in the Situk River;

(2) from August 7 through September 20, salmon may not be taken in waters bounded on the west by the three-nautical mile-limit of the territorial sea and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.

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

5 AAC 29.110. MANAGEMENT OF COHO SALMON TROLL FISHERY. (a) Coho salmon may be taken from June 15 through September 20. However, the commissioner, in years of high coho salmon abundance, may extend, by emergency order, the coho salmon fishery in any portions of Districts 1-16 for up to 10 days after September 20.

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

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

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

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

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

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

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

5 AAC 29.112. MANAGEMENT OF CHUM SALMON TROLL FISHERY. (a) The commissioner may open, by emergency order, a hatchery chum salmon troll fishery only during the summer coho salmon troll fishery closures specified in 5 AAC 29.110(b)(2).

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

(1) in the waters of Sitka Sound and the Eastern Channel east of a line from Vitskari Rock Light to Inner Point, south of a line from Inner Point to Black Rock at 57° 03.12' N. lat., 135° 25.63' W. long., to Signal Island Light at 57° 02.78' N. lat., 135° 23.58' W. long., and north of a line from Cape Burunof at 56° 59.03' N. lat., 135° 23.23' W. long., to Kulichkof Rock at 56° 59.52' N. lat., 135° 26.62' W. long., to Vitskari Rock Light; and

(2) in the waters of Neets Bay east of the longitude of Chin Point to the longitude of the easternmost tip of Bug Island.

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

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

ARTICLE 6. GEAR AND VESSEL SPECIFICATIONS AND REGISTRATION.

5 AAC 29.115. REGISTRATION. (a) The owner or operator of a vessel that is to be used to take salmon with hand or power troll gear shall register that vessel before engaging in salmon trolling during a calendar year. The registration is valid for the entire calendar year in which a vessel is registered.

(b) A person may not register a salmon troll fishing vessel simultaneously as a salmon

SALMON TROLL FISHERY

hand troll vessel and power troll vessel. A person may change a salmon troll vessel's registration from one troll gear type to the other troll gear type during the open season if a written request is submitted to, and validated, by the department.

5 AAC 29.120. GEAR SPECIFICATIONS AND OPERATIONS. (a) Salmon may be taken by hand troll gear and power troll gear only in the Southeastern Alaska-Yakutat Area.

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

(1) from a power troll vessel:

(A) no more than six lines may be operated in the exclusive economic zone north of the latitude of the southernmost tip of Cape Spencer; and

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

(2) from a hand troll vessel:

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

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

(C) an aggregate of four fishing rods or an aggregate of two hand troll gurdies may be operated.

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

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

(e) No more than two troll gurdies and four fishing rods may be on board any salmon hand troll vessel. A downrigger may not be used in conjunction with a fishing rod.

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

(g) For purposes of this section,

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

(A) includes a downrigger; and

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

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

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

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

(h) A salmon troll vessel, or a person on board a salmon troll vessel, may not participate in the taking of salmon during an open salmon troll fishing period if

(1) commercial hand troll, power troll, or mechanical jig fishing gear on the salmon troll vessel was used to take fish during the 72 hour period immediately before the open salmon troll fishing period; or

(2) that will take fish during the 24 hour period immediately after, an open salmon trolling fishing period.

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

5 AAC 29.125. VESSEL IDENTIFICATION. In addition to the requirements of 5 AAC 39.119, a registered salmon hand troll vessel owner shall display the letters HT in block letters on both sides of the vessel's hull or cabin. The letters must be in a color that contrasts with the color of the background and be at least eight inches high, at least one-half inch wide, and be plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year for which the vessel is registered for a hand troll permit, unless that registration is changed to power troll gear under 5 AAC 29.115(b).

ARTICLE 7. SIZE AND LANDING REQUIREMENTS.

5 AAC 29.130. FISH TICKETS REQUIREMENTS FOR SPRING FISHERIES.

(a) The operator of a salmon troll vessel shall keep the fish caught in each spring fishery separate from any other fish on board the vessel. A fish buyer shall issue a separate fish ticket for fish caught in each spring fishery.

(b) If the commissioner determines that a provision of (a) of this section is frequently violated, the department may require that fish from only one spring fishery be on board a vessel at any one time.

Editor's Note: At the request of the Department of Fish and Game 5 AAC 29.130 was also placed after 5 AAC 20.090.

5 AAC 29.140. SIZE LIMITS, POSSESSION, AND LANDING REQUIREMENTS.

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

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

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

(d) If the commissioner determines that king salmon in a terminal harvest area are predominately Alaska hatchery-produced, the commissioner may close, by emergency order, a salmon troll fishery in a terminal harvest area and immediately reopen a season during which

SALMON TROLL FISHERY

king salmon no less than 26 inches in length may be retained.

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

5 AAC 29.145. PERMIT, REPORTING, AND LANDING REQUIREMENTS FOR SALMON TROLL CATCHER-PROCESSOR VESSELS. (a) Notwithstanding the provisions in 5 AAC 39.130, the owner or operator of a catcher-processor vessel shall submit a separate fish ticket for each week that the vessel fished. A fish ticket must document the estimated number and pounds of salmon caught during that week. Fish tickets must be submitted to the department within seven days after the fish are offloaded from the vessel. Fish tickets for fish frozen at sea must be marked "frozen at sea" or "FAS".

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

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

(d) For the purposes of this section,

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

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

ARTICLE 8. CLOSED WATERS.

5 AAC 29.150. CLOSED WATERS.

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

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

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

(b) **District 1:**

(1) Behm Canal: waters between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva;

(2) Boca De Quadra: waters east of 130° 50' W. long.;

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

(4) Edwards Passagc: waters north of the latitude of Akeku Point;

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

SALMON TROLL FISHERY

- (6) George Inlet: waters north of $55^{\circ} 19.60'$ N. lat.;
- (7) Helm Bay and Smugglers Cove: waters west of a line from the southernmost tip of Helm Point to Helm Bay Light to the Cleveland Peninsula at $55^{\circ} 34.22'$ N. lat., $131^{\circ} 56.50'$ W. long.;
- (8) Hidden Inlet: waters north of the latitude of the tip of Hidden Point;
- (9) Lucky Cove: waters within 1,000 yards of the stream terminus;
- (10) Moser Bay: waters south of a line from the tip of Code Point to $55^{\circ} 34'$ N. lat., $131^{\circ} 40.90'$ W. long.;
- (11) Naha Bay: waters east of $131^{\circ} 38.30'$ W. long.;
- (12) Nakat Bay: waters north of the latitude of High Point;
- (13) Port Stewart: waters west of a line from $55^{\circ} 43.10'$ N. lat., $131^{\circ} 49.45'$ W. long. to $55^{\circ} 41.55'$ N. lat., $131^{\circ} 50.08'$ W. long.;
- (14) Portland Canal: waters north of the latitude of Engineer's Point;
- (15) Ray Anchorage: waters inside a line between $54^{\circ} 56.65'$ N. lat., $131^{\circ} 13.90'$ W. long. and $54^{\circ} 55.70'$ N. lat., $131^{\circ} 12.90'$ W. long.;
- (16) Raymond Cove: waters within a line from Mike Point to $55^{\circ} 37.75'$ N. lat., $131^{\circ} 51.83'$ W. long.;
- (17) Rudyard Bay: waters east of $130^{\circ} 42.45'$ W. long.;
- (18) Smeaton Bay: waters east of $130^{\circ} 43.50'$ W. long.;
- (19) Thorne Arm: waters north of the latitude of Eve Point;
- (20) Tombstone Bay: waters between the latitudes of Turn Point and Breezy Point;
- (21) Traitors Cove: waters east of $131^{\circ} 41.80'$ W. long.;
- (22) Vallendar Bay: waters south of a line from $55^{\circ} 23.75'$ N. lat., $131^{\circ} 50.87'$ W. long. to $55^{\circ} 22.92'$ N. lat., $131^{\circ} 51.97'$ W. long.;
- (23) Very Inlet: waters inside of a line from $54^{\circ} 57.73'$ N. lat., $130^{\circ} 57.60'$ W. long. to $54^{\circ} 57.73'$ N. lat., $130^{\circ} 57'$ W. long.;
- (24) Ward Cove: waters east of a line from $55^{\circ} 23.93'$ N. lat., $131^{\circ} 44.45'$ W. long. to $55^{\circ} 23.63'$ N. lat., $131^{\circ} 44.02'$ W. long.;
- (25) Willard Inlet: waters north of the latitude of Male Point.

(c) District 2:

- (1) Cholmondeley Sound:
 - (A) Cholmondeley Sound: waters east of Divide Head, including Dora Bay, Kitkum Bay, and Lancaster Cove south of $55^{\circ} 13.05'$ N. lat.;
 - (B) waters of South Arm, West Arm, and Sunny Cove west of $132^{\circ} 14.47'$ W. long.;
- (2) Karta Bay: waters west of a line beginning at $55^{\circ} 33.87'$ N. lat., $132^{\circ} 32.67'$ W. long. and projected north through $55^{\circ} 35.08'$ N. lat., $132^{\circ} 29.92'$ W. long.;
- (3) Moira Sound:
 - (A) North Arm: waters inside a line from Crowell Point to Point Halliday;

SALMON TROLL FISHERY

(B) Johnson Cove: waters south of $54^{\circ} 59.72'$ N. lat.;

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

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

(4) Nichols Bay: waters north of $54^{\circ} 42.12'$ N. lat.;

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

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

(7) Thorne Bay: waters west of $132^{\circ} 28.58'$ W. long.;

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

(9) Twelvemile Arm: waters south of $55^{\circ} 29.17'$ N. lat.

(d) District 3:

(1) Devilfish Bay: waters west of $133^{\circ} 20'$ W. long.;

(2) Edna Bay: waters north of a line from Limestone Point Light to $55^{\circ} 55.92'$ N. lat., $133^{\circ} 37.67'$ W. long.;

(3) Eek Inlet: waters west of a line from $55^{\circ} 08.80'$ N. lat., $132^{\circ} 39.42'$ W. long. to $55^{\circ} 08.88'$ N. lat., $132^{\circ} 39.38'$ W. long.;

(4) El Capitan and Tuxekan Passages: all contiguous waters east of $133^{\circ} 20'$ W. long.;

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

(6) Hessa Inlet: waters east of the longitude of the tip of Whirlpool Point;

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

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

(9) Hunter Bay: waters east of a line from the tip of Turn Point to $54^{\circ} 52.80'$ N. lat., $132^{\circ} 21.33'$ W. long.;

(10) Kasook Inlet: waters north of $55^{\circ} 01.67'$ N. lat.;

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

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

(13) Klawock Inlet: waters east of Klawock and Peratrovich Islands and north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake;

(14) Nossuk Bay: waters south of $55^{\circ} 44'$ N. lat.;

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

(16) Port Estrella: waters east of the longitude of Point Providence ($133^{\circ} 16'$ W. long.);

(17) Port Refugio: waters south and west of a line from Pointe Verde to Bocas Point;

(18) Port Saint Nicholas: waters east of $133^{\circ} 04'$ W. long.;

SALMON TROLL FISHERY

(19) Salt Lake Bay: waters east of $133^{\circ} 23.37'$ W. long.;

(20) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso;

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

(22) Sukkwan Strait at Hydaburg: 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;

(23) Tlevak Straits: waters north of $55^{\circ} 15'$ N. lat.;

(24) Tokeen Bay: waters east of a line from the tip of Holbrook Point to $55^{\circ} 59.87'$ N. lat., $133^{\circ} 27.85'$ W. long.;

(25) Trocadero Bay: waters east of $133^{\circ} 01'$ W. long.;

(26) Ulloa Channel: waters east of $133^{\circ} 10'$ W. long.;

(27) Van Sant Cove: waters within 1,000 yards of the stream terminus;

(28) Warm Chuck Inlet: waters north of $55^{\circ} 44.50'$ N. lat.;

(29) Waterfall Bay: waters within 1,000 yards of the terminus of Waterfall Creek.

(e) **District 4:** Manhattan Arm: waters east of $133^{\circ} 10'$ W. long.

(f) **District 5:**

(1) Affleck Canal:

(A) Bear Harbor: waters north of a line from $56^{\circ} 13.42'$ N. lat., $134^{\circ} 05.75'$ W. long. to $56^{\circ} 13.83'$ N. lat., $134^{\circ} 05.08'$ W. long.;

(B) waters of Kell Bay west of $134^{\circ} 08.25'$ W. long.;

(C) waters north of $56^{\circ} 16.33'$ W. long.;

(D) small unnamed bay on the east side: waters east of $134^{\circ} 01.92'$ W. long.;

(2) Alvin Bay: waters west of $133^{\circ} 53.42'$ W. long.;

(3) Barrie (Kushehin) Creek: waters east of a line from $56^{\circ} 27.83'$ N. lat., $133^{\circ} 40.08'$ W. long. to Trouble Island at $56^{\circ} 28.75'$ N. lat., $133^{\circ} 40.75'$ W. long. to $56^{\circ} 28'$ N. lat., $133^{\circ} 39.92'$ W. long.;

(4) Calder Bay: waters north of $56^{\circ} 11.20'$ N. lat.;

(5) El Capitan Passage: waters east of a line extending north from $56^{\circ} 08.88'$ N. lat., $133^{\circ} 27.62'$ W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of $133^{\circ} 38.50'$ W. long.;

(7) Keku Strait: waters north of $56^{\circ} 32'$ N. lat. (north end of Monte Carlo Island), including waters of Seclusion Harbor and south of a line from Point Camden to Salt Point Light;

(8) Port Beauclerc:

(A) waters north of $56^{\circ} 20'$ N. lat.;

(B) waters of the southern arm south of $56^{\circ} 17'$ N. lat.;

(C) waters of the unnamed cove 0.7 miles west of the northern tip of Edwards Island between $56^{\circ} 18.33'$ N. lat., $133^{\circ} 58.50'$ W. long. and $56^{\circ} 19.25'$ N. lat., $133^{\circ} 58.33'$ W.

SALMON TROLL FISHERY

long;

(9) Reid Bay: waters west of $133^{\circ} 53.92'$ W. long.;

(10) Shipley Bay: waters east of $133^{\circ} 33'$ W. long.

(g) District 6:

(1) Barnes Lake at the head of Lake Bay: waters inside of Stevenson Island south of $56^{\circ} 03.05'$ N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Grief Island;

(3) Exchange Cove: waters south of a line from $56^{\circ} 13.12'$ N. lat., $133^{\circ} 03.70'$ W. long. to $56^{\circ} 12.90'$ N. lat., $133^{\circ} 03.42'$ W. long.;

(4) Kah Sheets Bay: waters west of a line from $56^{\circ} 31.47'$ N. lat., $133^{\circ} 05.20'$ W. long. to $56^{\circ} 29.77'$ N. lat., $133^{\circ} 07.20'$ W. long.;

(5) Lake Bay: waters west of a line from Keg Point to $56^{\circ} 01.70'$ N. lat., $132^{\circ} 54.37'$ W. long.;

(6) McHenry Inlet: waters east of $132^{\circ} 25'$ W. long.;

(7) Mosman Inlet: waters north of $56^{\circ} 05.33'$ N. lat.;

(8) Navy Creek: waters east of a line from $56^{\circ} 03.50'$ N. lat., $132^{\circ} 27.90'$ 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 $56^{\circ} 04.60'$ N. lat., $132^{\circ} 27.48'$ W. long.;

(9) Ratz Harbor: waters south and west of a line from $55^{\circ} 53.13'$ N. lat., $132^{\circ} 35.62'$ W. long. to $55^{\circ} 53.27'$ N. lat., $132^{\circ} 35.78'$ W. long.;

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

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from $56^{\circ} 04.33'$ N. lat., $132^{\circ} 36.50'$ W. long. to $56^{\circ} 04.40'$ N. lat., $132^{\circ} 36.05'$ W. long.;

(12) Salmon Bay: waters within a line extending from $56^{\circ} 17.40'$ N. lat., $133^{\circ} 08.23'$ W. long. to Rookery Island to $56^{\circ} 19.10'$ N. lat., $133^{\circ} 09.70'$ W. long.;

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

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

(15) Whale Pass: waters at the southern entrance west of $132^{\circ} 59.10'$ W. long. and at the northern entrance west of the longitude of the northernmost tip of Thome Island ($133^{\circ} 03.40'$ W. long.).

(h) District 7:

(1) Blake Channel and Eastern Passage: waters north of $56^{\circ} 12'$ N. lat. and east of a line from the tip of Babbler Point to $56^{\circ} 27.80'$ N. lat., $132^{\circ} 16.63'$ W. long. on Hour Point, from April 16 through September 30;

(2) Bradfield Canal: waters east of $131^{\circ} 55.50'$ W. long. from April 16 through September 30;

(3) Canoe Pass: waters north of 56° N. lat.;

(4) Emerald Bay: waters within 1,000 yards of the stream terminus from 55° 53.70' N. lat., 132° 02.70' W. long. to 55° 52.93' N. lat., 132° 03' W. long.;

(5) Fisherman's Chuck: waters west of 132° 12' W. long.;

(6) Fool's Inlet: waters north of 56° 12.50' N. lat.;

(7) Menefee Inlet: waters north of 56° 05' N. lat.;

(8) Olive Cove: waters south of a line from 56° 11.55' N. lat., 132° 19.10' W. long. to 56° 11.40' N. lat., 132° 18.72' W. long.;

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

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

(11) Union Bay: waters south of a line from 55° 44.80' N. lat., 132° 14.12' W. long. to 55° 45.57' N. lat., 132° 11.13' W. long.;

(12) Vixen Inlet: waters east of the longitude of the westernmost tip of Sunshine Island.

(i) District 8:

(1) Blind Slough: waters north of a line from 56° 30.75' N. lat., 132° 43.30' W. long. to 56° 31.92' N. lat., 132° 40.53' W. long.;

(2) Stikine River: waters 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.

(j) District 9:

(1) Bay of Pillars: waters east of 134° 11.67' W. long.;

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

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

(4) Gedney Harbor: waters east of 134° 14.67' W. long.;

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

(6) Hamilton Bay: waters south of the latitude of Point Hamilton;

(7) Kadake Bay: waters south of a line from 56° 48.75' N. lat., 133° 58' W. long. to 56° 48.38' N. lat., 133° 56.47' W. long.;

(8) Little Pybus Bay: waters north of 57° 14.83' N. lat.;

(9) Murder Cove: waters north of 57° 01.75' N. lat.;

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

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

(12) Port Malmesbury: waters east of a line from 56° 18.92' N. lat., 134° 10.75' W. long. to 56° 19.60' N. lat., 134° 11.28' W. long.;

(13) Port Walter and Little Port Walter: waters west of a line from 56° 23.25' N. lat.,

SALMON TROLL FISHERY

134° 38.08' W. long. to 56° 23.70' N. lat., 134° 38.25' W. long.;

(14) Red Bluff Bay: waters west of 134° 45.47' W. long.;

(15) Rowan Bay: waters north and east of a line from 56° 40.47' N. lat., 134° 15.13' W. long. to 56° 39.88' N. lat., 134° 13.13' W. long.;

(16) Saginaw Bay: waters south and east of a line from 56° 51.78' N. lat., 134° 11.23' W. long. to the southwesternmost tip of an unnamed island at 56° 52.75' N. lat., 134° 09.63' W. long. and east of a line from the northwesternmost tip of the same unnamed island to 56° 53.28' N. lat., 134° 10' W. long.;

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

(18) Tebenkof Bay:

(A) Elena Bay: waters north and east of a line from 56° 29.93' N. lat., 134° 06.47' W. long. to Elena Point;

(B) Petrof Bay: waters south of 56° 22.33' N. lat.;

(C) Thetis Bay: waters south of 56° 23.37' N. lat.

(k) District 10:

(1) Dry Bay: waters inside of a line from 57° 03.53' N. lat., 133° 01.92' W. long. to 57° 02.82' N. lat., 133° 01.75' W. long. to 57° 02.95' N. lat., 133° 00.17' W. long.;

(2) Farragut Bay: waters of Francis Anchorage north of 57° 08.75' N. lat.;

(3) Gambier Bay:

(A) waters west of 134° W. long.;

(B) waters of Snug Cove south of a line from Scald Point to the northwest tip of Pain Island;

(4) Hobart Bay: waters east of 133° 23.67' W. long.;

(5) Port Houghton:

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

(B) waters east of 133° 11' W. long.;

(6) Pybus Bay: waters of Cannery Cove and West Arm inside a line running from 57° 18.40' N. lat., 134° 07.92' W. long. to an unnamed island at 57° 18.72' N. lat., 134° 07.50' W. long. and then to a point at 57° 19.33' N. lat., 134° 06.33' W. long.;

(7) Windham Bay: waters east of 133° 27.17' W. long., one fourth mile west of the narrows.

(l) District 11:

(1) Limestone Inlet: waters east of a line from 58° 01.80' N. lat., 133° 59.27' W. long., to 58° 02.07' N. lat., 133° 59.67' W. long.;

(2) Port Snettisham:

(A) Speel River: waters north of the latitude of the old pulp mill wharf at 58° 07' N. lat.;

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

(3) Seymour Canal:

(A) Mole Harbor: waters inside a line from the tip of Flaw Point to a point at 57° 39.67' N. lat., 134° 01.50' W. long.;

(B) Pleasant Bay: waters inside a line from 57° 38.83' N. lat., 133° 59.70' W. long. to a point at 57° 38.47' N. lat., 133° 57.42' W. long.;

(4) Slocum Inlet: waters east of a line from 58° 08.35' N. lat., 134° 04.23' W. long. to 58° 07.82' N. lat., 134° 04.40' W. long.;

(5) Taku Harbor: waters east of a line from the tip of Stockade Point to 58° 03.68' N. lat., 134° 01.98' W. long.;

(6) Taku Inlet: waters north of a line from the Annex Creek Power House to a point at 58° 17.50' N. lat., 134° 01' W. long.

(m) District 12:

(1) Basket Bay: waters inside a line from 57° 39.80' N. lat., 134° 53.77' W. long. to 57° 39.28' N. lat., 134° 53.88' W. long.;

(2) Chaik Bay: waters east of 134° 30.45' W. long.;

(3) False Bay: waters west of a line from 57° 58.55' N. lat., 134° 55.08' W. long. to 57° 57' N. lat., 134° 55.38' W. long.;

(4) Freshwater Bay: waters inside a line from a point at 57° 53.33' N. lat., 135° 07.58' W. long. to 57° 54.75' N. lat., 135° 06' W. long.;

(5) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 56.98' W. long.;

(6) Warm Springs Bay: waters west of 134° 46.63' W. long.;

(7) Whitewater Bay: waters within a line from Point Caution to 50° 15.62' N. lat., 134° 36.42' W. long.;

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

(9) Wukuklook Creek: waters west of a line from a point at 57° 55.25' N. lat., 134° 55.75' W. long. to Flints Point at 57° 54.33' N. lat., 134° 57.50' W. long.

(n) District 13:

(1) Black Bay: waters north and east of a line from 57° 42.62' N. lat., 136° 09.33' W. long. to 57° 42.38' N. lat., 136° 09.17' W. long.;

(2) Big Branch Bay: waters north and east of a line from 56° 19.45' N. lat., 134° 50.50' W. long. to 56° 19.30' N. lat., 134° 50.13' W. long.;

(3) Deep Bay: waters west of a line from 57° 26.87' N. lat., 135° 37.33' W. long. to 57° 26.53' N. lat., 135° 37.77' W. long.;

(4) Fick Cove: waters south and west of a line from 57° 37.85' N. lat., 135° 39.63' W. long. to 57° 38.42' N. lat., 135° 40.65' W. long.;

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

(6) Goulding Harbor: waters north of a line from 57° 46.30' N. lat., 136° 15.08' W. long. to 57° 46.37' N. lat., 136° 15.45' W. long.;

SALMON TROLL FISHERY

(7) Hanus Bay: waters south of a line from 57° 25.48' N. lat., 134° 59' W. long. to 57° 25.30' N. lat., 135° 03.67' W. long.;

(8) Hoonah Sound: waters west and north of a line from 57° 44.20' N. lat., 135° 43.67' W. long. to 57° 43.75' N. lat., 135° 44.67' W. long.;

(9) Katlian Bay: waters north and east of a line from 57° 09.50' N. lat., 135° 22.58' W. long. to 57° 09.12' N. lat., 135° 21.92' W. long.;

(10) Nakwasina Passage: waters north and east of a line from 57° 14.20' N. lat., 135° 29.92' W. long. to 57° 14.88' N. lat., 135° 30.47' W. long.;

(11) Nakwasina Sound: waters north and east of a line from 57° 11.70' N. lat., 135° 23.50' W. long. to 57° 12.20' N. lat., 135° 24.62' W. long.;

(12) Patterson Bay: waters west of a line from 57° 40.38' N. lat., 135° 42.70' W. long. to 57° 39.58' N. lat., 135° 42.30' W. long.;

(13) Port Banks: waters south and east of a line from 56° 36.12' N. lat., 135° 00.33' W. long. to 56° 35.92' N. lat., 135° 01.17' W. long.;

(14) Redfish Bay: waters north and west of a line from 56° 20.68' N. lat., 134° 51.52' W. long. to 56° 20.82' N. lat., 134° 51.08' W. long.;

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

(16) Rodman Bay: waters west and south of a line from 57° 28.33' N. lat., 135° 21' W. long. to 57° 28.83' N. lat., 135° 21.67' W. long.;

(17) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.08' N. lat., 136° 30.37' W. long. to 57° 55.42' N. lat., 136° 31' W. long.;

(18) Saook Bay: waters west and south of a line at 57° 26.25' N. lat., 135° 11.67' W. long. to 57° 26.67' N. lat., 135° 12.25' W. long.;

(19) Sister Lake: waters inside a line from 57° 37.70' N. lat., 136° 00.50' W. long. to 57° 38.08' N. lat., 136° 00.67' W. long.;

(20) Sitkoh Bay: waters west of a line from 57° 29.28' N. lat., 134° 53.67' W. long. to 57° 29.60' N. lat., 134° 53.50' W. long.;

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

(22) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.78' N. lat., 135° 22.75' W. long. to 57° 08.42' N. lat., 135° 22.50' W. long.;

(23) Still Harbor: waters south and east of a line from 56° 33.25' N. lat., 135° 02.67' W. long. to 56° 33.63' N. lat., 135° 02.42' W. long.;

(24) Ushk Bay: waters west of 135° 35' W. long.;

(25) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27' N. lat., 135° 56.17' W. long. to 57° 30.88' N. lat., 135° 55' W. long.

(o) District 14:

(1) Dundas Bay: waters north of 58° 20' N. lat.;

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

(3) repealed 7/26/2003.

CHAPTER 30. YAKUTAT AREA.

ARTICLE 1. DESCRIPTION OF AREA.

PLEASE NOTE THAT AS OF 2000 ALL LONGITUDE AND LATITUDE COORDINATES IN THE SOUTHEASTERN AREA HAVE BEEN CONVERTED TO DECIMAL MINUTES AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983.

5 AAC 30.100. DESCRIPTION OF AREA. The Yakutat Area consists of all waters of Alaska within an area that has as its western boundary the longitude of Cape Suckling (144° W. long.), and as its southern boundary a line extending seaward from the western tip of Cape Fairweather, at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.91' N. lat., 138° 01.53' W. long.

ARTICLE 2. FISHING DISTRICTS.

5 AAC 30.200. FISHING DISTRICTS. (a) Yakataga District: all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and the longitude of Icy Cape (141° 42' W. long.).

(b) Yakutat District: all waters of Alaska between the longitude of Icy Cape (141° 42' W. long.) 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 gillnets 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) Italio 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) Repealed 10/1/98.

Editor's Notes - As of Register 147, Oct., 1998, the substance of former 5 AAC 30.310(b) appears in 5 AAC 29.080(b) and 5 AAC 29.100(h).

5 AAC 30.320. FISHING PERIODS. Salmon may be taken by set gillnets during the open fishing season only as follows:

(1) in the Yakataga District, from 9:00 a.m. Monday through 9:00 a.m. Thursday,

YAKUTAT SALMON FISHERY

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) repealed 6/28/97.

5 AAC 30.330. GEAR. Except as provided in 5 AAC 29, salmon may be taken only by set gillnets.

5 AAC 30.331. GILLNET SPECIFICATIONS AND OPERATIONS.

(a) Set gillnets with mesh size smaller than eight inches may not be deeper than 45 meshes and set gillnets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gillnets aboard a vessel or in use by a person may not be more than one of the following in hung measure:

(1) in the Yakutat District

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

(B) Situk-Ahrmklin Inlet and Lost River, one net not to exceed 20 fathoms, except that in the Situk-Ahrmklin Inlet, two nets, neither of which may exceed 20 fathoms, may be used during periods established by emergency order;

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

(D) in the Dangerous River, no single set gillnet 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 gillnet 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;

(G) repealed 4/8/79;

(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 gillnet 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 gillnets, and the aggregate length of set gillnets 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 gillnet 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 gillnets may not obstruct more than two-thirds of any salmon migratory waterway, except in the Tsiu River, where set gillnets may not obstruct more than one-half of the waterway. In the intertidal zone this applies at all stages of the tide.

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

(d) Repealed 4/15/81.

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

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

5 AAC 30.334. IDENTIFICATION OF GEAR.

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

5 AAC 30.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR.

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

5 AAC 30.340. GILLNET OPERATION IN SURFLINE AREAS.

(a) Unless otherwise specified in 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.

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

5 AAC 30.350. CLOSED WATERS.

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

(1) Alesek 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

YAKUTAT SALMON FISHERY

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° 32.85' N. lat., 139° 49.70' W. long., to 59° 32.78' N. lat., 139° 49.70' W. long.;

(4) Italo Rivers:

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

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

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

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

(6) Akwe River: downstream from the ADF&G regulatory markers located one-half mile from the terminus of the Akwe lagoon at mean low water and upstream of ADF&G regulatory markers located approximately two and one-half miles downstream from the westernmost end of the Sand Dunes;

(7) Lost River: upstream from Department of Fish and Game 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 gillnets in those waters of the Yakutat district south of the latitude of the Dangerous River (59° 20.83' N. lat.) that are seaward of mean higher high tide except as indicated as open to commercial salmon fishing by ADF&G regulatory markers;

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

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

(12) Tsiu River: upstream of ADF&G regulatory markers located approximately one-half mile downstream from Duck Camp Island.

(b) Repealed 10/1/98.

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

Editor's Notes - As of Register 147, Oct. 1998, the substance of former 5 AAC 30.350(b) appears in 5 AAC 29.150(a)(2).

5 AAC 30.365. SITUK-AHRNKLIN INLET AND LOST RIVER KING SALMON FISHERIES MANAGEMENT PLAN. (a) The purpose of the management plan in this section is to provide for the biological escapement goal requirements of spawning king salmon to the Situk - Ahrnklin River systems. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various user groups of the king salmon resource. Action points and associated ranges within the plan are intended to be

YAKUTAT SALMON FISHERY

based on the current king salmon escapement goal ranges for the Situk River system.

(b) The biological escapement goal for the Situk River king salmon is 730 three ocean age and older fish, with a range of 450 - 1,050 fish. (c) The department shall manage the commercial, sport, and subsistence fisheries as follows:

(1) if the projected inriver run of king salmon to the Situk River weir is less than 350 three ocean age and older fish, the commissioner shall close, by emergency order, the king salmon

(A) sport fishery in the Situk River;

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

(C) commercial troll fishery in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

(2) if the projected inriver run of king salmon to the Situk River weir is 350 – 450 three ocean age or older fish the commissioner

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

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

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

(ii) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

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

(3) if the projected inriver run of king salmon to the Situk weir is 451 – 730 three ocean age or older fish, the commissioner shall, by emergency order, implement one or more of the following management measures for conservation purposes:

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

(B) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting with the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25'

YAKUTAT SALMON FISHERY

N. lat., 139° 21.94' W. long.;

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

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

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

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

(4) if the projected inriver run of king salmon to the Situk River weir is greater than 730 three ocean age and older fish but less than 1,050 fish, the department shall,

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

(B) manage the commercial salmon troll fishery as specified in 5 AAC 29.100 in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

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

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

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

5 AAC 30.392. POSSESSION AND LANDING OF KING SALMON.

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

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

5 AAC 30.393. LANDING OF COHO SALMON.

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

ARTICLE 4. BOTTOMFISH FISHERY.

5 AAC 30.410. FISHING SEASON. Repealed 7/30/89.

5 AAC 30.460. HARVEST OF BAIT BY COMMERCIAL PERMIT HOLDERS.

The holder of a valid CFEC interim use or limited entry permit may take but may not sell bottomfish for use as bait in the commercial fishery for which the permit is held as follows:

YAKUTAT SALMON FISHERY

(1) bottomfish may be taken at any time;

(2) unless use of a gear is restricted in 5 AAC 27 - 5 AAC 39, bottomfish may be taken by any gear specified in 5 AAC 39.105 except trawls;

(3) no more than 10 percent, by weight, of all species of fish on board the vessel may be demersal shelf rockfish;

(4) no person or vessel may take more than 2,000 pounds of bottomfish, except as provided under terms of a permit issued by the department.

ARTICLE 6. HERRING FISHERY.

ARTICLE 7. SHELLFISH FISHERY.

ARTICLE 9. SUBSISTENCE FISHERY.

CHAPTER 33. SOUTHEASTERN ALASKA AREA.

ARTICLE 1. DESCRIPTION OF AREA.

PLEASE NOTE THAT AS OF 2000 ALL LONGITUDE AND LATITUDE COORDINATES IN THE SOUTHEASTERN AREA HAVE BEEN CONVERTED TO DECIMAL MINUTES AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983

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.

5 AAC 33.100. DESCRIPTION OF AREA. The Southeastern Alaska Area (Area A) consists of all waters of Alaska within an area that has as its southern boundary the International Boundary at Dixon Entrance, and as its northern boundary a line extending seaward from the western tip of Cape Fairweather at 58° 47.97' N. lat., 137° 56.50' W. long. that intersects with the three-nautical-mile line at 58° 45.91' N. lat., 138° 01.53' W. long.

ARTICLE 2. FISHING DISTRICTS AND SECTIONS.

5 AAC 33.200. FISHING DISTRICTS AND SECTIONS. (a) District 1: all waters east and north of a line from the southernmost tip of Caamano Point to 54° 40' N. lat., 131° 45' W. long., and north of a line from 54° 40' N. lat., 131° 45' W. long., 54° 42.48' N. lat., 130° 36.92' W. long.;

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

(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° 55.53' N. lat., 130° 58.50' 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° 11.78' N. lat., 131° 05.13' W. long., located on Point Sykes to a point at 55° 12.22' N. lat., 131° 05.70' W. long., located one-half mile northwest of Point Sykes to Point Alava, 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 a 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 other 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° 17.50' W. long.

(c) District 3: all waters north of a line from Point Marsh Light to 54° 40' N. lat., 132° 17.50' 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 Arboloda, the northernmost tip of Point San Roque, the southernmost tip of Cape Ulitka, the northeasternmost tip of Cape Lynch to the southwest entrance point of Halibut Harbor on Kosciusko Island, and south of the latitude of Aneskett Point (56° 08.83' N. lat.);

SOUTHEAST ALASKA AREA

(1) Section 3-A: waters of District 3 south and east of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point at 55° 15.78' N. lat., 133° 07.23' W. long., to a point on Prince of Wales Island at 55° 15.75' N. lat., 133° 06.43' W. long., including Soda Bay and its contiguous waters, but excluding all waters of Meares Pass and its contiguous waters;

(2) Section 3-B: waters of District 3 south of the latitude of Point Swift at 55° 45.78' N. lat., including all waters of Warm Chuck Inlet, Iphigenai Bay south of Cape Lynch, excluding all waters of Tuxekan Passage and contiguous waters, and waters of District 3 north of a line through Tlevak Narrows beginning at the easternmost tip of Turn Point located at 55° 15.78' N. lat., 133° 07.23' W. long., to a point on Prince of Wales Island at 55° 15.75' N. lat., 133° 06.43' W. long., including all waters of Meares Pass and contiguous waters, but excluding all waters of Soda Bay and its contiguous waters;

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

(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 of 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 in 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: the 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 east of a line from Babbler Point to Hour Point (56° 27.80' N. lat., 132° 16.63' W. long.);

(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.

SOUTHEAST ALASKA AREA

(h) District 8: waters of Frederick Sound south of a line from Wood Point to Beacon Point (excluding Wrangell Narrows), Sumner Strait east of a line from Point Alexander to Low Point, Stikine Strait north of the latitude of Round Point, Zimovia Strait north of the latitude of Nemo Point and Eastern Passage west of a line from Hour Point ($56^{\circ} 27.80' \text{ N. lat.}$, $132^{\circ} 16.63' \text{ W. long.}$), to Babblar 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 Elliott Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of $57^{\circ} 37' \text{ N. lat.}$, 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 $57^{\circ} 37' \text{ N. lat.}$, 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 $58^{\circ} 12.33' \text{ N. lat.}$, $134^{\circ} 10' \text{ W. long.}$, 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 $58^{\circ} 12.33' \text{ N. lat.}$, $134^{\circ} 10' \text{ W. long.}$, 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 Light to a line from Point League to Point Hugh;

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

(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 ($58^{\circ} 11.42' \text{ N. lat.}$) to the latitude of Point Gardner ($57^{\circ} 01' \text{ N. lat.}$), 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 ($58^{\circ} 11.42' \text{ N. lat.}$).

(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

SOUTHEAST ALASKA AREA

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 ($57^{\circ} 30.50' N.$ 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 northernmost 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 $58^{\circ} 22.50' N.$ 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 $58^{\circ} 22.50' N.$ lat., $135^{\circ} 29' W.$ long.

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

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

(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 $138^{\circ} 45.33' W.$ long., south of the southern boundaries of Districts 1 - 4 and north of a line from $54^{\circ} 43.50' N.$ lat., $130^{\circ} 37.62' W.$ long., to $54^{\circ} 43.40' N.$ lat., $130^{\circ} 37.65' W.$ long., to $54^{\circ} 43.25' N.$ lat., $130^{\circ} 37.73' W.$ long., to $54^{\circ} 43' N.$ lat., $130^{\circ} 37.92' W.$ long., to $54^{\circ} 42.97' N.$ lat., $130^{\circ} 37.95' W.$ long., to $54^{\circ} 42.78' N.$ lat., $130^{\circ} 38.10' W.$ long., to $54^{\circ} 42.37' N.$ lat., $130^{\circ} 38.43' W.$ long., to $54^{\circ} 41.15' N.$ lat., $130^{\circ} 38.97' W.$ long., to $54^{\circ} 39.90' N.$ lat., $130^{\circ} 38.97' W.$ long., to $54^{\circ} 39.23' N.$ lat., $130^{\circ} 39.30' W.$ long., to $54^{\circ} 39.80' N.$ lat., $130^{\circ} 41.58' W.$ long., to $54^{\circ} 40.05' N.$ lat., $130^{\circ} 42.37' W.$ long., to $54^{\circ} 40.70' N.$ lat., $130^{\circ} 44.72' W.$ long., to $54^{\circ} 40.68' N.$ lat., $130^{\circ} 44.98' W.$ long., to $54^{\circ} 40.77' N.$ lat., $130^{\circ} 45.85' W.$ long., to $54^{\circ} 41.10' N.$ lat., $130^{\circ} 48.52' W.$ long., to $54^{\circ} 41.08' N.$ lat., $130^{\circ} 49.28' W.$ long., to $54^{\circ} 41.35' N.$ lat., $130^{\circ} 53.30' W.$ long., to $54^{\circ} 41.43' N.$ lat., $130^{\circ} 53.65' W.$ long., to $54^{\circ} 42.45' N.$ lat., $130^{\circ} 56.30' W.$ long., to $54^{\circ} 42.57' N.$ lat., $130^{\circ} 57.15' W.$ long., to $54^{\circ} 43' N.$ lat., $130^{\circ} 57.68' W.$ long., to $54^{\circ} 43.77' N.$ lat., $130^{\circ} 58.92' W.$ long., to $54^{\circ} 44.20' N.$ lat., $130^{\circ} 59.73' W.$ long., to $54^{\circ} 45.65' N.$ lat., $131^{\circ} 03.10' W.$ long., to $54^{\circ} 46.27' N.$ lat., 131°

SOUTHEAST ALASKA AREA

04.72' W. long., to 54° 42.18' N. lat., 131° 13' W. long., to 54° 40.87' N. lat., 131° 13.90' W. long., to 54° 39.15' N. lat., 131° 16.28' W. long., to 54° 36.87' N. lat., 131° 19.37' W. long., to 54° 29.95' N. lat., 131° 33.80' W. long., to 54° 30.53' N. lat., 131° 38.02' W. long., to 54° 28.30' N. lat., 131° 45.33' W. long., to 54° 26.68' N. lat., 131° 49.47' W. long., to 54° 21.85' N. lat., 132° 02.90' W. long., to 54° 24.87' N. lat., 132° 23.65' W. long., to 54° 24.68' N. lat., 132° 24.48' W. long., to 54° 24.68' N. lat., 132° 24.58' W. long., to 54° 24.65' N. lat., 132° 26.85' W. long., to 54° 24.57' N. lat., 132° 38.27' W. long., to 54° 24.90' N. lat., 132° 39.77' W. long., to 54° 26' N. lat., 132° 44.20' W. long., to 54° 27.12' N. lat., 132° 49.58' W. long., to 54° 27.12' N. lat., 132° 50.70' W. long., to 54° 28.42' N. lat., 132° 55.90' W. long., to 54° 28.53' N. lat., 132° 56.47' W. long., to 54° 30.05' N. lat., 133° 07' W. long., to 54° 30.17' N. lat., 133° 07.72' W. long., to 54° 30.70' N. lat., 133° 11.47' W. long., to 54° 31.03' N. lat., 133° 14' W. long., to 54° 30.10' N. lat., 133° 16.97' W. long., to 54° 22.02' N. lat., 133° 44.40' W. long., to 54° 20.55' N. lat., 133° 49.35' W. long., to 54° 15.67' N. lat., 134° 19.82' W. long., to 54° 12.95' N. lat., 134° 23.78' W. long., to 54° 12.75' N. lat., 134° 25.05' W. long., to 54° 07.50' N. lat., 134° 56.40' W. long., to 54° 00.02' N. lat., 135° 45.95' W. long., to 53° 28.45' N. lat., 138° 45.33' W. long.

ARTICLE 3. SALMON FISHERY.

5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR. (a) Salmon may be taken with purse seines in the following locations only during fishing periods established by emergency order that will generally begin on Sundays:

- (1) District 1, Sections 1-C, 1-D, 1-E, and 1-F only;
- (2) District 2;
- (3) District 3;
- (4) District 4, from the first Sunday in July until a closing date made by emergency order;
- (5) District 5;
- (6) District 6, Sections 6-C 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.

(b) Repealed 5/31/85.

(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) District 1:

(A) Section 1-A;

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

(2) District 6:

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

(B) 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° 09.60' N. lat., 132° 42.70' W. long., to the southernmost tip of Point Stanhope is open from the second Sunday in June through the first Saturday in August and from the first Sunday in September until the season is closed;

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

(4) District 11:

(A) Section 11-B opens on the third Sunday in June, , except that the commissioner may open, by emergency order, drift gillnet fishing periods in the waters of Section 11-B north of the latitude of Cove Point and south and east of a line from a point at 58° 12.33' N. lat., 134° 10' W. long. to Cove Point, from May 1 through the third Sunday in June subject to the following provisions;

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

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

(iii) fishing periods will begin at 12:01 p.m. from May 1 through the third Sunday in June;

(iv) notwithstanding 5 AAC 75.003(2)(A), when the drift gillnet fishery is opened under this paragraph from May 1 through the third Sunday in June, the commissioner may, by emergency order, increase the sport fishery bag and possession limits and liberalize method and means of harvest for salmon;

(B) Section 11-C;

(5) District 15:

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

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

(C) Repealed 4/18/86.

(d) Repealed 2/18/73.

5 AAC 33.311. FISHING SEASONS AND PERIODS FOR TROLL GEAR. Repealed.

Editor's Notes -As of Register 147, Oct. 1998, the substance of former 5 AAC 33.311 appears in 5 AAC 29.070 - 5 AAC 29.110 and 5 AAC 39.130.

5 AAC 33.312. FISHING ZONES FOR TROLL GEAR. Repealed.

Editor's Notes -As of Register 147, Oct. 1998, the substance of former 5 AAC 33.312 appears in 5 AAC 29.001, 5 AAC 29.020, and 5 AAC 29.025.

5 AAC 33.313. APPLICATION OF COASTAL TROLLING REGULATIONS. Repealed.

Editor's Notes -As of Register 147, Oct. 1998, the substance of former 5 AAC 33.313

SOUTHEAST ALASKA AREA

appears in 5 AAC 29.001.

5 AAC 33.314. TROLL GEAR OPERATION; FISH TICKETS. Repealed.

Editor's Notes -As of Register 147, Oct. 1998, the substance of former 5 AAC 33.314 appears in 5 AAC 29.130.

5 AAC 33.330. GEAR. (a) Except as provided in 5 AAC 29, salmon may be taken only by drift gillnets and seines.

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

5 AAC 33.331. GILLNET SPECIFICATIONS AND OPERATION. (a) A person may not operate a gillnet vessel that has on the reel or in the water more than one legal limit of gillnet gear. Extra gillnet gear may be on board the vessel. Any gear in excess of one legal limit must be sacked or bagged. The sack or bag must totally contain the net and must be secured closed. However, unassembled gillnet gear components, including cork, webbing, or leadline may be on board a fishing vessel without being sacked or bagged. For the purposes of this section, the legal limit of gillnet gear is one gillnet no longer than the maximum length specified in (c) of this section.

(b) The maximum depth of gillnets is as follows:

- (1) In the Southeastern Alaska Area, drift gillnets may not be deeper than 60 meshes;
- (2) repealed 7/26/2003;
- (3) repealed 7/26/2003;

(4) there is no maximum depth restriction for a gillnet operated for king salmon cost recovery by a private nonprofit hatchery operator or under contract to a regional aquaculture association in a special harvest area described in 5 AAC 40.030 - 5 AAC 40.045.

(c) The maximum length of gillnets is as follows:

- (1) in District 1, a gillnet may not be more than 200 fathoms in length;
- (2) in District 6, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 75 fathoms in length in Wrangell Narrows during seasons established by emergency order;
- (3) in District 8, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 150 fathoms in length in Blind Slough during seasons established by emergency order;
- (4) in District 11, gillnets may not be more than 200 fathoms in length,
- (5) in District 15, a gillnet may not be more than 200 fathoms in length.

(d) The maximum gillnet mesh sizes are as follows:

- (1) in District 8 from the second Sunday in June through July 18, six inches, except during periods established by emergency order for Blind Slough for the harvest of king salmon when no maximum mesh size will apply;
- (2) in District 11, through the fourth Saturday in June, six inches, except that from

May 1 through the third Sunday in June, during fishing periods established by emergency order, the maximum gillnet mesh size is 7.5 inches;

(3) in District 15, through the fourth Saturday in June, six inches.

(e) In Districts 1, 6, 8, 11, and 15, during periods established by emergency order, the minimum gillnet mesh size is six inches.

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

(g) Repealed 5/31/85.

(h) Repealed 5/31/85.

(i) Repealed 4/2/88.

5 AAC 33.332. SEINE SPECIFICATIONS AND OPERATION. (a) No purse seine may be less than 150 meshes or more than 450 meshes in depth, or less than 150 fathoms or more than 250 fathoms in length, hung measure.

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

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

(d) Repealed 4/26/70.

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

(f) 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.

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

5 AAC 33.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. Repealed 2/18/73.

5 AAC 33.350. CLOSED WATERS. (a) The waters listed in this section are closed to the taking of salmon with net gear.

(b) District 1:

(1) Behm Canal: waters between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva;

(2) Boca De Quadra: waters east of 130° 50' W. long.;

(3) Bostwick Inlet: waters north and west of a line from 55° 13.42' N. lat., 131° 41.87' W. long. to 55° 11.83' N. lat., 131° 42.92' W. long. on the south shore;

SOUTHEAST ALASKA AREA

- (4) Carroll Inlet: waters north of $55^{\circ} 24.27'$ N. lat.;
- (5) Clover Passage: waters 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;
- (6) Edwards Passage: waters north of the latitude of Akeku Point;
- (7) Fillmore Inlet: waters north of the latitude of Male Point;
- (8) George Inlet: waters north of $55^{\circ} 19.60'$ N. lat.;
- (9) Helm Bay and Smugglers Cove: waters west of a line from the southernmost tip of Helm Point to Helm Bay Light to the Cleveland Peninsula at $55^{\circ} 34.22'$ N. lat., $131^{\circ} 56.50'$ W. long.;
- (10) Hidden Inlet: waters north of the latitude of the tip of Hidden Point;
- (11) Lucky Cove: waters within 1,000 yards of the stream terminus;
- (12) Moser Bay: waters south of a line from the tip of Code Point to $55^{\circ} 34'$ N. lat., $131^{\circ} 40.90'$ W. long.;
- (13) Naha Bay: waters east of $131^{\circ} 38.30'$ W. long.;
- (14) Nakat Bay: waters north of the latitude of High Point;
- (15) Port Stewart: waters west of a line from $55^{\circ} 43.10'$ N. lat., $131^{\circ} 49.45'$ W. long. to $55^{\circ} 41.55'$ N. lat., $131^{\circ} 50.08'$ W. long.;
- (16) Portland Canal: waters north of the latitude of Engineer's Point;
- (17) Ray Anchorage: waters inside a line between $54^{\circ} 56.65'$ N. lat., $131^{\circ} 13.90'$ W. long. and $54^{\circ} 55'.70'$ N. lat., $131^{\circ} 12.90'$ W. long.;
- (18) Raymond Cove: waters within a line from Mike Point to $55^{\circ} 37.75'$ N. lat., $131^{\circ} 51.83'$ W. long.;
- (19) Rudyard Bay: waters east of $130^{\circ} 42.45'$ W. long.;
- (20) Smeaton Bay: waters east of $130^{\circ} 43.50'$ W. long.;
- (21) Thorne Arm: waters north of the latitude of Eve Point;
- (22) Tombstone Bay: waters between the latitudes of Turn Point and Breezy Point;
- (23) Tongass Narrows: waters between a line from Point Higgins to Vallendar Point and a line from Gravina Point to the Mountain Point navigation light;
- (24) Traitors Cove: waters east of $131^{\circ} 41.80'$ W. long.;
- (25) Vallendar Bay: waters south of a line from $55^{\circ} 23.75'$ N. lat., $131^{\circ} 50.87'$ W. long. to $55^{\circ} 22.92'$ N. lat., $131^{\circ} 51.97'$ W. long.;
- (26) Very Inlet: waters inside of a line from $54^{\circ} 57.73'$ N. lat., $130^{\circ} 57.60'$ W. long. to $54^{\circ} 57.73'$ N. lat., $130^{\circ} 57'$ W. long.;
- (27) Ward Cove: waters east of a line from $55^{\circ} 23.93'$ N. lat., $131^{\circ} 44.45'$ W. long. to $55^{\circ} 23.63'$ N. lat., $131^{\circ} 44.02'$ W. long.;
- (28) Willard Inlet: waters north of the latitude of Male Point.

(c) District 2:

SOUTHEAST ALASKA AREA

(1) Cholmondeley Sound:

(A) Cholmondeley Sound: waters east of Divide Head, including Dora Bay, Kitkum Bay, and Lancaster Cove south of $55^{\circ} 13.05' N.$ lat.;

(B) waters of South Arm, West Arm, and Sunny Cove west of $132^{\circ} 14.47' W.$ long.;

(2) Karta Bay: waters west of a line beginning at $55^{\circ} 33.87' N.$ lat., $132^{\circ} 32.67' W.$ long. and projected north through $55^{\circ} 35.08' N.$ lat., $132^{\circ} 29.92' W.$ long.;

(3) Moira Sound:

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

(B) Johnson Cove: waters south of $54^{\circ} 59.72' N.$ lat.;

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

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

(4) Nichols Bay: waters north of $54^{\circ} 42.12' N.$ lat.;

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

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

(7) Thorne Bay: waters west of $132^{\circ} 28.58' W.$ long.;

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

(9) Twelvemile Arm: waters south of $55^{\circ} 29.17' N.$ lat.

(d) District 3:

(1) Devilfish Bay: waters west of $133^{\circ} 20' W.$ long.;

(2) Edna Bay: waters north of a line from Limestone Point Light to $55^{\circ} 55.92' N.$ lat., $133^{\circ} 37.67' W.$ long.;

(3) Eek Inlet: waters west of a line from $55^{\circ} 08.80' N.$ lat., $132^{\circ} 39.42' W.$ long., to $55^{\circ} 08.88' N.$ lat., $132^{\circ} 39.38' W.$ long.;

(4) El Capitan and Tuxekan Passages: all contiguous waters east of $133^{\circ} 20' W.$ long.;

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

(6) Hessa Inlet: waters east of the longitude of the tip of Whirlpool Point;

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

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

(9) Hunter Bay: waters east of a line from the tip of Turn Point to $54^{\circ} 52.80' N.$ lat., $132^{\circ} 21.33' W.$ long.;

(10) Kasook Inlet: waters north of $55^{\circ} 01.67' N.$ lat.;

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

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

(13) Klawock Inlet: waters east of Klawock and Peratrovich Islands and north of a

SOUTHEAST ALASKA AREA

line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake;

(14) Nossuk Bay: waters south of $55^{\circ} 44'$ N. lat.;

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

(16) Port Estrella: waters east of the longitude of Point Providence ($133^{\circ} 16'$ W. long.);

(17) Port Real Marina: waters east of $133^{\circ} 34.50'$ W. long., west of a line from Point Arrecife to Point Gorda, and north of a line from Point San Leonardo to Canal Point;

(18) Port Refugio: waters south and west of a line from Pointe Verde to Bocas Point;

(19) Port Saint Nicholas: waters east of $133^{\circ} 04'$ W. long.;

(20) Portillo Channel: waters between a line from Point Arrecife to Point Amargura and a line from Point Santa Gertrudis to Point Animas;

(21) Salt Lake Bay: waters east of $133^{\circ} 23.37'$ W. long.;

(22) Shinaku Inlet and Big Salt Lake: waters north of the latitude of Point Ildefonso;

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

(24) Sukkwan Strait at Hydaburg: 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;

(25) Tlevak Straits: waters north of $55^{\circ} 15'$ N. lat.;

(26) Tokeen Bay: waters east of a line from the tip of Holbrook Point to $55^{\circ} 59.87'$ N. lat., $133^{\circ} 27.85'$ W. long.;

(27) Trocadero Bay: waters east of $133^{\circ} 01'$ W. long.;

(28) Ulloa Channel: waters east of $133^{\circ} 10'$ W. long.;

(29) Van Sant Cove: waters within 1,000 yards of the stream terminus;

(30) Warm Chuck Inlet: waters north of $55^{\circ} 44.50'$ N. lat.;

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

(32) waters within 500 yards of the unnamed stream at $55^{\circ} 22.02'$ N. lat., $133^{\circ} 04.63'$ W. long.;

(33) waters within 500 yards of the unnamed stream at $55^{\circ} 22.42'$ N. lat., $133^{\circ} 10.57'$ W. long.;

(34) waters within 500 yards of the unnamed stream at $55^{\circ} 22.47'$ N. lat., $133^{\circ} 06.07'$ W. long.

(e) District 4: Manhattan Arm: waters east of $133^{\circ} 10'$ W. long.

(f) District 5:

(1) Affleck Canal:

(A) Bear Harbor: waters north of a line from $56^{\circ} 13.42'$ N. lat., $134^{\circ} 05.75'$ W.

long. to 56° 13.83' N. lat., 134° 05.08' W. long.;

(B) waters of Kell Bay west of 134° 08.25' W. long.;

(C) waters north of 56° 16.33' W. long.;

(D) small unnamed bay on the east side: waters east of 134° 01.92' W. long.;

(2) Alvin Bay: waters west of 133° 53.42' W. long.;

(3) Barrie (Kushehin) Creek: waters east of a line from 56° 27.92' N. lat., 133° 40.08' W. long. to Trouble Island at 56° 28.75' N. lat., 133° 40.75' W. long. to 56° 28' N. lat., 133° 39.92' W. long.;

(4) Calder Bay: waters north of 56° 11.20' N. lat.;

(5) El Capitan Passage: waters east of a line extending north from 56° 08.88' N. lat., 133° 27.62' W. long.;

(6) Hole in the Wall, northwest coast of Prince of Wales Island: waters east of 133° 38.50' W. long.;

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

(8) Port Beauclerc:

(A) waters north of 56° 20' N. lat.;

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

(C) waters of the unnamed cove 0.7 miles west of the northern tip of Edwards Island between 56° 18.33' N. lat., 133° 58.50' W. long. and 56° 19.25' N. lat., 133° 58.33' W. long.;

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

(10) Shipley Bay: waters east of 133° 33.42' W. long.

(g) District 6:

(1) Barnes Lake at the head of Lake Bay: waters inside of Stevenson Island south of 56° 03.05' N. lat.;

(2) Duncan Canal: waters north of the latitude of the northern tip of Butterworth Island;

(3) Exchange Cove: waters south of a line from 56° 13.12' N. lat., 133° 03.70' W. long. to 56° 12.90' N. lat., 133° 03.42' W. long.;

(4) Kah Sheets Bay: waters west of a line from 56° 31.47' N. lat., 133° 05.20' W. long. to 56° 29.77' N. lat., 133° 07.20' W. long.;

(5) Lake Bay: waters west of a line from Keg Point to 56° 01.70' N. lat., 132° 54.37' W. long.;

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

(7) Mosman Inlet: waters north of 56° 05.33' N. lat.;

(8) Navy Creek: waters east of a line from 56° 03.50' N. lat., 132° 27.90' W. long.

SOUTHEAST ALASKA AREA

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° 04.60' N. lat., 132° 27.48' W. long.;

(9) Ratz Harbor: waters south and west of a line from 55° 53.13' N. lat., 132° 35.62' W. long. to 55° 53.27' N. lat., 132° 35'.78' W. long.;

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

(11) Rocky Bay, west coast of Etolin Island: waters north of a line from 56° 04.33' N. lat., 132° 36.50' W. long. to 56° 04.40' N. lat., 132° 36.05' W. long.;

(12) Salmon Bay: waters within a line extending from 56° 17.40' N. lat., 133° 08.23' W. long. to Rookery Island to 56° 19.10' N. lat., 133° 09.70' W. long.;

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

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

(15) Whale Pass: waters at the southern entrance west of 132° 59.10' W. long. and at the northern entrance west of the longitude of the northernmost tip of Thome Island (133° 03.40' W. long.);

(16) Wrangell Narrows: waters north of the tip of Point Alexander:

(A) Blind Slough: waters east of a line from the tip of Anchor Point to the tip of Blind Point;

(B) Petersburg Creek: waters west of a line from 56° 48.25' N. lat., 132° 59.55' W. long. to the tip of Bayou Point.

(h) District 7:

(1) Anita Bay: waters west of a line from the tip of Anita Point to 56° 15.30' N. lat., 132° 22.93' W. long.;

(2) Blake Channel and Eastern Passage: waters north of 56° 12' N. lat. and east of a line from the tip of Babbler Point to 56° 27.80' N. lat., 132° 16.63' W. long. on Hour Point;

(3) Bradfield Canal: waters east of 131° 55.50' W. long.;

(4) Canoe Pass: waters north of 56° N. lat.;

(5) Emerald Bay: waters within 1,000 yards of the stream terminus from 55° 53.70' N. lat., 132° 02.70' W. long. to 55° 52.93' N. lat., 132° 03' W. long.;

(6) Fisherman's Chuck: waters west of 132° 12' W. long.;

(7) Fool's Inlet: waters north of 56° 12.50' N. lat.;

(8) Menefee Inlet: waters north of 56° 05' N. lat.;

(9) Olive Cove: waters south of a line from 56° 11.55' N. lat., 132° 19.10' W. long. to 56° 11.40' N. lat., 132° 18.72' W. long.;

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

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

(12) Union Bay: waters south of a line from 55° 44.80' N. lat., 132° 14.12' W. long. to 55° 45.57' N. lat., 132° 11.13' W. long.;

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

(14) Zimovia Strait: waters north of the latitude of Thoms Point.

(i) District 8:

(1) Blind Slough: waters north of a line from $56^{\circ} 30.75' \text{ N. lat.}$, $132^{\circ} 43.30' \text{ W. long.}$ to $56^{\circ} 31.92' \text{ N. lat.}$, $132^{\circ} 40.53' \text{ W. long.}$;

(2) Five Mile Creek: waters south of the latitude and west of the longitude of Sukoi Island Light;

(3) Stikine River:

(A) waters north of a line from Indian Point to Point Rothsay, from the third Sunday in June through the first Saturday in August;

(B) before the third Sunday in June and after the first Saturday in August, waters 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.

(j) District 9:

(1) Bay of Pillars: waters east of $134^{\circ} 11.67' \text{ W. long.}$;

(2) Deep Cove: waters west of $134^{\circ} 43.63' \text{ W. long.}$;

(3) Eliza Harbor: waters north of $57^{\circ} 14.30' \text{ N. lat.}$;

(4) Gedney Harbor: waters east of $134^{\circ} 14.67' \text{ W. long.}$;

(5) Gut Bay: waters west of $134^{\circ} 43.47' \text{ W. long.}$;

(6) Hamilton Bay: waters south of the latitude of Point Hamilton;

(7) Kadake Bay: waters south of a line from $56^{\circ} 48.75' \text{ N. lat.}$, $133^{\circ} 58' \text{ W. long.}$ to $56^{\circ} 48.38' \text{ N. lat.}$, $133^{\circ} 56.47' \text{ W. long.}$;

(8) Little Pybus Bay: waters north of $57^{\circ} 14.83' \text{ N. lat.}$;

(9) Murder Cove: waters north of $57^{\circ} 01.75' \text{ N. lat.}$;

(10) Patterson Bay: waters north of $56^{\circ} 36.73' \text{ N. lat.}$;

(11) Port Camden: waters south of $56^{\circ} 41.67' \text{ N. lat.}$;

(12) Port Malmesbury: waters east of a line from $56^{\circ} 18.92' \text{ N. lat.}$, $134^{\circ} 10.75' \text{ W. long.}$ to $56^{\circ} 19.60' \text{ N. lat.}$, $134^{\circ} 11.28' \text{ W. long.}$;

(13) Port Walter and Little Port Walter: waters west of a line from $56^{\circ} 23.25' \text{ N. lat.}$, $134^{\circ} 38.08' \text{ W. long.}$ to $56^{\circ} 23.70' \text{ N. lat.}$, $134^{\circ} 38.25' \text{ W. long.}$;

(14) Red Bluff Bay: waters west of $134^{\circ} 45.47' \text{ W. long.}$;

(15) Rowan Bay: waters north and east of a line from $56^{\circ} 40.47' \text{ N. lat.}$, $134^{\circ} 15.13' \text{ W. long.}$ to $56^{\circ} 39.88' \text{ N. lat.}$, $134^{\circ} 13.13' \text{ W. long.}$;

(16) Saginaw Bay: waters south and east of a line from $56^{\circ} 51.78' \text{ N. lat.}$, $134^{\circ} 11.23' \text{ W. long.}$ to the southwesternmost tip of an unnamed island at $56^{\circ} 52.75' \text{ N. lat.}$, 134°

SOUTHEAST ALASKA AREA

09.63' W. long. and east of a line from the northwesternmost tip of the same unnamed island to 56° 53.28' N. lat., 134° 10' W. long.;

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

(18) Tebenkof Bay:

(A) Elena Bay: waters north and east of a line from 56° 29.93' N. lat., 134° 06.47' W. long. to Elena Point;

(B) Petrof Bay: waters south of 56° 22.33' N. lat.;

(C) Thetis Bay: waters south of 56° 23.37' N. lat.

(k) District 10:

(1) Dry Bay: waters inside of a line from 57° 03.53' N. lat., 133° 01.92' W. long. to 57° 02.82' N. lat., 133° 01.75' W. long. to 57° 02.95' N. lat., 133° 00.17' W. long.;

(2) Farragut Bay: waters of Francis Anchorage north of 57° 08.75' N. lat.;

(3) Gambier Bay:

(A) waters west of 134° W. long.;

(B) waters of Snug Cove south of a line from Scald Point to the northwest tip of Pain Island;

(4) Hobart Bay: waters east of 133° 23.67' W. long.;

(5) Port Houghton;

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

(B) waters east of 133° 11' W. long.;

(6) Pybus Bay: waters of Cannery Cove and West Arm inside a line running from 57° 18.40' N. lat., 134° 07.92' W. long. to an unnamed island at 57° 18.72' N. lat., 134° 07.50' W. long. and then to a point at 57° 19.33' N. lat., 134° 06.33' W. long.;

(7) Windham Bay: waters east of 133° 27.17' W. long., one fourth mile west of the narrows.

(l) District 11:

(1) Limestone Inlet: waters east of a line from 58° 01.80' N. lat., 133° 59.27' W. long., to 58° 02.07' N. lat., 133° 59.67' W. long.;

(2) Port Snettisham:

(A) Speel River: waters north of the latitude of the old pulp mill wharf at 58° 07' N. lat.;

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

(3) Seymour Canal:

(A) Mole Harbor: waters inside a line from the tip of Flaw Point to a point at 57° 39.67' N. lat., 134° 01.50' W. long.;

(B) Pleasant Bay: waters inside a line from 57° 38.83' N. lat., 133° 59.70' W. long. to a point at 57° 38.47' N. lat., 133° 57.42' W. long.;

SOUTHEAST ALASKA AREA

(4) Slocum Inlet: waters east of a line from 58° 08.35' N. lat., 134° 04.23' W. long. to 58° 07.82' N. lat., 134° 04.40' W. long.;

(5) Taku Harbor: waters east of a line from the tip of Stockade Point to 58° 03.68' N. lat., 134° 01.98' W. long.;

(6) Taku Inlet: waters north of a line from the Annex Creek Power House to a point at 58° 17.50' N. lat., 134° 01' W. long.

(m) District 12:

(1) Basket Bay: waters inside a line from 57° 39.80' N. lat., 134° 53.77' W. long. to 57° 39.28' N. lat., 134° 53.88' W. long.;

(2) Chaik Bay: waters east of 134° 30.45' W. long.;

(3) False Bay: waters west of a line from 57° 58.55' N. lat., 134° 55.08' W. long. to 57° 57' N. lat., 134° 55.38' W. long.;

(4) Freshwater Bay: waters inside a line from a point at 57° 53.33' N. lat., 135° 07.58' W. long. to 57° 54.75' N. lat., 135° 06' W. long.;

(5) Funter Bay: waters inside the longitude of the tip of Clear Point;

(6) Hawk Inlet: waters east and north of a line from Point Marsden to a point one nautical mile northwest of Point Marsden at 58° 04.33' N. lat., 134° 49.25' W. long. then to Hawk Point;

(7) Hood Bay: waters east of 134° 24.50' W. long.;

(8) Howard Bay: waters inside the latitude of the tip of Point Howard;

(9) Kelp Bay, Middle Arm, and South Arm: waters west of 134° 56.98' W. long.;

(10) Kootznahoo Inlet: waters east of a line from the tip of Turn Point to Village Rock light;

(11) Tenakee Inlet:

(A) waters west of 135° 27.58' W. long.;

(B) waters of Saltery Bay south of a line from a point at 57° 47.33' N. lat., 135° 22.25' W. long. to a point at 57° 46.50' N. lat., 135° 21.50' W. long.;

(C) waters of Kadashan Bay, Corner Bay, and Crab Bay south of a line from a point at 57° 45' N. lat., 135° 19.50' W. long. to a point at 57° 45.47' N. lat., 135° 06.58' W. long.;

(D) waters of Trap Bay south of a line from a point at 57° 45.25' N. lat., 135° 02.75' W. long. to a point at 57° 45.75' N. lat., 134° 59' W. long.;

(12) Warm Springs Bay: waters west of 134° 46.63' W. long.;

(13) Whitewater Bay: waters within a line from Point Caution to 50° 15.62' N. lat., 134° 36.42' W. long.;

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

(15) Wukuklook Creek: waters west of a line from a point at 57° 55.25' N. lat., 134° 55.75' W. long. to Flints Point at 57° 54.33' N. lat., 134° 57.50' W. long.

(n) District 13:

SOUTHEAST ALASKA AREA

- (1) Big Branch Bay: waters north and east of a line from 56° 19.45' N. lat., 134° 50.50' W. long. to 56° 19.30' N. lat., 134° 50.13' W. long.;
- (2) Black Bay: waters north and east of a line from 57° 42.62' N. lat., 136° 09.33' W. long. to 57° 42.38' N. lat., 136° 09.17' W. long.;
- (3) Deep Bay: waters west of a line from 57° 26.87' N. lat., 135° 37.33' W. long. to 57° 26.53' N. lat., 135° 37.77' W. long.;
- (4) Fick Cove: waters south and west of a line from 57° 37.85' N. lat., 135° 39.63' W. long. to 57° 38.42' N. lat., 135° 40.65' W. long.;
- (5) Fish Bay: waters east of 135° 35.17' W. long.;
- (6) Goulding Harbor: waters north of a line from 57° 46.30' N. lat., 136° 15.08' W. long. to 57° 46.37' N. lat., 136° 15.45' W. long.;
- (7) Hanus Bay: waters south of a line from 57° 25.48' N. lat., 134° 59' W. long. to 57° 25.30' N. lat., 135° 03.67' W. long.;
- (8) Hoonah Sound: waters west and north of a line from 57° 44.20' N. lat., 135° 43.67' W. long. to 57° 43.75' N. lat., 135° 44.67' W. long.;
- (9) Katlian Bay: waters north and east of a line from 57° 09.50' N. lat., 135° 22.58' W. long. to 57° 09.12' N. lat., 135° 21.92' W. long.;
- (10) Lisianski Inlet:
 - (A) waters south of a line from 57° 56.77' N. lat., 136° 14.17' W. long. to 57° 57.25' N. lat., 136° 12.88' W. long.;
 - (B) waters north of a line from Ewe Ledge to Dace Rock during inseason coho salmon troll closures under 5 AAC 29.;
- (11) Nakwasina Passage: north and east of a line from 57° 14.20' N. lat., 135° 29.92' W. long. to 57° 14.88' N. lat., 135° 30.47' W. long.;
- (12) Nakwasina Sound: waters north and east of a line from 57° 11.70' N. lat., 135° 23.50' W. long. to 57° 12.20' N. lat., 135° 24.62' W. long.;
- (13) Patterson Bay: waters west of a line from 57° 40.38' N. lat., 135° 42.70' W. long. to 57° 39.58' N. lat., 135° 42.30' W. long.;
- (14) Port Banks: waters south and east of a line from 56° 36.12' N. lat., 135° 00.33' W. long. to 56° 35.92' N. lat., 135° 01.17' W. long.;
- (15) Redfish Bay: waters north and west of a line from 56° 20.68' N. lat., 134° 51.52' W. long. to 56° 20.82' N. lat., 134° 51.08' W. long.;
- (16) Redoubt Bay: waters east of 135° 18.88' W. long.;
- (17) Rodman Bay: waters west and south of a line from 57° 28.33' N. lat., 135° 21' W. long. to 57° 28.83' N. lat., 135° 21.67' W. long.;
- (18) Salt Lake Lagoon, Takanis Bay: waters north and east of a line from 57° 55.08' N. lat., 136° 30.37' W. long. to 57° 55.42' N. lat., 136° 31' W. long.;
- (19) Saook Bay: waters west and south of a line at 57° 26.15' N. lat., 135° 11.67' W. long. to 57° 26.67' N. lat., 135° 12.25' W. long.;

(20) Sister Lake: waters inside a line from 57° 37.70' N. lat., 136° 00.50' W. long. to 57° 38.08' N. lat., 136° 00.67' W. long.;

(21) Sitkoh Bay: waters west of a line from 57° 29.28' N. lat., 134° 53.67' W. long. to 57° 29.60' N. lat., 134° 53.50' W. long.;

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

(23) Starrigavan Bay: waters east of a line from the ferry terminal dock at 57° 07.78' N. lat., 135° 22.75' W. long. to 57° 08.42' N. lat., 135° 22.50' W. long.;

(24) Still Harbor: waters south and east of a line from 56° 33.25' N. lat., 135° 02.67' W. long. to 56° 33.63' N. lat., 135° 02.42' W. long.;

(25) Ushk Bay: waters west of 135° 35' W. long.;

(26) Waterfall Cove, Slocum Arm: waters north and east of a line from 57° 31.27' N. lat., 135° 56.17' W. long. to 57° 30.88' N. lat., 135° 55' W. long.

(o) District 14:

(1) Dundas Bay: waters north of 58° 20' N. lat.;

(2) Excursion Inlet: waters north of a line from a point at 58° 26.92' N. lat., 135° 28.75' W. long. to a point at 58° 26.92' N. lat., 135° 27.42' W. long.;

(3) Homeshore Creek at 58° 16.25' N. lat., 135° 20.75' W. long: waters within 500 yards of the terminus;

(4) Idaho Inlet: waters south of 58° 08.30' N. lat.;

(5) Port Althorp and Salt Chuck Bay: waters east of 136° 18' W. long.;

(6) Port Frederick: waters south of a line from Inner Point Sophia Light to the northwesternmost tip of Halibut Island then bearing 323° to Chichagof Island;

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

(8) Spasski Bay: waters from Neck Point to Spasski Island to a point at 58° 05.63' N. lat., 135° 13.25' W. long.;

(9) Whitestone Harbor: waters within a line from 58° 04.25' N. lat., 135° 04.60' W. long. to 58° 03.60' N. lat., 135° 04.23' W. long.

(p) District 15:

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

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

(3) St. James Bay: waters north of a line from the tip of Point Whidbey to St. James Point at 58° 33.75' N. lat., 135° 09.75' W. long.;

(4) Taiya Inlet: waters north of the latitude of the tip of Taiya Point.

5 AAC 33.360. DISTRICT ONE PINK SALMON MANAGEMENT PLAN.

On and after the third Sunday in July in District 1, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent salmon fishing by drift gillnets in Section 1-B, the following time formula applies:

(1) when the purse seine fishery is open for any portion of one day during a fishing

SOUTHEAST ALASKA AREA

week, the drift gillnet fishery must be open for 48 hours during the same fishing week;

(2) when the purse seine fishery is open for any portion of two days during a fishing week, the drift gillnet fishery must be open for 96 hours during the same fishing week;

(3) when the purse seine fishery is open for any portion of three or more days during a fishing week, the drift gillnet fishery must be open for 120 hours during the same fishing week.

5 AAC 33.361. UNITED STATES-CANADA SALMON MANAGEMENT PLAN.

(a) The department shall manage the recreational, troll, purse seine and gillnet salmon fisheries in the Southeastern Alaska and Yakutat Areas in accordance with the conservation and harvest goals, and the understandings, of the United States-Canada Pacific Salmon Treaty.

(b) – (e) Repealed 6/25/89.

5 AAC 33.362. LOWER CLARENCE STRAIT PINK SALMON MANAGEMENT PLAN. Repealed 6/25/89.

5 AAC 33.363. MANAGEMENT GUIDELINES FOR ALLOCATING SOUTHEAST ALASKA PINK, CHUM, AND SOCKEYE SALMON BETWEEN COMMERCIAL NET FISHERIES. (a) Present management of state-financed hatchery and enhanced stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(b) Similarly, present management of wild stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(c) As a general matter, the harvest of fish stocks will be managed primarily for the benefit of the user groups within the district to which those stocks are bound. The board recognizes that biological, social, and economic factors and the current regulatory structure may result in the need to harvest such stocks outside the district for which they are bound.

(d) The board recognizes that stock fluctuations will result in differential harvests of stocks bound for other districts. The board will not consider such changes in harvests as a basis for regulatory changes not based purely on conservation concerns. If conservation concerns necessitate a change in management, these changes will be reversed when, if, and to the degree, that, there is no longer a conservation concern.

(e) In applying this policy to mixed stock cape and corridor fisheries, deviation from the current management should not be allowed except to access harvestable surpluses of significant stocks that will otherwise go unharvested. Harvest of these stocks must be conducted in a manner that minimizes the incidental take of other species and that does not jeopardize the conservation of any stock. The board recognizes that it may need to establish the allowable number or percentage of incidental catch in these highly mixed stock areas in order to ensure that the department is not forced into making allocation decisions.

(f) As a general proposition, private nonprofit hatchery stocks supported by fishermen assessments will be managed to

(1) maximize harvest in the common property fisheries consistent with wild stock conservation concerns and the facility's management plan; and

(2) give primary emphasis to the facility's plan for allocation within the common

property fisheries within the special harvest area.

(g) Southeast Alaska salmon fisheries have been impacted by the U.S./Canada Pacific Salmon Treaty. The future extent of those impacts will continue to depend on fish availability and long term implementation of the treaty. Over time, the board will evaluate the impact of the treaty in light of the effects as they occur and may provide allocative relief consistent with this policy.

(h) Consistent with management guidelines for allocating pink, sockeye, and chum salmon between the commercial net fisheries, the following allocations between the purse seine and gillnet fleets have historically occurred for the period 1960 - 1988, based on the total catches of the Southeast Area net fisheries minus the Annette Island Reserve catches, and will be considered by the board in future allocation decisions:

- (1) pink salmon: 95 percent purse seine and five percent gillnet;
- (2) sockeye salmon: 51 percent purse seine and 49 percent gillnet;
- (3) chum salmon: 73 percent purse seine and 27 percent gillnet.

(i) It is the intent of the board that if conditions require that salmon management for the net fisheries in the Southeastern Alaska Area be significantly altered, the actions will not disrupt the allocation balance that has taken place over time and as described in the management guidelines in this section, and that the burden of conservation for the net fisheries not be significantly altered.

5 AAC 33.364. SOUTHEASTERN ALASKA AREA ENHANCED SALMON ALLOCATION MANAGEMENT PLAN. (a) The purpose of the management plan contained in this section is to provide a fair and reasonable distribution of the harvest of salmon from enhancement projects among the seine, troll, and drift gillnet commercial fisheries, and to reduce conflicts among these users, in the Southeastern Alaska Area. The Board of Fisheries establishes the following value allocations:

- (1) seine - 44 percent - 49 percent;
- (2) hand and power troll - 27 percent - 32 percent;
- (3) drift gillnet - 24 percent - 29 percent.

(b) The department shall evaluate the annual harvest of salmon stocks from enhancement projects to determine whether the distribution of the value of enhanced salmon taken in the seine, troll, and drift gillnet fisheries in the Southeastern Alaska Area is consistent with the allocations established in (a) of this section. The evaluation of allocation percentages shall be based on five-year increments, beginning with 1985. The value of the enhanced salmon harvested each year shall be determined by the department based on data from the Commercial Fisheries Entry Commission.

(c) If the value of the harvest of enhanced salmon stocks by a gear group listed in (a) of this section is outside of its allocation percentage for three consecutive years, the board will, in its discretion, adjust fisheries within special harvest areas to bring the gear group within its allocation percentage.

(d) The department may not make inseason adjustments or changes in management in or out of the special harvest areas to achieve the allocation percentages established in (a) of this section.

SOUTHEAST ALASKA AREA

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT KING AND COHO SALMON FISHERIES MANAGEMENT PLAN. Repealed.

Editor's Notes -As of Register 147, Oct. 1998, the substance of former 5 AAC 33.365 appears in 5 AAC 29.050 - 5 AAC 29.080, 5 AAC 29.100, and 5 AAC 29.110.

5 AAC 33.366. NORTHERN SOUTHEAST SEINE SALMON FISHERY MANAGEMENT PLANS. (a) During July, the department may allow the operation of purse seines in District 12 north of Point Marsden to harvest pink salmon migrating northward in Chatham Strait only as follows:

(1) the department may open only those portions of the area in which a harvestable abundance of pink salmon is observed; open areas and times must consider conservation concerns for all species in the area;

(2) the department shall close the seine fishery in District 12 north of Point Marsden during July after 15,000 sockeye salmon are taken; all sockeye salmon harvested by seine vessels that the department identifies as fishing north of Point Marsden during any July fishing period when other areas are open concurrently will be counted against the 15,000 sockeye salmon harvest limit under this paragraph; during the openings, the department will use aerial flyovers, on-the-ground sampling, and interviews to estimate the sockeye harvest north of Point Marsden.

(b) Salmon may be taken during emergency order openings for chum salmon in Excursion Inlet only in waters of Section 14-C north of the latitude of the northern tip of the Porpoise Islands; the department may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation.

5 AAC 33.367. HARVEST AND ALLOCATION OF NET CAUGHT SALMON. Repealed, 2003.

5 AAC 33.370. DISTRICT 1: NEETS BAY HATCHERY SALMON MANAGEMENT PLAN. (a) The intent of the Board of Fisheries in adopting this management plan is to distribute the harvest of hatchery-produced fall chum and coho salmon in Neets Bay between the purse seine, troll, and drift gillnet fleets. In addition to that goal, the board and the public would like to have a fishery in Neets Bay that produces a quality product that will allow the Southern Southeast Regional Aquaculture Association (SSRAA) to meet its corporation escapement goal with the least number of fish and provide the highest possible price to the fishermen.

(b) The department, in consultation with SSRAA, shall manage Neets Bay east of the longitude of the easternmost tip of Bug Island to the closed waters area at the head of the bay to distribute the harvest of Neets Bay hatchery produced salmon between the purse seine, troll, and drift gillnet fleets by setting the fishing times for those fleets as follows:

(1) salmon may be taken by troll gear only during periods established by emergency order;

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order as follows:

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

(B) a gillnet opening must be no less than 24 hours in duration and a seine

opening must be no less than 12 hours in duration;

(3) repealed 6/25/89;

(4) repealed 6/25/89;

(5) from the second Sunday in June through the third Sunday in July, the area described in (b) of this section shall be expanded to Neets Bay east of the longitude of Chin Point to the closed waters area at the head of the bay.

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

(d) Personal use and sport fishing will be allowed in the harvest area whenever SSRAA is not harvesting salmon for its corporation escapement goal and so long as the personal use and sport fishery do not jeopardize the attainment of that goal.

(e) Gear for the personal use fishery is drift gillnets with a maximum length of 50 fathoms. The annual bag and possession limit is 25 salmon.

(f) Waters of Neets Bay east of 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. DISTRICT 1: CARROLL INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) This management plan distributes the harvest of hatchery-produced king salmon in the Carroll Inlet Special Harvest Area between the purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Carroll Inlet north of Nigelius Point (55° 33.50' N. lat.) to distribute the harvest of hatchery produced king salmon as follows:

(1) June 11 – July 10, salmon may be taken by troll gear only during periods established by emergency order;

(2) June 25 – July 10, salmon may be taken by seines and drift gillnets only during periods established by emergency orders as follows:

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

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

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

(d) Salmon may not be taken in the special harvest area under sport fishing regulations at any time.

5 AAC 33.372. DISTRICT 1: NAKAT INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) This management plan distributes the harvest of hatchery produced coho and chum salmon in the Nakat Inlet Special Harvest Area between purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet between 54° 50' N. lat. and 54° 56' N. lat. from June 1 through November 10 to distribute the harvest of hatchery-produced

SOUTHEAST ALASKA AREA

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 gillnets only during periods established by emergency order as follows:

(A) openings for seines and gillnets must be rotated between net gear groups with a closure of at least 18 hours between openings; the first opening must be for gillnets;

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

(3) after the last rotational fishery on September 17, the Nakat Inlet Special Harvest Area will be open on a continual basis to purse seine, drift gillnet, and troll gear through November 10.

(c) All waters within 500 yards of the terminus of Nakat Lake Creek (101-11-39) are closed to the taking of salmon.

(d) A drift gillnet operated in the 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. A personal use permit issued under 5 AAC 77.682 must include the following conditions:

(1) salmon may be taken for personal use only by drift gillnets;

(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length; and

(3) the annual bag and possession limit for personal use is 25 salmon.

5 AAC 33.373. DISTRICT 7: EASTERN PASSAGE TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) This management plan distributes the harvest of hatchery-produced king, chum, and coho salmon in the Eastern Passage Special Harvest Area between purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Eastern Passage south of 56° 24.83' N. lat. and west of 132° 06.60' W. long. from June 15 through November 10 to distribute the harvest of hatchery-produced king, chum, and coho salmon as follows:

(1) salmon may be taken by troll gear only during periods established by emergency order;

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order as follows:

(A) the fishing time ratio for gillnet openings to purse seine openings is two to one; and

(B) the fishery may be closed between net gear fishing rotations;

(3) after the last rotational fishery on October 10, the Eastern Passage Special Harvest Area will be open on a continual basis to purse seine, drift gillnet, and troll gear through November 10.

(c) Repealed 4/23/94.

(d) A drift gillnet 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. A personal use permit issued under 5 AAC 77.682 must include the following conditions:

- (1) salmon may be taken for personal use only by drift gillnets;
- (2) a drift gillnet operated for personal use may not exceed 10 fathoms in length; and
- (3) the annual bag and possession limit for personal use is 25 salmon.

(f) The provisions of this section do not apply after December 31, 2008.

5 AAC 33.374. DISTRICT 12: HIDDEN FALLS HATCHERY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) The Hidden Falls Terminal Harvest Area for chum, king, and coho salmon consists of the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83' N. lat., excluding the waters of Kelp Bay.

(b) Purse seine and troll openings will be managed by emergency order to harvest king and chum salmon returning to the Hidden Falls Hatchery in excess of broodstock and cost recovery needs.

(c) From April 15 through June 30, chum and king salmon may be taken by troll and purse seine gear as follows:

(1) purse seine openings will be limited to a maximum of two fishing days per week in the terminal harvest area;

(2) if management actions are necessary to achieve broodstock and cost recovery goals, the purse seine and troll fisheries for the harvest of chum salmon will be closed; the department shall also manage the Hidden Falls Terminal Harvest Area troll fishery for king salmon to prohibit the harvest of chum salmon and the purse seine fishery for king salmon will not be opened;

(3) if necessary to allow troll gear access to king salmon, the waters of Kasnyku Bay west of a line from North Point to the westernmost tip of Round Island and north of the latitude of the westernmost tip of Round Island may be closed to purse seine fishing.

(d) Beginning July 1, king and chum salmon may be harvested by troll and purse seine gear as follows:

(1) during troll and purse seine gear openings, areas within the terminal harvest area may be closed to protect chum and king salmon broodstock;

(2) to limit the troll gear harvest of chum salmon in the terminal harvest area, the department shall manage the troll gear fishery so the harvest number of chum salmon on any vessel does not exceed the harvest number of king salmon.

(e) The Hidden Falls Terminal Harvest Area troll gear coho salmon fishery will be managed by emergency order to harvest coho salmon surplus after broodstock and cost recovery needs are met.

5 AAC 33.375. DISTRICT 13: SILVER BAY (MEDVEJIE CREEK HATCHERY)

SOUTHEAST ALASKA AREA

SALMON MANAGEMENT PLAN.

The commissioner shall open and close, by emergency order, salmon fishing seasons and periods in waters of Silver Bay east of a line from Entry Point Light at 57° 01.58' N. lat., 135° 14.58' W. long., to Silver Point at 57° 00.82' N. lat., 135° 18.10' W. long., to ensure chum salmon broodstock escapement to the Medvejie Creek Hatchery and to allow for the common property fisheries to harvest excess salmon, including king salmon by troll gear before July 31.

5 AAC 33.376. DISTRICT 13: DEEP INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) The intent of this management plan is to distribute the harvest of hatchery-produced salmon in the area described in (b) of this section between the purse seine, drift gillnet, and troll fleets.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall open and close, by emergency order, fishing seasons and periods to manage the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point west of Pirates Cove at 56° 59.35' N. lat., 135° 22.63' W. long., to the westernmost tip of Long Island, to the easternmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the westernmost tip of Berry Island, to the southernmost tip of Berry Island, to the westernmost tip of the southernmost island in the Kutchuma Island group, to the easternmost tip of the southernmost island in the Kutchuma Island group, to the westernmost tip of an unnamed island at 57° 00.30' N. lat., 135° 17.67' W. long., to a point on the southern side of the unnamed island at 57° 00.08' N. lat., 135° 16.78' W. long., and then to a point on the Baranof Island Shore at 56° 59.93' N. lat., 135° 16.53' W. long., as follows:

(1) salmon may be taken by seines and drift gillnets only during periods established by emergency order as follows:

(A) openings for seines and gillnets must be rotated between net gear groups; the department, in consultation with NSRAA, shall close fishing between openings;

(B) the time ratio for gillnet openings to seine openings is two to one;

(2) salmon may be taken by troll gear when the waters described in this subsection are closed to commercial net gear;

(3) the commissioner shall close the seasons in the waters described in this subsection to trolling during hatchery cost recovery periods.

(c) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

5 AAC 33.377. DISTRICT 2: KENDRICK BAY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) The management plan in this section allows for a harvest of hatchery produced chum salmon in Kendrick Bay by the purse seine fleet.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage Kendrick Bay west of 131° 59' W. long. and set the fishing times for the seine fishery as follows: salmon may be taken by seines only during periods established by emergency order.

(c) The department, by emergency order, shall close the area described in (b) of this section to personal use and sport fishing if those fisheries are jeopardizing the attainment of the hatchery's chum salmon escapement goal.

(d) The department shall include the following conditions in a personal use salmon fishing permit issued under 5 AAC 77.682 for the area described in (b) of this section:

- (1) salmon may be taken for personal use only by drift gillnets;
- (2) a drift gillnet operated for personal use may not exceed 50 fathoms in length; and
- (3) the annual bag and possession limit for personal use is 25 salmon.

5 AAC 33.378. DISTRICT 11: SNETTISHAM HATCHERY SALMON MANAGEMENT PLAN. The department shall manage the enhanced sockeye salmon production and returns from Port Snettisham to meet the following objectives in order of priority:

- (1) sustain the production of wild sockeye salmon from Crescent Lake and Speel Lake;
- (2) manage the enhanced Snettisham sockeye returns in a manner that does not prevent the achievement of escapement goals or the Pacific Salmon Treaty harvest sharing agreements for the Taku River salmon stocks;
- (3) conduct annual assessment programs during the harvest to estimate Snettisham wild sockeye salmon stock escapements and the contributions of enhanced sockeye salmon to the commercial fisheries in District 11;
- (4) conduct the common property harvest in the special harvest area by limiting time and area through emergency order authority to protect the wild sockeye salmon runs.

5 AAC 33.381. DISTRICT 6: WRANGELL NARROW-BLIND SLOUGH TERMINAL HARVEST AREA MANAGEMENT PLAN. (a) This management plan distributes the harvest of Crystal Lake Hatchery king and coho salmon returns to the terminal waters of Wrangell Narrows in Section 6-A south of 56° 46' N. lat. and east of the longitude of the northern tip of Woewodski Island and the fresh waters of Blind Slough upstream of a line between Blind Point and Anchor Point, among fisheries while protecting hatchery broodstock.

(b) The harvest of Crystal Lake Hatchery king salmon in the terminal harvest area will be distributed between the sport and commercial fisheries as follows when the projected adult return of king salmon to the terminal harvest is

- (1) below 1,000 fish, sport and commercial salmon fisheries in the terminal harvest area will be closed from June 1 through July 31;
- (2) at least 1,000, but less than 2,000 fish, the commissioner shall open, by emergency order, the season for the terminal waters of Wrangell Narrows to sport fishing for king salmon, with a daily bag and possession limit of two king salmon 28 inches or greater in length and two king salmon less than 28 inches in length, from June 1 through July 31 during which time the terminal harvest area commercial salmon fishery in Wrangell Narrows and the sport fishery in Blind Slough will be closed;
- (3) at least 2,000, but less than 4,000 fish, the commissioner shall open, by emergency order, the season for the terminal harvest area to sport fishing for king salmon, with a daily bag and possession limit of two king salmon 28 inches or greater in length and two king salmon less than 28 inches in length, from June 1 through July 31 during which time the commercial salmon fishery in the terminal waters of Wrangell Narrows will be closed;
- (4) more than 4,000 fish, the commissioner shall open, by emergency order, the season for the terminal waters of Wrangell Narrows and Blind Slough to sport fishing for king

SOUTHEAST ALASKA AREA

salmon during which time a daily bag and possession limit may be more than two king salmon 28 inches or greater in length and more than two king salmon less than 28 inches in length from June 1 through July 31 during which time the commercial fishery in the terminal waters of Wrangell Narrows will be opened to harvest 50 percent of the projected return over 4,000 fish.

(c) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the return of coho salmon to

(1) assure adequate returns of hatchery brood stock;

(2) provide the sport fishery priority over the commercial harvest; although the sport fishery has historically taken only 20 percent of the returning harvest, it may exceed 20 percent over time;

(3) provide the personal use fishery priority over the commercial harvest; although the personal use fishery has historically taken only five percent of the returning harvest, it may exceed five percent over time;

(4) provide fishing periods for coho salmon to allow a commercial harvest of up to 75 percent of the returning coho salmon based on the department's determination that such harvest is consistent with the priority of satisfying the sport and personal use fisheries' demand.

(d) Due to harvest objectives in the terminal harvest area, the waters of Frederick Sound east of a line from Boulder Point to Point Highland are closed to commercial salmon fishing from April 16 through May 31.

5 AAC 33.383 DISTRICT 7: ANITA BAY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) The Anita Bay Terminal Harvest Area consists of the waters of Anita Bay west of a line between 56° 12.35' N. lat., 132° 27.10' W. long. and 56° 11.30' N. lat., 132° 26.22' W. long.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the common property fisheries to harvest excess salmon returning to the Anita Bay Terminal Harvest Area. The Terminal Harvest Area will be closed to the harvest of salmon as follows:

(1) from June 15 through June 25, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.22' W. long. will be closed to the harvest of salmon;

(2) from June 26 through July 1, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.98' W. long. will be closed to the harvest of salmon;

(3) from July 2 through July 10, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 28.00' W. long. will be closed to the harvest of salmon.

(c) This management plan distributes the harvest of hatchery-produced king, coho, and chum salmon among the purse seine, troll, and gillnet fisheries when there are excess fish not being harvested by the hatchery operator.

(d) The department shall manage the Anita Bay Terminal Harvest Area from June 1 through November 10 to distribute the harvest of excess hatchery-produced king, coho, and chum salmon as follows:

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

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

(3) in establishing emergency order season openings for the seine and drift gillnet fisheries, the department shall rotate openings between these gear groups and shall provide for a time ratio for gillnet openings to seine openings of two to one; however, if approximately equal numbers of salmon are not being harvested by the two gear groups, the ratio and timing of openings may be altered.

(e) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(f) Salmon may be taken in the terminal harvest area under sport and personal use fishing regulations at any time. A personal use permit issued under 5 AAC 77.682 for the Anita Bay Terminal Harvest Area shall include the following conditions:

(1) salmon may be taken for personal use only by drift gillnet;

(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length;

(3) the annual bag and possession limit for personal use is 25 salmon.

5 AAC 33.384. LYNN CANAL AND CHILKAT RIVER KING SALMON FISHERY MANAGEMENT PLAN. (a) The purpose of the management plan in this section is to provide for the biological spawning escapement requirements of king salmon to the Chilkat River. It is the intent of the Board of Fisheries (board) that Chilkat River king salmon be harvested in the fisheries that have historically harvested them. The board, through this management plan, recognizes that the commercial drift gillnet fishery in Chilkat Inlet, and the subsistence fisheries in Chilkat Inlet and the Chilkat River, are directed primarily toward sockeye salmon but incidentally catch king salmon. A secondary goal of this management plan is to provide a reasonable opportunity to harvest sockeye salmon in the Chilkat Inlet and Chilkat River subsistence fisheries while minimizing the incidental harvest of king salmon. This management plan provides the department guidelines to preclude allocation conflicts between the various user groups of this resource. The department shall manage the Chilkat River king salmon stocks in a conservative manner consistent with sustained yield principles.

(b) The subsistence net fisheries in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker located directly north of the Letnikof Cove boat ramp are closed through July 15. The subsistence net fisheries in the Chilkat River, excluding that portion of the river from Haines Highway mile 19 upstream to Well's Bridge, are closed from the third week of June through the fourth week of July.

(c) The department shall manage the commercial and sport fisheries in Lynn Canal to achieve an inriver run goal of 1,850 - 3,600 king salmon in the Chilkat River upstream of the department fish wheels located approximately adjacent to Haines Highway mile 9. The inriver run goal includes the following:

(1) a biological escapement goal of 1,750 - 3,500 three ocean age and older king salmon to the Chilkat River; and

(2) the incidental harvest of king salmon in the Chilkat River subsistence sockeye fishery.

(d) The department will evaluate the inriver run of king salmon based on the following:

(i) primarily, a pre-season projected run of Chilkat River king salmon to Lynn

SOUTHEAST ALASKA AREA

Canal; and

(2) secondarily, inseason fisheries performance and inriver stock assessment programs.

(e) The department shall manage the commercial drift gillnet and troll fisheries in Lynn Canal and the sport king salmon fishery in Chilkat Inlet, as follows:

(1) the commercial troll fishery in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point is closed through July 14;

(2) if the projected inriver run of king salmon to the Chilkat River is less than 1,850 three ocean age and older fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the third and fourth week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fifth week of the season specified in 5 AAC 33.310(c); and

(B) close sport fishing for king salmon

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through June 30;

(ii) in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp, through July 15; and

(iii) in the remainder of Chilkat Inlet north of Seduction Point, from July 1 – July 15;

(C) establish a sport bag and possession limit of one king salmon, 28 inches or greater in length;

(3) if the projected inriver run of king salmon to the Chilkat River is 1,850 - 3,600 fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the third week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fourth week of the season specified in 5 AAC 33.310(c); and

(B) close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(4) if the projected inriver run return of king salmon to the Chilkat River is greater

than 3,600 fish,

(A) the commissioner shall, by emergency order, close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first week of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the second week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the third week of the season specified in 5 AAC 33.310(c); and

(B) the commissioner shall, by emergency order, close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(C) the commissioner may, by emergency order, increase the bag and possession limits for king salmon in the waters of Chilkat Inlet north of Seduction Point.

5 AAC 33.385. MIST COVE TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN. (a) The Mist Cove Terminal Harvest Area for coho salmon using troll gear is established adjacent to and exclusive of the Mist Cove Special Harvest Area specified in 5 AAC 40.042(a)(8). The Mist Cove Terminal Harvest Area consists of the waters that are outside of the Mist Cove Special Harvest Area and north of the latitude of 56° 28.00' N. lat., west of a line from 56° 28.00' N. lat., 134° 37.00' W. long. to Patterson Point Light to a point on the Baranof Island shore at 56° 32.52' N. lat., 134° 40.18' W. long. and east of the longitude of 134° 41.00' W. long. in Deep Cove.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the harvest of excess salmon returning to the Mist Cove Terminal Harvest Area.

5 AAC 33.390. OPTIMAL ESCAPEMENT GOAL FOR SOCKEYE SALMON IN HUGH SMITH LAKE IN DISTRICT 1 OF THE SOUTHEASTERN ALASKA AREA. The Board of Fisheries (board) recognizes the uncertainty in the stock assessment data used to develop the Hugh Smith Lake sockeye salmon biological escapement goal, the contribution of rehabilitation efforts in rebuilding the Hugh Smith Lake sockeye salmon stock, and the value and importance of commercial fisheries in southern Southeastern Alaska that incidentally harvest small numbers of Hugh Smith Lake sockeye salmon. The board hereby adopts an optimal escapement goal of 8,000 – 18,000 sockeye salmon for Hugh Smith Lake that includes spawning salmon of wild and hatchery origin.

5 AAC 33.392. SIZE LIMITS AND LANDING OF KING SALMON. (a) Unless otherwise specified, king salmon taken and retained must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. Undersized king salmon which are taken must be returned to the water without injury. A person may not mutilate or otherwise disfigure king 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 king salmon between the sizes of greater than 21 inches from tip of snout to tip of tail (in its natural open

SOUTHEAST ALASKA AREA

position) and less than the legal length size limit specified in (a) of this section. King salmon taken in the purse seine fishery that are less than the legal size limit will not be counted against the king harvest quota.

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

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

(e) Repealed 10/1/98.

(f) Repealed 10/1/98.

Editor's Notes - As of Register 147, Oct. 1998, the substance of former 5 AAC 33.392(e) appears in 5 AAC 29.140(c), and the substance of 5 AAC 33.392(f) appears in 5 AAC 29.140(d).

5 AAC 33.393. LANDING OF COHO SALMON.

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

5 AAC 33.394. LANDING OF STEELHEAD.

(a) In a purse seine fishery, a CFEC purse seine salmon permit holder may take but may not sell steelhead trout.

(b) In a drift gillnet fishery, a CFEC gillnet salmon permit holder may take but may not sell steelhead.

ARTICLE 4. BOTTOMFISH FISHERY.

5 AAC 33.400. - 5 AAC 33.460. Repealed.

ARTICLE 5. SMELT FISHERY.

5 AAC 33.510. FISHING SEASON. Repealed 7/21/99.

5 AAC 33.520. SOUTHEASTERN ALASKA AREA EULACHON SMELT MANAGEMENT PLAN. (a) Eulachon smelt (*thaleichthys pacificus*) may be taken in the Southeastern Alaska Area only by a CFEC permit holder. Before taking eulachon smelt, a CFEC permit holder must register with the department no later than March 1 of each calendar year.

(b) Eulachon smelt may be taken only from 12:01 a.m. March 2 through 11:59 p.m. May 15.

(c) Eulachon smelt may only be taken in the following areas in Southeastern Alaska Area:

(1) Unuk River and Klahini River: north of 56° 02.00' N. lat.;

(2) Chickamin River: east of a line from Fish Point to Trap Point;

(3) Stikine River: inside of 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;

(4) Bradfield Canal: east of the longitude of Duck Point.

SOUTHEAST ALASKA AREA

(d) Eulachon smelt may only be taken by beach seine, purse seine, hand purse seine, dip net, or cast net.

(e) The maximum harvest level for each area described in (f) of this section will be divided equally among permit holders.

(f) The maximum harvest levels for the taking of eulachon smelt in the Southeastern Alaska Area are as follows:

(1) Unuk, Klahini, and Chickamin Rivers combined: 25,000 pounds;

(2) Bradfield Canal: 5,000 pounds;

(3) Stikine River: 5,000 pounds.

(g) A permit holder who sells Eulachon smelt from the permit holder's vessel or processes the permit holder's own catch, or a processor who sends unprocessed catch out of the state, must comply with the permit and reporting requirements of 5 AAC 39.130.

ARTICLE 6. HERRING FISHERY.

5 AAC 33.610. - 5 AAC 33.690. Repealed.

ARTICLE 7. SHELLFISH FISHERY.

5 AAC 33.710. - 5 AAC 33.792. Repealed.

ARTICLE 9. SUBSISTENCE FISHERY.

ATTENTION:



HELP HALT THE DECLINE OF STELLER SEALIONS

In 1990, Steller sea lions were designated as a threatened species under the federal Endangered Species Act. In 1997, Stellar sea lions west of Cape Suckling were designated as an endangered species. Stellar sea lions east of Cape Suckling remain designated as threatened. This action has been taken because of the continued decline in the number of sea lions at major Alaskan rookeries. As a result, you may not:

- **Discharge firearms at or within 100 yards of any Steller sea lion, with the exception that Alaska Natives may harvest sea lions for subsistence purposes.**
- **Approach within 3 nautical miles of any sea lion rookery west of 150° W. long., subject to certain exceptions.**

Violations of laws protecting sea lions are subject to severe civil and criminal penalties, including vessel forfeiture, fines of up to \$25,000, and imprisonment for up to one year for each violation. For a comprehensive listing of pertinent regulations, call the National Marine Fisheries Service at (907)586-7235. Help

Steller sea lion protection areas. Year-round closures. Vessels are not allowed to transit within 3 nautical miles and trawling is prohibited within 10 nautical miles of each of the following Steller sea lion rookeries.

| Island | From | | To | |
|-----------------------|----------------|--------------------|-----------------|--------------------|
| Outer I. long. | 59°20.5 N. lat | 150° 23.0 W. long. | 59° 21.0 N. lat | 150° 24.5 W. |
| Sugarloaf I. | 58°53.0 N. lat | 152° 02.0 W. long. | | |
| Marmot I. long. | 58°14.5 N. lat | 151° 47.5 W. long. | 58° 10.0 N. lat | 151° 51.0 W. |
| Chirokof I. long. | 55°46.5 N. lat | 155° 39.5 W. long. | 55° 46.5 N. lat | 155° 43.0 W. |
| Cowiet I. long. | 56°00.5 N. lat | 156° 41.5 W. long. | 56° 00.5 N. lat | 156° 42.0 W. |
| Atkins I. | 55°03.5 N. lat | 159° 18.5 W. long. | | |
| Chemabura I. long. | 54°47.5 N. lat | 159° 31.0 W. long. | 54° 45.5 N. lat | 159° 33.5 W. |
| Pinnacle Rock | 54°46.0 N. lat | 161° 46.0 W. long. | | |
| Clubbing RksN | 54°43.0 N. lat | 162° 26.5 W. long. | | |
| Clubbing RksS | 54°42.5 N. lat | 162° 26.5 W. long. | | |
| Sea Lion Rks | 55°28.0 N. lat | 163° 12.0 W. long. | | |
| Ugamak I. long. | 54°14.0 N. lat | 164° 48.0 W. long. | 54° 13.0 N. lat | 164° 48.0 W. |
| Akutan I. long. | 54°03.5 N. lat | 166° 00.0 W. long. | 54° 05.5 N. lat | 166° 05.0 W. |
| Bogoslof I. | 53°56.0 N. lat | 168° 02.0 W. long. | | |
| Ogchul I. | 53°00.0 N. lat | 168° 24.0 W. long. | | |
| Adugak I. | 52°55.0 N. lat | 169° 10.5 W. long. | | |
| Yunaska I. long. | 52°42.0 N. lat | 170° 38.5 W. long. | 52° 41.0 N. lat | 170° 34.5 W. |
| Seguam I. long. | 52°21.0 N. lat | 172° 35.0 W. long. | 52° 21.0 N. lat | 172° 33.0 W. |
| Agligadak I. | 52°06.5 N. lat | 172° 54.0 W. long. | | |
| Kasatochi I. long. | 52°10.0 N. lat | 175° 31.0 W. long. | 52° 10.5 N. lat | 175° 29.0 W. |
| Adak I. long. | 51°36.5 N. lat | 176° 59.0 W. long. | 51° 38.0 N. lat | 176° 59.5 W. |
| Gramp Rock | 51°29.0 N. lat | 178° 20.5 W. long. | | |
| Tag I. | 51°33.5 N. lat | 178° 34.5 W. long. | | |
| Ulak I. long. | 51°20.0 N. lat | 178° 57.0 W. long. | 51° 18.5 N. lat | 178° 59.5 W. |
| Semisopochnoi | 51°58.5 N. lat | 179° 45.5 E. long. | 51° 57.0 N. lat | 179° 46.0 E. long. |
| Semisopochnoi | 52°01.5 N. lat | 179° 37.5 E. long. | 52° 01.5 N. lat | 179° 39.0 E. long. |
| Amchitka I. | 51°22.5 N. lat | 179° 28.0 E. long. | 51° 21.5 N. lat | 179° 25.0 E. long. |
| Amchitka I. | 51°32.5 N. lat | 178° 49.5 E. long. | | |
| Ayugadak Pt. | 51°45.5 N. lat | 178° 24.5 E. long. | | |
| Kiska I. | 51°57.5 N. lat | 177° 21.0 E. long. | 51° 56.5 N. lat | 177° 20.0 E. long. |
| Kiska I. | 59°52.5 N. lat | 177° 13.0 E. long. | 51° 53.5 N. lat | 177° 12.0 E. long. |
| Walrus I. | 57°11.0 N. lat | 169° 56.0 W. long. | | |
| Buldir I. | 52°20.5 N. lat | 175° 57.0 E. long. | 52° 23.5 N. lat | 175° 51.0 E. long. |
| Agattu I. | 52°24.0 N. lat | 173° 21.5 E. long. | | |