

**HB**

**110**

<TARGET><BILL>HB 110</BILL><SUBJECT>HB  
110</SUBJECT><COMM>HFSH29</COMM></TARGET>

# ALASKA STATE LEGISLATURE

**Session:**

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**Representative Mark Neuman**  
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## "The Alaskans-First Fishing Act"

### HOUSE BILL 110

*"An Act providing priority to personal use fisheries when fishing restrictions are implemented to achieve a management goal."*

Ensuring that residents have access to Alaska's fisheries resources is vitally important as we continue to grow as a state. The number of Alaskans seeking to access our commonly owned fishery resources are continually increasing. However, one thing all Alaskans can agree on is that we should have a priority over people coming from elsewhere in the country and the world to utilize and harvest our fisheries resources.

Fisheries that are restricted to residents only are meant to enable Alaskans to access their fisheries resources for their personal use and consumption.

Currently, there are several personal use fisheries throughout the state. Excluding the priority that is already contained within statute for subsistence, HB 110 directs the Board of Fisheries to place restrictions on sport and commercial fisheries before putting restrictions on personal use fisheries when the harvest of a stock or species is limited to achieve an escapement goal. Food security has been identified by Alaskans, and by Governor Walker as a critical issue.

I ask for your consideration and support of HB 110, so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 110  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB110-DFG-CO-04-02-15  
Title: PERSONAL USE FISHING PRIORITY  
Sponsor: NEUMAN  
Requester: House Special Committee on Fisheries

Department: Department of Fish and Game  
Appropriation: Administration and Support  
Allocation: Commissioner's Office  
OMB Component Number: 2175

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>	<b>FY 2016</b>	<b>FY 2016</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version.

Prepared By:	Ben Mulligan, Legislative Liaison	Phone:	(907)465-6137
Division:	Commissioner's Office	Date:	04/02/2015 05:00 PM
Approved By:	Sunny Haight, Administrative Services Director	Date:	04/03/15
Agency:	Department of Fish & Game		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 110

### Analysis

House Bill 110 directs the Board of Fisheries to place restrictions on all other fisheries before restricting personal use fisheries when the harvest of a stock or species is limited to achieve a management goal. The priority for subsistence use and allocation of fish and game (AS 16.05.258) is exempted from the proposed prioritization laid out in HB 110.

It is assumed that any regulations that may need to be promulgated would occur during the Board of Fisheries normal board cycle and therefore would not have a fiscal impact upon any of the department's programs and/or operations.

## **HB110-Personal Use Priority**

**Prepared for:** Representative Mark Neuman

**Prepared by:** ADF&G, Division of Sport Fish.

**Source Document:** Alaska Fish and Game Laws and Regulations Annotated

### **General information on Personal use fisheries:**

**Definitions(Sec. 16.05.940): 1) personal use fishing** means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

2) **Resident:** means a person who for the 12 consecutive months immediately preceding the time when the association of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country.

### **5 AAC 77.001. Intent and application of this chapter.**

(a)(1) before the enactment of the states subsistence priority law in ch.151, SLA 1978, an individual could fulfill that individuals personal use needs for fish under subsistence fishing regulations; (2) the states 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 are presently 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 a customary and traditional use; 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.

### **General aspects:**

- Personal use fisheries are for providing Alaskan residents with a variety of opportunities to harvest fish and shellfish resources for personal household consumption. They have been established around the state as a means to accommodate the desire of residents to harvest and enjoy consumption of the renewable natural resources which belong to all Alaskans.
- Generally speaking, Chapter 77 (5 AAC 77.001-77.699) offers a wide array of information on personal use fisheries around the state: statewide provisions, gear, seasons, bag and possession for each area and fishery.

- Personal use fisheries exist in both freshwater and marine environments statewide of which there are about 80 fisheries identified encompassing (salmon, crab, shrimp, bottom fish, scallops and clams) from Norton Sound to Ketchikan.
- Generally the Alaska Department of Fish and Game, Division of Commercial fisheries manages the marine personal use fisheries and Sport Fish Division manages the freshwater fisheries.
  - Most of the personal use fisheries in SE Alaska are managed by Commercial Fisheries Division, and those in SC and Interior Alaska are managed by Sport Fish Division.
- Three of the more prominent personal use fisheries are Chitina (Copper River), Kasilof and Kenai where harvests are largely sockeye salmon.
  - Participation in the Chitina fishery averages about 9–11,000 households with harvests averaging around 135,000 sockeye annually (5-year average; 2009-2013). In 2013, 11,539 household permits were issued and 9,300 returned with an estimated harvest of about 165,000 fish.
  - Participation in the Upper Cook Inlet Personal Use Fisheries averages approximately 30,000 – 35,500 households with harvests averaging approximately 537,000 sockeye (5-year average; 2009-2013). There were 35,211 household permits issued for Cook Inlet personal use fishing in 2013 of which 27,180 were returned. A total of 457,581 salmon (all species) were harvested. 102,854 of these were from the Kasilof, and 354,727 were harvested from the Kenai. There was no retention of king salmon allowed in either the Kenai or Chitina fisheries during 2013.

## 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).

## **PERSONAL USE FISHERY**

**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;

## PERSONAL USE FISHERY

(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

## PERSONAL USE FISHERY

- (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

## **PERSONAL USE FISHERY**

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

## PERSONAL USE FISHERY

(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) Bollo, 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
  - (iii) 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 be taken by dip net only as follows:

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

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

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

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

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

**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 Whittished

(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;

## **PERSONAL USE FISHERY**

(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;

## PERSONAL USE FISHERY

(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

## **PERSONAL USE FISHERY**

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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.

## Sec. 16.05.251. Regulations of the Board of Fisheries

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

- (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;
- (2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for
  - (A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;
  - or
  - (B) persons under 16 years of age to participate in sport fishing;
- (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;
- (4) establishing the means and methods employed in the pursuit, capture, and transport of fish;
- (5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;
- (6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;
- (7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;
- (8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;
- (9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;
- (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;
- (11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;
- (12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;
- (13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination that an on-board observer program
  - (A) is the only practical data-gathering or enforcement mechanism for that fishery;
  - (B) will not unduly disrupt the fishery;
  - (C) can be conducted at a reasonable cost; and
  - (D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;
- (14) establishing nonexclusive, exclusive, and super exclusive registration and use areas for regulating commercial fishing;
- (15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;
- (16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;
- (17) promoting fishing and preserving the heritage of fishing in the state.

(b) [Repealed, Sec. 12 ch 52 SLA 1986].

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

## Sec. 16.05.251. Regulations of the Board of Fisheries

has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

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

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

- (1) the history of each personal use, sport, guided sport, and commercial fishery;
- (2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- (4) the availability of alternative fisheries resources;
- (5) the importance of each fishery to the economy of the state;
- (6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

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

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

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

(i) Notwithstanding AS 16.43.140 (c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

The logo features a stylized fishing hook and line, with the hook curving upwards and the line looping around it.

# Alaska Longline

## FISHERMEN'S ASSOCIATION

Post Office Box 1229 / Sitka, Alaska 99835 / 907.747.3400 / FAX 907.747.3462

April 2, 2015

Representative Louise Stutes  
Chair, House Fisheries Committee  
State Capitol Room 416  
Juneau AK, 99801  
[Rep.Louise.Stutes@akleg.gov](mailto:Rep.Louise.Stutes@akleg.gov)

**Re: OPPOSE HB110 – Personal Use Fishing Priority**

Dear Representative Louise and committee members,

The Alaska Longline Fishermen's Association (ALFA) opposes HB110, which seeks to provide a priority for Personal Use fisheries second only to subsistence. Our 100+ members believe HB110 will undermine sustainable management of our State's fisheries and destroy the existing management process that has so successfully rebuilt and protected Alaska's salmon stocks since Statehood. In addition, ALFA recognizes the potential for HB110 to significantly reduce the economic and employment benefits Alaska's commercial and sport fisheries currently provide to the State. Our concerns are described in more detail below.

ALFA is a non-profit association of vessel owners and deckhands dedicated to sustainable fisheries and strong fishing communities. Most of our members live in the rural communities of Southeast Alaska. Our members participate in commercial, sport, personal use, and subsistence fisheries. ALFA recognizes the importance of Personal Use fisheries to the residents of this State; however, because fishery resources are limited, we recognize that Personal Use fisheries must also be limited.

The Alaska legislature has granted the Board of Fisheries the authority to manage Alaska's fisheries. The Board makeup includes representatives confirmed by the legislature based on their ability to represent all fishery user groups through sound judgment and careful consideration of the full range of benefits that fisheries provide, including nutritional needs; history and usage by residents and non residents; importance to the economy of the state, region and local area; and recreational opportunity. The Board follows a deliberative process to make conservation and allocation decisions based on science and public input. The Department of Fish and Game follows the Board's direction to achieve management goals that protect and preserve Alaska's fishery resources. *HB110 attempts to undermine this process and the authority of both the Board and the Department.*

The intent by the Board of Fisheries in establishing Personal Use fisheries is clear in 5 AAC 77.001 (4) (b), namely that personal use fisheries are: "...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." ALFA supports this intent. Based on this intent, ninety-five Personal Use fisheries have been established in Alaska. These fisheries are open to all residents. If HB110 were to pass as proposed, population growth and expanding Personal Use harvest in one region of the State will have detrimental impacts on existing harvesters and historic patterns of use in other regions, which is in direct violation of the Personal Use intent stated above.

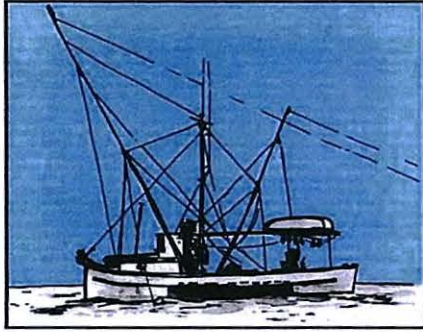
Finally, Personal Use fisheries for salmon are conducted in-river and can have a significant impact on spawning stocks. While Personal Use fishermen may harvest fewer fish compared to commercial harvesters, they still bear a responsibility to conserve the resource. HB110 threatens to take away one of the tools that managers need to do their jobs: the use of commercial harvest data from early season fishery openers to assess run strength and timing.

In closing, ALFA opposes priority status for Personal Use fisheries and considers such a designation to be contrary to sound resource management, potentially harmful to some Alaskan residents, and contrary to the true intent of Personal Use fisheries. We strongly urge this Committee, and the Alaska State Legislature, to leave the prioritization of fishery allocations with the Board of Fisheries and the implementation of those decisions with the Department of Fish and Game.

Sincerely,



Linda Behnken  
(Executive Director, ALFA)



## Alaska Trollers Association

130 Seward #205  
Juneau, AK 99801  
(907)586-9400  
ata@gci.net

April 1, 2015

Representative Louise Stutes, Chairman  
House Fisheries Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: Oppose HB 110 Personal Use Priority

Dear Representative Stutes and Committee Members:

The Alaska Trollers Association (ATA) opposes HB 110, which seeks to provide a priority for personal use fisheries second only to subsistence. Our members do not believe that such a priority is necessary or reflects the true nature of most personal use fisheries, nor does it allow for the orderly and sustainable management of our state's fisheries resources.

ATA represents the Southeast commercial troll fleet. Our members are professional hook and line salmon fishermen. The troll fleet is one of the largest salmon fleets in the state and is 85% resident. A large number of troll permit holders live in rural communities. Many of our members participate in other commercial, sport, personal use, and subsistence fisheries.

The most significant problem with HB 110 is that it ties the hands of the Alaska Board of Fisheries (BOF) and could confound sustainable fisheries management. Personal use fisheries are conducted inriver and can have a significant impact on spawning stocks. While personal use fishermen may harvest fewer fish compared to commercial, they still bear a responsibility to conserve the resource. It is important to realize that the Board of Fish has rarely, if ever, significantly restricted personal use fisheries.

The BOF is the best forum to analyze with ADFG and the public the biological reasons for dips in salmon production, and then distribute the conservation burden proportionate to the impact of the fishery. From there, a system exists to allocate surplus production when stocks rebound. Allocation by the BOF is governed by a policy that has been in place since the early 90's.<sup>1</sup> The

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<sup>1</sup> [AS 16.05.251\(a\)\(17\)\(e\) Board of Fisheries Allocation Criteria](#)

policy recognizes history of use and dependence by residents, and also allows for distinctions between guided and unguided harvesters, as approved by the legislature in 1992, which should address the sponsors concern about folks coming from outside Alaska to harvest fish. This policy provides ample opportunities for the BOF to protect important personal use needs for residents, while at the same time avoiding undue hardship on all other fisheries of importance to local communities. A full set of BOF policies can easily be found online.<sup>2</sup>

A troublesome aspect of the bill is that it would hold personal use fisheries above sport and commercial for regulatory and allocation purposes, no matter what the circumstance, which has never been the intent.

Subsistence fisheries have been granted highest priority in times of resource shortages, because they are intended to provide the basic necessities of **life** for rural residents.

Personal use fisheries allow individuals to take finfish, shellfish, or aquatic plants, often at higher levels than sport fisheries, for use as food or bait by that individual or their immediate family. Ostensibly, the higher bag and possession limits reflect the food and bait needs of residents who, for one reason or another, do not qualify for subsistence.

While our association supports the intent behind true personal use fisheries – to feed Alaskans - we question whether or not the current conduct of some of these fisheries actually meets the intended goal, which is to provide food and bait for individuals who need more than a basic sport license can provide.

Of the personal use permit holders, those who would appear to most need the liberal harvest limits are not necessarily the ones removing high volumes of fish. Let's look at the Chitina personal use fishery as an example.

The 2000 census counted 123 people, 52 households, and 30 families residing in the Chitina area. The Alaska Subsistence Fisheries 2003 Annual Report (ADFG, 2005), states that just 29 personal use permits were issued to Copper Basin residents. Of those, 19 fished, with a harvest of 232 fish and just 0.3% of the total Chitina personal use harvest (Table XII-5).

The vast majority of the fish caught in the Chitina personal use fishery were harvested by people traveling from the urban areas of Fairbanks (2,034 permits issued/ 28,949 fish caught) and Anchorage (1,475 permits issued/ 19,443 fish caught). Rounding out the top five communities harvesting in the Chitina personal use fishery were Delta Junction, Eagle River, and Eilsen Air Force Base (Table XII-5). Most of these communities can hardly be described as subsistence in nature, much less lacking significant opportunities to secure the basic **necessities of life**. **Yet that is essentially what granting a personal use priority would imply.**

**What justifies granting urban personal use fishermen more protection than resident sport and commercial fishermen and their resident customers, who all rely on the same stocks?**

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<sup>2</sup> Board of Fisheries Findings and Policies

Most fishermen who travel to Chitina from urban communities, often at great expense, are not low income. Not only do they pay the cost of traveling a long distance to this remote community, they often secure the services of guides, water taxis, and custom process facilities. Those services are not cheap, particularly when compared to purchasing salmon at their local store. This makes the need for personal use by such fishermen questionable to other Alaskans. There are personal use opportunities closer to Fairbanks and Anchorage, so the methods and means of harvest are neither efficient nor economic in terms of effort and cost. Obviously, these folks simply enjoy going to Chitina and bringing back lots of fish and the Board of Fish is allowing that. Not a problem, but also not worthy of a higher priority than is granted to sport and commercial fishermen.

The regulatory history of the Chitina dipnet fishery clearly shows that the Board of Fisheries considered it an area worthy of personal use designation, not special priority.

Over time, the BOF has established specific parameters around personal use fisheries, to delineate this use from subsistence and protect both the resource and other, longstanding fishing interests. When establishing the personal use category in 1981, the BOF made its intent quite clear with respect to personal use priority:

7. ...It is the intent of the Board that subsistence, commercial, and sport users have a reasonable opportunity to take any surplus before a personal use fishery is allowed.

While the BOF intended that personal use fisheries would not harm sport and commercial fisheries, they also provided ample opportunity for personal use fishermen when developing regulatory measures. This is revealed in harvest limits that far exceed what many Alaskans consider necessary for basic sustenance. The Board's intention to be liberal in the application of personal use is also revealed in a memo to ADFG Commissioner Frank Rue dated March 21, 1996 from Assistant Attorney General Stephen Daugherty indicating that (*emphasis added*):

...although *the proposal for creation of personal use fisheries presented to the Board of Fisheries was very restrictive, the board adopted a much less restrictive regulatory scheme for personal use fisheries.* As originally proposed, personal use fisheries could only be conducted where they would not negatively impact an existing resource use, and initial bag limits were proposed at very low levels. The board modified the proposed regulations to allow for the *provision of personal use fisheries if they were in the broad public interest*, and it also adopted bag limits based on amounts taken under subsistence regulations. *The board explicitly rejected some uses permissible under subsistence regulations and provided that it was illegal to buy, sell, trade, or barter fish taken in a personal use fishery, but the board did not provide an explicit prohibition on sharing.* See Board of Fisheries Proposal 107 (Apr. 1982); 5 AAC 77.010(b).

*The legislature also took up personal use fisheries*, as noted by Daugherty, and clearly stated that personal use fisheries were to be granted status equal to – not higher or lower than - other fisheries (*emphasis added*):

*The record indicates that although personal use fisheries were not intended to have a priority over sport and commercial fisheries, they were also not considered lower in priority. The legislation treated personal use fisheries on the same basis as sport and commercial fisheries and subjected them to the same allocation criteria.*

Unfortunately, what is obvious to many of us around the state is that despite extremely liberal management of personal use fisheries by the BOF, it's still not enough for some personal use fishermen from urban areas who seem more interested in putting their wants over the needs of the resource and fellow fishermen, Alaska consumers, and Alaska communities.

While we do not deny that the personal use fishery is important to many Alaska residents, including some that we represent, please note that giving personal use fisheries priority over other uses of the resource could negatively impact a great many more Alaskans than it will help. Sport and commercial fisheries and the consumers served by the seafood industry, are part and parcel of the 'broad public interest'. Our fisheries provide thousands of jobs and significant economic value to the state overall; for instance, through substantial general fund assessments on seafood landings. The impacts of initiatives like this, which chronically erode commercial fishing access, are felt by ALL of the state's citizens.

**ATA opposes priority status for personal use fisheries and considers such a designation to be contrary to sound resource management; potentially harmful to other Alaskan residents; and, out of sync with the true intent that underpinned establishment of personal use fisheries.**

Thank you for considering ATA's point of view. Please don't hesitate to contact me if I can provide additional information on this or other issues of concern to the commercial fishing industry.

Best regards,



Dale Kelley  
Executive Director

Julie Decker  
Wrangell, AK 99929

Representative Louise Stutes  
Chair, House Fisheries Committee  
State Capitol Room 416  
Juneau AK, 99801  
[Rep.Louise.Stutes@akleg.gov](mailto:Rep.Louise.Stutes@akleg.gov)

**RE: Oppose HB 110, Personal Use Priority**

Dear Chair Stutes and Committee Members,

April 7, 2015

***I respectfully oppose HB 110.*** I am resident of Wrangell, Alaska and have worked in the seafood industry for over 20 years. My fishing business supports not only my family, but supports the workers and tenders of my processor, and the many local maritime support sector businesses.

Under the current ADF&G management plans, personal use already has a priority when there is a shortfall of fish, and to set in statute a personal use priority will reduce ADF&G's ability to manage fisheries. It would also remove the Board of Fisheries ability to set allocations on a case by case basis based on science and public input. The intent of the Board of Fisheries in establishing personal use fisheries is clear in 5ACC 77.001 (4) (b), which states "...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."

I support personal use fisheries (my family participates in personal use fisheries), but on an equal footing with sport and commercial fisheries. ***When there is low abundance, all user groups should share in the responsibly of conservation.***

Establishing a personal use priority will do nothing to ensure run strength or timing, and does not guarantee that fish will be in the rivers when people want to catch them. ***I urge you to leave the prioritization of fishery allocations within the Board of Fisheries, and the sustainable management of fisheries resources within ADF&G.***

Thank you for your service.

  
Julie Decker

## SB42/HB110 Hillstrand Comments

Honorable Senator Cathy Giessel

Chair of the Resources Committee I would like to address Senate bill 42 "priority use for personal use fisheries over commercial fishing".

The Personal Use dip net fisheries has cause many problem at the expense of many people in our State. I request that you eliminate it as a way of fishing in heavily populated areas; returning those areas to sport fishing; and Alaska to the State I remember. Because of the increasing population of residents since 1972, and that the majority can take advantage of the minority.

1. I would like to bring it to the attention of the legislature that Common Use in our Alaska Constitution for fisheries is not applied to all 700,000 residents receiving 6 fish apiece. That Limited entry is not an exclusive right or privilege; shows it is the publics way of participating in the benefit of the resource; available to all, and not locked up forever but transferable.

Just like in the Oil, Timber and Mining Industry once we lease the land to those companies we gave up the individual right for a collective right of taxation for the public to participate in common use of the resources. Residents of Fairbanks can not go and tap Oil off of the pipe line.

That No compensation for permits can be given, contrary and opposite to Eminent Domain in our Alaska Constitution. Which has gone to court and been ruled on. The Attorney General throw out a referendum to eliminate Set netting. This shows the protection for these permits and the original intent of the law. This protected the poor and resident who did not have another source of income.

People have thought since no compensation can be given. "We can just allocate fish away from the commercial Limited Entry Permit Holders" and there is nothing they can do. That is wrong! It protected the LEP forever there is no way it can ever be removed from our Constitution.

What was promised with the no compensation; was that the fisheries be managed for Maximum Sustainable Yield escapements. The benefits were for the Commercial fisher who purchased a permit, boat and gear, that was all that was promise to them. No compensation! Only access to the fish! Commercial fishing is a priority!

That any allocation of fish shall only be amongst the permit holders, not away from them!

The Personal Use fisheries has allocated fish away from the Commercial fisheries and has cause economic stress on the permit holders. This is contrary to the law to prevent economic distress among permit holders. It has also cause excessive fish to escape up the river, a loss of income.

I would like to remind the Commission that there are areas of the State of ALaska that are not Subsistence areas. The law suits and Federal rulings made it clear, yet the State went forward and created the Personal Use fisheries as a disguise to harvest fish as subsistence for people living in Non Rural areas.

It seems that once we purchase a permit we become an enemy of the State! The Resource committee needs to remind the public of the Law. To restore order to our communities, our relationships with our neighbors and honor to the ability to purchase a Limited Entry Permit.

I would highly recommend that any person voting for an allocation away from the commercial salmon fisheries, also own a permit. Than you would know the harm you are causing and feel the stress that we have felt as commercial fishers; with the money we have invested in the State of Alaska's Limited Entry Program.

If you do not own a permit, than you need to exclude your self from voting away allocation from commercial fishing.

David Hillstrand

April 1, 2015

Dear Representative Stutes:

My name is Steve Merritt and I am a commercial fisherman living in Craig, Alaska. I oppose HB 110 which seeks to provide a priority for personal use fisheries second only to subsistence. I do not believe that such a priority is necessary or reflects the true nature of personal use fisheries.

The concern I have with HB 110 is that it undermines the confidence of the Alaskan people in the Board of Fisheries process. When issues develop concerning the sustainability of the fisheries resource in Alaska, I have every confidence that the Board of Fisheries process will handle it fairly and appropriately. Bills of the nature of HB 110 are just selfish attempts to micro manage that process which is world renown as being one of the best.

Ask yourself, why is it necessary for the personal use fishery to be treated on a level equal to that of the subsistence fisheries of this state? My answer is it shouldn't. Subsistence fisheries have been granted highest priority in times of resource shortages, because they are intended to provide the basic necessities of life for rural residents.

Personal use fisheries are not in my opinion anywhere near the importance level of the subsistence fishery. There is no reason what so ever that the personal use fisheries cannot be managed under the 8 allocation criteria standards used by the Board of Fisheries in managing sport, commercial and charter fisheries of Alaska. Will someone starve if their sport bag limit is reduced? No. Commercial fisheries reduced? No. Charter fishery restrictions? No. Personal use limit? No. Subsistence? YES!! So why elevate personal use to a level it truly does not belong?

So in closing I ask you to oppose HB 110 and leave the management of the personal use fisheries in the hands of the Board of Fisheries. This process has proven itself capable and there are not any signs that it is beginning to fail. I urge you to keep your confidence in that process and do not fall prey to the inappropriate belief HB 110 is necessary!! IT is NOT!!

Sincerely,

Steve Merritt  
PO Box 1138  
Craig, Alaska 99921  
District 35

As a resident of Cordova I want to go on record as opposing the passage of SB42. As a resident of Cordova and commercial fisherman since the mid 1970's I am opposed to the passage of the proposed Personal Use Priority Bill SB42. I truly believe that this bill undermines the existing State's already recognized Substance Priority regulation.

- Most Alaskans access fishing resources through commercial harvest.
- All harvesters need to be EQUALLY responsible for the health of Alaska's fishing resources, this includes sharing the burden of conservation.
- **This action pits Alaskans against Alaskans at the expense of our fishing resources.**
- Most personal use harvesters currently have their needs met and PU opportunity, harvest and participation has greatly increased in recent years.

I am a personal uses as well as a substance harvester.

Bob Widmann  
Cordova, AK 99574

John Paul Wiese April 1, 2015  
Cordova AK 99574

Senator Cathy Giessel  
Written Testimony For The Record,  
Address to:  
Senator Giessel, Chair  
And Members of the Senate Resource Committee

#### I OPPOSE SB 42 the Personal Use Priority Bill

I was born in Cordova, AK. In 1957. I am an Alaskan resident and have commercial fished in PWS for over 48 years. My mother and father were also commercial fishermen, who raised there 6 children, working with them on their family fishing operation. Commercial fishing and living a Subsistence lifestyle was and still is a way of life for many coastal communities. I've raised 2 sons who fished with me while growing up. One is a commercial fishermen that lives in Anchorage with his wife and daughter. The other lives in Cordova and works for the ADFG on a research vessel. They both live a Personal Use , Commercial, and subsistence life style by harvesting fish and game to help supplement their income.

Commercial fishing is the main source of income for Cordova and like many other coastal communities, the city, relies on taxes from commercial fishing to operate school and city operations. Our city received 1.4 million in Commercial Fishing business and landing taxes and Commercial Fishing created 4.4 million in resident fish processing wages. Doesn't look like a great time to disrupt a renewable resource while oil revenues are plummeting!

I am a Personal Use, Sport, Commercial and Subsistence user. This bill parts Alaskans against Alaskans, because most Personal Use harvesters have there needs met currently. In Dec. 2015 the BOF gave Personal Use fishermen a 25% increase of fish allocation in Upper Copper river while leaving the Subsistence allocation the same. It is the only place in the state where the Personal Use allocation is higher that the subsistence allocation. How can that make sense when you have a lesser prioritized fishery receiving a larger share than a higher prioritized fishery. Something stinks and I am sure its not the fish! All users groups need to be equally responsible for the health of the Alaskan fishing resources.

The Management Plan now being used by ADFG is working in most places and has been working for many years. The primary goal of the Management Plan is to protect the sustained yield of the states fishery resources while at the same time provide equitable distribution of the available harvest between the various users.

Similar attempts have been made to over-prioritize the Personal Use fisheries have been voted down in the past and is the right thing to do because the Personal Use has really not suffered for its needs.

Senate Bill 42 has the ability to destroy rural communities and their families who depend on commercial fish for a way of life and a major source of income.

PLEASE VOTE NO on SB 42

Thank you for your time:

JOHN P. WIESE



April 6, 2015

**JUNEAU, ALASKA**

Dear Representative Stutes and House Fisheries Committee Members:

Taku Smokeries has been an established seafood processing company located in Juneau, Alaska since 1984. We are writing you to voice our opposition to HB 110 (Personal Use Priority Bill).

Commercial fishermen, their families, and the communities in which processors are located rely on the current well balanced approach that the Alaska Board of Fisheries (BOF) and ADF&G use to manage the seafood resource. We feel HB 110 will create an atmosphere that is not conducive to problem solving but rather increase conflicts with user groups in regards to the allocation of seafood resources through legislative action. The current BOF process takes input from all current users and ADF&G input as well as scientific data to allow controlled harvest of seafood resources. While this BOF process can be frustrating at times for all users it brings all people to the table to discuss the issues and uses sound scientific data to make harvest policies that are implemented by ADF&G. This gives ADF&G the flexibility to manage subsistence, sport, and commercial harvests according to run strength and forecast models in addition to real time data collected in these various fisheries. ADF&G can and has used EO (emergency orders) to close various fisheries if real time data suggests weak or failed returns. Again, flexibility is key to managing these resources using the best scientific data available.

In the commercial seafood business all species and poundage is declared and reported to multiple state and federal agencies, this info is used both for in-season and post season management/assessment. One of the unintended consequences of HB 110 will be expanded resource access, minimal if-any reporting requirements and will result in an increase of wasteful harvests.

Taku Smokeries employs up to 90 employees during the summer months, of that workforce over 70% are Alaska residents. The fish processors across the state of Alaska are vitally important to the communities for jobs, property tax, and fish tax revenue; HB 110 will have a net-negative impact on families and communities in Alaska.

The seafood harvested by a commercial fleet of predominately Alaskan residents is taxed at 3.5% of the value of the seafood. This 3.5% tax goes directly into the general fund of which 50% by legislative action is then returned to the borough in which the seafood is processed. At this time – while the state of Alaska is experiencing a budget crunch due to falling oil prices and production – it would not be in the

550 South Franklin Street  
Juneau, AK 99801  
(907) 463-4617

best interest of Alaskans to pass HB 110, resulting in less revenue going into the general fund from the commercial seafood industry.

Thank you for allowing us the opportunity to voice our concerns against HB 110.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Norman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric R. Norman  
V.P. & General Manager

## Southeast Alaska Fishermen's Alliance

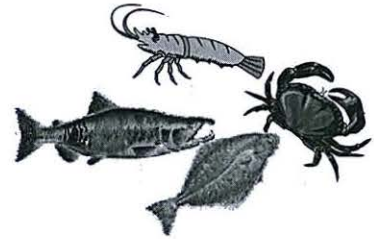
9369 North Douglas Highway  
Juneau, AK 99801

Phone: 907-586-6652

Email: [seafa@gci.net](mailto:seafa@gci.net)

Fax: 907-523-1168

Website: <http://www.seafa.org>



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April 7, 2015

Alaska State Legislature  
House Fisheries Committee  
Representative Louise Stutes, Chair  
State Capitol, Room  
Juneau, AK 99811

RE: Oppose HB 110

Representative Stutes, Chair and House Fisheries Committee Members,

Southeast Alaska Fishermen's Alliance (SEafa) appreciates this opportunity to express our concerns regarding HB 110 which mandates a personal use priority after subsistence. Our association has over 300 members and is comprised of 85% Alaskan residents, who participate in personal use and sport fisheries in addition to their commercial fishing livelihood. Southeast Alaska Fishermen's Alliance has always supported the importance of personal use fisheries to the residents of the State of Alaska as is evidenced by our testimonies to the Board of Fish. However, personal use fisheries also need to have limits and share in the burden of conservation along with commercial and sport fishermen.

**This legislation as written is flawed.** The subsistence priority statute AS 16.05.258 (f) clearly states that the subsistence priority is to provide for a reasonable opportunity. This legislative language mandates development of a personal use priority without any qualification. Further, it does not provide language, as the subsistence priority does, to share the resources with other users. As the Alaska population continues to grow, the language as written will ultimately close commercial and sport fisheries, regardless of the economic harm to the state or local communities, without any express concern over conservation in order to provide a personal use priority.

**This legislation as written severely ties the hands of the Board of Fish preventing their ability to fulfill the obligations listed in AS 16.05.251.** This legislation contradicts with the allocation criteria between commercial, sport and

personal use fisheries As written this legislation creates an elevated right for personal use fishermen, which can very easily be used in court to challenge any allocations that the Board of Fisheries makes in which they feel any restrictions at all during any part of the lifecycle. Clearly this violates fundamental precepts embedded in the Alaska Constitution, regarding Uniform Application, and Common Use.

**Does this legislation even allow the Board of Fish to set limits or develop management plans that include the personal use fisheries?**

**At what point can management decisions affect the personal use fishermen and still allow commercial and sport fisheries to exist?**

**Would ADFG have to stand by and allow a system to fail to meet their management target because a commercial fishery had an opening so therefore the personal use fishery could not be restricted?** In many fisheries it is not possible to allow a commercial fishery to wait until escapement is met and all personal use needs are met because by then the fish have swam past the point a commercial fishery can be conducted. Do we in these situations in order to provide for a personal use priority, forgo economic opportunity and close the commercial and sport fisheries? The current State of Alaska management system is considered superior to all other regions due to the public process through the board of fish and the end mandate for maximum sustained yield provided for in the State Constitution. Are we now going to ignore what has worked and take away the Board of Fish authority to allocate and ADFG flexibility to manage the resource in real time allowing for all users to share in the burden of conservation?

Commercial fishing is an important industry to the State of Alaska ranking third behind Oil & Gas and Federal Government in generating basic economic activity in Alaska with a total economic contribution of \$5.8 billion to Alaska's economic output and over 78,500 jobs. In addition, the raw fish taxes paid into the general fund and shared with the local coastal communities are critical to their economy.

For many residents of coastal Alaska, their only access to our sustainable fishery resources to provide healthy protein to their diet is through the commercial fishery. Is it fair to take away their primary access?

There are allegedly businesses being built to supply, outfit and provide transportation for personal use fisheries. This seems to be in conflict with the original intent during development of the personal use fishery. We believe the original intent of the personal use fishery was to allow Alaskans access to fishery

resources in non-subsistence areas, or access to fisheries with negative C&T findings by providing differential bag limits than non-residents, because it was acknowledged that in many cases these Alaskans were using the resource to provide for their own family consumption.

Thank you for this opportunity to testify on this legislation. If you have any questions about our testimony or points raised in the testimony, please contact the office, we would be glad to provide additional information.

Sincerely,

A handwritten signature in black ink that reads "Kathy Hansen" followed by a long horizontal line extending to the right.

Kathy Hansen  
Executive Director



# UNITED FISHERMEN OF ALASKA

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**Mailing Address:** PO Box 20229, Juneau AK 99802-0229

**Physical Address:** 410 Calhoun Ave Ste 101, Juneau AK 99801

**Phone:** (907)586-2820 **Fax:** (907) 463-2545

**Email:** [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org) **Website:** [www.ufa-fish.org](http://www.ufa-fish.org)

April 2<sup>nd</sup>, 2015

Representative Louise Stutes  
Chair, House Fisheries Committee  
State Capitol Room 416  
Juneau AK, 99801  
[Rep.Louise.Stutes@akleg.gov](mailto:Rep.Louise.Stutes@akleg.gov)

## **RE: OPPOSE HB 110 and SB 42, PERSONAL USE PRIORITY**

Dear Chair Stutes and committee members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. UFA members are also avid personal use, sport, and subsistence harvesters who care about the sustainability of Alaska's fishing resources above all else. The commercial fishing industry in Alaska is made up of small, family-owned businesses, many of which have been operating in the state of Alaska for generations.

**UFA opposes HB 110 and SB 42 the personal use priority bill, which pits Alaskans against Alaskans.** Although the most well-known personal use fisheries are the salmon dipnet fisheries on the Kenai, Kasilof and Chitina, this bill also impacts more than 100 established personal use fisheries throughout the entire state. Personal use fisheries occur from Ketchikan to Norton Sound and include species such as salmon, crab, shrimp, groundfish, scallops and clams.

A personal use priority would trump the existing sport and commercial fisheries that resident Alaskans utilize to help feed their families. Reducing the predominantly resident commercial harvests would also have a negative impact on Alaskan consumer's ability to access the resource. It is important to allow the Board of Fisheries, working with ADF&G, to enact conservation measures based on the facts surrounding an issue, including each user group's impact on a stock of concern.

All Alaskans benefit when ADF&G has the flexibility to manage fishing resources. Adding additional layers to complex management plans can reduce the ability of ADF&G to manage based on run strength, timing and escapement. A personal use priority will help to perpetuate the fish wars and the loser will likely be Alaska's fishing resources. Adopting a priority for a major user group can increase the expectation for harvest which decreases the likelihood of users

taking responsibility for the health of Alaska's fishing resources especially in times of conservation.

### **Sustainability & Statehood**

Alaska's fishery management program is renowned and Alaskan's are recognized worldwide for our commitment to sustainability. While most of the world has lost their historic runs of wild salmon, Alaska shows a remarkable history of restoring salmon runs throughout the state after a long period of decline before Alaska gained statehood.

The guiding issue behind Alaska achieving statehood was commercial salmon harvest. With statehood, Alaska took control over the management of salmon therefore protecting Alaskans' dependence on our most prized renewable resource. Alaska has worked hard to develop our reputation for having the best managed fisheries in the world. Starting at statehood, sustainability was even built into our constitution:

*"Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses (Alaska Constitution, Article 8 - Natural Resources, Section 4, sustained yield)."*

Alaska is the only state to have written such conservation language into its constitution. This attention to sustainability started with salmon and Alaska continues to set the gold standard worldwide for sustainably managed fisheries. In order for Alaska to continue to enjoy sustainable fisheries resources, all of our harvesters must feel responsible for the health of the resource.

### **Pitting Alaskans vs. Alaskans**

Alaska is currently home to over 736,000 people. Residents harvest Alaska's fishing resources either through personal use, sport, commercial or subsistence methods. However, most Alaskans do not have the time, resources or ability to harvest their own fish. The commercial harvesting sector provides the majority of Alaskans with critical access to the resource. This access occurs in fish markets, grocery stores, and restaurants throughout the state.

According to ADF&G data, participation in the Chitina personal use salmon fishery averages about 9–11,000 households and participation in the Upper Cook Inlet Personal Use Fisheries averages approximately 30,000 – 35,500 households. Using the highest estimation and assuming there is no overlap between the two areas by personal use (which is unlikely) the maximum household participation in the three major personal use salmon fisheries is 46,500. Assuming there are five individuals to a household, which would indicate that 232,500 individuals participate in Alaska's three major personal use

fisheries. That leaves over 500,000 Alaskans that access seafood outside of the three major personal use harvest methods.

Alaskans are proud of our deep history as a commercial fishing state. Commercial harvest of salmon has been recorded in Alaska since 1878 and is still a thriving industry today. Commercial fishing permit holders live in 189 communities throughout the state with commercial salmon harvesters living in over 160 communities.

According to the Commercial Fisheries Entry Commission (CFEC): "The percentage of limited entry permits held by Alaska residents continues to remain relatively stable. After 40 years, Alaskans hold nearly 77% of all limited entry permits. At the end of 2013, Alaskans held nearly 11,000 permanent limited entry permits, with rural Alaskans holding more than half of that number."<sup>1</sup>

In Cook Inlet, the resident salmon permit holder percentages for 2014 are as follows: Cook Inlet setnet, 85%; Cook Inlet Drift Gillnet, 73%; and Cook Inlet Seine, 93%. A five-year analysis in Cook Inlet shows that salmon fishery permit holders are increasingly Alaskan. A 10 year analysis of the Cook Inlet commercial fisheries indicate that harvest of sockeye and other salmon species has generally decreased.

**Given most commercial fishing permits and permit holders are Alaskans and most Alaskans access fishing resources through commercial harvest, this bill would take harvest opportunity and access away from Alaskans to give it to other Alaskans without the benefit of a review of the data and a reasonable management and allocation plan. This action will undoubtedly increase tension amongst Alaskans.**

### **Food Security**

The commercial harvesting sector is also comprised of personal use, sport, and subsistence harvesters who depend on a healthy resource in order to feed their families, feed Alaskans, and to make their living. Alaska's seafood is arguably one of the best protein sources in the world. **All Alaskans should be able to access fishing resources either by harvesting themselves, through markets, by ordering in restaurants, or by a combination of these methods as countless Alaskans do. Food security in Alaska can be furthered by ensuring that sport, commercial, and personal use harvesters continue to have equal status.**

Similar to the personal use salmon dipnet fisheries, the commercial harvesting sector is capable of efficiently harvesting Alaska's fishing resources. It is important to Alaska's food security that we are able to sustainably harvest seafood for consumption by residents. The commercial harvesting sector is critical to providing Alaskans with access to the resource, and particularly shelf-

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<sup>1</sup> CFEC Annual Report, 2013/2014 page 7 [http://www.cfec.state.ak.us/annrpts/2013-2014\\_AR.pdf](http://www.cfec.state.ak.us/annrpts/2013-2014_AR.pdf)

stable products such as canned seafood that is produced in many Alaskan-based canneries.

It is also for the maximum benefit of Alaskans that seafood harvested in this state is served in local restaurants and is available in local grocery stores. It is discouraging and disappointing to see imported seafood, including farmed salmon, on store shelves and in restaurants. Alaskans should always be able to find Alaska harvested seafood when shopping or when ordering out.

We urge the legislature to refrain from taking action that would automatically place a higher priority on the harvests of personal use fishermen who have the time, resources and access to Alaska's fishing resources over those who do not. There is reasonable opportunity currently granted for personal use harvest, and most feel that their needs are being met. With salmon, some personal use harvest limits exceed what many Alaskans consider necessary for basic sustenance.

One theme that emerges during personal use discussions is that no Alaskan should have to buy fish. While well-meaning, this statement presents several challenges and ignores the basic scale and scope of Alaska. The majority of Alaskans do not have the access to harvest their own fishing resources, would have to travel great distances, and in many cases Alaskans don't have the equipment to harvest various species of seafood. When it comes to salmon specifically, although some Alaskans can harvest in designated in-river personal use fisheries, other Alaskans choose to utilize charter vessels or harvest outside of designated personal use fisheries such as the sport fishery. A personal use priority would favor those Alaskans that have the ability to harvest in a personal use fishery over those Alaskans who participate in sport fisheries.

### **Reasonable Expectations**

We strongly caution against creating a priority for personal use fisheries, because it will shift allocation and opportunity away from commercial fisheries that provide income to state and local governments, to fisheries that do not. It also would increase the perception of entitlement to fisheries resources that are limited by nature. Sustainability relies on the premise that resources have limits, and setting reasonable expectations helps perpetuate our commitment to sustainability.

There are over 100 personal use fisheries established throughout the state. Personal use fisheries are open to all Alaska residents, with only the requirement to hold a resident sport fishing license and in many cases a personal use permit. It is important to establish reasonable expectations, not create perceived entitlement to personal use fisheries. As the population grows in one area of the state, it is likely that people will travel from areas without personal use fisheries to those that do, as we have already seen in some of the dipnet fisheries. This could pit one region's users against another and would be contrary to the Board of Fisheries intent when establishing personal use fisheries:

5 AAC 77.001 (4) (b)...*"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."*

**Although the original intent was for personal use fisheries to not negatively impact the other uses, we are fully supportive of the continued practice of personal use, sport and commercial fisheries occurring on equal footing.**

Since the time personal use fisheries were established in 1981, Alaska has seen extreme population growth primarily in one area of the state and can expect this trend to continue. Human population impacts on salmon-bearing rivers, tributaries, streams and lakes are currently unknown. If a personal use priority is established over all uses but subsistence, it would place the burden of conservation on the commercial harvesting sector and ultimately the Alaskan consumer who accesses fishing resources through commercial harvest.

A personal use priority would also handcuff the Board of Fisheries in their ability to allocate and would also further tie ADF&G's management of Alaska's fisheries. A personal use priority may also leave many allocative and management decisions open to lawsuit based on a perception of interference with a personal use fishery. We strongly urge the legislature to leave the prioritization of fishery allocations within the Board of Fisheries, and the sustainable management of fisheries resources within ADF&G.

Establishing a personal use priority will not ensure that salmon run upstream on the weekend when the most individuals choose to participate in the three popular salmon dip net fisheries. A personal use priority will not ensure that fish run directly past a personal use fishery or that an individual will be in the right place at the right time to harvest the resource. A personal use priority cannot control run strength or timing. In short, a personal use priority will not guarantee harvest, however it will create the expectation of harvest.

#### **Fisheries Management Decisions**

Alaska's constitutional mandate to manage fisheries for the maximum benefit of its citizens requires careful consideration of the range of benefits that fisheries provide. This includes nutritional needs, history and usage by residents and nonresidents, importance to the economy of the state, region and local area, and recreational opportunity. These factors are considered for each regulatory proposal in the deliberative process of the Board of Fisheries, as well as management decisions of ADF&G.

Among the most important tools that have helped Alaska restore and retain healthy salmon populations are the Board of Fisheries process by which allocative actions are made on a case by case basis based on science and public input, and

real time management by ADF&G based on scientifically established escapement goal ranges.

It is imperative that fisheries management decisions including allocations remain in the Board of Fisheries process. The Board process is deliberative, incorporates science, and is capable of disseminating the views of most users of Alaska's fishing resource. Utilizing the Board process will help ensure that each individual personal use fishery is analyzed and decisions regarding harvest and allocation can be made on a case by case basis instead of using a one-size-fits-all approach.

Thank you for your time and attention to this important issue. Please feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julianne Curry', written in a cursive style.

Julianne Curry  
Executive Director

## Commercial Fishing Permit Holder Data, Cook Inlet Salmon (and statewide)

### Commercial Fishing Permit Holdings

2014	Statewide	Statewide	Cook Inlet Drift Gillnet	Cook Inlet Seine	Cook Inlet Set Net
Permit code	Permit HOLDERS	Total PERMITS	S03H	S01H	S04H
Resident	no data for 2014	15,065	414	78	623
Nonresident	no data for 2015	4,419	155	6	112
Total	no data for 2016	19,484	569	84	735
% Resident	71%	77%	73%	93%	85%

### Commercial Salmon Fishing Permits, Cook Inlet

2013	Statewide	Statewide	Cook Inlet Drift Gillnet	Cook Inlet Seine	Cook Inlet Set Net
Permit code	Permit HOLDERS	Total PERMITS	S03H	S01H	S04H
Resident	9,933	15,406	408	78	622
Nonresident	3,564	4,528	161	5	114
Total	13,497	19,934	569	83	736
% Resident	74%	77%	72%	94%	85%

### Commercial Salmon Fishing Permits, Cook Inlet

2012	Statewide	Statewide	Cook Inlet Drift Gillnet	Cook Inlet Seine	Cook Inlet Set Net
Permit code	Permit HOLDERS	Total PERMITS	S03H	S01H	S04H
Resident	9,975	15,712	409	77	619
Nonresident	3,562	4,593	160	6	117
Total	13,537	20,305	569	83	736
% Resident	74%	77%	72%	93%	84%

### Commercial Salmon Fishing Permits, Cook Inlet

2011	Statewide	Statewide	Cook Inlet Drift Gillnet	Cook Inlet Seine	Cook Inlet Set Net
Permit code	Permit HOLDERS	Total PERMITS	S03H	S01H	S04H
Resident	10,007	15,623	409	77	609
Nonresident	3,613	4,670	160	6	127
Total	13,620	20,293	569	83	736
% Resident	73%	77%	72%	93%	83%

### Commercial Salmon Fishing Permits, Cook Inlet

2010	Statewide	Statewide	Cook Inlet Drift Gillnet	Cook Inlet Seine	Cook Inlet Set Net
Permit code	Permit HOLDERS	Total PERMITS	S03H	S01H	S04H
Resident	9,963	15,592	407	75	604
Nonresident	3,632	4,682	162	7	132
Total	13,595	20,274	569	82	736
% Resident	73%	77%	72%	91%	82%

Data compiled from CFEC

	2014	2013	2012	2011	2010
Active Resident Permits	15,065	15,406	15,712	15,623	15,592
Active Nonresident Permits	4,419	4,528	4,593	4,670	4,682

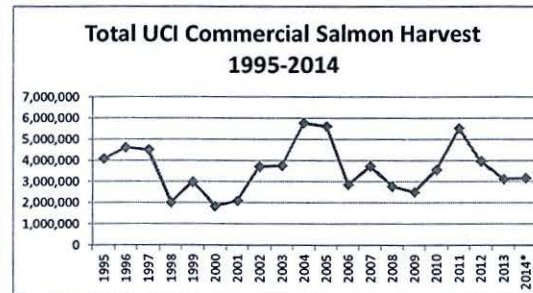
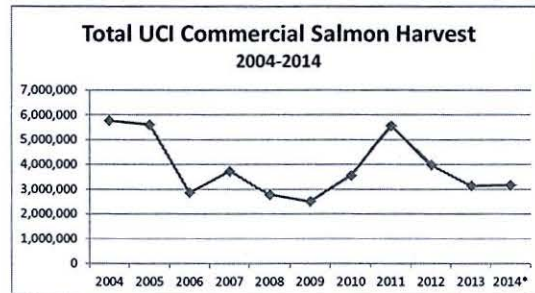
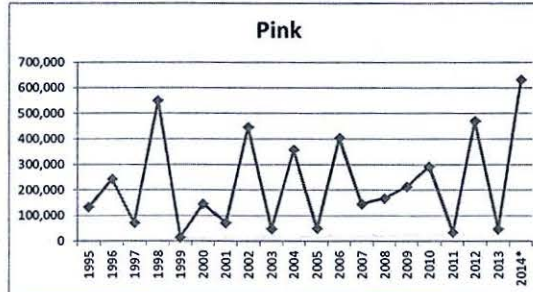
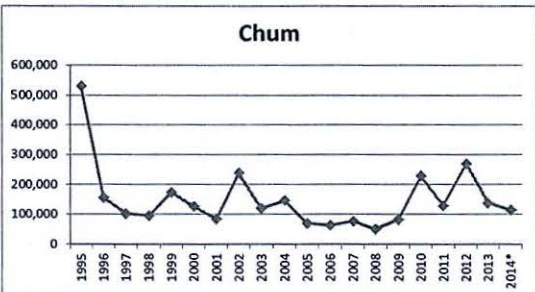
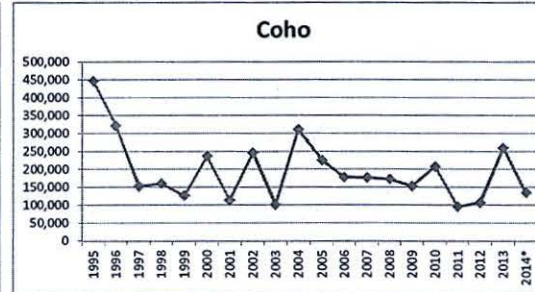
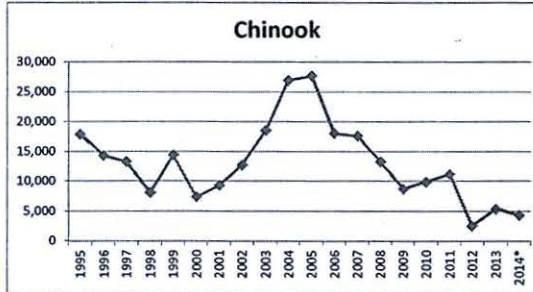
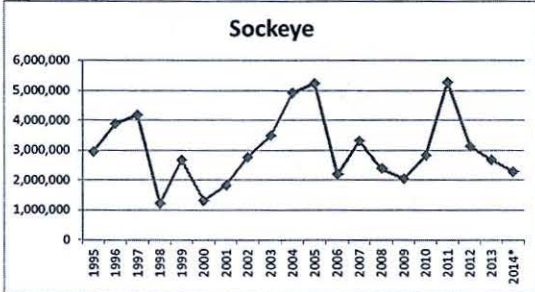
<http://www.cfec.state.ak.us/pstatus/14052014.htm>

Permit HOLDERS

<http://www.cfec.state.ak.us/gpbycen/2013/MenuStat.htm>

Upper Cook Inlet Commercial Salmon Harvest, ADF&G Data

Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014*
Chinook	17,893	14,306	13,292	8,124	14,383	7,350	9,295	12,714	18,503	26,922	27,667	18,029	17,625	13,333	8,750	9,900	11,248	2,526	5,398	4,331
Sockeye	2,952,096	3,888,922	4,176,995	1,219,517	2,680,518	1,322,482	1,826,851	2,773,118	3,476,161	4,927,084	5,238,699	2,192,730	3,316,779	2,380,135	2,045,794	2,828,342	5,277,995	3,133,803	2,683,224	2,291,725
Coho	447,130	321,668	152,408	160,688	126,105	236,871	113,311	246,281	101,756	311,058	224,657	177,853	177,339	171,869	153,210	207,350	95,291	106,775	260,963	134,232
Pink	133,578	242,911	70,945	551,737	16,176	146,482	72,560	446,960	48,789	357,939	48,419	404,111	147,020	169,368	214,321	292,706	34,123	469,598	48,275	632,289
Chum	529,428	156,520	103,036	95,704	174,554	127,069	84,494	237,949	120,767	146,165	69,740	64,033	77,240	50,315	82,811	228,863	129,407	269,733	139,365	115,094
Total	4,080,125	4,624,327	4,516,403	2,034,940	3,011,516	1,840,254	2,106,492	3,717,022	3,765,976	5,769,168	5,609,182	2,856,756	3,736,003	2,785,020	2,504,886	3,567,161	5,548,064	3,982,435	3,137,225	3,177,671





**Cordova District Fishermen United**  
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April 6, 2015

Representative Louise Stutes  
Chair, House Fisheries Committee  
State Capitol Room 416  
Juneau, AK 99801-1182

**Re: OPPOSE HB 110 – Personal Use Fishing Priority**

Dear Chairman Stutes and Committee Members:

I am writing on behalf of the Cordova District Fishermen United Board of Directors, our membership and their families to oppose HB 110 – “Personal Use Fishing Priority”.

CDFU has been the voice of commercial fishermen since 1935 and currently represents over 800 fishing families in the Prince William Sound and Copper River region of Alaska. It is our mission to preserve, promote and perpetuate the commercial fishing industry and fishing resources of our region for the mutual benefit of both current and future generations of fishermen. The majority of our members are Alaskans living in Cordova, a small coastal Alaska community whose economy depends almost entirely on the commercial salmon industry. It is our position that HB 110 is not a bill that serves the best interests of all Alaskans.

The general understanding of the state’s commercial fisheries appears nearsighted with focus only on the number of harvesters. Yet that number does not illustrate the true impacts of Alaskans whose livelihoods are connected to commercial fishing, it includes all families throughout the industry, folks employed in supporting businesses and tax contributions to community infrastructure, urban and rural. Equally numerous and also overlooked are the urban Alaskan consumers whose access to Alaska’s sustainable natural resources depend on healthy commercial fisheries, illustrating that not all Alaskans are Personal Use participants.

Alaska has set the world standard for sustainable management of its fishery resources and has achieved a delicate balance that provides opportunity and access for a multitude of users. It has done so through the establishment of a unique multi-tier system of management that delegates authority to make allocation and management decisions that **ensure the health and vitality of our fishery resources for maximum benefit of Alaska.**

When the Alaska legislature established the Board of Fisheries (BOF), it granted the authority to manage allocation of Alaska’s fishery resources among all users. The Board makeup includes a panel of Alaskan representatives chosen based on their ability to represent all fishery user groups and make balanced decisions using sound judgment. The BOF has the authority and expertise to make decisions in the best interest of the State of Alaska to protect, preserve and develop Alaska’s fishery resources.

The Copper River, as an example, is a unique area in which the Personal Use fishery occurs before both Federal and State Subsistence fisheries. The BOF has taken this situation into consideration in allocation decisions and development of the Commercial and Personal Use management plans. **It is our concern that HB 110 attempts to undermine that authority and dismantle this balance.**



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CDFU respects the importance and value of Personal Use fisheries in the state of Alaska, however feels it significant to point out why this special category was originally developed. In 1982 under statutory authority, the BOF developed language to provide a special opportunity for Alaska residents to harvest salmon *when surplus fish stocks were available and "...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"*. Since this time, Personal Use fisheries have evolved into an important part of the Alaskan lifestyle affording residents significant opportunity to supplement food they purchase at the store with locally harvested seafood.

Our organization does not believe that Personal Use fisheries should be managed with any degree of priority over Alaska's long established and economically significant Commercial and Sport fisheries. Commercial, Personal Use & Sports fisheries EQUALLY provide Alaska and its residents economic opportunity and food security. ***The need for all users to share in the conservation burden to ensure our fishery resources are sustainable into the future is lost in the fever of the moment. Throughout our history we have managed to work together to address the health of the resource as the priority and THIS has allowed for maximum opportunity for ALL Alaskans over time.***

Both Commercial and Sport fisheries are economically significant to Alaska. These fisheries create jobs. They stimulate Alaska's economy. They bring small communities to life, and support thousands of families across the State. The proposed legislation attempts to circumvent the existing priority classification structure, the significance of which dilutes the state's recognized Subsistence priority.

Legislative intervention is unnecessary and only serves to disrupt well-established and effective fishery management systems already in place. This is a solution looking for a problem and we urge this committee to leave the authority of fishery allocation and regulatory decisions within the Board of Fisheries and preserve the ADF&G system of science-based management.

Sincerely,

Alexis Cooper  
Executive Director

CC: *Senator Gary Stevens*  
*Commissioner Sam Cotten*  
*House Fisheries Committee*