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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: January 21 - 24, 2015 Wrangell Meeting: Southeastern Alaska Area; Yakutat Area; Subsistence, Personal Use, Sport, and Commercial Shellfish Fisheries (5 AAC 02.010 - 5 AAC 77.671)

Attorney General File:	JU2014200581
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

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

The attached 37 pages of regulations, dealing with shellfish 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 January 21–24, 2015 meeting in Wrangell, Alaska, under the authority of AS 16.05.251 and 16.05.258 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

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

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

DATE: 3.25.15
Juneau, Alaska



Sam Cotten, 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 225 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

Chapter 02. Subsistence Shellfish Fishery.

Article 1. Statewide Provisions.

5 AAC 02.010(a)(1) is amended to read:

(1) gear specified in 5 AAC 39.105 [, EXCEPT THAT IN THE WATERS DESCRIBED IN 5 AAC 38.140(k) (SOUTHEASTERN ALASKA) SEA CUCUMBERS MAY NOT BE TAKEN WITH THE USE OF DIVING GEAR];

5 AAC 02.010(i)(2) is repealed:

(2) repealed 5 / 9 /2015.

(In effect before 1982; am 7/25/82, Register 83; am 4/16/83, Register 86; am 6/30/83, Register 86; am 7/14/85, Register 95; am 7/12/86, Register 99; am 2/27/91, Register 117; readopt 5/15/93, Register 126; am 8/14/96, Register 139; am 7/5/2000, Register 155; am 12/1/2004, Register 172; am 7/1/2006, Register 178; am 7/16/2006, Register 179; am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Editor's note: In Register _____, 2015, a portion of the substance of 5 AAC 02.010(a)(1) was moved to 5 AAC 02.109 and the substance of 5 AAC 02.010(i)(2) was moved to 5 AAC 02.109 and 5 AAC 02.110.

At its February 23 – 27, 1993 meeting, the Board of Fisheries readopted 5 AAC 02.010(a) – (d), (g), and (j) in their entirety without change, under ch. 1, SSSLA 1992 (the 1992 subsistence law), which repealed and reenacted AS 16.05.258.

Article 2. Southeastern Alaska–Yakutat Area.

5 AAC 02 is amended by adding a new section to read:

5 AAC 02.106. Limitations on participation in subsistence shellfish fisheries; nonsubsistence areas. In the Southeastern Alaska–Yakutat Area, shellfish may not be taken for subsistence purposes in the Ketchikan Nonsubsistence Area and the Juneau Nonsubsistence Area described in 5 AAC 99.015. (Eff. 5 / 9 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Editor's note: Before Register 214, July 2015, the substance of 5 AAC 02.106 appeared in 5 AAC 02.108(b). *The history note for 5 AAC 02.106 does not reflect the history of the earlier provision.*

5 AAC 02.108²(a) is repealed and readopted to read:

5 AAC 02.108. Customary and traditional uses of shellfish stocks.

(a) The Alaska Board of Fisheries finds that the following shellfish stocks are customarily and traditionally taken or used for subsistence in the following portions of the

Southeastern Alaska–Yakutat Area outside of the nonsubsistence areas described in 5 AAC 99.015(a)(1) and (2):

(1) District 1: shellfish, except shrimp, king crab, and Tanner crab, in the waters of

(A) Section 1-E south of the latitude of Grant Island Light;

(B) Section 1-F north of the latitude of the northernmost tip of Mary Island, except the waters of Boca de Quadra;

(2) District 2: shellfish, except shrimp, king crab, and Tanner crab in the waters north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(3) District 3: shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 3-A and Section 3-B;

(4) District 5: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 5 that are

(A) except as specified in (B) of this paragraph, north of a line from Point St. Albans to Cape Pole; and

(B) north of 56° 40' N. lat.;

(5) District 6: shellfish, except shrimp, king crab, and Tanner crab, in the waters of

(A) Section 6-A west of a line from Macnamara Point to Mitchell Point;

and

(B) Section 6-B west of the longitude of Macnamara Point;

(6) District 7: shellfish, except king crab and Tanner crab, in the waters of District 7;

(7) District 8: shellfish, except king crab and Tanner crab, in the waters of District 8;

(8) District 9: shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 9-B north of the latitude of Point Ellis;

(9) District 10: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 10 west of a line from Pinta Point to Point Pybus;

(10) District 12: shellfish, except shrimp, king crab, and Tanner crab in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution;

(11) District 13, as follows:

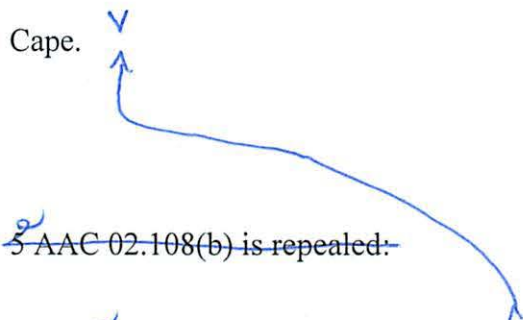
(A) except as specified in (B) of this paragraph, Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks, in the waters of District 13;

(B) shellfish, except shrimp, king crab, and Tanner crab, in the waters of Section 13-C east of the longitude of Point Elizabeth;

(12) District 14: shellfish, except shrimp, king crab, and Tanner crab, in the waters of District 14 east of the longitude of Point Dundas;

(13) District 15: shellfish, except king crab and Tanner crab, in the waters of Section 15-A;

(14) Yakutat District: shellfish in the waters of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Russell Fjord, within a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.



~~5 AAC 02.108(b) is repealed:~~

~~(b) Repealed ___/___/2015. (Eff. 5/15/93, Register 126; am 6/27/93, Register 126; am 6/15/95, Register 134; am 6/19/97, Register 142; am 5/31/98, Register 146; am 7/18/2003, Register 167; am 5 / 9 /2015, Register 214)~~

Authority: AS 16.05.251 AS 16.05.258

Editor's note: In Register _____, _____ 2015, the substance of ^{former} 5 AAC 02.108(b) was moved to 5 AAC 02.106.

5 AAC 02 is amended by adding a new section to read:

5 AAC 02.109. Lawful gear for subsistence shellfish fisheries. In the Southeastern Alaska–Yakutat Area,

(1) in the subsistence taking of shellfish other than shrimp, no more than five pots of any type, per person, and no more than 10 pots of any type, per vessel, may be used;

(2) in the subsistence taking of sea cucumbers, sea cucumbers may not be taken with the use of diving gear in the waters described in 5 AAC 38.140(k) that are closed to commercial sea cucumber fishing. (Eff. 5/9 /2015, Register 214)

Authority: AS 16.05.251 AS 16.05.258

Editor's note: Before Register 214, July 2015, the substance of 5 AAC 02.109 appeared in 5 AAC 02.010. *The history note for 5 AAC 02.109 does not reflect the history of the earlier provisions.*

5 AAC 02.110 is repealed and readopted to read:

5 AAC 02.110. Subsistence shrimp fishery. In the subsistence taking of shrimp,

(1) a pot used to take shrimp must have

(A) no more than four tunnel eye openings; ^ano tunnel eye opening may ^{not} exceed 15 inches in perimeter;

(B) a bottom perimeter of no more than 153 inches; and

(C) a volume of no more than 25 cubic feet;

(2) no more than 10 pots per person, and no more than 20 pots per vessel, may be used to take shrimp;

(3) from February 15 through April 30, a commercially licensed and registered shrimp fishing vessel may not be used to take shrimp for subsistence purposes in Districts 6 – 8 and District 10. (In effect before 1988; readopt 5/15/93, Register 126; am 6/3/2000, Register 154; am 7/18/2003, Register 167; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

AS 16.05.258

5 AAC 02.120(3)(B) is amended to read:

(B) only male [RED AND GOLDEN] king crab seven inches or larger [, AND MALE BLUE KING CRAB SIX AND ONE-HALF INCHES OR LARGER,] in width of shell may be taken or possessed;

(In effect before 1984; am 6/30/84, Register 90; am 7/14/85, Register 95; readopt 5/15/93, Register 126; am 4/23/94, Register 130; am 8/14/2005, Register 175; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

AS 16.05.258

Chapter 31. Shrimp Fishery.

Article 5. Registration Area A (Southeastern Alaska).

5 AAC 31.124(f) is amended to read:

(f) A registered shrimp vessel may not have, at any time in the aggregate, more than the legal limit of **shrimp** pot gear on board the vessel, in the water in fishing condition, and in the water in nonfishing condition, **including commercial and noncommercial shrimp pots as described in 5 AAC 31.128(b)**. (Eff. 9/28/97, Register 143; am 5/8/98, Register 146; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 31.125(c) is repealed:

(c) Repealed 5 / 9 /2015.

5 AAC 31.125 is amended by adding a new subsection to read:

(d) A person may operate more than one beam trawl at the same time only if the aggregate width of all beam trawl gear being operated does not exceed 60 feet. (In effect before 1982; am 7/25/82, Register 83; am 7/14/84, Register 95; am 7/12/86, Register 99; am 12/14/86, Register 100; am 6/25/89, Register 110; am 4/30/91, Register 118; am 4/15/94, Register 130; am

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6/15/95, Register 134; am 9/28/97, Register 143; am 5/8/98, Register 146; am 5/26/2006, Register 178; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 31.128(b) is amended to read:

(b) In an area open to fishing for shrimp, a vessel operator may not operate more than the number of pots specified in 5 AAC 31.124(e), including [BOTH] commercial, sport, personal use, and [SHRIMP POTS AND ANY TYPE OF] subsistence shrimp pots.

(Eff. 9/28/97, Register 143; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 31 is amended by adding a new section to read:

5 AAC 31.141. Logbooks. (a) In Registration Area A, an owner or operator of a shrimp pot catcher-processor vessel shall complete a logbook provided by the department at the conclusion of each day fished for each district or portion of a district with a guideline harvest level established by the department, and in which shrimp are harvested and processed on board the vessel. A logbook must be submitted to the department not later than after ~~within~~ seven days ~~of~~ closure of a district or portion of a district with a guideline harvest level.

(b) Logbooks described in (a) of this section must include any information the commissioner determines necessary for management purposes, including

(1) date of landing;

(2) district and statistical area;

(3) the number of pot lifts each day;

and

(4) weight or box count of each size class of whole shrimp that were sorted for

sale.

(c) A person may not make a false entry in the logbook required in (a) of this section.

(d) The owner or operator of a shrimp pot catcher-processor who has stopped fishing in a district or portion of a district with a guideline harvest level shall contact, by telephone or in person, the local ADF&G area office and report the information specified in this section before fishing in a new district or portion of a district with a guideline harvest level established by the department. (Eff.

5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 31.143(b)(1) is amended to read:

(1) unless other arrangements have been made with a local representative of the department, each week an owner or operator of a shrimp pot catcher-processor vessel, or the owner or operator of a shrimp pot catcher-seller vessel, operating gear in the waters of Registration Area A shall contact, by telephone or in person, the ADF&G area office in the area where shrimp fishing occurs, **during time periods announced by the department to ensure the orderly conduct of the fishery** [BEFORE 12:00 NOON WEDNESDAY DURING NORMAL

BUSINESS HOURS OF 8:00 A.M. THROUGH 5:00 P.M.^y; the following information must be provided at the time of contact:

(A) the permit holder's name;

(B) the name and ADF&G license plate number of the shrimp pot catcher-processor vessel;

(C) the following information regarding ADF&G fish tickets:

(i) ADF&G fish ticket number of each fish ticket used since the last contact;

(ii) date of landing on each fish ticket;

(iii) district and statistical area on each fish ticket;

(iv) the number of pot lifts on each fish ticket;

(v) days that pots soaked on each fish ticket;

(vi) weight of spot and coon shrimp per fish ticket specifying whether whole or tail weight;

(D) date of last delivery;

(E) logbook information, as determined by the department, from a catcher-processor vessel in the shrimp pot fishery under 5 AAC 31.141;

(F) any other information the commissioner determines is necessary for the conservation and management of the fishery;

The introductory language of 5 AAC 31.143(b)(2) is amended to read:

(2) each week an owner or operator of a shrimp beam trawl catcher-processor vessel operating gear in the waters of Registration Area A shall contact, by telephone or in person, the ADF&G **office specified by the department** [AREA OFFICE IN PETERSBURG] before 12:00 noon Wednesday during normal business hours of 8:00 a.m. through 5:00 p.m.; the following information must be provided at the time of contact:

...

5 AAC 31.143(c)(2) is amended to read:

(2) an owner or operator of a shrimp beam trawl catcher-processor vessel shall complete a separate fish ticket for each day fished for each district or portion of a district with a guideline harvest level established by the department, and in which shrimp are harvested and processed on board the vessel; fish tickets must be submitted to the department not later than after ~~within~~ seven days ~~of~~ closure of a district or portion of a district with a guideline harvest level; a shrimp beam trawl catcher-processor who has stopped fishing in a district or portion of a district with a guideline harvest level shall contact, by telephone or in person, the **ADF&G office specified by the department** [LOCAL ADF&G AREA OFFICE IN PETERSBURG] and report the information specified in this paragraph before fishing in a new district or portion of a district with a guideline harvest level established by the department.

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(Eff. 9/28/97, Register 143; am 5/8/98, Register 146; am 6/3/2000, Register 154; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 7/29/2009, Register 191; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

The introductory language of 5 AAC 31.145(b)(2) is amended to read:

(2) the spot and coonstripe shrimp fisheries **within the guideline harvest ranges specified in 5 AAC 31.115** to

...

(Eff. 10/12/2000, Register 156; am 7/18/2003, Register 167; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Article 6. Registration Area D (Yakutat).

The introductory language of 5 AAC 31.160 is amended to read:

5 AAC 31.160. Shrimp pot fishing seasons for Registration Area D. In Registration Area D, shrimp may be taken by pots only **as follows**:

...

(Eff. 12/14/86, Register 100; am 6/25/89, Register 110; am 4/15/94, Register 130; am 9/28/97, Register 143; am 5/8/98, Register 146; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Chapter 32. Dungeness Crab Fishery.

Article 5. Registration Area A (Southeastern Alaska).

5 AAC 32.110 is repealed and readopted to read:

5 AAC 32.110. Fishing seasons for Registration Area A. In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) from 8:00 a.m. June 15 through 11:59 p.m. August 15 and from 8:00 a.m. October 1 through 11:59 p.m. November 30, in all waters of Registration Area A other than those waters specified in (2) and (3) of this section;

(2) from 8:00 a.m. October 1 through 11:59 p.m. November 30, in the waters of

(A) Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10);

(B) Whale Passage north and west of a line extending from 56° 05.65' N. lat., 133° 07.30' W. long. to 56° 05.85' N. lat., 133° 06.40' W. long.;

(3) from 8:00 a.m. October 1 through 11:59 p.m. February 28, in

(A) District 1;

(B) District 2; and

(C) Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10). (In effect before 1982; am 7/25/82, Register 82; am 6/30/83, Register 86; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/12/86, Register 99; am 12/14/86, Register 100; am 6/25/89, Register 110; am 6/3/2000, Register 154; am 6/11/2000, Register 154; am 8/12/2000, Register 155; am 7/18/2003, Register 167; am 8/8/2003, Register 167; am 6/14/2009, Register 190; am 7/29/2009, Register 191; am 6/10/2010, Register 194; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 32.125(c) is amended to read:

(c) In **Registration** Area A, **a** [NO] person may **not** longline pots to take Dungeness crab. **Each** [; EACH] pot in operation must be individually buoyed and marked **as described in 5 AAC 32.126 and this section.**

5 AAC 32.125(e) is amended to read:

(e) In **Registration** Area A, in addition to the requirements in (d) of this section, when more than one permit holder is fishing from a single vessel, at least one buoy or tag attached to a buoy on each pot or ring net must be legibly marked with the last five numeric digits of the permit holder's CFEC limited entry or interim use permit number. The buoy, multiple buoys, or tags attached to a Dungeness crab pot or ring net may bear the numeric digits from only one CFEC limited entry or interim use permit.

(In effect before 1983; am 6/30/83, Register 86; am 7/14/85, Register 95; am 12/14/86, Register 100; am 6/25/89, Register 110; am 4/15/94, Register 130; am 6/3/97, Register 143; am 6/12/97, Register 143; am 10/29/97, Register 144; am 6/3/2000, Register 154; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

The introductory language of 5 AAC 32.150 is amended to read:

5 AAC 32.150. Closed waters in Registration Area A. In **Registration** Area A, the following waters are closed to the taking of Dungeness crab:

...

5 AAC 32.150(1)(B) is amended to read:

(B) off the mainland shore enclosed by a line from the northernmost tip of the peninsula at the Shrine of St. Terese [SAINT THERESE] to Gull Island, extending to the Sentinel Island Light, and east to the mainland at the latitude of the Sentinel Island Light;

5 AAC 32.150(7) is amended to read:

(7) waters of Blank Inlet north and west of a line from Blank Point to Blank Island Light [LIGHT] to the easternmost point tip of Gravina Point;

5 AAC 32.150(12) is amended to read:

(12) waters east of a line from Indian Point at 55° 36.85' N. lat., 131° 42.02' W. long., to the northeasternmost [NORTH EASTERNMOST] tip of Betton Island at 55° 31.95' N. lat., 131° 46.37' W. long. to the southeasternmost tip of Betton Island at 55° 29.90' N. lat., 131° 48.18' W. long., to Survey Point at 55° 28.07' N. lat., 131° 49.87' W. long.;

5 AAC 32.150 is amended by adding new paragraphs to read:

(17) waters of Port Frederick enclosed by a line from a point on Chichagof Island at 58° 05.18' N. lat., 135° 28.15' W. long. to the westernmost tip of Long Island at 58° 05.81' N.

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lat., 135° 28.56' W. long. to a point south of Hoonah Point at 58° 07.13' N. lat., 135° 27.52' W. long.;

(18) waters of Favorite Bay enclosed by a line from a point at 57° 28.91' N. lat., 134° 32.21' W. long. to a point at 57° 29.05' N. lat., 134° 31.17' W. long. (In effect before 1984; am 6/30/84, Register 90; am 7/14/85, Register 95; am 7/12/86, Register 99; am 12/14/86, Register 100; am 4/15/94, Register 130; am 6/3/2000, Register 154; am 6/11/2000, Register 154; am 8/12/2000, Register 155; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 7/18/2003, Register 167; am 8/8/2003, Register 167; am 8/23/2003, Register 167; am 9/21/2003, Register 167; am 5/26/2006, Register 178; am 7/29/2009, Register 191; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Publisher: Please change the period at the end of 5 AAC 32.150(16) to a semicolon.

Article 6. Registration Area D (Yakutat).

5 AAC 32.165 is amended to read:

5 AAC 32.165. Fishing seasons for Registration Area D. In Registration Area D, male Dungeness crab may be taken or possessed only from 12:00 noon May 15 through July 14 and

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from 12:00 noon November 1 through February 28. (Eff. 12/14/86, Register 100; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 32.170(b) is amended to read:

(b) In **Registration** Area D, **a** [NO] validly registered Dungeness crab fishing vessel may **not** have, at any time, more than the legal limit of gear on the vessel, in the water in fishing condition, and in the water in nonfishing condition.

5 AAC 32.170(d) is amended to read:

(d) In **Registration** Area D, a person may not longline pots to take Dungeness crab. **Each** [; EACH] pot in operation must be individually buoyed and marked **as described in 5 AAC 32.171 and this section**. (Eff. 12/14/86, Register 100; am 4/15/94, Register 130; am 9/21/2003, Register 167; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Chapter 34. King Crab Fishery.

Article 5. Registration Area A (Southeastern).

5 AAC 34.108 is amended to read:

5 AAC 34.108. Description of blue king crab fishing areas within Registration Area

A. (a) Repealed 2/22/2015.

(b) The waters of District 11 in

(1) Taku Inlet: all waters north of the latitude of Point Bishop at 58° 12.05' N.

lat.;

(2) Port Snettisham: all waters east of a line from Point Styleman at 57° 58.44' N. lat., 133° 53.88' W. long. to Point Anmer at 57° 56.08' N. lat., 133° 51.01' W. long.; and

(3) Holkham Bay: all waters east of a line from Point Coke at 57° 47.33' N. lat., 133° 41.43' W. long. to Point Astley at 57° 42.59' N. lat., 133° 39.07' W. long.

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but keep this
period
as is*

(c) The waters of District 14 in Glacier Bay: all waters north of the latitude of Point Gustavus at 58° 22.79' N. lat.

(d) The waters of District 15 in Lynn Canal: all waters north of the latitude of Point Sherman Light at 58° 51.16' N. lat. (Eff. 3/15/96, Register 137; am 2/22/2015, Register 213; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 34.120(3) is repealed:

(3) repealed 5 / 9 /2015;

(In effect before 1981; am 6/28/81, Register 78; am 12/14/86, Register 100; am 6/24/93, Register 126; am 11/6/96, Register 140; am 12/26/97, Register 144; am 8/14/2005, Register 175; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 34.125(c) is amended to read:

(c) **A king crab pot** [BEFORE NOVEMBER 1, 2006, KING CRAB POTS MUST HAVE EITHER AT LEAST ONE-THIRD OF ONE VERTICAL SURFACE OF THE POT COMPOSED OF NOT LESS THAN NINE-INCH STRETCH MESH WEBBING OR HAVE AT LEAST FOUR CIRCULAR ESCAPE RINGS OF SIX AND ONE-QUARTER INCHES MINIMUM INSIDE DIAMETER. EACH VERTICAL SURFACE OF A POT USING ESCAPE RINGS MUST CONTAIN AT LEAST ONE ESCAPE RING OF SIX AND ONE-QUARTER INCHES MINIMUM INSIDE DIAMETER. ESCAPE RINGS OR STRETCH MESH WEBBING MUST BE SO LOCATED ON THE VERTICAL PLANE TO PERMIT THE ESCAPEMENT OF UNDERSIZE CRAB. BEGINNING NOVEMBER 1, 2006, KING CRAB POTS] must have either at least the bottom one-third of one vertical surface of a square pot, or sloping sidewall surface of a conical or pyramid pot, composed of not less than nine-inch stretch mesh webbing or have at least four circular escape rings of six and one-quarter inches minimum

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inside diameter. The lowest edge of each escape ring must be within eight inches of the top of the bottom web bar on the pot. One ring must be installed in each quadrant of the pot. Escape rings or stretch mesh webbing must be so located on the vertical or sloping sidewall surface to permit the escapement of undersize crab.

(In effect before 1982; am 4/14/82, Register 82; 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 7/12/86, Register 99; am 12/14/86, Register 100; am 7/23/88, Register 107; am 9/19/90, Register 115; am 6/24/93, Register 126; am 3/15/96, Register 137; am 11/6/96, Register 140; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/29/2009, Register 191; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Article 6. Registration Area D (Yakutat).

5 AAC 34.170(b) is amended to read:

(b) Male golden king crab may be taken only **under the conditions of a permit issued by the commissioner** [DURING PERIODS ESTABLISHED BY EMERGENCY ORDER].

(Eff. 12/14/86, Register 100; am 7/23/88, Register 107; am 8/8/99, Register 151; am 8/14/2005, Register 175; am 5 / 9 /2015, Register 214)

Authority: [AS 16.05.060] AS 16.05.251

5 AAC 34.185(b) is amended to read:

(b) During an open commercial king crab season in those waters north and east of a line from Point Manby to Ocean Cape,

(1) no more than 40 [100] king crab pots may be operated from a vessel registered to fish for king crab;

(2) when the commercial king crab and Tanner crab seasons are open in Registration Area D at the same time, an aggregate of no more than 40 king or [100 KING AND] Tanner crab pots may be operated from a vessel registered to fish for both king and Tanner crab.

5 AAC 34.185(c) is amended to read:

After December 31, 2017, king

(c) King crab may not be taken with pots that have tunnel eye openings located on the vertical plane of the pot. The provisions of this subsection are suspended until January 1, 2018.

5 AAC 34.185(f) is amended to read:

(f) A king crab pot [BEGINNING NOVEMBER 1, 2006, KING CRAB POTS] must have either at least the bottom one-third of one vertical surface of a square pot, or sloping sidewall surface of a conical or pyramid pot, composed of not less than nine-inch stretch mesh

webbing or have at least four circular escape rings of six and one-quarter inches minimum inside diameter. The lowest edge of each escape ring must be within eight inches of the top of the bottom web bar on the pot. One ring must be installed in each quadrant of the pot. Escape rings or stretch mesh webbing must be so located on the vertical or sloping sidewall surface to permit the escapement of undersize crab. (Eff. 12/14/86, Register 100; am 7/23/88, Register 107; am 6/24/93, Register 126; am 11/6/96, Register 140; am 8/14/2005, Register 175; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 34 is amended by adding a new section to read:

5 AAC 34.189. Logbooks. (a) In Registration Area D, during a king crab season, an operator of a vessel registered to fish in the commercial king crab fishery shall complete logbooks provided by the department.

(b) Logbooks described in (a) of this section shall be

(1) updated daily;

(2) sealed in envelopes provided by the department to maintain confidentiality;

and

(3) submitted to the primary processor or buyer for attachment to the fish ticket; the processor or buyer shall forward fish tickets with the attached, sealed envelopes containing logbooks to the department in accordance with 5 AAC 39.130.

(c) A catcher-seller described in 5 AAC 39.130 shall attach logbooks described in this section to the department copy of fish tickets.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(Eff. 5/9/2015, Register 214)

Authority: AS 16.05.251

5 AAC 34 is amended by adding a new section to read:

5 AAC 34.193. Reporting requirements for king crab in Registration Area D. In addition to the reporting requirements in 5 AAC 34.075, 5 AAC 34.189, and 5 AAC 39.130, the commissioner may require an owner or operator of a vessel validly registered to fish in the commercial king crab fishery in Registration Area D to report to a local representative of the department the following catch information:

(1) the number of legal king crab on board the vessel and the number of pot lifts conducted during the fishing period in any fishing area, district, or portion of a district; and

(2) any other information that the commissioner determines is necessary for the conservation and management of the resource; the board directs the commissioner to consult with the fishing industry in developing reporting requirements under this paragraph. (Eff.

5/9/2015, Register 214)

Authority: AS 16.05.251

Chapter 35. Tanner Crab Fishery.

Article 6. Registration Area D (Yakutat).

5 AAC 35.166 is amended by adding a new subsection to read:

(b) A Tanner crab vessel may not be registered in Registration Area D simultaneously as both a pot and ring net vessel. A vessel's registration may be changed during the open Tanner crab season if the vessel owner, or the owner's agent, submits a written request for a change in registration to the department for validation. (Eff. 9/29/96, Register 139; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Publisher: Please designate existing text as subsection (a).

5 AAC 35.180(b) is amended to read:

(b) The following Tanner crab gear limits are in effect in Registration Area D:

(1) [AN AGGREGATE OF] no more than **40** [100] Tanner crab pots [AND RING NETS] may be operated from a vessel registered to fish for Tanner crab **with pot gear;**

(2) **no more than 40 Tanner crab ring nets may be operated from a vessel registered to fish for Tanner crab with ring net gear;**

(3) when both the commercial king and Tanner crab seasons are open in Registration Area D at the same time, an aggregate of no more than **40** [100] king or Tanner crab

pots [AND RING NETS] may be operated from a vessel registered to fish for both king and Tanner crab;

(4) [(3)] Tanner crab may not be taken with pots that have tunnel eye openings located on the vertical plane of the pot;

(5) [(4)] Tanner crab ring nets may not be longlined.

(Eff. 12/14/86, Register 100; am 3/15/96, Register 137; am 9/29/96, Register 139; am 8/14/2005, Register 175; am 9/27/2009, Register 191; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 35 is amended by adding new sections to read:

5 AAC 35.190. Logbooks. (a) In Registration Area D, during a Tanner crab season, an operator of a vessel registered to fish using pot gear in the commercial Tanner crab fishery shall complete logbooks provided by the department.

(b) Logbooks described in (a) of this section shall be

(1) updated daily;

(2) sealed in envelopes provided by the department to maintain confidentiality;

and

(3) submitted to the primary processor or buyer for attachment to the fish ticket; the processor or buyer shall forward fish tickets with the attached, sealed envelopes containing logbooks to the department in accordance with 5 AAC 39.130.

(c) A catcher-seller described in 5 AAC 39.130 shall attach logbooks described in this section to the department copy of fish tickets.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(Eff. 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 35.193. Reporting requirements for Tanner crab in Registration Area D. In addition to the reporting requirements in 5 AAC 35.075, 5 AAC 35.190, and 5 AAC 39.130, the commissioner may require an owner or operator of a vessel registered to fish in the commercial Tanner crab fishery in Registration Area D to report to a local representative of the department the following information:

(1) the number of legal male Tanner crab on board the vessel and the number of pot lifts conducted during the fishing period in any fishing area, district, or portion of a district; and

(2) any other information that the commissioner determines is necessary for the conservation and management of the resource; the board directs the commissioner to consult with the fishing industry in developing reporting requirements under this paragraph. (Eff.

5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Chapter 38. Miscellaneous Shellfish Fishery.

Article 5. Registration Area A (Southeastern Alaska).

5 AAC 38.110(a) is amended to read:

(a) There is no closed season **for** [ON] clams, except that clam harvesting may be conducted only under the terms of a permit issued by the commissioner. The **permit** [PERMITS] may specify the species to be harvested, method of fishing, area of operation, harvest levels, and other related specifications.

(In effect before 1988; em am 4/30/91 – 8/27/91, Register 118; am 5 / 9 /2015, Register 214)

Authority: [AS 16.05.251(a)] **AS 16.05.251**

5 AAC 38.133(a) is amended to read:

(a) Abalone fishing **may** [SHALL] be conducted only under authority of a permit issued by the commissioner. The **permit** [PERMITS] may specify reporting requirements and additional harvest restrictions.

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(In effect before 1984; am 6/30/84, Register 90; em am 4/30/91 – 8/27/91, Register 118; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 38.134(3) is amended to read:

(3) waters of Districts 3 and 4 enclosed by a line beginning at a point on the western shore of Prince of Wales Island at the latitude of Cape Lynch, **then** [AND FROM THERE] to Cape Lynch to Cape Ulitka to Point **Santa** [STA.] Gertrudis to Point Cangrejo to Bocas Point, then along the shoreline of Suemez Island to Lontana Point to Divers Island Light to Divers Point, then along the shoreline of Dall Island to Cape Muzon to Point Marsh, and then north along the western shore of Prince of Wales Island to the beginning point;

(In effect before 1985; am 7/14/85, Register 95; em am 4/30/91 – 8/27/91, Register 118; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

5 AAC 38.140(b) is repealed and readopted to read:

(b) Sea cucumbers may be taken from October 1 through March 31 during the weekly fishing period established by emergency order. The weekly fishing period will occur on Mondays from 8:00 a.m. until 3:00 p.m. and on Tuesdays from 8:00 a.m. until 12:00 noon, except that

(1) during the week of Thanksgiving, the weekly fishing period will occur on Sunday from 8:00 a.m. until 3:00 p.m. and on Monday from 8:00 a.m. until 12:00 noon;

(2) beginning in November, the commissioner may, by emergency order, extend or shorten a weekly fishing period in an area in order to obtain the guideline harvest level in that area.

5 AAC 38.140(d) is amended to read:

(d) Except as specified in (l) of this section, a CFEC permit holder may not land or possess more than 2,000 pounds of eviscerated sea cucumbers during any weekly fishing period established under (b) of this section, except that the commissioner may, by emergency order, establish a weekly fishing period during which the weekly harvest limit specified in this subsection does not apply in an area in which the guideline harvest level has [BY THE DEPARTMENT. HARVEST LIMITS MAY BE REPEALED BY EMERGENCY ORDER IF GUIDELINE HARVEST LEVELS HAVE] not been reached.

(Eff. 2/27/91, Register 117; am 4/15/94, Register 130; am 9/28/97, Register 143; am 12/26/97, Register 144; am 5/8/98, Register 146; am 10/12/2000, Register 156; am 3/11/2001, Register 157; am 7/18/2003, Register 167; am 12/1/2004, Register 172; am 5/26/2006, Register 178; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5/9/2015, Register 214)

Authority: AS 16.05.060 AS 16.05.251

Publisher: Please delete the publisher's note that follows 5 AAC 38.140.

Chapter 47. Southeast Alaska Area.

5 AAC 47.021(e) is amended by adding a new paragraph to read:

(3) if sport fishing for shrimp in the waters described in 5 AAC 33.200 as Section 11-A, a harvest recording form is required as specified in 5 AAC 75.016.

(Eff. 6/1/2003, Register 166; am 7/18/2003, Register 167; am 7/26/2003, Register 167; em am 4/13/2005 – 8/10/2005, Register 174; am 5/26/2006, Register 178; add'l am 5/26/2006, Register 178; am 5/31/2009, Register 190; am 7/29/2009, Register 191; 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 change the period at the end of 5 AAC 47.021(e)(2) to a semicolon.

5 AAC 47.090(b) is amended to read:

(b) During the calendar year of registration, a sport fishing operator [, SPORT FISHING GUIDE,] or vessel registered for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery may not participate in any other Dungeness crab fishery [,] or any other guided sport fishery [AS A VESSEL, GUIDE, OR OPERATOR]. **From April 15 through September 30, a sport fishing guide registered for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery may not participate in any other Dungeness crab fishery, or any other guided sport fishery as a guide or sport fishing operator, during times**

when the guide is validly registered for the superexclusive fishery. A sport fishing guide may participate in another Dungeness crab fishery, or guided sport fishery as a guide or sport fishing operator, after submitting a written notification to the commissioner to invalidate the guide's registration for the superexclusive fishery.

5 AAC 47.090(d) is amended to read:

(d) Notwithstanding 5 AAC 47.035(c), no more than **six pots per registered sport fishing operator** [TWO POTS PER VESSEL] may be used and each pot may be lifted no more than three times per day. A pot lifted more than twice must be removed from the water on the third lifting and not returned to the water until the next calendar day. Pots may be set, but not pulled, by a separate designated support vessel that does not carry clients and is not otherwise used for fishing while designated as a support vessel. The department must be notified in writing of any support vessel designation before the support vessel is used to set pots. The vessel remains designated as a support vessel for the remainder of the calendar year unless the department is notified in writing that the designation is terminated.

5 AAC 47.090(i) is amended to read:

(i) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that a closure or additional conditions are reasonably necessary for the protection of the resource. The commissioner shall close, by emergency order, the guided sport ecotourism Dungeness crab

fishery if the personal use Dungeness crab fishery in the area is closed. The commissioner may reduce the number of allowable pots or the number of allowable lifts, or both, if more than **one sport fishing operator registers** [THREE VESSELS REGISTER] for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.

5 AAC 47.090(j) is repealed:

(j) Repealed 5 / 9 /2015.

5 AAC 47.090 is amended by adding a new subsection to read:

(o) In this section, "sport fishing operator" means an owner of a business that conducts sport fishing services as a registered sport fishing operator under 5 AAC 75.075. (Eff. 3/14/2008, Register 186; am 7/1/2008, Register 186; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.060 [AS 16.40.260] [AS 16.40.280]
AS 16.05.251 [AS 16.40.270]

Chapter 77. Personal Use Fishery.

Article 1. Statewide Provisions.

5 AAC 77.010(l)(3) is amended to read:

(3) trawls, hand jigging, hand-operated dredges, and all gear specified in (k) of this section may be used [, EXCEPT THAT IN THE WATERS DESCRIBED IN 5 AAC 38.140(k) (SOUTHEASTERN ALASKA) SEA CUCUMBERS MAY NOT BE TAKEN WITH THE USE OF DIVING GEAR].

(Eff. 6/20/82, Register 82; am 7/1/86, Register 99; am 7/12/86, Register 99; am 10/26/86, Register 100; am 4/2/88, Register 105; am 6/25/89, Register 110; am 9/19/90, Register 115; am 2/27/91, Register 117; am 7/16/92, Register 123; am 4/1/94, Register 129; am 6/5/94, Register 130; am 9/5/97, Register 143; am 5/31/98, Register 146; am 12/1/2004, Register 172; am 7/13/2012, Register 203; add'l am 7/13/2012, Register 203; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Editor's note: In Register , 2015, a portion of the substance of 5 AAC 77.010(l)(3) was moved to 5 AAC 77.671.

Article 13. Yakutat Area.

5 AAC 77.614(2) is amended to read:

(2) the daily bag and possession limit is two male king crab; only male [RED AND GOLDEN] king crab seven inches or greater in width of shell [, AND MALE BLUE

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KING CRAB SIX AND ONE-HALF INCHES OR GREATER IN WIDTH OF SHELL] may be taken or possessed; male king crab less than the minimum legal size and female king crab that have been taken must be immediately returned to the water unharmed;

(Eff. 7/1/86, Register 99; am 8/14/2005, Register 175; am 7/29/2009, Register 191; am 5/11/2012, Register 202; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Article 14. Southeastern Alaska Area.

5 AAC 77.660 is amended by adding a new paragraph to read:

(7) in the waters described in 5 AAC 33.200 as Section 11-A, shrimp may be taken only under the authority of a permit issued under 5 AAC 77.015; only one permit may be issued to a household each year; a permit holder shall record harvest information on forms provided by the department. (Eff. 7/1/86, Register 99; am 6/25/89, Register 110; am 4/1/94, Register 129; am 9/28/97, Register 143; am 5/8/98, Register 146; am 6/3/2000, Register 154; am 7/18/2003, Register 167; am 8/8/2003, Register 167; am 5/26/2006, Register 178; am 5 / 9 /2015, Register 214)

Authority: AS 16.05.251

Publisher: Please change the period at the end of 5 AAC 77.660(6)(G) to a semicolon.

5 AAC 77.664(a)(3) is repealed and readopted to read:

(3) only male king crab seven inches or greater in width of shell may be taken or possessed.

(Eff. 7/1/86, Register 99; am 7/1/95, Register 134; am 7/1/96, Register 138; am 8/8/99, Register 151; am 3/11/2001, Register 157; am 8/24/2002, Register 163; am 8/14/2005, Register 175; am 7/29/2009, Register 191; am 9/27/2009, Register 191; am 5/11/2012, Register 202; am 5/9/2015, Register 214)

Authority: AS 16.05.251

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

5 AAC 77.671. Personal use sea cucumber fishery. In the personal use taking of sea cucumbers, sea cucumbers may not be taken with the use of diving gear in the waters described in 5 AAC 38.140(k) that are closed to commercial sea cucumber fishing. (Eff. 5/9/2015, Register 214)

Authority: AS 16.05.251

Editor's note: Before Register 214, July 2015, the substance of 5 AAC 77.671 appeared in 5 AAC 77.010(l)(3). *The history note for 5 AAC 77.671 does not reflect the history of the earlier text as it appeared in 5 AAC 77.010(l)(3).*

*↑
ital the "l"*