

Approved Proposal Number	Applicable regulations	Language location	Brief Summary	Date and time of vote	Comments
65	5 AAC 74.010(b)(1)	RC 48 with verbal amendment	Adds provisions for sport fishing for king salmon removed from the water must be retained and king salmon that are released may not be removed from the water in all waters of the Tanana River other than stocked lakes specified in (c)(29). Changed the catch and release only fishery for Arctic Grayling in the Chena River to have season dates effective June 1-March 31 adding a bag and possession limit of one fish, any size and retained the youth only fishery.	1/16 at 2:19pm	Additional verbal amendment added during misc business on 1/18 at 10:44am to exclude stocked waters listed in (c)(29) of that section.
70	5 AAC 74.010(c)(3)(B)	RC 47	Removes the size restriction for retention of lake trout in Fielding Lake.	1/16 at 2:58pm	
71	5 AAC 74.010(c)(9)(B)	In the Proposal	Extends the area description for the catch and release of Arctic Grayling in the Moose Creek drainage due to PFAS contamination.	1/16 at 3:07pm	
72	5 AAC 74.010(c)(17)	In the Proposal	Adds Bathing Beauty Pond, Bear Lake, Moose Lake, and Polaris Lake, as catch-and-release fishing for all finfish species due to PFAS contamination.	1/16 at 3:11pm	Department submitted proposal
72	5 AAC 74.010(c)(33)	In the Proposal	Extends the area description in the Moose Creek drainage for allowable sport fishing gear.	1/16 at 3:11pm	
73	5 AAC 74.010(d)(13)	In the Proposal	Added provisions for bag and possession limits for lake trout to the stocked waters in the Tanana River drainage area as well as removing and listing additional water bodies.	1/16 at 3:14pm	Department submitted proposal
74	5 AAC 74.065(d)	In the Proposal	Added a bag and possession limit of two fish for lake trout in the Tanana River Area Stocked Waters Management Plan and added clarifying language for retention of fish over 18 inches in length in the Regional management approach paragraph.	1/16 at 3:15pm	Department submitted proposal
74	5 AAC 74.065(e)	In the Proposal	Added a bag and possession limit of two fish for lake trout in the Tanana River Area Stocked Waters Management Plan and added clarifying language for retention of fish over 18 inches in length in the Conservative management approach paragraph.	1/16 at 3:15pm	
75	5 AAC 70.011(c)(3)(E)	In the Proposal	Reduces the bag and possession limit from five fish to two fish for Arctic Grayling in Northern Norton Sound and eliminated the length restriction.	1/16 at 4:09pm	Department submitted proposal
75	5 AAC 70.011(c)(4)	In the Proposal	Reduces the bag and possession limit from two fish to one fish for Arctic Grayling in the Pilgrim River drainage and eliminated the length restriction.	1/16 at 4:09pm	
75	5 AAC 70.011(c)(7)(B)	In the Proposal	Reduces the bag and possession limit from two fish to one fish for Arctic Grayling in the Snake River drainage and eliminated the length restriction.	1/16 at 4:09pm	
76	5 AAC 39.107	RC 44	Adds provision to the statewide gear operation provision allowing set net permit holders in the Kotzebue District to leave their set net site at any time other than during the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear and extended the definition of the fishing site to include the permit holders place of residence in Kotzebue.	1/16 at 4:31pm	
78	5 AAC 27.910 (b)(1)-(2) and (4)	In the Proposal	Modifies the start and end dates of the herring sac-roe, and food and bait fishing seasons in the Bering Sea-Kotzebue Area	1/16 at 4:54pm	
79	language superseded by the language adopted in RC 55	X	X	1/17 at 2:40	
83	of 5 AAC 77.171(a)(6)	In the Proposal	Adds provision to personal use fishing in Subdistrict 6-C that after August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches.	1/17 at 2:57pm	
84	5 AAC 01.220	RC 55 with Verbal amendment	Repeal and readopt Yukon Area subsistence fishery lawful gear and gear specifications for clarity and to reflect current practices. Most noteworthy are updated restrictions on the maximum mesh size allowed in the Yukon Area and creating a new allowable gear type to be defined in the statewide regulation called an eel stick. The new regulations create a more adaptive management strategy that allows the department greater flexibility to be able to provide subsistence harvest opportunity on abundant salmon species while providing protections to less abundant salmon species.	1/17 at 3:15pm	Department submitted proposal. Repeal and readopted regulation.
85	5 AAC 77.171(b)	In the Proposal	Modifies the personal use gear restrictions in the Yukon Area Subdistrict 6-C to apply conservation actions being taken from chum salmon to king salmon, including changes to allowable mesh size in a gillnet, operation of the gillnet in relation to the high water mark and retention of king salmon as allowed by emergency order.	1/17 at 3:48pm	Department submitted proposal
85	5 AAC 77.171(c)(1)(A)	In the Proposal	Modifies the personal use gear restrictions in the Yukon Area Subdistrict 6-C so that gillnets may only be operated as set gillnets that may only be fished at least 100 feet away from the ordinary high water mark.	1/17 at 3:48pm	

85	5 AAC 77.171(c)(1)(C)	In the Proposal	Adds additional authority for the department to specify the depth at which a four inch or less mesh size gillnet may be operated and that those gillnets may only be operated as set gillnets that may only be fished at least 100 feet away from the ordinary high water mark in the Yukon Area Subdistrict 6-C personal use salmon fishery.	1/17 at 3:48pm	Is a new subparagraph
86	5 AAC 73.010(b)(1)	RC 54	Adds provision requiring that king salmon that are caught in the sport fishery in the Yukon River Management area may not be removed from the water if they are to be released. If king salmon are removed from the water, they are to be retained and become part of the bag limit for the person who caught the king salmon.	1/17 at 3:55pm	
88	5 AAC 05.331	In the Proposal	The repeal and readoption now aligns District 5 with all other Yukon districts in the commercial salmon fishery to include a maximum mesh size of six-inch gillnets and removes references to eight-inch or larger mesh size in the Yukon Area. The provisions describing live-release gear types for all salmon species to harvest abundant salmon species that have overlapping run timings allows for a more adaptive in season management strategy during times of salmon conservation.	1/17 at 4:08pm	Department submitted proposal
91	5 AAC 01.270(m)	In the Proposal	Modifies the subsistence gear restrictions in the Kuskokwim Area to change the trigger for conservation actions being taken from chum salmon to salmon other than king salmon. The following subsection defines conservation management actions for king salmon.	1/18 at 9:06am	Department submitted proposal
91	5 AAC 01.270(m)(1)(A)	In the Proposal	Adds six inches or less mesh to allowable gear operations in the subsistence salmon fishery in the Kuskokwim area.	1/18 at 9:06am	
91	5 AAC 01.270(m)(1)(B)	In the Proposal	Adds language stating that only set gillnets may be used and that those set gillnets may not be operated any more than 100 feet from the ordinary high water mark.	1/18 at 9:06am	
91	5 AAC 01.270(m)(1)(C)-(D)	In the Proposal	Adds language to allow the commissioner to specify the length by emergency order for a gillnet of seven and one-half inch or greater mesh and for a gillnet of six inches or less mesh sizes and adds language stating that only set gillnets may be used and that those set gillnets may not be operated any more than 100 feet from the ordinary high water mark.	1/18 at 9:06am	
91	5 AAC 01.270(m)(2)	In the Proposal	Modifies fish wheel operation provisions in the subsistence salmon fishery in the Kuskokwim Area by allowing the department to specify salmon species that must be released and allows fish wheels to be operated without a livebox by specifying conditions under which the fish wheel may operate without a livebox.	1/18 at 9:06am	
91	5 AAC 01.270(m)(3)	In the Proposal	Modifies provisions in the subsistence salmon fishery in the Kuskokwim Area by allowing the department to specify any salmon species that must be released to the water alive, where previously, it was only chum.	1/18 at 9:06am	
91	5 AAC 01.270(m)(4)	In the Proposal	Specifies dip net operation in the subsistence salmon fishery in the Kuskokwim Area as defined in a newly established regulation in the commercial Article and allows the department to specify any salmon species that must be released to the water alive.	1/18 at 9:06am	
92	5 AAC 01.260(c)	In the Proposal	Allows the department to increase subsistence opportunity before, during, and after commercial fishing periods now set by emergency order where previously fishing periods were set at established times in District 4 and 5 in the Kuskokwim area subsistence salmon fishery.	1/18 at 9:09am	
92	5 AAC 01.275(b)-(d)	In the Proposal	Allows the department to close the Goodnews, Kanektok and Arolik Rivers to subsistence salmon fishing before, during, and after commercial fishing periods by emergency order where previously closed fishing periods were set at established times.	1/18 at 9:09am	
97	5 AAC 07.365(e)(11)	In the Proposal	Add language stating that during times of salmon conservation the department may adjust legal gear type operation in the commercial salmon fishery by closing the fishery to gillnet operation and opening dip nets and beach seines as the only legal gear types and adding provisions that all salmon specified by the commissioner must be released immediately and returned to the water unharmed.	1/18 at 9:45am	
97	5 AAC 01.270(a)	In the Proposal	Clarifies dip net operation in the subsistence salmon fishery to be as defined in the newly established 5 AAC 07.365(e)(11).	1/18 at 9:45am	
97	5 AAC 01.270(n)(4)	In the Proposal	Removes the cross reference in the subsistence salmon dip net fishery from the statewide definition to the newly established 5 AAC 07.365(e)(11).	1/18 at 9:45am	

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**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: April 24, 2023

RE: Filed Permanent Regulations: Board of Fisheries

Board of Fisheries regulations re: Arctic/Yukon/Kuskokwim Finfish Board Meeting
January 2023 (Part 2) (5 AAC 01 - 99)

Attorney General File:	2022200304.002
Regulation Filed:	4/24/2023
Effective Date:	5/24/2023
Print:	246, July 2023

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



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

April 19, 2023

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

Re: *5 AAC 01-99, Board of Fisheries - Arctic/Yukon/Kuskokwim Finfish Board Meeting January 2023 (Part 2)*
Our file: 2022200304.002

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 subsistence, sport, commercial, and personal use fishery and aquatic plant resources in the Arctic, Yukon, and Kuskokwim areas.

The September 12, 2022 public notice, the December 13, 2023 supplemental notice, and the March 12, 2023 order certifying the changes all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Please note that the Board of Fisheries requests a filing date as soon as possible to ensure the regulations are effective at the beginning of the 2023 season. We respectfully appreciate your assistance in this matter.

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: 2023.04.19
15:44:36 -08'00'

RCP/fcb

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

Aaron Peterson, 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 ²⁴~~23~~ pages of regulations, changes to 5 AAC for subsistence, sport, commercial and personal use fisheries occurring in the Arctic, Yukon and Kuskokwim 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 January 14th – 18th, 2023 in Anchorage, Alaska under the authority of AS 16.05.251 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

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

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

DATE: 3/12/2023
Anchorage, Alaska

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

FILING CERTIFICATION

April Simpson for
I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on
April 24, 2023 at 4:06 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: May 24, 2023.

Register: 24th July 2023.

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:

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

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2022.



Nancy Dahlstrom
.....

**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.

Article 4. Yukon Area.

5 AAC 01.010(a)(2) is amended to read:

(2) jigging gear, which consists of a line or lines with lures or baited hooks that are operated during periods of ice cover from holes cut in the ice, or from shore ice referred to in **5 AAC 01.220(i)** [5 AAC 01.220(l)], and which are drawn through the water by hand;

(In effect before 1983; am 4/16/83, Register 86; am 4/2/88, Register 105; am 6/2/88, Register 106; am 6/25/89, Register 110; am 7/16/92, Register 123; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 6/17/2001, Register 158; am 7/1/2006, Register 178; am 7/13/2012, Register 203; am 6/26/2016, Register 218; am 6/28/2019, Register 230; am 5/24/2023, Register 246)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.220 is repealed and readopted to read:

5 AAC 01.220. Lawful gear and gear specifications. (a) Salmon may be taken only by set and drift gillnet, dip net, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225 - 5 AAC 01.249.

(b) In District 4, salmon may be taken by drift gillnets that are not more than 25 fathoms in length, unless closed by emergency order.

(c) In Districts 5 and 6, salmon may not be taken for subsistence purposes by drift gillnets.

(d) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by gillnet, dip net, beach seine, a hook and line attached to a rod or pole, handline, fish wheel, fyke net, jigging gear, spear, longline, lead, or eel stick.

(e) The following apply to subsistence fishing:

(1) a gillnet may not exceed seven and one-half inch mesh size;

(2) the aggregate length of set gillnets in use by an individual may not exceed 150 fathoms;

(3) each drift gillnet in use by an individual may not exceed 50 fathoms in length;

(4) in Subdistrict 5-C, between the Waldron Creek ADF&G regulatory marker and Hess Creek, a single set gillnet in use may not exceed 25 fathoms in length;

(5) subsistence set gillnets and fishwheels may not be operated within 200 feet of another gillnet or fishwheel except as follows:

(A) at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," subsistence fishing gear may be set within 200 feet of other operating commercial or subsistence fishing gear;

(B) in District 4, from Old Paradise Village upstream to a point four miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(C) a person may operate a beach seine, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, lead, or eel stick within 200 feet of another person operating subsistence fishing gear;

(6) subsistence fishermen may operate one or more subsistence fishing gears at the same time;

(7) a person may not subsistence fish while commercial or personal use fishing at the same time;

(8) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of a set gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

(9) in that portion of Beaver Creek, not included in the nonsubsistence area specified in 5 AAC 99.015(a)(4), gillnet mesh size may not exceed four inches;

(10) in Birch Creek, gillnet mesh size may not exceed four inches;

(11) in the South Fork of the Koyukuk River drainage upstream from the mouth of the Jim River, and in the Middle Fork of the Koyukuk River drainage upstream from the mouth of the North Fork, gillnet gear may be used only from August 20 through June 30 and a gillnet mesh size may not exceed three and one-half inches; a subsistence permit is required as specified in 5 AAC 01.230(b)(9);

(12) during the subsistence fishing closures specified in 5 AAC 01.210(b), all salmon gillnets with a mesh size greater than four inches must be removed from the water and fish wheels may not be operated;

(13) a beach seine may not be constructed of monofilament web and may not exceed

(A) 150 fathoms in length;

(B) 100 meshes in depth;

(C) a mesh size of four inches stretched measure;

(14) coinciding with the migratory timing of the fall chum salmon run, a person may not take fish with a gillnet that has a mesh size greater than six inches through October 30, unless altered by emergency order.

(f) Northern pike may not be taken with gillnets in the waters of the Tolovana River drainage from October 15 through April 14.

(g) Halibut may be taken only by a single hand-held line with no more than three hooks attached.

(h) A person may use a hook and line attached to a rod or pole when subsistence fishing only

(1) in the waters between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula,

(A) including those waters draining into the Bering Sea and those of the Yukon River drainage;

(B) excluding the areas described in 5 AAC 01.225, the Koyukuk River subsistence permit area described in 5 AAC 01.230(b)(9), the Tanana River drainage, Birch Creek upstream of the Steese Highway Bridge, and the Dall River drainage; or

(2) through the ice.

(i) In District 4, from September 21 through May 15, jigging gear may be used from shore ice.

(j) Notwithstanding any other provisions of this section, during times when the commissioner determines it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season on any portion of the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

(1) all salmon must be immediately released to the water alive unless retention is allowed by emergency order;

(2) a gillnet used to take fish

(A) must be of either four-inch or less mesh, four and three-quarter inch or less mesh, six-inch or less mesh, or seven and one-half inch mesh;

(B) may not, for a gillnet as specified in (A) of this paragraph, exceed the length specified by the commissioner in the emergency order, and the gillnet may be specified for operation as a set or drift gillnet; if specified, no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(3) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation;

and

(B) all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(4) dip nets may be used; however, all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(5) a beach seine may be used; however, all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order.

(k) For the purposes of this section, a "livebox" is a submerged container that is attached to a fish wheel and that will keep fish caught by the fish wheel alive. (In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 6/30/83, Register 86; am 9/22/84, Register 91; am 5/11/85, Register 94; am 5/31/87, Register 102; am 4/2/88, Register 105; am 7/16/92, Register 123; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 8/17/94, Register 131; am 3/24/95, Register 133; am 6/21/97, Register 142; am 6/10/98, Register 146; am 6/17/98, Register 146; am 7/5/2000, Register 155; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am 8/23/2009, Register 191; am 5/19/2010, Register 194; am 5/12/2011, Register 198; am 7/13/2012, Register 203; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 8/10/2018, Register 227; am 6/28/2019, Register 230; am 5 / 24 / 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

Article 5. Kuskokwim Area.

5 AAC 01.260(c) is amended to read:

(c) In Districts 4 and 5, salmon may be taken at any time, except that **the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 4**

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or 5 and reopen those waters to commercial fishing [FROM JUNE 1 THROUGH SEPTEMBER 8, SALMON MAY NOT BE TAKEN FOR 16 HOURS BEFORE, DURING, AND SIX HOURS AFTER EACH COMMERCIAL SALMON FISHING PERIOD IN EACH DISTRICT]. (In effect before 1982; am 4/14/82, Register 82; am 5/11/85, Register 94; am 6/10/87, Register 102; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 6/17/2001, Register 158; am 12/29/2002, Register 164; am 5/19/2004, Register 170; am 5/24/2023, Register 246)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.270(a) is amended to read:

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, dip net **as defined in 5 AAC 07.365(e)(11)(A)**, or fish wheel subject to the restrictions set out in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, Arolik River drainage, and the drainage of Goodnews Bay.

5 AAC 01.270(m) is amended to read:

(m) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon, **other than king salmon**, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of seven and one-half inch or greater mesh, six-inch or less mesh, or four-inch or less mesh;

(B) for a gillnet of four-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) for a gillnet of seven and one-half inch or greater mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark [IN (b) AND (j) OF THIS SECTION];

(D) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) except as provided in (B) of this paragraph, a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation and all salmon, other than king salmon, that are in the livebox must be released to the water alive as specified by the commissioner in the emergency order;

(B) a person may operate a fish wheel without a livebox only if

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all salmon specified by the commissioner caught to the water alive [THE LIVEBOX OF A FISH WHEEL MUST BE CHECKED AT LEAST ONCE EVERY 12 HOURS WHILE THE FISH WHEEL IS IN OPERATION, AND ALL CHUM SALMON IN THE LIVEBOX MUST BE RETURNED ALIVE TO THE WATER;

(C) [REPEALED 6/17/2001];

(3) **for** beach seine gear: any [CHUM] salmon **specified by the commissioner in the emergency order** taken in beach seine gear must be returned alive to the water;

(4) for dip nets: a person may fish for salmon with a dip net, and all salmon specified by the commissioner caught in a dip net must be released immediately and returned alive to the water.

5 AAC 01.270(n)(4) is amended to read:

(4) for dip nets: a person may fish for salmon with a dip net [, AS DEFINED IN 5 AAC 39.105,] and all king salmon caught in a dip net must be released immediately and returned alive to the water.

(In effect before 1988; am 4/2/88, Register 105; am/readopt 5/15/93, Register 126; am 7/3/94, Register 130; am 7/5/2000, Register 155; em am 7/8/2000 - 11/4/2000, Register 155; em am 5/29/2001, Register 158; am 6/17/2001, Register 158; am 5/19/2004, Register 170; am

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8/23/2009, Register 191; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 6/28/2019, Register 230; am 9/19/2019, Register 231; am 6/21/2020, Register 234; am 5 /24/ 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

5 AAC 01.275(b) is amended to read:

(b) The commissioner may, by emergency order, close the Goodnews River [IS CLOSED] to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

5 AAC 01.275(c) is amended to read:

(c) The commissioner may, by emergency order, close the Kanektok River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

5 AAC 01.275(d) is amended to read:

(d) The commissioner may, by emergency order, close the Arolik River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon

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fishing period. (In effect before 1988; am 5/15/93, Register 126; am 5/24/2023, Register 246)

Authority: AS 16.05.251 AS 16.05.258

Chapter 05. Yukon Area.

Article 3. Salmon Fishery.

5 AAC 05.331 is repealed and readopted to read:

5 AAC 05.331. Gillnet specifications and operations. (a) Set gillnet gear may not exceed 150 fathoms in aggregate length.

(b) Drift gillnet gear may not exceed 50 fathoms in length.

(c) Salmon may be taken only with gillnets of six-inch or smaller mesh during periods established by emergency order.

(d) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone, this restriction applies at all stages of the tide.

(e) In Districts 1 - 3, gillnets with

(1) greater than six-inch mesh may not be more than 45 meshes in depth;

(2) six-inch or smaller mesh may not be more than 50 meshes in depth.

(f) In Districts 4 - 6, gillnets with

(1) greater than six-inch mesh may not be more than 60 meshes in depth;

(2) six-inch or smaller mesh may not be more than 70 meshes in depth.

(g) Notwithstanding any other provision of this section, during times when the commissioner determines it to be necessary for the conservation of a salmon species, the

commissioner may, by emergency order, close the fishing season in Districts 1 - 6 and immediately reopen the season during which a person may take salmon with a gillnet that has a mesh size of seven and one-half inches.

(h) Notwithstanding any other provision of this section, in Districts 1 - 3, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season and immediately reopen the season during which a person may take salmon only with a gillnet that has a mesh size of five and one-half inches or less, and that is not more than 30 meshes in depth.

(i) Notwithstanding any other provision of this section, and 5 AAC 01.249 and 5 AAC 05.359 - 5 AAC 05.369, during times when the commissioner determines that it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season and immediately reopen the season specifying the area in which one or more of the following gear limitations may be implemented:

(1) for fish wheels, as described in 5 AAC 05.333, the operator must closely attend the fish wheel while it is in operation, and all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(2) dip nets may be used as described in 5AAC 05.362(k)(1)(A); all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(3) a beach seine may be used as described in 5AAC 05.362(k)(1)(B); all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order. (In effect before 1985; am 5/11/85, Register 94; am 4/2/88, Register 105; am 7/16/92, Register 123; am 7/3/94, Register 130; am 3/30/95, Register 133; am 6/7/2007, Register

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182; am 5/19/2010, Register 194; am 7/13/2012, Register 203; am 4/13/2013, Register 206; am 5/22/2016, Register 218; am 5/24/2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

The introductory language of 5 AAC 05.368(2)(B) is amended to read:

(B) notwithstanding 5 AAC 05.331 (a), (c), and (f) [(d)], a person may operate only a single set gillnet at any one time as follows:

• • •

(Eff. 7/3/94, Register 130; em am 7/8/94 — 11/4/94, Register 131; am 3/30/95, Register 133; am 3/31/95, Register 133; am 7/12/96, Register 139; am 6/10/98, Register 146; am 5/24/2023, Register 246)

Authority: AS 16.05.260 AS 16.05.920 [AS 16.05.940(14)]
AS 16.05.251 AS 16.05.940

Chapter 07. Kuskokwim Area.

Article 3. Salmon Fishery.

5 AAC 07.365(e) is amended by adding a new paragraph to read:

(11) notwithstanding 5 AAC 07.331, during times when the commissioner determines that it is necessary for the conservation of salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(A) a permit holder may fish with up to four dip nets; for purposes of this subparagraph, a dip net is a bag-shaped net supported on all sides by a rigid frame and

(i) the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet;

(ii) the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening;

(iii) no portion of the bag may be constructed of webbing that exceeds a stretched measurement of four and one-half inches; and

(iv) the frame must be attached to a single rigid handle, or a single rigid handle with a single line attached and be operated by hand;

(B) a permit holder may fish with beach seine gear that

(i) is not constructed of monofilament web; and

(ii) does not exceed 50 fathoms in length, 100 meshes in depth, and a mesh size of three and one-half inches stretched measure;

(C) all salmon specified by the commissioner caught in dip net and beach seine gear must be released immediately and returned to the water unharmed.

(Eff. 6/10/87, Register 102; am 4/2/88, Register 105; am 6/14/90, Register 115; am 6/10/98, Register 146; am 6/17/2001, Register 158; am 7/8/2001, Register 159; am 5/19/2004, Register 170; am 6/7/2007, Register 182; am 5/19/2010, Register 194; am 4/13/2013, Register 206; am 4/18/2014, Register 210; am 5/24/2015, Register 214; am 5/22/2016, Register 218; am 4/22/2017, Register 222; am 6/21/2020, Register 234; am 5/24/2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

((Note to Publisher: please change period at the end of 5 AAC 07.365(e)(10) to a semicolon)))

Chapter 27. Herring Fishery.

Article 14. Bering Sea-Kotzebue Area (Registration Area Q).

5 AAC 27.910(b)(1) is amended to read:

(1) from May 15 through **November 15** [JUNE 30 (SAC-ROE SEASON)] and only during periods established by emergency order;

5 AAC 27.910(b)(2) is amended to read:

(2) in Subdistricts 1 - 6, from **May 15** [JULY 1] through November 15 (**sac-roe or food and bait season**) [(FOOD AND BAIT SEASON)];

5 AAC 27.910(b)(4) is amended to read:

(4) in Subdistrict 7, from **May 15** [JUNE 15] through November 15 (**sac-roe or food and bait season**) [(FOOD AND BAIT SEASON)];

(In effect before 1982; am 4/14/82, Register 82; am 4/16/83, Register 86; am 5/11/85, Register 94; am 4/2/88, Register 105; am 5/19/99, Register 150; am 5/19/2004, Register 170; am 5 / 24 / 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

Chapter 39. General Provisions.

Article 1. General.

5 AAC 39.107 is amended by adding a new subsection to read:

(h) In the Kotzebue District, as described in 5 AAC 03.200(b), a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear. A fishing site under AS 16.05.253(b) includes the district and the CFEC permit holder's place of residence in Kotzebue. (In effect before 1983; am 4/16/83, Register 86; am 5/31/85, Register 94; am 4/18/86, Register 98; am 6/14/90, Register 115; am 4/30/91, Register 118; am 5 / 24 / 2023, Register 246)

Authority: AS 16.05.251 AS 16.05.253

Part 2. Sport Fishing and Personal Use Fishery.

Chapter 70. Northwestern Area.

5 AAC 70.011(c)(3)(E) is amended to read:

(E) Arctic grayling is **two** [FIVE] fish **with no size limit** [, OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

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5 AAC 70.011(c)(4) is amended to read:

(4) in the Pilgrim River drainage, including Salmon Lake, the bag and possession limit for Arctic grayling is one [TWO] fish with no size limit [, OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

5 AAC 70.011(c)(7)(B) is amended to read:

(B) the bag and possession limit for Arctic grayling is one [TWO] fish with no size limit [, OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

(Eff. 5/19/2004, Register 170; am 6/7/2007, Register 182; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 4/13/2013, Register 206; am 2/23/2014, Register 209; am 2/22/2015, Register 213; am 5 / 24 / 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

Chapter 73. Yukon River Area.

5 AAC 73.010(b)(1) is amended to read:

(1) king salmon 20 inches or greater in length: the bag and possession limit is three fish, of which only two fish may be 28 inches or greater in length; in all waters, a king salmon that is removed from the water must be retained and becomes part of the bag limit of the person who originally hooked the fish; a person may not remove a king salmon from the water before releasing the fish;

(Eff. 3/14/2009, Register 189; am 5/22/2016, Register 218; am 7/22/2017, Register 223; am 5 / 24 / 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

Chapter 74. Tanana River Area.

5 AAC 74.010(b)(1) is amended to read:

(1) king salmon 20 inches or greater in length: the bag and possession limit is one fish; **in all waters, except stocked lakes specified in (c)(29) of this section, a king salmon that is removed from the water must be retained and becomes part of the bag limit of the person who originally hooked the fish; a person may not remove a king salmon from the water before releasing the fish;**

5 AAC 74.010(c)(3)(B) is amended to read:

(B) **upstream from an ADF&G regulatory marker located 300 feet downstream from the Chena River flood control structure,** Arctic grayling may be taken by catch-and-release fishing only;

(C) **downstream from an ADF&G regulatory marker located 300 feet downstream from the Chena River flood control structure, the bag and possession limit for Arctic grayling is one fish, any size from June 1 through March 31,** except that a person [UNDER] 16 years **or older** [OF AGE] may **not sport fish for** [RETAIN] Arctic grayling in the Chena River downstream from an ADF&G regulatory marker located 300 feet downstream from the Chena River flood control structure [DURING A DESIGNATED YOUTH SPORT FISHERY];

(i) THE DESIGNATED YOUTH SPORT FISHERY FOR ARCTIC GRAYLING OCCURS] during the eight designated youth fishing days, which

occur on four consecutive Saturdays and Sundays beginning the third Saturday in June;

[(ii) BAG AND POSSESSION LIMIT OF ONE FISH, NO SIZE LIMIT;]

5 AAC 74.010(c)(9)(B) is amended to read:

(B) lake trout may be taken only from October 1 through August 31, with a bag and possession limit of one fish [, WHICH MUST BE 26 INCHES OR GREATER IN LENGTH; ALL LAKE TROUT CAUGHT THAT ARE LESS THAN 26 INCHES IN LENGTH MUST BE RELEASED IMMEDIATELY];

5 AAC 74.010(c)(17) is amended to read:

(17) in Piledriver Slough and its tributaries **and in the Moose Creek drainage, finfish species** [, UPSTREAM FROM ITS CONFLUENCE WITH MOOSE CREEK, ARCTIC GRAYLING] may be taken by catch-and-release fishing only;

5 AAC 74.010(c)(29) is amended to read:

(29) in stocked waters, the bag, possession, and size limit for rainbow trout, Arctic char/Dolly Varden, landlocked salmon, **lake trout**, and Arctic grayling is 10 of all stocked species combined, of which no more than **two fish may be lake trout and only** one fish may be 18 inches or greater in length; for the purposes of this paragraph, "stocked waters" include Backdown Lake, Ballaine Lake, [BATHING BEAUTY POND, BEAR LAKE (EIELSON AIR FORCE BASE),] Big "D" Pond, Birch Lake, Bluff Cabin Lake, Bolio Lake, Brodie Lake, Bullwinkle Lake, [CATHER'S LAKE,] Chena Lake, Chet Lake, CHSR 25.0 Mile

Pit, CHSR 30.0 Mile Pit, CHSR 45.5 Mile Pit, CHSR 47.9 Mile Pit, CHSR 56.0 Mile Pit, Coal Mine Road #5, Craig Lake, Cushman Lake, Dick's Pond, Doc Lake, Donna Lake, Donnelly Lake, Dune Lake, Forrest Lake, Four Mile Lake, Fourteen Mile Lake, Geskakmina Lake, Ghost Lake, Grayling Lake (Eielson Air Force Base), Hidden Lake (Eielson Air Force Base), Hidden Lake (Tetlin NWR), **Horseshoe Lake**, "J" Lake, Jan Lake, Johnson Pit #2, Kenna Lake, Ken's Pond, Kids Fishing Pond, Koole Lake, Last Lake, Lisa Lake, Little Donna Lake, Little Harding Lake, Little Lost Lake, Lost Lake, Lundgren Pond, Manchu Lake, Mark Lake, Monte Lake, Monterey Lake [, MOOSE LAKE (EIELSON AIR FORCE BASE)], Mosquito Creek Lake, Mullins Pit, Nenana City Pond, Nickel Lake, Nordale #2, North Chena Pond, North Pole Pond, North Twin Lake, Olnes Pond, Otto Lake, Parks 261 Pond, **Parks 285 Pond**, Paul's Pond, **Pyrite Pond** [POLARIS LAKE], Quartz Lake, Rangeview Lake, Rapids Lake, Richardson Hwy. 28 Mile Pit, Richardson Hwy. 31 Mile Pit, Richardson Hwy. 81 Mile Pit, Shaw Pond, **Sansing Pond**, Sheefish Lake, Sirlin Drive Pond, South Twin Lake, [STEESE HWY. 28.8 MILE PIT,] Steese Hwy. 29.5 Mile Pit, Steese Hwy. 31.6 Mile Pit, Steese Hwy. 33.5 Mile Pit, Steese Hwy. 34.6 Mile Pit, Steese Hwy. 35.8 Mile Pit, Steese Hwy. 36.6 Mile Pit, Stringer Rd. Pond, Triangle Lake, Wainwright #6, **Weigh Station #1, Weigh Station #2**, Weasel Lake, West Iksgiza Lake, Z Pit (Chena Floodway);

5 AAC 74.010(c) is amended by adding a new paragraph to read:

(33) in Bathing Beauty Pond, Bear Lake, Moose Lake, and Polaris Lake, finfish species may be taken by catch-and-release fishing only.

5 AAC 74.010(d)(13) is amended to read:

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(13) in Piledriver Slough **and in the Moose Creek drainage** [UPSTREAM OF ITS CONFLUENCE WITH MOOSE CREEK], only one unbaited, single-hook, artificial lure may be used;

(Eff. 3/14/2009, Register 189; am 6/7/2009, Register 190; am 11/28/2009, Register 192; am 5/19/2010, Register 194; am 4/13/2013, Register 206; am 2/23/2014, Register 209; am 5/22/2016, Register 218; am 6/28/2019, Register 230; am 5 /24 / 2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 74.065(d) is amended to read:

(d) Regional management approach. Under the regional management approach, stocked waters will be managed so that there will be a reasonable expectation of high catch rates and harvesting a daily bag limit. The bag and possession limit is 10 fish in combination of all stocked species, **of which only two fish may be lake trout**, and only one of those **10 fish in combination** may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

5 AAC 74.065(e) is amended to read:

(e) Conservative management approach. Under the conservative management approach, stocked waters will be managed so that there will be a reasonable expectation to catch a daily bag limit with a reasonable chance of catching fish 18 inches or greater in length. The bag and possession limit is five fish in combination of all stocked species, **of which only two fish may be lake trout**, and only one of those **five fish in combination** may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

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(Eff. 3/14/2009, Register 189; am 4/13/2013, Register 206; am 6/28/2019, Register 230; am 5/24/2023, Register 246)

Authority: AS 16.05.060 AS 16.05.251

Chapter 77. Personal Use Fishery.

Article 4. Yukon Area.

5 AAC 77.171(a) is amended by adding a new paragraph to read:

(6) after August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches.

((Note to Publisher: please change period at the end of 5 AAC 77.171(a)(5) to a semicolon))

5 AAC 77.171(b) is amended to read:

(b) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon, other than king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be four inches or less [IN] mesh [SIZE] or seven and one-half inches [EIGHT INCHES OR GREATER] in mesh size;

(B) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set

gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) that is **seven and one-half inches** [EIGHT INCHES OR GREATER] in mesh size, may not exceed the length and depth specified by the commissioner; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all [CHUM] salmon, **other than king salmon,** must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;

(C) repealed 6/28/2019;

(3) dip nets may be used, however all [CHUM] salmon, **other than king salmon,** caught must be released to the water alive, **unless retention is allowed by emergency order;** notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

5 AAC 77.171(c)(1)(A) is amended to read:

(A) must be six inches or less in mesh size; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

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5 AAC 77.171(c)(1) is amended by adding a new subparagraph to read:

(C) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(Eff. 6/10/98, Register 146; am 6/17/2001, Register 158; am 8/24/2002, Register 163; am 8/23/2009, Register 191; am 5/19/2010, Register 194; am 7/13/2012, Register 203; am 5/22/2016, Register 218; am 6/28/2019, Register 230; am 9/19/2019, Register 231; am 5/24/ 2023, Register 246)

Authority: AS 16.05.251