

Submitted by the Alaska Department of Fish and Game

March 17, 2015

**SELECTED SHRIMP, DUNGENESS CRAB, AND  
MISC. SHELLFISH REGULATIONS; SUPPLEMENTAL  
FINFISH AND SHELLFISH ISSUES REGULATIONS**

**SUBSISTENCE, PERSONAL USE, AND SPORT SHELLFISH**

**Kodiak Tanner Crab – Subsistence C&T**

**5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amount necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that the following shellfish stocks are customarily and traditionally taken or used for subsistence:

(1) king crab in the Kodiak Area, as described in 5 AAC 02.400, except for the Semidi Island Overlap, the North Mainland, and the South Mainland Sections, as described in 5 AAC 35.505(a);

(2) Dungeness crab and miscellaneous shellfish, on the south side of the Alaska Peninsula between Kilokak Rocks 156° 19' W. long. and Cape Kumlik 157° 27' W. long.

(b) The board finds that 22,000 - 68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the area described in (a)(2) of this section and in 5 AAC 02.500, combined. (Eff. 5/15/93, Register 126; am 7/5/2000, Register 155; am 8/14/2005, Register 175)

**Authority:** AS 16.05.251 AS 16.05.258

**Prince William Sound Shrimp**

**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(1) repealed 7/12/86;

(2) repealed 7/12/86;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 take shrimp only from April 15 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. (Eff. 7/25/82, Register 83; am 7/14/85, Register 95; am 7/12/86, Register 99; readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 2/16/96, Register 137; am 7/5/2000, Register 155; am 12/1/2004, Register 172; am 7/1/2006, Register 178; am 8/23/2009, Register 191; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251 AS 16.05.258

**5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.**

...

(b) Unless otherwise specified in 5 AAC 55.023, or by an emergency order issued under AS 16.05.060, the following are the seasons, bag, possession, and size limits, and methods and means that apply to sport fishing for shellfish in the Prince William Sound Area:

(1) the bag and possession limits for sport-harvested shellfish are not in addition to those allowed under subsistence fishing regulations under 5 AAC 02 or under personal use fishing regulations under 5 AAC 77;

(2) king crab: no open season; may not be taken or possessed;

(3) Tanner crab: no open season; may not be taken or possessed;

(4) Dungeness crab: no open season; may not be taken or possessed;

(5) shrimp may be taken as follows:

(A) may be taken from April 15 - September 15; no bag, possession, or size limits;

(B) no more than five pots per person, with no more than five pots per vessel, may be used to take shrimp;

(C) 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 salvage;

(D) only under a permit issued by the department; a harvest recording form under 5 AAC 75.016 is required;

(6) razor clams: may be taken from January 1 - December 31, in the waters of Prince William Sound east of 146° W. long. and south of a line from the southernmost tip of Point Bentinck to the southernmost tip of Point Whitshed; no bag or possession limits; only razor clams four and one-half inches or greater in shell length may be retained; a harvest recording form is required as specified in 5 AAC 75.016;

(7) shellfish not specified in this subsection: may be taken January 1 - December 31; no bag, possession, or size limits. (Eff. 5/4/94, Register 130; am 9/5/97, Register 143; am 3/16/2000, Register 153; am 7/5/2000, Register 155; am 9/30/2000, Register 155; am 5/11/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 3/30/2006, Register 177; am 7/1/2006, Register 178; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/24/2012, Register 201; am 6/1/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan.** (a) The department shall manage the sport and other noncommercial shrimp fisheries in the Prince William Sound Area as follows:

(1) the guideline harvest level for shrimp taken by pot gear in noncommercial fisheries is calculated as 60 percent of the total allowable harvest for the area;

(2) a harvest recording form is required as specified in 5 AAC 75.016;

(3) shrimp may be taken with pots as follows:

(A) only from April 15 through September 15;

(B) no bag, possession, or size limit;

(C) no more than five pots per vessel may be used to take shrimp.

(b) Repealed 7/13/2012.

(c) Repealed 7/13/2012. (Eff. 8/23/2009, Register 191; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

**5 AAC 77.553. Personal use shrimp fishery.** (a) The department will manage the personal use shrimp fishery in Prince William Sound as specified in 5 AAC 55.055. In the personal use taking of shrimp,

(1) shrimp may only be taken from April 15 through September 15;

(2) repealed 7/1/2006;

(3) no more than five pots per person, with no more than five pots per vessel may be used;

(4) shrimp may be taken only under a permit issued by the department as specified in 5 AAC 77.015.

(b) 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. (Eff. 7/1/86, Register 99; am 6/5/94, Register 130; am 2/16/96, Register 137; am 7/5/2000, Register 155; am 7/1/2006, Register 178; am 8/23/2009, Register 191; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

### **Cook Inlet Clams**

**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 harvested and the possession limit is 120 clams;

(B) the combined bag and possession limit for littleneck clams and butter clams is 80 clams and the minimum size for littleneck clams is one and one-half inches in length across the widest part of the shell; and for butter clams is two and one-half inches in length across the widest part of the shell;

(C) repealed 7/13/2012;

(3) repealed 7/1/2006. (Eff. 7/1/86, Register 99; am 6/5/94, Register 130; am 9/5/97, Register 143; am 7/5/2000, Register 155; am 6/5/2003, Register 166; am 7/1/2006, Register 178; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

**5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.** (a) Except as provided in (b) and (c) of this section, the following are the seasons, bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the Cook Inlet - Resurrection Bay Saltwater Area:

...

(12) littleneck clams and butter clams: may be taken from January 1 - December 31; with a combined bag and possession limit of 80 clams; minimum size for littleneck clams is one and one-half inches in length across the widest part of the shell; minimum size for butter clams is two and one-half inches in length across the widest part of the shell;

(13) repealed 7/13/2012;

(14) razor clams: may be taken from January 1 - December 31 as follows:

(A) from the mouth of the Kenai River to the southernmost tip of the Homer Spit: the bag limit is the first 60 clams harvested; the possession limit is 120 clams;

(B) on the remaining beaches of the Cook Inlet - Resurrection Bay Area: no bag, possession, or size limits;

(15) shrimp: no open season; may not be retained or possessed;

(16) other finfish and shellfish not specified in this subsection: from January 1 - December 31; no bag, possession, or size limits.

(b) The seasons, bag, possession, and size limits, and special provisions set out in this subsection are localized exceptions to those specified in (a) of this section for the Cook Inlet - Resurrection Bay Saltwater Area:

...

(4) the following waters are closed to the taking of all shellfish:

(A) 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. to 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;

(B) 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.

(Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 6/27/2014, Register 210; am 9/24/2014, Register 211)

**Authority:** AS 16.05.060 AS 16.05.251

## **COMMERCIAL SHRIMP FISHERIES**

### **Prince William Sound Shrimp**

**5 AAC 31.206. Area E registration.** (a) Registration Area E is a nonexclusive registration area for vessels fishing for shrimp with trawl gear.

(b) Registration Area E is an exclusive registration area for vessels fishing for shrimp with pot gear. A vessel participating in the Registration Area E shrimp pot fishery must be registered with the department by 5:00 p.m. April 1. (Eff. 5/8/98, Register 146; am 8/23/2009, Register 191; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

**5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.** (a) In the waters of the Inside District west of a line from Middle Point at 60° 20.00' N. lat., 147° W. long., north to a point at 60° 40.00' N. lat., 147° W. long., then northeast to the Coast Guard marker light on Goose Island at 60° 42.78' N. lat., 146° 43.63' W. long., to a point on Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long., shrimp may be taken from April 15 through September 15, as established by emergency order. Fishing in this area will be rotated on a tri-annual basis between the following waters:

(1) the waters north of 60° 40.00' N. lat. and east of 148° W. long.;

(2) the waters south of those waters described in (1) of this subsection and north of 60° 25.00' N. lat.;

(3) the waters south of 60° 25.00' N. lat.

(b) In all other waters of Registration Area E, shrimp may be taken only under the authority and conditions of a permit issued by the commissioner. The commissioner may specify in the permit restrictions on gear, fishing areas, fishing periods, allowable harvest, and any other conditions the commissioner determines are necessary for the conservation and management of the resource. (In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 12/29/84, Register 92; am 7/14/85, Register 95; am 7/12/86, Register 99; am 9/19/90, Register 115; am 7/23/94, Register 131; am 9/12/97, Register 143; am 5/8/98, Register 146; am 7/5/2000, Register 155; am 8/23/2009, Register 191)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E.** The estimated total allowable harvest for the waters described in 5 AAC 31.210(a) must be more than 110,000 pounds of spot shrimp by round weight before a commercial shrimp pot fishery may be opened. The guideline harvest level for the commercial pot gear fishery in the waters described in 5 AAC 31.210(a) is 40 percent of the total allowable harvest for the area. The department will, to the extent practicable, manage the fishery to allow no more than 25 percent of the guideline harvest level to be taken from any one statistical area. The commissioner will open and close fishing seasons by emergency order, during which pot limits, time, or area may be adjusted to achieve the 25 percent statistical area harvest target. (Eff. 8/23/2009, Register 191; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

**5 AAC 31.226. Shrimp pot marking requirements for Registration Area E.** (a) If required by the department, in addition to the requirements of 5 AAC 31.051, each shrimp pot must have one identification tag issued by the department attached to the pot. If required by the department under this section, identification tags will be issued before the fishing season, uniquely numbered for that registration year, and issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of tags lost during the season is

permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags.

(b) All shrimp pots on board a registered shrimp vessel must be marked as specified in (a) of this section.

(c) Shrimp pots deployed on a longline, including five or more pots, must have at least one buoy attached to each end of the longline. The buoys must be properly marked as specified in 5 AAC 31.051, and the pots must be marked as required under (a) of this section. (Eff. 8/23/2009, Register 191)

**Authority:** AS 16.05.251

**5 AAC 31.235. Closed waters in Registration Area E.** (a) The following waters are closed to the taking of shrimp with trawl gear:

(1) waters enclosed by a line from Point Whitshed to Point Bentinck, a line from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point (60° 19.00' N. lat., 146° 55.00' W. long.), and by a line from a point at 60° 11.00' N. lat., 147° 20.00' W. long. on the northwest side of Montague Island, north to a point at 60° 30.00' N. lat., 147° 20.00' W. long., then east to a point at 60° 30.00' N. lat., 147° 00.00' W. long., then northeast to Knowles Head (60° 41.00' N. lat., 146° 37.50' W. long.);

(2) the waters east of a line from Porcupine Point at 60° 44.60' N. lat., 146° 42.10' W. long. in Port Fidalgo to the southernmost tip of Bligh Island at 60° 48.30' N. lat., 146° 47.90' W. long. to the northernmost tip of Bligh Island at 60° 52.90' N. lat., 146° 46.00' W. long. to Rocky Point at 60° 57.00' N. lat., 146° 46.20' W. long.

(b) The following waters are closed to the taking of shrimp with pot gear:

(1) waters enclosed by a line from the north entrance to Pigot Bay at 60° 49.98' N. lat., 148° 18.96' W. long., to Point Culross at 60° 45.42' N. lat., 148° 08.88' W. long., to the southernmost point of Culross Island at 60° 37.68' N. lat., 148° 10.08' W. long., then south to the northwest corner of Applegate Island at 60° 37.56' N. lat., 148° 09.38' W. long., and north of a line from the southernmost tip of Applegate Island at 60° 37.08' N. lat., 148° 09.12' W. long. westward to the mainland of 60° 37.08' N. lat.;

(2) waters north of a line from Flent Point (60° 56.52' N. lat., 147° 08.34' W. long.) to a point on Bligh Island at 60° 48.96' N. lat., 146° 48.96' W. long., and north of a line from a point on the southeast shore of Bligh Island at 60° 48.36' N. lat., 146° 47.40' W. long. to Graveyard Point (60° 48.60' N. lat., 146° 33.42' W. long.);

(3) waters south of a line from Point Grace (60° 04.80' N. lat., 147° 51.00' W. long., to a point on the northern end of Latouche Island at 60° 06.66' N. lat., 147° 53.34' W. long. a line from a point on the south end of Latouche Island at 59° 56.34' N. lat., 148° 02.28' W. long. to a point on the south end of Elrington Island at 59° 55.92' N. lat., 148° 12.78' W. long., and a



line from Lonetree Point Light (59° 58.97' N. lat., 148° 12.00' W. long.) to a point on the south entrance to Squirrel Bay on Evans Island at 59° 59.82' N. lat., 148° 09.42' W. long.

(Eff. 6/30/84, Register 90; am 7/14/85, Register 95; am 9/12/97, Register 143; am 8/23/2009, Register 191; am 6/20/2010, Register 194; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

**5 AAC 31.245. Reporting requirements for Registration Area E.** (a) A CFEC permit holder that participates in the Prince William Sound commercial shrimp pot fishery shall obtain and complete, daily, a logbook provided by the department. It is unlawful to falsify a logbook entry. The CFEC permit holder must

(1) have the logbook on board the vessel at all times;

(2) make the logbook available upon request to a local representative of the department or peace officer of the state; and

(3) submit to the department the completed logbook pages with each corresponding ADF&G fish ticket.

(b) The operator of a catcher-seller vessel or a catcher-processor vessel used to take shrimp in Registration Area E shall complete an ADF&G fish ticket before any shrimp are removed from the vessel. Before landing shrimp, the operator of a catcher-seller vessel or catcher-processor vessel shall contact the Cordova office at a telephone number provided by the department at the time of registration and provide the following information:

(1) the CFEC permit holder's name;

(2) the name of the vessel and the ADF&G number of the registered vessel;

(3) the following information for each ADF&G fish ticket that pertains to that trip:

(A) the preprinted fish ticket number;

(B) the date of landing;

(C) the statistical areas fished;

(D) the number of pot lifts in each statistical area;

(E) the round weight of all shrimp taken by species and statistical area.

(c) Each week, the operator of a shrimp pot vessel operating in Registration Area E shall contact, by telephone, the local area office in Cordova before 12:00 noon Wednesday at a

telephone number provided by the department at the time of registration and provide the following information:

- (1) the CFEC permit holder's name;
- (2) the name of the vessel and the ADF&G license number of the registered vessel;
- (3) the following information for each ADF&G fish ticket that pertains to that trip:
  - (A) the number of pot lifts in each statistical area;
  - (B) the round weight of all shrimp taken by species and statistical area.

(Eff. 8/23/2009, Register 191)

**Authority:** AS 16.05.251

### **COMMERCIAL DUNGENESS CRAB FISHERIES**

**5 AAC 32.052. Dungeness crab pot gear storage requirements.** (a) Except as specifically provided in (b) and (c) of this section and unless otherwise specified in this chapter, during the closed season for fishing for Dungeness crab in any waters, Dungeness crab pots must be removed from the water.

(b) Notwithstanding the requirement of (a) of this section, in waters that are closed to fishing for Dungeness crab, a person may store in the waters that are closed to Dungeness crab fishing the person's Dungeness crab pots if all pot doors are secured fully open and all bait and bait containers are removed. A person may store the pots in the water

- (1) for no more than seven days after the closure to fishing for Dungeness crab in
  - (A) Registration Areas A, D, and H;
  - (B) a district in Registration Area J; or
  - (C) the Copper River District of Registration Area E; and
- (2) for no more than 72 hours after the closure to fishing for Dungeness crab in
  - (A) any portion of Registration Areas A, D, and H; or
  - (B) any portion of a district in Registration Areas J and E, except in a portion of the Copper River District of Registration Area E.

(c) The operator of a vessel fishing for Dungeness crab may obtain an extension to a deadline set out in (b) of this section if, due to a major vessel breakdown or extreme weather conditions, the vessel operator is unable to remove the pots from the waters before the deadline set out in (b) of this section. To obtain the extension authorized by this subsection, the vessel operator shall contact in person, or by radio or telephone, with a local representative of the department at a landing port or inspection point specified in this chapter or by the department and request a time extension. If the local representative determines that the circumstances described in this subsection are met, the local representative will grant a time extension to the vessel operator that is reasonable under the circumstances. (Eff. 5/8/98, Register 146)

**Authority:** AS 16.05.251

**5 AAC 32.410. Fishing seasons for Registration Area J.** (a) In the Kodiak, Chignik, Alaska Peninsula, and Aleutian Districts, male Dungeness crab may be taken or possessed from 12:00 noon May 1 until 11:59 p.m. December 30, except that in the waters of the Kodiak District south of the latitude of Boot Point at 56° 49.98' N. lat., and east of longitude of Boot Point at 153° 46.10' W. long. and waters south of the latitude of Cape Ikolik at 57° 17.40' N. lat., and west of the longitude of Boot Point at 153° 46.10' W. long., male Dungeness crab may be taken or possessed only from 12:00 noon June 15 until 11:59 p.m. December 30.

(b) In the North Peninsula District, male Dungeness crab may be taken or possessed from 12:00 noon May 1 until 12:00 noon October 18. (In effect before 1981; am 6/28/81, Register 78; am 7/14/85, Register 95; am 9/12/97, Register 143; am 7/31/2003, Register 167; am 7/13/2012, Register 203)

**Authority:** AS 16.05.251

## **COMMERCIAL MISCELLANEOUS SHELLFISH**

### **Sea Cucumbers – Westward Region**

**5 AAC 38.411. Fishing seasons for sea cucumbers in Registration Area J.** In Registration Area J, a person may take sea cucumbers only from October 1 through April 30 and only under the authority of a permit issued by the commissioner. (Eff. 9/12/97, Register 143; am 5/8/98, Register 146)

**Authority:** AS 16.05.251

## **AMPHIBIANS**

### **Applicable Statute for Reference (Excerpt)**

**Sec. 16.35.210. Nonindigenous fish.** (a) A person may not knowingly release, or transport, possess, import, or export for the purpose of release, into the water of the state live nonindigenous fish or live fertilized eggs of nonindigenous fish, unless permitted by AS 16.05 —

AS 16.40 or by a regulation adopted under AS 16.05 — AS 16.40. This subsection does not apply to

...

(3) "ornamental fish" means an aquatic finfish, commonly referred to as tropical fish, aquarium fish, or goldfish, an aquatic invertebrate, or an amphibian that is imported, cultured, or sold in the state customarily for viewing in an aquarium or for raising in an artificial containment system and that is not customarily used for sport fishing in the state or used for human consumption;

### **Applicable Regulations**

**5 AAC 41.005. Permit required.** (a) Except as otherwise provided, a person may not transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section. Notwithstanding the provisions of this subsection, and except as restricted under AS 16.05.240, a licensed processor may export live shellfish out of the waters of the state for human consumption without a fish transport permit only after complying with all applicable reporting requirements

**5 AAC 41.070. Prohibitions on importation and release of live fish.** (a) Except as provided in (b) - (d) of this section, no person may import any live fish into the state for purposes of stocking or rearing in the waters of the state.

(b) Live oysters native to and originating from the Pacific Coast of North America may be imported for aquaculture purposes, under a permit required by this chapter, and may be released into the waters of the state only if the

(1) broodstock is derived from oysters commercially cultured on the Pacific Coast of North America through three or more generations; and

(2) disease history or an inspection indicates no incidence of disease that is not indigenous to the state or is not considered to be a risk to indigenous stocks, and oyster health or marketability.

(c) Ornamental fish not raised for human consumption or sport fishing purposes may be imported into the state, but may not be reared in or released into the waters of the state. Fish wastes and waste water from ornamental fish may not be released directly into the waters of the state.

(d) Weathervane scallops originating from wild stocks or cultured stocks in the Southeastern Alaska and Yakutat Areas may be imported for aquaculture purposes and may be

released only into the waters of the Southeastern Alaska and Yakutat Areas under a permit required by this chapter only if the

- (1) broodstock was taken under the provisions of a permit issued by the department;
- (2) broodstock was certified by the department's fish pathology section before transport out of the state;
- (3) broodstock was held continuously in a department-approved isolation facility;
- (4) weathervane scallops proposed for import have been held continuously in a department-approved isolation facility before import into the state;
- (5) disease history, or an inspection, of the weathervane scallops proposed for import indicates no incidence of a disease of transport significance.

(e) A person may not import, own, possess, breed, transport, distribute, release, purchase or sell within this state any species listed under 50 C.F.R. 16.13, as revised as of October 1, 2002, as an injurious live, or dead fish, mollusk, crustacean, or their eggs. (In effect before 1988; am 9/19/90, Register 115; am 4/30/91, Register 118; am 8/8/2007, Register 183; am 2/24/2011, Register 197)

**Authority:** AS 16.05.251

**5 AAC 41.100. Definitions.** In addition to the definitions set out in AS 01.10.060 and AS 16.05.940, in 5 AAC 41.001 — 5 AAC 41.100

...

(4) "ornamental fish" means a fish commonly known as "tropical fish," "aquarium fish," or "goldfish," which are imported, cultured, or sold in the state customarily for viewing in aquaria or for raising in artificial systems, and not customarily used for sport fishing or human consumption purposes;

### **YUKON RIVER SALMON**

**5 AAC 01.220. Lawful gear and gear specifications.** (a) Salmon may be taken only by gillnet, 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) Repealed 5/15/93.

(c) Repealed 5/11/85.

(d) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gillnets larger than six-inch mesh after a date specified by emergency order issued between July 10 and July 31.

(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;

(2) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;

(3) no person may operate a drift gillnet that is more than 150 feet in length during the seasons described in (1) and (2) of this subsection.

(f) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by set gillnet, drift gillnet, beach seine, fish wheel, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(1) a commercial fisherman 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 set gillnet in use by an individual may not exceed 150 fathoms and each drift gillnet in use by an individual may not exceed 50 fathoms in length;

(3) in Districts 4, 5, and 6, subsistence fishing gear may not be set within 200 feet of other operating commercial, personal use, or subsistence fishing gear, 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 dip net within 200 feet of another person operating a dip net;

(4) 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;

(5) during the commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, drift gillnets and fish wheels may be used only during open subsistence salmon fishing periods;

(6) in that portion of Beaver Creek, not included in the nonsubsistence area specified in 5 AAC 99.0105(a)(4), gillnet mesh size may not exceed three inches;

(7) in Birch Creek, gillnet mesh size may not exceed three inches;

(8) in 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, gillnet gear may be used only from November 1 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);

(9) 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.

(g) Repealed 6/10/98.

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

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

(j) Repealed 6/17/98.

(k) 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, including those waters draining into the Bering Sea and those of the Yukon River drainage downstream from the lower mouth of Paimiut Slough; or

(2) through the ice.

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

(m) Notwithstanding the provisions of (d), (e)(2), and (f)(2) of this section, during times when the commissioner determines it to be necessary for the conservation of chum salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of four-inch or less mesh or eight-inch or greater mesh;

(B) for a gillnet of four-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order;

(C) for a gillnet of eight-inch or greater mesh, may not exceed the length specified in (f) of this section;

(2) for fish wheels:

(A) 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;

(B) the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all chum salmon in the livebox must be returned alive to the water;

(C) repealed 6/17/2001;

(D) instead of complying with (A) - (C) of this paragraph, a person may operate a fish wheel without a livebox 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 chum salmon caught to the water alive;  
and

(3) dip nets may be used; however, all chum salmon caught with a dip net must be released to the water alive.

(n) Notwithstanding the provisions of (d), (e)(2), and (f)(2) 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 fishing season in the Yukon Area and immediately reopen the season in that area during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of six-inch or less mesh;



(B) for gillnet of six-inch or less mesh, may not exceed the length and depth specified by the commissioner in the emergency order;

(2) for fish wheels:

(A) 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;

(B) 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;

(C) 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) dip nets may be used, however, all king salmon caught with a dip net must be released to the water alive.

(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) In the Yukon Area, 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. (In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 6/30/83, Register 86; am 9/22/84, Register 91; am 5/11/85, Register 94; am 5/31/87, Register 102; am 4/2/88, Register 105; am 7/16/92, Register 123; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 8/17/94, Register 131; am 3/24/95, Register 133; am 6/21/97, Register 142; am 6/10/98, Register 146; am 6/17/98, Register 146; am 7/5/2000, Register 155; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am 8/23/2009, Register 191; am 5/19/2010, Register 194; am 5/12/2011, Register 198; am 7/13/2012, Register 203)

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.258

### **KUSKOKWIM RIVER SALMON**

**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, 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 be taken only by set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, or lead.

(d) Each subsistence 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 150 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 chum 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 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;

(C) for a gillnet of seven and one-half inch or greater mesh, may not exceed the length specified in (b) and (j) of this section;

(2) for fish wheels:

(A) 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;

(B) the livebox of a fish wheel must be checked at least once every 12 hours while the fish wheel is in operation, and all chum salmon in the livebox must be returned alive to the water;

(C) repealed 6/17/2001;

(3) beach seine gear: any chum salmon taken in beach seine gear must be returned alive to the water.

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season 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 mesh size may not exceed six inches;

(2) for fish wheels:

(A) 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;

(B) 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; and

(3) for beach seine gear: any king salmon taken in beach seine gear must be 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. (In effect before 1988; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 7/5/2000, Register 155; em am 7/8/2000 - 11/4/2000, Register 155; em am 5/29/2001, Register 158; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am 8/23/2009, Register 191)

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.258

**5 AAC 07.365. Kuskokwim River Salmon Management Plan.** (a) The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts reasonably necessary for subsistence uses, and for nonsubsistence fisheries. The department shall use the best available data, including preseason and inseason run projections, test fishing indices, age and sex composition, harvest reports, passage escapement estimates, and recognized uncertainty, to assess run abundance for the purpose of implementing this plan.

(b) It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries under 5 AAC 39.222 to meet escapement goals and the subsistence priority.

(c) In the king salmon fishery,

(1) when the projected escapement of king salmon is below the drainagewide escapement goal range, the commissioner shall, by emergency order, close the commercial, sport, and subsistence king salmon fisheries;

(2) when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order, as follows:

(A) to the extent practicable, at least one fishing period per week will be opened for a directed subsistence king salmon fishery to provide harvest opportunity on surplus king salmon in excess of escapement needs, except that when surplus king salmon in excess of the drainagewide escapement goal is limited, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen a subsistence fishery during which

(i) king salmon may be taken only by persons 60 years of age or older; and

(ii) a person authorized to take king salmon under (i) of this paragraph may not authorize a proxy to take or attempt to take king salmon under AS 16.05.405 or 5 AAC 01.011, but the participant may be assisted by family members within the second degree of kindred; in this sub-subparagraph, "within the second degree of kindred" has the meaning given in 5 AAC 92.990(a);

(B) fishing may be opened for commercial and sport fisheries to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(3) when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the

(A) directed subsistence king salmon fishery will be open seven days per week; and

(B) commercial and sport fisheries will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs.

(d) In the subsistence fishery, in the Kuskokwim River drainage, in the waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,

(1) the subsistence salmon net and fish wheel fisheries will be open seven days per week, except that if the commissioner determines that it is necessary in order to achieve escapement goals, the commissioner may alter fishing periods, by emergency order, based on run abundance;

(2) in addition to the gear specifications and operations provisions of 5 AAC 01.270(n), when the commissioner determines that it is necessary to conserve king salmon to achieve escapement goals, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen the fishery during which one or more of the following provisions may be implemented:

(A) the gillnet mesh size may not exceed four inches until sockeye and chum salmon abundance exceeds the king salmon abundance;

(B) a gillnet may not exceed 25 fathoms in length, except that a longer gillnet may be used if no more than 25 fathoms 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;

(C) a person may fish for salmon with a dip net, as defined in 5 AAC 39.105, and all king salmon caught by a dip net must be returned immediately to the water unharmed;

(3) actions to conserve king salmon may be applied to the entire Kuskokwim River, its sections, or tributaries, consistent with harvest trends and variability in abundance of king salmon available for harvest as the run progresses upstream;

(4) the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 AAC 01.295, by emergency order, if the commissioner determines that inseason information indicates it is necessary for conservation purposes.

(e) In the commercial fishery,

(1) the guideline harvest level for king salmon and sockeye salmon is as follows:

(A) 0 - 50,000 king salmon;

(B) 0 - 50,000 sockeye salmon;

(2) only the waters of District 1 may be opened during the first commercial salmon fishing period;

(3) the commissioner shall open and close the Kuskokwim River commercial salmon fishery, by emergency order, if inseason information indicates a run strength that is large enough to provide for a harvestable surplus and a reasonable opportunity for subsistence uses and for nonsubsistence fisheries;

(4) the department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 commercial fishing periods;

(5) Districts 1 and 2 commercial fishing periods are from 12:00 p.m. through 6:00 p.m.; when longer fishing periods are allowed, the extra time is to be divided before 12:00 p.m. and after 6:00 p.m.;

(6) the department shall manage the commercial fishery to ensure there is no significant impact on escapement or allocations of salmon species as a result of incidental harvest in commercial fisheries directed at other salmon species;

(7) in June and when king salmon are abundant, the department shall manage the commercial fishery conservatively to ensure king salmon escapement goals are achieved and reasonable opportunity for subsistence uses is provided in consideration of harvest trends and abundance of king salmon available for the subsistence fishery, as follows:

(A) when the projected escapement of king salmon is within the drainagewide escapement goal range,

(i) the first opening may not occur until after June 23;

(ii) only the waters of Subdistrict 1-B may be opened during the first commercial fishing period;

(iii) at least 72 hours must pass between the first Subdistrict 1-B opening and the first Subdistrict 1-A opening;

(B) when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the commercial fishery will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(8) when chum salmon abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on chum salmon run strength;

(9) when coho salmon abundance exceeds chum salmon abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on coho salmon run strength;

(10) a person may not sell salmon roe taken in Districts 1 and 2.

(f) In the sport fishery,

(1) if the commissioner restricts the fishery, by emergency order, for conservation purposes, the restrictions must be based on the level of abundance;

(2) in the Aniak River drainage, the king salmon fishery is open from May 1 through July 25, with a bag and possession limit of two fish, 20 inches or greater in length, with an annual limit of two fish, 20 inches or greater in length; the sockeye, pink, chum, and coho salmon fisheries are open year round, with a combined daily bag and possession limit of three fish, of which no more than two fish may be king salmon;

(3) actions to conserve king salmon will only be implemented when king salmon are present, consistent with migratory timing as the run progresses upstream. (Eff. 6/10/87, Register 102; am 4/2/88, Register 105; am 6/14/90, Register 115; am 6/10/98, Register 146; am 6/17/2001, Register 158; am 7/8/2001, Register 159; am 5/19/2004, Register 170; am 6/7/2007, Register 182; am 5/19/2010, Register 194; am 4/13/2013, Register 206; am 4/18/2014, Register 210)

**Authority:** AS 16.05.060                      AS 16.05.251                      AS 16.05.258

## **BRISTOL SAY SALMON**

### **Graveyard Point Issue**

#### **5 AAC 06.350. Closed waters.**

...

(b) The following locations in the Naknek-Kvichak District are closed to the taking of salmon:

(1) those waters northeast of a line from an ADF&G regulatory marker located at 58° 52.07' N. lat., 157° 00.89' W. long. near Graveyard Point to an ADF&G regulatory marker located at 58° 53.24' N. lat., 157° 04.44' W. long.;

(2) those waters of the Naknek River upstream of a line from an ADF&G regulatory marker located at 58° 43.55' N. lat., 157° 03.63' W. long. to an ADF&G regulatory marker located at 58° 42.43' N. lat., 157° 04.67' W. long.; however, the commissioner may open, by emergency order, waters of the Naknek River as provided in 5 AAC 06.360;

(3) by set gillnets along the southeast shore of the Naknek Section from the Naknek-Kvichak District boundary north to 58° 37.15' N. lat., 157° 15.30' W. long.

...

(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 5/11/85, Register 94; am 4/2/88, Register 105; am 6/10/90, Register 114; am 6/19/92, Register 122; am 5/14/98, Register 146; am 6/3/2001, Register 158; am 12/29/2002, Register 164; am 4/9/2004, Register 170; am 4/4/2013, Register 206; am 5/8/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

### **Optimal Escapement Goals (OEG) Sockeye Salmon**

**5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.** (a) The purpose of this management and allocation plan is to ensure an adequate escapement, as determined by the department, of sockeye salmon into the river systems of the Nushagak, Naknek-Kvichak, Egegik, and Ugashik Districts and to distribute, to the extent practicable, the harvestable surplus of sockeye salmon to the set and drift gillnet fisheries for the allocation percentages specified in (b) of this section. This plan also provides management guidelines to the department in an effort to preclude allocations conflicts between various users of this resource.

(b) It is the intent of the Board of Fisheries (board) that Bristol Bay sockeye salmon be harvested in the traditional harvest locations and that historical sockeye salmon catches be allocated between drift and set gillnet fisheries by district. To achieve this allocation, the



department shall manage, to the extent practicable, the commercial sockeye salmon fisheries to achieve the allocation percentages established in 5 AAC 06.364 (Naknek-Kvichak District), 5 AAC 06.365 (Egegik District), 5 AAC 06.366 (Ugashik District), and 5 AAC 06.367 (Nushagak District).

(c) Repealed 3/30/2007.

(d) The department shall manage, subject to existing management plans, fishery openings, closures, and areas to

(1) achieve adequate escapement from all segments of the run by spacing openings throughout the run;

(2) maintain and improve stock specific management through the use of district, subdistrict, and section openings and closures;

(3) distribute fish within individual districts and subdistricts through the spacing and duration of openings;

(4) reduce intensive boundary line fishing through the spacing and duration of openings;

(5) reduce harvest of stocks bound for other districts, subdistricts, or sections in accordance with specific regulatory management plans. (Eff. 5/14/98, Register 146; am 3/30/2007, Register 181)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.357. Ugashik River Sockeye Salmon Special Harvest Area Management Plan.** (a) The goal of this plan is to prevent the overescapement of sockeye salmon into the Ugashik River.

(b) The commissioner may open, by emergency order, the Ugashik River Special Harvest Area to fishing by both drift and set gillnet when the commissioner projects that the sockeye salmon escapement into the Ugashik River will exceed the minimum of the escapement goal range. Separate set gillnet and drift gillnet areas in the Ugashik River Special Harvest Area are described in (c) and (d) of this section.

(c) The Ugashik River Special Harvest Set Gillnet Area consists of all waters of the Ugashik River upstream of a line from 57° 29.62' N. lat., 157° 37.63' W. long. to 57° 29.83' N. lat., 157° 35.22' W. long., and downstream of a line from 57° 28.94' N. lat., 157° 34.56' W. long. to 57° 28.63' N. lat., 157° 35.24' W. long.

(d) The Ugashik River Special Harvest Drift Gillnet Area is all waters upstream of a line from 57° 28.63' N. lat., 157° 35.24' W. long. to 57° 28.94' N. lat., 157° 34.56' W. long., and

downstream of a line from 57° 28.76' N. lat., 157° 29.65' W. long. to 57° 29.60' N. lat., 157° 29.75' W. long.

(e) When the Ugashik River Special Harvest Area is open under this section,

(1) set gillnet gear may be operated only as follows:

(A) a set gillnet may not exceed 25 fathoms in length;

(B) a set gillnet may not be set or operated within 150 feet of another set gillnet;

(C) repealed 4/4/2013;

(D) no part of a set gillnet may be more than 500 feet from the 18-foot high tide mark;

(E) the shoreward end of a set gillnet must go dry at low tide;

(2) drift gillnets may be operated only as follows:

(A) no more than 50 fathoms of drift gillnet may be used to take salmon;

(B) a vessel may not have more than 150 fathoms of drift gillnet gear on board;

(C) no part of a drift gillnet may be operated within 150 feet from the side of a set gillnet;

(3) a CFEC permit holder may not use more than one gillnet to take salmon at any one time. (Eff. 5/14/98, Register 146; am 6/3/2001, Register 158; am 12/29/2002, Register 164; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.** (a) The goal of this plan is to achieve Nushagak River coho salmon spawning escapement, while providing opportunities to harvest Wood River sockeye salmon stocks that are in excess of spawning goals. It is the intent of the Board of Fisheries (board) that salmon in the Nushagak District should be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries, using the best biological management techniques and practices. This plan has been adopted to provide management alternatives that may be used by the department when differences in salmon run strengths would otherwise preclude the achievement of the goal of this plan.

(b) The Wood River Special Harvest Area consists of the waters of the Wood River from a line between ADF&G regulatory markers located at 59° 06.05' N. lat., 158° 29.30' W. long. (Hansen Point) and 59° 06.29' N. lat., 158° 28.84' W. long. (across from Hansen Point), upstream to a line between ADF&G regulatory markers located at 59° 09.71' N. lat., 158° 32.61' W. long. (on the west shore downstream of the Muklung River) and 59° 09.78' N. lat., 158° 31.99' W. long. (on the east shore downstream of the Muklung River), and from a line between ADF&G regulatory markers located at 59° 10.44' N. lat., 158° 31.73' W. long. (west shore upstream of the Muklung River) and 59° 10.23' N. lat., 158° 31.43' W. long. (east shore upstream of the Muklung River), upstream to a line between ADF&G regulatory markers located at 59° 12.26' N. lat., 158° 33.34' W. long. (west shore downstream of Silver Salmon Creek) and 59° 12.20' N. lat., 158° 33.12' W. long. (east shore downstream of Silver Salmon Creek).

(c) The commissioner may open, by emergency order, the Wood River Special Harvest Area

(1) when the department projects that the sockeye salmon escapement into the Wood River will exceed 700,000 fish and as follows:

(A) if the preseason forecast for the Nushagak River sockeye salmon run is at least 1,000,000 fish, the department shall manage the Nushagak District to exceed a minimum sustainable escapement goal of 370,000 sockeye salmon to the Nushagak River, and the commissioner may open the Wood River Special Harvest Area only when department projections indicate the Nushagak River sockeye salmon escapement will be less than 370,000 fish;

(B) if the preseason forecast for the Nushagak River sockeye salmon run is less than 1,000,000 fish and the ratio of Wood River to Nushagak River sockeye salmon is projected to be greater than three to one, the department shall manage the Nushagak District for an optimal escapement goal of at least 260,000 sockeye salmon to the Nushagak River, and the commissioner may open the Wood River Special Harvest Area only when department projections indicate the Nushagak River sockeye salmon escapement will be less than 260,000 fish;

(C) if the inseason forecast prepared by the department during the first week of July for the Nushagak River sockeye salmon run is at least 1,000,000 fish, the department shall manage the Nushagak District to exceed a minimum sustainable escapement goal of 370,000 sockeye salmon to the Nushagak River, and the commissioner may open the Wood River Special Harvest Area only when department projections indicate the Nushagak River sockeye salmon escapement will be less than 370,000 fish;

(D) if the inseason forecast prepared by the department during the first week of July for the Nushagak River sockeye salmon run is less than 1,000,000 fish, the department shall manage the Nushagak District for an optimal escapement goal of at least 260,000 sockeye salmon to the Nushagak River, and the commissioner may open the

Wood River Special Harvest Area only when department projections indicate the Nushagak River sockeye salmon escapement will be less than 260,000 fish;

(2) when the escapement goal for Wood River sockeye salmon has been achieved and commercial fishing in the Nushagak Section of the Nushagak District is closed to conserve coho salmon in the Nushagak River as specified in 5 AAC 06.368(d);

(3) when the escapement of sockeye salmon into the Wood River exceeds 1,100,000 fish and the escapement is projected to exceed 1,400,000 fish.

(d) When the Wood River Special Harvest Area is open under this section, the following apply within the open waters:

(1) set gillnets may be operated only as follows:

(A) a set gillnet may not exceed 25 fathoms in length;

(B) a set gillnet may not be set or operated within 150 feet of another set gillnet;

(C) all gear associated with set gillnet fishing must be removed when it is not being used to fish in the Wood River Special Harvest Area;

(D) set gillnet running lines may not be in the water during a drift gillnet fishing period;

(2) drift gillnets may be operated only as follows:

(A) no more than 75 fathoms of drift gillnet may be used to take salmon;

(B) a person may not have more than 200 fathoms of drift gillnet on board a vessel;

(3) notwithstanding 5 AAC 39.240, a person operating a commercial salmon fishing vessel in the Wood River Sockeye Salmon Special Harvest Area may carry additional drift or set gillnet gear on board the fishing vessel if the additional gear is stored in a net bag or in a brailer bag; for the purposes of this paragraph, "brailer bag" means a bag-shaped net on board a drift gillnet vessel used to lift fish from the hold of the vessel into a tender vessel, processing vessel, or processing facility;

(4) except as specified in (5) of this subsection, when the Wood River Special Harvest Area is open, the drift gillnet and set gillnet fisheries will open separately, with a seasonal ratio of three drift gillnet gear fishing periods to every one set gillnet fishing period;

(5) when the Wood River Special Harvest Area is open under (c)(3) of this section, the Wood River Special Harvest Area will be only open for the gear group that is behind in the allocation specified in 5 AAC 06.367(b) for the Nushagak District.

(e) The commercial salmon fishery in the Wood River Special Harvest Area may be opened only during closures of the subsistence salmon fisheries within the Wood River Special Harvest Area. (Eff. 5/24/96, Register 138; am 5/14/98, Register 146; am 6/23/99, Register 150; am 6/22/2001, Register 158; am 12/29/2002, Register 164; am 4/9/2010, Register 194; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.359. Egegik River Sockeye Salmon Special Harvest Area Management Plan.** (a) The goal of this plan is to minimize the interception of sockeye salmon migrating through the Egegik District and bound for spawning systems within the Naknek-Kvichak and Ugashik Districts, while providing opportunities within the Egegik District to harvest Egegik River sockeye salmon that are in excess of the spawning escapement goal.

(b) The Egegik Special Harvest Area consists of the waters south of a line between 58° 18.05' N. lat., 157° 33.15' W. long. and 58° 17.93' N. lat., 157° 32.67' W. long., east of a line between 58° 18.05' N. lat., 157° 33.15' W. long. and 58° 09.91' N. lat., 157° 34.55' W. long., and north of a line between 58° 09.91' N. lat., 157° 34.55' W. long. and 58° 09.44' N. lat., 157° 32.97' W. long. Unless otherwise specified in this section, the applicable provisions in 5 AAC 06.001 – 5 AAC 06.380 apply to the Egegik Special Harvest Area.

(c) The commissioner may close, by emergency order, that portion of the Egegik District bounded by a line from 58° 19.10' N. lat., 157° 36.65' W. long. to 58° 18.05' N. lat., 157° 33.15' W. long. to 58° 09.91' N. lat. 157° 34.55' W. long. to 58° 11.00' N. lat., 157° 38.10' W. long. to 58° 19.10' N. lat., 157° 36.65' W. long. if

(1) the Naknek-Kvichak or Ugashik District is closed to fishing because the total season escapement is projected to be below the lower end of the escapement goal range;

(2) all conservation measures have been taken within the district where the escapement is projected to be below the lower end of the escapement goal range; and

(3) interceptions of Naknek, Kvichak, or Ugashik sockeye stocks within the Egegik District have been documented by past studies and inseason indicators.

(d) If a district closed under (c)(1) of this section is reopened to fishing, the commissioner shall reopen that portion of the Egegik District that was closed under (c) of this section.

(e) The department shall attempt to issue an emergency order under this section at least 48 hours before the effective time of the opening or closing.

(f) If the midpoint of the escapement goal range is achieved in the Egegik District and the district boundary line has been moved into the Egegik Special Harvest Area, the 48-hour transfer notification period remains in effect for the Egegik District. (Eff. 4/9/95, Register 134; am 6/3/2001, Register 158; am 6/22/2001, Register 158; am 4/9/2004, Register 170)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management**

**Plan.** (a) The goal of this plan is to achieve Kvichak River sockeye salmon spawning escapement goals, while providing opportunities to harvest Naknek River salmon stocks that are in excess of spawning goals. It is the intent of the Board of Fisheries that salmon in the Naknek-Kvichak District should be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries, using the best biological management techniques and practices. This plan has been adopted to provide management alternatives that can be used by the department when differences in salmon run strengths would preclude the achievement of the goal of this plan using only the fisheries that have historically harvested those salmon.

(b) The Naknek River Special Harvest Area (NRSHA) consists of the waters of the Naknek River from a line between ADF&G regulatory markers located at 58° 43.37' N. lat., 157° 03.17' W. long. and at 58° 42.67' N. lat., 157° 03.44' W. long. upstream to the power lines across the river.

(c) On or after June 27, when the department projects that the sockeye salmon escapement into the Naknek River will exceed 800,000 fish and the Kvichak River escapement projection is one or more days behind schedule for reaching its escapement goal, the commissioner may open, by emergency order, the NRSHA to the drift gillnet and set gillnet fisheries. The drift gillnet and set gillnet fisheries will open separately, with a seasonal ratio of three drift gillnet gear fishing periods to every one set gillnet fishing period.

(d) The following provisions apply to set gillnet fishing in the NRSHA:

- (1) no more than 37.5 fathoms of set gillnet may be used to take salmon;
- (2) a set gillnet may not be set or operated within 150 feet of another set gillnet;
- (3) beyond 500 feet from shore, all gear associated with set gillnet fishing must be removed when it is not being used to fish in the NRSHA;
- (4) repealed 4/4/2013;
- (5) set gillnet running lines may not be in the water during a drift gillnet fishing period;
- (6) repealed 8/14/2006.

(e) The following provisions apply to drift gillnet fishing in the NRSHA:

(1) no more than 75 fathoms of drift gillnet may be used to take salmon;

(2) a CFEC permit holder may not use more than one gillnet to take salmon at any time;

(3) a vessel may not have more than 150 fathoms of drift gillnet or 75 fathoms of set gillnet on board the vessel;

(4) a drift gillnet may not be operated shoreward of the offshore end of a set gillnet; and

(5) no part of a drift gillnet may be operated within 150 feet of the side of a set gillnet.

(f) When the NRSHA is open to commercial fishing, the department shall manage the fishery, to the extent practicable, for an optimal escapement goal of 800,000 - 2,000,000 salmon.

(g) After July 17, when the Naknek-Kvichak District is open to commercial fishing in the NRSHA, the commissioner may establish, by emergency order, new fishing periods other than the periods specified in 5 AAC 06.320(c)(2), during which the requirements for reregistration and the 48-hour transfer notification period specified in 5 AAC 06.370 will apply.

(h) If the preseason forecast for the Kvichak River sockeye salmon is less than 30 percent above the minimum biological escapement goal, the commissioner may, by emergency order, open the NRSHA to the drift gillnet and set gillnet fisheries. (Eff. 4/18/86, Register 98; am 5/21/87, Register 102; am 6/19/92, Register 122; am 4/9/95, Register 134; am 5/14/98, Register 146; am 6/3/2001, Register 158; am 4/9/2004, Register 170; am 4/21/2004, Register 170; am 5/26/2006, Register 178; am 8/14/2006, Register 179; am 3/30/2007, Register 181; am 4/9/2010, Register 194; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.** (a) The purpose of this management plan is to ensure biological spawning escapement requirements of king salmon into the Nushagak-Mulchatna river systems. It is the intent of the Alaska Board of Fisheries (board) that Nushagak-Mulchatna king salmon be harvested in the fisheries that have historically harvested them. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various users of this resource. The department shall manage Nushagak-Mulchatna king salmon stocks in a conservative manner consistent with sustained yield principles and the subsistence priority.

(b) The department shall manage the commercial and sport fisheries in the Nushagak District as follows:

(1) to achieve an inriver goal of 95,000 king salmon present in the Nushagak River upstream from the department sonar counter; the inriver goal provides for

(A) a biological escapement goal of 55,000 - 120,000 fish;

(B) reasonable opportunity for subsistence harvest of king salmon; and

(C) a king salmon sport fishery guideline harvest level of 5,000 fish, 20 inches or greater in length;

(2) in order to maintain a natural representation of age classes in the escapement, the department shall attempt to schedule commercial openings to provide pulses of fish into the river that have not been subject to harvest by commercial gear;

(3) the department may close the commercial drift or set gillnet fishery if the harvest in the directed commercial king salmon fishery for either gear group is more than two sockeye salmon for every one king salmon.

(c) If the total inriver king salmon return in the Nushagak River is projected to exceed 95,000 fish, the guideline harvest level described in (b)(1)(C) of this section does not apply.

(d) If the spawning escapement of king salmon in the Nushagak River is projected to be more than 55,000 fish and the projected inriver return is less than 95,000 fish, the commissioner

(1) shall close, by emergency order, the directed king salmon commercial fishery in the Nushagak District; during a closure under this paragraph, the use of a commercial gillnet with webbing larger than five and one-half inches in another commercial salmon fishery is prohibited;

(2) if the projected inriver return of king salmon in the Nushagak River is at least 70,000, but less than 95,000 fish, and to ensure that the sport fishery guideline harvest established in (b)(2)(C) of this section is not exceeded, shall establish, by emergency order, a daily bag limit of one fish per day, one in possession, for king salmon 20 inches or greater in length;

(3) if the projected inriver return of king salmon in the Nushagak River is less than 70,000 fish, and to ensure that the projected spawning escapement does not fall below 55,000 fish, shall establish, by emergency order, fishing periods to restrict the king salmon sport fishery in the Nushagak River during which any, or a combination of the following restrictions may be applied at the discretion of the commissioner:

(A) reduction of bag and possession limits

(i) from two to one fish 20 inches or greater in length; and



(ii) if necessary, from one fish to nonretention of king salmon; if a nonretention fishery for king salmon is established under this paragraph, the use of bait for fishing for all species of fish will be prohibited until the end of the king salmon season specified in 5 AAC 67.010(b) and 5 AAC 67.022(g);

(B) a seasonal limit of up to four fish 20 inches or greater in length;

(C) prohibition of the use of bait;

(D) reductions in the time or area for fishing;

(E) a closure of the king salmon sport fishery during which the use of bait for fishing for all species of fish will be prohibited until the end of the king salmon season specified in 5 AAC 67.010(b) and 5 AAC 67.022(g).

(e) If the spawning escapement of king salmon in the Nushagak River is projected to be less than 55,000 fish, the commissioner

(1) shall close, by emergency order, the sockeye salmon commercial fishery in the Nushagak District until the projected sockeye salmon escapement into the Wood River exceeds 100,000 fish;

(2) shall close, by emergency order, the sport fishery in the Nushagak River to the taking of salmon and prohibit the use of bait for fishing for all species of fish until the end of the king salmon season specified in 5 AAC 67.010(b) and 5 AAC 67.022(g); and

(3) shall establish, by emergency order, fishing periods during which the time or area is reduced for the inriver king salmon subsistence fishery in the Nushagak River.

(f) Notwithstanding 5 AAC 06.200, in a directed king salmon commercial fishery, the southern boundary of the Nushagak District is a line from an ADF&G regulatory marker located at Etolin Point at 58° 39.37' N. lat., 158° 19.31' W. long., to 58° 33.92' N. lat., 158° 24.94' W. long. to Protection Point at 58° 29.27' N. lat., 158° 41.78' W. long.

(g) During a directed king salmon commercial fishery in the Nushagak District, drift gillnet and set gillnet fishing periods will be of equal length, but do not have to be open concurrently. (Eff. 6/19/92, Register 122; am 4/9/95, Register 134; am 5/14/98, Register 146; am 6/3/2001, Register 158; am 7/8/2001, Register 159; am 4/9/2004, Register 170; am 3/30/2007, Register 181; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.** (a) The purpose of this management plan is to establish the allocation of sockeye salmon between the commercial set and drift gillnet

fisheries within the Naknek-Kvichak District and to establish management measures for the department to achieve the allocation.

(b) Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the Naknek-Kvichak District set and drift gillnet fisheries during the fishing periods specified in 5 AAC 06.320(c)(1) to achieve biological escapement goals into the Kvichak and Naknek River systems and to distribute the harvestable surplus of sockeye salmon to the drift and set gillnet fisheries as follows:

(1) drift gillnet - 84 percent; and

(2) set gillnet - 16 percent as follows:

(A) Kvichak Section set gillnet fishery - eight percent; and

(B) Naknek Section set gillnet fishery - eight percent;

(3) repealed 3/30/2007.

(c) For the purpose of calculating the set and drift gillnet allocation percentages specified in (b) of this section, the accounting period is from June 1 through 9:00 a.m. July 17.

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of 5 AAC 06.355 and other applicable provisions of this chapter, the commissioner

(1) may establish, by emergency order, concurrent set and drift gillnet open fishing periods; set and drift gillnet fishing periods may be established at different times to obtain the set and drift gillnet sockeye salmon allocations specified in (b) of this section or at other times consistent with 5 AAC 06.355;

(2) may commence the concurrent open fishing periods at the seven foot tide level;

(3) may use short open commercial fishing periods so that all user groups have the opportunity to harvest fish;

(4) may address changing conditions using publicized short notice openings.

(e) To ensure adequate Kvichak River sockeye salmon spawning escapement goals, the department shall manage, to the extent practicable, a fishery in the Naknek Section to minimize fishing with set and drift gillnet gear during the ebb tide.

(f) For the conservation of king salmon, the department shall, to the extent practicable, open and close commercial fishing periods for drift gillnet gear in the Naknek-Kvichak District to occur only between the seven-foot flood and seven-foot ebb tide stages, as measured at the

mouth of the Naknek River. (Eff. 5/14/98, Register 146; am 4/9/2004, Register 170; am 3/30/2007, Register 181; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.** (a) The purpose of this management plan is to establish the allocation of sockeye salmon between the commercial set and drift gillnet fisheries within the Egegik District and to establish management measures for the department to achieve the allocation.

(b) Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the Egegik District set and drift gillnet fisheries during the fishing periods specified in 5 AAC 06.320(c)(1) to achieve biological escapement goals into the Egegik River and to distribute the harvestable surplus of sockeye salmon to the drift and set gillnet fisheries as follows:

(1) drift gillnet - 86 percent; and

(2) set gillnet - 14 percent.

(c) For the purpose of calculating the set and drift gillnet allocation percentages specified in (b) of this section, the accounting period is from June 1 through 9:00 a.m. July 17.

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of 5 AAC 06.355 and other applicable provisions of this chapter, the commissioner

(1) may establish, by emergency order, set and drift gillnet open fishing periods; set and drift gillnet fishing periods may be established at different times to obtain the set and drift gillnet sockeye salmon allocations specified in (b) of this section or at other times consistent with 5 AAC 06.355;

(2) may use short open commercial fishing periods so that all user groups have the opportunity to harvest fish;

(3) may adjust fishing periods in order to rotate the fishery between tides;

(4) address changing conditions using publicized short notice openings.

(e) From June 1 through July 1, only gillnets with a mesh size five and one-half inches or less may be used in the Egegik District.

(f) In the drift gillnet fishery, the department shall manage, to the extent practicable, the Egegik District to minimize fishing with drift gillnet gear during the ebb tide.

(g) In the set gillnet fishery, the department shall manage, to the extent practicable, the Egegik District to avoid continuous fishing with set gillnet gear. (Eff. 6/10/90, Register 114; am 3/1/92, Register 122; am 6/19/92, Register 122; am 5/14/98, Register 146; am 6/3/2001, Register 158)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.366. Ugashik District Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.** (a) The purpose of this management plan is to establish the allocation of sockeye salmon between the commercial set and drift gillnet fisheries within the Ugashik District and to establish management measures for the department to achieve the allocation.

(b) Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the Ugashik District set and drift gillnet fisheries during the fishing periods specified in 5 AAC 06.320(c)(1) to achieve biological escapement goals into the Ugashik River and to distribute the harvestable surplus of sockeye salmon to the drift and set gillnet fisheries as follows:

- (1) drift gillnet - 90 percent; and
- (2) set gillnet - 10 percent.

(c) For the purpose of calculating the set and drift gillnet allocation percentages specified in (b) of this section, the accounting period is from June 1 through 9:00 a.m. July 17, or at the end of any emergency order period specified in (d)(4) of this section.

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of 5 AAC 06.355 and other applicable provisions of this chapter, the commissioner

(1) may establish, by emergency order, concurrent set and drift gillnet open fishing periods; set and drift gillnet fishing periods may be established at different times to obtain the set and drift gillnet sockeye salmon allocations specified in (b) of this section or at other times consistent with 5 AAC 06.355;

(2) may use short open commercial fishing periods so that all user groups have the opportunity to harvest fish;

(3) address changing conditions using publicized short notice openings;

(4) after July 17, may establish, by emergency order, fishing periods other than the fishing periods specified in 5 AAC 06.320(c)(2) during which the registration, reregistration, and the 48-hour notification period specified in 5 AAC 06.370 will apply.

(e) If escapement in the Ugashik District is projected to exceed the minimum of the escapement goal range, the fishery may be allowed into the Ugashik River Special Harvest Area described in 5 AAC 06.357.

(f) When the preseason forecast for the Kvichak River sockeye salmon run does not provide for an exploitation rate of greater than 40 percent it is the intent of the Board of Fisheries that

(1) from June 16 through June 23, the department may not allow more than 48 hours of fishing in the Ugashik District; and

(2) when the Naknek River Special Harvest Plan under 5 AAC 06.360 is also in effect, the Ugashik District boundary will consist of all waters south of a line between 57° 43.54' N. lat., 157° 43.25' W. long. and 57° 43.54' N. lat., 157° 41.82' W. long., and east of a line between 57° 43.54' N. lat., 157° 43.25' W. long. and 57° 29.10' N. lat., 157° 53.20' W. long. until June 29; on June 29 the Ugashik boundary will be restored to its original boundary specified in 5 AAC 06.200(d). (Eff. 6/10/90, Register 114; am 3/1/92, Register 122; am 6/19/92, Register 122; am 5/14/98, Register 146; am 6/3/2001, Register 158; am 9/12/2008, Register 187)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.** (a) The purpose of this management plan is to establish the allocation of sockeye salmon between the commercial set and drift gillnet fisheries within the Nushagak District and to establish management measures for the department to achieve the allocation.

(b) Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the Nushagak District set and drift gillnet fisheries during the fishing periods specified in 5 AAC 06.320(b)(1) to achieve biological escapement goals into river systems of the Nushagak District and to distribute the harvestable surplus of sockeye salmon to the drift and set gillnet fisheries as follows:

(1) drift gillnet - 74 percent; and

(2) set gillnet - 26 percent as follows:

(A) Igushik Section set gillnet fishery - six percent; and

(B) Nushagak Section set gillnet fishery - 20 percent;

(3) repealed 4/4/2013.

(c) For the purpose of calculating the set and drift gillnet allocation percentages specified in (b) of this section, the accounting period is from June 1 through July 17.

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of 5 AAC 06.355 and other applicable provisions of this chapter, the commissioner

(1) may open, by emergency order, concurrent fishing periods and set gillnet only fishing periods at approximately two and one-half to three hours before high water, except that when a tide is greater than 18 feet, openings will begin at least three hours before high water; set and drift gillnet fishing periods may be established at different times to obtain the set and drift gillnet sockeye salmon allocations specified in (b) of this section or at other times consistent with 5 AAC 06.355;

(2) may use short open commercial fishing periods so that all user groups have the opportunity to harvest fish;

(3) may address changing conditions using publicized short notice openings.

(e) If the commissioner determines it necessary for the protection of sockeye salmon, the commissioner may open, by emergency order, fishing periods in the Nushagak District during which gillnet mesh size may not exceed four and three-quarters inches. (Eff. 6/10/90, Register 114; am 3/1/92, Register 122; am 6/19/92, Register 122; am 5/14/98, Register 146; am 7/5/2000, Register 155; am 4/4/2013, Register 206)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 06.368. Nushagak River Coho Salmon Management Plan.** (a) The purpose of this management plan is to provide guidelines to ensure an adequate spawning escapement of coho salmon into the Nushagak River system. It is the intent of the Board of Fisheries (board) that Nushagak coho salmon be harvested by the fisheries that have historically harvested them. The plan in this section provides management guidelines to the department in an effort to preclude allocation conflicts between various users of this resource. The department shall manage coho salmon stocks in a conservative manner consistent with sustained yield principles and the subsistence priority.

(b) The department shall manage the commercial fishery in the Nushagak District to achieve an inriver run goal of 100,000 coho salmon present in the Nushagak River upstream from the department sonar counter located near the village of Portage Creek by August 25. The inriver goal provides for

(1) the department's biological escapement goal of 90,000 coho salmon upstream from the sonar counter by August 25;

(2) a reasonable opportunity for subsistence harvest of coho salmon; and

(3) a daily bag and possession limit of five coho salmon, and a guideline harvest level of 2,000 fish in the sport fishery; the sport fish guideline harvest level of 2,000 fish does not apply if the total inriver coho salmon return is projected to be greater than 100,000 fish by

August 25; the department shall manage the sport fishery to ensure that the biological escapement goal of 90,000 coho salmon is achieved.

(c) If the total inriver coho salmon return in the Nushagak River is projected by the department to be less than 100,000 but at least 60,000 fish by August 25, the department shall close, by emergency order, the directed coho salmon commercial fishery in the Nushagak District by July 23; and

(1) during even-numbered years, manage the pink salmon commercial fishery to achieve a pink salmon escapement range of 1.2 to 2.4 million fish (0.3 to 1.5 million fish above the biological escapement goal) and close the directed pink salmon commercial fishery no later than 12:00 midnight, August 1; during commercial fishing periods under this paragraph, the use of a commercial gillnet with webbing larger than four and three-quarter inches shall be prohibited for all fishing periods after 12:00 midnight, July 23;

(2) the commissioner may restrict, by emergency order, the coho salmon sport fishery in the Nushagak River drainage upstream from the department sonar counter located near the village of Portage Creek so that the harvest does not exceed 2,000 coho salmon by one or more of the following:

- (A) reduce the bag and possession limit;
- (B) prohibit the use of bait;
- (C) restrict fishing times and areas;
- (D) restrict terminal tackle to single-hook artificial lures; and
- (E) allow catch-and-release fishing only;

(3) it is the intent of the board that the lower the projected inriver coho salmon return is, the more restrictive that management measures will be in the sport and commercial fisheries under this section.

(d) If the total inriver coho salmon return in the Nushagak River is projected by the department to be less than 60,000 and the number of spawners is projected to be more than 50,000 fish on August 25, the department shall

(1) close the directed commercial fishery no later than 12:00 midnight July 23;

(2) close the coho salmon sport fishery in the Nushagak River drainage; and

(3) restrict the coho salmon subsistence fishery in the Nushagak River drainage by establishing periods by emergency order, during which

(A) coho salmon may be taken only from 9:00 a.m. Monday to 9:00 a.m. Tuesday, from 9:00 a.m. Wednesday to 9:00 a.m. Thursday, and from 9:00 a.m. Friday to 9:00 a.m. Saturday; and

(B) set gillnets may not be more than 10 fathoms in length.

(e) If the number of coho salmon spawners in the Nushagak River is projected by the department to be less than 50,000 by August 25, the department shall close the subsistence, commercial, and sport fisheries. (Eff. 5/24/96, Register 138)

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.258

**5 AAC 06.369. Togiak District Salmon Management Plan.** (a) The department shall manage the commercial salmon fishery in the Togiak District in accordance with the guidelines set out in this management plan. The goal of this plan is to ensure adequate spawning and harvest objectives for sockeye, coho, and king salmon stocks returning to the Togiak District. It is the intent of the Board of Fisheries (board) that Togiak District salmon stocks be harvested in the fisheries that have historically harvested them. The department shall manage the Togiak District salmon stocks in a conservative manner consistent with sustained yield principles and the subsistence priority.

(b) The department shall manage the commercial fishery in the Togiak River Section of the Togiak District for a biological escapement goal of 150,000 sockeye salmon past the counting tower at Togiak Lake and biological escapement goals of 50,000 coho salmon, and 10,000 king salmon in the Togiak River.

(c) Fishing periods in the Togiak District under this section are as follows:

(1) from 9:00 a.m. June 1 to 9:00 a.m. September 30, salmon may be taken in the Togiak District during fishing periods established under 5 AAC 06.320, except that in the Togiak River Section of the Togiak District, from July 1 through July 16, the weekly fishing periods shall be 9:00 a.m. Monday to 9:00 p.m. Saturday;

(2) the commissioner may reduce, by emergency order, fishing periods if information sources indicate a lack of spawning escapement; information sources may include such factors as observations by local elders, fish caught and observed in subsistence nets, sonar counts, counting tower counts, creel counts, test fisheries, daily monitoring, and aerial surveys;

(3) the commissioner may increase, by emergency order, the fishing periods in the Togiak River Section of the Togiak District by a maximum of 48 hours each week, in addition to the normal weekly schedule, if the commissioner determines that sockeye salmon run strength warrants additional fishing time.

(d) From 9:00 a.m. June 15 to 9:00 a.m. July 15, only gillnets with a mesh size of five and one-half inches or less will be allowed in the Togiak District under this section. If the commissioner determines that the king salmon run strength is adequate to sustain a directed king



salmon fishery, the commissioner may close, by emergency order, the commercial salmon fishing season and immediately reopen that season during which there is no mesh size restriction for set gillnets. (Eff. 5/24/96, Register 138; am 12/1/2004, Register 172)

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.258

**NORTON SOUND SECTION KING CRAB**

**5 AAC 34.910. Fishing seasons for Registration Area Q.** (a) After an opening time and date for taking king crab set forth in (b) - (d) of this section, no person may possess or transport aboard any registered king crab vessel or any tender, any species of king crab until the vessel has complied with the inspection provisions of 5 AAC 34.030(b).

(b) In the Pribilof District,

(1) male red and blue king crab may be taken only from 12:00 noon October 15 through 11:59 p.m. January 15;

(2) repealed 8/24/2002;

(3) male golden king crab may be taken from January 1 through December 31 only under conditions of a permit issued by the commissioner.

(c) In the Saint Matthew Island Section,

(1) male blue king crab may be taken only from 12:00 noon October 15 through 11:59 p.m. February 1;

(2) male golden king crab may be taken from January 1 through December 31 only under conditions of a permit issued by the commissioner.

(d) In the Norton Sound Section of the Northern District, male red king crab, male blue king crab, and male Hanasaki king crab may be taken only as follows:

(1) during a fishing season established by emergency order to open on or after June 15 and close 12:00 noon September 3 (summer season); and

(2) through the ice only, from 12:00 noon November 15 through 12:00 noon May 15 (winter season).

(e) Repealed 6/30/83.

(f) In the Kotzebue Sound Section,

(1) male red and blue king crab may be taken only as follows:

(A) during the summer season as follows:

(i) in the waters north of 66° N. lat., from 12:00 noon June 15 through August 1;

(ii) repealed 7/16/2006;

(B) through the ice only, from 12:00 noon November 15 through 12:00 noon May 15 (winter season);

(2) male golden king crab may be taken from January 1 through December 31 only under conditions of a permit issued by the commissioner. (In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 10/1/83, Register 87; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 2/14/2010, Register 193; am 5/18/2014, Register 210)

**Authority:** AS 16.05.060 AS 16.05.251

**5 AAC 34.915. Norton Sound Section red king crab harvest strategy.** (a) The department shall manage the Norton Sound Section summer season red king crab fishery in accordance with 5 AAC 34.080 and 5 AAC 34.910, as follows:

(1) the threshold level of abundance of legal male red king crab biomass is 1.25 million pounds; the Norton Sound red king crab season may open only if analysis of preseason survey data indicates that the population of legal male red king crab exceeds this level;

(2) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is less than two million pounds, the number of legal male red king crab available for harvest will be no more than seven percent of the legal male red king crab abundance;

(3) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is at least two million pounds, but less than three million pounds, the number of legal male red king crab available for harvest will be no more than 13 percent of the legal male red king crab abundance;

(4) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is three million pounds or more, the number of legal male red king crab available for harvest will be no more than 15 percent of the legal male red king crab abundance;

(5) when applying this harvest strategy, the department shall consider the reliability of the estimates of abundance of red king crab, other factors necessary to be consistent with sustained yield principles, the best scientific information available, and harvest efficiency;

(6) the commissioner may, by emergency order, reduce by small increments the closed waters described in 5 AAC 34.935(a) to no less than three miles from mean lower low tide to allow the commercial king crab fishery to efficiently obtain the allowable harvest of red king crab.

(b) Notwithstanding 5 AAC 39.690(e)(7), the commissioner may, by emergency order, open a CDQ fishery in Norton Sound, with an allocation of 7.5 percent of the forecasted guideline harvest level for male red king crab. (In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/23/88, Register 107; am 6/23/99, Register 150; am 8/24/2002, Register 163; am 9/12/2008, Register 187; am 7/13/2012, Register 203; am 5/18/2014, Register 210)

**Authority:** AS 16.05.060 AS 16.05.251

### **BERING SEA DISTRICT TANNER CRAB**

**5 AAC 35.508. Bering Sea District *C. bairdi* Tanner crab harvest strategy.** (a) In the Bering Sea District, the commercial *C. bairdi* Tanner crab fishery may open only if an analysis of preseason survey data indicates that the population at the time of the survey is at or above 40 percent of the long-term average (1975 - 2010) of mature female crab biomass in the Eastern Subdistrict.

(b) If preseason survey data indicates that the population at the time of the survey is at or above 40 percent of the long-term average of mature female crab biomass in the Eastern Subdistrict for the second consecutive year, the department shall establish a separate total allowable catch level for that portion of the Bering Sea District that is east of 166° W. long. and for that portion that is west of 166° W. long. under the provisions of (c) and (d) of this section. If the commercial *C. bairdi* Tanner crab fishery in the Bering Sea District did not open in the previous season because the threshold requirements specified in (a) of this section were not met, the total allowable catch level for that portion of the Bering Sea District that is east of 166° W. long. and for that portion that is west of 166° W. long., as computed under (c) and (d) of this section, shall be reduced by one-half.

(c) In that portion of the Bering Sea District that is east of 166° W. long., and under the restrictions of (e) and (f) of this section, the total allowable catch level shall be established as follows:

(1) if BE is less than 25 percent of BE,(1975-2010), the fishery will not open;

(2) if BE is at least 25 percent but not greater than 100 percent of BE,(1975-2010), the total allowable catch will be computed as  $(0.9) \times (BE/BE,(1975-2010)) \times CE,MSY$ ; and

(3) if BE is greater than 100 percent of BE,(1975-2010), the total allowable catch will be computed as  $(0.9) \times CE,MSY$ .

(d) In that portion of the Bering Sea District that is west of 166° W. long., and under the restrictions of (e) and (f) of this section, the total allowable catch level will be established as follows:

(1) if  $B_w$  is less than 25 percent of  $BW_{(1975-2010)}$ , the fishery will not open;

(2) if  $B_w$  is at least 25 percent but not greater than 100 percent of  $BW_{(1975-2010)}$ , the total allowable catch will be computed as  $(0.9) \times (B_w / B_{w(1975-2010)}) \times C_{w,MSY}$ ; and

(3) if  $B_w$  is greater than 100 percent of  $BW_{(1975-2010)}$ , the total allowable catch will be computed as  $(0.9) \times C_{w,MSY}$ .

(e) Notwithstanding (b) - (d) of this section, the total allowable catch for

(1) that portion of the Bering Sea District east of 166° W. long. may not exceed 50 percent of the estimated biomass of male *C. bairdi* Tanner crab, that are 140 millimeters (five and one-half inches) or greater in carapace width, including the lateral spines, discounted by fishery selectivity, that would survive in the absence of fishing mortality until the estimated mean time of mating; and

(2) that portion of the Bering Sea District west of 166° W. long. may not exceed 50 percent of the estimated biomass of male *C. bairdi* Tanner crab that are 127 millimeters (five inches) or greater in carapace width, including the lateral spines, discounted by fishery selectivity, that would survive in the absence of fishing mortality until the estimated mean time of mating.

(f) Notwithstanding (b) - (e) of this section, in implementing this harvest strategy, the department shall consider the reliability of estimates of *C. bairdi* Tanner crab, the manageability of the fishery, and other factors the department determines necessary to be consistent with sustained yield principles and to use the best scientific information available and consider all sources of uncertainty as necessary to avoid overfishing.

(g) In this section,

(1) "BE" means the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District east of 166° W. long. that are more than 112 millimeters in carapace width estimated for the time of the preseason survey;

(2) " $BE_{(1975-2010)}$ " means the mean value of the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District east of 166° W. long. that are more than 112 millimeters in carapace width annually estimated for the time of the preseason survey for the period 1975 - 2010;

(3) "Bw means the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District west of 166° W. long. that are more than 102 millimeters in carapace width estimated for the time of the preseason survey;

(4) "BW,(1975-2010)" means the mean value of the biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District west of 166° W. long. that are more than 102 millimeters in carapace width annually estimated for the time of the preseason survey for the period 1975 - 2010;

(5) "CE,MSY" means the catch biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District east of 166° W. long. that are 140 millimeters (five and one-half inches) or greater in carapace width, including the lateral spines, resulting from fishing on the estimated mature male biomass at the estimated mean time of mating at the full-selection FMSY rate or a proxy for the FMSY rate;

(6) "CW,MSY" means the catch biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District west of 166° W. long. that are 127 millimeters (five inches) or greater in carapace width, including the lateral spines, resulting from fishing on the estimated mature male biomass of *C. bairdi* Tanner crab at the estimated mean time of mating at the full-selection FMSY rate or a proxy for the FMSY rate;

(7) "mature female crab" means for

(A) that portion of the Bering Sea District that is east of 166° W. long., a female *C. bairdi* Tanner crab that is more than 84 millimeters in carapace width; and

(B) that portion of the Bering Sea District that is west of 166° W. long., a female *C. bairdi* Tanner crab that is more than 79 millimeters in carapace width. (Eff. 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/1/2006, Register 178; am 7/16/2011, Register 199)

## **VESSEL LENGTH – GENERAL PROVISIONS**

**5 AAC 39.117. Vessel length; bulbous bow.** (a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel. (Eff. 3/15/2008, Register 185)

**Authority:** AS 16.05.251 AS 16.05.835