Alaska Department of Fish and Game

# 2026 – 2027
# Statewide Subsistence and Personal Use Fishing Regulations

This booklet contains regulations regarding **Statewide Subsistence and Personal Use Fishing Regulations**. **This booklet covers the period May 2026 through May 2027 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 8/18/2026. 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 current through 8/18/2026**

**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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**Print Date: 8/18/2026**

This publication was released by the Department of Fish and Game at a cost of $7.10 per copy, and printed in Juneau, AK

Front Cover: courtesy of Lindsey Aspelund

**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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Ketchikan 2030 Sea Level Drive, Suite 205, Ketchikan, AK 99901; 907-225-5195
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Sitka 304 Lake Street, Room 103Sitka, AK 99835; 907-747-6688
Yakutat 1 Fish and Game Plaza Yakutat, AK 99689 907-784-3255

***Region 2: Central: Cook Inlet, Bristol Bay, Prince William Sound***

Anchorage 333 Raspberry Road Anchorage, AK 99518; 907-267-2105 option 1
Cordova 401 Railroad Avenue Cordova, AK 99574; 907-424-3212
Dillingham 546 Kenny Wren Rd, Dillingham, AK 99576; 907-842-5227
Homer 3298 Douglas Place Homer, AK 99603; 907-235-8191

***Region 3: Interior, Yukon, Kuskokwim, Norton Sound***

Fairbanks 1300 College Road Fairbanks, AK 99701; 907-459-7274
Nome 103 E Front Street Nome, AK 99762; 907-443-5167, option 1
Kotzebue 160 2nd Ave Kotzebue, AK 99752; 907-442-3420

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

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

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Cold Bay, Fish & Game Rd, Cold Bay, AK 99571; 907-532-2419
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Port Moller, AK 99571; 907-375-2716

**TABLE OF CONTENTS**

**Chapter 01. Subsistence Finfish Fishery ..... 1**
Article 1. Statewide Provisions. ..... 1
Article 2. Arctic-Kotzebue Area. ..... 7
Article 3. Norton Sound-Port Clarence Area. ..... 9
Article 4. Yukon Area. ..... 18
Article 5. Kuskokwim Area. ..... 31
Article 6. Bristol Bay Area. ..... 38
Article 7. Aleutian Islands Area. ..... 43
Article 8. Alaska Peninsula Area. ..... 46
Article 9. Chignik Area. ..... 50
Article 10. Kodiak Area. ..... 52
Article 11. Cook Inlet Area. ..... 56
Article 12. Prince William Sound Area. ..... 64
Article 13. Yakutat Area. ..... 77
Article 14. Southeastern Alaska Area. ..... 79
**Chapter 02. Subsistence Shellfish Fishery. ..... 95**
Article 1. Statewide Provisions. ..... 95
Article 2. Southeastern Alaska-Yakutat Area. ..... 101
Article 3. Prince William Sound Area. ..... 106
Article 4. Cook Inlet Area. ..... 109
Article 5. Kodiak Area. ..... 112
Article 6. Alaska Peninsula-Aleutian Islands Area. ..... 115
Article 7. Bering Sea Area. ..... 116
**Chapter 39. General Provisions ..... 119**
Article 1. General ..... 119
Article 2. Salmon Fishery ..... 124
Article 9. Definitions; Miscellaneous. ..... 126
**Chapter 77. Personal Use Fishery. ..... 145**
Article 1. Statewide Provisions. ..... 145
Article 4. Yukon Area. ..... 151
Article 6. Bristol Bay Area. ..... 155
Article 10. Kodiak Area. ..... 155
Article 11. Cook Inlet Area. ..... 156

Article 12. Prince William Sound Area.....164
Article 13. Yakutat Area.....166
Article 14. Southeastern Alaska Area.....170
**Chapter 96. Local Fish and Game Advisory Committees and Adoption of Fish and Game Regulations.....194**
Article 5. Adoption of Fish and Game Regulations.....194
**Chapter 99. Subsistence Uses.....197**
**Title 16. Fish and Game.....201**
Chapter 05. Fish and Game Code Definitions.....201
Chapter 10. Fisheries and Fishing Regulations.....213

**All regulatory changes resulting from the 2025 – 2026 Board of Fisheries meeting cycle have been incorporated into this regulations summary booklet.**

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

**2026 Changes**

| **Chapter 01. Subsistence Finfish Fishery.** | **Chapter 96. Local Fish and Game Advisory Committees and Adoption of Fish and Game Regulations.** |
|---|---|
| 5 AAC 01.125<br>5 AAC 01.170(m)<br>5 AAC 01.249(1); (7)<br>5 AAC 01.270(c)<br>5 AAC 01.360(a) | 5 AAC 96.621 |

**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. (5 AAC 01.001 - 5 AAC 01.040)

2. Arctic-Kotzebue Area. (5 AAC 01.100 - 5 AAC 01.136)

3. Norton Sound-Port Clarence Area. (5 AAC 01.150 - 5 AAC 01.190)

4. Yukon Area. (5 AAC 01.200 - 5 AAC 01.249)

5. Kuskokwim Area. (5 AAC 01.250 - 5 AAC 01.299)

6. Bristol Bay Area. (5 AAC 01.300 - 5 AAC 01.349)

7. Aleutian Islands Area. (5 AAC 01.350 - 5 AAC 01.390)

8. Alaska Peninsula Area. (5 AAC 01.400 - 5 AAC 01.440)

9. Chignik Area. (5 AAC 01.450 - 5 AAC 01.490)

10. Kodiak Area. (5 AAC 01.500 - 5 AAC 01.549)

11. Cook Inlet Area. (5 AAC 01.550 - 5 AAC 01.599)

12. Prince William Sound Area. (5 AAC 01.600 - 5 AAC 01.648)

13. Yakutat Area. (5 AAC 01.650 - 5 AAC 01.695)

14. Southeastern Alaska Area. (5 AAC 01.700 - 5 AAC 01.760)

### 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.

## Article 6. Bristol Bay Area.

5 AAC 01.300. Description of Bristol Bay Area.
5 AAC 01.305. Description of districts.
5 AAC 01.310. Fishing seasons and periods.
5 AAC 01.320. Lawful gear and gear specifications.
5 AAC 01.325. Waters closed to subsistence fishing.
5 AAC 01.330. Subsistence fishing permits.
5 AAC 01.336. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.340. Marking of subsistence-taken salmon.
5 AAC 01.345. Subsistence bag and possession limits.
5 AAC 01.349. Prohibitions

**5 AAC 01.300. Description of Bristol Bay Area.** The Bristol Bay Area consists of all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham at 58° 38.88' N. lat., 162° 10.51' W. long. to Cape Menshikof at 57° 28.34' N. lat., 157° 55.84' W. long.

**5 AAC 01.305. Description of districts.** Districts and sections for salmon, halibut, bottomfish, and other finfish fisheries are described in 5 AAC 06.200. The districts and sections for herring, herring spawn on kelp, and capelin fisheries are described in 5 AAC 27.805.

**5 AAC 01.310. Fishing seasons and periods.** (a) Unless restricted in this section and 5 AAC 01.325, by emergency order, or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout, may be taken at any time in the Bristol Bay Area.

(b) In all commercial salmon districts, except for special harvest areas, from May 1 through May 31 and October 1 through October 31, subsistence fishing for salmon is permitted from 9:00 a.m. Monday until 9:00 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, except for special harvest areas, salmon may be taken only during open commercial fishing periods. In the Nushagak District, the commissioner, by emergency order, shall also provide for subsistence salmon fishing during periods of extended closures. During these emergency order openings,

(1) set gillnets may not be more than 10 fathoms in length; and

(2) no set gillnet may be set or operated within 450 feet of another set gillnet;

(3) repealed 5/15/93.

(c) Repealed 5/31/98.

(d) In all waters upstream of a line from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long., to Nushagak Point at 58° 56.79' N. lat., 158° 29.53' W. long., to a point at Red Bluff on the west shore of the Wood River at 59° 09.58' N. lat., 158° 32.36' W. long., and to Lewis Point on the north shore on the Nushagak River at 58° 59.46' N. lat., 158° 05.57' W. long., salmon may be taken at any time.

(e) Repealed 4/16/2016.

(f) Under conditions set out in 5 AAC 06.361(e), the commissioner may, by emergency order, reduce time or area for the Nushagak River king salmon subsistence fishery.

(g) Rainbow trout taken incidentally in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes.

(h) On the north shore of the Naknek River, from an ADF&G regulatory marker located approximately 300 feet upstream from the north commercial fishing section boundary marker to an ADF&G regulatory marker located approximately 1,300 feet upstream from the north commercial fishing section boundary marker, salmon may be taken only by a person 60 years of age or older from June 23 through July 17, except that a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of the person under AS 16.05.405 or 5 AAC 01.011.

**5 AAC 01.320. Lawful gear and gear specifications.** (a) Within any district, salmon, herring, and capelin may be taken only by drift and set gillnets.

(b) Outside the boundaries of any district and within the Naknek, Alagnak, Kvichak, and Wood River sockeye salmon special harvest areas, salmon may only be taken by set gillnet, except that salmon may also be taken by dip nets in the waters described in 5 AAC 01.310(d) if fishing other than from a vessel, and salmon may also be taken as follows:

(1) in the Togiak River,

(A) excluding its tributaries, by spear;

(B) between the mouth of the river and upstream approximately two miles to a line across the river at 59° 05.50' N. lat., by a drift gillnet that is not more than 10 fathoms in length;

(2) from August 30 through December 31, by spear, dip net, beach seine, and gillnet

(A) along the west shore of Naknek Lake near the outlet to the Naknek River between a line from 58° 41.10' N. lat., 156° 25.84' W. long. to 58° 40.99' N. lat., 156°

25.46' W. long. upstream to a line from 58° 41.36' N. lat., 156° 25.81' W. long. to 58° 41.13' N. lat., 156° 25.85' W. long.;

(B) at Johnny's Lake on the northwestern side of Naknek Lake;

(C) at the outlet of Idavain Creek on the north side of Naknek Lake;

(3) from September 18 through December 31, by spear, dip net, beach seine, and gillnet at the mouth of Brooks River at Naknek Lake; and

(4) at locations and times specified in (2) and (3) of this subsection,

(A) a gillnet may not exceed five fathoms in length and may not be anchored or tied to a stake or peg; and

(B) the permit holder must be present at the net while the net is being fished;

(5) by spear in Lake Clark, excluding its tributaries;

(6) by gillnet and beach seine in Iliamna Lake, Six Mile Lake, and Lake Clark;

(7) by dip net in the Igushik, Weary, and Snake Rivers upstream of the commercial fishing district; a dip net may not be operated from a vessel.

(c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:

(1) set gillnets may not exceed 10 fathoms in length in

(A) the Naknek, Egegik, and Ugashik Rivers;

(B) the Nushagak District during the emergency order subsistence openings described in 5 AAC 01.310(b);

(C) all waters of Nushagak Bay upstream of a line from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. to Snag Point at 59° 03.18' N. lat., 158° 25.59' W. long.;

(D) repealed 5/31/98;

(2) in the remaining waters of the Wood River and Nushagak River not described in (c)(1)(C) of this section, set gillnets may not exceed 25 fathoms in length;

(3) beach seines may not exceed 25 fathoms in length.

(d) No part of a set gillnet may be operated within 300 feet of any part of another set gillnet, except that

(1) in the Nushagak District from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long., to Snag Point at 59° 03.18' N. lat., 158° 25.59' W. long., no part of a set gillnet may be operated within 100 feet of any part of another set gillnet;

(2) on the north shore of the Naknek River, from an ADF&G regulatory marker located approximately 300 feet upstream from the north commercial fishing section boundary marker to an ADF&G regulatory marker located approximately 1,300 feet upstream from the north commercial fishing section boundary marker, no part of a set gillnet may be operated within 100 feet of any part of another set gillnet;

(3) in the Naknek River Special Harvest Area described in 5 AAC 06.360(b), when it is open to commercial set gillnet gear, no part of a set gillnet may be operated within 150 feet of any part of another set gillnet; when the Naknek-Kvichak District reopens to commercial set gillnet gear, the 300-foot restriction for subsistence set gillnets in this subsection will apply in the Naknek River Special Harvest Area.

(e) A set gillnet may not obstruct more than one-half the width of a stream and any channel or side channel of a stream.

(f) Each set gillnet must be staked and buoyed. Instead of complying with 5 AAC 01.010(h), a subsistence fisherman may plainly and legibly inscribe that person's first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(g) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(h) Fish, other than salmon, herring, capelin, and halibut, may be taken by gear listed in 5 AAC 01.010(a) unless restricted under the terms of a subsistence fishing permit.

(i) Herring spawn on kelp may be taken only by hand picking and hand operated rakes.

(j) During closed commercial herring fishing periods gillnets used for the subsistence taking of herring or capelin may not exceed 25 fathoms in length.

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

*(l)* Subsistence fishing by the use of a hook and line attached to a rod or pole is prohibited, except when fishing through the ice.

**5 AAC 01.325. Waters closed to subsistence fishing.** (a) Except for the western shore of the Newhalen River, waters within 300 feet of a stream mouth used by salmon are closed to the subsistence taking of fish.

(b) Unless otherwise specified in 5 AAC 01.320, gillnets are prohibited in all waters of the Naknek River drainage upstream of Savonaski, from June 1 through October 1.

(c) From September 1 through June 14, subsistence fishing with a net is prohibited in the following waters and within one-fourth mile of the terminus of those waters:

(1) Lower Talarik Creek;
(2) Middle Talarik Creek;
(3) Upper Talarik Creek;
(4) Pete Andrew Creek;
(5) Zacker Creek;
(6) Newhalen River;
(7) Roadhouse Creek;
(8) Alexi Creek;
(9) Taziminia River;
(10) Young's Creek;
(11) Chekok Creek;
(12) Tomkok Creek;
(13) Nick G. Creek;
(14) Copper River;
(15) Kakhonak River;
(16) Gibralter River;
(17) Dennis Creek;
(18) Belinda Creek.

(d) Waters described in 5 AAC 27.850 are closed to the taking of herring and capelin.

**5 AAC 01.330. Subsistence fishing permits.** (a) Salmon may only be taken under authority of a subsistence fishing permit.

(b) Repealed 4/15/81.

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

(d) Repealed 4/16/2023.
(e) Repealed 4/2/88.

**5 AAC 01.336. 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 in the Bristol Bay Area:

(1) all finfish;

(2) herring spawn on kelp in the waters of the Togiak District as described in 5 AAC 27.805(a).

(b) The board finds that

(1) 157,000 - 172,171 salmon are reasonably necessary for subsistence uses in the Bristol Bay Area, including 55,000 - 65,000 Kvichak River drainage sockeye salmon; this finding does not include salmon stocks in the Alagnak River;

(2) 250,000 usable pounds of finfish other than salmon are reasonably necessary for subsistence uses in the Bristol Bay Area;

(3) 4,100 - 12,700 usable pounds of herring spawn on kelp are reasonably necessary for subsistence uses in the Togiak District as described in 5 AAC 27.805(a).

**5 AAC 01.340. Marking of subsistence-taken salmon.** In the Togiak River drainage, a person may not possess

(1) coho salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed;

(2) salmon taken under authority of a subsistence fishing permit with a drift gillnet unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

**5 AAC 01.345. Subsistence bag and possession limits.** (a) The total annual possession limit for sockeye salmon taken after August 15 in the Naknek District is 200 sockeye salmon.

(b) The daily bag limit for halibut is two, and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

**5 AAC 01.349. Prohibitions.** (a) In the Bristol Bay Area, an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995, may not furnish to a client or guest of that enterprise, finfish that has been taken under this chapter, unless the

(1) finfish 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 01.010(h) and 5 AAC 01.320(f); and

(3) finfish is consumed by the client or guest or is consumed in the presence of the client or guest.

(b) The owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995, may not deploy, set, or retrieve their own gear, or take finfish, in a subsistence finfish fishery when a client or guest of that enterprise has subsistence fishing gear deployed or is in possession of subsistence-taken finfish that are stored at the lodge or enterprise.

## Article 7. Aleutian Islands Area.

5 AAC 01.350 . Description of Aleutian Islands Area.
5 AAC 01.355 . Description of districts.
5 AAC 01.360 . Fishing seasons.
5 AAC 01.366 . Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.

5 AAC 01.370 . Lawful gear and gear specifications.
5 AAC 01.375 . Waters closed to subsistence fishing.
5 AAC 01.380 . Subsistence fishing permits.
5 AAC 01.390 . Bag and possession limits.

**5 AAC 01.350. Description of Aleutian Islands Area.** The Aleutian Islands Area includes the waters of Alaska in and surrounding the Aleutian Islands west of Cape Sarichef Light and west of a line extending from Scotch Cap through the easternmost tip of Ugamak Island, including the waters in and surrounding the Pribilof Islands.

**5 AAC 01.355. Description of districts.** Districts are

(1) as described in 5 AAC 12.200; and

(2) Atka-Amlia Islands District: the waters described in 5 AAC 11.101.

**5 AAC 01.360. Fishing seasons.** (a) In the Unalaska District, salmon may be taken for subsistence purposes from January 1 through December 31 at any time, except

(1) that from June 1 through September 15, a salmon seine vessel may not be used to take salmon for subsistence purposes during the 24 hours before and 12 hours after an open commercial salmon fishing period within an area open to commercial salmon fishing;

(2) as may be specified on a subsistence fishing permit; or

(3) repealed 5/30/2007;

(4) in the waters closed to subsistence fishing as specified in 5 AAC 01.375.

(b) In the Adak, Akutan, Atka-Amlia Islands, and Umnak Districts, salmon may be taken at any time.

(c) Fish, other than salmon, rainbow trout, and steelhead trout, may be taken at any time unless restricted under the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries are lawfully taken and may be retained for subsistence purposes.

**5 AAC 01.366. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that halibut and all other finfish in the Aleutian Islands Area and the waters surrounding the Pribilof Islands are customarily and traditionally taken or used for subsistence.

(b) The board finds that

(1) 13,500 - 23,000 salmon are reasonably necessary for subsistence uses in the Aleutian Islands Area;

(2) 200,000 - 330,000 usable pounds of finfish other than salmon are reasonably necessary for subsistence uses in the Aleutian Islands Area.

**5 AAC 01.370. Lawful gear and gear specifications.** (a) Salmon may be taken by seine and gillnet, or with gear specified on a subsistence fishing permit.

(b) Fish other than salmon may be taken by gear specified in 5 AAC 01.010(a), unless restricted under the terms of a subsistence fishing permit.

(c) Halibut may be taken for subsistence purposes only by a single handheld line with no more than two hooks attached.

(d) In the Unalaska District, a subsistence permit holder fishing with a net must be physically present at the net at all times when the net is being used for fishing.

**5 AAC 01.375. Waters closed to subsistence fishing.** The following waters are closed to subsistence fishing for salmon:

(1) waters of Unalaska Lake (at the city of Unalaska), its tributaries and outlet stream, and waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the "Bishop's House" at 53° 52.64' N. lat., 166° 32.30' W. long. to a point on Amaknak Island at 53° 52.82' N. lat., 166° 32.13' W. long., and north of line from a point south of Agnes Beach at 53° 52.28' N. lat., 166° 32.68' W. long. to a point at 53° 52.35' N. lat., 166° 32.95' W. long. on Amaknak Island;

(2) within Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point: waters are closed to subsistence salmon fishing within 250 yards of any anadromous stream, except the outlet stream of Unalaska Lake, which is closed under (1) of this section;

(3) waters of Summers and Morris Lakes and their tributaries and outlet streams;

(4) all anadromous streams flowing into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(5) waters of McLees Lake and its tributaries and its outlet stream; in the waters of Reese Bay from July 1 through July 9, salmon may not be taken within 500 yards of the outlet stream terminus to McLees Lake;

(6) the following waters of and around Adak Island and Kagalaska Island in the Adak District:

(A) all freshwater; and

(B) all salt waters within 100 yards of a stream terminus.

**5 AAC 01.380. Subsistence fishing permits.** (a) Salmon, trout, and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(b) No more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts,

(1) the holder of a subsistence salmon fishing permit may take no more than 25 salmon, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay; in this section, "Front Beach" means all Unalaska Bay waters south of a line from a point near the Bishop's House at 53° 52.64' N. lat., 166° 32.30' W. long., to a point on the Unalaska Bay shore at 53° 52.68' N. lat., 166° 30.91' W. long; and

(2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.

(c) A record of subsistence-caught fish must be kept on the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the department no later than October 31.

**5 AAC 01.390. Bag and possession limits.** The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

## Article 8. Alaska Peninsula Area.

5 AAC 01.400. Description of Alaska Peninsula Area.
5 AAC 01.405. Description of districts and sections in the Alaska Peninsula Area.
5 AAC 01.410. Fishing seasons.
5 AAC 01.416. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.420. Lawful gear and gear specifications.
5 AAC 01.423. Special provisions for subsistence finfish fishing.
5 AAC 01.425. Waters closed to subsistence fishing.
5 AAC 01.427. Identification of subsistence fishing gear.
5 AAC 01.430. Subsistence fishing permits.
5 AAC 01.435. Marking and use of subsistence-taken salmon.
5 AAC 01.440. Bag and possession limits.

**5 AAC 01.400. Description of Alaska Peninsula Area.** The Alaska Peninsula Area consists of all waters of Alaska on the north side of the Alaska Peninsula southwest of a line from Cape Menshikof (57° 28.34' N. lat., 157° 55.84' W. long.) to Cape Newenham (58° 39.00' N. lat., 162° W. long.) and east of the longitude of Cape Sarichef Light (164° 55.70' W. long.) and on the south side of the Alaska Peninsula from a line extending from Scotch Cap through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.).

**5 AAC 01.405. Description of districts and sections in the Alaska Peninsula Area.**

Subsistence fishing districts and sections in the Alaska Peninsula Area are as described in 5 AAC 09.200.

**5 AAC 01.410. Fishing seasons.** (a) In the Alaska Peninsula Area, salmon may be taken at any time, except

(1) in those districts and sections open to commercial salmon fishing, a commercial salmon fishing permit holder may not subsistence fish for salmon during the 24 hours before a commercial salmon fishing period or the 12 hours following the closure of a commercial salmon fishing period; however, a commercial salmon fishing permit holder may choose to subsistence fish instead of commercial fish for salmon during a commercial salmon fishing period;

(2) as otherwise specified on a subsistence fishing permit; and

(3) in the waters closed to subsistence fishing for salmon specified in 5 AAC 01.425.

(b) Fish, other than salmon, rainbow trout, and steelhead trout, may be taken at any time unless restricted under the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries or through the ice, are lawfully taken and may be retained for subsistence purposes.

**5 AAC 01.416. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that halibut and all other finfish in the Alaska Peninsula Area are customarily and traditionally taken or used for subsistence.

(b) The board finds that

(1) 34,000 - 56,000 salmon are reasonably necessary for subsistence uses in the Alaska Peninsula Area;

(2) 47,000 - 79,000 pounds of finfish other than salmon are reasonably necessary for subsistence uses in the Alaska Peninsula Area.

**5 AAC 01.420. Lawful gear and gear specifications.** (a) Salmon may be taken only by seine and gillnet, or with gear specified on a subsistence fishing permit.

(b) Fish other than salmon may be taken by gear specified in 5 AAC 01.010(a) unless restricted under the terms of a subsistence fishing permit.

(c) In waters open to commercial salmon fishing, salmon may be taken only with a set or drift gillnet that does not exceed 50 fathoms in total length.

(d) Except as specified in (a) and (c) of this section, a permit holder may not operate a

(1) set gillnet that is more than 100 fathoms in length; and

(2) drift gillnet that is more than 200 fathoms in length.

(e) A purse seine or hand purse seine may not exceed 250 fathoms in length or 375 meshes in depth. Seine mesh size may not exceed three and one-half inches stretched measure, except that the first 25 meshes above the leadline may not exceed seven inches stretched measure.

(f) A person may not operate subsistence fishing gear within 100 feet of a set gillnet.

(g) Halibut may be taken for subsistence purposes only by a single handheld line with no more than two hooks attached.

**5 AAC 01.423. Special provisions for subsistence finfish fishing.** (a) The special provisions in this section for subsistence finfish fishing in the Alaska Peninsula Area apply as follows:

(1) in Mortensens Lagoon,

(A) a gillnet may not exceed 15 fathoms in length;

(B) no more than 50 salmon may be taken per permit;

(2) in the False Pass vicinity, in those waters bounded by the latitude of Whirl Point (54° 49.50' N. lat.) and the latitude of Morzhovoi Village (54° 54.58' N. lat.), a gillnet may not exceed 50 fathoms in length;

(3) in the fresh waters of Bear River, upstream of the confluence of the Milky River, also known as the Mad Sow River, salmon may be taken only with the gear specified on the subsistence fishing permit;

(4) in the fresh waters of Sandy River, upstream from the Sandy River aircraft landing strip located at 56° 13.70' N. lat., 160° 13.55' W. long., which is approximately five miles east of the stream terminus, salmon may be taken only with the gear specified on the subsistence fishing permit.

(b) In the Alaska Peninsula Area, the commissioner may close, by emergency order, the subsistence fishing season and immediately reopen a season during which different or additional conditions apply to provide more opportunity for subsistence fishing or to protect the fishery resource.

**5 AAC 01.425. Waters closed to subsistence fishing.** The following waters are closed to subsistence fishing for salmon:

(1) Russell Creek and Nurse Lagoon and within 500 yards from the stream terminus of Russell Creek and Nurse Lagoon;

(2) Trout Creek and within 500 yards outside its mouth;

(3) inshore of a line from the Trident Seafood's Dock at Sand Point to Black Point located on the northwest side of Popof Island, including the inlet and Humboldt Creek;

(4) in the Black Hills Section, all fresh waters and within 500 yard of any anadromous salmon stream terminus;

(5) in the Bear River Section, the waters of Frank's Lagoon and King Salmon River;

(6) the waters specified in 5 AAC 39.290;

(7) for a commercial salmon fishing permit holder or a commercial crewmember license holder in the commercial salmon fishery, the waters specified in 5 AAC 09.350 during an open commercial salmon fishing period.

**5 AAC 01.427. Identification of subsistence fishing gear.** A buoy attached to one end of gillnet subsistence fishing gear must have printed on it the first initial, last name, and address of the subsistence permit holder, or the ADF&G number of the vessel used to operate the gear, in numbers and letters that are

(1) at least one inch high;

(2) in a color that contrasts with the background; and

(3) plainly visible when the gear is in the water.

**5 AAC 01.430. Subsistence fishing permits.** (a) Salmon, trout, and char may only be taken under the authority of a subsistence fishing permit. The department will only issue one permit per household.

(b) No more than 250 salmon may be taken for subsistence purposes, per household, unless otherwise specified by a local representative of the department on the subsistence fishing permit. A permit holder may obtain an additional permit from the department.

(c) A record of subsistence-caught fish must be kept on the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the department no later than October 31.

**5 AAC 01.435. Marking and use of subsistence-taken salmon.** (a) In the Alaska Peninsula Area, a person may not possess salmon taken under the authority of a subsistence fishing permit unless the dorsal fin has been removed immediately after harvest.

(b) A person may not sell or purchase salmon from which the dorsal fin has been removed.

**5 AAC 01.440. Bag and possession limits.** The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

## Article 9. Chignik Area.

5 AAC 01.450. Description of Chignik Area.
5 AAC 01.455. Description of districts.
5 AAC 01.456. Use of global positioning systems (GPS).
5 AAC 01.460. Fishing seasons.
5 AAC 01.466. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.470. Lawful gear and gear specifications.
5 AAC 01.475. Waters closed to subsistence fishing.
5 AAC 01.480. Subsistence fishing permits.
5 AAC 01.485. Restrictions on commercial fishermen.
5 AAC 01.490. Bag and possession limits.

**5 AAC 01.450. Description of Chignik Area.** The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance to Imuya Bay), then due south, and a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long.

**5 AAC 01.455. Description of districts.** Districts are described in 5 AAC 15.200.

**5 AAC 01.456. Use of global positioning systems (GPS).** In the Chignik Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by ADF&G regulatory markers.

**5 AAC 01.460. Fishing seasons.** Fish, other than rainbow trout and steelhead trout, may be taken at any time, except as may be specified by a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries, are lawfully taken and may be retained for subsistence purposes.

**5 AAC 01.466. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that salmon and finfish other than salmon are customarily and traditionally taken or used for subsistence in the Chignik Area.

(b) The board finds that the following amounts of salmon and other finfish are reasonably necessary for subsistence uses in the following locations:

(1) in the Perryville and Western Districts, combined:

(A) 1,400 - 2,600 coho salmon;

(B) 1,400 - 2,600 salmon, other than coho salmon;

(2) in the Chignik Bay, Central, and Eastern Districts, combined:

(A) 2,900 - 5,400 early-run sockeye salmon;

(B) 3,200 - 6,000 late-run sockeye salmon;

(C) 100 - 150 king salmon;

(D) 400 - 700 salmon, other than sockeye and king salmon;

(3) in the Chignik Area:

(A) 200 - 300 rainbow/steelhead trout;

(B) 15,200 - 22,800 pounds of usable weight of finfish, other than salmon.

**5 AAC 01.470. Lawful gear and gear specifications.** (a) Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines. A gillnet may not be set, staked, anchored, or otherwise fixed in a stream while it obstructs more than one-half of the width of the waterway and any channel or side channel of the waterway.

(b) Fish other than salmon may be taken by gear listed in 5 AAC 01.010(a), unless restricted under the terms of a subsistence fishing permit.

(c) Halibut may be taken for subsistence purposes only by a single handheld line with no more than two hooks attached.

**5 AAC 01.475. Waters closed to subsistence fishing.** Salmon may not be taken

(1) from July 1 through August 31, in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake;

(2) in Black Lake, or any tributary to Black Lake or Chignik Lake, except the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream.

**5 AAC 01.480. Subsistence fishing permits.** (a) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit.

(b) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(c) A subsistence fishermen shall keep a record of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned to the local representative of the department by December 31 of the year the permit was issued.

**5 AAC 01.485. Restrictions on commercial fishermen.** In the Chignik Area, a commercial salmon fishing permit holder may not subsistence fish for salmon during the

12 hours before a commercial salmon fishing period or the 12 hours following the closure of a commercial salmon fishing period. However, a commercial salmon fishing permit holder may choose to subsistence fish instead of commercial fish for salmon during a commercial salmon fishing period.

**5 AAC 01.490. Bag and possession limits.** The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

## Article 10. Kodiak Area.

5 AAC 01.500. Description of Kodiak Area.
5 AAC 01.506. Use of global positioning system (GPS).
5 AAC 01.510. Fishing seasons.
5 AAC 01.520. Lawful gear and gear specifications.
5 AAC 01.525. Waters closed to subsistence fishing.
5 AAC 01.530. Subsistence fishing permits.
5 AAC 01.536. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.545. Subsistence bag and possession limits.
5 AAC 01.548. Retention of king salmon in a subsistence fishery.
5 AAC 01.549. Prohibitions.

**5 AAC 01.500. Description of Kodiak Area.** The Kodiak Area includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. lat.), west of 150° W. long., north of 55° 30.00' N. lat., and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south.

**5 AAC 01.506. Use of global positioning system (GPS).** In the Kodiak Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by ADF&G regulatory markers.

**5 AAC 01.510. Fishing seasons.** (a) Salmon may be taken for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, with the following exceptions:

(1) from June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(2) from June 1 through September 15, purse seine vessels may be used to take salmon only with gillnets and no other type of salmon gear may be on board the vessel.

(b) Repealed 6/30/83.

(c) Fish, other than salmon, rainbow trout, steelhead trout, lingcod, and herring, may be taken at any time unless restricted by the terms of a subsistence fishing permit. Rainbow trout and steelhead trout taken incidentally in other subsistence finfish net fisheries are lawfully taken and may be retained for subsistence purposes. Lingcod and rockfish taken incidentally in other subsistence finfish fisheries are lawfully taken and may be retained for subsistence purposes, except that

(1) lingcod may be taken only from July 1 through December 31; and

(2) a person may take no more than two lingcod and 10 rockfish incidentally per day under this subsection.

(d) Lingcod may be taken for subsistence purposes only from July 1 through December 31.

**5 AAC 01.520. Lawful gear and gear specifications.** (a) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear listed in 5 AAC 01.010(a).

(b) Salmon may be taken only by gillnet and seine. Gillnet and seine gear may not be operated in a manner to obstruct more than one-half the width of any waterway and any channel or side channel of a waterway.

(c) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it.

(d) Subsistence fishermen must be physically present at the net at all times the net is being fished.

(e) Lingcod may be taken only by a single hand-held line or a single longline, none of which may have more than five hooks attached to it, except that lingcod taken incidentally in another subsistence finfish fishery may be retained for subsistence purposes as described in 5 AAC 01.510(c).

(f) Rockfish may be taken only by a single hand-held line or a single longline, none of which may have more than five hooks attached to it, except that rockfish taken incidentally in another subsistence finfish fishery may be retained for subsistence purposes as described in 5 AAC 01.510(c).

**5 AAC 01.525. Waters closed to subsistence fishing.** The following waters are closed to the subsistence taking of salmon:

(1) all waters of Near Island Channel that are bounded by a line from a point on Kodiak Island near Delarov Street at 57° 47.62' N. lat., 152° 22.78' W. long., to the northernmost point of Holiday Island at 57° 47.27' N. lat., 152° 22.60' W. long., to a point at the northernmost tip of Near Island at 57° 47.30' N. lat., 152° 23.16' W. long., to a point at the northernmost end of Uski Island south of the Dog Bay small boat harbor entrance at 57° 46.92' N. lat., 152° 24.56' W. long., and north to a point at the tip of the breakwater on Kodiak Island at 57° 47.08' N. lat., 152° 24.60' W. long; in addition, from

August 7 through September 30, all waters of Mill Bay and those waters bounded by a line from a point at Spruce Cape at 57° 49.33' N. lat., 152° 19.48' W. long., to the northernmost point of Woody Island at 57° 47.91' N. lat., 152° 19.85' W. long., to a point at the northernmost point of Holiday Island at 57° 47.27' N. lat., 152° 22.60' W. long., and to a point on Kodiak Island near Delarov Street at 57° 47.62' N. lat., 152° 22.78' W. long.;

(2) all freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(3) repealed 4/13/80;

(4) all waters closed to commercial salmon fishing in the Barabara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay as described in 5 AAC 18.350, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

(5) repealed 4/13/80;

(6) all waters 300 yards seaward of the terminus of Monks Creek;

(7) from August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(8) all freshwater systems of Afognak Island;

(9) all waters of Ouzinkie Harbor north of a line from 57° 55.17' N. lat., 152° 36.00' W. long., to 57° 55.05' N. lat., 152° 29.33' W. long.;

(10) from June 1 through October 31, all waters seaward of the terminus of Big Kitoi Creek to a line extending northwesterly from 58° 11.55' N. lat., 152° 22.13' W. long., to 58° 11.34' N. lat., 152° 22.00' W. long.;

(11) from August 15 through September 30, all waters seaward of the terminus of Big Kitoi Creek (stream No. 252-324) west of a line from 58° 11.53' N. lat., 152° 21.77' W. long., to 58° 11.25' N. lat., 152° 21.69' W. long., and all waters near the terminus of Little Kitoi Creek (stream No. 252-323) west of a line from 58° 11.69' N. lat., 152° 21.59' W. long., to 58° 11.55' N. lat., 152° 21.59' W. long.;

(12) all waters within the Northeast Arm of Kazakof Bay (Danger Bay) north and east of a line bound by a point on the west shore at 58° 12.55' N. lat., 152° 34.30' W. long., and a point on the east shore at 58° 12.47' N. lat., 152° 33.93' W. long.

**5 AAC 01.530. Subsistence fishing permits.** (a) A subsistence fishing permit is required for taking salmon, trout, char, and herring for subsistence purposes.

(b) The annual limit for a subsistence salmon fishing permit holder is as follows:

(1) in the fresh waters of Kodiak Island, east of a line from Crag Point south to the westernmost point of Saltery Cove, including the waters of Woody and Long Islands, and the salt waters bordering this area within one mile of Kodiak Island, excluding the waters bordering Spruce Island, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit; an additional permit may be obtained if it can be shown that more fish are needed;

(2) in the remainder of the Kodiak Area not described in (1) of this subsection, there is no annual limit.

(c) A subsistence permit holder shall record the number, or if for herring, the number of pounds, of subsistence fish taken by that subsistence permit holder each year as described in this subsection. The subsistence permit holder shall record all harvested fish on the permit, before concealing the fish from plain view or transporting the fish from the fishing site. The subsistence permit holder must return the permit to the local representative of the department by February 1 of the year following the year the permit was issued. For the purposes of this subsection, "fishing site" means the location where the fish is removed from the water and becomes part of the permit holder's limit.

(d) A subsistence herring fishing permit holder may take no more than 500 pounds of herring in a calendar year.

**5 AAC 01.536. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries finds that salmon and finfish other than salmon, except steelhead and rainbow trout, in the Kodiak Area, except that portion described in 5 AAC 18.200(g), are customarily and traditionally taken or used for subsistence.

(b) The board finds that the following amounts of salmon and other finfish are reasonably necessary for subsistence uses in the Kodiak Area:

(1) 26,800 - 44,700 salmon;

(2) 21,000 - 35,000 rockfish;

(3) 3,300 - 5,600 lingcod;

(4) 550,000 - 900,000 usable pounds of finfish, other than salmon, rockfish, and lingcod.

**5 AAC 01.545. Subsistence bag and possession limits.** (a) The daily bag limit for halibut is two fish and the possession limit is four fish. A person may not take or possess halibut under sport fishing regulations and under this section on the same day.

(b) The daily bag limit for lingcod is two fish and the possession limit is four fish. A person may not take or possess lingcod under sport fishing regulations and under this section on the same day.

(c) The daily bag limit for rockfish is 10 fish and the possession limits is 20 fish. A person may not take or possess rockfish under sport fishing regulations and under this section on the same day.

**5 AAC 01.548. Retention of king salmon in a subsistence fishery.** If the department projects that the Karluk River biological escapement goal for king salmon will not be met and the sport fishery is restricted in the Karluk watershed to the nonretention of king salmon or the sport fishery for king salmon is closed, the commissioner may close, by emergency order, the salmon subsistence fishery season in the Inner and Outer Karluk Sections and the Karluk River, and immediately reopen a salmon subsistence fishery season during which

(1) king salmon may not be retained;

(2) the only gear allowable is beach seine; and

(3) king salmon caught must be immediately returned to the water unharmed.

**5 AAC 01.549. Prohibitions.** (a) In the Kodiak Area, an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995, may not furnish to a client or guest of that enterprise, finfish that have been taken under this chapter, unless the

(1) finfish have been taken with gear deployed, operated, 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 01.010(h); and

(3) finfish is consumed by the client or guest or is consumed in the presence of the client or guest.

(b) A sport fishing guide or charter vessel operator may not deploy, operate, have deployed, or retrieve subsistence finfish gear or possess subsistence-taken finfish while paying clients are on board the charter vessel or present at a fishing site.

## Article 11. Cook Inlet Area.

5 AAC 01.550. Description of Cook Inlet Area.
5 AAC 01.555. Description of districts and subdistricts.
5 AAC 01.560. Fishing seasons and daily fishing periods.
5 AAC 01.566. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.570. Lawful gear and gear specifications.
5 AAC 01.575. Waters closed to subsistence fishing.
5 AAC 01.580. Subsistence fishing permits; recordkeeping.
5 AAC 01.590. Marking of subsistence-taken salmon.
5 AAC 01.593. Upper Yentna River subsistence salmon fishery.
5 AAC 01.595. Subsistence bag, possession, and size limits.

5 AAC 01.599. Subsistence smelt fishery.

**5 AAC 01.550. Description of Cook Inlet Area.** The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51.10' N. lat.) and a line extending south from Cape Fairfield (148° 50.25' W. long.), excluding all waters of the Upper Susitna River drainage upstream of the Susitna River's confluence with the Oshetna River.

**5 AAC 01.555. Description of districts and subdistricts.** (a) Districts and subdistricts are as described in 5 AAC 21.200.

(b) In addition to (a) of this section, the Tyonek Subdistrict includes those waters of the Northern District within mean lower low tide from a point one mile south of the southern edge of the Chuitna River south to the easternmost tip of Granite Point.

**5 AAC 01.560. Fishing seasons and daily fishing periods.** (a) Except in the nonsubsistence area described in 5 AAC 99.015(a)(3), and, unless restricted in this section and 5 AAC 01.575, or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken at any time in the Cook Inlet Area. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes.

(b) Salmon may be taken for subsistence purposes only as follows:

(1) in the Tyonek Subdistrict

(A) from May 15 through June 15, from 4:00 a.m. through 8:00 p.m. on Tuesdays, Thursdays, and Fridays;

(B) from June 16 through October 15, from 6:00 a.m. through 6:00 p.m. on Saturdays;

(C) repealed 5/21/2011;
(D) repealed 5/21/2011;
(2) repealed 5/17/81;

(3) in the Port Graham and Koyuktolik Subdistricts from April 1 through September 30, and in the Port Chatham and Windy Bay Subdistricts from April 1 through August 1, from 10:00 p.m. Thursday to 10:00 a.m. Wednesday;

(4) repealed 5/14/93;
(5) repealed 5/14/93;
(6) repealed 6/7/95;
(7) repealed 6/7/95;

(8) in the waters of Seldovia Bay described in 5 AAC 01.566(a)(1), except the waters from Watch Point at 59° 26.55' N. lat., 151° 43.28' W. long., to a point located

approximately 300 yards south of the entrance to the Seldovia small boat harbor at 59° 25.97' N. lat., 151° 43.17' W. long., as follows:

(A) from April 1 through May 30, from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday;

(B) during the first two consecutive Saturdays and Sundays in August from 6:00 a.m. Saturday until 6:00 p.m. Sunday, except that if a commercial fishing period is open, the subsistence fishing period shall be closed by emergency order and reopened by emergency order during the next period closed to commercial fishing;

(C) the guideline harvest level for king salmon taken under (A) of this paragraph is 200 king salmon;

(D) from June 1 through June 30, from 6:00 a.m. Saturday through 6:00a.m. Monday and from 6:00 a.m. Wednesday through 6:00 a.m. Thursday.

(c) Repealed 4/15/81.
(d) Repealed 5/11/85.
(e) Repealed 5/11/85.
(f) Repealed 5/11/85.
(g) Repealed 5/11/85.
(h) Repealed 6/30/83.
(i) Repealed 5/11/85.

(j) Dolly Varden may be taken in fresh water for subsistence purposes in the Port Graham Subdistrict only from April 1 through May 31.

(k) Smelt may be taken as provided in 5 AAC 01.599.

*(l)* Lingcod may be taken for subsistence purposes only from July 1 through December 31.

**5 AAC 01.566. 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) salmon in the following waters:

(A) the Port Graham, Koyuktolik, Port Chatham, and Windy Bay Subdistricts;

(B) salmon, except enhanced salmon, in the following locations:

(i) along the eastern shoreline from a point at 59° 28.78' N. lat., 151° 39.49' W. long., to Watch Point located at 59° 26.55' N. lat., 151° 43.28' W. long.,

(ii) along the eastern shoreline from a point at 59° 25.97' N. lat., 151° 43.17' W. long., to a point at 59° 24.90' N. lat., 151° 41.94' W. long.; and

(iii) from a point at 59° 27.10' N. lat., 151° 44.70' W. long., to a point at 59° 26.47' N. lat., 151° 47.47' W. long.;

(C) salmon in the Yentna River drainage outside the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5 AAC 99.015(a)(3);

(D) king salmon and salmon, other than king salmon, in the Tyonek Subdistrict;

(2) Dolly Varden in fresh waters of the Port Graham Subdistrict;

(3) smelt in those portions of the Cook Inlet Area outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3);

(4) bottomfish, halibut, and herring in those portions of the Cook Inlet Area that are outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3);

(5) repealed 6/7/95;
(6) repealed 6/7/95.

(b) The board finds that 100 - 225 lingcod are reasonably necessary for subsistence uses in the portion of the Cook Inlet Area described in 5 AAC 01.575(a)(9).

(c) The board finds that 750 - 1,350 rockfish are reasonably necessary for subsistence uses in the portion of the Cook Inlet Area described in 5 AAC 01.575(a)(9).

(d) The board finds that 4,800 - 7,200 salmon are reasonably necessary for subsistence uses in the Port Graham, Koyuktolik, Port Chatham, and Windy Bay Subdistricts.

(e) The board finds that 400 - 700 salmon, other than king salmon, are reasonably necessary for subsistence uses in the Yentna River drainage described in 5 AAC 01.593(2).

(f) The board finds that 700 - 2,700 king salmon and 150 - 500 salmon, other than king salmon, are reasonably necessary for subsistence uses in the Tyonek Subdistrict.

(g) The board finds that 100-350 salmon are reasonably necessary for subsistence uses in the waters described in (a)(1)(B) of this section.

**5 AAC 01.570. Lawful gear and gear specifications.** (a) Except in the nonsubsistence area described in 5 AAC 99.015(a)(3) and unless restricted in this section, 5 AAC 01.575, or under the terms of a subsistence fishing permit, fish may be taken only by gear listed in 5 AAC 01.010(a).

(b) Salmon may be taken only as follows:

(1) in the Tyonek Subdistrict, by set gillnets not exceeding 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(2) in the Port Graham, Koyuktolik, Port Chatham, and Windy Bay Subdistricts, and the waters of Seldovia Bay described in 5 AAC 01.566(1), by set gillnets not exceeding 35 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(3) no part of a set gillnet may be set or operated within 600 feet of any part of another set gillnet, except in the waters described in 5 AAC 01.566(a)(1)(B), where no part of a set gillnet may be set or operated within 300 feet of any part of another set gillnet;

(4) repealed 5/14/93;
(5) repealed 5/14/93;
(6) repealed 6/7/95;
(7) repealed 6/7/95.

(c) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

(d) Repealed 5/11/85.

(e) Bottomfish, except rockfish and lingcod, may be taken by legal gear for commercial bottomfish fishing in the area.

(f) Smelt may be taken as provided in 5 AAC 01.599.

(g) Herring, excluding herring spawn, may only be taken with a gillnet. A gillnet used to take herring may not exceed 50 feet in length and two inches in mesh size. Herring spawn on kelp may only be taken by a hand-held unpowered blade-cutting device. Kelp blades or other aquatic plant species must be cut at least four inches above the stipe (stem).

(h) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it.

(i) A gillnet may not be used in fresh water.

(j) Dolly Varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(k) A person who holds a subsistence salmon set gillnet permit for the Tyonek Subdistrict must be physically present at the fishing site during operation of the net.

*(l)* A person who holds a subsistence salmon set gillnet permit for the fishery described in 5 AAC 01.560(b)(8) must be physically present at the net site during the operation of that person's gillnet, and the gillnet must be marked as described in 5 AAC 01.010(h). For the purposes of this section, "operation" means the deployment of the gillnet, the removal of the gillnet, and the removal of fish from the gillnet.

(m) Lingcod may be taken only by a single hand troll, single hand-held line, or single longline, none of which may have more than five hooks attached to it, except that lingcod taken incidentally in another subsistence finfish fishery may be retained for subsistence purposes subject to the limitations described in 5 AAC 01.560*(l)* and 5 AAC 01.595(c).

(n) Rockfish may be taken only by a single hand troll, single hand-held line, or single longline, none of which may have more than five hooks attached to it, except that rockfish taken incidentally in another subsistence finfish fishery may be retained for subsistence purposes subject to the limitations described in 5 AAC 01.595(d).

**5 AAC 01.575. Waters closed to subsistence fishing.** (a) All salt water is closed to the taking of finfish, except

(1) the Tyonek and Port Graham Subdistricts;

(2) salmon may be taken in the Koyuktolik, Port Chatham, and Windy Bay Subdistricts;

(3) repealed 5/14/93;
(4) repealed 5/14/93;

(5) smelt may be taken as provided in 5 AAC 01.599;

(6) repealed 6/7/95;
(7) repealed 6/7/95;

(8) salmon may be taken in the waters of Seldovia Bay described in 5 AAC 01.560(b)(8);

(9) bottomfish, halibut, and herring may be taken in the waters of the Cook Inlet Area that are outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3).

(b) Salmon may not be taken in waters described in 5 AAC 39.290.

(c) Trout, grayling, char, whitefish, and burbot may not be taken in fresh water, except that Dolly Varden may be taken in fresh water in the Port Graham Subdistrict.

**5 AAC 01.580. Subsistence fishing permits; recordkeeping.** (a) Salmon may be taken only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by the department.

(b) Repealed 5/11/85.
(c) Repealed 3/14/2009.

(d) Dolly Varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a

household each year. A subsistence fishing permit holder shall record daily Dolly Varden catches on forms provided by the department.

**5 AAC 01.590. Marking of subsistence-taken salmon.** (a) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(b) It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed.

**5 AAC 01.593. Upper Yentna River subsistence salmon fishery.** In the Yentna River drainage outside the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5 AAC 99.015(a)(3), salmon may be taken for subsistence purposes only as follows:

(1) under a subsistence permit issued under 5 AAC 01.015 and 5 AAC 01.580;

(2) in the mainstem of the Yentna River from its confluence with Martin Creek upstream to its confluence with the Skwentna River from June 1 through June 30 and July 15 through August 7 from 4:00 a.m. to 8:00 p.m. Monday through Friday;

(3) only with a fish wheel as follows:

(A) each fish wheel must be equipped with a livebox; the livebox must be constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(B) the permit holder shall attach a wood or metal plate that is at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high to each fish wheel operated under this section so that the name and address are plainly visible;

(C) the permit holder shall be present to attend the fish wheel at all times while the fish wheel is in operation, and rainbow trout must be returned alive to the water;

(D) for purposes of (A) of this paragraph, a "livebox" is a submerged container that is attached to the fish wheel that will keep fish caught by the fish wheel alive;

(4) the annual limit for a Yentna River subsistence fishing permit holder is as specified in 5 AAC 01.595(a)(4);

(5) repealed 5/21/2011;

(6) all salmon retained shall immediately be recorded on the permit and reported to the department by noon of the day following the day of harvest by telephone, email or other means as stated in the permit.

**5 AAC 01.595. Subsistence bag, possession, and size limits.** (a) The total annual possession limit for each subsistence salmon fishing permit is as follows:

(1) there is no annual possession limit for holders of Port Graham, Koyuktolik, Port Chatham, and Windy Bay Subdistrict and Seldovia Bay subsistence salmon fishing permits, except that in Seldovia Bay a person holding a subsistence salmon fishing permit may not take more than 20 king salmon per household;

(2) 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder;

(3) the holder of a Tyonek Subdistrict subsistence salmon fishing permit may take 95 king salmon and 10 salmon for each additional household member, with an annual limit of 70 king salmon per household;

(b) The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

(c) The daily bag limit for lingcod is two fish and the possession limit is four fish. A person may not take or possess lingcod under sport fishing regulations and under this section on the same day. Lingcod retained must measure at least 35 inches from the tip of the snout to the tip of the tail, or 28 inches from the front of the dorsal fin to the tip of the tail. Undersized lingcod shall be returned to the water immediately without further injury.

(d) The daily bag limit for rockfish is five fish and the possession limit is 10 fish, of which only one per day and two in possession may be nonpelagic rockfish. A person may not take or possess rockfish under sport fishing regulations and under this section on the same day.

**5 AAC 01.599. Subsistence smelt fishery.** In the subsistence taking of smelt,

(1) there are no bag or possession limits;

(2) smelt may be taken

(A) in salt water from April 1 through May 31 and September 1 through October 30;

(B) in fresh water from April 1 through June 15;

(C) only with the following gear:

(i) dip nets may be used in fresh and salt water;

(ii) gillnets may be used in fresh and salt water;

(iii) repealed 5/14/93;

(iv) no gillnet fished in salt water may exceed 50 feet in length and two inches in mesh size;

(v) no gillnet fished in fresh water may exceed 20 feet in length and two inches in mesh size; and

(vi) repealed 6/7/95;

(D) repealed 5/6/94;

(E) only outside the boundary of the nonsubsistence area described in 5 AAC 99.015(a)(3);

(3) each gillnet must be attended by the fisherman at all times when it is being used to take fish.

## Article 12. Prince William Sound Area.

5 AAC 01.600. Description of Prince William Sound Area.
5 AAC 01.605. Description of districts and subdistricts.
5 AAC 01.610. Fishing seasons.
5 AAC 01.616. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.620. Lawful gear and gear specifications.
5 AAC 01.625. Waters closed to subsistence fishing.
5 AAC 01.630. Subsistence fishing permits.
5 AAC 01.640. Marking of subsistence-taken fish.
5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits.
5 AAC 01.647. Copper River Subsistence Salmon Fisheries Management Plans.
5 AAC 01.648. Prince William Sound Subsistence Salmon Fisheries Management Plans.

**5 AAC 01.600. Description of Prince William Sound Area.** The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling south of the Yukon Area described in 5 AAC 05.100, and all waters of the Upper Susitna River drainage upstream of the Susitna River's confluence with the Oshetna River.

**5 AAC 01.605. Description of districts and subdistricts.** (a) The Upper Copper River District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek as designated by ADF&G regulatory markers.

(1) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge.

(2) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.

(b) Except as specified in (a) of this section, districts are as described in 5 AAC 24.200.

**5 AAC 01.610. Fishing seasons.** (a) Except in the nonsubsistence area described in 5 AAC 99.015(a)(5) and unless restricted in this section and 5 AAC 01.625, or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken at any time in the Prince William Sound Area.

(b) Salmon may be taken in the Upper Copper River District only as follows:

(1) in the Glennallen Subdistrict, from June 1 through September 30;

(2) repealed 6/12/2003;

(3) when the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or king salmon, the fishery may be reopened September 1 for the taking of coho salmon, which constitute the majority of the salmon at that time.

(c) Repealed 6/30/83.

(d) Herring spawn on kelp may be taken for subsistence purposes as follows:

(1) above water from March 15 through June 15;

(2) underwater using dive gear only during open periods for the wild herring spawn-on-kelp commercial fishery.

(e) Rainbow trout and steelhead trout taken incidentally by fish wheel or subsistence finfish net gear, except dip net gear, are lawfully taken and may be retained for subsistence purposes. Rainbow trout and steelhead trout taken by dip net gear must be released immediately and returned to the water unharmed.

(f) Lingcod may be taken for subsistence purposes only from July 1 through December 31.

(g) Salmon may be taken in the districts described in 5 AAC 01.605(b), only from May 15 through October 31, during fishing periods as follows:

(1) from May 15 until two days before the commercial opening of that salmon district, seven days per week;

(2) during the commercial salmon season, only during open commercial salmon fishing periods in that district and Saturdays from 6:00 a.m. to 10:00 p.m.;

(3) from two days following the closure of the commercial salmon fishing season in that district through October 31, seven days a week.

(4) notwithstanding (g)(2) of this section, subsistence salmon fishing is not allowed 24 hours before open commercial salmon fishing periods in that district.

(5) from July 1 to August 1 in the waters of Orca Inlet that are closed to commercial fishing in 5 AAC 24.350(11)(H).

(h) Whitefish may be taken by gillnet from October 1 through March 31.

**5 AAC 01.616. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that salmon stocks are customarily and traditionally taken or used for subsistence in the following locations:

(1) the Glennallen Subdistrict of the Upper Copper River District described in 5 AAC 01.605(2) and the waters of the Copper River described in 5 AAC 01.647(i)(3);

(2) the Southwestern District described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island;

(3) the waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point;

(4) the Copper River District described in 5 AAC 24.200(a);

(5) repealed 6/12/2003;

(6) the Coghill, Northwestern, Eshamy, Unakwik, Southeastern, and Bering River Districts and those portions of the Northern, Montague, and Eastern Districts not included in (2) and (3) of this subsection, excluding those portions within the Valdez Nonsubsistence Area as described in 5 AAC 99.015(a)(5).

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

(1) Glennallen Subdistrict of the Upper Copper River District:

(A) in that portion from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 - 39,000 salmon;

(B) in that portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 - 31,000 salmon;

(C) in that portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 - 12,500 salmon;

(2) in the Copper River District as described in 5 AAC 24.200(a):

(A) in a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 - 5,000 salmon;

(B) in a year when there is no commercial fishery: 19,000 - 32,000 salmon;

(3) the Southwestern District as described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island: 2,100 - 3,500 salmon;

(4) the waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 - 3,000 salmon;

(5) the waters described in (a)(6) of this section: 115 - 200 salmon.

(c) The board finds that groundfish, herring, herring spawn on kelp, and smelt in those portions of the Prince William Sound Area that are outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(5) are customarily and traditionally taken or used for subsistence.

(d) The board finds that the following amounts of fish, other than salmon, are reasonably necessary for subsistence uses in the Prince William Sound Area:

(1) 1,000 - 1,500 lingcod;

(2) 7,500 - 12,500 rockfish;

(3) 16,000 - 24,000 pounds of groundfish, other than rockfish and lingcod;

(4) 12,000 - 18,000 pounds of herring;

(5) 4,000 - 6,000 pounds of herring spawn on kelp.

(e) The board finds that freshwater finfish, other than salmon, in the Prince William Sound Area are customarily and traditionally taken or used for subsistence.

(f) The board finds that 25,000 - 42,000 usable pounds of freshwater finfish, other than salmon, are reasonably necessary for subsistence uses in the Prince William Sound Area.

**5 AAC 01.620. Lawful gear and gear specifications.** (a) Fish may be taken by gear listed in 5 AAC 01.010(a) unless restricted in this section or under the terms of a subsistence fishing permit.

(b) Salmon may be taken only by the following types of gear:

(1) in the Glennallen Subdistrict by fish wheels or dip nets;

(2) repealed 4/30/91;

(3) in salt water by a gillnet or seine, in a district as specified in 5 AAC 24.330, and as follows:

(A) by a gillnet as described in 5 AAC 01.010(c);

(B) by a seine that is not longer than 50 fathoms in length and 100 meshes in depth with a maximum mesh size of four inches;

(4) repealed 6/12/2003;

(5) notwithstanding other provisions of this chapter, by gillnet gear as specified in 5 AAC 01.010(c) for the area that is closed to commercial fishing as described in 5 AAC 01.645(b).

(c) Fish wheels used for subsistence fishing may be operated only as follows:

(1) the owner of a fish wheel shall register that fish wheel with the department; the department shall issue a registration number for the fish wheel; that registration number, and either the owner's name and address or the owner's permanent identification number from a valid Alaska driver's license or a state identification card, must be permanently affixed and plainly visible on the fish wheel on a wood, metal, or plastic plate that is at least 12 inches high by 12 inches wide, in letters and numerals at least one inch high, when the fish wheel is in the water; only the registration number from the current year may be affixed to the fish wheel; any other registration number must be removed from the fish wheel;

(2) the owner of a fish wheel registered under (1) of this subsection is responsible for the fish wheel when the fish wheel is in the water;

(3) when the permit holder is a person other than the owner of the fish wheel, in addition to the requirements of (1) of this subsection, an additional plate of wood, metal, or plastic, that is at least 12 inches high by 12 inches wide bearing the permit holder's name and address in letters and numerals at least one inch high must be attached to each fish wheel so that the name and address are plainly visible;

(4) a permit holder may operate only one fish wheel at a time and a fish wheel may be operated only by one permit holder at a time; that permit holder must;

(A) have the fish wheel marked as specified in this subsection during fishing operations; and

(B) check the fish wheel at least once every 10 hours and remove all fish caught by the fish wheel;

(5) a person may not set or operate a fish wheel within 75 feet of another fish wheel;

(6) a fish wheel

(A) may not have more than two baskets;

(B) must be removed from the water at the end of the permit period; and

(C) may not be rented, leased, or otherwise used for personal gain.

(d) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it.

(e) The permit holder must personally operate the fish wheel or dip net. A subsistence fish wheel or dip net permit may not be loaned or transferred except as permitted under 5 AAC 01.011.

(f) Herring spawn on kelp may be taken only by a hand-held unpowered blade-cutting device. Kelp plant blades must be cut at least four inches above the stipe (stem). The provisions of this subsection do not apply to Fucus species.

(g) Repealed 5/24/97.

(h) Groundfish may be taken only by a single hand troll, single hand-held line, or a single longline, none of which may have more than five hooks attached to it, except that

(1) lingcod taken incidentally during a subsistence finfish fishery are lawfully taken and may be retained for subsistence purposes subject to the limitations described in 5 AAC 01.610(f) and 5 AAC 01.645(d);

(2) rockfish taken incidentally during a subsistence finfish fishery are lawfully taken and may be retained for subsistence purposes subject to the limitations described in 5 AAC 01.645(e); and

(3) groundfish taken incidentally in a subsistence net fishery, consistent with applicable subsistence salmon laws and regulations, are lawfully taken and may be retained for subsistence purposes;

(4) sablefish may be taken with not more than two groundfish pots.

(i) Repealed 3/14/2009.

(j) In addition to the requirements under 5 AAC 01.010(h), a buoy attached to one end of a subsistence gillnet must be marked in printed type with the first initial, last name, and address of the subsistence permit holder, or the ADF&G vessel license number of the vessel used to operate the gear, in numbers and letters that are

(1) at least one inch high;

(2) in a color that contrasts with the background; and

(3) plainly visible when the gear is in the water.

(k) Gillnets used to take herring may not exceed 10 fathoms in length.

(*l*) Subsistence fishing guide services are prohibited in the Glennallen Subdistrict. For the purposes of this subsection,

(1) "subsistence fishing guide services" means assistance, for compensation or with the intent to receive compensation, to a subsistence fisherman to take or to attempt to take fish from a vessel by accompanying or physically directing the subsistence fisherman in subsistence fishing activities during any part of a subsistence fishing trip;

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

(A) includes

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

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

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

(m) Gillnets used to take freshwater finfish may not exceed 100 feet in length, eight feet in depth, and a mesh size greater than four inches stretched measure and may only be used

(1) for whitefish and suckers; all other species may not be retained and must be returned to the water unharmed; permit holders finding five or more lake trout in their net shall move their fishing location at least one - quarter mile to avoid further catch of nontarget species;

(2) from October 1 - March 30; and

(3) in lakes.

(n) Fyke nets must have an entrance funnel opening of no greater than four inches maximum straight - line distance between any two points.

**5 AAC 01.625. Waters closed to subsistence fishing.** (a) All tributaries of the Copper River and waters of the Copper River that are not in the Upper Copper River District are closed to the taking of salmon.

(b) Salmon may not be taken in any area closed to commercial salmon fishing unless permitted in 5 AAC 01.610 - 5 AAC 01.645.

(c) The following waters are closed to the taking of whitefish with gillnet gear:

(1) Lake Louise, north of a line from 62° 21.24' N. lat., 146° 38.14' W. long. to 62° 21.43' N. lat., 146° 37.56' W. long.;

(2) Susitna Lake, east of a line from 62° 21.38' N. lat., 146° 38.31' W. long. to 62° 21.72' N. lat., 146° 38.24' W. long. and east of a line from 62° 28.58' N. lat., 146° 40.57' W. long. to 62° 28.36' N. lat., 146° 40.52' W. long.;

(3) Tyone Lake, south and west of a line from 62° 28.86' N. lat., 146° 39.95' W. long, to 62° 28.79' N. lat., 146° 39.66' W. long.

**5 AAC 01.630. Subsistence fishing permits.** (a) Except as provided in this section, fish other than salmon, herring, sablefish, and freshwater fish species may be taken for subsistence purposes without a subsistence fishing permit.

(b) Salmon, herring, sablefish, and freshwater fish species may be taken only under authority of a subsistence fishing permit.

(c) Repealed 6/2/88.

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

(e) The following apply to Glennallen Subdistrict subsistence salmon fishing permits:

(1) only one type of gear may be specified on a permit;

(2) only one Glennallen Subdistrict subsistence salmon fishing permit per calendar year may be issued to a household;

(3) permits must be returned to the department no later than October 31, or a permit for the following year may be denied as provided in 5 AAC 01.015(c);

(4) repealed 6/12/2003;
(5) repealed 6/12/2003;
(6) repealed 3/14/2009;

(7) only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(8) a subsistence permit holder shall record all harvested fish on the permit, before concealing the fish from plain view or transporting the fish from the fishing site; for the purposes of this paragraph, "fishing site" means the location where the fish is removed from the water and becomes part of the permit holder's bag limit;

(9) repealed 3/14/2009.

(f) Repealed 6/12/2003.
(g) Repealed 3/30/2000.

(h) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Glennallen Subdistrict, to operate fish wheels on behalf of members of its village or organization. A permit may only be issued following approval by the department of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include

(1) provisions for recording daily catches for each fish wheel;

(2) sample data collection forms;

(3) other information specified by the department;

(4) location and number of fish wheels;

(5) the full legal name of the individual responsible for the lawful operation of each fish wheel; and

(6) other information determined by the department to be necessary for effective resource management.

(i) Unless otherwise provided in this section, regulations governing fishing under the authority of a village council permit issued under (h) of this section, or other permit issued under this section, are those generally applicable to Glennallen Subdistrict subsistence fishing permits.

(j) The following additional provisions apply to Glennallen Subdistrict subsistence fishing permits issued under (h) of this section:

(1) the permit will list all households and household members for whom the fish wheel is being operated;

(2) the allowable harvest may not exceed the combined seasonal limits as listed in 5 AAC 01.645(a) for the households listed on the permit; the permittee will notify the department when households are added to the list, and the seasonal limit may be adjusted accordingly;

(3) members of households listed on a permit issued to a village council or other similarly qualified organization, are not eligible for a separate household subsistence fishing permit for the Upper Copper River District;

(4) under authority delegated through a permit issued to a village council or other similarly qualified organization, an individual or individuals designated by the permitted group may issue household subsistence fishing permits to households not listed as participants in fishing fish wheels operated directly by a village council or other similarly qualified organization; the permittee may also register fish wheels; the harvest assessment plan may authorize the permittee to collect, compile, and report to the department the subsistence harvests of these household permit holders;

(5) authority to enforce all applicable laws and regulations may not be delegated through permits issued under (h) of this section.

(k) The department will only issue one sablefish subsistence fishing permit to each household a year. A permit holder shall record sablefish harvest information on a harvest recording form provided by the department.

**5 AAC 01.640. Marking of subsistence-taken fish.** (a) A person may not possess salmon taken under the authority of an Upper Copper River District subsistence permit unless both tips (lobes) of the tail fin (caudal) have been removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the fishing site.

(b) A person may not possess rainbow trout or steelhead trout retained under 5 AAC 01.610(e) unless both tips (lobes) of the tail fin (caudal) have been removed from the fish before the person conceals the fish from plain view or transports the fish from the fishing site.

(c) A person may not possess salmon taken under the authority of a Prince William Sound Area subsistence permit unless both the top and bottom lobes of the tail fin (caudal) have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the fishing site.

(d) For the purposes of this section, "fishing site" means the location where the fish is removed from the water and becomes part of the permit holder's bag limit or is retained.

**5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits.** (a) The total annual possession limits for a Glennallen Subdistrict subsistence salmon fishing permit is as follows:

(1) for a household with one person: 30 salmon, of which no more than five may be king salmon if taken by dip net;

(2) for a household with two persons: 60 salmon, of which no more than five may be king salmon if taken by dip net;

(3) 10 salmon for each additional person in a household over those specified in (2) of this subsection, except that the household's limit under (2) of this subsection for king salmon taken by dip net does not increase;

(4) upon request, a permit for additional salmon will be issued with the following limits:

(A) no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than five may be king salmon if taken by dip net;

(B) no more than a total of 500 salmon for a permit issued to a household with two or more persons, of which no more than five may be king salmon if taken by dip net.

(b) In the Copper River District, other locations open to commercial salmon fishing as specified in 5 AAC 24.200, and in the waters of Orca Inlet that are closed to commercial fishing in 5 AAC 24.350(11)(H), the annual subsistence salmon limit is as follows:

(1) 15 salmon for a household of one person;

(2) 30 salmon for a household of two persons;

(3) 10 salmon for each additional person in a household over those specified in (2) of this subsection;

(4) no more than five king salmon may be taken per permit;

(5) upon request, a permit for additional salmon will be issued with the following limits:

(A) no more than a total of 15 salmon for a permit issued to a household with one person, of which only pink and chum salmon may be retained;

(B) no more than a total of 30 salmon for a household of two persons, of which only pink and chum salmon may be retained;

(C) no more than a total of 10 salmon for each additional person in a household over those specified in (B) of this paragraph, of which only pink and chum salmon may be retained.

(c) The daily bag limit for halibut is two fish and the possession limit is four fish. A person may not take or possess halibut under sport fishing regulations and under this section on the same day.

(d) The daily bag limit for lingcod is two fish and the possession limit is four fish. A person may not take or possess lingcod under sport fishing regulations and under this section on the same day. Lingcod retained must measure at least 35 inches from the tip of the snout to the tip of the tail. Undersized lingcod shall be returned to the water immediately without further harm.

(e) The daily bag limit for rockfish is as follows:

(1) from May 1 through September 15, the daily bag limit is four fish and the possession limit is eight fish, of which only two per day and two in possession may be nonpelagic rockfish; a person may not take or possess rockfish under sport fishing regulations and under this section on the same day;

(2) from September 16 through April 30, the daily bag and possession limit is eight fish, of which only two per day and two in possession may be nonpelagic rockfish; a person may not take or possess rockfish under sport fishing regulations and under this section on the same day.

(f) The daily bag limit for sharks is one fish and the possession limit is two fish. A person may not take or possess sharks under sport fishing regulations and under this section on the same day.

(g) The bag, possession, and annual limits for whitefish are 1,000 fish.

(h) The bag and possession limit for Arctic grayling is five fish, with an annual limit of 20 fish per water body, excluding stocked lakes. A person may not take or possess Arctic grayling under sport fishing regulations and this section on the same day.

(i) The bag and possession limit for lake trout is two fish, with an annual limit of 10 fish per water body. A person may not take or possess lake trout under sport fishing regulations and this section on the same day.

(j) The bag and possession limit for burbot is five fish, except in those waters specified in 5 AAC 52.023, where the bag and possession limit is two fish. The annual limit for burbot is 10 fish per water body. A person may not take or possess burbot under sport fishing regulations and this section on the same day.

(k) Repealed 6/17/2018.

(*l*) The bag and possession limit for Dolly Varden is 10 fish, with an annual limit of 40 fish per water body. A person may not take or possess Dolly Varden under sport fishing regulations and this section on the same day.

**5 AAC 01.647. Copper River Subsistence Salmon Fisheries Management Plans.**

(a) The purpose of this plan is to ensure that adequate escapement of salmon in the Copper River system occurs and that subsistence uses, as described under AS 16.05.258 and 5 AAC 99.010, are accommodated.

(b) The following are directives pertaining to the management of Copper River System salmon:

(1) this policy governs only those salmon which pass the department sonar counters located at the Million Dollar Bridge;

(2) the department shall manage the Copper River commercial salmon fishery to attain a total escapement of salmon into the Copper River as specified in 5 AAC 24.360 to ensure that an adequate escapement reaches the spawning grounds and to provide for hatchery broodstock and for subsistence, personal use, and sport fisheries;

(3) repealed 4/28/84;
(4) repealed 4/28/84.

(c) Repealed 4/28/84.
(d) Repealed 4/28/84.
(e) Repealed 4/28/84.
(f) Repealed 4/28/84.
(g) Repealed 4/28/84.

(h) Repealed 4/28/84.

(i) Salmon, other than king salmon, may be taken in the vicinity of the former Native village of Batzulnetas under the following conditions:

(1) unless modified by this subsection, 5 AAC 01.001 - 5 AAC 01.040 and 5 AAC 01.600 - 5 AAC 01.645 apply to this fishery;

(2) salmon may be taken only under the authority of a Batzulnetas subsistence salmon fishing permit issued by the department;

(3) salmon may be taken only in those waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek;

(4) fish wheels and dip nets only may be used on the Copper River; dip nets and spears only may be used in Tanada Creek;

(5) salmon may be taken only from June 1 through September 1 or until the season is closed by emergency order; fishing periods are from 12:00 noon Friday through 12:00 noon Sunday from June 1 through June 30, and from 12:00 noon Friday through 11:59 p.m. Monday from July 1 through September 1;

(6) king salmon taken must be released to the water unharmed; fish wheels must be equipped with a livebox or be monitored at all times;

(7) annual bag and possession limits are as specified in 5 AAC 01.645(a);

(8) the permit must be returned to the department's Glennallen office no later than September 30 of each year.

(j) Repealed 3/14/2009.
(k) Repealed 6/12/2003.

**5 AAC 01.648. Prince William Sound Subsistence Salmon Fisheries Management Plans.** (a) Salmon may be taken for subsistence purposes in those waters of the Southwestern District, as described in 5 AAC 24.200, and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip, only as follows:

(1) repealed 6/27/93;

(2) salmon may be taken only by seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of four inches, or by gillnets up to 150 fathoms in length, except that pink salmon may be taken in fresh water by dip nets only;

(3) repealed 3/14/2009;
(4) repealed 3/14/2009;

(5) no fishing is allowed within the closed waters areas described in 5 AAC 24.350 and 5 AAC 39.290 for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(6) there are no bag and possession limits for this fishery;

(7) repealed 3/14/2009.

(b) Salmon may be taken for subsistence purposes in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, only as follows:

(1) repealed 6/27/93;

(2) salmon may be taken only by seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of four inches, or by gillnets up to 150 fathoms in length with a maximum mesh size of six and one-quarter inches, except that pink salmon may be taken in fresh water by dip nets only;

(3) repealed 3/14/2009;
(4) repealed 3/14/2009;

(5) no fishing is allowed within the closed waters areas described in 5 AAC 24.350 and 5 AAC 39.290 for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(6) there are no bag and possession limits for this fishery;

(7) repealed 3/14/2009.

## Article 13. Yakutat Area.

5 AAC 01.650. Description of Yakutat Area.
5 AAC 01.660. Fishing seasons and periods.
5 AAC 01.666. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.670. Lawful gear and gear specifications.
5 AAC 01.680. Subsistence fishing permits.
5 AAC 01.690. Marking of subsistence-taken salmon.
5 AAC 01.695. Subsistence bag and possession limits.

**5 AAC 01.650. Description of Yakutat Area.** The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and a line extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

**5 AAC 01.660. Fishing seasons and periods.** (a) Unless restricted in this section or 5 AAC 30.365, or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Yakutat Area.

(b) From the beginning of the commercial salmon net season through the end of the commercial salmon net season, the weekly subsistence fishing period is from 6:00 a.m. Friday to 6:00 p.m. Saturday, unless extended by emergency order. This subsection applies to each river and bay fishery individually.

(c) Repealed 6/30/83.
(d) Repealed 5/31/2009.

**5 AAC 01.666. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) herring and herring spawn in waters of Yakutat Bay, including Russell Fjord, within a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape;

(2) bottomfish and halibut in waters of Yakutat Bay, including Russell Fjord, and in waters of Alaska bounded by a line from Point Manby, at 59° 41.66' N. lat., 140° 19.57' W. long., to 59° 39.17' N. lat., 140° 26.75' W. long. to Ocean Cape, at 59° 31.62' N. lat., 139° 49.87' W. long., to 59° 29.69' N. lat., 139° 55.18' W. long.;

(3) salmon in fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River, in waters of Yakutat Bay and Russell Fjord inside a line from the Westernmost point of Point Manby to the southernmost point of Ocean Cape, and in waters of Icy Bay inside a line from the westernmost tip of Point Riou to Icy Cape Light;

(4) Dolly Varden char, steelhead trout, and smelt in fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby, and in waters of Yakutat Bay and Russell Fjord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

(b) The board finds that 5,800 - 7,832 salmon are reasonably necessary for subsistence uses in the waters described in (a)(3) of this section.

**5 AAC 01.670. Lawful gear and gear specifications.** (a) Fish may be taken by gear listed in 5 AAC 01.010(a), unless restricted in this section or under the terms of a subsistence fishing permit.

(b) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it.

(c) In the Situk River, a subsistence salmon fishing permit holder shall attend the permit holder's gillnet at all times when it is being used to take salmon.

(d) A gillnet or seine used for subsistence fishing may not block more than two-thirds the width of a stream and any channel or side channel of a stream.

(e) Repealed 2022.

**5 AAC 01.680. Subsistence fishing permits.** (a) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(b) Except as provided in (d) of this section, the department shall not issue a permit for the taking of steelhead trout.

(c) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. A holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on the permit holder's permit calendar.

(d) Notwithstanding (b) of this section, the department shall issue subsistence permits for the taking of steelhead trout in the Situk and Ahrnklin Rivers, and it shall manage that directed fishery toward an annual guideline harvest level of 300 steelhead trout.

**5 AAC 01.690. Marking of subsistence-taken salmon.** Subsistence fishermen must remove the dorsal fin from subsistence-caught salmon when taken.

**5 AAC 01.695. Subsistence bag and possession limits.** (a) The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

(b) No person may possess subsistence-taken and sport-taken salmon on the same day.

**Article 14. Southeastern Alaska Area.**

5 AAC 01.700. Description of the Southeastern Alaska Area.
5 AAC 01.705. Description of districts and sections.
5 AAC 01.710. Fishing seasons.
5 AAC 01.714. Limitations on participation in subsistence finfish fisheries.
5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.
5 AAC 01.717. Customary trade in herring roe on kelp.
5 AAC 01.720. Lawful gear and gear specifications.
5 AAC 01.725. Waters closed to subsistence fishing.
5 AAC 01.730. Subsistence fishing permits.
5 AAC 01.740. Marking of subsistence-taken salmon.
5 AAC 01.745. Subsistence bag and possession limits; annual limits.
5 AAC 01.747. Subsistence fishing policy for the Petersburg, Wrangell, and Sitka road systems.
5 AAC 01.750. Vessel specifications and operations.
5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

**5 AAC 01.700. Description of the Southeastern Alaska Area.** The Southeastern Alaska Area has as its southern boundary the International Boundary at Dixon Entrance and as its northern boundary a line extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

**5 AAC 01.705. Description of districts and sections.** Districts and sections are as described in 5 AAC 33.200.

**5 AAC 01.710. Fishing seasons.** (a) Except in the nonsubsistence areas described in 5 AAC 99.010(a)(1) and (2) and unless restricted in this section, 5 AAC 01.725, or under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken in the Southeastern Alaska Area at any time.

(b) Repealed 6/30/83.

(c) Herring may be taken at any time, except that in the 72 hours before, and 72 hours after an open commercial herring fishing period in the Southeastern Alaska Area, a vessel that, or crewmember or permit holder who, participates in that commercial herring fishery opening may not take or possess herring under this chapter in any district in the Southeastern Alaska Area.

(d) Repealed 7/18/2003.

(e) From July 7 through August 7, sockeye salmon may be taken in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(f) A subsistence permit issued under 5 AAC 01.015 for salmon taken in those waters of Sumner Strait in the vicinity of Point Baker will specify the

(1) area where the salmon may be taken;

(2) time period during which the salmon may be taken; and

(3) gillnet gear that may be used, not to exceed 50 fathoms in length.

(g) From December 1 through May 15, lingcod may not be taken with a spear or while using diving gear.

**5 AAC 01.714. Limitations on participation in subsistence finfish fisheries.** (a) In the Southeastern Alaska Area, finfish may not be taken for subsistence uses in the Ketchikan Nonsubsistence Area and the Juneau Nonsubsistence Area described in 5 AAC 99.015.

(b) A vessel or a person on board a vessel from which subsistence fishing gear is used to take groundfish for subsistence uses in the Northern Southeast Inside Subdistrict or the Southern Southeast Inside Subdistrict, described in 5 AAC 28.105,

(1) may not operate commercial fishing gear to take groundfish for commercial uses from that vessel until all subsistence-taken groundfish are offloaded from the vessel; and

(2) is subject to the restrictions in 5 AAC 28.180.

**5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence in the following portions of the Southeastern Alaska Area outside the nonsubsistence areas described in 5 AAC 99.015(a)(1) and (2):

(1) District 1, as follows:

(A) eulachon in the fresh waters of Section 1-C and Section 1-D;

(B) salmon and Dolly Varden char, as follows:

(i) in the waters of the Naha River;

(ii) in Boca de Quadra, in the waters of Sockeye Creek, and within 500 yards of the terminus of Sockeye Creek, and in Hugh Smith Lake;

(2) District 2, as follows:

(A) salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char in the waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(B) salmon and Dolly Varden char in the waters of District 2 in Nichols Bay north of 54° 42.12' N. lat.;

(3) District 3, as follows:

(A) Section 3-A, as follows:

(i) salmon, bottomfish, halibut, and Dolly Varden char in the waters of Section 3-A;

(ii) herring and herring spawn in the waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point;

(B) Section 3-B, as follows:

(i) bottomfish and halibut in the waters of Section 3-B;

(ii) herring and herring spawn in the waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133° 20' W. long.;

(iii) salmon, Dolly Varden char, and steelhead trout in the waters of Section 3-B east of a line from Point Ildefonso to Tranquil Point and the waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55° 44' N. lat., 133° 25' W. long. to Bay Point;

(C) Section 3-C: salmon, Dolly Varden char, and steelhead trout in the waters of Karheen Passage north of 55° 48' N. lat. and east of 133° 20' W. long. and in the waters of Sarkar Cove and Sarkar Lake;

(4) District 5: salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char in the waters of District 5 north of a line from Point St. Albans to Cape Pole;

(5) District 6: salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden char, as follows:

(A) in the waters of Section 6-A west of a line from Macnamara Point to Mitchell Point;

(B) in the waters of Section 6-B west of the longitude of Macnamara Point;

(6) District 7: salmon, herring, herring spawn, bottomfish, halibut, Dolly Varden char, eulachon, and steelhead trout in the waters of District 7, excluding enhanced king, chum, and coho salmon within the waters of the Anita Bay Terminal Harvest Area;

(7) District 8: salmon, herring, herring spawn, bottomfish, halibut, Dolly Varden char, eulachon, and steelhead trout in the waters of District 8;

(8) District 9, as follows:

(A) salmon and Dolly Varden char in the waters of District 9 north of the latitude of Swain Point;

(B) herring, herring spawn, bottomfish, and halibut in the waters of Section 9-B north of the latitude of Point Ellis;

(9) District 10, as follows:

(A) salmon and Dolly Varden char in the waters of District 10 west of a line from Pinta Point to False Point Pybus;

(B) herring, herring spawn, bottomfish, and halibut in the waters of District 10 west of a line from Pinta Point to Point Pybus;

(10) District 12, as follows:

(A) salmon, smelt, and Dolly Varden char in the waters of District 12 in Basket Bay west of 134° 53.88' W. long.;

(B) herring, herring spawn, bottomfish, and halibut in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, including the waters of Whitewater Bay;

(C) salmon and Dolly Varden char in the waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution, including the waters of Whitewater Bay;

(11) District 13, as follows;

(A) salmon, other than sockeye salmon, bottomfish, and halibut in the waters of District 13;

(B) sockeye salmon, as follows:

(i) in the waters of Section 13-A south of the latitude of Cape Edward and the waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light;

(ii) in the waters of Section 13-B north of the latitude of Redfish Cape;

(iii) in the waters of Section 13-C;

(C) smelt and Dolly Varden char in the waters of District 13 along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light;

(D) herring and herring spawn, as follows:

(i) in the waters of Section 13-A;

(ii) in the waters of Section 13-B north of the latitude of Aspid Cape;

(E) herring, herring spawn, and Dolly Varden char in the waters of Section 13-C east of the longitude of Point Elizabeth, including the waters of Rodman Bay;

(12) District 14, as follows:

(A) herring, herring spawn, bottomfish, and halibut in the waters of District 14 east of the longitude of Point Dundas;

(B) salmon, smelt, and Dolly Varden char in the waters of Section 14-B and Section 14-C;

(13) District 15, as follows:

(A) salmon and smelt, as follows:

(i) in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point;

(ii) in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point;

(B) herring, herring spawn, bottomfish, and halibut in the waters of Section 15-A.

(b) The board finds that 136,000 - 227,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A, and Section 13-B north of the latitude of Aspid Cape.

(c) The board finds that the following numbers of salmon are reasonably necessary for subsistence uses in the Southeastern Alaska Area:

(1) Districts 1 - 4: 9,068 - 17,503 salmon;

(2) Districts 5 - 8, District 10, and Section 9-B: 4,120 - 7,345 salmon;

(3) Section 9-A and District 13: 10,487 - 20,225 salmon;

(4) District 12: 1,100 - 1,700 salmon;

(5) District 14: 600 - 1,500 salmon;

(6) District 15: 7,174 - 10,414 salmon.

**5 AAC 01.717. Customary trade in herring roe on kelp.** (a) The limited, noncommercial exchange for cash of subsistence-harvested herring roe on kelp, legally taken in Districts 1 - 16, under the terms of 5 AAC 01.730, is permitted as customary trade. Persons licensed under AS 43.75.011 to engage in a fisheries business may not exchange, solicit to exchange, or receive for commercial purposes subsistence-taken herring roe on kelp. Allowable possession limits for customary trade and other subsistence uses shall be those specified on permits issued according to 5 AAC 01.730(g). Permits must include the following information:

(1) the intended purposes of the harvest and the estimated amount of herring roe on kelp dedicated to each purpose;

(2) the name of the individual transporting the herring roe on kelp to the point of sale or transfer.

(b) The permit information provided in compliance with (a) of this section may be changed before herring roe on kelp is taken, by contacting an ADF&G representative where the permit was issued.

**5 AAC 01.720. Lawful gear and gear specifications.** Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(1) in District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(2) a set gillnet may not be used to take salmon except in

(A) the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge; and

(B) District 5 in Shipley Bay, not more than 100 yards from the terminus of Shipley Creek;

(3) halibut may be taken only by a single line which is operated by hand with not more than two hooks attached to it; no person may operate more than one line;

(4) repealed 7/18/2003;

(5) in the Northern Southeast Inside Subdistrict and Southern Southeast Inside Subdistrict, a sablefish permit holder's pot gear must have at least two circular escape rings with a minimum inside diameter of three and one-half inches installed on opposing vertical or sloping walls and must have individual tunnel eye openings with perimeters of 36 inches or less;

(6) fishing gear may not obstruct more than one – half the width of any salmon stream, side channel, creek, river, bay, or waterway.

**5 AAC 01.725. Waters closed to subsistence fishing.** (a) Salmon may not be taken for subsistence purposes in

(1) the Klawock River drainage upstream of the Klawock River Bridge;

(2) District 15, in the salt waters of Lynn Canal, including Chilkat Inlet, Chilkoot Inlet, and Lutak Inlet, during closed periods of the commercial salmon net fishery in the district, except that salmon may be taken in salt waters of Chilkoot Inlet and Lutak Inlet north of the latitude of Battery Point at 59° 12.47' N. lat., excluding waters of Taiya Inlet north of the latitude of Taiya Point at 59° 17.27' N. lat., and in Chilkat Inlet north of the latitude of Glacier Point at 59° 06.02' N. lat. on the Saturday before and the day before any period that the commercial salmon net fishery is open in the waters of Section 15-A.

(b) Groundfish may not be taken for subsistence purposes in the waters off Cape Edgecumbe enclosed by a box defined as 56° 55.5' N. lat., 56° 57' N. lat., 135° 54' W. long., and 135° 57' W. long.

**5 AAC 01.730. Subsistence fishing permits.** (a) Eulachon in the Unuk River, and salmon, trout, char, herring spawn on kelp, and sablefish may only be taken under authority of a subsistence fishing permit.

(b) Permits will not be issued for the taking of coho salmon from the Taku River and Stikine River drainages. However coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes as described in (j) of this section.

(c) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

(d) Repealed 7/18/2003.

(e) The department shall adhere to the following when issuing subsistence salmon fishing permits:

(1) fishing effort must be allowed in places and during times when resource abundance will allow a harvest without jeopardizing the sustained yield of the stock and in a manner which provides for an orderly fishery;

(2) any gear must be allowed which is efficient and economical in light of local circumstances and which provides for an orderly harvest without waste of the resource;

(3) possession limits may be established if resources are limited relative to anticipated harvest levels;

(4) the department may not set any possession limit which jeopardizes the sustained yield of a stock;

(5) a permit is valid for the entire season in which it is issued;

(6) the department may require the permit holder to report daily harvests on the catch calendar which accompanies the permit.

(f) When a permit is denied under the guidelines in (e) of this section, the commissioner shall determine if the requested use is a subsistence use by applying the Joint Boards of Fisheries and Game criteria for the identification of subsistence uses under 5 AAC 99.010. The commissioner shall issue the permit if the commissioner determines that the request is for a subsistence use and the sustained yield of the stock will not be jeopardized.

(g) When issuing a herring spawn-on-kelp subsistence fishing permit, the department may specify on the permit the times and locations for harvesting and the species of kelp that may be taken. The annual possession limit for herring spawn on kelp is 75 pounds for an individual or 325 pounds for a household of two or more persons.

(h) Repealed 5/15/93.

(i) The department will not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. A holder of a

subsistence salmon permit must report any steelhead trout taken in this manner on the permit holder's permit calendar.

(j) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes, except that the possession limit for king salmon is two fish. A holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on the permit holder's permit calendar.

(k) In addition to the reporting requirement under (e) of this section, the department will, to the extent practicable, use a harvest monitoring program with surveys and interviews to record the harvest of herring spawn on branches, kelp, and seaweed taken in the waters of Section 13-A and Section 13-B north of the latitude of Aspid Cape.

*(l)* The department will issue only one sablefish subsistence fishing permit per household per year under this section. A permit holder shall record sablefish harvest information on harvest recording forms provided by the department.

**5 AAC 01.740. Marking of subsistence-taken salmon.** Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

**5 AAC 01.745. Subsistence bag and possession limits; annual limits.** (a) The daily bag limit for halibut is two fish and the possession limit is two daily bag limits. No person may possess sport-taken and subsistence-taken halibut on the same day.

(b) No person may possess subsistence-taken and sport-taken salmon on the same day.

(c) In the subsistence fishery established in 5 AAC 01.710(f), the total annual limit for salmon is 25 salmon per household.

(d) There is no daily bag or possession limit for aquatic plants, other than herring spawn on kelp, that are taken for subsistence purposes.

(e) In the Ketchikan Management Area, in waters open to subsistence salmon fishing under a household subsistence salmon fishing permit, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon: the possession limit is 10 sockeye salmon, with an annual limit of 20 sockeye salmon, except as follows:

(A) District 1: in the following waters, the possession limit is 12 sockeye salmon, with no annual limit:

(i) Hugh Smith Lake and Sockeye Creek, combined;

(ii) Naha River east of 131° 37.03' W. long.;

(B) District 2: in the waters of the Karta River and Kasaan Bay, combined, the possession limit is 20 sockeye salmon, with no annual limit;

(C) District 3: in the following waters, the following possession and annual limits apply:

(i) Eek Lake, Hetta Lake Creek, and Hetta Inlet, combined: the possession limit is 20 sockeye salmon, with no annual limit;

(ii) Klakas Inlet and Klakas Lake, combined: the possession limit is 20 sockeye salmon, with no annual limit;

(iii) Klawock Inlet and Klawock River, combined: the possession limit is 20 sockeye salmon, with no annual limit;

(iv) Sarkar Cove and Sarkar Lake, combined: the possession limit is 20 sockeye salmon, with an annual limit of 40 sockeye salmon;

(2) coho salmon: the possession limit is 20 coho salmon, with an annual limit of 40 coho salmon;

(3) pink salmon: the possession limit is 150 pink salmon, with no annual limit;

(4) chum salmon: the possession limit is 25 chum salmon, with no annual limit.

(f) In the Petersburg-Wrangell Management Area, in waters open to subsistence salmon fishing under a household subsistence salmon fishing permit, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon may not be taken for subsistence uses, except that sockeye salmon may be taken in the vicinity of Point Baker as described in 5 AAC 01.710(f) and (c) of this section, and in the following waters, with the following possession and annual limits:

(A) District 5: in Shipley Bay, the possession limit is 25 sockeye salmon, with an annual limit of 50 sockeye salmon;

(B) District 6: in the following waters, the possession and annual limit is 30 sockeye salmon:

(i) Red Bay;

(ii) Salmon Bay;

(C) District 7: in the following waters, the possession limit is 20 sockeye salmon, with an annual limit of 40 sockeye salmon:

(i) Mill Creek;

(ii) Thoms Creek;

(D) Section 9-B: in the following waters, the possession and annual limit is 50 sockeye salmon:

(i) Alecks Creek;

(ii) Bay of Pillars;

(2) coho salmon: the possession limit is 20 coho salmon, with an annual limit of 40 coho salmon;

(3) pink salmon: the possession limit is 100 pink salmon, with no annual limit;

(4) chum salmon: the possession limit is 50 chum salmon, with no annual limit.

(g) In the Sitka Management Area, in waters open to subsistence salmon fishing under a household subsistence salmon fishing permit, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon: the possession and annual limit is 10 sockeye salmon, except as follows:

(A) Section 9-A: in the following waters, the following possession and annual limits apply:

(i) Falls Lake: the possession and annual limit is 25 sockeye salmon;

(ii) Gut Bay: the possession limit is 10 sockeye salmon, with an annual limit of 20 sockeye salmon;

(B) District 13: in the following waters, the following possession and annual limits apply:

(i) Ford Arm and Ford Arm Lake, combined: the possession and annual limit is 25 sockeye salmon;

(ii) Hanus Bay and Lake Eva, combined: the possession and annual limit is 50 sockeye salmon;

(iii) Hoktaheen Cove, Hoktaheen Creek, and Hoktaheen Lake, combined: the possession and annual limit is 50 sockeye salmon;

(iv) Klag Bay and Camp Lake, combined: the possession and annual limit is 50 sockeye salmon;

(v) Lake Anna: the possession and annual limit is 25 sockeye salmon;

(vi) Necker Bay and Benzeman Lake, combined: the possession limit is 100 sockeye salmon, with no annual limit;

(vii) Redfish Bay and Tumakof Lake, combined: the possession limit is 50 sockeye salmon, with an annual limit of 100 sockeye salmon;

(viii) Redoubt Bay and Redoubt Lake, combined: the possession and annual limits are as specified in 5 AAC 01.760(b) and (d);

(ix) Sitkoh Bay and Sitkoh Lake, combined: the possession and annual limit is 50 sockeye salmon;

(x) Surge Bay and Surge Lake, combined: the possession and annual limit is 50 sockeye salmon;

(xi) Whale Bay and Politofski Lake, combined: the possession and annual limit is 50 sockeye salmon;

(2) coho salmon: the possession limit is 20 coho salmon, with an annual limit of 40 coho salmon;

(3) pink salmon: the possession limit is 100 pink salmon, with no annual limit;

(4) chum salmon: the possession limit is 50 chum salmon, with no annual limit.

(h) In the Juneau Management Area, in waters open to subsistence salmon fishing under a household subsistence salmon fishing permit, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon may not be taken for subsistence uses, except that in the following waters sockeye salmon may be taken with the following possession and annual limits:

(A) District 12: in the following waters, the following possession and annual limits apply:

(i) Basket Bay: the possession and annual limit is 30 sockeye salmon;

(ii) Hasselborg River and Salt Lake, combined: the possession and annual limit is 50 sockeye salmon;

(iii) Kanalku Bay: the possession and annual limit is 20 sockeye salmon;

(B) District 14: in the following waters, the following possession and annual limits apply:

(i) Berg Bay: the possession and annual limit is 25 sockeye salmon;

(ii) Neva Creek: the possession and annual limit is 20 sockeye salmon;

(2) coho salmon: the possession limit is 20 coho salmon, with an annual limit of 40 coho salmon, except that in Hasselborg River and Salt Lake, combined, the possession and annual limit is 20 coho salmon;

(3) pink salmon: the possession limit is 150 pink salmon, with no annual limit;

(4) chum salmon: the possession limit is 50 chum salmon, with no annual limit.

(i) In the Haines Management Area, salmon may not be taken for subsistence uses, except that in the Chilkat River, Chilkat Inlet, Lutak Inlet, and Chilkoot River, combined, salmon may be taken for subsistence uses under a household subsistence salmon fishing permit with the following possession and annual limits per household:

(1) sockeye salmon: the possession limit is 25 sockeye salmon, with an annual limit of 50 sockeye salmon;

(2) coho salmon: the possession limit is 20 coho salmon, with an annual limit of 40 coho salmon;

(3) pink and chum salmon, combined: the possession limit is 75 pink and chum salmon, combined, with an annual limit of 100 pink and chum salmon, combined.

(j) For the purposes of this section, the

(1) Ketchikan Management Area consists of the waters of the Southeastern Alaska Area in Districts 1 - 4;

(2) Petersburg-Wrangell Management Area consists of the waters of the Southeastern Alaska Area in Districts 5 - 8, Section 9-B, and District 10;

(3) Sitka Management Area consists of the waters of the Southeastern Alaska Area in Section 9-A, District 12 south of the latitude of Point Hayes and west of a line midway between the shoreline of Admiralty Island and the shorelines of Chichagof Island, Baranof Island, and Catherine Island, and District 13;

(4) Juneau Management Area consists of the waters of the Southeastern Alaska Area in Districts 11, 12, 14, and 16, except for those waters of District 12 described in (3) of this subsection;

(5) Haines Management Area consists of the waters of the Southeastern Alaska Area in District 15.

(k) Eulachon on the Unuk River: the possession and annual limit is 50 pounds of eulachon smelt.

**5 AAC 01.747. Subsistence fishing policy for the Petersburg, Wrangell, and Sitka road systems.** (a) Salmon streams flowing across or adjacent to the road systems of Petersburg, Wrangell, and Sitka support only limited runs of salmon. Harvestable

numbers of salmon in excess of the spawning escapement needs for those streams are normally of such a small magnitude that these numbers alone are not sufficient to support the consumptive demands of those communities. Therefore, permits allowing the use of nets shall not be issued for the streams along the road systems of those communities.

(b) Repealed 4/14/82.

**5 AAC 01.750. Vessel specifications and operations.** From January 1 through August 31, in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock, at 55° 33.47' N. lat., 133° 05.96' W. long., a person may subsistence salmon fish from a vessel that is powered only by hand or an outboard motor of no greater than 50 horsepower.

**5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.** (a) The management plan in this section provides guidelines to the department for allocating Redoubt Lake sockeye salmon between the commercial, sport, and subsistence fisheries. The department shall manage the Redoubt Bay and Lake sockeye salmon fisheries to achieve an optimal escapement goal of 7,000 - 25,000 sockeye salmon. For the purpose of this section, Redoubt Bay consists of the waters of Redoubt Bay south of 56° 54.71' N. lat.

(b) In the Redoubt Bay and Lake subsistence salmon fishery,

(1) sockeye salmon may be taken

(A) from June 1 through August 31; and

(B) by gaff, dip net, seine, gillnet, and a hook and line attached to a rod or pole;

(2) a subsistence salmon fishery permit holder may snag salmon in the waters of Redoubt Bay north (seaward) of a line approximately 100 yards from the base of the falls as marked by ADF&G regulatory markers;

(3) unless otherwise provided in (d) of this section, the possession limit is 10 sockeye salmon per household, and the annual limit is 50 sockeye salmon per household.

(c) In the Redoubt Bay and Redoubt Lake drainage sport fishery for sockeye salmon,

(1) unless otherwise provided in (d) of this section, the bag and possession limit for sockeye salmon is four fish;

(2) from June 1 through July 15, a sport angler may not snag salmon in the waters of Redoubt Bay;

(3) from July 16 through August 31, a nonresident sport angler may not snag salmon in the waters of Redoubt Bay.

(d) The department will manage the Redoubt Bay sockeye salmon fisheries by using inseason escapement counts from the Redoubt Lake weir and historical run timing to project the total escapement level. To project that level, the department may also consider other sources of available information, including aerial surveys, boat surveys, and inseason harvest data. Based on the projected total escapement level, the commissioner shall open and close, by emergency order, the Redoubt Bay and Lake sockeye salmon fisheries as follows:

(1) when the projected total escapement level of sockeye salmon is less than 7,000 fish, the commissioner shall close the commercial, sport, and subsistence fisheries in Redoubt Bay and Lake for sockeye salmon;

(2) when the projected total escapement level of sockeye salmon is greater than 7,000 but not more than 10,000 fish, the commissioner shall,

(A) close the commercial and sport fisheries in Redoubt Bay and Redoubt Lake drainage for sockeye salmon; and

(B) in the commissioner's discretion,

(i) reduce the possession limit for the subsistence sockeye salmon fishery to five sockeye salmon per household and reduce the annual limit to 25 salmon per household; or

(ii) close the subsistence sockeye salmon fisheries;

(3) when the projected total escapement level of sockeye salmon is greater than 20,000 but not more than 30,000 fish, the commissioner shall establish for the subsistence salmon fishery, a possession limit of 25 salmon per household, and an annual limit of 50 salmon per household;

(4) when the projected total escapement level of sockeye salmon is greater than 30,000 fish, the commissioner shall establish

(A) for the subsistence salmon fishery, a possession limit of 25 salmon per household, and an annual limit of 100 salmon per household;

(B) for the sport fishery, a bag and possession limit of six salmon;

(5) in addition to the provisions of (4) of this subsection, when the projected total escapement level of sockeye salmon is greater than 40,000 fish, the commissioner may

(A) open portions of Redoubt Bay to a commercial fishery on sockeye salmon returning to Redoubt Lake;

(B) issue community subsistence permits under the provisions of (e) of this section;

(C) notwithstanding 5 AAC 01.720(1), allow the use of seine or gillnet gear in the subsistence fishery in the waters of Redoubt Bay north (seaward) of a line approximately 100 yards from the base of the falls, as marked by ADF&G regulatory markers.

(e) The following provisions apply to the department issuance of community harvest permits for the Redoubt Bay community harvest area described as the waters of Redoubt Bay that are north (seaward) of a line approximately 150 yards from the base of the falls as marked by ADF&G regulatory markers:

(1) a community harvest permit shall list all households for whom the designated community harvester is fishing;

(2) the designated community harvester must have in the harvester's possession a household subsistence harvest permit for each household that is listed on the community harvest permit;

(3) under a community harvest permit, the total harvest may not exceed the combined harvest limits of the households listed on the community harvest permit or a possession limit of 500 fish, whichever is less;

(4) a person qualified to obtain a subsistence salmon fishing household permit in the Redoubt Bay fishery may designate only one community harvester at a time to harvest fish on behalf of that household;

(5) a designated community harvester must record on each household subsistence permit, the number of fish harvested for the household to which the household permit was issued; the amount may not exceed the possession limit of the household to which the household permit was issued; and

(6) for the purposes of this section, the legal gear for harvest under a community harvest permit are a beach seine, hand purse seine, dip net, gaff, spear, and a hook and line attached to a rod or pole.

## Chapter 02. Subsistence Shellfish Fishery.

Article

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

2. Southeastern Alaska-Yakutat Area. (5 AAC 02.100 - 5 AAC 02.199)

3. Prince William Sound Area. (5 AAC 02.200 - 5 AAC 02.236)

4. Cook Inlet Area. (5 AAC 02.300 - 5 AAC 02.330)

5. Kodiak Area. (5 AAC 02.400 - 5 AAC 02.499)

6. Alaska Peninsula-Aleutian Islands Area. (5 AAC 02.500 - 5 AAC 02.566)

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 2. Southeastern Alaska-Yakutat Area.

5 AAC 02.100. Description of the Southeastern Alaska-Yakutat Area
5 AAC 02.105. Description of districts
5 AAC 02.106. Limitations on participation in subsistence shellfish fisheries; nonsubsistence areas
5 AAC 02.108. Customary and traditional subsistence uses of shellfish stocks
5 AAC 02.109. Lawful gear for subsistence shellfish fisheries
5 AAC 02.110. Subsistence shrimp fishery
5 AAC 02.115. Subsistence Dungeness crab fishery
5 AAC 02.120. Subsistence king crab fishery
5 AAC 02.125. Subsistence Tanner crab fishery
5 AAC 02.130. Subsistence clam fishery
5 AAC 02.135. Subsistence abalone fishery
5 AAC 02.140. Subsistence scallop fishery

**5 AAC 02.100. Description of the Southeastern Alaska-Yakutat Area.** The Southeastern Alaska-Yakutat Area has as its western boundary the longitude of Cape Suckling (144° W. long.), its southern boundary the International Boundary at Dixon Entrance, and its seaward boundary the 400-fathom (732 m) depth contour.

**5 AAC 02.105. Description of districts.** Districts are as described in 5 AAC 30.200 and 5 AAC 33.200.

**5 AAC 02.106. Limitations on participation in subsistence shellfish fisheries; nonsubsistence areas.** In the Southeastern Alaska-Yakutat Area, shellfish may not be taken for subsistence purposes in the Ketchikan Nonsubsistence Area and the Juneau Nonsubsistence Area described in 5 AAC 99.015.

**5 AAC 02.108. Customary and traditional subsistence uses of shellfish stocks.** The Alaska Board of Fisheries finds that the following shellfish stocks are customarily and traditionally taken or used for subsistence in the following portions of the Southeastern Alaska-Yakutat Area outside of the nonsubsistence areas described in 5 AAC 99.015(a)(1) and (2):

(1) District 1: shellfish, except shrimp, king crab, and Tanner crab, in the waters of

(A) Section 1-E south of the latitude of Grant Island Light;

(B) Section 1-F north of the latitude of the northernmost tip of Mary Island, except the waters of Boca de Quadra;

(2) District 2: shellfish, except shrimp, king crab, and Tanner crab in the waters north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(3) District 3: shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 3-A and Section 3-B;

(4) District 5: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 5 that are

(A) except as specified in (B) of this paragraph, north of a line from Point St. Albans to Cape Pole; and

(B) north of 56° 40' N. lat.;

(5) District 6: shellfish, except shrimp, king crab, and Tanner crab, in the waters of

(A) Section 6-A west of a line from Macnamara Point to Mitchell Point; and

(B) Section 6-B west of the longitude of Macnamara Point;

(6) District 7: shellfish, except king crab and Tanner crab, in the waters of District 7;

(7) District 8: shellfish, except king crab and Tanner crab, in the waters of District 8;

(8) District 9: shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 9-B north of the latitude of Point Ellis;

(9) District 10: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 10 west of a line from Pinta Point to Point Pybus;

(10) District 12: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution;

(11) District 13, as follows:

(A) except as specified in (B) of this paragraph, Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks, in the waters of District 13;

(B) shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 13-C east of the longitude of Point Elizabeth;

(12) District 14: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 14 east of the longitude of Point Dundas;

(13) District 15: shellfish, except king crab and Tanner crab, in the waters of Section 15-A;

(14) Yakutat District: shellfish in the waters of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Russell Fjord, within a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

**5 AAC 02.109. Lawful gear for subsistence shellfish fisheries.** In the Southeastern Alaska-Yakutat Area,

(1) in the subsistence taking of shellfish other than shrimp, no more than five pots of any type, per person, and no more than 10 pots of any type, per vessel, may be used;

(2) in the subsistence taking of sea cucumbers, sea cucumbers may not be taken with the use of diving gear in the waters described in 5 AAC 38.140(k) that are closed to commercial sea cucumber fishing.

**5 AAC 02.110. Subsistence shrimp fishery.** In the subsistence taking of shrimp,

(1) a pot used to take shrimp must have

(A) no more than four tunnel eye openings; a tunnel eye opening may not exceed 15 inches in perimeter;

(B) a bottom perimeter of no more than 153 inches; and

(C) a volume of no more than 25 cubic feet;

(2) no more than 10 pots per person, and no more than 20 pots per vessel, may be used to take shrimp;

(3) from February 15 through April 30, a commercially licensed and registered shrimp fishing vessel may not be used to take shrimp for subsistence purposes in Districts 6 - 8 and District 10.

(4) shrimp may only be taken under the authority of a permit issued under 5 AAC 02.015; only one permit may be issued to a household each year;

(5) in waters of District 13, except the waters of Section 13-C east of the longitude of Point Elizabeth at 57° 30.60' N. lat., 135° 17.57' W. long., the bag and possession limit for spot shrimp is ten gallons, whether whole or de-headed; bag and possession limits specified in this subsection are not in addition to those allowed under sport or personal use regulations;

(6) shrimp may only be taken from May 1 through February 28.

**5 AAC 02.115. Subsistence Dungeness crab fishery.** In the subsistence taking of Dungeness crab,

(1) the daily bag and possession limit is 20 crab per person except that, in waters of Thorne Bay west of the longitude of the southernmost tip of Thorne Head, the daily bag and possession limit is five crab;

(2) only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed; male Dungeness crab less than the minimum legal size and

female Dungeness crab that have been taken must be immediately returned to the water unharmed; for the purposes of this paragraph, the shoulder width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;

(3) spears and gaffs may not be used in Districts 1 - 16;

(4) repealed 7/14/85;

(5) live holding facilities utilized to accumulate or pool multiple bag limits by an individual or individuals are not allowed;

(6) a pot used to take Dungeness crab under this section must have at least two escape rings that each are not less than four and three-eighths inches, inside diameter; the escape rings must be located on opposite sides of the pot and the upper half of the vertical pane of the pot;

(7) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Dungeness crab.

**5 AAC 02.120. Subsistence king crab fishery.** In the subsistence taking of king crab,

(1) repealed 4/23/94;

(2) repealed 7/14/85;

(3) in the districts described in 5 AAC 30.200,

(A) red and blue king crab may not be taken from April 1 through June 30;

(B) only male king crab seven inches or larger in width of shell may be taken or possessed;

(4) in the Yakutat Area, the daily bag and possession limit is two crab per person and only male crab may be taken;

(5) an operator of a commercially licensed and registered king crab fishing vessel shall obtain a permit from the department before taking king crab for subsistence purposes in waters of Yakutat Bay enclosed by a line from the westernmost tip of Ocean Cape to the easternmost tip of Point Manby during the open commercial king crab fishing season; the department may set out requirements in the permit for the conservation of the king crab resource and to ensure compliance with other applicable fishing laws;

(6) a pot used to take king crab under this section must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than six and one-quarter inches inside diameter;

(7) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take king crab;

(8) a person may not utilize a live holding facility to accumulate or pool multiple bag limits of king crab.

**5 AAC 02.125. Subsistence Tanner crab fishery.** In the subsistence taking of Tanner crab,

(1) the possession limit for Tanner crab is 30 crab per person, per day; only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed; male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned to the water unharmed;

(2) repealed 7/14/85;

(3) a pot used to take Tanner crab under this section must have at least two circular escape rings on opposing vertical or sloping sides of the pot that each are not less than four and three-quarter inches inside diameter;

(4) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Tanner crab;

(5) a person may not utilize a live holding facility to accumulate or pool multiple bag limits of Tanner crab.

**5 AAC 02.130. Subsistence clam fishery.** (a) In the subsistence taking of geoducks, the bag limit is six geoducks per person per day.

(b) Unless opened by emergency order, the Sitka Sound Special Use Area described in 5 AAC 77.674(3)(A)(i) is closed to the harvest of razor clams.

**5 AAC 02.135. Subsistence abalone fishery.** In the subsistence taking of abalone,

(1) the possession limit is five abalone per person;

(2) the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;

(3) subsistence fishing is prohibited while engaged in commercial abalone fishing; prior to engaging in the subsistence fishery, commercial abalone fishermen must return the commercial permit to the Department of Fish and Game and land the commercial catch in possession;

(4) repealed 6/30/83;

(5) a diver using a compressed air system, such as scuba or hookah, may not take abalone.

**5 AAC 02.140. Subsistence scallop fishery.** In the subsistence taking of rock scallops (Hinnites sp) and weathervane scallops (Pecten sp), the daily bag and possession limit is five rock scallops and 10 weathervane scallops.

**Article 3. Prince William Sound Area.**

5 AAC 02.200. Description of the Prince William Sound Area
5 AAC 02.206.Subsistence king and Tanner crab fishing permit
5 AAC 02.207. Lawful gear for subsistence king and Tanner crab fisheries
5 AAC 02.208. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses
5 AAC 02.210. Subsistence shrimp fishery
5 AAC 02.215. Subsistence Dungeness crab fishery
5 AAC 02.220. Subsistence Tanner crab fishery
5 AAC 02.225. Subsistence king crab fishery
5 AAC 02.230. Subsistence clam fishery
5 AAC 02.236. Closed waters

**5 AAC 02.200. Description of the Prince William Sound Area.** The Prince William Sound Area has as its western boundary the longitude of Cape Fairfield (148° 50.25' W. long.), as its eastern boundary the longitude of Cape Suckling (144° W. long.), and as its seaward boundary the 400-fathom (732 m) depth contour.

**5 AAC 02.206. Subsistence king and Tanner crab fishing permit.** A person must obtain a subsistence crab permit, described in 5 AAC 02.015, from the department before harvesting crab with pots in the Prince William Sound Area. Upon taking king or Tanner crab and before concealing the crab from plain view or removing the crab from the fishing site, the person must enter the catch information requested on the permit.

**5 AAC 02.207. Lawful gear for subsistence king and Tanner crab fisheries.** In the Prince William Sound Area,

(1) king and Tanner crab may be taken only with pots, ring nets, dip nets, diving gear, hooked or hookless hand lines, and by hand;

(2) a pot used to take king or Tanner crab

(A) must have a minimum of two escape rings that are at least four and three-eighths inches inside diameter; and

(B) may not have any portion of the line attaching the pot to a buoy floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys;

(3) not more than two pots a person with a maximum of two pots each vessel may be used to take king or Tanner crab, except that in waters north of 60° 00.00' N. lat., and east of 147° 00.00' W. long., not more than two pots a person with a maximum of eight pots each vessel may be used to take Tanner crab.

**5 AAC 02.208. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that shrimp, Dungeness crab, Tanner crab, king crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Prince William Sound Area.

(b) The board finds that 9,000 - 15,000 pounds of usable weight of shrimp are reasonably necessary for subsistence uses in the Prince William Sound Area.

(c) The board finds that 15,000 - 25,000 pounds usable weight of shellfish other than shrimp and crab are reasonably necessary for subsistence uses in the Prince William Sound Area.

(d) The board finds that 550 - 2,050 Tanner crab are reasonably necessary for subsistence uses in the Prince William Sound Area.

**5 AAC 02.210. Subsistence shrimp fishery.** The department will manage the subsistence shrimp fishery in Prince William Sound as specified in 5 AAC 55.055. In the subsistence taking of shrimp,

(1) repealed 7/12/86;
(2) repealed 7/12/86;

(3) in addition to the marking requirements specified in 5 AAC 02.010(e)(1), each keg or buoy must also be plainly and legibly inscribed with the vessel name or the division of motor vehicles boat registration number, issued under 2 AAC 70, of the vessel used to operate the pot;

(4) all shrimp pots must have at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered net webbing or rigid mesh; pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface area of the pot; the net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the selvage;

(5) a person may only take shrimp from May 1 through September 15;

(6) no more than five pots per person, and no more than five pots per vessel, may be used;

(7) a person may take shrimp only under a permit issued by the department as specified in 5 AAC 02.015;

(8) a vessel may only have one shrimp pot in addition to the legal limit of shrimp pot gear.

**5 AAC 02.215. Subsistence Dungeness crab fishery. In the Prince William Sound Area.** (1) Dungeness crab may only be taken from March 20 through May 20 and from August 25 through December 31;

(2) only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed; male Dungeness crab less than the minimum size established under this paragraph and female Dungeness crab must be immediately returned to the water unharmed; for purposes of this paragraph, the shoulder width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;

(3) the daily bag and possession limit is 12 male Dungeness crab;

(4) a pot used to take Dungeness crab under this section must have at least two escape rings, each with an inside diameter of not less than four and three-eighths inches; the escape rings must be located on opposite sides of the pot and the upper half of the vertical pane of the pot; and

(5) a person must obtain a subsistence crab permit from the department prior to taking Dungeness crab.

**5 AAC 02.220. Subsistence Tanner crab fishery.** In the Prince William Sound Area, in the subsistence taking of Tanner crab,

(1) Tanner crab may be taken only from October 1 through March 31;

(2) only male Tanner crab five inches or greater in width of shell may be taken or possessed;

(3) the daily bag and possession limit is 12 male Tanner crab.

**5 AAC 02.225. Subsistence king crab fishery.** (a) Except for golden king crab as described in (b) of this section, the subsistence taking of king crab in the Prince William Sound Area is closed until the king crab stocks recover enough to provide a harvestable surplus and regulations are adopted by the Board of Fisheries that reopen the fishery.

(b) In the Prince William Sound Area, in the subsistence taking of golden king crab,

(1) golden king crab may be taken only from October 1 through March 31;

(2) golden king crab may be taken only in the waters west of 147° 20.00' W. long.;

(3) only male golden king crab seven inches or greater in width of shell may be taken or possessed;

(4) an annual limit per household is three male golden king crab.

**5 AAC 02.230. Subsistence clam fishery.** In waters east of 146° W. long. and south of a line from the southernmost tip of Point Bentinck to the southernmost tip of Point Whitshed

(1) razor clams may be taken only under the authority of a subsistence razor clam fishing permit;

(2) only razor clams four and one-half inches or longer in length of shell may be taken or possessed.

**5 AAC 02.236. Closed waters.** (a) Shellfish may not be taken in the nonsubsistence area of Prince William Sound as described in 5 AAC 99.015 (a)(5).

(b) The following waters are closed to the taking of king and Tanner crab for subsistence purposes:

(1) Port Valdez: north of 61° 01.00' N. lat.;

(2) Galena Bay: east of a line from 60° 57.63' N. lat., 146° 45.17' W. long. to 60° 58.41'N. lat., 146° 43.34' W. long;

(3) Port Fidalgo: north of a line from Porcupine Point at 60° 44.62' N. lat., 146° 42.08' W. long. to Bidarka Point at 60° 49.14' N. lat., 146° 38.45' W. long.;

(4) Port Gravina: north of a line from Gravina Point at 60° 37.37' N. lat., 146° 15.22' W. long. to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long.

## Article 4. Cook Inlet Area.

5 AAC 02.300. Description of the Cook Inlet Area.
5 AAC 02.305. Description of districts.
5 AAC 02.307. Lawful subsistence fishing gear for the taking of Tanner crab.
5 AAC 02.310. Subsistence miscellaneous shellfish fishery.
5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.
5 AAC 02.313. Subsistence shrimp fishery.
5 AAC 02.315. Subsistence Dungeness crab fishery.
5 AAC 02.320. Subsistence king crab fishery.
5 AAC 02.325. Subsistence Tanner crab fishery.

**5 AAC 02.300. Description of the Cook Inlet Area.** The Cook Inlet Area has as its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.) and as its southern boundary the latitude of Cape Douglas (58° 51.10' N. lat.).

**5 AAC 02.305. Description of districts.** Districts are as described in 5 AAC 21.200.

**5 AAC 02.307. Lawful subsistence fishing gear for the taking of Tanner crab.** In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3),

(1) Tanner crab may be taken only with pots, ring nets, dip nets, diving gear, hooked or hookless hand lines, and by hand;

(2) a pot used to take Tanner crab

(A) must have a minimum of two escape rings that are at least four and three-eighths inches inside diameter; and

(B) may not have any portion of the line attaching the pot to a buoy floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys;

(3) no more than two pots or two ring nets or a combination of one pot and one ring net per person with a maximum of two pots or two ring nets or a combination of one pot and one ring net per vessel may be used to take Tanner crab, except that in the waters of the Outer and Eastern Districts between the longitude of Gore Point (150° 57.85' W. long.) and the longitude of Cape Fairfield (148° 50.25' W. long.), no more than two pots or two ring nets or a combination of one pot and one ring net per person with a maximum of six pots or six ring nets or a combination of pots and ring nets not to exceed a total of six units of gear per vessel may be used to take Tanner crab.

**5 AAC 02.310. Subsistence miscellaneous shellfish fishery.** (a) In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3), miscellaneous shellfish may be taken for subsistence purposes from January 1 through December 31.

(b) In the subsistence taking of clams,

(1) clams may be taken only under the authority of a subsistence permit;

(2) there are no bag, possession, or size limits for clams, except that for littleneck and butter clams the bag and possession limit is 40 clams of either species or in combination and the minimum legal size is as follows:

(A) for littleneck clams, the minimum legal size is one and one-half inches across the widest width of the shell;

(B) for butter clams, the minimum legal size is two and one-half inches across the widest width of the shell;

(3) all razor clams taken or possessed must be retained.

**5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that the shellfish stocks in that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3) are customarily and traditionally taken or used for subsistence.

(b) The board finds that

(1) 850 - 1,275 gallons or 6,800 - 10,200 pounds (round weight) of hardshell clams are reasonably necessary for subsistence uses in that portion of the Cook Inlet Area described in (a) of this section from the easternmost point of Jakolof Bay to Point Pogibshi;

(2) 350 - 525 gallons or 2,800 - 4,200 pounds (round weight) of hardshell clams are reasonably necessary for subsistence uses in the remainder of that portion of the Cook Inlet Area described in (a) of this section that is not included in the area described in (1) of this subsection;

(3) 4,500 - 6,500 pounds of usable weight of shellfish, other than hardshell clams, crab, and shrimp, are reasonably necessary for subsistence uses in that portion of the Cook Inlet Area described in (a) of this section;

(4) 275 - 1,400 Tanner crab are reasonably necessary for subsistence uses in the Cook Inlet Area.

**5 AAC 02.313. Subsistence shrimp fishery.** In the Cook Inlet Area, a person may not take shrimp for subsistence purposes.

**5 AAC 02.315. Subsistence Dungeness crab fishery.** In the Cook Inlet Area that is outside of the nonsubsistence area described in 5 AAC 99.015(a)(3), in the subsistence taking of Dungeness crab,

(1) Dungeness crab may only be taken from July 1 through March 31;

(2) only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed; male Dungeness crab less than the minimum legal size and female Dungeness crab that have been taken must be immediately returned to the water unharmed; for the purposes of this paragraph, the shoulder-width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;

(3) the daily bag and possession limit is 12 male Dungeness crab;

(4) a pot used to take Dungeness crab under this section must have at least two escape rings that each are not less than four and three-eighths inches, inside diameter; the escape rings must be located on opposite sides of the pot and the upper half of the vertical pane of the pot; not more than one pot or one ring net per person with a maximum of three pots or rings nets per vessel may be used to take Dungeness crab; and

(5) a person must obtain a subsistence crab permit from the department before harvesting Dungeness crab in the Cook Inlet Area.

**5 AAC 02.320. Subsistence king crab fishery.** In the Cook Inlet Area, a person may not take king crab for subsistence purposes.

**5 AAC 02.325. Subsistence Tanner crab fishery.** (a) In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3), in the subsistence taking of Tanner crab,

(1) male Tanner crab may be taken only from September 1 through March 15;

(2) before harvesting Tanner crab, a person must obtain a subsistence permit as specified in 5 AAC 02.015; upon taking Tanner crab, and before concealing the Tanner crab from plain view or removing the Tanner crab from the fishing site, the person must enter the catch information requested on the permit;

(3) the daily bag and possession limit is five male Tanner crab and the seasonal limit is 40 male Tanner crab;

(4) only male Tanner crab four and one-half inches or greater in width of shell may be taken or possessed.

(b) Notwithstanding the provisions of 5 AAC 02.307 and (a) of this section, if the provisions of 5 AAC 35.408(e) apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male Tanner crab; seasonal bag limit of 20 male Tanner crab; no more than one pot or ring net per person with a maximum of one pot or ring net per vessel may be used to take Tanner crab.

## Article 5. Kodiak Area.

5 AAC 02.400. Description of the Kodiak Area
5 AAC 02.405. Subsistence crab fishing permits
5 AAC 02.410. Subsistence shrimp fishery
5 AAC 02.415. Subsistence Dungeness crab fishery
5 AAC 02.420. Subsistence king crab fishery
5 AAC 02.425. Subsistence Tanner crab fishery
5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses

**5 AAC 02.400. Description of the Kodiak Area.** The Kodiak Area has as its northern boundary the latitude of Cape Douglas (58° 51.10' N. lat.), its western boundary the longitude of Cape Kumlik (157° 27.00' W. long.), its eastern boundary the longitude of Cape Fairfield (148° 50.25' W. long.), and its seaward boundary the 300-fathom (549 m) depth contour.

**5 AAC 02.405. Subsistence crab fishing permits.** Crab may be taken for subsistence purposes only under the authority of a subsistence crab fishing permit.

**5 AAC 02.410. 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 02.415. Subsistence Dungeness crab fishery.** (a) The daily bag and possession limit is 12 Dungeness crab per person. Only male Dungeness crab six and one-half inches or greater in width of shell may be taken or possessed.

(b) Subsistence taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location.

**5 AAC 02.420. Subsistence king crab fishery.** (a) In the subsistence taking of king crab,

(1) the annual limit is three king crab for a household;

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

(3) notwithstanding 5 AAC 02.010(i), no more than one king crab pot per person or per vessel may be used to take king crab; in addition to the marking requirements specified in 5 AAC 02.010(e), a king crab pot must have "king crab" legibly inscribed on the keg or buoy attached to the king crab pot;

(4) king crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(5) only male king crab seven inches or greater in width of shell may be taken or possessed.

(b) In this section, "king crab pot" is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches in any one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size.

**5 AAC 02.425. Subsistence Tanner crab fishery.** (a) In the subsistence taking of Tanner crab,

(1) no more than five Tanner crab pots or ring nets per person may be used to take Tanner crab with a maximum of 10 Tanner crab pots or ring nets per vessel; in addition

to the marking requirements specified in 5 AAC 02.010(e), a Tanner crab pot must have "Tanner crab" legibly inscribed on the keg or buoy attached to the Tanner crab pot;

(2) in a commercial Tanner crab section of the Kodiak District, described in 5 AAC 35.505(a), that will be open to a commercial Tanner crab fishery, the subsistence taking of Tanner crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the scheduled opening of a commercial Tanner crab fishing season in that section;

(3) the daily bag and possession limit is 12 crab per person and only male crab may be taken;

(4) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

(b) In this section, "Tanner crab pot" is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are less than five inches in one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size.

**5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that king crab, Tanner crab, Dungeness crab, shrimp, and miscellaneous shellfish are customarily and traditionally taken or used for subsistence in the Kodiak Area.

(b) The board finds that

(1) 3,200 - 8,100 Tanner crab are reasonably necessary for subsistence uses in the Kodiak Area;

(2) 1,200 - 2,800 Dungeness crab are reasonably necessary for subsistence uses in the Kodiak Area;

(3) 60,500 - 103,000 pounds of usable weight of miscellaneous shellfish are reasonably necessary for subsistence uses in the Kodiak Area;

(4) 1,000 - 8,500 pounds of usable weight of shrimp are reasonably necessary for subsistence uses in the Kodiak Area; and

(5) 22,000 - 68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish are reasonably necessary for subsistence uses on the south side of the Alaska Peninsula between Kilokak Rocks (156° 19' W. long.) and Cape Kumlik (157° 27' W. long.) and in the area described in 5 AAC 02.500, combined;

(6) 175 - 325 king crab are reasonably necessary for subsistence uses in the Kodiak Area.

## Article 6. Alaska Peninsula-Aleutian Islands Area.

5 AAC 02.500. Description of the Alaska Peninsula-Aleutian Islands Area
5 AAC 02.506. Subsistence king and Tanner crab fishing permits
5 AAC 02.510. Subsistence shrimp fishery
5 AAC 02.515. Subsistence Dungeness crab fishery
5 AAC 02.520. Subsistence king crab fishery
5 AAC 02.525. Subsistence Tanner crab fishery
5 AAC 02.566. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses

**5 AAC 02.500. Description of the Alaska Peninsula-Aleutian Islands Area.** The Alaska Peninsula-Aleutian Islands Area includes Pacific Ocean waters west of the longitude of Cape Kumlik (157° 27' W. long.), east of 172° E. long. and shoreward of the 800-fathom (1,463 m) depth contour, and Bering Sea waters east of 172° E. long. and south of 54° 36' N. lat.

**5 AAC 02.506. Subsistence king and Tanner crab fishing permits.** In the portion of the Alaska Peninsula-Aleutian Islands Area west of Scotch Cap Light and east of 168° W. long., king and Tanner crab may be taken for subsistence purposes only under the authority of a subsistence crab permit with a harvest report. The permit and harvest report must be carried by the permit holder at all times while subsistence fishing and any king and Tanner crab harvested shall be recorded by the permit holder immediately on the harvest report.

**5 AAC 02.510. 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 02.515. Subsistence Dungeness crab fishery.** The daily bag and possession limit is 12 Dungeness crab per person. Only male Dungeness crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 02.520. Subsistence king crab fishery.** In the subsistence taking of king crab,

(1) the daily bag and possession limit is six king crab per person, except that in the waters west of the longitude of Scotch Cap Light (166° 44' W. long.) and east of 168° W. long., the daily bag and possession limit is one king crab per person; only male king crab may be taken;

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

(3) crab may be taken only from June 1 through January 31;

(4) only male king crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 02.525. Subsistence Tanner crab fishery.** The daily bag and possession limit is 12 Tanner crab per person. Only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 02.566. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Alaska Peninsula-Aleutian Islands Area.

(b) The board finds that 1,200 - 7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800 - 6,000 king crab within the waters west of the longitude of Scotch Cap Light (166° 44' W. long.) and east of 168° W. long.

(c) The board finds that 4,200 - 16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500 - 8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light (166° 44' W. long.) and east of 168° W. long.

(d) The board finds that 22,000 - 68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish are reasonably necessary for subsistence purposes in the Alaska Peninsula - Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(b)(5), combined.

## 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 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 39.105. Types of legal gear

5 AAC 39.145. Escape mechanism for shellfish and groundfish pots.

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 39.200. 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 39.105. 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 39.145. Escape mechanism for shellfish and groundfish pots.** Pot gear must include an escape mechanism in accordance with the following provisions:

(1) a sidewall, which may include the tunnel, of all shellfish and groundfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length; the opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread; the cotton twine may be knotted at each end only; the opening must be within six inches of the bottom of the pot and must be parallel with it; the cotton twine may not be tied or looped around the web bars; Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine, no larger than 60 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(2) all king crab, Tanner crab, shrimp, miscellaneous shellfish and groundfish pots may, instead of complying with (1) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length; the opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread; a galvanic timed release (GTR) device, designed to release in no

more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot; the twine may be knotted only at each end and at the attachment points on the galvanic timed release device; the opening must be within six inches of the bottom of the pot and must be parallel with it; the twine may not be tied or looped around the web bars;

(3) in an area open to commercial, personal use, sport, or subsistence fishing with pot gear, including a pot storage area, a registered commercial fishing vessel or a vessel used for personal use, sport, or subsistence fishing may not have on board the vessel or in the water, in fishing or stored condition, any groundfish or shellfish pot gear that does not have an opening or rigging as specified in (1) or (2) of this section;

(4) all commercial, subsistence, personal use, and sport shellfish pots constructed with rigid mesh must have at least one opening in a sidewall of the pot which may include the tunnel, except Dungeness crab pots that have a pot lid tie-down that complies with (1) of this section; the opening in a king crab or Tanner crab pot must be equal to or exceed a 12-inch by 8-inch rectangle; the opening in a Dungeness crab pot must be equal to or exceed a 10-inch by 6-inch rectangle; the lower long edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening in a shrimp pot must be equal to or exceed a four-inch square; the lower edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine, no larger than 30 thread; each single loop of cotton twine may contain only one knot and may not be laced along the opening; the panel must be attached to the pot in a manner that when the cotton twine degrades the panel will drop away from the pot exposing the opening completely.

**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 39.200. 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.

**Selected Sections**

**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 39.223. 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).

## 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.

## Chapter 77. Personal Use Fishery.

Article

1. Statewide Provisions. (5 AAC 77.001 - 5 AAC 77.035)

2 - 3. (Repealed and Deleted). (5 AAC 77.050 - 5 AAC 77.130)

4. Yukon Area. (5 AAC 77.150 - 5 AAC 77.190)

5. (Repealed and Deleted). (5 AAC 77.200 - 5 AAC 77.240)

6. Bristol Bay Area. (5 AAC 77.250 - 5 AAC 77.285)

7 - 9. (Repealed). (5 AAC 77.300 - 5 AAC 77.416)

10. Kodiak Area. (5 AAC 77.450 - 5 AAC 77.468)

11. Cook Inlet Area. (5 AAC 77.500 - 5 AAC 77.549)

12. Prince William Sound Area. (5 AAC 77.550 - 5 AAC 77.591)

13. Yakutat Area. (5 AAC 77.600 - 5 AAC 77.649)

14. Southeastern Alaska Area. (5 AAC 77.650 - 5 AAC 77.699)

### 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.

## Article 6. Bristol Bay Area.

### 5 AAC 77.250. Description of Bristol Bay Area

The Bristol Bay Area consists of all waters of Bristol Bay enclosed by a line from the westernmost tip of Cape Newenham to the westernmost tip of Cape Menshikof.

### 5 AAC 77.285. Naknek River Personal Use Sockeye Salmon Fishery Management Plan

(a) The department shall allow the taking of salmon by dip nets and gillnets in the Naknek River from its terminus upstream to ADF&G regulatory markers located near Savonski from when the department has estimated that 900,000 sockeye salmon are in the river through July 25.

(b) During the open season, salmon may be taken by dip nets seven days per week and by gillnets during open subsistence salmon fishing periods for the Naknek River.

(c) Salmon may be taken only under the authority of a permit issued through the department's King Salmon office.

(d) The annual limit is 75 salmon. This limit is not in addition to the limits in 5 AAC 67.020 and 5 AAC 67.022.

(e) No set gillnet may exceed 10 fathoms in length and five and three-eighths inches in mesh size. No set gillnet may be set or operated within 300 feet of another set gillnet.

## Article 10. Kodiak Area.

### 5 AAC 77.450. Description of area

The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 51.10' N. lat.), west of 150° W. long., north of 55° 30.00' N. lat., and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156° 20.22' W. long.).

### 5 AAC 77.468. Personal use salmon fishery

In the personal use taking of salmon in the Kodiak Area,

(1) salmon may be taken only in the waters of Settler Cove west of 152° 50.80' W. long., including all fresh water below the falls of Crescent Creek;

(2) there is no closed season;

(3) there is no bag or possession limit; and

(4) salmon may be taken only by dip net.

## Article 11. Cook Inlet Area.

5 AAC 77.500. Description of Cook Inlet Area
5 AAC 77.505. Description of districts and subdistricts
5 AAC 77.507. Personal use permit for shellfish
5 AAC 77.509. Lawful gear and gear specifications for shellfish
5 AAC 77.510. (Repealed)
5 AAC 77.511. Personal use shrimp fishery
5 AAC 77.516. Personal use Tanner crab fishery
5 AAC 77.518. Personal use clam fishery
5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan
5 AAC 77.520. Areas closed to personal use fishing for shellfish
5 AAC 77.525. Personal use salmon fishery
5 AAC 77.527. Personal use smelt fishery
5 AAC 77.531. Personal use herring fishery
5 AAC 77.532. Personal use aquatic plant fishery
5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan
5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan
5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan

### 5 AAC 77.500. Description of Cook Inlet Area

The Cook Inlet Area consists of all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51.10' N. lat.) and a line extending south from Cape Fairfield (148° 50.25' W. long.).

### 5 AAC 77.505. Description of districts and subdistricts

Districts and subdistricts are described in 5 AAC 21.200.

### 5 AAC 77.507. Personal use permit for shellfish

A person must obtain a personal use shellfish permit as set out under 5 AAC 77.015 from the department before harvesting razor clams or shellfish with pots in the Cook Inlet Area. Upon taking shellfish and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter the catch information requested on the personal use permit. A person who fails to comply with the requirements of 5 AAC 77.015 or this section, including a requirement to return harvest and catch information to the department, may be ineligible to obtain a shellfish harvest recording form during the following season in the fishery for which the form was required, unless

the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances.

**5 AAC 77.509. Lawful gear and gear specifications for shellfish**

(a) Notwithstanding 5 AAC 77.010(i), and except as provided in 5 AAC 77.511, no more than two pots per person, regardless of type, with a maximum of two pots per vessel, regardless of type, may be used to take shellfish at any time.

(b) Each pot, other than shrimp pots, used to take shellfish in the Cook Inlet Area must have a minimum of two escape rings that are at least four and three-eighths inches in inside diameter.

(c) Repealed 8/27/2016.

(d) A pot used to take shellfish may not have any portion of the line attaching the pot to a buoy or buoys floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

**5 AAC 77.511. Personal use shrimp fishery**

In the personal use taking of shrimp,

(1) shrimp may be taken only from April 15 through September 15 in the waters of Cook Inlet between the longitude of Gore Point and the longitude of Cape Fairfield, including the waters of Resurrection Bay;

(2) a person may only take shrimp under this section under a permit issued by the department under 5 AAC 77.015;

(3) notwithstanding 5 AAC 77.010(i) and 5 AAC 77.509(a), no more than five pots per person, and no more than five pots per vessel, may be used to take shrimp;

(4) all shrimp pots must have tunnel eye openings that individually are not larger than 15 inches in perimeter and at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered net webbing or rigid mesh; pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface area of the pot; the net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the selvage.

**5 AAC 77.518. Personal use clam fishery**

In the personal use taking of clams,

(1) there is no closed season;

(2) there are no bag, possession, or size limits for clams, except that

(A) from the mouth of the Kenai River to the southernmost tip of the Homer Spit, the bag limit for razor clams is the first 60 clams taken or possessed and the possession limit is 120 clams; in all other waters in the Cook Inlet Area, the bag and possession limit for razor clams is the first 10 gallons taken or possessed;

(B) for littleneck clams and butter clams, there is no open season; they may not be retained or possessed;

(C) repealed 7/13/2012;

(3) repealed 7/1/2006.

**5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan.** (a) The purpose of this plan is to direct the department in the management of the personal use razor clam fisheries in east Cook Inlet from the mouth of the Kenai River to the southernmost tip of the Homer Spit and to establish abundance thresholds for adult clams greater than or equal to 80 mm and stock productivity indices for the fisheries in the Clam Gulch and Ninilchik Areas.

(b) In the Clam Gulch Area from the mouth of the Kenai River south to the latitude of 60° 05.54' N. lat., and in the Ninilchik Area from the southernmost tip of the Homer Spit north to the latitude of 60° 05.54' N. lat.,

(1) if the estimated adult clam abundance is greater than or equal to the average 1989 – 2012 abundance, the adult clam recruitment replaces or exceeds harvest and natural mortality, and the size composition index of the harvest is equal to the 1989 – 2012 average, then the fishery will be managed as provided in 5 AAC 58.022(a)(14)(A) and 5 AAC 77.518(2)(A); the combined harvest rate of the sport and personal use fisheries are not expected to exceed 20 percent of the adult clam abundance;

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 - 2012 abundance but the population does not meet the criteria set out under (1) of this subsection, razor clams may be taken from August 1 through August 31 and the bag and possession limits are the first 15 clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance.

**5 AAC 77.520. Areas closed to personal use fishing for shellfish**

The following areas are closed to the personal use taking of all shellfish:

(1) the intertidal beach along Shipwreck Cove in China Poot Bay enclosed by a line from 59° 34.34' N. lat., 151° 18.11' W. long., to 59° 34.26' N.lat., 151° 17.96' W. long., to 59° 34.20' N. lat., 151° 17.94' W. long., to 59° 34.19' N. lat., 151° 17.81' W. long., to 59° 34.13' N. lat., 151° 17.75' W. long., to 59° 34.13' N. lat., 151° 17.77' W. long., to 59° 34.19' N. lat., 151° 17.96' W. long., to 59° 34.26'N. lat., 151° 17.98' W. long., to 59° 34.33' N. lat., 151° 18.14' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area;

(2) the intertidal beach by Otter Rock in Peterson Bay enclosed by a line from 59° 34.78' N. lat., 151° 17.84' W. long., to 59° 34.70' N. lat., 151° 17.68' W. long., to 59°

34.79' N. lat, 151° 17.68' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area.

**5 AAC 77.525. Personal use salmon fishery**

(a) Only one personal use salmon fishing permit may be issued to each household per year.

(b) Repealed 7/21/91.

(c) In the personal use taking of salmon, unless otherwise specified in 5 AAC 77.500 - 5 AAC 77.548, the total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder.

(d) Notwithstanding any provision in 5 AAC 01 - 77, in the Cook Inlet Area, a person may possess sport-caught and personal-use caught salmon on the same day.

**5 AAC 77.527. Personal use smelt fishery**

In the personal use taking of smelt,

(1) there are no bag or possession limits;

(2) smelt may be taken

(A) in salt water from April 1 through May 31;

(B) in fresh water from April 1 through June 15;

(C) with dip nets; and

(D) with a drift gillnet only from April 1 through June 15, as follows:

(i) a drift gillnet may be used only in the Kenai River downstream of an ADF&G regulatory marker at Cunningham Park;

(ii) a drift gillnet may not be more than 20 feet in length, four feet in depth, and one and one-half inches in mesh size; and

(iii) a drift gillnet must be attended by the person operating the gillnet at all times that the net is fishing;

(3) repealed 7/21/99.

**5 AAC 77.531. Personal use herring fishery**

In the personal use taking of herring,

(1) there are no bag or possession limits;

(2) herring may be taken

(A) in the Northern and Central Districts from April 1 through May 31;

(B) in the Southern, Kamishak Bay, Barren Island, Outer, and Eastern Districts from January 1 through December 31; and

(C) only with the following gear:

(i) gillnets or dip nets may be used;

(ii) gillnets may not be used in Turnagain Arm east of a line from Point Possession to Point Campbell;

(iii) no gillnet may exceed 20 feet in length and two inches in mesh size, except in the Southern District no gillnet may exceed 50 feet in length and two inches in mesh size;

(iv) cast nets may be used only in the Southern, Kamishak Bay, Barren Islands, Outer, and Eastern Districts;

(3) each gillnet must be attended by the fisherman at all times when it is being used to take fish.

**5 AAC 77.532. Personal use aquatic plant fishery**

Within the Anchorage-Matsu-Kenai Nonsubsistence Area defined in 5 AAC 99.015(3), the harvest of aquatic plants is closed, except that from January 1 through April 30 and September 1 through December 31, aquatic plants that have been naturally dislodged from the substrate and are located at or above the daily high tide line may be harvested by hand. The daily harvest limit is 10 gallons per person. No permit is required.

**5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan**

(a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

(3) shall return the permit to the department by the date specified on the permit.

(b) Salmon may be taken with a set gillnet in the Central District as follows:

(1) from June 15 through June 24;

(2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(3) repealed 6/22/2002;

(4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the streambed or channel of the Kasilof River at any stage of the tide;

(5) salmon may be taken only by set gillnets as follows:

(A) a set gillnet may not exceed 10 fathoms in length, four and three-quarter inches in mesh size, and 29 meshes in depth;

(B) no part of a set gillnet may be operated within 100 feet of another set gillnet;

(C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;

(D) only one set gillnet may be operated per household;

(6) the annual limit is as specified in 5 AAC 77.525.

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

(1) in the Kenai River, as follows:

(A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;

(B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in length, may be retained per household; notwithstanding 5 AAC 21.359(e)(2), king salmon less than 20 inches in length may be retained; a person may not remove a king salmon from the water before releasing the fish;

(C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;

(D) from shore:

(i) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and

(ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge;

(2) in the Kasilof River, as follows:

(A) from June 25 through August 7, 24 hours per day;

(B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;

(C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.

(d) Salmon may be taken by dip net in Fish Creek only as follows:

(1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 15 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 35,000 fish; fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;

(3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.

(e) Repealed 6/22/2002.

(f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.

(g) In the Beluga River, salmon may be taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

(1) from July 10 through July 31, Wednesday 6:00 a.m. to 11 p.m., Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/Alexander Creek cutoff, except the waters of Anderson Creek and between ADF&G regulatory markers located approximately 300 feet downstream and 50 feet upstream of the mouth of Anderson Creek are closed to dipnetting;

(3) the annual limit, as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must not be removed from the water and must be returned to the water immediately; a northern pike caught may not be released back into the water alive as specified in 5 AAC 61.110(a)(8);

(4) a permit holder for this fishery shall report to the department as specified in the permit conditions.

**5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan**

(a) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken by dip net from June 15 through August 15, with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed.

(b) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(1) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(2) waters open to personal use fishing when fishing from a boat.

**5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan**

(a) In the Southern District, only in a year in which a subsistence fishery is not conducted in the same area, salmon may be taken for personal use under the plan set out in this section beginning at 6:00 a.m. on the first Monday or Thursday following August 15, until the last Wednesday or Saturday before September 16 and only from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday. The commissioner shall close this fishery by emergency order when a guideline harvest range of 1,000 - 2,000 coho salmon have been taken. Coho salmon taken under 5 AAC 01.560(b)(8)(B) will be counted toward the guideline harvest range established under this subsection.

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

(1) between the terminus of Troublesome Creek and the terminus of the Anchor River;

(2) from the north entrance to the Homer Small Boat harbor northwest along the Homer Spit to a department marker located approximately 200 yards northwest of the entrance to the enhancement lagoon on the Homer Spit;

(3) those waters described in 5 AAC 21.350(d)(1) - (3), (h), and (i);

(4) west of a line from an ADF&G regulatory marker at "Green Timbers" at 59° 37.67' N. lat., 151° 28.38' W. long. on the Homer Spit to an ADF&G regulatory marker located approximately 300 yards east of the Homer airport access road at 59° 38.35' N. lat., 151° 28.71' W. long.

(c) Salmon may be taken only with a set gillnet. No set gillnet may exceed 35 fathoms in length, six inches in mesh size, and 45 meshes in depth. No part of a set gillnet may be operated within 600 feet of another set gillnet. No person may operate more than one set gillnet. No part of a set gillnet may be set or operated more than 500 feet from the mean high water mark. No set gillnet may be set seaward of another set gillnet.

(d) Salmon may be taken only under authority of a permit issued through the department's Homer office.

(e) The annual limit is set by 5 AAC 77.525(c).

(f) The permit holder shall be physically present at the set gillnet at all times when it is being used to take fish.

## Article 12. Prince William Sound Area.

**5 AAC 77.550. Description of the Prince William Sound Area**

The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

**5 AAC 77.570. Waters closed to personal use fishing**

The waters of the Prince William Sound Area are closed to the personal use taking of finfish, except that salmon may be taken in the Chitina Subdistrict, as described in 5 AAC 77.591.

**5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan**

(a) Salmon may be taken in the Chitina Subdistrict only under the authority of a Chitina Subdistrict personal use salmon fishing permit. Only one Chitina Subdistrict personal use salmon fishing permit may be issued to a household per calendar year. A household may not be issued both a Copper River subsistence salmon fishing permit and a Chitina Subdistrict personal use salmon fishing permit.

(b) Salmon may be taken from June 10 through September 30. The commissioner shall establish a preseason schedule, including fishing times, for the period June 10 through August 31 based on daily projected sonar counts at the sonar counter located near Miles Lake. This abundance-based preseason schedule will distribute the harvest throughout the season. Adjustments shall be made to the preseason schedule based on actual sonar counts compared to projected counts. If the actual sonar count at Miles Lake is more than the projected sonar count, the commissioner shall close the season by emergency order and immediately reopen the season with additional allowable fishing times that correspond to the actual sonar count. If the actual sonar count at Miles Lake is less than the projected sonar count, the commissioner shall close the season by emergency order and immediately reopen the season with reduced allowable fishing times that correspond to the actual sonar count.

(c) Salmon may be taken only with dip nets.

(d) A personal use salmon fishing permit holder shall record all harvested salmon on the permit before concealing the salmon from plain view or transporting the salmon from the fishing site. Permits must be returned to the department and the conditions specified in 5 AAC 77.015(c) must be met. For the purposes of this subsection, "fishing site" means the location where the salmon is removed from the water and becomes part of the permit holder's bag limit.

(e) The total annual limit for each personal use salmon fishing permit is as follows:

(1) 25 salmon for the head of household and 10 salmon for each dependent of the permit holder, except that only one king salmon may be retained per household;

(2) if the commissioner projects that the upper bound of the Copper River drainage sockeye salmon sustainable escapement goal will be exceeded, the commissioner may, by emergency order, close the Chitina Subdistrict personal use dip net salmon fishery season and immediately reopen a season during which the annual limit for sockeye salmon for the head of household is increased; an emergency order issued in accordance with this

paragraph may not increase the king salmon annual limit established under paragraph (1) of this subsection or increase the king salmon annual limit specified in 5 AAC 24.361(d).

(f) The maximum harvest level for the Chitina Subdistrict personal use salmon fishery is 100,000 - 150,000 salmon, not including any salmon in excess of the inriver goal or salmon taken after August 31.

(g) Rainbow or steelhead trout incidentally taken may not be retained and must be released immediately and returned to the water unharmed.

(h) For the purposes of this section, the Chitina Subdistrict consists of all waters of the mainstem Copper River from the downstream edge of the Chitina-McCarthy Road Bridge downstream to an east-west line crossing the Copper River as designated by ADF&G regulatory markers located approximately 200 yards upstream of Haley Creek.

## Article 13. Yakutat Area.

5 AAC 77.600. Description of Yakutat Area
5 AAC 77.605. Fishing districts
5 AAC 77.610. Personal use shrimp fishery
5 AAC 77.612. Personal use Dungeness crab fishery
5 AAC 77.614. Personal use king crab fishery
5 AAC 77.616. Personal use Tanner crab fishery
5 AAC 77.617. Personal use scallop fishery
5 AAC 77.618. Personal use clam fishery
5 AAC 77.620. Personal use herring fishery
5 AAC 77.622. Personal use bottomfish fishery
5 AAC 77.624. Personal use halibut fishery
5 AAC 77.626. Personal use smelt fishery
5 AAC 77.628. Personal use salmon fishery

### 5 AAC 77.600. Description of Yakutat Area

The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and a line extending seaward from the western tip of Cape Fairweather at 58° 47.89' N. lat., 137° 56.68' W. long., to the intersection with the seaward limit of the three-nautical-mile territorial sea at 58° 45.96' N. lat., 138° 01.40' W. long.

### 5 AAC 77.605. Fishing districts

Districts are described in 5 AAC 30.200.

### 5 AAC 77.610. Personal use shrimp fishery

In the personal use shrimp fishery,

(1) there is no closed season;

(2) there is no daily possession limit; and

(3) a pot used to take shrimp under this chapter must have

(A) no more than four tunnel eye openings; no tunnel eye opening may exceed 15 inches in perimeter;

(B) a bottom perimeter of no more than 153 inches; and

(C) a volume of no more than 25 cubic feet.

(4) shrimp may only be taken under the authority of a permit issued under 5 AAC 77.015; only one permit may be issued to a household each year.

**5 AAC 77.614. Personal use king crab fishery**

In the personal use taking of king crab,

(1) red and blue king crab may be taken only from July 1 through March 31;

(2) the daily bag and possession limit is two male king crab; only male king crab seven inches or greater in width of shell may be taken or possessed; male king crab less than the minimum legal size and female king crab that have been taken must be immediately returned to the water unharmed;

(3) an operator of a commercially licensed and registered king crab fishing vessel shall obtain a permit from the department before taking king crab for personal use purposes in waters of Yakutat Bay enclosed by a line from the westernmost tip of Ocean Cape to the easternmost tip of Point Manby during the open commercial king crab fishing season; the department may set out requirements in the permit for the conservation of the king crab resource and to ensure compliance with other applicable fishing laws;

(4) a pot used to take king crab under this section must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than six and one-quarter inches inside diameter;

(5) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take king crab;

(6) a person may not utilize a live holding facility to accumulate or pool multiple bag limits of king crab.

**5 AAC 77.616. Personal use Tanner crab fishery**

In the personal use taking of Tanner crab,

(1) there is no closed season;

(2) the daily bag and possession limit is 30 male Tanner crab; only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed; male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned to the water unharmed;

(3) a pot used to take Tanner crab under this section must have at least two circular escape rings on opposing vertical or sloping sides of the pot that each are not less than four and three-quarter inches inside diameter;

(4) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Tanner crab;

(5) a person may not utilize a live holding facility to accumulate or pool multiple bag limits of Tanner crab.

**5 AAC 77.617. Personal use scallop fishery**

In the personal use taking of scallops,

(1) there is no closed season;

(2) the daily possession limit is

(A) five rock scallops (Hinnites sp);

(B) 50 weathervane scallops (Pecten sp);

(3) there is no possession limit for bay scallops.

(4) scallops may be taken by gear specified in 5 AAC 77.010(k)(3).

**5 AAC 77.618. Personal use clam fishery**

In the personal use taking of clams,

(1) there is no closed season;

(2) there are no daily bag and possession limits.

**5 AAC 77.620. Personal use herring fishery**

In the personal use taking of herring and herring spawn,

(1) herring may be taken at any time;

(2) herring and herring spawn may be taken by gear listed in 5 AAC 01.010;

(3) there is no annual possession limit for herring or for herring spawn which is not on kelp;

(4) herring spawn on kelp may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of herring spawn on kelp, the department may specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department may issue an additional permit for taking herring spawn on kelp

above the annual possession limit if harvestable surpluses of herring spawn on kelp are available;

(5) herring taken under personal use regulations may not be used as bait in a commercial fishery.

**5 AAC 77.622. Personal use bottomfish fishery**

In the personal use taking of bottomfish,

(1) bottomfish may be taken at any time, except lingcod may not be taken from December 1 through May 15;

(2) bottomfish may be taken for personal use only by longline or hand held line; unattended gear must be marked as described in 5 AAC 77.010(d);

(3) there are no daily bag or possession limits;

(4) bottomfish taken under personal use regulations may not be used as bait in a commercial fishery.

**5 AAC 77.624. Personal use halibut fishery**

In the personal use taking of halibut,

(1) halibut may be taken from February 1 through December 31;

(2) halibut may be taken only by a single line which is operated by hand with not more than two hooks attached to it; no person may operate more than one line and the line must be marked as described in 5 AAC 77.010(d);

(3) the daily bag limit is two fish and the possession limit is two daily bag limits;

(4) no person may possess personal use-taken and sport or subsistence-taken halibut on the same day.

**5 AAC 77.626. Personal use smelt fishery**

Smelt may be taken for personal use at any time and there are no bag or possession limits.

**5 AAC 77.628. Personal use salmon fishery**

(a) Salmon may only be taken under the authority of a personal use fishing permit.

(b) The department shall adhere to the following when issuing personal use salmon fishing permits:

(1) the fishing effort must be allowed in places and during times when resource abundance will allow a harvest without jeopardizing the sustained yield of the stock and in a manner which provides for an orderly fishery;

(2) a permit is valid for the entire season in which it is issued;

(3) the department may require the permit holder to report daily harvests on the catch calendar which accompanies the permit.

(c) The department will not issue a permit for the taking of king salmon, but king salmon taken incidentally by gear operated under the terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes. The holder of a personal use salmon permit shall report any king salmon taken in this manner on that permit holder's permit calendar. The possession limit for king salmon is two fish, and king salmon taken in excess of this limit must be released without further harm.

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. A holder of a personal use permit shall report any salmon, trout, or char taken in this manner on the permit holder's permit calendar.

(e) The total annual limit of sockeye salmon for a personal use salmon fishing permit is 15 salmon for a household of one person and 25 salmon for a household of two or more persons. The total annual limit of coho salmon for a personal use salmon fishing permit is 15 salmon for a household of one person and 25 salmon for a household of two or more persons. The total annual limit of king salmon for a personal use salmon fishing permit is two salmon.

(f) No person may possess personal use-taken and sport-taken salmon on the same day.

(g) A gillnet used for personal use fishing may not exceed 50 fathoms in length, and may not block more than two-thirds of any stream width and any channel or side channel of a stream.

(h) Salmon may not be taken by means of a line attached to a rod or pole.

(i) Salmon may be taken by set gillnets only. A personal use fishing permit holder shall attend the permit holder's gillnet at all times while it is in operation.

(j) Salmon may be taken only during periods open to subsistence fishing from July 1 through September 30, and only in Yakutat Bay and in waters upstream from the terminus of streams and rivers in the Yakutat Area which are open to commercial fishing, except as may be restricted under the terms of a personal use fishing permit.

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

## Article 14. Southeastern Alaska Area.

5 AAC 77.650. Description of Southeastern Alaska Area
5 AAC 77.655. Description of districts and sections
5 AAC 77.660. Personal use shrimp fishery
5 AAC 77.662. Personal use Dungeness crab fishery

5 AAC 77.664. Personal use king crab fishery
5 AAC 77.666. Personal use Tanner crab fishery
5 AAC 77.667. Personal use scallop fishery
5 AAC 77.668. Personal use clam fishery
5 AAC 77.670. Personal use abalone fishery
5 AAC 77.671. Personal use sea cucumber fishery
5 AAC 77.672. Personal use herring fishery
5 AAC 77.674. Personal use bottomfish fishery
5 AAC 77.676. Personal use halibut fishery
5 AAC 77.678. Personal use smelt fishery
5 AAC 77.679. Personal use aquatic plant fishery
5 AAC 77.680 (Repealed)
5 AAC 77.682. Personal use salmon fishery
5 AAC 77.683. Personal Use Fishery Management Plan for the Juneau, Petersburg, Wrangell, Sitka, and Ketchikan Road Systems
5 AAC 77.684. Vessel specifications and operations
5 AAC 77.685. Personal Use Hatchery Salmon Management Plan
5 AAC 77.690. (Repealed)
5 AAC 77.695. (Repealed)
5 AAC 77.699. Prohibitions

**5 AAC 77.650. Description of Southeastern Alaska Area**

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

**5 AAC 77.655. Description of districts and sections**

Districts and sections are as described in 5 AAC 33.200.

**5 AAC 77.660. Personal use shrimp fishery**

In the personal use taking of shrimp,

(1) shrimp may only be taken from May 1 through February 28; except as provided in (7) and (8) of this section, there are no bag and possession limits;

(2) a commercially licensed and registered shrimp fishing vessel may not be used to take shrimp in Districts 6 - 8 and 10 from February 15 through April 30;

(3) shrimp may be taken only with pots, ring nets, or trawls;

(4) unless otherwise provided for in this chapter, pots operated to take shrimp may be longlined; a buoy is not required for each pot, but at least one buoy on the longline must be marked as required in 5 AAC 77.010(d);

(5) a pot used to take shrimp under this chapter must have

(A) no more than four tunnel eye openings; no tunnel eye opening may exceed 15 inches in perimeter;

(B) a bottom perimeter of no more than 153 inches; and

(C) a volume of no more than 25 cubic feet;

(6) before using a trawl to take shrimp, a person must first obtain a personal use fishing permit from the department; the permit will include the following conditions:

(A) the area where the fishing will occur;

(B) the dates that the fishing will occur;

(C) the type of trawl to be used;

(D) the length of the beam if a beam trawl is used;

(E) the length of the footrope if an otter trawl is used;

(F) any other pertinent gear specifications if a trawl other than a beam trawl or otter trawl is used;

(G) the total poundage by species of all shrimp taken;

(7) in the waters described in 5 AAC 33.200 as Section 11-A,

(A) spot shrimp may be taken with pots and ring nets;

(B) the bag and possession limit for spot shrimp is one gallon of spot shrimp, whether whole or de-headed.

(8) in the waters of Section 13-C east of the longitude of Point Elizabeth at 57° 30.60' N. lat., 135° 17.57' W. long.,

(A) spot shrimp may be taken with pots and ring nets;

(B) the bag and possession limit for spot shrimp is ten gallons of spot shrimp, whether whole or de-headed;

(C) the bag and possession limits specified in this subsection are not in addition to those allowed under subsistence or sport fishing regulations;

(9) shrimp may only be taken under the authority of a permit issued under 5 AAC 77.015; only one permit may be issued to a household each year.

**5 AAC 77.662. Personal use Dungeness crab fishery**

In the personal use taking of Dungeness crab,

(1) there is no closed season;

(2) the daily bag and possession limit is 20 male Dungeness crab except that, in waters of Thorne Bay west of the longitude of the southernmost tip of Thorne Head, the daily bag and possession limit is five male Dungeness crab;

(3) the minimum legal size for male Dungeness crab is six and one-half inches in shoulder width; male Dungeness crab less than the minimum legal size and female Dungeness crab that have been taken must be immediately returned to the water unharmed; for the purposes of this paragraph, the shoulder width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;

(4) live holding facilities utilized to accumulate or pool multiple bag limits by an individual or individuals are not allowed;

(5) a pot used to take Dungeness crab under this chapter must have at least two escape rings that each are not less than four and three-eighths inches, inside diameter; the rings must be located on opposite sides of the pot and the upper half of the vertical plane of the pot;

(6) no more than five pots per person, with a maximum of 10 pots per vessel, or 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Dungeness crab, except that in Section 11-A, as described in 5 AAC 33.200, if the pot and ring net limits for red and blue king crab are reduced under 5 AAC 77.664(e)(2)(C), the pot and ring net limits for Dungeness crab will also be reduced to the same pot and ring net limits established for red and blue king crab under 5 AAC 77.664(e)(2)(C).

**5 AAC 77.664. Personal use king crab fishery**

(a) King crab may only be taken under the authority of a permit issued under 5 AAC 77.015; the department will issue only one king crab personal use fishing permit per household per year.

(b) Except as specified in (e) of this section, through January 24, 2028, the daily bag and possession limit is three male crab per person; if the preseason biomass estimate of legal male red and blue king crab is less than 50 percent of the median surveyed and non-surveyed biomass estimate of legal males, the commissioner may, by emergency order, reduce the bag and possession limit of red and blue king crab.

(c) The king crab seasons are as follows:

(1) red and blue king crab may be taken only from July 1 through March 31;

(2) golden king crab may be taken only from July 1 through June 15.

(d) Only male king crab seven inches or greater in width of shell may be taken or possessed.

(e) In the waters described in 5 AAC 33.200 as Section 11-A, in the personal use taking of king crab,

(1) the daily bag and possession limit is three male king crab per person;

(2) the commissioner may close and immediately reopen, by emergency order, a personal use red and blue king crab season during which one or more of the following conditions applies:

(A) a reduced bag and possession limit;

(B) a seasonal limit for king crab;

(C) a reduced pot and ring net limit.

(f) Male king crab less than the minimum legal size and female king crab that have been taken must be immediately returned to the water unharmed.

(g) A person may not utilize a live holding facility to accumulate or pool multiple bag limits.

(h) Notwithstanding 5 AAC 77.010(i), no more than four pots or 10 ring nets per vessel may be used to take king crab. A pot used to take king crab under this section must have at least two escape rings on opposing vertical or sloping sides of the pot that are not less than six and one-quarter inches inside diameter.

(i) In this section, "legal male," with respect to red or blue king crab, means male red or blue king crab at least seven inches or greater in width of shell.

**5 AAC 77.666. Personal use Tanner crab fishery**

(a) Except as provided in (b) of this section, in the personal use taking of Tanner crab,

(1) Tanner crab may be taken only from July 1 through June 15;

(2) the daily bag and possession limit is 30 male Tanner crab;

(3) notwithstanding 5 AAC 77.010(i), no more than four pots or 10 ring nets per vessel may be used to take Tanner crab; a pot used to take Tanner crab under this section must have at least two circular escape rings on opposing vertical or sloping sides of the pot that each are not less than four and three-quarter inches inside diameter;

(4) only male Tanner crab 5.5 inches or greater in width of shell may be taken or possessed;

(5) male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned unharmed to the sea;

(6) a person may not utilize live holding facility to accumulate or pool multiple bag limits.

(b) In Section 11-A, as described in 5 AAC 33.200, in the personal use taking of Tanner crab, if the pot and ring net limits for red and blue king crab are reduced under 5 AAC 77.664(e)(2)(C), the pot and ring net limits for Tanner crab will also be reduced to

the same pot and ring net limits established for red and blue king crab under 5 AAC 77.664(e)(2)(C).

**5 AAC 77.667. Personal use scallop fishery**

In the personal use taking of scallops,

(1) there is no closed season;

(2) the daily possession limit is

(A) five rock scallops (Hinnites sp);

(B) 10 weathervane scallops (Pecten sp);

(3) there is no possession limit for bay scallops.

(4) scallops may be taken by all gear specified in 5 AAC 77.010*(l)*(3).

**5 AAC 77.668. Personal use clam fishery**

In the personal use taking of clams,

(1) there is no closed season;

(2) there are no daily bag and possession limits for clams, except that for

(A) geoducks, the daily bag and possession limit is six;

(B) razor clams on western Kruzof Island beaches between Cape Edgecumbe and Cape Georgiana, the bag and possession limit is 50 clams; all damaged razor clams are part of the bag limit;

(C) unless opened by emergency order, the Sitka Sound Special Use Area described in 5 AAC 77.674(3)(A)(i) is closed to the harvest of razor clams;

(3) in addition to the gear specified in 5 AAC 77.010(k)(3), geoducks may be taken with a hydraulic clam digger.

**5 AAC 77.670. Personal use abalone fishery**

In the personal use taking of abalone,

(1) there is no closed season;

(2) the daily bag and possession limit is five abalone per person;

(3) the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;

(4) personal use fishing is prohibited while engaged in commercial abalone fishing; before engaging in the personal use fishery, commercial abalone fishermen must land the commercial catch in possession and return the commercial permit required under 5 AAC 38.133 to the Department of Fish and Game;

(5) a diver using a compressed air system, such as scuba or hookah, may not take abalone.

**5 AAC 77.671. Personal use sea cucumber fishery**

In the personal use taking of sea cucumbers,

(1) there is no closed season;

(2) there are no daily bag or possession limits; and

(3) sea cucumbers may be taken by all gear specified in 5 AAC 77.010*(l)*(3), except that sea cucumbers may not be taken with the use of diving gear in the waters described in 5 AAC 38.140(k) that are closed to commercial sea cucumber fishing.

**5 AAC 77.672. Personal use herring fishery**

In the personal use taking of herring and herring spawn,

(1) herring may be taken at any time;

(2) herring and herring spawn may be taken by gear listed in 5 AAC 01.010;

(3) there is no annual possession limit for herring or for herring spawn which is not on kelp;

(4) herring spawn on kelp may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of herring spawn on kelp, the department may specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department may issue an additional permit for taking herring spawn on kelp above the annual possession limit if harvestable surpluses of herring spawn on kelp are available;

(5) in the 72 hours before and 72 hours after an open commercial herring fishing period in the Southeastern Alaska Area, a vessel that, or crewmember or permit holder who participates in that commercial herring fishery opening may not take or possess herring under this chapter in any district in the Southeastern Alaska Area;

(6) herring taken under personal use regulations may not be used as bait in a commercial fishery;

(7) herring may not be taken in Auke Bay, east of a line from the mouth of Waydelich Creek to an ADF&G regulatory marker located one-fourth mile south of the mouth of Auke Creek, from April 1 through May 31.

**5 AAC 77.674. Personal use groundfish fishery.** In the personal use taking of groundfish,

(1) groundfish may be taken at any time, except lingcod may not be taken from December 1 through May 15;

(2) groundfish may be taken for personal use only by longline or hand held line, except that sablefish, Pacific cod, and rockfish, including thornyhead rockfish, may be taken for personal use only by longline, hand held line, or pot gear; for all groundfish, unattended gear must be marked as set out under 5 AAC 77.010(d);

(3) there are no daily bag or possession limits, except that

(A) in the Sitka vicinity:

(i) in Sitka Sound Special Use Area, which is that area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long. to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long., the daily possession limit for rockfish is three fish, of which no more than one may be a yelloweye rockfish (Sebastes ruberrimus);

(ii) the waters off Cape Edgecumbe enclosed by a box defined as 56° 55.5' N. lat. and 56° 57' N. lat., and 135° 54' W. long. and 135° 57' W. long., are closed to fishing for all species of groundfish;

(B) in the Ketchikan vicinity: in all waters of Section 1-E south of the latitude of Bushy Point Light and in the waters of Section 1-F north of lines from Point Alava to the southernmost tip of Ham Island, from Cedar Point to Dall Head, and from Dall Head to a point on the District 1 boundary in Clarence Strait at the latitude of Dall Head, the bag and possession limit for rockfish is three fish, no more than one of which may be yelloweye rockfish ( Sebastes rubberrimus);

(C) there is an annual limit for sablefish per household permit and a vessel limit as described in (6) of this section;

(4) a vessel or a person on board a vessel from which personal use fishing gear was used to take groundfish for personal use in the Northern Southeast Inside Subdistrict or the Southern Southeast Inside Subdistrict

(A) may not operate commercial fishing gear to take groundfish for commercial purposes from that vessel until all groundfish taken in the personal use fishery have been offloaded from that vessel; and

(B) is subject to the restrictions in 5 AAC 28.180;

(5) groundfish taken under personal use regulations may not be used as bait in a commercial fishery;

(6) sablefish may be taken for personal use only by pot, longline, or hand held line and only as follows:

(A) a personal use fishing permit issued by the department under 5 AAC 77.015 is required to take sablefish; the department will issue only one sablefish personal use fishing permit per household per year;

(B) a permit holder shall record sablefish harvest information on harvest recording forms provided by the department; there is an annual limit of 50 sablefish per household permit;

(C) a permit holder's longline gear

(i) may not have attached more than 350 hooks in the aggregate; and

(ii) must be marked as specified in (2) of this section;

(D) no more than 200 personal use sablefish may be retained on board a vessel when four or more sablefish personal use permit holders are present on board that vessel.

(E) a permit holder's pot gear

(i) may not exceed two pots per permit holder or eight pots per vessel when four or more permit holders are present;

(ii) may be longlined; and

(iii) must have, for each pot, at least two circular escape rings with a minimum inside diameter of three and one-half inches installed on opposing vertical or sloping walls and must have individual tunnel eye openings with perimeters of 36 inches or less.

**5 AAC 77.676. Personal use halibut fishery**

In the personal use taking of halibut,

(1) halibut may be taken from February 1 through December 31;

(2) halibut may be taken only by a single line which is operated by hand with not more than two hooks attached to it; no person may operate more than one line and the line must be marked as described in 5 AAC 77.010(d);

(3) the daily bag limit is two fish and the possession limit is two daily bag limits;

(4) no person may possess personal use-taken and sport or subsistence-taken halibut on the same day.

**5 AAC 77.678. Personal use smelt fishery**

(a) Except as provided in (b) of this section, smelt may be taken at any time and there are no bag and possession limits.

(b) Notwithstanding (a) of this section, in District 1, eulachon smelt may only be taken under the terms of a personal use fishing permit issued under 5 AAC 77.015. Only one permit for eulachon smelt under this subsection may be issued to a household each year and the daily bag and possession limit is 50 pounds per permit. Smelt may be taken for personal use at any time and there are no bag or possession limits, except that in District 1 eulachon smelt may only be taken under the terms of a personal use fishing permit issued under 5AAC 77.015; only one permit may be issued to a household each year. The daily bag and possession limit is 50 pounds per permit issued under this section.

**5 AAC 77.679. Personal use aquatic plant fishery**

Aquatic plants may be harvested by hand for personal use at any time, and there are no daily harvest or possession limits, except that:

(a) within the Ketchikan Nonsubsistence Area defined in 5 AAC 99.015(1), there are no harvest limits, except that along the shoreline adjacent to the Ketchikan road system, the daily harvest and possession limit is 10 gallons of aquatic plants, with no limits to the harvest of aquatic plants that have been naturally dislodged from the substrate; and

(b) within the Juneau Nonsubsistence Area defined in 5 AAC 99.015(2), the daily harvest and possession limit is 5 gallons of aquatic plants, except that

(1) the shoreline adjacent to the Juneau road system is closed to the taking of aquatic plants, and;

(2) there is no limit to the harvest of aquatic plants that have been naturally dislodged from the substrate and are located at or above the daily high tide line.

**5 AAC 77.682. Personal use salmon fishery**

(a) Salmon may only be taken under the authority of a personal use fishing permit.

(b) The department shall adhere to the following when issuing personal use salmon fishing permits:

(1) the fishing effort must be allowed in places and during times when resource abundance will allow a harvest without jeopardizing the sustained yield of the stock and in a manner which provides for an orderly fishery;

(2) any gear must be allowed which is efficient and economical in light of local circumstances and which provides for an orderly harvest without waste of the resource;

(3) possession limits may be established if resources are limited relative to anticipated harvest levels;

(4) the department may not set any possession limit which jeopardizes the sustained yield of a stock;

(5) a permit is valid for the entire season in which it is issued;

(6) the department may require the permit holder to report daily harvests on the catch calendar which accompanies the permit.

(c) The department will not issue a permit for the taking of wild king or coho salmon, but king and coho salmon taken incidentally by gear operated under the terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes. The holder of a personal use salmon permit shall report any king or coho salmon taken in this manner on that permit holder's permit calendar. The possession limit for king salmon is two fish and the possession limit for coho salmon is six fish.

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. A holder of a personal use permit shall report any salmon, trout, or char taken in this manner on the permit holder's permit calendar.

(e) No person may possess personal use-taken and sport-taken salmon on the same day.

(f) In the Taku River drainage, the annual limit for each personal use sockeye salmon permit is 10 sockeye salmon for a household of one person and 20 sockeye salmon for a household of two or more persons.

(g) Salmon may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted on a personal use fishing permit and except as follows:

(1) in District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(2) set gillnets may not be used to take salmon except

(A) in the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge;

(B) in the Taku River drainage from the Taku River Lodge upstream to the United States/Canada border, salmon may be taken by set gillnets only;

(C) repealed 7/1/2015;

(D) set gillnets may be used in Yes Bay north of a line from Bluff Point to Syble Point, except within 500 yards of the terminus of Wolverine Creek; the personal use permit holder shall be physically present at the gillnet while it is in operation;

(3) in the Chilkat and Taku rivers and in Shipley Bay and Yes Bay, the personal use permit holder shall be physically present at the net while it is in operation;

(4) a gillnet may not exceed 50 fathoms in length, except in the Taku River a set gillnet may not exceed 15 fathoms in length;

(5) salmon may not be taken by the use of a line attached to a pole or rod;

(6) fishing gear may not obstruct more than one-half the width of any salmon stream, side channel, creek, river, bay, or waterway.

(h) Salmon may be taken at any time except

(1) as may be restricted under the terms of a personal use fishing permit;

(2) from July 7 through August 7, sockeye salmon may be taken in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday;

(3) in the Taku River drainage, sockeye salmon may be taken only in waters from the Taku River Lodge upstream to the United States/Canada border and only from July 1 through July 31.

(i) The following waters are closed to the personal use taking of salmon:

(1) in District 13, Sitkoh Bay and the Sitkoh River drainage are closed to the taking of sockeye salmon;

(2) in District 15, Lynn Canal including Chilkat, Chilkoot and Lutak inlets, during the closed periods of the commercial salmon net fishery in the district.

(3) the Klawock River drainage upstream of the Klawock River Bridge.

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

(k) In the Ketchikan Management Area, in waters open to personal use salmon fishing under a household personal use salmon fishing permit, and unless otherwise specified in a terminal harvest area under 5 AAC 33 or 5 AAC 77.685, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon: the possession limit is 10 sockeye salmon, with an annual limit of 20 sockeye salmon, except as follows:

(A) District 1: in McDonald Lake, near Yes Bay, the possession and annual limit is 20 sockeye salmon;

(B) District 2: in the following waters, the possession limit is 12 sockeye salmon, with an annual limit of 50 sockeye salmon:

(i) Kegan River;

(ii) Thorne River;

(2) pink salmon: the possession limit is 150 pink salmon, with no annual limit;

(3) chum salmon: the possession limit is 25 chum salmon, with no annual limit.

*(l)* In the Petersburg - Wrangell Management Area, in waters open to personal use salmon fishing under a household personal use salmon fishing permit, and unless otherwise specified in a terminal harvest area under 5 AAC 33 or 5 AAC 77.685, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon may not be taken for personal use, except that in District 6, in Hatchery Creek, sockeye salmon may be taken with a possession limit of six sockeye salmon and an annual limit of 18 sockeye salmon;

(2) pink salmon: the possession limit is 100 pink salmon, with no annual limit;

(3) chum salmon: the possession limit is 50 chum salmon, with no annual limit.

(m) In the Sitka Management Area, sockeye salmon may not be taken for personal use, except that in Takanis Bay and Takanis Lake, combined, sockeye salmon may be taken under a household personal use salmon fishing permit with a possession and annual limit of 50 sockeye salmon per household.

(n) In the Juneau Management Area, in waters open to personal use salmon fishing under a household personal use salmon fishing permit, and unless otherwise specified in a terminal harvest area under 5 AAC 33 or 5 AAC 77.685, the possession and annual limits for salmon per household are as follows:

(1) sockeye salmon may not be taken for personal use, except that in the following waters sockeye salmon may be taken with the following possession and annual limits:

(A) Sweetheart Creek: the possession limit is 25 sockeye salmon, with no annual limit;

(B) Taku River drainage: the possession and annual limit are as specified in (f) of this section;

(2) pink salmon: the possession limit is 150 pink salmon, with no annual limit;

(3) chum salmon: the possession limit is 50 chum salmon, with no annual limit.

(o) In the Haines Management Area, salmon may not be taken for personal use, except that in the Taiya River, pink and chum salmon may be taken under a household personal use salmon fishing permit with a possession limit of 10 pink and chum salmon, combined, with an annual limit of 20 pink and chum salmon, combined, per household.

(p) For the purposes of this section, the

(1) Ketchikan Management Area consists of the waters of the Southeastern Alaska Area in Districts 1 - 4;

(2) Petersburg-Wrangell Management Area consists of the waters of the Southeastern Alaska Area in Districts 5 - 8, Section 9-B, and District 10;

(3) Sitka Management Area consists of the waters of the Southeastern Alaska Area in Section 9-A, District 12 south of the latitude of Point Hayes and west of a line midway between the shoreline of Admiralty Island and the shorelines of Chichagof Island, Baranof Island, and Catherine Island, and District 13;

(4) Juneau Management Area consists of the waters of the Southeastern Alaska Area in Districts 11, 12, 14, and 16, except for those waters of District 12 described in (3) of this subsection;

(5) Haines Management Area consists of the waters of the Southeastern Alaska Area in District 15.

**5 AAC 77.683. Personal Use Fishery Management Plan for the Juneau, Petersburg, Wrangell, Sitka, and Ketchikan Road Systems**

Salmon streams flowing across or adjacent to the road systems of Juneau, Petersburg, Wrangell, Sitka, and Ketchikan support only limited runs of salmon. Harvestable numbers of salmon in excess to the spawning escapement needs for those streams are normally of such a small magnitude that these numbers alone are not sufficient to support the consumptive demands of those communities. Therefore, the department shall not issue permits which allow the use of nets for streams along the road systems of those communities, with the exception of Ketchikan Creek for the harvest of hatchery-origin fish.

**5 AAC 77.684. Vessel specifications and operations**

From January 1 through August 31, in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.42' N. lat., 133° 06.38' W. long. to Klawock Island Light to the Klawock Cannery Dock at 55° 33.47' N. lat., 133° 05.96' W. long., a person may operate personal use salmon gear from a vessel that is powered only by hand or an outboard motor of no greater than 50 horsepower.

**5 AAC 77.685. Personal Use Hatchery Salmon Management Plan**

(a) The purpose of the personal use hatchery salmon management plan set out in (b) - (e) of this section is to allow the personal use taking of hatchery salmon in terminal locations when those salmon have not been taken in other authorized fisheries.

(b) Fishing times and locations are established by emergency order.

(c) Fishing gear is limited to beach seines, hand purse seines, gillnets, cast nets, and dip nets. Fishing seasons by gear type are established by emergency order.

(d) The daily bag and possession limits are the same as for the sport fishery specified in 5 AAC 47 and are not in addition to those limits. The department may, by commissioner's announcement, increase the bag and possession limits when conditions, such as number of fish available for harvest and effort levels, warrant.

(e) The heads of all adipose-fin-clipped salmon must be turned into ADF&G.

**5 AAC 77.699. Prohibitions**

(a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995, may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter for personal use, 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 shellfish fishery when that vessel is being chartered.

(c) Repealed 7/1/2006.

## Article 11. Cook Inlet Area.

5 AAC 77.500. Description of Cook Inlet Area
5 AAC 77.505. Description of districts and subdistricts
5 AAC 77.507. Personal use permit for shellfish
5 AAC 77.508. (Repealed)
5 AAC 77.509. Lawful gear and gear specifications for shellfish
5 AAC 77.510. (Repealed)
5 AAC 77.511. Personal use shrimp fishery
5 AAC 77.512. (Repealed)
5 AAC 77.514. (Repealed)
5 AAC 77.515. (Repealed)
5 AAC 77.516. Personal use Tanner crab fishery
5 AAC 77.518. Personal use clam fishery
5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan
5 AAC 77.520. Areas closed to personal use fishing for shellfish
5 AAC 77.525. Personal use salmon fishery
5 AAC 77.526. (Repealed)
5 AAC 77.527. Personal use smelt fishery
5 AAC 77.530. (Repealed)
5 AAC 77.531. Personal use herring fishery
5 AAC 77.532. Personal use aquatic plant fishery
5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan
5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan
5 AAC 77.546. (Repealed)
5 AAC 77.547. (Repealed)
5 AAC 77.548. (Repealed)
5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan

### 5 AAC 77.500. Description of Cook Inlet Area

The Cook Inlet Area consists of all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51.10' N. lat.) and a line extending south from Cape Fairfield (148° 50.25' W. long.).

**5 AAC 77.505. Description of districts and subdistricts**

Districts and subdistricts are described in 5 AAC 21.200.

**5 AAC 77.507. Personal use permit for shellfish**

A person must obtain a personal use shellfish permit described in 5 AAC 77.015, from the department before harvesting shellfish with pots in the Cook Inlet Area. Upon taking shellfish and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter the catch information requested on the personal use permit.

**5 AAC 77.509. Lawful gear and gear specifications for shellfish**

(a) Notwithstanding 5 AAC 77.010(i), and except as provided in 5 AAC 77.511, no more than two pots per person, regardless of type, with a maximum of two pots per vessel, regardless of type, may be used to take shellfish at any time.

(b) Each pot, other than shrimp pots, used to take shellfish in the Cook Inlet Area must have a minimum of two escape rings that are at least four and three-eighths inches in inside diameter.

(c) Repealed 8/27/2016.

(d) A pot used to take shellfish may not have any portion of the line attaching the pot to a buoy or buoys floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

**5 AAC 77.511. Personal use shrimp fishery**

In the personal use taking of shrimp,

(1) shrimp may be taken only from April 15 through September 15 in the waters of Cook Inlet between the longitude of Gore Point and the longitude of Cape Fairfield, including the waters of Resurrection Bay;

(2) a person may only take shrimp under this section under a permit issued by the department under 5 AAC 77.015;

(3) notwithstanding 5 AAC 77.010(i) and 5 AAC 77.509(a), no more than five pots per person, and no more than five pots per vessel, may be used to take shrimp;

(4) all shrimp pots must have tunnel eye openings that individually are not larger than 15 inches in perimeter and at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered net webbing or rigid mesh; pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface

area of the pot; the net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the selvage.

**5 AAC 77.518. Personal use clam fishery**

In the personal use taking of clams,

(1) there is no closed season;

(2) there are no bag, possession, or size limits for clams, except that

(A) from the mouth of the Kenai River to the southernmost tip of the Homer Spit, the bag limit for razor clams is the first 60 clams taken or possessed and the possession limit is 120 clams; in all other waters in the Cook Inlet Area, the bag and possession limit for razor clams is the first 10 gallons taken or possessed;

(B) for littleneck clams and butter clams, there is no open season; they may not be retained or possessed;

(C) repealed 7/13/2012;

(3) repealed 7/1/2006.

**5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan.** (a) The purpose of this plan is to direct the department in the management of the personal use razor clam fisheries in east Cook Inlet from the mouth of the Kenai River to the southernmost tip of the Homer Spit and to establish abundance thresholds for adult clams greater than or equal to 80 mm and stock productivity indices for the fisheries in the Clam Gulch and Ninilchik Areas.

(b) In the Clam Gulch Area from the mouth of the Kenai River south to the latitude of 60° 05.54' N. lat., and in the Ninilchik Area from the southernmost tip of the Homer Spit north to the latitude of 60° 05.54' N. lat.,

(1) if the estimated adult clam abundance is greater than or equal to the average 1989 – 2012 abundance, the adult clam recruitment replaces or exceeds harvest and natural mortality, and the size composition index of the harvest is equal to the 1989 – 2012 average, then the fishery will be managed as provided in 5 AAC 58.022(a)(14)(A) and 5 AAC 77.518(2)(A); the combined harvest rate of the sport and personal use fisheries are not expected to exceed 20 percent of the adult clam abundance;

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 – 2012 abundance but the population does not meet the criteria outlined in (b)(1) of this section, then razor clams may be taken from May 1 through September 30 and the bag and possession limits are the first 30 clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance.

**5 AAC 77.520. Areas closed to personal use fishing for shellfish**

The following areas are closed to the personal use taking of all shellfish:

(1) the intertidal beach along Shipwreck Cove in China Poot Bay enclosed by a line from 59° 34.34' N. lat., 151° 18.11' W. long., to 59° 34.26' N.lat., 151° 17.96' W. long., to 59° 34.20' N. lat., 151° 17.94' W. long., to 59° 34.19' N. lat., 151° 17.81' W. long., to 59° 34.13' N. lat., 151° 17.75' W. long., to 59° 34.13' N. lat., 151° 17.77' W. long., to 59° 34.19' N. lat., 151° 17.96' W. long., to 59° 34.26'N. lat., 151° 17.98' W. long., to 59° 34.33' N. lat., 151° 18.14' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area;

(2) the intertidal beach by Otter Rock in Peterson Bay enclosed by a line from 59° 34.78' N. lat., 151° 17.84' W. long., to 59° 34.70' N. lat., 151° 17.68' W. long., to 59° 34.79' N. lat, 151° 17.68' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area.

**5 AAC 77.525. Personal use salmon fishery**

(a) Only one personal use salmon fishing permit may be issued to each household per year.

(b) Repealed 7/21/91.

(c) In the personal use taking of salmon, unless otherwise specified in 5 AAC 77.500 - 5 AAC 77.548, the total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder.

(d) Notwithstanding any provision in 5 AAC 01 - 77, in the Cook Inlet Area, a person may possess sport-caught and personal-use caught salmon on the same day.

**5 AAC 77.527. Personal use smelt fishery**

In the personal use taking of smelt,

(1) there are no bag or possession limits;

(2) smelt may be taken

(A) in salt water from April 1 through May 31;

(B) in fresh water from April 1 through June 15;

(C) with dip nets; and

(D) with a drift gillnet only from April 1 through June 15, as follows:

(i) a drift gillnet may be used only in the Kenai River downstream of an ADF&G regulatory marker at Cunningham Park;

(ii) a drift gillnet may not be more than 20 feet in length, four feet in depth, and one and one-half inches in mesh size; and

(iii) a drift gillnet must be attended by the person operating the gillnet at all times that the net is fishing;

(3) repealed 7/21/99.

**5 AAC 77.531. Personal use herring fishery**

In the personal use taking of herring,

(1) there are no bag or possession limits;

(2) herring may be taken

(A) in the Northern and Central Districts from April 1 through May 31;

(B) in the Southern, Kamishak Bay, Barren Island, Outer, and Eastern Districts from January 1 through December 31; and

(C) only with the following gear:

(i) gillnets or dip nets may be used;

(ii) gillnets may not be used in Turnagain Arm east of a line from Point Possession to Point Campbell;

(iii) no gillnet may exceed 20 feet in length and two inches in mesh size, except in the Southern District no gillnet may exceed 50 feet in length and two inches in mesh size;

(iv) cast nets may be used only in the Southern, Kamishak Bay, Barren Islands, Outer, and Eastern Districts;

(3) each gillnet must be attended by the fisherman at all times when it is being used to take fish.

**5 AAC 77.532. Personal use aquatic plant fishery**

Within the Anchorage-Matsu-Kenai Nonsubsistence Area defined in 5 AAC 99.015(3), the harvest of aquatic plants is closed, except that from January 1 through April 30 and September 1 through December 31, aquatic plants that have been naturally dislodged from the substrate and are located at or above the daily high tide line may be harvested by hand. The daily harvest limit is 10 gallons per person. No permit is required.

**5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan**

(a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing

under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

(3) shall return the permit to the department by the date specified on the permit.

(b) Salmon may be taken with a set gillnet in the Central District as follows:

(1) from June 15 through June 24;

(2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(3) repealed 6/22/2002;

(4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the streambed or channel of the Kasilof River at any stage of the tide;

(5) salmon may be taken only by set gillnets as follows:

(A) a set gillnet may not exceed 10 fathoms in length, four and three-quarter inches in mesh size, and 29 meshes in depth;

(B) no part of a set gillnet may be operated within 100 feet of another set gillnet;

(C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;

(D) only one set gillnet may be operated per household;

(6) the annual limit is as specified in 5 AAC 77.525.

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

(1) in the Kenai River, as follows:

(A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;

(B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in length, may be retained per household; notwithstanding 5 AAC 21.359(e)(2), king salmon less than 20 inches in length may be retained; a person may not remove a king salmon from the water before releasing the fish;

(C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;

(D) from shore:

(i) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and

(ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge;

(2) in the Kasilof River, as follows:

(A) from June 25 through August 7, 24 hours per day;

(B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;

(C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.

(d) Salmon may be taken by dip net in Fish Creek only as follows:

(1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 15 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 35,000 fish; fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;

(3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.

(e) Repealed 6/22/2002.

(f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.

(g) In the Beluga River, salmon may be taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

(1) from July 10 through July 31, Wednesday 6:00 a.m. to 11 p.m., Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/Alexander Creek cutoff, except the waters of Anderson Creek and between ADF&G regulatory markers located approximately 300 feet downstream and 50 feet upstream of the mouth of Anderson Creek are closed to dipnetting;

(3) the annual limit, as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must not be removed from the water and must be returned to the water immediately; a northern pike caught may not be released back into the water alive as specified in 5 AAC 61.110(a)(8);

(4) a permit holder for this fishery shall report to the department as specified in the permit conditions.

**5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan**

(a) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken by dip net from June 15 through August 15, with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed.

(b) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(1) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(2) waters open to personal use fishing when fishing from a boat.

**5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan**

(a) In the Southern District, only in a year in which a subsistence fishery is not conducted in the same area, salmon may be taken for personal use under the plan set out in this section beginning at 6:00 a.m. on the first Monday or Thursday following August 15, until the last Wednesday or Saturday before September 16 and only from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday. The commissioner shall close this fishery by emergency order when a guideline harvest range of 1,000 - 2,000 coho salmon have been taken. Coho salmon taken under 5 AAC 01.560(b)(8)(B) will be counted toward the guideline harvest range established under this subsection.

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

(1) between the terminus of Troublesome Creek and the terminus of the Anchor River;

(2) from the north entrance to the Homer Small Boat harbor northwest along the Homer Spit to a department marker located approximately 200 yards northwest of the entrance to the enhancement lagoon on the Homer Spit;

(3) those waters described in 5 AAC 21.350(d)(1) - (3), (h), and (i);

(4) west of a line from an ADF&G regulatory marker at "Green Timbers" at 59° 37.67' N. lat., 151° 28.38' W. long. on the Homer Spit to an ADF&G regulatory marker located approximately 300 yards east of the Homer airport access road at 59° 38.35' N. lat., 151° 28.71' W. long.

(c) Salmon may be taken only with a set gillnet. No set gillnet may exceed 35 fathoms in length, six inches in mesh size, and 45 meshes in depth. No part of a set gillnet may be operated within 600 feet of another set gillnet. No person may operate more than one set gillnet. No part of a set gillnet may be set or operated more than 500 feet from the mean high water mark. No set gillnet may be set seaward of another set gillnet.

(d) Salmon may be taken only under authority of a permit issued through the department's Homer office.

(e) The annual limit is set by 5 AAC 77.525(c).

(f) The permit holder shall be physically present at the set gillnet at all times when it is being used to take fish.

## Chapter 96. Local Fish and Game Advisory Committees and Adoption of Fish and Game Regulations.

### Article 5. Adoption of Fish and Game Regulations.

**5 AAC 96.615. Subsistence proposal policy.** (a) It is the policy of the Boards of Fisheries and Game to consider subsistence proposals for topics that are not covered by the notice soliciting proposals under 5 AAC 96.610(a). To be considered by a board, a subsistence proposal must be timely submitted under 5 AAC 96.610(a), and

(1) the proposal must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or

(2) the circumstances of the proposal otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(b) A board may delegate authority to a review committee, consisting of members of the board, to review all subsistence proposals for any meeting to determine whether the conditions in (a) of this section apply.

(c) A board may decline to act on a subsistence proposal for any reason, including the following:

(1) the board has previously considered the same issue and there is no substantial new evidence warranting reconsideration; or

(2) board action on the proposal would affect other subsistence users who have not had a reasonable opportunity to address the board on the matter.

**5 AAC 96.621. Board of Fisheries traditional knowledge policy.** (a) The Board of Fisheries will incorporate local knowledge and traditional knowledge as an aspect of best available science to inform Board of Fisheries regulation adoption.

(b) In this section,

(1) "local knowledge" means a way of knowing developed from the observations and personal and shared experiences of people living, working, harvesting, and processing fish or game in a specific place; "local knowledge" may be obtained rapidly rather than generationally;

(2) "traditional knowledge" means a way of knowing that is unique to a given culture or society, often through language, that encompasses a worldview that defines

specific relationships between humans and nonhuman attributes of the world; "traditional knowledge" includes

(A) knowledge that derives from personal experiences and the cumulative experiences of a person's forbearers, including generational knowledge; and

(B) knowledge that is characterized by a long time scale that is local in scope and that may provide a counterpoint to more broad-based, scientifically produced knowledge.

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

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees and to other interested individuals.

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

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

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

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. It

is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

(1) the petition must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or

(2) the circumstances of the petition otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

## Chapter 99. Subsistence Uses.

5 AAC 99.005. Boards of Fisheries subsistence finding standards
5 AAC 99.010. Boards of fisheries and game subsistence procedures
5 AAC 99.012. (Repealed)
5 AAC 99.014. (Repealed)
5 AAC 99.015. Joint Board nonsubsistence areas
5 AAC 99.016. Activities permitted in a nonsubsistence area
5 AAC 99.020. (Repealed)
5 AAC 99.021. Definitions

### 5 AAC 99.005. Boards of Fisheries subsistence finding standards

In the identification by the Board of Fisheries of fish stocks or portions of fish stocks that are customarily and traditionally taken or used by residents of this state for subsistence uses under 5 AAC 99.010(b), "subsistence way of life" means a way of life that is based on consistent, long-term reliance upon fish and game resources for the basic necessities of life.

### 5 AAC 99.010. Boards of fisheries and game subsistence procedures

(a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.

(b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:

(1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns;

(2) a pattern of taking or use recurring in specific seasons of each year;

(3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;

(4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established;

(5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation;

(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and

(8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

(c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under AS 16.05.258(b)(4)(B) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

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

(2) repealed 2/23/2014;

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

**5 AAC 99.015. Joint Board nonsubsistence areas**

(a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

(1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1)(A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a)(3), 1-D, as defined by 5 AAC 33.200(a)(4), 1-E, as defined by 5 AAC 33.200(a)(5), that portion of Section 1-F, as defined by 5 AAC 33.200(a)(6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

(2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1)(C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k)(1)

and (k)(2), Section 12-B, as defined in 5 AAC 33.200*(l)*(2), and that portion of Section 12-A, as defined in 5 AAC 33.200*(l)*(1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200(o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.

(3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC 92.450(14), 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC 92.450(16)(A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).

(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20)(A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20)(B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20)(D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25)(C), the Preacher and Beaver Creek drainages.

(5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6)(D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.

(b) Repealed 2/23/2014.

**5 AAC 99.016. Activities permitted in a nonsubsistence area**

(a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

(1) general hunting, including drawing and registration permit hunts;

(2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.

(b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

**5 AAC 99.021. Definitions.**

In addition to the definitions in AS 16.05.940, in this chapter,

(1) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;

(2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries;

(3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game;

(4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident 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.

## Title 16. Fish and Game.

## Chapter 05. Fish and Game Code Definitions.

### Article 1. The Department of Fish and Game.

**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. 16.05.070. 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. 16.05.251. 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 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. T**he 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. 16.05.920. 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.