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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Kevin Messing, AAC Contact
Department of Fish and Game

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: June 2, 2015

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: March 17 - 20, 2015 Anchorage Meeting: Statewide Shellfish Fisheries; Supplemental Issues (5 AAC 02.410 - 5 AAC 39.975)

Attorney General File: JU2014200583 (Part 2)

Regulation Filed: June 1, 2015

Effective Date: July 1, 2015

Print: 214, July 2015

cc with enclosures: Linda Miller, Department of Law
Genevieve Wojtusik, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2014200583 (Part 2)

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF THE ALASKA BOARD OF FISHERIES

The attached 13 pages of regulations, dealing with subsistence and commercial finfish and shellfish fisheries in this state, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its March 17 – 20, 2015 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 and 16.05.258 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Fisheries paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: May 18, 2015
Juneau, Alaska


Kevin Brooks, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on June 1, 2015 at 9:55 .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

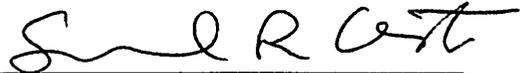

Byron Mallott, Lieutenant Governor
State of Alaska

Effective: July 1, 2015
Register: 214, July 2015

STATE OF ALASKA
DEPARTMENT OF DEPARTMENT OF FISH AND GAME
P.O. BOX 115526
JUNEAU, ALASKA 99811

DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO KEVIN BROOKS, DEPUTY COMMISSIONER.

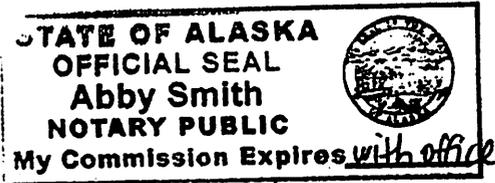
SIGNED: 

SAM COTTEN
(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]


Notary Public in and for the
State of Alaska
My commission expires: with office



Chapter 02. Subsistence Shellfish Fishery.

Article 5. Kodiak Area.

5 AAC 02.410 is repealed and readopted to read:

5 AAC 02.410. Subsistence shrimp fishery. In the subsistence taking of shrimp, there is no closed season and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the subsistence taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or portion of a fishing district or section,

(1) shall, before taking shrimp, obtain a subsistence fishing permit from the department that specifies the area and the date the vessel operator intends to subsistence fish; and

(2) may not possess more than 500 pounds of shrimp on board the vessel. (In effect before 1988; readopt 5/15/93, Register 126; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Article 6. Alaska Peninsula–Aleutian Islands Area.

5 AAC 02.510 is repealed and readopted to read:

5 AAC 02.510. Subsistence shrimp fishery. In the subsistence taking of shrimp, there is no closed season and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the subsistence taking of shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or portion of a fishing district or section,

(1) shall, before taking shrimp, obtain a subsistence fishing permit from the department that specifies the area and the date the vessel operator intends to subsistence fish; and

(2) may not possess more than 500 pounds of shrimp on board the vessel. (In effect before 1988; readopt 5/15/93, Register 126; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Article 7. Bering Sea Area.

5 AAC 02.610 is repealed and readopted to read:

5 AAC 02.610. Subsistence shrimp fishery. In the subsistence taking of shrimp, there is no closed season and no daily bag and possession limits, except that the operator of a commercially licensed and registered shrimp fishing vessel used in the subsistence taking of

shrimp during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or portion of a fishing district or section,

(1) shall, before taking shrimp, obtain a subsistence fishing permit from the department that specifies the area and the date the vessel operator intends to subsistence fish; and

(2) may not possess more than 500 pounds of shrimp on board the vessel. (In effect before 1988; readopt 5/15/93, Register 126; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Chapter 31. Shrimp Fishery.

Article 9. Registration Area G (Outer Cook Inlet).

5 AAC 31.426 is amended to read:

5 AAC 31.426. Lawful gear for Registration Area G. A shrimp pot [EFFECTIVE JANUARY 1, 1996, ALL SHRIMP POTS] must have at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered, rigid mesh. **A shrimp pot that does** [POTS THAT DO] not have a definable side, including **a round pot** [POTS], must have rigid mesh panels covering a minimum of 50 percent of the vertical or near-vertical surface area of the pot. The rigid mesh on **a shrimp pot** [ALL POTS] must be large enough to allow the unaided passage of a maximum 12 inch long, seven-eighths inch diameter round, wooden peg

without deforming the opening, except for the selvage. (Eff. 7/23/94, Register 131; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Chapter 32. Dungeness Crab Fishery.

Article 7. Registration Area E (Prince William Sound).

5 AAC 32.225 is repealed and readopted to read:

5 AAC 32.225. Lawful gear for Registration Area E. In Registration Area E, ^{not} ~~no~~ more than 250 Dungeness crab pots may be operated from a vessel registered to take Dungeness crab, except that in the Inside District, ^{not} ~~no~~ more than 100 Dungeness crab pots may be operated from a vessel registered to take Dungeness crab. (In effect before 1985; am 7/14/85, Register 95; am 9/12/97, Register 143; am 7/1 /2015, Register 214)

Authority: AS 16.05.251

Article 9. Registration Area J (Westward).

5 AAC 32.410(a) is amended to read:

(a) In the Kodiak, Chignik, Alaska Peninsula, and Aleutian Districts, male Dungeness crab may be taken or possessed **only** from 12:00 noon May 1 until 11:59 p.m. **October 31** [DECEMBER 30], except that in the waters of the Kodiak District south of the latitude of Boot Point at 56° 49.98' N. lat., and east of longitude of Boot Point at 153° 46.10' W. long. and waters south of the latitude of Cape Ikolik at 57° 17.40' N. lat., and west of the longitude of Boot Point at 153° 46.10' W. long., male Dungeness crab may be taken or possessed only from 12:00 noon June 15 until 11:59 p.m. **October 31** [DECEMBER 30].

(In effect before 1981; am 6/28/81, Register 78; am 7/14/85, Register 95; am 9/12/97, Register 143; am 7/31/2003, Register 167; am 7/13/2012, Register 203; am 7/1/2015, Register 214)

Authority: AS 16.05.251

5 AAC 32.425 is repealed and readopted to read:

5 AAC 32.425. Lawful gear for Registration Area J. Dungeness crab may be taken only with Dungeness crab pots or ring nets. (In effect before 1979; am 6/30/79, Register 70; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/1/2015, Register 214)

Authority: AS 16.05.251

Chapter 34. King Crab Fishery.

Article 14. Registration Area Q (Bering Sea).

5 AAC 34.910(d)(2) is amended to read:

(2) through the ice only, during a fishing season established by emergency order to open on or after January 15 and close April 30, unless extended by emergency order [FROM 12:00 NOON NOVEMBER 15 THROUGH 12:00 NOON MAY 15] (winter season).

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 10/1/83, Register 87; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/16/2006, Register 179; am 9/12/2008, Register 187; am 2/14/2010, Register 193; am 5/18/2014, Register 210; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

The introductory language of

5 AAC 34.915(a) is amended to read:

(a) The department shall manage the Norton Sound Section summer **and winter commercial seasons** [SEASON] red king crab fisheries [FISHERY] in accordance with 5 AAC 34.080 and 5 AAC 34.910, as follows:

of the Norton Sound Section
fishery

5 AAC 34.915(a)(1) is amended to read:

(1) the threshold level of abundance of legal male red king crab biomass is 1.25 million pounds; the Norton Sound red king crab winter and summer commercial seasons [SEASON] may open only if analysis of preseason survey data indicates that the population of legal male red king crab exceeds this level; if the winter and summer commercial seasons for red king crab are opened under this paragraph,

^{Season}
winter fishery; and ^{may be taken during}
(A) eight percent of the guideline harvest level is allocated for the

^{guideline harvest level}
(B) any remaining winter fishery harvest allocation not taken during
the winter season may be taken during the summer commercial season;

(In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/23/88, Register 107; am 6/23/99, Register 150; am 8/24/2002, Register 163; am 9/12/2008, Register 187; am 7/13/2012, Register 203; am 5/18/2014, Register 210; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 35. Tanner Crab Fishery.

Article 10. Registration Area J (Westward).

5 AAC 35.508(e)(1) is amended to read:

(1) that portion of the Bering Sea District east of 166° W long. may not exceed 50 percent of the estimated biomass of male *C. bairdi* Tanner crab, that are **127 millimeters (five inches)** [140 MILLIMETERS (FIVE AND ONE-HALF INCHES)] or greater in carapace width, including the lateral spines, discounted by fishery selectivity, that would survive in the absence of fishing mortality until the estimated mean time of mating; and

5 AAC 35.508(g)(5) is amended to read:

(5) "C_{E,MSY}" means the catch biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District east of 166° W long. that are **127 millimeters (five inches)** [140 MILLIMETERS (FIVE AND ONE-HALF INCHES)] or greater in carapace width, including the lateral spines, resulting from fishing on the estimated mature male biomass at the estimated mean time of mating at the full-selection F_{MSY} rate or a proxy for the F_{MSY} rate;

(Eff. 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 8/28/2005, Register 175; am 7/1/2006, Register 178; am 7/16/2011, Register 199; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

Chapter 38. Miscellaneous Shellfish Fishery.

Article 7. Registration Area E (Prince William Sound).

5 AAC 38.221 is amended to read:

5 AAC 38.221. Guideline harvest range for the taking of scallops in Registration Area E. In Scallop Registration Area E, the guideline harvest range for weathervane scallops is **0 – 50,000** [ZERO TO 50,000] pounds of shucked scallop meat. (Eff. 6/27/93, Register 126; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 38.224 is repealed and readopted to read:

5 AAC 38.224. Closed waters for scallops in Registration Area E. Scallops may not be taken in the waters enclosed by a line running along the longitude of Cape Suckling at 144° W. long. to a point at 60° N. lat., then west along 60° N. lat. to a point at 146° W. long., then north along 146° W. long. until it intersects a line drawn between Point Bentinck and Point Whitshed. (Eff. 7/23/94, Register 131; am 3/11/2001, Register 157; am 7/1/2006, Register 178; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

Article 9. Registration Area J (Westward).

5 AAC 38 is amended by adding a new section to read:

5 AAC 38.405. Description of Registration Area J districts. Except for scallop fisheries, Registration Area J ^{fishing districts} ~~miscellaneous shellfish fishery districts~~ are as described in 5 AAC 35.505. (Eff. 7/1/2015, Register 214)

Authority: AS 16.05.251

5 AAC 38.411 is repealed and readopted to read:

5 AAC 38.411. Fishing seasons for sea cucumbers in Registration Area J. In Registration Area J, a person may take sea cucumbers only under the authority of a permit issued by the commissioner under 5 AAC 38.062 and only from October 1 through April 30 during fishing periods established by emergency order, except that in the Chignik District, a person may take sea cucumbers only under the authority of a permit issued by the commissioner and only from September 15 through April 30 during ^a fishing period established by emergency order. (Eff. 9/12/97, Register 143; am 5/8/98, Register 146; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 38.412 is amended to read:

5 AAC 38.412. Fishing seasons for sea urchins in Registration Area J. In Registration Area J, a person may take sea urchins only from October 1 through January 31, **during fishing periods established by emergency order,** and only under the authority of a permit issued by the commissioner **under 5 AAC 38.062.** (Eff. 9/12/97, Register 143; am 5/8/98, Register 146; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 38.415(a) is amended to read:

(a) In Registration Area J west of the longitude of Cape Kumlik **at 157° 27' W. long.** [(157° 27' W. LONG.)], a person may take hair crab from January 1 through December 31, **during fishing periods established by emergency order,** and only under the authority of a permit issued by the commissioner **under 5 AAC 38.062.**

(In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 5/8/98, Register 146; am 7/21/99, Register 151; am 7/31/2003, Register 167; am 7/1/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 38.430 is amended to read:

5 AAC 38.430. Guideline harvest ranges [RANGE] for the taking of scallops. In Scallop Registration Areas K, M, O, Q, and R, the guideline harvest ranges for weathervane scallops are as follows:

(1) in **the** waters of Scallop Registration Area K, the guideline harvest range is **0 – 300,000** [ZERO TO 300,000] pounds of shucked meat;

(2) in **the** waters of Scallop Registration Area O, the guideline harvest range is **0 – 110,000** [ZERO TO 110,000] pounds of shucked meat;

(3) in **the** waters of Scallop Registration Area M, the guideline harvest range is **0 – 100,000** [ZERO TO 100,000] pounds of shucked meat;

(4) in **the** waters of Scallop Registration Area Q, the guideline harvest range is **0 – 300,000** [ZERO TO 300,000] pounds of shucked meat;

(5) in **the** waters of Scallop Registration Area R, the guideline harvest range is **0 – 75,000** [ZERO TO 75,000] pounds of shucked meat. (Eff. 6/27/93, Register 126; am 7/5/2000, Register 155; am 7/1/2006, Register 178; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251

Chapter 39. General Provisions.

Article 9. Definitions; Miscellaneous.

5 AAC 39.975(19) is amended to read:

(19) "Dungeness crab" means the species *Metacarcinus* [*CANCER*] *magister*;

5 AAC 39.975 is amended by adding a new subsection to read:

(b) Beginning April 15, 2017, in AS 16.05.835, "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear and does not provide any additional flotation, planing surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel. (In effect before 1983; am 4/16/83, Register 86; am 6/30/83, Register 86; am 5/31/85, Register 94; am 4/18/86, Register 98; am 7/12/86, Register 99; am 6/2/88, Register 106; am 7/30/89, Register 111; am 4/30/91, Register 118; am 6/27/93, Register 126; am 6/2/95, Register 134; am 4/4/97, Register 142; am 9/12/97, Register 143; am 3/11/2001, Register 157; am 8/8/2003, Register 167; am 3/14/2004, Register 169; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 9/12/2008, Register 187; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 5/18/2014, Register 210; am 7 / 1 /2015, Register 214)

Authority: AS 16.05.251 **AS 16.05.835**

Publisher: Please designate the existing text of 5 AAC 39.975 as subsection (a).