

# LEGAL NOTICE

## NOTICE OF PROPOSED CHANGES IN THE REGULATION OF THE ALASKA BOARD OF FISH AND GAME

Pursuant to the Administrative Procedure Act, Alaska Statutes 44-62, notice is hereby given that the Alaska Board of Fish and Game, under authority vested by Alaska Statute 16.05.250, proposes to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code which implement, interpret and make specific the provisions of Title 16, Alaska Statutes.

Regulations to be the subject of Board action are in chapters 03, 06, 09, 12, 18, 21, 24, 30, 33, and 39, Title 5, Alaska Administrative Code, concerning commercial fishing and chapters 51, 57, and 72, Title 5, Alaska Administrative Code, concerning sport fishing.

The Board of Fish and Game will adopt, amend, repeal, or take no action, on the proposed changes in regulations as listed in the following informative summary:

### COMMERCIAL FISHING

1. In the Arctic-Yukon Kuskokwim Area:

(a) change in the upstream boundary of subdistrict 3 of the Yukon district to the mouth of the Bonasila River, and establish three new subdistricts in the Yukon River drainage above the mouth of the Bonasila River;

(b) reduce the weekly salmon fishing periods in subdistricts 1 and 2 of the Yukon district;

(c) provide for a five day weekly salmon fishing period in the Yukon River drainage above the mouth of the Bonasila River;

(d) reduce the weekly salmon fishing period in subdistricts 1 and 2 of the Yukon district and provide for a four day weekly salmon fishing period in the Yukon River drainage above the mouth of the Bonasila River;

(e) increase the weekly salmon fishing period in subdistricts 4 and 5 of the Kuskokwim district after August 1;

(f) provide for extended fishing periods in the north mouth of the Yukon River after a closure is announced for the south mouth of the Yukon River;

(g) change the weekly salmon fishing periods in subdistrict 6 of the Norton Sound district;

(h) prohibit the use of salmon drift gill nets in the Yukon River drainage above the mouth of the Bonasila River;

(i) extend the date on which salmon gill nets with larger than six inch mesh may be used in subdistricts 1 and 2 of the Yukon district to early July;

(j) establish a minimum distance between units of gear in the Yukon River drainage above the mouth of the Bonasila River;

(k) clarify the boundary of waters closed to commercial salmon fishing at the mouth of the Andreafsky River;

(l) close the Tanana River above the mouth of the Chena River to commercial salmon fishing;

(m) establish waters closed to commercial salmon fishing near the mouth of the Unalakleet River;

(n) establish waters closed to commercial salmon fishing near the mouth of the Nookak River;

(o) establish and amend salmon quotas and dates for same in a manner similar to the following proposal which refers to established subdistricts, and subdistricts to be established as previously:

(i) AAC 03.360, QUOTAS. (Those subsections of 5 AAC 03.360, QUOTAS, which may be amended or established are as follows:)

(1) Yukon district, subdistrict 3: 3,000 chum salmon;

(2) Yukon district, subdistrict 4: 1,000 king salmon and after August 15 10,000 chum and coho salmon combined for the area;

(4) Yukon district, subdistrict 5: 3,000 king salmon and after August 15 25,000 chum and coho salmon combined for the area;

(5) Yukon district, subdistrict 6: 1,000 king salmon and after August 15 15,000 chum and coho salmon combined for the area;

(6) Yukon district, subdistricts 1, 2 and 3 after August 15, 200,000 chum salmon for the area;

(The primary effect of this proposal is to reduce the catch of chum salmon after July 1 in the lower Yukon River.)

(p) establish and amend chum salmon quotas in all subdistricts of the Yukon district, and establish an additional chum salmon quota to be divided equally among subdistricts regardless of district;

(q) provide that gear and vessels registered to fish for salmon in any subdistrict of the Yukon River drainage above the mouth of the Bonasila River may not transfer to another subdistrict;

(r) provide that gear and vessels registered to fish for salmon in the Yukon River drainage between Owl Slough and the mouth of the Bonasila River may not transfer to subdistrict 1 or 2 until after July 10;

(s) provide that gear and vessels registered to fish for salmon in any subdistrict of the Yukon River drainage below the mouth of the Bonasila River may not transfer to any subdistrict of the Yukon River drainage above the mouth of the Bonasila River;

(t) provide that a yearly permit is required to take fish for subsistence purposes in the Yukon River drainage between the mouth of Hess Creek and the mouth of Dall River;

(u) establish waters closed to subsistence fishing near the mouth of the Unalakleet River;

(v) prohibit salmon fishing 24 hours prior to the opening and immediately following the closing of the commercial fishing seasons in the subdistricts of the Yukon district, and prohibit subsistence fishing during

the weekly closures of the commercial salmon fishing seasons in the subdistricts of the Yukon district;

(w) prohibit commercial fishermen in subdistricts 1 and 2 of the Yukon district from taking salmon for subsistence purposes by gill nets with mesh larger than six inches after July 3;

(x) establish a minimum distance between stationary units of commercial or subsistence gear in a portion of the upper Yukon River drainage;

(y) establish subsistence fishing restrictions as follows:

5 AAC 03.990, RESTRICTIONS:

(1) In the Yukon district:

(2) In the following locations in the upper Yukon River drainage are closed to subsistence fishing except that whitefish and suckers may be taken under the authority of a permit designating restrictive measures for the protection of other fishes (this permit may be obtained from the commissioner or his local representative):

(A) streams within 500 feet of their stream mouths:

(i) Birch Creek, Beaver Creek, Clearwater Creek (14°14'N, 145°14'W, long.), Clear Creek (Richardson Clearwater Creek at 64°14'N, lat., 146°16'W, long.), Goodpasture River, Delta River, Shaw Creek, Salcha River, Little Salcha River, Chena River, Chitina River and Hess Creek;

(ii) Dall River; closed June 10-September 10;

(3) streams:

(i) Ray River;

(2) provide for a seven days per week subsistence salmon fishery in the upper Yukon River;

(aa) repeal the restriction that salmon may not be taken for subsistence purposes for 24 hours before each open period of the commercial salmon fishing season during June 1- June 25 in subdistrict 1 of the Kuskokwim district.

2. In the Bristol Bay Area:

(a) redefine the boundaries of the Egegik district;

(b) provide that fishing time in the Naknek-Kivichak district be regulated by emergency order only during the period 9:00 A.M. June 28 through 12:01 A.M. July 10 and provide that at least one 24 hour fishing period be allowed each fishing season during the emergency order period in the Naknek-Kivichak, Egegik and Ugashik districts;

(c) provide a minimum of two 12 hour fishing periods per week in the Naknek-Kivichak, Egegik and Ugashik districts during the period 9:00 A.M. June 23 through 9:00 A.M. July 17;

(d) prohibit the use of salmon troll gear;

(e) prohibit the use of gill nets with a mesh size of less than 6-3/4 inches through June 23 and less than 5-3/8 inches after June 23 in the Nushagak district;

(f) prohibit the use of gill nets with a mesh size of less than 6-3/4 inches through June 23 and less than 5-3/8 inches after June 23 in the Naknek-Kivichak, Egegik and Ugashik districts;

(g) delete the 6-3/4 inch minimum gill net mesh size restriction and establish a minimum mesh size of 5-3/8 inches prior to June 22 in the Nushagak district;

(h) establish a minimum gill net mesh size of 6-3/4 inches through June 23 in the Naknek-Kivichak and Egegik districts;

(i) repeal the 4-1/2 inch minimum gill net mesh size provision after 9:00 A.M. July 20 in the Ugashik and Tonikuk districts;

(j) eliminate gill net mesh size restrictions;

(k) reduce the maximum allowable length of drift gill net and set gill net may be operated by an individual;

(l) repeal sec. 5 AAC 06.331(d);

(m) delete from 5 AAC 06.331- (g) the wording "including a maximum aggregate net unit as provided in (d) of this section";

(n) provide that gill nets be restricted to 50 fathoms in length and that two drift gill nets may be jointly operated in combination;

(o) establish a red salmon quota by adding a new section to read as follows: 5 AAC 06.360, QUOTA.

(a) of each year, the Department of Fish and Game shall determine the annual average number of Bristol Bay red salmon, which, during the preceding 20 year period, have been legally taken from the waters of the United States pursuant to the terms of the International Convention for the High Seas Fisheries of the North Pacific Ocean to which the governments of the United States and Japan are parties, immediately thereafter, the Commissioner of Fish and Game shall provide that red salmon, of a number equal to that average annual catch, shall be designated as a quota to be taken from the catch of Bristol Bay red salmon which may be permitted in the Bristol Bay Area during that current year.

(b) Until that designated quota shall have been taken, no person holding a gill net gear license shall fish for such a quota unless that license for commercial purposes in any of the fishing districts of Bristol Bay unless that person has theretofore resided continuously for a period of at least one year immediately preceding the fishing season in the area embracing Bristol Bay and the arms and tributaries thereof; provided, however, that a person enrolled as a member-stockholder of the Bristol Bay Native Corporation shall not be subject to the foregoing residence requirement.

(c) Until that quota has been taken, no person holding a gill net gear license shall operate a gill net under that license for the purpose of taking salmon in the waters of any of the fishing districts of the Bristol Bay Area unless he has fur-

nished a sworn written statement to the local representative of the Alaska Department of Fish and Game that he has resided continuously for the immediately preceding period of at least one year in the area embracing Bristol Bay and the arms and tributaries thereof, or, in lieu thereof, a sworn written statement he is a member-stockholder of the Bristol Bay Native Corporation.

(d) repeal all subsistence fishing regulations;

(e) provide that salmon may be taken for subsistence purposes at any time within a commercial fishing district;

(f) provide that salmon may be taken for subsistence purposes during the emergency order period in the Naknek-Kivichak, Egegik and Ugashik Rivers;

(g) establish weekly periods when salmon may be taken for subsistence purposes during June 16 through July 17 in a portion of the Nushagak district, and establish a maximum length of 10 fathoms for set gill nets in that portion of the Nushagak district regulated by emergency order;

3. In the Alaska Peninsula Area:

(a) provide for a later opening date for salmon fishing in the South Central district;

(b) provide for an earlier opening date for salmon fishing in the Unimak district and the Southeastern district;

(c) provide that the weekly salmon fishing periods during June in the Unimak, Southwestern, South Central and Southeastern districts are regulated by emergency order;

(d) provide that salmon may be taken in the Unimak, Southwestern and Southeastern districts only after it is determined that the Bristol Bay salmon fishery will be open to fishing;

(e) provide for increased fishing time in the Unimak and Southeastern districts when weather prohibits fishing during open periods.

4. In the Kodiak Area:

(a) establish a herring quota during March through June and provide that the season during this period will close when the quota has been attained;

(b) establish a maximum length and depth for herring purse seines;

(c) prohibit the use of registered salmon vessels and gear to fish for subsistence salmon during June 1 to September 15;

(d) provide for the opening of the commercial salmon season;

(e) prohibit subsistence salmon fishing in the freshwater systems of Barbara Cove, Afognak River and Little Afognak River;

(f) prohibit subsistence salmon fishing in Barbara Cove, Afognak Bay, Chiniak Bay, Saltery Cove, Monashka Bay, Pasaschak Bay and Anton Larsen Bay;

(g) restrict the time and method for subsistence salmon fishing during June through September.

5. In the Cook Inlet Area:

(a) repeal the regulation, 5 AAC 21.310(f) (B), which provides for a salmon trolling season;

(b) prohibit the use of salmon troll gear;

(c) prohibit the use of salmon seines and drift gill nets in the northern portion of Chinitna Bay;

(d) restrict the operation of salmon gear to that person who registered and licensed the gear;

(e) restrict the distance off shore where salmon set gill nets may be operated, restrict the distance between salmon set gill nets, or otherwise restrict the density of salmon set gill nets;

(f) increase the maximum mesh size of salmon gill nets from six inches to eight inches;

(g) prohibit the placement or operation of a set gill net within 600 feet of a set gill net;

(h) provide that herring may be taken only with purse seines or gill nets;

(i) establish a maximum length and depth for herring purse seines;

(j) provide that set gill nets used for taking herring have a keel or buoy at one end and be marked with the permanent department registration number and the initials of the operator;

(k) establish a herring quota during March through June and provide that the season during this period will close when the quota is attained;

(l) establish subsistence smelt fishing seasons in all waters of the Cook Inlet area;

(m) establish a subsistence herring fishing season;

(n) establish maximum lengths and establish or amend maximum mesh sizes for gill nets used in taking smelt and herring for subsistence purposes;

(o) provide the set gill nets used for taking herring or smelt for subsistence purposes have a float attached at one end and be marked with the name and address of the owner;

(p) provide that a permit is required for taking smelt for subsistence purposes apply only to freshwater areas with the exception of the Kenai River.

6. In the Prince William Sound Area:

(a) repeal the regulation 5 AAC 24.310(f), which provides for a salmon trolling season;

(b) decrease the area where salmon drift gill nets may be used in the Coghill district;

(c) prohibit the use of salmon troll gear;

(d) delete the provision that trolling is allowed in waters closed to salmon net fishing from September 15 to May 1;

(e) provide that herring may be taken only with purse seines and gill nets;

(f) establish a maximum length and depth for herring purse seines;

(g) establish a herring quota during March through June and provide that the season during this period will close when the quota has been attained;

(h) prohibit the use of dip nets for taking salmon for subsistence purposes in freshwater;

(i) decrease the area where dip

nets may be used for taking salmon for subsistence purposes in the Copper River;

(j) provide that only one permit will be issued to each head of a household per year for taking salmon and whitefish for subsistence purposes;

(k) delete the specification that permittees who fail to report subsistence salmon catches will be ineligible for a subsistence permit the following year;

(l) decrease the area where fishwheels may be used for taking salmon for subsistence purposes in the Copper River;

(m) establish or reduce the number of salmon which an individual may take for subsistence purposes in areas open to commercial fishing and require conformance with commercial fishing regulations;

(n) decrease the number of salmon which an individual may take for subsistence purposes in Prince William Sound;

(o) repeal the subsistence salmon limits in the Copper River.

7. In the Yakutat Area:

(a) provide that the Alek River set gill net salmon fishing season open on the Monday nearest May 15;

(b) clarify when king salmon may be taken by troll gear in Yakutat Bay east of a line from Ocean Cape to Point Manby;

(c) increase the weekly salmon fishing period in the Situk River;

(d) provide that the Alek River be closed to salmon fishing above No Fish Island until opened by emergency order;

(e) provide for a reduced herring fishing season;

(f) provide that herring may be taken only by purse seines and gill nets;

(g) establish a maximum length and depth for herring purse seines;

(h) provide that Yakutat Bay, east of a line from Point Carrow to Point La Touche, be closed to herring fishing;

(i) provide that Yakutat Bay, north and east of a line from Ocean Cape to Point Manby, be closed to herring fishing until stock assessment has been made in the area.

8. In the Southeastern Alaska Area:

(a) enlarge section 1-B of district 1;

(b) change the boundaries of sections 15-A and 15-C within district 15;

(c) provide that the weekly salmon fishing periods for purse seining in all districts be regulated by emergency orders;

(d) provide that the salmon fishing season for purse seining in all districts, open on June 24, June 30, or July 7;

(e) provide that the salmon purse seine fishing season in district 1 except section 1-A, and districts 2, 4, 7 and 14 open on July 7;

(f) provide that the salmon fishing season for purse seines in district 4 open on June 23 or June 30;

(g) provide that the salmon fishing season for purse seines in district 12 and section 14-C of district 14 be open on the first Monday in September;

(h) provide that the salmon fishing season for purse seine in district 14 open on June 23, June 30, July 8, or July 22;

(i) provide that section 14-A of district 14 is closed to salmon purse seining;

(j) provide that the weekly salmon fishing periods for purse seining begin at a later time of day after September 15;

(k) provide that the weekly salmon fishing periods for purse seining open at 4:00 A.M. and close at 10:00 P.M. during June and July and open at 5:00 A.M. and close at 9:00 P.M. during August and September;

(l) increase the weekly salmon fishing period for purse seining;

(m) provide that the weekly salmon fishing periods for purse seining end at 9:00 P.M.;

(n) provide that all fall chum salmon fishing area for purse seining open simultaneously;

(o) provide for Wednesday fishing period instead of a Tuesday fishing period for trolling in district 11 during the period from the last Saturday in April through the third Saturday in June;

(p) provide that the weekly salmon fishing periods for drift gillnetting be regulated by emergency orders;

(q) reduce the weekly salmon fishing period for drift gillnetting in sections 1-A and 1-B of district 1;

(r) provide that salmon drift gill nets may be used in a portion of district 2;

(s) provide that the weekly salmon fishing periods for drift gillnetting in district 8 and sections 6-A and 6-B of district 6 be 2 days per week and close the season in these sections on September 20;

(t) provide the salmon fishing season for drift gillnetting in section 6-C of district 6 be open on the first Sunday in September;

(u) reduce the weekly salmon fishing period for drift gillnetting in district 8 to 12 hours;

(v) provide that the weekly salmon fishing periods for drift gillnetting in section 11-B of district 11 be from 12:01 P.M. Monday through 12:00 noon Tuesday from the third Sunday in June until the second Monday in August, and from 12:01 P.M. Monday through 12:00 noon Thursday from the second Monday in August until the final closing date;

(w) provide that the salmon fishing season for drift gillnetting in section 15-A begins on June 3 and that the weekly fishing period be from 12:01 P.M. Monday through 12:00 noon Thursday, and that Chikita Inlet be closed north of the latitude of the northern end of the island until July 1, and from June 10 the weekly fishing period be from 12:01 P.M. Monday through 12:00 noon Thursday;

(x) provide that the salmon fishing season for drift gillnetting in section 15-C of district 15 open on the first Sunday in July;

(y) provide that the weekly salmon fishing period for drift gillnetting be from 12:01 P.M. Monday through 12:00 noon Thursday;

(z) provide for a reduced herring fishing season in sections 1-A, 1-C, 1-D, and section 1-B of district 1, districts 2, 1-A, 4, 5, 6, 7, 8, 9, 10, sections 11-B and 11-C of district 11, district 12, sections 13-A and 13-C of district 13, district 14, sections 15-A and 15-B of district 15, and district 16;

(aa) prohibit herring fishing seasons be established by emergency order in sections 1-B and 1-E, of district 1, sections 11-A and 11-D of district 11, section 13-B of district 13 and section 15-C of district 15;

(bb) prohibit herring fishing for purposes in districts 3 and 4 and provide that herring quotas for bait purposes be established by emergency regulation in these districts;

(cc) provide that herring may be taken only with drift gill nets in Gambel Bay, Port Houghton, Pybis Bay, Hood Bay, Tenakee Inlet and Idaho Inlet with quotas to be established by emergency regulations;

(dd) prohibit herring fishing order opening and closing dates for the herring spawn on Macrocytis keep fishery;

(ee) provide that herring may only be taken by purse seines and drift gill nets in all districts except section 11-A of district 11 and only by herring ponds in section 11-A of district 11;

(ff) establish maximum and minimum depths and depths for herring purse seines;

(gg) provide that a herring fishing vessel and gear may take herring only from the district for which it has been registered;

(hh) specify when a herring purse seine is considered to have closed fishing;

(ii) provide that herring may not be taken by fishing vessels with over all length of less than 5.8 feet;

(jj) close Wrangell narrows to purse seining for herring;

(kk) close section 11-A of district 11 to the taking of herring except for personal use and for sale as live bait, or except under the terms of a permit issued by the commissioner;

(ll) repeal sec. 5 AAC 33.660

(m) concerning when herring catches in a quota area become part of the quota for that area, and repeal 5 AAC 33.660(b) concerning the quota for herring spawn on Macrocytis keep fishery;

(nn) establish a herring catch quota in a portion of section 11-A of district 11 and specify that herring from this quota be sold only to vessels utilizing the herring for bait purposes;

(oo) establish a herring quota in section 13-B of district 13 north of the latitude of Goddard Hot Springs, and establish a separate quota for the remainder of the district;

(pp) provide that herring catches in a quota area shall become part of the quota for that area when caught in legal gear;

(qq) provide that 30 percent of any herring quota allocated between March 1 and May 31 shall be reserved for harvest by gill net gear;

(rr) repeal the regulation 5 AAC 33.670, which specifies registration requirements for the herring spawn on Macrocytis keep fishery;

(ss) repeal the regulation, 5 AAC 33.680, concerning permit requirements for the herring spawn on Macrocytis keep fishery;

(tt) repeal the regulation, 5 AAC 33.690, concerning restrictions in the herring spawn on Macrocytis keep fishery;

(uu) provide that herring spawn may be taken on or collected from legal herring fishing gear;

(vv) establish permit possession and carryover for the taking of king and coho salmon for subsistence purposes;

(ww) repeal the regulation, 5 AAC 33.990(a) (6), which prohibits the taking of herring spawn on keep 48 hours after 22 hours after any commercial harvest;

(xx) specify that the issuance of subsistence salmon permits shall be restricted in the Lynn Canal area to those persons who qualify for a \$25 hunting and fishing license;

(yy) reduce the subsistence fishing bag limit for dungey sea crab;

(zz) establish one or more herring quotas for sections 1-B, 1-E, 11-D, 13-B and 15-B of district 15;

(aaa) establish distributing annual herring quotas in section 11-A for the years 1974 through 1976 and a set quota for the years thereafter;

(bbb) provide that herring may be harvested by herring ponds only in specified areas of section 11-A under the terms of a permit issued by the commissioner;

9. In the General Provisions:

(a) establish a licensing and registration deadline for vessels used to take herring with fishwheels in the Yukon district;

(b) amend 5 AAC 39.120 to provide that individuals licensing gill nets for the purpose of taking salmon commercially shall be subject to the additional requirements specified in section 2. (b) of this notice;

(c) provide an earlier salmon net and vessel registration deadline in the Yukon district;

(d) provide that purchasers and processors of fish submit an intent to operate form to the department a specified number of days prior to operating;

(e) amend 5 AAC 39.510(a) to read: "The gear as defined in sec. 105 of this chapter may be used to take herring, except where permissible gear is specified by the herring fishing regulations in chapters 18-33 of this title";

(f) provide that herring seines deeper than a specified number of

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