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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: April 9, 2015

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries Regulations re: February 23 - March 3, 2015 Sitka Meeting:
Southeastern Alaska Area and Yakutat Area: Finfish Fisheries (5 AAC 28.130 - 5 AAC
77.674)

Attorney General File: JU2014200582 (Part 1)

Regulation Filed: April 9, 2015

Effective Date: May 9, 2015

Print: 214, July 2015

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

JU2014200582 (Part 1)

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

The attached 16 pages of regulations, dealing with finfish fisheries in the Southeastern Alaska Area and the Yakutat Area, are certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its February 23 – March 3, 2015 meeting in Sitka, Alaska, under the authority of AS 16.05.251, AS 16.10.440, and AS 16.10.455 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:

4/2/15
Juneau, Alaska



Charles O. Swanton, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

April 9, 2015 at 2:30 p.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:

May 9, 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

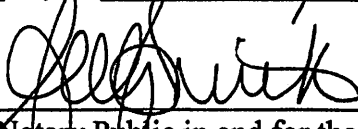
UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO CHARLES O. SWANTON, DEPUTY COMMISSIONER.

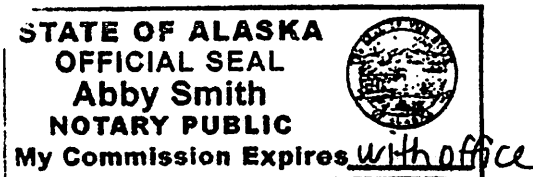
SIGNED: 

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 28. Groundfish Fishery.

Article 4. Eastern Gulf of Alaska Area (Registration Area A).

5 AAC 28.130(a) is amended to read:

(a) In the Northern Southeast Inside Subdistrict, [THE SOUTHEAST OUTSIDE SUBDISTRICT, AND THE EAST YAKUTAT DISTRICT,] sablefish may be taken only with longlines. In the Southern Southeast Inside Subdistrict, sablefish may be taken only with longlines and pots.

5 AAC 28.130(h) is amended to read:

(h) In the Eastern Gulf of Alaska Area,

(1) dinglebar troll gear is gear that consists of a single line that is retrieved and set with a troll gurdy or hand troll gurdy with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way; only [. ONLY] one troll gurdy line or hand troll gurdy line may be deployed in the water at any time;

(2) a mechanical jigging machine is a device that deploys a single line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line to be fished only in the

water column, in a manner that the hooks connected to the line are fished above the seafloor; a mechanical jigging machine line may not be deployed while the vessel is making way under mechanized propulsion; the mechanical jigging machine line may not be anchored to the seafloor or operated unattached from the vessel; no more than five mechanical jigging machines may be operated from a vessel, with no more than 30 hooks per line operated from a mechanical jigging machine.

(Eff. 7/30/89, Register 111; am 4/30/91, Register 118; am 4/15/94, Register 130; am 6/15/97, Register 142; am 6/14/2000, Register 154; am 7/5/2000, Register 155; am 7/14/2000, Register 155; am 7/18/2003, Register 167; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Chapter 29. Salmon Troll Fishery.

Article 5. Fishery Management Plans.

5 AAC 29.114(b) is amended to read:

(b) The commissioner may open, by emergency order, the Northern Chatham Strait Fishery Area in District 12 and the Point Couverden Fishery Area in District 14 for up to four weekdays per week beginning on the second Monday in June through the last week in June to the

retention of pink and chum salmon only. The Northern Chatham Strait Fishery Area consists of those waters enclosed by a line from 58° 11.29' N. lat., 134° 53.27' W. long. to 58° 10.40' N. lat., 135° 02.63' W. long. to 58° 07.78' N. lat., 135° 00.78' W. long. to 58° 05.81' N. lat., 134° 47.09' W. long. **The Point Couverden Fishery Area consists of those waters enclosed by a line from 58° 11.63' N. lat., 135° 09.60' W. long. to 58° 09.58' N. lat., 135° 09.60' W. long. to 58° 07.78' N. lat., 135° 00.78' W. long. to 58° 10.00' N. lat., 135° 02.35' W. long. to 58° 10.00' N. lat., 135° 06.24' W. long. to 58° 11.63' N. lat., 135° 09.60' W. long.**

5 AAC 29.114(c) is amended to read:

(c) Notwithstanding the provisions of 5 AAC 29.090, the spring troll fisheries in District 14 will be managed to minimize the harvest of wild chum salmon and may be closed **to the retention of chum salmon** by emergency order based on wild chum salmon abundance.

5 AAC 29.114(e) is amended to read:

(e) The provisions of this section do not apply after December 31, **2017** [2014]. (Eff. 7/13/2012, Register 203; am 5/9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 30. Yakutat Area.

Article 3. Salmon Fishery.

5 AAC 30.345(e) is amended to read:

(e) The provisions of this section do not apply after December 31, 2017 [2014]. (Eff. 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 30.350(a)(7) is amended to read:

(7) Lost River: upstream from ADF&G regulatory markers located **in the Situk-Ahrnklin Inlet approximately 100 yards downstream from the terminus of the river, except that, after the closure of the fishing period for the Situk-Ahrnklin Inlet during the second week of July through the remainder of the season, upstream from ADF&G regulatory markers located in the Situk-Ahrnklin Inlet approximately 500 yards downstream from** [APPROXIMATELY 500 YARDS UPSTREAM FROM THE MOST DOWNSTREAM TREE LINE ON THE WEST BANK AT] the terminus of the river;

(In effect before 1986; am 4/18/86, Register 98; am 6/25/89, Register 110; am 6/28/97, Register 142; am 10/1/98, Register 147; am 3/11/2001, Register 157; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 33. Southeastern Alaska Area.

Article 3. Salmon Fishery.

5 AAC 33.331(d) is amended to read:

(d) In Districts 8, 11, and 15, through the fourth Saturday in June, the commissioner may, by emergency order, establish fishing periods during which the maximum gillnet mesh size is six inches.

(In effect before 1982; am 7/25/82, Register 83; am 4/28/84, Register 90; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/10/87, Register 102; am 4/2/88, Register 105; am 6/25/89, Register 110; am 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 7/26/2003, Register 167; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.350(m)(1) is amended to read:

(1) waters within two miles of the Chichagof Island shoreline south of 57° 41.65' N. lat. and north of 57° 37.91' N. lat., including the waters of Basket Bay [: WATERS INSIDE A LINE FROM 57° 39.80' N. LAT., 134° 53.77' W. LONG. TO 57° 39.28' N. LAT., 134° 53.88' W. LONG.];

5 AAC 33.350(m)(10) is amended to read:

(10) waters within two miles of the Admiralty Island shoreline south of the latitude of Parker Point at 57° 36.73' N. lat. and north of the latitude of Point Samuel at 58° 28.25' N. lat., including the waters of Kootznahoo Inlet [: WATERS EAST OF A LINE FROM THE TIP OF TURN POINT TO VILLAGE ROCK LIGHT];

(In effect before 1982; am 4/14/82, Register 82; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/13/92, Register 122; am 4/23/94, Register 130; am 6/28/97, Register 142; am 10/1/98, Register 147; am 3/11/2001, Register 157; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.366 is amended by adding a new subsection to read:

(c) The department may allow the operation of purse seines in District 12 south of Point Marsden. Before opening fishing areas and times under this subsection, the department must consider conservation concerns for all salmon species in the area, and

(1) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Point Hepburn at 57° 56.21' N. lat. and north of the latitude of Fishery Point at 57° 47.36' N. lat. may not open before July 17;

(2) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Fishery Point at 57° 47.36' N. lat. and north of the latitude of Parker Point at 57° 36.73' N. lat. may not open before July 21. (Eff. 6/25/89, Register 110; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.376(b)(1) is amended to read:

(1) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order, as follows:

(A) openings for seines and gillnets must be rotated between net gear groups; the department, in consultation with NSRAA, shall close fishing between openings;

(B) except as specified in (C) of this paragraph, the time ratio for gillnet openings to seine openings is two to one [, EXCEPT THAT BEGINNING WITH THE FIRST EMERGENCY ORDER OF THE 2012 SEASON THROUGH THE LAST EMERGENCY ORDER OF THE 2014 SEASON, THE TIME RATIO FOR GILLNET OPENINGS TO SEINE OPENINGS IS ONE TO ONE AFTER THE THIRD SUNDAY IN JUNE];

(C) for the 2015 – 2017 seasons, from the third Sunday in June through statistical week 30, the time ratio for gillnet openings to seine openings is one to one, except that during the 2016 and 2017 season ^(C) if the postseason preliminary enhanced salmon harvest value data from the previous season indicates the seine gear group is within that group's enhanced salmon allocation percentage range, based on the five-year rolling average as described in 5 AAC 33.364, the time ratio for gillnet openings to seine openings is two to one for the entire season;

(Eff. 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.377(a) is amended to read:

(a) The management plan in this section allows for a harvest of hatchery-produced chum salmon in the Kendrick Bay Terminal Harvest Area by the purse seine **and troll fleets** [FLEET].

5 AAC 33.377(b) is amended to read:

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the Kendrick Bay Terminal Harvest Area from June 15 through September 30 to provide for the harvest of hatchery-produced chum salmon by purse seine **and troll** gear, unless closed earlier by emergency order. The Kendrick Bay Terminal Harvest Area consists of the waters of Kendrick Bay west of 131° 59' W. long. and the waters of McLean Arm west of 131° 57.80' W. long.

5 AAC 33.377(c) is amended to read:

(c) The **commissioner** [DEPARTMENT], by emergency order, shall close the area described in (b) of this section to personal use and sport fishing if those fisheries are jeopardizing the attainment of the hatchery's chum salmon escapement goal.

(Eff. 4/23/94, Register 130; am 6/28/97, Register 142; am 3/11/2001, Register 157; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5/9/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.383(d)(2) is amended to read:

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order;

5 AAC 33.383(d)(3) is amended to read:

(3) except as specified in (4) and (5) of this subsection, in establishing emergency order season openings for the purse seine and drift gillnet fisheries, the department shall rotate openings between these gear groups and shall provide for a time ratio for gillnet openings to seine openings of two to one; [HOWEVER, IF APPROXIMATELY EQUAL NUMBERS OF SALMON ARE NOT BEING HARVESTED BY THE TWO GEAR GROUPS, THE RATIO AND TIMING OF OPENINGS MAY BE ALTERED, AND BEGINNING WITH THE FIRST EMERGENCY ORDER OF THE 2012 SEASON THROUGH THE LAST EMERGENCY ORDER OF THE 2014 SEASON, THE TIME RATIO FOR GILLNET OPENINGS TO SEINE OPENINGS IS ONE TO ONE.]

5 AAC 33.383(d) is amended by adding new paragraphs to read:

(4) for the 2015 fishing season, the department will establish emergency order season openings for the purse seine and drift gillnet fisheries, as follows:

(A) from May 1 until 12:00 noon June 12 and from September 1 through November 10, seine and gillnet gear will be open to fishing concurrently;

(B) from 12:00 noon June 12 through statistical week 30, the time ratio for gillnet openings to seine openings is one to one;

(C) from the beginning of statistical week 31 through August 31, the time ratio for gillnet openings to seine openings is two to one;

(5) for the 2016 and 2017 fishing seasons, the department will establish emergency order season openings for the purse seine and drift gillnet fisheries, as follows:

(A) from May 1 until 12:00 noon June 12 and from September 1 through November 10, seine and gillnet gear will be open to fishing concurrently;

(B) from 12:00 noon June 12 through August 31, if the postseason preliminary enhanced salmon harvest value data from the previous season indicates the seine gear group, based on the five-year rolling average as described in 5 AAC 33.364,

(i) is within the seine gear group's enhanced salmon allocation percentage range, the time ratio for gillnet openings to seine openings is two to one, from 12:00 noon June 12 through August 31;

(ii) is below the seine gear group's enhanced salmon allocation percentage range, the time ratio for gillnet openings to seine openings is one to one from 12:00 noon June 12 through statistical week 30 and the time ratio for

gillnet openings to seine openings is two to one from the beginning of statistical week 31 through August 31.

(Eff. 6/28/97, Register 142; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Chapter 40. Private Nonprofit Salmon Hatcheries.

Article 2. Special Harvest Areas.

to read
↓
A

5 AAC 40 is amended by adding a new section:

5 AAC 40.060. District 6: Neck Lake Special Harvest Area. (a) There is established a Neck Lake Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of hatchery salmon returns to the Neck Lake remote release site, consisting of the waters of Whale Pass north and west of a line from 56° 05.55' N. lat., 133° 07.30' W. long. to 56° 05.82' N. lat., 133° 06.58' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The open fishing season and area for the hatchery permit holder is from June 15 through August 31 in those waters of ~~the~~ Neck Creek upstream of the beginning of the fish pass. Additional fishing periods and areas may be established by emergency order.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is weir, dip net, and beach seine. Additional gear may be established by emergency order. (Eff. 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.10.440 AS 16.10.455
AS 16.05.251

Chapter 47. Southeast Alaska Area.

5 AAC 47.023(e)(1)(A) is repealed and readopted to read:

(A) unless otherwise specified in this paragraph,

(i) the bag and possession limit for coho salmon 16 inches or greater in length is two fish;

(ii) the bag and possession limit for sockeye salmon 16 inches or greater in length is one fish;

(iii) the bag and possession limit for king salmon is four fish; no size limit; king salmon harvested by a nonresident angler does not count toward that angler's nonresident annual limit;

(iv) rainbow and cutthroat trout, in combination, must be no less than 14 inches and no greater than 22 inches in length;

(v) the bag and possession limit for Dolly Varden is two fish;

(vi) steelhead may be taken by catch-and-release fishing only, and may not be possessed or retained; all steelhead caught must be released immediately unharmed;

5 AAC 47.023(e)(1) is amended by adding a new subparagraph to read:

(M) in Fish Creek Pond, from June 1 – August 31,

(i) the use of bait, weighted hooks and lures, and multiple hooks with a gap between point and shank larger than one-half inch are permitted; and

(ii) king salmon hooked elsewhere than in the mouth may be retained

(Eff. 6/1/2003, Register 166; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 12/31/2006, Register 180; am 5/31/2009, Register 190; am 5/12/2011, Register 198; am 7/13/2012, Register 203; am 2/23/2014, Register 209; am 5/9/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Publisher: Please ensure that "Dolly Varden" is spelled correctly in 5 AAC 47.023(e)(1)(A)(v) as it spelled incorrectly in the current code.

Chapter 77. Personal Use Fishery.

Article 14. Southeastern Alaska Area.

The introductory language of 5 AAC 77.674(3) is amended to read:

(3) there are no daily bag or possession limits, except **that**

...

5 AAC 77.674(3) is amended by adding a new subparagraph to read:

(C) there is an annual limit for sablefish per household permit and a vessel limit as described in (6) of this section;

5 AAC 77.674(4) is amended to read:

(4) a person on board a vessel from which a longline was used to take bottomfish for personal use in the Northern Southeast Inside **Subdistrict** or the Southern Southeast Inside **Subdistrict** [SECTIONS] is subject to the restrictions in 5 AAC 28.180;

5 AAC 77.674(6) is amended to read:

(6) **sablefish may be taken for personal use only as follows:**

(A) a personal use fishing permit issued by the department under 5 AAC 77.015 is required to take sablefish; the department will issue only one sablefish personal use fishing permit per household per year;

(B) a permit holder shall record sablefish harvest information on harvest recording forms provided by the department; **there is an annual limit of 50 sablefish per household permit;**

(C) a permit holder's longline gear

(i) may not have attached more than 350 hooks in the aggregate; and

(ii) must be marked as specified in (2) of this section;

(D) no more than 200 personal use sablefish may be retained on board a vessel when four or more sablefish personal use permit holders are present on board that vessel. (Eff. 6/25/89, Register 110; am 4/23/98, Register 146; am 6/3/2000, Register 154; am 3/11/2001, Register 157; am 5/26/2006, Register 178; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251