

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECTS 8672

359 SCOM10: LOCAL GOVERNMENT STUDY 1979

HERRING FISHERY

(c) The mesh size of a herring gill net may not be less than 2-1/8 inches nor more than 2 1/2 inches, except that in registration areas T, W, and Q the maximum mesh size may not exceed three inches.

Authority: AS 16.05.251(a),(2),(4),(7)

5 AAC 27.055. PERMITS FOR HERRING SPAWN. The taking of herring spawn for commercial purposes may be conducted under the terms of a permit issued by the commissioner or his authorized representative, unless otherwise provided in secs. 100-990 of this title.

Authority: AS 16.05.251(a)(2),(3),(4),(7),(10),(11)

5 AAC 27.070. REGISTRATION AND INSPECTION DOCUMENTS. (a) A vessel being registered for a registration area under sec. 20 of this chapter, if the necessary information is provided and the vessel is otherwise in compliance with the regulations of this title, must be issued a registration certificate after the owner or his authorized agent complete registration forms available from the local representative of the department. The registration certificate must be signed by the registrant, kept immediately available at all times during fishing operations by the vessel operator and shown upon request to any authorized representative of the department.

(b) A vessel landing herring in a registration area other than the area for which the vessel is validly registered at the time under the authorization in sec. 30 (b) of this chapter shall attach the registration certificate to the department copy (yellow copy) of the fish ticket at the time the herring are landed. In order to become registered again for any registration area the vessel owner or operator must comply with (a) of this section and sec. 20 of this chapter.

Authority: AS 16.05.251(a)(4),(12)
AS 16.05.690

ARTICLE 3. PROHIBITIONS.

5 AAC 27.090. UNLAWFUL POSSESSION OF HERRING OR HERRING GEAR. (a) It is unlawful for any person to possess unprocessed herring aboard a vessel licensed as a commercial fishing vessel within any registration area unless the vessel is registered for the area (except on vessels used with beach seines and set gill nets) and the season is open, or unless the person is acting under the authorization of sec. 30 (b) of this chapter. This prohibition does not apply to herring possessed for subsistence or personal bait purposes if otherwise consistent with applicable regulations.

(b) It is unlawful for any person to possess aboard a vessel licensed as a commercial fishing vessel within any registration area any herring or any gear used in the taking of herring, if the herring or herring gear are prohibited by other regulations in this chapter governing the registration area. If a vessel is acting under the authorization of sec. 30 (b) of this chapter, that vessel is governed by the regulations of the area for which it is registered at the time.

(c) It is unlawful for any person to possess, purchase, sell, barter or transport herring within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that that herring was taken or possessed in contravention of the regulations of this chapter.

Authority: AS 16.05.251(a)(4),(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

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5 AAC 27.092. UNLAWFUL ACTS WITHIN AN ADJACENT SEAWARD BIOLOGICAL INFLUENCE ZONE. It is unlawful for any person to take, attempt to take, cause to be taken, or possess herring, or to operate, attempt to operate or cause to be operated any vessel or gear or to possess any gear or to take, attempt to take, cause to be taken, or fail to take any action, in violation of sec. 10(b) of this chapter.

Authority: AS 16.05.251(a)(4), (7), (10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 27.096. VIOLATION OF REPORTING REQUIREMENTS. (a) It is unlawful for any person to file a fish ticket representing the catch governed by the fish ticket as having been taken in a particular statistical area when in fact the catch or part of the catch were taken in another statistical area.

(b) It is unlawful to file any fish ticket containing information which has been purposely falsified.

Authority: AS 16.05.251(a)
AS 16.05.690
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 27.097. VIOLATION OF LANDING REQUIREMENT. It is unlawful for any vessel acting under the authorization of sec. 30 (b) of this chapter to land an amount of herring, 10 percent or greater or less than the amount stated under sec. 30 (c) of this chapter.

Authority: AS 16.05.251(a)(4), (10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 27.098. VIOLATION OF REGULATIONS. It is unlawful for any person to violate any of the regulations of this chapter.

Authority: AS 16.05.020
AS 16.05.060
AS 16.05.251
AS 16.05.690
AS 16.05.720
AS 16.05.900
AS 16.05.920

ARTICLE 4. STATISTICAL AREA A;

SOUTHEASTERN ALASKA AREA.

5 AAC 27.100. DESCRIPTION OF STATISTICAL AREA. Statistical area A has as its western boundary a line extending south from Cape Fairweather and as its southern boundary a line extending west from the International Boundary at Dixon Entrance.

Authority: AS 16.05.251(a)(2)

5 AAC 27.105. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 33.200.

Authority: AS 16.05.251(a)(2)

5 AAC 27.110. FISHING SEASONS. (a) Herring may be taken from October 1 through February 28 in the following districts and sections: 1,2,3,4,5,6,7,8,9,10,11-B,11-

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C, 12, 13-A, 13-B south of the latitude of Goddard Hot Springs, 13-C, 14, 15-A and 16 except for locations within these districts set forth in (b) of this section. Herring may be held alive in pots or pounds in these areas as specified in permits issued by the commissioner pursuant to sec. 180 of this chapter.

(b) Herring fishing seasons will be established by emergency order in the following districts and sections:

(1) in the purse seine fishery herring may be taken in the following sections:

- (A) section 11-A, north of the Shrine of St. Therese;
- (B) section 11-D;
- (C) section 13-B, north of the latitude of Goddard Hot Springs;
- (D) section 15-C;

(2) in the set gill net fishery herring may be taken in the following districts and sections:

- (A) section 1-F, only that portion between Point Sykes and Foggy Point to a distance two nautical miles from the shore;
- (B) district 2, only the water of Kasaan Bay;
- (C) section 11-A, only the water north of the Shrine of St. Therese;
- (D) sections 15-B and 15-C.

(c) There is no closed season on herring taken by an individual for subsistence purposes or for his own use as bait, except that commercially licensed herring vessels may not be used to take herring for personal use from March 15 through June 15 in the locations set forth in (b) of this section.

(d) Herring fishing seasons for herring pounds are as follows:

(1) in district 6, only the water of Scow Bay north of the latitude of Mountain Point and south of the latitude of Blunt Point, from January 1 until a closing date made by emergency order;

(2) in district 10, only the water of Farragut Bay, from January 1 until a closing date made by emergency order;

(3) in section 11-A, the following areas are opened and closed by emergency order:

- (A) Tee Harbor, south of the latitude of Point Stephens;
- (B) Indian Cove, inside a line from Indian Point to a point at $58^{\circ} 22' 5''$ N. lat., $134^{\circ} 42' 18''$ W. long.;

(4) in the following districts and sections from September 1 through March 31 unless closed earlier by emergency order:

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(A) district 1;

(B) district 2;

(C) district 3;

(D) district 4;

(E) district 5;

(F) district 6, excluding waters of Wrangell Narrows;

(G) district 7;

(H) district 8;

(I) district 9;

(J) district 10, excluding waters of Farragut Bay;

(K) district 11, excluding waters of Tee Harbor south of the latitude of Point Stephens and Indian Cove inside a line from Indian Point to a point at 58° 22' 35" N. lat., 134° 42' 18" W. long.;

(L) district 12;

(M) district 13;

(N) district 14;

(O) district 15;

(P) district 16.

Authority: AS 16.05.060

AS 16.05.251(a)(2),(4),(12)

5 AAC 27.130. GEAR. (a) Herring may be taken during the open season by purse seines, trawls and gill nets, except that trawls may only be used from October 1 through February 28.

(b) Herring pounds may be used under the terms of a permit issued by the commissioner.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.131. GILL NET SPECIFICATIONS AND OPERATION. (a) Not more than 100 fathoms of herring gill net in the aggregate, may be operated from any licensed fishing vessel, except that no more than 50 fathoms may be operated during fishing periods specified by emergency order for the reduced gear. No single herring gill net may exceed 50 fathoms in length at any time.

(b) Herring gill nets must be set with an anchor at each end.

(c) Each set gill net in operation must be buoyed at both ends and each buoy shall be plainly and legibly marked with the permanent vessel plate number (ADF&G number) of the vessel fishing the gear.

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(d) No herring gill net may be reset after an announced closing time and no herring set gill net may remain in the water four hours after the closing time.

Authority: AS 16.05.060

AS 16.05.251(a)(2),(4),(5),(12)

5 AAC 27.132. SEINE SPECIFICATIONS AND OPERATION. (a) No herring purse seine may be more than 200 fathoms in length.

(b) No herring purse seine may be more than 1700 meshes in depth from March 1 through June 30.

(c) A purse seine is considered to have ceased fishing when all the rings are out of the water.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.150. WATER CLOSED TO HERRING FISHING. (a) Herring may not be taken in Wrangell Harbor inside a line from the southwest point of the Alaska Wood Products, Inc. wharf to the light on Shekesti Point.

(b) Herring may not be taken by beach seine on any herring spawning grounds except for personal use as bait as provided in sec. 110(c) of this chapter.

(c) Wrangell Narrows is closed to herring purse seining between the latitude of Blunt Point and the longitude of Prowley Point light.

(d) Herring may not be taken in section 1-E west of a line from Point Francis to Tatoosh Island to Caamano Point.

(e) Herring may not be taken in Pybus Bay north and west of a line from Point Pybus to the southern tip of Elliott Island and north of the latitude of the southern tip of Elliott Island.

(f) Herring may not be taken in Gambier Bay north of the latitude of Gambier Point light.

(g) Herring may not be taken in any water of Favorite Bay.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.160. QUOTAS. (a) The combined set gill net and purse seine guideline harvest level for the following fishing districts and sections is 3000 tons:

(1) section 1-F, only that portion lying between Black Island and Foggy Point to a distance of two nautical miles from the shore;

(2) district 2, only the water of Kasaan Bay;

(3) section 11-A, north of the Shrine of St. Therese;

(4) section 11-D;

(5) section 13-B, only the water north of the latitude of Goddard Hot Springs;

(6) section 15-A, only the water of Chilkoot Inlet north of the latitude of Seduction Point;

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(7) section 15-B;

(8) section 15-C.

(b) The herring catch quota for herring pounds in section 11-A is 120 tons with 60 tons to be taken in Tee Harbor and 60 tons to be taken in Indian Cove.

(c) The herring catch quota for herring pounds in Farragut Bay is 100 tons.

(d) The herring catch quota for herring pounds in Scow Bay is 100 tons.

(e) The herring catch quota for herring pounds in each of the following districts or portions of thereof is 100 tons except as otherwise provided in this section:

(1) district 1;

(2) district 2;

(3) district 3;

(4) district 4;

(5) district 5;

(6) district 6, excluding water of Wrangell Narrows;

(7) district 7;

(8) district 8;

(9) district 9;

(10) district 10, excluding water of Farragut Bay;

(11) district 11, excluding water of Tee Harbor south of the latitude of Point Stephens and Indian Cove inside a line from Indian Point to a point at 58° 22' 35" N. lat., 134° 42' 18" W. long.;

(12) district 12;

(13) district 13;

(14) district 14;

(15) district 15;

(16) district 16.

Authority: AS 16.05.251(a)(2),(3)

5 AAC 27.180. PERMITS FOR HERRING POUNDS. (a) Herring pound operators shall obtain a permit issued by the commissioner before April 1 for the water specified in sec. 110(d)(1)-(3) of this chapter, and before September 1 for the water specified in sec. 110(d)(4) of this chapter.

(b) No person operating a herring pound in that water listed in sec.

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110(d)(1)-(3) of this chapter may sell, offer to sell, or otherwise enter into or authorize a commercial transaction for the disposition of herring taken from that pound if he knows or has reason to know that such herring will be used for other than fresh bait purposes.

(c) No person may transport herring taken from a pound in that water listed in sec. 110(d)(1)-(3) of this chapter for delivery to another party if he knows or has reason to know that that herring will be used for other than fresh bait purposes.

(d) The commissioner may attach to a permit issued under this section for herring pounds operating in that water listed in sec. 110(d)(1)-(3) of this chapter any conditions he considers necessary with respect to any aspect of the pound operation in order to preclude or render impractical the use of herring taken by that pound for other than fresh bait purposes. The commissioner may revoke a permit issued under this section for failure to comply with the conditions attached to it.

Authority: AS 16.05.251(a)(2), (4), (6), (10), (12)

ARTICLE 5. STATISTICAL AREA D;

YAKUTAT AREA.

5 AAC 27.200. DESCRIPTION OF STATISTICAL AREA. Statistical area D has as its western boundary a line extending south from Cape Suckling and as its southern boundary a line extending west from Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 27.205. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 30.200.

Authority: AS 16.05.251(a)(2)

5 AAC 27.210. FISHING SEASON. Herring may be taken from October 1 through February 28.

Authority: AS 16.05.251(a)(2)

5 AAC 27.230. GEAR. Herring may be taken by purse seines, gill nets and trawls.

Authority: AS 16.05.251(a)(4)

ARTICLE 6. STATISTICAL AREA E;

PRINCE WILLIAM SOUND AREA.

5 AAC 27.300. DESCRIPTION OF AREA. Statistical area E has as its western boundary a line extending south from Cape Fairfield, as its eastern boundary a line extending south from Cape Suckling and as its southern boundary 59° N. lat.

Authority: AS 16.05.251(a)(2)

5 AAC 27.305. FISHING DISTRICTS, SUBDISTRICTS, AND SECTIONS. (a) General district: all water of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling, exclusive of the Montague district and the Northern district as defined in (b) and (c) of this section.

(b) Montague district: all water encompassed by a line beginning at a point at 60° 35' N. lat., 146° 58' 30" W. long., then southeasterly to a point at 60° 09' 30" N. lat., 146° 42' W. long., then southwesterly to a point at 59° 46' N. lat., 147° 40' W. long., then westerly to a point at 59° 46' N. lat., 148° 04' W. long., then northerly to a point at 60° 15' 30" N. lat., 147° 32' W. long., then northerly to the point of beginning.

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(c) Northern district: all water encompassed by a line from a point on Knowles Head at 60° 42' N. lat., 146° 40' W. long., then west to a point at 60° 42' N lat., 146° 58' 30" W. long., then north to a point at 60° 50' N. lat., 146° 58' 30" W. long., then north to a point at 60° 50' N. lat., 146° 58' 30" W. long., then west to a point at 60° 50' N. lat., 147° 20' W. long., then north to a point on the mainland at 60° 53' 45" N. lat., 147° 20' W. long.

Authority: AS 16.05251(a)(2)

5 AAC 27.310. FISHING SEASONS. (a) Herring may be taken from October 1 through February 28 in the General district. In the Montague district and Northern district, herring fishing seasons will be established by emergency order. During the period from July 1 through October 1, Herring may not be taken in any water closed throughout the year to salmon fishing.

(b) The opening and closing dates for the herring spawn on kelp fishery will be made by emergency order.

(c) The opening and closing dates for taking herring or herring spawn on kelp in pounds will be established by emergency order.

Authority: AS 16.05.060

AS 16.05.251(a)(2),(11)

5 AAC 27.330. GEAR. (a) Herring may be taken only by purse seines from March 1 through June 30; herring pounds may be used north and east of a line from Porcupine Point to Point Freemantle under permit conditions specified in sec. 380 of this chapter.

(b) Herring spawn on kelp may be taken by hand cutting as specified in sec. 333 of this chapter.

Authority: AS 16.05.251(a)(2),(43),(11)

5 AAC 27.331. GILL NET SPECIFICATIONS AND OPERATION. Not more than 150 fathoms of herring gill net, in the aggregate, may be operated from any licensed fishing vessel from October 1 through February 28.

Authority: AS 16.05.251(a)(4)

5 AAC 27.332. SEINE SPECIFICATIONS AND OPERATION. No purse seine may be more than 1,000 meshes in depth and more than 150 fathoms in length from March 1 to June 30.

Authority: AS 16.05.251(a)(4)

5 AAC 27.333. KELP HARVEST SPECIFICATIONS AND OPERATION. Herring spawn on kelp may be harvested by a hand-held unpowered blade-cutting device. Kelp plant blades must be at least four inches above the stipe (stem).

Authority: AS 16.05.251(a)(4),(11)

5 AAC 27.350. WATERS CLOSED TO HERRING FISHING. The Northern district is closed to herring fishing north and east of a line from Porcupine Point to Point Freemantle from April 1 through April 30, except that this restriction does not apply to the use of herring pounds under the terms of a permit issued under sec. 380 of this chapter.

Authority: AS 16.05.251(a)(2)

5 AAC 27.360. GUIDELINE HARVEST LEVELS. (a) The guideline harvest level is 5000 tons during the period March 1 through June 30.

(b) The guideline harvest level for herring spawn on kelp is 200 tons.

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(c) The guideline harvest level for herring spawn on kelp in herring pounds in the water north and east of a line from Porcupine Point to Point Freemantle is eight tons.

Authority: AS 16.05.251(a),(2)(3)

5 AAC 27.380. PERMITS. (a) In the herring spawn on kelp fishery, permits are required as follows:

(1) harvest permits must be obtained by each fisherman before commercial fishing;

(2) harvest permits may not be transferred to another person;

(3) harvest permits must be in the possession of the permittee and be readily available for inspection while the permittee is in possession of herring spawn on kelp.

(b) Herring pound operators must obtain a permit issued by the commissioner with the area of operation specified on the permit and with the following permit conditions;

(1) herring must be released after spawning and pounds must stay in place until the herring eggs attached to the pound structure have hatched;

(2) the size of each pound must be specified by the permit;

(3) the method of capture and retainment, and other guidelines determined by the commissioner, in his discretion, to be necessary for the conservation and management of herring and the public health, safety and general welfare may be specified by the permit;

(4) the permit must specify locations from which kelp may be taken or transplanted for use in a pound as a substrate for the production of herring spawn on kelp.

Authority: AS 16.05.251(a)(2),(3),(4),(7),(11)

ARTICLE 7. STATISTICAL AREA H;

COOK INLET AREA.

5 AAC 27.400. DESCRIPTION OF STATISTICAL AREA. Statistical area H has as its eastern boundary extending south from Cape Fairfield and as its southern boundary a line extending east from Cape Douglas at 58° 52' N. lat.

Authority: AS 16.05.251(a)(2)

5 AAC 27.405. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 21.200.

Authority: AS 16.05.251(a)(2)

5 AAC 27.410. FISHING SEASONS. (a) Herring may be taken in the Northern and Central district from April 15 to June 30.

(b) Herring may be taken in the Eastern, Outer, Southern and Kamishak Bay districts from July 1 through February 28. During the period April 15 to June 30 the fishery will be opened and closed by emergency order.

Authority: AS 16.05.060

AS 16.05.251(a)(2)

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5 AAC 27.430. GEAR. (a) In the Southern, Outer, Eastern and Komishak Bay districts herring may be taken only by purse seines from April 15 to June 30, and by seines, gill nets and trawls from July 1 through February 28.

(b) In the Northern and Central districts herring may be taken only by gill nets from April 15 to June 30, except that in the Chinitna Bay subdistrict herring may only be taken by set gill nets.

(c) Herring pounds may be used from October 1 through April 15 under terms of a permit secured from the commissioner, or his authorized representative.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.431. GILL NET SPECIFICATIONS AND OPERATION. (a) No herring set gill net may exceed 35 fathoms in length. Each fisherman is allowed to operate 105 fathoms of set gill net in the aggregate.

(b) No person may operate a herring drift gill net that is more than 150 fathoms in length.

Authority: AS 16.05.251(a)(4)

5 AAC 27.432. SEINE SPECIFICATIONS AND OPERATION. During the period April 15 to June 30, no purse seine may be more than 1000 meshes in depth or more than 150 fathoms in length.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.434. IDENTIFICATION OF GEAR. Set gill nets used for taking herring must have a keg or buoy at one end and must be plainly and legibly marked with both the permanent department registration number and the initials of the operator.

Authority: AS 16.05.251(4),(5)

5 AAC 27.435. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No set gill net may be placed or operated within 600 feet of another set gill net, except that this provision does not apply in the Chinitna Bay subdistrict.

Authority: AS 16.05.251(4)

5 AAC 27.450. WATERS CLOSED TO HERRING FISHING. (a) Herring may not be taken in any waters listed in 5 AAC 21.350. (a)-(c).

(b) Herring may not be taken in the Resurrection Bay small boat harbor from April 16 through September 30.

Authority: AS 16.05.251(a)(2)

5 AAC 27.460. GUIDELINE HARVEST LEVELS. During the period April 15 through June 30 the guideline harvest level for herring is 4,000 tons.

Authority: AS 16.05.251(a)(2),(3)

ARTICLE 8. STATISTICAL AREA K;

KODIAK AREA.

5 AAC 27.500. DESCRIPTION OF AREA. Statistical area K has as its northern boundary a line extending east from Cape Douglas at 58° 52' N. lat., as its western boundary a line extending south from Cape Kumlik, as its southern boundary 55° N. lat., and as its eastern boundary 150° W. long.

Authority: AS 16.05.251(a)(2)

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5 AAC 27.505. DESCRIPTION OF DISTRICTS. Districts are described as in 5 AAC 18.200.

Authority: AS 16.05.251(a)(2)

5 AAC 27.510. FISHING SEASONS. Herring may be taken from May 1 through February 28.

Authority: AS 16.05.251(a)(2)

5 AAC 27.530. GEAR. Herring may only be taken by seines, gill nets and trawls, except that trawls may not be used to take herring from May 1 through June 30 in the Sturgeon River, Karluk, Uyak Bay, Uganik Bay and Afognak districts.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.531. GILL NET SPECIFICATIONS AND OPERATION. During the period May 1 through June 30, the aggregate length of herring gill nets in use by any herring interim-use or entry permit holder may not exceed 300 fathoms, and no single herring gill net may exceed 150 fathoms in length.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.532. SEINE SPECIFICATIONS AND OPERATION. During May 1 through June 30 no purse seine may be more than 1,000 meshes in depth or more than 150 fathoms in length.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.550. WATER CLOSED TO HERRING FISHING. During the period June 12 through October 31, herring may not be taken in the water listed in 5 AAC 18.350 and in the water described in 5 AAC 39.290.

Authority: AS 16.05.251(a)(2)

5 AAC 27.560. GUIDELINE HARVEST LEVELS. The annual guideline harvest level is 15,000 tons. During the period May 1 through June 30, guideline harvest levels are as follows:

(1) Sturgeon River, Karluk, Uyak Bay, Uganik Bay and Afognak districts: 800 tons;

(2) General, Alitak Bay and Red River districts: 800 tons;

(3) Kukak section of the Mainland district: 400 tons;

(4) Wide Bay, Cape Igvak, Alinchak and Dakavak sections of the Mainland district: 400 tons.

Authority: AS 16.05.251(a)(2),(3)

ARTICLE 9. STATISTICAL AREA M

SOUTH PENINSULA, ALEUTIAN ISLANDS AREA

5 AAC 27.600. DESCRIPTION OF AREA. Statistical area M has as its eastern Pacific Ocean boundary a line extending south from Cape Kumlik, as its western boundary 172° E. long., and as its northern boundary in the Bering Sea 54° 36' N. lat.

Authority: AS 16.05.251(a)(2)

5 AAC 27.605. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 09.200 (c)-(f), 5 AAC 12.200 and 5 AAC 15.200 (b)-(e)

Authority: AS 16.05.251(a)(2)

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5 AAC 27.610. FISHING SEASONS. There is no closed season on herring.

Authority: AS 16.05.251(a)(2)

5 AAC 27.650. WATER CLOSED TO HERRING FISHING. (a) East of the longitude of Scotch Cap herring may not be taken from June 1 through September 30 in any waters closed to salmon fishing.

(b) West of the longitude of Scotch Cap herring may not be taken from May 1 through September 30 in any waters closed to salmon fishing.

Authority: AS 16.05.251(a)(2)

ARTICLE 10. STATISTICAL AREA N;

NORTH PENINSULA AREA.

5 AAC 27.700. DESCRIPTION OF STATISTICAL AREA. Statistical area N has as its Bering Sea southern boundary 54° 36' N. lat., and as its northern boundary a line extending west from Cape Menshikof, and as its western boundary the International Date line in the Bering Sea.

Authority: AS 16.05.251(a)(2)

5 AAC 27.705. DESCRIPTION OF DISTRICTS. (a) The Southern district consists of all waters of statistical area N south of 56° N. lat.

(b) The Northern district consists of all water of Alaska north of 56° N. lat.

(c) The General district consists of all water of statistical area N not described in (a) and (b) of this section.

Authority: AS 16.05.251(a)(2)
AS 16.10.190

5 AAC 27.710. FISHING SEASONS. (a) In the Northern district herring may be taken from May 1 through June 30.

(b) In the Southern district there is no closed season on herring.

Authority: AS 16.05.251(a)(2)

5 AAC 27.730. GEAR. (a) In the Northern district herring may be taken only by purse seines and gill nets.

(b) In the Southern district herring may be taken by purse seines, gill nets, and trawls.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 27.750. WATERS CLOSED TO HERRING FISHING. (a) Herring may not be taken from June 1 through September 30 in any waters of Alaska closed to salmon fishing.

(b) The General district is closed to herring fishing.

Authority: AS 16.05.251(a)(2)
AS 16.10.190

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ARTICLE 11. STATISTICAL AREA T;

BRISTOL BAY AREA.

5 AAC 27.800. DESCRIPTION OF STATISTICAL AREA. Statistical area T has as its southern boundary a line extending west from Cape Menshikof and as its northern boundary a line extending west from Cape Newenham, and as its western boundary the International Date Line in the Bering Sea.

Authority: AS 16.05.251(a)(2)

5 AAC 27.805. FISHING DISTRICTS. (a) The Togiak district consists of all water of Alaska between the longitude of Cape Constantine and the longitude of Cape Newenham.

(1) Kulukak section: all water between the longitude of Right Hand Point and the longitude of Cape Constantine;

(2) Nunavarchak section: all water between the longitude of Right Hand Point and the longitude of Rocky Point;

(3) Togiak section: all water between the longitude of Rocky Point and the longitude of Tongue Point;

(4) Hagemeister Strait section: all water between the longitude of Tongue Point and the longitude of Cape Newenham.

(b) The Bay district consists of all water of Alaska area not described in (a) of this section.

(c) The General district consists of all water of statistical area T not described in (a) and (b) of this section.

Authority: AS 16.05.251(a)(2)
AS 16.10.190

5 AAC 27.810. FISHING SEASONS. Herring may only be taken from May 1 through June 30 and only in the Togiak district and the Bay district.

Authority: AS 16.05.251(a)(2)

5 AAC 27.830 GEAR. (a) Herring may be taken only by purse seines and gill nets, and only in the Togiak district and the Bay district.

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

Authority: AS 16.05.251(a)(4),(7),(11)

5 AAC 27.831. GEAR SPECIFICATIONS AND OPERATION. (a) No single herring gill net may exceed 150 fathoms in length and the aggregate length of gill nets in use by an individual may not exceed 150 fathoms.

(b) Each gill net in operation must be buoyed at both ends and at least one buoy must be plainly and legibly marked with the permittee's herring interim-use or entry permit number.

(c) No herring purse seine may exceed 850 meshes in depth or 150 fathoms in length.

Authority: AS 16.05.251(a)(4),(5)

HERRING FISHERY

5 AAC 27.850. CLOSED WATER. Metervik Bay is closed to herring fishing north of a line from a marker at 58° 49' 6" N. lat., 159° 47' 15" W. long., to a marker at 58° 49' 58" N. lat., 159° 45' 45" W. long. This closure does not apply to the taking herring spawn on kelp.

Authority: AS 16.05.251(a)(2)

5 AAC 27.860. GUIDELINE HARVEST LEVEL. The guideline harvest level for the taking of herring is 12,000 metric tons.

Authority: AS 16.05.251(a)(3)

5 AAC 27.862. BUYER REPORTING REQUIREMENTS. In addition to the requirements of 5 AAC 39.130(f) each buyer shall register with a department representative on the fishing grounds and shall submit or provide, on forms supplied by the department, the following information or requirements:

(1) identification and description of all processing vessels to be employed in the herring fishery or herring spawn on kelp fishery;

(2) establishment of a daily schedule for reporting of all herring or herring spawn on kelp purchased from fishermen, or other processing records as specified by a department representative;

(3) fish tickets must be submitted before the departure of each buyer from the area, and not later than 10 days after termination of buying operations in the area.

Authority: AS 16.05.251(a)(4), (5), (7) and (12)

AS 16.05.690

ARTICLE 12. STATISTICAL AREA W;

SECURITY COVE, ETOLIN STRAIT AREA.

5 AAC 27.870. DESCRIPTION OF STATISTICAL AREA. Statistical area W has as its southern boundary a line extending west from Cape Newenham and as its northern boundary a line extending west from Dall Point, and as its western boundary the International Date Line in the Bering Sea.

Authority: AS 16.05.251(a)(2)

5 AAC 27.875. DESCRIPTION OF DISTRICTS. (a) The Security Cove district consists of all water of Alaska between the latitude of the northernmost point of Carter Spit and the latitude of Cape Newenham, excluding the Goodnews Bay district.

(b) The Goodnews Bay district consists of that portion of Goodnews Bay inside a line between Department of Fish and Game markers placed near the bay entrance and a line between Department of Fish and Game markers placed near the mouth of the Ufigag River and on the opposite shore near the mouth of the Tunulik River.

Authority: AS 16.05.251(a)(2)

5 AAC 27.880. FISHING SEASONS. (a) Herring may be taken in the Security Cove district from May 1 through June 30.

(b) The fishing season in the Goodnews Bay district is opened and closed by emergency order.

Authority: AS 16.05.060

AS 16.05.251(a)(2)

HERRING FISHERY

5 AAC 27.885. GEAR. Herring may be taken only with gill nets.

Authority: AS 16.05.251(a)(4)

5 AAC 27.888. GILL NET SPECIFICATIONS AND OPERATION. (a) No single herring gill net may be less than 50 fathoms in length and the aggregate length of herring gill net in use by an individual may not exceed 100 fathoms in length. Not more than 150 fathoms of herring gill net may be operated from any licensed fishing vessel.

(b) Each gill net in operation must be buoyed at both ends and at least one buoy must be plainly and legibly marked with the permittee's herring interim-use or entry permit number.

Authority: AS 16.05.251(a)(4), (5)

5 AAC 27.890. WATER CLOSED TO HERRING FISHING. (a) Herring may not be taken for commercial purposes in any waters of statistical area W that are not set forth in sec. 875 of this chapter.

(b) Herring spawn on kelp and herring spawn on any other substrate may not be taken for commercial purposes in any waters of statistical area W.

Authority: AS 16.05.251(a)(2)
AS 16.10.190

5 AAC 27.895. GUIDELINE HARVEST LEVELS. (a) The guideline harvest level for taking herring in the Security Cove district is 34 1/2 metric tons.

(b) The guideline harvest level for taking herring in the Goodnews Bay district is 100 metric tons.

(c) The guideline harvest levels set forth in (a) and (b) of this section represent preseason estimated levels of allowable herring harvests which will not jeopardize the viability of herring stocks. A district or section may close to herring fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action, based on the biological condition of the stocks.

Authority: AS 16.05.251(a)(2), (3), (7)

5 AAC 27.897. POSSESSION OF SALMON. Salmon taken incidentally in conjunction with commercial herring fishing must be returned to the water.

Authority: AS 16.05.251(a)(2), (4), (10)

ARTICLE 13. STATISTICAL AREA Q;

BERING SEA, KOTZEBUE AREA.

5 AAC 27.900. DESCRIPTION OF STATISTICAL AREA. Statistical area Q has as its southern boundary a line extending west from Dall Point and as its northern boundary a line extending west from Point Hope, and as its western boundary the International Date Line in the Bering Sea and Chukchi Sea.

Authority: AS 16.05.251(a)(2)

5 AAC 27.905. DESCRIPTION OF DISTRICTS. (a) The Cape Romanzov district consists of all water of Alaska between the latitude of Dall Point and 62° N. lat.

(b) The Norton Sound district consists of all water of Alaska between the latitude of Cape Douglas and the latitude of Canal Point light:

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(1) Northern section: waters north of 64° N. lat.;

(2) Southern section: water south of 64° N. lat.

(c) The Port Clarence district consists of all waters of Alaska between the latitude of Cape Douglas and the latitude of Cape Prince of Wales.

(d) The Kotzebue district consists of all waters of Alaska between the latitude of Cape Prince of Wales and the latitude of Point Hope.

Authority: AS 16.05.251(a)(2)

5 AAC 27.910. FISHING SEASONS. Herring may be taken from May 1 through July 31 only in the districts listed in sec. 905 of this chapter.

Authority: AS 16.05.251(a)(2)

5 AAC 27.930. GEAR. Herring may be taken only with purse seines, beach seines and gill nets.

Authority: AS 16.05.251(a)(4)

5 AAC 27.931. GILL NET SPECIFICATIONS AND OPERATION. (a) Not more than 150 fathoms of herring gill net may be operated from any licensed fishing vessel and no single herring gill net may exceed 50 fathoms in length.

(b) Each gill net in operation must be buoyed at both ends and at least one buoy must be plainly and legibly marked with the permittee's herring interim-use or entry permit number.

Authority: AS 16.05.251(a)(4),(5)

5 AAC 27.932. SEINE SPECIFICATIONS AND OPERATION. No seine may be more than 850 meshes in depth and no seine may be more than 150 fathoms in length.

Authority: AS 16.05.251(a)(4)

5 AAC 27.950. WATERS CLOSED TO HERRING FISHING. (a) In the Cape Romanzov district, the waters east of the longitude of Point Smith are closed to herring fishing.

(b) The following waters in the Norton Sound district are closed to herring fishing after June 19:

(1) between Penny River and Topkok Head;

(2) between Rocky Point and Cape Darby;

(3) between Elim Point, located approximately threefourths of a mile east of Elim, and Kwik River;

(4) between the Kuiuutulik River, eight miles southwest of Koyuk, and Island Point;

(5) between Sineak River near Cape Denbigh and Black Point.

(c) The Port Clarence district east of a line from Point Jackson to Cape Riley is closed to herring fishing.

(d) Herring may not be taken in any waters of statistical area Q that are not set forth in sec. 905 of this chapter.

HERRING FISHERY

(e) The Cape Romanzov district is closed to the commercial taking of herring spawn on kelp or on any other substrate.

Authority: AS 16.05.251(a)
AS 16.10.190

5 AAC 27.960. GUIDELINE HARVEST LEVELS. (a) The guideline harvest level for taking herring in the Cape Romanzov district is 350 metric tons.

(b) The guideline harvest level for taking herring in the Norton Sound district is 500 metric tons, distributed as follows:

(1) Northern section: 350 metric tons;

(2) Southern section: 150 metric tons.

(c) The guideline harvest level for taking herring in the Port Clarence district is 150 metric tons.

(d) The guideline harvest level for taking herring in the Kotzebue district is 150 metric tons.

(e) The guideline harvest levels set forth in (a)-(d) of this section represent preseason estimated levels of allowable herring harvests which will not jeopardize the viability of herring stocks. A district or section may close to herring fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action, based on the biological condition of the stocks.

Authority: AS 16.05.251(a)(2),(3)

5 AAC 27.980. POSSESSION OF SALMON. Salmon taken incidentally in conjunction with commercial herring fishing must be returned to the water.

Authority: AS 16.05.251(a)(2),(4),(10)

YAKUTAT AREA

CHAPTER 30. YAKUTAT AREA

ARTICLE 1. DESCRIPTION OF AREA

5 AAC 30.100. DESCRIPTION OF AREA. The Yakutat area includes all waters of Alaska between Cape Suckling and Cape Fairweather.

Authority: AS 16.05.250(2)

ARTICLE 2. FISHING DISTRICT

5 AAC 30.200. FISHING DISTRICTS. (a) Yakataga district: all waters of Alaska between Cape Suckling and Icy Cape.

(b) Yakutat district: all waters of Alaska between Icy Cape and Cape Fairweather.

Authority: AS 16.05.250(2)

ARTICLE 3. SALMON FISHERY

5 AAC 30.310. FISHING SEASONS. (a) Salmon may be taken by set gill nets as follows:

(1) In the Yakataga district the opening and closing dates will be made by emergency order;

(2) in the Yakutat district

(A) Alsek and East Rivers, from the first Monday in June until a closing date to be made by emergency order;

(B) Yakutat Bay, from the second Monday in June until a closing date to be made by emergency order;

(C) Situk-Ahrhclin Inlet and Lost River, from the third Monday in June until a closing date to be made by emergency order;

(D) Italio River, the opening and closing dates will be made by emergency order;

(E) in the remainder of the district, from the fourth Monday in June to a closing date to be made by emergency order.

(b) Salmon may be taken by troll gear seven days a week with the following exceptions:

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(1) in the waters of Yakutat Bay east of a line from Ocean Cape to Pt. Manby, the weekly fishing period for trolling, from August 1 through September 20 shall be the same as for set gill netting;

(2) coho salmon may be taken from June 15 through September 20;

(3) king salmon may be taken from all waters of the Yakutat area, except Yakutat Bay east of a line from Ocean Cape to Point Manby, from April 15 through October 31. In Yakutat Bay east of a line from Ocean Cape to Point Manby, there is no closed season for king salmon.

Authority: AS 16.05.060

AS 16.05.250(2) and (3)

5 AAC 30.320. WEEKLY FISHING PERIODS. Salmon may be taken by set gill nets during the open fishing seasons as follows:

(1) In the Yakataga district, from 12:01 p.m. Monday through 12:00 noon Thursday;

(2) in the Yakutat district:

(A) from the various opening dates through the first Sunday in August salmon may be taken from 6:00 a.m. Monday through 6:00 p.m. Wednesday, except from the Alsek River where salmon may be taken from 12:01 p.m. Monday through 12:00 noon Friday and the East River where salmon may be taken from 12:01 p.m. Monday through 12:00 noon Thursday.

(B) from the first Monday in August until the closing date, salmon may be taken from 12:01 p.m. Monday through 12:00 noon Thursday.

Authority: AS 16.05.251(a)(2),(4)

5 AAC 30.330. GEAR. Salmon may be taken by set gill nets and troll gear.

Authority: AS 16.05.250(3)

5 AAC 30.331. GILL NET SPECIFICATIONS AND OPERATION. (a) Set gill nets with mesh size smaller than eight inches may not be deeper than 45 meshes and set gill nets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gill nets aboard a vessel or in use by any person may not be more than the following in hung measure:

(1) in the Yakutat district

(A) Yakutat Bay and Disenchantment Bay, one net not to exceed 75 fathoms;

(B) Situk-Ahrnklin Inlet and Lost River, one net not to exceed 20 fathoms, except for Divide Slough where one net not to exceed 15 fathoms may be used;

(C) Italio River, Yahtze River and Yana River, one net not to exceed 25 fathoms;

(D) Dangerous River and Alsek River, each net not to exceed 25 fathoms in length or less than 10 fathoms in length; the aggregate length not to exceed 75 fathoms;

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(E) Akwe Inlet, two nets not to exceed 20 fathoms each; the aggregate length not to exceed 40 fathoms;

(F) East River, two nets not to exceed 20 fathoms each; the aggregate length not to exceed 40 fathoms;

(G) Repealed 4/8/79.

(H) Other waters of the district, including the surf line beyond the outermost bars at mean low tide, one net not to exceed 15 fathoms;

(2) In the Yakutaga district

(A) Tsiu River, one net not to exceed 20 fathoms;

(B) Eight Mile River, one net not to exceed 15 fathoms;

(C) the remainder of the district, one net not to exceed 25 fathoms.

(b) Gill net gear or other fishing devices may not obstruct more than two-thirds of any salmon migratory waterway. In the intertidal zone this applies at any stage of the tide.

(c) A set gill net shall be operated in substantially a straight line, except that in Disenchantment Bay and Yakutat Bay a set gill net may have no more than 15 fathoms of its length used as a single hook.

(d) Each set gill net in operation shall be marked by clusters of bright red floats or corks at both ends, each cluster to be legibly marked with the set net registration number of the operator.

(e) The operation of each set gill net shall be performed or assisted by the fisherman who holds the valid interim-use or entry permit card for that gear.

Authority: AS 16.05.251(a)(4),(5)

5 AAC 30.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No part of a set gill net may be operated within 100 yards of any part of another set gill net.

Authority: AS 16.05.250(3)

5 AAC 30.350. CLOSED WATERS. (a) Fishing is prohibited as follows:

(1) Alsek River: Above a point approximately three miles below the "basin";

(2) Situk River: at the marker approximately one-half mile west of Strawberry Point to the cut bank on the eastern side of the terminus of Johnson Slough;

(3) Ankau Inlet: all waters;

(4) Italio River: above the upper markers at approximately one-half mile upstream;

(5) repealed (Eff. 3/19/78, Reg. 65);

(6) East River: above the markers approximately four miles upstream;

YAKUTAT AREA

(7) Akwe River: above the markers approximately six and one-half miles upstream;

(8) Lost River: above the markers approximately 500 yards above the outermost tree line on the west bank;

(9) Old Village Lagoon: all waters.

(b) Emergency order extensions or reductions of the closed waters listed in this section do not apply to trolling from June 1 through September 30 except as specifically provided by the emergency order.

Authority: AS 16.05.060
AS 16.05.251(2)

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all fin clipped king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The restrictions in this section do not apply to gill net fishing.

Authority: AS 16.05.251(a)(3), (4), (7)

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all fin clipped coho salmon must remain attached to the fish until sold.

Authority: AS 16.05.251(3), (4), (7)

ARTICLE 4. BOTTOMFISH FISHERY

5 AAC 30.410. FISHING SEASON. There is no closed season on bottomfish.

Authority: AS 16.05.250(2)

ARTICLE 6. HERRING FISHERY

5 AAC 30.610. FISHING SEASON. Repealed 4/8/79.

5 AAC 30.630. GEAR. Repealed 4/8/79.

ARTICLE 9. SUBSISTENCE FISHERY

5 AAC 30.980. PERMITS. (a) Trout and char may be taken only under authority of a permit issued by the department.

(b) Repealed. (Eff. 3/13/75, Reg 53)

Editor's Note: A permit for taking salmon for subsistence purposes is required as per 5 AAC 39.890(b).

YAKUTAT AREA

5 AAC 30.990. RESTRICTIONS. (a) Subsistence fishing for salmon is not permitted within the period 48 hours before, during, or within the period 48 hours after an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(b) Subsistence fishermen shall remove the dorsal fin from subsistence-caught salmon when taken.

(c) Halibut may be taken from March 1 through October 31, and only by a single hand-held line. The daily bag and possession limit is two halibut.

Authority: AS 16.05.251(2), (3), and (4)

SOUTHEASTERN ALASKA AREA

CHAPTER 33. SOUTHEASTERN ALASKA AREA

ARTICLE 1. DESCRIPTION OF AREA

5 AAC 33.100. DESCRIPTION OF AREA. The Southeastern Alaska area includes all waters of Alaska between Cape Fairweather and Dixon Entrance.

Authority: AS 16.05.250(2)

ARTICLE 2. FISHING DISTRICTS AND SECTIONS

5 AAC 33.200. FISHING DISTRICTS AND SECTIONS. (a) District 1: all contiguous waters of Alaska east and north of a line from Caamano Point to a point on the International Boundary at $131^{\circ} 45' W.$ long.

(1) section 1-A: all waters of Portland Canal north of the latitude of Hattie Island light;

(2) section 1-B: all waters south of section 1-A and east of a line extending three miles due west from Foggy Point south to intersect a line between Barren Island light and Lord Rock light, then to Lord Rock light, and then to the International Boundary;

(3) section 1-C: waters of the district between a line from a point at $55^{\circ} 12' 13'' N.$ lat., $133^{\circ} 5' 42'' W.$ long., located on Point Sykes to a point at $55^{\circ} 12' N.$ lat., $131^{\circ} 5' 30'' W.$ long., located $\frac{1}{2}$ mile northwest of Point Sykes to Point Alava, and a line from Point Eva to Cactus Point;

(4) section 1-D: waters of the district between a line from Point Eva to Cactus Point and a line from Nose Point to Snail Point;

(5) section 1-E: waters of the district between a line from Caamano Point to Point Higgins and a line from Nose Point to Snail Point;

(6) section 1-F: all other waters of the district.

(b) District 2: all waters south of a line from Narrow Point to Lemesurier Point, west of District 1 to a line from Point Marsh light to $132^{\circ} 17' 30'' W.$ long. on the International boundary.

(c) District 3: all waters north of a line from Point Marsh light to $132^{\circ} 17' 30'' W.$ long. on the International Boundary to Cape Muzon, and east of a line beginning at Eagle Point on Dall Island and passing successively through Point Arboleda, Point San Roque, Cape Ulika, Cape Lynch to the southwest entrance point of Halibut Harbor on Kosciuszko island, and south of the latitude of Anesketi Point.

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(d) District 4: all waters north of Cape Muzon, west of District 3, and south of a line from Helm Point on Coronation Island to Cape Lynch.

(e) District 5: waters of Sumner Strait, north and east of a line from Cape Decision to Helm Point to Cape Lynch to the southwest entrance point of Halibut Harbor, and north of the latitude of Anesket Point, west of a line from Point Baker to Point Barrie, and south of a line from Point Camden to Salt Point light on Keku Strait.

(f) District 6: all waters of Clarence Strait north of a line from Narrow Point to Lemesurier Point to Ernest Point to the most southerly point on Etolin Island, Stikine Strait south of the latitude of Round Point, Sumner Strait west of a line from Point Alexander to Low Point, and east of a line from Point Baker to Point Barrie, Wrangell Narrows south and west of a line from Prolewy Point to the northern tip of Milkof Island, and all waters of Duncan Canal.

(1) section 6-A: waters north and west of a line from Luck Point to Point Stanhope to Lincoln Rock light to Key Reef light to Nesbitt Reef light to Point Nesbitt, and west of a line from Low Point to Point Alexander, and east of a line from Point Barrie to Point Baker;

(2) section 6-B: waters enclosed by a line from Lincoln Rock light to the westernmost point of Screen Islands to the westernmost point of Marsh Island to the westernmost point of Steamer Rocks to Mariposa Rock buoy to Point Nesbitt to Nesbitt Reef light to Key Reef light to Lincoln Rock light;

(3) section 6-C: all other waters of the district.

(g) District 7: all contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lemesurier Point to Ernest Point to the most southerly point of Etolin Island, Zimovia Strait south of the latitude of Nemo Point, and Eastern Passage and Blake Channel south of a line from Babbler Point to Hour point

(1) section 7-A: waters of the district north of the latitude of Point Eaton;

(2) section 7-B: waters of the district south of the latitude of Point Eaton.

(h) District 8: waters of Frederick Sound south of a line from Wood Point to Beacon Point (excluding Wrangell Narrows), Stikine Strait, Sumner Strait, Zimovia Strait and Eastern Passage inside a line from Point Alexander to Low Point to Round Point to Nemo Point to Hour Point to Babbler Point.

(i) District 9: all waters of Frederick Sound and Chatham Strait south of the latitude of Point Gardner, south of the latitude of the southern tip of Elliott Island and west of a line from the southern tip of Elliott Island to Point Macartney, north and west of a line from Point Camden to Salt Point light, north of a line from Cape Decision to Helm Point and waters south of a line projected southwest of Cape Ommaney

(1) section 9-A: waters of the district west of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(2) section 9-B: waters of the district east of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(j) District 10: Frederick Sound, Stephens Passage and contiguous waters north of a line from Beacon Point to Wood Point, east of a line from Point Macartney to the

SOUTHEASTERN ALASKA AREA

southern tip of Elliott Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of $57^{\circ} 37' \text{ N. lat.}$, and south of a line from Point League to Point Hugh.

(k) District 11: Stephens Passage and contiguous waters north of a line from Point League to Point Hugh and Seymour Canal north of $57^{\circ} 37' \text{ N. lat.}$, south of the latitude of Little Island light and east of a line from Little Island light to Point Retreat light

(1) section 11-A: waters of the district north and west of a line from a point at $58^{\circ} 12' 20'' \text{ N. lat.}$, $134^{\circ} 10' \text{ W. long.}$, to the Coast Guard marker and light on Point Arden;

(2) section 11-B: waters of the district north of the latitude of Midway Island light and south and east of a line from a point at $58^{\circ} 12' 20'' \text{ N. lat.}$, $134^{\circ} 10' \text{ W. long.}$, to the Coast Guard marker and light on Point Arden.

(3) section 11-C: waters of the district south of the latitude of Midway Island light to a line from Point League to Point Hugh;

(4) section 11-D: all waters of Seymour Canal north of $57^{\circ} 37' \text{ N. lat.}$

(l) District 12: all waters of Lynn Canal and Chatham Strait south of the latitude of Little Island light to the latitude of Point Gardner, west of a line from Little Island light to Point Retreat light, east of a line from Point Couverden to Point Augusta, and east of a line from Point Hayes to Point Thatcher.

(m) District 13: all waters between a line projected southwest from Cape Ommaney and a line extending west from Column Point, and west of a line from Point Hayes to Point Thatcher

(1) section 13-A: waters of the district north of the latitude of Neva Point light and Peril Strait south of the latitude of Pogibshi Point;

(2) section 13-B: waters of the district south of the latitude of Neva Point light;

(3) section 13-C: waters of the district north of the latitude of Pogibshi Point and west of a line from Point Hayes to Point Thatcher in Peril Strait.

(n) District 14: all waters of Icy Strait west of a line from Point Couverden to Point Augusta, east of a line projected south from Cape Spencer and north of a line projected west from Column Point

(1) section 14-A: waters of the district west of a line beginning at $58^{\circ} 13' \text{ N. lat.}$, $135^{\circ} 57' \text{ W. long.}$, to Lemesurier Island to Point Carolus;

(2) section 14-B: waters of the district east of a line beginning at $58^{\circ} 13' \text{ N. lat.}$, $135^{\circ} 57' \text{ W. long.}$, to Lemesurier Island to Point Carolus and west of a line from Point Sophia to Excursion Point at $58^{\circ} 22' 30'' \text{ N. lat.}$, $135^{\circ} 29' \text{ W. long.}$;

(3) section 14-C: waters of the district east of a line from Point Sophia to Excursion Point at $58^{\circ} 22' 30'' \text{ N. lat.}$, $135^{\circ} 29' \text{ W. long.}$

(o) District 15: all waters of Lynn Canal north of the latitude of Little Island light

SOUTHEASTERN ALASKA AREA

(1) section 15-A: waters of the district north of the latitude of Sherman Rock light;

(2) section 15-B: waters of Berners Bay east of a line from Point St. Mary to Point Bridget;

(3) section 15-C: waters of the district south of the latitude of Sherman Rock light and west of a line from Point St. Mary to Point Bridget.

(p) District 16: all waters north of District 13, west of a longitude of Cape Spencer and south of a line projected southwest from Cape Fairweather.

Authority: AS 16.05.251(a)(2)

ARTICLE 3. SALMON FISHERY

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS. (a) in the purse seine fishery, salmon may be taken in the following districts with the opening and closing dates to be made by emergency orders and with weekly fishing periods from 6:00 a.m. Sunday through 6:00 p.m. Wednesday, except as otherwise provided in this section:

(1) district 1, sections 1-C, 1-D, 1-E and 1-F only;

(2) district 2;

(3) district 3;

(4) district 4, from the first Sunday in July until a closing date made by emergency order;

(5) district 5;

(6) district 6, sections 6-B and 6-C only;

(7) district 7;

(8) district 9;

(9) district 10;

(10) district 11, sections 11-A and 11-D only;

(11) district 12;

(12) district 13;

(13) district 14.

(b) salmon may be taken by hand troll gear and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

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(A) in the following locations only during the periods set forth in (B) of this subsection;

(i) district 1;

(ii) district 12 north of the latitude of Point Hepburn;

(iii) section 13-A east of the surfline and south of the latitude of Khaz Point and section 13-B east of the surfline and north of the latitude of Aspid Cape;

(iv) district 14;

(v) section 15-A and section 15-C;

(B) April 16-April 23

April 30-May 7

May 14-May 21

May 28-June 4

June 11-June 18

June 25-July 2

July 9-July 16

July 23-July 30

August 6-August 13

August 20-August 27

September 3-September 10

September 17-September 20;

(2) during the period April 16 through September 20 salmon may be taken by power troll gear in district 12 north of the latitude of Point Hepburn, district 14, section 15-A and section 15-C only during the fishing periods set forth in (b)(1)(B) of this section;

(3) in district 8 from the third Sunday in June through September 30 the weekly fishing period for trolling is the same as for gillnetting;

(4) during the period November 1 through April 14 king salmon may not be taken north of the latitude of Cape Spencer and south and west of a line commencing at Cape Spencer and extending successively through Yakobi Rock, Cape Cross, Point Theodore, Cape Edward, Khaz Point, Point Slocum, Klokachef Island, Cape Georgiana, Point Amelia, Cape Edgecumbe, Point Woodhouse, Rogers Island, Aspid Cape, North Cape, 56° 22' 46" N. lat., 134° 57' W. long., 56° 19' 30" N. lat., 134° 54' W. long., Puffin Point, Babrovoi Point, Cape Ommaney, Hazy Islands, Cape Addington, Cape Chirikof, Cape Bartolome, Cape Felix, Bruin Point, Sakie Point, Cape Augustina, Rockwell Point, Ritter Point, Point Bazan, Security Point, Point Cornwallis, Liscome Point, Wolk Point, 54° 39' 52" N. lat., 132° 43' 32" W. long., Cape Muzon, Point Nunez, Cape Chacon, West Rock, Yellow Rocks, Tree Point, Lord Rock, and south to a point at 130° 49' W. long. on the International Boundary.

(5) coho salmon may not be taken from September 21 through June 14;

(6) in addition to the limitations set forth in (1)-(5) of this subsection the following restrictions are effective:

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(A) in section 1-E salmon may be taken only from July 13 through April 30;

(B) in section 1-C, salmon may be taken only from August 15 through April 30;

(C) in section 1-F east of a line from Kirk Point to Mary Island light to Cone Island salmon may be taken only from July 13 through April 30, except that in water of section 1-F east of a line from Black Island to the westernmost point on Slate Island to White Reef to Black Rock to Kirk Point including all water of Boca de Quadra not set forth in sec. 350 (b) (9) of this chapter, salmon may be taken only from August 1 through September 20;

(D) in section 6-A north and east of a line from Mitchell Point to Point Colpoys to MacNamara Point salmon may be taken only from June 15 through April 15;

(E) in section 6-A south of a line from Point Colpoys to Macnamara Point, section 6-B, and section 6-C north of the latitude of Lincoln Rock salmon may be taken only from August 15 through April 15;

(F) in district 8 salmon may only be taken from the third Monday in June through April 15, subject to the limitations set forth in (3) of this subsection;

(G) in district 10 south and east of a line from Boulder Point to Bay Point salmon may be taken only from June 15 through April 15;

(H) in district 11 salmon may be taken only in sections 11-C and 11-D and only from June 15 through April 15;

(I) in district 12 north of the latitude of Point Coverden salmon may be taken only from June 15 through April 15;

(J) in district 15 salmon may be taken only in sections 15-A and 15-C from June 15 through April 15.

(7) Repealed 4/8/79.

(8) Repealed 4/8/79.

(c) In the drift gill net fishery, salmon may be taken only in open waters of the districts and sections listed in this subsection with the closing dates to be made by emergency order and with weekly fishing periods from 12:01 Monday through 12:00 noon Thursday except as follows:

(1) in district 1, the weekly fishing period shall be from 12:01 p.m. Sunday through 12:00 noon Thursday;

(A) section 1-A opens by emergency order;

(B) section 1-B opens on the third Sunday of June;

(2) district 6, sections 6-A and 6-B open on the third Monday of June;

(3) district 8 opens on the third Monday of June;

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(4) district 11

(A) section 11-B opens on the third Monday in June;

(B) section 11-C opens by emergency order;

(5) district 15

(A) section 15-A opens on the third Monday in June;

(B) section 15-C opens on the second Monday in August.

(d) Repealed. (Eff. 2/18/73, Reg. 45)

Authority: AS 16.05.060

AS 16.05.251(a)(2),(4)

5 AAC 33.312. FISHING ZONES FOR TROLL GEAR. (a) In the troll fishery there are established the following zones, in which the department shall apply management and conservation regulations set out in this chapter:

(1) terminal fishing areas for troll gear are final interception zones for spawning king and coho salmon bound for major mainland systems and may be high use recreational areas; terminal fishing areas are:

(A) Behm Canal terminal fishing area which consists of sections 1-C, 1-D and 1-E;

(B) Stikine River terminal fishing area which consists of district 8 and section 7-A;

(C) Taku-Berner's terminal fishing area which consists of sections 11-A, 11-B, 11-C and 15-B;

(D) Chilkat River terminal fishing area which consists of section 15-A;

(2) terminal fishing corridors for troll gear are inside water migration routes to milling areas and approaches to major king and coho salmon systems and may be medium-use recreational areas; terminal fishing corridors are:

(A) Behm Canal-Portland Canal terminal fishing corridor which consists of sections 1-A, 1-B and 1-F;

(B) West Prince of Wales terminal fishing corridor which consists of district 3;

(C) Upper Clarence Strait-Ernest Sound terminal fishing corridor which consists of district 6 north of the latitude of Lincoln Rock light and section 7-B;

(D) Frederick Sound terminal fishing corridor which consists of district 10, section 11-C and section 11-D;

(E) Lynn Canal-Upper Chatham Strait terminal fishing corridor which consists of district 12 north of the latitude of Point Hepburn, and section 15-C;

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(3) intermediate fishing corridors are major entry ways used by king and coho salmon to inside water districts and are generally light-use recreational areas; intermediate fishing corridors are:

(A) Clarence Strait intermediate fishing corridor which consists of district 2 and district 6 south of the latitude of Lincoln Rock light;

(B) Sumner Strait intermediate fishing corridor which consists of district 5;

(C) Lower Chatham Strait intermediate fishing corridor which consists of district 9 east of the surfline, district 12 south of the latitude of Point Hepburn and section 13-C;

(D) Icy Strait-Cross Sound intermediate fishing corridor which consists of district 14;

(E) Sitka Sound-Salsbury Sound-Lisianski intermediate fishing corridor which is section 13-B east of the surf line and north of the latitude of Aspid Cape and section 13-A south of the latitude of Khaz Point and east of the surfline and including Lisianski Inlet south of a line from Column Point to Soapstone Point and Lisianski Strait north of the latitude of Point Theodore;

(4) the Coastal fishing zone is all outer coastal fishing waters and consists of the territorial waters of Alaska west of districts 4, 9, 13, and 16, district 4, district 9 west of the surf line, district 16 and 13 excluding section 13-C and excluding the waters described in (a)(3)(E) of this section.

(5) the Seaward Biological Influence Zone consists of all waters west of the Coastal Fishing Zone bounded on the south by the latitude of the International Boundary at Dixon Entrance, bounded on the north by the latitude of Cape Fairweather and bounded on the west by 144° W. long.; the Seaward Biological Influence Zone is an area in which the Department obtains biological and fishing effort data and other information necessary for the formulation of effective conservation and management regulations in order to protect and maintain king and coho salmon resources of the state.

(b) As used in this chapter "surf line" means the line described in sec. 310(b)(4) of this chapter commencing at Cape Spencer and terminating on the International Boundary at Dixon Entrance.

Authority: AS 16.05.251(a)(2), (4)

5 AAC 33.313. APPLICATION OF COASTAL TROLLING REGULATIONS. (a) Notwithstanding any other provision of this chapter, all salmon trolling regulations are applicable to the Coastal Fishing Zone, as described in sec. 312(a)(4) of this chapter, shall be applicable also in the adjacent Seaward Biological Influence Zone.

(b) Persons on a salmon trolling vessel navigating within the Seaward Biological Influence Zone shall conduct their operations and activities in full compliance with the regulations applicable to the Coastal Fishing Zone.

(c) The commissioner may suspend the application of this section wholly or partially in the Seaward Biological Influence Zone if he finds that such application:

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(1) does not tend to facilitate enforcement of regulations applicable to the Coastal Fishing Zone or other territorial waters;

(2) does not tend to protect or conserve king or coho salmon inhabiting territorial waters of Alaska; or

(3) that the state has an insufficient interest in the king or coho salmon inhabiting the zone to warrant extension of the jurisdiction of the state to the zone.

Authority: AS 16.05.251(a)
AS 16.10.190

5 AAC 33.330. GEAR. Salmon may be taken with purse seines, troll gear and drift gill nets in the districts and sections as listed in sec. 310 of this chapter, except that hand troll gear may not be used in the water of the coastal fishing zone as described in sec. 312(a)(4) of this chapter excluding the water of Alaska north of 56° 08' 45" N. lat., (one mile south of Cape Ommaney) and south of the latitude of Redfish Cape.

Authority: AS 16.05.251(a)(2), (4), (7)

5 AAC 33.331. GILL NET SPECIFICATIONS AND OPERATION. (a) No person shall operate a gill net vessel that has on the reel more than one legal limit of gill net gear. Extra gill net gear may be carried on board the vessel. The lead line and cork line must be tied or bound separately from one another and the net sacked.

(b) The maximum depth of gill nets is as follows:

(1) nets with mesh smaller than eight inches may not be deeper than 60 meshes;

(2) nets with mesh eight inches or larger may not be deeper than 40 meshes;

(3) in districts 8 and 11, gill nets may not be deeper than 40 meshes before the third Sunday in June.

(c) The minimum and maximum length of gill nets is as follows:

(1) in district 1, gill nets may not be less than 100 fathoms or more than 200 fathoms in length;

(2) in district 6, gill nets may not be less than 125 fathoms or more than 300 fathoms in length;

(3) in district 8, gill nets may not be less than 125 or more than 300 fathoms in length;

(4) in district 11, gill nets may not be less than 100 fathoms or more than 150 fathoms in length, except that after the third Saturday in June the maximum length will increase to 200 fathoms;

(5) in district 15, gill nets may not be less than 50 fathoms or more than 200 fathoms in length.

(d) In districts 8 and 11, gill net mesh may not be greater than six inches from the third Sunday in June through July 18.

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(e) In district 15: gill net mesh may not be greater than six inches before July 18.

(f) Gill net mesh may not be less than five and one-half inches in districts 1, 6 and 8, and five and three-eighths inches in district 11 during a season for such gear specified by emergency order.

(g) Gill net mesh may not be less than six and one-quarter inches in districts 6 and 8 after August 15 during a season for that gear specified by emergency order.

h) Gill net mesh may not be less than six and one-quarter inches in district 15 after August 15 during a season for that gear as specified by emergency order.

Authority: AS 16.05.251(2) and (4)

5 AAC 33.332. SEINE SPECIFICATIONS AND OPERATION. (a) No purse seine may be less than 150 meshes or more than 450 meshes in depth, or less than 150 fathoms or more than 250 fathoms in length, hung measure.

(b) Seine mesh may not be more than four and one-half inches, except the first 25 meshes above the lead line may not be more than seven inches.

(c) No lead may be more than 75 fathoms in length.

(d) Repealed. (Eff. 4/26/70, Reg. 33)

Authority: AS 16.05.251(4)

5 AAC 33.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. Repealed. (Eff. 2/18/73, Reg 45)

5 AAC 33.350. CLOSED WATER. (a) The water listed in this section is closed water except as follows:

(1) water listed in this section and within 500 yards of the terminus of any salmon stream are open to trolling from October 1 through May 30 unless otherwise provided in this section;

(2) emergency order extensions or reductions of the closed water listed in this section do not apply to trolling from June 1 through September 30 except as specifically provided by such emergency order.

(b) District 1

(1) Portland Canal: north of the latitude of Engineer's Point;

(2) Tombstone Bay: between the latitudes of Turn Point and Braezy Point;

(3) Hidden Inlet: all water;

(4) Fillmore Inlet: north of the latitude of Male Point;

(5) Willard Inlet: north of the latitude of Male Point;

(6) Edwards Passage: north of the latitude of Akeku Point;

(7) Nakat Bay: north of the latitude of High Point;

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- (8) Very Inlet: all water;
- (9) Boca de Quadra: east of $130^{\circ} 50' \text{ W. long.}$;
- (10) Smeaton Bay: east of $130^{\circ} 43' 30'' \text{ W. long.}$;
- (11) Rudyard Bay: east of $130^{\circ} 42' 27'' \text{ W. long.}$;
- (12) Behm Canal: between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva, this closure shall apply to trolling throughout the year;
- (13) Neets Bay: east of Clam Island;
- (14) Traitors Cove: all water;
- (15) Naha Bay: Roosevelt Lagoon and within one statute mile of the falls at the outlet of Roosevelt Lagoon;
- (16) Moser Bay: all water;
- (17) Port Stewart: all water;
- (18) Helm Bay: all water;
- (19) Raymond Cove: within a line from Mike Point to $55^{\circ} 37' 45'' \text{ N. lat.}$, $131^{\circ} 51' 50'' \text{ W. long.}$;
- (20) Vallendar Bay: within 1,000 yards of the head stream terminus;
- (21) Tongass Narrows: between a line from Point Higgins to Vallendar Point and a line from Gravina Point to the Mountain Point navigation light, except by trolling;
- (22) Ward Cove: all water;
- (23) George Inlet: north of $55^{\circ} 19' 36'' \text{ N. lat.}$;
- (24) Carroll Inlet: north of $55^{\circ} 24' 16'' \text{ N. lat.}$;
- (25) Thorne Arm: north of the latitude of Eve Point;
- (26) Lucky Cove: within 1,000 yards of the stream terminus;
- (27) Tamgas Harbor: north of Deer Point;
- (28) Ray Anchorage: all water;
- (c) District 2
 - (1) Nichols Bay: all water;
 - (2) Moira Sound
 - (A) North Arm: inside a line from Crowell Point to Point Halliday;

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(B) Johnson Cove: all water;

(C) West Arm: west of 132° 12' W. long.;

(D) South Arm: south of 54° 57' N. lat.;

(3) Port Johnson and Dolomi Bay: west of the longitude of Moss Point;

(4) Cholmondelay Sound

(A) Cholmondelay Sound: east of Divide Head including Dora Bay, Kitkum Bay and Lancaster Cove closed south of 55° 13' 09" N. lat.;

(B) South Arm, West Arm and Sunny Cove: west of 132° 14' 28" W. long.;

(5) Polk Inlet, Paul Bight and McKenzie Inlet, west of the longitude of Khayyam Point;

(6) repealed (Eff. 2/18/73, Reg. 45);

(7) Twelvemile Arm: south of 55° 29' 10" N. lat.;

(8) Karta Bay: west of a line beginning at 55° 33' 52" N. lat., 132° 32' 40" W. long., and projected north through 55° 35' 05" N. lat., 132° 29' 55" W. long.;

(9) Thorne Bay: west of 132° 28' 35" W. long.;

(10) Tolstoi Bay: south of 55° 39' N. lat.

(d) District 3

(1) Hunter Bay: all waters;

(2) Klakas Inlet: north of 55° N. lat.;

(3) Keete Inlet: all water;

(4) Nutkwa Inlet: north of 55° 06' N. lat.;

(5) Hetta Harbor: all water;

(6) Hetta Inlet: north of the latitude of Simmons Point;

(7) Eek Inlet: all water;

(8) Sukkwan Strait at Hydaburg: all water of Sukkwan Strait west of the longitude of Saltery Point, including South Pass east of the longitude of Goat Island light, and all waters of North Pass;

(9) Ham Cove: all water;

(10) Kasook Inlet: all water within one statute mile of the head;

(11) Soda Bay: east of 133° W. long.;

(12) Tlevak Straits: all water north of 55° 15' N. lat.;

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- (13) Ulloa Channel: all water east of $133^{\circ} 10' \text{ W. long.}$;
- (14) Port Refugio: all water south of $55^{\circ} 17' 20'' \text{ N. lat.}$;
- (15) Port Real Marina: all waters east of $133^{\circ} 34' 30'' \text{ W. long.}$, west of a line from Point Arrecife to Point Gorda and north of a line from Point San Leonardo to Canal Point, except by trolling;
- (16) Portillo Channel: all water between a line from Point Arrecife to Point Amargura and a line from Point Santa Gertrudis to Point Animas except by trolling;
- (17) Trocadero Bay: east of $133^{\circ} 01' \text{ W. long.}$;
- (18) Port San Nicholas: east of $133^{\circ} 04' \text{ W. long.}$;
- (19) Klawock Inlet: all waters east of Klawock and Peratrovich Islands north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands including Big Salt Lake;
- (20) Shinaku Inlet and Big Salt Lake: north of the latitude of Point Ildefonso;
- (21) Salt Lake Bay: all water;
- (22) Warm Chuck Inlet: north of $55^{\circ} 44' 30'' \text{ N. lat.}$;
- (23) Nossuk Bay: all waters south of $55^{\circ} 44' \text{ N. lat.}$;
- (24) El Capitan and Tuxekan Passages: all contiguous waters east of $133^{\circ} 20' \text{ W. long.}$;
- (25) Edna Bay: all water;
- (26) Tokeen Bay: all water;
- (27) Van Sant Cove: within 1,000 yards of the stream terminus;
- (28) Devilfish Bay: all water;
- (29) Hessa Inlet: all water;
- (30) within 500 yards of the unnamed stream at $55^{\circ} 22' 01'' \text{ N. lat.}$, $133^{\circ} 04' 38'' \text{ W. long.}$, except by trolling;
- (31) within 500 yards of the unnamed stream at $55^{\circ} 22' 28'' \text{ N. lat.}$, $133^{\circ} 06' 04'' \text{ W. long.}$, except by trolling;
- (32) within 500 yards of the unnamed stream at $55^{\circ} 22' 25'' \text{ N. lat.}$, $133^{\circ} 10' 34'' \text{ W. long.}$, except by trolling.
- (e) District 4: Manhattan Arm: east of $133^{\circ} 10' \text{ W. long.}$;
- (f) District 5

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(1) Keku Strait: north of $56^{\circ} 32'$ N. lat. (north end of Monte Carlo Island) including all waters of Seclusion Harbor and south of a line from Point Camden to Salt Point light;

(2) Port Beauclerc

(A) all water north of $56^{\circ} 20'$ N. lat.;

(B) all water of the southern arm south of $56^{\circ} 17'$ N. lat.;

(C) all water of the unnamed cove located west of Edwards Island;

(3) Affleck Canal

(A) all water of Bear Harbor and north of $56^{\circ} 16' 20''$ N. lat.;

(B) all water of Kell Bay west of $134^{\circ} 08' 15''$ W. long.;

(4) Calder Bay: north of $56^{\circ} 11' 12''$ N. lat.;

(5) El Capitan Passage: east of a line extending north from $56^{\circ} 08' 53''$ N. lat., $133^{\circ} 27' 37''$ W. long.;

(6) Shipley Bay: east of $133^{\circ} 33' 25''$ W. long.;

(7) Hole in the Wall, northwest coast of Prince of Wales Island: all water;

(8) Alvin Bay: all water within two nautical miles of the head of the bay;

(9) Reid Bay: all water within one nautical mile of the head of the bay;

(10) Barrie Creek: within 1,000 yards of the terminus of the stream.

(g) District 6

(1) Salmon Bay: all waters within a line extending from Rookery Island to a point one mile on either side of the bay;

(2) Red Bay: south of the latitude of Pin Point;

(3) Steamer Bay: south of the latitude of Point Harrington;

(4) Ratz Harbor: all water;

(5) Barnes Lake, at the head of Lake Bay: all waters inside Stevenson Island south of $56^{\circ} 01' 42''$ N. lat., $132^{\circ} 54' 22''$ W. long.;

(6) Whale Pass: from the north end of Thorne Island to $56^{\circ} 04'$ N. lat.;

(7) McHenry Inlet: east of $132^{\circ} 25'$ W. long.;

(8) Rocky Bay, west coast of Etolin Island: within one statute mile of the head of the bay;

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(9) Mossman Inlet: north of a line one mile north of the latitude of Marble Point;

(10) Lake Bay: west of a line from Keg Point to $56^{\circ} 01' 42''$ N. lat., $132^{\circ} 54' 22''$ W. long.;

(11) Exchange Cove: all waters;

(12) Totem Bay: north and east of a line from Totem Point to the southern tip of Shingle Island to Mitchell Point;

(13) Kah Sheets Bay: all waters;

(14) Duncan Canal: all water north of the latitude of the northern tip of Butterworth Island, except that only that water north of the latitude of the northern tip of Grief Island is closed to trolling;

(15) Wrangell Narrows: all water north of Point Alexander except by trolling;

(16) Navy Creek: all water east of Burnett Islands and south and east of a line from South Burnett Island to a point at $56^{\circ} 03' 30''$ N. lat., $132^{\circ} 27' 57''$ W. long.

(h) District 7

(1) Anita Bay: all waters except by trolling;

(2) Olive Cove: all waters;

(3) Thom's Place, Zimovia Strait: all waters;

(4) Fool's Inlet: within one nautical mile of the head of the bay;

(5) Bradfield Canal: east of $131^{\circ} 55' 30''$ W. long., except by trolling which is closed from April 16 through September 30;

(6) Blake Channel and Eastern Passage: all waters except by trolling which is closed from April 16 through September 30;

(7) Vixen Inlet: inside Sunshine Island;

(8) Santa Anna Inlet: inside Point Santa Anna;

(9) Canoe Pass: all waters north of 56° N. lat.;

(10) Menefee Inlet: north of $56^{\circ} 05'$ N. lat.;

(11) Union Bay: 1,000 yards from stream terminus;

(12) Zimovia Strait: all waters north of the latitude of Thorns Point except by trolling;

(13) Fisherman's Chuck: west of $132^{\circ} 12'$ W. long.

(i) District 8

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(1) Blind Slough: all waters;

(2) Stikine River: inside a line from Babbler Point to Hour Point, along the shore of Wrangell Island, to Point Highfield to the southern end of Liesnoi Island to the southern end of Greys Island to the small island near the eastern entrance of Blind Slough, to the nearest point of Milkof Island, to the prominent point of Milkof Island nearest Coney Island, to the northern end of Coney Island, to a point 500 yards north of Jap Creek on the mainland shore; this closure applies to trolling throughout the year;

(3) Five Mile Creek: south of the latitude and west of the longitude of Sukoi Island except by trolling.

(j) District 9

(1) Tebenkof Bay

(A) Elena Bay: north and east of a line from $56^{\circ} 29' 56''$ N. lat., $134^{\circ} 06' 28''$ W. long. to Elena Point;

(B) Petrof Bay: south of $56^{\circ} 22' 20''$ N. lat.;

(C) Thetis Bay: within one nautical mile of all streams;

(2) Bay of Pillars: east of $134^{\circ} 11' 40''$ W. long.;

(3) Security Bay: all waters south of $56^{\circ} 49' 40''$ N. lat.;

(4) Saginaw Bay: within a line from the southwest shore at $56^{\circ} 51' 36''$ N. lat. to the northeast shore at $56^{\circ} 53' 06''$ N. lat.;

(5) Red Bluff Bay: west of $134^{\circ} 45' 28''$ W. long.;

(6) Gut Bay: west of $134^{\circ} 43' 28''$ W. long.;

(7) Port Walter: all waters including Little Port Walter;

(8) Murder Cove: north of $57^{\circ} 01' 45''$ N. lat.;

(9) Eliza Harbor: within 1,000 yards of head stream;

(10) Kodake Bay: all waters;

(11) Hamilton Bay: south of the latitude of Point Hamilton;

(12) Port Camden: south of $56^{\circ} 41' 30''$ N. lat.;

(13) Little Pybus Bay: north of $57^{\circ} 14' 50''$ N. lat.

(k) District 10

(1) Port Houghton

(A) All waters within lines projected south and east from the southern tip of Walter Island;

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(B) east of $133^{\circ} 11' W.$ long.;

(2) Windham Bay: east of $133^{\circ} 27' 10'' W.$ long., one fourth mile west of the narrows;

(3) Farragut Bay: all waters of Francis Anchorage;

(4) Gambier Bay: west of $134^{\circ} W.$ long.;

(5) Pybus Bay: Cannery Cove and West Arm inside a line running from $57^{\circ} 18' 24'' N.$ lat., $134^{\circ} 07' 55'' W.$ long. to an unnamed island at $57^{\circ} 18' 43'' N.$ lat., $134^{\circ} 07' 30'' W.$ long. and then to a point at $57^{\circ} 19' 20'' N.$ lat., $134^{\circ} 06' 20'' W.$ long.;

(6) Hobart Bay: east of $133^{\circ} 23' 40'' W.$ long.;

(7) Dry Bay: within 1,000 yards of the stream terminus.

(l) District 11

(1) Auke Bay: inside a line from Point Louisa to Outer Point; this closure does not apply to trolling from October 1 through April 15;

(2) Taku Inlet: north of a line from the Annex Creek Powerhouse to Trollers Anchorage;

(3) Slocum Inlet: all waters;

(4) Taku Harbor: all waters;

(5) Limestone Inlet: all waters;

(6) Seymour Canal

(A) all waters lying north of an east-west line originating at a point on Swan Island located at $57^{\circ} 56' 20'' N.$ lat., $134^{\circ} 12' 10'' W.$ long., and west of the longitude of Staunch Point, including all waters of Windfall Harbor and Swan Cove;

(B) Mole Harbor: inside Beacon Rock;

(C) Pleasant Bay: all waters;

(j) Port Snettisham

(A) Speel River: all waters north of the latitude of the old pulp mill wharf at $58^{\circ} 07' N.$ lat.;

(B) Gilbert Bay: all waters east of the longitude of Sentinel Point.

(m) District 12

(1) Wilson Cove: all waters;

(2) Whitewater Bay: within a line from Point Caution to $50^{\circ} 15' 37'' N.$ lat., $134^{\circ} 36' 25'' W.$ long.;

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(3) Chaik Bay: east of $134^{\circ} 30' 27''$ W. long.;

(4) Hood Bay: all waters of the North and South Arms, except by trolling;

(5) Kootznahoo Inlet: all waters except by trolling;

(6) Hawk Inlet: all waters east and north of a line from Point Marsden to a point one-half nautical mile northwest of Point Marsden at $58^{\circ} 04' 20''$ N. lat., $134^{\circ} 49' 15''$ W. long., then to Hawk Point except by trolling;

(7) Funter Bay: all waters except by trolling;

(8) Howard Bay: north of Point Howard except by trolling;

(9) Freshwater Bay: inside the innermost island;

(10) Tenakee Inlet: all waters west of the longitude of the northernmost point of Corner Bay except by trolling;

(11) Basket Bay: all waters;

(12) Kelp Bay, Middle Arm and South Arm: west of $134^{\circ} 56' 59''$ W. long.;

(13) Warm Springs Bay: all waters;

(14) False Bay: all waters.

(n) District 13

(1) Lisianski Inlet: south of Pelican City, except by trolling;

(2) Salt Lake Lagoon, Takanis Bay: the lagoon and within 500 yards of the mouth of the lagoon;

(3) Stag Bay: all waters;

(4) Goulding Harbor: all waters;

(5) Black Bay: all waters;

(6) Sister Lake: inside a line from $57^{\circ} 37' 42''$ N. lat., $136^{\circ} 00' 30''$ W. long., to $57^{\circ} 38' 05''$ N. lat., $136^{\circ} 00' 40''$ W. long.;

(7) Waterfall Cove, Slocum Arm: all waters;

(8) Fish Bay, northwest coast of Baranof Island: east of $135^{\circ} 35' 10''$ W. long.;

(9) Hoonah Sound, North Arm: all waters west and north of a line at $57^{\circ} 44' 20''$ N. lat., $135^{\circ} 43' 40''$ W. long., to $57^{\circ} 43' 50''$ N. lat., $135^{\circ} 44' 40''$ W. long.;

(10) Ushk Bay: west of Ushk Point;

(11) Rodman Bay: all waters west and south of a line at $57^{\circ} 28' 20''$ N. lat., $135^{\circ} 20' 40''$ W. long., to $57^{\circ} 28' 50''$ N. lat., $135^{\circ} 21' 30''$ W. long.;

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(12) Saook Bay: all waters west and south of a line at 57° 26' 15" N. lat., 135° 11' 40" W. long., to 57° 26' 40" N. lat., 135° 12' 15" W. long.;

(13) Hanus Bay: south of a line Point Hanus to Point Moses;

(14) Nakwasina Passage: from Allan Point to a line two miles east of Neba Point;

(15) Nakwasina Sound: all waters east of a line from a prominent point at 57° 11' 39" N. lat., 135° 23' 24" W. long., to 57° 12' 12" N. lat., 135° 24' 36" W. long.;

(16) Katlian Bay: all waters north and east of prominent points at 57° 09' 30" N. lat., 135° 21' 55" W. long. and 57° 09' 07" N. lat., 135° 22' 35" W. long.;

(17) Redoubt Bay: within 1½ statute miles of the terminus of the outlet stream of Redoubt Lake;

(18) Port Banks: all waters;

(19) Still Harbor: all waters;

(20) Redfish Bay: all waters inside a line from Overhang Point and a point at 56° 20' 49" N. lat., 134° 51' W. long.;

(21) Big Branch Bay: all waters;

(22) Sitkoh Bay: all waters of the northwest arm;

(23) Patterson Bay: all waters;

(24) Fick Cove: all waters;

(25) Starrigaven Bay: all waters inside a line from 57° 08' 27" N. lat., 135° 22' 35" W. long. to the ferry terminal dock.

(a) District 14

(1) Dundas Bay: north of 58° 20' N. lat.;

(2) Port Althorp: all waters, except by trolling;

(3) Idaho Inlet: all waters, except by trolling;

(4) Mud Bay: south of the latitude of Quartz Point;

(5) Port Frederick: all waters, except by trolling from October 1 through June 15 within a line extending from Inner Point Sophia to the northwest extremity of Halibut Island and then 323° to Chichagof Island;

(6) Spasski Bay: from Neck Point to Spasski Island to a point at 58° 05' 38" N. lat., 135° 13' 15" W. long., except by trolling;

(7) Whitestone Harbor: all waters except by trolling;

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(8) Homeshore Creek at 58° 16' 15" N. lat., 135° 20' 45" W. long: within 500 yards of the terminus except by trolling;

(9) Excursion Inlet: all waters except by trolling;

(10) Glacier Bay: north of 58° 27' 54" N. lat., except by trolling;

(p) District 15

(1) Chilkat Inlet: north of the latitude of Letnikof light;

(2) Lutak Inlet: northwest of a line between Tanani Point and Taiya Point;

(3) Taiya Inlet: all waters inside a line from Taiya Point to the mouth of Dayehas Creek, except by trolling;

(4) St. James Bay: all waters except by trolling.

Authority: AS 16.05.060

As 16.05.251(a)(2),(4)

5 AAC 33.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the cleithral arch to the tip of the tail. The heads of all fin clipped king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing.

Authority: AS 16.05.251(a),(3),(4),(7)

5 AAC 33.393. LANDING OF COHO SALMON. The heads of all fin clipped coho salmon must remain attached to the fish until sold.

Authority: AS 16.05.251(a),(3),(4),(7)

ARTICLE 4. BOTTOMFISH FISHERY

5 AAC 33.410. FISHING SEASONS. (a) Sablefish may be taken as follows:

(1) in district 9 north and east of a line from Cape Ommaney to Nation Point, districts 10, 11, 12, section 13-C, districts 14 and 15, from September 1 through November 15 or until a quota of 850,000 pounds has been taken, whichever is earlier;

(2) in districts 1,2,3,5,6,7, and 8, from June 15 through November 15;

(3) in districts 4 and 16 and sections 13-A and 13-B, there is no closed season.

(b) There is no closed season on other species of bottomfish.

Authority: AS 16.05.251(a)(2),(3)

5 AAC 33.430. GEAR. (a) Sablefish may be taken with longlines and pots.

(b) Longline vessels may have aboard or use for taking bait, gill nets with mesh size of not over two and one-half inches and made of not greater than number 20 gill net thread.

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(c) Repealed. (Eff. 3/19/78, Reg. 65).

(d) Repealed June 2 1978, Reg. 67.

(e) Fishing for bottomfish other than sablefish with sunken or diving gill nets may be conducted only under authority of a permit issued by the commissioner. The permit may specify open areas, fishing periods, gear specifications and operating specifications, and may require completion by the vessel operator of log books supplied by the department.

Authority: AS 16.05.251(a)(2),(3),(4),(7)

ARTICLE 5. SMELT FISHERY

5 AAC 33.510. FISHING SEASON. There is no closed season on smelt.

Authority: As 16.05.250(2)

ARTICLE 6. HERRING FISHERY

5 AAC 33.610. FISHING SEASONS. Repealed 4/8/79.

5 AAC 33.630. GEAR. Repealed 4/8/79.

5 AAC 33.631. GILL NET SPECIFICATIONS AND OPERATION. Repealed 4/8/79.

5 AAC 33.632. SEINE SPECIFICATIONS AND OPERATION. Repealed 4/8/79.

5 AAC 33.650. CLOSED WATERS. Repealed 4/8/79.

5 AAC 33.660. QUOTAS. Repealed 4/8/79.

5 AAC 33.670. REGISTRATION. Repealed, eff. 3/8/74, Reg. 49.

5 AAC 33.680. PERMITS. Repealed 4/8/79.

5 AAC 33.690. RESTRICTIONS. Repealed, eff. 3/8/74, Reg. 49.

ARTICLE 9. SUBSISTENCE FISHERY

5 AAC 33.980. PERMITS. For subsistence purposes, salmon, trout, char and herring spawn on kelp may be taken only under authority of a permit issued by the department.

Authority: AS 16.05.250(2)

5 AAC 33.990. RESTRICTIONS. (a) Subsistence fishing is prohibited as follows:

(1) in district 1, salmon may not be taken in

(A) Ketchikan Creek and Thomas Basin;

(B) Mahoney Creek in George Inlet;

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(C) Naha Bay: Roosevelt Lagoon and within one statute mile of the falls at the outlet of Roosevelt Lagoon;

(2) in district 11, salmon may not be taken in

(A) Auke Bay and tributary streams inside a line from Point Louisa through Coghlan and Spuhn Islands to the southern tip of Mendenhall Peninsula;

(B) creeks and rivers tributary to Gastineau Channel, but excluding Montana Creek and Fish Creek;

(C) the Taku River drainage;

(3) in district 13, Redoubt Bay, salmon may not be taken by gill net or seine in any waters of the bay closed to commercial fishing;

(4) in district 15, Lynn Canal, including Chilkat, Chilkoot and Lutak inlets, salmon may not be taken for subsistence purposes during the closed periods of the commercial net fishery;

(5) permits for taking king and coho salmon for subsistence purposes shall not be issued, except for coho salmon in Chilkat River adjacent to Klukwan Reservation;

(6) in taking salmon, the use of set gill net gear is prohibited except in the mainstream of the Chilkat River north of the latitude of Zimovia Point; the permit holder shall be present at the net while it is fishing;

(7) in taking salmon, the use of gill nets is prohibited in districts 1,2,3, and 4.

(b) Halibut may be taken for subsistence purposes from March 1 through October 31, and only by a single hand-held line. The daily bag and possession limit is two halibut.

Authority: AS 16.05.251(2),(3) and (4)

INTERNATIONAL WATER AREA

CHAPTER 36. INTERNATIONAL WATER AREA

ARTICLE 1. DESCRIPTION OF AREA

5 AAC 36.010. DESCRIPTION OF AREA. The International Water area includes all waters outside Alaska's three-mile limit, i.e., beyond those described in 5 AAC 39.975(13).

Authority: AS 16.05.250(2)
AS 16.10.190

ARTICLE 3. SALMON

5 AAC 36.020. SALMON NET AND LONGLINE FISHING PROHIBITED. It is unlawful for a citizen of the state to take, by use of any type of net or longline, any salmon within the international waters of the Pacific Ocean.

Authority: AS 16.05.250(2) and (3)
AS 16.10.190

5 AAC 36.030. TRANSPORTATION AND POSSESSION. It is unlawful to transport through the Pacific Ocean waters of the state, or to have possession in this state, any salmon taken by any type of net or longline in international waters of the Pacific Ocean or within the territorial waters of this state or of another state or country where fishing for salmon with nets or longline is unlawful.

Authority: AS 16.05.250(2) and (3)
AS 16.10.200

AQUATIC PLANTS

CHAPTER 37. AQUATIC PLANTS

ARTICLE 1. HARVEST PROVISIONS

5 AAC 37.100 PERMITS. Processors or buyers of aquatic plants shall obtain a harvest permit issued by the commissioner or his authorized representative prior to operating, including the following provisions:

- (1) the area of operation shall be restricted to one or more fishing districts;
- (2) species to be harvested;
- (3) method of harvest shall be restricted to mechanical cutting or handpicking;
- (4) plants shall be removed from the water at the time of harvesting;
- (5) aquatic plants where used as substrate for herring spawn may be harvested only as otherwise provided in this title.

Authority: AS 16.05.250(13)

5 AAC 37.150. CLOSED WATERS. All waters of Khaz Bay are closed to the taking of aquatic plants.

Authority: AS 16.05.250(13)

ARTICLE 2. SEASONS

5 AAC 37.200. SEASONS. The opening and closing dates of harvesting aquatic plants will be made by emergency order.

Authority: AS 16.05.250(13)
AS 16.05.060

ARTICLE 9. RESTRICTIONS

5 AAC 37.900. RESTRICTIONS. Transplanting of aquatic plants is prohibited except as provided in this title for the issuance of permits by the commissioner for the purpose of producing herring spawn on kelp in pounds.

Authority: AS 16.05.251(a)(11)

GENERAL PROVISIONS

CHAPTER 39. GENERAL PROVISIONS

ARTICLE 1. GENERAL

5 AAC 39.105. TYPES OF LEGAL GEAR. (a) All gear shall be operated in a manner conforming to its basic design.

(b) The size of meshes of a gill net shall be substantially consistent.

(c) All references to mesh size in the regulations are considered to be "stretched measure."

(d) Unless otherwise provided in this title, the following are legal types of gear:

(1) a gill net is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water;

(2) a set gill net is a gill net that has been intentionally set, staked, anchored or otherwise fixed;

(3) a drift gill net is a drifting gill net that has not been intentionally staked, anchored or otherwise fixed;

(4) a purse seine is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line;

(5) a hand purse seine is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line;

(6) a beach seine is a floating net designed to surround fish which is set from and hauled to the beach;

(7) power gurdy troll gear consists of a line or lines with lures or baited hooks which are drawn through the water by a gurdy;

(8) hand troll gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand powered crank and not by any type of electrical, hydraulic, mechanical or other device or attachment;

(9) a fishwheel is a fixed, rotating device for catching fish which is driven by river current or other means of power;

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(10) a trawl is a bag-shaped net towed through the water to capture fish or shell fish;

(11) a pot is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water;

(12) a ring net is a bag-shaped net suspended from a circular or rectangular frame;

(13) a longline is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached;

(14) a shovel is a hand-operated implement for digging clams or cockles;

(15) a mechanical clam digger is a mechanical device used or capable of being used for the taking of clams;

(16) a scallop dredge is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor;

(17) a fyke net is a fixed, funneling (fyke) device used to entrap fish;

(18) a lead is a length of net employed for guiding fish into a seine;

(19) an anchor is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored;

(20) a herring pound is an enclosure used primarily to retain herring alive over extended periods of time;

(21) diving gear is any type of hard hat or skin diving equipment;

(22) a hydraulic clam digger is a device using water or a combination of air and water to remove clams from their environment;

(23) a grappling hook is a hooked device with flukes or claws and attached to a line and operated by hand;

(24) a dip net is a bag-shaped net suspended from a frame, which may not exceed five feet in any outside dimension, is attached to a single handle and is operated by hand;

(25) a mechanical jigging machine is a mechanical device with line and hooks used to jig for bottomfish.

Authority: AS 16.05.251(a)(4)

5 AAC 39.110, CREWMEMBER FISHING LICENSE REQUIREMENTS. (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

GENERAL PROVISIONS

(b) Not more than one crewmember fishing license may be obtained by a person during any one calendar year unless a duplicate license is requested in compliance with AS 16.05.480(c).

(c) A crewmember licensee who does not hold a valid interim-use or entry permit card may crew in any fishery if the holder of a valid interim-use or entry permit card for that fishery is present and actively engaged in the operation of a fishing gear.

(d) A valid interim-use or entry permit card holder may crew in any fishery, except that a salmon net permit holder may crew in salmon net fisheries only in that salmon net registration area for which he holds a valid salmon net permit card.

(e) In this section "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(2) and "present and actively engaged in the operation of" means being present at the gear site and operating gear or assisting or supervising some portion of the immediate fishing operation.

Authority: AS 16.05.251(4), (5) and (12)
AS 16.05.450
AS 16.05.480

5 AAC 39.115. DESIGNATION OF SALMON NET REGISTRATION AREA. A person who holds salmon net gear permits for more than one registration area listed in sec. 120(d) of this chapter shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit.

Authority: AS 16.05.251(4), (5) and (12)

5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS. (a) A person who owns a commercial fishing vessel or his authorized agent shall register that vessel by completing a vessel license application or renewal form and submitting it to the Commercial Fisheries Entry Commission. Vessel registration is required before fishing or transporting fish in any waters of Alaska.

(1) a vessel, if it is in compliance with all regulations governing registration and if it displays a license issued under AS 16.05.530, is considered to be registered under the laws of the state and may be employed in the taking or transporting of fish;

(2) in this section

(A) "employ" or "employed" means taking or attempting to take fish, or transporting fish which have been taken or any operation of a vessel aiding or assisting in the taking or transporting of fish;

(B) "in compliance with all regulations governing registration;" includes registration required by secs. 20 and 70 of chs. 31, 32, 34, 35, and 38 and includes district or subdistrict registration requirements of chs. 03—38 of this title, and includes the provisions of this section;

(C) "registered under the laws of the State" means that a vessel displays a license described in 20 AAC 05.958 and issued under AS 16.05.530, and that the registration provisions of chs. 03—39 of this title have been complied with and evidence of compliance is immediately available at all times during fishing or transporting operations, and can be shown upon request to any authorized representative of the department;

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(3) it is unlawful to take, attempt to take or possess unprocessed fish aboard a vessel in the waters of Alaska unless the vessel is registered under the laws of the state.

(b) Area registration requirements for shellfish vessels are as specified in the registration regulations in chs. 31—38 of this title.

(c) Area registration requirements for salmon net fishing vessels are as follows:

(1) a person who owns a fishing vessel to be used to take salmon with net gear, or his authorized agent, shall register for an area by designating on the vessel license application or renewal form the vessel's one area of intended salmon net gear operation for the year; it is unlawful for a vessel to engage in salmon net fishing in an area other than the single area selected;

(2) in this section the term "area" means any registration area listed in (d) of this section, except that

(A) in salmon net registration area T, vessel registration is also required for a fishing district as specified in 5 AAC 36.370;

(B) in salmon net registration areas W, Y and Z vessel registration is also required for a fishing subdistrict as specified in 5 AAC 03.370;

(3) a vessel registered for an area of salmon net fishing in compliance with (c)(1) of this section will be issued, by the Commercial Fisheries Entry Commission, a vessel license area tab for that year; it is unlawful for a vessel to fish in the area of registration unless the vessel displays the area tab on the vessel license number plate; no vessel owner or operator may possess for each vessel, or no vessel may display, more than one vessel license area tab;

(4) a person who owns a fishing vessel registered for an area of intended operation in compliance with (c)(1) of this section or his authorized agent may reregister it for a different salmon net registration area under the following conditions:

(A) the reregistration of a salmon net fishing vessel shall be authorized

(i) by the commissioner upon receipt of proof in writing that the vessel has been lost through sinking, destruction, or extensive mechanical breakdown, or that the vessel operator has suffered serious injury, sickness or death during the open season; or

(ii) by the Commercial Fisheries Entry Commission upon receipt of a written certification or personal affidavit stating that the vessel has not been used for salmon net fishing in the original area of registration;

(B) a person authorized to reregister a vessel must complete a reregistration form issued by the Commercial Fisheries Entry Commission and submit it to the commissioner together with any previously issued vessel license area tab;

(C) it is unlawful for a vessel to fish in the area of reregistration unless the vessel displays the appropriate area tab on the vessel license number plate;

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(D) area reregistration under this section shall supersede the original area registration as if the original area registration had never been made.

(d) Salmon net registration areas are the following code letters with the following described areas:

Code

Letter Area

A—Southeastern Alaska area

D—Yakutat area

E—Prince William Sound area and the Yakataga district of the Yakutat area

H—Cook Inlet area

K—Kodiak area

L—Chignik area

M—Alaska Peninsula and Aleutian Islands area

T—Bristol Bay area and:

January 1 through June 30, the Cinder River and Port Heiden sections of the Northern district of the Alaska Peninsula area,

August 1 through December 31, the Cinder River area, Port Heiden and Ilnik sections of the Northern district of the Alaska Peninsula area

W—Kuskokwim district of the Arctic-Yukon-Kuskokwim area

X—Kotzebue district of the Arctic-Yukon-Kuskokwim area

Y—Yukon district of the Arctic-Yukon-Kuskokwim area

Z—Norton Sound district of the Arctic-Yukon-Kuskokwim area

(e) Evidence of proper registration or licensing shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the department.

(f) The provisions of this section do not apply to halibut fishing.

Authority: AS 16.05.251(2),(4),(5) and (12)

AS 16.05.490

AS 16.05.510

5 AAC 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS AND FISHERMEN. (a) Each person, company firm or other organization who purchases unprocessed fish, or processes fish or by-products of fish shall

(1) furnish to the department each calendar year before operating a written statement of intent to operate with a description of the nature, extent and location of the operation on forms available from the department;

(2) submit, no later than January 31, an accurate and complete summary of the previous year's operation on Fish and Game Form 122, which is available from the department;

(3) furnish, verbally or in writing, purchasing or processing records as requested by the department or its representative.

(b) Each buyer of fish and shellfish and each fisherman selling to buyers not licensed to process fish shall keep a record of each purchase on fish tickets or other forms supplied by the department. Fish tickets shall be submitted to the local department representative at least once a week or as otherwise specified by the department for each particular area and fishery. The record shall include the following:

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- (1) the name of the company or individual buying the fish;
- (2) the name of the fisherman from whom the fish were purchased;
- (3) the name or the Coast Guard number of the vessel employed in taking fish;
- (4) the date of the landing of the fish;
- (5) the department registration number or set net number, whichever is applicable;
- (6) the type of gear by which the fish were taken;
- (7) the nearest headland or bay or statistical catch area in which the fish were taken;
- (8) information applicable to the following species:

- (A) the number and pounds of salmon by species;
- (B) the number and pounds of king, dungeness and tanner crab;
- (C) the pounds of other fish or shellfish by species;

(9) the Commercial Fisheries Entry Commission permit number of the operator of the unit of gear with which the fish were taken, imprinted on the fish ticket from the valid permit card; the imprinting requirement of this subsection may be suspended by the department only after notification from the buyer or fisherman that the permit card is lost, transferred or destroyed or the imprinter is malfunctioning; if the above circumstances arise then the permit number shall be handwritten on the fish ticket by the buyer;

- (10) other information the department may require.

(c) Each fisherman shall furnish to the buyer factual catch data necessary for completion of reports required by the department.

(d) Each shellfish fisherman shall furnish in writing to the department, directly or through the buyer, data necessary for reports required by the department.

(e) The following information regarding the transporting of unprocessed fish shall be transmitted to an authorized representative of the department either verbally, in writing or by telephone:

(1) the number and species of salmon taken in any regulatory area shall be reported before being transported to any other area or out of the state;

(2) the numbers or pounds by species of all other fish shall be reported before being transported out of the state.

(f) Operators of floating fish processing vessels, before the time of operation, shall report in person, by radio or by telephone to the local department representative. The report must include the initial processing location, by district, subdistrict and the exact latitude and longitude of the location and the date of the

GENERAL PROVISIONS

intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local department representative in person, by radio or by telephone of the new location of operation by district, sub-district and exact latitude and longitude. The local department representative may waive all or part of the above description requirements if, in his discretion, if it is not necessary for the conservation or management of the fishery in that area.

(g) It is unlawful for any person, company, firm or other organization who or which purchases or processes fish or their by-products to purchase or otherwise receive or transport roe from subsistence-caught salmon. In the Arctic-Yukon-Kuskokwim area, each person, company, firm or other organization who or which purchases unprocessed salmon or processes salmon or their by-products shall submit to the department a weekly report summarizing his or its salmon and commercial salmon roe production. In the Arctic-Yukon-Kuskokwim area, each purchaser or processor of commercial salmon roe shall notify a department representative at least 24 hours before the roe is transported from the district in which it was taken.

Authority: AS 16.05.251(a)
AS 16.05.690

5 AAC 39.140. INSPECTION OF FISHERY ESTABLISHMENTS. For purposes of inspection, representatives of the department shall have free and unobstructed access to all canneries, salteries and other fish processing establishments.

Authority: AS 16.05.180

5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS. All shellfish and bottomfish pots shall contain an opening in the webbing of a side wall of the pot which has been laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread, which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one half of the tunnel tie opening perimeter. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

Authority: AS 16.05.251(4)
AS 16.10.125

5 AAC 39.150. EXPLOSIVES, CHEMICALS AND POISONS UNLAWFUL. The use of an explosive, chemical or poison in the taking or killing of fish or shellfish is prohibited, except that chemical baits or lures may be used to attract shellfish.

Authority: AS 16.05.250(3)

5 AAC 39.155. SEINE DRUMS UNLAWFUL. It shall be unlawful to have mounted aboard any seine vessel a seine drum or reel around which a seine can be coiled or rolled.

Authority: AS 16.05.250(3)
As 16.10.120

5 AAC 39.160. MAXIMUM LENGTH OF SALMON SEINE VESSEL. No salmon seine vessel may be longer than 50 feet, official Coast Guard register length, and 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.

Authority: AS 16.05.251(4)

5 AAC 39.170. MONOFILAMENT PURSE SEINE WEB UNLAWFUL. It is unlawful to use single or multiple strand monofilament purse seine web. For the purpose of this regulation, "monofilament" means any single filament having more than 50 denier, that is weighing more than 50 grams per 9,000 meters of filament.

Authority: AS 16.05.250(3)

GENERAL PROVISIONS

5 AAC 39.180. TIME LIMIT FOR PRESERVATION OF SALMON. It is unlawful to preserve for sale as food any salmon, unless it has been canned, salted, iced, frozen, brine chilled, smoked or dried within 48 hours after being killed.

Authority: AS 16.05.250(3)

5 AAC 39.190. DRIVING SALMON PROHIBITED. It is unlawful to drive or attempt to drive salmon from waters closed to salmon fishing.

Authority: AS 16.05.251(7) and (8)
AS 16.10.010

5 AAC 39.195. ANNOUNCEMENT OF EMERGENCY ORDERS. Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers and canneries by one or more of the following means if possible:

(1) radio transmission by department stations;

(2) notices posted at canneries and public places;

(3) press releases and announcements in local newspapers and commercial radio stations;

(4) telegrams and commercial radio facilities.

Authority: AS 16.05.060

5 AAC 39.197. UNLAWFUL POSSESSION OF FISH. No person may possess, purchase, sell, barter or transport fish within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that the fish were taken or possessed in contravention of chs. 03-39 of this title.

Authority: AS 16.05.251(10)

5 AAC 39.198. COMMERCIAL FISHING AND RELATED OPERATIONS BY ALIENS NOT LAWFULLY ADMITED TO THE UNITED STATES. (a) Foreign vessels or aliens or both are prohibited from:

(1) the catching, taking, or harvesting of fish resources;

(2) the tendering, offloading, or other movement or handling of fish resources until processing has been completed;

(3) the processing of fish resources; or

(4) any attempt at, preparation for, or assistance of the foregoing; with the intent of disposing of the fish resources for profit, or by sale, barter, trade, or in commercial channels.

(b) As used in this section, "processing" means completion of:

(1) cooking;

(2) canning;

(3) smoking;

(4) salting, which means uniformly mixing with a minimum salting level of at least 20% of the weight of the fish resources;

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(5) drying; or

(6) freezing.

(c) Aliens and foreign vessels are not prohibited from transporting fish resources outside the state, or engaging in other business activities respecting fish resources after processing has been completed. Any vessel used pursuant to this authorization, whether domestic or foreign;

(1) must not be equipped for the harvesting of fish resources; and

(2) must be in compliance with applicable state and federal laws.

(d) The commissioner, after consultation with the Board of Fisheries, may under conditions and limitations determined by him, grant a limited exception to this section with respect to a particular fishery and permit foreign vessels to process fish resources at an existing or constructive port, or to transport fish resources outside the state from an existing or constructive port that processing takes place, if he determines after investigation that:

(1) the volume of fish resources expected to be taken in the fishery under current regulations exceeds the anticipated processing capability of facilities operated by United States processors;

(2) there is no practical opportunity for United States processors to make emergency arrangements to handle excess volume;

(3) there is a likelihood of substantial wastage of fish resources taken in the fishery if foreign processing or transportation capacity is not utilized; and

(4) there is no significant likelihood of clandestine foreign fishing operations if the exception is granted.

(e) With respect to paragraph (d) of this section the commissioner may recognize and designate constructive ports provided:

(1) the ports are within the internal waters of the state;

(2) there is no existing port within a reasonable running time from fishing grounds which are the subject of a substantial fishery; and

(3) there is no significant opportunity for clandestine violations of (a) of this section or evasion of other applicable state and federal laws and regulations.

(f) The provisions of this section apply to foreign vessels and aliens in the internal waters and the territorial sea of the state.

(g) As used in this section:

(1) "aliens" means aliens not admitted to the United States with immigrant or other resident alien status under the immigration and naturalization laws of the United States;

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(2) "existing ports" means those Alaskan marine ports designated in 19 C.F.R. sec. 1.2;

(3) the phrase "foreign vessels and aliens" includes foreign vessels staffed with aliens, foreign vessels staffed with U.S. citizens, and U.S. vessels staffed with aliens; and

(4) "foreign vessels" means vessels not documented under the laws of the United States or documented under the laws of a state.

Authority: AS 16.05.251

AS 16.05.475

AS 16.05.905

AS 16.05.910

AS 16.05.920

AS 16.05.940

ARTICLE 2. SALMON FISHERY

5 AAC 39.230. GEAR. Only those gill nets, seines, troll lines, fishwheels, spears or other appliances as provided for in chs. 03-39 of this title may be used to take salmon.

AS 16.05.250(3)

5 AAC 39.240. GENERAL GEAR SPECIFICATIONS AND OPERATION. (a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

(b) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

(c) A purse seine, hand purse seine or beach seine may not be fished simultaneously with gill net gear by any individual or vessel.

(d) Salmon fishing nets shall be measured, either wet or dry, by determining the maximum or minimum length of the cork line when the net is fully extended with traction applied at one end only.

(e) The interim-use or entry permit card holder is responsible for the operation of the net.

Authority: AS 16.05.251(4)

5 AAC 39.250. GILL NET SPECIFICATIONS AND OPERATION. (a) The trailing of gill net web is prohibited at any time or place where fishing is not permitted.

(b) Set gill nets shall be removed from the water during any closed period.

(c) Gill net web must contain no less than 25 filaments until December 31, 1978. After December 31, 1978, gill net web must contain no less than 30 filaments.

Authority: AS 16.05.251(4)

5 AAC 39.260. SEINE SPECIFICATIONS AND OPERATION. (a) In the use of purse seines and hand purse seines, not more than one anchor may be used to hold the seine boat during a set.

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(b) Repealed. (Eff. 3/26/76, Reg. 57)

(c) A purse seine is considered to have ceased fishing when all the rings are out of the water.

(d) A hand purse seine is considered to have ceased fishing when both ends of the seine are fast to the vessel.

(e) A beach seine is considered to have ceased fishing when all of the lead line is above the water on the beach.

(f) Where the use of leads is permitted, a purse seine vessel may not have or use more than one lead of a legal length and depth, without purse rings attached, and with a minimum mesh size of seven inches.

Authority: AS 16.05.251(4)

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION. (a) A maximum of four trolling lines may be operated from any vessel.

(b) A trolling vessel may have, or use for taking bait, gill nets of a mesh not more than 2½ inches and made of not greater than number 20 gill net thread.

(c) Each vessel engaged in power trolling must display its permanent vessel plate number (ADF&G number) in permanent symbols of black on a white background. Each number must be at least twelve inches in height, with lines at least one inch wide, and must be permanently affixed and displayed plainly visible and unobscured on both sides of the hull or cabin at all times.

(d) Each vessel engaged in hand trolling must display the letters HT in permanent block letters on both sides of the vessel. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least four inches in height, at least one-half inch in width, plainly visible and unobscured at all times. No hand troll vessel may display its permanent vessel plate number (ADF&G number) in any location other than on the vessel license plate.

Authority: AS 16.05.251(a)(4), (5), (7)

5 AAC 39.280. IDENTIFICATION OF STATIONARY FISHING GEAR. Any person, company or corporation owning, operating or using a set gill net or fishwheel shall place in a conspicuous place on or near the set gill net or fishwheel the name of the person, company or corporation owning, operating and using it, together with a permanently assigned department registration number. Numbers shall be at least six inches in height with lines at least one inch wide and shall be painted in contrasting colors, except as otherwise provided in this title.

Authority: AS 16.05.250(3)

5 AAC 39.290. CLOSED WATERS. (a) Commercial fishing for salmon is prohibited at all times within the streams and rivers of Alaska and within a radius of 500 yards, both seaward and landward from a point beginning midway of a line between the seaward extremities of the exposed tideland banks at mean lower low water, of any salmon stream or as specified in regulations having particular application to designated streams or areas.

(b) The department may post any closed area designated in (a) of this section by appropriate markers. The department shall place such markers as close as practically possible to the distance or location specified by the applicable regulation or

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emergency order. However, where markers have been deployed, it is unlawful to take salmon for commercial purposes on the streamward side of the area indicated by the markers and as described in (a) of this section.

(c) Where markers as described above have been lost or destroyed or are not in place, the area closed to commercial salmon fishing is as specified by the applicable regulation or emergency order.

(d) The Ugashik, Yukon and Kuskokwim Rivers, the Yakutat area and any other river where a legal commercial fishery now exists are the only exceptions to this closure.

Authority: AS 16.05.251(2)

ARTICLE 3. GROUNDFISH FISHERY

5 AAC 39.380. GEAR FOR BOTTOMFISH. (a) Bottomfish may be taken by trawls, hand troll gear, seines, mechanical jigging devices, longlines and pots except as legal gear may be further restricted by the bottomfish gear regulations of chs. 03-39 of this title and except as follows:

(1) king and tanner crab pots as defined in chs. 34 and 35 of this title may not be used to take bottomfish in the areas where the regulations define those pots;

(2) bottomfish taken by power gurdy troll gear being fished for salmon consistent with applicable state laws and regulations are legally taken and possessed;

(3) in the Southeastern Alaska and Yakutat areas, as specified in 5 AAC 33.430, and in the Cook Inlet area, as specified in 5 AAC 21.430, bottomfish may also be taken by sunken or diving gill nets under the terms of a permit.

(b) All commercial longline or skate gear buoys or kegs, and buoys for bottomfish pots and sunken gill nets shall be marked with the permanent registration number of the vessel fishing the gear.

(c) It is unlawful for any person to possess any salmon or halibut aboard a vessel that has taken or is equipped to take bottomfish with a mechanical jigging machine. No person may purchase or sell any salmon or any halibut from any vessel while purchasing or selling bottomfish taken with a mechanical jigging machine.

Authority: AS 16.05.251(4) and (5)

5 AAC 38.381. GEAR FOR HALIBUT. Halibut may be taken by hand troll gear and longlines, except that halibut incidentally taken by power troll gear being fished for salmon consistent with applicable state laws and regulations are legally taken and possessed.

Authority: AS 16.05.251(2), (3) and (4)

5 AAC 39.382. LIMITATIONS WHILE FISHING FOR SHELLFISH. (a) Validly registered king crab vessels may not be used to take bottomfish with pots in areas closed to king crab fishing.

(b) Validly registered shrimp trawl vessels may not be used to take bottomfish with trawls in areas closed to shrimp trawl fishing.

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(c) Validly registered tanner crab vessels may not be used to take bottomfish with pots in areas closed to tanner crab fishing.

(d) Validly registered dungeness crab vessels may not be used to take bottomfish with pots in areas closed to dungeness crab fishing.

Authority: AS 16.05.251(2),(4),(10),(12)

5 AAC 39.390. LIMITATIONS FOR HALIBUT. It is unlawful to take, fish for, or possess for commercial purposes any species of halibut (*Hippoglossus*) in a manner inconsistent with the 1978 regulations of the International Pacific Halibut Commission.

5 AAC 39.395. LIMITATIONS FOR GROUNDFISH. In the Gulf of Alaska it is unlawful to take, fish for, or possess for commercial purposes any species of groundfish in a manner inconsistent with the regulations of the U.S. Secretary of Commerce (Title 50, Part 672) governing the taking of groundfish which implement the secretary's Fishery Management Plan for Groundfish of the Gulf of Alaska.

Authority: AS 16.05.251
AS 16.05.920

ARTICLE 4. SMELT FISHERY

5 AAC 39.410. GEAR. Legal gear, as defined in sec. 105 of this chapter, may be used to take smelt.

Authority: AS 16.05.250(3)

ARTICLE 5. HERRING FISHERY

5 AAC 39.510. GEAR. Repealed 4/8/79.

5 AAC 39.520. OBSTRUCTIONS. Repealed 4/8/79.

5 AAC 39.580. PERMITS FOR HERRING SPAWN. Repealed 4/8/79.

ARTICLE 7. FRESHWATER FISHERY

5 AAC 39.734. IDENTIFICATION OF GEAR. All gear, while in operation, shall be plainly and legibly marked with the operator's name and permanent registration or permit number.

Authority: AS 16.05.250(3)

5 AAC 39.780. PERMIT REQUIRED. Whitefish, sheefish, char, trout, pike, smelt, burbot and lamprey in fresh and salt water may be taken or purchased under the authority of a permit secured from the commissioner or his local representative. The permit may be issued to either the fisherman or the buyer. These species, when taken incidentally in conjunction with commercial salmon fishing, are legally taken and possessed without a permit, unless otherwise provided in this title. The permit may designate the time and area of fishing and the type and amount of fishing gear. The species to be harvested may be designated and the number of fish may be limited under terms of the permit.

Authority: AS 16.05.251(a),(2),(3),(4),(7)

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ARTICLE 8. SUBSISTENCE FISHERY

5 AAC 39.885. SEASONS, GEAR AND AREAS. Shellfish, aquatic plants and fish other than salmon may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in chs. 03-39 of this title.

Authority: AS 16.05.251(2),(3),(4) and (11)

5 AAC 39.890. RESTRICTIONS. (a) Salmon and halibut may be taken for subsistence purposes only by residents.

(b) Salmon may be taken only under terms of a permit issued by the commissioner or his local representative or as otherwise provided in this title. Permits shall be retained in the possession of the permittee and be readily accessible for inspection while taking or transporting the species for which the permit is issued. Gill nets used for subsistence fishing under the terms of a permit for salmon may not exceed 50 fathoms in length, except as provided in 5 AAC 09.930.

(c) The number of salmon taken for subsistence purposes shall not exceed the limits set out in permits issued under the authority of this title.

(d) It is unlawful to buy, sell or barter subsistence-caught fish or parts thereof, except as permitted by the purchase and sale of salmon roe regulations in ch. 03 of this title.

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

(f) The use of explosives and chemicals is prohibited except as provided in sec. 150 of this chapter.

(g) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fished through the ice in the Bristol Bay and Arctic-Yukon-Kuskokwim areas.

(h) Each subsistence fisherman shall plainly and legibly inscribe his first initial, last name, and address on his fishwheel, or on a keg or buoy attached to unattended fishing gear.

(i) Salmon taken under authority of a subsistence permit may not be used as bait for commercial fishing purposes.

Authority: AS 16.05.251(2),(3),(4) and (12)
AS 16.05.920
AS 16.05.940(17)

ARTICLE 9. DEFINITIONS

5 AAC 39.975. DEFINITIONS. In chs. 03-39 of this title

(1) "alien" means a person who is not a citizen of the United States, and who does not have a petition for naturalization pending before a district court;

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(2) "bag limit" means the maximum legal take per person per day, even if part or all of the fish are preserved;

(3) "buyer" means a person who purchases fish from the fisherman who caught the fish or who, for commercial purposes, processes fish he has caught himself;

(4) "depth of net" means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;

(5) repealed (Eff. 2/18/73, Reg. 45);

(6) "gear" means any type of fishing apparatus;

(7) "inclusive season dates" means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;

(8) "legal limit of fishing gear" means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;

(9) "local representative" means the nearest or most accessible officer of the department or a person designated by the commissioner to perform specific functions for the department;

(10) "Salmon stream" means any stream used by salmon for spawning or for travelling to a spawning area;

(11) "stretched measure" means the average length of any series of consecutive meshes measured from inside the first knot and including the last knot when wet after use; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;

(12) "subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter except as otherwise provided in this title; gear which may be utilized for subsistence fishing is provided in sec. 105 of this chapter except where permissible gear is specified by the subsistence fishing regulations in chs. 03-39 of this title;

(13) "waters of Alaska" means the waters north and west of the International Boundary at Dixon entrance including those extending three miles seaward

(A) from the coast;

(B) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances;

GENERAL PROVISIONS

(C) from an island or group of islands, including the islands of the Alexander Archipelago, and the waters between the groups of islands on the mainland;

(14) "salmon stream terminus" means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed (Eff. 8/14/70, Reg. 35);

(16) "ton" means 2,000 pounds avoirdupois weight;

(17) "king crab" means any or all of the following species:

(A) *Paralithodes camtschatica* (red king crab);

(B) *Paralithodes platypus* (blue king crab);

(C) *Paralithodes brevipes*;

(D) *Lithodes aequispina* (brown king crab);

(18) "tanner crab" or "snow crab" means all species of the genus *Chionoecetes*;

(19) "dungeness crab" means the species *Cancer magister*;

(20) "household" means a person or persons having the same residence;

(21) "bottomfish" means any marine finfish except halibut, osmerids, herring and salmonids;

(22) "to operate fishing gear" means:

(A) the deployment of gear in the water of Alaska;

(B) the removal of gear from the water of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period; or

(D) possession of a gill net containing fish during an open fishing period;

(23) "possession limit" means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) "hung measure" means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Authority: AS 16.05.251
AS 16.05.940

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5 AAC 39.997. ABBREVIATIONS AND SYMBOLS. (a) The abbreviations a.m. and p.m. indicate antemeridian and postmeridian respectively for either Standard Time or Daylight Saving Time in conformance with the official time in use for Alaska.

(b) The symbols $^{\circ}$, $'$, $''$, indicate degrees, minutes and seconds, respectively, of longitude or latitude, based on the North American datum of 1927.

(c) Lat. and long. indicate latitude and longitude, respectively.

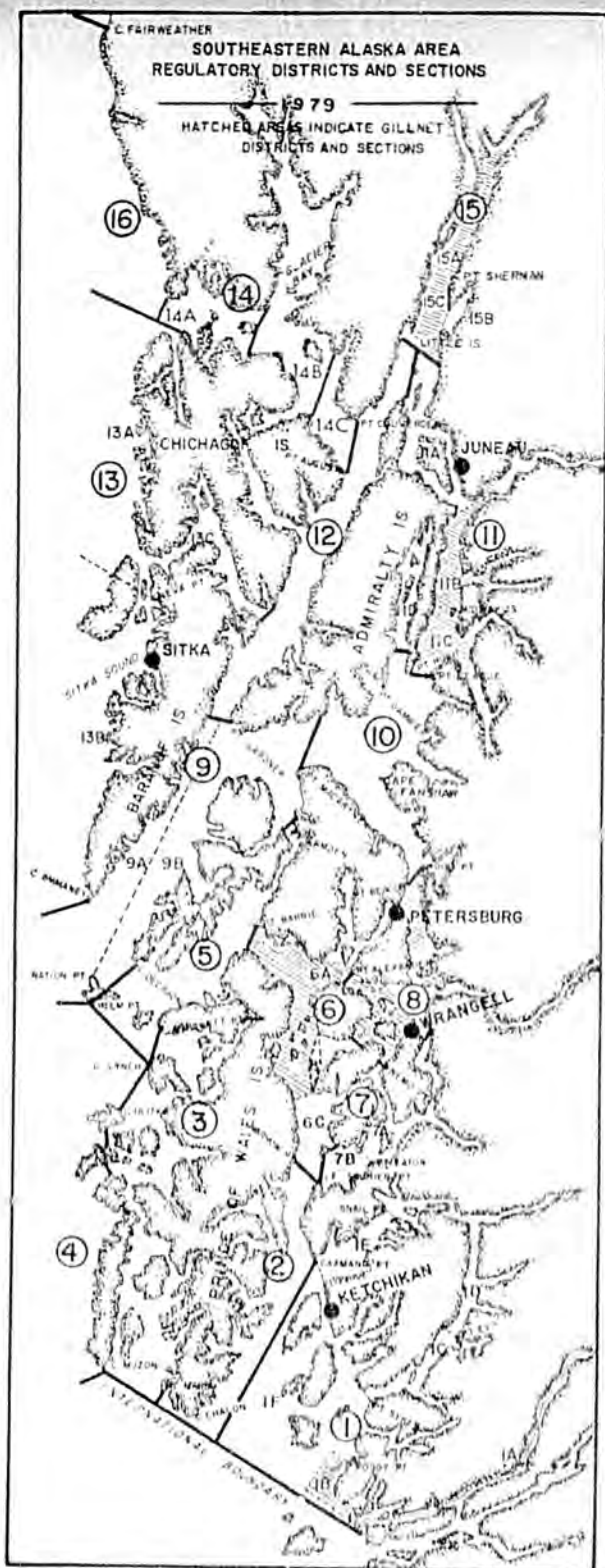
(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

Authority: AS 16.05.250

**SOUTHEASTERN ALASKA AREA
REGULATORY DISTRICTS AND SECTIONS**

1979

HATCHED AREAS INDICATE GILLNET
DISTRICTS AND SECTIONS



ATTENTION FISHERMEN

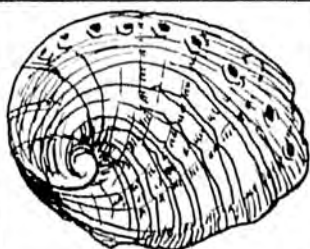
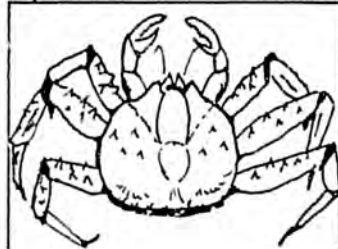
You can assist in the protection of your fishery resources.

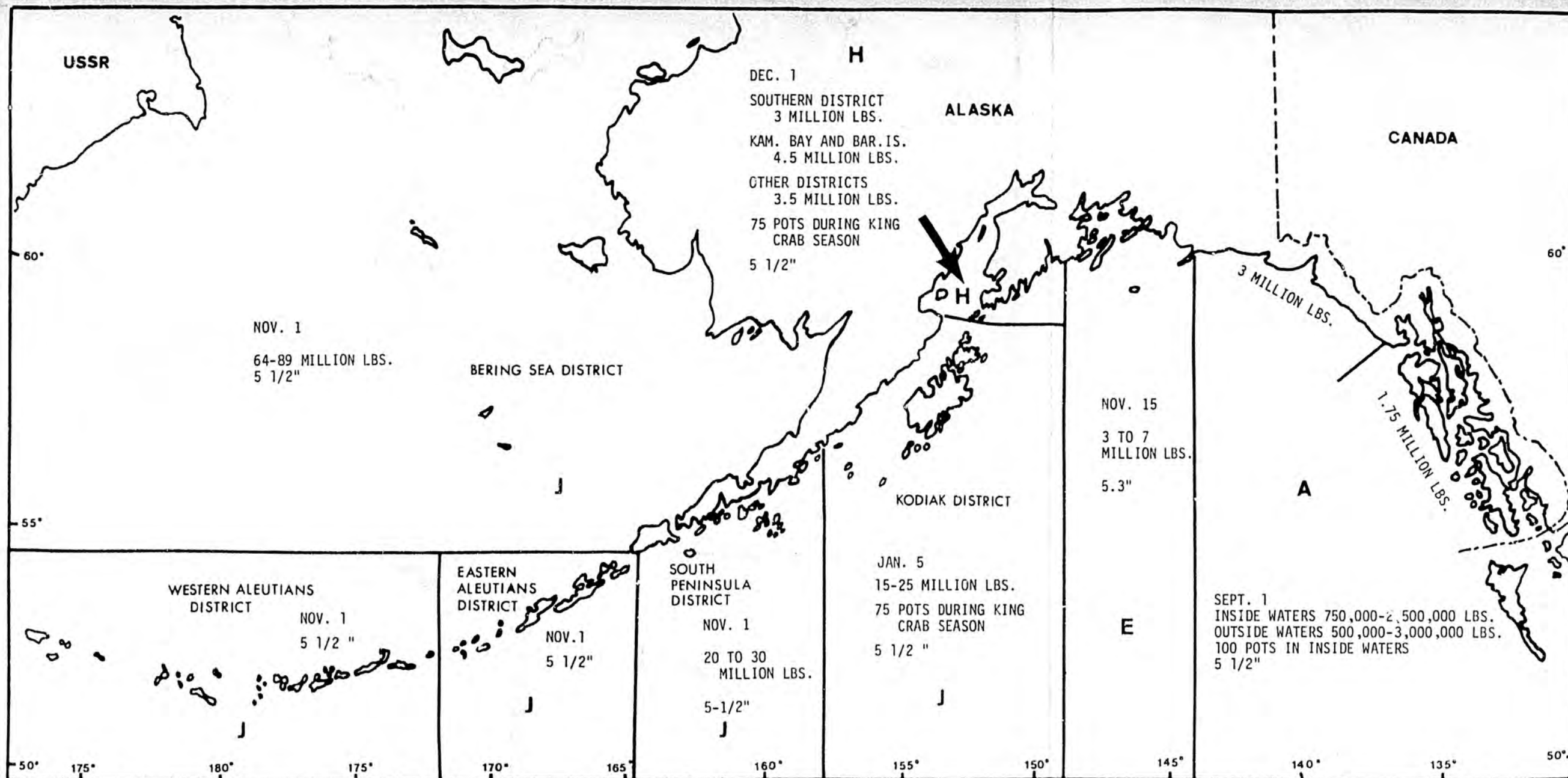
If you observe a violation of the fishery laws you can assist the Alaska Division of Fish and Wildlife Protection by immediately recording the following information and reporting it to the nearest office of the Alaska Department of Public Safety.

<u>Date of Violation</u>	<u>day</u> <u>month</u> <u>year</u>
<u>Time of Violation</u>	<u>hour</u> <u>minutes</u>
<u>Location of Violation</u>	Exact location i.e., Bay, Cove, Strait, Inlet, Island— specify longitude and latitude if possible.
<u>Type of Fishery</u>	Troll, pot, seine, gillnet, etc.
<u>Type of Violation</u>	Closed waters, closed period, illegal gear, etc.
<u>Description of Vessel and Persons</u>	Names, numbers, colors, port of registration, number of persons aboard and physical descriptions
<u>Witnesses to Violation</u>	include names of persons, vessels in the area who have or may have observed the violation.
<u>Photographs</u>	Show violator in relation to identifiable land formations or other physical features of the area if possible.
<u>Statement</u>	Concise statement of the violation in order of events.

At the earliest possible date submit this information to the nearest office of the Alaska Department of Public Safety or to an authorized Department of Fish and Game representative.

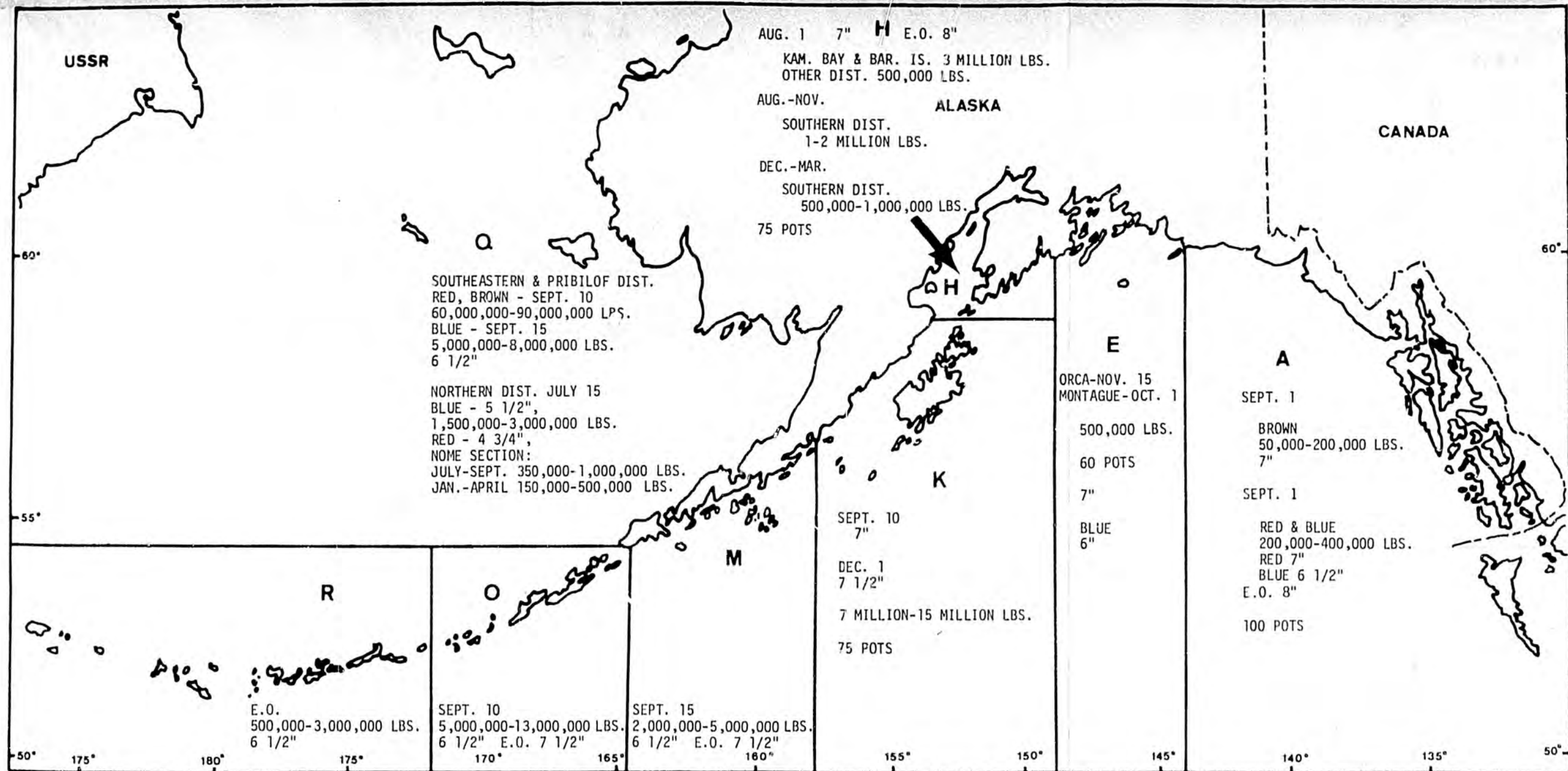
1978

Alaska
Commercial Fishing
Shellfish
Regulations



TANNER CRAB FISHERY

NOTATIONS INDICATE: OPENING DATES
GUIDELINE HARVEST LEVELS
POT LIMITS, WHEN APPLICABLE
MINIMUM LEGAL SIZE
E.O. = EMERGENCY ORDER



KING CRAB FISHERY

NOTATIONS INDICATE: OPENING DATES
 GUIDELINE HARVEST LEVELS
 POT LIMITS, WHEN APPLICABLE
 MINIMUM LEGAL SIZE
 E.O. = EMERGENCY ORDER

ALASKA

Department of Fish and Game

Regulations of the Alaska Board of
Fisheries for Commercial Shellfish
Fishing in Alaska.

This published copy is for informational use. These
regulations are from the official regulations in the Alaska
Administrative Code as filed with the Lieutenant Governor.

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1978/79 EDITION

CHANGES TO REGULATIONS IN THIS BOOKLET

The regulations appearing in this booklet may be changed by the Board of Fisheries in the spring of 1979, or may be changed by emergency regulation or emergency order prior to that time. Supplementary changes to the regulations in this booklet will be available at coastal offices of the Department of Fish and Game.

Jay S. Hammond, Governor

ALASKA BOARD OF FISHERIES

Jim Beaton
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Chris Goll
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Kodiak

COMMISSIONER OF FISH AND GAME

Ronald O. Skoog

Commercial Fisheries Division., Management Field Offices

of the

ALASKA DEPARTMENT OF FISH AND GAME

Anchorage	344-0541	Glennallen	822-3309	Petersburg	772-3225
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Cold Bay	532-2419	Ketchikan	225-5195	Soldotna	262-4278
Cordova	424-3213	King Salmon	246-3341	Unalaska	581-1239
Dillingham	842-3811	Kodiak	486-4167	Wrangell	874-3822
Fairbanks	452-1531	Nome	443-2825	Yakutat	784-3255

SELECTED ALASKA STATUTES

Title 16—Fish & Game

SEC. 16.05.065. APPLICATION EXTENSION. (a) The commissioner shall extend the time and dates during which application may be made for fish and game registration if he find that

(1) the conservation and management of the fish or game resource will not be affected adversely; and

(2) the failure to timely apply is the result of excusable neglect.

(b) The fee for an extension granted under this section is \$45.

(c) As used in this section, "excusable neglect" does not include unfamiliarity with or ignorance of applicable laws and regulations. In order to show excusable neglect, a person must have demonstrated, before the registration deadline, an intent to harvest fish or game.

SEC. 16.05.440. EXPIRATION DATE FOR LICENSES. Licenses issued under Secs. 440 - 720 of this chapter expire at the close of December 31 following their issuance, and shall be renewed annually upon application and payment of the license fees required by secs. 440 - 720 of this chapter.

SEC. 16.05.450. ISSUANCE OF LICENSES. (a) The commissioner of revenue or his authorized agent shall issue a crew member fishing license under Sec. 480 of this chapter to each qualified person who files a written application at a place in the state designated by the commissioner containing the reasonable information required by the commissioner together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

(b) The Commercial Fisheries Entry Commission shall issue a vessel license under Sec. 490 of this chapter to each qualified vessel for which a written application has been filed at a place in the state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

SEC. 16.05.475. REGISTRATION OF FISHING VESSELS. (a) It is unlawful for any person to employ a fishing vessel in the water of Alaska unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state, are not excused from this provision.

(d) The term "fishing vessel", as used in this section, means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for

(1) Fishing, or

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

SELECTED ALASKA STATUTES

SEC. 16.05.480. CREWMEMBER FISHING LICENSE. (a) A commercial fisherman who does not hold a permit issued under ch. 43 of this title shall obtain a crewmember fishing license. The fee for the license is \$10 for residents and \$30 for nonresidents. All crewmember fishing licenses are non-transferable and shall be retained in the possession of the licensee, readily accessible for inspection at all times.

(b) A person applying for a resident crewmember license under this section shall provide the proof of residence which the department requires by regulation.

(c) The commissioner of revenue or his authorized agent may issue a duplicate crewmember fishing license as a replacement for a license issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license, and the duplicate may not be issued unless the commissioner or his agent is satisfied that the original has been lost or destroyed.

SEC. 16.05.490. VESSEL LICENSE. As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel, including a vessel used in charter service for the recreational taking of fish and shellfish.

SEC. 16.05.510. UNLICENSED VESSEL UNLAWFUL. Operation without a vessel license of any vessel to which Secs. 490-530 of this chapter apply is unlawful, whether the absence of a vessel license results from initial failure to purchase or from revocation by the commissioner of fish and game.

SEC. 16.50.520. NUMBER PLATE. (a) The vessel license includes a permanent number plate. The number plate shall be accompanied by a tab affixed to it designating the year to be fished. A number plate is not transferable, and it shall be considered a permanent fixture upon the vessel upon which it is originally placed. It shall be securely fastened well forward on the port side in plain sight. On a vessel with a superstructure the plate shall be fastened on the port side of the superstructure. A number plate remains the property of the state. If a permanent number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel shall immediately apply for and may obtain a duplicate upon furnishing the Commercial Fisheries Entry Commission with the pertinent facts and a payment of \$2.

(b) If a vessel carrying a number plate is lost, destroyed, or sold, the owner shall immediately report the loss, destruction or sale to the Commercial Fisheries Entry Commission.

SEC. 16.05.530. ANNUAL RENEWAL OF VESSEL LICENSE. Upon annual payment of a license fee of \$20, and filing of the name and address of the owner or his authorized agent of the vessel, the name and number of the vessel, a description of the vessel, vessel license number, if any, the area to be fished, and other reasonable information required by the Commercial Fisheries Entry Commission, the commission shall issue a number plate and a vessel license. If the vessel has a number plate, the commission shall issue a vessel license and tab designating the year. The tab shall be placed in the space provided on the permanent number plate.

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SEC. 16.05.632. IDENTIFICATION OF SHELLFISH POTS OR BUOYS, OR BOTH, USED IN THE TAKING OF KING CRAB AND REQUIREMENTS FOR BUOYS. (a) Registration tags for the identification of shellfish pots or buoys, or both, used in the taking of king crab are required in areas in which the board has regulations limiting the total amount of shellfish pots allowed per vessel. Registration tags shall

(1) be issued by the Department of Fish and Game under regulations promulgated by the board;

(2) be nontransferable, unless the shellfish pot license issued under sec. 630 of this chapter is transferred in accordance with sec. 670 of this chapter, in which case the registration tags shall be transferred with the license;

(3) be individually numbered, designating the year of issuance;

(4) be permanently affixed to each shellfish pot or buoy, or both, used in the taking of king crab, whichever in the determination of the board is appropriate for identification, and in a manner determined to be appropriate by the board;

(5) conform to other requirements determined to be appropriate by the board; and

(6) be issued and renewed for a fee equal to the cost of obtaining the registration tags plus reasonable administrative costs, under procedures determined to be appropriate by the Department of Fish and Game.

(b) The unauthorized production, reproduction, sale, exchange, distribution, or use of registration tags required in (a) of this section is prohibited.

(c) In addition to meeting other requirements imposed by law, each shellfish pot used in the taking of king crab shall be connected to one durable "sea lion" buoy of an appropriate type and diameter as specified by the board. The buoy shall conform to other specifications determined to be appropriate by the board.

(d) For the purposes of this section

(1) "board" means the Board of Fisheries;

(2) "registration tags" means any tag, tape, or other identification device or method determined to be appropriate by the board.

(e) Upon conviction of a person of a violation of (a) or (b) of this section or a regulation adopted under (a) or (b) of this section, the court shall, in addition to any other penalty imposed by law, revoke the violator's shellfish pot license for a period of not less than 12 consecutive months nor more than five years and, in addition, restrict the boat used in a violation of (a) of this section from being used in the taking of king crab for the same period as the shellfish pot license is revoked. After the restriction is imposed, if the boat is used in the taking of king crab within the period of restriction, it shall be seized and forfeited to the state as provided in sec. 195 of this chapter.

EDITOR'S NOTE.—Sections 630 and 670 of this chapter, referred to in paragraph (2) of subsection (a), were repealed by sec. 19, ch. 105, SLA 1977, effective January 1, 1978.

Section 1, ch. 103, SLA 1977, provides: "INTENT. It is the intent of this Act to require positive identification of shellfish pots or buoys, or both, used in the taking of king crab within areas in which the Board of Fisheries has regulations limiting the total amount of gear allowed per vessel in order to

(1) more adequately enforce shellfish pot limits for king crab;

(2) assist in preventing the theft of gear;

(3) prevent the transfer of gear to prohibited areas; and

(4) better manage the fishery by providing a visible means of determining how much gear is actually being fished."

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SEC. 16.05.665. FALSIFICATION OF APPLICATION FOR LICENSE.

(1) A person who knowingly makes a false statement as to a material fact on an application for a license under Secs. 440-660 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

(b) A license issued under Secs. 440-660 of this chapter to a person convicted under (a) of this section is void.

(c) A person whose license is void under (a) and (b) of this section may not obtain another license of the same type for a period of not less than two nor more than three years from the date of conviction by the court.

SEC. 16.05.680. UNLAWFUL PURCHASES. It is unlawful for a person, his agent, or his representative

(1) to have in his employ, in the harvesting, transporting or purchasing of fish, a fisherman who neither is licensed under Sec. 480 of this chapter nor is the holder of a permit issued under ch. 43 of this title.

(2) to purchase fish from a fisherman who neither is the holder of a permit issued under ch. 43 of this title, nor is exempt under Sec. 660 of this chapter, or

(3) to purchase fish from an association other than one to which a permit has been issued under Sec. 662 of this chapter.

SEC. 16.05.690. RECORD OF PURCHASES. Each buyer of fish shall keep a record of each purchase showing the name or number of the vessel from which the catch involved is taken, the date of landing, vessel license number, pounds purchased of each species, number of each species, and where possible, statistical area in which the fish were taken, and other information the department requires. Records may be kept on forms provided by the department. Each person charged with keeping the records must report them to the department in accordance with rules and regulations promulgated by it.

SEC. 16.05.710. LICENSE FORFEITURE. Upon a first or second conviction of a person for a violation of Secs. 440-720 of this chapter or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license of the person for a period of one year. Upon a third conviction, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license for a period not to exceed three years.

SEC. 16.05.720. PENALTIES. (a) Except as modified by (c) of this section, a person who violates Secs. 480-700 of this chapter or the regulations of the department pertaining to commercial fisheries is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both.

(b) The court shall transmit the proceeds from all fines to the proper state officer for deposit in the general fund of the state.

SELECTED ALASKA STATUTES

(c) A person who is convicted of commercial fishing in closed waters, commercial fishing during a closed period or season, or commercial fishing with unlawful gear including but not limited to nets, pots, tackle, or other devices designed or employed to take fish commercially is guilty of a misdemeanor and in addition to the penalty imposed under (a) of this section is punishable by a fine of not less than the gross value to the fisherman of the fish found on the vessel or at the fishing site at the time of the violation. Upon a third conviction of a person for a violation under this subsection, and in addition to the forfeiture provision in Sec. 710 of this chapter, the fine shall be not less than three times the gross value to the fisherman of the fish found on the vessel or at the fishing site, or, if no fish are found on the vessel or at the fishing site, a fine of not more than \$10,000.

SEC. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare, device, contrivance, and material while in use, had and maintained for the purpose of catching, taking, killing, attracting, or decoying fish or game, contrary to law or regulation of a board or the commissioner, is a public nuisance and is subject to abatement.

SEC. 16.05.810. BURDEN OF PROOF. The possession of fish or game or a part of fish or game, or a nest or egg of a bird during the time the taking of it is prohibited is prima facie evidence that it was taken, possessed, bought, or sold or transported in violation of this chapter. The burden of proof is upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. This section does not apply

(1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section.

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled or otherwise preserved, or

(3) with respect to crab aboard a commercial fishing vessel, during the first full three days after the time when a taking is prohibited.

SEC. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS. Reports required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and shall not be released in the form of individual records by the department except to the Department of Revenue and to the Commercial Fisheries Entry Commission, or in conformity with a court order.

SEC. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permitted by this chapter or by regulation made under this chapter, it is unlawful for a person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game or marine aquatic plants, or any part of fish, game or aquatic plants, or a nest or egg of fish or game.

(b) No person may knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building or other improvement or property of the department used in the administration or enforcement of this chapter, or a poster or notice to the public concerning the provisions of this chapter, or regulation adopted under this chapter, or a marker indicating the boundary of an area closed to

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hunting, trapping, fishing, or other special use under this chapter. No person may knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with this chapter or a regulation adopted under this chapter.

SEC. 16.05.940. DEFINITIONS. In this chapter

(2) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish;"

(3) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as a specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish or other fish resources.

(6) "fish" means any species of aquatic fin fish, invertebrates and amphibians, in any stage of their life cycle, found in or introduced into the state;

(16) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(17) "subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(18) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(21) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing or taking fish within the jurisdiction of the state;

SEC. 16.10.055. INTERFERENCE WITH COMMERCIAL FISHING GEAR. A person who wilfully or with reckless disregard of the consequences of his activity, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor. For the purposes of this section "interference" means the physical disturbance of gear which results in economic loss or loss of fishing time, and "reckless disregard of the consequences" means a lack of consideration for the consequences of one's acts in a manner that is reasonably likely to damage the property of another.

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SEC. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM FISH POT REQUIRED. The Board of Fisheries shall, by regulation, prescribe a termination device or devices for all shellfish and bottom fish pots. In this section "termination device" means a biodegradable seam or panel or other device which renders the pot incapable of holding shellfish or bottom fish for more than six months when it is continuously immersed in sea water.

SEC. 16.10.180. LEGISLATIVE FINDINGS. The legislature finds and recognizes these facts:

- (1) Migratory fish and migratory shellfish are present in commercial quantities inside and outside the territorial waters of the state.
- (2) Migratory fish and migratory shellfish taken from the waters of the state are indistinguishable, in most cases, from those taken from the adjacent high seas.
- (3) Substantial quantities of migratory fish and migratory shellfish move inshore and offshore intermittently and at various times during a given year and in so doing often enter and leave territorial waters of the state.
- (4) To conserve the migratory fish and migratory shellfish found inside the waters of the state it is necessary to strictly enforce local laws and regulations.
- (5) By making certain laws and regulations passed or promulgated for the regulation of the coastal fishery applicable to the adjacent high sea areas, enforcement of these laws and regulations is facilitated.
- (6) Conservation regulations should not be promulgated to impose economic sanctions.

SEC. 16.10.190. RULES AND REGULATIONS. The Board of Fisheries may promulgate rules and regulations to carry out the purposes of secs. 180-230 of this chapter defining the adjacent high seas areas, migratory fish and migratory shellfish and to make coastal fishery rules, and regulations governing the manner, means, conditions and time for the taking of migratory fish and migratory shellfish applicable in designated adjacent high sea areas.

SEC. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for a person taking migratory fish and migratory shellfish in high sea areas designated by the Board of Fisheries or in violation of the rules and regulations promulgated by the Board of Fisheries governing the taking of migratory fish and migratory shellfish in the designated areas to possess, sell, offer to sell, barter, offer to barter, give or transport in the state, including the waters of the state, migratory fish or migratory shellfish.

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SEC. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED.

It is unlawful for a person to possess, purchase, sell or offer to sell in the state migratory fish or migratory shellfish taken on the high seas knowing that they were taken in violation of a rule or regulation promulgated by the Board of Fisheries governing the taking of migratory fish or migratory shell fish in certain areas designated by the board or the commissioner.

SEC. 16.10.220. PENALTIES FOR VIOLATION OF SEC. 200 or 210 OF THIS CHAPTER. A person who violates secs. 200 or 210 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or both.

SEC. 16.10.240. TRANSPORTATION OF KING, DUNGENESS OR TANNER CRAB. No person may take out of, ship, transport, or send from this state any live king crab, species *Paralithodes camtschatica*, live dungeness crab, species *Cancer magister*, or live tanner crab, species *Chionoecetes bairdi*, except that all of these species may be shipped live via air freight after prepackaging.

SEC. 16.10.250. PENALTY. A person, association, or corporation violating sec. 240 of this chapter or contributing to or cooperating in the violation of sec. 240 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both. Each unlawful removal of live crab is a separate offense. Vessels and equipment used in or in aid of a violation of sec. 240 of this chapter may be seized and disposed of as provided in AS 16.05.190. Conviction under sec. 240 of this chapter is grounds for suspension of a fishing license or permit by the Department of Fish and Game.

SEC. 16.10.270. PURCHASE OF FISH BY THE POUND. (a) A primary buyer shall purchase raw fish by the pound. The poundage of the fish to be purchased shall be determined by weighing the fish unless both the buyer and seller agree in writing upon a sample weighing technique which will fairly determine the average weight of the fish purchased.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000, or by both.

SEC. 16.43.140. PERMIT REQUIRED. (a) After January 1, 1974, no person may operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

- (1) fishing more than one type of gear;
- (2) fishing in more than one administrative area;
- (3) harvesting particular species for which separate interim-use or entry permits are issued.

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SEC. 16.43.150. TERMS AND CONDITIONS OF ENTRY PERMIT; ANNUAL RENEWAL. (a) Each entry permit authorizes the permittee to operate a unit of gear within a specified administrative area.

(b) The holder of an entry permit shall have the permit in his possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

(d) Failure to renew an entry permit for a period of two years from the date of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause.

(e) An entry permit constitutes a use privilege which may be modified or revoked by the legislature without compensation.

(f) An entry permit survives the death of the holder.

(g) An entry permit may not be:

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure; or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court.

(h) Upon the death of an entry permit holder, the permanent permit shall be transferred by the commission directly to the surviving spouse by right of survivorship unless a contrary intent is manifested. When no spouse survives, the rights of the decedent pass as part of his estate.

SEC. 16.43.170. TRANSFER OF ENTRY PERMITS. (a) Entry permits and interim-use permits are transferable only through the commission as provided in this section and sec. 180 of this chapter and under regulations adopted by the commission.

(b) Except as provided in (c) of this section, the holder of an entry permit may transfer his permit to another person or to the commission upon 60 days notice of intent to transfer under regulations adopted by the commission. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of an entry permit may transfer his permit. If the proposed transferee, other than the commission, can establish present ability to participate actively in the fishery, the commission shall approve the transfer and reissue the entry permit to the transferee.

(c) If the number of outstanding entry permits for a fishery is greater than the optimum number of entry permits established under secs. 290-300 of this chapter, the holder of an entry permit who qualified for that entry permit in a priority classification designated under sec. 250(c) of this chapter may transfer his permit only to the commission. The transfer to the commission shall be made under the buy-back provisions of secs. 310-320 of this chapter.

SEC. 16.43.180. EMERGENCY TRANSFERS. (a) The commission shall adopt regulations providing for the temporary transfer of entry permits and interim-use permits to alleviate hardship caused by illness, disability, or death of a permit holder so that another person may operate the transferor's vessel and gear, or another vessel and other gear if the transferor's has been destroyed or seriously damaged, for the remainder of the season, or in the case of illness or disability, for the duration of the illness or disability if that is shorter than the remainder of the season. Interim-use permits are otherwise nontransferable.

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(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate.

SEC. 16.43.350. APPLICATIONS OF REGULATIONS OF BOARD OF FISHERIES. Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries.

CHAPTER 31. SHRIMP FISHERY
ARTICLE 1. STATISTICAL AREAS

5 AAC 31.005. STATISTICAL AREAS ESTABLISHED.

(a) For the shrimp fishery, there are established the following statistical areas with the following code letters:

Code Letter

- A- Southeastern Alaska-Yakutat area, comprised of the waters specified in sec. 100 of this chapter.
- E- Prince William Sound area, comprised of the waters specified in sec. 200 of this chapter.
- H- Cook Inlet area, comprised of the waters specified in sec. 300 of this chapter.
- G- Outer Cook Inlet area, comprised of waters specified in sec. 400 of this chapter.
- J- Westward area, comprised of waters specified in sec. 500 of this chapter.

(b) Each statistical area consists of:

(1) a registration area, comprised of all the waters within the statistical area which are territorial waters of Alaska; and

(2) an adjacent seaward biological influence zone, comprised of all the waters within the statistical area which are not part of the registration area.

(c) Registration areas are areas in which the department shall apply conservation and management regulations in order to protect and maintain the shrimp resources of the state.

(d) Adjacent seaward biological influence zones are areas which the department shall utilize to obtain biological and fishing effort data and other information necessary for the formulation of comprehensive and effective conservation and management regulations governing shrimp resources inhabiting the registration area. However, regulations governing the registration area will also be applied in the adjacent seaward biological influence zone consistent with sec. 010 of this chapter.

Authority: AS 16.05.251

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5 AAC 31.010. APPLICATION OF REGULATIONS.

(a) Notwithstanding any other provision of this chapter, all regulations in this chapter applicable to a registration area shall be applicable also in its adjacent seaward biological influence zone.

(b) Persons on a vessel navigating within an adjacent seaward biological influence zone shall conduct their operations and activities in full compliance with the regulation applicable to the appurtenant registration area.

(c) The commissioner may suspend the application of this section wholly or partially in any adjacent seaward biological influence zone if he finds that such application:

(1) does not tend to facilitate enforcement of regulations applicable to a registration area;

(2) does not tend to protect or conserve shrimp inhabiting territorial waters of Alaska; or

(3) that the state has an insufficient interest in the shrimp inhabiting the zone to warrant extension of the jurisdiction of the state to the zone.

Authority: AS 16.05.251

5 AAC 31.020. REGISTRATION. (a) Registration area H is an exclusive registration area for shrimp trawl vessels and a nonexclusive registration area for shrimp pot vessels. No shrimp trawl vessel registered for an exclusive registration area may be registered for any other area during a registration year, except that a vessel registered for area H may also be registered for area G.

(b) The registration areas in statistical areas A, E, G and J are nonexclusive registration areas. A vessel or gear may be registered for any or all of the nonexclusive registration areas during any registration year.

(c) All shrimp fishing gear shall be registered for the registration area or areas selected prior to fishing shrimp. All shrimp vessels shall be registered by the owner or his authorized agent in a nonexclusive registration area prior to fishing. All shrimp trawl vessels shall be registered by the owner or his authorized agent in an exclusive registration area prior to June 1.

(d) The registration year shall be April 15 through April 14.

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(e) A registration shall not be considered valid until the vessel has complied with the inspection requirements of sec. 030(1) of this chapter.

(f) The late registration of a shrimp trawl vessel may be permitted by the commissioner in the case of the loss of a registered vessel by sinking or destruction. The late registration shall be for the area in which the lost vessel was registered. For purposes of this subsection, loss of the vessel is considered to mean such vessel is incapable of being used to take shrimp during the open shrimp season in the area for which it is registered. Loss of a vessel shall be documented by submission of proof, in writing, that the vessel is sunk or destroyed.

Authority: AS 16.05.251 (2),
(4),(12)

5 AAC 31.030. LANDING AND INSPECTION REQUIREMENTS. (a) Within 72 hours prior to a season opening or at any time during the open season prior to fishing, any shrimp trawl vessel registered for an exclusive registration area or for a nonexclusive registration area must be inspected by a Department of Public Safety or Department of Fish and Game employee or designee of either department, at inspection points specified in this chapter. There shall be no shrimp on board. Successful completion of the inspection shall validate the registration for the area.

(b) Except as provided in (c) of this section, all vessels must land all shrimp in the area for which they are validly registered at the time.

(c) A shrimp trawl vessel validly registered for an area which desires to land shrimp in another registration area must contact by radio a Department of Public Safety or Department of Fish and Game employee or a designee of either department prior to leaving the statistical area encompassing the area for which the vessel is registered, and shall submit to such inspection at such location as the employee or designee may require. The employee or designee contacted by the vessel must be an employee or designee located in the registration area for which the vessel is validly registered at the time. A vessel acting pursuant to this authorization at the time of landing its catch shall have no greater amount of shrimp on board than were present at the time of any inspection.

(d) A vessel making radio contact pursuant to (c) of this section shall state to the employee or designee of the Department of Public Safety or the Department of Fish and Game the amount of shrimp on board at the time.

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(e) When a vessel lands shrimp pursuant to the authorization in (c) of this section the registration under which the vessel is operating becomes invalid. In order to again become validly registered for an area, the vessel must comply with (a) of this section.

(f) Inspection shall not be commenced prior to 72 hours before the opening of any registration area. A valid registration shall become invalid after the closure of the season for the registration area.

Authority: AS 16.05.251 (2),
(4),(7),(12)

5 AAC 31.035. CLOSURE OF REGISTRATION AREAS.

(a) The commissioner shall monitor the condition of shrimp in all statistical areas through the use of such data and information as are practically available.

(b) When the commissioner finds that continued fishing effort would jeopardize the viability of shrimp within a registration area, he shall close the registration area by emergency order.

(c) In determining whether to close a registration area, the commissioner shall consider all appropriate factors to the extent there is information available on such factors. Factors which may be considered include:

- (1) the effect of overall fishing effort within the statistical area encompassing the registration area;
- (2) catch per unit of effort and rate of harvest;
- (3) relative abundance of shrimp within the area in comparison with pre-season expectations of the department;
- (4) such guideline harvest levels as may be promulgated by regulation;
- (5) general information on the condition of shrimp within the area; and
- (6) information pertaining to the maximum sustainable yield level of shrimp within the registration area.

(d) Within five days after the closure of any registration area, the owner of any vessel registered for that area may formally request the commissioner to reopen the area. The commissioner shall personally review pertinent information on the condition of shrimp within the area, and shall formally announce his decision within 14 days of the receipt of the request.

(e) After 72 hours following the closure of any registration area, no vessel registered for that area may have on board shrimp in waters subject to the jurisdiction of the state unless;

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(1) the vessel is validly registered for another registration area and the season is open in the area; and

(2) the vessel is otherwise in compliance with secs. 010 and 030 of this chapter.

(f) The foregoing provisions of this section are applicable also to closures of districts, subdistricts, sections, or any other portion of a statistical area.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3),(10)

ARTICLE 2. GENERAL SPECIFICATIONS AND RESTRICTIONS

5 AAC 31.050. GEAR FOR SHRIMP. (a) Shrimp may be taken by pots or trawls unless otherwise provided in this chapter.

(b) All shrimp pot buoys shall be legibly marked with the permanent department registration number of the vessel used to fish the gear.

(c) A vessel engaged in shrimp trawl fishing is considered to have ceased fishing when its otter doors or trawl beam is visible at the surface; when the otter doors or trawl beam is not visible at the surface or aboard the vessel, it is considered prima facie evidence that the trawl is fishing.

Authority: AS 16.05.251 (4)

5 AAC 31.070. REGISTRATION AND INSPECTION DOCUMENTS. (a) A vessel being registered for a registration area pursuant to sec. 010 of this chapter, if the necessary information is provided and the vessel is otherwise in compliance with the regulations of this title, shall be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations by the vessel operator and shall be shown upon request to any authorized representative of the department.

(b) A vessel being submitted to an inspection pursuant to sec. 030 of this chapter shall be issued an inspection certificate upon successful completion of the inspection. No vessel shall be given an inspection certificate unless a current registration certificate for that registration area is displayed to the Department of Fish and Game or Department of Public Safety designee or employee conducting the inspection. The inspection certificate shall be signed by the current vessel operator and shall be shown upon request at any time to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

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(c) A vessel landing shrimp in a registration area other than the area for which the vessel is validly registered at the time pursuant to the authorization in sec. 030 (d) of this chapter shall attach the inspection certificate to the back of the department copy (yellow copy) of the fish ticket at the time the shrimp are landed.

Authority: AS 16.05.250 (3),
(14)
AS 16.05.690

5 AAC 31.071. INTERIM APPLICATION OF REGULATIONS. Repealed effective June 28, 1975, Register 54.

5 AAC 31.075. REPORTING OF SHRIMP CATCHES LOST OR NOT PURCHASED. (a) Each shrimp fisherman shall indicate on the fish ticket at the time of landing any shrimp harvested which are not purchased by the processor or buyer, or which have been dumped at sea.

(b) Each buyer of shrimp shall indicate on the fish ticket the gross weight of shrimp not purchased from a load.

Authority: AS 16.05.251 (2),
(3),(4)

ARTICLE 3. CONDITIONS FOR LICENSE

5 AAC 31.085. AGREEMENTS FOR USE PRIVILEGE.

(a) Any person who has applied for and been issued a valid interim-use permit card for shrimp pots, beam trawls or otter trawls or a commercial fishing vessel license or who has registered a vessel or any gear for a shrimp registration area has agreed:

(1) to engage in fishing for shrimp only in a statistical area encompassing a registration area for which the vessel is validly registered;

(2) to engage in fishing for shrimp only in districts where the season is open in statistical areas which are subdivided into districts;

(3) to engage in fishing for shrimp only if the season in the registration area for which the vessel is validly registered is open;

(4) to engage in fishing for shrimp in statistical areas in compliance with all regulations (including gear limitations or prohibitions) governing shrimp fishing in the registration area encompassed by the statistical area; and

(5) to comply with the provisions and requirements of 5 AAC 39.130.

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(b) A permit holder or registrant further agrees that the agreement contained in subsection (a) of this section shall have the force of regulation.

(c) The permit holder or registrant has entered into the above described agreement in return for receiving from the state a use privilege to fish for shrimp inhabiting waters subject to the jurisdiction of the state, and is entitled to all rights and privileges to engage in such fishing for shrimp consistent with applicable laws and regulations.

Authority: AS 16.05.250 (7)
AS 16.05.690

ARTICLE 4. PROHIBITIONS

5 AAC 31.090. UNLAWFUL POSSESSION OF SHRIMP OR SHRIMP GEAR. (a) It is unlawful for any person to possess unprocessed shrimp aboard a vessel licensed as a commercial fishing vessel within any registration area unless the vessel is validly registered for the area and the season is open, or unless the person is acting pursuant to the authorization of sec. 030(c) of this chapter.

(b) It is unlawful for any person to possess aboard a vessel licensed as a commercial fishing vessel within any registration area any shrimp or any gear used in the taking of shrimp which are prohibited by other regulations in this chapter governing such registration area. If a vessel is acting pursuant to the authorization of sec. 030(c) of this chapter, that vessel shall be governed by the regulations of the area for which it is validly registered at the time.

(c) It is unlawful for any person to possess, purchase, barter, sell, or transport shrimp within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that such shrimp were taken or possessed in contravention of the regulations of this chapter.

Authority: AS 16.05.250 (3),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 31.091. UNLAWFUL ACTS WITHIN AN ADJACENT SEAWARD BIOLOGICAL INFLUENCE ZONE. It is unlawful for any person to:

(1) take, attempt to take, cause to be taken, or possess shrimp, or

(2) to operate, attempt to operate or cause to be operated any vessel or gear or to possess any gear, or

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(3) to take, attempt to take, cause to be taken, or fail to take any action, in violation of sec. 010(b) of this chapter.

Authority: AS 16.05.251 (4),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 31.096. VIOLATION OF REPORTING REQUIREMENTS. (a) It is unlawful for any person to file a fish ticket representing the catch governed by the fish ticket as having been taken in a particular statistical area when in fact the catch or part of the catch were taken in another statistical area.

(b) It is unlawful to file any fish ticket containing information which has been purposely falsified.

Authority: AS 16.05.250
AS 16.05.690
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 31.097. VIOLATION OF LANDING REQUIREMENT. It shall be unlawful for any vessel acting pursuant to the authorization of sec. 030(c) of this chapter to land an amount of shrimp ten per cent greater or less than the amount stated under sec. 030(d) of this chapter.

Authority: AS 16.05.250 (4),
(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 31.098. VIOLATION OF REGULATIONS. It is unlawful for any person to violate any of the regulations of this chapter.

Authority: AS 16.05.020
AS 16.05.060
AS 16.05.250
AS 16.05.699
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 31.099. APPLICATION OF THIS CHAPTER. Requirements set forth in this chapter shall be deemed to refer to shrimp fishing only, unless otherwise specified.

Authority: AS 16.05.251

ARTICLE 5. STATISTICAL AREA A — REGULATIONS
FOR REGISTRATION AREA

5 AAC 31.100. DESCRIPTION OF STATISTICAL AREA. Statistical area A has as its western boundary a line extending south from Cape Suckling, and as its southern boundary the International Boundary at Dixon Entrance, and as its seaward boundary the 400 fathom (732 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 31.105. DESCRIPTION OF DISTRICTS. Districts shall be as described in 5 AAC 30.200 and 5 AAC 33.200.

Authority: AS 16.05.250 (2)

5 AAC 31.110. FISHING SEASONS. There is no closed season on shrimp except that in the combined areas of district 8, district 10 east of the longitude of Cape Fanshaw, district 6 north of the latitude and east of the longitude of Point Baker, and district 7 east of the longitude of Babbler Point and north of the latitude of the northernmost point of Black Island, shrimp may not be taken by trawls from February 15 through April 30.

Authority: AS 16.05.250 (2),
(3)

5 AAC 31.115. GUIDELINE HARVEST LEVELS. The following are guideline harvest ranges for the shrimp trawl fishery in the districts specified:

- (1) district 6: 250,000 to 950,000 pounds (113 to 431 m.t.);
- (2) district 7: 10,000 to 70,000 pounds (5 to 32 m.t.);
- (3) district 8: 80,000 to 300,000 pounds (36 to 136 m.t.);
- (4) district 10: 5,000 to 350,000 pounds (5 to 159 m.t.).

Authority: AS 16.05.251 (2),
(3),(4)

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5 AAC 31.125. **LAWFUL GEAR.** Shrimp may be taken by pots, beam trawls and otter trawls except as follows:

(1) shrimp may not be taken by otter trawls in the combined areas of district 3, district 10 east of the longitude of Cape Fanshaw, and district 6 north of the latitude and east of the longitude of Point Baker.

(2) in districts 6, 8, and 10, the minimum mesh size for beam trawls shall be determined by the stretch measure of a series of 10 consecutive meshes measured when wet after use, from selvage to selvage, with the knots pulled together, so that the longest possible distance covered by 10 meshes as measured from the inside of the first knot in the series to the outside of the last knot in the series shall not be less than 11½ inches (29 cm); this shall apply equally to synthetic and cotton mesh; allowance for shrinkage shall be made if pre-shrunk web is not used;

(3) during the open shrimp season in districts 1, 2, 3 and 4, a maximum of 150 shrimp pots may be fished from any registered shrimp vessel;

(4) all shrimp pots left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open.

Authority: AS 16.05.251 (2),
(4)

5 AAC 31.140. **INSPECTION POINTS.** Inspection points are located at Ketchikan, Wrangell, Petersburg, Sitka, Juneau and Yakutat or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

ARTICLE 6. STATISTICAL AREA E — REGULATIONS FOR REGISTRATION AREA

5 AAC 31.200. **DESCRIPTION OF STATISTICAL AREA.** Statistical area E has as its western boundary a line extending south from Cape Fairfield, and as its eastern boundary a line extending south from Cape Suckling, and as its seaward boundary the 400 fathom (732 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 31.210. **FISHING SEASONS.** There is no closed season on shrimp.

Authority: AS 16.05.250 (2)

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PRINCE WILLIAM SOUND COOK INLET

5 AAC 31.225. **LAWFUL GEAR.** (a) All shrimp pot buoys fished under a single registration shall be legibly marked with the permanent department registration number of the vessel fishing the gear.

(b) A shrimp pot is a pot with tunnel eye openings which individually do not exceed 15 inches (38 cm) in perimeter.

Authority: AS 16.05.251 (4)

5 AAC 31.240. **INSPECTION POINTS.** Inspection points are located at Cordova and Valdez, or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

ARTICLE 7. STATISTICAL AREA H—REGULATIONS FOR REGISTRATION AREA

5 AAC 31.300. **DESCRIPTION OF STATISTICAL AREA.** Statistical area H has as its southern boundary a line extending east from Cape Douglas at 58° 52' N. lat. and includes all waters west of a line from a point at 58° 52' N. lat., 151° 53' W. long., to Cape Elizabeth to Point Adam, including all waters of Cook Inlet and Kachemak Bay.

Authority: AS 16.05.251 (2)

5 AAC 31.305. **DESCRIPTION OF DISTRICTS.** Districts shall be as described in 5 AAC 21.200 (a),(b),(d),(e), and (f).

Authority: AS 16.05.251 (2)

5 AAC 31.310. **FISHING SEASON.** (a) There is no closed season on shrimp fishing with pots unless the season is closed pursuant to sec. 035 of this chapter.

(b) Shrimp may be taken by trawls from June 1 through March 31 unless the registration area is closed earlier by emergency order. Individual districts may be opened or closed during the season as determined by the commissioner.

Authority: AS 16.05.060
AS 16.05.250 (2),
(3)

5 AAC 31.315. **GUIDELINE HARVEST LEVELS.**
Guideline harvest levels are:

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(1) for pots in Kachemak Bay inside a line from Point Pogibshi to Anchor Point:

(A) June 1 through September 30: 100,000 pounds (45 m.t.);

(B) October 1 through May 31: 500,000 pounds (227 m.t.);

(2) for trawls in Kachemak Bay inside a line from Point Pogibshi to Anchor Point:

(A) June 1 through October 31: 2,500,000 pounds (1,134 m.t.);

(B) November 1 through March 31: 2,500,000 pounds (1,134 m.t.).

Authority: AS 16.05.251 (2),
(3),(4)

5 AAC 31.335. CLOSED WATERS. Shrimp fishing with trawls is prohibited northeast of a line extending from Coal Point to the northeast tip of Glacier Spit.

Authority: AS 16.05.250 (2),
(3)

5 AAC 31.340. INSPECTION POINTS. Inspection points are located at Homer or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

ARTICLE 8. STATISTICAL AREA G—REGULATIONS FOR REGISTRATION AREA

5 AAC 31.400. DESCRIPTION OF STATISTICAL AREA. Statistical area G has as its western boundary a line from Point Adam to Cape Elizabeth to a point at 58° 52' N. Lat. 151° 53' W. long., and as its eastern boundary a line extending south from Cape Fairfield (148° 50' W. long.) and as its seaward boundary the 300 fathom (549 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 31.405. DESCRIPTION OF DISTRICTS. Repealed (eff. 7/17/77, Reg. 63)

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OUTER COOK INLET WESTWARD

5 AAC 31.410. FISHING SEASONS AND LAWFUL GEAR. (a) There is no closed season on shrimp fish with pots.

(b) Shrimp may be taken by trawls from June 1 through February 28 unless the registration area is closed earlier by emergency order.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3),(4)

5 AAC 31.415. GUIDELINE HARVEST LEVELS. Repealed (eff. 7/17/77, Reg. 63).

5 AAC 31.425. LAWFUL GEAR. Repealed (eff. 7/17/77, Reg. 63).

5 AAC 31.440. CLOSED WATERS. Repealed (eff. 7/17/77, Reg. 63).

5 AAC 31.440. INSPECTION POINTS. Inspection points are located at Homer, Seward, and Kodiak, or at other locations specified by the department.

Authority: AS 16.05.251 (2
(4),(7)

5 AAC 31.445. SUBSISTENCE FISHERY. Repealed (eff. 7/17/77, Reg. 63).

ARTICLE 9. STATISTICAL AREA J—REGULATIONS FOR REGISTRATION AREA

5 AAC 31.500. DESCRIPTION OF STATISTICAL AREA. Statistical area J includes all Pacific Ocean waters south of the latitude of Cape Douglas, west of 150° W. long., east of 172° E. long. and seaward to the 300 fathom (549 m) depth contour, and all Bering Sea waters east of 172° E. long.

Authority: AS 16.05.251 (2)

5 AAC 31.505. DESCRIPTION OF DISTRICTS. (a) Kodiak district: all waters of statistical area J east of a line extending south from Kilokak rocks;

(1) Inner Marmot Bay section: all waters of Marmot Bay and adjacent bays east of a line from Inner Point to Afognak Point and west of a line from Cape Izhut to Miller Point;

(2) Ugak Bay section: all waters west of a line from Narrow Cape to the northernmost point of Ugak Island, to 57° 10' N. lat., 152° 19' W. long., to 57° 03' N. lat., 152° 37' 05" W. long., including all of Ugak Bay;

(3) Kiliuda Bay section: all waters west of 152° 37' 55" W. long., and north of 57° 03' N. lat., including the waters of Sitkalidak Strait east of a line from Bush Point to a point on Sitkalidak Island at 57° 12' 55" N. lat., 153° 13' 05" W. long.;

(4) Two Headed Island section: all waters of Sitkalidak Strait west of a line from Bush Point on Sitkalidak Island at 57° 12' 55" N. lat., 153° 13' 05" W. long., and waters south of 57° 03' N. lat., inshore of a line from 57° 03' N. lat., 153° 37' 05" W. long., to Cape Sitkinak, and east of a line from a point on the Aliulik Peninsula at 56° 46' 10" N. lat., 153° 54' W. long., to Whirlpool Point;

(5) Southern section: all waters west of a line from a point on the Aliulik Peninsula at 56° 46' 10" N. lat., 153° 54' W. long., to Whirlpool Point and shoreward of a line from Dolina Point to Cape Alitak;

(A) Olga Bay subsection: that portion of the Southern section north of Olga Narrows and including all of Olga Bay;

(B) Alitak Bay subsection: that portion of the Southern section not included in the Olga Bay subsection;

(6) Uyak Bay section: all waters east of a line from Cape Uyak to Cape Kuliuk, including all of Uyak Bay;

(7) Uganik Bay section: all waters of Uganik Bay, Vi koda Bay and Kupreanof Strait east of a line from Miners Point to Raspberry Cape and west of a line from Inner Point to Afognak Point;

(8) West Afognak section: all waters east of a line from Raspberry Cape to Black Cape to Eagle Cape, south of the latitude of Eagle Cape and west of the easternmost portion of Cape Curren Narrows, including all of Raspberry Strait;

(9) North Afognak section: all waters shoreward of a line from Tonki Cape to 58° 26' N. lat., 151° 59' W. long., to Point Banks and east of Cape Curren Narrows including the waters of Tonki Bay;

(10) Kukak Bay section: all waters west of the midstream of Shelikof Strait, south of a line from Black Cape to Cape Nukshak and north of the latitude of Cape Kuliak;

(11) Marmot Island section: all waters south of the latitude of Tonki Cape ($58^{\circ} 21' N. lat.$) excluding the waters of Tonki Bay, and all waters north of the northernmost point of Long Island at $57^{\circ} 47' 30'' N. lat.$, and east of a line from Cape Izhut to Miller Point;

(12) Chiniak Bay section: all waters of Chiniak Bay south of $57^{\circ} 47' 30'' N. lat.$, and west of a line from Cape Chiniak to $57^{\circ} 47' 30'' N. lat.$, $152^{\circ} 04' 30'' W. long.$;

(A) Kalsin Bay subsection: that portion of the Chiniak Bay section south of $57^{\circ} 47' 30'' N. lat.$, west of a line from Cape Chiniak to Humpback Rock to the southernmost point of Long Island;

(B) Inner Chiniak Bay subsection: that portion of the Chiniak Bay section south of $57^{\circ} 47' 30'' N. lat.$, west of a line from Cape Chiniak to $57^{\circ} 47' 30'' N. lat.$, $152^{\circ} 04' 30'' W. long.$, and east of a line from Cape Chiniak to Humpback Rock to the southernmost point of Long Island.

(b) Chignik district: all waters west of a line extending south from Kikokak Rocks and east of a line from Kupreanof Point to the easternmost point of Castle Rock, and east of a line extending 135° southeast from the easternmost Point of Castle Rock;

(1) Kujulik Bay section: all waters west of a line from Cape Kumlik to the westernmost point of Sutwik Island, north of a line from Foggy Cape to the southernmost point of Nakchamik Island, and east of a line from the northernmost point of Nakchamik Island to Cape Kumliun;

(2) Chignik Bay section: all waters west of a line from Cape Kumliun to the northernmost point of Nakchamik Island to Castle Cape;

(3) Kuiukta Bay section: all waters north of a line from Cape Ikti to the southern entrance of Herring Lagoon at $55^{\circ} 57' 30'' N. lat.$, $158^{\circ} 38' 45'' W. long.$;

(4) Mitrofanina Island section: all waters west of the longitude of Seal Cape ($158^{\circ} 26' W. long.$) and north of the latitude of Kupreanof Point ($55^{\circ} 34' N. lat.$), east of the longitude of the southernmost point of Chiachi Island ($159^{\circ} 07' W. long.$) and east of a line from Star Point to the northernmost point of Chiachi Island, excluding the waters of the Kuiukta Bay section;

(5) Ivanof Bay section: all waters west of a line from Star Point to the northernmost point of Chiachi Island, west of the longitude of the southernmost point of Chiachi Island ($159^{\circ} 07' W. long.$) and north of the latitude of Kupreanof Point ($55^{\circ} 34' N. lat.$).

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(b) Persons on a vessel navigating within an adjacent seaward biological influence zone shall conduct their operations and activities in full compliance with the regulations applicable to the appurtenant registration area.

(c) The commissioner may suspend the application of this section wholly or partially in any adjacent seaward biological influence zone if he finds that such application:

(1) does not tend to facilitate enforcement of regulations applicable to a registration area;

(2) does not tend to protect or conserve dungeness crab inhabiting territorial waters of Alaska; or

(3) that the state has an insufficient interest in the dungeness crab inhabiting the zone to warrant extension of the jurisdiction of the state to the zone.

Authority: AS 16.05.251

5 AAC 32.020. REGISTRATION. (a) All registration areas except those areas specified in subsection (b) of this section are nonexclusive registration areas. A vessel or gear may be registered for any or all of the nonexclusive registration areas during a registration year. A vessel or gear registered for any nonexclusive area may not be used in any exclusive registration area during the same registration year.

(b) The registration area in statistical area E is an exclusive registration area. A vessel or gear registered in area E may not be used to fish dungeness crab in any other area during the same registration year.

(c) All dungeness crab fishing gear and vessels shall be registered for the registration area or areas selected prior to fishing dungeness crab.

(d) The registration year shall be January 1 through December 31.

(e) A registration shall not be considered valid until the vessel has complied with the inspection requirements of sec. 030(a) of this chapter.

(f) A vessel validly registered to fish for king crab in any king crab registration area may not be fishing for dungeness crab in any other king crab registration area.

Authority: AS 16.05.251 (2),
(4), (12)

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5 AAC 32.030. LANDING AND INSPECTION REQUIREMENTS. (a) Within 72 hours prior to a season opening or at any time during the open season prior to fishing any vessel registered for an exclusive registration area or for a nonexclusive registration area must have its hold or live tanks inspected by a Department of Public Safety or a Department of Fish and Game employee or a designee of either department, at inspection points specified in this chapter. There shall be no dungeness crab on board. Successful completion of the inspection shall validate the registration for the area.

(b) Except as provided in (c) of this section, all vessels must land all dungeness crab in the area for which they are validly registered at the time.

(c) A vessel validly registered for an area which desires to land dungeness crab in another area must contact by radio a Department of Public Safety or a Department of Fish and Game employee or designee prior to leaving the statistical area encompassing the registration area for which the vessel is registered, and shall submit to such inspection at such location as the employee or designee may require. The employee or designee contacted by the vessel must be an employee or designee located in the registration area for which the vessel is validly registered at the time. A vessel acting pursuant to this authorization shall at the time of landing its catch have no greater amount of dungeness crab on board than were present at the time of any inspection.

(d) A vessel making radio contact pursuant to (c) of this section shall state to the employee or designee of the Department of Public Safety or Department of Fish and Game the amount of dungeness crab on board at the time.

(e) When a vessel lands dungeness crab pursuant to the authorization in (c) of this section, the registration under which the vessel is operating becomes invalid. In order to again become validly registered for an area, the vessel must comply with (a) of this section.

(f) Inspections shall not be commenced prior to 72 hours before the opening of any registration area. A valid registration shall become invalid 72 hours after the closure of the season for the registration area.

(g) Additional inspection points for inspections required by (e) of this section may be authorized by the commissioner if he finds that:

(1) existing inspection points are imposing an unusual and material hardship which the affected fishermen cannot themselves mitigate.

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(2) the department has no practical means of making special administrative accommodations regarding existing inspection points; and

(3) authorization of additional inspection points would not result in a significant likelihood of unauthorized fishing or other management or enforcement problems.

Authority: AS 16.05.251 (2),
(4),(7),(12)

5 AAC 32.035. CLOSURE OF REGISTRATION AREAS.

(a) The commissioner shall monitor the condition of dungeness crab in all statistical areas through the use of such data and information as are practically available.

(b) When the commissioner finds that continued fishing effort would jeopardize the viability of dungeness crab within a registration area, he shall close the registration area by emergency order.

(c) In determining whether to close a registration area, the commissioner shall consider all appropriate factors to the extent there is information available on such factors. Factors which may be considered include:

(1) the effect of overall fishing effort within the statistical area encompassing the registration area;

(2) catch per unit of effort and rate of harvest;

(3) such guideline harvest levels as may be promulgated by regulation;

(4) the proportion of immature or soft-shell dungeness crab being handled;

(5) general information on the condition of dungeness crab within the area; and

(6) information pertaining to the maximum sustainable yield level of dungeness crab within the registration area.

(d) Within five days after the closure of any registration area, the owner of any vessel registered for that area may formally request the commissioner to reopen the area. The commissioner shall personally review pertinent information on the condition of dungeness crab within the area, and shall formally announce his decision within 14 days of the receipt of the request.

(e) Within 72 hours after the closure of any registration area, no vessel registered for that area may bring dungeness crab into waters subject to the jurisdiction of the state unless:

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(1) the vessel is validly registered for another registration area and the season is open in that area; and

(2) the vessel is otherwise in compliance with secs. 020 and 030 of this chapter.

(f) The foregoing provisions of this section are applicable also to closures of districts, subdistricts, sections, or any other portion of a statistical area.

Authority: AS 16.05.060
AS 16.05.251 (2),
(4),(10)

ARTICLE 2. GENERAL SPECIFICATIONS AND RESTRICTIONS

5 AAC 32.050. GEAR FOR DUNGENESS CRAB.

(a) Dungeness crab may be taken only by pots, ring nets or diving gear unless otherwise provided in this chapter.

(b) All crab pot and ring net buoys shall be legibly marked with the permanent department registration number of the vessel fishing the gear. In areas where regulations limit the number of pots a person may operate with a vessel for taking a species of crab, the buoys shall bear a single department registration number and this number shall be that of the vessel used in operating the gear. In areas and for species without pot limits, the buoys may be marked with more than one registration number. These numbers shall be the numbers of the vessels used in operating the gear.

(c) Each dungeness crab pot shall have two circular escape rings of 4-3/8 inches (11 cm) minimum inside diameter on opposite sides of the pot and located on the upper one-half vertical plane on the pot, effective May 1, 1979.

Authority: AS 16.05.251 (4)

5 AAC 32.055. SIZE LIMITS. (a) No male dungeness crab may be taken that is less than 6 1/4 inches (165 mm) in shoulder width, unless otherwise provided in this chapter.

(b) Shoulder width measurement of dungeness crab shall be the straightline distance across the carapace immediately anterior to the tenth anterolateral spine and shall not include the spines.

Authority: AS 16.05.251 (3),
(4),(7),(10)

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5 AAC 32.057. FEMALE AND UNDERSIZE CRABS.

Female dungeness crabs and male crabs of less than minimum size, may not be taken. Such crab which have been taken shall be immediately returned unharmed to the sea.

Authority: AS 16.05.250 (3),
(7),(10)

5 AAC 32.070. REGISTRATION AND INSPECTION DOCUMENTS. (a) A vessel being registered for a registration area pursuant to sec. 020 of this chapter, if the necessary information is provided and the vessel is otherwise in compliance with the regulations of this title, shall be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations by the vessel operator and shall be shown upon request to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

(b) A vessel being submitted to an inspection pursuant to sec. 030 of this chapter shall be issued an inspection certificate upon successful completion of the inspection. No vessel shall be given an inspection certificate unless a current registration certificate for that registration area is displayed to the Department of Fish and Game or Department of Public Safety employee or designee conducting the inspection. The inspection certificate shall be signed by the current vessel operator and shall be shown upon request at any time to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

(c) A vessel landing dungeness crab in a registration area other than the area for which the vessel is validly registered at the time pursuant to the authorization in sec. 030 (d) of this chapter shall attach the inspection certificate to the back of the department copy (yellow copy) of the fish ticket at the time the dungeness crab are landed.

Authority: AS 16.05.250 (3),
(14)
AS 16.05.690

5 AAC 32.071. INTERIM APPLICATION OF REGULATIONS. Repealed effective June 28, 1975. Register 54.

ARTICLE 3. CONDITIONS FOR LICENSE

5 AAC 32.085. AGREEMENTS FOR USE PRIVILEGE.

(a) Any person who has applied for and been issued a valid interim-use permit card for dungeness crab pots or a commercial fishing vessel license or who has registered a vessel or any gear for a dungeness crab registration area has agreed:

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(1) to engage in fishing for dungeness crab only in a statistical area encompassing a registration area for which the vessel is validly registered;

(2) to engage in fishing for dungeness crab only in districts where the season is open in statistical areas which are subdivided into districts;

(3) to engage in fishing for dungeness crab only if the season in the registration area for which the vessel is validly registered is open;

(4) to engage in fishing for dungeness crab in statistical areas in compliance with all regulations (including gear limitations or prohibitions) governing dungeness crab fishing in the registration area encompassed by the statistical area; and

(5) to comply with the provisions and requirements of 5 AAC 39.130.

(b) A permit holder or registrant further agrees that the agreement contained in subsection (a) of this section shall have the force of regulation.

(c) The permit holder or registrant has entered into the above described agreement in return for receiving from the state a use privilege to fish for dungeness crab inhabiting waters subject to the jurisdiction of the state, and is entitled to all rights and privileges to engage in such fishing for dungeness crab consistent with applicable laws and regulations.

Authority: AS 16.05.250 (7)
AS 16.05.690

ARTICLE 4. PROHIBITIONS

5 AAC 32.090. UNLAWFUL POSSESSION OF DUNGENESS CRAB OR DUNGENESS CRAB GEAR. (a) It is unlawful for any person to possess unprocessed dungeness crab aboard a vessel licensed as a commercial fishing vessel within any registration area unless the vessel is validly registered for the area and the season is open, or unless the person is acting pursuant to the authorization of sec. 030 (c) or sec. 035 (e) of this chapter.

(b) It is unlawful for any person to possess aboard a vessel licensed as a commercial fishing vessel within any registration area any dungeness crab or any gear (including aggregate amounts of gear) used in the taking of dungeness crab which are prohibited by other regulations of this chapter governing such registration area. If a vessel is acting pursuant to the authorization of sec. 030 (c) of this chapter, that vessel shall be governed by the regulations of the area for which it is validly registered at the time.

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(c) It is unlawful for any person to possess, purchase, barter, sell, or transport dungeness crab within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that such dungeness crab were taken or possessed in contravention of the regulations of this chapter.

Authority: AS 16.05.250 (3),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 32.091. UNLAWFUL ACTS WITHIN AN ADJACENT SEAWARD BIOLOGICAL INFLUENCE ZONE. It is unlawful for any person:

- (1) to take, attempt to take, cause to be taken, or possess dungeness crab;
- (2) to operate, to attempt to operate, or cause to be operated any vessel or gear or to possess any gear; or
- (3) to take, attempt to take, cause to be taken, or fail to take any action in violation of sec. 010 (b) of this chapter.

Authority: AS 16.05.251 (4),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 32.096. VIOLATION OF REPORTING REQUIREMENTS. (a) It is unlawful for any person to file a fish ticket representing the catch governed by the fish ticket as having been taken in a particular statistical area when in fact the catch or part of the catch were taken in another statistical area.

(b) It is unlawful to file a fish ticket containing any information which has been purposely falsified.

Authority: AS 16.05.250
AS 16.05.690
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 32.097. VIOLATION OF LANDING REQUIREMENT. It shall be unlawful for any vessel acting pursuant to the authorization of sec. 030 (c) of this chapter to land an amount of dungeness crab ten per cent greater or less than the amount stated under sec. 030 (d) of this chapter.

Authority: AS 16.05.250 (4),
(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5AAC 32.098. VIOLATION OF REGULATIONS.
It is unlawful for any person to violate any of the regulations
of this chapter.

Authority: AS 16.05.020
AS 16.05.060
AS 16.05.250
AS 16.05.690
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 32.099. APPLICATION OF THIS CHAPTER.
Requirements set forth in this chapter shall be deemed to
refer to dungeness crab fishing only, unless otherwise speci-
fied.

Authority: AS 16.05.251

ARTICLE 5. STATISTICAL AREA A
(SOUTHEASTERN ALASKA — YAKUTAT)
REGULATIONS FOR REGISTRATION AREA

5 AAC 32.100. DESCRIPTION OF STATISTICAL
AREA. Statistical area A has as its western boundary a line
extending south from Cape Suckling, and as its southern bound-
ary the International Boundary at Dixon Entrance, and as
its seaward boundary the 400 fathom (732 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 32.105. DESCRIPTION OF DISTRICTS. Districts
are as described in 5 AAC 30.200 and 5 AAC 33.200.

Authority: AS 16.05.250 (2)

5 AAC 32.110. FISHING SEASONS. Dungeness crab
may be taken or possessed from June 1 through February 28.

(1) repealed (eff. 7/17/77, Reg. 63);

(2) repealed (eff. 7/17/77, Reg. 63);

(3) repealed (eff. 6/12/76, Reg. 58).

Authority: AS 16.05.251 (2)

5 AAC 32.125. **LAWFUL GEAR.** (a) All crab pots left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open.

(b) Not more than 300 dungeness crab pots per vessel may be fished in waters south and east of Cape Spencer.

(c) Not more than 600 dungeness crab pots per vessel may be fished in waters north and west of Cape Spencer, including the Yakutat and Yakutaga districts.

(d) No vessel may have crab pots fishing simultaneously in the areas described in (b) and (c) of this section.

(e) Two escape rings 4-3/8 (11 cm) in minimum inside diameter, located on the vertical plane, shall be provided for each dungeness crab pot after December 31, 1977.

(f) A dungeness crab pot is a pot with tunnel eye openings which individually do not exceed 30 inches (76 cm) in perimeter.

Authority: AS 16.05.251 (2),
(4)

5 AAC 32.140. **INSPECTION POINTS.** Inspection points are located at Ketchikan, Wrangell, Petersburg, Sitka, Juneau and Yakutat or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

5 AAC 32.145 **SUBSISTENCE FISHERY.** In the taking of dungeness crab:

(1) the daily bag and possession limit is 20 crabs per person;

(2) the minimum legal size for dungeness crab is 6½ inches (165 mm) in shoulder width;

(3) spears and gaffs are not permitted in district 1 and in district 13;

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

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

Authority: AS 16.05.251 (2),
(3),(4),(7),(10)

5 AAC 32.150. CLOSED WATERS. All water of Gastineau Channel north of a line from Marmion Island light to Point Salisbury are closed to commercial fishing for dungeness crab.

Authority: AS 16.05.251 (2)

ARTICLE 6 STATISTICAL AREA E (PRINCE WILLIAM SOUND) REGULATIONS FOR REGISTRATION AREA

5 AAC 32.200. DESCRIPTION OF STATISTICAL AREA. Statistical area E has as its western boundary a line extending south from Cape Fairfield and as its eastern boundary a line extending south from Cape Suckling, and as its seaward boundary the 200 fathom (366 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 32.205. DESCRIPTION OF DISTRICTS. (a) Orca Inlet district: all water of statistical area E north of a line from Point Bentinck to Point Whittshed, east of a line from Salmo Point to a point on the mainland at $60^{\circ} 37' 54''$ N. lat., $145^{\circ} 45' 33''$ W. long., and south of a line from Makaka Point to a point on Hinchinbrook Island at $60^{\circ} 28' 54''$ N. lat., $146^{\circ} 22' 51''$ W. long.

(b) Northern district: all water of statistical area E west of a line from Salmo Point to a point on the mainland at $60^{\circ} 37' 54''$ N. lat., $145^{\circ} 45' 33''$ W. long., north of a line from Makaka Point to a point on Hinchinbrook Island at $60^{\circ} 28' 54''$ N. lat., $146^{\circ} 22' 51''$ W. long., north of a line from Cape Hinchinbrook to Seal Rocks ($60^{\circ} 10'$ N. lat., $146^{\circ} 50'$ W. long.), and west of the longitude of Seal Rocks ($60^{\circ} 10'$ N. lat., $146^{\circ} 50'$ W. long.).

(c) Copper River district: all water of statistical area E south of a line from Point Bentinck to Point Whittshed, south of a line from Cape Hinchinbrook to Seal Rocks ($60^{\circ} 10'$ N. lat., $146^{\circ} 50'$ W. long.), and east of the longitude of Seal Rocks ($60^{\circ} 10'$ N. lat., $146^{\circ} 50'$ W. long.).

Authority: AS 16.05.251 (2)

5 AAC 32.210. FISHING SEASONS. Dungeness crab may be taken as follows:

(1) Orca Inlet district: from a date specified by emergency order after September 1 until May 31;

(2) Northern district: January 1 through December 31;

(3) Copper River district: April 1 through November 30.

Authority: AS 16.05.060
AS 16.05.251 (2)

5 AAC 32.225. LAWFUL GEAR. (a) In the taking of dungeness crab:

(1) no more than 250 crab pots per vessel may be used except as provided in (a) (2) of this section;

(2) in the Orca Inlet district no more than 100 crab pots per vessel may be used;

(3) an escape hole of four inches (10 cm) in minimum diameter and so located as to permit the escape of undersized crab shall be provided for each pot.

(b) A dungeness crab pot is a pot with tunnel eye openings which individually do not exceed 30 inches (76 cm) in perimeter.

Authority: AS 16.05.251 (2),
(4),(10)

5 AAC 32.230. IDENTIFICATION OF GEAR. In the taking of dungeness crab;

(1) all floats and buoys fished under a single registration number must be identically marked, and the colors and design used must be registered with the department before fishing commences;

(2) when fishing for or taking crab, no individual or vessel may operate or assist in operating crab pots with buoys of more than one color design registered with the department or more than one legal limit of gear in the aggregate.

Authority: AS 16.05.250 (3),
(14)

5 AAC 32.240. INSPECTION POINTS. Inspection points are located at Cordova, Valdez, and at other locations specified by the department.

Authority: AS 16.05. 250 (2),
(3),(7)

ARTICLE 7
STATISTICAL AREA H (COOK INLET)
REGULATIONS FOR REGISTRATION AREA

5 AAC 32.300. DESCRIPTION OF STATISTICAL AREA. Statistical area H has as its eastern boundary a line extending south from Cape Fairfield, and as its southern boundary a line extending east from Cape Douglas at 58° 52' N. lat.

Authority: As 16.05.251 (2)

5 AAC 32.305. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 21.200.

Authority: AS 16.05.250 (2)

5 AAC 32.310. FISHING SEASONS. Dungeness crab may be taken as follows:

(1) in the Southern district northeast of a line from Coal Point to the Northeast tip of Glacier Spit, from September 1 through April 30;

(2) in the Southern district west of a line from Coal Point to the northern tip of Yukon Island and north of the latitude of the northern tip of Yukon Island (59° 32' 06" N. lat.) from May 1 through December 31;

(3) in the remainder of the Cook Inlet area, from January 1 through December 31.

Authority: AS 16.05.251 (2)

5 AAC 32.325. LAWFUL GEAR. (a) In the taking of dungeness crab in the Southern district, no individual may operate, assist in operating, or have on board more than 150 pots; in the Northern, Central, Kamishak Bay, Outer, and Eastern districts, no individual may operate, or assist in operating, or have on board more than 250 pots.

(b) A dungeness crab pot is a pot with tunnel eye opening perimeters which individually do not exceed 30 inches (76 cm).

Authority: AS 16.05.251 (2),
(4)

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5 AAC 32.330. IDENTIFICATION OF GEAR. In the taking of dungeness crab all pot and ring net buoys fished under a single registration shall be consecutively numbered starting with the number one, and they shall be legibly marked with the permanent department registration number; these floats and buoys must be constructed or marked in such a way as to be readily distinguishable from the floats or buoys used on king crab pots.

Authority: AS 16.05.250 (3),
(7), (14)

5 AAC 32.340. INSPECTION POINTS. Inspection points are located at Homer and Seward or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3), (7)

ARTICLE 8 STATISTICAL AREA J (WESTWARD) REGULATIONS FOR REGISTRATION AREA

5 AAC 32.400. DESCRIPTION OF STATISTICAL AREA. Statistical area J includes all Pacific Ocean waters south of the latitude of Cape Douglas, west of 151° W. long., east of 172° E. long., and seaward to the 200 fathom (366 m) depth contour, and all Bering Sea waters east of 172° E. long.

Authority: AS 16.05.251 (2)

5 AAC 32.405. DESCRIPTION OF DISTRICTS. (a) Kodiak district, all waters of statistical area J between the latitude of Cape Douglas and the longitude of Kilokak Rocks, including Chirikof Island.

(b) Chignik district: all waters of statistical area J west of the longitude of Kilokak Rocks and east of a line from Kupreanof Point to the easternmost point of Castle Rock, and east of a line extending 135° southeast from the easternmost point of Castle Rock.

(c) South Peninsula district: all Pacific Ocean waters of statistical area J west of a line from Kupreanof Point to the easternmost point of Castle Rock and west of a line extending 135° southeast from the easternmost point of Castle Rock, and east of the longitude of Cape Sarichef.

(d) North Peninsula district: all Bering Sea waters of statistical area J east of the longitude of Cape Sarichef.

(e) Aleutian district: all waters of statistical area J west of the longitude of Cape Sarichef.

5 AAC 32.410. FISHING SEASONS. Dungeness crab may be taken or possessed from May 1 through December 31, except that in the Kodiak district south of the latitude of Boot Point and south of the latitude of Cape Ikolik dungeness crab may be taken from June 15 through December 31.

Authority: AS 16.05.251 (2)

5 AAC 32.420. SIZE LIMITS. Repealed (eff. 7/17/77, Reg. 63)

5 AAC 32.425. LAWFUL GEAR. (a) Dungeness crab may be taken by pots or ring nets only.

(b) A dungeness crab pot is a pot with tunnel eye openings which individually do not exceed 30 inches (76 cm) in perimeter.

(c) During the closed dungeness crab season in the Kodiak district of statistical area J, all dungeness crab pots shall be removed from the water.

Authority: AS 16.05.251 (4)

5 AAC 32.440. INSPECTION POINTS. Inspection points are located at Kodiak, Sand Point, Dutch Harbor and other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

CHAPTER 34. KING CRAB FISHERY
ARTICLE 1. STATISTICAL AREAS

5 AAC 34.005. STATISTICAL AREAS ESTABLISHED.

(a) For the king crab fishery, there are established the following areas with the following code letters:

Code Letter

- A- Southeastern Alaska - Yakutat Area, comprised of the waters specified in sec. 100 of this chapter.
- E- Prince William Sound Area, comprised of the waters specified in sec. 200 of this chapter.
- H- Cook Inlet Area, comprised of the waters specified in sec. 300 of this chapter.
- K- Kodiak Area, comprised of the waters specified in sec. 400 of this chapter.
- M- Alaska Peninsula Area, comprised of the waters specified in sec. 500 of this chapter.
- O- Dutch Harbor Area, comprised of the waters specified in sec. 600 of this chapter.
- R- Adak Area, comprised of the waters specified in sec. 700 of this chapter.
- Q- Bering Sea Area, comprised of the waters specified in sec. 900 of this chapter.

(b) Each statistical area consists of:

(1) a registration area, comprised of all the waters within the statistical area which are territorial waters of Alaska; and

(2) an adjacent seaward biological influence zone, comprised of all the waters within the statistical area which are not part of the registration area.

(c) Registration areas are areas in which the department shall apply conservation and management regulations in order to protect and maintain the king crab resources of the state.

(d) Adjacent seaward biological influence zones are areas which the department shall utilize to obtain biological and fishing effort data and other information necessary for the formulation of comprehensive and effective conservation and management regulations governing king crab resources inhabiting the registration area. However, regulations governing the registration area will also be applied in the adjacent seaward biological influence zone consistent with sec. .010 of this chapter.

Authority: AS 16.05.251

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5 AAC 34.010. APPLICATION OF REGULATIONS.

(a) Notwithstanding any other provision of this chapter, all regulations in this chapter applicable to a registration area shall be applicable also in its adjacent seaward biological influence zone.

(b) Persons on a vessel navigating within an adjacent seaward biological influence zone shall conduct their operations and activities in full compliance with the regulations applicable to the appurtenant registration area.

(c) The commissioner may suspend the application of this section wholly or partially in any adjacent seaward biological influence zone if he finds that such application:

(1) does not tend to facilitate enforcement of regulations applicable to a registration area.

(2) does not tend to protect or conserve king crab inhabiting territorial waters of Alaska; or

(3) that the state has an insufficient interest in the king crab inhabiting the zone to warrant extension of the jurisdiction of the state to the zone.

Authority: AS 16.05.251

5 AAC 34.020. REGISTRATION. (a) All registration areas except those specified in subsection (b) of this section are exclusive registration areas. No vessel nor gear may be registered in more than one exclusive registration area during a registration year.

(b) The registration areas in statistical areas R and Q are nonexclusive registration areas. A vessel and gear may be registered for either or both of the nonexclusive registration areas together with one exclusive registration area during any registration year, except that a vessel or gear registered for area H may not be used to fish king crab in any other registration area.

(c) All king crab fishing gear shall be registered for the one exclusive registration area or nonexclusive registration areas before fishing king crab. All king crab vessels shall be registered by the owner or his authorized agent in a nonexclusive registration area prior to fishing. All king crab vessels shall be registered by the owner or his authorized agent in an exclusive registration area prior to August 1.

(d) The registration year shall be June 28 through June 27.

(e) A registration shall not be considered valid until the vessel has complied with the inspection requirements of sec. 030 (a) or (b) of this chapter.

(f) The late registration of a king crab vessel may be permitted by the commissioner in the case of the loss of a registered vessel by sinking or destruction. The late registration shall be for the area in which the lost vessel was registered. For purposes of this subsection, loss of the vessel is considered to mean such vessel is incapable of being used to take king crab during the open king crab season in the area for which it is registered. Loss of a vessel shall be documented by submission of proof, in writing, that the vessel is sunk or destroyed.

(g) No operator of a king crab vessel registered for an exclusive registration area may operate any other king crab vessel registered for any other exclusive registration area.

(h) A vessel validly registered to fish for king crab in any king crab registration area may not be fishing any species of crab in any other king crab registration area.

Authority: AS 16.05.251 (2),
(4),(10),(12)

5 AAC 34.030. LANDING AND INSPECTION REQUIREMENTS. (a) Within 24 hours prior to a season opening or at any time during the open season prior to fishing, any vessel registered for an exclusive registration area must have its holds or live tanks inspected by a Department of Public Safety or a Department of Fish and Game employee or a designee of either department, at inspection points specified in this chapter. There shall be no king crab on board. Successful completion of the inspection shall validate the registration for the area.

(b) Within 36 hours prior to fishing in statistical area Q and within 48 hours prior to fishing in statistical area R, any registered king crab vessel must have its holds or live tanks inspected by a Department of Public Safety or a Department of Fish and Game employee or designee of either department, at inspection points specified in this chapter. There shall be no king crab on board. Successful completion of the inspection shall validate the registration for the area.

(c) Except as provided in (d) of this section, all vessels must land all king crab in the area for which they are validly registered at the time.

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(d) A vessel validly registered for an area which desires to land king crab in another registration area must contact by radio a Department of Public Safety or a Department of Fish and Game employee or designee of either department prior to leaving the statistical area encompassing the area for which the vessel is registered, and shall submit to such inspection at such location as the employee or designee may require. The employee or designee contacted by the vessel must be an employee or designee located in the registration area for which the vessel is validly registered at the time. A vessel acting pursuant to this authorization shall at the time of landing its catch have no greater amount of king crab on board than were present at the time of any inspection.

(e) A vessel making radio contact pursuant to (d) of this section shall state to the employee or designee of the Department of Public Safety or Department of Fish and Game the amount of king crab on board at the time.

(f) When a vessel lands king crab pursuant to the authorization in (d) of this section, the registration under which the vessel is operating becomes invalid. In order to again become validly registered for an area, the vessel must comply with (a) or (b) of this section.

(g) For purposes of this section a vessel validly registered for the registration area in statistical area Q landing king crab at Dutch Harbor, Akutan or King Cove shall be deemed to have landed their catch in the area for which they are validly registered at the time.

(h) For purposes of (d) of this section, vessels registered for the registration area in statistical area Q shall make radio contact at Dutch Harbor.

(i) The commissioner may suspend any or all of the requirements of (d), (e) and (f) of this section for particular registration areas if he finds that to do so would be in the public interest.

(j) Inspection shall not be commenced prior to 24 hours before the opening of any exclusive registration area.

(k) A valid registration shall become invalid 72 hours after the closure of the season in all exclusive registration areas and 24 hours after the closure of the season in all non-exclusive registration areas.

Authority: AS 16.05.020

AS 16.05.251 (2),
(4),(7),(12)

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5 AAC 34.033. TENDERS. (a) A vessel incapable of being utilized to take king crab by virtue of the lack of gear or equipment on board may be used to tender another vessel fishing for king crab if such other vessel is otherwise in compliance with the regulations of this chapter. Prior to engaging in any tendering operation, a tendering vessel shall notify a local representative of the department of the name of the vessel or vessels which the tendering vessel will be tendering.

(b) If the tendering vessel desires to land king crab from the tendered vessel in a registration area in which the tendered vessel is not validly registered at the time, the tendering vessel shall comply with the requirements of (d) and (e) of sec. 030 of this chapter. In addition, the tendered vessel shall make radio contact with a Department of Public Safety or a Department of Fish and Game employee or a designee of either department within three hours of the time such contact is made by the tendering vessel. The employee or designee contacted by the tendered vessel must be an employee or designee located in the registration area for which the vessel is validly registered at the time.

(c) The exception provided for in (h) of sec. 030 of this chapter shall also apply with respect to (b) of this section.

Authority: AS 16.05.250 (2),
(3),(10),(14)

5 AAC 34.035. CLOSURE OF REGISTRATION AREAS.

(a) The commissioner shall monitor the condition of king crab stocks in all statistical areas through the use of such data and information as are practically available.

(b) When the commissioner finds that continued fishing effort would jeopardize the viability of king crab within a registration area, he shall close the registration area by emergency order.

(c) In determining whether to close a registration area, the commissioner shall consider all appropriate factors to the extent there is information available on such factors. Factors which may be considered include:

(1) the effect of overall fishing effort within the statistical area encompassing the registration area;

(2) catch per unit of effort and rate of harvest;

(3) relative abundance of king crab within the area in comparison with preseason expectations of the department;

(4) such guideline harvest levels as may be promulgated by regulation;

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(5) the proportion of immature or softshell king crab being handled;

(6) general information on the condition of king crab within the area; and

(7) information pertaining to the maximum sustainable yield level of king crab within the registration area.

(d) Within five days after the closure of any registration area an individual holding a king crab permit issued by the Commercial Fisheries Entry Commission or the owner of any vessel registered for that area may formally request the commissioner to reopen the area. The commissioner shall personally review pertinent information on the condition of king crab within the area, and shall formally announce his decision within 14 days of the request.

(e) After 72 hours following the closure of all exclusive registration areas and after 24 hours following the closure of all nonexclusive registration areas, no vessel registered for that area may have king crab on board in waters subject to the jurisdiction of the state unless:

(1) the vessel is validly registered for another registration area and the season is open in the area; and;

(2) the vessel is otherwise in compliance with secs. 020 and 030 of this chapter.

(f) The foregoing provisions of this section are applicable also to closures of districts, subdistricts, sections, or any other portion of a statistical area.

Authority: AS 16.05.251 (2),
(3),(4),(7),(10)

5 AAC 34.040. PARTIAL CLOSURE OF REGISTRATION AREAS. (a) Pursuant to the procedures set forth in (a), (b) and (c) of sec. 035 of this chapter, the commissioner may close a registration area for certain species of king crab.

(b) After 72 hours following the closure of all exclusive registration areas and after 24 hours following the closure of all nonexclusive registration areas for a certain species of king crab no vessel registered for that area may have that species of king crab on board in waters subject to the jurisdiction of the state unless:

(1) the vessel is validly registered for another registration area and the area is open for that species of king crab; and

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(2) the vessel is otherwise in compliance with secs. 020 and 030 of this chapter.

(c) Subsection (d) of sec. 035 of this chapter shall apply to partial closures.

(d) Unless otherwise stated, all references in this chapter to closures of registration areas shall not be deemed applicable to partial closures.

Authority: AS 16.05.060
AS 16.05.250 (2),
(3),(10)

5 AAC 34.045. DISCRETIONARY OPENINGS. In areas where the commissioner is authorized to open the season by emergency order, the commissioner may delay the opening beyond the earliest date specified in the regulations if he finds that such delay would effect preservation of the public peace, health, safety, or general welfare.

Authority: AS 16.05.020
AS 16.05.060
AS 16.05.250 (2)

ARTICLE 2. GENERAL SPECIFICATIONS AND RESTRICTIONS

5 AAC 34.050. GEAR FOR KING CRAB. (a) King crab may be taken only by pots, ring nets, or diving gear, unless otherwise provided in this chapter.

(b) At least one buoy on each king crab pot or ring net shall be legibly marked with the permanent department registration number of the vessel fishing the gear. The buoy shall bear a single department registration number and this number shall be that of the vessel used in operating the gear. Registration numbers shall be painted on the top one-third of the buoy in numerals at least four inches in height and one-half inch in width in a contrasting color to that of the buoy. The buoy markings shall be legibly inscribed and visible on the buoy above the water surface when attached to the crab pot.

(c) During the closed season for king crab in any given king crab registration area, king crab pots shall either be removed from the water or stored, with all bait and bait containers removed, in 25 fathoms (46 m) of water or less, unless otherwise specified in this chapter. Pots with all doors secured fully open and with all bait and bait containers removed may be stored in water depths greater than the maximum permissible depth for 72 hours prior to the opening of the king crab season, and for 72 hours after the season closure where the pots are fished.

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(d) The owner or operator of a king crab vessel that is lost through sinking may apply to the commissioner for a permit to legal-size king crab obtained when his pots are recovered himself or his authorized agent even though the crab season is closed in the area. The fish ticket shall show the delivery made by the lost vessel.

(e) Repealed, (eff. 6/2/78, Reg. 66).

Authority: AS 16.05.251 (2),
(4),(12)
AS 16.05.690

5 AAC 34.060. SIZE LIMIT FOR KING CRAB. (a) No male king crab may be taken or possessed that are less than seven inches (178 mm) in width of shell, unless otherwise provided in this chapter.

(b) Width measurement of king crab shall be the 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 and shall include the spines.

Authority: AS 16.05.251 (3),
(4),(7),(10)

5 AAC 34.065. FEMALE AND UNDERSIZE KING CRAB. Female king crab, and male king crab of less than minimum size, may not be taken or possessed. Such crab which have been taken shall be immediately returned to the sea unharmed.

Authority: AS 16.05.250 (3),
(4),(7),(10)

5 AAC 34.070. REGISTRATION AND INSPECTION DOCUMENTS. (a) A vessel being registered for a registration area pursuant to sec. 020 of this chapter, if the necessary information is provided and the vessel is otherwise in compliance with the regulations of this title, shall be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations by the vessel operator and shall be shown upon request to any authorized representative of the department.

(b) A vessel being submitted to an inspection pursuant to sec. 030 of this chapter shall be issued an inspection certificate unless a current registration certificate for that registration area is displayed to the Department of Fish and Game or Department of Public Safety designee or employee conducting

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the inspection. The inspection certificate shall be signed by the current vessel operator and shall be shown upon request at any time to any authorized representative of the Department of Fish and Game or the Department of Public Safety.

(c) A vessel landing king crab in a registration area other than the area for which the vessel is validly registered at the time pursuant to the authorization in sec. 030 (d) of this chapter shall attach the inspection certificate to the back of the department copy (yellow copy) of the fish ticket at the time the king crab are landed.

Authority: AS 16.05.250 (3),
(14)
AS 16.05.690

5 AAC 34.075. LIMITATIONS ON TAKING FOR SUBSISTENCE PURPOSES. (a) In the taking of king crab for subsistence purposes, the possession limit is 6 crabs per person south of 60° N. lat.

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

(c) Registered king crab vessels may not be used to take king crab for subsistence purposes for a period beginning 14 days prior to the opening and ending 14 days after the closure of the season for the registration area or areas for which the vessel is registered.

Authority: AS 16.05.250 (2),
(3),(4)

ARTICLE 3. CONDITIONS FOR LICENSE

5 AAC 34.085. AGREEMENTS FOR USE PRIVILEGE. (a) Any person who has applied for and been issued a valid interim-use permit card for king crab pots or a commercial fishing vessel license or who has registered a vessel or any gear for a king crab registration area has agreed:

(1) to engage in fishing for king crab only in a statistical area encompassing a registration area for which the vessel is validly registered;

(2) to engage in fishing for king crab only in districts where the season is open in statistical areas which are subdivided into districts;

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(3) to engage in fishing for king crab only if the season in the registration area for which the vessel is validly registered is open;

(4) to engage in fishing for king crab in statistical areas in compliance with all regulations (including partial closures) governing king crab fishing in the registration area encompassed by the statistical area; and

(5) to comply with the provisions and requirements of 5 AAC 39.130.

(b) A permit holder or registrant further agrees that the agreement contained in subsection (a) of this section shall have the force of regulation.

(c) The permit holder or registrant has entered into the above described agreement in return for receiving from the state a use privilege to fish for king crab inhabiting waters subject to the jurisdiction of the state, and is entitled to all rights and privileges to engage in such fishing for king crab consistent with applicable laws and regulations.

Authority: AS 16.05.250 (7)
AS 16.05.690

ARTICLE 4. PROHIBITIONS

5 AAC 34.090. UNLAWFUL POSSESSION OF KING CRAB OR KING CRAB GEAR (a) It is unlawful for any person to possess unprocessed king crab aboard a vessel licensed as a commercial fishing vessel within any registration area unless the vessel is validly registered for the area and the season is open, or unless the person is acting pursuant to the authorization of sec. 030 (d) or sec. 035 (e) of this chapter. The prohibition shall not apply to king crab possessed for subsistence purposes if otherwise consistent with applicable regulations.

(b) It is unlawful for any person to possess aboard a vessel licensed as a commercial fishing vessel within any registration area any king crab or any gear (including aggregate amounts of gear) used in the taking of king crab, if such king crab or king crab gear are prohibited by other regulations in this chapter governing such registration area. If a vessel is acting pursuant to the authorization of sec. 030 (d) of this chapter, that vessel shall be governed by the regulations of the area for which it is validly registered at the time.

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(c) It is unlawful for any person to possess, purchase, sell, barter, or transport king crab within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that such king crab were taken or possessed in contravention of the regulations of this chapter.

Authority: AS 16.05.250 (3),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 34.092. UNLAWFUL ACTS WITHIN AN ADJACENT SEAWARD BIOLOGICAL INFLUENCE ZONE. It is unlawful for any person:

(1) to take, attempt to take, cause to be taken, or possess king crab;

(2) to operate, attempt to operate or cause to be operated any vessel or gear or to possess any gear; or

(3) to take, attempt to take, cause to be taken, or fail to take any action, in violation of sec. 010 (b) of this chapter.

Authority: AS 16.05.251 (4),
(7),(10)
AS 16.05.720
AS 16.05.900
AS 16.05.920

5 AAC 34.095. UNLAWFUL POSSESSION OF KING CRAB POTS. (a) It is unlawful for any person to possess any king crab pots in an operable condition within any registration area unless:

(1) the person is aboard a vessel registered for that area and the season is open; or

(2) the person is acting pursuant to the authorization of sec. 030 (d) of this chapter; or

(3) the person is using such gear in the taking of king crab for subsistence purposes in accordance with applicable regulations.

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(b) For purposes of this section, a registration area which has been partially closed pursuant to sec. 040 of this chapter shall be considered an area where the season is open.

(c) For purposes of this section, a king crab pot in an "operable condition" is a king crab pot which does not have the doors secured fully open and the bait and bait containers removed.

Authority: AS 16.05.250 (2),

(3)

AS 16.05.720

AS 16.05.900

AS 16.05.920

5 AAC 34.096. VIOLATION OF REPORTING REQUIREMENTS. (a) It is unlawful for any person to file a fish ticket representing the catch governed by the fish ticket as having been taken in a particular statistical area when in fact the catch or part of the catch were taken in another statistical area.

(b) It is unlawful to file any fish ticket containing information which has been purposely falsified.

Authority: AS 16.05.250

AS 16.05.690

AS 16.05.720

AS 16.05.900

AS 16.05.920

5 AAC 34.097. VIOLATION OF LANDING REQUIREMENT. It shall be unlawful for any vessel acting pursuant to the authorization of sec. 030 (d) of this chapter to land an amount of king crab ten per cent greater or less than the amount stated under sec. 030 (e) of this chapter.

Authority: AS 16.05.250 (4),

(10)

AS 16.05.720

AS 16.05.900

AS 16.05.920

5 AAC 34.098. VIOLATION OF REGULATIONS. It is unlawful for any person to violate any of the regulations of this chapter.

Authority: AS 16.05.020

AS 16.05.060

AS 16.05.250

AS 16.05.690

AS 16.05.720

AS 16.05.900

AS 16.05.920

5 AAC 34.099. APPLICATION OF THIS CHAPTER.
Requirements set forth in this chapter shall be deemed to refer to king crab fishing only, unless otherwise specified.

Authority: AS 16.05.251

**ARTICLE 5. STATISTICAL AREA A—REGULATIONS
FOR REGISTRATION AREA**

5 AAC. 34.100. DESCRIPTION OF STATISTICAL AREA. Statistical area A has as its western boundary a line extending south from Cape Suckling, and as its southern boundary the International Boundary at Dixon Entrance, and as its seaward boundary the 400 fathom (732 m) depth contour.

Authority: AS 16.05.251 (2)

5AAC 34.105. DESCRIPTION OF DISTRICTS. Districts shall be as described in 5 AAC 30.200 and 5 AAC 33.200.

Authority: AS 16.05.250 (2)

5 AAC 34.110. FISHING SEASONS. (a) Red and blue king crab seven inches (178 mm) or larger in width of shell may be taken or possessed from September 1 through January 31, or until the registration area is closed by emergency order.

(b) Brown king crab seven inches (178 mm) or larger in width of shell may be taken or possessed from September 1 through August 14, unless the registration area is closed earlier by emergency order.

(c) During periods to be opened and closed by emergency order, king crab eight inches (203 mm) or larger in width of shell may be taken or possessed.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3), (4), (7), (10)

5 AAC 34.115. GUIDELINE HARVEST LEVELS.
(a) The guideline harvest range for red and blue king crab is 200,000 to 400,000 pounds, (91 to 181 m.t.).

(b) The guideline harvest range for brown king crab is 50,000 to 200,000 pounds (23 to 91 m.t.).

Authority: AS 16.05.251 (3)

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SOUTHEAST YAKUTAT

5 AAC 34.120. SIZE LIMITS. No male king crab may be taken or possessed that are less than seven inches (178 mm) in width of shell with the following exceptions:

(1) king crab less than seven inches (178 mm) in width of shell may be transported through or into the registration area for the purpose of delivery to a processor; king crab may not be fished in the registration area until after delivery of king crabs taken in areas with minimum sizes of less than seven inches (178 mm);

(2) king crab eight inches (203 mm) or greater in width of shell may be taken as provided in sec. 110 (c) of this chapter;

(3) blue king crab may be taken that are 6½ inches (165 mm) or greater in width of shell.

Authority: AS 16.05.251 (3),
(4),(7),(10)

5 AAC 34.125. LAWFUL GEAR. (a) King crab may be taken by pots only. King crab taken by other means must be immediately returned unharmed to the sea.

(b) Otter trawls with a ground line or head line exceeding 60 feet (18 m) in length may not be aboard a vessel engaged in taking or transporting king crab.

(c) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum of five inches (13 cm) in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm).

(d) During any king crab season an aggregate of not more than 100 king and tanner crab pots may be fished from any registered king crab vessel in the following waters:

(1) north and east of a line from Point Manby to Ocean Cape;

(2) Lituya Bay east of the longitude of Harbor Point;

(3) north and east of a line commencing at Icy Point and extending successively through Cape Spencer, Cape Cross, Klokachef Island, Cape Edgumbe, North Cape, Cape Ommaney, Cape Bartolome, Cape Muzon and south to its intersection with the International Boundary.

Authority: AS 16.05.251 (2),
(4),(10)

5 AAC 34.140. INSPECTION POINTS. Inspection points are located at Ketchikan, Wrangell, Petersburg, Sitka, Juneau and Yakutat or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

5 AAC 34.145. SUBSISTENCE FISHING. In the Southeastern Alaska area:

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

(2) only male king crab 7 inches (178 mm) or larger in width of shell may be taken or possessed.

Authority: AS 16.05.251 (2),
(3),(4),(7),(10)

5 AAC 34.150. CLOSED WATERS. All waters of Gastineau Channel north of a line from Marmion Island light to Point Salisbury are closed to commercial fishing for king crab.

Authority: AS 16.05.251 (2)

ARTICLE 6. STATISTICAL AREA E—REGULATIONS FOR REGISTRATION AREA

5 AAC 34.200. DESCRIPTION OF STATISTICAL AREA. Statistical area E has as its western boundary a line extending south from Cape Fairfield, and as its eastern boundary a line extending south from Cape Suckling, and as its seaward boundary the 400 fathom (732 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 34.205. DESCRIPTION OF DISTRICTS. (a) Orca district: all waters of statistical area E east of a line from Point Freemantle to the eastern tip of Smith Island to Montague Point, east of a line from Zaikoff Point to Seal Rocks (60° 10' N. lat., 146° 50' W. long.), north of a line from Seal Rocks (60° 10' N. lat., 146° 50' W. long.) to Cape Hinchinbrook, and north of a line from Point Bentinck to Point Whitshed.

(b) Montague district: all waters of statistical area E west of a line from Point Freemantle to the eastern tip of Smith Island to Montague Point, west of a line from Zaikoff Point to Seal Rocks (60° 10' N. lat., 146° 50' W. long.), south of a line from Seal Rocks (60° 10' N. lat., 146° 50' W. long.) to Cape Hinchinbrook and south of a line from Point Bentinck to Point Whitshed.

Authority: AS 16.05.251 (2)

5 AAC 34.210. FISHING SEASONS. King crab may be taken as follows:

(1) Orca district from November 15 through March 15, unless closed earlier by emergency order;

(2) Montague district from October 1 through March 15, unless closed earlier by emergency order.

Authority: AS 16.05.060

AS 16.05.251 (2)

5 AAC 34.215. GUIDELINE HARVEST LEVELS. The guideline harvest level is 500,000 pounds (227 m.t.)

Authority: AS 16.05.251 (3)

5 AAC 34.220. SIZE LIMITS. The minimum legal size for blue king crab is six inches (152 mm) in width of shell.

Authority: AS 16.05.251 (3),

(4),(7),(10)

5 AAC 34.225. LAWFUL GEAR. (a) In the taking of king crab, pots only may be used and king crab taken by any other means must be immediately returned unharmed to the sea.

(b) Trawls with a ground line not exceeding 60 feet (18 m) may be used for taking bait.

(c) During any king crab season an aggregate of not more than 60 king crab pots may be fished from any registered king crab vessel.

(d) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum of five inches (13 cm) in one dimension, and tunnel eye opening perimeters which are individually larger than 30 inches (76 cm).

(e) During the open season for king crab, all shellfish pots other than those described as dungeness crab, tanner crab, and shrimp pots must conform to the specifications in (d) of this section.

Authority: AS 16.05.251 (2),

(4),(10)

5 AAC 34.240. INSPECTION POINTS. Inspection points are located in Cordova and Valdez or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

ARTICLE 7. STATISTICAL AREA H—REGULATIONS
FOR REGISTRATION AREA

5 AAC 34.300. DESCRIPTION OF STATISTICAL AREA. Statistical area H has as its eastern boundary a line extending south from Cape Fairfield, and as its southern boundary a line extending east from Cape Douglas at 58° 52' N. lat.

Authority: AS 16.05.251 (2)

5 AAC 34.305. DESCRIPTION OF DISTRICTS. Districts shall be as described in 5 AAC 21.200.

Authority: AS 16.05.250 (2)

5 AAC 34.310. FISHING SEASONS. King crab may be taken as follows:

(1) from August 1 through March 15, king crab seven inches (178 mm) or greater in width of shell may be taken or possessed unless the registration area is closed earlier by emergency order;

(2) during periods to be opened and closed by emergency order king crab eight inches (203 mm) or greater in width of shell may be taken or possessed.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3),(7),(10)

5 AAC 34.315. GUIDELINE HARVEST LEVELS. Guideline harvest levels are:

(1) Southern district:

(A) August 1 through November 30: 1,000,000 to 2,000,000 pounds (454 to 507 m.t.);

(B) December 1 through March 15: 500,000 to 1,000,000 pounds (227 to 454 m.t.);

(2) Kamishak Bay and Barren Islands districts: 3,000,000 pounds (1,361 m.t.);

(3) the total of all other districts: 500,000 pounds (227 m.t.)

Authority: AS 16.05.251 (2),
(3)

5 AAC 34.320. SIZE LIMITS. King crab may be taken or possessed that are seven inches (178 mm) or greater in width of shell with the following exceptions:

(1) king crab eight inches (203 mm) or greater in width of shell may be taken or possessed as provided in sec. 310 (2) of this chapter;

(2) king crab less than seven inches (178 mm) in width of shell may be transported through or into the registration area for the purpose of delivery to a processor; king crab may not be fished in the registration area until after delivery of king crab taken in areas with minimum legal sizes of less than seven inches (178 mm) in shell width.

Authority: AS 16.05.251 (3),
(4),(7),(10)

5 AAC 34.325. LAWFUL GEAR. (a) King crab may be taken with pots or ring nets only. King crab taken by means other than pots or ring nets must immediately be returned unharmed to the sea.

(b) During any king crab season an aggregate of not more than 75 king and tanner crab pots may be fished from any registered king crab vessel.

(c) Otter trawls with a ground line or head line exceeding 60 feet (18 m) in length may not be aboard a vessel engaged in taking or transporting king crab.

(d) In the Southern and Kamishak Bay districts during the closed season for king crab, king crab pots shall either be removed from the water or stored in 15 fathoms (27 m) of water or less, with all doors secured fully open and all bait and bait containers removed.

(e) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum of five inches (13 cm) in one dimension and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm).

Authority: AS 16.05.251 (2),
(4),(10)

5 AAC 34.330. IDENTIFICATION OF GEAR. Repealed effective June 12, 1976, Register 58.

5 AAC 34.335. CLOSED WATERS. King crab fishing is prohibited inside the area encompassed by a line south from Anchor Point to the intersection with a line west from the tip of Homer Spit.

Authority: AS 16.05.250 (2)

5 AAC 34.340. INSPECTION POINTS. Inspection points are located at Homer and Seward or at other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

5 AAC 34.345. SUBSISTENCE FISHERY. King crab may be taken by any legal gear as described in sec. 050 of this chapter. There is no size or sex limitation on king crab. There is no closed season on king crab except as provided in sec. 075 (c) of this chapter.

Authority: AS 16.05.250 (2),
(3),(7),(10)

ARTICLE 8. STATISTICAL AREA K—REGULATIONS FOR REGISTRATION AREA

5 AAC 34.400. DESCRIPTION OF STATISTICAL AREA. Statistical area K has as its northern boundary a line extending east from Cape Douglas and as its western boundary a line extending south from Cape Kumlik, and as its seaward boundary the 300 fathom (549 m) depth contour.

Authority: AS 16.05.251 (2)

5 AAC 34.405. DESCRIPTION OF DISTRICTS. (a) Northeast district: all waters northeast of a line extending 168° southeast from Cape Barnabas, and east of a line extending north from the northern tip of Shuyak Island at 152° 20' W. long., and the waters east of a line from Inner Point to Afognak Point in Whale Passage and Afognak Strait, and the waters east of 152° 30' W. long., in Shuyak Strait.

(b) Southeast district: all waters southwest of a line extending 168° southeast from Cape Barnabas and east of a line extending 222° southwest from Cape Trinity.

(c) Southwest district: all waters west of a line extending 222° southwest from Cape Trinity, south of a line from Cape Ikolik on Kodiak Island to Cape Kilokak at the southern entrance of Imuya Bay on the Alaska Peninsula at 57° 11' 15" N. lat., 156° 19' W. long., and east of the longitude of the southern entrance of Imuya Bay at 156° 19' W. long.

(d) Semidi Island district: all waters west of 156° 19' W. long. at Cape Kilokak and east of the longitude of Cape Kumlik at 157° 27' W. long.

(e) Shelikof district: all waters north of a line from Cape Kilokak on the Alaska Peninsula to Cape Ikolik on Kodiak Island, and those waters west of a line from Inner Point to Afognak Point in Whale Passage and Afognak Strait, and those waters west of 152° 30' W. long. in Shuyak Strait, and the waters west of the longitude of the northern tip of Shuyak Island at 152° 20' W. long.

Authority: AS 16.05.251 (2)

5 AAC 34.410. FISHING SEASONS. King crab may be taken as follows:

(1) from 6:00 a.m. on September 10 through November 30 unless closed earlier by emergency order, king crab seven inches (178 mm) or greater in width of shell may be taken or possessed;

(2) from 6:00 a.m. December 1 through January 15 unless closed earlier by emergency order, king crab 7½ inches (191 mm) or greater in width of shell may be taken or possessed.

Authority: AS 16.05.060

AS 16.05.251 (2),
(3),(7),(10)

5 AAC 34.415. GUIDELINE HARVEST LEVELS. The guideline harvest level is 7,000,000 to 15,000,000 pounds (3174 to 6804 m.t.) of king crab.

Authority: AS 16.05.251 (3)

5 AAC 34.420. SIZE LIMITS. No male king crab may be taken or possessed that is less than seven inches (178 mm) in width of shell with the following exceptions:

(1) king crab less than seven inches (178 mm) in width of shell may be transported through or into the registration area for the purpose of delivery to a processor; king crab may not be fished in the registration area until after delivery of king crab taken in areas with minimum sizes of less than seven inches (178 mm);

(2) king crab $7\frac{1}{2}$ inches (191 mm) or greater in width of shell may be taken as provided in sec. 410 (2) of this chapter.

Authority: AS 16.05.251 (2),
(3),(4),(7),(10)

5 AAC 34.425. **LAWFUL GEAR.** (a) King crab may be taken by pots or ring nets only. King crab taken by any other means shall be immediately returned unharmed to the sea.

(b) Otter trawls with head or ground lines in excess of 60 feet (18 m) may not be aboard a vessel engaged in taking or transporting king crab.

(c) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum five inches (13 cm) in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm).

(d) During the open king crab season, all shellfish pots other than those described as dungeness, tanner, and shrimp pots shall conform to the specifications in (c) of this section.

(e) During any king crab season an aggregate of not more than 75 king and tanner crab pots may be fished from any registered king crab vessel.

Authority: AS 16.05.251 (2),
(4),(10)

5 AAC 34.430. **IDENTIFICATION OF GEAR.** Repealed effective June 12, 1976, Register 58.

5 AAC 34.440. **INSPECTION POINTS.** Inspection points are located at Kodiak or other locations specified by the department.

Authority: AS 16.05.251 (2),
(4),(7)

ARTICLE 9. STATISTICAL AREA M—REGULATIONS
FOR REGISTRATION AREA

5 AAC 34.500. DESCRIPTION OF STATISTICAL AREA. Statistical area M has as its eastern boundary a line extending south from Cape Kumlik, and as its western boundary a line extending south from Scotch Cap light, and as its seaward boundary the 200 fathom (366 m) depth contour. The statistical area includes all waters of Bechevin Bay and Isanotski Strait south of a line from Chunak Point to Cape Krenitzen.

Authority: AS 16.05.251 (2)

5 AAC 34.505. DESCRIPTION OF DISTRICTS. (a) Unimak Bight district: all waters of statistical area M west of the longitude of Point Petrof on Sanak Island ($162^{\circ} 49' 25''$ W. long.) and west of a line from Point Petrof to Cape Pankof.

(b) Central district: all waters of statistical area M east of the longitude of Point Petrof on Sanak Island ($162^{\circ} 49' 25''$ W. long.) and east of a line from Point Petrof to Cape Pankof, and west of a line from Kupreanof Point to the easternmost point of Castle Rock, and west of a line extending 135° southeast from the easternmost point of Castle Rock.

(c) West Chignik district: all waters of statistical area M east of a line from Kupreanof Point to the easternmost point of Castle Rock, and east of a line extending 135° southeast from the easternmost point of Castle Rock.

Authority: AS 16.05.250 (2)

5 AAC 34.510. FISHING SEASONS. King crab may be taken as follows:

(1) from 12:00 noon September 15 until closed by emergency order, king crab $6\frac{1}{2}$ inches (165 mm) or greater in width of shell may be taken or possessed;

(2) during periods opened by emergency order until January 15, king crab $7\frac{1}{2}$ inches (191 mm) or greater in width of shell may be taken or possessed.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3),(7),(10)

5 AAC 34.515. GUIDELINE HARVEST LEVELS.

The guideline harvest level is 2,000,000 to 5,000,000 pounds (909 to 2273 m.t.).

Authority: AS 16.05.251 (2),
(3)

5 AAC 34.520. SIZE LIMITS. (a) No male king crab may be taken or possessed that is less than 6½ inches (165 mm) in width of shell.

(b) King crab 7½ inches (191 mm) or greater in width of shell may be taken as provided in sec. 510 (2) of this chapter.

Authority: AS 16.05.251 (2),
(3),(7),(10)

5 AAC 34.525. LAWFUL GEAR. (a) King crab may be taken by pots only. King crab taken by means other than pots must be immediately returned unharmed to the sea.

(b) Otter trawls with a ground line exceeding 60 feet (18 m) in length may not be aboard a vessel engaged in taking or transporting king crab.

(c) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum of five inches (13 m) in one dimension and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm).

(d) During the open season for king crab, all shellfish pots other than those described as dungeness, tanner, and shrimp pots must conform to the specifications in (c) of this section.

(e) Repealed (eff. 7/17/77, Reg. 63).

Authority: AS 16.05.251 (2),
(4),(10)

5 AAC 34.540. INSPECTION POINTS. Inspection points are located at Sand Point and other locations specified by the department.

Authority: AS 16.05.250 (2),
(3),(7)

ARTICLE 10. STATISTICAL AREA O—REGULATIONS
FOR REGISTRATION AREA

5 AAC 34.600. DESCRIPTION OF STATISTICAL AREA. Statistical area O has as its eastern boundary the longitude of Scotch Cap light, and as its western boundary 172° W. long., and as its seaward boundaries the 800 fathom (1463 m) depth contour, excluding the waters of statistical area Q.

Authority: AS 16.05.251 (2)

5 AAC 34.605. DESCRIPTION OF DISTRICTS. (a) Akun district: all waters of statistical area O east of $165^{\circ} 34'$ W. long., and north of the latitude of Jackass Point ($54^{\circ} 06' 35''$ N. lat.).

(b) Akutan district: all Bering Sea waters of statistical area O west of $165^{\circ} 34'$ W. long., east of the longitude of Koriga Point on Unalaska Island ($166^{\circ} 59' 50''$ W. long.), and north of a line from Erskine Point on Unalaska Island to Jackass Point on Akun Island.

(c) Egg Island district: all Pacific Ocean waters of statistical area O east of the longitude of Udagak Strait on Unalaska Island ($166^{\circ} 15'$ W. long.) south of a line from Erskine Point on Unalaska Island ($53^{\circ} 59'$ N. lat., $166^{\circ} 16' 45''$ W. long.) to Jackass Point on Akun Island, then to $54^{\circ} 06' 35''$ N. lat., $164^{\circ} 44' 45''$ W. long., including the waters of Beaver Inlet and Udagak Strait.

(d) Unalaska district: all Bering Sea waters of statistical area O west of the longitude of Koriga Point on Unalaska Island ($166^{\circ} 59' 50''$ W. long.), east of Cape Tanak on Umnak Island (168° W. long.) and north of a line from Kettle Cape on Umnak Island ($53^{\circ} 16' 40''$ N. lat., $168^{\circ} 07'$ W. long.), to Konets Head on Unalaska Island ($53^{\circ} 19'$ N. lat., $167^{\circ} 51'$ W. long.).

(e) Western district: all Bering Sea waters of statistical area O west of the longitude of Cape Tanak on Unalaska Island and all Pacific Ocean waters of king crab registration area O west of the longitude of Udagak Strait ($166^{\circ} 16'$ W. long.) and south of a line from Kettle Cape on Umnak Island ($53^{\circ} 16' 40''$ N. lat., $168^{\circ} 07'$ W. long.) to Konets Head ($53^{\circ} 19'$ N. lat., $167^{\circ} 51'$ W. long.) on Unalaska Island, excluding the waters of Udagak Strait and Beaver Inlet.

Authority: AS 16.05.251 (2)

5 AAC 34.610. FISHING SEASONS. King crab may be taken as follows:

(1) from 12:00 noon, September 10 through February 15 or until closed by emergency order, king crab 6½ inches (165 mm) or greater in width of shell may be taken or possessed;

(2) during periods to be opened and closed by emergency order, king crab 7½ inches (191 mm) or greater in width of shell may be taken or possessed.

Authority: AS 16.05.060
AS 16.05.251 (2),
(3),(7),(10)

5 AAC 34.615. GUIDELINE HARVEST LEVELS. The guideline harvest level is 5,000,000 to 13,000,000 pounds (2268 to 5897 m.t.) of king crab.

Authority: AS 16.05.251 (2),
(3)

5 AAC 34.620. SIZE LIMITS. (a) No male king crab may be taken or possessed that is less than 6½ inches (165 mm) in width of shell.

(b) King crab 7½ inches (191 mm) or greater in width of shell may be taken as provided in sec. 610 (2) of this chapter.

Authority: AS 16.05.251 (3),
(7),(10)

5 AAC 34.625. LAWFUL GEAR. (a) King crab may be taken by pots only. King crab taken by other means than pots must be immediately returned unharmed to the sea.

(b) A king crab pot is a pot with rigid tunnel eye openings which individually are a minimum of five inches (13 cm) in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm).

(c) During the open season for king crab, all shellfish pots other than those described as dungeness, tanner and shrimp pots, must conform to the specifications in (b) of this section.

(d) During the closed season for king crab, king crab pots may be stored:

(1) by removal from the water or storage in 25 fathoms (46 m) of water or less;