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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Shellene Hutter  
Department of Fish and Game

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** August 26, 2022

**RE:** Filed Permanent Regulations: Board of Fisheries

Department of Fish and Game regulations re: Board of Fisheries - March 11 - 16 2022  
meeting Statewide All (5 AAC)

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Attorney General File:	2020200465
Regulation Filed:	8/26/2022
Effective Date:	9/25/2022
Print:	243, October 2022

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis

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

The attached 26 pages of regulations, changes to 5 AAC for finfish, crab, shrimp, and miscellaneous shellfish fisheries for all regions statewide including Southeast, Yakutat, Prince William Sound, Cook Inlet, Kodiak, Westward and statewide shellfish general provisions fisheries are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its public hearing held from March 26<sup>th</sup> – March 30<sup>th</sup>, 2022 in Anchorage, Alaska under the authority of AS 16.05.251 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 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 8/24/2022  
Anchorage, Alaska

DocuSigned by:

*Doug Vincent-Lang*

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Douglas S. Vincent-Lang, Commissioner  
Department of Fish and Game

**FILING CERTIFICATION**

*April Simpson for*

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

August 26, 2022 at 2:57 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for April Simpson*

Kevin Meyer, Lieutenant Governor  
State of Alaska

Effective: September 25, 2022.

Register: 243, October 2022.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



  
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**KEVIN MEYER  
LIEUTENANT GOVERNOR**

**Title 5. Fish and Game.**

**Part 1. Commercial and Subsistence Fishing and Private Nonprofit Salmon Hatcheries.**

**Chapter 02. Subsistence Shellfish Fishery.**

**Article 4. Cook Inlet Area.**

The introductory language of 5 AAC 02.310(b)(2) is amended to read:

(2) there are no bag, possession, or size limits for clams, except that for littleneck and butter clams the bag and possession limit is 40 [80] clams of either species or in combination and the minimum legal size is as follows:

...

(Eff. 7/25/82, Register 83; am 5/15/93, Register 126; am 5/6/94, Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am 3/15/2008, Register 185; am 7/13/2012, Register 203; am 8/10/2018, Register 227; am 9 / 25 / 2022, Register 243 )

**Authority:** AS 16.05.251 AS 16.05.258

**Chapter 31. Shrimp Fishery.**

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

5 AAC 31.210(a)(2) is amended to read:

(2) the waters south of those waters described in (1) of this subsection and north and west of a line from 60° 30.00' N. lat., 147° 57.70' W. long., to 147° W. long., including those waters south of 60° 30.00' N. lat., in Kings Bay and Port Nellie Juan;

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5 AAC 31.210(a)(3) is amended to read:

(3) the waters south of 60° 30.00' N. lat., **excluding those waters in Kings Bay and Port Nellie Juan.**

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 12/29/84, Register 92; am 7/14/85, Register 95; am 7/12/86, Register 99; am 9/19/90, Register 115; am 7/23/94, Register 131; am 9/12/97, Register 143; am 5/8/98, Register 146; am 7/5/2000, Register 155; am 8/23/2009, Register 191; am 5/24/2015, Register 214; am 9 / 25 / 2022, Register 243 )

Authority: AS 16.05.060 AS 16.05.251

5 AAC 31.243(a) is amended to read:

(a) No more than **40** [20] percent, by weight, of the shrimp **brought** on board a vessel **during a trip** may be pink shrimp **and no more than five percent may be** [OR] other pandalid species of shrimp.

5 AAC 31.243(b) is amended to read:

(b) Within the 24 hours after the completion of a trip, a CFEC permit holder must report the harvest for the trip, including discards, by species, to the department by telephone **at** [TO] a telephone number specified on the registration form at the time of registration. **Discards of pandalid species of shrimp are reported as deadloss at the time of delivery on an ADF&G fish ticket and will be counted towards the guideline harvest level by section.**

5 AAC 31.243(c) is amended to read:

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(c) The department will issue log sheets **and shrimp catch sampling forms** that must be completed and returned with each fish ticket to the department office in **Homer**, Anchorage, or Cordova **at** [TO] the address specified on the log sheet. **Log sheets must have entries for each tow, and catch sampling forms must be completed at least once per day in each section fished.**

5 AAC 31.243 is amended by adding a new subsection to read:

(e) The department may require reporting of any other information the commissioner determines is necessary for the conservation and management of the fishery. (Eff. 3/14/2009, Register 189; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

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

**5 AAC 31.250. Permitting and reporting requirements for shrimp processing vessels in Registration Area E.** (a) The vessel owner or operator of a floating processor used in the processing of shrimp shall obtain a permit from the department before starting processing operations and comply with all requirements and reporting procedures specified in this section.

(b) The vessel owner or operator of a floating processor shall report to the department

(1) the vessel location and any changes in location, by reporting the latitude and longitude of vessel;

(2) the projected dates that processing will commence, conclude, and resume;

(3) at least once per day, for the preceding 24 hours, the permanent ADF&G vessel license plate numbers of all vessels delivering to the floating processor;

(4) the number of vessels that made deliveries for the preceding 24 hours, the number of deliveries, and the pounds in whole weight by species of shrimp purchased for each statistical area;

(5) at least 24 hours before beginning to unload processed shrimp, the time and place that it will be unloaded; and

(6) any other information required by the department for the purpose of conserving and developing shrimp resources.

(c) The vessel owner or operator shall grant permission for local representatives of the department to inspect at any time, the vessel's holds, live tanks, freezers, processing areas, and unprocessed shrimp.

(d) The commissioner may require an onboard observer on a floating processor during processing operations.

(e) In Registration Area E, a floating processor may not operate shrimp gear.

(f) If the department determines that a requirement specified in this section is not necessary for conserving and developing shrimp resources, the department may waive or modify that requirement to ensure the conservation and development of the shrimp resources.

(g) In this section, "floating processor" means a vessel that purchases or processes shrimp delivered to it by other vessels.

(Eff. 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

#### **Article 10. Registration Area J (Westward).**

5 AAC 31.510 is repealed and readopted to read:

**5 AAC 31.510. Fishing seasons for Registration Area J.** In Registration Area J, shrimp may only be taken from June 1 through February 28 and only under the terms of a permit issued by the department. In the permit, the department may specify

- (1) fishing area;
- (2) logbook requirements;
- (3) biological sample collection requirements;
- (4) reporting requirements;
- (5) time-period specific harvest limits (trip limits); and
- (6) any other conditions that the department determines are necessary for the

conservation or management of the fishery. (In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 9/12/97, Register 143; am 8/8/2003, Register 167; am 9 / 25 / 2022, Register 243 )

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 31.525 is repealed and readopted to read:

**5 AAC 31.525. Lawful gear for Registration Area J.** (a) In Registration Area J, shrimp may be taken with pots, beam trawls, and otter trawls.

(b) A shrimp trawl must be equipped with a rigid finfish excluder device (FED). The FED must consist of a rigid grate with parallel bars spaced not more than two inches apart to exclude all fish and other objects, except those that are small enough to pass between its bars into the cod end of the trawl. The FED in a shrimp trawl must be secured forward of the cod end in a manner that precludes the passage of fish or other objects into the cod end without the fish or

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other objects having to pass between the bars of the FED. The trawl must have an outlet to allow the escape of fish or other objects that are too large to pass between the bars of the gate. The posterior edge of the escape outlet must be at least as wide as the maximum width of the grate. The escape outlet must extend forward of the grate toward the mouth of the net. (In effect before 1988; am 5/8/98, Register 146; am 7/1/2006, Register 178; am 9 / 25 / 2022, Register 243 )

**Authority:** AS 16.05.251

5 AAC 31.540 is repealed:

**5 AAC 31.540. Registration Area J inspection points.** Repealed. (In effect before 1988; em am 8/27/91 - 12/24/91, Register 119; am 5/2/92, Register 122; am 5/8/98, Register 146; repealed 9 / 25 / 2022, Register 243 )

5 AAC 31.590 is repealed:

**5 AAC 31.590. Kodiak District Pot Shrimp Fisheries Management Plan.** Repealed. (Eff. 9/12/97, Register 143; am 7/31/2003, Register 167; am 7/13/2012, Register 203; repealed 9 / 25 / 2022, Register 243 )

5 AAC 31.592 is repealed:

**5 AAC 31.592. Chignik District Pot Shrimp Fisheries Management Plan.** Repealed. (Eff. 7/31/2003, Register 167; repealed 9 / 25 / 2022, Register 243 )

5 AAC 31.595 is repealed:

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**5 AAC 31.595. Reporting requirements for shrimp catcher-processor vessels.**

Repealed. (Eff. 7/31/2003, Register 167; repealed 9 / 25 / 2022, Register 243 )

**Chapter 32. Dungeness Crab Fishery.**

**Article 9. Registration Area J (Westward).**

5 AAC 32.415(1) is amended to read:

(1) be removed from the water at least once within a **21-day** [14-DAY] period; or

(Eff. 8/10/2018, Register 227; am 9 / 25 / 2022, Register 243 )

**Authority:** AS 16.05.251

5 AAC 32.425 is amended by adding new subsections to read:

((Publisher: 5 AAC 32.425 is unchanged. However please add subsection designation (a) to account for addition of new subsections below.)))

(b) The following Dungeness crab pot limits are in effect for Registration Area J:

(1) in the Kodiak District, an aggregate of no more than 700 pots may be operated from a validly registered Dungeness crab vessel; and

(2) in the Alaska Peninsula District, an aggregate of no more than 500 pots may be operated from a validly registered Dungeness crab vessel.

(c) In addition to the requirements of 5 AAC 32.051, in Registration Area J, in locations where a Dungeness crab pot limit is in effect, each Dungeness crab pot must have one identification tag issued by the department placed on the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

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(d) Identification tags are that are uniquely numbered for each registration year will be issued annually before each fishing season and will be issued at the time of vessel registration for that vessel only. The vessel owner or the owner's agent shall apply for identification tags at a department office designated to issue the tags. Replacement of tags lost during the season is permitted if the vessel operator submits to the department office that issued the tags a sworn statement or affidavit that describes how the tags were lost and lists the numbers of the lost tags. (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; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

### **Chapter 35. Tanner Crab Fishery.**

#### **Article 10. Registration Area J (Westward).**

5 AAC 35.505(c)(1) is amended to read:

(1) Akutan Section: all waters of Alaska west of the longitude of Akun Head (165° 37.58' W. long.) and east of the longitude of North Head (165° 56.25' W. long.) [(165° 51.08' W. LONG.)] and north of a line from 54° 07.63' N. lat., 165° 39.88' W. long., to 54° 08.36' N. lat., 165° 38.36' W. long.;

(In effect before 1982; am 7/25/82, Register 83; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 7/23/88, Register 107; am 9/29/96, Register 139; am 3/11/2001, Register 157; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/27/2014, Register 210; am 9/19/2019, Register 231; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

5 AAC 35.507 is repealed and readopted to read:

**5 AAC 35.507. Kodiak, Chignik, and South Peninsula Districts *C. bairdi* Tanner crab harvest strategies.** (a) In the Kodiak, Chignik, and South Peninsula Districts, a commercial *C. bairdi* Tanner crab fishery may open only if analysis of preseason survey data indicates that the subject population

(1) in the Chignik District or a section of the South Peninsula District is sufficient to provide a guideline harvest level of 200,000 pounds or more as calculated under (c) of this section; or

(2) in a section of the Kodiak District is sufficient to provide a guideline harvest level of 100,000 pounds or more as calculated under (c) of this section.

(b) Notwithstanding (a) of this section, a commercial *C. bairdi* Tanner crab fishery may open

(1) in the South Mainland Section if at least two adjacent sections are open and will close when both of the adjacent sections are closed;

(2) in the Semidi Island Overlap Section, subject to the following conditions:

(A) the Southwest Section of the Kodiak District or the Chignik District is opened;

(B) the owner or the owner's agent of a vessel registers with the department before fishing in the Semidi Island Overlap Section and is not simultaneously registered to fish in other sections of the Kodiak District or the Chignik District;

(C) the pot limit is 70 pots per vessel;

(D) a vessel operator provides daily reports to the department verbally or in writing of the vessel's catch, catch locations, and effort, or maintains logbooks that include the vessel's catch, catch location, and effort; and

(E) the commissioner may close, by emergency order, the Semidi Island Overlap Section based on fishery performance.

(c) In the Kodiak, Chignik, and South Peninsula Districts, the department shall establish separate *C. bairdi* Tanner crab guideline harvest levels, as described in (1) or (2) of this subsection. In the Kodiak, Chignik, and South Peninsula Districts, and under the restrictions of (d) of this section, the maximum exploitation rate on legal male abundance ( $EXP_{ELM}$ ) shall be established as follows:

(1) in an area where the long-term trend in mature male abundance (MMA) is increasing, the maximum exploitation rate on legal male abundance ( $EXP_{ELM}$ ) in all districts or sections will be established by an analysis of preseason survey mature female abundance (MFA) data as follows:

(A) if MFA is less than 40 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be 0.05;

(B) if MFA is at least 40 percent but not greater than 100 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be computed as  $((MFA/MFA_{(1988-2021)} - 0.4)/0.6) \times 0.15 + 0.05$ , with slope  $m$  and intercept  $b$ ;

(i) the  $EXP_{LMB}$  slope " $m$ " is computed as  $(((((MFA/MFA_{(1988-2021)} - 0.4)/0.6) \times 0.15) + 0.05) - 0.05)/0.5$ ;

(ii) the  $EXP_{ELM}$  intercept " $b$ " is computed as  $0.05 - (m \times 0.5)$ ;

(C) if MFA is greater than 100 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be 0.20, and

(i) if MMA is less than 50 percent of  $MMA_{(1988-2021)}$ , the fishery will not open;

(ii) if MMA is at least 50 percent but not greater than 100 percent of  $MMA_{(1988-2021)}$ , the guideline harvest level of legal males will be computed as  $((m \times MMA/MMA_{(1988-2021)}) + b) \times ELM$ ;

(iii) if MMA is greater than 100 percent of  $MMA_{(1988-2021)}$ , the guideline harvest level of legal males will be 20 percent of ELM;

(2) in an area where the long-term trend in mature male abundance (MMA) is stable or decreasing, the maximum exploitation rate on legal male abundance ( $EXP_{ELM}$ ) in all districts or sections will be established by an analysis of preseason survey mature female abundance (MFA) data as follows:

(A) if MFA is less than 40 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be 0.05;

(B) if MFA is at least 40 percent but not greater than 100 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be computed as  $((((MFA/MFA_{(1988-2021)} - 0.4)/0.6) \times 0.15) + 0.05)$ , with slope  $m$  and intercept  $b$ , and

(i) the  $EXP_{ELM}$  slope " $m$ " is computed as  $(((((MFA/MFA_{(1988-2021)} - 0.4)/0.6) \times 0.15) + 0.05) - 0.05)/0.5$ ;

(ii) the  $EXP_{ELM}$  intercept " $b$ " is computed as  $0.05 - (m \times 1)$ ;

(C) if MFA is greater than 100 percent of  $MFA_{(1988-2021)}$ ,  $EXP_{ELM}$  will be 0.20, and

(i) if MMA is less than 100 percent of  $MMA_{(1988-2021)}$ , the fishery will not open;

(ii) if MMA is at least 100 percent but not greater than 150 percent of  $MMA_{(1988-2021)}$ , the guideline harvest level of legal males will be computed as  $((m \times MMA/MMA_{(1988-2021)}) + b) \times ELM$ ;

(iii) if MMA is greater than 150 percent of  $MMA_{(1988-2021)}$ , the guideline harvest level of legal males will be 20 percent of ELM.

(d) Notwithstanding (a) – (c) of this section, in implementing these harvest strategies, the department shall

(1) consider the reliability of the estimates of *C. bairdi* Tanner crab, the manageability of the fishery, and other factors the department determines necessary to be consistent with sustained yield principles; and

(2) use the best scientific information available and consider all sources of uncertainty as necessary to avoid overfishing.

(e) In this section,

(1) “ $EXP_{ELM}$ ” means the maximum exploitation rate on legal male *C. bairdi* Tanner crab abundance as determined in (c) of this section;

(2) “MFA” means the abundance of mature female *C. bairdi* Tanner crab in the entire surveyed portion of the district or section estimated at the time of the preseason survey;

(3) “ $MFA_{(1988-2021)}$ ” means the mean value of the abundance of mature female *C. bairdi* Tanner crab in the entire surveyed portion of the district or section estimated at the time of the preseason survey for the period 1988–2021;

(4) “MMA” means the abundance of male *C. bairdi* Tanner crab in the entire surveyed portion of the district or section that are more than 114 mm carapace width estimated at the time of the preseason survey;

(5) “MMA<sub>(1988–2021)</sub>” means the mean value of the abundance of male *C. bairdi* Tanner crab in the entire surveyed portion of the district or section that are more than 114 mm carapace width estimated at the time of the preseason survey for the period 1988–2021; and

(6) “ELM” means 100 percent of the soft-shell, new-shell, and old-shell male *C. bairdi* Tanner crab abundance in the entire surveyed portion of the district or section that are at least 140 mm (five and one-half inches) carapace width, including lateral spines, estimated at the time of the preseason survey. (Eff. 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/14/2005, Register 175; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 35.509(a) is amended to read:

(a) In the Eastern Aleutian District, a commercial Tanner crab fishery **shall be managed by the department in accordance with 5 AAC 35.080 and** may open only if

**(1)** analysis of preseason survey data indicates that the **estimated** [SUBJECT] population **at the time of the survey is at or above 50 percent of the long-term average** [MEETS OR EXCEEDS THE THRESHOLD LEVEL] of mature male abundance; **and**

**(2)** [SPECIFIED IN (b) OF THIS SECTION, WHICH IS ONE-HALF THE LONG-TERM AVERAGE OF MATURE MALE ABUNDANCE, AND] the fishery is in a section of the Eastern Aleutian District that is sufficient to provide a guideline harvest level **(GHL) of 10,000 [35,000] pounds or more, or, for a fishery in the Unalaska Bay Section, sufficient to provide a guideline harvest level (GHL) of 15,000 pounds or more,** as calculated under (d) of this section.

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5 AAC 35.509(b) is amended to read:

(b) The threshold levels of mature male abundance, in numbers of crab, for the **Akutan Bay, Unalaska/Kalekta Bay and Makushin/Skan Bay Sections** [FOLLOWING SECTIONS] of the Eastern Aleutian District are **calculated as one - half of the average of the annual survey estimated abundance of mature male Tanner crab in each section for the period 1990-2019** [AS FOLLOWS:

- |                                   |          |
|-----------------------------------|----------|
| (1) AKUTAN SECTION:               | 200,000  |
| (2) UNALASKA/KALEKTA BAY SECTION: | 65,000   |
| (3) MAKUSHIN/SKAN BAY SECTION:    | 45,000]. |

5 AAC 35.509(c) is amended to read:

(c) In the Eastern Aleutian District, the

(1) [REGISTRATION DEADLINE IS 5:00 P.M. DECEMBER 24;

(2)] vessel operator must register with the department before fishing in any of the sections and may not be simultaneously registered to fish in more than one section at a time;

**(2)** [(3)] commissioner may close, by emergency order, any section based on fishery performance;

**(3) commissioner may announce, by emergency order, area closures in Unalaska Bay to reduce the impact of commercial fisheries on subsistence fisheries.**

5 AAC 35.509(d) is amended to read:

(d) If the commercial Tanner crab fishery in the Eastern Aleutian District is opened under (a) of this section, **the GHL will be calculated as follows:** [AND THE THRESHOLD LEVEL OF MATURE MALE ABUNDANCE]

(1) **if the current mature male abundance estimate is between 50 and 100 percent of the long-term average** [IS EQUAL TO OR LESS THAN THE LONG-TERM AVERAGE OF MATURE MALE ABUNDANCE], the guideline harvest level will be no more than **five** [10] percent of the [MOLTING] mature male abundance and no more than **10** [30] percent of the legal size male abundance, **whichever is less;**

(2) **if the current mature male abundance estimate is above 100 percent of the long-term average** [EXCEEDS THE LONG-TERM AVERAGE OF MATURE MALE ABUNDANCE], the guideline harvest level will be no more than **10** [20] percent of the [MOLTING] mature male abundance and no more than **15** [30] percent of the legal size male abundance, **whichever is less.**

5 AAC 35.509(f) is amended to read:

(f) Nothing in this section prohibits the department from opening a commercial fishery for Tanner crab in the General Section of the Eastern Aleutian District **under the conditions of a permit issued by the commissioner. The permit required in this section may**

**(1) specify season dates to consider the timing of mating and molting;**

**(2) specify areas of fishing operations by district or geographic location to distribute effort;**

**(3) specify the amount and configuration of pots as needed to minimize bycatch and evaluate fishery performance;**

**(4) specify harvest limits to prevent localized depletion;**

**(5) require a department representative to be onboard during fishing operations to collect biological or fishery dependent information needed for stock assessment;**

**(6) require completion of logbooks provided by the department that include the date, the specific location of harvest by latitude and longitude, the number of pots fished, the average depth of each pot fished, the time that gear is deployed and removed from the water of each set, and the number of crab retained and discarded for the target and each bycatch species; a person may not make a false entry in a logbook required under this section** [IF PRESEASON SURVEY RESULTS INDICATE THAT A HARVESTABLE SURPLUS OF TANNER CRAB IS AVAILABLE AND THE HARVEST RATE WOULD NOT EXCEED 20 PERCENT OF THE MOLTING MATURE MALE ABUNDANCE OR 30 PERCENT OF THE LEGAL MALE ABUNDANCE].

5 AAC 35.509(g) is repealed:

(g) Repealed 9 / 25 / 2022.

5 AAC 35.509(h)(1) is amended to read:

(1) **“average of the annual survey estimated abundance of mature male Tanner crab”** [“LONG-TERM AVERAGE OF MATURE MALE ABUNDANCE”] means the [LONG-TERM] average of the **semi-annual trawl survey** estimated abundance of **mature** male Tanner crab **for the period 1990 – 2019** [GREATER THAN 114 MILLIMETERS IN CARAPACE WIDTH];

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5 AAC 35.509(h)(2) is amended to read:

(2) "[MOLTING] mature male abundance" means the **survey** estimated abundance of **all male** [100 PERCENT OF NEWSHELL, AND 15 PERCENT OF OLDSHELL] Tanner crab **greater** [THAT ARE MORE] than 114 millimeters in carapace width.

(Eff. 9/12/2008, Register 187; am 6/28/2019, Register 230; am 9 / 25 / 2022, Register 243)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 35.510(a)(1) is amended to read:

(1) **in the Northeast, Eastside, Southeast, Southwest, Westside, North Mainland, and South Mainland Sections,** pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31;

5 AAC 35.510(a) is amended by adding a new paragraph to read:

(4) in the Semidi Island Overlap Section, pots may be operated to take Tanner crab from 12:00 noon January 15 until 12:00 noon February 28.

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/23/88, Register 107; am 9/19/90, Register 115; em am 2/12/91 - 6/11/91, Register 117; am 4/30/91, Register 118; em am 1/9/92 - 5/7/92, Register 121; am 1/24/92, Register 121; am 6/19/92, Register 122; am 6/24/93, Register 126; am 10/1/93, Register 127; am 9/29/96, Register 139; am 11/6/96, Register 140; am 8/5/99, Register 151; am 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register

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175; am 7/16/2011, Register 199; am 6/1/2013, Register 206; am 6/27/2014, Register 210; am 7/22/2017, Register 223; am 9/19/2019, Register 231; am 6/21/2020, Register 234; am 9/24/2021, Register 239; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.060 AS 16.05.251

((Note to Publisher: Please change the period at the end of 5 AAC 35.510(a)(3) to a semicolon.)))

5 AAC 35.525(b)(1)(A) is amended to read:

(A) Registration Area J, except the Bering Sea District, must have at least one-third of one vertical surface of the pot composed of not less than six and three-quarter [SEVEN AND ONE-QUARTER] inch stretched mesh webbing or have no less than four circular escape rings of no less than five inches inside diameter installed on the vertical surface of the pot;

5 AAC 35.525(c)(1) is amended to read:

(1) in the Kodiak District, when the guideline harvest level for *C. bairdi* Tanner crab is

(A) less than 5,000,000 [2,000,000] pounds, an aggregate of no more than 20 pots may be operated from a validly registered Tanner crab vessel;

(B) [AT LEAST 2,000,000 POUNDS BUT LESS THAN 4,000,000 POUNDS, AN AGGREGATE OF NO MORE THAN 30 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED TANNER CRAB VESSEL;

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(C) AT LEAST 4,000,000 POUNDS BUT LESS THAN 5,000,000 POUNDS, AN AGGREGATE OF NO MORE THAN 40 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED TANNER CRAB VESSEL;

(D)] at least 5,000,000 pounds, an aggregate of no more than 30 [60] pots may be operated from a validly registered Tanner crab vessel;

(In effect before 1981; am 6/28/81, Register 78; am 7/25/82, Register 83; am 6/30/83, Register 86; am 12/29/84, Register 92; am 7/14/85, Register 95; am 4/18/86, Register 98; am 7/12/86, Register 99; em am 3/16/88 - 7/13/88, Register 106; em am 6/23/88 - 10/20/88, Register 107; am 7/23/88, Register 107; am 9/19/90, Register 115; am 6/19/92, Register 122; em am 11/13/92 - 3/12/93, Register 124; em am 12/17/92 - 4/16/93, Register 125; em am 3/26/93 - 7/23/93, Register 126; am 6/24/93, Register 126; am 9/29/96, Register 139; am 8/8/99, Register 151; am 8/31/2000, Register 155; am 9/30/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 9/12/2008, Register 187; am 6/20/2010, Register 194; am 7/16/2011, Register 199; am 6/27/2014, Register 210; am 11/13/2014, Register 212; am 7/22/2017, Register 223; am 9 / 15 / 2022, Register 243 )

**Authority:** AS 16.05.251

## **Chapter 39. General Provisions.**

### **Article 1. General.**

5 AAC 39.143(i) is amended to read:

(i) An onboard observer certification expires if [AS FOLLOWS:

(1) FOR] a shellfish [CRAB] observer [WHO] has not functioned as a shellfish [CRAB] onboard observer for 18 [12] consecutive months. To [THE ONBOARD OBSERVER

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CERTIFICATION EXPIRES; TO] become recertified after 18 [12] consecutive months of not functioning as a shellfish [CRAB] observer, a person must successfully complete all trainee and certification requirements set out in (a), (b), (c), (e), and (f) of this section [;

(2) FOR A SCALLOP OBSERVER WHO HAS NOT FUNCTIONED AS A SCALLOP ONBOARD OBSERVER FOR 12 CONSECUTIVE MONTHS, THE ONBOARD OBSERVER CERTIFICATION EXPIRES; TO BECOME RECERTIFIED AFTER 12 CONSECUTIVE MONTHS OR MORE OF NOT FUNCTIONING AS A SCALLOP ONBOARD OBSERVER, A PERSON MUST SUCCESSFULLY COMPLETE ALL TRAINEE AND CERTIFICATION REQUIREMENTS SET OUT IN (a), (b), (c), (e), AND (f) OF THIS SECTION].

(Eff. 5/2/92, Register 122; am 11/25/92, Register 124; am 10/1/93, Register 127; am 12/26/97, Register 144; am 7/21/99, Register 151; am 8/24/2002, Register 163; am 8/25/2002, Register 163; am 7/16/2011, Register 199 am 6/27/2014, Register 210; am 6/21/2020, Register 234; am 9 / 25 / 2022, Register 243 )

**Authority:** AS 16.05.055 AS 16.05.251

#### **Article 6. Shellfish Fishery.**

The introductory language of 5 AAC 39.646(a) is amended to read:

(a) To qualify as a crab [OR SCALLOP] onboard observer trainee, an applicant must have one of the following:

...

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5 AAC 39.646 is amended by adding a new subsection to read:

(d) In addition to the requirements in (a) of this section, to qualify as a scallop onboard observer trainee, an applicant must possess a valid department crab observer trainee permit or crab observer certification in good standing, except that, if an applicant with a valid department crab observer trainee permit or crab observer certification in good standing is unavailable, a valid National Marine Fisheries Service North Pacific Groundfish Observer Program certification may be substituted at the discretion of the department. (Eff. 12/26/97, Register 144; am 7/21/99, Register 151; am 6/21/2020, Register 234; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

## **Chapter 41. Collection, Transportation, Possession, Propagation, or Release of Aquatic**

### **Organisms; Aquatic Farming.**

#### **Article 3. General Provisions.**

The introductory language of 5 AAC 41.070(b) is amended to read:

(b) Live oysters [NATIVE TO AND ORIGINATING] from the Pacific Coast of North America may be imported, transported, or possessed for aquaculture purposes, including research, under a [STOCK] transport permit required by this chapter, and may be released into the waters of the state only if the

...

(In effect before 1988; am 9/19/90, Register 115; am 4/30/91, Register 118; am 8/8/2007, Register 183; am 2/24/2011, Register 197; am 1/10/2018, Register 225; am 4/25/2021, Register 238; am 9 / 25 / 2022, Register 243)

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Authority: AS 16.05.251

## **Part 2. Sport Fishing and Personal Use Fishery.**

### **Chapter 55. Prince William Sound Area.**

5 AAC 55.055(a)(2) is amended to read:

(2) a harvest recording form is required as specified in 5 AAC 75.016; a person who fails to comply with the reporting requirements of this subsection or 5 AAC 75.016, including any requirement to return harvest and catch information to the department, is ineligible to obtain a shrimp harvest recording form during the following season in the fishery for which the form was required, unless the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances;

(Eff. 8/23/2009, Register 191; am 7/13/2012, Register 203; am 9 / 25 / 2022, Register 243 )

Authority: AS 16.05.251

### **Chapter 58. Cook Inlet – Resurrection Bay Saltwater Area.**

5 AAC 58.022(a)(12) is amended to read:

(12) littleneck clams and butter clams: no open season; may not be retained or possessed [MAY BE TAKEN FROM JANUARY 1–DECEMBER 31; WITH A COMBINED BAG AND POSSESSION LIMIT OF 80 CLAMS; MINIMUM SIZE FOR LITTLENECK CLAMS IS ONE AND ONE–HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF

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THE SHELL; MINIMUM SIZE FOR BUTTER CLAMS IS TWO AND ONE-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL];

5 AAC 58.022(a)(14)(B) is amended to read:

(B) on the remaining beaches of the Cook Inlet – Resurrection Bay Area:

the [NO] bag and [,] possession limits are the first 10 gallons [, OR SIZE LIMITS; ALL CLAMS] taken or possessed; all clams taken or possessed must be retained; (Eff. 2/25/98, Register 145; am 3/5/99, Register 149; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 7/5/2000, Register 155; am 3/8/2002, Register 161; am 8/24/2002, Register 163; am 12/29/2002, Register 164; am 6/5/2003, Register 166; am 3/13/2004, Register 169; am 12/1/2004, Register 172; am 2/13/2005, Register 173; am 8/14/2005, Register 175; am 7/1/2006, Register 178; am 3/15/2008, Register 185; am 9/12/2008, Register 187; am 4/24/2009, Register 190; am 8/23/2009, Register 191; am 3/2/2011, Register 197; am 7/13/2012, Register 203; am 6/1/2013, Register 206; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 6/27/2014, Register 210; am 9/24/2014, Register 211; am 3/15/2017, Register 221; am 7/22/2017, Register 223; am 8/10/2018, Register 227; am 4/24/2020, Register 234; am 6/21/2020, Register 234; am 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.060 AS 16.05.251

5 AAC 58 is amended by adding a new section to read:

**5 AAC 58.040. East Cook Inlet Razor Clam Sport Fishery Management Plan. (a)**

The purpose of this plan is to direct the department in the management of the sport razor clam fisheries in east Cook Inlet from the mouth of the Kenai River to the southernmost tip of the

Homer Spit and to establish abundance thresholds for adult clams greater than or equal to 80 mm and stock productivity indices for the fisheries in the Clam Gulch and Ninilchik Areas.

(b) In the Clam Gulch Area from the mouth of the Kenai River south to the latitude of 60° 50.54' N. lat., and in the Ninilchik Area from the southernmost tip of the Homer Spit north to the latitude of 60° 50.54' N. lat.,

(1) if the estimated adult clam abundance is greater than or equal to the average 1989 – 2012 abundance, the adult clam recruitment replaces or exceeds harvest and natural mortality and the size composition index of the harvest is equal to the 1989 – 2012 average, then the fisheries will be managed as provided in 5 AAC 58.022(a)(14)(A) and 5 AAC 77.518(2)(A); the combined harvest rate of the sport and personal use fisheries are not expected to exceed 20 percent of the adult clam abundance;

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 – 2012 abundance but the population does not meet the criteria outlined in (1) of this subsection, then razor clams may be taken from May 1 through September 30 and the bag and possession limits are the first 30 clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance. (Eff. 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251

## **Chapter 77. Personal Use Fishery.**

### **Article 11. Cook Inlet Area.**

5 AAC 77.518(2)(A) is amended to read:

(A) from the mouth of the Kenai River to the southernmost tip of the Homer Spit, the bag limit for razor clams is the first 60 clams taken or possessed [HARVESTED] and the possession limit is 120 clams; in all other waters in the Cook Inlet Area, the bag and possession limit for razor clams is the first 10 gallons taken or possessed;

5 AAC 77.518(2)(B) is amended to read:

(B) [THE COMBINED BAG AND POSSESSION LIMIT] for littleneck clams and butter clams, there is no open season; they may not be retained or possessed [IS 80 CLAMS AND THE MINIMUM SIZE FOR LITTLENECK CLAMS IS ONE AND ONE-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL; AND FOR BUTTER CLAMS IS TWO AND ONE-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL];

(Eff. 7/1/86, Register 99; am 6/5/94, Register 130; am 9/5/97, Register 143; am 7/5/2000, Register 155; am 6/5/2003, Register 166; am 7/1/2006, Register 178; am 7/13/2012, Register 203; am 9 /25 / 2022, Register 243)

**Authority:** AS 16.05.251

5 AAC 77 is amended by adding a new section to read:

**5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management**

**Plan.** (a) The purpose of this plan is to direct the department in the management of the personal use razor clam fisheries in east Cook Inlet from the mouth of the Kenai River to the southernmost tip of the Homer Spit and to establish abundance thresholds for adult clams greater

than or equal to 80 mm and stock productivity indices for the fisheries in the Clam Gulch and Ninilchik Areas.

(b) In the Clam Gulch Area from the mouth of the Kenai River south to the latitude of 60° 50.54' N. lat., and in the Ninilchik Area from the southernmost tip of the Homer Spit north to the latitude of 60° 50.54' N. lat.,

(1) if the estimated adult clam abundance is greater than or equal to the average 1989 – 2012 abundance, the adult clam recruitment replaces or exceeds harvest and natural mortality, and the size composition index of the harvest is equal to the 1989 – 2012 average, then the fishery will be managed as provided in 5 AAC 58.022(a)(14)(A) and 5 AAC 77.518(2)(A); the combined harvest rate of the sport and personal use fisheries are not expected to exceed 20 percent of the adult clam abundance;

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 – 2012 abundance but the population does not meet the criteria outlined in (b)(1) of this section, then razor clams may be taken from May 1 through September 30 and the bag and possession limits are the first 30 clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance. (Eff. 9 / 25 / 2022, Register 243)

**Authority:** AS 16.05.251