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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter, Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: March 29, 2024

RE: Filed Permanent Regulations: Board of Fisheries
Board of Fisheries regulations re: Cook Inlet, Bristol Bay & Southeast (5 AAC 01 - 77)

Attorney General File:	2024200029
Regulation Filed:	3/29/2024
Effective Date:	4/28/2024
Print:	250, July 2024

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



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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March 29, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *5 AAC 01-77: Board of Fisheries - Cook Inlet, Bristol Bay & Southeast*
Our file: 2024200029

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Fisheries against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Fisheries after the close of the public comment period.

The regulations concern finfish fisheries in Lower Cook Inlet, Bristol Bay, and Southeast Alaska, including Southeast king salmon subject to the Pacific Salmon Treaty: so-called "treaty fish."

These regulations are tied to the start of the 2024 fishing season in early summer and to the pre-season publication of regulations summaries for fishermen's use. Accordingly, we respectfully request that these regulations be filed as soon as possible.

The October 23, 2023 public notice and the January 19, 2024 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.03.29
09:04:59 -08'00'

RCP/bhp

CC w/enclosure: Shellene Hutter
Department of Fish and Game

Aaron Peterson, Assistant Attorney General
Department of Law

Noah Star, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

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

The attached 21 pages of regulations, changes to 5 AAC for subsistence, sport, commercial and personal use fisheries occurring in the Cook Inlet, Bristol Bay and Southeast Alaska areas are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its public hearing held from November 28th – December 1st, 2023 in Homer, 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 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 1/19/2024
Anchorage, Alaska

DocuSigned by:
Doug Vincent-Lang
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Douglas S. Vincent-Lang, Commissioner
Department of Fish and Game

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

March 29, 2024 at 3:09 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for *April Simpson*
Nancy Dahlstrom, Lieutenant Governor
State of Alaska

Effective: April 28, 2024.

Register: 250, JULY 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Title 5. Fish and Game.

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

Chapter 01. Subsistence Finfish Fishery.

5 AAC 01.570(g) is amended to read:

(g) Herring, excluding herring spawn, may only be taken [ONLY] with a gillnet. A gillnet [GILLNETS. GILLNETS] used to take herring may not exceed 50 feet in length and two inches in mesh size. Herring spawn on kelp may only be taken by a hand-held unpowered blade-cutting device. Kelp blades or other aquatic plant species must be cut at least four inches above the stipe (stem).

(In effect before 1981; am 5/6/81, Register 78; am 5/17/81, Register 78; am 5/11/85, Register 94; am 6/10/89, Register 110; em am 5/22/91 – 5/30/91, Register 118; am 7/21/91, Register 119; am/readopt 5/14/93, Register 126; am 5/6/94, Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am 2/24/96, Register 137; am 4/22/99, Register 150; am 3/11/2001, Register 157; am 3/8/2002, Register 161; am 3/15/2008, Register 185; am 3/14/2009, Register 189; am 4/24/2020, Register 234; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.251 AS 16.05.258

Chapter 21. Cook Inlet Area.

5 AAC 21.350(d) is amended by adding new paragraphs to read:

(9) waters of Humpy Creek south of a line from 59° 40.10' N. lat., 151° 09.70' W. long., to 59° 40.10' N. lat., 151° 08.10' W. long., and east of a line at 59° 40.10' N. lat., 151° 09.70'

W. long., to 59° 39.30' N. lat., 151° 09.70' W. long.;

(10) waters of Tutka Bay southeast of a line at 59° 25.51' N. lat., 151° 19.01'

W. long., to 59° 25.14' N. lat., 151° 19.51' W. long.

5 AAC 21.350(e)(3) is amended to read:

(3) waters of Iniskin Bay north of a line from **a point at 59° 43.85'** [59° 46.05'] N.

lat., **153° 22.60'** [153° 27.82'] W. long., to **59° 43.85'** [59° 46.69'] N. lat., **153° 27.12'** [153° 26.01']

W. long., **and east of a line from 59° 43.85' N. lat., 153° 22.60' W. long., to 59° 42.89' N. lat.,**

153° 22.60' W. long.;

5 AAC 21.350(e) is amended by adding new paragraphs to read:

(8) waters of Rocky Cove inshore of a line from 59° 26.98' N. lat., 153° 44.36' W.

long., to 59° 26.37' N. lat., 153° 43.92' W. long.;

(9) waters of McNeil Lagoon and bay inshore of a line from 59° 07.52' N. lat., 154°

15.00' W. long., to 59° 07.40' N. lat., 154° 14.20' W. long.;

(10) waters of Bruin Bay inshore of a line at 59° 22.28' N. lat., 154° 04.95' W. long.,

to 59° 20.80' N. lat., 154° 04.95' W. long.;

(11) waters of Knoll Head Creek north of a line at 59° 37.80' N. lat., 153° 30.24'

W. long., to 59° 37.80' N. lat., 151° 31.94' W. long., and west of a line from 59° 37.80' N. lat.,

151° 30.24' W. long., to 59° 38.21' N. lat., 153° 30.24' W. long.;

(12) waters of Brown Peak Creek north of a line from 59° 32.60' N. lat., 153° 44.30'

W. long., to 59° 32.60' N. lat., 153° 42.50' W. long.;

(13) waters of Amakdedori Creek west of a line from 59° 17.10' N. lat., 154° 07.10' W. long., to 59° 16.10' N. lat., 154° 07.10' W. long.

5 AAC 21.350(f) is amended by adding new paragraphs to read:

(15) waters of South Nuka Bay east of a line from 59° 18.62' N. lat., 150° 42.86' W. long., to 59° 18.13' N. lat., 150° 43.11' W. long.;

(16) waters of James Lagoon west of a line from 59° 34.11' N. lat., 150° 23.04' W. long., to 59° 33.05' N. lat., 150° 24.74' W. long.;

(17) waters of Shelter Cove south of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.30' N. lat., 151° 14.80' W. long., and west of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.03' N. lat., 151° 13.90' W. long.

5 AAC 21.350(g) is amended by adding a new paragraph to read:

(4) waters of Aialik Bay and lagoon north of a line from 59° 52.58' N. lat., 149° 44.62' W. long., to 59° 52.75' N. lat., 149° 44.12' W. long.

(In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/20/87, Register 101; am 6/10/89, Register 110; am 4/7/93, Register 126; am 7/23/94, Register 131; am 5/31/96, Register 138; am 6/13/99, Register 150; am 8/8/99, Register 151; am 6/11/2005, Register 174; am 5/26/2006, Register 178; am 3/2/2011, Register 197; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6/8/2017, Register 222; am 9/19/2019, Register 231; am 6/21/2020, Register 234; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.251

((Note to Publisher: please change period at the end of 5 AAC 21.350(d)(8) to a semicolon))

((Note to Publisher: please change period at the end of 5 AAC 21.350(e)(7) to a semicolon)))

((Note to Publisher: please change period at the end of 5 AAC 21.350(f)(14) to a semicolon)))

((Note to Publisher: please change period at the end of 5 AAC 21.350(g)(3) to a semicolon)))

Chapter 28. Groundfish Fishery.

5 AAC 28.310(c) is amended to read:

(c) Sablefish may only be taken [ONLY] from April 15 [JULY 15] until closed by emergency order.

(Eff. 7/30/89, Register 111; am 4/7/93, Register 126; am 4/4/97, Register 142; am 5/31/98, Register 146; am 4/22/99, Register 150; am 6/24/99, Register 150; am 7/21/99, Register 151; am 3/8/2002, Register 161; am 4/9/2005, Register 174; am 3/2/2011, Register 197; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Part 2. Sport Fishing and Personal Use Fishery.

Chapter 47. Southeast Alaska Area.

5 AAC 47.055(a) is amended to read:

(a) The commissioner shall establish [,] by emergency order [,] the king salmon sport fish bag and possession limits and all other necessary management measures based on the allocation to the sport fishery as determined by 5 AAC 29.060 [SOUTHEAST ALASKA WINTER TROLL FISHERY CATCH PER UNIT EFFORT (CPUE)]. The bag and possession limits and

other management measures established by the commissioner will remain in effect until **March 31** [JANUARY 31] of the following year. [IF THE NEW SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS NOT AVAILABLE BY FEBRUARY 1, THE BAG AND POSSESSION LIMITS AND OTHER MANAGEMENT MEASURES FOR THE REMAINDER OF THE YEAR WILL BE BASED ON THE PRIOR YEAR'S SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE, UNLESS SUPERSEDED BY EMERGENCY ORDER.]

The introductory language of 5 AAC 47.055(c) is amended to read:

(c) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is greater than 69,014 fish** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS EQUAL TO OR GREATER THAN 20.5, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX GREATER THAN 2.2, THE SPORT FISHERY HARVEST LIMIT WILL BE 69,000 TREATY KING SALMON, AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures:

• • •

The introductory language of 5 AAC 47.055(d) is amended to read:

(d) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060 is between 55,421 and 69,014 fish**, [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 20.5 AND EQUAL TO OR GREATER THAN 8.7, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX OF LESS THAN OR

EQUAL TO 2.2 AND GREATER THAN 1.8, THE SPORT FISHERY HARVEST LIMIT WILL BE 61,900 TREATY KING SALMON, AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures:

...

The introductory language of 5 AAC 47.055(e) is amended to read:

(e) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 42,685 and 55,420 fish** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 8.7 AND EQUAL TO OR GREATER THAN 6.0, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX LESS THAN OR EQUAL TO 1.8 AND GREATER THAN 1.5, THE SPORT FISHERY HARVEST LIMIT WILL BE 49,300 TREATY KING SALMON, AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures:

...

The introductory language of 5 AAC 47.055(f) is amended to read:

(f) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 34,303 and 42,684 fish** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 6.0 AND EQUAL TO OR GREATER THAN 3.8, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX OF LESS THAN OR EQUAL TO 1.5 AND GREATER THAN 1.2, THE SPORT FISHERY HARVEST LIMIT WILL BE 37,900 TREATY KING SALMON, AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures:

...

The introductory language of 5 AAC 47.055(g) is amended to read:

(g) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 22,328 and 34,302 fish** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 3.8 AND EQUAL TO OR GREATER THAN 2.6, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX OF LESS THAN OR EQUAL TO 1.2 AND GREATER THAN 1.0, THE SPORT FISHERY HARVEST LIMIT WILL BE 25,800 TREATY KING SALMON AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures: . . .

5 AAC 47.055(g)(5) is amended to read:

(5) [IF THE SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 3.8 AND EQUAL TO OR GREATER THAN 2.0,] a resident bag limit of two king salmon [,] 28 inches or greater in length [,] will be established in areas where conservation management measures have prohibited king salmon retention or closed fishing for king salmon for all anglers once they reopen.

The introductory language of 5 AAC 47.055(h) is amended to read:

(h) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 19,381 and 22,327 fish** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 2.6 AND EQUAL TO OR GREATER THAN 2.0,

WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX OF LESS THAN OR EQUAL TO 1.0 AND GREATER THAN OR EQUAL TO 0.875, THE SPORT FISHERY HARVEST LIMIT WILL BE 20,600 TREATY KING SALMON AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the following management measures:

• • •

5 AAC 47.055(h)(4) is amended to read:

(4) [IF THE SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 3.8 AND EQUAL TO OR GREATER THAN 2.0,] a resident bag limit of two king salmon [,] 28 inches or greater in length [,] will be established in areas where conservation management measures have prohibited king salmon retention or closed fishing for king salmon for all anglers once they reopen.

5 AAC 47.055(i) is amended to read:

(i) When the **allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is less than 19,381 fish,** [SOUTHEAST ALASKA WINTER TROLL FISHERY CPUE IS LESS THAN 2.0, WHICH IS EQUIVALENT TO A KING SALMON ABUNDANCE INDEX OF LESS THAN 0.875, THE ALL-GEAR CATCH LIMIT WILL BE DETERMINED BY THE PACIFIC SALMON COMMISSION, AND] the commissioner may [, BY EMERGENCY ORDER,] implement **by emergency order** the provisions specified in (g) and (h) of this section.

Register 250, July 2024 FISH AND GAME

5 AAC 47.055(n) is amended to read:

(n) The provisions of this section do not apply after **July 31** [MARCH 31], 2025. (Eff. 4/15/94, Register 130; am 5/2/97, Register 142; am 5/25/2000, Register 154; am 6/1/2003, Register 166; em am 4/13/2005 – 8/10/2005, Register 174; em am 5/3/2005 – 8/30/2005, Register 174; am 5/26/2006, Register 178; am 5/1/2008, Register 186; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 6/17/2018, Register 226; am 6/28/2019, Register 230; am 10/16/2022, Register 244; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.270

Chapter 56. Kenai Peninsula Area.

5 AAC 56.122(a)(2)(E) is amended to read:

(E) sport fishing is open for king salmon from its mouth upstream to an ADF&G regulatory marker located approximately 200 yards upstream of the Old Sterling Highway Bridge only on the weekend, and the Monday and Wednesday following that weekend, before Memorial Day weekend and the following four weekends and the Monday and Wednesday following each of those weekends; for king salmon 20 inches or greater in length, the bag and possession limit is one fish; as part of the Cook Inlet region annual limit specified for king salmon in (b) of this section, a person may not retain more than two king salmon 20 inches or greater in length each year from the Anchor River and Deep Creek combined; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains **the bag limit of** [A] king salmon 20 inches or greater in length from the Anchor River, Deep Creek, or the Ninilchik River may not sport fish in

any of those drainages for the rest of that day; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

5 AAC 56.122(a)(5)(D) is amended to read:

(D) open to sport fishing for king salmon from its mouth upstream to ADF&G regulatory markers located two miles upstream only on Memorial Day weekend and the following two weekends and the Monday following each of those weekends; bag and possession limit for king salmon 20 inches or greater in length is one fish; as part of the Cook Inlet region annual limit specified for king salmon in (b) of this section, a person may not retain more than two king salmon 20 inches or greater in length each year from the Anchor River and Deep Creek combined; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains **the bag limit of** [A] king salmon 20 inches or greater in length from Deep Creek, the Anchor River, or the Ninilchik River may not sport fish in any of those drainages for the rest of that day; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

5 AAC 56.122(a)(6)(D)(i) is amended to read:

(i) on Memorial Day weekend and the following two weekends and the Monday following each of those weekends; **the bag** and possession limit

is two hatchery [OF ONE] king salmon, 20 inches or greater in length **and 10 hatchery king salmon under 20 inches; naturally-produced king salmon may not be retained; only one single hook, or single-hook artificial lure, including bait may be used**; a person who takes and retains **two** [A] king salmon 20 inches or greater in length from the Ninilchik River [, DEEP CREEK, OR THE ANCHOR RIVER] may not sport fish in **the Ninilchik River, Deep Creek, or the Anchor River** [ANY OF THOSE DRAINAGES] for the rest of that day;

5 AAC 56.122(a)(6)(D)(ii) is amended to read:

(ii) from June 16 - October 31; **the** bag and possession limit **is two hatchery** [OF ONE] hatchery king salmon, 20 inches or greater in length **and 10 hatchery king salmon under 20 inches**; naturally-produced king salmon may not be retained; **only one single hook, or single-hook artificial lure, including bait may be used**; a person who takes and retains **two** [A] king salmon 20 inches or greater in length from the Ninilchik River drainage may not sport fish in the Ninilchik River drainage for the rest of that day; and

5 AAC 56.122(a)(6)(G) is amended to read:

(G) the Ninilchik River from the outlet of the Ninilchik small boat harbor to ADF&G regulatory markers **approximately two miles** [JUST] upstream [FROM THE STERLING HIGHWAY BRIDGE] is open to sport fishing to a person under 16 years of age during the designated youth fishery which occurs on the second Wednesday after Memorial Day between the hours of 6:00 a.m. and 9:59 p.m.; **the** king salmon bag and

possession limit is **two hatchery** [ONE] king salmon of any size **and naturally-produced king salmon may not be retained**; annual limit and other restrictions specified in **(D)(iii)** [(a)(6)(D)(iii)] of this **paragraph** [SECTION] apply; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains **two** [A] king salmon may not sport fish in the Ninilchik River for the rest of the day;

(Eff. 10/1/2006, Register 179; am 11/12/2006, Register 180; am 3/15/2008, Register 185; am 6/4/2008, Register 186; am 3/2/2011, Register 197; am 6/12/2011, Register 198; am 2/23/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 3/15/2017, Register 221; am 6/8/2017, Register 222; am 4/24/2020, Register 234; am 6/21/2020, Register 234; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 56 is amended by adding a new section to read:

5 AAC 56.130. Anchor River, Deep Creek, and Ninilchik River king salmon sport fishery management plan. (a) The purpose of this management plan is to direct the department in the management of the sport fishery for king salmon stocks in Anchor River, Deep Creek, and Ninilchik River, using the Anchor River preseason forecast and inseason projections from the Anchor River and Ninilchik River department monitoring projects of salmon.

(b) The department shall manage the sport fisheries in each drainage to achieve the sustainable escapement goal (SEG) established for each of the three stocks while providing sustainable fishing opportunities and maximizing the harvest of hatchery king salmon. Additionally, the department shall manage the Ninilchik River to prioritize collecting naturally-produced king salmon as defined in 5 AAC 56.122(c)(4) and hatchery broodstock.

(c) In Anchor River and Deep Creek,

(1) the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are described in 5 AAC 56.122;

(2) if the Anchor River preseason forecast is less than the lower end of the sustainable escapement goal of 3,200 - 6,400 fish, the department shall close the Anchor River and Deep Creek to sport fishing during the season as specified in 5 AAC 56.122(a)(2)(E) and (5)(D), and from July 1 - July 15;

(3) if the Anchor River preseason forecast is greater than the lower end of the sustainable escapement goal of 3,200 - 6,400 fish and less than 4,800 fish, the department shall close the sport fishery for king salmon in the Anchor River and Deep Creek to the retention of king salmon and restrict gear to only one unbaited, single-hook, artificial lure;

(4) if the Anchor River preseason forecast is greater than 4,800 fish, the department may open the sport fishery for king salmon in the Anchor River and Deep Creek as described in 5 AAC 56.122;

(5) if the Anchor River inseason projection is less than the lower end of the sustainable escapement goal of 3,200 - 6,400 fish after June 1, the department shall close the Anchor River and Deep Creek to sport fishing during the season as specified in 5 AAC 56.122(a)(2)(E) and (5)(D), and from July 1 - July 15;

(6) if the Anchor River inseason projection is greater than the lower end of the sustainable escapement goal of 3,200 - 6,400 fish and less than 4,800 fish after June 1, the department shall close the Anchor River and Deep Creek to the retention of king salmon and restrict gear to only one unbaited, single-hook, artificial lure;

(7) if the Anchor River inseason projection is greater than 4,800 fish after June 1,

the department may open the sport fishery for king salmon in the Anchor River and Deep Creek as described in 5 AAC 56.122.

(d) In the Ninilchik River,

(1) the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are described in 5 AAC 56.122;

(2) the Ninilchik River is closed to the retention of naturally-produced king salmon as defined in 5 AAC 56.122(c)(4) until the inseason projection is greater than the number of naturally-produced king salmon needed to meet the SEG and broodstock collection goals of this section; if the projection is greater than the number of naturally-produced king salmon needed to meet the SEG and broodstock collection goals, the commissioner may liberalize the naturally-produced king salmon sport fishery by emergency order;

(3) the commissioner may further liberalize or restrict the Ninilchik River hatchery king salmon sport fishery to provide more harvest opportunity or achieve the SEG and broodstock collection goals by emergency order. (Eff. 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Chapter 58. Cook Inlet - Resurrection Bay Saltwater Area.

5 AAC 58.022(a)(6) is amended to read:

(6) rockfish: may be taken from January 1 - December 31; bag limit of **three** [FIVE] fish and **six** [10] in possession, of which only one per day and two in possession may be nonpelagic rockfish as defined in 5 AAC 75.995; no size limit;

5 AAC 58.022(a)(7) is amended to read:

(7) lingcod: may **only** be taken [ONLY] from July 1 - December 31; bag **limit of one fish** and possession limit of two fish; minimum size is 35 inches in length with the head attached or, if the head is removed, 28 inches in length from the front of the dorsal fin to the top of the tail;

5 AAC 58.022(b)(3)(B)(iii) is amended to read:

(iii) lingcod: may **only** be taken [ONLY] from July 1 - December 31; bag **limit of one fish** and possession limit of **two** [ONE] fish; minimum size is 35 inches in length with the head attached or, if the head is removed, 28 inches in length from the front of the dorsal fin to the top of the tail;

5 AAC 58.022(b)(3)(C) is repealed:

(C) repealed 4 / 28 / 2024 ;

(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; am 4 / 28 / 2024 , Register 250)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 58.030 is repealed and readopted to read:

5 AAC 58.030. Methods, means, and general provisions - Finfish. (a) Unless otherwise specified in 5 AAC 58.022 or by an emergency order issued under AS 16.05.060, the provisions of this section apply to finfish sport fishing in the Cook Inlet - Resurrection Bay Saltwater Area.

(b) Unless otherwise specified in this section or in 5 AAC 75, fish may only be taken by hook-and-line gear.

(c) A person may not intentionally snag or attempt to snag any species of fish in the waters of Cook Inlet north of the latitude of Bluff Point at 59° 40.00' N. lat. A person who snags a fish in these waters shall release the fish immediately. Except as specified in (d) of this section, a person may snag or attempt to snag any species of fish in the waters of Cook Inlet south of the latitude of Bluff Point at 59° 40.00' N. lat., from January 1 through December 31.

(d) From January 1 through December 31, except during periods established by emergency order, a person may not intentionally snag or attempt to snag any species of fish from the Homer city dock near the entrance of the Homer Boat Harbor, including the entire Homer Boat Harbor, northwest along the east side of Homer Spit to an ADF&G regulatory marker located approximately 200 yards northwest of the entrance to the fishery enhancement lagoon on Homer Spit, to a distance 300 feet from the shore.

(e) From January 1 through June 23, a person may not intentionally snag or attempt to snag any species of fish in the waters of the Seldovia Harbor and Seldovia Lagoon starting at the

entrance to the Seldovia Harbor, including all waters east and south of the breakwater wall and upstream through the Seldovia Slough and including the entire Seldovia Lagoon.

(f) From January 1 through June 23, spearfishing for king salmon is prohibited in the waters of the Seldovia Harbor and Seldovia Lagoon starting at the entrance to the Seldovia Harbor, including all waters east and south of the breakwater wall and upstream through the Seldovia Slough and including the entire Seldovia Lagoon.

(g) The use of a weighted hook, weight, or floatation device that follows a hook or hooks is prohibited during periods closed to snagging.

(h) For the purposes of this section, "snag" means to hook a fish anywhere on its body except for its mouth. (Eff. 2/25/98, Register 145; am 3/8/2002, Register 161; am 3/15/2008, Register 185; am 4/24/2020, Register 234; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

The introductory language of 5 AAC 58.055(d) is amended to read:

(d) The following waters, within one mile of shore, are closed to [ALL] sport fishing **from a vessel and closed to the retention of king salmon when sport fishing from shore** from April 1 through July 15:

...

5 AAC 58.055(d)(1) is amended to read:

(1) in the salt waters approximately one mile north of the Ninilchik River at 60° 03.99' N. lat. to an ADF&G regulatory marker located two miles south of Deep Creek at 60° 00.68' N. lat., EXCEPT THAT SPORT FISHING FROM SHORE IS ALLOWED ON

MEMORIAL DAY WEEKEND AND THE FOLLOWING TWO WEEKENDS AND THE MONDAY FOLLOWING EACH OF THOSE WEEKENDS];

5 AAC 58.055 is amended by adding a new subsection to read:

(g) The following waters are closed to all sport fishing from April 1 to July 15:

(1) from the latitude of an ADF&G regulatory marker located approximately 200 yards north of the mouth of the Ninilchik River to the latitude of an ADF&G regulatory marker located approximately 200 yards south of the mouth of the Ninilchik River;

(2) from the latitude of an ADF&G regulatory marker located approximately 200 yards north of the mouth of Deep Creek to the latitude of an ADF&G regulatory marker located approximately 200 yards south of the mouth of Deep Creek;

(3) from the latitude of an ADF&G regulatory marker located approximately 200 yards north of the mouth of Stariski Creek to the latitude of an ADF&G regulatory marker located approximately 200 yards south of the mouth of Stariski Creek;

(4) from the latitude of an ADF&G regulatory marker located approximately 200 yards north of the mouth of the Anchor River to the latitude of an ADF&G regulatory marker located approximately 200 yards south of the mouth of the Anchor River. (Eff. 5/22/96, Register 138; am 6/13/99, Register 150; am 3/8/2002, Register 161; am 12/29/2002, Register 164; am 12/1/2004, Register 172; am 2/10/2005, Register 173; am 3/15/2008, Register 185; am 3/2/2011, Register 197; am 3/22/2014, Register 209; am 3/15/2017, Register 221; am 4/24/2020, Register 234; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.251

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

5 AAC 58.057. Lower Cook Inlet summer saltwater king salmon sport fishery. (a)

The goal of this management plan is to stabilize the sport harvest of king salmon in the mixed stock saltwater fishery in lower Cook Inlet from April 1 through August 31.

(b) The salt waters of lower Cook Inlet include all salt water south of the latitude of Bluff Point at 59 40.00' N. lat., excluding shore-based harvest.

(c) The bag and possession limit is two king salmon; no size limit.

(d) The annual limit and harvest record specified in 5 AAC 58.022 applies to king salmon 20 inches or greater.

(e) The guideline harvest level is 8,500 king salmon. (Eff. 4 / 28 / 2024, Register 250)

Authority: AS 16.05.251

5 AAC 58.060(b)(1) is amended to read:

(1) the guideline harvest level is 5,500 [4,500] king salmon;

5 AAC 58.060(b) is amended by adding a new paragraph to read:

(5) if the guideline harvest level is expected to be exceeded, the commissioner shall restrict retention of king salmon to fish 20 inches or greater in length by emergency order.

(Eff. 12/29/2002, Register 164; am 3/2/2011, Register 197; am 2/23/2014, Register 209; am 3/15/2017, Register 221; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

((Note to Publisher: please change period at the end of 5 AAC 58.060(b)(4) to a semicolon))

Chapter 67. Bristol Bay Area.

5 AAC 67.022(l)(1) is amended to read:

(1) only unbaited, single-hook artificial lures or flies may be used, **except that**

bait and a single-hook may be used from July 16 to April 30;

(Eff. 3/24/95, Register 133; am 5/24/96, Register 138; am 4/23/98, Register 146; am 6/14/2001, Register 158; am 4/9/2004, Register 170; am 3/30/2007, Register 181; am 11/28/2009, Register 192; am 2/28/2010, Register 193; am 4/4/2013, Register 206; am 5/8/2013, Register 206; am 5/18/2014, Register 210; am 4/16/2016, Register 218; am 8/27/2016, Register 219; am 5/31/2019, Register 230; am 4/16/2023, Register 246; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.060 AS 16.05.251

Chapter 77. Personal Use Fishery.

5 AAC 77.545(a) is amended to read:

(a) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken by dip net from **June 15** [JULY 1] through **August 15** [AUGUST 7], with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed.

(Eff. 6/20/82, Register 82; am 4/16/83, Register 86; am 5/11/85, Register 94; am 3/29/87, Register 101; am 6/10/89, Register 110; em am 5/22/91 – 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/7/93, Register 126; am 5/6/94, Register 130; am 6/7/95, Register

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135; am 6/15/95, Register 134; am 2/24/96, Register 137; am 5/31/96, Register 138; am
10/18/96, Register 140; am 3/5/99, Register 149; am 3/8/2002, Register 161; am 3/22/2014,
Register 209; am 4 / 28 / 2024, Register 250)

Authority: AS 16.05.251