Alaska Department of Fish and Game

2026–2029

Arctic, Yukon, Kuskokwim, Commercial, Subsistence, Personal Use Finfish and Selected Shellfish Fishing Regulations

This booklet contains regulations regarding commercial salmon, commercial herring, subsistence, and personal use fisheries the in Arctic, Yukon and Kuskokwim Areas and statewide regulations. **This booklet covers the period May 2026 through April 2029 or until a new book is available following the Board of Fisheries meetings.**

Note to Readers: These statutes and administrative regulations were excerpted from the Alaska Statutes (AS), and the Alaska Administrative Code (AAC) based on the official regulations on file with the Lieutenant Governor. There may be errors or omissions that have not been identified and changes that occurred after this printing. **This booklet is only effective through the printing date of 6/17/26. To be certain of the current laws, refer to the official statutes and the AAC. An electronic version, that is updated often, is available on the ADF&G website located here:**

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

Electronic Version regulations effective as of 6/17/2026

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

For information or questions regarding regulations, requirements to participate in commercial fishing activities, allowable activities, other regulatory clarifications, or questions on this publication please contact the Regulations Program Coordinator at (907) 465-6124 or email dfg.fish.regulations@alaska.gov

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ADF&G Mission Statement

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

Guiding Principles

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

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The following regulatory changes resulting from the 2025 – 2026 Board of Fisheries meeting cycle have been incorporated into this regulations summary booklet:

Arctic / Yukon / Kuskokwim Finfish
Supplemental Meeting held May 1, 2026, via Web Conference

The following regulatory changes resulting from the 2025 – 2026 Board of Fisheries meeting cycle have not been incorporated into this regulations summary booklet and are currently pending review of the Legislation, Regulations & Legislative Research Section of the Alaska Department of Law:

Bristol Bay Finfish
Alaska Peninsula / Aleutian Island / Chignik Finfish
Statewide Finfish and Supplemental Issues

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

2025 Changes: 5 AAC 93.212

2026 Changes:

Chapter 01. Subsistence Finfish Fishery. 5 AAC 01.125 5 AAC 01.170(m) 5 AAC 01.249(1); (7) 5 AAC 01.270(c) **Chapter 03. Arctic-Kotzebue Area.** 5 AAC 03.350(5)	**Chapter 05. Yukon Area.** 5 AAC 05.361. 5 AAC 05.366.

For the latest Regulation Announcements, Advisory Announcements and Emergency Orders please see the ADF&G website at:
https://www.adfg.alaska.gov/index.cfm?adfg=cfnews.main
For commercial, subsistence and personal use fisheries

Chapter 01. Subsistence Finfish Fishery.

Article 1. Statewide Provisions.

Article 2. Arctic-Kotzebue Area.

Article 3. Norton Sound-Port Clarence Area.

Article 4. Yukon Area.

Article 5. Kuskokwim Area.

Please note that in the electronic version the above Articles and below section titles are linked to where they are contained within this document.

Article 1. Statewide Provisions.

5 AAC 01.001. Application of this chapter.
5 AAC 01.005. Subsistence fishing permitted.
5 AAC 01.010. Methods, means, and general provisions.
5 AAC 01.011. Subsistence fishing by proxy.
5 AAC 01.015. Subsistence fishing permits and reports.
5 AAC 01.020. Subsistence fishing by commercial fishermen.
5 AAC 01.030. Unlawful possession of subsistence finfish.
5 AAC 01.040. Policy on closures due to illegal fishing.

5 AAC 01.001. Application of this chapter. Regulations in this chapter apply to subsistence fishing for salmon, herring, bottomfish, smelt, halibut and other types of finfish or their parts, and aquatic plants. The descriptions of legal types of gear (5 AAC 39.105), the definitions (5 AAC 39.975) and the abbreviations and symbols (5 AAC 39.997) set forth and defined in 5 AAC 39 are applicable to the regulations in this chapter.

5 AAC 01.005. Subsistence fishing permitted. Finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter. Salmon may be taken for subsistence purposes only as provided in this chapter.

5 AAC 01.010. Methods, means, and general provisions. (a) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

(1) gear specified in 5 AAC 39.105;

(2) jigging gear, which consists of a line or lines with lures or baited hooks that are operated during periods of ice cover from holes cut in the ice, or from shore ice referred to in 5 AAC 01.220(i), and which are drawn through the water by hand;

(3) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(4) a lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fish wheel, fyke net or dip net.

(b) Finfish may be taken for subsistence purposes only by Alaskan residents.

(c) Gillnets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by the regulations in particular areas set forth in this chapter.

(d) Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin or nonedible by-products of fish taken for personal or family consumption.

(e) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(f) The use of explosives and chemicals is prohibited.

(g) Subsistence fishing by the use of a hook and line attached to a rod or pole is prohibited, unless otherwise provided in this chapter.

(h) A subsistence fisherman shall plainly and legibly inscribe that person's first initial, last name, and address on that person's fish wheel, keg or buoy attached to a gillnet, and other unattended subsistence fishing gear.

(i) All pots used for subsistence fishing must comply with the escape mechanism requirements in 5 AAC 39.145.

(j) Persons licensed under AS 43.75.011 to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts. Further restrictions on the bartering of subsistence taken salmon or their parts may be implemented by emergency order for a specific time or area if circumvention of management programs is occurring because of illegal bartering activities.

(k) The gillnet web in a gillnet used for subsistence fishing for salmon must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(l) Repealed 5/15/93.

(m) Salmon taken for subsistence use or under subsistence fishing regulations may not be subsequently used as bait for commercial fishing purposes.

(n) The use of live nonindigenous fish as bait is prohibited;

(o) Fish taken and retained for subsistence shall be salvaged for subsistence uses;

(1) in this section, "salvage" means to transport fish to a location where the fish will be processed or preserved for subsistence uses before the fish become spoiled or otherwise unusable for subsistence;

(2) it is a defense to a charge that the failure to salvage the fish was due to circumstances beyond the control of the person charged, including:

(A) theft of the fish;

(B) unanticipated weather conditions or other acts of God;

(C) unavoidable loss in the field to a wild animal.

(p) Subsistence fishing guide services are prohibited.

(q) For the purposes of this subsection, "subsistence fishing guide services" means to provide assistance for compensation, or with the intent to receive compensation, to a subsistence fisherman to take or to attempt to take fish by accompanying or physically directing the fisherman in subsistence fishing activities during any part of a subsistence fishing trip.

(r) In this section, "compensation"

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

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

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

(2) does not include reimbursement for the actual daily expenses for fuel, food, or bait.

5 AAC 01.011. Subsistence fishing by proxy. (a) Finfish may be taken by subsistence fishing by proxy only as provided in AS 16.05.405 and in this section.

(b) Any species of finfish, except halibut, that may be taken by subsistence fishing under this chapter may be taken by subsistence fishing by proxy.

(c) Before a proxy may take, attempt to take, or transport finfish taken under this section, on behalf of a beneficiary, the proxy or the beneficiary shall obtain and complete a proxy fishing information form available from the department. The proxy or the beneficiary shall take or mail the completed form to any ADF&G office for validation. The department shall return the validated form and retain a copy for the department's records. In addition to the requirements of AS 16.05.405(c), the proxy must have in possession a validated proxy fishing information form when taking, attempting to take, or transporting finfish taken under this section, on behalf of a beneficiary. A subsistence fishing permit issued by the department may be substituted for the proxy fishing information form if the information requested on the subsistence fishing permit is the same as the information requested on the proxy fishing information form.

(d) As provided in AS 16.05.405, a proxy who takes or attempts to take finfish by subsistence fishing on behalf of a beneficiary may, at the same time, fish for the proxy's own use, except that the proxy

(1) may not take more than twice the bag limit, and may not possess more than twice the possession limit, of a species, as established in this chapter, for the waters in which the fishing occurs; and

(2) may not fish with more than one legal limit of gear, as established in this chapter.

(e) A beneficiary may not authorize more than one proxy to take or attempt to take finfish on the beneficiary's behalf at one time. A beneficiary may not personally take or attempt to take finfish at the same time that a proxy is taking or attempting to take finfish on the beneficiary's behalf.

(f) A person may not give or receive remuneration in order to obtain, grant, or influence the granting of an authorization to take or attempt to take finfish by proxy on behalf of a beneficiary.

(g) In this section,

(1) "beneficiary" means a resident

(A) who is blind, is a person with physical or developmental disabilities as defined in AS 16.05.940, or is 65 years of age or older;

(B) on whose behalf finfish are to be taken or attempted to be taken under AS 16.05.405;

(2) "proxy" means a resident who holds a valid resident sport fishing license and who wishes to take or attempt to take finfish on behalf of a beneficiary under AS 16.05.405;

(3) "fishing site" means the location where the finfish is removed from the water and becomes part of the beneficiary's specified limit.

(h) A proxy fishing information form is valid for the remainder of the calendar year during which it is issued, unless the beneficiary specifies an earlier ending date on the proxy fishing information form.

(i) Before concealing the finfish from plain view or transporting the finfish from the fishing site, a proxy must record on the proxy fishing information form, or a subsistence permit if allowed under (c) of this section, the date, location (body of water fished), species, approximate weight, and number of the finfish taken by the proxy on behalf of a beneficiary.

(j) Within 30 days after taking finfish for a beneficiary under this section, a proxy must personally deliver the finfish to the beneficiary.

5 AAC 01.015. Subsistence fishing permits and reports. (a) Salmon may be taken only under the authority of a subsistence fishing permit issued by the commissioner, unless a permit is specifically not required in a particular area by the subsistence regulations in this chapter, or unless the fisherman is retaining salmon from the fisherman's commercial catch consistent with 5 AAC 39.010.

(b) If a subsistence fishing permit is required by this chapter, the following permit conditions apply unless otherwise specified by the subsistence fishing regulations in this chapter:

(1) the numbers of fish taken for subsistence use may not exceed the limits set out in the permit;

(2) permits must be obtained from the department before subsistence fishing;

(3) permits must be retained in the possession of the permittee and be readily available for inspection while taking fish; a person who transports subsistence-taken fish shall have a subsistence fishing permit in that person's possession;

(4) the permit may designate the species and numbers of fish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) if specified on the permit, each subsistence fisherman shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch and such other information as the department may require for management or conservation purposes;

(6) subsistence fishing reports must be submitted to the department for each particular area and fishery;

(7) if applicable, the total annual possession limit for the permittee must be entered on each permit by the local representative of the department issuing the permit; if applicable, the local representative of the department issuing the permit shall require

from an applicant documented proof of residency, income or other criteria required by regulation, or in absence of such documentation, a signed affidavit setting forth duration of residency, income, or other criteria required by regulation, to determine the applicable annual possession limit and residency of the applicant;

(8) repealed 5/31/98.

(c) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a subsistence permit for that activity during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to loss in the mail, accident, sickness or other unavoidable circumstances.

(d) Repealed 4/2/88.
(e) Repealed 5/31/98.
(f) Repealed 5/31/98.

5 AAC 01.020. Subsistence fishing by commercial fishermen. (a) Repealed 5/15/93.

(b) No person, when participating in a commercial and a subsistence fishery at the same time, may use an amount of combined commercial and subsistence fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

5 AAC 01.030. Unlawful possession of subsistence finfish. (a) No person may possess, transport or place into the possession of another person's subsistence-taken fish or their parts which the person has taken contrary to state law or regulation.

(b) No person may possess or transport raw or unprocessed subsistence-taken fish or their parts if the items have been received from a person who took, possessed or transported the items contrary to state law or regulation and if the person receiving the items knows, has reason to know or should have reason to know that the items were taken, possessed or transported contrary to state law or regulation.

(c) No person may possess or transport raw or unprocessed subsistence-taken fish or their parts that the person knows were taken, possessed or transported contrary to state law or regulation.

5 AAC 01.040. 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.

Article 2. Arctic-Kotzebue Area.

5 AAC 01.100. Description of the Arctic-Kotzebue Area.
5 AAC 01.105. Description of districts and subdistricts.
5 AAC 01.110. Fishing seasons and weekly fishing periods.
5 AAC 01.120. Lawful gear and gear specifications.
5 AAC 01.121. Identification of gear.
5 AAC 01.122. Limitations on subsistence fishing gear.
5 AAC 01.125. Waters closed to subsistence fishing.
5 AAC 01.130. Subsistence fishing permits.
5 AAC 01.136. Customary and traditional subsistence uses of fish stocks.

5 AAC 01.100. Description of the Arctic-Kotzebue Area. The Arctic-Kotzebue Area includes all waters of Alaska north of the latitude of the westernmost tip of Cape Prince of Wales and west of 141° W. long., including those waters draining into the Chukchi Sea and the Arctic Ocean.

5 AAC 01.105. Description of districts and subdistricts. Districts and subdistricts are as described in 5 AAC 03.200.

5 AAC 01.110. Fishing seasons and weekly fishing periods. In the Arctic-Kotzebue Area, fish may be taken at any time except that, during the weekly fishing closures of the commercial salmon fishing season in the Kotzebue District, commercial fishermen may not fish for subsistence purposes.

5 AAC 01.120. Lawful gear and gear specifications. (a) Salmon may be taken only by gillnets, beach seines, or, as specified in (f) of this section, by a hook and line attached to a rod or pole.

(b) Fish other than salmon may be taken by set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, jigging gear, spear, and lead, or, as specified in (f) of this section, by a hook and line attached to a rod or a pole.

(c) A gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream. A stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream.

(d) In the Kotzebue District, kegs or buoys attached to subsistence gillnets may be any color except red.

(e) In the Kotzebue District, gillnets used to take sheefish may not be more than 50 fathoms in aggregate length nor 12 meshes in depth, nor have a mesh size larger than seven inches.

(f) A person may use a hook and line attached to a rod or a pole when subsistence fishing only

(1) in the state waters of, and all flowing waters that drain into, the Chukchi Sea or Kotzebue Sound from Point Hope to Cape Prince of Wales; or

(2) through the ice.

5 AAC 01.121. Identification of gear. In addition to the requirements of 5 AAC 01.010(h),

(1) each fish wheel must have the first initial, last name and address of the operator plainly and legibly inscribed on the side of the fish wheel facing midstream of the river;

(2) for all gillnets and unattended gear that are fished under the ice, the first initial, last name and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

5 AAC 01.122. Limitations on subsistence fishing gear. (a) Except when fishing through the ice or when a subsistence fishing permit is required, for subsistence fishing in the state waters of, and all flowing waters that drain into, the Chukchi Sea or Kotzebue Sound from Point Hope to Cape Prince of Wales with a hook and line attached to a rod or a pole, the following provisions apply:

(1) the methods and means specified in 5 AAC 70.011 and 5 AAC 70.030;

(2) the bag and possession limits, by species, specified in 5 AAC 70.011.

(b) A person may not take a bag and possession limit under this section and a subsistence harvest permit on the same day.

5 AAC 01.125. Waters closed to subsistence fishing. In Subdistrict 1 of the Kotzebue District, marine waters from ADF&G regulatory markers located at the Weather Service Dome south of the airport runway to the NANA building, extending one mile offshore into Kotzebue Sound perpendicular to the beach are closed.

5 AAC 01.130. Subsistence fishing permits. Fish may be taken for subsistence purposes without a subsistence fishing permit.

5 AAC 01.136. Customary and traditional subsistence uses of fish stocks. The Alaska Board of Fisheries (board) finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) herring and herring roe along the coast between Cape Prince of Wales and Point Hope; and

(2) salmon, sheefish, char, and all other finfish in the salt waters and fresh waters of the Arctic-Kotzebue Area, except as specified in (1) of this section in the Kotzebue District.

Article 3. Norton Sound-Port Clarence Area.

5 AAC 01.150. Description of Norton Sound-Port Clarence Area.
5 AAC 01.155. Description of districts and subdistricts.
5 AAC 01.160. Fishing seasons and periods.
5 AAC 01.170. Lawful gear and gear specifications.
5 AAC 01.171. Identification of gear.
5 AAC 01.172. Limitations on subsistence fishing gear.
5 AAC 01.175. Waters closed to subsistence fishing.
5 AAC 01.180. Subsistence fishing permits; annual limits for salmon.
5 AAC 01.182. Tier II subsistence chum salmon fishery.
5 AAC 01.184. Tier II subsistence chum salmon fishing permits for Subdistrict 1 of the Norton Sound District.
5 AAC 01.186. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.188. Customary trade of subsistence-taken finfish.

5 AAC 01.150. Description of Norton Sound-Port Clarence Area. The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long., including the waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

5 AAC 01.155. Description of districts and subdistricts. Districts and subdistricts are as described in 5 AAC 04.200.

5 AAC 01.160. Fishing seasons and periods. (a) In the Port Clarence District, fish may be taken at any time, except as specified by emergency order.

(b) In the Norton Sound District, fish may be taken at any time except as follows:

(1) in Subdistrict 1,

(A) in fresh water, from June 15 through August 31, set gillnets may be used to take salmon only from 6:00 p.m. Wednesday until 6:00 p.m. Monday;

(B) in marine waters, west of Cape Nome, unless modified by emergency order to ensure reasonable opportunity for subsistence uses of available surpluses of salmon, from June 15 through August 15, set gillnets may be used to take salmon from 6:00 p.m. Wednesday until 6:00 p.m. Monday;

(C) in this paragraph "fresh water" includes

(i) all rivers and streams separated from marine waters at the mouth of rivers and streams by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide;

(ii) the waters of Safety Sound; and

(iii) the waters of Bonanza Channel;

(2) in Subdistricts 2 - 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, except that from July 15 through August 1, commercial fishermen may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed four and one-half inches, and with beach seines;

(3) in the Unalakleet River from June 15 through July 15, salmon may be taken only during periods established by emergency order from 8:00 a.m. Monday until 8:00 p.m. Tuesday and from 8:00 a.m. Friday until 8:00 p.m. Saturday;

(4) in Subdistricts 1 - 3, salmon other than chum salmon may be taken by beach seine during periods established by emergency order;

(5) in Subdistrict 1, salmon other than pink salmon may be taken by beach seine during periods established by emergency order;

(6) notwithstanding the provisions of (2) and (3) of this subsection, in Subdistricts 5 and 6, salmon other than king salmon may be taken from July 1 through August 10 by beach seine with a mesh size no larger than four and one-half inches; all king salmon caught must be returned immediately to the water alive; if the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the season and immediately reopen the season during which the fishing time, area, and beach seine mesh size may be adjusted; and

(7) in the marine waters of Subdistricts 5 and 6, from June 15 through July 15, salmon may be taken only during fishing periods established by emergency order from 6:00 p.m. Monday until 6:00 p.m. Wednesday and from 6:00 p.m. Thursday until 6:00 p.m. Saturday.

5 AAC 01.170. Lawful gear and gear specifications. (a) Salmon may be taken only by

(1) gillnet;

(2) beach seine;

(3) fish wheel;

(4) a hook and line attached to a rod or pole, as specified in (h) of this section;

(5) dip net and cast net; during times when the commissioner determines that it is necessary for the conservation of specific salmon species, the commissioner may, by emergency order, close the season and immediately reopen the season during which specific salmon species caught with a dip net and cast net must be returned immediately to the water alive.

(b) Fish other than salmon may be taken only by set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, cast net, jigging gear, spear, and lead, or, as specified in (h) of this section, by a hook and line attached to a rod or pole.

(c) A gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream. A stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream.

(d) In the Norton Sound District, kegs or buoys attached to subsistence gillnets may be any color except red.

(e) In Subdistrict 1, only set gillnets may be used, except that beach seines may also be used only during subsistence set gillnet openings from June 15 through August 15.

(f) In Subdistrict 1, no person may operate in the aggregate more than

(1) 50 feet of gillnet in fresh water as described in 5 AAC 01.160(b)(1)(C); and

(2) 300 feet of gillnet in marine waters.

(g) In the Unalakleet River from June 1 through July 15, no person may operate more than 25 fathoms of gillnet in the aggregate and no person may operate an unanchored fishing net.

(h) A person may use a hook and line attached to a rod or a pole when subsistence fishing only

(1) in the state waters of, and all flowing waters that drain into, the Bering Sea or Norton Sound from Cape Prince of Wales to Bald Point (between Elim and Koyuk); or

(2) through the ice.

(i) Notwithstanding (a) - (h) of this section, during times when the commissioner determines that it is necessary for the conservation of chum salmon, the commissioner may, by emergency order, close the fishing season in any portion of the Norton Sound-Port Clarence Area and immediately reopen the season in any portion of the Norton Sound-Port Clarence Area during which gillnets

(1) must have a mesh size of four and one-half inches or less; and

(2) may not exceed the length specified by the commissioner.

(j) Notwithstanding (a) - (h) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in any portion of the Norton Sound-Port Clarence Area and immediately reopen the season in any portion of the Norton Sound-Port Clarence Area during which gillnets

(1) must have a mesh size of

(A) four and one-half inches or less;

(B) six inches or less; or

(C) seven inches or less; and

(2) may not exceed the length specified by the commissioner.

(k) Repealed 5/22/2016.

(l) Repealed 5/22/2016.

(m) During times when the commissioner determines that it is necessary for the conservation of specific salmon species, the commissioner may, by emergency order, close the fishing season in any portion of the Norton Sound-Port Clarence Area and immediately reopen the season in any portion of the Norton Sound-Port Clarence Area to subsistence fishing with beach seines and require that specific salmon species caught with a beach seine be returned immediately to the water alive; if beach seine use is authorized by this subsection, a beach seine may not be constructed of monofilament web and may not exceed:

(1) 50 fathoms in length;

(2) 100 meshes in depth; and

(3) a mesh size of three and one-half inches stretched measure.

5 AAC 01.171. Identification of gear. In addition to the requirements of 5 AAC 01.010(h),

(1) each fish wheel must have the first initial, last name and address of the operator plainly and legibly inscribed on the side of the fish wheel facing midstream of the river;

(2) for all gillnets and unattended gear that are fished under the ice, the first initial, last name and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

5 AAC 01.172. Limitations on subsistence fishing gear. (a) Except when fishing through the ice, for subsistence fishing in state waters of, and all flowing waters that drain into, northern Norton Sound from Cape Prince of Wales to Bald Point (between Elim and Koyuk) with a hook and line attached to a rod or a pole, the following provisions apply:

(1) the methods and means specified in 5 AAC 70.011, 5 AAC 70.030, and 5 AAC 75.022; and

(2) the bag and possession limits, by species, specified in 5 AAC 70.011.

(b) A person may not sport fish for salmon and take salmon under a subsistence harvest on the same day.

(c) From Bald Point to Point Romanof, a sport fishing license is required when fishing with a hook and line attached to a rod or pole.

5 AAC 01.175. Waters closed to subsistence fishing. (a) In the Norton Sound District, fish may not be taken for subsistence purposes seaward of the mouth of the Unalakleet River in an area between ADF&G regulatory markers located on each side of the river to an outer line established by ADF&G regulatory markers and buoys.

(b) In the Port Clarence District, Salmon Lake and its tributaries and waters within 300 feet of ADF&G regulatory markers located at the outlet of Salmon Lake, are closed to subsistence fishing for salmon unless otherwise opened by emergency order. Salmon Lake is closed to salmon fishing southwest of the ADF&G regulatory markers at Fox Creek Point to Jasper Creek Point.

(c) The following waters are closed to subsistence fishing for salmon, except when fishing with a hook and line attached to a rod or pole:

(1) the Nome River from its terminus upstream for a distance of 200 yards and upstream from an ADF&G regulatory marker located near the VOR site approximately two miles upstream from the mouth of the Nome River;

(2) the Sinuk River upstream from an ADF&G regulatory marker located at the confluence of Boulder Creek;

(3) the Solomon River upstream from an ADF&G regulatory marker placed near the village of Solomon;

(4) the Snake River upstream from an ADF&G regulatory marker located at the confluence of Sunset Creek;

(5) the Flambeau River upstream from an ADF&G regulatory marker located at the confluence of Discovery Creek;

(6) the Eldorado River upstream from an ADF&G regulatory marker located approximately six miles upstream of the confluence of the Flambeau River;

(7) the Bonanza River upstream of an ADF&G regulatory marker located at the confluence of Ohio Creek;

(8) the Penny River is closed to subsistence fishing for

(A) pink, coho, sockeye, and king salmon upstream of an ADF&G regulatory marker located approximately 100 yards upstream from its mouth;

(B) chum salmon;

(9) the Cripple River is closed to subsistence fishing for

(A) pink, coho, sockeye, and king salmon upstream of an ADF&G regulatory marker located approximately 200 yards upstream from its mouth;

(B) chum salmon.

(d) The following waters are closed to subsistence fishing for Arctic grayling:

(1) the Nome River; and

(2) the Solomon River.

5 AAC 01.180. Subsistence fishing permits; annual limits for salmon. (a) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(b) A subsistence salmon fishing permit is required as follows:

(1) in all waters of the Port Clarence District;

(2) in the Norton Sound District, in all waters from Cape Douglas to Bald Point;

(3) in all waters of the Norton Sound-Port Clarence Area when subsistence fishing with a hook and line attached to a rod or pole.

(c) Only one subsistence fishing permit will be issued to each household per year.

(d) Repealed 6/7/2007.

(e) If a Tier II subsistence chum salmon fishery is opened under 5 AAC 01.182 and 5 AAC 01.184, a Tier II chum salmon fishing permit is required for the taking of chum salmon in Subdistrict 1 of the Norton Sound District.

(f) In the Norton Sound District, in the following waters, the annual limits for salmon are as follows:

(1) in the Nome River, the annual limit for coho salmon is 100 fish;

(2) in the Snake River, the annual limit for coho salmon is 100 fish;

(3) in the Solomon River, the annual limit for

(A) chum salmon is 40 fish;

(B) coho salmon is 20 fish.

(g) In the Port Clarence District, in the following waters, the annual limits for salmon are as follows:

(1) in the Pilgrim River, the annual limit for

(A) king salmon is three fish;

(B) sockeye salmon is 25 fish, unless modified by the commissioner by emergency order;

(2) in Salmon Lake, the annual limit for sockeye salmon is 200 fish.

5 AAC 01.182. Tier II subsistence chum salmon fishery. (a) If the harvestable surplus of chum salmon is insufficient to provide a reasonable opportunity for subsistence uses for chum salmon in Subdistrict 1 of the Norton Sound District, the Board of Fisheries (board) has eliminated nonsubsistence consumptive uses, and further restrictions are necessary to assure that the chum salmon stock is maintained and managed on a sustained yield basis, or to assure the continuation of subsistence uses, a subsistence chum salmon fishery by Tier II permit only will occur with Tier II permits allocated as described in this section and 5 AAC 01.184, based on the following criteria:

(1) the customary and direct dependence on chum salmon in Subdistrict 1 by the subsistence user for human consumption as a mainstay of livelihood;

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

(b) Tier II fishing permits will be issued by the department. Qualifications for a Tier II permit will be based on the point system established in 5 AAC 01.184. The department will issue the number of permits that it determines appropriate for the number of fish available for harvest. A Tier II permit will be issued to the highest ranking applicants, and then to the next lower-ranking applicants, until the number of permits authorized by the department have been issued. If one or more of the permits remain to be issued, but the number of equally ranking applicants exceeds the number of permits, applicants will be selected by a random drawing from among those applicants. Conditional Tier II permits will be issued to applicants who do not initially qualify for Tier II permits, ranked in order of those conditional permit holder's scores.

(c) The commissioner shall announce, by emergency order, whether Tier II permit holders may fish during an opening, based on observed run size, escapement levels, and harvestable surplus as specified by the department. If, during the season, the harvestable surplus exceeds the level for providing a reasonable opportunity to Tier II permit holders, the commissioner may announce by emergency order, whether, and how many holders of conditional Tier II permits may fish, based on the ranked order of their scores. If, during the season, the harvestable surplus reaches the amount found by the board to be reasonably necessary for subsistence uses of the stock, the commissioner may open, by emergency order, a Tier I subsistence fishery and renew permits for additional harvest, as consistent with sustained yield.

(d) An applicant for a Tier II subsistence fishing permit must be a resident of the state and be at least 12 years old. No more than one Tier II permit may be issued to a household for chum salmon fishing. Any household member may fish under the terms of that household's Tier II permit. As provided in AS 16.05.405 and 5 AAC 01.011, a Tier II permit holder may designate on the permit an additional person, outside the permit

holder's household, who may fish as proxy for the permit holder under the terms of the Tier II permit.

(e) A person may not submit false or inaccurate information in support of a Tier II application. An applicant shall cooperate with any lawful investigation regarding information provided by any person in the applicant's Tier II application.

5 AAC 01.184. Tier II subsistence chum salmon fishing permits for Subdistrict 1 of the Norton Sound District. (a) Qualifications for a Tier II subsistence chum salmon fishing permit for Subdistrict 1 of the Norton Sound District shall be based on a point system with a maximum score totaling 85 points, using the following criteria:

(1) an applicant's customary and direct dependence on the chum salmon stock for human consumption as a mainstay of livelihood may provide up to 75 points; one point will be given for each year above the age of five years, in which any one member of the applicant's household has fished for chum salmon in Subdistrict 1, or processed chum salmon taken in Subdistrict 1, plus the number of years in which that member of the household would have fished for chum salmon or processed chum salmon, but did not because fishing for chum salmon was closed due to a low number of returning stock, or the department did not issue a permit to fish to that member of the household for which the member applied;

(2) an applicant's direct dependence on subsistence chum salmon fishing and ability to obtain food if subsistence uses of Subdistrict 1 chum salmon are restricted or eliminated, based on the relative availability of alternative sources of the chum salmon to the applicant's household may provide up to 10 points; the point system is measured by the formula of 10(W), in which W is the percent of chum salmon that the applicant's household has taken in Subdistrict 1 over the four years immediately preceding the date of application.

(b) Applications for a Tier II chum salmon fishing permit are available at the department's office in Nome and will be accepted from April 30 through May 30.

(c) A person may appeal a Tier II permit allocation decision or score to the department within 10 days after the public release of the list of names of those awarded a Tier II permit, as follows:

(1) an appeal must be submitted in writing or by telephone; if an appeal is submitted in writing it must be postmarked or hand delivered to the department within the 10-day period specified in this section; if an appeal is submitted by telephone, it must be made within the 10-day appeal period; the department shall record telephone appeals by electronic means;

(2) the department shall provide a written decision on the appeal to the applicant by first class mail within seven days after the department's receipt of the appeal;

(3) a person that disagrees with a decision issued under (2) of this subsection, regarding that person's application, may appeal to the commissioner in writing within seven days after the mailing of a decision by the department.

(d) The annual harvest limit for a Tier II permit issued under 5 AAC 01.182 and this section is 100 chum salmon per household.

5 AAC 01.186. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. (a) The Alaska Board of Fisheries (board) finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) herring and herring roe along the coast between Point Romanof and Cape Prince of Wales and along the coast of Saint Lawrence Island;

(2) salmon, and all finfish other than salmon, except as specified in (1) and (3) of this subsection, in the Norton Sound-Port Clarence Area; and

(3) chum salmon in Subdistrict 1 of the Norton Sound District.

(b) The board finds that

(1) 96,000 - 160,000 salmon are reasonably necessary for subsistence uses in the Norton Sound-Port Clarence Area; and

(2) 3,430 - 5,716 chum salmon are reasonably necessary for subsistence uses in Subdistrict 1 of the Norton Sound District.

5 AAC 01.188. Customary trade of subsistence-taken finfish. (a) In the Norton Sound-Port Clarence Area, the customary trade of subsistence-taken finfish is permitted as specified in this section. A person who conducts a customary trade in subsistence-taken finfish under this section must

(1) obtain a customary trade record keeping form from the department before the person conducts the customary trade, and accurately record the cash sale on the form within the 24 hours after the sale occurs; the form requires the reporting of

(A) the date of each sale;

(B) the buyer's name and address;

(C) the species and amount of finfish sold;

(D) the location where the finfish were harvested;

(E) the dollar amount of each sale;

(F) the form of processing used; and

(G) any other information the department requires for management or enforcement purposes;

(2) return the customary trade record keeping form to the department as prescribed by the department on the form;

(3) display the customary trade record keeping form upon request by a local representative of the department or a peace officer of the state.

(b) A person may not sell subsistence-taken finfish under this section for more than $500 total per household in a calendar year.

(c) A person who receives subsistence-taken finfish in exchange for cash in a customary trade may not resell the fish.

(d) A sale or purchase of finfish authorized under this section, including the delivery of fish to a purchaser, may occur only in the Norton Sound-Port Clarence Area.

Article 4. Yukon Area.

5 AAC 01.200. Description of Yukon Area.
5 AAC 01.205. Description of districts and subdistricts.
5 AAC 01.210. Fishing seasons and periods.
5 AAC 01.220. Lawful gear and gear specifications.
5 AAC 01.221. Identification of gear.
5 AAC 01.225. Waters closed to subsistence fishing.
5 AAC 01.230. Subsistence fishing permits.
5 AAC 01.234. Limitations on subsistence fishing with a hook and line gear.
5 AAC 01.236. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.240. Marking and use of subsistence-taken salmon.
5 AAC 01.244. Minto Flats Northern Pike Management Plan.
5 AAC 01.249. Yukon River Drainage Fall Chum Salmon Management Plan.

5 AAC 01.200. Description of Yukon Area. The Yukon Area includes all waters of Alaska between a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long. and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea.

5 AAC 01.205. Description of districts and subdistricts. (a) Districts and subdistricts are as described in 5 AAC 05.200.

(b) Old Minto Area consists of that portion of Subdistrict 6-B from the downstream end of upper Tolovana Island, located approximately two miles upstream of the Tolovana River, to three miles upstream of the mouth of the Totchaket Slough.

5 AAC 01.210. Fishing seasons and periods. (a) Unless restricted in this section, or in 5 AAC 01.220 - 5 AAC 01.249, salmon may be taken in the Yukon Area at any time.

(b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner

determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follows:

(1) Coastal District, Koyukuk River, Kantishna River, and Subdistrict 5-D: seven days per week;

(2) Districts 1 - 3: two 36-hour fishing periods per week;

(3) District 4, and Subdistricts 5-A, 5-B, and 5-C: two 48-hour fishing periods per week, except that in Subdistricts 5-A, 5-B, and 5-C, when the department's inseason projection of the fall chum salmon run is greater than or equal to 700,000 fish based on the summer to fall chum salmon historic relationship, the fishing schedule will be seven days per week coinciding with the migratory timing of the fall chum salmon run;

(4) District 6: two 42-hour fishing periods per week; and

(5) Old Minto Area: five days per week.

(c) When there are commercial salmon fishing periods, in the following locations, in addition to subsistence fishing periods opened by emergency order, salmon may be taken for subsistence during commercial salmon fishing periods, except that, unless allowed by emergency order, salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season:

(1) District 4, excluding the Koyukuk River drainage: from June 15 through September 30, salmon may be taken for two 48-hour fishing periods per week, established by emergency order;

(2) District 5, excluding the Tozitna River drainage and Subdistrict 5-D;

(3) District 6, except

(A) the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River;

(B) in Old Minto Area, salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.

(d) During the commercial salmon fishing season when the department announces a commercial fishing closure that will last longer than five days, salmon may not be taken for subsistence during the following periods in the following districts:

(1) in District 4, excluding the Koyukuk River drainage, salmon may not be taken

(A) in Subdistrict 4-A, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday;

(B) in Subdistricts 4-B and 4-C, from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(2) in District 5, excluding the Tozitna River drainage and Subdistrict 5-D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(e) In Districts 1, 2, and 3, excluding the Innoko River drainage, unless allowed by emergency order, salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season, and

(1) in Districts 1, 2, and 3,

(A) after the opening of the commercial salmon fishing season through July 15, salmon may not be taken for subsistence for 18 hours immediately before, during, and for 12 hours after each commercial salmon fishing period;

(B) after July 15, salmon may not be taken for subsistence for 12 hours immediately before, during, and for 12 hours after each commercial salmon fishing period;

(C) notwithstanding the provisions of (A) and (B) of this paragraph, if the commissioner determines it is necessary to ensure that reasonable opportunity for subsistence uses is being provided, the commissioner may, by emergency order, open a subsistence fishing period that may occur during times that are before, during, and after a commercial salmon fishing period;

(2) repealed 5/19/2010.

(f) Repealed 5/19/2010.

(g) The commissioner may establish, by emergency order, additional subsistence salmon fishing periods in Subdistricts 4-B and 4-C and Districts 5 and 6 to compensate for any lost fishing opportunities due to reductions in commercial salmon fishing time.

(h) Except as provided in 5 AAC 01.225, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

5 AAC 01.220. Lawful gear and gear specifications. (a) Salmon may be taken only by set and drift gillnet, dip net, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225 - 5 AAC 01.249.

(b) In District 4, salmon may be taken by drift gillnets that are not more than 25 fathoms in length, unless closed by emergency order.

(c) In Districts 5 and 6, salmon may not be taken for subsistence purposes by drift gillnets.

(d) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by gillnet, dip net, beach seine, a hook and line attached to a rod or pole, handline, fish wheel, fyke net, jigging gear, spear, longline, lead, or eel stick.

(e) The following apply to subsistence fishing:

(1) a gillnet may not exceed seven and one-half inch mesh size;

(2) the aggregate length of set gillnets in use by an individual may not exceed 150 fathoms;

(3) each drift gillnet in use by an individual may not exceed 50 fathoms in length;

(4) in Subdistrict 5-C, between the Waldron Creek ADF&G regulatory marker and Hess Creek, a single set gillnet in use may not exceed 25 fathoms in length;

(5) subsistence set gillnets and fishwheels may not be operated within 200 feet of another gillnet or fishwheel except as follows:

(A) at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," subsistence fishing gear may be set within 200 feet of other operating commercial or subsistence fishing gear;

(B) in District 4, from Old Paradise Village upstream to a point four miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(C) a person may operate a beach seine, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, lead, or eel stick within 200 feet of another person operating subsistence fishing gear;

(6) subsistence fishermen may operate one or more subsistence fishing gears at the same time;

(7) a person may not subsistence fish while commercial or personal use fishing at the same time;

(8) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of a set gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

(9) in that portion of Beaver Creek, not included in the nonsubsistence area specified in 5 AAC 99.015(a)(4), gillnet mesh size may not exceed four inches;

(10) in Birch Creek, gillnet mesh size may not exceed four inches;

(11) in the South Fork of the Koyukuk River drainage upstream from the mouth of the Jim River, and in the Middle Fork of the Koyukuk River drainage upstream from the mouth of the North Fork, gillnet gear may be used only from August 20 through June 30 and a gillnet mesh size may not exceed three and one-half inches; a subsistence permit is required as specified in 5 AAC 01.230(b)(9);

(12) during the subsistence fishing closures specified in 5 AAC 01.210(b), all salmon gillnets with a mesh size greater than four inches must be removed from the water and fish wheels may not be operated;

(13) a beach seine may not be constructed of monofilament web and may not exceed

(A) 150 fathoms in length;

(B) 100 meshes in depth;

(C) a mesh size of four inches stretched measure;

(14) coinciding with the migratory timing of the fall chum salmon run, a person may not take fish with a gillnet that has a mesh size greater than six inches through October 30, unless altered by emergency order;

(15) in the Coastal District and Districts 1 and 2, unless a person is fishing under the ice, 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;

(16) in Districts 3 - 6, unless a person is fishing under the ice, gillnets in operation sunk below the surface must have a keg, buoy, or cluster of floats visible on the surface of the water at each end of the submerged net, and for submerged gillnets over 60 feet in length, a third keg, buoy, or cluster of floats must be attached to the middle of the net.

(f) Northern pike may not be taken with gillnets in the waters of the Tolovana River drainage from October 15 through April 14.

(g) Halibut may be taken only by a single hand-held line with no more than three hooks attached.

(h) A person may use a hook and line attached to a rod or pole when subsistence fishing only

(1) in the waters between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula,

(A) including those waters draining into the Bering Sea and those of the Yukon River drainage;

(B) excluding the areas described in 5 AAC 01.225, the Koyukuk River subsistence permit area described in 5 AAC 01.230(b)(9), the Tanana River drainage, Birch Creek upstream of the Steese Highway Bridge, and the Dall River drainage; or

(2) through the ice.

(i) In District 4, from September 21 through May 15, jigging gear may be used from shore ice.

(j) Notwithstanding any other provisions of this section, during times when the commissioner determines it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season on any portion of the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

(1) all salmon must be immediately released to the water alive unless retention is allowed by emergency order;

(2) a gillnet used to take fish

(A) must be of either four-inch or less mesh, four and three-quarter inch or less mesh, six-inch or less mesh, or seven and one-half inch mesh;

(B) may not, for a gillnet as specified in (A) of this paragraph, exceed the length specified by the commissioner in the emergency order, and the gillnet may be specified for operation as a set or drift gillnet; if specified, no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(3) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation; and

(B) all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(4) dip nets may be used; however, all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(5) a beach seine may be used; however, all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order.

(k) For the purposes of this section, a "livebox" is a submerged container that is attached to a fish wheel and that will keep fish caught by the fish wheel alive.

5 AAC 01.221. Identification of gear. In addition to the requirements of 5 AAC 01.010(h),

(1) each fish wheel must have the first initial, last name and address of the operator plainly and legibly inscribed on the side of the fish wheel facing midstream of the river;

(2) for all gillnets and unattended gear that are fished under the ice, the first initial, last name and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

5 AAC 01.225. Waters closed to subsistence fishing. (a) Repealed 6/17/2001.

(b) The following drainages located north of the mainstem Yukon River are closed to subsistence fishing:

(1) Kanuti River drainage upstream from a point five miles downstream of the state highway crossing;

(2) Fish Creek drainage upstream from the mouth of Bonanza Creek;

(3) Bonanza Creek drainage;

(4) Jim River drainage, including Prospect Creek and Douglas Creek drainages;

(5) repealed 5/19/2004;
(6) repealed 5/19/2004;

(7) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(c) Repealed 5/15/93.
(d) Repealed 4/13/2013.

(e) The Delta River is closed to subsistence fishing

(1) between the mouth of the Delta River and an ADF&G regulatory marker placed two miles upstream from the mouth of the Delta River;

(2) for salmon;

(3) for finfish other than salmon in that portion of the Delta River not included in the nonsubsistence area described in 5 AAC 99.015(a)(4).

(f) Repealed 4/13/80.

(g) The following lakes and rivers and creeks and within 500 feet of the river and creek mouths are closed to subsistence fishing:

(1) Big Salt River;

(2) Hess Creek;

(3) Deadman Lake;

(4) Jan Lake;

(5) Fielding Lake;

(6) Two-Mile Lake.

(h) Repealed 7/13/92.

(i) Fish may not be taken under subsistence fishing regulations in the nonsubsistence area described in 5 AAC 99.015(a)(4).

(j) The Toklat River drainage is closed to subsistence fishing from August 15 through May 15, as specified in 5 AAC 01.249(6)(A).

5 AAC 01.230. Subsistence fishing permits. (a) Except as provided in this section and 5 AAC 01.249, fish may be taken for subsistence purposes without a subsistence fishing permit.

(b) A subsistence fishing permit is required as follows:

(1) for the Yukon River drainage upstream from the westernmost tip of Garnet Island to the mouth of the Dall River;

(2) repealed 4/13/80;

(3) for the Yukon River drainage from the upstream mouth of Twenty-two Mile Slough to the United States-Canada border;

(4) repealed 4/13/80;

(5) for the Tanana River drainage above the mouth of the Wood River;

(6) repealed 5/19/2010;

(7) for the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(8) for the taking of salmon in Subdistricts 6-A and 6-B;

(9) for the South Fork of the Koyukuk River drainage upstream from the mouth of the Jim River and the Middle Fork of the Koyukuk River drainage upstream from the mouth of the North Fork.

(c) In addition to the subsistence fishing permit conditions set forth in 5 AAC 01.015, permits issued for fish other than salmon may also designate restrictive measures for the protection of salmon.

(d) Only one subsistence salmon fishing permit will be issued to each household per year.

(e) In addition to the subsistence fishing permit conditions specified in 5 AAC 01.015, and except as provided in 5 AAC 01.249, permits issued for the taking of salmon in Subdistricts 6-A and 6-B must also contain the following requirements:

(1) salmon may be taken only by set gillnet, dip net, or fish wheel; no household may operate more than one fish wheel;

(2) a subsistence fishing permit holder shall keep accurate daily records of the permit holder's catch, the number of fish taken by species, location and date of the catch, and other information that the department may require for management or conservation purposes;

(3) in that portion of Subdistrict 6-B three miles or more upstream of the mouth of Totchaket Slough, each permittee shall report the number of salmon taken to the department once each week, or as specified on the permit; in the remainder of Subdistrict 6-B and in Subdistrict 6-A, each permittee shall report the total number of salmon taken to the department no later than October 31;

(4) the annual harvest limit for the holder of a Subdistrict 6-A or 6-B subsistence salmon fishing permit is 60 king salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15; upon request, permits for additional salmon may be issued by the department;

(5) unless otherwise provided, from June 20 through September 30, open subsistence salmon fishing periods are concurrent with open commercial salmon fishing periods; during closures of the commercial salmon fishery, open subsistence salmon fishing periods are as specified in 5 AAC 05.367;

(6) in the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week, except as specified in 5 AAC 01.249;

(7) in Subdistrict 6-B from the downstream end of Crescent Island to a line three miles upstream from the mouth of Totchaket Slough, the open subsistence salmon fishing periods are from 6:00 p.m. Friday through 6:00 p.m. Wednesday.

5 AAC 01.234. Limitations on subsistence fishing with a hook and line gear. During times when the commissioner determines it to be necessary for the conservation of salmon, the commissioner may, by emergency order, close the fishing season for salmon, and immediately reopen the season during which restrictions apply to the waters, seasons, bag, possession, and size limits, and method and means for subsistence fishing for salmon with a hook and line attached to a rod or pole. The provisions of this section do not apply to fishing through the ice.

5 AAC 01.236. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. (a) The Alaska Board of Fisheries (board) finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) king, summer chum, fall chum, coho, and pink salmon in the Yukon Area;

(2) freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, and char;

(3) herring and herring roe, within 20 miles of the coast between the terminus of the Black River and the westernmost point of the Naskonat Peninsula; and

(4) all finfish other than salmon and herring, in the salt waters of the Yukon Area.

(b) The board finds that in the Yukon Area the following amounts of fish are reasonably necessary for subsistence uses:

(1) king salmon: 45,500 - 66,704;

(2) summer chum salmon: 83,500 - 142,192;

(3) fall chum salmon: 89,500 - 167,900;

(4) coho salmon: 20,500 - 51,980;

(5) pink salmon: 2,100 - 9,700.

5 AAC 01.240. Marking and use of subsistence-taken salmon. (a) Repealed 8/14/87.

(b) Repealed 6/10/98.

(c) In Districts 1 - 3, during seasons when the department may allow the sale of king salmon, the department shall, by emergency order, close the season and immediately reopen a season during which a person may not possess king salmon taken for subsistence uses unless both tips (lobes) of the tail fin have been removed before the person conceals the salmon from plain view or transfers the salmon from the fishing site. A person may not sell or purchase salmon from which both tips (lobes) of the tail fin have been removed.

(d) In the Yukon River drainage, king salmon must be used primarily for human consumption and may not be targeted for dog food. Dried king salmon may not be used for dog food throughout the Yukon River drainage, except that whole fish that are unfit for human consumption, scraps, and fish under 16 inches in length may be fed to dogs. Whole king salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may also be fed to dogs:

(1) after July 10, in the Koyukuk River drainage;

(2) after July 20, in District 6 and the Tanana River drainage;

(3) after August 10, in Subdistrict 5-D, upstream of Circle City.

5 AAC 01.244. Minto Flats Northern Pike Management Plan. (a) Northern pike stocks in the lakes and flowing waters of the Minto Flats support both subsistence and sport fisheries. The purpose of this management plan is to provide the department with guidance to achieve the goals of managing these stocks consistent with sustained yield principles, providing a reasonable opportunity for the priority subsistence fishery, and providing a sport fishing opportunity. The Minto Flats northern pike management plan for the sport fishery is set out in 5 AAC 74.044.

(b) The department shall manage the Minto Flats northern pike subsistence fishery as follows:

(1) the maximum exploitation rate of northern pike in the lakes and flowing waters of the Minto Flats by all users may not exceed 20 percent annually;

(2) the following provisions apply to the harvest of northern pike in the Minto Flats area subsistence fishery:

(A) the open fishing season is from January 1 through December 31;

(B) there is no daily or annual bag limit, except that in the area described in (G) of this paragraph, the daily harvest limit per permit is 10 fish only two of which may be 30 inches or greater in length, and the possession limit per permit is 20 fish only four of which may be 30 inches or greater in length;

(C) a household ADF&G subsistence harvest permit must be obtained before participating in the subsistence fishery and the permit must be in possession when participating in the fishery;

(D) gillnets may be used only from April 15 through October 14;

(E) a hook and line attached to a rod or pole may be used only when fishing through the ice;

(F) in the Chatanika River drainage, from the confluence of the Chatanika River and Goldstream Creek to an ADF&G regulatory marker approximately one river mile upstream of the confluence, subsistence fishing through the ice is closed;

(G) in the Chatanika River drainage, from an ADF&G regulatory marker approximately one river mile upstream of the confluence of the Chatanika River and Goldstream Creek to an ADF&G regulatory marker at the boundary of the Fairbanks Nonsubsistence Area (approximately one mile downstream from Murphy Dome Road):

(i) only single hooks may be used; and

(ii) if the subsistence harvest reports indicate that 1,500 or more northern pike have been harvested during the period from January 1 until these waters are free of ice, the commissioner shall close, by emergency order, these waters to fishing for northern pike through the ice.

5 AAC 01.249. Yukon River Drainage Fall Chum Salmon Management Plan.

The objective of this management plan is to ensure adequate escapement of fall chum salmon into the Yukon River drainage and to provide management guidelines to the department. The department shall implement this plan from July 16 through December 31 each year, as follows:

(1) the department shall use the best available data, including preseason projections, mainstem river sonar passage estimates, test fisheries indices, subsistence and commercial fishing reports, fish passage estimates from escapement monitoring projects, and traditional knowledge to assess the run size of chum salmon; in this paragraph, "traditional knowledge" has the meaning given in 5 AAC 96.621;

(2) when the projected run size is 300,000 chum salmon or less, the commissioner shall close, by emergency order, the

(A) commercial, sport, and personal use directed chum salmon fisheries; and

(B) subsistence directed chum salmon fisheries, except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, the commissioner may, by emergency order, open a subsistence directed chum salmon fishery in that subdistrict, district or portion of that subdistrict or district;

(3) when the projected run size is more than 300,000, but not more than 500,000 chum salmon, the

(A) targeted drainagewide minimum escapement goal is 300,000 chum salmon;

(B) commissioner shall, by emergency order, close the commercial, sport, and personal use directed chum salmon fisheries, except that if indicators suggest that an individual escapement goal and identified subsistence needs in a subdistrict, district, or portion of a subdistrict or district will be achieved, the commissioner may, by emergency order, open a sport or personal use fishery in that subdistrict, district, or portion of that subdistrict or district; and

(C) department shall manage the subsistence chum salmon directed fisheries to achieve the targeted drainagewide escapement goal;

(4) repealed 5/19/2010;

(5) when the projected run size is more than 550,000 chum salmon, the commissioner may, by emergency order, open and close, commercial fisheries drainagewide and manage the fisheries to achieve escapements within the established drainagewide escapement goal range of 300,000 - 600,000 chum salmon; the targeted harvest of the surplus will be distributed by district or subdistrict proportional to the guideline harvest range established in 5 AAC 05.365; the department shall distribute the harvest levels below the low end of the guideline harvest range by district or subdistrict proportional to the midpoint of the guideline harvest range;

(6) for management of the Toklat River salmon stocks, the Kantishna River and Subdistricts 5-A and 6-A fisheries will be managed to achieve the established spawning escapement goals and the following provisions will apply:

(A) in the Toklat River drainage, the area between approximately one mile upstream and two miles downstream of the Kobi-McGrath trail crossing, enclosed by the following four points: 64° 08.21' N. lat., 150° 01.16' W. long., to 64° 08.21' N. lat., 149° 58.38' W. long., to 64° 10.66' N. lat., 150° 02.09' W long., to 64° 10.66' N. lat., 149° 59.72' W. long., is closed to subsistence fishing from August 15 through May 15;

(B) in the Kantishna River, the following subsistence permit requirements will apply:

(i) from August 15 through December 31, the subsistence salmon harvest limit in the Kantishna River is 2,000 chum salmon;

(ii) from August 15 through December 31, the annual harvest limit for the holder of a Kantishna River subsistence salmon fishing permit is 450 chum salmon; until the fishery harvest limit of 2,000 chum salmon is reached, permits for additional salmon may be issued by the department;

(iii) based on an evaluation of inseason run strength indicators, the commissioner may, by emergency order, reopen the Kantishna River fall season chum salmon subsistence fishery and allow the fishery to exceed the 2,000 fall chum salmon harvest limit if indications are that the Toklat River fall chum salmon minimum escapement goals will be achieved; the commissioner will close that fishery when the commissioner determines that it is necessary for the conservation and protection of chum salmon;

(7) notwithstanding the implementation dates specified in the plan objective, when Yukon River drainage fall chum salmon are designated by the board as a stock of management concern, the department shall implement this plan from July 13 through December 31.

Article 5. Kuskokwim Area.

5 AAC 01.250. Description of the Kuskokwim Area.
5 AAC 01.255. Description of districts, subdistricts, and sections.
5 AAC 01.260. Fishing seasons and periods.
5 AAC 01.270. Lawful gear and gear specifications and operation.
5 AAC 01.271. Identification of gear.
5 AAC 01.275. Waters closed to subsistence fishing.
5 AAC 01.280. Subsistence fishing permits.
5 AAC 01.284. Limitations on subsistence fishing with hook and line gear.
5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.295. Aniak River bag and possession limits.

5 AAC 01.250. Description of the Kuskokwim Area. The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of the Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

5 AAC 01.255. Description of districts, subdistricts, and sections. (a) Districts and subdistricts are as described in 5 AAC 07.200.

(b) During times of king salmon conservation, the Kuskokwim River may be divided into the following sections by emergency order:

(1) Section 1: from a line at the Yukon Delta National Wildlife Refuge boundary at the mouth of the Kuskokwim River at 59° 59.96' N. lat., 162° 30.46' W. long. to 59°

59.95' N. lat., 162° 11.15' W. long. to the confluence of the Johnson River and Kuskokwim River;

(2) Section 2: from the confluence of the Johnson River and Kuskokwim River to a line between ADF&G regulatory markers located approximately one-half mile upstream of the Tuluksak River mouth;

(3) Section 3: from a line between ADF&G regulatory markers located approximately one-half mile upstream of the Tuluksak River mouth to a line between ADF&G regulatory markers at the Yukon Delta National Wildlife Refuge boundary near Aniak;

(4) Section 4: from a line between ADF&G regulatory markers at the Yukon Delta National Wildlife Refuge boundary near Aniak to a line between ADF&G regulatory markers located downstream of the Holitna River mouth;

(5) Section 5: from a line between ADF&G regulatory markers located downstream of the Holitna River mouth to the headwaters of the Kuskokwim River.

5 AAC 01.260. Fishing seasons and periods. (a) Unless otherwise specified in this section, 5 AAC 01.275, or 5 AAC 07.365, finfish, except rainbow trout, may be taken in the Kuskokwim Area at any time. Rainbow trout taken incidentally in other subsistence finfish net fisheries and through the ice are legally taken and may be retained for subsistence purposes.

(b) In the waters of Districts 1 and 2 and those waters of the Kuskokwim River between Districts 1 and 2, salmon may be taken at any time, except that the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 1 and 2 and those waters of the Kuskokwim River between District 1 and 2 and reopen those waters to commercial fishing. In Subdistricts 1-A and 1-B, the commissioner may, by emergency order, reopen fishing periods where subsistence fishing will be allowed in portions of waters adjacent to the waters of Subdistricts 1-A or 1-B open to commercial fishing under this subsection.

(c) In Districts 4 and 5, salmon may be taken at any time, except that in District 4, subsistence fishing for salmon shall close on Sundays between June 1 and July 15 and the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 4 or 5 and reopen those waters to commercial fishing.

5 AAC 01.270. Lawful gear and gear specifications and operation. (a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, dip net as defined in 5 AAC 07.365(e)(11)(A), or fish wheel subject to the restrictions set out in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, Arolik River drainage, and the drainage of Goodnews Bay.

(b) The aggregate length of set gillnets or drift gillnets in use by any individual for taking salmon may not exceed 50 fathoms.

(c) Fish other than salmon may only be taken by set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, jigging gear, spear, eel stick, a hook and line attached to a rod or pole, handline, or lead.

(d) Each subsistence set gillnet operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line.

(e) In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, no part of a set gillnet located within a tributary to the Kuskokwim River may be set or operated within 75 feet of any part of another set gillnet.

(f) A gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream. A stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream.

(g) Repealed 5/19/2004.

(h) The maximum depth of gillnets is as follows:

(1) gillnets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(2) gillnets with greater than six-inch mesh may not be more than 35 meshes in depth.

(i) Halibut may be taken only by a single hand-held line with no more than three hooks attached to it.

(j) Subsistence set and drift gillnets operated in Whitefish Lake in the Ophir Creek drainage may not exceed 15 fathoms in length.

(k) A person may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. A person operating a subsistence set or drift gillnet shall check the net at least once every 24 hours.

(l) Repealed 5/29/2001.

(m) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of salmon, other than king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of seven and one-half inch or greater mesh, six-inch or less mesh, or four-inch or less mesh;

(B) for a gillnet of four-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) for a gillnet of seven and one-half inch or greater mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(D) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(E) for a gillnet of four-inch or less, six inch or less, or seven and one-half inches or greater may not exceed the length specified by the commissioner in the emergency order;

(2) for fish wheels:

(A) except as provided in (B) of this paragraph, a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation and all salmon, other than king salmon, that are in the livebox must be released to the water alive as specified by the commissioner in the emergency order;

(B) a person may operate a fish wheel without a livebox only if

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all salmon specified by the commissioner caught to the water alive;

(3) for beach seine gear: any salmon specified by the commissioner in the emergency order taken in beach seine gear must be returned alive to the water;

(4) for dip nets: a person may fish for salmon with a dip net, and all salmon specified by the commissioner caught in a dip net must be released immediately and returned alive to the water.

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which one or more of the following gear limitations may be implemented:

(1) for gillnets;

(A) a gillnet mesh size may not exceed six inches;

(B) a gillnet mesh size may not exceed four inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) gillnet mesh size may not exceed six inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(D) a gillnet may not exceed the length specified by the commissioner in the emergency order, except that a longer gillnet may be used if no more than the specified length of the gillnet is in a fishing condition and the remainder of the gillnet is tied up or secured so that it is not in the water in a fishing condition;

(2) for fish wheels:

(A) except as provided in (B) of this paragraph, a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all king salmon in the livebox must be returned alive to the water;

(B) a person may operate a fish wheel without a livebox only if

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all king salmon caught to the water alive;

(3) for beach seine gear: any king salmon taken in beach seine gear must be released immediately and returned alive to the water;

(4) for dip nets: a person may fish for salmon with a dip net and all king salmon caught in a dip net must be released immediately and returned alive to the water.

(o) For the purposes of this section, a "livebox" is a submerged container, that is attached to a fish wheel and that will keep fish caught by the fish wheel alive.

(p) A beach seine may not exceed

(1) 50 fathoms in length;

(2) 100 meshes in depth;

(3) a mesh size of three and one-half inches stretched measure.

5 AAC 01.271. Identification of gear. In addition to the requirements of 5 AAC 01.010(h),

(1) each fish wheel must have the first initial, last name and address of the operator plainly and legibly inscribed on the side of the fish wheel facing midstream of the river;

(2) for all gillnets and unattended gear that are fished under the ice, the first initial, last name and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

5 AAC 01.275. Waters closed to subsistence fishing. (a) Repealed 4/15/81.

(b) The commissioner may, by emergency order, close the Goodnews River to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River before, during, and after each open commercial salmon fishing period.

(c) The commissioner may, by emergency order, close the Kanektok River to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth before, during, and after each open commercial salmon fishing period.

(d) The commissioner may, by emergency order, close the Arolik River to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth before, during, and after each open commercial salmon fishing period.

5 AAC 01.280. Subsistence fishing permits. Fish may be taken for subsistence purposes without a subsistence fishing permit, except as otherwise provided in this section.

(1) Starting in the 2018 fishing season, during times when the commissioner determines it is necessary for the conservation of king salmon, the commissioner may, by emergency order, require that in the Kuskokwim River drainage, upstream of a line between ADF&G regulatory markers at the Yukon Delta National Wildlife Refuge Boundary near Aniak, king salmon may be taken only under the authority of a subsistence fishing permit with the following conditions:

(A) annual limit of 10 king salmon;

(B) fishing under the permit may not commence until the subsistence king salmon fishery opens after June 11 as described in 5 AAC 07.365;

(C) the commissioner may, by emergency order, implement one or more of the gear limitations specified in 5 AAC 01.270(n)(1) for fishing under the permit;

(D) permit holders must complete and return permits, including daily records of king salmon harvested, each year by October 31;

(E) once the annual limit is reached, additional king salmon may not be taken except in compliance with all applicable regulations and emergency orders;

(F) only one permit may be issued to a household each year;

(2) the provisions of (1) of this section do not apply after December 31, 2022.

5 AAC 01.284. Limitations on subsistence fishing with hook and line gear. During times when the commissioner determines it to be necessary for the conservation of salmon, the commissioner may, by emergency order, close the fishing season for salmon, and immediately reopen the season during which restrictions apply to the waters, seasons, bag, possession, and size limits, and method and means for subsistence fishing for salmon with a hook and line attached to a rod or pole. The provisions of this section do not apply to fishing through the ice.

5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. (a) The Alaska Board of Fisheries (board) finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) halibut, Pacific cod, and all other finfish, except as specified in (2) - (4) of this subsection, in the Kuskokwim Area;

(2) salmon in the Kuskokwim Area, except the Kuskokwim River drainage;

(3) king, chum, sockeye, coho, and pink salmon in the Kuskokwim River drainage;

(4) herring and herring roe, along the coast between the westernmost tip of the Naskonat Peninsula and the terminus of the Ishowik River, and along the coast of Nunivak Island.

(b) The board finds that the following amounts of fish are reasonably necessary for subsistence uses:

(1) 67,200 - 109,800 king salmon in the Kuskokwim River drainage;

(2) 41,200 - 116,400 chum salmon in the Kuskokwim River drainage;

(3) 32,200 - 58,700 sockeye salmon in the Kuskokwim River drainage;

(4) 27,400 - 57,600 coho salmon in the Kuskokwim River drainage;

(5) 500 - 2,000 pink salmon in the Kuskokwim River drainage;

(6) 6,900 - 17,000 salmon in Districts 4 and 5, combined;

(7) 12,500 - 14,400 salmon in the remainder of the Kuskokwim Area.

5 AAC 01.295. Aniak River bag and possession limits. From June 1 through August 31, when subsistence fishing with a hook and line attached to a rod or pole, in that portion of the Aniak River drainage upstream of Doestock Creek,

(1) the bag and possession limit is as specified by species in 5 AAC 71.010, except that the bag and possession limit for king salmon is two fish, with no size and annual limits; and

(2) rainbow trout may not be retained.

Chapter 02. Subsistence Shellfish Fishery.

Article

1. Statewide Provisions. (5 AAC 02.001 - 5 AAC 02.040)

7. Bering Sea Area. (5 AAC 02.600 - 5 AAC 02.625)

Article 1. Statewide Provisions.

5 AAC 02.001. Application of this chapter.
5 AAC 02.005. Subsistence fishing permitted.
5 AAC 02.010. Methods, means, and general restrictions.
5 AAC 02.011. Subsistence fishing by proxy.
5 AAC 02.015. Subsistence fishing permits and reports.
5 AAC 02.019. Prohibitions on shellfish pot gear.
5 AAC 02.025. Use of commercially licensed or registered vessels.
5 AAC 02.027. Prohibitions for use of subsistence-taken shellfish.
5 AAC 02.030. Unlawful possession of subsistence shellfish.
5 AAC 02.035. Width of shell measurement for king and Tanner crab.
5 AAC 02.040. Policy on closures due to illegal fishing.

5 AAC 02.001. Application of this chapter. Regulations in this chapter apply to subsistence fishing for Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone and other types of shellfish or their parts. The descriptions of legal types of gear (5 AAC 39.105), the definitions (5 AAC 39.975) and the abbreviations and symbols (5 AAC 39.997) set forth in 5 AAC 39 are applicable to the regulations in this chapter.

5 AAC 02.005. Subsistence fishing permitted. Shellfish may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter.

5 AAC 02.010. Methods, means, and general restrictions. (a) Unless otherwise provided in this title, the following are legal types of gear for subsistence fishing:

(1) gear specified in 5 AAC 39.105;

(2) jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and which are drawn through the water by hand;

(3) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(4) a lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fish wheel, fyke net, or dip net.

(b) Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken shellfish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin, shell, or nonedible by-products of shellfish taken for personal or family consumption.

(c) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(d) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Bering Sea Area.

(e) Marking requirements for subsistence shellfish gear are as follows:

(1) a person who is subsistence fishing shall plainly and legibly inscribe that person's first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except that if a person is fishing through ice, a stake inscribed with the first initial, last name, and address inserted in the ice near the hole may be substituted for the keg or buoy; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(2) kegs or buoys attached to subsistence crab pots or ring nets also must be inscribed with the name or the division of motor vehicles boat registration number, issued under 2 AAC 70, of the vessel used to operate the pots or ring nets.

(f) Pots used for subsistence fishing must comply with the escape mechanism requirements in 5 AAC 39.145.

(g) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions in 5 AAC 02 until the crab has been processed or prepared for consumption.

(h) Repealed 5/15/93.

(i) Subsistence shellfish pot limits are as follows:

(1) except in the Kotzebue Sound Section and when fishing through the ice in the Norton Sound Section, no more than five pots per person and 10 pots per vessel may be used to take crab;

(2) repealed 5/9/2015.

(j) Effective July 1, 1986, shellfish may be taken only by residents.

(k) Repealed 5/15/93.

5 AAC 02.011. Subsistence fishing by proxy. (a) Shellfish may be taken by subsistence fishing by proxy only as provided in AS 16.05.405 and in this section.

(b) Any species of shellfish that may be taken by subsistence fishing under this chapter may be taken by subsistence fishing by proxy.

(c) Before a proxy may take, attempt to take, or transport shellfish taken under this section, on behalf of a beneficiary, the proxy or the beneficiary shall obtain and complete a proxy fishing information form available from the department. The proxy or the beneficiary shall take or mail the completed form to any ADF&G office for validation. The department shall return the validated form and retain a copy for the department's records. In addition to the requirements of AS 16.05.405(c), the proxy must have in possession a validated proxy fishing information form when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary. A subsistence fishing permit issued by the department may be substituted for the proxy fishing information form if the information requested on the subsistence fishing permit is the same as the information requested on the proxy fishing information form.

(d) As provided in AS 16.05.405, a proxy who takes or attempts to take shellfish by subsistence fishing on behalf of a beneficiary may, at the same time, fish for the proxy's own use, except that the proxy

(1) may not take more than twice the bag limit, and may not possess more than twice the possession limit, of a species, as established in this chapter, for the waters in which the fishing occurs; and

(2) may not fish with more than one legal limit of gear, as established in this chapter.

(e) A beneficiary may not authorize more than one proxy to take or attempt to take shellfish on the beneficiary's behalf at one time. A beneficiary may not personally take or attempt to take shellfish at the same time that a proxy is taking or attempting to take shellfish on the beneficiary's behalf.

(f) A person may not give or receive remuneration in order to obtain, grant, or influence the granting of an authorization to take or attempt to take shellfish by proxy on behalf of a beneficiary.

(g) In this section,

(1) "beneficiary" means a resident

(A) who is blind, is a person with physical or developmental disabilities as defined in AS 16.05.940, or is 65 years of age or older; and

(B) on whose behalf shellfish are to be taken or attempted to be taken under AS 16.05.405;

(2) "proxy" means a resident who holds a valid resident sport fishing license and who wishes to take or attempt to take shellfish on behalf of a beneficiary under AS 16.05.405;

(3) "fishing site" means the location where the shellfish is removed from the water and becomes part of the beneficiary's specified limit.

(h) A proxy fishing information form is valid for the remainder of the calendar year during which it is issued, unless the beneficiary specifies an earlier ending date on the proxy fishing information form.

(i) Before concealing the shellfish from plain view or transporting the shellfish from the fishing site, a proxy must record on the proxy fishing information form, or a subsistence permit if allowed under (c) of this section, the date, location (body of water fished), species, approximate weight, and number of the shellfish taken by the proxy on behalf of a beneficiary.

(j) Within 30 days after taking shellfish for a beneficiary under this section, a proxy must personally deliver the shellfish to the beneficiary.

5 AAC 02.015. Subsistence fishing permits and reports. (a) If a subsistence fishing permit is required by this chapter, the following conditions apply unless otherwise specified by the subsistence fishing regulations this chapter:

(1) the numbers of shellfish taken for subsistence use may not exceed the limits set out in the permit;

(2) permits must be obtained from the department before subsistence fishing;

(3) permits must be retained in the possession of the permittee and be readily available for inspection while taking or transporting the species for which the permit is issued;

(4) the permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) if specified on the permit, each subsistence fisherman shall keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch and such other information as the department may require for management or conservation purposes;

(6) subsistence fishing reports must be completed on forms provided by the department or electronically at a time specified by the department for each particular area and fishery;

(7) if applicable, the total annual possession limit for the permittee must be entered on each permit by the local representative of the department issuing the permit; if applicable, the local representative of the department issuing the permit shall require from an applicant documented proof of residency, income or other criteria required by regulation, or in the absence of such documentation, a signed affidavit setting forth duration of residency, income or other criteria required by regulation, to determine the applicable annual possession limit and residency of the applicant.

(b) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a subsistence permit for that activity during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to loss in the mail, accident, sickness or other unavoidable circumstances.

5 AAC 02.019. Prohibitions on shellfish pot gear. A person may not disturb, tamper with, or retrieve another person's shellfish pot gear without prior permission of the owner of that pot gear.

5 AAC 02.025. Use of commercially licensed or registered vessels. (a) Limitations on the use of subsistence shrimp pots by vessels and participants in commercial shrimp pot fisheries and the use of subsistence trawls by vessels and participants in commercial shrimp trawl fisheries are contained in 5 AAC 31.

(b) Limitations on the use of subsistence Dungeness crab gear by vessels and participants in commercial Dungeness crab fisheries are contained in 5 AAC 32.

(c) Limitations on the use of subsistence king crab gear by vessels and participants in commercial king crab fisheries are contained in 5 AAC 34.

(d) Limitations on the use of subsistence Tanner crab gear by vessels and participants in commercial Tanner crab fisheries are contained in 5 AAC 35.

5 AAC 02.027. Prohibitions for use of subsistence-taken shellfish. (a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter, unless the

(1) shellfish has been taken with gear deployed and retrieved by the client or guest;

(2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 02.010(e)(1); and

(3) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(b) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence fishery when that vessel is being chartered.

5 AAC 02.030. Unlawful possession of subsistence shellfish. (a) No person may possess, transport or place into the possession of another person, raw or unprocessed subsistence-taken shellfish or their parts that the person has taken contrary to state law or regulation.

(b) No person may possess or transport raw or unprocessed subsistence-taken shellfish or their parts if the items have been received from a person who took, possessed or transported the items contrary to state law or regulation and if the person receiving the

items knows, has reason to know or should have reason to know that the items were taken, possessed or transported contrary to state law or regulation.

(c) No person may possess or transport raw or unprocessed subsistence-taken shellfish or their parts that the person knows were taken, possessed or transported contrary to state law or regulation.

(d) No person may take or possess shellfish smaller than the minimum legal size limits.

5 AAC 02.035. Width of shell measurement for king and Tanner crab. In this chapter, the width of shell measurement for king and Tanner crab is the greatest straight-line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace, including the spines.

5 AAC 02.040. 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.

Article 7. Bering Sea Area.

5 AAC 02.600. Description of the Bering Sea Area
5 AAC 02.605. Description of districts
5 AAC 02.607. Subsistence fishing gear
5 AAC 02.608. Customary and traditional subsistence uses of shellfish
5 AAC 02.610. Subsistence shrimp fishery
5 AAC 02.615. Subsistence Dungeness crab fishery
5 AAC 02.620. Subsistence king crab fishery
5 AAC 02.625. Subsistence Tanner crab fishery

5 AAC 02.600. Description of the Bering Sea Area. The Bering Sea Area includes the waters of the Bering Sea and Chukchi Sea north of 54° 36' N. lat., east of the Maritime Boundary Agreement Line as that line is described in the text of and depicted in the annex to the Maritime Boundary Agreement between the United States and the Union of Soviet Socialist Republics signed in Washington, June 1, 1990, and as that Maritime Boundary Agreement Line is depicted on NOAA Chart #513 (7th Edition, June 2004)

and NOAA Chart #514 (7th Edition, January 2004), adopted by reference, and south of the latitude of Point Hope (68° 21' N. lat.).

5 AAC 02.605. Description of districts. Districts are as described in 5 AAC 34.905.

5 AAC 02.607. Subsistence fishing gear. In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots, crab hook, and ring net; in this section, a "crab hook" is a handheld pole with one or more projections used to lift a crab to the water surface without piercing the crab.

5 AAC 02.608. Customary and traditional subsistence uses of shellfish. The Alaska Board of Fisheries (board) finds that all shellfish are customarily and traditionally taken or used for subsistence in the Bering Sea Area, including those waters draining into the Bering Sea.

5 AAC 02.610. Subsistence shrimp fishery. In the subsistence taking of shrimp, there is no closed season and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the subsistence taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or portion of a fishing district or section,

(1) shall, before taking shrimp, obtain a subsistence fishing permit from the department that specifies the area and the date the vessel operator intends to subsistence fish; and

(2) may not possess more than 500 pounds of shrimp on board the vessel.

5 AAC 02.615. Subsistence Dungeness crab fishery. In waters south of 60° N. lat., the daily bag and possession limit is 12 Dungeness crab per person. Only male Dungeness crab may be taken.

5 AAC 02.620. Subsistence king crab fishery. In the subsistence taking of king crab,

(1) in waters south of 60° N. lat., the daily bag and possession limit is six crab per person, and only male crab may be taken;

(2) all crab pots used for subsistence fishing and left in salt water unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(3) in the Norton Sound Section of the Northern District, a subsistence fishing permit is required and may be obtained from a local representative of the department;

(4) in waters south of 60° N. lat., king crab may be taken only from June 1 through January 31.

5 AAC 02.625. Subsistence Tanner crab fishery. In waters south of 60° N. lat., the daily bag and possession limit is 12 Tanner crab, and only male crab may be taken.

Chapter 03. Arctic-Kotzebue Area.

Article 1. Description of Area.

5 AAC 03.001. Application of this chapter. Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 69 and 5 AAC 75.

5 AAC 03.100. Description of area. The Arctic-Kotzebue Area includes all waters of Alaska north of the latitude of the westernmost tip of Cape Prince of Wales and west of 141° W. long., including those waters draining into the Chukchi Sea and Arctic Ocean.

Article 2. Fishing Districts and Subdistricts.

5 AAC 03.200. Fishing districts and subdistricts.(a) Repealed 7/16/92.

(b) Kotzebue District: all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(1) Subdistrict 1: all waters east of a line from the terminus of the Tukrok River to an ADF&G regulatory marker located approximately one mile offshore to a point approximately one mile off Cape Blossom to an ADF&G regulatory marker located approximately two miles off Riley Wreck to an ADF&G regulatory marker located on the west bank of Riley Creek at 66° 43' N. lat., 162° 19' W. long., and west of a line from a point one mile offshore from an ADF&G regulatory marker located on the north shore of Hotham Inlet at 67° 02' N. lat., 161° 59' W. long. to a point one mile offshore from an ADF&G regulatory marker located on the northern shore of the Baldwin Peninsula near the terminus of Singigrachak Creek at 66° 50.50' N. lat., 162° 11' W. long.;

(2) Subdistrict 2: waters at the mouth of the Noatak River inside a triangle defined by three points: the first point is located at the outlet of a small slough on the east side of the Noatak River at 66° 59.68' N. lat., 162° 20.75' W. long.; the second point is located at 66° 58.30' N. lat., 162° 30.50' W. long. on the mud bar forming the western bank of the Noatak River; the third and southern point of the triangle is located on that same mud bar at 66° 57.20' N. lat., 162° 30.80' W. long. (approximately in line with the tip of Pipe Spit and Lockhart Point);

(3) Subdistrict 3: all remaining waters in the Kotzebue District.

(c) Arctic District: all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° W. long., including waters draining into the Chukchi Sea and Arctic Ocean..

Article 3. Salmon Fishery.

5 AAC 03.310. Fishing seasons
5 AAC 03.320. Fishing periods
5 AAC 03.330. Gear
5 AAC 03.331. Gillnet specifications and operation
5 AAC 03.333. Fishing sites
5 AAC 03.334. Identification of gear
5 AAC 03.335. Minimum distance between units of gear
5 AAC 03.350. Closed waters
5 AAC 03.355. Requirements for transporting salmon and salmon roe in the Arctic-Kotzebue Area

5 AAC 03.310. Fishing seasons. Except as otherwise provided in this chapter, salmon may be taken only in the Kotzebue District from July 10 through August 31.

5 AAC 03.320. Fishing periods. In the Kotzebue District, salmon may be taken only during commercial fishing periods established by emergency order.

5 AAC 03.330. Gear. In the Kotzebue District, salmon may be taken only with set gillnets.

5 AAC 03.331. Gillnet specifications and operation. (a) In the Kotzebue District,

(1) no person may operate set gillnet gear that exceeds 150 fathoms in aggregate length;

(2) no person may operate more than three set gillnets.

(b) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone this restriction applies at all stages of the tide.

5 AAC 03.333. Fishing sites. In the Kotzebue District, a CFEC permit holder may reserve a set gillnet fishing site for the next fishing period by intentionally anchoring or fixing the permit holder's vessel on that site. The vessel must have a set gillnet on board, and the CFEC permit holder must remain on board the vessel until the fishing period opens.

5 AAC 03.334. Identification of gear. Each set gillnet in operation must be identified as required by 5 AAC 39.280.

5 AAC 03.335. Minimum distance between units of gear. In the Kotzebue District, no part of a set gillnet may be set or operated within 300 feet of any set gillnet that is intentionally being set, anchored, or fixed.

5 AAC 03.350. Closed waters. Salmon may not be taken in the following waters:

(1) repealed 7/16/92;

(2) Subdistrict 2 described in 5 AAC 03.200(b)(2);

(3) all waters of the Noatak River north of a line between ADF&G regulatory markers and buoys located at the mouth of the river;

(4) Arctic District described in 5 AAC 03.200;

(5) in Subdistrict 1 described in 5 AAC 03.200(b)(1), all marine waters from ADF&G regulatory markers located at the Weather Service Dome south of the airport runway to the NANA building, extending one mile offshore into Kotzebue Sound perpendicular to the beach.

5 AAC 03.355. Requirements for transporting salmon and salmon roe in the Arctic-Kotzebue Area. A salmon buyer or processor transporting salmon or salmon roe to the point of initial processing must have in possession, and display, upon request, to a peace officer of the state, a completed fish ticket, or a copy of the fish ticket, for all salmon or salmon roe in the buyer's or processor's possession at the time. While transporting commercially-harvested salmon or salmon roe, a buyer or processor may not possess or transport subsistence-harvested salmon or salmon roe.

Article 6. Sheefish Fishery.

5 AAC 03.610. Fishing seasons. Except as provided in 5 AAC 39.780, the commercial sheefish fishing season in the Kotzebue District is from October 1 until closed by emergency order.

5 AAC 03.620. Gear. In the Kotzebue District, sheefish may be taken only with set gillnets or jigging gear.

5 AAC 03.621. Gillnet specifications and operations. The following gillnet specifications and operational requirements apply when taking sheefish:

(1) no person may operate more than 50 fathoms of gillnet in the aggregate;

(2) no gillnet may be more than 12 meshes in depth nor have a mesh size larger than seven inches;

(3) no gillnet may obstruct one-half or more of the width of a waterway.

5 AAC 03.630. Quotas. In the Kotzebue District the commercial sheefish quota is 25,000 pounds.

Chapter 04. Norton Sound-Port Clarence Area.

Article 1. Description of Area.

5 AAC 04.001. Application of this chapter.

Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 70 and 5 AAC 75.

5 AAC 04.100. Description of Norton Sound-Port Clarence Area.

The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long., including the waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

Article 2. Fishing Districts and Subdistricts.

5 AAC 04.200. Fishing districts and subdistricts. (a) The Port Clarence District consists of all waters between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of the westernmost tip of Cape Douglas. The following are the regulatory subdistricts of the Port Clarence District:

(1) Grantley Harbor Subdistrict consists of all waters inside ADF&G regulatory markers located at the western tip of Cape Riley to the entrance of Brevig Lagoon and from Four Mile Point across Grantley Harbor to the mouth of Sunset Creek;

(2) Outer Subdistrict consists of all waters of the Port Clarence District not included in the Grantley Harbor Subdistrict.

(b) The Norton Sound District consists of all waters between the latitude of the westernmost tip of Cape Douglas and a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long. The following are the regulatory subdistricts of the Norton Sound District:

(1) Subdistrict 1 consists of waters from the tip of Cape Rodney to the tip of Topkok Head;

(2) Subdistrict 2 consists of waters from the tip of Rocky Point to the southernmost tip of Cape Darby;

(3) Subdistrict 3 consists of waters from an ADF&G regulatory marker located at Carson Creek to the tip of Bald Head;

(4) Subdistrict 4 consists of the waters from the tip of Bald Head to the tip of Point Dexter;

(5) Subdistrict 5 consists of waters from the westernmost tip of Cape Denbigh to the terminus of Junction Creek located seven miles north of Egavik;

(6) Subdistrict 6 consists of waters from the terminus of Junction Creek located seven miles north of Egavik to the tip of Black Point.

Article 3. Salmon Fishery.

5 AAC 04.310. Fishing seasons
5 AAC 04.320. Fishing periods
5 AAC 04.330. Gear
5 AAC 04.331. Gillnet specifications and operations
5 AAC 04.334. Identification of gear
5 AAC 04.335. Minimum distance between units of gear
5 AAC 04.350. Closed waters
5 AAC 04.355. Requirements for transporting salmon and salmon roe in the Norton Sound-Port Clarence Area
5 AAC 04.362. Guideline harvest range for Port Clarence District
5 AAC 04.365. Reporting requirements
5 AAC 04.380. Subdistrict 1 of the Norton Sound District Salmon Management Plan
5 AAC 04.390. Subdistricts 2 and 3 of the Norton Sound District Salmon Management Plan
5 AAC 04.395. Subdistricts 5 and 6 of the Norton Sound District and the Unalakleet River King Salmon Management Plan

5 AAC 04.310. Fishing seasons. Except as provided in 5 AAC 04.320 - 5 AAC 04.390, salmon may be taken only as follows:

(1) repealed 6/28/2019;
(2) repealed 6/28/2019;

(3) in Subdistricts 1 - 6, during fishing periods established by emergency order from June 8 through September 7, unless extended by emergency order to allow the harvest of surplus salmon after escapement needs have been met;

(4) in the Port Clarence District, during fishing periods established by emergency order from July 1 through July 31.

5 AAC 04.320. Fishing periods. In the Norton Sound-Port Clarence Area, salmon may be taken only during fishing periods established by emergency order.

5 AAC 04.330. Gear. In the Norton Sound-Port Clarence Area, set gillnets may be operated. In the Norton Sound District, drift gillnets may also be operated.

5 AAC 04.331. Gillnet specifications and operations. (a) The aggregate length of a gillnet may not exceed 100 fathoms, except that if the commissioner determines that there is a harvestable surplus of pink salmon, the commissioner may, by emergency order, close the fishing season and immediately reopen a season during which a set gillnet may not exceed

(1) a mesh size of four and one-half inches; and

(2) an aggregate length of set gillnet established in the emergency order that is not more than 200 fathoms, based on the department's ability to conduct an orderly fishery.

(b) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone this restriction applies at all stages of the tide.

(c) In the Norton Sound District, no person may take salmon with a gillnet that has a mesh size larger than

(1) four and one-half inches during periods and in locations specified by emergency order;

(2) six inches after a date specified by an emergency order issued between July 1 and July 15.

(d) In the Norton Sound District, no more than 200 fathoms of gillnet in the aggregate may be operated from a vessel.

(e) Notwithstanding (c) of this section, during times when the commissioner determines it to be necessary for the conservation of chum salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Norton Sound District and immediately reopen the season in that portion during which a person may not take salmon with a gillnet that has a mesh size smaller than seven and one-half inches.

5 AAC 04.334. Identification of gear. (a) Each set gillnet in operation must be identified as required by 5 AAC 39.280.

(b) Each drift gillnet in operation must have at one end a red keg, buoy or cluster of floats plainly and legibly marked with the fisherman's five-digit CFEC permit serial number.

5 AAC 04.335. Minimum distance between units of gear. No part of a set gillnet may be set or operated within 300 feet of any part of another set gillnet.

5 AAC 04.350. Closed waters. Salmon may not be taken in the following locations:

(1) all waters seaward of the mouth of the Unalakleet River from a line between ADF&G regulatory markers located on each side of the river to an outer line established by ADF&G regulatory markers and buoys;

(2) all waters of the Norton Sound-Port Clarence Area, except those waters described in 5 AAC 04.200;

(3) in the Port Clarence District, all waters of the Outer Subdistrict described in 5 AAC 04.200(a)(2);

(4) repealed 4/13/2013.

5 AAC 04.355. Requirements for transporting salmon and salmon roe in the Norton Sound-Port Clarence Area. A salmon buyer or processor transporting salmon or salmon roe to the point of initial processing must have in possession, and display, upon request, to a peace officer of the state, a completed fish ticket, or a copy of the fish ticket, for all salmon or salmon roe in the buyer's or processor's possession at the time. While transporting commercially-harvested salmon or salmon roe, a buyer or processor may not possess or transport subsistence-harvested salmon or salmon roe.

5 AAC 04.362. Guideline harvest range for Port Clarence District. If the department projects that the inriver run goal for the Pilgrim River is at least 30,000 sockeye salmon, a commercial fishery may occur in the Port Clarence District with the guideline harvest range from 0 - 10,000 sockeye salmon.

5 AAC 04.365. Reporting requirements. (a) In addition to the requirements of 5 AAC 39.130, each buyer, or the buyer's agent, shall report to a local representative of the department before purchasing fish taken in the Norton Sound District.

(b) Each commercial salmon fisherman shall report, on a ADF&G fish ticket, the number of salmon taken but not sold.

5 AAC 04.380. Subdistrict 1 of the Norton Sound District Salmon Management Plan. (a) The purpose of this management plan is to provide the department with management guidelines for the sustained yield of salmon stocks in Subdistrict 1 of the Norton Sound District. The department shall manage, to the extent practicable, the subsistence, sport, and commercial fisheries in Subdistrict 1 to achieve escapement goals.

(b) The department shall manage salmon fisheries in Subdistrict 1 as follows:

(1) commercial fishing for chum and pink salmon may be opened in the waters east or west of Cape Nome, or both, by emergency order, if the department projects the harvestable surplus will more than meet subsistence needs;

(2) subsistence fishing for chum salmon will be opened and closed by emergency order on a stream-by-stream basis, if the department determines there is a harvestable surplus; a permit under 5 AAC 01.180 is required;

(3) if subsistence fishing for chum salmon is restricted, the commissioner may, by emergency order, close a commercial fishery and immediately reopen a commercial fishery during which chum salmon may be retained, but not sold.

5 AAC 04.390. Subdistricts 2 and 3 of the Norton Sound District Salmon Management Plan. (a) The purpose of this management plan is to provide the department with management guidelines for the sustained yield of salmon stocks in Subdistricts 2 and 3 in the Norton Sound District. The department shall manage, to the

extent practicable, the commercial, sport, subsistence, and personal use fisheries in Subdistricts 2 and 3 to achieve escapement goals.

(b) The department shall manage salmon fisheries in the Subdistricts 2 and 3 as follows:

(1) in the commercial chum salmon fishery,

(A) repealed 6/28/2019;

(B) the chum salmon harvest may not exceed 15,000 fish before the department's mid-July run assessment in Subdistrict 2;

(C) the fishery may occur only if the department projects that chum salmon escapement goals will be achieved and the harvestable surplus will more than meet subsistence needs;

(2) a commercial pink salmon fishery may occur only if subsistence needs are expected to be met and chum salmon escapement goals achieved, or the department determines that, after July 6 in Subdistrict 3 and after July 14 in Subdistrict 2, there is a harvestable surplus of pink salmon and that a directed pink salmon commercial fishery will not have a significant impact on escapement goals or subsistence use of chum salmon;

(3) in the commercial coho salmon fishery, the fishery may occur only when the department determines that further restrictions would have no impact on achieving chum salmon escapement goals;

(4) the commissioner may not place restrictions on subsistence fishing for chum salmon by emergency order, unless all directed chum salmon commercial fishing has been closed and sport fishing has been appropriately restricted in the subdistrict as provided in 5 AAC 01.180 - 5 AAC 01.184.

5 AAC 04.395. Subdistricts 5 and 6 of the Norton Sound District and the Unalakleet River King Salmon Management Plan. (a) The purpose of this management plan is to provide the department management direction for the subsistence, sport, and commercial king salmon fisheries in the marine waters of Subdistricts 5 and 6 and in the Unalakleet River drainage from June 15 through July 15.

(b) From June 15 through June 20,

(1) the commissioner will close, by emergency order, subsistence fishing and immediately reopen subsistence fishing with two 48-hour fishing periods per week in the marine waters of Subdistricts 5 and 6 and two 36-hour fishing periods per week in the inriver fishery;

(2) in the sport fishery,

(A) the bag and possession limit for king salmon is two fish, of which only one fish may be 20 inches or greater in length;

(B) the annual limit for king salmon 20 inches or greater in length is two fish;

(3) commercial fishing is closed.

(c) If the projected king salmon escapement is below the lower end of the escapement goal range, all fishing for king salmon will be closed.

(d) Notwithstanding any provision of 5 AAC 39.222 and 5 AAC 39.223, if the projected king salmon count at the North River counting tower exceeds the midpoint of the escapement goal,

(1) the commissioner may open, by emergency order, a subsistence king salmon fishery in the

(A) marine waters of Subdistricts 5 and 6 for two 48-hour fishing periods per week; and

(B) inriver fishery for two 36-hour fishing periods per week;

(2) the commissioner may increase, by emergency order, the sport fish annual limit for king salmon, 20 inches or greater in length, to four fish;

(3) the commissioner may open, by emergency order, a commercial king salmon fishery with two 24-hour fishing periods per week.

(e) If subsistence fishing periods in the Unalakleet River drainage are restricted to less than two 36-hour openings, the sport fish harvest annual limit for king salmon will be reduced to one fish with no size limit.

(f) In Subdistricts 5 and 6, if the marine waters subsistence fishery is restricted to

(1) a gillnet mesh size of six inches or less under 5 AAC 01.170(j), the sport fish bag and possession limit and annual limit for king salmon will be reduced, by emergency order, to one king salmon;

(2) less than two 48-hour fishing periods, the sport fishery will be reduced, by emergency order, to catch-and-release fishing only.

(g) In the Unalakleet River drainage or in the marine waters of Subdistricts 5 and 6, if the subsistence fishery is closed to the retention of king salmon, sport fishing for king salmon will be closed.

(h) In Subdistricts 5 and 6, the commercial pink or chum fisheries may occur only if the department determines there is a harvestable surplus of pink or chum salmon and that a directed pink or chum salmon commercial fishery will not have a significant impact on escapement goals or subsistence uses of king salmon, and only under the following conditions:

(1) before July 1, a commercial pink or chum salmon fishery may not occur if

(A) in the king salmon subsistence fishery in the marine waters,

(i) the gillnet mesh size is restricted to six inches or less under 5 AAC 01.170(j); or

(ii) subsistence fishing time is reduced; or

(B) the king salmon subsistence fishery is closed;

(2) notwithstanding the provisions of (1) of this subsection, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may close, by emergency order, any open commercial gillnet fishing season and open a commercial salmon fishery at any time during which only beach seine gear may be used to take chum and pink salmon and all king salmon caught must be returned immediately to the water alive; a beach seine may not be constructed of monofilament web and may not exceed

(A) 150 fathoms in length;

(B) 100 meshes in depth;

(C) a mesh size of four inches stretched measure.

(i) If subsistence fishing for king salmon is restricted, the commissioner may, by emergency order, close the commercial salmon fishery and immediately reopen the commercial fishery during which king salmon may be retained, but not sold.

Chapter 05. Yukon Area.

Article 1. Description of Area.

5 AAC 05.001. Application of this chapter. Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 73, 5 AAC 74, and 5 AAC 75.

5 AAC 05.100. Description of Yukon Area. The Yukon Area includes all waters of Alaska between a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long. and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea.

Article 2. Fishing Districts and Subdistricts.

5 AAC 05.200. Fishing districts and subdistricts. (a) District 1 consists of that portion of the Yukon River drainage from a line extending northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long., to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long., extending south and west along the coast of the delta to a line approximately one nautical mile south of the mouth of the Black River from 62° 20.58' N. lat., 165° 22.66' W. long., to a point located three nautical miles offshore at 62° 22.67' N. lat., 165° 27.37' W. long., including the waters within three nautical miles seaward from any grassland bank within that area, and upstream from the mouth of the Black River to the northern edge of the mouth of the Anuk River and all waters of the Black River.

(b) District 2 consists of that portion of the Yukon River drainage from the northern edge of the mouth of the Anuk River upstream to an ADF&G regulatory marker located at Toklik, and includes the Anuk River drainage.

(c) District 3 consists of that portion of the Yukon River drainage from an ADF&G regulatory marker located at Toklik upstream to an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village.

(d) District 4 consists of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the western edge of the mouth of Illinois Creek at Kallands.

(1) Subdistrict 4-A consists of that portion of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the tip of Cone Point;

(2) Subdistrict 4-B consists of the Yukon River drainage from the tip of Cone Point upstream along the north bank of the river to the westernmost edge of Illinois Creek and includes the following islands: Cook, Lark, Serpentine, Louden, Fish, Dainty, Yuki, Melozi, Dasha, Straight, Kit, Fox, Hardluck, Mickey, Florence, Doyle, Chokoyik, Lady, Liner, Flora, and Cronin;

(3) Subdistrict 4-C consists of the Yukon River drainage from the tip of Cone Point upstream along the south bank of the river to a point opposite the westernmost edge of Illinois Creek and includes the following islands: Cat, Hen, Jimmy, Big, Ninemile, Ham, Emerald, Edith, Kathaleen, Henry, Burns, Youngs, Weir, Clay, Large, and Brant.

(e) District 5 consists of that portion of the Yukon River drainage (excluding the Tanana River drainage) from the western edge of the mouth of Illinois Creek to the United States-Canada border, and includes the Illinois Creek drainage.

(1) Subdistrict 5-A consists of the Yukon River drainage from a point opposite the westernmost edge of Illinois Creek upstream along the south bank of the river to the easternmost edge of the Tanana River mouth and includes the following islands: Second, Corbusier, Sixmile, Deet'laa', Swanson, Blind, Basco, Sword, Leonard, Still, Tanana, and Mission;

(2) Subdistrict 5-B consists of the Yukon River drainage from the westernmost edge of Illinois Creek upstream along the north bank of the river to a point opposite the easternmost edge of the Tanana River mouth upstream along both banks of the Yukon River to the westernmost tip of Garnet Island and includes the following islands: Willow I, II, and III, Steamboat, Grant, Darvin, Little Joker, Station, Tozitna, Circle, Bull, and Long;

(3) Subdistrict 5-C consists of the Yukon River drainage upstream from the westernmost tip of Garnet Island to ADF&G regulatory markers located approximately two miles downstream from Waldron Creek;

(4) Subdistrict 5-D consists of the Yukon River drainage from ADF&G regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border.

(f) District 6 consists of the Tanana River drainage to its confluence with the Yukon River.

(1) Subdistrict 6-A consists of that portion of the Tanana River drainage from its mouth upstream to the eastern edge of the mouth of the Kantishna River and includes the Kantishna River drainage;

(2) Subdistrict 6-B consists of that portion of the Tanana River drainage from the eastern edge of the mouth of the Kantishna River upstream to the eastern edge of the mouth of the Wood River and includes the Wood River drainage;

(3) Subdistrict 6-C consists of the Tanana River drainage from the eastern edge of the mouth of the Wood River upstream to the eastern edge of the mouth of the Salcha River and includes the Salcha River drainage;

(4) Old Minto Area consists of that portion of Subdistrict 6-B from the downstream end of upper Tolovana Island, located approximately two miles upstream of the Tolovana River, to three miles upstream of the mouth of the Totchaket Slough.

(g) Repealed 7/13/2012.

(h) Coastal District: all waters between the latitude of the westernmost point of the Naskonat Peninsula and a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long. not included in (a) - (f) of this section.

Article 3. Salmon Fishery.

5 AAC 05.310. Fishing seasons
5 AAC 05.320. Fishing periods
5 AAC 05.330. Gear
5 AAC 05.331. Gillnet specifications and operations
5 AAC 05.333. Fish wheel specifications and operations
5 AAC 05.334. Identification of gear
5 AAC 05.335. Minimum distance between units of gear
5 AAC 05.340. Vessel identification
5 AAC 05.350. Closed waters
5 AAC 05.355. Requirements for transporting salmon and salmon roe in the Yukon Area
5 AAC 05.359. Yukon River Pink Salmon Management Plan
5 AAC 05.360. Yukon River King Salmon Management Plan
5 AAC 05.361. Yukon River King Salmon Stock of Concern Management Plan
5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan
5 AAC 05.365. Yukon River fall chum salmon guideline harvest ranges
5 AAC 05.366. Yukon River Fall Chum Salmon Stock of Concern Management Plan
5 AAC 05.367. Tanana River Salmon Management Plan
5 AAC 05.368. Anvik River Chum Salmon Fishery Management Plan
5 AAC 05.369. Yukon River Coho Salmon Management Plan
5 AAC 05.370. Registration and reregistration
5 AAC 05.375. Permits for District 6 salmon processors
5 AAC 05.377. Reporting requirements
5 AAC 05.380. Unlawful possession of subsistence-taken salmon

5 AAC 05.310. Fishing seasons. Except as provided in 5 AAC 05.320 - 5 AAC 05.380, salmon may be taken only as follows:

(1) in Districts 1, 2, and 3, the commissioner shall open and close the season by emergency order;

(2) in District 4, the commissioner shall open and close the season by emergency order;

(3) in District 5, in all subdistricts, the commissioner shall open and close the season by emergency order;

(4) in District 6, the commissioner shall open the season by emergency order and close the season by emergency order.

5 AAC 05.320. Fishing periods. In the Yukon Area, in all districts and subdistricts, salmon may be taken only during fishing periods established by emergency order.

5 AAC 05.330. Gear. (a) In Districts 1 - 3, set gillnets and drift gillnets only may be operated, except that in District 1 after July 15 set gillnets only may be operated in the following locations:

(1) waters of the Black River;

(2) waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(3) waters of Alakanuk Pass downstream from the mouth of Kuiukpak Slough;

(4) waters of Kwiguk Pass downstream of the mouth of Kawokhawik Slough;

(5) waters of Kawanak Pass downstream from Sea Gull Point;

(6) waters of Kwikpak Pass downstream from Sea Gull Point;

(7) waters of Apoon Pass downstream of the mouth of the Kotlik River and waters of Okwega Pass downstream from its confluence with Apoon Pass;

(8) waters within three nautical miles seaward from any grassland bank in District 1.

(b) In Districts 4 - 6, set gillnets and fish wheels only may be operated.

(c) No person may operate more than one fish wheel at any one time.

(d) No person may operate or assist in operating more than one type of gear at any one time.

5 AAC 05.331. Gillnet specifications and operations. (a) Set gillnet gear may not exceed 150 fathoms in aggregate length.

(b) Drift gillnet gear may not exceed 50 fathoms in length.

(c) Salmon may be taken only with gillnets of six-inch or smaller mesh during periods established by emergency order.

(d) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone, this restriction applies at all stages of the tide.

(e) In Districts 1 - 3, gillnets with

(1) greater than six-inch mesh may not be more than 45 meshes in depth;

(2) six-inch or smaller mesh may not be more than 50 meshes in depth.

(f) In Districts 4 - 6, gillnets with

(1) greater than six-inch mesh may not be more than 60 meshes in depth;

(2) six-inch or smaller mesh may not be more than 70 meshes in depth.

(g) Notwithstanding any other provision of this section, during times when the commissioner determines it to be necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season in Districts 1 - 6 and immediately reopen the season during which a person may take salmon with a gillnet that has a mesh size of seven and one-half inches.

(h) Notwithstanding any other provision of this section, in Districts 1 - 3, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season and immediately reopen the season during which a person may take salmon only with a gillnet that has a mesh size of five and one-half inches or less, and that is not more than 30 meshes in depth.

(i) Notwithstanding any other provision of this section, and 5 AAC 01.249 and 5 AAC 05.359 - 5 AAC 05.369, during times when the commissioner determines that it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season and immediately reopen the season specifying the area in which one or more of the following gear limitations may be implemented:

(1) for fish wheels, as described in 5 AAC 05.333, the operator must closely attend the fish wheel while it is in operation, and all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(2) dip nets may be used as described in 5 AAC 05.362(k)(1)(A); all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(3) a beach seine may be used as described in 5 AAC 05.362(k)(1)(B); all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order.

5 AAC 05.333. Fish wheel specifications and operations. (a) Fish wheel baskets must be stopped from rotating in the water during periods closed to commercial and subsistence fishing. The fish wheel registrant is responsible for the operation of the fish wheel.

(b) A lead may be used with a commercial fish wheel operated under this chapter.

(c) In this section, "lead" means a length of net or fencing employed for guiding fish into a fish wheel.

5 AAC 05.334. Identification of gear. (a) Each drift gillnet in operation must have at one end a red keg, buoy or cluster of floats plainly and legibly marked with the fisherman's five-digit CFEC permit serial number.

(b) Each set gillnet and fish wheel in operation must be identified as required under 5 AAC 39.280.

(c) Repealed 4/15/81.

(d) In Districts 3 - 6, unless a person is fishing under the ice, gillnets in operation sunk below the surface must have a keg, buoy, or cluster of floats visible on the surface of the water at each end of the submerged net, and for submerged gillnets over 60 feet in length, a third keg, buoy, or cluster of floats must be attached to the middle of the net.

5 AAC 05.335. Minimum distance between units of gear. (a) In District 1, no person may set or operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(b) In District 2, no person may set or operate any part of a set gillnet within 200 feet of any part of another set gillnet.

(c) In Districts 4, 5, and 6, a person may not set or operate commercial fishing gear within 200 feet of other commercial, personal use, or subsistence fishing gear, except as follows:

(1) in District 4 from Old Paradise Village upstream to a point four miles upstream from Anvik there is no minimum distance requirement between fish wheels;

(2) at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," there is no minimum distance requirement between subsistence gear and commercial gear.

5 AAC 05.340. Vessel identification. A vessel used by a commercial salmon permit holder to take salmon during the open commercial fishing season in District 1, 2, or 3, must display, on both sides of the hull or cabin, in permanent symbols at least 12 inches high and with lines at least one inch wide that contrast with the background, the vessel's ADF&G license plate number, or the permit holder's five-digit CFEC permit number and the letter following.

5 AAC 05.350. Closed waters. Salmon may not be taken in the following waters:

(1) repealed 4/13/2013;

(2) waters farther than three nautical miles seaward from any grassland bank in District 1;

(3) all waters south and west of a line extending seaward in a northwestern direction from an ADF&G regulatory marker located on the beach approximately one nautical mile south of the mouth of Black River at 62° 20.58' N. lat., 165° 22.66' W. long. to a point located three nautical miles offshore at 62° 22.67' N. lat., 165° 27.37' W. long.;

(4) waters of the Andreafsky River upstream of a line between ADF&G regulatory markers placed on each side of the river at its mouth;

(5) Tanana River upstream of the downstream edge of the mouth of the Chena River;

(6) tributaries of the Yukon and Tanana Rivers;

(7) repealed 6/26/2016;

(8) waters of the Anvik River upstream of a line between ADF&G regulatory markers placed on each side of the river at its mouth;

(9) repealed 6/26/2016;
(10) repealed 7/13/2012;

(11) the waters within 500 yards of the mouth of the Pastolik River and Pastoliak River, as specified in 5 AAC 39.290(a)(2);

(12) all other waters of the Yukon Area, except those waters described in 5 AAC 05.200.

5 AAC 05.355. Requirements for transporting salmon and salmon roe in the Yukon Area. A salmon buyer or processor transporting salmon or salmon roe to the point of initial processing must have in possession, and display, upon request, to a peace officer of the state, a completed fish ticket, or a copy of the fish ticket, for all salmon or salmon roe in the buyer's or processor's possession at the time. While transporting commercially-harvested salmon or salmon roe, a buyer or processor may not possess or transport subsistence-harvested salmon or salmon roe.

5 AAC 05.359. Yukon River Pink Salmon Management Plan. (a) The goal of this management plan is to provide for the management of directed commercial pink salmon fishing in the Yukon River. Pink salmon exhibit an odd-numbered year and even-numbered year cycle in the Yukon River, in which an even-numbered year experiences large returns of pink salmon. The management of directed commercial pink salmon fishing is complicated by overlapping runs of summer chum salmon and fall chum salmon stocks.

(b) For the purpose of determining if there is a harvestable surplus of pink salmon under (c) of this section, the department shall use the best available information to assess pink salmon abundance, including mainstem river sonar passage estimates, subsistence and commercial harvest reports, and estimates from escapement monitoring projects.

(c) From June 15 through July 31, if the commissioner determines that there is a harvestable surplus of pink salmon sufficient to provide for pink salmon subsistence uses and other uses, and chum salmon escapement goals are expected to be achieved, the commissioner may open, by emergency order, a directed commercial pink salmon fishery in District 1 during which only a gillnet that has a mesh of size four and three-quarter inches or less may be used.

5 AAC 05.360. Yukon River King Salmon Management Plan. (a) The objective of this management plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.

(b) The department shall manage commercial fishing as follows:

(1) the department may open a directed commercial king salmon fishery when increases in subsistence or test fishery net catches of king salmon have occurred over a seven to ten day period;

(2) the department shall manage the Yukon River commercial king salmon fishery for a guideline harvest range of 67,350 - 129,150 king salmon, distributed as follows:

(A) Districts 1 and 2: 60,000 - 120,000 king salmon;

(B) District 3: 1,800 - 2,200 king salmon;

(C) District 4: 2,250 - 2,850 king salmon;

(D) District 5:

(i) Subdistrict 5-B and 5-C: 2,400 - 2,800 king salmon;

(ii) Subdistrict 5-D: 300 - 500 king salmon; and

(E) District 6: 600 - 800 king salmon;

(3) when the projected king salmon harvest range for Districts 1 - 6 combined is below the low end harvest level from zero to 67,350 fish, the department shall allocate the commercial harvest available by percentage for each district as follows:

(A) Districts 1 and 2: 89.1 percent;

(B) District 3: 2.7 percent;

(C) District 4: 3.3 percent;

(D) Subdistricts 5-B and 5-C: 3.6 percent;

(E) Subdistrict 5-D: 0.4 percent; and

(F) District 6: 0.9 percent.

(c) A person may not sell king salmon roe taken in Subdistrict 4-A.

(d) The subsistence fishery in the Yukon River drainage will be based on a schedule to be implemented chronologically, consistent with migratory timing as the king salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence fishing in the Yukon River drainage will be established by emergency order as follows:

(1) Coastal District, Koyukuk River, Innoko River, and Subdistrict 5-D: seven days per week;

(2) Districts 1 - 3: two 36-hour fishing periods per week;

(3) District 4, and Subdistricts 5-B and 5-C: two 48-hour fishing periods per week;

(4) Subdistrict 5-A, and District 6: two 42-hour fishing periods per week; and

(5) Old Minto Area: five days per week.

(e) If inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery, subsistence fishing shall revert to the fishing periods as specified in 5 AAC 01.210(c) - (h).

(f) The sport fishery in the Yukon River drainage will be managed to coordinate with the commercial and subsistence fisheries. Sport fishing restrictions necessary for conservation purposes will correspond to the level of abundance of king salmon.

(g) In Subdistrict 4-A, during times when the commissioner determines that it is necessary for the conservation of chum salmon, the commissioner may, by emergency order, close the commercial fish wheel fishing season and immediately reopen the season during which set gillnet gear may be used instead of a fish wheel.

(h) If preseason or inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run, the commissioner may, by emergency order, close all salmon fishing in a district or portion of a district.

(i) if the department projects that the Yukon River king salmon abundance will be insufficient to achieve the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district, the commissioner shall, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained, but not sold. If the department thereafter projects king salmon escapement goals will be met and king salmon subsistence fishing is not restricted in the district or portion of the district where commercial salmon fishing is open, and reasonable opportunity for subsistence uses of king salmon has been or will be provided within the

season, the commissioner may, by emergency order, open a commercial fishery during which king salmon incidentally taken may be sold.

(j) Notwithstanding the provisions of this section, the department shall manage the king salmon subsistence fishery in Districts 1 - 6 during the first pulse of the historical three distinctive pulses of king salmon that enter the Yukon River drainage, as follows:

(1) in Districts 1 and 2, to account for the uncertainty in the preseason king salmon run projection, if the preseason king salmon forecast indicates insufficient abundance to meet escapement goal objectives and subsistence harvest needs, the department shall manage the king salmon subsistence fishery conservatively and not open any salmon subsistence fishing periods during the first pulse of king salmon entering the districts;

(2) in Districts 3 - 6,

(A) if inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvest needs, the department will not open any subsistence fishing periods during the first pulse implemented chronologically in the applicable district, consistent with migratory timing as the king salmon run progresses upstream;

(B) if inseason run assessment information indicates sufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvests needs, subsistence fishing will revert to the fishing periods as specified in (d) of this section.

5 AAC 05.361. Yukon River King Salmon Stock of Concern Management Plan. (a) The purpose of the Yukon River King Salmon Stock of Concern Management Plan is to provide management tools and guidelines to the department for the management of Yukon River salmon fisheries consistent with AS 16.05.258, 5 AAC 39.220, 5 AAC 39.222, the Pacific Salmon Treaty, and the seven-year agreement between this state and Canada to prohibit directed fishing for king salmon in the Yukon River main stem. While Yukon River king salmon are listed as a stock of management concern, this plan is intended to ensure the sustained yield of king salmon stocks large enough to meet sustainable escapement goals, while allowing for harvest opportunity in the subsistence, sport, and commercial fisheries, as follows:

(1) in addition to management measures specified in 5 AAC 05.360 and educational permits provided under 5 AAC 93.212, the department may relax subsistence fishery management measures in specific tributaries within the state if updated stock composition and run assessment data indicate areas where specific restrictions are no longer needed to ensure the established escapement goals will be met;

(2) a fish wheel operated under this subsection must be operated as specified in 5 AAC 05.362(j)(1) and (2).

(b) The provisions of this management plan will remain in effect while Yukon River king salmon are listed as a stock of management concern. The department may recommend removal of this designation at the first Arctic, Yukon, Kuskokwim Board of Fisheries meeting when either of the following conditions exist:

(1) the majority of the lower bounds of the established biological escapement goal and sustainable escapement goal ranges are met or exceeded in five consecutive years and are expected to be met in the future years;

(2) if annual yields or harvestable surpluses are below the historical range, and the department recommends changing the stock of concern designation to a stock of yield concern.

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan. (a) The objective of this management plan is to provide the department with guidelines to manage for the sustained yield of Yukon River summer chum salmon. The department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan. Management of the summer chum salmon fisheries may be affected during times of king salmon conservation.

(b) When the projected run size of summer chum salmon is 500,000 fish or less,

(1) the commissioner shall close, by emergency order, the commercial, sport, and personal use directed summer chum salmon fisheries;

(2) the department may restrict or close the subsistence summer chum salmon fishery, except that, if indicators show an individual escapement goal in a district, subdistrict, or portion of a district or subdistrict will be met, the commissioner may open, by emergency order, a directed subsistence summer chum fishery in that district, subdistrict, or portion of a district or subdistrict.

(c) When the projected run size of summer chum salmon is more than 500,000 fish, but not more than 650,000 fish,

(1) the commissioner shall close, by emergency order, the commercial, sport, and personal use directed summer chum salmon fisheries;

(2) the department may restrict the subsistence summer chum salmon fishery, except that, if indicators show that individual escapement goals within a district, subdistrict, or portion of a district or subdistrict will be met, the commissioner may open, by emergency order, a less restrictive directed subsistence summer chum fishery in that district, subdistrict, or portion of a district or subdistrict;

(3) if indicators show that individual escapement goals and subsistence needs within a district, subdistrict, or portion of a district or subdistrict will be met, the commissioner may open, by emergency order, a summer chum salmon fishery for commercial, sport, or personal use fishing in that district, subdistrict, or portion of a district or subdistrict.

(d) Repealed 5/22/2016.

(e) When the projected run size of chum salmon is more than 650,000 fish, but not more than 750,000 fish, the commissioner may open, by emergency order, a drainagewide

commercial fishery to harvest up to 50,000 fish above the run size of 650,000 chum salmon distributed by district or subdistrict in proportion to the guideline harvest levels established in (g) of this section.

(f) When the projected run size of summer chum salmon is more than 750,000 fish, the commissioner may open, by emergency order, a drainagewide commercial fishery managed to achieve escapements within the established drainagewide escapement goal range of 500,000 - 1,200,000 summer chum salmon. The targeted harvest of the surplus will be distributed by district or subdistrict in proportion to the guideline harvest levels established in (g) of this section.

(g) The department shall manage the commercial summer chum salmon fishery for a guideline harvest level of 400,000 - 1,200,000 summer chum salmon to be distributed as follows:

(1) Districts 1 and 2: 251,000 - 755,000 fish;

(2) District 3: 6,000 - 19,000 fish;

(3) Subdistrict 4-A: 113,000 - 338,000 fish, the equivalent roe poundage of 61,000 - 183,000 pounds, or a combination of pounds of roe and numbers of fish;

(4) Subdistricts 4-B and 4-C: 16,000 - 47,000 fish;

(5) Subdistricts 5-B, 5-C, and 5-D: 1,000 - 3,000 fish;

(6) District 6: 13,000 - 38,000 fish.

(h) When the projected summer chum salmon harvest level for Districts 1 - 6 combined is 400,000 fish or less, the department shall distribute the commercial harvest available by percentage to each district or subdistrict as follows:

(1) Districts 1 and 2: 62.9 percent;

(2) District 3: 1.6 percent;

(3) Subdistrict 4-A: 28.2 percent;

(4) Subdistrict 4-B and 4-C: 3.9 percent;

(5) District 5: 0.3 percent;

(6) District 6: 3.2 percent.

(i) All salmon caught by CFEC permit holders during a commercial fishing period when salmon roe is sold, shall be reported in numbers of fish on ADF&G fish tickets. Notwithstanding 5 AAC 05.368, no more than 183,000 pounds of summer chum salmon roe from Subdistrict 4-A may be sold separately each year. If this roe cap is reached, fishing may continue, but all salmon must be sold in the round.

(j) In Subdistrict 4-A and District 6, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the commercial set gillnet fishing season and immediately reopen the fishing season during which

(1) a fish wheel may be used; a fish wheel operated under this subsection must be constructed in a manner that includes

(A) basket sides and bottoms consisting of soft mesh material similar to or made of seine web; and

(B) an adjustable or fixed slide or chute that

(i) consists of a smooth bottom and closed cell foam lined sides; and

(ii) returns king salmon immediately to the water;

(2) the permit holder shall be present at and attend the fish wheel at all times while the fish wheel is in operation; and

(3) all king salmon caught in the fish wheel must be returned immediately to the water alive.

(k) In Districts 1 - 3, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(1) a permit holder may fish with

(A) up to four dip nets; notwithstanding 5 AAC 39.105(d)(24), for the purposes of this subparagraph, a dip net is a bag-shaped net supported on all sides by a rigid frame in which no portion of the bag is constructed of webbing that exceeds a stretched measurement of four and one-half inches and the frame is attached to a single rigid handle and operated by hand; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; for a dip net with

(i) a circular net 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;

(ii) a net frame that is not a circular net frame, the width-height dimensions may not exceed six feet by three feet;

(B) beach seine gear; a beach seine may not be constructed of monofilament web and may not exceed

(i) 150 fathoms in length;

(ii) 100 meshes in depth;

(iii) a mesh size of four inches stretched measure; and

(2) all king salmon caught in dip net and beach seine gear must be released immediately and returned to the water unharmed.

5 AAC 05.365. Yukon River fall chum salmon guideline harvest ranges.

(a) The department shall manage the Yukon River commercial fall chum salmon fishery for a guideline harvest range of 72,750 - 320,500 chum salmon, distributed as follows:

(1) Districts 1, 2, and 3: 60,000 - 220,000 chum salmon;

(2) District 4: 5,000 - 40,000 chum salmon;

(3) Subdistricts 5-B and 5-C: 4,000 - 36,000 chum salmon;

(4) Subdistrict 5-D: 1,000 - 4,000 chum salmon;

(5) District 6: 2,750 - 20,500 chum salmon.

(b) Fall chum salmon taken as incidental catch under 5 AAC 05.369 are not considered part of the full chum salmon guideline harvest ranges set out in this section.

5 AAC 05.366. Yukon River Fall Chum Salmon Stock of Concern Management Plan. (a) The purpose of the Yukon River Fall Chum Salmon Stock of Concern Management Plan is to provide the department with tools and guidelines for managing Yukon River salmon fisheries consistent with AS 16.05.258, 5 AAC 39.220, 5 AAC 39.222 and the Pacific Salmon Treaty. While Yukon River fall chum salmon are designated as a stock of management concern, this plan is intended to ensure run sizes at levels sufficient to meet established escapement goals, while also allowing for harvest opportunities in subsistence, sport, and commercial fisheries, consistent with AS 16.05.258.

(b) When Yukon fall chum salmon are designated as a stock of management concern, the department shall implement the Yukon River Drainage Fall Chum Salmon Management Plan described in 5 AAC 01.249 from July 13 through December 31.

(c) The department shall prohibit commercial fisheries in the Yukon River drainage from July 13 through December 31 when the projected run size is less than 550,000 fall chum salmon as specified in 5 AAC 01.249(5).

(d) The department shall restrict sport fishing for Yukon fall chum salmon in the Yukon River drainage until subsistence opportunities are provided.

(e) The department shall manage personal use fisheries in accordance with 5 AAC 77.171 - 5 AAC 77.174 if subsistence opportunities are provided.

(f) If the department determines that a harvestable surplus is expected to exceed 300,000 fall chum salmon, the department shall provide subsistence fishing opportunities

consistent with precautionary management principles of 5 AAC 39.222 to achieve the drainage-wide or tributary-specific escapement goals.

(g) In addition to management measures specified in 5 AAC 01.249 and educational permits provided under 5 AAC 93.212, the department may relax subsistence fishery management measures in specific tributaries within the state if updated stock composition and run assessment data indicate areas where specific restrictions are no longer needed to ensure the established escapement goals will be met.

5 AAC 05.367. Tanana River Salmon Management Plan. (a) The purpose of this management plan is to provide for the sustained yield of the Tanana River salmon resource. The department shall manage the salmon fisheries in the Tanana River drainage to achieve established spawning escapement goals. Except as provided in 5 AAC 01.249, the department shall manage the District 6 and Subdistrict 5-A salmon fisheries in accordance with the provisions of this section.

(b) The department shall manage the salmon fisheries in District 6 (Tanana River) as follows:

(1) the commercial salmon fishing season shall be opened by emergency order and closes on September 30, unless closed earlier by emergency order;

(2) the commercial salmon fishing periods shall be opened and closed by emergency order;

(3) except as provided in 5 AAC 01.210(b)(4), in Subdistricts 6-A and 6-B, through September 30, the subsistence salmon fishing periods are from 6:00 p.m. Friday until 12:00 noon Sunday and from 6:00 p.m. Monday until 12:00 noon Wednesday, unless modified by emergency order;

(4) in Subdistrict 6-C, the personal use salmon fishing periods are from 6:00 p.m. Friday until 12:00 noon Sunday and from 6:00 p.m. Monday until 12:00 noon Wednesday, unless modified by emergency order;

(5) the guideline harvest ranges are

(A) 600 - 800 king salmon;

(B) 13,000 - 38,000 summer chum salmon; and

(C) 2,750 - 20,500 fall chum salmon.

(c) The department shall manage the salmon fisheries in Subdistrict 5-A according to the stock status and timing of salmon bound for the Tanana River as follows:

(1) the commissioner may open, by emergency order, the commercial salmon fishing season only after August 10;

(2) when the District 6 fall chum salmon harvest is below the upper end of the guideline harvest range set out in 5 AAC 05.365(5), the department shall manage the fishery in Subdistrict 5-A as follows:

(A) a person may sell only salmon roe from fish commercially harvested in Subdistrict 5-A;

(B) the guideline harvest range is 0 - 4,000 pounds of fall chum salmon roe; and

(C) the department shall manage, to the extent practicable, the fishery to ensure that no more than 2,000 pounds of roe removed from coho salmon incidentally taken in the fall chum salmon directed fishery are sold;

(3) when the District 6 fall chum salmon harvest exceeds the upper end of the guideline harvest range set out in 5 AAC 05.365, in addition to the pounds of fall chum salmon roe allowed under (2) of this section, the department shall manage, to the extent practicable, the fishery in Subdistrict 5-A to ensure that

(A) no more than 2,000 female fall chum salmon, or a combination of pounds of chum salmon roe and number of females equivalent to 2,000 fish, as determined by the department, are sold;

(B) no more than 2,000 male fall chum salmon are sold; and

(C) for coho salmon incidentally taken in the fall chum salmon directed fishery, no more than 4,000 pounds of coho salmon roe, or a combination of numbers of fish and pounds of roe equivalent to 4,000 fish, as determined by the department, are sold; for the purpose of this subparagraph, the poundage of roe shall include the poundage of coho salmon roe sold under (2)(C) of this subsection;

(4) for all salmon taken and sold under (3) of this subsection, a buyer shall report the numbers of females and males, by species, on a fish ticket at the time of the sale;

(5) beginning August 1, a person holding a CFEC permit who sells salmon or roe from salmon taken in

(A) Subdistrict 5-A may not sell salmon or roe from salmon taken in Subdistricts 5-B, 5-C, or 5-D; and

(B) Subdistrict 5-B, 5-C, or 5-D may not sell salmon or roe from salmon taken in Subdistrict 5-A;

(6) repealed 6/17/2001.

5 AAC 05.368. Anvik River Chum Salmon Fishery Management Plan. The department may not manage the Yukon River summer chum salmon run to specifically allow an allocation of catch to the Anvik River. It is the intent of the Board of Fisheries that Yukon River summer chum salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, locations, and guideline

harvest levels for the respective districts and subdistricts within the Yukon Area; the following provisions apply to the Anvik River chum salmon fishery:

(1) only after the department projects that an escapement objective of 500,000 or more chum salmon will be achieved may the commissioner open, by emergency order, any portion of the Anvik River, upstream of ADF&G regulatory markers placed on each side of the river at its mouth to the taking of chum salmon;

(2) in the Anvik River, the set gillnet fishery includes fish wheels, hand beach seine gear, and hand purse seine gear; the fish wheel fishery includes set gillnets, hand beach seine gear, and hand purse seine gear; a fish wheel, set gillnet, and hand beach seine gear may be operated only as follows:

(A) only a fish wheel equipped with a livebox may be used and must be operated as follows:

(i) the livebox must be constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(ii) for the purpose of this subparagraph, a "livebox" is a submerged container attached to the fish wheel that will keep fish caught by the fish wheel alive;

(B) notwithstanding 5 AAC 05.331 (a), (c) and (f), a person may operate only a single set gillnet at any one time as follows:

(i) the set gillnet may not exceed 25 fathoms in length and may not be larger than five and one-quarter inch stretch mesh; and

(ii) notwithstanding 5 AAC 39.107(f), a CFEC permit holder or crewmember must be physically present at a set gillnet site at all times the set gillnet is in operation to continuously attend the set gillnet and release all king salmon alive to the water;

(C) for the purpose of this section, a "hand beach seine" is a beach seine that is retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other device or attachment;

(3) notwithstanding (2) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season for the set gillnet fishery and the fish wheel fishery in the Anvik River and immediately reopen the season during which only hand beach seine gear and hand purse seine gear may be used to take fish in those fisheries;

(4) no more than 100,000 pounds of summer chum salmon roe taken from the Anvik River may be sold annually; if this roe cap is reached, fishing effort may continue, but only the sale of chum salmon in-the-round is allowed;

(5) all king salmon taken in the Anvik River during commercial fishing periods must be returned to the water alive;

(6) in the Anvik River, during periods specified by the department, a CFEC permit holder may not sell more than 1,000 chum salmon in-the-round or 700 pounds of chum salmon roe per commercial fishing period.

5 AAC 05.369. Yukon River Coho Salmon Management Plan. (a) The goal of this plan is to provide for the management of directed commercial coho salmon fishing in the Yukon River. The majority of Yukon River coho salmon spawn in tributaries that flow into the Yukon River from the mouth of the Yukon River up to and including the Tanana River drainage. The management of directed coho salmon fishing during the fall season is complicated by an overlapping run of more abundant fall chum salmon stocks.

(b) For the purpose of (c) of this section, the department shall use the best available information to assess coho salmon abundance, including mainstem river sonar passage estimates, test fisheries indices, subsistence and commercial fishing reports, and estimates from escapement monitoring projects.

(c) The department may allow a directed coho salmon fishery under this section in years when

(1) the return of coho salmon measured under (b) of this section is projected to provide for a harvestable surplus;

(2) the fall chum salmon return is assessed by the department to be more than 500,000 fish;

(3) repealed 6/21/2007.

(d) Fall chum salmon harvested during a directed commercial coho salmon fishery under this section will be considered incidental and may only occur on the harvestable surplus of fall chum salmon above 500,000 fish.

(e) In a year when a directed commercial coho salmon fishery is opened under this section in

(1) Districts 1, 2, and 3, the commissioner shall close, by emergency order, the coho salmon fall season;

(2) Districts 4, 5, and 6, the commissioner shall close, by emergency order, the coho salmon fall season;

(3) repealed 6/7/2007.

(f) In Subdistrict 5-B, 5-C, and 5-D there will be no directed commercial coho salmon fishery unless the department determines that there will be a harvestable surplus of coho salmon.

(g) The department shall distribute, to the extent practicable, the harvest opportunity in the directed coho salmon fishery between districts and subdistricts as follows:

(1) 24 hours of combined fishing time in Districts 1, 2, and 3 will be considered equal to 32 hours of fishing time in

(A) Subdistrict 4-A;

(B) Subdistricts 4-B and 4-C combined;

(C) Subdistrict 5-A; and

(D) District 6;

(2) to ensure an orderly and conservative fishery, coho salmon fishing will be managed as follows:

(A) in Districts 1, 2, and 3 combined, fishing time shall not exceed 24 hours in a seven-day period;

(B) in District 4-A, fishing time shall not exceed 32 hours in a seven-day period;

(C) in Subdistricts 4-B and 4-C combined, fishing time shall not exceed 32 hours in a seven-day period;

(D) in Subdistrict 5-A, fishing time shall not exceed 32 hours in a seven-day period;

(E) in District 6, fishing time shall not exceed 32 hours in a seven-day period.

(h) Repealed 6/17/2001.

(i) Notwithstanding any other provision in this section, if the commissioner determines that there is a harvestable surplus of coho salmon above escapement needs and those necessary for subsistence uses, and that a directed coho salmon commercial fishery will not have a significant impact on escapement or allocation of fall chum salmon, the commissioner may, by emergency order, open a directed coho salmon commercial fishery under this section.

5 AAC 05.370. Registration and reregistration. (a) A CFEC limited entry or interim-use salmon permit holder shall register for a fishing district described in 5 AAC 05.200 as follows:

(1) in Districts 4, 5, and 6, initial district registration is accomplished by indicating on the fish ticket used for the first delivery of the season the district in which the permit holder first took salmon;

(2) in Districts 1, 2, and 3,

(A) through July 15, initial district registration is accomplished by indicating on the fish ticket used for the first delivery of the season the district in which the permit holder first took salmon;

(B) after July 15, in that portion of District 1 not included in the set gillnet only area described in 5 AAC 05.330(a), and in Districts 2 and 3, initial district registration is accomplished by indicating on the fish ticket used for the first delivery made after July 15 the district in which the permit holder first took salmon.

(b) After initial registration for Districts 1, 2, and 3, a CFEC limited entry or interim-use salmon permit holder may take salmon in another district following reregistration for the district of intended operation. However, the permit holder may not take salmon in any district during the 72-hour period following reregistration. District reregistration is accomplished when the permit holder contacts a local representative of the department and furnishes any information requested to the representative. The reregistration and the 72-hour waiting period begins at the time that notification is received and noted by the department. Only one reregistration is allowed before July 15.

(c) Repealed 6/10/98.

(d) A permit holder who is registered for District 1, 2, or 3, may not take salmon in District 4, 5, or 6.

(e) A permit holder who is registered for District 4, 5, or 6 may not take salmon in another district.

(f) A permit holder may not be registered for more than one district at a time.

(g) Repealed 6/10/98.

(h) Repealed 4/15/81.

(i) A CFEC limited entry or interim-use salmon permit holder may not take salmon in the set gillnet only area described in 5 AAC 05.330(a) after July 15 unless the permit holder is registered for those locations as follows:

(1) a permit holder shall register with the department for the set gillnet only area described in 5 AAC 05.330(a) before the first commercial salmon fishing period that commences after July 15;

(2) after initial registration for the set gillnet only area, a permit holder may take salmon in the remaining locations of District 1, or in Districts 2 or 3 following reregistration; however, the permit holder may not take salmon in any district during the 72-hour period following reregistration; district reregistration is accomplished when the permit holder contacts a local representative of the department and furnishes any information requested to the representative;

(3) after the first commercial salmon fishing period after July 15, a permit holder that is not registered for the set gillnet only area may take salmon in the set gillnet only area only after registration; however, the permit holder may not take salmon in any district during the 72-hour period following the registration; registration is accomplished when the permit holder contacts a local representative of the department and furnishes any information requested to the representative.

5 AAC 05.375. Permits for District 6 salmon processors. The operator of a salmon-processing operation, and a company employing aircraft used for transporting salmon or salmon products, in District 6, must obtain a permit from the department before starting operations. The permit must contain the following:

(1) procedures and requirements for the reporting of location and date of processing operations to the department;

(2) the identity and description of each aircraft and vessel employed in the transporting of salmon or salmon products;

(3) permission for local representatives of the department to inspect, at any time, aircraft and vessels used for transporting salmon; storage areas; freezers; processing areas; processing records; and processed and unprocessed salmon; and

(4) other information required by the department for the conservation and management of the salmon resources or for enforcement of fishing laws.

5 AAC 05.377. Reporting requirements. In Subdistrict 6-C, each commercial salmon fisherman shall report, on an ADF&G fish ticket, the number of salmon taken but not sold during each commercial salmon fishing period.

5 AAC 05.380. Unlawful possession of subsistence-taken salmon. It is unlawful to purchase salmon from which both tips (lobes) of the tail fin have been removed as required by 5 AAC 01.240(c). Possession of salmon taken for subsistence purposes from which both tips (lobes) of the tail fin have not been removed is prima facie evidence that the salmon was taken and possessed for commercial purposes.

Chapter 07. Kuskokwim Area.

Article 1. Description of Area.

5 AAC 07.001. Application of this chapter. Requirements set out in this chapter apply to commercial fishing only, unless otherwise specified. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use fishing regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 71 and 5 AAC 75.

5 AAC 07.100. Description of area. The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of the Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

Article 2. Fishing Districts Subdistricts and Sections.

5 AAC 07.200. Fishing districts, subdistricts, and sections. (a) District 1 consists of that portion of the Kuskokwim River upstream from a line from Apokak Slough at 60° 08.50' N. lat., 162° 12' W. long. to the southernmost tip of Eek Island to Popokamiut at 60° 04' N. lat., 162° 28' W. long., to a line between ADF&G regulatory markers located at the mouth of Bogus Creek.

(1) Subdistrict 1-A consists of that portion of District 1 upstream from a line between ADF&G regulatory markers located at the downstream end of Steamboat Slough to a line between ADF&G regulatory markers located at the mouth of Bogus Creek;

(2) Subdistrict 1-B consists of that portion of District 1 upstream from a line from Apokak Slough at 60° 08.50' N. lat., 162° 12' W. long. to the southernmost tip of Eek Island to the Popokamiut at 60° 04' N. lat., 162° 28' W. long. to a line between ADF&G regulatory markers located at the downstream end of Steamboat Slough.

(A) Lower Section consists of that portion of Subdistrict 1-B upstream from a line from Apokak Slough at 60° 08.50' N. lat., 162° 12' W. long. to the southernmost tip of Eek Island to Popokamiut at 60° 04' N. lat., 162° 28' W. long. to a line between ADF&G regulatory markers located at approximately 60° 28' N. lat., 162° 18' W. long. and 60° 28' N. lat., 162° 21' W. long.;

(B) Upper Section consists of that portion of Subdistrict 1-B not included in Lower Section.

(b) District 2 consists of that portion of the Kuskokwim River from the ADF&G regulatory markers located just below the upstream entrance to the second slough on the west bank of the Kuskokwim River downstream of Lower Kalskag, approximately seven

and one-half miles downstream of Lower Kalskag, to ADF&G regulatory markers at the downstream edge of Chuathbaluk.

(c) District 4 consists of Kuskokwim Bay between ADF&G regulatory markers located at the northernmost edge of the mouth of Weelung Creek and at the southernmost edge of the mouth of the Arolik River.

(d) District 5 consists of that portion of Goodnews Bay east of a line from an ADF&G regulatory marker located approximately two miles south on the seaward side of the entrance of Goodnews Bay to an ADF&G regulatory marker located approximately two miles north on the seaward side of the entrance of Goodnews Bay and west of a line between the mouth of Ukfigag Creek at 59° 04.17' N. lat., 161° 36' W. long. and the mouth of the Tunulik River at 59° 08' N. lat., 161° 37' W. long.

Article 3. Salmon Fishery.

5 AAC 07.310. Fishing seasons
5 AAC 07.320. Fishing periods
5 AAC 07.330. Gear
5 AAC 07.331. Gillnet specifications and operations
5 AAC 07.334. Identification of gear
5 AAC 07.335. Minimum distance between units of gear
5 AAC 07.340. Vessel identification
5 AAC 07.350. Closed waters
5 AAC 07.355. Requirements for transporting salmon and salmon roe in the Kuskokwim Area
5 AAC 07.365. Kuskokwim River Salmon Management Plan
5 AAC 07.367. Districts 4 and 5 Salmon Management Plan
5 AAC 07.370. Registration and reregistration requirements for District 1 of the Kuskokwim Area

5 AAC 07.310. Fishing seasons. Except as provided in 5 AAC 07.320 - 5 AAC 07.360, commercial salmon fishing seasons will be opened and closed by emergency order, except that districts will be closed as follows:

(1) Districts 1 and 2 will close on September 1;

(2) Districts 4 and 5 will close on September 8;

(3) in District 4, commercial fishing for salmon will be closed on Sundays between June 1 and July 15.

5 AAC 07.320. Fishing periods. In the Kuskokwim Area, in all districts, subdistricts, and sections, salmon may be taken only during fishing periods established by emergency order. However, when fish abundance and processing capacity allows, the Lower Section of Subdistrict 1-B will open up to two hours earlier during commercial fishery openings in Subdistrict 1-B.

5 AAC 07.330. Gear. In the Kuskokwim Area, salmon may be taken only with set gillnets and drift gillnets. A person may not operate or assist in operating more than one type of gear at any time.

5 AAC 07.331. Gillnet specifications and operations. (a) A gillnet must have a mesh size of six inches or less, and may not be more than 45 meshes in depth. The aggregate length of a set gillnet or drift gillnet may not exceed 50 fathoms, except that if the commissioner determines that there is a harvestable surplus of salmon, the commissioner may, by emergency order, close the fishing season and immediately reopen a season during which the aggregate length of a set gillnet or drift gillnet may not exceed 100 fathoms.

(b) Repealed 5/22/2016.
(c) Repealed 5/22/2016.
(d) Repealed 5/22/2016.

(e) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone this restriction applies at all stages of the tide.

(f) In District 4, between June 1 and July 15, only one gillnet may be operated per vessel.

5 AAC 07.334. Identification of gear. (a) Each drift gillnet in operation must have at one end a red keg, buoy or cluster of floats plainly and legibly marked with the fisherman's five-digit CFEC permit serial number.

(b) Each set gillnet in operation must be identified as required by 5 AAC 39.280.

5 AAC 07.335. Minimum distance between units of gear. In District 5, no part of a set gillnet may be set or operated within 300 feet of any part of another set gillnet.

5 AAC 07.340. Vessel identification. Notwithstanding 5 AAC 39.119, a vessel used to commercially fish for salmon in the Kuskokwim Area must permanently display the vessel's ADF&G license plate number, or the permit holder's CFEC permit number, on both sides of the vessel in symbols no less than 12 inches high and one inch wide.

5 AAC 07.350. Closed waters. Salmon may not be taken in the following locations:

(1) waters of the Kuskokwim River drainage not included in Districts 1 and 2;

(2) repealed 5/11/85;

(3) tributaries of the Kuskokwim River;

(4) waters of Kuskokuak Slough of the Kuskokwim River drainage between department regulatory markers located at the downstream and upstream mouths of the slough;

(5) repealed 4/14/82;

(6) all other waters of the Kuskokwim Area, except those waters described in 5 AAC 07.200;

(7) the Goodnews River east of a line between ADF&G regulatory makers placed near the mouth of the Ufigag River and ADF&G regulatory markers placed near the mouth of the Tunulik River;

(8) the Kanektok River upstream of ADF&G regulatory markers placed near its terminus;

(9) the Arolik River upstream of ADF&G regulatory markers placed near its terminus.

5 AAC 07.355. Requirements for transporting salmon and salmon roe in the Kuskokwim Area. A salmon buyer or processor transporting salmon or salmon roe to the point of initial processing must have in possession, and display, upon request, to a peace officer of the state, a completed fish ticket, or a copy of the fish ticket, for all salmon or salmon roe in the buyer's or processor's possession at the time. While transporting commercially-harvested salmon or salmon roe, a buyer or processor may not possess or transport subsistence-harvested salmon or salmon roe.

5 AAC 07.365. Kuskokwim River Salmon Management Plan. (a) The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts reasonably necessary for subsistence uses, and for nonsubsistence fisheries. The department shall use the best available data, including preseason and inseason run projections, test fishing indices, age and sex composition, harvest reports, passage escapement estimates, and recognized uncertainty, to assess run abundance for the purpose of implementing this plan.

(b) It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries under 5 AAC 39.222 to meet escapement goals and the subsistence priority.

(c) In the king salmon fishery,

(1) when the projected escapement of king salmon is below the drainagewide escapement goal range, the commissioner shall close, by emergency order, the commercial, sport, and subsistence king salmon fisheries;

(2) when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order, as follows:

(A) the commissioner shall close, by emergency order, the commercial, sport, and subsistence king salmon fisheries, and after June 11, to the extent practicable, the commissioner shall open, by emergency order, at least one fishing period per week for a directed subsistence king salmon fishery to provide harvest opportunity on surplus king salmon in excess of escapement needs;

(B) after June 11, fishing may be opened for commercial and sport fisheries to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(C) notwithstanding (c)(2)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with four-inch or smaller mesh gillnets; the gillnet may only be operated as a set gillnet and no part of the set gillnet may be more than 100 feet from the ordinary high water mark;

(3) when the projected escapement of king salmon exceeds the drainagewide escapement goal range,

(A) the commissioner shall close, by emergency order, the commercial, sport, and subsistence king salmon fisheries, and after June 11, the directed subsistence king salmon fishery will be open seven days per week; and

(B) after June 11, the commercial and sport fisheries will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(C) notwithstanding (c)(3)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch or smaller mesh gillnets; the gillnet may only be operated as a set gillnet and no part of the set gillnet may be more than 100 feet from the ordinary high water mark;

(4) notwithstanding the provisions of (2) and (3) of this subsection, if the department determines there is a harvestable surplus of king salmon, the commissioner may open, by emergency order, a subsistence king salmon fishery during which

(A) king salmon may be taken only by a person 60 years of age or older; and

(B) a person authorized to take king salmon under this paragraph may not authorize a proxy to take or attempt to take king salmon under AS 16.05.405 or 5 AAC 01.011, but the participant may be assisted by family members within the second degree of kindred; in this subparagraph, "within the second degree of kindred" has the meaning given in 5 AAC 92.990(a).

(d) In the subsistence fishery, in the Kuskokwim River drainage, in the waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,

(1) the subsistence salmon net and fish wheel fisheries will be open seven days per week, except that if the commissioner determines that it is necessary in order to achieve escapement goals, the commissioner may alter fishing periods, by emergency order, based on run abundance;

(2) the commissioner may implement one or more of the gear limitations as described in 5 AAC 01.270(n) during times the commissioner determines that it is necessary for the conservation of king salmon;

(3) actions to conserve king salmon may be applied to the entire Kuskokwim River, its sections, or tributaries, consistent with harvest trends and variability in abundance of king salmon available for harvest as the run progresses upstream;

(4) the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 AAC 01.295, by emergency order, if the commissioner determines that inseason information indicates it is necessary for conservation purposes.

(e) In the commercial fishery,

(1) the guideline harvest level for king salmon and sockeye salmon is as follows:

(A) 0 - 50,000 king salmon;

(B) 0 - 50,000 sockeye salmon;

(2) only the waters of District 1 may be opened during the first commercial salmon fishing period;

(3) the commissioner shall open and close the Kuskokwim River commercial salmon fishery, by emergency order, if inseason information indicates a run strength that is large enough to provide for a harvestable surplus and a reasonable opportunity for subsistence uses and for nonsubsistence fisheries;

(4) the department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 commercial fishing periods;

(5) Districts 1 and 2 commercial fishing periods are from 12:00 p.m. through 6:00 p.m.; when longer fishing periods are allowed, the extra time is to be divided before 12:00 p.m. and after 6:00 p.m.;

(6) the department shall manage the commercial fishery to ensure there is no significant impact on escapement or allocations of salmon species as a result of incidental harvest in commercial fisheries directed at other salmon species;

(7) in June and when king salmon are abundant, the department shall manage the commercial fishery conservatively to ensure king salmon escapement goals are achieved and reasonable opportunity for subsistence uses is provided in consideration of harvest trends and abundance of king salmon available for the subsistence fishery, as follows:

(A) when the projected escapement of king salmon is within the drainagewide escapement goal range,

(i) the first opening may not occur until after June 23;

(ii) only the waters of Subdistrict 1-B may be opened during the first commercial fishing period;

(iii) at least 72 hours must pass between the first Subdistrict 1-B opening and the first Subdistrict 1-A opening;

(B) when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the commercial fishery will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(8) when chum salmon abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on chum salmon run strength;

(9) when coho salmon abundance exceeds chum salmon abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on coho salmon run strength;

(10) a person may not sell salmon roe taken in Districts 1 and 2;

(11) notwithstanding 5 AAC 07.331, during times when the commissioner determines that it is necessary for the conservation of salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(A) a permit holder may fish with up to four dip nets; for purposes of this subparagraph, a dip net is a bag-shaped net supported on all sides by a rigid frame and

(i) the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet;

(ii) the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening;

(iii) no portion of the bag may be constructed of webbing that exceeds a stretched measurement of four and one-half inches; and

(iv) the frame must be attached to a single rigid handle, or a single rigid handle with a single line attached and be operated by hand;

(B) a permit holder may fish with beach seine gear that

(i) is not constructed of monofilament web; and

(ii) does not exceed 50 fathoms in length, 100 meshes in depth, and a mesh size of three and one-half inches stretched measure;

(C) all salmon specified by the commissioner caught in dip net and beach seine gear must be released immediately and returned to the water unharmed.

(f) In the sport fishery,

(1) if the commissioner restricts the fishery, by emergency order, for conservation purposes, the restrictions must be based on the level of abundance;

(2) in the Aniak River drainage, the king salmon fishery is open from May 1 through July 25, with a bag and possession limit of two fish, 20 inches or greater in length, with an annual limit of two fish, 20 inches or greater in length; the sockeye, pink, chum, and coho salmon fisheries are open year round, with a combined daily bag and possession limit of three fish, of which no more than two fish may be king salmon;

(3) actions to conserve king salmon will only be implemented when king salmon are present, consistent with migratory timing as the run progresses upstream.

5 AAC 07.367. Districts 4 and 5 Salmon Management Plan. (a) The objective of the Districts 4 and 5 Salmon Management Plan is to maintain a level of sustained yield which will provide for subsistence needs, the long-term economic health of the commercial and sport fishing industries, and recreational opportunities in the districts and freshwater systems flowing into the districts.

(b) The District 4 commercial salmon fishery is to open before June 16.

(c) When the catch of king salmon in the commercial fishery is less than 50 percent of the catch of king and sockeye salmon combined, the department shall manage, to the extent practicable, the commercial salmon fishery based on the strength of the sockeye salmon return.

(d) Commercial salmon fishing periods are established by emergency order. The department shall allow at least one fishing period per week, unless a severe conservation problem develops.

(e) When a closure of the commercial salmon fishery is required, the department shall decide, on or before the 10th day of the closure, whether to close the sport fishery to the taking of the species of the biological concern and whether additional management actions on the sport fishery are needed.

(f) During times of king salmon conservation, the commercial fishery in District 5 may be restricted to that portion of Goodnews Bay east of a line from an ADF&G regulatory marker located approximately two miles south on the seaward side of the entrance of Goodnews Bay to an ADF&G regulatory marker located approximately two miles north on the seaward side of the entrance of Goodnews Bay and west of a line from Big Beluga to Little Beluga.

5 AAC 07.370. Registration and reregistration requirements for District 1 of the Kuskokwim Area. (a) A CFEC salmon limited entry or interim-use permit holder shall register to fish in a subdistrict described in 5 AAC 07.200(a)(1) or (2) by indicating on the ADF&G fish ticket used for the first delivery of the season the subdistrict in which the permit holder first took salmon.

(b) After initial registration under (a) of this section for Subdistrict 1-A or 1-B, a CFEC permit holder may register to fish for salmon in another subdistrict, however, the permit holder may not take salmon in any subdistrict during the 48-hour period following reregistration. Subdistrict reregistration is accomplished when the permit holder contacts a local representative of the department and furnishes the information requested by the representative. The reregistration and the 48-hour waiting period begins at the time that

notification is received by the department. A permit holder may reregister only once before or on July 31 and only once after July 31.

(c) To maximize the harvest of salmon stocks, when processor capacity is also maximized the commissioner may, by emergency order, close and immediately reopen a fishing period during which (b) of this section does not apply.

Article 6. Freshwater Fishery.

5 AAC 07.650. Closed waters. Whitefish Lake, southwest of Aniak in the Ophir Creek drainage, is closed to commercial fishing.

Chapter 39. General Provisions.

Article 1. General.

Please note that in the electronic version the individual Sections are linked to where they are contained within this document.

Selected Sections

5 AAC 39.001. Application of this chapter

5 AAC 39.002. Liability for violations

5 AAC 39.010. Retention of fish taken in a commercial fishery

5 AAC 39.105. Types of legal gear

5 AAC 39.107. Operation of gear

5 AAC 39.109. Nonresident crewmember fishing license fees

5 AAC 39.110. Crewmember fishing license requirements

5 AAC 39.111. Personal identification required

5 AAC 39.112. Use of net pens and other holding devices

5 AAC 39.115. Designation of salmon net registration area

5 AAC 39.117. Vessel length; bulbous bow

5 AAC 39.119. Vessel identification

5 AAC 39.120. Registration of commercial fishing vessels

5 AAC 39.123. Late registration

5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska

5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements

5 AAC 39.135. Requirements for releasing confidential information to third persons

5 AAC 39.140. Inspection of fishing establishments and vessels

5 AAC 39.150. Explosives, chemicals and poisons unlawful

5 AAC 39.155. Seine drums unlawful

5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling

5 AAC 39.170. Monofilament purse seine web unlawful

5 AAC 39.175. Use of lights prohibited

5 AAC 39.180. Time limit for preservation of salmon

5 AAC 39.185. Policy on closures due to illegal fishing

5 AAC 39.190. Driving salmon prohibited

5 AAC 39.195. Announcement of emergency orders

5 AAC 39.197. Unlawful possession of fish

5 AAC 39.198. Foreign fish processing permits

5 AAC 39.200. Application of fishery management plans

5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries

5 AAC 39.001. Application of this chapter. Unless otherwise specified in this section or 5 AAC 01 - 5 AAC 77, requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.002 and 5 AAC 39.999 apply to all of 5 AAC 01 - 5 AAC 77. Subsistence, personal use, and sport fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02, personal use regulations in 5 AAC 77, and sport fishing regulations in 5 AAC 47 - 5 AAC 75.

5 AAC 39.002. Liability for violations. Unless otherwise provided in 5 AAC 01 - 5 AAC 41 or in AS 16, a person who violates a provision of 5 AAC 01 - 5 AAC 41 is strictly liable for the offense, regardless of his intent.

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

(b) Except as otherwise specified in 5 AAC 01 - 5 AAC 39, a commercial fisherman shall report on an ADF&G fish ticket, at the time of delivery of the commercial catch, the number of steelhead retained from the commercial catch but not sold. For the purposes of this subsection, "delivery" means the offloading of the finfish for sale or for transport to a buyer for later sale.

5 AAC 39.105. Types of legal gear. (a) All gear shall be operated in a manner conforming to its basic design.

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

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

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

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

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

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

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

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

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

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

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

(9) a **fish wheel** is a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) **diving gear** is any type of hard hat or skin diving equipment including scuba, a tethered, umbilical, surface-supplied system, and a snorkel;

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

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

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

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

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

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

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

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

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

(31) an **eel stick** consists of a single straight or bent pole, equipped with notches or projecting tines, used to take lamprey through the ice.

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

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

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

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

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

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

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

(h) In the Kotzebue District, as described in 5 AAC 03.200(b), a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear. A fishing site under AS 16.05.253(b) includes the district and the CFEC permit holder's place of residence in Kotzebue.

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

5 AAC 39.110. Crewmember fishing license requirements. (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Repealed 8/15/2008.

(c) A crewmember licensee who does not hold a valid CFEC permit may crew in any fishery if he or she is working for the holder of a valid CFEC permit for that fishery who is operating the fishing gear in the manner described in 5 AAC 39.107.

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

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

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

(g) The department will issue a duplicate crewmember license to a person whose crewmember license has been lost or destroyed and who submits a request for a duplicate crewmember license on a form prescribed by the department along with a $5 duplicate crewmember license fee.

5 AAC 39.111. Personal identification required. A person who is in possession of a CFEC interim-use or entry permit card shall, upon the request of a buyer of fish or a peace officer of the state, present the personal identification required under AS

16.10.267(a)(2) to establish that the permit card is in the possession of the person to whom the permit card is issued.

5 AAC 39.112. Use of net pens and other holding devices. A net pen or other holding device may be used to hold live salmon or herring before processing only under the conditions specified in a commissioner's permit.

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

5 AAC 39.117. Vessel length; bulbous bow. (a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel.

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

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

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

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

(4) at all times when registered to fish.

(b) Repealed 10/1/98.

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

(1) those exempt from licensing under AS 16.05.495;

(2) seine skiffs operating with a seine vessel;

(3) repealed 2/10/2005.

5 AAC 39.120. Registration of commercial fishing vessels. (a) A person who owns a commercial fishing vessel or that person's authorized agent shall register that vessel by completing a vessel license application or renewal form and submitting it to the

Commercial Fisheries Entry Commission, unless the vessel is not required to be licensed under AS 16.05.495. Vessel registration is required before fishing or transporting unprocessed fish in any waters of Alaska. A vessel, if it is in compliance with all regulations governing registration and if it displays a license issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, is considered to be registered under the laws of the state and may take or transport unprocessed fish. It is unlawful to take, attempt to take, or possess unprocessed fish aboard a vessel in the waters of Alaska unless the vessel is registered under the laws of the state. For purposes of this subsection,

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

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

(3) "registered under the laws of the state" means that a vessel displays a license described in 20 AAC 05.1958 and issued under AS 16.05.530, unless the vessel is not required to be licensed under AS 16.05.495, and that the registration provisions of 5 AAC 03 - 5 AAC 39 have been complied with and evidence of compliance is immediately available at all times during fishing or transporting operations, and can be shown upon request to an authorized representative of the department.

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

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

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

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

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

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

(C) a purse seine vessel registered for salmon net Registration Area M is also registered to operate purse seine gear in Registration Area F during the same registration year;

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

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

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

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

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

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

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

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

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

(5) repealed 4/16/83.

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

Code

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

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

W - Kuskokwim Area (5 AAC 07.100)

X - Arctic-Kotzebue Area (5 AAC 03.100)

Y - Yukon 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 that prevented meeting the deadline.

5 AAC 39.128. Reporting requirements for unlicensed commercial fishing vessels in the waters of Alaska. (a) Before entering the waters of Alaska,

(1) an operator of an unlicensed commercial fishing vessel shall report by telephone, and shall leave a recorded report at a telephone number designated by the department for that purpose, or shall report by other means specified by the department. A report under this section must

(A) identify the vessel and vessel operator;

(B) certify that no unprocessed fish are on board the vessel;

(C) include the destination, travel route, and dates of transit; and

(D) include the quantity, species, and the location from which the fish were taken if any processed fish are on board the vessel.

(b) The commissioner may, upon request by a local representative of the department, waive all or part of the requirements of this section if the commissioner determines that compliance with this section is not necessary for conservation, management, or enforcement in a designated geographical area.

(c) For the purposes of this section,

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

(A) commercial fishing;

(B) fish processing;

(C) fish transport; or

(D) fish storage, including temporary storage;

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

5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements. (a) Before operating during a calendar year, an individual, company, firm, or other organization that is a first purchaser, catcher-exporter, catcher-processor, or catcher-seller shall submit to the department a completed intent to operate application provided by the department or available online, together with a $25 processing fee for each individual, company, firm, or other organization identified in the application; the fee is not required of an applicant that paid the annual fee required by AS 43.75.020(a). The individual, company, firm, or other organization may begin to operate only after receiving authorization from the department to begin operating, along with the individual's or organization's processor code for the current year.

(b) An individual, company, firm, or other organization described in (a) of this section that intends or is required to use the eLandings Electronic Reporting System shall access the system by completing an operator documentation and user agreement on the Interagency eLandings Electronic Reporting System's website. In addition to the other requirements of this section, an individual, company, firm, or other organization described in (a) of this section that the commissioner determines has submitted at least 2,000 salmon harvest fish tickets or bought more than 20 million pounds of salmon during any of the previous three calendar years shall thereafter use the eLandings Electronic Reporting System for all salmon delivered to a tender vessel, floating processor, or shorebased processor. In addition to the other requirements of this section, a first purchaser shall use the tLandings application for all groundfish delivered to a tender vessel.

(c) An individual, company, firm, or other organization described in (a) of this section shall record each delivery on an ADF&G fish ticket. A fish ticket must be completed for

all fish or byproducts of fish harvested in the waters of Alaska and for all fish or byproducts of fish harvested in waters outside of the waters of Alaska and offloaded or processed in the waters of Alaska. Fish tickets for each fishery must be finalized and submitted to a local representative of the department not later than seven days after a delivery or partial delivery, or as otherwise specified by the department, such as for each vessel trip. The operator of a vessel that has harvested fish in the waters of Alaska and whose port of delivery is outside this state, or who sells, transfers, receives, or delivers fish in the Exclusive Economic Zone (EEZ), shall submit a completed hailed weight fish ticket or a fish ticket to the department before the fish are transported out of the jurisdiction of this state. At the time of delivery or partial delivery, or as otherwise directed by the department, fish tickets must include the following information:

(1) the name and signature of the applicable individual, company, firm, or other organization described in (a) of this section;

(2) the name and signature of the CFEC permit holder that operated the unit of gear with which the fish were taken;

(3) the processor code imprinted on the fish ticket from the code plate issued by the department, the processor code handwritten on the fish ticket if instructed by an authorized representative of the department, or the electronically captured information from the eLandings Electronic Reporting System, except that if a catcher-seller is shipping fish to a fisheries business, the fisheries business must imprint the fish ticket, or electronically capture the information on the eLandings Electronic Reporting System, with the processor code of the fisheries business; in this paragraph, "fisheries business" has the meaning given in AS 43.75.290;

(4) the name, or the United States Coast Guard number or Department of Transportation number, of the vessel employed in taking the fish, if applicable;

(5) the date fishing gear was deployed and the date the delivery or partial delivery of the fish is completed;

(6) the permanent ADF&G vessel license plate number, if applicable;

(7) the type of gear by which the fish were taken by the gear code number specified by the department;

(8) the statistical areas, districts, and subdistricts in which the fish were taken and, if required by a local representative of the department, the nearest headland or bay in which the fish were taken;

(9) the pounds, including any applicable weight modifier such as with ice and slime, delivery condition code, and disposition code, including any applicable overage code, of fish by species, except that

(A) for salmon and crab, the number is also required;

(B) for herring, only the weight, in pounds or tons, and delivery condition are required;

(10) an indication of a partial delivery, including a partial delivery of groundfish as specified in 5 AAC 28.070(f), if applicable;

(11) the CFEC permit number of the operator of the unit of gear with which the fish were taken, imprinted on the fish ticket from the valid permit card or electronically captured from the valid permit card; the imprinting requirement under this paragraph may be suspended by a local representative of the department after presentation by the commercial fisherman of the operator's permit application validated by CFEC or documentation from the department or CFEC that the permit card has been damaged, lost, or stolen; if a suspension is granted, the buyer or commercial fisherman must handwrite the name of the permit holder, the permit holder's permit number, and, if applicable, the permanent ADF&G vessel license plate number on the fish ticket, and attach a copy of the supporting documentation;

(12) the number or pounds of fish by species retained by a commercial fisherman for that person's own use, if applicable;

(13) the number of licensed crewmembers, including the vessel operator, if applicable;

(14) the number of certified onboard observers, if applicable;

(15) the management program code, if using the eLandings Electronic Reporting System;

(16) the permanent ADF&G vessel license plate number of the tender vessel, if applicable;

(17) for a dual permit, the second CFEC permit number, if required by the department;

(18) any other information that the commissioner determines is necessary.

(d) A person may not possess a fish ticket that has been imprinted with a CFEC permit number until the time of delivery or partial delivery.

(e) A buyer of fish harvested through a CDQ program, as described in 6 AAC 93, shall electronically submit a fish ticket at least one time per week. The buyer may use the consolidated fish ticket feature in the eLandings Electronic Reporting System, including seaLandings, to generate the fish ticket. In this subsection, "week" means a seven-day period of time that begins on Sunday and ends on Saturday.

(f) An individual, company, firm, or other organization described in (a) of this section shall furnish, verbally or in writing, purchasing, production, or other information as required by the commissioner.

(g) Not later than April 1, a first purchaser, catcher-exporter, or catcher-processor that has been assigned a processor code under (a) of this section shall submit a Commercial Operator's Annual Report (COAR), which is an operator's accurate and complete

summary of activity for each intent to operate application approved by the department for the previous year, or a signed statement of nonactivity for the previous year, on a form provided by the department or available online. The department will not authorize operations for the current year to an applicant that has not submitted all COAR reports due under this section for any previous year.

(h) A commercial fisherman shall furnish to the buyer information necessary for completion of reports required by the commissioner.

(i) An individual, company, firm, or other organization described in (a) of this section using the eLandings Electronic Reporting System must electronically submit the initial landing report at the completion of a delivery or partial delivery, and submit to the department the final landing report and a copy of the fish ticket generated and printed from the eLandings Electronic Reporting System not later than seven days after the delivery or partial delivery.

(j) A commercial fisherman shall submit to the department verbally, in writing, or electronically through the eLandings Electronic Reporting System, directly or through the buyer, information necessary for reports required by the commissioner.

(k) Unless otherwise specified in this chapter, in addition to other requirements of this section, each person that is the first purchaser of or that first processes raw groundfish or halibut shall comply with the record keeping and electronic reporting requirements through the eLandings Electronic Reporting System and any other reporting requirements in 50 C.F.R. 679.5, revised as of October 1, 2013.

(l) The commissioner may, by emergency order, close a fishing season and immediately reopen a fishing season during which a different reporting requirement is in effect.

(m) In addition to the other provisions of this section, if the commissioner determines it is necessary, the following information regarding the transporting, delivery, or shipping of unprocessed fish must be transmitted to an authorized local representative of the department either in person, in writing, by radio or telephone, or by other means specified by the department:

(1) the number and species of salmon taken in a regulatory area must be reported before being transported to any other area or out of this state;

(2) the number or pounds, by species, of all other fish must be reported before being transported out of this state;

(3) the number or pounds, by species, of fish taken by a catcher-seller must be reported upon delivery or before shipping the fish within the state.

(n) A floating processor shall report in person, by radio or telephone, or by other means specified by the department, to the local representative of the department located within the management area of intended operation before the start of processing operations. The report must include the initial processing location by district or subdistrict and latitude and longitude, and the date of intended operation. Before moving

the operation and upon arriving at a new location, the operator shall notify the local representative of the department in person, by radio or telephone, or by other means specified by the department, of the new location of operation by district or subdistrict and latitude and longitude. A local representative of the department may waive all or part of the requirements of this subsection upon determining that the requirements are not necessary for the conservation or management of the fishery in that area.

(o) In this section,

(1) "buyer-exporter" means the first purchaser of unprocessed fish that exports or attempts to export out of this state the fish either unprocessed or custom processed;

(2) "catcher-exporter" means a commercial fisherman who exports or attempts to export out of this state unprocessed or custom processed fish that were legally taken by the catcher-exporter;

(3) "catcher-processor" means a commercial fisherman who sells or attempts to sell processed or unprocessed fish that were legally taken by the catcher-processor in or out of this state;

(4) "catcher-seller" means a commercial fisherman who sells or attempts to sell unprocessed fish that were legally taken by the catcher-seller

(A) to the general public for use for noncommercial purposes;

(B) for use as bait for commercial or noncommercial purposes;

(C) to restaurants, grocery stores, and established fish markets;

(D) by shipping the fish to a licensed buyer, processor, or exporter within this state;

(5) "commercial fish transporter" means those individuals whose activities require a permit under AS 16.05.671;

(6) "custom processed" means that the fish is processed by a person that does not own the fish;

(7) "delivery" means offloading fish for sale or for transport to a buyer for later sale;

(8) "dual permit" means the use of additional fishing gear on board a vessel or at a set gillnet site under a second CFEC permit as allowed under the applicable provisions in this title;

(9) "eLandings Electronic Reporting System"

(A) means the electronic and Internet based reporting system maintained by the department, the National Marine Fisheries Service, Alaska Region, and the International Pacific Halibut Commission to provide an alternative to paper fish tickets;

(B) includes the following:

(i) eLandings, which is a web application for shore side and Internet capable vessels;

(ii) seaLandings, which is a desktop application for sea vessels without Internet capability;

(iii) tLandings, which is a portable data storage application for tender and other operations;

(10) "first purchaser:

(A) means the person that first purchases unprocessed fish directly from the commercial fisherman for the purchaser's own business and does not act as a buying agent for another business;

(B) includes a

(i) buyer-exporter;

(ii) floating processor;

(iii) independent buyer;

(iv) shorebased processor;

(11) "fish ticket" includes

(A) a department issued paper copy form for recording harvest; and

(B) an electronically generated record of harvest from the eLandings Electronic Reporting System;

(12) "floating processor" includes the operator of a vessel who

(A) operates as a catcher-processor;

(B) is the first purchaser of unprocessed fish and sells or attempts to sell processed or unprocessed fish in or out of this state;

(13) "independent buyer" means the first purchaser of unprocessed fish for sale unprocessed within this state to a shorebased processor, floating processor, or buyer-exporter;

(14) "partial delivery" means the offloading of fish for sale or for transport to a buyer of only a portion of the total harvest from one vessel's trip, excluding catch retained for

(A) personal use under 5 AAC 39.010;

(B) bait under applicable provisions of this title;

(15) "shorebased processor" means a land-based first purchaser that purchases unprocessed fish and sells or attempts to sell that fish, processed or unprocessed, in or out of this state;

(16) "trip" means

(A) for a vessel on which fish are harvested but not processed, the period of time from when the vessel commences fishing until completion of the final delivery; a trip may include one or more partial deliveries; or

(B) a period of time designated by the department, such as every seven days.

(17) "tender vessel" means a vessel whose operator acts as an agent for a processor and accepts delivery of fish from a commercial fisherman or another tender vessel for transport to a shore-based or floating processor.

5 AAC 39.135. Requirements for releasing confidential information to third persons. (a) A person requesting the release of confidential information to a third person regarding the requesting person's fishery landings shall make the request in the form of a limited power of attorney on a request form provided by the department. The department will make the request form available at its local and regional offices and its website.

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

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

5 AAC 39.140. Inspection of fishing establishments and vessels. (a) Representatives of the Department of Fish and Game or the Department of Public Safety shall have free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder.

(b) Upon being approached by a vessel or aircraft under the control of a representative of the Departments of Fish and Game or Public Safety, the operator of a fishing vessel, catcher-processor, or floating processor shall be alert for, and immediately comply with,

signals conveying enforcement intent. A vessel operator signaled to stop or heave to for boarding shall

(1) stop immediately and lay to or maneuver in such a way as to permit the representative and his party to come aboard;

(2) if requested, provide a safe ladder for the representative and his party;

(3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination of the ladder;

(4) take such other actions as necessary to ensure the safety of the representative and party and to facilitate the boarding; and

(5) make every effort to comply with all lawful orders given by the representative, except that the owner or operator of the vessel is solely responsible for navigation, supervision, and control of the vessel and his decisions shall be final in all matters pertaining to proper navigation and safety of the vessel crew, and fishing gear.

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

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

5 AAC 39.150. Explosives, chemicals and poisons unlawful. The use of an explosive, chemical or poison in the taking or killing of fish or shellfish is prohibited, except that chemical baits or lures may be used to attract shellfish.

5 AAC 39.155. Seine drums unlawful. It shall be unlawful to have mounted aboard any seine vessel a seine drum or reel around which a seine can be coiled or rolled.

5 AAC 39.166. Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling. (a) The operator of a vessel taking groundfish with trawl gear in the waters of Alaska in the Bering Sea-Aleutian Islands Area described in 5 AAC 28.600 shall retain, on board the vessel or at the shoreside processing plant, salmon taken as bycatch with the trawl gear. After the salmon bycatch has been counted and sampled by a groundfish observer certified by the National Marine Fisheries Service (NMFS), the vessel operator shall provide for the disposal of the salmon in marine waters in a manner not inconsistent with applicable state or federal statutes and regulations.

(b) The operator of a vessel taking groundfish with trawl gear in federal waters adjacent to the area described in (a) of this section shall comply with (a) of this section if salmon taken as bycatch with the trawl gear are brought into the waters of Alaska.

(c) For the purposes of this section "sample" means to examine a portion of the bycatch, and may include

(1) noting sex, species, length, and weight;

(2) taking scale or tissue specimens; and

(3) taking other measurements or specimens considered necessary by either the groundfish observer or a representative of the department.

(d) Repealed 6/2/95.

5 AAC 39.170. Monofilament purse seine web unlawful. It is unlawful to use single- or multiple-strand monofilament purse seine web. For the purpose of this regulation, "monofilament" means any single filament having more than 50 denier, that is, weighing more than 50 grams per 9,000 meters of filament.

5 AAC 39.175. Use of lights prohibited. It is unlawful to use artificial lights to attract salmon out of closed waters for the purpose of a commercial taking.

5 AAC 39.180. Time limit for preservation of salmon. It is unlawful to preserve for sale as food any salmon, unless it has been canned, salted, iced, frozen, brine chilled, smoked, or dried within 48 hours after being killed.

5 AAC 39.185. Policy on closures due to illegal fishing. (a) Some fisheries have had a documented history of illegal commercial fishing dating back to 1968. Enforcement efforts by the Department of Public Safety have been largely ineffective in controlling this recurring problem on a long-term basis. The Board recognizes the difficulty of enforcement in some areas of the state and although the current regulations are sufficient to protect fish stocks, they may be ineffective due to special enforcement problems.

(b) In the interest of the conservation of valuable renewable fish resources, the Board of Fisheries directs the commissioner, or his authorized designee, to take the following actions given the specified circumstances. If illegal fishing activities develop to the point that regulations pertaining to protection of fish stocks become ineffective, the commissioner shall consider closing the affected fishery by emergency order for a period of up to one week. When the fishery reopens and illegal fishing continues to be a problem, the appropriate fishery may be closed for an additional period of time. Continued violations may result in additional closures of the fishery.

5 AAC 39.190. Driving salmon prohibited. It is unlawful to drive or attempt to drive salmon from waters closed to salmon fishing.

5 AAC 39.195. Announcement of emergency orders. Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers, and canneries by one or more of the following means, if possible:

(1) radio transmission by department stations;

(2) notices posted at canneries and public places;

(3) press releases and announcements in

(A) the department's website;

(B) local newspapers; and

(C) commercial radio stations;

(4) telephone message hotline;

(5) electronic mail;

(6) facsimile transmission;

(7) other appropriate public notification media.

5 AAC 39.197. Unlawful possession of fish. No person may possess, purchase, sell, barter or transport fish within the state or within water subject to the jurisdiction of the state if that person knows or has reason to know that fish were taken or possessed in contravention of 5 AAC 03 - 5 AAC 39.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) provide the following information:

(A) vessel description and identification;

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

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

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

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

(F) the dates for which permission is sought;

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

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

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

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

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

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

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

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

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

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

(j) In this section,

(1) "developed fishery" means a fishery in which United States processing capacity is available and has been used by United States fishermen and processors but not to the full extent of the total allowable catch in the fishery;

(2) "established fishery" means a fishery in which United States processing capacity has been available and has been used by United States fishermen and processors to the full extent of the total allowable catch in the fishery and in which full utilization by United States fishermen and processors is likely to continue;

(3) "fishery" means

(A) a stock or stocks of fish which may be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; or

(B) the commercial taking of these stocks;

(4) "foreign fishing vessel" means a vessel that is documented under the flag of a foreign nation and engages in fish processing;

(5) "internal waters of Alaska" means all waters within the boundaries of the state except those seaward of the baseline from which the territorial sea is measured;

(6) "processing" means the application of preservative methods to the flesh of fish to maintain quality and prevent deterioration, including

(A) storage and transportation of unprocessed fish;

(B) preparation for preservation;

(C) cooking, canning, smoking, salting, drying, freezing, icing, refrigeration, vacuum packing, gas, microwave preservation, and other preservation means;

(7) "total allowable catch" means the quantity of fish in a fishery that may be harvested without detriment to sustained yield;

(8) "undeveloped fishery" means a fishery in which there has been no United States commercial fishing nor processing of the total allowable catch in the fishery.

5 AAC 39.200. Application of fishery management plans. (a) The Board of Fisheries has implemented by regulation fishery management plans that provide the Department of Fish and Game with guidelines to be followed when making management decisions regarding the state's subsistence, commercial, sport and personal use fisheries. The primary goal of these management plans is to protect the sustained yield of the state's fishery resources while at the same time providing an equitable distribution of the available harvest between various users. The regulations contained in this section are intended to aid in the achievement of that goal and therefore will apply to all fishery management plans contained in 5 AAC 03 - 5 AAC 39.

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

5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

Article 2. Salmon Fishery.

All Sections

5 AAC 39.220 . Policy for the management of mixed stock salmon fisheries.
5 AAC 39.222 . Policy for the management of sustainable salmon fisheries.
5 AAC 39.223 . Policy for statewide salmon escapement goals.
5 AAC 39.230 . Gear.
5 AAC 39.240 . General gear specifications and operations.
5 AAC 39.250 . Gillnet specifications and operations.
5 AAC 39.260 . Seine specifications and operations.
5 AAC 39.265 . Retention of salmon taken in a commercial net fishery.
5 AAC 39.280 . Identification of stationary fishing gear.
5 AAC 39.290 . Closed waters.
5 AAC 39.291 . Boundary markers.

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

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

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

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

(e) This policy will be implemented only by the board through regulations adopted (1) during its regular meeting cycle; or (2) through procedures established in the Joint Board's Petition Policy (5 AAC 96.625), Subsistence Petition Policy (5 AAC 96.625(f)), Policy for Changing Board Agenda (5 AAC 39.999), or Subsistence Proposal Policy (5 AAC 96.615).

5 AAC 39.222. Policy for the management of sustainable salmon fisheries. (a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) protect salmon habitats and control nonfishing sources of mortality;

(E) management programs should be effective in

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

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

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

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

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

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

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

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

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

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

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

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

(M) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions in sustaining salmon populations, fisheries, and habitat, and to resolve associated problems or deficiencies;

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) prevent overfishing; and

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

(3) in the course of review of the salmon stock status reports and management plans described in (1) and (2) of this subsection, the board, in consultation with the department, will determine if any new fisheries or expanding fisheries, stock yield concerns, stock management concerns, or stock conservation concerns exist; if so, the board will, as appropriate, amend or develop salmon fishery management plans to address these concerns; the extent of regulatory action, if any, should be commensurate with the level of concerns and range from milder to stronger as concerns range from new and expanding

salmon fisheries through yield concerns, management concerns, and conservation concerns;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "depleted salmon stock" means a salmon stock for which there is a conservation concern;

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

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

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

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

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

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

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

(15) "harvestable surplus" means the number of salmon from a stock's annual run that is surplus to escapement needs and can reasonably be made available for harvest;

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

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

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

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

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

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

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

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

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

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

(26) "optimum sustained yield" or "(OSY)" means an average annual yield from a salmon stock considered to be optimal in achieving a specific management objective other than maximum yield, such as achievement of a consistent level of sustained yield, protection of a less abundant or less productive salmon stock or species, enhancement of catch per unit effort in sport fishery, facilitation of a nonconsumptive use, facilitation of a subsistence use, or achievement of a specific allocation;

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

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

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

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

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

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

(A) Chinook or king salmon (O. tschawytscha);

(B) sockeye or red salmon (O. nerka);

(C) coho or silver salmon (O. kisutch);

(D) pink or humpback salmon (O. gorbuscha); and

(E) chum or dog salmon (O. keta);

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

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

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

(36) "sustainable escapement goal" or "(SEG)" means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated or managed for; the SEG is the primary management objective for the escapement, unless an optimal escapement or inriver run goal has been adopted by the board; the SEG will be developed from the best available biological information; and should be scientifically defensible on the basis of that information; the SEG will be determined by the department and will take into account data uncertainty and be stated as either a "SEG range" or "lower bound SEG"; the department will seek to maintain escapements within the bounds of the SEG range or above the level of a lower bound SEG;

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

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

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

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

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

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

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

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

5 AAC 39.223. Policy for statewide salmon escapement goals. (a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska's salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 AAC 39.250. Gillnet specifications and operations. (a) The trailing of gillnet web is prohibited at any time or place where fishing is not permitted.

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

(c) The gillnet web in a gillnet must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in the Arctic-Kotzebue Area (5 AAC 03.100), the Norton Sound-Port Clarence Area (5 AAC 04.100), Districts 1 and 2 of the Yukon Area (5 AAC 05.100) when fishing under the ice, Districts 3 - 6 of the Yukon Area (5 AAC 05.100) all year, the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

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

(b) Repealed 3/26/76.

(c) A purse seine has ceased fishing when both ends of the seine, excluding skiff tow lines and straps, are attached to the seine vessel.

(d) A hand purse seine is considered to have ceased fishing when both ends of the seine are fast to the vessel.

(e) A beach seine is considered to have ceased fishing when all of the lead line is above the water on the beach.

(f) Where the use of leads is permitted, a purse seine vessel may not have or use more than one lead of legal length and depth, without purse rings attached, and with a minimum mesh size of seven inches, except that a lead may have a cork line border strip not to exceed five meshes of less than seven-inch meshes stretch measure and a lead line chafing strip not to exceed 25 meshes less than seven-inch stretch measure.

(g) If a purse seine and a lead are operated together

(1) the lead must be attached to the purse seine;

(2) the lead may be attached to only one end of the purse seine;

(3) the lead may not be attached at any other part of the purse seine;

(4) the web of the purse seine must overlap the web of the lead by at least one fathom, or the web of the purse seine must be sewn to the end of the lead for the entire depth of the shallowest net;

(5) repealed 6/2/88;
(6) repealed 6/2/88;
(7) repealed 6/2/88;
(8) repealed 6/2/88.

(h) One end, and only one end, of a seine lead may be attached to land above the waterline. If the lead is attached to land above the waterline, no other anchor may be used on the lead, purse seine, seine vessel, or skiff. "Anchor" is defined in 5 AAC 39.105(d)(19).

(i) During the operation of a purse seine, the propulsion engines of the seine vessel, or the skiff assisting the operation, must be running and the vessel must be controlling the configuration of the purse seine.

(j) A seine vessel must be attached to one end, and only one end, of a purse seine or lead when it is in operation. Any line used to make the attachment may not be more than 13 fathoms in length.

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

5 AAC 39.265. Retention of salmon taken in a commercial net fishery. (a) The Board of Fisheries recognizes that at times during a commercial salmon season it may be necessary to require retention of all salmon species taken in a commercial net fishery for the purpose of conservation or development of the salmon resource.

(b) In a commercial salmon net fishery, if the commissioner determines that retention of all salmon species is necessary under this section, the commissioner may, by emergency order, close a commercial salmon net fishery and immediately reopen the fishery, during which all salmon species caught must be retained, unless otherwise specified in 5 AAC 01 - 77.

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

(b) In addition to the requirements of (a) of this section, the owner or operator of a set gillnet in operation shall have at each end of the set gillnet a red keg, buoy, or cluster of floats, or, in the case of set gillnets anchored to land, shall have a red keg, buoy, or cluster of floats at the outer end of the net. The kegs, buoys, or clusters of floats must be plainly and legibly marked with the fisherman's five-digit CFEC permit serial number. The kegs, buoys, or clusters of floats may bear only a single number - that of the permit holder operating the gear. In the Upper Subdistrict of the Central District of the Cook Inlet Area, the operator of a set gillnet shall attach to the net a 'trailer' buoy that floats at all times.

5 AAC 39.290. Closed waters. (a) Except as otherwise specified in this title, commercial fishing for salmon is prohibited at all times in the waters of Alaska that are

(1) within the fresh water of streams and rivers of this state;

(2) within 500 yards of the fresh water of a stream that is a salmon stream; or

(3) over the beds or channels of fresh water of streams and rivers of this state during all stages of the tide.

(b) The department may post any closed area designated in (a) of this section by appropriate markers. The department shall place such markers as close as practically possible to the distance or location specified by the applicable regulation or emergency order. However, where markers have been deployed, it is unlawful to take salmon for commercial purposes on the streamward side of the area indicated by the markers and as described in (a) of this section.

(c) Where markers as described above have been lost or destroyed or are not in place, the area closed to commercial salmon fishing is as specified by the applicable regulation or emergency order.

(d) The Ugashik, Yukon and Kuskokwim Rivers, the Yakutat Area and any other river where a legal commercial fishery now exists are the only exceptions to this closure.

(e) The points established for stream mouths listed in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes under 5 AAC 95.011 do not apply to enforcement of this section or other regulations limiting the distance that commercial fishing may occur from the fresh water of a stream that is a salmon stream.

5 AAC 39.291. Boundary markers. The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation.

Article 9. Definitions; Miscellaneous.

5 AAC 39.975. Definitions

(a) In 5 AAC 01 - 5 AAC 39,

(1) "alien" means a person who is not a citizen of the United States, and who does not have a petition for naturalization pending before the district court;

(2) "bag limit" means the maximum legal take per person per day, even if part or all of the fish are preserved;

(3) "buyer" means a person who purchases fish from the fishermen who caught the fish or who, for commercial purposes, processes fish he has caught himself;

(4) "depth of net" means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;

(5) repealed 2/18/73;

(6) "gear" means any type of fishing apparatus;

(7) "inclusive season dates" means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;

(8) "legal limit of fishing gear" means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;

(9) "local representative of the department" means the nearest, most accessible professional employee of the department, a person designated by the commissioner or by a professional employee of the department to perform a specific function for the department and a law enforcement officer of the Department of Public Safety;

(10) "salmon stream" means a stream used by salmon, at any stage of life, for spawning, rearing, presence, or migration;

(11) "stretched measure" means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;

(12) repealed 6/30/79;

(13) "waters of Alaska" means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean lower low water, and those waters extending three miles seaward of a line (the baseline) between the following points:

(A) Southeastern and Yakutat Areas:

100 southernmost tip Cape Muzon, Dall Island;

101 westernmost tip unnamed point, Dall Island (54° 39.87' N. lat., 132° 43.53' W. long.);

102 westernmost tip Wolk Point, Dall Island;

103 southernmost tip Liscome Point, Dall Island;

104 westernmost tip Point Cornwallis, Dall Island;

105 westernmost tip Security Point, Dall Island;

106 westernmost tip Parrot Point, Dall Island;

107 westernmost tip Point Bazan, Dall Island;

108 westernmost tip of westernmost unnamed island west of Dolgoi Island (54° 49.33' N. lat., 133° 00.40' W. long.);

109 westernmost tip Ritter Point, Dall Island;

110 westernmost tip Rockwell Point, Dall Island;

111 westernmost tip Cape Augustine, Dall Island;

112 westernmost tip Sakie Point, Dall Island;

113 southernmost tip Cape Felix, Suemez Island;

114 southernmost tip of southernmost island off Cape Bartolome, Baker Island;

115 westernmost tip Cape Chirikof, Baker Island;

116 southernmost tip Cape Addington, Noyes Island;

117 westernmost tip of the southernmost island of the Hazy Islands;

118 westernmost tip of the westernmost island of the Hazy Islands;

119 southernmost tip Cape Ommaney, Baranof Island;

120 southernmost tip Eagle Rocks, Baranof Island;

121 westernmost tip Puffin Point, Baranof Island;

122 westernmost tip Sea Lion Rocks;

123 56° 19.50' N. lat., 134° 54' W. long., Baranof Island;

124 westernmost tip First Kekur Island;

125 westernmost tip Second Kekur Island;

126 westernmost tip North Cape, Baranof Islands;

127 westernmost tip John Rock;

128 westernmost tip Jacob Rock;

129 westernmost tip Kaiuchali Island;

130 westernmost tip Cape Edgecumbe, Kruzof Island;

131 westernmost tip Pt. Amelia, Kruzof Island;

132 westernmost tip Sealion Islands;

133 westernmost tip Eagle Rock;

134 westernmost tip Klokachef Point, Klokachef Island;

135 westernmost tip Black Island;

136 westernmost tip Cape Edward;

137 westernmost tip Urey Rocks;

138 westernmost tip of westernmost rock off Cape Cross, Yakobi Island (57° 54.67' N. lat., 136° 34.33' W. long.);

139 westernmost tip Yakobi Rock (off Cape Bingham, Yakobi Island);

140 westernmost tip Zip Rock (off Cape Spencer);

141 westernmost tip Graves Rocks;

142 westernmost tip Sugarloaf Island;

143 westernmost tip Astrolabe Rocks;

144 southernmost tip Icy Point;

145 westernmost tip Harbor Point;

146 westernmost tip La Chaussee Spit;

147 westernmost tip Cape Fairweather;

148 easternmost tip of the west side of the entrance to Dry Bay;

149 southernmost tip at the mouth of Dangerous River;

150 westernmost tip Ocean Cape;

151 easternmost tip Point Manby;

152 southernmost tip Sitkagai Bluffs;

153 southernmost tip Point Riou;

154 southernmost tip Icy Cape;

155 southernmost tip Cape Yakataga;

200 southernmost tip Cape Suckling;

(B) Prince William Sound and Cook Inlet Areas:

200 southernmost tip Cape Suckling;

201 easternmost tip Pinnacle Rock (off Cape St. Elias, Kayak Island);

202 southernmost tip Hook Point, Hinchinbrook Island;

203 southernmost tip Cape Hinchinbrook, Hinchinbrook Island;

204 easternmost tip Montague Island;

205 easternmost tip Box Point, Montague Island;

206 easternmost tip Wooded Islands;

207 southernmost tip, Wooded Islands;

208 southernmost tip Jeanie Point, Montague Island;

209 southernmost tip Cape Cleare, Montague Island;

210 southernmost tip Point Elrington, Elrington Island;

211 southernmost tip Cape Puget;

212 southernmost tip Cape Junken;

213 southernmost tip Cape Fairfield;

214 southernmost tip Barwell Island (off Cape Resurrection);

215 easternmost tip Pilot Rock;

216 easternmost tip Chiswell Island;

217 southernmost tip Seal Rocks;

218 southernmost tip unnamed cape south of Black Mountain (Black Bay) (59° 27.20' N. lat., 150° 14' W. long.);

219 easternmost tip Hoof Point, Ragged Island;

220 easternmost tip Outer Island, Pye Islands;

221 southernmost tip of southernmost island off Outer Island;

222 southernmost tip Nuka Rock (south of Nuka Point, Nuka Island);

223 southernmost tip Gore Point;

224 southernmost tip East Chugach Island;

225 southernmost tip Perl Rock (off Perl Island, Chugach Islands);

300 easternmost tip East Amatuli Island, Barren Islands;

(C) Kodiak, Chignik, Aleutian Islands, and Alaska Peninsula Areas:

300 easternmost tip East Amatuli Island, Barren Islands;

301 easternmost tip Point Banks, Shuyak Island;

302 northernmost tip Tonki Cape, Afognak Island;

303 northernmost tip Cape St. Hermogenes, Marmot Island;

304 along the seaward coast of Marmot Island southernmost tip of Marmot Cape;

305 southernmost tip Pillar Cape, Afognak Island;

306 easternmost tip East Cape, Spruce Island;

307 northernmost tip Kodiak Rock (off Long Island);

308 easternmost tip Cape Chiniak, Kodiak Island;

309 easternmost tip Cape Greville Kodiak Island;

310 easternmost tip Ugak Island;

311 along the coast to the southernmost tip of Ugak Island;

312 southernmost tip Dangerous Cape, Kodiak Island;

313 easternmost tip Cape Barnabas, Sitkalidak Island;

314 easternmost tip Black Point, Sitkalidak Island;

315 easternmost tip Twoheaded Island;

316 easternmost tip Geese Islands;

317 easternmost tip Cape Sitkinak, Sitkinak Island;

318 along the coast to the southernmost tip of Sitkinak Island;

319 southernmost tip Tugidak Island;

320 along the west coast to the northernmost tip of Tugidak Island;

321 southernmost tip Cape Alitak, Kodiak Island;

322 westernmost tip Low Cape, Kodiak Island;

323 westernmost tip Cape Ikolik, Kodiak Island;

324 easternmost tip Kilokak Rocks (off Alaska Peninsula);

325 easternmost tip Ashiiak Island;

326 easternmost tip Poltava Island;

327 easternmost tip Navy Island (off Cape Providence);

328 easternmost tip Aiugnak Columns;

329 easternmost tip Ugaiushak Island;

330 easternmost tip Hydra Island;

331 easternmost tip Foggy Cape, Sutwik Island;

332 around the south coast of Sutwik Island via the southernmost offcoast islets to the westernmost tip of Sutwik Island;

333 southernmost tip Cape Kumlik;

334 easternmost tip Unavikshak Island;

335 southernmost tip Atkulik Island;

336 easternmost tip Kak Island;

337 easternmost tip Castle Cape (Tuliumnit Point);

338 easternmost tip Chankliut Island;

339 along seaward coast to southernmost tip Chankliut Island;

340 southernmost tip Seal Cape;

341 easternmost tip Mitrofania Island;

342 southernmost tip Spitz Island;

343 southernmost tip Chiachi Island;

344 easternmost tip Kupreanof Point;

345 easternmost tip Castle Rock;

346 easternmost tip Atkins Island;

347 easternmost tip Simeonof Island;

348 along the seaward coast of Simeonof Island to the southernmost tip;

349 easternmost tip of the unnamed island off the southern coast of Simeonof Island;

350 easternmost tip Chernabura Island;

351 along the coast to southernmost tip of Point Farewell, Chernabura Island;

352 southernmost tip Point Welcome, Bird Island;

353 southernmost tip Mountain Cape, Nagai Island;

354 westernmost tip Sealion Rocks;

355 southernmost tip Acheredin Point, Unga Island;

356 southernmost tip of Kennoys Island;

357 easternmost tip East Rock;

358 easternmost tip Olga Rock;

359 easternmost tip Pinnacle Rock;

360 easternmost tip Hay Island;

361 easternmost tip Hague Rock;

362 easternmost tip Lookout Point, Caton Island, Sanak Islands;

363 along the coast to southernmost tip Caton Island;

364 southernmost tip Umla Island;

365 southernmost tip Telemitz Island;

366 southernmost tip Dora Island;

367 easternmost tip Seal Rock;

368 southernmost tip Haystack Rock;

369 southernmost tip South Rock;

370 southernmost tip Sisters Island;

371 easternmost tip Clifford Island;

372 along the coast of Clifford Island and Long Island to the westernmost tip of the westernmost Trinity Island;

373 westernmost tip Point Petrof, Sanak Island;

374 southernmost tip Cape Lutke, Unimak Island;

375 along the coast to the southernmost tip of Scotch Cap, Unimak Island;

376 easternmost tip Ugamak Island;

377 easternmost tip Round Island;

378 easternmost tip Aiktak Island;

379 easternmost tip Kaligagan Island;

380 easternmost tip Tigalda Island;

381 along the coast of Tigalda Island to Derbin Island;

382 southernmost tip Avatanak Point, Avatanak Island;

383 easternmost tip Rootok Island;

384 along the coast to southernmost tip Rootok Island;

385 southernmost tip Battery Point, Akutan Island;

386 easternmost tip Unalga Island;

387 easternmost tip Egg Island off Sedanka Island;

388 easternmost tip Outer Signal (island);

389 easternmost tip Inner Signal (island);

390 southernmost tip Sedanka Island;

391 easternmost tip Kayak Cape, Unalaska Island;

392 easternmost tip Cape Yanaliuk, Unalaska Island;

393 easternmost tip Whalebone Cape, Unalaska Island;

394 southernmost tip Cape Prominence, Unalaska Island;

395 southernmost tip Reef Point, Unalaska Island;

396 southernmost tip Ogangen Island off Unalaska Island;

397 southernmost tip Eagle Point, Unalaska Island;

398 southernmost tip Cape Aiak, Unalaska Island;

399 southernmost tip South Rock off Cape Izigan, Unalaska Island;

400 southernmost tip Emerald Island off Konets Head, Unalaska Island;

401 easternmost tip Kettle Cape, Umnak Island;

402 easternmost tip The Pillars (off Thumb Point, Umnak Island);

403 easternmost tip Kigul Island;

404 easternmost tip Ogchul Island;

405 easternmost tip Vsevidof Island;

406 easternmost tip Black Cape, Umnak Island;

407 easternmost tip Cape Udak, Umnak Island;

408 easternmost tip Breadloaf Island;

409 easternmost tip Samalga Island;

410 along the coast to westernmost tip of Samalga Island;

411 southernmost tip Concord Point, Chuginadak Island;

412 southernmost tip unnamed point south of Mt. Cleaveland, Chuginadak Island (52° 48.75' N. lat., 169° 57.50' W. long.);

413 southernmost tip Herbert Island;

414 southernmost tip Yunaska Island;

415 southernmost tip Amutka Island;

416 along the south and west coast to northernmost tip of Amutka Island;

417 northernmost tip Chagulak Island;

418 northernmost tip of Yunaska Island;

419 northernmost tip Herbert Island;

420 westernmost tip of Carlisle Island;

421 along the coast to the northernmost tip of Carlisle Island;

422 westernmost tip Uliaga Island;

423 along northern coast to easternmost tip of Uliaga Island;

424 northernmost tip of Kagamil Island;

425 northernmost tip Anangula Island (off Okee Point, Umnak Island);

426 northernmost tip Ananiuliak Island;

427 northernmost tip Okee Point, Umnak Island;

428 westernmost tip Cape Kigushimkada, Umnak Island;

429 along the coast to westernmost tip of Kshaliuk Point;

430 northernmost tip Cape Ilmalianuk, Umnak Island;

431 westernmost tip Cape Aslik, Umnak Island;

432 along the coast to northernmost tip of Ashishik Point;

433 northernmost tip Cape Tanak, Umnak Island;

434 northernmost tip Cape Idak, Umnak Island;

435 westernmost tip Chernofski Point, Unalaska Island;

436 northernmost tip Cape Aspid, Unalaska Island;

437 westernmost tip of westernmost unnamed island off Sedanka Point, Unalaska (53° 27.05' N. lat., 167° 20' W. long.);

438 westernmost tip Kashega Point, Unalaska Island;

439 westernmost tip Spray Cape, Unalaska Island;

440 westernmost tip Cape Starichkof, Unalaska Island;

441 southernmost tip of Cape Kovrizhka, Unalaska Island;

442 along the coast to the northernmost tip of Cape Kovrizhka;

443 westernmost tip Point Kadin, Unalaska Island;

444 northernmost tip Koriga Point, Unalaska Island;

445 northernmost tip Bishop Point, Unalaska Island;

446 northernmost tip Point Tebenkof, Unalaska Island;

447 northernmost tip Cape Wislow, Unalaska Island;

448 northernmost tip Cape Cheerful, Unalaska Island;

449 northernmost tip Priest Rock (off Cape Kalekta, Unalaska Island);

450 westernmost tip Reef Point, Akutan Island;

451 westernmost tip Lava Point, Akutan Island;

452 northernmost tip North Head, Akutan Island;

453 northernmost tip Akun Head, Akun Island;

454 westernmost tip Cape Sarichef, Unimak Island;

455 northernmost tip Raven Point, Unimak Island;

456 northernmost tip Oksenof Point, Unimak Island;

457 northernmost tip Cape Mordvinof, Unimak Island;

458 northernmost tip Cape Lapin, Unimak Island;

459 northernmost tip of unnamed point, Unimak Island (55° N. lat., 163° 54' W. long.);

460 northernmost tip Otter Point, Unimak Island;

461 northernmost tip Cape Krenitzin;

462 along the north coast of the Alaska Peninsula to northernmost tip of Cape Glazenap;

463 along the coast and across the entrances between the Kudiakof Islands and the northernmost tip of Moffet Point;

464 along the north coast of the Alaska Peninsula to easternmost tip of Lagoon Point;

465 northernmost tip Cape Kutuzof;

500 along the north coast of the Alaska Peninsula including the outer coast of all barrier islands, to the westernmost tip of Cape Menshikof;

(D) Bristol Bay Area:

500 westernmost tip of Cape Menshikof;

501 southernmost tip of Pyrite Point;

502 along the coast to the westernmost tip of Cape Peirce;

600 westernmost tip of Cape Newenham;

(E) Kuskokwim, Yukon, Norton Sound-Point Clarence, and Arctic-Kotzebue Areas:

600 westernmost tip Cape Newenham;

601 southernmost tip Kwigluk Island;

602 southernmost tip Pingurbek Island;

603 westernmost tip Kikegtek Island;

604 westernmost tip Cape Vancouver;

605 southernmost tip Dall Point;

606 along the coast and across all entrances, to the westernmost tip of Cape Romanzof;

607 westernmost tip Cape Rodney;

608 westernmost tip of Point Spencer Spit;

609 southernmost tip Cape York;

610 westernmost tip Cape Prince of Wales;

611 along coast of all barrier islands to Northwest Corner light;

612 westernmost tip Cape Krusenstern;

613 along the coast to the westernmost tip of Point Hope;

614 westernmost tip Cape Lisburne;

615 along the coast of all barrier islands and across all entrances to the northernmost tip of Point Barrow;

616 along the coast of all barrier islands and across all entrances to the easternmost tip of Cape Simpson;

617 northernmost tip Pitt Point;

618 along the coast to easternmost tip of Cape Halkett;

619 easternmost tip Thetis Island, Jones Islands;

620 along the coast of all barrier islands and across all entrances, through the Jones Islands to the northernmost tip Long Island;

621 northernmost tip Reindeer Island, Midway Islands;

622 northernmost tip Cross Island;

623 westernmost tip Flaxman Island;

624 along the north coast of Flaxman Island and across all entrances to the northernmost tip Brownlow Point;

625 along the coast of all barrier islands and across all entrances to the easternmost tip Konganevik Point;

626 northernmost tip Anderson Point;

627 northernmost tip Arey Island;

628 northernmost tip Barter Island;

629 northernmost tip Bernard Spit;

630 along the coast of all barrier islands and across all entrances to the northernmost tip Griffen Point;

631 northernmost tip along the coast to Humphrey Point;

632 across the entrances and along coast of all barrier islands, to the northernmost tip Demarcation Point;

700 along the coast to the United States-Canada Boundary;

(F) and extending three miles seaward of all islands not enclosed by the above line;

(14) "salmon stream terminus" means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed 8/14/70;

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

(17) "king crab" means any or all of the following species:

(A) Paralithodes camtschaticus (red king crab);

(B) Paralithodes platypus (blue king crab);

(C) Lithodes couesi;

(D) Lithodes aequispinus (golden king crab);

(E) Paralithodes brevipes (Hanasaki king crab);

(18) "Tanner crab" means any or all of the following species:

(A) Chionoecetes opilio (snow crab);

(B) Chionoecetes tanneri (grooved Tanner crab);

(C) Chionoecetes bairdi (Tanner crab);

(D) Chionoecetes angulatus (triangle Tanner crab);

(19) "Dungeness crab" means the species Metacarcinus magister;

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

(21) "groundfish" or "bottomfish" means any marine finfish except halibut, osmerids, herring, and salmonids;

(22) "to operate fishing gear" means

(A) the deployment of gear or to have gear deployed in the waters of Alaska;

(B) the removal of gear from the waters of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period; or

(D) possession of a gillnet containing fish during an open fishing period, except that a net which is completely clear of the water is not considered to be operating for the purpose of minimum distance requirements;

(23) "possession limit" means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) "hung measure" means the maximum length of the cork line when measured wet or dry with traction applied at one end only;

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

(26) "fresh water of streams and rivers" means fresh water separated from salt water at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide;

(27) "guideline harvest level" means the preseason estimated level of allowable fish harvest which will not jeopardize the sustained yield of the fish stocks; an area, district, section or portion thereof may close to fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action;

(28) "peace officer of the state" means a person defined in AS 16.05.150;

(29) "processing" means completion of

(A) cooking;

(B) canning;

(C) smoking;

(D) salting, which means uniformly mixing with a minimum salting level of at least 20 percent of the weight of the fish resources;

(E) drying; or

(F) freezing, which means to congeal and solidify the flesh of fish by abstraction of heat;

(30) "domicile" means the same as in AS 16.05.940; evidence of a person's domicile may include, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of the person, or of other persons who may know of that person's domicile;

(C) place of voter registration;

(D) location of residences owned, rented, or leased;

(E) location of storage of household goods;

(F) location of business owned or operated;

(G) residence of spouse and minor children or dependents;

(H) governments to which taxes are paid;

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location;

(31) "fishing site" means a structure or vessel used by a CFEC permit holder for providing shelter in support of the operation of stationary net gear;

(32) "net gear site" means the in-water location of stationary net gear;

(33) "seine vessel" means the largest vessel, as determined by keel length, used to operate a seine and the vessel from which the seine is set, and to which the seine is retrieved to;

(34) "demersal shelf rockfish" means any or all of the following Sebastes species:

(A) repealed 4/30/91;

(B) S. pinniger (Canary);

(C) S. nebulosus (China);

(D) S. caurinus (Copper);

(E) S. maliger (Quilback);

(F) repealed 4/30/91;

(G) S. helvomaculatus (Rosethorn);

(H) repealed 4/30/91;

(I) S. nigrocinctus (Tiger);

(J) S. ruberrimus (Yelloweye);

(K) repealed 4/4/97;

(35) "onboard observer" means a representative of the Departments of Fish and Game or Public Safety who

(A) is certified by the Department of Fish and Game as having completed minimum training requirements;

(B) is living on board a fishing or processing vessel for all or part of the period the vessel is at sea; and

(C) is monitoring fishing or processing activities and collecting harvest data essential to management and enforcement;

(36) "rockfish" means all species of the genus Sebastes;

(37) "pelagic shelf rockfish" means any or all of the following Sebastes species:

(A) S. ciliatus (Dark);

(B) S. entomelas (Widow);

(C) S. flavidus (Yellowtail);

(D) S. melanops (Black);

(E) S. diaconus (Deacon);

(F) S. variabilis (Dusky);

(38) "slope rockfish" means any species of the genus Sebastes not specified as either demersal shelf rockfish or pelagic shelf rockfish;

(39) "thornyhead rockfish" or "idiot rockfish" means all species of the genus Sebastolobus;

(40) "weathervane scallop" means the species Patinopecten caurinus;

(41) "mile" means

(A) a nautical mile when used in reference to marine waters; or

(B) a statute mile when used in reference to fresh water;

(42) "miscellaneous shellfish" means all shellfish and marine invertebrates, except shrimp, and king, Tanner, and Dungeness crab;

(43) "total allowable catch" or "TAC" means the annual harvest quota or the retainable catch allowed for a species or species group;

(44) "individual fishing quota" or "IFQ" means the annual allocation of pounds for harvest that represents a quota share holder's percentage of the total allowable catch;

(45) "handicraft" means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(b) Beginning April 15, 2017, in AS 16.05.835, "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear and does not provide any additional flotation, planing surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel.

5 AAC 39.995. Water depth

Unless otherwise specified, water depths in 5 AAC 01 - 5 AAC 39 are to be measured from mean lower low water.

5 AAC 39.997. Abbreviations and symbols

(a) The abbreviations a.m. and p.m. indicate antemeridian and postmeridian respectively for either Standard Time or Daylight Saving Time in conformance with the official time in use for Alaska.

(b) The symbols °E>, ', ", indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based upon the North American datum of 1983.

(c) Lat. and long. indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

(e) ADF&G is the abbreviation for Alaska Department of Fish and Game.

(f) CFEC is the abbreviation for the Commercial Fisheries Entry Commission.

5 AAC 39.998. Petition policy for Category 2 management measures in a Bering Sea/Aleutian Islands king or Tanner crab fishery

The Board of Fisheries recognizes that in rare instances, circumstances may require regulatory changes outside the process described in 5 AAC 96.625(b) - (d). Notwithstanding 5 AAC 96.625(f), a petition for a regulatory change may be submitted under this section and 5 AAC 96.625(a) for a Category 2 management measure in a Bering Sea/Aleutian Islands king or Tanner crab fishery described in the federal Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands dated January 24, 1989. It is the policy of the Board of Fisheries that a petition submitted under this section will be denied and not scheduled for hearing unless the petition

(1) addresses a Category 2 management measure and is filed within 30 days from the date that the board adopted that Category 2 management measure;

(2) presents an issue that is not solely allocative; and

(3) presents new legal, biological, or management information that indicates the regulation may not be consistent with the federal FMP.

5 AAC 39.999. Policy for changing board agenda

(a) The Board of Fisheries (board) will, in its discretion, change its schedule for consideration of a proposed regulatory change in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) the board will accept an agenda change request only

(A) for a fishery conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect on a fishery that was unforeseen when a regulation was adopted;

(2) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(3) the board will consider an agenda change request only at its first meeting in the fall; a request must be received by the executive director of the board at least 60 days before the first meeting in the fall.

(b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.

(c) If the board accepts an agenda change request under this section, the executive director shall notify the public and the department of the change in the board's schedule and when the board will consider the proposed regulatory change requested.

Chapter 77. Personal Use Fishery.

Article 1. Statewide Provisions.

5 AAC 77.001. Intent and application of this chapter
5 AAC 77.002. Liability for violations
5 AAC 77.005. Personal use fishing permitted
5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries
5 AAC 77.010. Methods, means, and general restrictions
5 AAC 77.015. Personal use fishing permits and reports and display of personal use fish
5 AAC 77.016. Personal use fishing by proxy
5 AAC 77.019. Prohibitions on shellfish pot gear
5 AAC 77.025. Use of commercially licensed or registered vessels
5 AAC 77.027. Prohibitions for use of personal use-taken shellfish
5 AAC 77.035. Width of shell measurement for king and Tanner crab

5 AAC 77.001. Intent and application of this chapter. (a) The Board of Fisheries finds that

(1) before the enactment of the state's subsistence priority law in ch. 151, SLA 1978, an individual could fulfill that individual's personal use needs for fish under subsistence fishing regulations;

(2) the state's subsistence priority law changed the definition of subsistence in a manner that now precludes some individuals from participating in customary and traditional subsistence fisheries and efficiently harvesting fish for their personal use;

(3) there presently are areas of the state with harvestable surpluses of fish in excess of both spawning escapement needs and present levels of subsistence, commercial and sport uses; and

(4) it is necessary to establish a fishery classified as "personal use" because

(A) since the sale of fish is not appropriate or permissible, this fishery cannot be classified as commercial;

(B) since the use is not a customary and traditional use, this fishery cannot be classified as subsistence; and

(C) since the gear for this fishery is often different from that historically associated with sport fishing, this fishery should not be classified as a sport fishery, to prevent confusion among the public.

(b) It is the intent of the board that the taking of fish under 5 AAC 77 will be allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the broad public interest.

(c) Regulations in 5 AAC 77 apply to the taking of finfish, shellfish and aquatic plants for personal use. The regulations in 5 AAC 77.001 - 5 AAC 77.049 apply to the taking of finfish, shellfish and aquatic plants in all waters of Alaska.

(d) The regulations in 5 AAC 77 do not prohibit the personal use of finfish, shellfish or aquatic plants legally taken under the subsistence, commercial and sport fishing regulations in 5 AAC 01 - 5 AAC 75.

(e) The definitions of legal gear in 5 AAC 39.105(d), unlawful possession of fish in 5 AAC 39.197, definitions in 5 AAC 39.975, and abbreviations and symbols in 5 AAC 39.997 apply to the regulations in 5 AAC 77.

(f) In this chapter, "personal use fishing" has the meaning given in AS 16.05.940.

5 AAC 77.002. Liability for violations. Unless otherwise provided in this chapter, or in AS 16, a person who violates a provision of this chapter is strictly liable for the offense, regardless of that person's intent.

5 AAC 77.005. Personal use fishing permitted. Finfish, shellfish, and aquatic plants may be taken for personal use only as provided in 5 AAC 77.

5 AAC 77.007. 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 77.010. Methods, means, and general restrictions. (a) Finfish, shellfish, and aquatic plants may be taken for personal use only by a holder of a valid resident Alaska sport fishing license or by an Alaskan resident exempt from licensing under AS 16.05.400.

(b) It is unlawful to buy, sell, trade or barter fish or their parts taken under the regulations in 5 AAC 77.

(c) It is unlawful to take fish within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(d) Each personal use fisherman shall plainly and legibly inscribe the fisherman's first initial, last name, and home address on a keg or buoy attached to a gillnet, pot, or ring net. A keg or buoy attached to a pot or ring net must also be inscribed with the name or the division of motor vehicles boat registration number, issued under 2 AAC 70, of the vessel used to operate the pot or ring net.

(e) The gillnet web in a gillnet used for personal use fishing for salmon must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(f) A person may not possess salmon taken under the authority of a personal use salmon fishing permit unless both tips of the tail fin have been removed from the salmon before the salmon is concealed from plain view or transported from the fishing site.

(g) It is unlawful to take female king, Tanner, or Dungeness crab.

(h) No person may mutilate or otherwise disfigure a crab in any manner that would prevent determination of the minimum size restrictions in 5 AAC 77, until the crab has been processed or prepared for consumption.

(i) No more than five pots, regardless of type, per person with a maximum of 10 pots, regardless of type, per vessel may be used to take shellfish at any time, except that in the Southeastern Alaska and Yakutat Areas, no more than 10 shrimp pots per person with a maximum of 20 shrimp pots per vessel may be used in addition to pots, other than shrimp pots, in the taking of shrimp at any time.

(j) The harvest, bag, possession, and pot limits for shellfish in this chapter are not in addition to those allowed under subsistence fishing regulations contained in 5 AAC 02.

(k) Unless otherwise specified in this chapter, gear used in the personal use taking of shellfish is limited to the following:

(1) shrimp may be taken only with pots and ring nets;

(2) crab may be taken only with pots, ring nets, diving gear, dip nets, hooked or hookless handlines, or by hand; a line attached to a pole or rod may be used in the Bering Sea only when fishing a line through the ice;

(3) clams may be taken only by hand or with rakes, shovels, and manually operated clam guns;

(4) abalone may be taken only with abalone irons, diving gear, or by hand.

(l) In the personal use taking of miscellaneous shellfish, except for clams, scallops, abalone, and sea cucumbers,

(1) there is no closed season;

(2) there is no bag and possession limit;

(3) trawls, hand jigging, hand-operated dredges, and all gear specified in (k) of this section may be used.

(m) Pots used for personal use fishing must comply with the escape mechanism requirements in 5 AAC 39.145.

(n) The use of footgear with absorbent felt or other fiber material on the soles is prohibited while personal use fishing in freshwater.

5 AAC 77.015. Personal use fishing permits and reports and display of personal use fish. (a) A permit is not required to take fish unless otherwise specified in 5 AAC 77.

(b) Permits for the taking of finfish will be issued only to holders of a valid resident Alaska sport fishing license and Alaska residents exempt from licensing under AS 16.05.400. Permits for the taking of shellfish and aquatic plants will be issued only to holders of a valid Alaska sport fishing license and persons exempt from licensing under AS 16.05.400.

(c) When a personal use fishing permit is required, the following permit conditions apply, unless otherwise specified by the regulations in 5 AAC 77:

(1) the numbers of fish taken may not exceed the limits set out in the permit;

(2) the permit must be obtained from the department before taking fish;

(3) the permit and the permittee's sport fishing license must be retained in the possession of the permittee and be readily available for inspection upon request by a peace officer of the state while taking or transporting the species for which the permit is issued;

(4) the permit may designate the species and numbers of fish to be harvested, time and area for taking, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) if specified on the permit, each fisherman shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch, and such other information as the department may require for management or conservation purposes;

(6) personal use fishing reports must be completed on forms provided by the department or electronically at the time specified by the department for each particular area and fishery;

(7) if applicable, the total annual possession limit for the permittee will be entered on each permit by the department representative issuing the permit; and

(8) if applicable, the department representative issuing the permit will require from an applicant documented proof of residency or other criteria required by regulation, or in the absence of such documentation, a signed affidavit setting forth duration of residency or other criteria required by regulation, to determine the applicable type of permit, annual possession limit and residency of the applicant.

(d) If the return of catch information necessary for management and conservation purposes is required by a personal use fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a personal use permit for that activity during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances.

(e) Repealed 5/31/98.

(f) Upon request by an employee of the department, a person must show to the employee

(1) that person's record of catch taken under this chapter; and

(2) fish taken and possessed by the person in a personal use fishery.

5 AAC 77.016. Personal use fishing by proxy. (a) Finfish, shellfish, and aquatic plants may be taken by personal use fishing by proxy only as provided in AS 16.05.405 and in this section.

(b) Any species of finfish, except halibut, shellfish, or aquatic plant that may be taken by personal use fishing under this chapter may be taken by personal use fishing by proxy.

(c) Before a proxy may take, attempt to take, or transport finfish, shellfish, or aquatic plants taken under this section, on behalf of a beneficiary, the proxy or the beneficiary shall obtain and complete a proxy fishing information form available from the department. The proxy or the beneficiary shall take or mail the completed form to any ADF&G office for validation. The department shall return the validated form and retain a copy for the department's records. In addition to the requirements of AS 16.05.405(c), the proxy must have in possession a validated proxy fishing information form when taking, attempting to take, or transporting finfish, shellfish, or aquatic plants taken under this section, on behalf of a beneficiary. A personal use fishing permit issued by the department may be substituted for the proxy fishing information form if the information requested on the personal use fishing permit is essentially the same as the information requested on the proxy fishing information form.

(d) As provided in AS 16.05.405, a proxy who takes or attempts to take finfish, shellfish, or aquatic plants by personal use fishing on behalf of a beneficiary may, at the same time, fish for the proxy's own use, except that the proxy may not

(1) take more than twice the bag limit, and may not possess more than twice the possession limit of a species, as established in this chapter, for the waters in which the fishing occurs; and

(2) fish with more than one legal limit of gear, as established in 5 AAC 77.

(e) A beneficiary may not authorize more than one proxy to take or attempt to take finfish, shellfish, or aquatic plants on the beneficiary's behalf at one time. A beneficiary may not personally take or attempt to take finfish, shellfish, or aquatic plants at the same time that a proxy is taking or attempting to take finfish, shellfish, or aquatic plants on the beneficiary's behalf.

(f) A person may not give or receive remuneration in order to obtain, grant, or influence the granting of an authorization to take or attempt to take finfish, shellfish, or aquatic plants by proxy on behalf of a beneficiary.

(g) In this section,

(1) "beneficiary" means a resident

(A) who is blind, is a person with physical or developmental disabilities as defined in AS 16.05.940, or is 65 years of age or older; and

(B) on whose behalf finfish, shellfish, or aquatic plants are to be taken or attempted to be taken under AS 16.05.405;

(2) "proxy" means a resident who holds a valid resident sport fishing license and who wishes to take or attempt to take finfish, shellfish, or aquatic plants on behalf of a beneficiary under AS 16.05.405;

(3) "fishing site" means the location where the finfish or shellfish is removed from the water and becomes part of the beneficiary's specified limit.

(h) A proxy fishing information form is valid for the remainder of the calendar year during which it is issued, unless the beneficiary specifies an earlier ending date on the proxy information form.

(i) Before concealing the finfish or shellfish from plain view or transporting the finfish or shellfish from the fishing site, a proxy must record on the proxy fishing information form, or a personal use permit if allowed under (c) of this section, the date, location (body of water fished), species, approximate weight, and number of the finfish or shellfish taken by the proxy on behalf of a beneficiary.

(j) Within 30 days after taking finfish or shellfish for a beneficiary under this section, a proxy must personally deliver the finfish or shellfish to the beneficiary.

5 AAC 77.019. Prohibitions on shellfish pot gear. A person may not disturb, tamper with, or retrieve another person's shellfish pot gear without prior permission of the owner of that pot gear.

5 AAC 77.025. Use of commercially licensed or registered vessels. (a) Limitations on the use of personal use shrimp gear by vessels and participants in commercial shrimp fisheries are contained in 5 AAC 31.

(b) Limitations on the use of personal use Dungeness crab gear by vessels and participants in commercial Dungeness crab fisheries are contained in 5 AAC 32.

(c) Limitations on the use of personal use king crab gear by vessels and participants in commercial king crab fisheries are contained in 5 AAC 34.

(d) Limitations on the use of personal use Tanner crab gear by vessels and participants in commercial Tanner crab fisheries are contained in 5 AAC 35.

5 AAC 77.027. Prohibitions for use of personal use-taken shellfish. (a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter, unless the

(1) shellfish has been taken with gear deployed and retrieved by the client or guest;

(2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 77.010(d); and

(3) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(b) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a personal use fishery when that vessel is being chartered.

5 AAC 77.035. Width of shell measurement for king and Tanner crab. In this chapter, the width of shell measurement for king and Tanner crab is the greatest straight-line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace, including the spines.

Article 4. Yukon Area.

5 AAC 77.155. Description of Subdistrict 6-C
5 AAC 77.171. Lawful gear for personal use finfish fishing
5 AAC 77.172. Personal use salmon fishing permits and reports
5 AAC 77.173. Personal use salmon fishing seasons and periods
5 AAC 77.174. Waters closed to personal use fishing
5 AAC 77.190. Personal use whitefish and sucker fishery

5 AAC 77.155. Description of Subdistrict 6-C. Subdistrict 6-C is as described in 5 AAC 05.200(f).

5 AAC 77.171. Lawful gear for personal use finfish fishing. (a) In Subdistrict 6-C, finfish may be taken for personal use only by set gillnets and fish wheels as follows:

(1) a person may not operate more than one type of gear at the same time for commercial, personal use, and subsistence purposes;

(2) the aggregate length of a set gillnet may not exceed 150 fathoms;

(3) a person may not set or operate personal use fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear;

(4) a gillnet or fish wheel may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream;

(5) a household may not operate more than one fish wheel;

(6) after August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches;

(7) unless a person is fishing under the ice, gillnets in operation sunk below the surface must have a keg, buoy, or cluster of floats visible on the surface of the water at each end of the submerged net, and for submerged gillnets over 60 feet in length, a third keg, buoy, or cluster of floats must be attached to the middle of the net.

(b) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of salmon, other than king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal

use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be four inches or less mesh or seven and one-half inches in mesh size;

(B) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) that is seven and one-half inches in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all salmon, other than king salmon, must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;
(C) repealed 6/28/2019;

(3) dip nets may be used, however all salmon, other than king salmon, caught must be released to the water alive, unless retention is allowed by emergency order; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

(c) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be six inches or less in mesh size; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(B) may not exceed the length and depth specified by the commissioner;

(C) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all king salmon must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;
(C) repealed 6/28/2019;

(3) dip nets may be used, however all king salmon caught must be released to the water alive; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

(d) For the purposes of this section, "livebox" means a submerged container attached to a fish wheel that will keep fish caught by the fish wheel alive.

(e) In Subdistrict 6-C, notwithstanding any other provision of this section that allows a person to take salmon with a gillnet that has a mesh size greater than seven and one-half inches, a person may not take salmon with a gillnet that has a mesh size greater than seven and one-half inches.

5 AAC 77.172. Personal use salmon fishing permits and reports. (a) In Subdistrict 6-C, an annual permit is required to take salmon for personal use. Only one permit per household is allowed annually. The annual possession limit per permit holder is 10 king salmon and 75 chum salmon for periods through August 15, and 75 chum and coho combined for periods after August 15.

(b) Personal use salmon harvest limits in Subdistrict 6-C are 750 king salmon and 5,000 chum salmon taken through August 15, and 5,200 chum salmon and coho salmon combined taken after August 15. When either the king or chum salmon harvest limit for the period before August 16 has been taken, the personal use salmon fishing season in Subdistrict 6-C will close. A later season will open after August 15 to allow the taking of the harvest limit for the period after August 15. If the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for the period after August 15.

5 AAC 77.173. Personal use salmon fishing seasons and periods. (a) Unless altered by emergency order, personal use salmon fishing periods are from 6:00 p.m. Friday until 12:00 noon Sunday, and from 6:00 p.m. Monday until 12:00 noon Wednesday.

(b) Salmon fishing seasons or periods may be altered by emergency order for conservation purposes or to prevent harvest limits from being exceeded.

(c) In Subdistrict 6-C, salmon may be taken only by set gillnet or fish wheel. A person may not operate a set gillnet with a mesh size greater than six inches after a date specified by emergency order issued at some time between July 5 and July 25.

5 AAC 77.174. Waters closed to personal use fishing. (a) Repealed 5/22/2016.

(b) The following waters are closed to personal use fishing:

(1) the Delta Clearwater River (Clearwater Creek at 64° 06' N. lat., 145° 34' W. long.), Richardson Clearwater Creek (Clear Creek at 64° 14' N. lat., 146° 16' W. long.),

Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Shaw Creek, Bear Creek, McDonald Creek, and Moose Creek, within 500 feet of their mouths;

(2) the Salcha River upstream of a line between ADF&G regulatory markers at its mouth;

(3) Bolio, Birch, Lost, Harding, Craig, Fielding, Quartz, and Little Harding lakes;

(4) Piledriver and Badger (Chena) sloughs;

(5) repealed 6/17/98;

(6) the Delta River.

5 AAC 77.190. Personal use whitefish and sucker fishery. (a) Whitefish and suckers may be taken for personal use only in the Fairbanks Nonsubsistence Area described in 5 AAC 99.015(a)(4) under the authority of a permit issued under 5 AAC 77.015.

(b) The department shall adhere to the following when issuing personal use whitefish and sucker permits:

(1) the fishing effort may be permitted only in places and during times when resource abundance will allow a harvest without jeopardizing sustained yield and in a manner that will provide for an orderly fishery;

(2) permits may be issued for spears and set gillnet, beach seine, dip net, fyke net, and fish wheel gear;

(3) finfish other than whitefish and suckers may not be retained under a permit issued under this section.

(c) In the Chatanika River, the annual limit for whitefish is 10 fish. .

Chapter 93. Department Programs.

Article 2. Educational Fishery Program.

5 AAC 93.212. Yukon Management Area educational fishing permit for customary and traditional harvest of salmon. (a) Notwithstanding other provisions of this chapter, the commissioner may issue an educational permit for the harvest of salmon within the Yukon Management Area, as described in 5 AAC 01.200, for the purposes of teaching and preserving long-established customary and traditional practices, including for ceremonial purposes. The educational fishery must have both instructors and students and must have attendance requirements. The commissioner may establish permit requirements, specify the required information that must be collected under the permit, and define activities allowed for the fishery and the area where the permit is issued. A permit will only be issued when the harvest of specified salmon species cannot be reasonably accommodated under existing regulations.

(b) An educational permit for teaching and preserving traditional cultural practices may only be issued to a person, a household, or a village or tribal council, community, or similarly qualified organization. A permit may only be issued if

(1) species that are harvested under the permit are used as described in the permit application; and

(2) the department receives the applicant's permit application not later than 15 days before the date the applicant proposes to begin the educational fishery program.

(c) An educational permit for ceremonial, funerary, or memorial purposes related to traditional cultural practices may only be issued to a person, a household, or a village or tribal council, community, or similarly qualified organization. A permit may only be issued if

(1) species that are harvested under the permit are used as described in the permit request form by the applicant; and

(2) the department receives the applicant's completed permit form in advance of the intended activity.

(d) A permit application for teaching and preserving traditional cultural practices must specify

(1) the requestor's name and contact information;

(2) information related to the purpose for the application;

(3) each individual authorized to participate in the permitted activity specific to the harvest of salmon;

(4) the specific harvest location; and

(5) information requested by the department.

(e) A permit application submitted for ceremonial, funerary, or memorial purposes must specify

(1) the requestor's name and contact information;

(2) information related to the purpose for the application;

(3) each individual authorized to participate in the permitted activity specific to the harvest of salmon;

(4) the specific harvest location; and

(5) information requested by the department.

(f) The department shall establish permit requirements, applicable activities for which the harvest is permitted, reporting requirements, harvest limits by species, methods and means, allowable gear types, fishing dates, individuals authorized to conduct harvest activities, and other guidelines or requirements applicable to the approved permit.

(g) The total harvest limit by species for an approved permit under this section for teaching and preserving traditional cultural practices is as follows:

(1) 10 king salmon;

(2) 50 summer chum salmon;

(3) 25 fall chum salmon;

(4) 25 coho salmon.

(h) For approved permits combined under this section for teaching and preserving traditional cultural practices,

(1) the total annual harvest limit by species is as follows:

(A) 300 king salmon;

(B) 1,000 summer chum salmon;

(C) 500 fall chum salmon;

(D) 500 coho salmon; and

(2) when the total annual harvest limit has been reached, the department may not issue additional permits for the harvest of that species.

(i) The total harvest limit by species for a permit issued under this section for ceremonial, funerary, or memorial purposes is as follows:

(1) five king salmon;

(2) 10 summer chum salmon;

(3) 10 fall chum salmon;

(4) 10 coho salmon.

(j) A permit holder may initiate fishing upon receipt of the permit within the terms of the permit.

(k) Only the permit holder and the authorized individuals listed on the permit may harvest salmon under the permit.

(*l*) A permit holder or an authorized individual shall personally maintain the permit at all times while fishing and shall make the permit available to the department or law enforcement personnel upon request.

(m) Once permitted activity is complete, a permit holder shall notify the department of the harvest taken and shall provide other information as specified in the permit.

Title 16. Fish and Game.

Chapter 05. Fish and Game Code Definitions.

Article 1. The Department of Fish and Game.

Sec. 16.05.055. On-board observer program. (a) The commissioner may enter into appropriate contracts and agreements with agencies, such as the National Marine Fisheries Service, the North Pacific Fishery Management Council, and the International Pacific Halibut Commission, designed to ensure that on-board observer programs conducted in the fisheries of the state are coordinated and consistent with each other for vessels operating in state and federal water.

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

Sec. 16.05.060. Emergency orders. (a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

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

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

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

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

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

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

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

or game.

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

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

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

Sec. 16.05.165. Form and issuance of citation. (a) When a peace officer stops or contacts a person concerning a violation of this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.175 — 12.25.230.

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

(c) If a person cited for a misdemeanor for which a bail amount has been established under (b) of this section does not contest the citation, the person may, on or before the 30th day after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.

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

(e) A person cited under this section is guilty of failure to obey a citation under AS

12.25.230 if the person fails to pay the bail amount established under (b) of this section or fails to appear in court as required.

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

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

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

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

Sec. 16.05.195. Forfeiture of equipment. (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54, or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish and game or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54, may be forfeited to the state

(1) upon conviction of the offender in a criminal proceeding of a violation of this title or AS 08.54 in a court of competent jurisdiction; or

(2) upon judgment of a court of competent jurisdiction in a proceeding in rem that an item specified above was used in or in aid of a violation of this title or AS 08.54 or a regulation adopted under this title or AS 08.54.

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

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

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

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

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

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

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

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

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

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) residents under 18 years of age and nonresidents under 16 years of age to participate in sport fishing;

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

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

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

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

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

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

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

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

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

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

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an onboard observer program

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

(B) will not unduly disrupt the fishery;

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

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

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

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

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

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) [Repealed, § 12 ch 52 SLA 1986.]

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

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

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

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

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

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

(4) the availability of alternative fisheries resources;

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

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

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

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation

of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

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

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

(i) Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

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

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

Sec. 16.05.270. Delegation of authority to commissioner. For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the

issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

Article 4. Licensing of Commercial Fishing Crewmembers and Vessels.

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

Sec. 16.05.450. Issuance of licenses; disclosure for child support purposes. (a) The commissioner or an authorized agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who files a written application at a place in the state designated by the commissioner, containing the reasonable information required by the commissioner together with the required fee. The commissioner shall require the reporting of the applicant's social security number on the application. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(b) The Alaska Commercial Fisheries Entry Commission shall issue a vessel license under AS 16.05.490 to each qualified vessel for which a written application has been filed, at a place in the state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of unsworn falsification in the second degree.

(c) [Repealed, § 19 ch 105 SLA 1977.]

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

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

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

(c) The term "registered under the laws of the state", as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.62 (Administrative Procedure Act). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds

necessary to maximize the authority of the state to apply and enforce fisheries regulations under 16 U.S.C. 1801-1882 (Magnuson-Stevens Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331)).

(d) In this section "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type which is normally used for

(1) fishing, or

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Sec. 16.05.480. Commercial fishing license; disclosure for child support purposes. (a) A person engaged in commercial fishing shall obtain a commercial fishing license and shall retain the license in possession and readily available for inspection during fishing operations. An entry permit or interim-use permit entitles the holder to participate as a gear operator in the fishery for which the permit is issued and to participate as a crewmember in any fishery. A crewmember fishing license is not transferable and entitles the holder to participate as a crewmember in any fishery.

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

(c) [Repealed, § 12 ch 123 SLA 1978.]

(d) Upon request, the department or the Alaska Commercial Fisheries Entry Commission shall provide a social security number provided by an applicant for a license under this section to the child support services agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized under law.

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

(f) [Repealed, § 7 ch 27 SLA 2001.]

(g) A resident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in (i) of this section, pay a fee of $60 for an annual crewmember fishing license. A resident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit shall pay an annual fee of $5.

(h) A nonresident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit shall, except as provided in (i) of this section, pay a base fee of $60 for an annual crewmember fishing license, plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law. A nonresident engaged in commercial fishing who is less than 11 years of age and who does not hold an entry permit or an interim-use permit

shall pay an annual base fee of $5 plus an amount, established by the department by regulation, that is as close as is practicable to the maximum allowed by law.

(i) Notwithstanding (g) and (h) of this section, a resident or nonresident engaged in commercial fishing who does not hold an entry permit or an interim-use permit may obtain one seven-day crewmember fishing license under this subsection annually. A person who obtains a seven-day license is not eligible for another seven-day license in the same license year; however, if a person who obtains a seven-day license pays the full fee for an annual crewmember fishing license under (g) or (h) of this section during the same license year, the person is entitled to receive a refund of the fee for the seven-day license. The department shall adopt regulations establishing a refund procedure. During the period for which the seven-day license is valid, a person who holds a seven-day license may not engage in fishing with a rod and reel while present on a commercial fishing vessel. The fee for a seven-day license is $30.

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

Sec. 16.05.490. Vessel license. (a) As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel.

Sec. 16.05.495. Vessel license exemption. A vessel used exclusively for the commercial capture of salmon in commercial salmon administrative management areas that include state water between the latitude of Point Romanof and the latitude of Cape Newenham, and state water surrounding Nunivak Island, or at a set net site, is exempt from the licensing requirements of AS 16.05.490.

Sec. 16.05.510. Unlicensed vessel unlawful. A person may not operate a vessel to which AS 16.05.490 — 16.05.530 apply without a vessel license, whether the absence of a vessel license results from initial failure to purchase or from another reason.

Sec. 16.05.520. Number plate. (a) The vessel license includes a permanent number plate. The number plate shall be accompanied by a tab affixed to the number plate designating the year to be fished. A number plate is not transferable, and the number plate shall be considered a permanent fixture upon the vessel upon which the number plate is originally placed. The number plate shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure, the number plate shall be fastened on the port side of the superstructure. A number plate remains the property of the state. The Alaska Commercial Fisheries Entry Commission may establish by regulation a reasonable fee for the initial issuance of a permanent number plate. If a permanent number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel shall immediately apply for and may obtain a duplicate upon furnishing the Alaska Commercial Fisheries Entry Commission with the pertinent facts and a payment of a reasonable fee established by the commission by regulation that is not less than $2.

(b) If a vessel carrying a number plate is lost, destroyed, or sold, the owner shall immediately report the loss, destruction, or sale to the Alaska Commercial Fisheries Entry Commission.

Sec. 16.05.530. Renewal of vessel license. (a) Upon payment of the vessel license fee

and filing of the name and address of the owner of the vessel or the owner's authorized agent, the name and number of the vessel, a description of the vessel, the vessel license number, if any, the area to be fished, and other reasonable information required by the Alaska Commercial Fisheries Entry Commission, the commission shall issue a permanent number plate and a vessel license. If the vessel has a permanent number plate, the commission shall issue a vessel license and tab designating the year the license is valid. The tab shall be placed in the space provided on the permanent number plate.

(b) For calendar year 2006 and following years, the annual fee for a vessel license issued or renewed under this section is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:

(1) 0 — 25 feet $24
(2) over 25 feet — 50 feet $60
(3) over 50 feet — 75 feet ..... …..$120
(4) over 75 feet — 100 feet $225
(5) over 100 feet — 125 feet $300
(6) over 125 feet — 150 feet $375
(7) over 150 feet — 175 feet $450
(8) over 175 feet — 200 feet $525
(9) over 200 feet — 225 feet $600
(10) over 225 feet — 250 feet $675
(11) over 250 feet — 275 feet $750
(12) over 275 feet — 300 feet $825
(13) over 300 feet ..... ……....$900.

Sec. 16.05.665. Falsification of application for license. (a) A person who knowingly makes a false statement as to a material fact on an application for a license under AS 16.05.440 — 16.05.660 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment for not more than six months, or by both.

(b) A license issued under AS 16.05.440 — 16.05.660 to a person convicted under (a) of this section is void.

(c) A person whose license is void under (a) and (b) of this section may not obtain another license of the same type for a period of not less than two nor more than three years from the date of conviction by the court.

Sec. 16.05.671. Transportation and sale of certain fish by an agent of the fisherman who caught the fish. (a) A person may transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish if the person holds a fish transporter permit issued by the commissioner under this section.

(b) The commissioner may issue a fish transporter permit to a natural person. A fish transporter permit authorizes the permittee to transport and sell commercially taken fish as the agent of the commercial fisherman who caught the fish. A fish transporter may not buy or process fish received for transport unless the fish transporter also holds the appropriate licenses, permits, and other authorizations required to buy or process fish.

(c) A person who applies for a fish transporter permit under this section shall provide the person's social security number to the department. Upon request of the child support services agency created in AS 25.27.010, or a child support agency of another state, the department shall provide a social security number provided by an applicant for a fish transporter permit under this section to that agency for child support purposes authorized under law.

(d) A commercial fisherman may authorize a fish transporter to transport and sell fish on behalf of the fisherman as the agent of the fisherman. The fish transporter shall complete a fish ticket in accordance with procedures prescribed by the department for each fisherman who transfers fish to the fish transporter. The fish ticket must accompany the fish transferred to the fish transporter while the fish are in possession of the fish transporter. The fish transporter shall present the fish ticket for inspection upon request by a peace officer or representative of the commissioner. The fish transporter shall present the fish ticket to the buyer of the fish at the time of sale. The buyer of the fish shall complete the fish ticket by inserting the buyer's information as required by the department, including the weight or count of fish purchased. The buyer shall return a copy of the fish ticket to the commercial fisherman on whose behalf the fish are sold.

(e) A commercial fisherman who transfers fish to a fish transporter to transport and sell fish on behalf of the fisherman shall provide the fish transporter with all required information that the fisherman would have to provide to the buyer of the fish if the fisherman were to personally sell the fish to the buyer. The fish transporter who sells fish as the agent of a commercial fisherman shall provide all information to the buyer of the fish that the commercial fisherman would have to provide to the buyer if the fisherman were to personally sell the fish.

(f) A commercial fisherman may also hold a fish transporter permit. A commercial fisherman who holds a fish transporter permit may simultaneously transport or sell fish that the fisherman caught as well as fish caught by other commercial fishermen. A commercial fisherman who is simultaneously operating as a fish transporter shall physically possess

(1) the fish ticket completed under (d) of this section for the fish being transported or sold on behalf of another fisherman; and

(2) other documentation that may be prescribed by the commissioner by regulation.

(g) The commissioner may adopt regulations the commissioner considers necessary to implement this section. The regulations may not conflict with regulations or management plans adopted by the Board of Fisheries. The regulations may include

(1) criteria for determining areas or fisheries for which transporter permits may not be issued because

(A) fish transporter operations may alter harvest rates for the area or fishery to the extent that conservation of the resource is jeopardized, may significantly impair the ability of the department to accurately determine catch or effort levels, or may interfere with fishery management, allocation, or enforcement matters;

(B) a fishery is managed through allocations of the harvest to individuals, such as trip limits or quota shares; or

(C) combining of catches by multiple fishermen on a vessel may impair the ability of the department to accurately determine the incidental catch by each fisherman;

(2) requirements for timely and accurate reporting and record keeping; or

(3) procedures to maintain quality of harvested resources.

(h) Fish transferred to the possession of a fish transporter under the authority of this section are property of the fisherman who caught the fish until the fish are sold to a buyer by the fish transporter on behalf of the fisherman.

(i) In this section, "fish" means fish legally harvested and retained in salmon, herring, or Pacific cod fisheries.

Sec. 16.05.675. Landing permits. (a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 or a fish transporter permit issued under AS 16.05.671 may not deliver or land fish in the state unless the person

(1) holds a valid federal permit to operate commercial fishing gear in the fishery conservation zone; and

(2) has been issued a landing permit by the Alaska Commercial Fisheries Entry Commission.

(b) The commissioner may by regulation establish eligibility requirements for the issuance of a landing permit.

(c) The commissioner may authorize the Alaska Commercial Fisheries Entry Commission to issue landing permits for a fishery if the commissioner has made a written finding that the issuance of landing permits for that fishery is consistent with state resource conservation and management goals.

Sec. 16.05.680. Unlawful practices. (a) It is unlawful for a person, or an agent or representative of the person,

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

(2) to purchase fish from a person who is not

(A) the holder of a limited entry, interim-use, or landing permit issued under AS 16.43;

(B) a fish transporter who is selling the fish as the agent of the holder of a limited entry, interim-use, or landing permit issued under AS 16.43; or

(C) exempt under AS 16.05.660; or

(3) to purchase fish from an association other than one to which a permit has been issued under AS 16.05.662.

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold. For purposes of this subsection, salmon sold by a fish transporter on behalf of the commercial fisherman who harvested the salmon is salmon harvested under the authority of the limited entry, interim-use, or landing permit under which the salmon is sold.

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

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

(c) [Repealed, § 1 ch 13 SLA 1997.]

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

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

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

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

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

(d) In this section,

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

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

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

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

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

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

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

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

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

(c) A person charged with a violation under this section is entitled to a trial by court

but not by jury, and is not entitled to representation at public expense.

Sec. 16.05.723. Misdemeanor commercial fishing penalties. (a) A person who negligently violates AS 16.05.440 — 16.05.690, or a regulation of the Board of Fisheries or the department governing commercial fishing, is guilty of a misdemeanor and in addition to punishment under other provisions in this title, including AS 16.05.195 and 16.05.710, is punishable upon conviction by a fine of not more than $15,000 or by imprisonment for not more than one year, or by both. In addition, the court shall order forfeiture of any fish, or its fair market value, taken or retained as a result of the commission of the violation, and the court may forfeit any vessel and any fishing gear, including any net, pot, tackle, or other device designed or employed to take fish commercially, that was used in or in aid of the violation. Any fish, or its fair market value, forfeited under this subsection may not also be forfeited under AS 16.05.195. For purposes of this subsection, it is a rebuttable presumption that all fish found on board a fishing vessel used in or in aid of a violation, or found at the fishing site, were taken or retained in violation of AS 16.05.440 — 16.05.690 or a commercial fisheries regulation of the Board of Fisheries or the department, and it is the defendant's burden to show by a preponderance of the evidence that fish on board or at the site were lawfully taken and retained.

(b) If a person is convicted under this section of one of the following offenses, then, in addition to the penalties imposed under (a) of this section, the court may impose a fine equal to the gross value of the fish found on board or at the fishing site at the time of the violation:

(1) commercial fishing in closed waters;

(2) commercial fishing during a closed period or season;

(3) commercial fishing with unlawful gear, including a net, pot, tackle, or other device designed or employed to take fish commercially; or

(4) commercial fishing without a limited entry permit holder on board if the holder is required by law or regulation to be present.

(c) Upon a third misdemeanor conviction within a period of 10 years for an offense listed in (b) of this section or any combination of offenses listed in (b) of this section, the court shall impose, in addition to any penalties imposed under (a) of this section, a fine equal to three times the gross value of the fish found on board or at the fishing site at the time of the offense, or a fine equal to $10,000, whichever is greater.

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

Article 6. Miscellaneous Provisions.

Sec. 16.05.800. Public nuisances. A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement.

Sec. 16.05.810. Burden of proof. The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

(1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section;

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited.

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

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

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

(3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;

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

for purposes of verification of taxes payable;

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

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

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

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

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

(10) fish tickets, fish ticket information, and records required of sport fishing guides regarding halibut to the International Pacific Halibut Commission;

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

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 — 41.21.514; and

(13) fish ticket information and records or reports of the total value purchased by each fisherman, buyer, or processor to the National Marine Fisheries Service for the purpose of enforcing the industry fee system of a fishing capacity reduction program under 16 U.S.C. 1861a (Magnuson-Stevens Fishery Conservation and Management Act).

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 — 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored

species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requester is a state or federal agency, if the requester is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requester has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 — 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350.

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

(1) sale to a commercial buyer or processor;

(2) consumption by humans or domesticated animals; or

(3) scientific, educational, or display purposes.

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

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

Article 9. General Provisions.

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

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

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

game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building, or other improvement or property of the department used in the administration or enforcement of this title except AS 16.51 and AS 16.52, or a poster or notice to the public concerning the provisions of this title except AS 16.51 and AS 16.52, or a regulation adopted under this title except AS 16.51 and AS 16.52, or a marker indicating the boundary of an area closed to hunting, trapping, fishing, or other special use under this title except AS 16.51 and AS 16.52. A person may not knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with this title except AS 16.51 and AS 16.52 or a regulation adopted under this title except AS 16.51 and AS 16.52.

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

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

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

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

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

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

(g) AS 16.05.330 — 16.05.723 do not apply to an activity authorized by a permit

issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

Sec. 16.05.940. Definitions. In AS 16.05 — AS 16.40,

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

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

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

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

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

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

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

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

(7) "**customary and traditional**" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;

(8) "**customary trade**" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;

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

(10) "**domestic mammals**" include musk oxen, bison, and reindeer, if they are lawfully owned;

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

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

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

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

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

(16) "**fish transporter**" means a natural person who holds a fish transporter permit issued under AS 16.05.671;

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

(A) "**gear**" means the specific apparatus used in the harvest of a fishery resource; and

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

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

(ii) distinct subclassifications of gear such as "power" troll gear and "hand" troll gear or sport gear and guided sport gear;

(18) "**fur dealing**" means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has

legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person's own use;

(19) "**game**" means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;

(20) "**game population**" means a group of game animals of a single species or subgroup manageable as a unit;

(21) "**hunting**" means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;

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

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

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

(25) "**person with developmental disabilities**" means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;

(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others; and

(G) and that the person does not suffer from a mental illness; in this subparagraph, "mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on a person's ability to exercise conscious control of the person's actions or ability to perceive reality or to reason or understand.

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

(27) "**personal use fishing**" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(28) "**resident**" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(29) "**rural area**" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

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

(31) "**sport fishing**" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(32) "**subsistence fishing**" means the taking of, fishing for, or possession of fish,

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

(33) "**subsistence hunting**" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

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

(35) "**take**" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

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

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

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

Chapter 10. Fisheries and Fishing Regulations.

Article 2. Interference with Commercial Fishing Gear.

Sec. 16.10.055. Interference with commercial fishing gear. A person who wilfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor. For the purposes of this section "interference" means the physical disturbance of gear which results in economic loss or loss of fishing time, and "reckless disregard of the consequences" means a lack of consideration for the consequences of one's acts in a manner that is reasonably likely to damage the property of another.

Article 7. Purchase of Fish.

Sec. 16.10.265. Purchase of fish from permit holders. (a) An individual may not, while acting as a fish processor or primary fish buyer, or as an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation

organized under AS 10.15, intentionally or knowingly make an original purchase of fish from a seller who does not hold

(1) a landing permit, an entry permit, or an interim-use permit; or

(2) a fish transporter permit under AS 16.05.671.

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

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

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

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

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

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

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

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

Sec. 16.10.267. Possession of permit and identification by seller. (a) When a fisherman sells fish, the fisherman shall possess

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

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

bears a photograph of the fisherman.

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

(c) Examples of a suitable identification card required under (a)(2) and (d)(2) of this section are a motor vehicle operator's license issued under AS 28.15.111 and an identification card issued under AS 18.65.310.

(d) When a fish transporter sells fish as the agent of the commercial fisherman who caught the fish, the fish transporter shall possess

(1) a fish transporter permit and the fish ticket completed by the fish transporter under AS 16.05.671(d); and

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

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

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

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

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

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

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

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

(b) A person who violates this section is guilty of a misdemeanor and upon conviction

is punishable by imprisonment for not more than one year, or by a fine of not more than $5,000, or by both.

Sec. 16.10.296. Definitions. In AS 16.10.265 — 16.10.296, unless the context otherwise requires,

(1) "**commissioner**" means the commissioner of labor and workforce development;

(2) "**fish**" means any species of aquatic finfish, invertebrates and amphibians, shellfish, or any other raw fishery resource, in any stage of its life cycle, found in or introduced into the state, and includes fish eggs except fish eggs sold for stock enhancement purposes;

(3) "**fish processor**" means a person engaging or attempting to engage in a business for which a license is required under AS 43.75;

(4) "**primary fish buyer**" means a person, other than a cooperative corporation organized under AS 10.15, engaging or attempting to engage in the business of originally purchasing or buying any fishery resource in intrastate, interstate, or foreign commerce.

Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.

Article 1. Alaska Commercial Fisheries Entry Commission.

Sec. 16.43.100. Duties and general powers. (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

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

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

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

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

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

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

(7) issue entry permits to qualified applicants;

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

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

administrative area;

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

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

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

(13) establish and administer the collection of the annual fees provided for in AS 16.43.160;

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

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

(16) establish reasonable user fees for services;

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

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

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

(20) when requested by a regional development organization formed under former AS 44.33.895, provide to the organization, without charge, public information contained in the commission's data with respect to relevant fisheries, including limited fisheries, fishery participants, and limited entry permit holders' harvests and earnings; and

(21) administer, when necessary to accomplish the purposes of this chapter, a Bering Sea hair crab fishery vessel permit system under AS 16.43.451 — 16.43.521.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter.

Article 2. Entry Permit System.

Sec. 16.43.140. Permit required.

(a) A person may not operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewmember or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

(1) fishing more than one type of gear;

(2) fishing in more than one administrative area;

(3) harvesting particular species for which separate interim-use or entry permits are issued;

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

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

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

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

Sec. 16.43.150. Terms and conditions of entry permit; annual renewal. (a) Except as may be otherwise provided under AS 16.43.270(d), an entry permit authorizes the permittee to operate a unit of gear within a specified fishery.

(b) The holder of an entry permit shall have the permit in possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

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

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

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

(g) Except as provided in AS 16.10.333 — 16.10.338, AS 44.81.215, 44.81.225, and 44.81.231 — 44.81.250, an entry permit may not be

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

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

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

(h) Unless an entry permit holder has expressed a contrary intent in a will that is probated, the commission shall, upon the death of the permit holder, transfer the permanent permit by right of survivorship directly to the surviving spouse or, if no spouse survives, to a natural person designated by the permit holder on a form provided by the commission. If no spouse survives and if the person designated on the form, if any, does not survive, the permit passes as part of the permit holder's estate. A designation under this subsection must be acknowledged before a person authorized to administer an oath under AS 09.63.010 or must be witnessed by two persons who are qualified under AS 13.12.505 to witness the will of the permit holder. Except as provided in AS 16.10.333 — 16.10.337, AS 44.81.215, and 44.81.231 — 44.81.250, the permit is exempt from the claims of creditors of the estate.

(i) The holder of a transferable or nontransferable entry permit or of an interim-use permit may voluntarily relinquish the permit to the commission.

Article 9. General Provisions.

Sec. 16.43.950. Applications of regulations of Board of Fisheries. Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries.