

## PERSONAL USE FISHERY

### CHAPTER 77. PERSONAL USE FISHERY.

#### Article 1. Statewide Provisions.

**5 AAC 77.001. Intent and application of this chapter.** (a) The Board of Fisheries finds that

(1) before the enactment of the state's subsistence priority law in ch. 151, SLA 1978, an individual could fulfill that individual's personal use needs for fish under subsistence fishing regulations;

(2) the state's subsistence priority law changed the definition of subsistence in a manner that now precludes some individuals from participating in customary and traditional subsistence fisheries and efficiently harvesting fish for their personal use;

(3) there presently are areas of the state with harvestable surpluses of fish in excess of both spawning escapement needs and present levels of subsistence, commercial and sport uses; and

(4) it is necessary to establish a fishery classified as "personal use" because

(A) since the sale of fish is not appropriate or permissible, this fishery cannot be classified as commercial;

(B) since the use is not a customary and traditional use, this fishery cannot be classified as subsistence; and

(C) since the gear for this fishery is often different from that historically associated with sport fishing, this fishery should not be classified as a sport fishery, to prevent confusion among the public.

(b) It is the intent of the board that the taking of fish under 5 AAC 77 will be allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the broad public interest.

(c) Regulations in 5 AAC 77 apply to the taking of finfish, shellfish and aquatic plants for personal use. The regulations in 5 AAC 77.001 – 5 AAC 77.049 apply to the taking of finfish, shellfish and aquatic plants in all waters of Alaska.

(d) The regulations in 5 AAC 77 do not prohibit the personal use of finfish, shellfish or aquatic plants legally taken under the subsistence, commercial and sport fishing regulations in 5 AAC 01 – 5 AAC 75.

(e) The definitions of legal gear in 5 AAC 39.105(d), unlawful possession of fish in 5 AAC 39.197, definitions in 5 AAC 39.975, and abbreviations and symbols in 5 AAC 39.997 apply to the regulations in 5 AAC 77.

(f) In this chapter, "personal use fishing" has the meaning given in AS 16.05.940.

**5 AAC 77.002. Liability for violations.** Unless otherwise provided in this chapter, or in AS 16, a person who violates a provision of this chapter is strictly liable for the offense, regardless of that person's intent.

**5 AAC 77.005. Personal use fishing permitted.** Finfish, shellfish, and aquatic plants may be taken for personal use only as provided in 5 AAC 77.

**5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.** Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

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**5 AAC 77.010. Methods, means, and general restrictions.** (a) Finfish, shellfish, and aquatic plants may be taken for personal use only by a holder of a valid resident Alaska sport fishing license or by an Alaskan resident exempt from licensing under AS 16.05.400.

(b) It is unlawful to buy, sell, trade or barter fish or their parts taken under the regulations in 5 AAC 77.

(c) It is unlawful to take fish within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(d) Each personal use fisherman shall plainly and legibly inscribe the fisherman's first initial, last name, and home address on a keg or buoy attached to a gillnet, pot, or ring net. A keg or buoy attached to a pot or ring net must also be inscribed with the name or the division of motor vehicles boat registration number, issued under 2 AAC 70, of the vessel used to operate the pot or ring net.

(e) The gillnet web in a gillnet used for personal use fishing for salmon must contain

- (1) at least 30 filaments, each of which must be of equal diameter; or
- (2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(f) A person may not possess salmon taken under the authority of a personal use salmon fishing permit unless both tips of the tail fin have been removed from the salmon before the salmon is concealed from plain view or transported from the fishing site.

(g) It is unlawful to take female king, Tanner, or Dungeness crab.

(h) No person may mutilate or otherwise disfigure a crab in any manner that would prevent determination of the minimum size restrictions in 5 AAC 77, until the crab has been processed or prepared for consumption.

(i) No more than five pots, regardless of type, per person with a maximum of 10 pots, regardless of type, per vessel may be used to take shellfish at any time, except that in the Southeastern Alaska and Yakutat Areas, no more than 10 shrimp pots per person with a maximum of 20 shrimp pots per vessel may be used in addition to pots, other than shrimp pots, in the taking of shrimp at any time.

(j) The harvest, bag, possession, and pot limits for shellfish in this chapter are not in addition to those allowed under subsistence fishing regulations contained in 5 AAC 02.

(k) Unless otherwise specified in this chapter, gear used in the personal use taking of shellfish is limited to the following:

- (1) shrimp may be taken only with pots and ring nets;
  - (2) crab may be taken only with pots, ring nets, diving gear, dip nets, hooked or hookless handlines, or by hand; a line attached to a pole or rod may be used in the Bering Sea only when fishing a line through the ice;
  - (3) clams may be taken only by hand or with rakes, shovels, and manually operated clam guns;
  - (4) abalone may be taken only with abalone irons, diving gear, or by hand.
- (l) In the personal use taking of shellfish not otherwise specified in this chapter
- (1) there is no closed season;
  - (2) there is no bag and possession limit;

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(3) trawls, hand jigging, hand-operated dredges, and all gear specified in (k) of this section may be used, except that in the waters described in 5 AAC 38.140(k) (Southeastern Alaska) sea cucumbers may not be taken with the use of diving gear.

(m) Pots used for personal use fishing must comply with the escape mechanism requirements in 5 AAC 39.145.

**5 AAC 77.015. Personal use fishing permits and reports and display of personal use fish.** (a) A permit is not required to take fish unless otherwise specified in 5 AAC 77.

(b) Permits for the taking of finfish will be issued only to holders of a valid resident Alaska sport fishing license and Alaska residents exempt from licensing under AS 16.05.400. Permits for the taking of shellfish and aquatic plants will be issued only to holders of a valid Alaska sport fishing license and persons exempt from licensing under AS 16.05.400.

(c) When a personal use fishing permit is required, the following permit conditions apply unless otherwise specified by the regulations in 5 AAC 77:

- (1) the numbers of fish taken may not exceed the limits set out in the permit;
- (2) the permit must be obtained from a local representative of the department before taking fish;
- (3) the permit and the permittee's sport fishing license must be retained in the possession of the permittee and be readily available for inspection upon request by a peace officer of the state while taking or transporting the species for which the permit is issued;
- (4) the permit may designate the species and numbers of fish to be harvested, time and area for taking, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;
- (5) if specified on the permit, each fisherman shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch, and such other information as the department may require for management or conservation purposes;
- (6) personal use fishing reports must be completed on forms provided by the department and submitted to the department office from which the permit was issued at the time specified by the department for each particular area and fishery;
- (7) if applicable, the total annual possession limit for the permittee will be entered on each permit by the department representative issuing the permit; and
- (8) if applicable, the department representative issuing the permit will require from an applicant documented proof of residency or other criteria required by regulation, or in the absence of such documentation, a signed affidavit setting forth duration of residency or other criteria required by regulation, to determine the applicable type of permit, annual possession limit and residency of the applicant.

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

(e) Repealed 5/31/98.

(f) Upon request by an employee of the department, a person must show to the employee

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- (1) that person's record of catch taken under this chapter; and
- (2) fish taken and possessed by the person in a personal use fishery.

**5 AAC 77.016. Personal use fishing by proxy.** (a) Finfish, shellfish, and aquatic plants may be taken by personal use fishing by proxy only as provided in AS 16.05.405 and in this section.

(b) Any species of finfish, except halibut, shellfish, or aquatic plant that may be taken by personal use fishing under this chapter may be taken by personal use fishing by proxy.

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

(d) As provided in AS 16.05.405, a proxy who takes or attempts to take finfish, shellfish, or aquatic plants by personal use fishing on behalf of a beneficiary may, at the same time, fish for the proxy's own use, except that the proxy may not

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

(2) fish with more than one legal limit of gear, as established in 5 AAC 77.

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

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

(g) In this section,

(1) "beneficiary" means a resident

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

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

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

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

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

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

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

**5 AAC 77.019. Prohibitions on shellfish pot gear.** A person may not disturb, tamper with, or retrieve another person's shellfish pot gear without prior permission of the owner of that pot gear.

**5 AAC 77.025. Use of commercially licensed or registered vessels.** (a) Limitations on the use of personal use shrimp gear by vessels and participants in commercial shrimp fisheries are contained in 5 AAC 31.

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

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

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

**5 AAC 77.027. Prohibitions for use of personal use-taken shellfish.** (a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter, unless the

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

(2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 77.010(d); and

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

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

**5 AAC 77.035. Width of shell measurement for king and Tanner crab.** In this chapter, the width of shell measurement for king and Tanner crab is the greatest straight-line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace, including the spines.

### Article 2. Arctic-Kotzebue Area.

**5 AAC 77.050. Description of area.** The Arctic-Kotzebue Area includes all waters of

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Alaska north of the latitude of the westernmost tip of Cape Prince of Wales and west of 141° W. long., including those waters draining into the Chukchi Sea and Arctic Ocean.

**5 AAC 77.055. Fishing districts.** Districts are described in 5 AAC 03.200.

**5 AAC 77.058. Gear for shellfish.** In the personal use taking of shellfish, only pots and ring nets may be operated.

**5 AAC 77.060. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

- (1) may not possess more than 500 pounds onboard the vessel; and
- (2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying
  - (A) the area the operator intends to fish; and
  - (B) the dates the operator intends to fish.

**5 AAC 77.062. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab there is no closed season, and no daily bag and possession limits for male Dungeness crab.

**5 AAC 77.064. Personal use king crab fishery.** In the personal use taking of king crab there is no closed season, and no daily bag and possession limits for male king crab.

**5 AAC 77.066. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab there is no closed season, and no daily bag and possession limits for male Tanner crab.

**5 AAC 77.080. Personal use herring fishery.** Herring and herring roe may be taken for personal use in accordance with the subsistence herring fishing regulations in 5 AAC 01.110 – 5 AAC 01.125.

### Article 3. Norton Sound–Port Clarence Area.

**5 AAC 77.100. Description of Norton Sound–Port Clarence Area.** The Norton Sound–Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Point Romanof, including the waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

**5 AAC 77.105. Fishing districts.** Districts are described in 5 AAC 04.200.

**5 AAC 77.108. Gear for shellfish.** In the personal use taking of shellfish, only pots and ring nets may be used.

**5 AAC 77.110. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

- (1) may not possess more than 500 pounds onboard the vessel; and
- (2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying

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(A) the area the operator intends to fish; and

(B) the dates the operator intends to fish.

**5 AAC 77.112. Personal use Dungeness crab fishery.** Repealed 7/1/2006.

**5 AAC 77.114. Personal use king crab fishery.** Repealed 8/14/2005.

**5 AAC 77.116. Personal use Tanner crab fishery.** Repealed 8/14/2005.

**5 AAC 77.130. Personal use herring fishery.** Herring and herring roe may be taken for personal use in accordance with the subsistence herring fishing regulations in 5 AAC 01.160 – 5 AAC 01.175.

### Article 4. Yukon Area.

**5 AAC 77.150. Description of Yukon Area.** The Yukon Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost tip of the Naskonat Peninsula, including those waters draining into the Bering Sea.

**5 AAC 77.155. Fishing districts.** Districts are described in 5 AAC 05.200.

**5 AAC 77.158. Gear for shellfish.** In the personal use taking of shellfish, only pots and ring nets may be used.

**5 AAC 77.160. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

(1) may not possess more than 500 pounds onboard the vessel; and

(2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying

(A) the area the operator intends to fish; and

(B) the dates the operator intends to fish.

**5 AAC 77.162. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab there is no closed season, and no daily bag and possession limits for male Dungeness crab.

**5 AAC 77.164. Personal use king crab fishery.** In the personal use taking of king crab there is no closed season, and no daily bag and possession limits for male king crab.

**5 AAC 77.166. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab there is no closed season, and no daily bag and possession limits for male Tanner crab.

**5 AAC 77.171. Lawful gear for personal use finfish fishing.** (a) In Subdistrict 6-C, finfish may be taken for personal use only by set gillnets and fish wheels as follows:

(1) a person may not operate more than one type of gear at the same time for commercial, personal use, and subsistence purposes;

(2) the aggregate length of a set gillnet may not exceed 150 fathoms;

(3) a person may not set or operate personal use fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear;

(4) a gillnet or fish wheel may not obstruct more than one-half the width of any

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fish stream and any channel or side channel of a fish stream;

(5) a household, as defined in 5 AAC 39.975(20), may not operate more than one fish wheel.

(b) Notwithstanding (a) 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 Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be of four inches or less in mesh size or eight inches or greater in mesh size;

(B) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and

(C) that is eight inches or greater in mesh size, may not exceed the length and depth specified by the commissioner;

(2) for fish wheels:

(A) a fish wheel used to take salmon must be equipped with a live box that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

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

(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 chum salmon caught to the water alive;

(3) dip nets may be used, however all chum salmon caught must be released to the water alive; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

(c) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be six inches or less in mesh size;

(B) may not exceed the length and depth specified by the commissioner;

(2) for fish wheels:

(A) a fish wheel used to take salmon must be equipped with a live box that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;



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

(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 must be released to the water alive; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

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

(e) In Subdistrict 6-C, notwithstanding any other provision of this section that allows a person to take salmon with a gillnet that has a mesh size greater than seven and one-half inches, a person may not take salmon with a gillnet that has a mesh size greater than seven and one-half inches.

**5 AAC 77.172. Personal use salmon fishing permits and reports.** (a) In Subdistrict 6-C, an annual permit is required to take salmon for personal use. Only one permit per household is allowed annually. The annual possession limit per permit holder is 10 king salmon and 75 chum salmon for periods through August 15, and 75 chum and coho combined for periods after August 15.

(b) Personal use salmon harvest limits in Subdistrict 6-C are 750 king salmon and 5,000 chum salmon taken through August 15, and 5,200 chum salmon and coho salmon combined taken after August 15. When either the king or chum salmon harvest limit for the period before August 16 has been taken, the personal use salmon fishing season in Subdistrict 6-C will close. A later season will open after August 15 to allow the taking of the harvest limit for the period after August 15. If the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for the period after August 15.

**5 AAC 77.173. Personal use salmon fishing seasons and periods.** (a) Unless altered by emergency order, personal use salmon fishing periods are from 6:00 p.m. Friday until 12:00 noon Sunday, and from 6:00 p.m. Monday until 12:00 noon Wednesday.

(b) Salmon fishing seasons or periods may be altered by emergency order for conservation purposes or to prevent harvest limits from being exceeded.

(c) In Subdistrict 6-C, salmon may be taken only by set gillnet or fish wheel. A person may not operate a set gillnet with a mesh size greater than six inches after a date specified by emergency order issued at some time between July 5 and July 25.

**5 AAC 77.174. Waters closed to personal use fishing.** (a) Waters of the Tanana River drainage are closed to the personal use taking of pike above the mouth of the Kantishna River.

(b) The following waters are closed to personal use fishing:

(1) the Delta Clearwater River (Clearwater Creek at 64° 06' N. lat., 145° 34' W. long.), Richardson Clearwater Creek (Clear Creek at 64° 14' N. lat., 146° 16' W. long.),

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Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Shaw Creek, Bear Creek, McDonald Creek, and Moose Creek, within 500 feet of their mouths;

(2) the Salcha River upstream of a line between ADF&G regulatory markers at its mouth;

(3) Bolio, Birch, Lost, Harding, Craig, Fielding, Quartz, and Little Harding lakes;

(4) Piledriver and Badger (Chena) sloughs;

(5) repealed 6/17/98;

(6) the Delta River.

**5 AAC 77.180. Personal use herring fishery.** Herring and herring roe may be taken for personal use in accordance with the subsistence herring fishing regulations in 5 AAC 01.210 – 5 AAC 01.230.

**5 AAC 77.190. Personal use whitefish and sucker fishery.** (a) Whitefish and suckers may be taken for personal use only in the Fairbanks Nonsubsistence area described in 5 AAC 99.015(a)(4) under the authority of a permit issued under 5 AAC 77.015.

(b) The department shall adhere to the following when issuing personal use whitefish and sucker permits:

(1) the fishing effort may be permitted only in places and during times when resource abundance will allow a harvest without jeopardizing sustained yield and in a manner that will provide for an orderly fishery;

(2) permits may be issued for spears and set gillnet, beach seine, dip net, fyke net, and fish wheel gear;

(3) finfish other than whitefish and suckers must be immediately returned to the water unharmed.

### **Article 5. Kuskokwim Area.**

**5 AAC 77.200. Description of area.** The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost tip of the Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

**5 AAC 77.205. Fishing districts.** Districts are described in 5 AAC 07.200.

**5 AAC 77.207. Personal use fishing permits.** Shellfish may be taken for personal use purposes only under authority of a permit issued by the department.

**5 AAC 77.208. Gear for shellfish.** In the personal use taking of shellfish, only pots and ring nets may be used.

**5 AAC 77.210. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

(1) may not possess more than 500 pounds on board the vessel; and

(2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying

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(A) the area the operator intends to fish; and

(B) the dates the operator intends to fish.

**5 AAC 77.212. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab

(1) there is no closed season;

(2) the daily bag and possession limit is 12 male Dungeness crab.

**5 AAC 77.214. Personal use king crab fishery.** In the personal use taking of king crab

(1) crab may be taken only from June 1 through January 31;

(2) the daily bag and possession limit is six male king crab.

**5 AAC 77.216. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab

(1) there is no closed season;

(2) the daily bag and possession limit is 12 male Tanner crab.

**5 AAC 77.230. Personal use herring fishery.** Herring and herring roe may be taken for personal use in accordance with the subsistence herring fishing regulations in 5 AAC 01.260 – 5 AAC 01.275.

**5 AAC 77.240. Personal use Pacific cod fishery.** Pacific cod may be taken for personal use in accordance with the subsistence bottomfish fishing regulations in 5 AAC 01.260 – 5 AAC 01.275.

### Article 6. Bristol Bay Area.

**5 AAC 77.250. Description of Bristol Bay Area.** The Bristol Bay Area consists of all waters of Bristol Bay enclosed by a line from the westernmost tip of Cape Newenham to the westernmost tip of Cape Menshikof.

**5 AAC 77.255. Description of districts.** Districts and sections are described in 5 AAC 06.200.

**5 AAC 77.257. Personal use shellfish permit.** Shellfish may be taken for personal use purposes only under authority of a permit issued by the department.

**5 AAC 77.260. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

(1) may not possess more than 500 pounds on board the vessel; and

(2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying

(A) the area the operator intends to fish; and

(B) the dates the operator intends to fish.

**5 AAC 77.262. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab,

(1) there is no closed season;

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(2) the daily bag and possession limit is 12 male Dungeness crab;

(3) only male Dungeness crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 77.264. Personal use king crab fishery.** In the personal use taking of king crab,

(1) crab may be taken only from June 1 through January 31;

(2) the daily bag and possession limit is six male king crab;

(3) only male king crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 77.266. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab,

(1) there is no closed season;

(2) the daily bag and possession limit is 12 male Tanner crab;

(3) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 77.270. Personal use herring fishery.** In the personal use taking of herring and herring roe on kelp,

(1) herring and herring roe on kelp may be taken at any time;

(2) herring may be taken by drift and set gillnets only;

(3) during closed commercial herring fishing periods, gillnets used for the personal use taking of herring may not exceed 25 fathoms in length;

(4) herring spawn on kelp may be taken by hand picking and hand operated rakes only;

(5) herring may not be taken in those waters described in 5 AAC 27.850;

(6) there are no bag and possession limits for the taking of herring and herring roe on kelp;

(7) herring taken under personal use fishing regulations may not be used for bait in any commercial fishery.

**5 AAC 77.280. Nushagak District personal use gillnet salmon fishery.** Salmon may be taken for personal use in those waters of the Nushagak District open to subsistence salmon fishing south of a line from Snag Point to Picnic Point only as follows:

(1) salmon may be taken only under the authority of a personal use salmon fishing permit issued through the ADF&G office in Dillingham;

(2) salmon may be taken only from July 1 through July 31 during fishing periods open for subsistence salmon fishing;

(3) salmon may be taken only with set gillnets; a person may not operate more than 10 fathoms of gillnet; a gillnet may not have a mesh size larger than five and three-eighths inches and must be staked and buoyed; the requirement for the minimum distance between set gillnets is specified in 5 AAC 01.310 and 5 AAC 01.320;

(4) a person may not operate or assist in operating personal use salmon fishing gear under this section at the same time that person is operating or assisting in operating commercial salmon fishing gear;

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(5) the annual harvest limit is 70 salmon, of which only five may be king salmon; this limit is not in addition to the limits in 5 AAC 67.020 and 5 AAC 67.022.

**5 AAC 77.285. Naknek River Personal Use Sockeye Salmon Fishery Management Plan.** (a) The department shall allow the taking of salmon by dip nets and gillnets in the Naknek River from its terminus upstream to ADF&G regulatory markers located near Savonski from when the department has estimated that 900,000 sockeye salmon are in the river through July 25.

(b) During the open season, salmon may be taken by dip nets seven days per week and by gillnets during open subsistence salmon fishing periods for the Naknek River.

(c) Salmon may be taken only under the authority of a permit issued through the department's King Salmon office.

(d) The annual limit is 75 salmon not in addition to the limits in 5 AAC 67.020(a).

(e) No set gillnet may exceed 10 fathoms in length and five and three-eighths inches in mesh size. No set gillnet may be set or operated within 300 feet of another set gillnet.

### Article 7. Aleutian Islands Area.

**5 AAC 77.300. Description of area.** The Aleutian Islands Area includes all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass.

**5 AAC 77.305. Fishing districts.** Districts are

(1) as described in 5 AAC 12.200; and

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

**5 AAC 77.307. Personal use fishing permits.** Shellfish may be taken for personal use purposes only under authority of a permit issued by the department.

**5 AAC 77.310. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

(1) may not possess more than 500 pounds on board the vessel; and

(2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying

(A) the area the operator intends to fish; and

(B) the dates the operator intends to fish.

**5 AAC 77.312. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab,

(1) there is no closed season;

(2) the daily bag and possession limit is 12 male Dungeness crab;

(3) only male Dungeness crab six and one-half inches or greater in width of shell may be taken or possessed.

### Article 8. Alaska Peninsula Area.

**5 AAC 77.350. Description of area.** The Alaska Peninsula Area includes all waters of Alaska

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from Cape Menshikof to Cape Sarichef Light and from Scotch Cap Light to Kupreanof Point.

**5 AAC 77.355. Fishing districts.** Districts are described in 5 AAC 09.200.

**5 AAC 77.357. Personal use fishing permits.** Shellfish may be taken for personal use purposes only under authority of a permit issued by the department.

**5 AAC 77.360. Personal use shrimp fishery.** In the personal use taking of shrimp there is no closed season, and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the personal use taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp district, section, or subsection

- (1) may not possess more than 500 pounds on board the vessel; and
- (2) shall, before taking shrimp, obtain a personal use fishing permit from the department specifying
  - (A) the area the operator intends to fish; and
  - (B) the dates the operator intends to fish.

**5 AAC 77.362. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab,

- (1) there is no closed season;
- (2) the daily bag and possession limit is 12 male Dungeness crab;
- (3) only male Dungeness crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 77.364. Personal use king crab fishery.** In the personal use taking of king crab,

- (1) crab may be taken only from June 1 through January 31;
- (2) from July 15 through January 31, king crab may not be taken in waters 25 fathoms or greater in depth, unless the commercial red king crab fishing season is open in the location;
- (3) the daily bag and possession limit is three male king crab;
- (4) only male king crab six and one-half inches or greater in width of shell may be taken or possessed.

**5 AAC 77.366. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab,

- (1) there is no closed season;
- (2) from July 15 through February 10, Tanner crab may not be taken in waters 25 fathoms or greater in depth, unless the commercial Tanner crab fishing season is open in the location;
- (3) the daily bag and possession limit is six male Tanner crab;
- (4) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

### **Article 9. Chignik Area.**

**5 AAC 77.400. Description of area.** Repealed 7/16/2011.

**5 AAC 77.405. Fishing districts.** Repealed 7/16/2011.

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**5 AAC 77.407. Personal use fishing permits.** Repealed 7/16/2011.

**5 AAC 77.410. Personal use shrimp fishery.** Repealed 7/16/2011.

**5 AAC 77.412. Personal use Dungeness crab fishery.** Repealed 7/16/2011.

**5 AAC 77.414. Personal use king crab fishery.** Repealed 7/16/2011.

**5 AAC 77.416. Personal use Tanner crab fishery.** Repealed 7/16/2011.

### Article 10. Kodiak Area.

**5 AAC 77.450. Description of area.** The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 51.10' N. lat.), west of 150° W. long., north of 55° 30.00' N. lat., and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156° 20.22' W. long.).

**5 AAC 77.455. Fishing districts.** Repealed 7/16/2011.

**5 AAC 77.457. Personal use fishing permits.** Repealed 7/16/2011.

**5 AAC 77.460. Personal use shrimp fishery.** Repealed 7/16/2011.

**5 AAC 77.462. Personal use Dungeness crab fishery.** Repealed 7/16/2011.

**5 AAC 77.464. Personal use king crab fishery.** Repealed 8/14/96.

**5 AAC 77.466. Personal use Tanner crab fishery.** Repealed 7/16/2011.

**5 AAC 77.468. Personal use salmon fishery.** In the personal use taking of salmon in the Kodiak Area,

(1) salmon may be taken only in the waters of Settler Cove west of 152° 50.80' W. long., including all fresh water below the falls of Crescent Creek;

(2) there is no closed season;

(3) there is no bag or possession limit; and

(4) salmon may be taken only by dip net.

### Article 11. Cook Inlet Area.

**5 AAC 77.500. Description of Cook Inlet Area.** The Cook Inlet Area consists of all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51.10' N. lat.) and a line extending south from Cape Fairfield (148° 50.25' W. long.).

**5 AAC 77.505. Description of districts and subdistricts.** Districts and subdistricts are described in 5 AAC 21.200.

**5 AAC 77.507. Personal use permit for shellfish.** A person must obtain a personal use shellfish permit described in 5 AAC 77.015, from the department before harvesting shellfish with pots in the Cook Inlet Area. Upon taking shellfish and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter, in ink, the catch information requested on the personal use permit.

**5 AAC 77.508. Personal use permit for shellfish.** Repealed 7/1/2006.

**5 AAC 77.509. Lawful gear and gear specifications for shellfish.** (a) Notwithstanding 5 AAC 77.010(i), no more than two pots per person, regardless of type, with a maximum of two pots per vessel, regardless of type, may be used to take shellfish at any time, except that in the waters of the Outer and Eastern Districts between the longitude of Gore Point (150° 57.85' W. long.) and the longitude of Cape Fairfield (148° 50.25' W. long.), no more than

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two pots per person with a maximum of six pots per vessel may be used to take Tanner crab.

(b) Each pot, other than shrimp pots, used to take shellfish in the Cook Inlet Area must have a minimum of two escape rings that are at least four and three-eighths inches in inside diameter.

(c) Shrimp pots are pots with tunnel eye openings that individually are not larger than 15 inches in perimeter.

(d) A pot used to take shellfish may not have any portion of the line attaching the pot to a buoy or buoys floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

**5 AAC 77.511. Personal use shrimp fishery.** In the personal use taking of shrimp,

(1) shrimp may be taken only from April 15 through September 15 in the waters of Cook Inlet between the longitude of Gore Point and the longitude of Cape Fairfield, including the waters of Resurrection Bay;

(2) a person may only take shrimp under this section under a permit issued by the department under 5 AAC 77.015;

(3) notwithstanding 5 AAC 77.010(i) and 5 AAC 77.509(a), no more than five pots per person, and no more than five pots per vessel, may be used to take shrimp;

(4) in addition to the requirements of 5 AAC 77.509(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 selvage.

**5 AAC 77.512. Personal use Dungeness crab fishery.** There is no open fishing season in the Cook Inlet Area for the personal use taking of Dungeness crab.

**5 AAC 77.514. Personal use king crab fishery.** There is no open fishing season in the Cook Inlet Area for the personal use taking of king crab.

**5 AAC 77.516. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab,

(1) male Tanner crab may be taken only from July 15 through March 15, except that

(A) in Kachemak Bay, east of a line from Point Pogibshi to Anchor Point, male Tanner crab may only be taken from September 1 through December 31 and from January 15 or the beginning of the commercial Tanner crab season, whichever is later, through March 15; and

(B) when the personal use fishery in the Kamishak District or Barren Islands District is closed to the taking of Tanner crab, the personal use fishery in the Eastern, Outer, and Central Districts shall also remain closed as specified under 5 AAC 35.410(c);

(2) the daily bag and possession limit is five male Tanner crab;

(3) repealed 6/1/90;

(4) only male Tanner crab five and one-half inches or greater in width of shell



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may be taken or possessed;

(5) a person may not mutilate or otherwise disfigure a Tanner crab in any manner that would prevent the determination of the minimum size and sex restrictions in this section while the crab is uncooked and in possession aboard a vessel; only whole crab, cooked or uncooked, may be taken off a vessel.

**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.

**5 AAC 77.520. Areas closed to personal use fishing for shellfish.** The following areas are closed to the personal use taking of all shellfish:

(1) the intertidal beach along Shipwreck Cove in China Poot Bay enclosed by a line from 59° 34.34' N. lat., 151° 18.11' W. long., to 59° 34.26' N. lat., 151° 17.96' W. long., to 59° 34.20' N. lat., 151° 17.94' W. long., to 59° 34.19' N. lat., 151° 17.81' W. long., to 59° 34.13' N. lat., 151° 17.75' W. long., to 59° 34.13' N. lat., 151° 17.77' W. long., to 59° 34.19' N. lat., 151° 17.96' W. long., to 59° 34.26' N. lat., 151° 17.98' W. long., to 59° 34.33' N. lat., 151° 18.14' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area;

(2) the intertidal beach by Otter Rock in Peterson Bay enclosed by a line from 59° 34.78' N. lat., 151° 17.84' W. long. to 59° 34.70' N. lat., 151° 17.68' W. long., to 59° 34.79' N. lat., 151° 17.68' W. long., as marked by ADF&G regulatory markers located in the upper intertidal area.

**5 AAC 77.525. Personal use salmon fishery.** (a) Only one personal use salmon fishing permit may be issued to each household per year.

(b) Repealed 7/21/91.

(c) In the personal use taking of salmon, unless otherwise specified in 5 AAC 77.500 – 5 AAC 77.548, the total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder.

(d) Notwithstanding any provision in 5 AAC 01 – 77, in the Cook Inlet Area, a person may possess sport-caught and personal-use caught salmon on the same day.

**5 AAC 77.527. Personal use smelt fishery.** In the personal use taking of smelt,

(1) there are no bag or possession limits;

(2) smelt may be taken

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- (A) in salt water from April 1 through May 31;
- (B) in fresh water from April 1 through June 15;
- (C) with dip nets; and
- (D) with a drift gillnet only from April through June 15, as follows:

(i) a drift gillnet may be used only in the Kenai River downstream of an ADF&G regulatory marker at Cunningham Park;

(ii) a drift gillnet may not be more than 20 feet in length, four feet in depth, and one and one-half inches in mesh size; and

(ii) a drift gillnet must be attended by the person operating the gillnet at all times that the net is fishing.

**5 AAC 77.531. Personal use herring fishery.** In the personal use taking of herring,

- (1) there are no bag or possession limits;
- (2) herring may be taken

(A) in the Northern and Central Districts from April 1 through May 31;

(B) in the Southern, Kamishak Bay, Barren Island, Outer, and Eastern Districts from January 1 through December 31; and

(C) only with the following gear:

(i) gillnets or dip nets may be used;

(ii) gillnets may not be used in Turnagain Arm east of a line from Point Possession to Point Campbell;

(iii) no gillnet may exceed 20 feet in length and two inches in mesh size, except in the Southern District no gillnet may exceed 50 feet in length and two inches in mesh size;

(iv) cast nets may be used only in the Southern, Kamishak Bay, Barren Islands, Outer, and Eastern Districts;

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

**5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.** (a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit, in ink, immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

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- (3) shall return the permit to the department by the date specified on the permit.
- (b) Salmon may be taken with a set gillnet in the Central District as follows:
  - (1) from June 15 through June 24;
  - (2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;
  - (3) repealed 6/22/2002;
  - (4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the stream bed or channel of the Kasilof River at any stage of the tide;
  - (5) salmon may be taken only by set gillnets as follows:
    - (A) a set gillnet may not exceed 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;
    - (B) no part of a set gillnet may be operated within 100 feet of another set gillnet;
    - (C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;
    - (D) only one set gillnet may be operated per household;
  - (6) the annual limit is as specified in 5 AAC 77.525.
- (c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:
  - (1) in the Kenai River, as follows:
    - (A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;
    - (B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon may be retained per household;
    - (C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;
    - (D) from shore, in the area from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to the downstream side of the Warren Ames Bridge, except dipnetting is closed on the north shore from an ADF&G regulatory marker located below the end of Main Street, upstream to an ADF&G regulatory marker located near the Kenai city dock;
  - (2) in the Kasilof River, as follows:
    - (A) from June 25 through August 7, 24 hours per day;
    - (B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;

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(C) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream for a distance of one mile.

(d) Salmon may be taken by dip net in Fish Creek only as follows:

(1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 10 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 50,000 fish;

(2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;

(3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.

(e) Repealed 6/22/2002.

(f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.

(g) In the Beluga River, salmon may taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

**5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.** (a) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken by dip net from July 1 through August 7, with a bag and possession limit of six fish. King, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed.

(b) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(1) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(2) waters open to personal use fishing when fishing from a boat.

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**5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan.** (a) In the Southern District, only in a year in which a subsistence fishery is not conducted in the same area, salmon may be taken for personal use under the plan set out in this section from August 16 through September 15, from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday. The commissioner shall close this fishery by emergency order when a guideline harvest range of 1,000 – 2,000 coho salmon have been taken. Coho salmon taken under 5 AAC 01.560(b)(8)(B) will be counted toward the guideline harvest range established under this subsection.

(b) Salmon may not be taken in the following waters:

(1) between the terminus of Troublesome Creek and the terminus of the Anchor River;

(2) from the north entrance to the Homer Small Boat harbor northwest along the Homer Spit to a department marker located approximately 200 yards northwest of the entrance to the enhancement lagoon on the Homer Spit;

(3) those waters described in 5 AAC 21.350(d)(1), (d)(3) – (d)(8), (h), and (i);

(4) west of a line from an ADF&G regulatory marker at "Green Timbers" at 59° 37.67' N. lat., 151° 28.38' W. long. on the Homer Spit to an ADF&G regulatory marker located approximately 300 yards east of the Homer airport access road at 59° 38.35' N. lat., 151° 28.71' W. long.

(c) Salmon may be taken only with a set gillnet. No set gillnet may exceed 35 fathoms in length, six inches in mesh size, and 45 meshes in depth. No part of a set gillnet may be operated within 600 feet of another set gillnet. No person may operate more than one set gillnet. No part of a set gillnet may be set or operated more than 500 feet from the mean high water mark. No set gillnet may be set seaward of another set gillnet.

(d) Salmon may be taken only under authority of a permit issued through the department's Homer office.

(e) The annual limit is set by 5 AAC 77.525(c).

### Article 12. Prince William Sound Area.

**5 AAC 77.550. Description of the Prince William Sound Area.** The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

**5 AAC 77.553. 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.

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Pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface area of the pot. The net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the selvage.

**5 AAC 77.556. Personal use Dungeness crab fishery.** There is no open fishing season in the Prince William Sound Area for the personal use taking of Dungeness crab.

**5 AAC 77.557. Personal use king crab fishery.** There is no open fishing season in the Prince William Sound Area for the personal use taking of king crab.

**5 AAC 77.558. Personal use Tanner crab fishery.** There is no open fishing season in the Prince William Sound Area for the personal use taking of Tanner crab.

**5 AAC 77.559. Personal use clam fishery.** (a) In waters east of 146° W. long. and south of a line from the southernmost tip of Point Bentinck to the southernmost tip of Point Whitshed

(1) razor clams may be taken only under the authority of a personal use razor clam fishing permit;

(2) only razor clams four and one-half inches or longer in length of shell may be taken or possessed.

(b) In the personal use taking of clams, other than razor clams, there is no closed season and no bag or possession limits.

**5 AAC 77.570. Waters closed to personal use fishing.** The waters of the Prince William Sound Area are closed to the personal use taking of finfish, except that salmon may be taken in the Chitina Subdistrict, as described in 5 AAC 77.591.

**5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.**

(a) Salmon may be taken in the Chitina Subdistrict only under the authority of a Chitina Subdistrict personal use salmon fishing permit. Only one Chitina Subdistrict personal use salmon fishing permit may be issued to a household per calendar year. A household may not be issued both a Copper River subsistence salmon fishing permit and a Chitina Subdistrict personal use salmon fishing permit.

(b) Salmon may be taken from June 7 through September 30. The commissioner shall establish a preseason schedule, including fishing times, for the period June 7 through August 31 based on daily projected sonar counts at the sonar counter located near Miles Lake. This abundance-based preseason schedule will distribute the harvest throughout the season. The commissioner may close, by an emergency order effective June 7, the Chitina Subdistrict personal use salmon fishing season and shall reopen the season, by emergency order, on or before June 15 depending on the run strength and timing of the sockeye salmon run. Adjustments shall be made to the preseason schedule based on actual sonar counts compared to projected counts. If the actual sonar count at Miles Lake is more than the projected sonar count, the commissioner shall close, by emergency order, the season and immediately reopen it during which additional fishing times will be allowed. If the actual sonar count at Miles Lake is less than projected sonar count, the commissioner shall close, by emergency order, the season and immediately reopen it during which fishing times will be reduced by a corresponding amount of time.

(c) Salmon may be taken only with dip nets.

(d) A personal use salmon fishing permit holder shall record all harvested salmon on

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the permit, in ink, before concealing the salmon from plain view or transporting the salmon from the fishing site. Permits must be returned to the department and the conditions specified in 5 AAC 77.015(c) must be met. For the purposes of this subsection, "fishing site" means the location where the salmon is removed from the water and becomes part of the permit holder's bag limit.

(e) The annual limit for a personal use salmon fishing permit is 15 salmon for a household of one person and 30 salmon for a household of two or more persons, of which no more than one may be a king salmon. However, when the department determines that a weekly harvestable surplus of 50,000 or more salmon will be present in the Chitina Subdistrict, the commissioner shall establish, by emergency order, weekly periods during which the department shall issue a supplemental permit for 10 additional sockeye salmon to a permit applicant who has met the annual limit. King salmon may not be taken under the authority of a supplemental permit. A supplemental permit will be valid from Monday to the following Sunday of the week in which the surplus salmon are expected to be present in the Chitina Subdistrict. The department may specify other conditions in a supplemental permit. The department may issue an additional supplemental permit to a permittee who has met the limits of a previously issued supplemental permit.

(f) The maximum harvest level for the Chitina Subdistrict personal use salmon fishery is 100,000 – 150,000 salmon, not including any salmon in excess of the inriver goal or salmon taken after August 31. If the Copper River District commercial salmon fishery is closed for 13 or more consecutive days, the maximum harvest level in the Chitina Subdistrict is reduced to 50,000 salmon.

(g) Rainbow or steelhead trout incidentally taken may not be retained and must be released immediately and returned to the water unharmed.

(h) For the purposes of this section, the Chitina Subdistrict consists of all waters of the mainstem Copper River from the downstream edge of the Chitina-McCarthy Road Bridge downstream to an east-west line crossing the Copper River as designated by ADF&G regulatory markers located approximately 200 yards upstream of Haley Creek.

### Article 13. Yakutat Area.

**5 AAC 77.600. Description of Yakutat Area.** The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling (144° W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

**5 AAC 77.605. Fishing districts.** Districts are described in 5 AAC 30.200.

**5 AAC 77.610. Personal use shrimp fishery.** In the personal use shrimp fishery,

- (1) there is no closed season;
- (2) there is no daily possession limit; and
- (3) a pot used to take shrimp under this chapter must have
  - (A) no more than four tunnel eye openings; no tunnel eye opening may exceed 15 inches in perimeter;
  - (B) a bottom perimeter of no more than 153 inches; and
  - (C) a volume of no more than 25 cubic feet.

**5 AAC 77.612. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab,

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- (1) there is no closed season;
- (2) the daily bag and possession limit is 20 male crab;
- (3) the minimum legal size for male Dungeness crab is six and one-half inches in shoulder width; male Dungeness crab less than the minimum legal size and female Dungeness crab that have been taken must be immediately returned to the water unharmed; for the purposes of this paragraph, the shoulder width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;
- (4) live holding facilities used to accumulate or pool multiple bag limits by an individual or individuals are not allowed;
- (5) a pot used to take Dungeness crab under this chapter must have at least two escape rings that each are not less than four and three-eighths inches, inside diameter; the escape rings must be located on opposite sides of the pot and the upper half of the vertical plane of the pot;
- (6) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Dungeness crab.

**5 AAC 77.614. Personal use king crab fishery.** In the personal use taking of king crab,

- (1) red and blue king crab may be taken only from July 1 through March 31;
- (2) the daily bag and possession limit is two male king crab; only male red and golden king crab seven inches or greater in width of shell, and male blue king crab six and one-half inches or greater in width of shell may be taken or possessed; male king crab less than the minimum legal size and female king crab that have been taken must be immediately returned to the water unharmed;
- (3) an operator of a commercially licensed and registered king crab fishing vessel shall obtain a permit from the department before taking king crab for personal use purposes in waters of Yakutat Bay enclosed by a line from the westernmost tip of Ocean Cape to the easternmost tip of Point Manby during the open commercial king crab fishing season; the department may set out requirements in the permit for the conservation of the king crab resource and to ensure compliance with other applicable fishing laws;
- (4) a pot used to take king crab under this section must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than six and one-quarter inches inside diameter;
- (5) no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take king crab;
- (6) a person may not utilize a live holding facility to accumulate or pool multiple bag limits of king crab.

**5 AAC 77.616. Personal use Tanner crab fishery.** In the personal use taking of Tanner crab,

- (1) there is no closed season;
- (2) the daily bag and possession limit is 30 male Tanner crab; only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed; male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned to the water unharmed;



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

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

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

**5 AAC 77.617. Personal use scallop fishery.** In the personal use taking of scallops,

(1) there is no closed season;

(2) the daily possession limit is

(A) five rock scallops (*Hinnites sp*);

(B) 50 weathervane scallops (*Pecten sp*);

(3) there is no possession limit for bay scallops.

**5 AAC 77.618. Personal use clam fishery.** In the personal use taking of clams,

(1) there is no closed season;

(2) there are no daily bag and possession limits.

**5 AAC 77.620. Personal use herring fishery.** In the personal use taking of herring and herring spawn,

(1) herring may be taken at any time;

(2) herring and herring spawn may be taken by gear listed in 5 AAC 01.010;

(3) there is no annual possession limit for herring or for herring spawn which is not on kelp;

(4) herring spawn-on-kelp may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of spawn-on-kelp, the department will, in its discretion, specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring spawn-on-kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department will, in its discretion, issue an additional permit for taking spawn-on-kelp above the annual possession limit if harvestable surpluses of herring spawn-on-kelp are available;

(5) herring taken under personal use regulations may not be used as bait in a commercial fishery.

**5 AAC 77.622. Personal use bottomfish fishery.** In the personal use taking of bottomfish,

(1) bottomfish may be taken at any time, except lingcod may not be taken from December 1 through May 15;

(2) bottomfish may be taken for personal use only by longline or hand held line; unattended gear must be marked as described in 5 AAC 77.010(d);

(3) there are no daily bag or possession limits;

(4) bottomfish taken under personal use regulations may not be used as bait in a commercial fishery.

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**5 AAC 77.624. Personal use halibut fishery.** In the personal use taking of halibut,

- (1) halibut may be taken from February 1 through December 31;
- (2) halibut may be taken only by a single line which is operated by hand with not more than two hooks attached to it; no person may operate more than one line and the line must be marked as described in 5 AAC 77.010(d);
- (3) the daily bag limit is two fish and the possession limit is two daily bag limits;
- (4) no person may possess personal use-taken and sport or subsistence-taken halibut on the same day.

**5 AAC 77.626. Personal use smelt fishery.** Smelt may be taken for personal use at any time and there are no bag or possession limits.

**5 AAC 77.628. Personal use salmon fishery.** (a) Salmon may only be taken under the authority of a personal use fishing permit.

(b) The department shall adhere to the following when issuing personal use salmon fishing permits:

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

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

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

(c) The department will not issue a permit for the taking of king salmon, but king salmon taken incidentally by gear operated under the terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes. The holder of a personal use salmon permit shall report any king salmon taken in this manner on that permit holder's permit calendar. The possession limit for king salmon is two fish, and king salmon taken in excess of this limit must be released without further harm.

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. The holder of a personal use permit shall report any salmon, trout, or char taken in this manner on his or her permit calendar.

(e) The total annual limit of sockeye salmon for a personal use salmon fishing permit is 15 salmon for a household of one person and 25 salmon for a household of two or more persons. The total annual limit of coho salmon for a personal use salmon fishing permit is 15 salmon for a household of one person and 25 salmon for a household of two or more persons. The total annual limit of king salmon for a personal use salmon fishing permit is two salmon.

(f) No person may possess personal use-taken and sport-taken salmon on the same day.

(g) A gillnet used for personal use fishing may not exceed 50 fathoms in length, and may not block more than two-thirds of any stream width and any channel or side channel of a stream.

(h) Salmon may not be taken by means of a line attached to a rod or pole.

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(i) Salmon may be taken by set gillnets only. The personal use fishing permit holder shall attend his or her gillnet at all times while it is in operation.

(j) Salmon may be taken only during periods open to subsistence fishing from July 1 through September 30, and only in Yakutat Bay and in waters upstream from the terminus of streams and rivers in the Yakutat Area which are open to commercial fishing, except as may be restricted under the terms of a personal use fishing permit.

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

**5 AAC 77.649. Prohibitions.** Repealed 7/1/2006.

### Article 14. Southeastern Alaska Area.

**5 AAC 77.650. Description of Southeastern Alaska Area.** The Southeastern Alaska Area consists of all waters of Alaska between Cape Fairweather and Dixon Entrance.

**5 AAC 77.655. Description of districts and sections.** Districts and sections are as described in 5 AAC 33.200.

**5 AAC 77.660. Personal use shrimp fishery.** In the personal use taking of shrimp,

- (1) there is no closed season and no bag and possession limits;
- (2) a commercially licensed and registered shrimp fishing vessel may not be used to take shrimp in Districts 6 – 8 and 10 from February 15 through April 30;
- (3) shrimp may be taken only with pots, ring nets, or trawls;
- (4) unless otherwise provided for in this chapter, pots operated to take shrimp may be longlined; a buoy is not required for each pot, but at least one buoy on the longline must be marked as required in 5 AAC 77.010(d);
- (5) a pot used to take shrimp under this chapter must have
  - (A) no more than four tunnel eye openings; no tunnel eye opening may exceed 15 inches in perimeter;
  - (B) a bottom perimeter of no more than 153 inches; and
  - (C) a volume of no more than 25 cubic feet;
- (6) before using a trawl to take shrimp, a person must first obtain a personal use fishing permit from the department; the permit will include the following conditions:
  - (A) the area where the fishing will occur;
  - (B) the dates that the fishing will occur;
  - (C) the type of trawl to be used;
  - (D) the length of the beam if a beam trawl is used;
  - (E) the length of the footrope if a otter trawl is used;
  - (F) any other pertinent gear specifications if a trawl other than a beam trawl or otter trawl is used;
  - (G) the total poundage by species of all shrimp taken.

**5 AAC 77.662. Personal use Dungeness crab fishery.** In the personal use taking of Dungeness crab,

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- (1) there is no closed season;
- (2) the daily bag and possession limit is 20 male Dungeness crab except that, in waters of Thorne Bay west of the longitude of the southernmost tip of Thorne Head, the daily bag and possession limit is five male Dungeness crab;
- (3) the minimum legal size for Dungeness crab is six and one-half inches in shoulder width; male Dungeness crab less than the minimum legal size and female Dungeness crab that have been taken must be immediately returned to the water unharmed; for the purposes of this paragraph, the shoulder width measurement of Dungeness crab is the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine, not including the spines;
- (4) live holding facilities utilized to accumulate or pool multiple bag limits by an individual or individuals are not allowed;
- (5) a pot used to take Dungeness crab under this chapter must have at least two escape rings that each are not less than four and three-eighths inches, inside diameter; the rings must be located on opposite sides of the pot and the upper half of the vertical plane of the pot;
- (6) except in Section 11-A as specified in 5 AAC 77.664(c), no more than 10 ring nets per person, with a maximum of 20 ring nets per vessel, may be used to take Dungeness crab.

**5 AAC 77.664. Personal use king crab fishery.** (a) Except as provided in (b) and (c) of this section, or if the commissioner closes the applicable portion of the Southeastern Alaska Area because of conservation concerns for king crab, in the personal use taking of king crab,

- (1) the daily bag and possession limit is six male crab per person; if the region-wide harvestable biomass of mature red and blue king crab is below 200,000 pounds, the commissioner may, by emergency order, reduce the bag and possession limit of red and blue king crab;

- (2) the king crab seasons are as follows:

- (A) red and blue king crab may be taken only from July 1 through March 31;
- (B) golden king crab may be taken only from July 1 through June 15;

- (3) the king crab size limits are as follows:

(A) only male red and golden king crab seven inches or greater in width of shell may be taken or possessed; and

(B) only male blue king crab six and one-half inches or larger in width of shell may be taken or possessed.

(b) In the waters described in 5 AAC 33.200 as Sections 12-B, 15-B, and 15-C, in the personal use taking of king crab, the daily bag and possession limits are three male crab per person, except that the commissioner may close and immediately reopen, by emergency order, a personal use red and blue king crab season during which there is a reduced bag and possession limit for red and blue king crab.

(c) In the waters described in 5 AAC 33.200 as Section 11-A, in the personal use taking of king crab,

- (1) red and blue king crab may only be taken under the authority of a permit issued

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under 5 AAC 77.015;

- (2) the daily bag and possession limit is three male king crab per person;
- (3) the commissioner may close and immediately reopen, by emergency order, a personal use red and blue king crab season during which one or more of the following conditions applies:

- (A) a reduced bag and possession limit;
- (B) a seasonal limit for king crab;
- (C) a reduced pot and ring net limit.

(d) Male king crab less than the minimum legal size and female king crab that have been taken must be immediately returned to the water unharmed.

(e) A person may not utilize a live holding facility to accumulate or pool multiple bag limits.

(f) Notwithstanding 5 AAC 77.010(i), no more than four pots or 10 ring nets per vessel may be used to take king crab. A pot used to take king crab under this section must have at least two escape rings on opposing vertical or sloping sides of the pot that are not less than six and one-quarter inches inside diameter.

**5 AAC 77.666. Personal use Tanner crab fishery.** (a) Except as provided in (b) of this section, in the personal use taking of Tanner crab,

- (1) Tanner crab may be taken only from July 1 through June 15;
- (2) the daily bag and possession limit is 30 male Tanner crab;
- (3) notwithstanding 5 AAC 77.010(i), no more than four pots or 10 ring nets per vessel may be used to take Tanner crab; a pot used to take Tanner crab under this section must have at least two circular escape rings on opposing vertical or sloping sides of the pot that each are not less than four and three-quarter inches inside diameter;
- (4) only male Tanner crab 5.5 inches or greater in width of shell may be taken or possessed;
- (5) male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned unharmed to the sea;
- (6) a person may not utilize a live holding facility to accumulate or pool multiple bag limits.

(b) In Section 11-A, as described in 5 AAC 33.200, in the personal use taking of Tanner crab, reduced pot and ring net limits are the same as authorized under 5 AAC 77.664(c)(3)(C) for red and blue king crab.

**5 AAC 77.667. Personal use scallop fishery.** In the personal use taking of scallops,

- (1) there is no closed season;
- (2) the daily possession limit is
  - (A) five rock scallops (*Hinnites sp*);
  - (B) 10 weathervane scallops (*Pecten sp*);
- (3) there is no possession limit for bay scallops.

**5 AAC 77.668. Personal use clam fishery.** In the personal use taking of clams,

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- (1) there is no closed season;
- (2) there are no daily bag and possession limits for clams, except that for
  - (A) geoducks, the daily bag and possession limit is six;
  - (B) razor clams on western Kruzof Island beaches between Cape Edgecumbe and Cape Georgiana, the bag and possession limit is 50 clams; all damaged razor clams are part of the bag limit;
  - (C) unless opened by emergency order, the Sitka Sound Special Use Area described in 5 AAC 77.674(3)(A)(i) is closed to the harvest of razor clams;
- (3) in addition to the gear specified in 5 AAC 77.010(k)(3), geoducks may be taken with a hydraulic clam digger.

**5 AAC 77.670. Personal use abalone fishery.** In the personal use taking of abalone,

- (1) there is no closed season;
- (2) the daily bag and possession limit is five abalone per person;
- (3) the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;
- (4) personal use fishing is prohibited while engaged in commercial abalone fishing; before engaging in the personal use fishery, commercial abalone fishermen must land the commercial catch in possession and return the commercial permit required under 5 AAC 38.133 to the Department of Fish and Game;
- (5) a diver using a compressed air system, such as scuba or hookah, may not take abalone.

**5 AAC 77.672. Personal use herring fishery.** In the personal use taking of herring and herring spawn,

- (1) herring may be taken at any time;
- (2) herring and herring spawn may be taken by gear listed in 5 AAC 01.010;
- (3) there is no annual possession limit for herring or for herring spawn which is not on kelp;
- (4) herring spawn-on-kelp may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of spawn-on-kelp, the department may specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring spawn-on-kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department may, in its discretion, issue an additional permit for taking spawn-on-kelp above the annual possession limit if harvestable surpluses of herring spawn-on-kelp are available;
- (5) in the 72 hours before and 72 hours after an open commercial herring fishing period in the Southeastern Alaska Area, a vessel that, or crewmember or permit holder who participates in that commercial herring fishery opening may not take or possess herring under this chapter in any district in the Southeastern Alaska Area;
- (6) herring taken under personal use regulations may not be used as bait in a commercial fishery;
- (7) herring may not be taken in Auke Bay, east of a line from the mouth of

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Waydelich Creek to a department marker located one-fourth mile south of the mouth of Auke Creek, from April 1 through May 31.

**5 AAC 77.674. Personal use bottomfish fishery.** In the personal use taking of bottomfish,

(1) bottomfish may be taken at any time, except lingcod may not be taken from December 1 through May 15;

(2) bottomfish may be taken for personal use only by longline or hand held line; unattended gear must be marked as described in 5 AAC 77.010(d);

(3) there are no daily bag or possession limits, except

(A) in the Sitka vicinity:

(i) in Sitka Sound Special Use Area, which is that area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long. to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long., the daily possession limit for rockfish is three fish, of which no more than one may be a yelloweye rockfish (*Sebastes ruberrimus*);

(ii) the waters off Cape Edgecombe enclosed by a box defined as 56° 55.5' N. lat. and 56° 57' N. lat., and 135° 54' W. long. and 135° 57' W. long., are closed to fishing for all species of bottomfish;

(B) in the Ketchikan vicinity: in all waters of Section 1-E south of the latitude of Bushy Point Light and in the waters of Section 1-F north of lines from Point Alava to the southernmost tip of Ham Island, from Cedar Point to Dall Head, and from Dall Head to a point on the District 1 boundary in Clarence Strait at the latitude of Dall Head, the bag and possession limit for rockfish is three fish, no more than one of which may be yelloweye rockfish (*Sebastes ruberrimus*);

(4) a person on board a vessel from which a longline was used to take bottomfish for personal use in the Northern Southeast Inside or the Southern Southeast Inside sections is subject to the restrictions in 5 AAC 28.180;

(5) bottomfish taken under personal use regulations may not be used as bait in a commercial fishery;

(6) a personal use fishing permit issued by the department under 5 AAC 77.015 is required to take sablefish; the department will issue only one sablefish personal use fishing permit per household per year; a permit holder shall record sablefish harvest information on harvest recording forms provided by the department.

**5 AAC 77.676. Personal use halibut fishery.** In the personal use taking of halibut,

(1) halibut may be taken from February 1 through December 31;

(2) halibut may be taken only by a single line which is operated by hand with not more than two hooks attached to it; no person may operate more than one line and the line must be marked as described in 5 AAC 77.010(d);

(3) the daily bag limit is two fish and the possession limit is two daily bag limits;

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(4) no person may possess personal use-taken and sport or subsistence-taken halibut on the same day.

**5 AAC 77.678. Personal use smelt fishery.** Smelt may be taken for personal use at any time and there are no bag or possession limits.

**5 AAC 77.682. Personal use salmon fishery.** (a) Salmon may only be taken under the authority of a personal use fishing permit.

(b) The department shall adhere to the following when issuing personal use salmon fishing permits:

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

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

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

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

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

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

(c) The department shall not issue a permit for the taking of king or coho salmon, but king and coho salmon taken incidentally by gear operated under terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes. The holder of a personal use salmon permit shall report any king or coho salmon taken in this manner on that permit holder's permit calendar. The possession limit for king salmon is two fish and the possession limit for coho salmon is six fish.

(d) Salmon, trout, or char taken incidentally by gear operated under the terms of a personal use permit for salmon are legally taken and possessed for personal use purposes. The holder of a personal use permit shall report any salmon, trout, or char taken in this manner on his or her permit calendar.

(e) No person may possess personal use-taken and sport-taken salmon on the same day.

(f) In the Taku River drainage, the total annual limit for each personal use sockeye salmon permit is five sockeye salmon for a household of one person and 10 sockeye salmon for a household of two or more persons.

(g) Salmon may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted on a personal use fishing permit and except as follows:

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

(2) set gillnets may not be used to take salmon except

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



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(B) in the Taku River drainage from the Taku River Lodge upstream to the United States/Canada border, salmon may be taken by set gillnets only;

(C) in District 5 in Shipley Bay, within 100 yards of the terminus of Shipley Creek;

(D) set gillnets may be used in Yes Bay north of a line from Bluff Point to Syble Point, except within 500 yards of the terminus of Wolverine Creek; the personal use permit holder shall be physically present at the gillnet while it is in operation;

(3) in the Chilkat and Taku rivers and in Shipley Bay and Yes Bay, the personal use permit holder shall be physically present at the net while it is in operation;

(4) a gillnet may not exceed 50 fathoms in length, except in the Taku River a set gillnet may not exceed 15 fathoms in length;

(5) salmon may not be taken by the use of a line attached to a pole or rod.

(h) Salmon may be taken at any time except

(1) as may be restricted under the terms of a personal use fishing permit;

(2) from July 7 through August 7, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Cannery Dock, the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday;

(3) in the Taku River drainage, sockeye salmon may be taken only in waters from the Taku River Lodge upstream to the United States/Canada border and only from July 1 through July 31.

(i) The following waters are closed to the personal use taking of salmon:

(1) in District 13, Sitkoh Bay and the Sitkoh River drainage are closed to the taking of sockeye salmon;

(2) in District 15, Lynn Canal including Chilkat, Chilkoot and Lutak inlets, during the closed periods of the commercial salmon net fishery in the district.

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

**5 AAC 77.683. Personal Use Fishery Management Plan for the Juneau, Petersburg, Wrangell, Sitka, and Ketchikan Road Systems.** Salmon streams flowing across or adjacent to the road systems of Juneau, Petersburg, Wrangell, Sitka, and Ketchikan support only limited runs of salmon. Harvestable numbers of salmon in excess to the spawning escapement needs for those streams are normally of such a small magnitude that these numbers alone are not sufficient to support the consumptive demands of those communities. Therefore, the department shall not issue permits which allow the use of nets for streams along the road systems of those communities.

**5 AAC 77.684. Vessel specifications and operations.** In the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Cannery Dock, a person may operate personal use salmon gear from a vessel that is powered by hand or an outboard motor of no greater than 50 horsepower.

**5 AAC 77.685. Personal Use Hatchery Salmon Management Plan.** (a) The purpose of the personal use hatchery salmon management plan set out in (b) – (e) of this section is to allow the personal use taking of hatchery salmon in terminal locations when those salmon

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have not been taken in other authorized fisheries.

(b) Fishing times and locations are established by emergency order.

(c) Fishing gear is limited to beach seines, hand purse seines, gillnets, cast nets, and dip nets. Fishing seasons by gear type are established by emergency order.

(d) The daily bag and possession limits are the same as for the sport fishery specified in 5 AAC 47 and are not in addition to those limits. The department may, by commissioner's announcement, increase the bag and possession limits when conditions, such as number of fish available for harvest and effort levels, warrant.

(e) The heads of all adipose-fin-clipped salmon must be turned into ADF&G.

**5 AAC 77.699. Prohibitions.** (a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services as defined in 5 AAC 75.995, may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter for personal use, unless the

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

(2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 77.010(d); and

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

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

(c) Repealed 7/1/2006.